

**Organising the Unorganised Sector  
Workers: A Comparative Study of  
Domestic Work, Waste Picking and  
Garment Work in India**

*Thesis submitted to the University of Hyderabad in  
partial fulfillment of the requirement for the award  
of the degree of*

**Doctor of Philosophy**

**In**

**Political Science**

**KALPANA PRASAD**



**Department of Political Science**

**School of Social Sciences**

**University of Hyderabad**

**Hyderabad-500 046**

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## **DECLARATION**

I Kalpana Prasad, hereby declare that this thesis entitled “**Organising the Unorganised Sector Workers: A Comparative Study of Domestic Work, Waste Picking and Garment Work in India**” submitted by me under the guidance and supervision of **Prof. Manjari Katju** is a bonafide research work which is also free from plagiarism. I also declare that it has not been submitted previously in part or in full to this University or any other University or Institutions for the award of any degree or diploma. I hereby agree that my thesis can be deposited in Shodhganga//INFLIBNET.

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**Hyderabad  
Date:**

**Prof. Manjari Katju  
(Supervisor)  
Dept. of Political Science  
University of Hyderabad**

**(Prof. Alok Parasher Sen)  
Dean  
School of Social Sciences  
University of Hyderabad**

**(Prof. Sudarshanam)  
Head  
Dept. of Political Science  
School of Social Science  
University of Hyderabad**

*Dedicated to my Parents*  
*(Raghubansh and Asha)*  
*and*  
*The Respondents of this Study.*

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## **List of Abbreviations**

AIDWA:	All India Democratic Women's Association
CBO:	Community Based Organisation
CAG:	Controller and Auditor General
DWRU:	Domestic Worker's Rights Union
GOI:	Government of India
ILO:	International Labour Organisation
JMS:	Janwadi Mahila Samiti
JNURM:	Jawaharlal Nehru Urban Renewal Mission
KKPKP:	Kagad Kach Patra Kashtakari Panchayat
MoEF:	Ministry of Environment and Forest
NGO:	Non-Governmental Organisation
OECD:	Organisation for Economic Cooperation and Development
RSBY:	Rashtriya Swasthya Bima Yojna
SAP:	Structural Adjustment Programme
SEWA:	Self-employed Women's Association
SAS:	Slum Adoption Scheme
SJS:	Stree Jagriti Samiti
UNDP:	United Nations Development Programme
UNHRC:	United Nations Human Rights Commission

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# **Chapter 1**

## **Introduction**

This study is an attempt to understand the role played by certain segments of civil society i.e. trade unions and non-governmental organisations (NGOs), in organising<sup>1</sup> workers in the unorganised sector with reference to domestic work, waste picking and garment work. It looks at efforts and initiatives taken by trade unions and NGOs in organising workers in the unorganised sector and the result of their work. This is done through a study of the legislative framework, a look at the existing laws and the perusal of the work of civil society (trade unions and NGOs) in getting these laws implemented in the unorganised sector. The thesis also attempts to focus on the new laws which have been formulated as a result of pressure from civil society.

According to the Arjun Sengupta Committee Report (2008) 92 percent<sup>2</sup> of the people are employed in the unorganised sector. The employment in the unorganised sector has been rising since independence. It was argued that the growth of the economy would lead to development in all spheres, but even with high growth rate of Gross Domestic Product (GDP) development has not happened in all sectors. If the Human Development Index is taken into consideration, countries like Bangladesh and Sri Lanka, even with a lower GDP, are ahead of India and people there have better access to health and education (Dreze et. al 2013).

In India, unemployment is on the rise and most of the jobs created are in the unorganised sector. The implementation of the neo-liberal policies have brought about a change in the patterns of work and employment in both the organised and unorganised sector. Even within the organised sector, the terms and conditions of employment resemble that of the unorganised sector. Job security which was a

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<sup>1</sup> “Organising” here refers to workers coming together as an association, trade union or NGO and take collective action to improve their work conditions and to direct their efforts towards policy initiatives to protect their rights as workers.

<sup>2</sup> This is the latest report on the unorganised sector. Writers like Harris-White (2004) have estimated that 88 percent of the people are employed in the unorganised sector.

feature of the organised sector is not being guaranteed to the employees in the organised sector employees in many cases. They can be removed at any time from work without citing proper reason. This has been seen in many multinational corporations where employees are removed from their job. There has been an increase in the share of contractual employment in the organised sector. Social-security measures like provident fund, health insurance and others are being removed. The mode of payment to the employees has also changed. The income/salary is no longer fixed and is based on the performance. Piece-rate, time rate and other ways of measuring the performance are devised and the payment is based on it. The outsourcing of work from organised to unorganised sector has led to the retrenchment of permanent employees in the organised sector. The unorganised sector, which already occupied a larger share, was further burdened with more workers falling into the category of contractual or casual workers.

The review of literature shows that the trade union movement in India has paid little attention to workers in the unorganised sector and has focused more on workers in the organised sector. With the change in the pattern of employment in the organised sector, similar to that of the unorganised sector as a result of liberalisation, trade unions have a challenge to address the needs of workers in the unorganised sector. Workers have formed groups and associations with the help of unions and efforts are being made to get these legally recognised as workers' associations or unions. In other cases trade unions have intervened and are helping the workers to organise. The workers are relying on their respective unions to ensure that their rights at the workplace are protected. These associations and unions work for strengthening the workers' movement for securing their rights and demanding social protection from the government. They have drafted and discussed legislations for protecting workers rights. They also work towards implementing existing laws.

The International Labour Organisation (ILO) has also been focusing on the rights of workers in the unorganised sector in its entirety and also in specific sectors within it. Separate Conventions and meetings were held for domestic work, street vending etc. This has also led to the formation of many new unions who have taken up issues of workers in the unorganised sector. The ILO has given a platform

to debate and discuss issues of workers' rights and to put pressure on national governments for passing legislations. This study would assess the role played by ILO in India.

The unorganised workers were earlier referred to as the non-unionised workers. Over the years, these workers have organised themselves into unions or groups and have demanded social welfare and work protection from the state with the help of their respective unions or groups. NGOs too have helped them. There has been a rise in non-governmental or civil society based efforts on issues of development and entitlements. These NGOs have taken up several issues beginning from education and health to rights and entitlements of workers. In many cases, NGOs have partnered with the trade unions to strengthen the workers' struggle for their rights.

It is a well established argument that organising workers leads to empowerment (Jhabwala n.d.: 1). Civil society (trade unions and NGOs) has played an instrumental role in the formulation of the Food Security Act, Right to Information Act and other such Acts. Struggles like the Narmada Bachao Aandolan and Lokpal Bill were headed by unions and NGOs. In the changed environment where any development policy cannot ignore the unorganised sector, it would be interesting to look at the role played by trade unions and NGOs in the three sectors of domestic work, waste picking and garment work to understand how this role has helped in shaping state policies regarding workers in the unorganised sector.

## **1.1 Review of Literature**

Previous research studies on the unorganised sector have looked at the condition of labour in the unorganised sectors like brick kilns, tea gardens, construction industry, garment sector etc. These studies have focused more on the problems of labour, the structure of the labourforce i.e. caste class composition within the workforce, working conditions etc. A study done by Kalpagam (1981) in Chennai on the garment workers discusses the problem of labour in garment industry. This study also raises the question of unionisation and the focus is on the management's intolerance of unions and the unsuccessful attempts of unions to implement labour laws. Studies done on other sectors like Bhengra et.al 2009 on tea garden workers

had similar findings. Later, studies on community organisations, self-help groups and cooperatives came up gradually. The effects of the implementation of programmes like Development of Women and Children in Rural Areas (DWCRA) on women and children and others programmes on labour and development were studied. Studies have also documented the changing nature of the workforce, the dependence of the formal economy on the informal, moves towards flexibility, home-based and other work.

For the purpose of a systematic discussion, the literature has been classified under the themes based on certain important questions which have emerged: the nature of the unorganised sector, globalisation and the unorganised sector, unorganised sector and women, organising of the workers in the unorganised sector, laws and the unorganised sector and the role of trade unions and NGOs in the unorganised sector.

#### a) Unorganised Sector: Meaning and Debates

One of the expert groups on informal statistics, the Delhi Group<sup>3</sup> formed in 1997, points that the nature of the informal sector manifests itself in different ways in different countries and a single definition does not help to understand it fully. It recommended that international agencies should disseminate informal sector data

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<sup>3</sup> The Delhi Group is also known as the “Expert Group on Informal Sector Statistics”. The Secretary, Ministry of Statistics and Programme Implementation, (Government of India) was the Chairperson of the group. The other members were Jacques Charmes (Director, Department ‘Societies and Health’, Institute of Research for Development, France), Ralf Hussmanns (Head, Methodology and Analysis Unit, Bureau of Statistics, International Labour Office), Rodrigo T. Negrete Prieto (Sub-director, Evaluation of Socio-demographic Projects, National Institute of Statistics, Geography and Informatics, Mexico) , Nittala S. Sastry (former Director General and Chief Executive Officer, National Sample Survey Organisation, India), Joann Vanek (former Chief, Social Statistics Branch, United Nations Statistics Division, and Coordinator of the WIEGO Statistics Programme) and Vijay K. Verma (Professor, Department ‘Quantitative Methods’, University of Siena, Italy).

This committee was formed to address methodological issues relating to the informal sector. It aimed at setting up a forum to exchange experiences in the measurement of the informal sector, document data collection practices, including definitions, survey and methodologies followed by countries, and recommend measures for improving the quality and comparability of the informal sector statistics. For details of this report, visit <http://unstats.un.org/unsd/methods/citygroup/delhi.htm>. The main contributions of this report are a definition of informal sector which could compare the statistics internationally, survey of households in 1999-2000 on employment/unemployment, non-agricultural enterprise in the informal sector, conceptual framework for defining informal employment, conceptual and analytical work done on measuring links between poverty and informal sector/informal employment. (For further details, visit [http://www.unescap.org/stat/apex/2/apex2\\_s.5\\_india-sna-http://www.unescap.org/stat/apex/2/apex2\\_s.5\\_india-sna-informal\\_presentation.pdf](http://www.unescap.org/stat/apex/2/apex2_s.5_india-sna-http://www.unescap.org/stat/apex/2/apex2_s.5_india-sna-informal_presentation.pdf) )accessed on 27<sup>th</sup> April 2013.

based on national definitions. It proposed to include professional and technical work in informal sector, if they had features of informal sector. It should include paid domestic service unless it is paid by employees.<sup>4</sup> The Arjun Sengupta Committee Report (2008) defines unorganised sector as “all unincorporated private enterprises owned by individuals or households engaged in the sale and purchase of goods and services operated on a proprietary or partnership basis and with less than ten total workers” (Sengupta 2008: 2). The same report defines unorganised workers as, “those working in the unorganised enterprises or households, excluding regular workers with social security benefits, and the workers in the formal sector without any employment social security benefits provided by the employers” (Ibid: 3). The Committee for the first time included home workers as a distinct category in the unorganised sector. The category home-worker refers to the dependent sub contracted worker (Ibid: 5) i.e. those whose work is seasonal and the tenure of the work is completely dependent on the employer.

Writers like John (2005) feel that the sectors were created not on the basis of economic activity, but because they were considered beyond the application of labour laws and social protection. Benton (1990) argues that the concept of the informal sector was introduced to describe those economic practices that appeared to fall outside the realm of modern production processes but were distinguished by the lack of state regulation. These activities were not traditional in their origin or the technology they used (Benton 1990: 5). Their growth was related to the producers' efforts to incorporate unregulated labour in the production process. This was done to reduce the labour cost or diffuse workers' opposition (Ibid).

Many studies have been done on the unorganised or the informal sector Breman (1996) through his work on the informal sector in Gujarat has shown that after the agricultural season, workers moved to nearby cities in search of jobs and worked in the unorganised sector as construction workers and took up other forms of work. According to him, the connections based on caste and village origin helps them in finding jobs in cities. Studies done by Barbara Harris-White (2004) on the informal sector in India and Patnaik (2009) on brick kiln work also have similar findings.

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<sup>4</sup> [http://cwsc2011.gov.in/papers/sna/Paper\\_4.pdf](http://cwsc2011.gov.in/papers/sna/Paper_4.pdf) accessed on 23<sup>rd</sup> April 2013.

Other studies on the unorganised sector include works on tea garden workers (Bhengra, et. al 2009), construction workers (Patnaik 2009), brick kiln workers (Gupta 2003), street vendors (Anjaria 2006), lace makers (Mies 1982), garment workers (Kalpagam 1981, Kabeer 2000, Chowdhury 2005), rickshaw pullers (Sood 2012, Ravi 2006), waste pickers (Chilkarmane, et. al, Choudhary 2008) and domestic workers (Moghe 2004, Gothoskar 2005, Neetha 2008).

The literature indicates that unorganised sector includes work which has no job security i.e. which is temporary in nature, provides less wages or salary, has no social security and where the income varies.

## b) Globalisation and the Unorganised Sector

There is convergence among scholars that globalisation<sup>5</sup> has an impact on the unorganised sector. Studies have documented this impact on the informal sector. In India, there has been a rise in employment in the informal sector and reduction of employment opportunities in the formal or organised sector. Many writers have concluded that globalisation leads to informality of jobs and creates more employment opportunities in the unorganised sector.

The liberalisation of the economy has led to a change in work patterns. Dehart (2002) argues that globalisation under late capitalism changes relations of production which is marked by a labour strategy that stresses minimising costs and maximising flexibility (DeDehart 2002: 209). Globalisation has led to shifting of unionised jobs from unionised production facilities to unorganised sector (Goalfield 2007: 147). Priyadarshini (2011) has argued that there has been a shift

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<sup>5</sup> Globalisation is a process by which business or other organisations develop international influence or start operating on an international scale. Globalisation and liberalisation are different. Some argue that it is globalisation that has led to liberalisation while other feel that liberalisation has led to globalisation. Here it is liberalisation that has led to globalisation. The economic reforms through Liberalisation, Privatisation and Globalisation (LPG) were pursued and globalisation was one of the aims of the policy in India. There are numerous debates where some are pro-globalisation and others against it. People pro-globalisation argue that, it would lead to a global village of all the people in the world. Others against it, fear the loss of traditions, indigenous culture and feel that it promotes homogeneity and is against plurality and intolerant to differences. There are still others who argue for globalisation from below which means that the entire process should begin from bottom (village or the lowest strata) and the go above; only then globalisation can be achieved in the true sense. According to them, globalisation from above is exclusionary and only people at the top or in cities can achieve the benefits.

to the post- Fordist era<sup>6</sup> that has relocated production from big factories to home (Priyadarshini 2011: 74).

Vanamala (2001) has argued that the adoption of neo-liberal policies has led to an increase in employment in the unorganised sector. The jobs in the organised sector are reducing and more workers are being pushed into the unorganised sector. The industries which employed permanent employees have now moved to employing contract workers. Another feature of neo-liberal policies has been the spread of home-based work. The industries sub-contract the work to employees who work from their homes and are paid on a piece rate basis. By doing so, the employer does not have to provide any social security benefit to the worker. The employers' expenditure on tools like machines also reduces, thus increasing their profit. This process has led to the *casualisation of labour*.<sup>7</sup> Her views find acceptance with Pais (2002) who has looked at the manufacturing sector.

Agarwala's (2013) study which looks at construction and bidi work in West Bengal, Tamil Nadu and Maharashtra concludes that states which have adopted neo-liberal policies have performed better in providing welfare to the workers.

Writers like Naseem (2007) have argued that globalisation has led to the movement of capital not labour (Naseem 2007: 75). Similarly Piper (2002) quotes Ghai (1999) who argue that there is a certain degree of asymmetry in the global market place, because there is a "greater freedom for the movement of capital than of workers" (Piper 2002: 198). He feels that state sovereignty constitutes a barrier to globalisation of law that would parallel the globalisation of economic progress (Ibid)

Shah. et. al (1994) have argued that countries that have adopted the Structural Adjustment Programme (SAP) have witnessed an increase in GDP, but the real wages have fallen and development has not taken place (Shah, et. al 2004: 3).

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<sup>6</sup> Post fordist era questions the belief of Henry Ford of male have to be bread winners and women have to be home makers. It brought about new ways of looking at consumption and production. Production became less homogeneous and standardized and more diverse and differentiated. Consumers were seen as different groups pursuing different goals, who could be served small batches of specialized goods. markets for luxury, custom and positional goods became significant.

<sup>7</sup> *Casualisation* of labour means a shift from regular employment to part-time work or piece-rate contracts. This is beneficial to the employers, as they have freedom to employ and remove workers in accordance to their need and wish. This gives employers more freedom and flexibility in hiring and terminating workers contracts.

Impact of globalisation has been felt in other countries as well. Studies conducted by Banarjee, et. al (2007) on garment workers in Bangladesh, Zhao, et. al (2002) on cotton mills in China, Crinis (2002) on textile workers in Malaysia, Theobald (2002) on Thai women in electronic export industry in Thailand, Cho (2002) on impact of financial crisis on women in South Korea reveal similar findings. In all these countries globalisation led to *casualisation* and *feminisation of labour*<sup>8</sup> and conditions of work had deteriorated. *Feminisation of poverty* is seen in South Korea (Che et. al 2004: 112). Studies by Chee et. al (2004) in Philippines, Indonesia, India, South Korea, Hong-Kong and Mexico on domestic workers have also documented the same. In all these countries, there was an increase in the number of people seeking employment as domestic workers due to liberalisation of the economy as many workers were retrenched and had to find work in the unorganised sector. Study by Benton (1990) in Spain in the shoe making industry also shows casualisation of work.

The above studies point towards certain adverse effects of globalisation on workers in the unorganised sector especially in developing countries of Asia and South East Asia. It has also changed the working patterns as work is outsourced. The notion of workplace has also changed. It now includes homes and small places where workers go to work. These are not registered entities like factories. The women workers are the worst sufferers. In the organised sector, there has been reduction in the number of workers which has added to the problem of women workers. The labour movement has also weakened.

### c) Unorganised Sector and Women

While studying the unorganised sector, one cannot ignore the women workers. Scholars have discussed the reasons for the neglect of women's work. Some argue that the neglect is because their work is not valued and their contribution to the economy is not calculated. Others feel that the process of development has ignored women. Scholars have also discussed the implications of casualisation and feminisation on women workers.

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<sup>8</sup>*Feminisation* means incorporation of more women into the workforce. This is done to lower the cost of production by paying less to the women worker.

In the discussion on globalisation and informal economy, it is clear that the reforms have affected women workers. Work done by women is not considered as work; all the work she does as a homemaker is not recognized, as no payment is made for it. Studies in the area indicate that the development process too has ignored women.

Kapadia (2002) argues that in India, the entire process of development, has led to the marginalisation of women. It is due to the very limited job opportunities permitted to them both by the family and the ways in which labour markets are structured. She further argues that the state<sup>9</sup> has spent on participation of women and development of women through its policies and programmes like DWACRA, reservation in panchayati raj and others, but the margins are set by the state (Kapadia 2002: 26).

Others like Sen (1999) argue that development requires the removal of major sources of unfreedom poverty as well as tyranny poor economic opportunities as well as intolerance or overactivity of repressive states and considers freedom to be central to the process of development (Sen 1999: 4). Mehta (2004) cites examples from NSSO to show how the work done by women is not regarded as work. Most of the work done by women are not paid work and is not even recognised, nor is it accounted and calculated. This has an impact on their position in society, their opportunities in public life and greater blindness in development policies (Mehta 2004: 1).

It has been argued that globalisation has led to rise in the number of people working in the unorganised sector as compared to the organised sector and that the share of women in this sector has increased at a higher rate than that of men. A link has been established between informality of work and gender (Ghosh 2002). More women than men are joining this sector. Writers have also argued that globalisation has created more employment opportunities for women and that the gender gap is reducing. There are others namely Vanamala (2001), Jhabwala (n.d), Kabeer (2005) and others who have argued that liberalisation has led to casualisation of work and feminisation of labour. Others have found a link between casualisation and feminisation and have argued that casualisation of work has leads to

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<sup>9</sup> State here means the government.

feminisation of labour. A study by Ghosh (2002) on Philippines reveals that total participation of women increased due to casualisation of labour.

Ghosh (2002) has also brought out the link between export employment and *feminisation of employment* (Ghosh 2002: 18). According to her, in all the industries like computer hardware consumer electronic sectors where production on assembly line takes place and the work is repetitive, detailed and which required manual dexterity and fineness of elaboration, women were preferred. Women were preferred in these jobs as they were ready to work at lower pay, were willing to work for long hours, did not unionise and could work in hazardous conditions. The women workers could also be replaced easily due to the changes in life-cycle like marriage and child-birth as these could be used to terminate their employment (Ghosh 2002: 19). Writers like Kibria (1995), Vanamala (2001) and many others agree with her.

However, Shah, et. al (1994) argue that it may be too early, to say that femminisation of labour has taken place in India. They cite studies conducted by others in the formal sector which show that there has been a decline in the employment of women in silk industry. In other industries too retrenchment of women has taken place in the name of voluntary retirement. They however agree that there has been increased pressure on the unorganised sector and certain jobs are given to women like garment. They argue that state has an important role to play in feminisation of labour (Shah, et. al 1994: 43).

Studies have also documented the impact of feminisation and casualisation on women (Neetha 2002, Shah, et. al 1994, Jhabwala, et. al 2002, Ghosh 2002, Crinis 2002, Theobald 2002 and Moghe 2004) According to them, these had both positive and negative effects for the women concerned. The advantages include greater recognition and remuneration for their work, improved status and bargaining power within household as well as their own self-worth, thereby leading to empowerment (Ghosh 2002: 19).

The women have lot of disadvantages as they are not paid equally for the same work done by them. "Equal Pay for Equal Work" is applicable in this sector, but is never followed. Some contractors feel that women do not have skills. The work is

not permanent, no social security is extended to them and they are always at a disadvantage than their male counterparts. The total value added by women is much less than men due to the type of work performed and the mobility and perception of contractors who view women as less skilled than men.

Crinis (2002) argues that home based work has led to casualisation of labour (Crinis 2002: 159). In his study on Malaysia, he argues that the move from production in factories to subcontracting and homework has meant that a dual labour regime has emerged, where a small number of skilled workers and a large casualised workforce co-exist (Ibid).

Writers have studied the reasons for more women being employed in the unorganised sector and the reason for the increase of women workers in this sector after liberalisation of the economy. Women prefer to work in this sector as they get paid for the work they do from their home, they can adjust their work timings, do not have to go out to work. Companies prefer these workers as they are ready to work for lower price, less prone to unionisation, due to life cycle changes like marriage and child birth they leave the job.

Women have joined this sector to add to the family income, as the income of one person is not sufficient to take care of the family needs. Many men have lost their job in the formal sector so women have to take up jobs to supplement the family income. Liberalisation of the economy and the outsourcing of jobs by both Indian companies and multi- national corporations have created more jobs for women. They prefer to take up these jobs in their free time to earn a livelihood.

Studies have also shown *sextyping*<sup>10</sup> of work in all sectors within the unorganised sector. In the garment industry, for instance, women are employed only for packaging, sticking and cutting threads. Tailoring was done by male workers. There was a difference in payment for the same type of job in many sectors e.g. construction. A myth of nimble fingers (Neetha 2008, Theobald 2002, Crinis 2002, and Jhabwala n.d.) is used to differentiate between jobs. Kantor (2002), in her study of garment workers in Ahmedabad has found the existence of sextyping

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<sup>10</sup> It means division of work based on gender. Certain forms of work are seen as more suited to a particular gender.

there. In the garment sector, women stitched clothes for children and women and did finishing work like hemming, stitching, sewing buttons or hooks and men stitched western wear where the piece rate was more. She concludes that gender segregation with type of garment exists. Her study also reveals that contractors or middlemen were less willing to give job to women because of their perception that they were less skilled. Men because of their economic mobility had contacts with contractors and had better chances of finding jobs (Kantor 2002: 298). Other studies done by Neetha (2002) in Tiruppur had similar findings. The study reveals that the share of women in workforce has increased post globalisation, but gender division of labour exists. It is reflected in the nature of work performed, valuation of the skills and the technology used by men and women. Vertical segregation occurred due to difference in pay. In the same occupation, women were not allowed to move up the ladder. Buttons were stitched by machine which needs less manual labour. The machines were operated by men. Each machine bought led to the loss of job for 6 workers. Tailoring was done by men and embroidery by women. Women were engaged more in the stitching of hosiery and frocks while men stitched jeans. They were involved in works like cutting the loose thread, stitching buttons, finishing and ornamentation. Men were engaged in specialised activities like supervision, procuring orders and marketing. Preparatory works like making fibre yarn, spinning and winding were done by women.

Sextyping of work is prevalent even in the developed and technologically advanced countries like United States and China. Studies done on garment industry and hardware industry in these countries have documented the same. This shows that advancement or development of a country does not ensure equality at work place.

A similar study conducted by Rosenthal (2002) studied the impact of privatisation on women workers in Vietnam. Her study comes to the conclusion that workers have been adversely affected by globalisation. She studied a textile company called Eighth of March Textile Factory, which was earlier a state owned company, but was later privatised (Rosenthal 2002: 115). The factory was privatised when Vietnam opened its economy. These policies were called renovation policies or Socialist Market Economy. All the state owned enterprises which were running on

loss were privatized. This was done to free the banking system from supporting debts of state owned enterprises and increase the bank credit for the private sector (Ibid: 113). In her study, she found that privatisation had not motivated workers to do more work and the productivity of labour had not increased. The pay had reduced and social security benefits had not been extended to the workers. Their earning was not enough to meet their needs and they opted for other work. The recruitment policy and the increment policy had also changed. Earlier they were rated based on their performance and the safety measures they took at work and their hike in salary was delayed if they did not do their work, but later it all depended on the productivity bonus system. The workers could not socialise at work and the management was not bothered about the quality of the goods produced (Ibid: 119).

Studies have shown that even among women discrimination exists while recruiting them for work. Zhao, et. al (2002) in China have shown that there was discrimination between rural and urban women in the type of job assigned to them. Rural women were employed in the repair section whereas urban women were employed in the cloth checking section (Zhao, et.alt 2002: 176).

Research indicates that the participation of women in the workforce is more than men in the unorganised sector. Discrimination in pay, type of work exists. Casualisation has led to feminisation of labour. The women are better off in finding jobs than men post-liberalisation, but the conditions of work and pay are not favourable to women workers. They are preferred only because they are less prone to unionisation, take less pay for more work, form flexible etc. Women are preferred only because the employers can reduce their cost of production and make more profit. In the organised sector, the number of women has declined and now fewer women find employment there. Women do not find employment in all sectors. Only in some sectors like garment and electronics, they are preferred over men. Their participation in only a few sectors of the unorganised sector has increased, but overall their participation is still less.

#### d) Organising the Unorganised Workers

Studies have documented the effect of organising on the workers. Many case studies have been done on the role of trade unions, NGOs, and community organisation in organising the workers. A clear link has been established between organising the workers and improvement in their working and living conditions.

There is consensus among writers that organisation translates into better working conditions, better benefits and increased self-confidence among workers or various groups. However, the forms of organisation or actors in the organisation process suggested are different. While some argue for the involvement of trade unions and NGOs and community participation, there are others who argue for the involvement of government agencies. While some writers argue in favour of a top bottom organisation, there are others who argue for bottom to top form of organisation.

Writers like Jhabwala (n.d.) have stressed on the need to organise workers and have claimed that organisation is the key to empowerment. Her argument finds support with Vijayanthi (2002) who has studied the role of self- help groups in empowering women. She studied the role of women in the Tamil Nadu Slum Clearance Board, a quasi-government organisation that implemented a project called Control of Diarrhoeal Diseases through Water and Sanitation (the CDDWATSAN project) between 1996 and 1999 in five slum areas of Pulianthope. This led to the empowerment of women as they learnt new skills and learnt how to treat minor health problems. They also learnt about hygiene, learnt decision making and were empowered. The study concludes that participation in community and self-development programmes through organisation is the only way out for voiceless women.

She studied the changes in the lives of women when they were included in the development process. Women actively participated in decision making and in the implementation of the programme. Vijayanthi further argues that in order to enable women to challenge patriarchy and question the structures and institutions that reinforce them, women have to actively participate in national programmes and projects. According to her, this can be done if women are given access to and

control of material and information resources. According to her, development has social, economic and political dimensions. So, development is incomplete without developing the human resource of a given community (Vijayanthi 2002: 266).

Kapadia (2002) feels that neither the state nor the society can bestow empowerment on women. Only if women actively participate in democratic rights movement and other social movement's state would fund these movements but that too will be within the limits defined by the state (Kapadia 2002: 26).

Nitya Rao (1996) in her study in India on beedi workers and stone quarry workers in Tamil Nadu has looked at the efforts by the people themselves in the beedi industry and efforts made by officials in case of stone quarry industry and concludes that while peoples efforts have a long lasting effect however top bottom efforts are also needed.

Abott (1997) discusses the success of SEWA and Annapurna Mahila Mandal in organising the unorganised. According to the writer, the poor feel empowered and gain strength to collectively demand their rights. She cites the example of AMM where women took the moneylender to the police.

Studies done by SEWA on garment workers, rag pickers, embroidery and chindi workers, vendors (Bhatt: 2006)<sup>11</sup> show that organising the workers has improved their conditions. They unitedly demanded more wages for their work and the employers had to give in to their demands. The organisation has achieved success in increasing the wages of the garment workers and made employers accountable for injury during work. Insurance is also provided to the workers where both employers and employees contribute. They fought for the right of the street vendors to sell vegetables on their stalls in the market place and against illegal demands by the police.

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<sup>11</sup> SEWA has opened banks and hospitals for the welfare of its members. Members can take loans at lower rates of interest from the bank and repay it later. The members save money and use them when they are in need. Hospitals take care of the health issues of the members. All members have to pay an annual fee to the hospital and the treatment is done free of cost. Medicines are sold at cheaper rates at these centres. Health insurance was another initiative of SEWA and workers registered for it. Efforts of SEWA have shown that organising can improve the living and working conditions of the workers.

Studies conducted in other countries have also documented similar findings. Skimmer and Valodia (2003) have studied the organisation of street vendors in Durban South Africa. Their study concludes that the organisation of the street vendors together with the help of an NGO made them aware of their rights, instilled confidence in them and they were able to demand their rights and protest against efforts by the government to exclude them from the development process. They were also able to get housing facilities which were not available to them earlier (Valodia, et. al 2003: 432). Other studies on domestic workers by Chee (2004) in Philippines, Indonesia and South Korea have similar findings, where there was increase in pay, minimum wages were set and social security was given to workers.

There are others like Andharia (2009) who argue for community organisation to address problems of the people. She feels that unless the course of development is changed from corporate-led capitalism to decentralised employment led growth, resistance will increase. She argues that effective intervention becomes a political activity, when the inequalities in distribution of economic resources and power relations both at regional and national levels are addressed.

Batiwala (2002) makes a case for the separation of organisation process at national and international level. She feels that civil society has become important and it is important to have recognition at the international level. She argues that the demands of national and international are different and so they must be met by different organisations (Batiwala 2002: 394).

To summarise, there is agreement that organising of workers is the way to empowerment and to help them achieve decent conditions at work. Organising is the only way that workers can improve their work conditions and put pressure on the government and employers to fulfill their demands. However, the form of organisation varies. It must also be stated that the success of this finally rests on the participation of the workers themselves.

### e) Legislations Regarding the Unorganised Sector

There is a debate whether laws are sufficient for ensuring better working conditions for workers. Writers have studied the relationship between legislation and improvement in working conditions. There is also a concern as to whether countries should formulate their own laws or depend on laws formulated by international organisations and implement them in their respective countries.

Banarjee, et. al (2007) studied the causal relation between labour standards and economic growth. With examples from Russia, Austria, Britain, India and other countries, they show that legislation has improved the condition of workers with reduction in the hours of work, increased wages, abolition of child labour and improvement in factory conditions. The global estimates on occupational estimates by ILO reveal that in the year 2001 in India, 7609 employees out of every one lakh employees were on leave for more than three days in a week due to industrial accidents. The figure for China was 9392 per lakh employees. The figure was much lower in developed countries at 3070 (Banarjee, et. al: 33).

Others like Jose (2006) argue that there is a need to standardize work and after that legislations should be formulated to ensure that they are met. According to him, the reverse is happening in India, where legislations are made and institutions are expected to fit in the legislation. He feels that the policy makers are wrong in their view that legislations modelled on intelligent design of advanced countries would be followed by India and they would automatically remove the weak structures and build strong ones (underpin) without going through an evolutionary process. He also feels that countries should make laws based on their needs.

Jhabwala (n.d.) argues that all labour policies exclude the unorganised sector workers as the norm, they lay are not met by this sector and new thinking and laws are needed to cater to this sector. She makes a case for separate laws for both the formal and informal sector. She finds that the extension of laws of formal sector to informal sector would not achieve much as the needs are different. She also cites problems with the existing laws. Minimum wages are fixed on a time or daily rate whereas most informal sector workers get paid on the piece rate. The Act excludes the unorganised sector workers and only scheduled employment is covered by the

Act. It takes 10 years to enter the scheduled list. Employees have a right to protection and social security; employers have an obligation to provide it. She suggests that new tools in the field of statistics should be developed to cater to the needs of this sector. Statisticians have the responsibility of framing precise definitions and categories in order to collect data; they have a tendency to sacrifice inclusion for precision. Statistical models have excluded many aspects for precision and new ones need to include it.

Writers like Besley and Burges claimed that labour laws are the major cause of underdevelopment. They cite these reasons: (a) labour regulations discourages formal registration and firms remain in the informal sector (b) had there been no labour regulations, industrial growth rates would have been higher (c) labour regulation that increases worker bargaining power is likely to decrease capital formation (d) regulation increases the cost of production and decreases the optimal output of firms and (e) regulations hinder employment growth (Banarjee, et. al 2007: 7).

A study by Self-employed Womens Union (SEWU), brings out the forms of discrimination existing in the workplace and suggests measure to rectify them. Discrimination exists between formal and informal sector workers. There are elements of racial discrimination also. Formal sector jobs are for white people whereas the black workers are pushed to the informal sector. Discrimination based on sex also exists. Suggestions include formulation of new laws.

#### f) Role of Unions and NGOs in the Unorganised Sector

There has been a lot of debate on the role played by trade unions and the NGOs in improving the condition of workers in the unorganised sector and which among them have performed better. Writers have felt that in a globalised world, both of them have an important role to play. There are studies on the effects of globalisation on social and labour movements and challenges that these organisations face while organising workers. While some feel that unions and NGOs are important, there are others who argue they have weakened and have to transform themselves to adapt to the challenges posed by globalisation and the changing patterns of work and labour. Studies have also been conducted on the

agents of organisation where the attempt has been to determine which among them have performed better or have been more efficient in organising workers.

Kagarlitsky (2000) argues that trade unions are necessary and cannot be replaced. They are the ones who ensure that the workers take part in decision making in all spheres, social, economic and political (Kagarlitsky 2000: 33). Gallin (2000) argues that the vacuum that was created in the labour movement has been filled by NGOs but the trade union movement has gained momentum which was evident in the increasing number of alliance and movements (Gallin 2000: 4).

Shah, et. al (1996) have expressed doubt on the functioning of the trade union in its older form. They are of the opinion that trade unions can no longer organise members on the basis of their memberships. Communalism has entered the labour movement and class, gender, religion and identity have become important in organising the workers in bargaining for better wages by putting pressure on the employers through strikes but they have not intervened in the creation of employment opportunities. The other problem with trade unions is that they ensure that only members get job. They also regulate the supply of labour through cooperatives. With the liberalisation process, trade unions have to cope with simultaneously different production processes and organisation (Shah et.al 1996: 46).

Studies conducted on garment workers by Kabeer, et. al (2004) in Bangladesh reveals that NGOs have helped garment workers more than the unions (Kabeer, et. al 2004: 23). Spooner (2004) makes a case for close cooperation between both. In his study, Spooner argues for cooperation between NGOs and trade unions and feels that both need to work together as there are structural differences and neither of them can address the problems alone. According to Spooner (2004), cooperation will be beneficial for providing protection to the workers in the unorganised sector (Spooner 2004: 21).

Selcuk (2004) also makes a case for cooperation with NGOs. He argues that deregulation, flexibility and the decentralisation of the work process have weakened workers' capacity to organise. The writer brings out some problems in organising the unorganised and gives some suggestions. Poverty and

unemployment are the major hurdles and trade unions should work in this direction. Attempts to reduce the working hours without reduction in wages should be made. Minimum wages should be fixed. According to him, the problem faced in unionising is lack of job security. The jobs in informal sector are not permanent and the workers work in different fields and many times they are unemployed. The writer suggests that even at the time of unemployment, workers should be part of the union. The second problem is the suspicion towards unionism as many times workers have lost their job because of joining a union and raising his/her voice. Legal arrangement which prevents workers from organising should be done away with. This can be done by cooperating with NGOs.

Priyadarshini (2011) expresses doubt over the role of NGOs and argues that the NGOs have not been able to stress upon the needs of the workers they represent. They get their funds from other countries and are dependent on them. The funding countries use them for their own interest.

Andharia (2009) suggest community organisation to solve the problems. She feels that all members should come together and demand their rights. She quotes example of SEZ Virodhi Sangharsh Samiti (Anti-SEZ struggle groups) and Gaon Bachao Samiti (Save the villages committee) which have all formed a Jagatikkaran Virodhi Kruti Samiti (Anti-globalisation Action Group). She feels that rights have to be asserted and structures have to be negotiated to meet the demands of the people (Andharia 2009: 286).

Patel (1994) has showed that there is a link between participation in unions and development of class consciousness. He takes two types of unions, i.e. the radicals and the reformist. He interviews all sections of workers, both inside unions and outside unions and comes to a conclusion that both forms of union help in developing class consciousness, but the radicals are likely to be more class conscious than the reformists. He also concludes that ideology plays an important role in a worker's life and that if he/she starts associating himself/herself with the party ideology it is visible in their workplace (Patel 1994: 2376).

Kapoor (2007) brings forth the difference between traditional unions and alternative unions. She enlists features of both to differentiate between them. The

features of alternative unions are that they mobilise workers and negotiations are done with multitude of actors. Workers may have simultaneous membership of multiple unions. They have collective leadership which assumes ownership and control by workers and collective decision-making.

The features of traditional unions are that they just organise workers and negotiations are done with identified employers. They have single union membership and static formation. They have representational leadership and their prime function is employment gains. They have a single strategy of struggle and offer conventional solutions, dictated by ideological considerations.

### g) Impact of Neo-liberal Policies on Workers

There are studies on the implications of neo-liberal policies on trade unions Wilson (1996) feel that trade unions are the primary class organisations of the working class (Wilson 1996: 17). He feels that the trade union movement has undergone change after the adoption of neo-liberal policies. According to him, the neo-liberal policies have weakened the trade union movement in India and new forms of organisation have taken place. The writer argues that the neo-liberal policies have questioned the role of the trade unions which are expected to perform in a decentralised manner and discouraged the uniting and mobilising of people. The trade unions are also being seen as a hindrance to the development. NGOs were working with workers. They have a better understanding of the ground situation and understand the people better, are more flexible and fit into the neo-liberal criteria of detachment from wider class-based movements. However they are cut-off from the politics of the country, are small and scattered, are isolated from the mainstream of the working class movement, their rejection of wider political perspective also limits their potential to challenge the framework in which such exploitation occurs (Ibid: 15).

His view find acceptance with Theobald (2002) whose study in Thailand reveals that globalisation has led to the absence of trade union from factories (Theobald 2002: 131). In China, the role of unions in the market economy was very less (Andharia 2009: 279). The industrialists were aware that unions were no longer a threat to them and all the social security benefits medical benefits could be reduced

in a market economy. The management was aware that the deepening of reforms would ensure that workers are deprived of all the family, medical benefits once available to union members under the planned economy, There was a crisis of legitimacy of state sponsored unions in China (Andharia 2009: 286).

There are other writers like Agarwala (2013) who argue that neo-liberalism has led to new forms of organisations among workers. The workers organise in the neighbourhood or into unions which is different from the political party unions. They have better bargaining power and are able to bargain for social security measures from the state. She also argues that the focus of the workers has shifted from better workplace related rights to social security for which they have made the state accountable and this has happened in states which have adopted neo-liberal policies. In her study on contract and beedi workers in Maharashtra, Tamil Nadu and West Bengal, she finds that Tamil Nadu which moved towards liberalisation has performed better in providing social security measures to the workers unlike West Bengal which was against liberalisation.

Toffler (1995) argues that in the *Third Wave*, technology has replaced labour and this has given rise to demassified production and manufacturing of customised products. It leads to shrinking of labour unions in the mass manufacturing sector shrink. He cites the example of United States in 1956 where Harris-White collar and service employees outnumbered blue collar workers and he attributes this to the emergence of Third Wave (Toffler 1995: 31).<sup>12</sup>

Castells (2009) argues that in the initial phase, technology was used to reduce labour, but later it was used to curb unions. Industries used it as a tool to shift the production to other areas and these units did not have any trade union. This was witnessed in garment industry in America. Technologies were used to save labour, subtle unions and trim the cost rather than to improve the quality or enhance productivity by means other than downsising. Companies shifted their production units to other places if the existing units were unionised (Castells 2009: 265).

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<sup>12</sup> *First wave* sector supplies agricultural and mineral resources, the *second wave* sector provides cheap labour and does the mass production and the third wave sector rises to dominance based on new ways in which it creates and exploits knowledge. *Third wave* is symbolised by computers where heterogeneity is replaced by homogeneity.

Studies in India have documented the same as discussed below in the next section Kalpagam (1981) and Roy (2005).

Jhabwala, et. al (2002) have also shown that technology has led to the replacement of workers by machines. Their study focuses on women workers, but there is a link between the use of technology and the retrenchment of workers. Studies done in Bangladesh by Kabeer, et. al (2004) also had similar findings where technology replaced workers especially women. The study shows that while women were the first to be employed, they were also the first to be removed.

Studies have been conducted to see the effect of unionisation on workers. The response has been mixed. In some cases unions were successful in agitating for workers' rights but in other cases, they were not successful and faced problems due to the strategies adopted by industries to prevent workers from becoming part of the unions. In some other cases, the union was found to not take the issues of the workers seriously.

Gupta (2003) studied the union in brick industry and concluded that the union there was not very effective. Except for collecting membership fee, the union did not do much for the workers. The unions also had gender bias. Women working in these industries were not on the records of the owners and in spite of requests by the women workers, the union did not do much for their inclusion.

Studies conducted on garment industry by Kalpagam (1981) in Chennai and Choudhary (2005) in Bengaluru show that all the laws existing for the garment industry were flouted by the employers. They made all attempts to prevent unionisation among workers and in many cases allowed only one union to be there in their company. Workers who joined the union were penalised and many times removed from job without citing reasons or in the name of closure of the factory. When the unions tried to intervene in terms of applying Minimum Wages Act or Factory Act the companies to avoid trouble shifted their production to some other place where the company name was different but the owner remained unchanged. The workers who were union members were not employed and others were warned against joining.

Studies done in Bangladesh by Kabeer et. al (2004) on garment industry shows that the unions were not able to cater to the needs of the women workers. Most of the unions were political party unions headed by men. It is only recently that a separate wing of women union started functioning in Bangladesh (Kabeer, et. al 2004: 21).

However, in case of the tea industry in Assam, the unions were quite successful in addressing the needs of workers. They were successful in providing several benefits to them like provident fund, gratuity scheme, maternity benefits, pension scheme, sick wages, paid leave, provision of welfare officers to be appointed from labourers themselves, creation of tea and ex-tea directorate, as well as Assam tea employee welfare board, weaving centre, community centred (Bhengra 2009: 105).

The research study of Shireen (2008) on domestic workers in South Africa revealed that state intervention has also led to a decreased role of the trade unions and that the unions work with the government rather than independently. The involvement of government in providing rights to the workers has benefited them but has demobilised and depoliticised them. The writer argues that by using vulnerability or treating domestic workers as vulnerable workers the government was successful in demobilizing and depoliticising the workers. According to her, the bargaining power of workers is lost if they are treated as vulnerable workers and the Employment Conditions Commission (ECC) decides the wages and other benefits the worker would receive. It becomes a state mandated affair (Shireen 2008:12). The union works as an intermediary between the workers and the state. Its role has been reconstructed to deal almost exclusively with matters of labour relations on behalf of the state rather than on behalf of the workers (Ibid).

Castells (2009) argues that labour unions were weakened due to their inability to represent new kinds of workers (women, youth and immigrants), new workplaces (private sector, offices and high technology industries) and new forms of organisation (network enterprises on a global scale). According to him, unions were weakened in countries like France and Spain by changing the conditions of the labour market where the pressure of competition made it difficult to depart from the new managerial rules of the global economy (Castells 2009: 301).

There is no consensus among scholars as to which agent of organisation can perform better. While some feel that trade unions are more effective in organising workers, there are others who look upon NGOs as better at this task. There are still others who point out that it is the state which can do the most for workers through its programmes. However, all agree that agents of organisation are necessary. The liberalisation process has changed the workplace and patterns of work. So, unions and NGOs need to restructure themselves and cater to the needs of these workers.

Both unions and NGOs need to increase their presence in the unorganised sector where the presence of both is less and there exists a need for organising workers. With changing patterns of production and work, the unions are under threat and they must make use of this opportunity to mould themselves according to the needs of the workers and function as a mediator between the employers, workers and the state as they are the only link between the government and workers. Close cooperation among both is needed to achieve this purpose as both (unions and NGOs) have their own limitations and can therefore assist each other. While NGOs have better funding and can look at specific issues in detail, trade unions have political influence and can lobby for workers at the political level. Both can work together to address the issues and problems of workers.

The literature reviewed reveals that there are few research studies on the role played by the trade unions and NGOs in organising the workers in the unorganised sector and their effect on the working condition of workers in India. Similarly, there were few studies comparing the different work sectors in the unorganised sector. A comparison of the role of trade unions and NGOs in organising the workers was also not made. The role of laws in this sector was also not studied.

Most of these studies were done by organisations helping in unionising workers or are reports and conference proceedings of the meeting of the organisations working in various sectors of the economy. These were mainly in the nature of description of the successes and failures of the trade unions. Some studies were done on the role of trade unions on domestic workers in countries like Philippines, Indonesia, and Thailand among others. In case of garment workers, studies conducted in India focused on both the organised and the unorganised sector, but the focus was more on the former. Studies on the role of trade union in garment industry were done in

some countries like Bangladesh, Malaysia, Indonesia and others. Here too, most studies focused on the organised sector. In case of waste pickers, scholars have looked at the socio-economic profile of waste pickers and the structure of the work i.e. division of labour based on gender, caste and age.

The literature reviewed reveals that in the absence of comparative studies of the different work sectors, a comparison of the work done by trade unions and NGOs in the unorganised sector would bring out the similarities and the differences of problems faced by workers in these sectors. It would enhance the understanding as to whether organising has benefitted the workers and areas that need more effort. This will also help in ascertaining whether trade unions have been more successful in solving workers problems or the NGOs and which among them is a better mode for organising workers. It would enable in determining whether a universal policy for the unorganised sector is needed or there is a need for different policies for different sectors. It will also help in determining the enablers to organisation and reveal the reasons why certain sectors are better organised than others.

A study of the implications of laws on the workers would help in finding out if laws have been successful in improving the working conditions and lives of workers. Which laws have yielded better results and areas where legislation is required.

## **1.2 Research Questions**

This study looks at the following:

- What are the efforts made especially by trade unions and NGOs, in organising workers in the unorganised sector? As mentioned earlier, this study focusses on domestic work, waste picking and garment work (i.e. home-based and contract work). It looks at the outcome of work of trade unions and NGOs (civil society) with the workers.
- Which among domestic work, waste picking and garment work have been more successful in improving the overall working conditions of the workers and the possible reasons for this. The study looks at the activity of

organising in these three sectors comparatively to bring out the differences in working conditions within them.

- Does better organisation help in the enactment of legislation for labour rights and protection and therefore if there is a need to further it?

### **1.3 Methodology**

The places chosen for the study are Bengaluru for domestic work, Pune for waste picking and Delhi for garment work. The unions are more active in cities than in rural areas. The boom in the garment industry was a result of liberalisation and the effect of liberalisation is felt more in cities. Delhi was among the cities where garment production or manufacturing took place and the effects of organising could be seen.

The employment of domestic help is more in cities. With more women going out to work in urban areas the demand for domestic help increased. The increase in the number of single men and women relocating to urban centres to work was another reason for the rise in demand for domestic workers. This led to unionising of workers. Bengaluru is one of the cities where people from all over India come to work and there is a demand for domestic workers. It is among the few places where unions of domestic workers are there which are strong. It was the first state to enact a Minimum Wage Act for domestic workers.

Waste pickers find employment in cities where the waste generated is more. The development plans ignore workers. In the last two decades, the importance of waste collection and recycling has gained attention and the role of waste pickers in the waste management system has been acknowledged. At the same time development plans of cities ignore the concerns and needs of waste pickers and they are being pushed out of cities to the outskirts. This has led to workers organising themselves. In Pune, they have formed a union. So, Pune was chosen as a case to study the organising efforts of waste pickers.

Information for the study was collected with the help of the trade unions and NGOs working in the three sectors. In the case of domestic work, visits were made to Bengaluru in May and October 2010. The trade union chosen for the study was

Domestic Worker's Rights Union (DWRU) and the NGO was Stree Jagriti Samiti. With the help of union members, responses of 100 domestic workers were recorded. With the use of interviews and focus group discussions, responses of workers were collected. Interviews of workers were taken by visiting the places where the union works and domestic workers reside. Interviews were also taken when the workers visited the union office. Four focus group discussions were held in the weekly meetings of the union. Most workers visit the union office for the weekly meeting and discussions were held in four meetings at the union office. The interview with the Deputy Labour Commissioner, Mr Manjunath, was held in his office at the Labour Department on 14<sup>th</sup> May 2010.

The NGO Stree Jagriti Samiti was mainly involved in countering trafficking of domestic workers, workplace violence and child labour in domestic work. Interviews were conducted with rescued workers and visits were made to the places where they lived.

In the case of waste pickers, visit was made to Pune in December 2010. The trade union chosen for the study was Kagad Kaach Patra Kashtakari Panchayat (KKPKP). In Pune, there were no NGOs working with the waste pickers issues directly. However, there were NGOs which were working for the education of the poor children, which included the children of waste pickers. Since, no NGO was directly involved, their help was not sought. Data was collected with the help of KKPKP. Interviews and focus group discussions were held with 100 waste pickers who were members of the union. This was done by visiting areas where they live and work. A personal interview was also conducted with Ms. Lakshmi Narayan the General Secretary of KKPKP.

In the case of garment industry, the focus of this study was on the home-based workers and the contract workers in factories. The organisations that helped in the field work were Janwadi Mahila Samiti (JMS)<sup>13</sup> and Centre for Indian Trade Union (CITU), the former in case of the home-based workers and the latter in case of the contract workers. In case of home-based workers, interviews and focus group discussions were conducted when meetings of the workers were held for issue of identity cards and insurance policy. The number of workers interviewed was 60. In

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<sup>13</sup> Janwadi Mahila Samiti (JMS) is a part of All India Democratic Women's Association (AIDWA).

case of contract workers, visits were made to their place of work and they were interviewed during their lunch break and after work. Some interviews were conducted when the workers assembled for protests. The number of workers interviewed was 60. Focus group discussions were held in small groups of 4 – 8 workers. The sizes of the sample in all the three sectors were not uniform as the interviews were conducted with the help of the unions. In case of home-based workers, the process of organising had just begun (2008) so there were fewer members. Apart from interviewing the workers identified by the union, interviews with other workers who were not identified by the union were also conducted. A combination of personal interviews and focus group discussions were done to get as broad a spectrum of opinion as possible.

In all the three sectors of the study, the type of union focused upon is also different, depending on the type of group that was active among the workers and those that helped in organising the workers. The choice of the union was done after determining their involvement with workers based on newspaper reports and other journals. The willingness to help in the collection of data was another consideration. In the case of domestic work, several unions were active in organising workers both political and non-political but few were willing to help in the collection of data because of their busy schedule or other reasons. In case of waste picking, there was only one union present in the city and they were willing to help in the research study.

In case of garment workers too, there were several unions, but many among them were inactive and not willing to help in the collection of data. There were some who agreed to help through mails, but later kept postponing, which showed that they were not willing to help. A trade union affiliated to a political party was chosen as they were actively involved in organising workers and were also willing to help in the research study.

In case of garment workers a trade union affiliated to a political party was chosen while in the other sectors they are not directly affiliated to any political party though they might have political bent. This was based on the activeness in the field and willingness to help in the collection of data. The type of union chosen is different and in case of contract labour political party union is chosen to see

whether union wing of political parties have performed better in organising workers or other unions. In waste picking political parties unions were not present. In domestic work, most of the political parties were organising workers but were not as active as the DWRU. The political party union in Bengaluru were not consistent in their effort and were present in few areas. The DWRU has more number of workers than union wing of political parties.

The study compares three different sectors of work domestic work, waste picking and the garment industry. Within the garment industry, it looks at two categories of workers the contract labour and home-based worker. In the garment industry the above two were chosen as they belong to the unorganised sector. Other workers who work in the garment industry enjoy social security and other welfare benefits unlike these two. If the study included those workers, the findings would be different because the latter are entitled to benefits and are better organised. Another reason for their exclusion is that trade unions engaged in organising them long before they started organising unorganised sector workers. The sample would also be less representative if all were included.

The purpose of comparing the three sectors<sup>14</sup> is to study how trade unions and NGOs have performed in organising workers within different sectors within the unorganised sector. the questions which come up are: Are the efforts made by them similar in all the sectors ? What has been the outcome of their efforts in working with three different types of workers in the unorganised sector? Have they taken up issues of contract labour and what has been their result? How laws have worked in the case of different categories of workers? Can laws address the problems of the workers in the unorganised sector and have they helped workers in managing their problems?

Besides being based on interviews, the study has looked at earlier research literature by scholars who have done research in this sector. The study also looks at government reports on the unorganised sector; laws passed and draft legislation formulated by the government for the unorganised sector; draft legislations submitted by various groups to the government for the unorganised sector;

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<sup>14</sup> Home-based and Garment work are included in one category garment work.

National Sample Survey (NSS) data and reports; and Convention of the International Labour Organisation (ILO).

## **1.4 Chapterisation**

Besides the introductory chapter, the thesis has six additional chapters:

The second chapter titled, **Issues and Challenges Faced by the Three Sectors: Domestic Work, Waste Picking and Garment Work** briefly discusses the unorganised sector and discusses where this sector is located in the whole issue of development. It also looks at the relation of informality and gender, casualisation and feminisation of labour, liberalisation and the informal economy, development and unorganised sector, as these have implication in the organising process of *workers* in the unorganised sector. It focuses on the problems the workers as well as union members face within the three sectors.

The third chapter, titled, **Organising the Unorganised in Domestic, Waste Picking and Garment Work**, looks at the various kinds of strategies of organising workers proposed by different scholars. It also looks at the efforts made by the trade unions and NGOs in organising the workers in waste picking, domestic and garment work. It looks at the need for and benefits of organisation and the obstacles that come in the way of organising workers. It draws parallels with efforts of organising workers in other countries, particularly, South Asian and South East Asian.

The fourth chapter titled, **Legislation, Civil Society and the Unorganised Sector**, starts by discussing the views of scholars on the nature and dynamics of civil society organisations like trade unions and NGOs to understand the role of civil society's activism in ensuring rights and entitlements. It studies the role played by civil society organisations in formulating and implementing laws. It looks at the labour laws in all the three sectors i.e. waste picking, domestic work and garment work. It also discusses international laws and conventions pertaining to the three sectors and the effect of such laws and conventions on the three sectors and on the labour policy in India. The chapter delves into the questions: what does a

liberalised economy mean to the unorganised sector? What has been the impact of legislation on the workers?

The fifth chapter titled, **Role of Civil Society: An Assessment**, discusses the enabling factors that help in organising workers and why certain sectors within the unorganised sector are better organised than the others. It looks at the role of civil society organisations i.e. trade unions and NGOs in strengthening the movement of the unorganised workers for their rights. It discusses whether these efforts by civil society have led to an improvement in the working conditions and rights of workers. It also looks at the reasons why certain sectors within the unorganised sector are better organised than others? Will trade unions and NGOs be able to act as a mediator between the government and unorganised sector workers and would they be able to address the problems of the unorganised sector?

The sixth chapter, the **Conclusion**, discusses the findings of this research study.

## **Chapter 2**

# **Issues and Challenges Faced by the Three Sectors: Domestic Work, Waste Picking and Garment Work**

The chapter starts with a brief introduction to the unorganised sector. It then looks at the effects of globalisation on the workforce in these three sectors. It also looks at the debate on casualisation and feminisation of labour and its implication for women. Thereafter, it discusses the problems of the workers in the three sectors chosen for the study i.e., domestic work, garment work and waste picking, respectively.

### **2.1 Nature of the Unorganised Sector in India**

The unorganised sector in India is characterised by low income, lack of job security, lack of social security (like medical benefits, old age pension, provident fund etc.) long hours of work, hazardous work conditions, ill-defined employer-employee relation, contractual employment and seasonal employment. A person may work in four or five different sectors in the same year based on the season and the availability of employment (Bremar 1996, Jhabwala (n.d.) Ghosh 2001, Nair 1993, Chandra et al 2001 and Bhatt 2006) The unorganised sector is also known as bazaar economy, black economy, lower or bharat (Harris-White 2004: 3). To find a job in the unorganised sector, a worker often has to possess skills especially in the garment sector. These diverse characteristics make it difficult to formulate policies and implement them.

After attaining independence from the British Rule, the Indian economy was backward with very few industries. Efforts were made towards development of industries and generation of employment. It was expected that the organised sector would expand itself in the long run, but a reverse trend is being witnessed where the unorganised sector has grown. Workers have been flowing to the unorganised sector. Even in the organised sector, there has been rise in informal employment.

In the year 1999-2000, unorganised workers were 42 percent of the total workers in the organised sector (Papola et. al 2012: 41). It further increased to 47 percent in 2004-05 and to 51 percent in 2009-10 (Ibid: 41). In 2004-05, 91.83 percent were employed in the unorganised sector. It grew to 92.07 in the year 2006-07 (Ibid). According to the Arjun Sengupta Committee Report, 92 percent<sup>15</sup> of the total population is employed in the unorganised sector (Sengupta 2008:1). It is estimated that by the year 2017, 93.46 percent people would be employed in the unorganised sector whatever the growth rate of Gross Domestic Product (henceforth GDP) (Khan 2013).<sup>16</sup>

The National Sample Survey Organisation (NSSO) data also shows a decline in the rate of growth of aggregate employment from 2.7 percent in 1993-94 to 1.07 percent in 1999-00 (Ghosh 2009: 34). The NSSO data of 1999-00 and 2004-05 shows that there has been an increase in the total employment from 397 million in 1999-00 to 457 million in 2004-05, but the increase in the organised sector is nil or marginally negative whereas the unorganised sector has grown by 61 million or 17 percent during the same period (Sengupta 2008: 4). The NSS 66<sup>th</sup> round data (2009-10) also shows slow employment growth at 0.1 percent per annum. It also shows that between 2004-05 and 2009-10 the bulk of the increase in employment 80 percent was in casual employment (Himanshu 2011: 58).

The unorganised sector comprises of 60 percent of the net domestic product, 68 percent of the income, 60 percent of savings, 31 percent of agricultural exports and 41 percent of manufactured exports (Harris-White 2007: 5). Another calculation, by the National Council of Applied Economics Research (NCAER) shows that the unorganised sector generates 62 percent of the GDP, 50 percent of the gross national savings and 40 percent of the national exports (Khan 2013).

Himanshu (2011) argues that there is no link between the growth rate of the economy and generation of employment (Himanshu 2011: 44). The growth of the economy has not matched the growth rate of employment. In 1973-83, the GDP

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<sup>15</sup> This figure has varied in different reports. The Arjun Sengupta Committee Report is the latest report on the unorganised sector.

<sup>16</sup> It is estimated that if the GDP is 9 percent the total population in the unorganised sector would be 93.9 percent, if the GDP is at 7 percent, the unorganised sector would have 93.68 percent of the population and if GDP is at 5 percent, the unorganised sector would have 93.46 percent of the population. For more details, visit [http://centreright.in/2013/05/women-in-unorganised-sector/#.UhPs6dIwf\\_g](http://centreright.in/2013/05/women-in-unorganised-sector/#.UhPs6dIwf_g), accessed on 9<sup>th</sup> August 2013.

grew by 4.7 percent per annum, but the growth rate of employment was 2.4 percent. In 1983-93, the GDP growth was 5 percent, but the employment growth was at 2 percent. In 1993-2003, the GDP grew by 6.3 percent, but the growth of employment further declined to 1.8 percent. In 2004-2010, the GDP growth was 9 percent but the growth of employment was 0.22 percent (Papola et. al 2012: 5). The NSS data 2007-08 shows that the growth rate of employment declined to 0.17 percent per annum between 2004-05 and 2007-08 in the same period when the growth rate of GDP was 9.4 percent per annum. There has been an increase in casual and self-employment among workers across groups and a decline in regular employment. The table on the next page gives the share of workers based on the type of work, gender and region (rural or urban).

**Table 5: Distribution of Workers by Status of Employment from NSS (in %)**

NSS Round	Rural Males			Rural Females		
	Self-Employed	Regular	Casual	Self-Employed	Regular	Casual
32 (July'77- June'78)	62.8	10.6	26.6	62.1	2.8	35.1
38 (Jan- Dec'83)	60.5	10.3	29.2	61.9	2.8	35.3
43 (July'87- June'88)	58.6	10.0	31.4	60.8	3.7	35.5
50 (July'93- June'94)	57.9	8.3	33.8	58.5	2.8	38.7
55 (July'99- June'00)	55.0	8.8	36.2	57.3	3.1	39.6
61 (July'04- June'05)	58.1	9.0	32.9	63.7	3.7	32.6
64 (July'07- June'08)	55.4	9.1	35.5	58.3	4.1	37.6
66 (July'09- June'10)	53.5	8.5	3.8	55.7	4.4	39.9

NSS Round	Urban Males			Urban Females		
	Self-Employed	Regular	Casual	Self-Employed	Regular	Casual
32 (July'77- June'78)	40.4	46.4	13.2	49.5	24.9	25.6
38 (Jan- Dec'83)	40.9	10.3	15.4	45.8	25.8	28.4
43 (July'87- June'88)	41.7	43.7	14.6	47.1	27.5	25.4
50 (July'93- June'94)	41.7	42.0	16.3	45.8	28.4	25.8
55 (July'99- June'00)	41.5	41.7	16.8	45.3	33.3	21.4
61 (July'04- June'05)	44.8	40.6	14.6	47.7	35.6	16.7
64 (July'07- June'08)	42.7	42.0	15.4	42.3	37.9	19.9
66 (July'09- June'10)	41.1	41.9	17	41.1	39.3	19.6

Source: Himanshu "Employment Trends in India: A Re-examination" Economic & Political Weekly, Vol XLVI no 37 September 2011 p 46.

The share of women in casual and self-employed work has been higher than in the regular work. There has been an overall increase in casual and self-employed work. The share of rural women in casual employment is higher than urban women.

The Report on Employment and Unemployment Survey<sup>17</sup> 2009-10 shows that the total labour force participation was 359/1000 persons (Nanda 2010). In the rural

<sup>17</sup> [http://labourbureau.nic.in/Final\\_Report\\_Emp\\_Unemp\\_2009\\_10\\_New.pdf](http://labourbureau.nic.in/Final_Report_Emp_Unemp_2009_10_New.pdf). The period of this report was 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010. For comparison only the second and third Annual Employment and Unemployment Report is being used. The first report is different from the other two reports in the calculations done.

areas, the labour force participation rate was 365/1000 persons and in the urban areas, it was 340/1000 persons. The all India unemployment rate was 94/1000 persons. In the rural areas, the unemployment rate was 73/1000 persons and in the urban areas it was 101/1000 persons (Ibid). The total female unemployment rate stood at 146/1000 persons. According to the type of employment the distribution is 439/ 1000 as self-employed, 168/1000 as regular wage or salaried, 393/100 as casual workers. In the rural areas 457 self-employed, 435 were casual workers and 108 were regular wage or salaried worker (Ibid).

The Second Annual Employment and Unemployment Report<sup>18</sup> 2011-12 shows that the total labour force participation was 52.9 percent (Kolamkar 2011-12). In the rural areas, the labour force participation rate was 54.8 percent and in the urban areas, it was 47.2 percent. The labour force participation rate for women was 25.4 percent. The all India unemployment rate was 3.8 percent. In the rural areas, the unemployment rate was 3.4 percent and in the urban areas it was 5 percent. The total female unemployment rate stood at 6.9 percent. In the urban areas it was 12.5 percent and in the rural areas it was 5.6 percent. The unemployment rate according to category was 3.2 percent each for the Schedule Caste and Other Backward Castes, for the Schedule Tribe it was 2.6 percent and for the General category it was 5.5 percent. The report also showed the type of employment, according to which 48.6 percent were self-employed, 19.7 percent were wage and salary workers and 31.7 percent were casual labour (Kolamkar 2011-12). The report indicates that unemployment was more among women than men. It also shows that in terms of employment, the Schedule Tribes were better off than the Schedule Caste and the Backward Classes. The percentage of women in the work-force was the lowest, and the unemployment rate was\ double than that of the Schedule Tribes and Schedule Castes. It also shows that unemployment is prevalent more in urban areas than in rural areas.

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<sup>18</sup>All the figures mentioned are based on the Usual Principal Status (UPS) approach. This is done to avoid confusion. In all the methods adopted the findings are similar though there are slight differences in the figures. The report has made use of four methods Usual Principal Status (UPS) approach, Usual Principal and Subsidiary Status (UPSS) approach, Current Weekly Status (CWS) approach and Current Daily Status (CDS) approach. This was taken from [http://labourbureau.nic.in/rep\\_1.pdf](http://labourbureau.nic.in/rep_1.pdf), accessed on 10<sup>th</sup> August 2013. The period of the report was July 2010 to June 2011.

The Third Annual Employment and Unemployment Report 2012-13<sup>19</sup> shows that the total labour force participation was 50.9 percent (Singh 2012-13). In the rural areas, the labour force participation rate was 52.8 percent and in the urban areas, it was 46.1 percent. The labour force participation rate for women was 22.6 percent. The all India unemployment rate was 4.7 percent. In the rural areas, the unemployment rate was 4.4 percent and in the urban areas it was 5.7 percent. The total female unemployment rate stood at 7.2 percent. The report also showed the type of employment, according to which 48.2 percent were self-employed, 17.4 percent were wage and salary workers and 34.4 percent were casual labour or contract labour (Singh 2012-13). The report has also looked at employment unemployment among the youth which is classified in various age groups.

A comparison of both the reports (second and third) shows a decline in the total labour force participation rate which was 50.9 percent in 2012-13 which is 2 percent lower than the rate in 2011-12. The labour force participation rate of women also decreased from 25.4 percent in 2011-12 to 22.6 percent in 2012-13. The all India unemployment also increased from 3.8 percent in 2011-12 to 4.7 percent in 2012-13. The participation of women in the labourforce has declined at a higher rate than that of the total labour force participation rate.. The report also shows an increase in casual and contract work from 31.7 percent in 2011-12 to 34.4 percent in 2012-13 and decline in wage and salary earners from 19.7 in 2011-12 to 17.4 in 2012-13. Though the labour force participation rate has decreased, there has been an increase in contract and casual employment which shows that most of the jobs lost are organised sector jobs or salaried jobs.

India's GDP has grown since independence from 0.6 percent in 1947 to 7.6 percent in 2011 (Dreze et. al 2013: 23) and India is among the fastest growing economies. There have been speculations that the double digit in GDP growth would be achieved by 2013 and the GDP had crossed 9 in 2012-13, though it fell to 5-6 till August 2013. The high rate of GDP has not been able to improve the quality of life of the people in India. The neighbors Bangladesh, even with a lower GDP is much better than India in quality of life or (Human Development Index) of the people like health, education etc. Sri Lanka is also ahead of India, if the quality of life of

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<sup>19</sup> For further details visit [http://labourbureau.nic.in/EUS\\_2012\\_13\\_Vol\\_1.pdf](http://labourbureau.nic.in/EUS_2012_13_Vol_1.pdf), accessed on 12<sup>th</sup> Jan 2014.

the people is taken into account, people there have better access to health and education. In Sri Lanka, efforts were made to reduce privatisation of health and education through state intervention and it is better than India (Dreze et. al 2013). Despite high growth in India and higher GDP the gap between the rich and the poor in India is on the rise and the capital is concentrated in few hands. A report by Organisation for Economic Co-operation and Development OECD (2011)<sup>20</sup> shows that all emerging economies<sup>21</sup> have high levels of inequality in income, which is much higher than the OECD average. China, India, South Africa and the Russian Federation have become less equal overtime, i.e. inequality is on the rise. The reason for inequality in these countries are a large persistent informal sector, widespread regional divides, gaps in access to education, barriers to employment and career progression of women and market driven inequality (OECD 2011: 49).

The high rate of the GDP was a result of the implementation of neo-liberal policies in India (Dreze et.al: 19). It has been argued that as a result of the implementation of the neo-liberal policies in India in 1991, there has been an increase of employment opportunities (Bhattacharjee 2000: 3762). But this rise in employment opportunities is more in the unorganised sector. The unorganised sector grew from 86 percent in 2004-05 to 92 percent in 2007 (Sengupta 2008: 3).

The neo-liberal bent in development policies led to the entry of multi-national corporations in India and other developing countries. The liberalisation of the economy also brought in companies from abroad (multinational corporations) but the terms of employment and condition of work in these organisations are similar and sometimes even worse than those of the unorganised sector. Even within the organised sector, job security is not guaranteed. The companies employ workers depending on the demand for their product in the market. Once their work is over, workers are retrenched without citing any proper reason.

There has been a change in patterns of production and employment. One of the features is the sub-contracting of work. Another trend has been the outsourcing of work to what has become the unorganised sector. The production process is

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<sup>20</sup> OECD (2011). Divided We Stand Why Inequality Keeps Rising? Special Focus Inequality in Emerging Economies <http://www.oecd.org/els/soc/49170475.pdf>, accessed on 5<sup>th</sup> October 2013.

<sup>21</sup> These include countries like Argentina, Brazil, China, India, Indonesia, South Africa and the Russian Federation.

decentralised and all small jobs are done by workers in the unorganised sector. This is done to reduce the cost of production and to increase profit. Many times, technology is used to decentralise the production process. The production takes place in some other country (mostly in developing countries or Third World) but the owner or the company is situated in a different country (mostly developed). This kind of production has been called “manufacturers without factories” (Ghosh 2009: 8). It has happened due to loosening of labour laws by India in the name of increasing production and economic growth.

Unorganised sector has surplus labour force that is skilled. Surplus work force means low pay and unsatisfactory work conditions. Workers are ready to take up jobs in the unorganised sector because they have fewer options. Unwillingness or inability to work implies losing ones job to the next in line. As a result, the bargaining power of workers is low, social security benefits are negligible or totally absent and the minimum needs in terms of employment conditions are also not fulfilled. The outsourcing of work to the unorganised sector has meant strengthening the position of the workers vis a vis the worker. These policies have led to increased GDP for a short time (as the GDP has been falling since 2013) but the quality of life of majority of the people especially the poor has worsened. The structural changes brought about after the implementation of these policies which focus on reducing subsidies and social sector expenditure has affected the poor. The number of people belonging to the poor and vulnerable group had increased from 811 million in 1999-00 to 836 million in 2004-05 and 77 percent people were living below Rs. 20 per day (Sengupta 2008: 1). Despite these, it is largely acknowledged that there have been improvement in consumption levels and there is a huge demand for education etc. and the enrollment figures have risen. A comparison of NSS data shows that between 1987 and 2004-05 there has been a decline in poverty all over India except the urban areas of Odisha and Chattisgarh. However the rate of decline of poverty is lower than growth rate of GDP and is also lower than the pre-reform period (Himanshu 2007:497).

Harris White says, “There is no evidence that the informal economy is shrinking and there is plenty of evidence that it is the ‘shock absorber’ of the reform period” (Harris-White 2007: 5). In the study on women’s employment by Ghosh (2009) in

the liberalisation period, the findings are similar. Four contradictory trends are seen: simultaneous increase in paid labour, underpaid labour, unpaid labour and the unemployment of women. This is a paradox generally when employment increases, unemployment decreases or when paid labour increases unpaid labour decreases (Ghosh 2009: 174).

Class, caste and gender play a major role in determining the kind of employment. Indian society has historically been a caste ridden society and the choices and preferences of work are based on the caste to which one belongs. Many times, caste solidarity can be used as a tool to prevent labour from unionising, particularly when the employer and the worker are from the same caste (Harris-White 2004: 12). At other times, the same tool is used by the workers to organise themselves when they are exploited (Ibid: 12). Harris-White (2007) argues that “the Indian labour force is regulated not only through the compulsions of assetlessness, of clientage, of beck-and-call contracts and (still) debt-mediated labour attachment, but also through the social structure of gender, religion, caste and the local corporatist occupation-based organisation's” (Harris-White 2007: 16). There has been a change in this over the years but studies show a link between caste and profession even today. According to Harris-White, “Caste has been reworked as an economic institution, least flexible at the base where social disadvantage is most entrenched” (Harris-White 2007: 13). Studies conducted by Breman (1996) in Chilkhligam and Gandevigam in Gujarat, show a link between caste and profession. Patterns of migration of workers from one place to another depend on their caste identity. A study done by Dreze et. al (2013) in Allahabad shows that 75 percent of the jobs in public institutions are held by upper castes who constitute 20 percent of the population in Uttar Pradesh (Dreze et. al 2013: 219). Kapadia (2002) argues that policy makers cannot ignore caste and gender issues. In a study of leather tanning industry in Tamil Nadu, Swaminathan (2002) shows the existence of caste and class factors in industry. While conducting research for this study, it was found that most workers were from the Dalit caste Schedule Caste and Other Backward Classes. In the case of the domestic workers and garment workers, there were many workers who were from higher castes, but in waste picking, most were from the lower ranks of the caste order. This shows that despite social changes menial jobs are still performed by those placed lowest in the caste hierarchy. A

study conducted by Gill (2010) in Delhi on waste pickers shows that most of the waste pickers belonged to castes which were included in unclean profession and continue to work as scavengers

While speaking about the unorganised sector, one cannot ignore the role played by women in this sector. Writers like Ghosh (2009) have shown four trends in women's employment coexist i.e., increase in paid labour, underpaid labour, unpaid labour and open unemployment. This is a paradox because in general, when employment increases, unemployment decreases or when paid labour increases, the unpaid labour decreases (Ghosh 2009: 174). If the total participation rate of women in the workforce is taken, it shows that a majority of the women are employed in the unorganised sector and few of them find work within the organised sector (Papola et. al 2012: 59). It has also been argued, that with the liberalisation of the economy, women are more likely to get employment in the unorganised sector than the men. There were 22.5 million women workers in the unorganised sector in the year 1999-00, out of which the self-employed constituted 49.6 percent or 11 million, 29.1 percent or 7 million were wage workers and 21.3 percent or 5 million were home workers. In the year 2004-05, there were 29.5 million women workers in the unorganised sector, the self-employed constituted 69.8 percent and the wage workers constituted 30.2 percent (Sengupta 2008: 85). The home workers were included in the self-employed category in the 2004-5 data but there has been an increase in the total women workforce in the unorganised sector. Among the wage workers, 47 percent were casual workers, out of which 39 percent were engaged in construction and 29 percent in manufacturing and 20 percent were engaged in domestic work (Ibid: 85).

The share of women in the organised sector workforce has increased from 15.4 percent in 1995 to 17.6 percent in 2000, further to 18.6 in 2004 and 19.5 percent in 2007 (Papola 2012: 59). However, most of these women are employed in manufacturing (18 percent), community social and personal service (56 percent), and financial service (8 percent) and are more likely to be employed by private firms (Ibid: 59). Women constitute only 11 percent of the regular wage or salaried job. Most of the work done by women in the organised sector is related to healthcare like nursing or teaching. In community social and personal services,

women outnumber men workers. This sector employs 10 percent women and 8 percent men (Ibid: 58). This increase may be a result of feminisation of workforce. The data shows that the increase of employment of women is more in the manufacturing and community and personal services which always had more women workers than men since women were preferred. The employment of women in other sectors has not increased.

As mentioned in the first chapter, a link has been established between globalisation and gender. Studies reveal that globalisation has led to feminisation of labour and that more employment opportunities are created for women compared to that for men. There are others who feel that it is poverty that has led to feminisation of labour. Another argument is that it is casualisation of labour that has led to the feminisation of labour or employment.<sup>22</sup> It is true that in comparison to the organised sector, employment of women is more in the unorganised sector, both in the total participation rate of women in this sector and in the employment opportunities available. Feminisation and casualisation are taking place in most of the South Asian countries including India. However, it can be observed that the payment made to the workers is less and the conditions of work and employment are deplorable. According to Kapadia (2002).

In an increasingly commercialised economy, women are increasingly becoming marginalised due to the very limited job opportunities permitted to them both by the family and the ways in which labour markets are structured. Women's access to education and employment still remains limited though the gap between the sexes is narrowing (Kapadia 2002: 2).

## **2.2 Labour in a Globalised World**

The conditions of work and terms of employment of workers are changing all over the world. This has increased the problems of the working people, especially in the lower segments of the economy. The liberalisation of the economy by most of the developing countries, especially South Asian countries, has brought about this change which has often aggravated the problems faced by the workers. Laws to protect labour rights have been diluted to attract investment. The goal of countries is to increase economic growth. So, policies are relaxed to attract companies. The

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<sup>22</sup> This is discussed in detail under labour in a globalized world and in the earlier chapter.

companies resort to contractual employment to bring down the cost of production. This is done by paying less for the work done.

The shift in the mode of production from Fordist to post-Fordist where production extended from big factories to home led the capitalist to search for cheap and flexible labour and they found this in Third World countries (Priyadarshini 2011: 74). Some have described the change as a shift from a Fordist system of production to a 'leaner' and more fragmented production process with greater spatial mobility for both capital and labour (DeDehart 2002: 209). The Indian companies started competing with these firms. This led to decline in labour standards and pay. Companies to survive the competition reduced the expenditure on labour which led to decrease in the pay of labour, retrenchment and downsizing of workforce. The opening of the economy to foreign investors also meant the outsourcing of production to countries where labour is cheap. It might seem that globalisation has opened the doors for labour to find employment anywhere in the world. But globalisation has led to the movement of capital, not labour (Naseem 2007: 75). The increased autonomy granted to private capital and corporations exacerbates the process of exclusion (Gills 2002: 25). Gullie argues,

Labour market flexibility is heavily promoted by neoliberals and frequently forms part of structural adjustment and poverty reduction programmes. Flexibility means making it easier for employers to dismiss workers and making it more difficult for workers to form unions and improve pay and conditions. A central element is the removal of industry and economy wide standards of pay and working conditions, especially the removal of or substantial reduction in minimum standards. This is justified in terms of linking pay to productivity and of not pricing workers out of jobs. According to Stiglitz quoted in Gullie, 'a lot of theory treated labour like any other commodity without recognizing some of the critical ways in which labour is different'. (Guille 2007: 161). 'Doing Business' has been used by the World Bank and IMF to force countries to do away with various kinds of workers protection (Ibid).

Mukhija et. al argue,

Labour costs are never viewed in isolation, but only in relation to labour productivity, which in turn is affected not only by the level of well-being, skill and education of the workers themselves, but also by the infrastructural facilities, the technology used in production and so on. In such a context, greater flexibility in labour markets might simply

mean the perpetuation of low-wage, low productivity practices by employers, rather than more economic growth (Mukhija et. al 2007: 212).

Globalisation has led to the flexibilisation of the production and labour process. Globalisation under late capitalism changes relations of production, marked by a labour strategy that stresses minimising cost and maximising flexibility (Dehart 2002: 09). Castell says “Just in time” labour is being promoted (Castells 2009: 468). One who can manage time in a flexible manner, sometimes adding more work time; at other times adjusting to flexible schedules in some instances reducing work hours and thus pay (Ibid). He further argues that the time of work has reduced for all workers, except the managers and the unskilled workers. The increase in the time of work for these two categories of workers is due to the value making contribution of managers and less bargaining power of the unskilled workers. Flexibility is becoming the norm in most economies (Ibid: 472).

Some scholars attribute the change to the change in the organisation of production, in response to technological innovation. Others attribute it to the increased competition in the global economy that has prompted enterprises to search ways to reduce labour costs and to increase labour productivity. Another perspective is that it is the shift in the balance of power between national governments, foreign and domestic capital, and labour union which has caused this change (Roy 2007: 218). The new information technology has redefined work processes and workers and as a result employment and occupational structures have been redefined. While a substantial number of jobs are being upgraded in skills and sometimes in wages and working conditions, a large amount of work is being phased out by automation in both manufacturing and services. At the entry point, it is women, ethnic minorities, immigrants and young people and their work requires less skill, is mostly temporary with low pay (Castells 2009: 266). Goalfield argues that the change in technology may reduce the number of workers needed to make particular goods (Goalfield 2007: 140). Three million manufacturing jobs were lost during the period 2000-2003, most of them were unionised jobs (Ibid: 156). Toffler cites examples where robots are doing the domestic work and many countries are using robots for cleaning the streets and other manual jobs.

According to Castells (2009), flexible labour force is on the rise. His study on Organisation for Economic Cooperation and Development (OECD) countries, found that in all the countries except in United States and Denmark, the number of women employed in part time work had increased. There was an increase in temporary work in all countries except Netherlands. Self-employment also increased in all these countries. Different countries practiced different forms of flexibility, depending on the labour legislations, tax payment and social security. All countries, except United States had more than 30 percent of the people employed in flexible working conditions. The tenure for jobs in United States was less in comparison to other countries (Castells 2009: 285). In United States, 29.7 percent workers were employed in the informal sector, 10.8 percent were self-employed, 16.9 percent were part time workers and 16.2 percent were temporary or part time workers. It was estimated that such labour would increase by 33 percent by 2001 in United States. Between 1996 and 2006, temporary employment in United States was expected to rise by 50 percent. In America's fastest growing firms, 68 percent were sub-contracting payrolls, 48 percent tax compliance services and 48 percent claimed benefit administration (Ibid: 286).

Flexibility has become a feature of labour in many countries. This has been documented by Bishop (2002) in Japan, Rosenthal (2002) in Indonesia, Theobald (2002) in Thailand and Crinis (2002) in Malaysia. These studies had similar findings such as the feminisation of labour, weakening of trade unions and they also noted the gendered impact of globalisation. This will be discussed later in this chapter.

According to Roy, flexibilisation of the labour market aims at atomising labour, or dismantling formal patterns of employment. This helps in maintaining industrial peace by facilitating an employment relation where labour could express discontents only through exit and can get employed only by sacrificing voice (Roy 2007: 234). There are three principal means of securing flexibility: numerical flexibility, i.e., more use of external labour such as contract workers, home workers, agency labour, and so on; functional flexibility, i.e., more changes in work tasks, job structure and skill for individual workers; wage flexibility, which

implies a shift from fixed wages to flexible wages and increased monetisation of remuneration (Ibid: 218).

The globalisation of the economy led to the entry of foreign investors and firms in developing countries. In many cases, the entire work of the company was outsourced and this led to proliferation of Business Process Outsourcing (BPO) and Knowledge Process Outsourcing (KPO) in developing countries including India. Similarly, the entire production was outsourced to developing countries. This was done because labour in these countries was cheap and the few labour laws which were there could be easily flouted.

The entry of these firms led to increased competition in the market. To survive in the highly competitive environment, they employed several means such as reducing the cost of labour. Another strategy employed by the firms to reduce their cost of production was to outsource production from factories to homes or units which were not registered. Manufacturers acknowledged that subcontracting was a key factor in meeting the demands of international competition (Crisis 2002: 159). One of the characteristics of globalisation, especially in Asia, was that the movement towards labour processes that were less secure, based in small units or home-based, and employed workers in a production chain that depends on outsourcing through large final distributors (Gopal 2007: 239). This also led to retrenchment of a large number of workers from the organised sector who eventually found employment in the unorganised sector. The shifting of production from organised to unorganised sector helped the companies to bring down the cost of production as the cost of labour was cheap and they did not have to pay any social security benefits like pension, health care etc. to the employees. They were also able to reduce their expenditure on infrastructure.

These shifts in production proved fatal for workers as they worked for longer hours and were paid less. As mentioned earlier, the globalisation of the economy has, in the opinion of many scholars, led to feminisation of labour and more women have found employment than men in the unorganised sector especially in the garment, surgical and some other industries. There are others who feel that the retrenchment or downsizing of formal sector employment has led to this shift. In a situation where the men lost their jobs, women had to take up jobs to support their families.

Some scholars argue that it is casualisation that has led to the feminisation of labour. Ghosh (1996) takes the argument further and argues that the feminisation of labour was followed by feminisation of poverty. Contrary, to such arguments, some scholars note that *de-feminisation* and *recasualisation* are taking place now. These debates are discussed in the next section.

### **2.3 Casualisation and Feminisation of Labour**

The trend towards feminisation of employment was a result of the need for cheaper and more flexible sources of labour. This was also strongly associated with the move towards casualisation of labour i.e. shift to part-time work or piece-rate contracts and insistence on greater freedom of hiring and firing over the economic cycle. Ghosh points out that

Feminisation was encouraged due to the conviction among employers that female employees are more tractable and subservient to managerial authority, less prone to organise into unions, more willing to accept lower wages because of their own lower reservation and aspiration wages, and easier to dismiss because of marriage and childbirth. The relative ease in dismissing female employees was made more relevant because of technological changes that encouraged replacement of labour at periodic intervals (Ghosh 2007: 106).

According to Ghosh (2007), there were three factors which were seen as creating or contributing to these changes in work relations including the tendency towards feminization:

- 1) The liberalisation of trade necessarily required more flexibility in the labour market as well; the more flexible contracts and lower wages of women workers rendered them especially attractive.
- 2) Technological changes that allowed for a stratification of the workforce into a small group of highly skilled and highly paid workers, and a large pool of low-to-medium skilled workers whose chances of upward mobility were low and whose possibilities for on-the-job training and learning by doing were far more restricted than before. This meant that there was less need for long-term implicit contracts between employer and employee.
- 3) Organisational changes in production, which was closely related to the above two features. There was a very substantial increase in subcontracting, in the growth of ancillary small-scale units and in home-based manufacturing production, which is effectively at the bottom of a complex production chain (Ibid: 107).

A survey of 141 sample establishments in activities such as internet/email bureaus, data entry and processing services, software customization and content development services, in Delhi, and Hyderabad, examined the gender aspect of employment (Kumar 2001). It was found that 72 percent of the establishments did not employ any women workers. Out of the others customisation services had a relatively large proportion of women, ranging from a quarter to half of the workforce. In the software industry as a whole, the share of women workers was estimated to be 27 percent (Ibid: 115). It was interesting that customisation services which was more skill intensive than other activities covered by the survey employed more women., but Kumar notes that since back office work, voice mail etc., had been excluded from the survey, some of the activities in which women workers are more significant may have been excluded (Ibid).

The feminisation of activities had both positive and negative effects on women. On the one hand, it has meant greater recognition and remuneration for women's work, improved the status and bargaining power of women within households and improved self-worth. On the other hand, women are rarely unemployed as they are involved in productive and reproductive work even if they are not paid for such work (Ibid: 107). However, some writers differ like Shah et. al (1994) argue that it may be too early to say that feminisation of labour has taken place in India. They cite studies conducted by others in the formal sector which show that there has been a decline in the employment of women in silk industry. In other industries too, retrenchment of women has taken place in the name of voluntary retirement. They cite the example of Hindustan Lever in which the proportion of women workers has declined. They however, agree that there has been increased pressure on the unorganised sector and certain jobs are given to women like garment work. They argue that state has an important role to play in feminisation or de-feminisation of labour (Ibid: 43). They further argue that the state should extend all forms of support to women like opening crèches, extending credit facilities, providing technical training (Ibid: 47).

Other studies have also documented trends towards de-feminisation and recasualisation of labour. Ghosh (2007) notes that, women's participation in the labour force has declined since 1995. Even in countries where there is a rise in

women's participation, the magnitude was less (Ghosh 2007: 104). This may be due to reduction in opportunities for productive employment what is known as the 'discouraged worker' effect in the developed countries. The defeminisation of export-oriented production at the margin, a process which began earlier than the Asian financial crisis, has continued (Ibid). In South Korea, the proportion of employed women with casual contracts nearly doubled between 1990 and 1999; over the 1990s, around 60 percent of all casual jobs were held by women workers (Ibid: 105). In most countries, there has been a decline in permanent jobs for women and rise in casual work.

The reversal of the process of feminisation of work has also been observed in Latin America (Ibid: 107). The decline in the share of female employment was associated with recession or structural adjustment and the shift in employment patterns towards skilled activities (Ibid: 108). Another reason could be that as women became part of the workforce, it became difficult for employers to discriminate based on gender. The wages were increasing and the demand for legislation that would improve the condition of work was being demanded (Ibid). According to Ghosh, "Social action and legislation designed to improve the conditions of women workers, reduced the relative attractiveness of women workers for those employers who had earlier been relying on the inferior conditions of women's work to enhance their export profitability. The rise in wages also tended to have the same effect. Thus, as the relative effective remuneration of women improved, their attractiveness to employers decreased" (Ibid).

In the 1990s, there was a decline in women's participation in the workforce in the manufacturing sector in most countries. For instance, in Hong-Kong and South Korea the decline in employment in the manufacturing sector was higher than that of the overall employment. Even in countries where employment in the manufacturing sector increased, the female share had either become stagnant or had fallen (Ibid: 109). In Indonesia, the share of women in manufacturing sector increased from 45-47 percent by 1993, but fell to 44 percent by 1997. In Malaysia, the decline in the share of women's employment fell from 47 percent in 1992 to 40 percent in 1997, which is higher than that of South Korea. In Thailand too there

was a slight decline in the participation of women in the manufacturing sector (Ibid).

Writers have argued that recasualisation<sup>23</sup> (Sehgal 2007: 56) is taking place. This has been the case in all sectors where permanent employees were made contractual to avoid costs that make as social security expenses like pension and medical benefits. This was done to achieve a balance between labour and capital i.e. reducing the cost incurred on labour and increasing profit. Sehgal points out, “The well-paid flexible worker is now celebrated as a footloose consultant with no ties or company loyalties” (Ibid). The flexible labour was the temporary worker with low pay who engaged in involuntary part-time work holding multiple flexible jobs in order to survive (Ibid). Sehgal quotes Quijano, who argues that “informality within capitalism inaugurates a strictly market relationship with labour’ and therefore forces labour to rely on ‘non-market’ sources of support. But this also allows capital to increase its penetration and domination since ‘the informal economy once seen as poor people’s most important strategy for survival, has been “colonized” as one of the most profitable spaces of savage capitalism ascendant in the peripheral zones of the world-economy” (Ibid: 59).

Casualisation and feminisation have led to stagnation in wages. The rollback of the welfare state has led to increasing privatisation of public goods and services such that reproduction now depends on individual consumer preference and individual household income. In an environment, where the nature of employment is increasingly precarious (due to casualisation and flexibilisation) and wages are stagnating or declining, people depend more on public goods and services. The increasing transfer of such goods and services to the private sector increases the burden on the working class household and the household of the working poor (Ibid: 58).

Casualisation and feminisation of labour is not peculiar to India. A link can be established between globalisation or liberalisation of the economy and casualisation and feminisation of labour. It also led to decline in labour standards,

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<sup>23</sup> This means that in the advanced industrialised countries after sustained struggles by the workers, there was a steep decline in casualisation or casual work. Workers were able to get some concession. The same form of work has come back in most countries protection (Sehgal 2007:56).

pay and working conditions. In developing countries, the working conditions were not very different before globalisation but the liberalisation of the economy has aggravated the problems faced by labour and a reduction in pay is seen in most sectors barring a few where the pay is high. It has also weakened the labour movement and the power of trade unionists. In advanced countries, there is a clear decline both in pay and working conditions and women have been affected more than men and their choice and preferences have been limited by a binding, which is termed as *sextyping*<sup>24</sup> of job in many countries after liberalisation. Others have argued that globalisation of the economy reinforces the link between poverty, informality and gender (Carr et. al 2001: 3).

Studies have highlighted the negative effects of globalisation process on women workers. In studies done by Zhao et. al (2002) in Japan,<sup>25</sup> Crinis (2002) in Malaysia,<sup>26</sup> and Theobald (2002) in Thailand,<sup>27</sup> it was seen that casualisation was a result of the liberalisation of the economy. Even in most developed countries like United States studies done by Dehart (2002) on the condition of garment workers indicate that working conditions were deplorable.

Chibber argues that the main problem faced by labour in all these countries was the large number of under-employed and semi-employed workers, most of whom worked in the informal economy. The formal sector uses this labour to escape union demands and legislations (Chibber 2007: 186). In India, labour has become vulnerable and politically weak in a liberalised world. In an economy, where investment rests in private hands, states will have compelling structural pressures to privilege the interests of capital over labour (Ibid: 195).

## **2.4 Liberalisation and those Engaged in Organising Workers**

Research shows that labour organisations, especially the trade unions, were not able to adapt or mould themselves to the changing conditions and found it difficult

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<sup>24</sup> It means division of work based on gender. Certain forms or kind of works are seen as more suited to a particular gender.

<sup>25</sup> This study is on the workers in the cotton mills of Japan.

<sup>26</sup> This study is on the garment workers of Malaysia.

<sup>27</sup> The study is on electronic export companies of Thailand

to respond to the needs of workers and negotiate for them. Some researchers have argued that the trade unions were affiliated to political parties who supported liberalisation hence; the trade unions could not do much for the workers due to the existing hierarchy within parties. Others argue that globalisation has weakened labour movements and trade union movements. According to Castells, “Labour unions, the main obstacle to one sided restructuring strategy, were weakened by their inability to adapt to representing new kind of workers (women, youth and immigrants), to acting in new workplaces (private sector, offices and high technology industries) and to functioning in the new forms of organisation (network enterprises on a global scale). Unions were weakened in socialist countries like France and Spain by the changing conditions of the labour market when the pressure of competition made it difficult to depart sharply from the new managerial rules of the global economy” (Castells 2009: 301).

Trade unions have not been able to adapt themselves to the changing needs of labour and new modes of production. With globalisation, most of the production takes place within the unorganised sector, but this sector has very few unions catering to their demands and needs. In the changed environment, trade unions are finding it difficult to adapt to the changes in the production process. It is difficult to identify an employer employee relationship, as work is subcontracted and the worker deals with the subcontractor, not the company for which he/she is working. This makes negotiations and bargaining for rights difficult on part of the trade unions. The trust of workers on trade union has declined, but they are the only agencies from which workers have some hope. In the interaction with workers for this study, most of the respondents in Delhi said that the union had not done much for them in improving work conditions, arguing for social security or better pay, but in times of need, they are the only ones who help them out. In Bengaluru and Pune, the workers had trust on the union and they felt that there was a change in working conditions due to the efforts of the union.<sup>28</sup> In all the three sectors, the

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<sup>28</sup> This is based on interviews with 60 contract workers in Delhi, October 2011; focus group discussions and interviews conducted with 100 waste pickers in Pune, December 2010, and 100 domestic workers in Bengaluru in October 2010. This is discussed in detail in the third chapter.

organisers felt that liberalisation of the economy was making organising the workers difficult and to fight those policies was a challenge.<sup>29</sup>

With changing patterns of work, it is increasingly becoming difficult for trade unions to perform their role and for workers to remain part of unions. Most companies discourage workers from joining a union or have only one union in their company so that the workers do not have a choice.<sup>30</sup> During the interviews, workers expressed their willingness to join other unions which did not exist in their workplace and many workers had already joined them. Since, the management would not approve of this move the workers had not disclosed their affiliations to the management or even to co-workers of other unions.<sup>31</sup> Workers are not united and this may be another reason for their less bargaining power.

Studies in other Asian countries also throw light on the reasons for the decline in trade union activity. A study by Theobald (2002) in Thailand revealed that it was globalisation which led to the banishment of trade unions from factories (Theobald 2002: 131). In seven out of the ten leading export industries, 80 percent of the workforce were female and were valued for their readiness to accept a lower wage rates. The myth of nimble fingers was also used to employ more women workers. (Ibid: 134). The government suppressed labour politics by practicing divide and rule, by denying legal protection to unions, by isolating labour issues from politics and ruthlessly suppressing radicalism. The evolution of unions in Thailand has been linked to the nature and priorities of the political system and the shape and direction of the economy (Ibid: 135). In export processing zones, the government helped companies to ban unions. This was not done legally, but all their decisions and policies favoured the employers not workers. Working hours were long and even the use of toilets by workers was monitored by employers.

Another study by Rosenthal (2002) in Indonesia shows that the trade unions were too involved in the personal lives of the workers including marriage decisions. They convinced the families for marriage in cases where the families disliked the

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<sup>29</sup> This is based on interaction with Ms. Geeta Menon of Domestic Workers Rights Union (DWRU) in Bengaluru, Ms. Lakshmi Narayan of (KKPKP) in Pune, Dr. Albeena Shakil of All India Democratic Womens Association (AIDWA) Delhi and Mr Padmanathan of CITU Delhi.

<sup>30</sup> Studies done on garment industry by Choudhury (2005) Bengaluru and Kalpagam (1981) in Chennai have the same finding.

<sup>31</sup> Interviews with garment workers held in Delhi, October 2011.

match (Rosenthal 2002: 118). A similar finding was there in case of domestic workers Chee (2004) where the union intervened in personal lives of workers.

Zhao et.al (2002), in their study on cotton mills in China, show that the role of unions in a market economy has become limited. There was crisis of legitimacy of state sponsored unions in China. The management was aware that the deepening of reforms would ensure that the workers were deprived of all the family, medical benefits that were available to union members under the planned economy. The union leaders felt that with the help of workers, they would be able to strengthen the union and negotiate, as the workers would strengthen the organisational base (Zhao et. al 2002: 183).

In his study on Malaysia, Crinis quotes Fukuyama, who argues that state control over market forces has declined to a point where multinational companies control the economy, and institutions such as trade unions are no longer relevant (Crisinis 2002: 154). In Malaysia, labour legislations were revised to weaken the power of trade unions (Ibid: 160). To register and negotiate for the workers, the unions required the support of 50 percent of the workers. The amendments of the Trade Unions Act gave power to the Registrar who could deregister and investigate unions, search premises and seize records if unions were involved in action. Unions were considered disruptive to the development of the country. Under the Internal Security Act, the Minister for Labour and Manpower had the right to interfere in the Arbitration and Conciliation courts and in the state courts where individual workers could file complaints against their employer (Ibid: 161).

These examples show that globally the labour movement has weakened and the state has played a crucial role in weakening the movement. It is with the backing of the state that the companies are able to exploit labour. It also shows that the policies of the state are directed towards encouraging capital at the cost of labour rights. This is another reason why the labour force finds it difficult to rally for their rights as they do not have state's support. The state suppresses such movements and demands for growth of capital. The development policies of the state lean heavily towards corporate interests. In some countries, laws are manipulated to suit the interest of the employers and weaken the labour movement.

Unionisation of workers has declined in countries like the United States too. In her study, Goalfield (2002) has shown that there has been a decline in the number of unionised workers since the 1950s in the United States. She gives figures which show that more workers were being unionised in 1940s and that there has been a decline in unionisation in recent times. In 1933, 11 percent of the labour force was organised with less than 2.7 million workers. By 1941, 28 percent or 10 million workers were organised which increased in 1945 to 35.7 percent or 14 million workers, this further increased in 1952 to 36.2 percent when 16 million workers were organised. In the private sector, 45 percent workers were organised (Goalfield 2007: 122). The US union's strength has eroded since 1950. In 1962, less than 30 percent of the workers were unionised, which further declined in 1984 to 20 percent and in 2006 it went down to 12 percent i.e. one third of the size of 1952 when the labour force was one third its present size. In the private sector, only 7.8 percent workers were organised (Ibid). According to her, outsourcing of jobs to other countries has led to a decline in jobs in the United States.

These shifts have led to decline in unions and have affected labour (Ibid: 141). She lists some reasons for the decline of the unions and the sectors that were affected. These are changing technology and geography which affected mining; intense employer offensive which was a major cause of long-term US union decline which affected print media and construction; neoliberalism as privatisation and outsourcing; which affected trucking and airlines. She concludes that globalisation is not the major cause of the weakness of unions in the US (Ibid: 156). Rather, it is a combination of two factors. First is the capitalist offensive by US corporate against unions and labour standards which has been going on for decades. Neoliberal policies, including privatisation and deregulation, have added to the woes of workers and their unions. Second, it has been the failure of unions to put sufficient resources into new modes of organising workers, to develop strategies to confront the employers offensive and neoliberal policies, and to build broad and solidaristic coalitions and alliances, both nationally and internationally, that has placed the US labour movement in the situation it finds itself today (Ibid).

In India too, the state has contributed to the weakening of the labour movement. They are not allowed to strike. The study by Mukhija and Shah (2007) on India

documents that strikes and demonstrations which are a democracy's hard fought weapon against oppression and exploitation (Mukhija et. al 2007: 215) were not allowed and they cite many cases from courts to show how the state and its institutions were against labour. This has also led to weakening of the labour movement. Workers were not allowed to protest against the companies and most of the judgments were aimed at suppressing labour. They give an example of the Essential Service Act, which was repeatedly used by the Tamil Nadu government to suppress the labour demands. It was upon the state to decide what constitutes essential service and they could prevent the workers from going on strike. They further argue that dualism in the labour market points towards a conflict between organised and unorganised workers. The recognised trade unions ignore the problems of the workers in the informal sector and protection given to organised workers actually allows or even militates against the improvement of conditions of unorganised workers. This perception leads people to accept the withdrawal of the privileges extended to the organised sector workers as they are better than most other workers in the economy (Ibid: 212). Similarly Deepa (2008) has argued that privatisation has led to reduction in the number of strikes taking place which signifies disciplining of labour (Deepa 2008: 646).

A recent case of Maruti (2012) in Manesar in Haryana, where the workers demand to form a union was not accepted by the management. This led to strike and the company dismissed five permanent workers, suspended 26 permanent workers and discontinued the service of another 18 trainees on charge of sabotage and causing quality problems in the cars. The workers were also asked to sign a "good conduct" bond which mandated the workers to declare that they would not resort to go slow, intermittent stoppage of work, stay-in-strike, work to rule, sabotage or otherwise involve in any activity which would impede the normal productivity in the company. Newspaper reports reveal that the company has a total of 2500 workers and only 1000 were permanent workers and others were contract workers. The company does not even employ 50 percent of the total workers required on a permanent basis (Sethi 2012).<sup>32</sup> This is a reflection of the plight of workers. It is to

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<sup>32</sup>Aman Sethi (July 2012), "Violence at Maruti symptomatic of simmering worker discontent", *The Hindu*, <http://www.thehindu.com/news/national/violence-at-maruti-symptomatic-of-simmering-worker-discontent/article3663050.ece>, accessed on 10<sup>th</sup> August 2012.

be noted that in the compromise between the management and the workers, they were not paid salary/wages for the time they were on strike. This has set the precedence for the future when workers will not be paid when they are on strike and it will result in workers preferring to work than being on strike. This will also weaken the labour movement as strike is the only way the workers can protest and bring the management to the negotiating table.

Interaction with the workers for this study in Delhi, Bengakuru and Pune revealed that the workers did not want the management to know that they are a part of the union (especially in the garment sector). They had the fear of losing their job if the management got to know about it. There were instances where workers had lost their job when it was known that they were part of a union. In case of waste pickers and domestic workers, the case was different and the employers treated them well after knowing that they were part of the union, except a few cases where they were removed. In both the sectors, the workers admitted to improvement in the attitude of employers in case of domestic workers and the public in case of waste pickers which was a result of unionisation.

Writers have argued that a new form of organisation is needed to tackle the problem of labour in a globalised world. According to Sehgal,

After nearly two decades of struggle against the global onslaught of capital, it has become clear to trade unions and social activists alike that old forms and practices of unionisation, social protest and resistance are no longer adequate. The impact of the new offensive is not limited to the workplace, nor to particular sections of society; the ideological and organisational power of capital require new forms of organisation and alliances (Sehgal 2007: 64).

However, this may not be true as this study found improvement in the condition of workers especially that of waste pickers and domestic workers. There is a need to strengthen the existing structures and the loopholes are to be filled especially by bringing in legislation for this sector and properly implementing them. This will go a long way in addressing the issues of workers and in solving their problems.

Another study established a link between being part of a union and development of class consciousness (Patel 2004). The radicals are the left wing unions who believe in class consciousness and class struggle and organise protests, demonstrations etc.

The reformists are other unions of the right and centre who believe in reforms in the existing stem that would lead to better conditions for the workers.

A study between radical and reformist unions concluded that both forms of union help in developing class consciousness, but the radicals, are likely to be more class conscious than the reformists. The workers who participate in demonstrations and protests are more conscious than those who are just members, inside unions are more conscious than outside unions. It also concludes that if radical trade unions continue with protest demonstrations, then they will be able to develop class consciousness among the workers or followers. It was also found that ideology plays an important role in a workers life and if he/she starts associating himself/herself with the party ideology, it is visible in their workplace (Patel 2004: 2376).

However, others like Agarwala (2013) through her study on construction and beedi workers in India has shown that states that have adopted neo-liberal policies have been able to incorporate the demands of workers. In her study, she finds that Tamil Nadu which followed liberalisation policies was able to provide better social security to its workers, unlike West Bengal which did not follow those policies. Her study also reveals that Maharashtra was not as successful as Tamil Nadu in providing social security to the workers. The writer concludes that the state's commitment to liberalisation and the state's recognition of the importance of low cost, flexible labour provides informal workers with additional leverage to attain the state's attention (Agarwala 2013: 199). "Informal workers operating in states that engage in pro-poor, competitive elections are more successful, because they can capitalise on politicians desire for their votes to demand state supported welfare benefits for poor unprotected workers" (Agarwala 2013: 25).

## **2.5 Problems Faced by Workers in the Three Sectors**

After looking at the impact of globalisation on labour and the changes it has brought about, it would be useful to link this to the three sectors of our study i.e., domestic work, garment work and waste picking. The focus below is on the problems the workers face in the three sectors

### a) Domestic Work

A worker engaged in domestic work is defined as “a person employed to do housework or allied activities in any household” (Shankaran et. al: 1). One can begin with this simple definition of domestic work and workers. House work includes a number of things which usually falls outside the purview of definitions. In India, there are 4 million domestic workers of which 92 percent comprise of women and children. 20 percent are below 14 years of age and 25 percent are between 15 and 20 years (Sengupta 2008: 86).

Domestic workers mainly fall in three categories<sup>33</sup> :

- 1) Full time worker: One who works for 8 hours or more in one household.
- 2) Resident worker: One who stays with the employers and takes leave once a year.
- 3) Part time worker: One who goes to work for some time during the day. This could vary in the sense that some part time workers work only in one house but they visit the house twice a day. There are others who work in many houses all throughout the day. Some also do the type of work like washing, cleaning etc. Rates are fixed based on the work done. For example, if an employer wants the worker to wash utensils clothes and clean the house she will have to pay them separately for each kind of work. It is like piece- rate work.

Domestic workers live in precarious conditions all over the world. The main problem of these workers is that a clear relationship between the employer and the employee is not established and the relation is very individualised and personalised which leads to many problems. Firstly, accountability for providing social security and taking up responsibility for accidents at workplace cannot be entrusted to one person as a worker may work in several houses during the day and thus have several employers. Secondly, it is very difficult to take action on complaints received. The Deputy Labour Commissioner of Bengaluru admitted that it is very

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<sup>33</sup> This categorization is based on interview with the domestic workers in Bengaluru and Ms. Geeta Menon of DWRU.

difficult for them to take action on complaints of exploitation received.<sup>34</sup> They may raid/check a house, but at the time of the checking, the exploitative practices might not be happening and thus not visible. Thirdly, this type of relation prevents workers from interacting with other workers and they are unable to share their problem with anyone. Fourthly, implementation of laws becomes difficult in such conditions.

Gothoskar says,

Domestic workers are employed in the “private sphere” of the household, and due to the fact that their work is deemed subservient, there is a resistance to recognize the domestic work relationship and appropriately regulate it. The cumulative result is that these workers experience a degree of vulnerability that is almost unparalleled compared to that of most of the workers (Gothoskar 2005: 29).

Some of the problems faced by domestic workers are similar to that of the others in the unorganised sector, where the pay is low but the domestic workers face more problems than the other sectors. Apart from low pay these workers are not given any leave and have to work in deplorable conditions. They are made to work for more than 16-18 hours a day. The accommodation and food given to them was of poor quality. The workers are ill-treated. Many workers complained of not being permitted to use the washrooms at their workplace. One of the workers was given tea made of used tea leaves every day.<sup>35</sup>

Other problems include work without pay. Workers complained of breach of contracts. They were asked to do more work than that was fixed while joining. There is no written contract between the employers and employees and the employers make use of it to exploit the workers. Most of the workers complained that the households they work have regular visitors and they have to do all their work without any payment in cash or kind. They are dismissed from work without any notice. One worker narrated her suffering due to overwork. Her employer had guests for whom the worker had to cook, wash and obey other orders. This guest was more of a permanent member and spent more than 15 days every month in the

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<sup>34</sup> Interview with the Deputy Labour Commissioner, Mr. Manjunath in Bengaluru on 14<sup>th</sup> May 2010.

<sup>35</sup> This is based on interviews and group discussions conducted with 100 domestic workers who were members of DWRU in October 2010.

employer's house. When the worker demanded a hike in salary for extra work, she was not given and was asked to leave if she was not ready to work. She had to continue as she had no other option. Seeing the helplessness of the worker, the employer started abusing her and she decided to quit. But the employer later increased the pay by a nominal amount, so she decided to continue. This is a reflection of the limited choice of employment workers have. In the above mentioned case, in order to get another job, the worker would have had to travel a long distance and also incur extra expense so she preferred to continue with her old work as long as she could bear it. The availability of another job again was also not assured.<sup>36</sup>

Some of the workers also complained that the payment was not made to them for more than a year. In case of Sudha, who was working in a house for two years, at the time of joining she was paid Rs.2500 (given to her aunt). Sudha did not collect her salary as she wanted to take it at the time of her wedding, but the employer refused to pay her any amount.<sup>37</sup> The employers are not liable to pay any compensation for injury during work which is quite common among domestic workers. A worker fell from a high tension wire while drying clothes. She lost her toes and her hand was paralysed. She was paid no compensation. Similarly, many cases of allergies due to the use of harsh detergents and acid were reported among workers and none of them were paid any compensation.

Another serious problem workers in this sector faced was that of physical abuse and violence inflicted on the workers which included sexual abuse and molestation. Sexual abuse is not reported because workers find it difficult to discuss this with other people including their spouse and many times suffer silently. In the interaction with workers, many brought up such issues including those of sexual harassment in their workplace.<sup>38</sup> For instance, in one of the interviews, a worker named Aruna was working in a house for more than a year and was facing physical and verbal abuse. She was not allowed to meet her relatives. When her relatives started visiting the place often, the owners called the

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

police and they were taken to the police station. Another worker Usha was poked with scissors and beaten with a bat at her workplace.<sup>39</sup>

In another interview, Rathna narrated her experience of sexual exploitation while working in a house. The employer made sexual advances towards her when the wife was not around or out of the house. He used to touch her while talking and whenever she was at close quarters within the house. When his wife was away for a day, he asked her to sleep with him and told her that he would increase the pay if she consented. She told him that she had AIDS, and added that her husband died due to the same disease. Hearing this, Shankar abused her verbally and hit her with slippers and asked her to leave the house immediately. He also threatened that he would spread the truth about her to all her employers and see that she was driven out of job everywhere.<sup>40</sup>

Workers also complained that they often faced accusations of stealing. This is because of a stereotype that exists in society that workers are thieves. It may be true in some cases, but many workers are victimised and undergo torture and harassment because of false allegations. It is common to see certain communities of workers being branded as thieves. The media too is responsible as they also assist in spreading such stereotypes.

Apart from the problems faced at the workplace, the workers do not consider their work as work. They feel that they were getting money out of the extra time they have which they have put into work. Very few of the respondents were conscious about their work or were assertive about their rights and pay. However, all the workers were ready and willing to support each other and demand a hike in salary and bonus for festivals.<sup>41</sup>

The problems of domestic workers are similar to that of India in countries like Indonesia, Philippines, and Korea, but in some of these countries, gender based discrimination is there in pay as well and that too which is set by the government (Che et. al: 2004). In India, this discrimination is not present though the pay is meagre. Other problems in these countries include workers who are brought from

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<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

other countries to work as domestic help. The condition of this section of workers is deplorable, especially in Indonesia and Philippines (Ibid). This study does not cover migrant workers. But these workers are trafficked to other countries with no legal documents and therefore are at the mercy of the employers. They are unable to come back as they do not have documents and there is no one to help them.

### **b) Waste Picking**

Workers engaged in waste-picking are those who collect waste and sell it to earn their living. They fall in the unorganised sector and are self-employed. Waste pickers can be defined as people who reclaim “reusable and recyclable material from what others have cast aside as waste (Samson 2009). It has been established that waste pickers play a significant role in the management of urban solid waste by contributing to resource recovery, environment conservation, reduction in municipal cost and the reprocessing industry (Chaturvedi, et. al 2006: 2). In 2001, waste-picking was included among the hazardous occupations banned under the Child Labour (Prohibition and Regulation) Act, 1986 in India. A World Bank study in 1998, projected that waste pickers constituted 1-2 percent of the world’s population (Bartone 1988). Chaturvedi (2010) has estimated that 1.5 million waste pickers are there in India and most of them are women belonging to marginalised groups. In India 42 million tons of waste is produced annually.

In case of waste pickers in India, it was found that most of them belonged to the lower castes and there were few from higher castes (4/100). Globalisation of the economy has meant that many people in search of jobs are moving from villages to cities. Many choose waste picking as no capital is required and it is easy to enter the profession. However, dumping grounds are divided among groups and to enter it, one needs some affiliation with the existing members and it is not always easy to enter the dump as the job security and earnings of others are affected by the entry of new members. In places where no one is present at the dumping ground, people enter and start working as it does not cause a problem to others.

Liberalisation of the economy has led to the government moving to alternative forms of waste management which includes privatisation of waste management system. The waste is managed by private companies and the government has little

role in decision making. These companies are in charge of waste management. They private companies are given money for processing the waste but in many cases these companies do not treat the waste and dump it on the ground. The waste picker's right to collect waste and recyclables is also under threat. They are not being given space to segregate waste. The concerns about environment are also on the rise. All the countries are looking for new ways to recycle waste. Similar attempts are being made in India where incinerators being set for treating waste. Such a step means the displacement of a large workforce and all these people will be left without a job. In a country witnessing high inflation rates and high food prices, life of these waste pickers would become more miserable.

The government is planning to setup a new waste incinerator at Timarpur, in Delhi that turns trash into electricity as it will reduce the amount of methane produced by landfills and will generate carbon credits under the Kyoto Protocol. But the incinerator will also emit cancer-causing dioxins, mercury, heavy metals, and fly ash (Wysham 2008: 1). According to Chintan, an NGO that works in the field of education of waste pickers, 1 percent of Delhi's population is engaged in waste picking (Ibid). The government needs to think before implementing such a policy and concerns have been expressed by unions and NGOs. They have asked if the carbon credits available under Kyoto's Clean Development Mechanism are worth putting thousands of impoverished waste-pickers out of business. (Ibid). Many have also claimed that in India most of the waste is wet and it contains a lot of ash and sand and non-combustible inert materials: It doesn't contain much of combustible material like plastic and paper (Ibid: 2). A project to start a waste incinerator was stopped in Delhi in 1990 citing the same reason.

The government is finding ways by which they can deny the waste pickers their right to collect waste. From privatisation of waste management system, to use of technology all is being tried to remove waste pickers from cities and waste picking. The outbreak of plague in Surat in 1994 brought up the problems of solid waste management. Privatisation and efficiency in garbage clearance became the buzzword nationally after the clearance was done in Surat. After the Surat case, manual waste picking was banned in Delhi because of the possibility of the spread

of plague but the NGO Shristi and the waste pickers protested against it and they were allowed to pick waste later (Chaturvedi, et. al 2006: 30).

Technology too has started to play a role and more men are being replaced by machines. Many countries like Japan have started using machines like robots for cleaning activities. There have been attempts to use technology in waste management system in India as well, but the success has been limited. The attempt was made in Pune by the Pune Municipal Corporation which purchased a mechanical segregator consisting of sieves, a hopper and a conveyor belt for €169491 that did not function even for a week

Development plans of cities and the race to reach international standards have meant exclusion of the waste pickers, street vendors etc. in the planning process. Most plans have not taken them into consideration while drafting the plans and even when they are taken into consideration, the space allotted is very less and their future needs are not taken into consideration. E.g., it is projected that the waste from Delhi would rise from 7000 M.T to 21000 M.T, but the Master Plan 2021 allocates less space than required for recycling (Chaturvedi, et. al: 31). The Commonwealth games in Delhi displaced hundreds of people from the city to the outskirts but these people lost their employment because of the distance they had to travel and new area where they were moved did not have jobs for all.

The contribution of the waste pickers in keeping the city clean and in reducing the expenses of the Municipal Corporation in cleaning and transferring the waste and their contribution to the environment has been documented by writers. In spite of their contribution, the waste pickers struggle everyday. They have to fight for their right to sort out garbage at open places, suffer harassment from police and many times they have to bribe them to continue with their work, the people also complaint against their sorting of the waste in residential areas.

Choudhary (2008) has brought to light the sexual division of labour. His study in Delhi revealed that the area where the waste pickers go and collect garbage is divided. The time is also divided. Women go early in the morning and collect waste from housing colonies and streets. Children are dump pickers who pick waste from railway tracks or municipal dumping grounds. The entire family works

together in the market place. Male pickers also work in slums. Among children, there are two kinds of waste pickers: the street pickers, who collect garbage in street bins or residential areas, and dump pickers who work on dumping grounds. Choudhary also concludes that most of the waste pickers are women and girls, but slowly the number of men workers is increasing. They are mostly migrant people from rural areas.

However, field work for this study done in Pune had different findings. Both of them work together to collect waste. Children were not involved in waste picking. However, gender based division of labour exists in the profession. Most of the itinerant buyers were male. This can be attributed to the efforts of KKPKP which provided free notebooks and scholarship to the children of waste pickers. All the workers interviewed were educating their children and did not want them to be waste pickers. Some children of waste pickers were working in offices and some were working in the KKPKP office. This argument was supported by another study done in Pune in 1995 which showed that the presence of children in waste picking, had reduced due to the efforts of KKPKP. The study showed 75<sup>42</sup> percent decline in the number of children involved in waste picking but this study did not find any child involved in waste picking. It could be that children were no longer in the profession by 2010, besides the union does not include children as members. All the respondents for this study were members of the union so the study did not come across involvement of children in waste picking.

The problems faced by the waste pickers include harassment, variable earnings, no legislative protection and no social security benefits, exploitation by traders. The problems of street dump pickers are that they have to handle waste manually, 30 percent are bitten by dogs, most are shunned by citizens, bullied by Municipal workers and are prone to skin, gastrointestinal and musculoskeletal ailments (Ibid:

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<sup>42</sup> A study of child waste pickers in Pune 1995 enumerated 616 child waste pickers across the city. The key findings were: all were children of waste pickers; girls outnumbered boys and most girls contributed their income to the family while most boys spent their earnings, 50 percent of the children had never been enrolled in school and 50 percent of those who had been enrolled in school had left before the completion of primary school (class IV); there has been 75 percent reduction in waste picking by children because of the initiatives of KKPKP to increase education and reduce child labour (Chaturvedi, et. al 2006: 48).

45). The waste pickers complained that the society does not respect them and that most of the time, they are seen as thieves or people who dirty the residential area. The administration like Municipal authorities and police also had similar perception and they always harassed them. They had to pay bribe to both to continue their work of collecting scrap or waste. Many times the police checked the waste to see that there was no stolen material in it.

Waste pickers were prone to injury at work and glass pieces and metals would cut their feet and they would leave it untreated. The chemical and gases produced is also very harmful to the workers. There have been reports of waste pickers missing from a dump and later found dead. In many cases, the bodies were not found and the police stopped their search accusing the waste pickers of going to the dump and collecting waste which is prohibited.

### c) **Garment Work**

The liberalisation of the economy has led to the entry of a number of manufacturing companies in India especially in the garment sector. The contribution of this sector to the GDP is also among the highest. This sector has provided employment opportunities to a lot of people and it is this sector where women find more employment. This is because within this sector there are certain jobs which are seen as more suitable for women. This is because of *sextyping* of job where women are assigned jobs like cutting threads, packaging etc. while men do the stitching of the garment.

For this study, the focus was on two types of workers, (i) home-based workers among whom the majority were women and (ii) contract workers who are employed in garment manufacturing companies.

Home based work is a result of sub-contracting by companies. (Ghosh 2007: 110). Their work includes sticking beads, stars or pearls to garments, embroidery, crochet, glass painting etc. In case of home based workers, it was seen that workers are paid very less for the work done and it is based on the number of pieces produced. They are paid between Rs 15 and Rs. 50 per piece. The price for crochet is higher than the others. Women spend between 4-16 hours a day on their work.

The time spent depends on the number of family members at home. If there was a daughter or daughter in law at home, the time spent on work increased as they could take care of the household work. In all the cases, payment was made per-piece but the work was done by minimum 2- 3 workers and in most cases the entire family was involved in the completion of the work. Children under the age of 14 also helped in completion of the work so child labour was also used for making the product. Many times the entire family works day and night to complete the work. If the work is more, women take the help of neighbours to complete it. Many of them further sub-contract the work to other women in the locality and complete the work.<sup>43</sup> Home-based work provides substantial opportunity for self-exploitation by workers, especially when payment is on a piece-rate basis; also these are areas typically left unprotected by labour laws and social welfare (Ghosh 2007: 110).

One may feel that there are only three people in the chain i.e. the company who sub-contracts the work, the sub-contractor and the worker, but the chain is longer because the person who receives the contract further sub-contracts it to other sub-contractor who further sub-contracts it. Even within the women, work was sub-contracted. The sub-contractor knew a few women in the areas and he assigned the work to them. Depending upon the volume of the work, these women further subcontract it to other women. There are different groups of women who do the work together and compete with each other to get the contract. However, this competition does not translate into better pay, instead it reduces the pay which they receive. The women were unaware of who or which company they were working for. Their dealings were only with the contractor who gave them work.<sup>44</sup>

It is a general belief that the unorganised sector workers are not skilled. On the contrary it was seen that the workers were skilled. The contractor did not accept products which did not meet the standards specified by him. Slight variation from the sample led to rejection of the product and non-payment for the same.<sup>45</sup>

The women are forced to work at lower rates because of the availability of surplus labour who in order to earn, were ready to work at lower prices. It was also seen

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<sup>43</sup> Interviews held with 60 home-based workers in Delhi, in October 2011.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

that these women were aware that they were being paid less. They even had collective action once by refusing to work and demanding a better price, but after some time, they realised that the sub-contractor had got his work done in some other area and they had lost their earnings. So, they no longer demand for better pay. It was also found that the cost per piece which the workers got had decreased over the years. Most of them said that their total earnings had decreased and the work load had increased. In a month, these women were able to earn between Rs 1500-Rs 2000. Their work was not permanent, so the earning depended upon the work they got. The decrease in the income of the workers coincides with the exit of NGOs and unions working in this sector. In the early years of liberalisation, there were some unions and NGOs working with home based workers, but now there are very few of them. However, even the presence of NGOs and unions did not ensure better pay or work conditions, but they did help them in other ways especially in educating children and in getting other benefits.<sup>46</sup>

Another reason why the women were ready to work at lower rates was because they could work according to their will and time. Their family conditions did not allow them to go out and work. Most women said that their family was allowing them to work only because it was at home. If they were to go to a factory or some other workplace they would not be permitted to do so.<sup>47</sup> This shows that the women are unable to decide for themselves and the power relations in the family are deeply entrenched.

The bargaining position of women in this sector was less and the contractors had better bargaining power. Unions and NGOs were not making efforts to organise these workers and demand better work conditions and pay. In Delhi, Janwadi Mahila Samit has been trying to organise these workers. They too have been working in this field only for the past two years (2008) and are finding it difficult to organise women and demand better pay or work conditions. This organisation has taken the initiative to register the workers according to their skill and extend health insurance to the home-based workers. The workers are registered under the

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

Ministry of Textiles and are issued an Identity card based on the type of work they do. It gives them an identity as worker.<sup>48</sup>

The second group in this sector was the contract workers who go to some or other company to work. It was seen that though these workers fall within the organised sector, the terms of employment and the conditions of employment were similar to that of the unorganised sector. Unions were present, but were not able to achieve much for the workers. Sex-typing of job was present and there was complete division of work between men and women. Women were involved in packaging, cutting thread and checking the garments while men did the stitching of the garments.

The workers working in these companies did not exist on the rolls of the company though they were permanent workers of the company. In few cases where their names existed on the roll, their designation was not correctly mentioned. Some of the respondents said that they were master which is the highest position above the tailor, but they were registered as tailors but got paid more than tailor but less than the master. This was done to avoid paying provident fund and other social security benefits to the workers. The workers were not allowed to interact amongst themselves as it was feared that they would share the problems with each other and try to organise themselves. The lunch break of the workers was at different timings so only when the first group returned, the second group could go for lunch.<sup>49</sup>

The company owners were in good terms with the labour office and all attempts by workers to get their units checked did not have the desired result. The owners were informed beforehand about the checking that was to take place and they maintained records accordingly. Even if a rare instance of a sudden check happened, the company owner would bribe the officer and get it settled.<sup>50</sup>

In the interaction with workers, no women worker was found involved in stitching though the workers said that a few women were there, but they agreed that it was difficult for women to become tailors and only few women were there. Whenever the workers demanded better wages or asked the company to make them

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<sup>48</sup> Ibid.

<sup>49</sup> Interviews held with 60 contract workers in Delhi in October 2011.

<sup>50</sup> Ibid

permanent, the company victimised them. They shifted their production to some other place outside Delhi in the adjoining states of Haryana and Uttar Pradesh. They would show in records that the company has been closed and the transfer of ownership takes place within family members. By doing this, the companies were able to replace the workforce and employ workers who are docile and less prone to get involved in unions. The workers would not prefer to travel so far for work, so they had no choice but to sit at home unemployed. Another reason for factories being shifted outside Delhi was that the labour court was in Delhi, so the workers found it easier to file a suit. If shifted to other states, the labour court would be present in the capital of that state. To file a suit, a worker would have to travel a long distance and incur extra expenditure. So, this was an effort by companies to suppress the labour and deprive them of their rights and continue exploiting them without facing any problems.<sup>51</sup>

Companies discourage workers from joining unions and in many companies it is a precondition for getting employment. All the workers who interacted for this study feared the employer and preferred to meet at a distance from their workplace. On a particular day workers refused to speak as their supervisor was around. They later fixed the meeting on another day. They feared that they would not be given work if there was even a slight doubt that they were discussing their problems. It was observed that the workers were on continuous surveillance by supervisors or other representatives and were not allowed to express their feelings. Many workers narrated incidents where their friends were removed from their job as they had joined the union but the reasons cited for their removal were different such as their incapability to perform the work, carelessness and so on. It was also seen that the number of women members in the union was less as compared to men and the union also did not fight for treating women workers at par with men. In interaction with the union leaders as well as workers, it was seen that the gendered notion of work was present in their mind and both the leaders and male workers were not ready to demand the inclusion of women in the work done by them. Similar bias is seen in the brick kiln where women though they work along with men in the kiln, are not registered on the rolls of the company. The unions have not taken up the issue with the management inspite of repeated demands by women workers (Gupta

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<sup>51</sup> Ibid.

2003). In most cases, it was seen that women refused to join unions and they thought it was only for men.

## **2.6 Conclusion**

Liberalisation of the economy has had an impact on the labour movement in both sectors, but it is the unorganised sector which is the worst hit. This sector already had surplus labour and insecure work conditions. It now has to take up the burden of retrenched workers from the organised sector who have lost their jobs due to the change in production processes like use of technology, sub-contracting of jobs etc. Liberalisation has affected women more especially in the sectors chosen for this study. It was seen that except for garment workers, women constituted a larger share of the workforce. In the three sectors of the study, feminisation of workforce was not seen though women comprise majority of the workers i.e, women have been working in this sector for long and the presence of women in these sectors was not due to the employers preferring women workers over men workers. These were areas where women have been working before the liberalisation. Sextyping of work was seen among contract workers in the garment sector. The findings are contrary to other findings on studies done on garment workers where feminisation of the work-force was seen. In the field work of this study, it was found that very few women were employed in the factories and feminisation was not seen. It may be that since the union chosen was affiliated to a political party there were few women members. Mainstream political parties have for long paid little attention on women's issues and hence have few women members. In case of waste picking too sextyping was seen as most of the men were engaged in buying scrap from household and not directly into waste picking. However, few men were engaged in waste picking. In case of home-based all were women workers. All the home-based workers are women not because the employers prefer women over men. It is because they are ready to work at lower rates which reduces their cost of production and increases their profit. The bargaining power of women is lower than men and they exploit this for their benefit.

Casualisation of work was seen in the case of garment workers. It was also seen that trade union movement has not been able to address the new forms of

employment after the liberalisation of the economy. They have not been able to do much for the workers especially the home-based workers. There has been reduction in earnings and increase in the hours of work. The home-based workers have been getting almost the same amount as pay for the last 10 years and in some types of work like embroidery, the rate has gone down. Due to the availability of surplus labour and more workers entering the labour market, the per-capita earnings have declined and the union has not been able to address it.

The problems of all the three sectors are different from each other and the problems faced at work are also different. The next chapter will look at the benefits which better organisation of workers in the three sectors has brought. It also discusses how far the problems of workers have been addressed by the agencies organising them.

## **Chapter 3**

### **Organising the Unorganised in Domestic Work, Waste Picking and Garment Work**

This chapter focuses on the needs and benefits of workers organising themselves for their rights and entitlements. It looks at the role played by certain segments of civil society i.e. trade unions and NGOs in organising domestic workers, waste pickers and garment workers. According to Jhabwala (n.d.)

Organising is the process by which people who are individually weak and vulnerable unite and create power together (Jhabwala n.d: 4). First they gain knowledge. This includes information about their rights and obligations as economic actors, about health and education for their families, about finance--credit and savings, about the resources available in society, about their political choices. Second, they gain self-esteem. They realize they have the ability to improve themselves and their family and that they gain respect both inside and outside the family. Third, they gain a sense of community. They find that they are offered support from people with common problems, common perceptions and common values. Organising increases bargaining power and gives a voice to the voiceless. Organising is the only way that the weak and powerless can make their voice heard at the policy level. It is through organising that policies can be changed, that new laws can be brought in, that the powerless can be given representation in policy making forums. Organising is a way to empowerment; political power is getting decentralised, but the economic power is getting centralised; the poor and backward are gaining political power, but losing economic power. Economic power would lead to power in all other fields (Ibid).

There are others like Sen (1999) who give more importance to political power and argue that, if political freedom is guaranteed, all other freedoms would follow. Sen in his book, *Development as Freedom* writes,

Economic unfreedom can breed social unfreedom, just as social or political unfreedom can also foster economic unfreedom (Sen 1999: 8). Development is an integrated process of expansion of substantive freedom that connects with one another (Ibid). Political freedoms (in the form of free speech and elections) help to promote economic security. Social opportunities (in the form of education and health facilities) facilitate economic participation. Economic facilities (in the form of opportunities for participation in trade

and production) can help to generate personal abundance as well as public resources for social facilities (Sen 1999: 11). Freedom of different kinds can strengthen one another (Ibid).

Political freedom, economic facilities, social opportunities, transparency guarantees and protective security are types of rights and opportunities that would help to advance the general capability of a person (Ibid: 10).

In another book, Dreze and Sen (1991) argue that 'public action' can solve all the problems a country faces if citizens are active and participative; they argue that all problems faced by society can be addressed. Public action, according to Dreze and Sen (1989), is not just a question of public delivery and state initiative. It is also a matter of participation by the public in the process of social change (Dreze et.al 1989: 259). It includes not merely what is done for the public by the state, but also what is done by the public for itself.

Datta (1998) has argued that public action has an important role in organising and availing social security benefits. Trade unions and NGOs can play an important role in it. His study shows that trade unions and pressure groups help in organising and ensuring better social security benefits to the workers. According to him,

it is possible to improve the low standard of living of the working poor through collective, purposeful manipulation of the public environment- the public action, whether by means of legislation, lobbying or self -organisation (Datta 1998: 45).<sup>52</sup>

Organisation of the workers in a group or collective enables them to understand each other's issue and they gain strength from each other's experience and support. They also realize that they are not the only ones facing problems and that there is a solution to all problems. If they are organised as a group it becomes easier to pressurise the government and get their demand fulfilled. The government cannot ignore the voices of a group and is forced to hear to them and address their concerns. Toro (2008) says that organisation is the first step out of poverty. He

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<sup>52</sup> This study is on the mathadi workers in Mumbai where organisation of the workers led to the enactment of an Act by the Maharashtra government called Maharashtra Mathadi, Hamal and Other Manual Workers (Regulation of Employment and Welfare) Act of (1969) ( Datta 1998: 4).

feels that organising allows one to become social actors, as one engages in stable transactions, build convergence of interests and access social protection.<sup>53</sup>

After attaining independence from the British Rule, the development policies of the government mainly concentrated on poverty alleviation programmes, which in the long run did not meet the desired result. There were new challenges before the government, to reduce poverty and the dependence of people on poverty alleviation programmes. This could be done by providing employment opportunities to the people. It was clear that the vision of the government to guarantee full employment would not be achieved anytime soon, but efforts could be directed towards reducing unemployment, thereby increasing employment. Most of the employment opportunities were in the unorganised sector.

The rise in employment in the unorganised sector and lack of employment opportunities in organised sector demanded the government's attention. With liberalisation of the economy, the problems of employment worsened. This also led to deterioration in condition of work. The focus of the government continues on the organised sector.

Many argue that unless the course of development is changed from corporate-led capitalism to decentralised employment led growth, resistance will increase. There was a need to address the imbalance in distribution of economic resources and power relations. (Andharia 2009: 286). Rights have to be asserted and structures have to be negotiated (Ibid: 279). Social movements and scholars like Andharia (2009) argues that in order to address the issue, the focus should be on community organisations. It was realised that the problems were not individual, but collective, and that only by forming collective groups and asserting their rights could their demands be achieved

Trade unions and non-governmental organisation (NGOs) were the main organisation of the working class. The workers formed collectives or organised themselves to assert their rights. The main focus of trade unions and NGOs had

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<sup>53</sup> He said this while presenting a paper on the importance of organising waste pickers at The First World Conference of Waste Pickers in Bogota in 2008.

been on the organised sector which continues even now, but after liberalisation the presence of these organisations in the unorganised sector has increased.

While there is consensus that organisation leads to empowerment of workers and improvement in the pay and working conditions, the form of organisation that is espoused varies. While some call for the involvement of trade unions and NGOs and community participation there are others who support the involvement of government agencies. Some writers argue in favour of a top bottom organisation while there are others who argue for bottom to top form of organisation.<sup>54</sup>

Nitya Rao (1996) makes a case for the use of top-bottom method for organising workers. In her study on beedi workers and stone quarry workers in Tamil Nadu, she has concluded that the efforts made by people themselves in the *beedi* industry and the efforts made by the officials in the case of stone quarry and concludes that people's efforts have more long lasting effect. However, top-bottom efforts are also needed.

In the case of the beedi industry, a cooperative was formed of workers and there was a shift in the mode of production from home-based to cooperative, where all the workers assembled together to do their work. Initially, the women faced problems, both from their family and the beedi industry. The family had problems with women working outside their homes and the industry also lowered the price of goods produced by women. There was strict quality control by the employers and if the produce was found below the standard, it was rejected leading to loss for the women. Later, women through peer pressure improved the quality of the produce and were able to get better price for their produce. All this was done with the help of SEWA.

In case of stone quarrying, a lady Collector showed interest in the plan and gave women the land on lease to women groups to begin stone quarrying. They replaced local contractors. This worked for some time but later it was stopped because the

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<sup>54</sup> Top bottom organisation here refers to the involvement of administrators or people in position in organising workers. It is through their initiatives that certain policies are implemented and workers are organised. Bottom-up refers to the involvement of the people directly in the implementation of policies or the organisation process. See (Nitya Rao 1996). Bottom up approach (Kabeer et al: 155) is also supported by Naila Kabeer and Simeen Mahmudd (2004) where they argue for a bottom-up approach by unions.

rift between leaders and members increased. While the members felt the leaders were hiding information, the leaders felt they were over-burdened with work and the members were not taking any responsibility. Lack of communication, decision making and problem solving along with the feeling among women, that it was a government scheme, and not their initiative. The dependence on the government and inability to resolve their problems led to the shifting of land to the contractors through *benam* it (Rao 1996: 182). Another problem was the high seigniorage fees payable on quarried stones were increased five times and women were unable to pay it and the contractors were given the right over (Ibid).

Batiwala (2002) makes a case for separation of organisation process at national and international levels. She feels that civil society has become important and it is important to have recognition at international levels. She argues that that the demands of national and international levels are different and so they must be met by different organisations (Batiwala 2002: 394).

Apart from the forms of organisation, the role of unions and NGOs in organising has also been debated. On the one hand, there are writers like Gallin (2000) who argued that the vacuum that was created in the labour movement has been filled by NGOs but the trade union movement has gained momentum which is evident in the increasing number of alliance and movements Gallin 2000: 4). There are others like Spooner (2004) who makes a case for close cooperation between both. In his study, Spooner argues for cooperation between NGOs and trade unions and feels that both need to work together as there are structural differences between both<sup>55</sup> and neither of them can address the problems alone. He feels that both need to work together to solve the problems especially in the unorganised sector (Spooner 2004: 19). According to him, NGOs have fared better in unorganised sector as they are able to solve the immediate needs of the workers. There are others like Wilson (1996) who feel that trade unions are the primary class organisations of the working class (Wilson 1996: 17). She also feels that liberalisation has weakened

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<sup>55</sup>According to him, NGOs are organisations that are voluntary, independent, not for profit and self-serving in aims and related values. Trade unions are self-serving and are membership organisation with primary responsibility to protect and advance the interest of their members. Although they are concerned with conditions in employment and the workplace they have always had broader political and social concerns over a wide range of national and international issues (Spooner 2004:19). Human Rights have been of central concern for trade union movement they cannot function where human and democratic rights are not safeguarded. (Spooner 2004: 21).

the labour movement and trade unions (Ibid: 16). Priyadarshini (2011) expresses doubt over the role of NGOs and argues that the NGOs have not been able to stress upon the needs of the workers they represent. They get their funds from other countries and are dependent on them. The funding countries use them for their own interest Priyadarshini 2011: 75).

Others like Shah, et.al (1996) have expressed doubt on the functioning of the trade union in its older form. They are of the opinion that trade unions can no longer organise members on the basis of their membership. Communalism has entered the labour movement and class, gender, religion and identity have become important in organising the workers. Trade unions are bargaining for better wages for the workers by putting pressure like organising strikes but they have not intervened in the creation of employment opportunities (Shah et.al 1996: 46).

Gupta (2003) studied the functioning of trade union in the brick industry and concluded that the union there was not very effective. Except for collecting the membership fee, the union did not do much for the workers. The unions also had gender bias and women working in these industries were not on the records of the owners and inspite of requests by the women workers the union did not do much for their inclusion (Gupta 2003 : 3290).<sup>56</sup>

Patel (1994) has showed that there is a link between participation in unions and development of class consciousness. He takes two types of unions radicals and the reformist. The radicals are the left wing unions who believe in class consciousness and class struggle and organise protests, demonstrations etc. The reformists are other unions of the right and centre who believe in reforms in the existing stem that would lead to better conditions for the workers (Patel 1994: 2376).

Whatever the mode of organising, it has benefitted the workers. Abott (1997) discusses the success of SEWA and Annapurna Mahila Mandal in organising the unorganised. According to the writer, the poor feel empowered and gain strength to collectively demand their rights. She cites example of AMM where women took the moneylender to police (Abott 1997: 207).

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<sup>56</sup> For further details, see Jayoti Gupta (2003).

Studies done by SEWA on garment workers, rag pickers, embroidery and chindi workers, vendors (Bhatt: 2006)<sup>57</sup> show that organising the workers has improved their conditions. They have unitedly demanded more wages for their work and the employers had to succumb to their demands. The organisation has achieved success in increasing the wages of the garment workers and in making the employers accountable for injury during work. Insurance is also provided to the workers where both employers and employees contribute. They have also fought for the right of the street vendors to sell vegetables in their stalls in the market place and against illegal demands made on them by the police.

Others like Vijayanthi (2002)<sup>58</sup> gives importance to self –help groups for organising. She studied the role of self- help groups in empowering women. She studied the changes in lives of women when they were included in the development process. Women actively participated in decision making and implementation of the programme. She studied the role of women in implementing projects. The Tamil Nadu Slum Clearance Board, a quasi-government organisation, implemented a project called Control of Diarrheal Diseases through Water and Sanitation (the CDDWATSAN project) between 1996 and 1999 in five slum areas of Pulianthope. This led to the empowerment of the women as they learnt new skills; they learnt how to treat minor health problems and about hygiene. They learnt decision making and were empowered. The study concludes that participation in community and self-development programmes through organisation is the only way out for voiceless women. The writer argues that until and unless women are given the power to fully participate in national programmes and projects by gaining access to and control of both material and information resources, they will not be able to challenge patriarchal ideology and transform the structures and institutions that reinforce and perpetuate gender discrimination and social inequality. Development has social, economic and political dimensions. So, development is incomplete without developing the human resource of a given community (Vijayanthi 2002: 264).

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<sup>57</sup> For detailed work of SEWA see Ela R Bhatt (2006) and Kalima Rose (1992).

<sup>58</sup> This is explained later in this chapter.

Studies conducted in other countries have also documented similar findings. Workers have gained when they have come together.<sup>59</sup> This study now looks at efforts of organising in the three sectors of the study i.e. domestic work, waste picking and garment work.

### **3.1 Effects of Organising Workers in the Three Sectors**

It is important to look at the efforts to organise domestic workers, waste pickers and garment workers. Efforts to organise have taken place in all the three sectors and workers have seen a change in their position after joining unions or organisations. In all the three sectors, workers admitted to having become more articulate and in a better position to bargain with their employers. They became aware of the laws that concerns them and their rights. Most workers also reported an improvement in their living conditions. For instance, the identity cards issued to workers by their respective organisations have benefited the workers and many have narrated ways in which they were helped. Since each of these sectors is different from the other, a look at each one separately would help in throwing light on how the workers have benefited from organising themselves and how their coming together as a group has been helpful in addressing their concerns. This would also enhance the understanding of the obstacles they face while organising. There have been areas where organising has not helped or has limited success and needs more effort. It would enable in drawing comparison of the three sectors and help ascertain which among them is better organised. It would also help in drawing the similarities and differences among these sectors. The organising in all the sectors has been divided as: agencies organising workers; obstacles in organising, economic, social and legislative benefits that have flown out of organising-cum-collective effort and persistent problems that need more effort. First, a look at the sociological profile of the workers.

### **3.2 Sociological Profile of the Workers**

In case of domestic workers, all workers interviewed for this study were women workers and were from the state of Karnataka. In this sector, people from all castes

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<sup>59</sup> See Skinner and Valodia (2003) and Chee et.al 2004.

i.e. upper as well as Schedule Caste and Tribes were working. This does not mean that there are no migrant workers or workers from other states. Most of the workers from other states are live-in workers (who reside in the employers house), mostly male. Even in cases where they are part time workers having their own accommodation, they do not live in areas where most domestic workers reside. Hence, it is difficult to organise them. The age group of these workers was between 16-69 years. The average earnings varied from Rs. 2000-4000 per month. The maximum earnings of this group was Rs. 8000 per month. Caste and class had no role in determining the earnings of this group. Caste did not play a role in getting employment. Workers from all castes got employed, but workers from lower castes faced discrimination at the workplace. Their movement was restricted as they were not allowed to enter the praying area of the house. Workers also reported a practice of the employers sprinkling holy water on the utensils washed by workers from the lower caste which symbolises purifying<sup>60</sup> the vessels. This was reported only by one worker among all those who were interviewed. None of the other workers faced this. However, in most houses the utensils used by the workers (irrespective of caste) like cups to drink tea or plate to eat were separate than that of the employer.

In case of waste pickers 4 out of 100 interviewed belonged to the general category, remaining belonged to other backward caste and scheduled castes. In this sector too, most of the workers were women. However, few men were present and all were from the same state. Men were itinerant buyers which mean they would go to various houses and buy scrap. Among the workers interviewed no women was a buyer. All were waste pickers. In this sector most of the workers interviewed were between 20-55 years of age. The average earning of this group was between Rs 1000- 3000.

Unlike the other two sectors, most of the contract workers interviewed were men. They were migrant workers and belonged to different states like Punjab, Uttar Pradesh, Haryana and Bihar. They were getting the amount in accordance with the

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<sup>60</sup> This is an old practice followed in India. People belonging to the lower caste in the caste hierarchy are considered impure. Water from the river Ganga is considered pure and holy. By sprinkling the same water on utensils washed by workers from the lower castes, it was believed that the utensils were now fit to use.

Minimum Wages Act, however their designation was lowered. Caste did not play a role in getting employment but sextyping of work was common and no woman worked as tailor or master which are highly paid jobs. The age of these workers was between 22-48 years. In case of home-based workers, all were women workers and they were mostly Muslim. Their average earning was between Rs. 1200-3000. Their age was between 20-45 years.

### **3.3 Organisation of Workers in Domestic Work**

In the year 2000, the United Nation Human Rights Commission (UNHRC) declared domestic work as a form of contemporary slavery (Shankaran et.al: 1). The International Labour Organisation (ILO) Convention on domestic workers defines domestic worker as “any person engaged in work with an employment relationship” (Geneva: 2011).<sup>61</sup>

Domestic workers are among the vulnerable group and are not considered as workers. They form a part of the unorganised work-force, but dignity of labour is not given to them and the treatment is harsh. The workers also do not consider their work as work, rather they feel that they are getting paid for the extra time they work. According to the ILO, there are around 53 million domestic workers all over the world. According to estimates by National Sample Survey Organisation (NSO), there are 4.75 million domestic workers in India (John 2010). Women working as domestic servants numbered more than three million in 2004–05, and accounted for more than 12 percent of all women workers in urban India (Ghosh 2010). The number of women engaged by the sector has increased by 222 percent since 1999-2000 (Sinha 2010). But these are not actual estimates and the figure may be much higher as many times they are not recorded as workers.

The precarious position of domestic workers was realised as early as 1959, but till today there is no legislation worth the name for domestic workers. Some states did pass laws, but they are applicable only to their respective state. Even where laws have been passed, adequate mechanism to enforce the law or see that it is properly implemented is absent. Workers are rarely in a position to claim their rights and are

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<sup>61</sup> See Provisional Record Compte rendu proviso ire 15A, “Text of the Convention Concerning Decent Work for Domestic Workers”, accessed on 12<sup>th</sup> August 2012.

not aware of the existence of such laws. The laws related to the three sectors will be discussed in the next chapter.

In case of part time workers the nature of their work i.e. multiple employers, flexibility of employment makes it difficult to organise them. Organising domestic workers is a difficult task as many workers reside with the employers and their movement is restricted.. In spite of these problems workers have organised themselves in many countries. Organising of domestic workers has gained importance after the International Labour Organisation (ILO) declared the year 2010 as Decent Work for Domestic Workers. This will be discussed in detail in the next chapter along with the laws.

The main issues concerning domestic workers in Asia are low wages, no social security, no legislation or law concerning domestic work, no minimum wages or hours of work, no retirement protection, and no recognition as work. Organising has been successful in many countries and workers are in a better position now. Minimum wage laws have been passed and social security extended to them.

#### a) Agencies Organising Domestic Workers

Organising of domestic workers has happened in many countries, but the type of organisation has differed. The different types of organising include forming trade unions, both political (affiliated to a political party) and non-political (not affiliated to any political party). Organising has helped in providing services, running employment schemes, attempts at legislative provisions and rights or all of the above.

The Church is one of the institutions that has helped in organising domestic workers. They have worked with the poor and the lowest class in the Indian *varna* system. In the year 1980, the Catholic Bishop's Conference of India conducted a survey of domestic workers. There have been several studies and surveys since then, most of them at the local and state levels (Gothoskar 2005: 39).

In Tamil Nadu, there are many Catholic organisations facilitating social action programmes involving domestic workers. The Commission for Labour at the Catholic Centre, Madras brought out a Code of Conduct for employers and

domestic workers. It also organised National Level Consultation on domestic workers in 1981 at Delhi. They also have some centres that conduct rehabilitation or training programs for women domestic workers (Ibid: 40).

The Salvation Community Centre at Mumbai offers tailoring and other vocational courses for women domestic workers. Voluntary agencies like the Guild of Service and Shanti Bhavan at Madras give special training to women domestic workers and also help them with suitable placement offers so that they are not exploited by the employer (Ibid).

The Church-related efforts have mainly been in the area of provision of services and running employment schemes. They have also helped women in developing their skill and moving to other jobs. In Madras, the Housemaids Service Home teaches basic skills to women domestic workers and finds employment for them (Ibid).

In Delhi, the Delhi Domestic Working Women's Forum, based in the Indian Social Institute, was set up in 1991 and works as an employment agency. The Forum is run by domestic workers themselves. The employers are screened before the domestic worker is placed with them. The Forum's terms of employment include annual medical check-ups at the expense of the employer. It preferred salaries to be deposited in bank accounts which are checked every month to make sure that if the domestic workers work for more than eight hours a day, they are paid overtime (Ibid). The Forum also informs the women domestic workers about their rights and what kinds of legal action they can take in case of harassment by employers. It is also trying to tie up with agencies across the country to start some kind of national network. It often joins hands with women's groups all over the city to protest against atrocities committed against women, such as harassment for dowry, rape and sexual harassment (Ibid).

Other organisations that are not related to the church include Annapurna in Pune, an organisation that acts like a bureau and a link between employers and domestic workers. They have a code of conduct that is explained to both sections and the organisation oversees the implementation of it.

Even the trade union wings of political parties, have made efforts to organise domestic workers. Trade union like the Bharatiya Majdoor Sangh, which is affiliated to the Bharatiya Janata Party, has been active in Mumbai and has a large following. The Hind Mazdoor Sabha, a central trade union, has been organising domestic workers. The Communist Party affiliated unions and their women's wings are also active and have formed unions in small and big towns like Kolhapur and Pune city and around. The Pune Molkarin Sanghatana is one of the organisations and has been active since the year 1980.

The Pune District Molkarin Sanghatana has been organising domestic workers in Pune. They have been successful in stopping illegal liquor shops in the areas where domestic workers live. This was done by the workers themselves as men in their house spent major part of their income on liquor. They even fought with the police to achieve it as the police were supporting such shops. The state was the first to enact a law on domestic workers and this organisation pressurized the government for passing the law. They have a counseling centre where employers and employees both come. They have solved 15000 cases since its inception (Thatte 2010).

In Nagpur, efforts to organise domestic workers began in 1981. The organisation was called 'Molkarin Sanghatana'. The women got together and organised rallies. Joint letters were sent to their employers demanding higher wages. Such efforts did work with some of the employers (Gothoskar 2005: 41).

According to Bombay Houseworkers' Solidarity, Mumbai has approximately 45,000 children in domestic work; 90 percent of them are girls. It is difficult to have an exact estimate or conduct a survey of these children as most of them live with their employers and do not have a group of their own (Hamid 2006: 2).

In Kerala, Self Employed Women's Association (SEWA), has been organising domestic workers and giving them professional training in caring for elders, which has been quite successful. They have also been able to start a Provident Fund for domestic workers with the employer and employee contributing Rs. 5 every day and workers can take loans from the Provident Fund. Health Insurance was also provided to the workers (Nayak 2010).

Organising of domestic workers has had similar results everywhere. Earlier studies done in India as well as other countries revealed a change in the behaviour of the employers towards the workers. The results did not change with the change in the type of organisation organising it i.e., whether trade union, NGOs, Church based groups or any other type of organisation. The field data corroborates with the earlier studies done on organising domestic workers.

Efforts for organising domestic workers have taken place in other countries like South-Korea, Philippines, Hong-Kong and Indonesia. In these countries, the trade unions and NGOs have helped in organising the workers. In all these countries, except Hong-Kong, Minimum Wages for domestic workers has been set. However, in South-Korea, there is discrimination in the pay of male and female domestic workers. The state itself has discriminated and the law specifies pay based on the sex of a worker. The wage set in Indonesia was very low, which is 36000 rupiah or Rs. 1894 (Indian currency). Of all these countries, Philippines has been most successful in organising domestic workers. Apart from Minimum wage, they have been able to extend social security to all domestic workers earning more than P1000 (Rs. 1328.06) per month. The Minimum wage is fixed at P800 (Rs.1062.45) per month. The employer also contributes in the social security of the domestic worker. The minimum standards for employment of domestic workers or household employers have also been set (Chee et.al 2004).

#### b) Organising of Domestic Workers in Bengaluru

In Bengaluru, different trade unions are involved in organising domestic workers. There are all types of union, political and non-political, however even non-political unions have their political leanings/opinion. To organise domestic workers, the union members of Domestic Workers' Rights Union (DWRU) visit the areas where the domestic workers reside. In Bengaluru, most of the slum dwellers work as domestic workers. They visit the areas where they reside and listen to the problems and try to solve them. Social networks are also used for organising the workers. People give information about other workers. Some workers hear about the union from their friends and join the union. The organisation members visit apartments and mobilise workers. Workers pay an annual fee of Rs 25 to the union to become its member.

In order to achieve the goal of unionisation, different strategies are adopted. In the case of child workers, intense ground work is needed. Information is collected by monitoring parks, milk booths, conducting surveys, etc. To reach out to adult workers, they have public sittings in slum areas. Information is collected by conducting local group meetings, street corner meetings and public meetings. Some volunteers work in colleges to sensitize the students towards their own domestic help.<sup>62</sup>

### c) Obstacles in Organising Domestic Workers in Bengaluru

The obstacles faced in organising the workers are the lack of laws due to which enforcement or compliance becomes difficult. All the negotiations for wages or social security depends upon the willingness of the employers. Even in areas like wages where laws are present, the implementation was difficult.

Competition among various unions, both political and non-political, was another obstacle to organising. These unions keep fighting amongst themselves; this may lead to the workers issues being neglected. The lack of unity among unions reduces the bargaining power of unions, as there was no consensus among them on any policy.

Another obstacle to organising was the compromising nature of the worker due to their economic and social setting. Workers fear losing job and the hassle of getting another job, so they are not willing to protest and are ready to work for less pay. The worker may have to travel long distance incase he/she decides to protest and change her job. This leads to the workers compromising. Many struggles are not successful because some workers consider it as their loss to join the protest and are reluctant to join.

### d) Economic Social and Legislation Benefits that Have Come from Organised –cum- Collective Effort in Bengaluru

Organising has benefited the workers in several ways. They have become aware about their rights. They have collectively struggled to get laws implemented and

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<sup>62</sup> This is based on interviews conducted with the people who started the union and 100 domestic workers who were members of the union. The field work was done in October-November 2010.

improved their conditions of work. They have negotiated with employers for better pay and social security both by demanding the implementation of laws and on certain occasions, even in the absence of laws, they have been successful in negotiating with employers for better facilities at work. Organising has also helped them improve their personal lives.

Most of the workers interviewed feel that unionisation has given them a voice, as they can now speak and articulate. Earlier, they never revolted, but now they negotiate with their employers for salaries and perks. The workers also felt confident in all matters personal and employment related, as they were aware that the union would be by their side to address their problems and this gives them confidence to retaliate. Most workers said that earlier they did not retaliate even if they were right as they knew that they would get into trouble later. Now, they do not tolerate any form of domination as they know that the union is there for them. The workers come together and share their problems so they get to know about the problems of other workers. They learn from others experience and implement it in situations where it is required. Their rights and laws are discussed, so they become more aware about their rights. In case there are some issues, they unite and go to the employer's house to solve it.<sup>63</sup>

They lay their terms and conditions of service before joining and if it is not met, they leave their job. Many workers also make a bond on which both the employers and the employee sign. They also feel that the employer is cautious while dealing with the worker as they know that the union is there to take up their case. A worker told us that her employer is scared of her as she is a union member and treats her well unlike earlier.<sup>64</sup> After the efforts of these organisations, women have started to question their employers. They ask extra pay for extra work, fix their hours of work according to their convenience and negotiate for wages. Earlier, they never dared to question their employers, but now they fight for their rights.<sup>65</sup> They also feel that unionisation has helped them to work together and demand collectively.

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<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

They have united together and protested against employers in many cases. They also feel that they are more aware of their rights and the existing laws.<sup>66</sup>

There was change in the employers' behaviour towards their employees after they joined the union. The workers were treated with respect and the discrimination has reduced. They were given food in the same utensil, allowed to sit in the house, allowed to use toilets.<sup>67</sup> Most workers felt that their joining the union has translated into better work conditions. The employers were scared to harass them or shout at them unnecessarily which was a common feature earlier. It has also ensured better job security as they cannot be easily removed from work.

Among the 100 workers interviewed there were two workers who felt that the union had not benefited them. Sujata, one of the workers felt that the union did not do any work, they just came to their areas to conduct meetings and to take their signatures as a record to show that many people were present, but they did not do anything for them.<sup>68</sup>

The Identity card issued by the union has benefited the worker. The card is not legally acceptable, but workers have used it many times to negotiate with their employers for wages bonus and in the police station. The workers say that their employers are scared of them when they show them the card. In some cases, the card has meant removal from employment for the workers. Some employers are reluctant to employ workers who are members of union and some workers had been removed from job when their employer got to know that they were members of the union. However, this has not prevented the workers from joining the unions and the number of employers removing workers from work is less. In many cases, when the workers are removed from their work for joining the union, the union members go and speak to the employers and ask them to recruit back the worker by explaining to the employer the reason for forming the union, but they are not always successful. The employers give other reasons for removal and do not accept

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<sup>66</sup> Ibid.

<sup>67</sup> It was a common practice not to allow the workers to use the toilets at the employer's house. Two bowl system was also practiced by many employers. Workers were not allowed to eat in the same vessel used by the employers.

<sup>68</sup> This is based on interviews and group discussions conducted with the people who started the union and 100 domestic workers who were members of the union. The field work was done in October 2010.

that they have removed the worker for joining the union. They use transfers and less work as excuse for removal.<sup>69</sup>

The workers have made use of the card when they were harassed by police in their neighborhood. The policemen used to harass them by forcefully entering their house and arresting them. But now the identity card helps them to deal with the police. Once they show their card, the police does not harass them as they know that the union members will be there for them. They have even used the card to negotiate with employers for bonus in cash instead of kind (material goods like clothes etc.). The identity card has given them a new identity and they use it in police stations and in other places. Some workers used the card when a fight erupted in the neighborhood and the police was called.

The implementation of the existing schemes like the housing scheme introduced by the government of Karnataka to construct pucca houses was extended to domestic workers. Many workers availed this scheme to construct their houses. Other schemes like the *Rashtriya Swastha Bhima Yojna (RSBY)*<sup>70</sup> and insurance schemes and ration are extended to the workers through the help of unions. The union also provides scholarship to the children of domestic workers and in some cases bears medical expenses for those who cannot afford it.

The workers have responded collectively to their problems with the help of the union. For social security, they have rallied several times. Workers from all over India including Bengaluru participated in a protest in Delhi outside Parliament House in 2007, to put pressure on the government to pass legislation for domestic workers. One of the workers, Laxmi, who was a participant in the rally pointed that the Minimum Wages Act in the state of Karnataka was an outcome of that protest. She further said that they would keep on demanding till the time a law was not passed for domestic workers. According to her,

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<sup>69</sup> Ibid.

<sup>70</sup> *Rashtriya Swastha Bhima Yojna (RSBY)* or National Health Insurance Programme is a health insurance policy. It was started in 2008. Under this programme workers in the Below Poverty Line (BPL) category on payment of Rs. 30 can avail free medical treatment in public and private hospitals upto Rs. 30000.

now they have got one paise in a rupee and they will continue to demand unitedly for the remaining 99 paise. “If states like Maharashtra can have a law for domestic workers why can’t we?”<sup>71</sup>

They have not been completely successful. Recently RSBY has been extended to domestic workers. This will enable them to get medical benefits.

They protested in front of the Labour Commissioner’s office several times and demanded the formation of Social Welfare Board. The Social Security Act, 2008 mandates all states to form tripartite boards for all sectors of the unorganised sector. The Government of Karnataka was denying this right to the domestic workers and they were being excluded from this. In response the workers protested and they are now included in the board.<sup>72</sup>

Domestic workers are not covered even by the Minimum Wage Act at the national level because domestic work is not a scheduled employment. The employers are not bound by any minimum requirements for employing a domestic worker. Consequently, there is no fixed timing or any fixed rate of wages. It differs with time and geographical location (Gothoskar 2005: 37). The state of Karnataka was the first to set Minimum Wages for domestic workers, but the wage was too less to meet the daily needs of the workers. According to the notification, a domestic worker who works for eight hours in a house is entitled to a wage of Rs. 1,600 and Rs. 1,800 per month, but if the members in the household where he/she works are more than four, then the amount increases and he/she can get a maximum of 2,200 rupees. If she/he works more than eight hours, the wage doubled.<sup>73</sup>

Even in areas where there are no laws, efforts have been made to ensure that the worker's rights are protected. Some of these include false accusation of stealing/theft, compensation for accidents at workplace and solving some issues related to the family or neighborhood or place where they reside. Workers have protested and demanded apology in case of false accusations of theft. The following case illustrates the point.

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<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> See Minimum Wage Act 2004, Government of Karnataka.

A worker, Chennama was working in a house for 15 yrs. In the year 2009, she was accused of stealing a four lakh diamond set. She told her employers that she had not done it and they should not falsely accuse her and use abusive language. The employer threatened her (worker) that she (employer) would lodge complaint with the police. The worker replied that she (worker) would go the police and get her union and prove her innocence and the employer never questioned her again. There were 4 maids in the house. Workers protested in front of the house and demanded an apology.

Another worker, Devi was accused of stealing gold chain which was later found in the house. Workers' demanded apology but the employer refused. A meeting between the employer and the employee was convened and the workers actively participated. They demanded a written apology, but finally she relented after the employer's assurance that this would not happen in future.<sup>74</sup>

Aruna had been working in a house for a year. She had been facing physical and verbal abuse from her employers. She was not allowed to keep any contact with her family. Her sister sought the help of the Domestic Workers Rights Union (DWRU) to rescue her. When members of the union and her sister approached the employers and wanted to meet Aruna, they were not allowed to meet her. After they visited the house three times, the owners called the police and the family members along with union members were taken to the police station. Aruna had sent a letter of complaint to the union which they produced to the police. The police issued a show cause notice and Aruna was brought to the police station. She gave her statement which was recorded. Her salary had not been paid to her. The employers claimed that they had spent the money on her hospitalisation /treatment and it would be covered there. They are still demanding (time when interview was conducted) that the employer should bear the medical expense and give the salary.<sup>75</sup>

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<sup>74</sup> A domestic worker was accused of stealing Rs.200 from her employer's house. Thereafter 15 workers went to their house to enquire about it. Seeing the group the employer said nothing had happened.

<sup>75</sup> A similar case is that of Sudha, a domestic worker who has been working for two years in a house and has not received any payment. Initially, when she joined, the employer gave Rs 2500 to her aunt. The employer told her not to collect a regular salary and promised her that she would give her accumulated salary at the time of marriage. Now her marriage is fixed and her employer is not ready to pay the amount making one excuse or the other.

A worker fell from a high tension wire while drying clothes. She lost her toes and her hand was paralysed. She was not paid any compensation. The union intervened and the case was taken to the police. Later, she was paid Rs. 40 000 which was not enough.

Nanjama was working as a domestic worker. She faced skin problems due to use of strong detergent. She feels that the government should look into these matters of occupational hazards and provide medical facilities to them.

The workers have benefited even in addressing issues in their personal lives.<sup>76</sup> The union solves personal problems of the workers like fights in the family for property, counseling of children of the workers, property related issues, care of the old. Workers also take loans from the union for constructing houses, medical expenses, and marriages. They have mostly repaid the amount. There was an instance when a worker, Rupmani, was chased out of her house by her son because of old age. She approached the union which intervened. It was agreed that the son would pay her some money per month for her maintenance. Legal advice was sought to solve this issue.<sup>77</sup> In another instance, a worker Jyoti was being harassed by her brother who used to beat her. The union helped her to lodge a complaint with the police and also gave her a loan.<sup>78</sup>

Orgainisg has also helped in checking or reducing child labour. One successful strategy has been implemented in apartment blocks. The union asks the Resident Welfare Associations (RWA), to keep a record of domestic workers and not to allow residents to employ children as domestic help. In many cases they have responded favourably especially in the child labour issue. On the other hand, positive response to the issues of adult domestic workers is lesser.<sup>79</sup>

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<sup>76</sup> In Pune, the Pune District Molkarin Sanghatana has been organizing domestic workers in Pune. They have been successful in stopping illegal liquor shops in the areas where domestic workers live. This was done by the workers themselves as men in their house spent major part of their income on liquor. They even fought with the police to achieve it as police was supporting those shops. The state is the first to enact a law on domestic workers and this organisation pressurised the government for passing the law. They have a counseling centre where employers and employees both come. They have solved 15000 cases since its inception (Thatte 2010).

<sup>77</sup> This is based on interviews and group discussions conducted with 100 domestic workers who were members of the union. The field work was done in October 2010.

<sup>78</sup> Ibid.

<sup>79</sup> Interview with Ms.Geeta Menon, of Domestic Worker's Rights Union, Bengaluru on 21<sup>st</sup> October 2010.

Organising of the workers has led to improvement in their lives and made their life a little easy for them. Workers felt that the union addresses all their issues, so they feel that there is some place where they can go when they are in need. It also gives them the strength to take forward their struggle and fight for their rights. Organising in other countries like Philippines Indonesia, Taiwan had similar findings where the workers benefited from organising. In Philippines Minimum Wage Act was passed and work hours were fixed for domestic workers. All domestic workers earning above Peso 1000 were extended social security benefits for which the employer had to contribute (Chee et.al 2004: 138). They have benefited by organising themselves but there are certain issues that need more effort; certain methods of organising that need to be introspected. These issues are discussed in the next section.

#### e) Persistent Problems that Need More Effort

The wages of the workers are not fixed in all the states. Only a few states have enacted laws on Minimum Wage. In case of Karnataka, the wage fixed was very low and it was not sufficient to take care of the needs of one person, hence, it was difficult for the workers to meet their family needs. The reason for low wages was that there was a long gap between drafting and the passage of the Minimum Wages Act. So, by the time it was implemented the cost of living had increased and there was need to revise the wages. A study conducted by the DWRU in Bengaluru, concluded that in order to meet the basic needs, a worker requires Rs 5800 per month and with the low earnings, they were able to meet only one third of their expenditure (DWRU 2005). In Bengaluru, the awareness about the law was very less among the workers and the employers. Most of the workers earned more than the stated wage. The DWRU has taken up cases of workers being paid less. They try to address these issues by negotiations with employers and try to convince them or they protest thereby trying to build pressure on the employers. These measures are not always successful. This problem needs to be addressed. At the time of implementation, the wages should be set according to that year and not the year the policy was formulated. It should also have provision for easy revision of wages. Another problem arises in the implementation of laws. Some states do have laws on Minimum Wages, but it is not implemented. There is no mechanism to

complaint against employers for not abiding by it and no penalty is imposed on them. This makes the law weak and enforcement difficult. The union and the worker on many occasions compromise on the low pay especially when the worker is old. Some of the cases discussed below make this clear.

A worker Rukminiamma had been working in a house for 40 years and was paid Rs. 500 a month. The union intervened though she did not want them to do so as she felt she would lose her job and at that age finding another one would be difficult. However, the union tried to convince the employers to increase the pay. The employers agreed for the hike though the amount raised was less. She now gets Rs. 1000. The employers used her age as an excuse for not increasing her salary. They feel that her work output had decreased; therefore, she did not deserve the amount they were paying her.<sup>80</sup>

Another worker Sabita, who was working as domestic help, had been depositing her monthly salary with the employer. After six months when she went to ask for the money, the employer gave her only four months' salary. A group of 15 workers went to the employer's house to enquire about it. The employer locked her house so that no one could enter and called the police. A case was filed by her with the help of the union. The employers gave her the agreed salary after deducting Rs. 1000.<sup>81</sup>

The above two instances show that though the union tries to help workers, they are not always able to get the workers their rightful share. The absence of law is one of the reasons for this as negotiation becomes difficult. Another reason is the fear of losing the current job and unavailability of new job. The worker will have to stay unemployed and without any earning till the time she gets a new one. The above cases raise the question whether laws alone are adequate to address workers issues? Is there a need for more laws to address workers need or do we need to think of other steps to ensure that their issues are addressed?

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<sup>80</sup> This is based on interviews and group discussions conducted with 100 domestic workers who were members of the union. The field work was done in October 2010 in Bengaluru.

<sup>81</sup> A similar case is of Dipa who was working in a house for two years but the employer had not paid her. Only when twenty members of the union from the same area went to the employer's house and protested, only then she paid the entire amount.

Social security for the domestic workers is also limited. Neither the state, nor the employer provides social security to the workers. In most states, domestic workers are not included in formation of tripartite welfare boards.<sup>82</sup> In Karnataka, after a sustained struggle, they have been included but the board has not started functioning. The union has been able to convince employers of the need for better working conditions and pay for the workers, but it was entirely up to the employers to accept or reject it as there is no way that it can be made mandatory. In such a situation, law becomes essential so that it can be imposed on the employers if they fail to comply or are not ready to do so. In a meeting in Bengaluru, most of the employers present were empathetic toward the domestic workers but they did not want the state<sup>83</sup> to be involved and they did not want laws to be passed though they were ready to provide better work conditions and pay. The response of the employers makes it clear that they were aware that they were exploiting the workers and it was in their interest not to involve the state. If laws are passed, it would become mandatory for them to abide by them which was not the case now. Another reason was that the pay would be much higher and it would become difficult for everyone to afford a person for domestic work. At present, the workers charge separately for different household and the economic conditions of the employers determine the pay to some extent, but after a law is passed everyone would have to pay the same amount based on the hours of work or the type of work.

Social security for domestic workers is important, especially old age pension and medical benefits as they spend their whole life earning and toward the end when they are old, they have no one to take care of them. The law should make it mandatory for employers to provide social security to the workers and the government should also contribute to it. The domestic workers do not receive any old age pension, provident fund or any other benefits. Recently, RSBY has been extended to them. In the previous section, the issues of accidents at workplace was discussed where the employer did not pay anything to the worker. The case of the old woman being paid less salary also shows that there is a need for social security

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<sup>82</sup> The Social Security Act 2008 mandates formation of tripartite boards for all sectors within the unorganised sector. This should constitute representatives of employers, representatives of workers and of the government.

<sup>83</sup> The term *state* here means involvement of government and its agencies like the Labour Department.

like old age pension, medical and health insurance and others. Workers have taken loan to meet their needs. In recent times, the state has made a move towards providing social security to workers by the formation of welfare boards but this has not been implemented properly in most states.

A third issue that needs to be addressed is the concept of “work” itself among domestic workers which was found lacking. The work done by a domestic worker was not seen as work by most workers and employers. Domestic workers do not see their work as remuneration for their labour. They consider themselves and their work inferior to other work like teaching etc. This is another concern for this sector. They employers too felt that the workers were getting some extra money for the extra time she/he has. In many places, unions and NGOs were working in this direction by professionalising domestic work. This is done by imparting training to the workers in old –age care or household activities. They are given a set of uniform and are placed in houses which require their services. This has achieved success in many places including Kerala. The amount is fixed for the type of work they have to do. This has led to increase of the income by workers. Worker Facilitation Centres have been opened by many union and NGOs. The DWRU in Bengaluru also has a Worker Facilitation Centre.

Having seen the organising of domestic workers, the study now looks at organising of waste pickers.

### **3.4 Organisation of Workers in Waste Picking**

Waste pickers are those who collect waste and sell it to earn their living. They can be defined as people who reclaim “reusable and recyclable material from what others have cast aside as waste (Samson 2009). They fall in the unorganised sector and are self-employed. In 2001, waste-picking was included among the hazardous occupations banned under the Child Labour (Prohibition and Regulation) Act, 1986 in India. A World Bank study in 1998 estimated that waste pickers constituted 1-2 percent of the world’s population (Bartone 1988). Chaturvedi (2008) has estimated that 1.5 million waste pickers are there in India and most of them are women belonging to marginalised groups. In India, 42 million tons of waste is produced annually.

### a) Agencies Organising Waste Pickers

In Pune, waste pickers have formed a union and it is not affiliated to any political party. In other places waste pickers have organised themselves in cooperatives, associations and companies. Organisation of waste pickers has taken place in many other countries. The reason for organisation has varied. In many places, organisation took place because of backing from a leader or a person or group of people who were interested in the upliftment and betterment of the waste pickers. In some other cases, it was a common threat that led to their organisation, e.g., government closing the dump where they sort out the waste etc. In case of India, mainstream political parties and their union wings have not addressed the condition of waste pickers. Rather other forms of union and cooperatives of people and civil society groups have come forward for their help.

The problems faced by waste pickers are the same though the extent has varied. In some countries, organisation of waste pickers has ensured them certain rights and some of their problems are addressed. Many governments have ensured provision of social security to the waste pickers.

Waste pickers have been successful in organising themselves. They have formed co-operatives, companies or have partnered with the government to solve their problems. In Colombia, a co-operative was formed when an open dump was replaced into a sanitary landfill displacing 150 families. These families formed the co-operative. Their work includes solid waste management and material recovery facility. They recover and sell over 300,000 tons of recyclables every year, mostly paper, glass, scrap metals, plastics and organics. Members were able to improve their standard of living and self-esteem and self-reliance in comparison to workers who worked independently (Medina 2005: 22). Another co-operative was formed to protect their right to keep recycling when the Municipality decided to close the dump. Similar initiative has been taken in Brazil, South Africa and Philippines (Samson 2009, Medina 2005 and Theoron 2010).

Women have played an active role in the formation of cooperatives and some of them are only for women and some others have majority of women members. They have taken steps against discrimination they faced. They have also been able to get

themselves heard and partnered with the government to provide services and improve their earnings and living. In Argentina, *Cooperative El Ceibo* has 102 members, mostly women. They signed a contract with the government to provide services to 93 blocks. They collect material from the areas and sort it out at home. This gives them a higher price, as it is segregated at source; as a result the quality is good. It also prevents them from health issues as it is separated at home which has a cleaner environment (Mediana 2005: 24). Similar initiative was taken in Uruguay where *Independencia De La Mujer* Womens Independence They faced problems as the buyer refused to give them prices on the phone. Men workers were paid higher price than women workers for PVC containers. The cooperative took loan and purchased vans to carry waste and even designed their uniforms. The income did increased but the economic crisis affected their income and sale of their products was difficult. (Samson 2009: 24).

Waste pickers have also fought against middlemen. In Mexico, wastepickers protested against the decision of middlemen to buy only paper from the waste pickers. They formed a cooperative and got concession from authorities for recovery of recyclable contained in the waste. The incomes of waste picker (members) increased tenfold, they now participate in training courses and formal education programs and have access to health care and legal protection (Medina 2005: 25).

However, cooperations have not always been successful as in the case of Sasolburg, where the 46 workers first registered as cooperative but this did not help them improve their earnings or work condition so they later formed corporation. Even after forming a corporation the condition of the workers was same. This was because a company was given contract of the ground and they were paying very less to the workers for scrap, but the workers had no choice. This shows that in some cases, even organising did not help in addressing their problems, especially when it is a powerful company (Theron 2010: 2).

In other places associations were formed to address the problems of waste pickers In Philippines, Marife Jostol formed the Solid Waste Management Association of the Philippines, (SWAPP) with ten members. They start their work at 8: 00 am and finish by 4: 00 pm with an hour's break for lunch. They are grouped together on

the dumpsite to avoid conflicts and the groups sell their waste to different people at the dumpsite. They can also avail a small amount as a loan from the person to whom they sell waste. Their income had decreased as the waste was now separated at the source. After this segregation, the recyclables are directly sold to junk shops or buyers (Samson 2009: 8). . In Turkey, the municipality asked waste pickers to move out from the place where they used to collect waste, but they refused. The ground was burnt and their carts were damaged. Waste pickers organised and formed an association called the Ankara Recycling Association. They entered the World Bank Development Market Place (Samson 2009: 15).

In other places the government have acted which has led to improvement in the working and living conditions of waste pickers. In Indonesia, the government passed a law to support waste pickers (Ibid: 27). The contribution of waste pickers to the economy and the environment was realised and the government now supports formation of cooperatives of dumpsite and street waste pickers. To increase the income of the waste pickers a duty has been imposed on imported waste material. The private banks provide loans to waste pickers cooperatives (Ibid).

There is a similar case in (Diadema) Brazil, waste pickers (catadorres) are paid by the municipality for clearing recyclable material from the waste stream. They have started a program Vida limpa or clean life which seeks to promote the inclusion of waste pickers (catadorres), help to generate or increase their income, raise environmental awareness and promote environmental conservation. Legislation was passed by the municipality which allowed to direct resources, from the city's Minimum Wage program and School Bursary programme to the catadorres (waste picker's) family. It also provided them with a warehouse where they could continue with their work (Samson 2009: 56). System for Sustainable Management of Solid Waste law was passed which allowed catadorres to be paid by the municipality for the services rendered. This was done in recognition of the fact that these workers contributed a lot to the municipality by collecting waste which otherwise the municipality would have to transport. They can also collect door to door now and 60 locations have had been created where the people can dump their recyclable waste. This has benefited as they get higher price for their products as

middlemen are eliminated and they also get better payment from municipality. A similar model is being followed in Pune in India which will be discussed later.

A similar attempt was made in Porto Alegre, Brazil where waste pickers were incorporated into the city's recycling program, reducing overall costs, and serving 79% of the city's 1.1 million residents. CEMPRE supports the formation of cooperative, manages a data bank on solid waste management, as well as a scrap broker hotline that answers questions about recycling. They collect 100 tons of recyclables a month and earn twice the minimum wage of Brazil (Medina 2005: 23). Now, a look at organising efforts of waste pickers in India.

Organising of waste pickers has taken place in India as well. Self Employed Women's Association and KKKP are two organisations who have organised waste pickers. NGO Chintan has also worked with waste pickers.

The existing efforts to organise waste pickers in India includes the following:

- Organisation of waste pickers into trade union/cooperative/self-help groups and associations
- Issue of photo-identity cards to waste pickers – in a few cities these have been endorsed by the municipalities
- Elimination of child labour in the sector and promotion of education among children of waste pickers and child waste pickers
- Increasing access to credit through self-help groups and credit cooperatives
- Market based interventions such as cooperative scrap stores
- Interventions to integrate waste pickers into solid waste management in order to improve their conditions of work of waste pickers
- Increasing access to social protection such as life insurance and medical insurance
- Research to establish and quantify the contribution of waste pickers to solid waste Management
- Advocacy for all of the above (Chilkarmane et.al 2006: 20).

SEWA was among the first in India to start organising waste pickers. They contacted government offices and mill owners to allow waste pickers to collect waste from mills and government buildings (Bhatt 2006: 63). They also formed cooperatives of waste pickers which failed initially but became a success later. Women constructed their shed for storage and sorting of waste through the cooperative (Ibid: 64). Later, they started with door to door collection and segregation of waste at source was done. The waste pickers collected waste door to door and emptied it in a place near to the society. They then sorted the waste and the wet waste was put in the Municipal truck. The dry waste was sold to scrap shops. A bonus of Rs. 50 – 500 was given to waste pickers during Diwali. The Gujarat Informal Economy Board Development Board was formed in 2007 which helped in registering the members. Identity cards were issued to the workers and medical reimbursement up to Rs. 1200 was given to the workers. It was lobbying for separate shaded space for separation of waste, uniform price, educational health and insurance benefits and the scheme of tender to be replaced by contracts (Samson 2009: 32).

In Bengaluru, Waste Wise, a project of Mythri Seva Samiti, implemented community based decentralised solid waste management by neighborhood resident groups with the integration of waste pickers. Hasirudala, an NGO, is also making efforts to organise waste pickers in Bengaluru. They have been successful in registering the workers with a unique identity number; they have also opened spaces to segregate waste. They are trying to get health benefits and other social security extended to the waste pickers. They aim is to integrate the waste pickers into the waste management system of Bengaluru in the long run and efforts are being made towards their goal (Chengappa 2013).

In Chennai, EXNORA<sup>84</sup> employed slum youth who were given the name “Street Beautifiers” to collect waste from door to door and to keep specific vicinities clean. There are 900 collection units of waste pickers. This has dignified the job of waste picker’s, increased their earnings, reduced littering and has contributed to a cleaner environment (Medina 2005: 26).

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<sup>84</sup> Excellent Novel and Radical ideas is a non-governmental environmental service organisation started by a social activist M.B.Nirmal in 1989 in Chennai, Tamil Nadu in India which focuses in preserving the nature and preventing environmental degradation.

An NGO NIDAN started a company NIDAN SWCaHdhara Pvt Ltd in 2008 in India (Samson 2009: 18). NIDAN seeks to raise aspirations, build structures owned and controlled by the poor and help make credit, insurance, technology and market accessible to the poor to enhance their bargaining power in the market. They are the pioneers of door to door collection. They chose a company over a cooperative because a company can work in the whole of India, bankers feel comfortable in dealing with companies, profit can be distributed easily and workers are proud to be owners of a company. Municipal entities feel that only companies can solve the waste management system. This has helped in improving the lives of waste pickers. They have leave on Sunday, get medical insurance, are paid wages and also earn from the sale of waste. Their income from the sale of waste has increased as the waste was more and in bulk. They have externally defined targets and the work is monitored. They earn more than the Minimum wage and their income has also increased from Rs. 1500 to Rs 2000 per month and extra for sale of waste. All the members are shareholders of the company and the governing body comprises of waste pickers (Ibid).

In Delhi, Srishti, registered in 1991, was the first organisation in that city to start working with waste pickers. The work was related to improving the livelihoods of waste pickers. They organised to provide formal waste collection systems with large institutes and residential areas. Their work included engaging in a dialogue with waste generators to enable them to understand the relevance of including waste-pickers in their emerging waste management initiatives (Chilkarmane et.al 2006: 19).

Another NGO in Delhi, called Chintan, headed by Santraj, started the program of segregation at source (Ibid: 52). He trained the waste pickers in composting so that no waste reached the landfill. This made people realise how important a waste can be which helped to counter capital intensive privatisation by building local capacity and enterprise. The council provides them space for segregation of waste and rickshaws. Initially the cooperation did not allow them to charge for their services, but later they were allowed to charge for door to door collection. This led to an increase in the earnings of the waste pickers as they also earned from sale of scrap and they did not have to pay bribe. They were able to stay cleaner and they

did not have to sit and segregate scrap. The quality of scrap had also improved (Samson 2009: 52).

Efforts to organise waste pickers have taken place all over, though the forms of organisation have been different i.e. co-operatives, companies and associations. It has resulted in better working conditions, better pay and social security for the workers. Though there were hurdles initially, the efforts have benefited the workers and the state too has accommodated the demands of the group. The efforts of KKPKP in organising waste pickers in Pune, the state response and the benefits to the workers are discussed below.

### b) Waste Picking in Pune

Kagad Kach Patra Kashtakari Panchayat (KKPKP) is a trade union of waste pickers in Pune. It was formed in 1993 with the support of 800 waste pickers and has been working with the waste pickers since then. The resolution to form a union was taken at the First Convention of Waste Pickers and Itinerant Buyers held in 1993. The Kagad Kach Patra Kashtakari Panchayat functions as the Secretariat of the National Alliance of Waste Pickers. The latest initiative of the National Alliance was a national consultation which was held in July 2008 to discuss the draft National Policy for Ensuring Decent Livelihoods in the Recycling Industry (a policy for inclusion and integration of the informal recycling sector/industry in the process of solid waste management). The draft policy has been prepared by a team of lawyers after consultation with the National Alliance as part of a global project on laws for the informal sector (Chilkarmane, et.al 2006: 20).

This study first looks at the waste management structure in Pune. The Pune Municipal Corporation is responsible for the collection of waste. There are 4 Zones, 14 wards, 48 *prabhags* and 152 *kothis* in Pune. The Pune Municipal Corporation is divided into the following Administrative units Zones, (headed by Zonal Commissioners, of the rank of Asst. Municipal Commissioner). Each zone comprises three or four Wards (headed by the Ward Officer). The Ward Officer is responsible for administering all ward functions. Each Ward is further sub-divided into three to four *prabhags*. The *Prabhags* are finally sub-divided into *kothis*. The *Kothi* is the smallest unit of the ward. From 2005, each ward has a Ward Medical

Officer who has a list of public health related duties and he/she is also responsible for the solid waste management (Narayan, et.al 2006: 6). Per capita waste generation is 326 gm. per day and the total estimated waste collected by the PMC is 884 MTPD (Ibid: 52).

The city has 14 wards and there are about 7000 wastepickers and the total waste collected daily by the Pune Municipal Corporation (PMC) is in the range of 1000 metric tonnes per day. All waste is deposited at a single landfill site owned by the PMC. The city spends ₹22 per tonnes of solid waste for collection, transport and disposal. Solid waste management is handled by the Health Department which has a total staff strength of about 3500 municipal workers for that purpose (Ibid: 52).

KKPKP argues that waste pickers were essentially recyclers engaged in collecting and trading recyclable commodities, and not scavengers. They stand for regulating the conditions of work for waste pickers rather than shifting them to other occupations. This perspective is shared by other organisations that have organised waste pickers in India. Organisations in Latin America too share the same perspective and have followed the same trajectory. The Earth Summit at Rio in 1992 brought environmental concerns into the public arena and onto the agenda of governments across the world. Reduce, Reuse, Recycle became buzzwords with respect to waste (Chilkarmane, et.al 2006: 20). As part of the project for the Empowerment of Waste pickers, the SNDT Women's University in Pune started organising waste pickers around their work issues in the year 1990. The project issued identity cards to the waste pickers', promoted source segregation of waste and its door to door collection by waste pickers.

### c) Obstacles in Organising Waste Pickers in Pune

Prior to their organisation the contribution of waste pickers in waste management system and keeping the city clean was not realised. The waste pickers did not have the right to the waste they collected and were harassed by the police and other authorities. The development model of states clashed with the interest of waste pickers. They were excluded from the development process and were seen as a hindrance to development. This was due to the belief that they were responsible for spreading garbage everywhere. It was felt that they were not needed and could be

replaced by technologies and machines. However, India has not yet achieved the level of mechanisation where manual labour can be abolished in the near future. In the initial stages of organisation in Pune, it was difficult to negotiate with the authorities at the Municipal Corporation, but later they were supportive.<sup>85</sup> Efforts of KKKPKP helped them in understanding the contribution of waste pickers in garbage collection and the problems faced by them at work. They understood the contribution of waste pickers in the waste management system. The waste pickers were not shy due to their everyday struggle on the streets where they had to keep arguing with the local residents for their rights to sort waste. They also had clashes with the administration to continue sorting waste in the same locality where they collected waste. They were ready to take the struggle forward by organising themselves (Ibid).

In other countries, (based on the cases mentioned above) there were several problems. Some of them include fight among various groups of waste pickers over their right to waste, lack of consensus on the way to organise and lack of support from the state machinery.

d) Economic, Social and Legislation Benefits that Have Come from Organised -cum Collective Effort for Waste Pickers in Pune

KKKPKP has worked to improve the working conditions of the waste pickers. The union was able to secure identity cards and recognition for waste pickers, space for scrap stores, medical insurance and integration with protection of rights to recyclables. They also had administrative support which enabled the organisation process.

Identity cards were issued to the waste pickers in 1995- 96 after a number of protests and demonstrations by the waste pickers. The card was issued by the Pune Municipal Corporation but the workers were not members of the corporation. It was only for the purpose of collecting waste in the city. The card has no legal recognition, yet it has been very useful to the waste pickers. The card is recognised by the lower courts as surety, accepted by citizens as surety if the itinerant waste

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<sup>85</sup> Interview with Ms. Lakshmi Narayanan (General Secretary) of KKKPKP in Pune in December 2010.

buyer do not have enough capital on hand to pay for the scrap, accepted by the police as proof of gainful occupation and accepted by municipal workers and officials as proof of authorisation to collect scrap.

All the waste pickers interviewed felt that the Identity card issued to them was of great help. They said that the card has given them an identity as workers and there was a noticeable difference in the way the society treated them. The harassment by the police reduced and they felt empowered. Earlier, the police always harassed them, they were accused of stealing and they had to pay bribes to the police to avoid the trouble. Many times the police used to molest them and abuse them. A worker while narrating her experience with the police said,

While I was at work the police broke my cart. When I asked the reason, the police and two other men pulled me by my neck. I fell and had to spend Rs. 5000 for my treatment. I lodged a complaint through KKPKP and the policeman apologised for his behaviour.<sup>86</sup>

Another, waste picker was arrested by the police, on grounds of theft of a gold chain which according to the resident, had gone accidentally in the waste. On her complaint, the police arrested the waste picker without any proof. She had not taken the chain, the union members went to the police station and she was given bail.<sup>87</sup> Another waste picker was accused of stealing a gold chain and the police claimed that she had something in her bag. The police did not find anything in the bag and the waste pickers protested which led to the suspension of the policeman and an officer apologised.<sup>88</sup> One of the workers explained the benefit of the I-card,<sup>89</sup>

Whenever anyone harasses us we show our I-card and then they are scared. The people now allow us to enter their houses. Another, worker narrated her experience: Earlier, when I used to go to collect waste, the watchman never allowed me to enter the apartment but now I am allowed to enter the apartment after showing my I-card and I collect the waste. Many times I also enter the houses to collect waste. The people trust us now. Another worker said: Earlier we were given water in earthen pots to drink but now we are

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<sup>86</sup> This is based on interviews conducted with a waste picker in Pune December 2010.

<sup>87</sup> This is based on an interview conducted with a waste picker at Lakshminagar in Pune on 14<sup>th</sup> December 2010.

<sup>88</sup> This is based on focus group discussions and interviews conducted with 100 waste pickers in Pune, December 2010. The interviews were conducted in Yashwantnagar, Ramnagar, Laxminagar, Chitraban and Bhawanipeth.

<sup>89</sup> This is based on a personal interview with a waste picker, held at Ramnagar in Pune on 15<sup>th</sup> December 2010.

given water in the same glass as the employer. Another, worker added that unlike before, when they were made to sit on the floor, now they are provided chair.<sup>90</sup>

The above incidents are a reflection of the stereotypical views of the society and even of the administration about waste pickers and the sufferings and discrimination the worker faces everyday. The efforts of the union to organise the waste pickers and giving them an identity as workers has helped them address their problems to some extent. As one worker says, we are now seen as workers and human beings, not thieves. It also shows how the collective efforts of waste pickers helped them in attaining dignity and respect for their work.<sup>91</sup>

KKKP has worked with the waste pickers and addressed their issues. They also spread awareness among citizens about waste management and the problems of waste pickers. In 1995, the citizens engaged themselves in the solid waste management and a Citizens Report on Solid Waste Management was prepared. The activists of KKKP were an integral part of the process and were inducted into the Citizens Apex Committee on Solid Waste Management, which was constituted by the Pune Municipal Commissioner. The Report reflected the contribution of the Informal Waste Sector and propagated an integrated approach to solid waste management. The role and significance of the Committee was influenced by the importance given to it by successive Municipal Commissioners and the limited perceptions of the citizen members who saw their role as holding individual officers accountable to citizens. The Committee stopped functioning after ten years because the political establishment and the municipal administration ignored it (Chilkarmane et.al 2006: 32).

In the year 2000, the National Society for Clean Cities (NSCC), a civil society organisation became more active and encouraged the formation of Mohalla Committees (Neighbourhood Councils). They were given importance by the Municipal Commissioners because they had public support though they were not a representative body. The NSCC lobbied and campaigned against municipal support to, and the handing over of the work of door to door collection of garbage to the

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<sup>90</sup> This is based on focus group discussions and interviews conducted with 100 waste pickers in Pune, December 2010. The interviews were conducted in Yashwantnagar, Ramnagar, Laxminagar, Chitraban and Bhawanipeth.

<sup>91</sup> Ibid.

Solid Waste Collection and Handling (SWCaH) cooperative of waste pickers (Chilkarmane, et.al 2006: 32).

In 2005-07, the Municipal Corporation entrusted KKPKP with the responsibility of ensuring door to door collection of waste. Citizens, union and the municipality cooperated in this and the door to door collection of garbage was introduced. KKPKP initiated “SWCaHateche Varkari” (Harbingers of Cleanliness) which was eco-friendly door step collection of garbage by waste pickers. They were able to fill the gap between waste generation and neighborhood garbage container. The waste pickers were to be paid for door to door collection by the residents and the amount varied from area to area between Rs 30-100. The service providers were more accountable to the user if the user fee was directly collected from the user. It was possible for waste pickers to become service providers and to follow service norms.

SWCaH is a co-operative of waste pickers for providing doorstep garbage collection services. It is the first of its kind in India. It is a professionally managed social enterprise of the poor in the area of waste management that includes collection, resource recovery, scrap trading and waste processing (Chilkarmane, et.al 2006: 51). It is an autonomous entity and would receive financial support from the corporation for the first five year. Later, they were expected to work on their own without any financial support from the corporation. The Municipality supported management equipment, infrastructure costs and some welfare costs for the first five years. User fees were to be levied on service users. The user fees and the income from the sale of recyclables would constitute the earnings of waste pickers. SWCaH formally came into existence in August 2007 (Ibid). It is operational in 127 out of 144 wards in the city and 1500 waste pickers are integrated in this scheme.

The Municipality started door to door collection of waste and segregation at source. It employs workers from the union for this job and they get a fixed salary every month. The households are expected to segregate the waste before disposal or use separate dustbins for that. The waste picker goes every morning and collects the waste, after which he/she sorts out the waste. In every area a space is provided for sorting the waste and the remaining waste are put in the municipal van. The van

comes to the place provided to them for sorting in every area and collects the waste. They have to ensure that no dry waste like paper etc. is put in the van. The van then takes it and dumps it in the outskirts of the city.<sup>92</sup>

The waste pickers are provided with a cart, an apron, shoes and pans for collection of waste. Soap is also given to them. Every area has a supervisor who supervises the jobs. Each household gives, Rs. 30 per month<sup>93</sup> for door to door collection of waste. However, it is not mandatory on part of the households to give this amount but the union ensures that the household pays that amount. At times, when certain households are not ready to pay the amount, the area supervisor tries to convince the residents to pay. However, he/she cannot compel them to pay the amount as it is not set by the Municipality. There are very few residents who do not pay the amount. The reason cited for non-payment is that they pay tax to the corporation. In many areas, the organisation heads have intervened and have been successful in convincing residents to pay the amount. Very few residents separate the waste and give, so the waste picker has to separate it herself/himself.<sup>94</sup>

The workers who have been integrated in this programme have increased their earnings. Most of the workers were satisfied with the work. Some of them explained that the hours of work had reduced and that their income had increased.

Now, we work for just 4 hours, but we earn more. Our work has become easier as we have cart. Coat and apron help in keeping our clothes clean. We use gloves and pan to collect waste so our hands don't get dirty. We get more time to spend with our family and take care of both house and work. Our health problems have reduced. We are also given soap and after waste picking, we wash our hands using that. So, it has meant cleaner work. Another worker said earlier there were many days when I went to bed without eating. Our whole family had to starve, but now we earn enough to take care of our basic needs as we get fixed salary.<sup>95</sup>

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<sup>92</sup> Ibid.

<sup>93</sup> In all the areas where the field work was conducted workers were receiving Rs 30 per month. The amount varied from Rs 30-Rs 100. All the workers interviewed were getting Rs 30 from each house.

<sup>94</sup> This is based on focus group discussions and interviews conducted with 100 waste pickers in Pune, December 2010. The interviews were conducted in Yashwantnagar, Ramnagar, Laxminagar, Chitraban and Bhawanipeth.

<sup>95</sup> Ibid.

However, there are others who are not happy with this system as the timings of work are fixed. They feel that they have now become bound to their work earlier, they could go and work according to their wish and even skip a day's work, but in the current system, they cannot do so. All the workers working in SWCaH agree that their income has increased. Some are not satisfied as the payment is delayed. The authorities say that the delay is because the housing societies do not hand over the cheque on time or do not pay timely and that without their payment, they cannot pay the waste pickers.<sup>96</sup>

SWCaH has integrated about 1500 workers and others work at the ground or bins. All of them are members of the union. Waste pickers who are not integrated in SWCaH and continue working in bins or grounds are unhappy with the programme. According to these workers, their income has decreased as all the scrap is already collected by SWCaH or door to door collectors. They too wish to be integrated, but there is no work for them in that programme. Their earnings have decreased as the good quality scrap is already taken by the SWCaH workers and they now have to go to far off places in search of scrap.<sup>97</sup>

Waste pickers are prone to health problems. Waste pickers have a lower life expectancy than other workers. They are also prone to certain diseases that are more common among waste pickers. For instance in Mexico the life expectancy of an individual was 67 years, but that of a waste picker was 39 years. Diseases like diarrhea, typhoid fever, cholera, dysentery, tuberculosis, anthrax, poliomyelitis, skin disorders, pneumonia and malaria are more common among waste pickers (Medina : 9). A study conducted by KKPKP brought to light the problems faced by waste pickers tuberculosis, eye infection, musculo-skeletal, respiratory gastrointestinal problems etc. The study also revealed that the work of waste pickers helped the municipality to save lot of money which they would have incurred while transporting. Since 2002, the union has been able to provide provision for medical insurance cover and life insurance. In 2002-2003, Pune became the first Municipal Corporation to provide health insurance to the waste pickers. An insurance of Rs 5000 is given to all registered workers by the Municipality. The union helps in processing the claims.

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<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

The union supervisors attributed the delay to the workers who did not have proper documents.. All the workers interviewed had an insurance policy and many had claimed the amount. There were some others who had claimed but the claim was not passed. The workers also complained of long procedures and delay in receiving the claimed amounts.

Another effort of the union has been *Kashtachi Kamai* (fruits of labour); a joint initiative of KKP and PCMC in 1998, as part of the initiative a scrap shop was opened which is run by the workers and they get money for sale of scrap. Each worker get about 8%-10% of his income from the profit of this scrap shop. The profit earned is invested in long term interest earning securities by waste pickers. The union also provides fellowship to the waste pickers. They provide fellowship to the toppers and those who do well in studies. They also help the workers children in availing the fellowships given by the state government. They supply free note books to the children of waste pickers.<sup>98</sup>

The union has a bank and all workers have an account with the bank where they deposit the amount. They can also take loan from the bank at an interest rate lower than the market. Many have taken loan for marriage, for building house and for the education of children and have repaid it.<sup>99</sup> The union has also been able to bargain for space for scrap stores and four spaces have been allotted to the union. The union has helped the workers to gain a voice and many of them have participated in protests all over the city. They have been to international seminars. The workers feel that the union has given them a voice and they are more articulate now. Earlier, they used to be scared of speaking and felt they would be laughed at but now they speak with confidence.<sup>100</sup>

One worker gave an example of the new confidence the workers have developed.

I have learnt to fight with the policeman earlier, I would just suffer and pay bribe but now I retaliate.

Some of the protests they participated in chronological order, were the 1993 protest for Identity card and the arrest of a waste picker on accusation of stealing. The

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<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

Identity card was issued in the same year and the police apologised to the waste picker as she was not guilty.<sup>101</sup>

In 1995, they demanded for LIC or insurance policy and all the waste pickers tied Rakhi made of waste and protested. In 1997, they protested demanding space for sorting waste. In 2000, they protested against a moneylender who charged high rate of interest and he had to return the money to the waste picker. In the same year, they protested again for the issue of Below Poverty Line (BPL) cards to all waste pickers. The outcome was that only some got BPL cards. In 2004, they campaigned for Jaan Arogya Yojna (JAY). In 2005, they campaigned for education and scholarship for unclean occupation. In 2008, they protested for Provident Fund in Delhi a campaign which was attended by workers of other organisation across India In 2009, they campaigned for old age pension. In 2010, they campaigned for the implementation of Social Security Act and pension. They campaigned in Mumbai for the same issue in the same year. They also protested against the improper distribution of foodgrains through the Public Distribution System, a protest in which in which Baba Adhav met the collector and the issue was resolved. The shop (Fair Price Shop) functions properly now.<sup>102</sup>

Some of the workers have visited many countries and have also exchanged ideas. A waste picker who went to Brazil to attend a conference on Waste pickers shared her experience:

I have learnt from them. They use tyres to make tables and use the sugarcane waste soaked in soda to make lamps and table which we can also do here. So I have learnt that. The use of machines is common there. Also there is no caste discrimination. They also use machines at the dump. Another worker who had visited Mexico spoke about the disadvantages of burning waste. According to her, there was not much difference in the work done in Mexico and in India.

e) Persistent Problems that Need More Effort

The problem in waste picking is that the income or earnings are not fixed. It varies everyday (for most workers). There is a need to ensure that they get some

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<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

minimum income every month. The Municipal Corporation uses their services like door to door collection, but the workers are neither paid by the corporation nor by the owners of the houses where they go and collect the waste. The payment is dependent on the willingness of the owner. The Corporation has not fixed any amount. The scheme SWCaH that was implemented with the initiative of the Corporation and the union has enabled a section of workers to improve their earnings and working conditions, but a larger group suffers as their income decreased due to source segregation. A program (SWCaH) which was started to improve the work conditions of workers has benefited only a small section of the workers and most of them are left out. This means that such programmes have not been carefully examined before being introduced. The union members feel that slowly they would be able to integrate all the workers in SWCaH but it seems difficult. One of the municipal authorities admitted that there are very few areas where door to door collection has not started and as and when work is there they contact the union and allot jobs to the union members. The total members are 8000 workers out of which only 1500 workers have been included in SWCaH, even when most areas have been covered by the programme. So it looks difficult for the union to incorporate all the workers in the programme. The corporation can take the help of workers in setting up and running recycling plants. This will give the workers an earning and the waste can be utilised which will have long term benefits on the environment and in ensuring clean cities.

Social security of old- age pension have not been extended to this sector. They are currently availing insurance benefits but old-age pension has not been given to them.

### **3.5 Organising Workers in Garment Industry**

#### **a) Agencies Organising Contract Workers in the Garment Sector**

In case of contract labour trade unions affiliated to the political parties are organising the workers. SEWA also worked with garment workers in Delhi, but stopped because of difficulties in organising them in Delhi.<sup>103</sup> In other

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<sup>103</sup> This is based on an interaction with a SEWA member in Bengaluru in the conference on “Social Protection to Unorganised Workers” held in Bengaluru 18<sup>th</sup>-20<sup>th</sup> November 2010.

countries like Bangladesh, Thailand, Sri Lanka, United States, Indonesia and others both political and non-political unions exist. Many countries also have NGOs working with garment workers.

#### b) Organising Contract Workers in the Garment Sector in Delhi

Organising garment workers especially those working in a factory setting is comparatively easier compared to organising home-based workers or domestic workers and waste pickers. It is because of a single workplace where workers come for work. In garment factories there are unions present and most workers are part of the union.

#### c) Obstacles in Organising Contract Workers in the Garment Sector

This sector is different from all the other sectors chosen for this study, as legislations exist for this sector however, these are not implemented properly. This is one of the obstacles in organising and helping the workers. The employers use the gaps in the laws to their benefit. The task of trade unions here is to ensure proper implementation of laws and ensure that the laws are not used against the interest of the workers. While the management looks into the loopholes of laws and uses it against the interest of workers; the workers' strive for proper implementation of these laws to get their rightful share.

The workers narrated instances where companies had been closed and moved to other locations whenever there were demands from the workers for better work conditions and pay. These companies shifted to other adjoining states like Haryana and Uttar Pradesh so that the workers could not protest further. There are cases (discussed below) where ownership was transferred within the family and the rights of workers were denied. When a new owner takes over the company, the active workers, i.e., those demanding better work conditions and pay are removed from job in the name of reduction of labour force and are not given compensation. Studies conducted by Kalpagam (1981) in Chennai and Chowdhury (2005) in Bengaluru showed that workers were victimised for demanding better work conditions. Their study also revealed that the labour laws existing for the garment industry are being flouted by the employers. They made all attempts to prevent

unionisation among workers. In many cases, they allowed only one union to exist in their company. Workers who joined the union were penalised and many times removed from the job without citing reasons or in name of closure. When the unions tried to intervene in terms of applying Minimum Wages Act or Factory Act<sup>104</sup>, the companies (to avoid trouble) shifted their production to some other place with a different name, but same owner<sup>105</sup>. The workers who were members of the trade union were not employed and others were warned against becoming members. The condition in most garment factories is still the same and little has been done to improve the conditions.

A comparative look at other countries would help place this discussion in a broader perspective. The minimum wages of garment workers in countries like Sri Lanka, Vietnam, Pakistan and Cambodia is lower than the UN defined poverty line of US\$2 per day. In China, Indonesia and Thailand, their minimum wage is slightly higher than US\$2, but the cost of living in these countries is very high (Mather 2009: 14) The condition of garment workers all over is the same low earnings, long hours of work and no proper place to rest. A worker Krishanthi, working for a multinational company Gap narrates her experience of life as a garment worker in Sri Lanka. Her earning was 7900 per month and after working part-time, it went to a maximum of Rs.12000. Her expenditure included rent Rs. 2300, groceries Rs. 2000 and clothing Rs. 300. She worked for 12-14 hours a day including Sundays and holidays, yet the amount earned was not sufficient to meet her basic needs or to have a nutritious meal. Doctors advise rest and nutritious meal but with her salary she was unable to have nutritious meal and taking rest would mean reduction in earnings. She wished to quit the job, but there was no other economic security, so she was forced to continue (Mather 2009: 15). Liuxia who worked as a garment worker in China also had a similar story. She had been working with the company for four years, six days a week (8: 00 am-5: 00 pm) and earns a salary of 30 Yuan. Her needs were not met so she worked overtime till 10: 00 pm and sometimes on Sundays. She got unpaid annual holiday for three weeks a year, no sick leave, no medical support and no insurance.

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<sup>104</sup> It mandates that all companies employing more than 100 workers should provide social security and other benefits to the worker.

<sup>105</sup> This is based on interviews and group discussions with 60 contract workers in Delhi in October 2011.

Coming back to a similar case in India, Neelam, a worker in Delhi has been working as a thread-cutter for 14 years. After working for three years with sub-contractors, she got a job in Modelama Company which supplies to GAP, Diesel, Next and Monsoon. For the first three years, she worked as a casual worker with the company, but later she was made permanent and amount was being deducted from her salary as Provident Fund but she was not given the account number, it was only later that she got her account number. After completion of 5 years, she was removed from the company; the reason was that the company would have to pay her bonus for working continuously with them. It was a usual trend among companies to remove workers before completion of five years and recruit them back again later. She was not ready to accept this and filed a case against the company with the Labour Conciliation Officer (Mather 2009: 17).

Another problem was of workers who were not listed on the rolls of the company but were working in the company. This is done for two reasons. One is to flout the Factory Act which mandates companies employing more than 100 workers to provide social security benefits to the workers. This is done mostly by small enterprises to increase profit. Another reason is to reduce the cost of production, where the actual number of workforce is double the number registered on the rolls. The union (CITU) was trying to negotiate with the employers for providing social security to these workers.

In a case of Sewa International<sup>106</sup>, a garment manufacturing company in Delhi, which used the same tactic to remove workers, a case was filed in the Labour Court. The workers of the company had been removed from their work without notice and payment. The ownership of the company was transferred to a close family member. The workers demanded compensation and registered a case in the Labour Court for the same demanding compensation. The verdict/decreed was in favour of the workers and the court ordered the company to pay compensation to the workers, but the owners have not adhered to it. The union was helping the workers get their due. The union leaders lamented that the success of workers in cases was very less as the management was powerful economically and even if it was in their favour, they always have to negotiate with the owners and the workers

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<sup>106</sup> This is a garment manufacturing company. It is not Self-employed Women's Union; though the names are same.

would not receive the amount stipulated in the decree by the court. This amount would be lowered while negotiating with the owners. They are forced to lower the amount and if they do not do so, the workers would not get anything. Though protests for demanding their share are on, negotiations have not taken place. Both the union leaders and the workers were mentally prepared that the amount they would receive would be lower than that stipulated by the court. If they did not agree to it they would have to go to higher courts and a lot of time and money would be wasted and there was no surety of success. In most cases, the owners themselves challenge the lower court verdict in higher courts sometimes to buy time, to compel workers to agree to the amount mentioned by them. During the negotiation if workers did not agree they file a case to threaten the worker. The worker would not have time and money to continue the case so in most cases they agree to the amount fixed by the employer and the case is withdrawn. The same tactic was used many times to avoid any payment to the worker. The management was aware that the workers would not drag the case and that even if they did, the chances of winning was less. Even if they somehow continued the struggle and won; they (employers) still could go to the High Court or the Supreme Court challenging the decision.<sup>107</sup>

This case brings out the problems in the existing laws and also how the union has limited options in which it can help the workers. The system forces them to compromise, as a result of which workers do not get their rightful share. Even in matters pertaining to law, they are helpless and are not able to guarantee workers their due.

In Delhi, most of the companies pay the wages according to the Minimum Wages, atleast the lower limit, but they lower the designation of the worker as in the example of the tailor and master, i.e., a person performing the task of a master is paid and registered as a tailor. Similar, adjustments keep taking place. By paying minimum wages to the workers and not enrolling them on the list of workers, the company saves on spending on social security and other benefits the workers are entitled by the Contract Labour Act. According to the Contract Labour Act 1970, contract workers are to be paid according to the Minimum Wages Act. They are

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<sup>107</sup> Interviews and group discussions held with 60 contract workers in Delhi, October 2011.

also eligible for social security like provident fund benefits and medical benefits. The company also has to provide safe drinking water, canteen and first aid facilities and toilets at the workplace. In most of the companies where our respondents worked, there was no canteen and drinking water was limited. Toilets were shared by both men and women. There were some companies which kept the toilets locked and each time a worker wanted to use they had to ask the key and many women workers were hesitant to ask the key because of their shy nature and some to avoid remarks from the key incharge (mostly supervisor) on the number of times they wanted to use it. In some other companies, time was allotted and only during that time the toilets were opened and workers were allowed to use them.<sup>108</sup>

Workers complained that though they were paid according to the law, they were registered at a lower designation and none of them were paid extra money for extra work. Only when the hours of work exceeded four in a day were the workers paid extra. Most of the workers said that they worked for one or two hours extra everyday.<sup>109</sup>

The union was unable to address the issue of workers here especially those related to unregistered workers. Whenever union pressurises labour department to conduct raids or checks in these companies, the management was informed in advance and they did not employ workers on that day. In some cases, where checks took place and the management was found guilty of flouting laws, adjustments were done between the officer and the management. The union has not been able to do anything for this. A nexus exists between the labour department and the employers which make implementation of laws difficult and weakens the union.

None of the laws pertaining to the garment sector are implemented properly and they have placed the owners of the company in a better position than the workers. Even for issues of non-entry or underpayment, the union has not been able to do anything.

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<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

#### d) Other Specificities Particular to the Contract Workers in the Garment Sector

It has been argued that women are getting employment in the garment sector after the liberalisation of the economy. In Delhi, most of the women employed in this sector were in low paid jobs like packaging, cutting thread and checking the size of the garments. No women worked at stitching, which is a highly paid job among garment workers. It was also seen that the women workers were less unionised than men. Few women workers turned up in the discussions. The male workers too admitted that less number of women were employed as tailors, but they said some of them were there but not in their company. Studies by Ghosh (2002), Jhabwala (n.d), Kantor (2002), Neetha (2002), Priyadarshani (2011), Vijabhaskar and other have documented sextyping of jobs in the garment industry which can be seen in Delhi. Other writers have also argued that women were employed only in lower end or inferior jobs. A study of Tiruppur by Vijaybhaskar and Neetha (2002) reveals that the share of women in the workforce has increased post globalisation, but gender division of labour exists. In other words, sextyping of job exists. It is reflected in the nature of work performed, valuation of the skills and the technology used by men and women. Women were the lowest paid and their main work was embroidery, packaging, tagging finishing and cleaning. Vertical segregation occurs due to difference in pay. In the same occupation, women were not allowed to move up the ladder. Buttons were stitched by machine which needs less manual labour. The machines are operated by men. Each machine bought led to loss of job for 6 workers. Tailoring was done by men and embroidery by women. Women were engaged more in the stitching of hosiery and frocks while men stitched jeans. They were involved in works like cutting the loose thread, stitching buttons, finishing and ornamentation. Men were engaged in specialised activities like supervision, procuring orders and marketing. Preparatory works like making fibre yarn, spinning and winding were done by women. Myth of nimble fingers was used for segregation of job.

In her study of the garment sector in Ahmedabad, Kantor (2002) found that sextyping of job exists there. Women had less bargaining power than men though both had equal access to equipment and resources. In the garment sector, women

stitched clothes for children and women and did finishing work like hemming, stitching, sewing buttons or hooks and men stitched western wear where the piece rate was more. She concludes that gender segregation with type of garment exists with men stitching a range of garments except low end finishing work and women focussed more on finishing work and women's and children garment. Her study also reveals that contractors or middlemen were less willing to give job to women (Kantor 2002: 298).

In Delhi too, similar trends were noticed. Women were engaged in packaging, cutting threads and ornamentation of garments. In the field study at Delhi for this thesis, it was found that no woman was employed as a tailor and all the stitching, irrespective of the type of garment, was done by men. Most of the men tailors had a view that women were not as suitable for the job. Some said that the machines were too heavy for women to operate, citing that they were not normal tailoring machines. This may be because of the stereotype in society that women are physically weak. It could also be to ensure that their employment is secure. If women also work as tailors, there would be a possibility of men losing their job both due to surplus labour and also that woman are mostly paid lower than men and they would be preferred by companies as the companies would be able to bring down their cost of production.

While the study in Tirrupur by Neetha (2002) and other studies by Vijaybhaskar on garment sector document the impact of technology on workers (Neetha 2002: 2048). This was not seen in Delhi. Workers did not feel that machines had replaced labour. According to most workers the mode of production had remained constant for several years. This may be because of Delhi's urban nature as a result of which most facilities reach their first or it could be that the mode of production has not changed and is still labour intensive.

The workers did not know where the garment produced by them went. They only knew that the employer had an order which had to be finished in a time period and all had to work toward that even if it meant extra hours of work everyday. Leave was rarely given to them and if they took more leaves they were removed from their job. For accidents at workplace also they were not paid any medical

allowance. It depended on the employer and some of the employers took up medical expenses of the workers.<sup>110</sup>

e) Economic, Social and Legislation Benefits That Have Come from Organised-cum-Collective Effort for Contract Workers in the Garment Sector in Delhi

In the garment sector, the workers did not benefit much. The union helped the workers to carry forward their struggle in most cases as discussed above. They helped the workers in conducting checks in factories so that the discrepancies come out and the worker gets his share but the success was limited. They also put pressure for implementation of laws like Minimum Wage etc. but with limited success.

f) Persistent Problem that Need More Effort for Contract Workers in the Garment Sector

The non-implementation of existing laws is the main problem of the garment sector. There is a need to work towards proper implementation of laws. This would lead to all other benefits because this sector has laws that ensure the workers minimum wage, social security and others, but these are flouted by employers. There is need for strict punishment and penalty for non-compliance of laws.

The fight among various unions was a common problem which hindered the workers' struggle. Unions fought amongst themselves and compromised on the workers' rights. This benefitted the employers and they were successful in weakening the workers' struggle for demands of basic facilities. It is in the interest of the companies to not allow more than one union in a company.<sup>111</sup> This enables them to weaken the bargaining power of the unions. This was a common feature in Delhi. The unions have paid little attention to the women workers.<sup>112</sup> The demands and needs of women workers are rarely taken into consideration. There is a need for unions to take measures to enable women workers to join the union. This would

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<sup>110</sup> Ibid.

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

strengthen the workers' movement for rights. Research studies have shown that unions, especially political party unions, were unable to address the needs of women workers. The share of women in these unions was less.

Labour courts were situated only in the state capitals which discourage workers to file complaints even when laws are violated.<sup>113</sup> This needs to be addressed. More labour courts should be opened in small places where factories are present. There is a need to decentralize the legal system. Scholars have suggested opening more Supreme Courts and High Courts in the country. This is a problem faced by the entire legal system and the workers are more disadvantaged because of their economic conditions.

### **3.5A Organising Home-based Workers**

According to the Arjun Sengupta Committee Report (2008) there are 8.2 million homeworkers out of which 4.8 million were women. They constitute 7.4 percent of the total unorganised and non-agricultural workers (Sengupta 2008: 5). Home-worker is defined as a person who carried out work for remuneration in premises of his/her own choice, other than the workplace of the employer, resulting in a product or service as specified by the employer, irrespective of who provides the equipment, material or input used. (Sengupta 2008: 5). Examples of home-based work include embroidery, doll making, fixing beads, lace making, bangle making etc.

With liberalisation of the economy, most garment manufacturing companies have resorted to decentralised production and most of the work is done outside the company in homes of workers who are mostly women. In this process, work is sub-contracted to a contractor who further sub-contracts the work to workers who work from home. "Subcontracting has been defined as a situation in which a parent firm instead of doing the work itself requests another independent firm to undertake the whole or part of an order it has received while assuming full responsibility for the work vis-a-vis the customer" (Hensman 2011: 168).

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<sup>113</sup> Ibid.

This is done by companies to reduce the cost of production as they do not have to spend on infrastructure, machinery and staff. It also enables them to avoid any responsibility of the worker. In this mode of production companies are not responsible for any social security and do not have to pay anything to the worker and it helps increase profit by exploiting labour. The labour is at a disadvantage in this form of production.

Home-workers fall in the intermediate position between the self-employed and the wage workers or the employee. (Sengupta 2008: 5). Home-workers are classified under the self-employed but the Arjun Sengupta Committee has separated home-worker from the self-employed as this comprises women workers Home-workers are of two types independent employers or own account workers (purely self-employed) and dependent sub-contract workers The term home-worker is used to designate the second category of dependent workers only (Ibid).

Home-workers are also called industrial outworkers as identified by the United Nations ILO Convention 177. Home-workers manufacture products based on the specifications of the parent enterprise or contractors who often supply the raw materials. Under the putting out system the home-workers often have to purchase, repair and maintain their own tools or machines and have to bear the cost of inputs, transportation to and from the contractor firm and infrastructure (Ibid: 57).

There are two kinds of home-working i.e. horizontal and vertical. Horizontal home working is one where subcontracting exists, but the production relations are independent. The status of the home-worker is closer to an independent self-employed worker. On the other hand, vertical homeworking, is one that creates a more dependent relation and where except for lack of supervision the status of the worker is closer to a wage worker. Vertical subcontracting is more common in the manufacturing sector comprising 70% of the total i.e. 68% men and 71% women (Sengupta 2008: 59).

Study conducted by Mehrotra and Biggeri 2007 show that between the home-worker and the retailer at the other end there are 4-5 intermediaries. The number of intermediaries and bargaining power of the home-worker have implications for the share of the final consumer price that accrues to the home-worker. In a commodity

costing Rs. 100 to the consumer the worker got Rs15 in zardoshi, Rs. 17 in beedi and Rs.2.3 in incense sticks. Technology also played a role. (Sengupta 2008: 71).

Activities undertaken by home-workers are conducted within a value chain which is sometimes connected globally. In the garment industry, two companies Gap and Walmart operate through export houses of large exporters themselves. The export houses contract out the orders to contractors who in turn may contract it to sub-contractors. The actual production may be done by large factories, small factories or home-workers. The production process may be broken up and some part of the work, sometimes the most intricate part of the work, like the embroidery work, is done by home-workers. The bargaining power of the home-worker is reduced if the intermediaries are many. The distance between the workers and the final consumers creates ambiguity with regard to the responsibility of providing wages and social security benefits.

#### a) Agencies Organising Home-Based Workers

Efforts to organise home-based workers are being made by women's groups or unions comprising of women workers. In Delhi, Janwadi Mahila Samiti (JMS) a wing of the All India Democratic Women's Association's (AIDWA), was working with home-based workers earlier but stopped working with them because they were finding it difficult to organise these women.<sup>114</sup> The nature of work, availability of surplus labour and no government support to this sector made it difficult to organise them.<sup>115</sup> In 2009, they have again started organising home-based workers.

Some organisations working in other places include SEWA, Anapurna and Working Womens Forum in Chennai. Home-based work is not confined to India and takes place everywhere. In Philippines, the National Network of Home-workers or 'Pambansang Tagapagugnay ng mga Maggagawa sa Bahay', known by its acronym PATAMABA, started its work as a national collaborator for the ILO project, but is now organising home-workers, with emphasis on education, training and marketing facilities. In UK West Yorkshire home-working unit works with

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<sup>114</sup> This is based on an interview with Ms. Albeena Shakil of JMS in October 2011 in Delhi.

<sup>115</sup> Ibid.

home-workers through publications, newsletters, meetings, etc. The Dutch Women's Union, as part of the Dutch Trade Union Confederation, also organises home-workers. The Australian Clothing and Allied Trade Union is unionising the growing number of home-workers in clothing. The Union of Needle trades, Industrial and Textile Employees started organising the rising number of home-workers in Canadian clothing industry since the 1990s, through memberships, counselling, training, legal support and a variety of other creative techniques. In Durban, South Africa, Self Employed Women's Union (SEWU), was formed based on experiences in India (Mukul 1998: 757).

In India, this sector has not got attention from trade unions or any other body Self-employed Women's Association (SEWA) has organised them in Ahmedabad and they also formed cooperatives of home-based workers which was quite successful in the initial stages (Bhatt 2006). They also had tie-ups with merchants and they got a higher share of their labour as the middlemen were eliminated. However this did not work for long.

#### b) Obstacles in Organising Home-Based Workers

The home-based workers have no definite or specific workplace, their employment is seasonal, the type of work is also not fixed i.e. they do multiple tasks in a year. They may be doing embroidery for some months and then take up making dolls and so on. This is one reason which makes organisation difficult. The earnings of this section are very low and most of them are women workers which may be another reason for organisations not reaching out to them. It was seen that participation of women in trade unions was less, and unions too have not been able to address issues related to women. In cases where trade unions have been successful, it is those trade unions which are exclusively for women or those whose priority has been to organise women workers.<sup>116</sup>

Organising of home-based workers is difficult as they work from their homes and it is quite difficult to locate them. It is very difficult to distinguish between employees and self-employed in this sector (Hensman 2011: 165). The 1988

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<sup>116</sup> This is based on focus group discussions and interviews conducted with 60 home-based workers in Delhi in October 2011.

Report of the National Commission on Self-Employed Women and Women in Informal Sector, makes a clear distinction between dependent and self-employed workers explaining that the nature of legislative protection that is needed for these two categories of workers is not the same. The piece rate workers need better rates as wages and better implementation of labour laws. On the other hand the own account workers need remedies that generally lie beyond the scope of labour laws. However, this distinction was not considered by the National Commission of Labour while preparing a document in the twenty-first century (Hensman 2011: 166). The recent Report on Condition of Work and Promotion of Livelihood in the Unorganised Sector (2008) has taken the suggestion of National Commission on Self-Employed Women partly and has separated home-workers from self-employed. It lists two types of home workers, independent employers or own account workers (purely self-employed) and dependent sub-contract workers. The term home-worker is used to designate the second category of dependent workers only (Sengupta 2008: 5). Though the report separates the two, only those dependent on sub-contractors are treated as home-workers. This may lead to problems as a home-worker at some point in a year maybe a contractor or own-account worker, but at other times may be a home-based worker. Their roles keep changing depending on the amount of work. Another problem is of a worker not being able to finish her work herself and in order to meet the deadline she may give it to other women in the neighbourhood. The question that arises here is about which category should she belong to in this case?

c) Economic, Social and Legislation Benefits that Have Come From Organised-cum-Collective Effort for Home-based Workers in Delhi

In Delhi, JMS has issued all the workers a health insurance and an identity proof as a worker, where a worker gets an Identity Card issued by the Ministry of Textiles as an embroidery worker and so on. The reason behind this is to identify them as worker and to help them find employment.<sup>117</sup> When the textiles department has some work, these workers would be contacted. In the interaction with workers it

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<sup>117</sup> This is based on an interview with Ms. Albeena Shakil of JMS in October 2011 at Delhi. The process of issuing Identity cards was taking place when the field work was being conducted.

was seen that the workers were willing to get themselves registered, but there were many others who did not trust the organisation and workers were suspicious of their activities.<sup>118</sup> They were also not sure of the reason and the benefits of organising unlike the other two sectors where class consciousness among the workers was seen. The reason behind this may be that the organisation has just started working in this sector.

#### d) Other Specificities of Home-based Work

Crinis (2002) has argued that home based work has led to *Casualisation* of labour. In his study on garment workers in Malaysia he argues that the move from production in factories to subcontracting and homework has meant that a dual labour regime has emerged, where a small number of skilled workers and a large casualised workforce now co-exist (Crinis 2002: 159). In case of home-based workers in Delhi, most of the women in this organisation were Muslim women and more than two members from each family were working as home-based workers.<sup>119</sup> This was seen in Delhi and may not be true in other places. It was also seen that the workers who were with the organisation in the earlier phase of organisation and those who were active in other issues related to women were aware of the benefits and strongly supported the organisation.<sup>120</sup>

#### e) Persistent Problems that Need More Effort

There are no legislations in this sector and there is need for legislation. Home-based work has increased in the post-liberalisation period. Most of the workers are women who have less bargaining power. The shift to home-based work reduces the cost of production and allows more companies to come and start their production as costs are reduced and the profit increases. This leads to deterioration of labour standards.

Labour laws need to ensure that minimum standards are maintained in the workplace. Merely passing legislations has not worked as can be seen in the case of contract labour in India, where companies are flouting all existing laws.

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<sup>118</sup> Ibid.

<sup>119</sup> This is based on focus group discussions and interviews conducted with 60 home-based workers in Delhi in October 2011.

<sup>120</sup> Ibid.

Enforcement of laws is needed. There is a need to regularise this sector and treat home-based workers as labour who get similar benefits as the workers in a factory setting as their work done is the same. This sector need efforts from both the government and also the unions and NGOs as they are not organised and their voices are not heard. Trade unions and NGOs need to help them in improving their conditions and pay to some extent like in other sectors and it would also lead to their inclusion in their labour-force through demands of laws.

There is a need to extend social security to the workers. Either the employers should provide it or both the government and employer through contributory method should provide social security to the workers.

There are no minimum wages for this sector and there is a need to set minimum wages based on the type of work. The absence of minimum wages leads to exploitation of the workers by employers.

### **3.6 Conclusion**

This chapter studies attempts made to organise workers in all the three sectors and draws a comparison of their efforts in organising workers in all the three sectors. In all the three sectors, the bottom-up approach of organisation was used. It was seen that the sectors are different from each other in many aspects, yet there are certain similarities among them. The problem of organising exists in all the three sectors, though the extent varies. In all the three sectors, workers were denied any form of social security from their employers. The employers were reluctant to provide social security and took steps to ensure that they do not have to pay it to the workers. Even in those sectors where the law mandates employers to provide social security, it was not being given to the workers. The state too has done very little in this direction and even when certain laws or policies to extend social security are passed, workers were unable to achieve the benefits due to their limited knowledge of the law. It is the unions which have helped in bridging the gap between formulation and implementation of social security schemes to some extent in all the three sectors. The same can be said about implementation of existing laws. It is unions which are helping in spreading awareness among workers about laws. They also make efforts to put pressure on the government or

government bodies to implement laws properly and on employers to abide by laws. For instance, in case of domestic workers the efforts have led to the formation of a welfare board for domestic workers (as stated in the 2008 Act). RSBY, insurance and health schemes are extended to the workers through these unions.

In all the three sectors there has been improvement in working conditions after workers came together collectively in an organised way. Workers admitted to the benefits they received in their work both in conditions and in their personality. Some of their demands like that of Identity cards were met; there was better treatment from employers in case of garment workers and domestic workers, and from society and administrators in case of waste pickers. They availed health insurance and opened bank accounts which show that they started saving due to increase in income and also the awareness about the benefits of saving. In case of waste pickers, income had increased after joining the union and integrating with the Municipal Corporation. Hence, it can be said that organising as a collective body is needed for the working class. It enables better understanding of the problems faced by them, as the workers get a platform to meet and discuss their problems. They get the strength and courage to fight against the exploitation they face at their workplace and collectively assert for their rights, both at workplace and before the government and governing bodies. As a group, they have a better chance to get the government's attention to address their issues at workplace and social-welfare.

However, in all the three sectors, organisations have not been able to do much for the workers at a policy level. While most of the organisations have attributed their inability to find solutions to the absence of laws and the neo-liberal policies adopted by India, it is not clear if neo-liberal policies are the only problem. The unorganised sector has been rising since independence and the terms of employment and the conditions of work in this sector are almost unchanged. While it is true that more people are shifting to the unorganised sector and the terms of employment within the organised sector are also similar to that of the unorganised sector, it is difficult to establish a link between adoption of neo-liberal policies and the organisation of workers. The unorganised sector workers received very little attention of unions even before the liberalisation of the economy.

Among all the three sectors studied, the waste pickers have benefited the most from their organisation both in terms of improving their pay and work conditions. Most likely the next generation of these workers would be in a different profession and not waste picking. The waste pickers have benefited the most from organisation and the possible reason behind it could be the involvement of state agency i.e. Municipal Corporation. It was seen that most of the policies were passed with the help of agencies of organisation and corporation members. The union has also been able to ensure social security to all the workers. Most workers have bank account which reflects a habit of saving which is possible only with surplus income. For a sector, in which the earnings are generally hand to mouth, this was an achievement. It can be said that when support from the state is there in organising, workers are better organised as in the case of waste-pickers where the Municipality was involved in implementing schemes for waste pickers.

The home-based workers are the least organised as the organisation is in the nascent stages and also for the difficulty involved in identifying them. There is a need to organise this sector to get their voices heard and their inclusion in the labour force. It was also seen that in some sectors laws are absent which makes organising and demanding difficult, while in other sectors like the garment sector, it is the laws which have become a problem for the workers as the laws are manipulated and used against the workers.

The next chapter looks at the concept of civil society given by scholars. It then looks at the efforts made by trade unions and NGOs in formulation and implementation of laws for the three sectors. It also looks at the role of civil society (trade unions and NGOs) in addressing the issues of workers in the unorganised sector.

## **Chapter 4**

# **Legislation, Civil Society and the Unorganised Sector**

This chapter looks at the role of civil society (trade unions and NGOs) in the formulation and implementation of laws in the three sectors of the study i.e. waste picking, domestic work and garment industry. It discusses how efforts of the civil society have helped in the three sectors. The chapter first focusses on the notions of civil society. Thereafter, it discusses the role that the civil society has played both in formulating new laws and in the implementation of the laws that have helped workers in the three sectors.

### **4.1 Civil Society: Views and Definitions**

“The emergence of civil society globally is linked to the fall of communism and military dictatorship which gave rise to aspiration of people, to carve out an autonomous space for collective action to counter state power” (Tandon, et. al 2003: 9). It affirmed the strength of collective action in achieving political and social goals and desire and competency of people to define political and social goals (Ibid). It is also linked to the rise of neo-liberalism and provided insight and relief to the promoters (Ibid: 10).

Civil society was also perceived as providing a necessary buffer to people affected by Structural Adjustment Programme in terms of necessary development support and services (Ibid: 11).

In India, the role of civil society in development or governance is seen as a recent one (post 1990s), but the emergence of civil society according to some, was due to the failure of the government to address the issues of the people (Tandon 2003). Many attribute the rise of civil society in India to the Emergency period (Jobert 2008:73). They argue that the state was turning autocratic and there was a need to check the role and power of the state (Ibid). The state was seen as a threat to be conquered by collective action (Ibid).

According to Tandon, the emergence of civil society in social development is rooted in three factors – rebellion against the dictatorial and centralised authoritarian state<sup>121</sup> (Tandon 2003: 60), intellectual discourse on Tocqueville’s concept of association<sup>122</sup> and theory of free market and modernisation<sup>123</sup> (Ibid: 61). “Civil society is a collection of individuals and collective initiatives for the common public good” (Ibid: 64).

He says “Civil society is a space that is free, open and accessible where values, prescriptive and norms are developed, debated accepted and contested” (Ibid: 64). It is a movement for advancing various causes and as a movement, it enables organised efforts at raising the voices of those who are rarely heard like Dalits, minorities and women. Civil society constitutes a range of initiatives drawn from different actors, sometimes working together and sometimes alone to espouse various causes (Ibid: 65). It is also a set of organisations with strong membership associations like trade unions, cooperatives and social clubs (Ibid: 66).

Others argue that the liberalisation of the economy gave rise to the emergence of civil society. The adoption of neo-liberal policies became the *sine qua non* of civil society (Jenkins 2001: 261). According to them, liberalisation led to the entry of multinational companies into India, which needed a lobby to get policies which were in their interest to be passed. So these groups funded the NGOs and other groups to further their economic interests. Civil Society organisation has been targeted as effective via media to channel aid for development to poor countries so that the gap opened by the rolling back of the state is filled through the delivery of development directly to the poor. As recipient of the aid, the civil society organisations are under obligation to fulfill their funder’s agenda of furthering neo-

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<sup>121</sup> Here he refers to the fall of the Berlin wall in 1989; the overthrow of communist regimes in Eastern Central Europe and the Soviet Union and the overthrow of military dictatorship in the Philippines in 1986, Argentina and Chile in 1980 and anti-Apartheid movement in South Africa in 1990s (Tandon:60).

<sup>122</sup> Tocqueville examined the inherent limitations of a representative form of democracy. These constraints distanced the elected representatives from the day to day concerns of ordinary people. Therefore people were placed at the receiving end of state authority. This analysis indicated that there was a need for strong associations that could mediate between the family and the government. Tocqueville viewed association as the intermediary level would help to ensure accountability of representatives who have been democratically elected to govern. (Tandon 2003:61).

<sup>123</sup> This approach sees free market as a vehicle for economic development where entrepreneurship, creativity and talent are rewarded.

liberalism by safeguarding people who are adversely affected by the onslaught of market and they act as watchdog in a democracy that can curb authoritative tendencies of a democratic state (Tandon et. al 2003: 13).

According to Wollstein and Koch, the two main functions of civil society are first, to defend political rights of the citizens and second, to function to secure good governance (Wollstein et. al 2008: 195). Civil society is also seen as a remedy to the weakening ties between government and citizens in established democracies (Ibid: 196). Recent discourse on good governance propagates the idea of a close involvement of civil society both in formulation and implementation (of policies Ibid: 99).

‘Civil society’ is not a new concept. It has found itself to be at the centre of scholarly attention for a long time. It is difficult to strictly define what constitutes civil society or what is its role in development and democracy. According to Tocqueville (1805-1859), civil society constitutes the third sphere of society; the other two being the state and its institutions, and the economy. According to him, “The science of association is the mother of science” (Tocqueville 2000: 632)<sup>124</sup>. He writes that, “An association unites the efforts of minds which have a tendency to diverge in one single channel, and urges them vigorously to one single end which it points out”(Ibid: 220). Associations according to him, lend coherence to public life, cultivate civic virtues and inculcate democratic values. “Feelings and opinions are recruited, the heart is enlarged, and the human mind is developed by no other means than by the reciprocal influence of men upon each other” (Ibid: 631).

Existence of plurality of association is the best means for the reconciliation of the public and private interest as well as best guarantee against the unmitigated power of the state. Tocqueville argues that in societies in which there is unmediated relationship between the central state and the mass of citizens, the citizens will not be able to resist the power of state authority. Voluntary associations helped in preventing authoritarianism and helped to stabilise democracy (Oommen 1995:

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<sup>124</sup> This book was first published in 1835 and the second volume was published in 1840. In this work, the new publication which combines both the book is used. The language of the book used is English.

77). According to Tocqueville, “Civil society is the protector from tyrannical state i.e. if state is democratic civil society is not needed. Civil society is the theatre of private interest and economic activity” (Oommen 2003: 126).

Tocqueville sees a link between political association and civil associations. He says that in “countries where political associations are prohibited, civil associations are rare” (Tocqueville: 637). According to him, civil associations facilitate political associations, but political associations strengthen and improve association for civil purposes (Ibid). Partha Chatterjee (2001) distinguishes between political society and civil society in post-colonial democracies. According to him, civil society has features like equality, autonomy, freedom of entry and exit, contract, deliberative procedures of decision making, recognised rights and duties of members and other such principles. On the other hand, political society was a “domain of institutions and activities where several mediations are carried out” (Chatterjee 2001: 173). He feels that unlike the west, civil society in post-colonial countries is a privilege for a few, mainly the elite (Ibid: 172). The forms and methods of mobilisation and participation in political society are not always consistent with the principles of association in civil society (Ibid: 176). In the period of globalisation, there is an opposition between civil society and political society (Ibid: 178).

Robinson (2003) argues that civil society is not separate from political society. It is not free from ideology. It is the contestation of ideology that leads to formation of different interest groups that form civil society (Robinson 2003: 374).

Oommen views civil society as a space between the state and the market and it has both positive and negative elements encapsulated within it (Oommen 2004: 30). He argues that a balance of the three spheres, state, market and civil society makes a good society. He links civil society with governance which is discussed in the next section.

Scholars like Chandhoke (2003)<sup>125</sup> argue that civil society cannot be treated as a third sphere. “It is not free from the ethos or logic that permeates the other spheres” (Chandhoke 2003: 45). It is not independent of the other two i.e. state and market. It cannot be seen as a third sphere, without any interaction with the other

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<sup>125</sup> This section discusses two works by the same author with the same year of publication.

two spheres the state and the economy (Chandhoke 2003: 243). She gives eight reasons for it. One of them is that the state is an enabler for civil society. According to her, it is the state that provides the legal and political setting for the sphere to exist and maintain itself (Ibid). According to her “civil society is constrained by the politics of power as much as it is constrained by the politics of protests” (Chandhoke 2003; 262). According to her, “Civil society is not an institution, it is a process whereby the inhabitants of the sphere constantly monitor both the state and the monopoly of power in civil society” (Ibid: 263).

The state itself can be a hindrance to civil society and not allow organisations that question the state. Civil society positions itself against the state, but it is the state that provides legal and political setting for it to exist and maintain itself (Chandhoke 2003:45). Civil society can challenge the state only within the permissible limits set by the state. Civil society needs the state to get its demands passed (Ibid). “Civil society actors will draw upon the state both to reform state institutions (to redress violation of human rights for instance) as well as civil society itself (for example through enacting laws restricting sexual harassment at workplace)”. State sets the limit of as well as the social initiatives of civil society” (Ibid: 47). “Civil society cannot be abstracted from the state and defined as a separate sphere since the two are organically connected through the structures of power” (Ibid: 49). According to Chandhoke, civil society is part of a democracy which provides space to individual to come together and discuss issues. It facilitates democracy. “It provides the precondition of democracy” (Ibid: 54). “Civil Society is not an institution; it is rather, a process whereby the inhabitants of the sphere constantly monitor both the state and the monopoly of power within itself. Democratic movements have to constantly widen the space where undemocratic practices can be criticized, and for this they have to exercise vigilance and criticality” (Ibid: 57).

Civil society is associated with good governance by many writers who see it as a link between the people and the government. The demands of the people are taken to the government through civil society. According to Tandon, the failure to deliver socio-economic development to the people has led to the emergence of the

concept of governance which is seen as the joint responsibility of the government, private business and civil society.

According to him, “Governance is the manner in which power is exercised in the management of the country’s economic and social resources for development” (Tandon 2003: 67). Civil society provides an arena for articulating the voices of the voiceless. It challenges and contests the dominant priorities, it influences public negotiation, it interact with the different arms and constituents of state to ensure that they function with accountability and it holds law and other machinery accountable (Ibid).

Wollstein and Koch argues that civil society empowerment and participation are losing their optimistic appeal Civil society used to be considered as agents of democratic transformation and that civil society contributes to good governance. Inviting civil society for improving public services may be interpreted as an attempt to compensate for government performance. They favour a top-down approach for citizen participation (Wollstein et. al 2008: 213).

Others like Oommen argue that if civil society has to reach the goal of good governance, it has to reduce disparity, discrimination and collective alienation which exists in society. (Oommen 2003: 129). Good governance should be viewed as a conjoined effort of the citizens’ market and civil society and its aim should be to transcend state-centrism, moderate the rapacity of market and exercise extremist orientation from civil society (Ibid). Good governance transcends good government, and there is a need to create a balance between state, market and civil society (Ibid: 136). The three tests of good governance are minimizing disparity, eradicating discrimination and avoiding collective alienation (Ibid: 144).

Others like Jenkins (2001) see civil society as aid community (Jenkins 2001: 251). There are others who argue that civil society is a threat to government and there should be some restriction or monitoring of their activities and they should not be allowed to become more powerful than the state. Others take this argument further and argue that they are a threat to the sovereignty of the nation as they get funding from outside. Such issues have been widely debated in India in the last twelve months after the launch of Anna Hazare’s movement against corruption.

Having seen the views of scholars on civil society, it is clear that there is no consensus among scholars on the emergence and the role of civil society. Some are optimistic of the role civil society can play in development and others caution us of the dangers in civil society becoming powerful. For this study, the role of civil society in formulating and implementing laws in the three sectors i.e waste picking domestic work and garment work is studied to assess the effectiveness of civil society (unions and NGOs). Has it provided space for the workers to come together and form association and demand legislation? What has been the impact of these legislations on the workers? Now, a look at the laws in the three sectors.

## **4.2 Legislation in the Three Sectors**

The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human beings has been enshrined in Chapter-III (Articles 16, 19, 23 & 24) and Chapter IV (Articles 39, 41, 42, 43, 43A & 54) of the Constitution of India that concern Fundamental Rights and Directive Principles of State Policy respectively.<sup>126</sup> However, there have been few legislations for the unorganised sector in India. The unorganised sector itself is vast with different kinds of employment and work conditions, but the laws drafted and passed have not taken this into consideration. This is because the focus of laws were on the organised sector and laws were passed fixing the minimum wages, compensation for injury and maintaining good working conditions in factories among others. It was the Arjun Sengupta Committee Report (2008) which, for the first time, categorised the unorganised sector into different categories. This report also included home-workers<sup>127</sup> as a different category of workers. Other workers within the unorganised sector were wage workers within the unorganised sector<sup>128</sup>,

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<sup>126</sup> [http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg\\_labour\\_laws.pdf](http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wg_labour_laws.pdf) p2 accessed on 9th September 2012.

<sup>127</sup> A person who carried out work for remuneration in premises of his/her choice, other than the workplace of the employer, resulting in a product or service as specified by the employer, irrespective of who provided the material or input used. They fall in an intermediate position between the self-employed and the wage workers or the employee (Sengupta 2008: 5).

<sup>128</sup> Person's employed for remuneration as unorganised workers, directly by employer or through agencies or contractors. It includes migrant workers, casual workers or those employed by households including domestic workers (Sengupta 2008: 5).

self-employed in the unorganised sector,<sup>129</sup> unprotected wage workers in the organised sector<sup>130</sup> and regular unorganised workers<sup>131</sup> (Sengupta 2008: 5). Despite this categorization the differences within different sectors within the unorganised sector have not been properly dealt with..

There is a debate in India as to whether existing laws are sufficient for ensuring better working conditions for workers. Writers have studied the relationship between legislation and improvement in working conditions. There is also a concern whether countries should formulate their own laws or depend on laws formulated by international organisations and implement them. Some of these questions have been taken up for discussion below.

Writers like Banarjee and Goalfield (2007) argue that legislations have been successful in improving the working conditions of workers. The ILO global estimates on occupational accidents show that in 2001, in India, out of every 1,00,000 employees, 7609, on an average were absent for more than three days due to industrial accidents. The figure is higher for China i.e. 9392, but in the developed countries, the figure was much lower i.e. 3070 (Banarjee 2007: 33).

There are writers (Besley and Burgess) who have claimed that labour laws are the major cause of underdevelopment. They cite some reasons for their claims which are: (a) labour regulations deter formal registration, encouraging firms to remain in the informal sector; (b) had there been no labour regulations, industrial growth rates would have been higher; (c) labour regulation that increases worker bargaining power is likely to decrease capital formation; (d) regulation lowers the firm's optimal output level since it raises the marginal cost of production; and (e) regulation hinder employment growth (Banarjee et. al 2007: 7).

John (2005) argues that legislations are not a solution to the problems of the unorganised sector. The government discriminates between both sectors and more laws are made for organised sector. He feels that employment generation is

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<sup>129</sup> Persons who operate farm or non-farm enterprises or engage in profession or trade either on own account, individually or with partners, or as home-based workers. Own account workers include unpaid family workers (Sengupta 2008: 5).

<sup>130</sup> This is a growing segment in the organised sector and comprises of regular, casual and contract workers who remain unprotected because of non-compliance of existing laws (Sengupta 2008 :5).

<sup>131</sup> It includes those working for others and getting salary or wages on a regular basis. It also includes self-employed in the unorganised sector (Sengupta 2008: 5).

important; but equally or more important is the quality of employment which determines the quality of life of the people. The legislation does not guarantee this to the workers in informal employment (John 2005: 3).

Attempts have been made in many places to change laws and prevent workers from joining unions. A study conducted by Mukhija & Shah (2007) reveals that in Tamil Nadu the government amended the Tamil Nadu Essential Service Maintenance Act and the authorities were empowered to declare any service as essential by issuing an executive notification. The amendment also empowered the government to take mass disciplinary action in case of violation. The Tamil Nadu government service conduct rule no 22 also banned strikes and any form of demonstration (Mukhija et. al 2007: 203).

Others like Jhabwala (n.d.) argue that all labour policies exclude the unorganised sector workers, as the norms they lay are not met by this sector. New thinking and laws are needed to cater to this sector. She makes a case for separate laws for both the formal and informal sector and argues that the extension of laws of formal sector to informal sector would not achieve much as the needs are different. The unorganised sector suffers from lack of clarity about the definition of work place and employer-employee relations are not clear. The same person may be an employee, an employer and a self-employed worker. The work done also cannot be categorized, as workers take up different jobs in different seasons of a year. She also cites problems with existing laws. Employees have a right to protection and social security; employers have an obligation to provide it (Jhabwala n.d.: 3). The Minimum Wages Act does not cover the unorganised sector workers and most of them are paid much below the minimum wage. The self-employed workers are excluded from any social security from the government. Most minimum wages are fixed on a time or daily rate whereas most informal sector workers get paid on the piece rate in India, only scheduled trades are covered under the Act. It takes anywhere from eight to ten years of persistent work to get a trade into the schedule (Ibid: 5).

Jhabwala (n.d.) suggests that new laws should be formulated and workers should be treated as workers and no section of the workers should be excluded. She also suggests the need to develop new tools in the field of statistics, to cater to the needs

of this sector. “Statisticians, have the responsibility of framing precise definitions and categories, in order to collect the data, they have a tendency to sacrifice inclusion for precision. Statistical models have excluded many aspects for precision and new ones need to include it” (Ibid: 8). The organisation of this sector workers would give them voice at the national level.

A study by SEWU (1997) brings out the forms of discrimination existing in the workplace and suggests measures to rectify it. Discrimination exists between formal and informal sector workers. There are elements of racial discrimination<sup>132</sup> also. Formal sector jobs are for white people whereas the black workers are pushed to the informal sector. Discrimination based on sex also exists. The writer suggests measures to rectify it. One of the measures suggested is, quota or reservation for women workers. Formation of tripartite boards is another recommendation made. Quotas could ensure an acceptable level of participation by women in economic policy-making bodies, such as the National Economic, Development and Labour Advisory Council (NEDLAC) and the National Small Business Council (including all their substructures). Legislation for the recognition and protection of workers in the casual, informal and socially invisible sectors of work such as home-based work is necessary. Such legislation needs to take into account the existence of self-employed workers who are not entrepreneurs or employers, and include them in its scope. Some of the recommendations include formation of tripartite boards decentralisation of the enforcement machinery; involvement of workers in the enforcement of the laws concerned; the laws concerned should be an instrument to organise the workers in the sector (SEWU 1997: 4).

Others like Jose (2006) feel that the country should formulate laws based on their needs. According to him, a standard of work should be formed and later legislations should be passed, to ensure that they are met. But in India the reverse is happening as legislations are first made and the institutions are expected to fit in the legislation. He feels that the policy makers are wrong in their view that legislations modeled on intelligent design of advanced countries should be followed by India and they would automatically remove the weak structures and build strong ones without going through an evolutionary process (Jose 2006:

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<sup>132</sup> Racial discrimination is not present in India, but this study was done globally and in other countries like US, racial discrimination exists.

3480). Efforts by the ILO towards decent work have not yielded much result. Few countries have implemented it. Countries should formulate their own laws based on their need and implement them.

The study now looks at the laws existing for the three sectors i.e., domestic work, waste picking and garment work. This would enable us to understand the role played by civil society in the formulation and implementation of laws in the three sectors. How these laws have worked on ground and is there a need for additional laws? Most of the legislations in the three sectors have come due to pressure from civil society and that is their role.

#### **4.2A Domestic Work**

The precarious position of domestic workers was realized as early as 1959, but till today, there are few legislations for domestic workers. Some states have passed laws. Even where laws have been passed, there is no mechanism to enforce the laws or see that they are adequately implemented.

According to the 1989 Shramshakti report<sup>133</sup>, there were 16.8 lakhs women domestic workers in the country as against 6.2 lakhs male workers at that time. The children, especially girls were being employed in domestic work to supplement their family income. The ILO calls them “nowhere children”, a term that explains that these children are neither enrolled in schools nor are reported to be economically active (Hamid 2006: 2). According to the Arjun Sengupta Committee Report there are 4 million domestic workers, 92 percent are women, girls and children; 20 percent are below 14 years of age; and 25 percent between 15 to 20 years (Sengupta 2008: 86).

Employment of women domestic workers 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 approximately 2.25 million in five years. The data shows Feminisation of the service as there was a sharp increase in the number of women workers (Neetha 2008: 1).

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<sup>133</sup> Shramshakti is the report of the National Commission on Self Employed Women and Women in the Informal Sector.

Domestic workers do not come under the purview of the Industrial Dispute Act nor are they eligible for securing benefits under the Maternity Benefits Act (1961), the Equal Remuneration Act of The Factories Act 1948, The Workmen's Compensation Act (1936) , Weekly Holiday Act (1942) Minimum Wages Act (1948), Personal Injury Compensation Act (1963) and Gratuity Act ( 1978) (Gothoskar 2005: 37). The Minimum Wages Act (1948) has been extended to domestic workers since 2010 in many states including Bengaluru.

In India, several attempts to pass laws regarding domestic workers have failed. A Domestic Workers (Conditions of Service) Bill (a private members' bill) was introduced in the Rajya Sabha in 1959, but was never enacted. This Bill and the All India Domestic Servants Bill, introduced in the Lok Sabha, provided for a minimum wage, maximum hours of work, a weekly day of rest, 15 days annual leave with wages, casual leave and the maintenance of a register of domestic workers by the local police. Two more private member Bills were introduced in 1972 and 1977. The Domestic Workers Conditions of Service Bill (1972) and the Domestic Workers Conditions of Service Bill (1977) were introduced in the Lok Sabha, which extended the Industrial Disputes Act (1947) to the domestic workers. After the House dissolved, these Bills lapsed.

In 1988, the National Commission on Self-Employed Women and Women in the Informal Sector recommended a system of registration for domestic workers. The Commission felt that it was important to fix the minimum wage and to enact a legislation to regulate conditions of employment, social security and security of employment.

Two more Bills, The House Workers (Conditions of Service) Bill of 1989 and another similar Bill were introduced in 1990. Both Bills dealt with full time domestic work The 1990 Bill envisaged that every employer would have to contribute to the House Workers Welfare Fund. In October 2006, the government prohibited the employment of children below 14 years of age in certain occupations in accordance to the Child Labour (Prohibition and Regulation Act 1986. It included ban on employment of children in domestic work.<sup>134</sup>

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<sup>134</sup> For further details, visit [http://ndwm.org/?page\\_id=181](http://ndwm.org/?page_id=181), accessed on 10<sup>th</sup> March 2012.

The 1989 Bill had severe drawbacks as well. It did not take into consideration benefits, class factors and issues of gender justice. The omissions included: the absence of compensation for domestic workers in the case of illness / accident or death, vesting the employers with the authority of giving information about workers they employed, lack of clarity about how, when and how much wages were to be paid and about the access to accommodation in case of full-time domestic workers, men outnumbered women on the advisory board and no section in the Bill dealt specifically with problems faced by women domestic workers and children such as sexual abuse (Ibid: 44-45).

In 2008, the National Commission of Women drafted Domestic Workers' (Registration, Social Security and Welfare) Act. This Bill seeks to establish a registration procedure for all domestic workers, including part-time and full-time workers. It also proposes the setting up of a Domestic Workers Welfare Fund to which workers and employers would have to contribute for compulsory registration of domestic workers and also deal with the registration of service providers (defined as placement agencies for domestic workers). The Bill also regulates the conditions of work and lays down punishment for the violation of provisions of the bill which includes fine and imprisonment. Both central and state level boards were to be set up for administering the law (Shankaran, et. al: 2).

Another Bill was drafted by the Nirmala Niketan and National Campaign Committee for Unorganised Sector Workers, termed the Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2008. This draft law seeks to regulate the employment of domestic workers to ensure regularity of employment, payment of contribution by employers and domestic workers. It also recommends setting up a Social Security and Welfare Board and central and state level boards to administer the law. A similar Bill was drafted in 2011 Domestic Workers (Regulation of Employment Conditions of Work, Social Security and Welfare Bill) 2010, and was introduced as a private member Bill in Rajya Sabha by Girija Vyas. In 2012, Protection of Women against Sexual Harassment at Workplace Bill 2010 which included domestic workers was passed (Perappadan 2012).<sup>135</sup>

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<sup>135</sup> Bindu Shajan Perappadant, "Safety Net at Hands", *The Hindu* September 2012.

In 2008, the Unorganised Workers Social Security Act was enacted by the centre which included the domestic workers. The National Social Security Board extends social security to the unorganised workers including domestic workers.

In 2010, the task force of the National Social Security Board recommended that the state governments should take steps to register placement agencies under the Shops and Establishments Act. It also recommended that domestic work should be included by states under the Minimum Wages Act of 1948.

At the national level, no Bill has been passed for domestic workers. These workers come from the poorest sections of society and have no say in the political process. The awareness levels of the workers are also low. It is only after joining unions that the workers become aware of the laws. The unions too are not able to do much for the workers as of now, as only a small section of these workers are unionised and therefore to build pressure on the government becomes difficult. The political class lacks interest in passing these bills. These bills get little attention before the elections for getting the vote of these workers but it has never been passed. After pressure from unions, some of these bills were introduced as private member bills but were not passed. At the state level, unions have been successful in building pressure and getting the bills passed. In states where unionisation is strong, the bills have been passed.

#### a) Legislation at State Level

Some states in India have taken initiatives towards ensuring protection for domestic workers.

In Tamil Nadu, domestic workers are included in Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982. In 2007, Tamil Nadu Domestic Workers Welfare Board was constituted. In Maharashtra, a Code of Conduct for domestic workers was published in 2007 (Shankaran, et. al: 2).

The minimum wage notification in Karnataka, Maharashtra, and Rajasthan, includes domestic work. In Tamil Nadu, domestic work is added to the scheduled list under the Manual Workers Act (Regulation and Employment and Conditions of Work Act), 1982 (Neetha 2008: 1). Some of the states like Karnataka, Kerala,

Andhra Pradesh, Tamil Nadu, Bihar, Odisha, and Rajasthan (2007) have set minimum wage rates for domestic work under the Minimum Wages Act 1948.<sup>136</sup>

Karnataka (2004) and Kerala (2005) have passed Minimum Wage laws for domestic workers. Karnataka included domestic work into the schedule contained in the Minimum Wages Act. According to the notification, a domestic worker who works for eight hours in a house is entitled to a wage of Rs. 1,600 and Rs. 1,800 per month, but if the members in the household where he/she works, were more than four, then the amount increases and he/she can get a maximum of 2,200 rupees. If she/he works more than eight hours, the wage is doubled.<sup>137</sup> In a study conducted, it was found that the amount was not sufficient to meet the needs of an average family.<sup>138</sup>

In Maharashtra, after intense lobbying, the state labour board issued guidelines regulating the services of domestic workers in 2000. The service rules included paid leave, travel allowance, fair wages etc. But the employers protested vehemently and argued that the guidelines did not tackle the problem of absenteeism and that they were one sided (Hamid 2006: 3).

The Bill was redrafted in 2003 and it asked for recognition of domestic work as legitimate and significant work. It also asked for regularized hours of work, casual and sick leave, medical benefits, insurance and other remuneration that any other work would deserve. It also provided for registration of the workers with a welfare board which could act as a mediating mechanism between the employers and employees. It would channelize payments to workers, decide on the hourly minimum wage as per the nature of work, act as an arbitrator in case of conflicts, look after the accounts, prepare an annual report and submit it to the state government (Ibid: 3).

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<sup>136</sup> For further details, visit [http://ndwm.org/?page\\_id=181](http://ndwm.org/?page_id=181), accessed on 10<sup>th</sup> March 2012.

<sup>137</sup> Minimum Wage Bill, Government of Karnataka.

<sup>138</sup> This study was conducted by the union and the report. The study revealed that to meet the monthly needs of a domestic workers family living in a slum Rs.5189 was needed i.e. Rs 173 per day. Of the total amount Rs. 1959 (Rs. 65 per day) was for food, Rs 1221 for school fees, Rs. 817 for repayment of loan, Rs. 555 for rent, Rs. 293 for health care, Rs. 185 for transport, .Rs.279 for electricity, Rs. 54 for water and Rs 62 miscellaneous expenditure.

Maharashtra is a pioneer in the enactment of laws for domestic workers because unions here are strong. It has passed the Maharashtra Domestic Workers Welfare Board Act in 2008. It is the first legislation in the country to cover the domestic workers. According to the law, the domestic workers would be registered and a tripartite board (representing the workers, employers and the government) would be formed. It would also constitute a grievance redressal mechanism. A single window welfare board would be set up in each district. It would provide financial assistance, maternity benefits, health insurance and educational aid for children of domestic workers. A pension fund would also be created and the membership would be compulsory for all members. The contributions would come from the workers, government and the employers.

There are a number of shortcomings in the Maharashtra Act that need to be identified and addressed. First, no funds have been allocated for the working of the boards and the operation of schemes under the legislation. Secondly, registration of employers is not mandatory which makes the formation and functioning of the tripartite board difficult. Thirdly, the mechanism for collecting contributions from the workers and the details of the welfare schemes are yet to be spelt out. Fourthly, the law makes registration of workers between 18-60 years mandatory. By doing so, it eliminates the workers falling below 18 and above 60 years of age (2009: 1).<sup>139</sup>

In Kerala, the Domestic Workers Employment Rights Protection Bill<sup>140</sup> 2004 was passed. This was to protect the rights of domestic workers and to regulate the employment and condition of service of domestic workers and to provide social security, health and welfare. It states the rights of workers i.e. the right to be employed, right to organize, right to minimum wage and earning, right to remuneration and consideration, right to special allowance for special work and right to social security. The Domestic Workers (Employment Right Protection) and Welfare Board Fund was to be formed.

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<sup>139</sup> Editorial of Economic and Political Weekly, 14<sup>th</sup> February 2009 Vol XLIV No. 7.

<sup>140</sup> [http://wiego.org/sites/wiego.org/files/resources/files/dw\\_workers\\_employment\\_2004.pdf](http://wiego.org/sites/wiego.org/files/resources/files/dw_workers_employment_2004.pdf), accessed on 5<sup>th</sup> October 2011.

Some states have set up tripartite welfare boards for domestic workers, to provide benefits and social security to registered workers. In 2007, Tamil Nadu constituted the Tamil Nadu Domestic Welfare Board by including domestic workers in the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act 1982. In Kerala, domestic workers are currently members of the Kerala Artisan and Skilled Workers` Welfare Fund (Madhav 2010).

In 2003, a Public Interest Litigation (PIL) was filed in the Supreme Court by the National Domestic Workers Welfare Trust and other organisations for a comprehensive legislation on domestic workers. The PIL challenged the inadequate social and legal protection and demanded better working conditions like mandatory national holidays and two weeks of paid leave, in addition to a weekly day off for domestic workers. It also demanded medical assistance for accidents caused at work during employment, maternity benefits, provident fund benefits and the identity cards to the workers. The petition also sought a ban on child domestic work and an end of sexual harassment faced by domestic workers (Shankaran, et. al: 1).

In 2011, the International Labour Organisation set standards for domestic workers at its 100th annual conference. Delegates, including those from India and the United Arab Emirates, where many Indian women work as domestic labour, adopted the Convention on Domestic Workers. In 2011, the Union cabinet announced the extension of the Rashtriya Swasthya Bima Yojna (RSBY)<sup>141</sup> scheme to cover domestic workers, providing them with health insurance for the first time.

In 2012, a draft policy for domestic workers was approved by the Cabinet in August. It is to be noted that it is a policy and not law. This policy has dealt with all the problems of domestic workers including minimum wages, workplace

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<sup>141</sup> The scheme would enable workers to get an insurance cover of Rs. 30,000 in any empanelled hospital in the country. A maximum of five family members would be covered. This would be extended to registered workers between 18-59 years of age. The worker would need identification certificate from any of the four institutions: employer, resident welfare association, registered trade union or the police. The centre would bear 75% of the cost and the remaining would be borne by the state. For north-eastern region the sharing ratio is 90% centre and 10% state. (<http://pib.nic.in/newsite/erelease.aspx?relid=83999>), accessed on 9<sup>th</sup> September 2013.

security and other problems are clearly dealt. But it has not been presented in any of the house.

From the above mentioned policies and laws, it is quite clear that the legislations have been enacted to improve and secure the conditions of work of domestic workers, but what has been lacking is their proper implementation. Financial problems i.e., allocation of fund, is one of the issues. Secondly, there is no separate body to look into the problems faced by the workers in the unorganised sector. The Labour Department takes care of both the sectors and the organised sector gets priority. In Bengaluru, the Deputy Labour Commissioner accepted that there was shortage of manpower and it was difficult to look into the complaints of domestic workers. Even, if they act on a complaint, the harassment may not be taking place at the time of interrogation. Here the rights of workers of both the sectors are pitted against each other and the organised sector gets the attention. To cite another example the Social Security Act mandated Labour Departments to create Welfare boards for all sectors within the unorganised sector. In Bengaluru, with great pressure and difficulty, the tripartite board (employer, employee and domestic worker) was formed but the board is not able to function as there are no funds with the labour department. Here again, funds are used for the organised sector workers. Here, the study does not intend to show that all is well with the workers in the organised sector. They too have their own problems but when there is a conflict of interest between both sectors, the organised sector gets priority.

#### b) ILO and Domestic Workers

Domestic workers have captured the attention of the International Labour Organisation (ILO). Since its inception, the ILO has looked at issues related to the domestic workers and in the past few years, the focus has intensified. In 1936, the International Labour Conference, considering that the International Draft Convention on annual holidays with pay (later Convention No. 52) did not apply to domestic workers, requested the Governing Body to inscribe the question on the agenda of one of its future sessions. It was also decided that the Conference would consider whether other conditions of employment of domestic workers could form the subject of international regulation (Demaret 2007: 5).

In 1945, the Conference adopted a resolution concerning the protection of children and young workers considering that “attention should be given to regulating the admission of a child to domestic service outside his family in the same way as to other non-industrial occupations”. It also called for “special efforts to eliminate forms of employment involving the placing of children in, or their transfer on a basis of quasi-adoption, to the family of an employer where they work for maintenance” (Ibid: 5).

In 1948, the Conference adopted a resolution concerning the conditions of employment of domestic workers. The Conference expressed the view that “the time has now arrived for a full discussion on this important subject”. Consequently, it requested “the Governing Body to consider the advisability of placing on the agenda of an early session of the Conference the whole question of the status and employment of domestic workers” (Ibid: 5).

In 1965, the Conference adopted a new resolution concerning the conditions of employment of domestic workers. This resolution drew attention to the urgent need to provide domestic workers with the basic elements of protection which would assure them a minimum standard of living compatible with the self-respect and dignity essential to social justice. Among other things, the Conference invited the Governing Body to consider placing on the agenda of an early session of the Conference the question of conditions of employment of domestic workers with a view to the adoption of an international instrument (Ibid: 5). In 2003, ILO research confirmed that most of the domestic work was done by women and that child labour was prevalent. It also found that workers were not allowed to organize (Ibid: 5).

In March 2008, the Governing Body of the International Labour Organisation (ILO) decided to include `Decent Work for Domestic Workers` on the agenda of the 99th session (2010) of the International Labour Conference in an effort to create an international Convention for domestic workers. It was hoped that the Convention would contain certain binding standards and would also provide for

adequate flexibility to accommodate national specificities in ILO member states.<sup>142</sup> According to ILO, there are 52.6 million domestic workers all over the world. This figure would be much more up to 100 million. ILO adopted a Convention on Domestic Workers on 16<sup>th</sup> June 2011. This was implemented after two countries ratified the Convention. Uruguay (26<sup>th</sup> April 2012) and Philippines (6<sup>th</sup> August 2012) became the first two countries to ratify the ILO Convention on Domestic Workers.

The Convention has looked at most of the issues of the domestic workers. These include specifying minimum age and minimum wage, weekly off, proper living condition, food to be provided by employer, specifying the work to be done. There should be a work contract between the employer and the employee. In case of migrant workers, countries should assist each other if a problem arises, workers have the right to keep their documents with them. It also asks countries to inspect the houses while maintaining the privacy of the residents.<sup>143</sup>

What does this Convention mean for India? This Convention has not yet been ratified by India. Till today, India has ratified only forty-four of the ILO conventions and those have not been properly implemented. In case of this Convention, the provisions that have been laid down are not suitable to India as it (the Convention) does not lay down the Minimum Wage country-wise. The Convention just states that in places where Minimum Wage exists, the workers should not be paid lower than that. In India, except for a few states, like Karnataka, Maharashtra, Bihar, Kerala etc. minimum wage is not set. The Convention also states that checks should be made by the Labour Department. In India, the Labour Department is not able to handle issues relating to the organised sector and it is difficult to expect them to focus on domestic workers. Another issue is of maintaining the privacy of employer and then checking his/her house. This too seems unfeasible in the Indian context. How does one determine when/how privacy is affected? And what limit of interference would be accepted by the

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<sup>142</sup> Labour File, Vol.8-No.1&3, In Defense of the Rights of Domestic Workers (Article - Legal Recognition of Domestic Work. pp. 41-43) <http://www.labourfile.org/ArticleMore.aspx?id=572>, accessed on 5<sup>th</sup> September 2011.

<sup>143</sup> For further details, visit [http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_INSTRUMENT\\_ID:2551460](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:2551460), accessed on 10<sup>th</sup> October 2011.

employers? In case of work contracts, who would enable the contracts as most workers here are illiterate and would not know what a contract is? If unions, NGOs and government agencies are to facilitate this, then, which agency and which union or NGO would take up the task and who would check them if they start functioning as placement agency?

The ILO Convention has listed provisions favourable to domestic workers but it is not binding on members to implement them nor does it list how one has to implement them. There is no penalty for not complying with them. After a decade, if member states wish, they can withdraw from the Convention. It seems that this Convention, like the previous ones, will not be able to do much in improving the conditions of the workers. The ILO Conventions are not taken seriously by most countries because of the neo-liberal ideas dominating the world where casualization and informalisation of the work-force has become a norm. In most countries, one sees a retrenchment and downsizing of the work-force. This leads to increase in unemployment and growth of the informal sector. Labour is tightly controlled by the management which neither encourages nor tolerates unionisation.

International bodies like World Bank and International Monetary Fund, in the name of reforms, suggest reduction in expenditure on subsidies and social welfare schemes which proves detrimental to the labour. ILO itself belongs to this group of institutions that privileges global capital over the workforce. Studies in many countries have shown that the labour was adversely affected when these were implemented. Case studies show that the condition of workers deteriorated in most of these countries. This kind of globalisation stresses labour reforms which mean measures which are investor friendly or capitalist friendly rather than labour friendly. ILO itself is tied in some senses to this world-view. Therefore, after a point, it does not pressurise countries to accept its conditions on workers involved in informal labour, especially the domestic workers, unless the countries themselves are interested in doing so. In spite of these limitations, the Convention has been able to bring the problems faced by domestic workers on an international platform and this has led many unions and NGOs to start working with domestic workers. One can only hope that these groups pressurise the government and implement stringent laws and increase social security for the domestic workers.

## **4.2B Waste Picking**

Article 243 (W) Part 1XA, of the Constitution of India specifies the powers, authority and responsibility of the Municipalities (Vishwanathan 2004: 122). The Article provides for the State government to enable the Municipalities with powers and authority to enable them to function as institutions of self-government, to prepare plans for economic development and social justice, to perform functions and implement schemes including those related to the Twelfth Schedule<sup>144</sup> which includes Public health, sanitation conservancy and solid waste management (No 6), urban forestry, protection of the environment and promotion of ecological aspects (No.8), safeguarding the interests of weaker sections of society (No.9) and urban poverty alleviation (No.11) (Ibid: 259).

Article 51(A) Part 4A of the Indian Constitution which states the Fundamental Duties of citizens includes protection and improvement of the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures (No g). Article 21 (Protection of Life and Personal Liberty) includes clean and green environment (Ibid: 36). This was included after Public Interest Litigations were filed by individuals and organisations.

The legislative framework that pertains to waste picking was included in the Environment Protection Act,<sup>145</sup> 1986 the Water Prevention and Control of Pollution Act,<sup>146</sup> 1974 and the Air Prevention and The Control of Pollution Act, 1981. The Environment Protection Act of 1986 provides for the protection and improvement of the environment and lays down the guidelines for management of solid waste which includes collection, transport and disposal. This task was entrusted to the Municipalities under the respective Municipal Acts. The Act laid down limits to air, water and soil pollution and handling of hazardous material. There were no other rules and the citizens approached courts for relief in these

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<sup>144</sup> The numbers mentioned in the bracket 6, 8,9,11 are sub points of Article 243 (W) of the Twelfth Schedule. These are points that refer to waste management. Similarly in the next paragraph g refers to the sub point in Article 51(A) Part 4A.

<sup>145</sup> For further details, visit [http://envfor.nic.in/sites/default/files/eprotect\\_act\\_1986.pdf](http://envfor.nic.in/sites/default/files/eprotect_act_1986.pdf) accessed on 10<sup>th</sup> September 2012.

<sup>146</sup> This Act was passed to protect and improve the human environment. It was passed after India participated in the United Nations Conference on the Human Environment Stockholm in June 1972. For further details, visit <http://envis.mse.ac.in/lawspdf/WATER%20PREVENTION%201974.pdf> accessed on 10<sup>th</sup> September 2012.

matters (discussed below). The Supreme Court of India issued directives to the Government for framing of rules.

a) The Bajaj Committee Report 1995

In 1995, the Planning Commission constituted a high powered committee on Urban Solid Waste Management in India, chaired by Mr. J.S. Bajaj. The inspiration for this came from the Earth Summit and Agenda where the interdependence of health, environment and sustainable development were articulated. The Bajaj Committee<sup>147</sup> made a number of recommendations, including waste segregation at source, separate bins for organic and inorganic waste, primary collection of waste, levy of user charges, use of vehicles like tricycle for collection of waste, focus on sanitary land filling and composting and encouraging private sector participation. It also gave recommendations for the disposal of waste and for activities like hospital waste management (Bajaj et. al 1995: 45). The Committee also stressed on the involvement of NGOs and other citizen groups in the waste management system.

b) Report on Solid Waste Management in Class I cities of India<sup>148</sup>

In the year 1999, the Supreme Court formed a committee on Solid Waste Management in Class I Cities in India. The court accepted the recommendations of this committee which recommended waste-pickers to be upgraded as door step waste collectors as a means of upgradation.

A Public Interest Litigation (PIL) filed by Ms. Almitra Patel, Convener of the INTACH Waste Network and another versus the Union of India focused on the issue of solid waste management. The Supreme Court of India constituted an eight member Expert Committee to study different aspects of Solid Waste Management across India and to make recommendations for improvement. The Committee was

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<sup>147</sup> This committee had 12 members and was headed by Prof. J .S Bajaj It was formed by the Ministry of Health and Family Welfare for manpower planning and development for creation of facilities for vocational training. For further details, visit [http://planningcommission.nic.in/reports/publications/pub95\\_hghpwr.pdf](http://planningcommission.nic.in/reports/publications/pub95_hghpwr.pdf), accessed on 9<sup>th</sup> September 2012.

<sup>148</sup> This committee was formed by the Supreme Court of India in 1999 and was chaired by Mr. Asim Burman. It is also known as Asim Burman Committee Report. It had 8 members. For further details, visit [www.almitrapatel.com/docs/004.rtf](http://www.almitrapatel.com/docs/004.rtf), accessed on 28<sup>th</sup> August 2013.

chaired by Mr. Asim Burman, the then Municipal Commissioner of Kolkata. The recommendations of the Committee were of two kinds, mandatory and discretionary. The Committee recommended changes in state laws and recommended to the government to keep solid waste management outside the purview of Contract Labour Act. This was done to enable private sector participation and public private partnership (Burman 1999: 5). The committee stressed on the need for the involvement of NGOs and private sector in the waste management system. It also recommended ban on throwing of waste on streets, the need for bins to be put in all public places, separation of organic and bio-degradable waste at source and collection of waste at doorstep. It also looked into the financial problems in waste management.

In the case between Almitra Patel versus the Union of India, the Supreme Court decided that door to door collection of segregated waste should start by December 2003. In response, the New Delhi Municipal Corporation informally sub-contracted the job to the people known to the existing ground level staff. Waste pickers organised and demanded that the work should be sub-contracted to them and they should be formally contracted to do the job. Chintan, the environment research and action group, created a database of the workers, their contribution to waste management in the city and the savings their work produced for the Municipal Corporation. After several drafts of the MOUs between Delhi Municipal Corporation and Chintan, who are supporting waste pickers. They were given the contract of collecting waste from 50,000 households (Samson 2009: 51).

It also led to the appointment of various government Committees to study the sectoral dimensions of urbanization and solid waste management (Chikarmane, et. al 2006: 29). Thus, one effect of the PILs was to enhance the capacity of the government to deal with waste management issues. The Central Pollution Control Board (CPCB), which was the monitoring body in these cases, is an example of a government agency that was directly empowered by the PIL initiated reforms (Chikarmane, et. al 2006: 29).

In the year 2000, the Municipal Solid Waste (Collection and Handling) Rules<sup>149</sup> came into effect. The rule acknowledged the importance of collection, segregation, storage, disposal and recycling of wastes and also stresses on its implementation. It also listed measures to control pollution. It listed special provisions for hilly areas (MoEF 2000: 13).

A Manual on Municipal Solid Waste Management, 2000,<sup>150</sup> was prepared by an Expert Committee constituted by the Ministry of Urban Development and Poverty Alleviation. The manual focuses on operational issues. It recommends recovery, sorting and recycling of materials such as glass, paper and metal, for an economically and environmentally sustainable waste management system. In Section 10.7.7 titled Collection of Duly Segregated Recyclable and Non-Biodegradable Waste from Households, it is specifically mentioned that waste pickers should be organised; recognised through issue of identity cards, provided bags and tools and allotted the work of door to door collection of waste through NGOs. The manual designates recycling as next only to waste reduction as a waste management option (Shukla 2000: 194-195).

### c) Report of the Second National Labour Commission 2002

The Second National Labour Commission was constituted in 1999 and chaired by Ravindra Verma. The Commission in its report recognised the role played by the scrap collectors both in helping recycling activities as well as in maintaining civic hygiene. It recommended that they should be protected from various kinds of insecurities. The measures that they suggested in this regard were providing identity cards, receipts for transactions, minimum wages when they are employed by contractors or other employers, health facilities, creation of welfare funds, prohibition of child labour and the like. It also suggested the extension of Provident Fund Act 1952, to waste pickers (Verma 2002: 430). It also recommended that municipal bodies should make appropriate regulations and arrangements for the implementation of their recommendations and it should be

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<sup>149</sup> For further details, visit <http://envis.mse.ac.in/lawspdf/SOLID%20WASTE.pdf> accessed on 28<sup>th</sup> August 2013.

<sup>150</sup> It was chaired by Dr. S. R Shukla and had 12 members. For further details, visit <http://urbanindia.nic.in/publicinfo/swm/chap10.pdf>, accessed on 27<sup>th</sup> August 2013.

accountable to the workers. The Commission also proposed umbrella legislation for workers in the unorganised sector for providing social security to such workers

#### d) Jawaharlal Nehru Urban Renewal Mission (JNNURM), 2005

The Jawaharlal Nehru Urban Renewal Mission<sup>151</sup> was launched on December 3rd, 2005. The primary objective of the JNUURM was to encourage reforms and fast track planned development of identified cities. The focus was on efficiency in urban infrastructure, and service delivery mechanisms, community participation and accountability of ULBs/ Parastatal agencies towards citizens (2005: 5). The JNNURM was an opportunity to integrate the informal sector into the city's work via the route of formal infrastructure. In Pune, the plan for constructing Recycling Centres with assistance from JNNURM has been prepared. This policy is an important tool in integration. It depends on the willingness and conviction of each Municipality. Currently, only a few cities such as Delhi and Pune mention waste pickers in their city development plans and this scheme remains under-used. Pune has signed its first JNNURM project, Delhi is still in discussion about the nature of these projects both regarding Municipal and electronic waste. The remaining 61 cities have not publicly discussed any informal sector recycling initiatives (Chikarmane, et. al 2006: 31). In 2001, waste-picking was included among the hazardous occupations banned under the Child Labour (Prohibition and Regulation) Act, 1986.

#### e) National Environment Policy

It was passed in 2006<sup>152</sup> and contains clauses pertaining to the informal sector. It recommends giving legal recognition to strengthen the informal sector systems of collection and recycling and strengthening their financial capacity. It also stresses on developing private-public partnerships for setting up and operating secure landfills, incinerators, and other appropriate techniques for the treatment and disposal of toxic and hazardous waste, both industrial and biomedical, on payment by users after taking in the concerns of the local communities (2006: 39).

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<sup>151</sup> For further details, visit <http://jnnurm.nic.in/wp-content/uploads/2011/01/UIGOverview.pdf>, accessed on 28<sup>th</sup> August 2013.

<sup>152</sup> This was prepared by the Ministry of Environment and Forest. For further details, visit <http://envfor.nic.in/sites/default/files/introduction-nep2006e.pdf>, accessed on 27<sup>th</sup> August 2013.

f) The Slum Adoption Scheme (SAS)

Under this scheme, local community-based organisations (CBOs) are registered and provided a monthly honorarium of Rs.2500 per 1000 population for waste collection and cleaning of small nallahs and drains in identified slum pockets. The honorarium was reduced to Rs.1800 in the second year and to Rs.370 in the third year. The concept is to encourage the local community to own initiatives in planning and execution at the grass root level. The CBO is authorised and expected to collect Rs.10 per month per household in lieu of services provided. As of now, the Municipal Corporation of Greater Mumbai (MCGM) has registered 247 such CBOs covering 4.8 million of the slum population and intended to cover 100% by 2006-07 (Chikarmane et. al 2006: 33).

The Municipal Corporation of Greater Mumbai (MCGM) promoted Advanced Locality Management (ALM) wherein neighbourhood groups together with the respective municipal ward administration would focus on Zero Garbage. There are 584 ALM Street Committees. The focus was on reduction of waste, storage and disposal involving waste pickers for collection and disposal of dry waste and adoption of vermi-composting and composting for wet waste (Ibid).

g) The CAG Audit on Municipal Solid Waste in India (December 2008)<sup>153</sup>

It suggested that it would be beneficial to formalise waste picking in order to enhance its performance by developing a registration system and providing capacity building with a view to improve its efficiency and minimise the adverse social and environmental impacts from its operations (2008: 33). It suggests that more states should give legal recognition to waste pickers. This would help them in getting organised and improving their conditions of work (Ibid: 34).

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<sup>153</sup> This report was prepared to examine whether the government had identified waste as a risk to environment and health. It drafted a policy on waste management which focused on waste minimisation and waste reduction, as compared to waste disposal, as the more effective ways to manage waste (2008: 5). For further details, visit [http://cag.gov.in/html/reports/civil/2008\\_PA14\\_SD\\_civil/contents.htm](http://cag.gov.in/html/reports/civil/2008_PA14_SD_civil/contents.htm), accessed on 27<sup>th</sup> August 2013.

## h) The National Action Plan for Climate Change, 2009

In the section on National Mission on Sustainable Habitat it states that recycling of material and Urban Waste Management will be a major component of ecologically sustainable economic development. A special area of focus would be the development of technology for producing power from waste (2009: 5).

Some other rules that have been passed for the protection of environment include Municipal Solid Waste Management and Handling Rules, The Biomedical Rules (Management and Handling) 1999,<sup>154</sup> The Hazardous Waste (management and Handling) Rules 1999, The Recycled Plastics Manufacture and Usage Rules, 1999<sup>155</sup> and The Batteries (Management and Handling Rules, 2001<sup>156</sup>, Electronic Waste (Management and Handling) Rules, 2011 and Plastic Waste (Management and Handling) Rules, 2011.

## i) Legislation at the State Level

Many states have taken steps and legislations have been made. In Ahmedabad, paper waste from the offices was to be handed over to women waste pickers. In Madhya Pradesh, the Bhopal Municipal Corporation issued an order in January 2011 to facilitate door-step collection of waste if the waste-pickers are formalized.

In Maharashtra, an order was issued by the government in 2002 to organize waste pickers with the help of NGOs and register them as co-operatives. The local self-government would take the initiative of registering these co-operatives. The

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<sup>154</sup> For further details, visit <http://envfor.nic.in/legis/hsm/biomed.html>, accessed on 9<sup>th</sup> September 2012.

<sup>155</sup> It lays down the restrictions on manufacture, sale, distribution and use of virgin and recycled plastic bag and containers. It also lays down the procedure for registration of plastic manufacturers. Containers and bags should not be less than 20 microns. Those made of virgin plastic should be in natural shade or white in colour. Recycling of plastics should be in strict accordance with the Bureau of Indian Standards specification IS:14534:1988 For further details, visit <http://mpcb.gov.in/images/pdf/Amendrule2003.pdf?SQMSESSID=c6073d196bafdc087e1963fd88661a26>, accessed on 9<sup>th</sup> September 2012.

<sup>156</sup> This rule specifies the terms and conditions for importing, disposing and recycling of batteries. It sets responsibilities for manufacturers, importers, recyclers, auctioneers, assembler, dealer and consumer. The importers should be registered with the Ministry of Environment and Forest. They all have to maintain records of batteries sold. It should be sent to the registered recyclers. public should be made aware of the process of disposal and all of them should assist by campaigns and ensuring that the used battery is collected before sale etc No damage is done to environment while transporting, use the internationally recognised symbol for recycling of batteries. It also lays down the registration process for recyclers and the renewal process. For further details, see <http://envfor.nic.in/legis/hsm/leadbat.html>, accessed on 9<sup>th</sup> September 2012.

registered waste pickers' organisation would be given the task of collecting waste from local wards. It also stated that for collection of dry waste the registered organisations would be given preference. If the city had waste processing unit, the waste should be utilised there. If there were no such units, the waste-pickers should be allowed to sell the waste. This would increase their income and improve their standard of living. Identity cards should be issued to the waste pickers so that citizens can identify them. The civic authority or NGO should provide space to waste pickers. Provisions should be made to collect general waste and bio-medical waste separately and provisions should be made for its storage and disposal. The waste-pickers should be employed for both kinds of waste.<sup>157</sup>

According to Ms. Lakshmi Narayan of KKPKP, the government of Maharashtra has been receptive to the inclusion of waste pickers in the waste management system of the city.<sup>158</sup> In 1999, the Maharashtra Government issued an order to Municipalities directing them to issue identity cards to waste pickers. This was followed by another order in 2002, directing Municipalities to allot the work of collecting waste from homes, shops and market places to organisations and cooperatives of waste pickers and to initiate such organisations where they did not exist (Chikarmane, et. al 2006: 15). In 2005, the government passed the Maharashtra Non-biodegradable Garbage (Control) Ordinance, 2006 for regulating the handling of non-biodegradable waste. The Ordinance was converted into an Act later. This law dealt with the collection, handling and disposal of non-biodegradable waste and is explicit in setting out the responsibilities of various stakeholders including citizens. It acknowledges the value of recycling and waste pickers (Ibid: 15).

The Rules framed to implement the Act provide for recycling sheds to be allotted to waste pickers. The Government of Maharashtra issued the Government Order of 2006 framing an exhaustive Action Plan for the implementation of the MSW Rules 2000, in Municipalities. The plan favours integration of the informal sector and also sets guidelines for integrated solid waste management. In February 2007, the Pune Municipal Corporation General Body Resolution No.476 approved the

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<sup>157</sup> For further details, visit <http://www.karmayog.com/cleanliness/ragpickers.htm> accessed on 27th August 2013.

<sup>158</sup> Interview with Ms. Lakshmi Narayan held in Pune in 2011.

formation of and support to the constitution of a central cooperative that would integrate waste pickers into the door to door collection of solid waste (Ibid: 17).

In 1995-96, the Pune Municipal Corporation became the first Municipality in India to endorse identity cards for waste pickers; later in 2002, it was again a pioneer in providing medical insurance cover to all registered waste pickers in the city and in 2007 the PMC was the first to support an integration model outside the contracting framework (Ibid).

The above legislations have focused on integrating waste pickers in the waste management system. This would reduce pollution, keep the surroundings clean and would also help waste pickers to improve their working conditions and earnings. Some of them have stressed on the involvement of NGOs to organize workers. After looking at the laws for waste pickers, the study now move on to the laws pertaining to the garment workers.

#### **4.2C Garment Work**

The division between organised and unorganised sector is becoming blurred in garment work. Even within organised garment work, unorganised forms of employment and work conditions are seen. Heinsman argues that the laws (industrial policy of 1977 and 1980) favoured the unorganised sector more than the organised sector. It was because of this that the factories started to shift the production to the unorganised sector as they did not have to abide by labour laws and received concessions from the government in the form of tax etc. She also states that the textile industry was the first to be affected by this change as they could not compete with the unorganised sector which received concessions from the government and hence jobs were transferred to the unorganised sector. She cites examples from Mumbai where the strike of 1982-83 led to the downsizing of firms and more than 75000 workers lost their jobs. She also cites examples from Ahmedabad where 50 private and 20 government mills were closed which led to the loss of job for more than 1,00,000 workers in 1982. Most of the job losses happened in the 1980s (Heinsman 2010: 118). She also argues that the same policy

favoured incentives for setting up units in the industrially backward areas which led to loss of unionised jobs from cities to non-unionised jobs in new areas.

This study focuses on contract workers, those workers who work regularly in the garment factories, but do not figure in the rolls of the company. They do not have social security or any other benefit that a permanent employee enjoys but the work load is similar to that of the permanent employees. The study also looks at home-based garment workers who work for long hours, sometimes even more than that of the regular employees but are paid very less.

There are few laws for home-based workers but legislations exist for the contract labour. The Contract Labour (Regulation and Abolition) Act, 1970, deals with contract workers. Apart from this, there are several other laws that apply to this sector. The study looks at the existing laws and the way they are manipulated or flouted by the employers. The laws which can be applied to the contract labour in the garment sector include The Trade Unions Act, 1926, The Payment of Wages Act, 1936, The Weekly Holidays Act, 1942, The Industrial Disputes Act, 1947, The Minimum Wages Act, 1948, The Factories Act 1948, The Maternity Benefit Act, 1961, The Personal Injuries (Emergency Provisions) Act, 1962, The Personal Injuries (Compensation Insurance) Act, 1963, The Payment of Bonus Act, 1965, The Contract Labour (Regulation and Abolition) Act, 1970, The Payment of Gratuity Act, 1972, The Equal Remuneration Act, 1976 and The Unorganised Worker's Social Security Act, 2008.

The Factories Act, 1948,<sup>159</sup> deals with the definition of a factory. It enlists the various facilities that should be available in a factory so that the workers are comfortable working there and the work is carried out smoothly. It also enlists the facilities a factory should have. It defines factory as “any premise or precinct where 10 or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on”. It also specifies the procedure for appointment of the Inspector and the duties of the Inspector. It also speaks about health that includes cleanliness and disposal of

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<sup>159</sup> For further details, visit [http://pblabour.gov.in/pdf/acts\\_rules/factories\\_act\\_1948.pdf](http://pblabour.gov.in/pdf/acts_rules/factories_act_1948.pdf), accessed on 4<sup>th</sup> September 2012.

waste. The factory should provide safe place of work and basic facilities to the workers. The place of work should be well ventilated and an optimum temperature should be maintained so that the workers can work comfortably and prevent threat/injury to health. The factory should provide drinking water, separate latrines and urinals for men and women workers which should be well-lighted and clean. The Act also enlists provisions for the safety of the workers. There should be space for sitting, washing and drying clothes, first-aid appliances and canteen should be there. The Act also specifies the hours of work which should not exceed 48 hours per week with a weekly rest. After 5 hours of work, an interval of minimum 30 minutes should be given to workers. In case of night shift, the worker should be given 24 hours of rest after his shift is over. In case of overtime, a worker should get double wages for the extra time he works.

If workers in a factory are paid on a piece-rate basis, the time rate shall be deemed to be equivalent to the daily average of their full-time earnings for the days on which they actually worked on the same or identical job during the month immediately preceding the calendar month, during which the overtime work was done, and such time rates shall be deemed to be the ordinary rates of wages of those workers. Home-based workers are not covered under this Act.

The companies should maintain a register of all adult workers which should be available for inspection by inspectors at all times. If their name are not registered workers should not be allowed to work in the factory. Workers who have worked for more than 240 days in a year are entitled to leave in the next year; one day leave should be given for every twenty days worked. Women workers are entitled to a twelve week maternity leave.

In the interviews and discussions done in Delhi with garment workers (contract labour), it was seen that the factories flout these law and manipulate them to suit their interest. According to the workers, the companies did not have separate toilets for men and women. Women workers were uncomfortable sharing toilets with men. In most of these companies, the toilets were always locked and the key was with the supervisor. Whenever they wanted to use it, they had to go and ask for the key and return it back after use. This discouraged women workers from using the toilets. Most of them said that they used it only when it was very urgent. It was

very difficult for them when they were not well like having stomach upset etc. Workers were even questioned if they used the toilets many times in a day.<sup>160</sup> By keeping the toilets locked, the supervisors were able to monitor the movement of workers and keep a check on them and see that they did not relax at their workplace.

The workplace was not well-ventilated and the factories did not have space for workers to sit and relax or wash clothes. The workers complained that the place was stuffy. The workers were given a 30 minute break, but not all workers were allowed to go together. They were given breaks in different groups and at different timings. This ensured that they returned back early from their break. It also ensured that the workers did not discuss their problems. In some companies, the lunch break was divided according to the type of work i.e. all tailors at one time, all packers at one time; in other companies, (from each section) workers were divided and then given break. By doing so, the factory ensured that the production process continued all throughout. One worker said that the time involved in switching off and switching on a machine is saved and the workers who get back from lunch resume the work from where the next batch of workers (those who were working and would be going for lunch) leave. This saves time and the output or per day production increases. The companies maintained registers, but the registers did not have the name of all the workers working there. There were more workers working than were on the register.<sup>161</sup> This will be discussed in the section on contract labour.

Some of the workers were aware of the facilities that they should be getting. They were aware of the Factories Act, Minimum Wages Act etc. They discussed how these were not being followed. They never demanded the implementation of these laws as they would be removed from their job citing some other reason. The union was trying to get these laws implemented but they were not successful. The workers affirmed that the union had intervened on several occasions but were not successful. There is a close nexus between the inspectors and the owners. The owners are informed about the checks in advance and on those days, the records in the register were maintained. Even if the union manages to have surprise checks

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<sup>160</sup> Interview and group discussions with 60 contract workers in Delhi in November 2011.

<sup>161</sup> Ibid.

through some officer and the records are found to be manipulated, nothing much happens. The owners pay bribe and get away.

The workers narrated an incident when on the complaint by workers, CITU through the help of Labour Department, held a surprise check in their company. The Inspector found more workers than on the list and even the provisions in the Factories Act were not met by this company but nothing happened. The owners bribed the Inspector and work resumed. Whenever the workers demand better wages and the unions become strong, the company shifts the production unit by fake transfers which occur within the family and the active workers are removed from job. In other cases, the whole factory is shifted to some other location making it difficult for workers to travel and take the job.<sup>162</sup> The new workers are not unionised and could be easily exploited.

The Contract Labour (Regulation and Abolition) Act, 1970: This Act extends to both establishments and contractors employing more than twenty workers. It excludes establishment where work of intermittent or casual nature is performed. In any establishment, where work is carried for more than 120 days in a year and 60 days in case of seasonal work, it is considered contract labour. The act defines contractor as “a person who undertakes to produce a given result for the establishment, other than a mere supply of goods of articles of manufacture to such establishment, through contract labour or who supplies contract labour for any work of the establishment and includes a sub-contractor”.

It also defines contractual employment or employee as “A workman shall be deemed to be employed as "contract labour" in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employee.” However, this Act does not include out workers or home-based workers : a person to whom any articles or materials are given out by or on behalf of the principal employer to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of

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<sup>162</sup> Ibid.

the principal employer<sup>163</sup> and the process is to be carried out either in the home of the out-worker or in some other premises, not being premises under the control and management of the principal employer as workers of company or contract workers.

The company should make arrangements and provide space for canteens, restrooms, urinals and toilets and drinking water. It should also have provisions for first aid facilities. The contractor is liable for the payment of wages but in case he does not do so, the principal employer has to pay the wages.<sup>164</sup>

In Delhi, this Act is flouted by the employers in the garment sector. In all the companies, contract workers are more than the regular workers. These workers, like the permanent workers, work all throughout the year in the factories, but they are not enrolled as permanent workers so that the owners/employers do not have to give any social security benefit to the workers. Many workers were working for more than 5 years as contract labour. They come to the company everyday but their names do not exist on the rolls.<sup>165</sup>

In other cases, the designation is lowered, though the work they do is of a higher designation. Three of the workers interviewed were getting their pay as tailors, but they were masters and were being paid as tailors. Master is a rank above tailor and highest in the stitching section. In the above case, their name existed as tailors. In many other cases, their name did not exist in the rolls at all.

The Equal Remuneration Act, 1976,<sup>166</sup> states that both men and women should be paid equally for equal work. This is also stated in Article 39 of the Indian constitution that the State shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women. In order to give equal wages, the existing wage should not be lowered. There should be no discrimination in employment of workers. To address the issues, an Advisory

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<sup>163</sup> The Act defines principal employer in a factory as the owner or occupier of the factory and where a person has been named as the manager of the factory under the Factories Act, 1948 (63 of 1948) the person so named.

<sup>164</sup> [http://pblabour.gov.in/pdf/acts\\_rules/contract\\_labour\\_regulation\\_and\\_abolition\\_act\\_1970.pdf](http://pblabour.gov.in/pdf/acts_rules/contract_labour_regulation_and_abolition_act_1970.pdf), accessed on 10<sup>th</sup> September 2012.

<sup>165</sup> Interview and group discussions with 60 contract workers in Delhi, in November 2011.

<sup>166</sup> For further details, visit [http://pblabour.gov.in/pdf/acts\\_rules/equal\\_remuneration\\_act\\_1976.pdf](http://pblabour.gov.in/pdf/acts_rules/equal_remuneration_act_1976.pdf) accessed on 10<sup>th</sup> September 2012.

committee should be formed of minimum ten members and one half of the members should be women. This Committee would look into the complaints of workers. Inspectors would be appointed to see if provisions of the act are being implemented.

In Delhi, women are paid equally as men for the same kind of work, but there is discrimination in the kind of work performed by men and women. Most of the male workers admitted that discrimination does exist but they too were of the view that women were not suited to be tailors. They may not be able to handle machines. The women workers felt that they were not given the opportunity but they were capable of handling machines and some of them knew how to stitch. Instances of discrimination in pay are reported from other places in the country. Studies conducted on garment sector in Bengaluru, Chennai and Tirrupur in India and other countries like Bangladesh, Indonesia show that women are paid lower than men for the same type of work.

The Trade Unions Act, 1926, lists the procedure for registration of the trade unions and defines law related to registered trade unions. For registration as a trade union, a minimum of seven members are required. This act further lists the rules the union should follow like collecting membership fee, proper accounting of funds and maintenance of records which should be available for inspection. All the money collected should be spent only on the payment of employees, compensation, legal disputes, welfare of workers or union related activities and in any year, not more than fourth of the total fund can be spent.<sup>167</sup>

The formations of unions are discouraged by most factories. Even in factories where unions are present, their activities are monitored. In most factories, the active members were victimized by not giving them promotion and in other cases; they were removed on flimsy grounds like inefficiency. This happens only when the factories are not ready to accommodate the demands of the workers and the union activities are more. By removing the leader, they are able to suppress the

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<sup>167</sup> For further details, visit [http://pblabour.gov.in/pdf/acts\\_rules/trade\\_unions\\_act\\_1926.pdf](http://pblabour.gov.in/pdf/acts_rules/trade_unions_act_1926.pdf) accessed on 4<sup>th</sup> September 2012.

demand and also instill fear among other members who, in order to save their job, would never rebel.

The Unorganised Workers' Social Security Act, 2008, ensures social security to all the workers. It mandates labour departments to create tripartite welfare boards for all sectors within the unorganised sector.

For the home-based workers within the unorganised sector there are no laws. Even the Contract Labour Act excludes home-based workers as they work in their own premise. The home-based workers are also like the contract workers of the company where the workers work for the company for a given assignment and a given period. The nature of the job is seasonal and most of the companies instead of employing contract labour try and outsource the work to this section of workers.

Now, coming to the existing legislation and laws for the home-based workers, one finds an absence of laws. The Home Based Workers Problem and Welfare Bill 1998 was not passed. The Bill included measures for equality of treatment between home workers and other wage earners in terms of remuneration, health safety, statutory social security, minimum wages, maternity protection and tripartite boards as mechanism of enforcement. A draft bill for homeworkers was being prepared by Indira Jaisingh, R K Subramanyam, T. Shankaran and others for a wider discussion. It defined home-workers as "any person engaged in any of the scheduled employments and includes all out-workers to whom any articles or materials are given out by another person being an employer, principal employer or a contractor, to be made up, cleaned, washed, altered, ornamented, finished, repaired, adopted or otherwise processed for the purpose of trade or business of that other person in the home of the out-worker or in some other premises, not being premises under the control and management of that other persons". The bill proposed to ensure regularity and continuity of employment to homeworkers, constitution of a board, a commission for homeworkers, an advisory committee, registration of workers and employers, rates of wages and new allowances, social welfare fund and may other new schemes. It said that it is compulsory for every employer and contractor to register homeworkers. The Minimum Wages Act shall be applicable to all the registered workers. In addition to the minimum wages, every worker shall be paid 25 per cent of the minimum wage as cost of raw

materials, premises and the use of other facilities. If the employer is unable to give work to the homemaker, he shall pay to the registered worker 50 per cent of his/her wages as the fall back wages. There would be a Social Welfare Fund. Every registered employer or contractor would contribute 20 per cent of the wages in the first two years, and from the third year, they would contribute 35 per cent of the wages and the workers would be entitled to several social security schemes. The Bill also makes provisions for penalties such as imprisonment for three to six months, and fines for violations of these provisions (Mukul 1998: 756).

Having seen the laws for all the three sectors, the study now sees what these laws have meant for the workers in each sector.

### **4.3 Impact of Legislations on Workers in the Three Sectors**

In case of domestic workers, there are no laws for them at a national level. Some states have implemented certain laws mainly dealing with minimum wages and social security. National legislations have been drafted but not passed. These legislations pertain to wages, proper accommodation and food, paid leave and holiday, social security and security at work, migrant workers, issues related to trafficking and child domestic work. The Sexual Harassment at Workplace Bill 2010, which is now a law, includes domestic workers.

Laws have not worked well for domestic workers. The Minimum Wage Act in Karnataka prescribes much lower payment for work. All the workers earn more than the stipulated wage in the Act. They were aware of the Act but they have never discussed it with the employers. According to them, the employers did not know about the Act. Only those workers who were very old were being paid less than the amount specified in the Act. All the workers felt that the law should be revised and the payment should be more.<sup>168</sup>

While the workers did not discuss much about the Minimum Wages Act, they were very active in getting a Social Welfare Board being set up for domestic workers

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<sup>168</sup> This is based on interview and group discussions conducted with 100 domestic workers who were members of the union. The field work was done in October 2010.

which would provide social security to the workers. The Labour Department in Karnataka, had excluded domestic workers, but it is through their protest and letters that the social welfare board for domestic workers was set up. The workers staged protest in front of the Labour Department for their inclusion and everyday few workers in different groups, went and submitted a letter to the Labour Commissioner for their inclusion.<sup>169</sup>

This Board has not yet started functioning, but few meetings have taken place. The workers felt that the laws might not be followed by the employers, but it would give them a legal stand and it would be easy to take their struggle forward. According to them, it would also enable them to negotiate with employers and once the employers got to know about the law, most of them would abide by it. For those who do not agree, they would negotiate or take action with the help of the union.<sup>170</sup> RSBY has been extended to all the workers in the unorganised sector. The organizers feel that laws would give them a space to move forward. Currently, for ensuring compensation for injury at workplace or any form of social security like health etc. they are relying only on negotiations with employers. If a law comes, it would be easier for them to take the case forward and ensure that the employer abides by the law and the worker gets their due as a right.<sup>171</sup>

In case of waste pickers, laws were related to the development of cities and the control and management of waste which indirectly benefited waste pickers. There are no laws directly catering to them. Laws have helped them only in a roundabout way. The workers were not aware of laws for this sector. They wanted the government to ensure social security for these workers including pension and medical help. The Solid Waste Collection and Handling which was implemented had mixed response from waste pickers. Some were happy as there was increase in their income and better work conditions. Others were unhappy as they were not a

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<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Interview with Ms. Geeta Menon, of Domestic Workers Rights Union (DWRU), held at Bengaluru on 21<sup>st</sup> October 2010.

part of it and their income had decreased and there was no change in their work conditions.<sup>172</sup>

In case of garment workers, most of the laws were related to better working conditions and pay, compensation etc. The laws in this sector seem adequate. There is separate law for contract labour. But laws were being manipulated by the employers to avoid paying social security and other benefits to the workers. Most of the laws were being flouted and were not benefiting the workers. The workers here wanted stricter implementation of existing laws.<sup>173</sup> In case of home-based workers, there were no laws except the wage fixed for unskilled work in Delhi. The workers were not aware of it.<sup>174</sup>

From this, we can conclude that legislations have not helped much to address the problems of workers in the unorganised sector. The drafting, passing and then implementing of law is a long process and even when laws are passed, they are not properly implemented. The effort should be directed towards proper implementation of existing laws and ensuring that social security is guaranteed to all the workers. Instead of formulating new laws, the focus should be on extending social security available to workers in the organised sector to the workers working in the unorganised sector. The existing laws should be properly implemented like the Social Security Act and the Minimum Wages Act.

However, laws are the first step towards improving the condition of the workers. Only after passing legislation can one demand it as a right or challenge it in court. After the legislation is passed, the unions and NGOs can pressurise for the proper implementation of the acts. So, it is important that the unorganised sector is first classified and laws made according to the needs of each sector. They should lobby and pressurize the government to pass the laws and later take steps for proper implementation. Care should be taken that the provisions are clearly spelt out to avoid confusion in the future and that the law is not amended against them. They should also spread awareness among workers of existing laws and workers should

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<sup>172</sup> This is based on focus group discussion and interviews conducted with 100 waste pickers in Pune, December 2010. The interviews were conducted in Yashwantnagar, Ramnagar, Laxminagar, Chitraban and Bhawanipeth.

<sup>173</sup> This is based on interview and group discussion with 60 contract workers in Delhi, in October 2011.

<sup>174</sup> Ibid.

actively participate in the formulation of laws and in building pressure on the government.

International laws which are suited for the country should be implemented. The ILO has not been able to do much to improve the condition of workers. They have no power to ensure that laws are implemented in all countries which is one of the drawbacks. Very few countries have implemented laws made by them. India has ratified only forty four of these laws since 1919. Some of them include Forced Labour 1930; Abolition of Child Labour 1957; Equal Remuneration 1951; and Non-Discrimination 1958. However India has not achieved success even in one.

Most of the laws passed are due to pressure from civil society. Among all the states, it is seen that Maharashtra has been more successful in getting laws passed. This is because the unions here are very strong. The movement also started quite early in late 1970s, so the achievements are more in comparison to other states in India. It can be said that in all the sectors of this study, laws have been passed due to the efforts of civil society. When trade union and NGOs take initiative, laws are passed. They are able to bring the problems of the workers to the notice of the government and put pressure on the government to pass them.

#### **4.4 Conclusion**

It is seen that in some sectors, the absence of laws is a problem and in others, laws have not been able to solve the problems of workers as they are inadequately implemented. Instead of acting as a support for the workers, these laws have not been able to do much for them in terms of increasing their pay or work conditions. So, in conclusion, proper implementation and strict enforcement of laws are required and this should be the focus of the administrative bodies. In sectors where laws are not there, like domestic work and home-based work, there is a need for enabling rights-based legislation.

Civil society has provided space to workers to come together and voice their demands collectively. It has acted as a link between the workers and the government by helping in the implementation of schemes and in drafting policies

and laws and is not a threat to the government. It has assisted the government in formulating laws and in the implementation of existing laws.

## **Chapter 5**

### **Role of Civil Society: An Assessment**

*Civil society is best understood as a fragmented politically contested realm where the challenge is to understand how the fluid and changing local, regional, national, and transnational processes and connections can both potentially support and suppress an insurrection of subjugated knowledge (Fisher 2010: 250).*

This chapter assesses the role of civil society in its efforts to organise the workers in the unorganised sector. It tries to see the enablers that help in organising workers and why certain sectors within the unorganised sector are better organised than the others. By examining the efforts made by civil society (trade union and NGOs) in the three sectors of the study, i.e., domestic work, waste picking and garment industry, it tries to see if civil society has been able to play a role in strengthening unorganised workers' movement for rights.

#### **5.1 Enablers to Organisation**

Before discussing the efforts of civil society, in organising the workers in the unorganised sector, it is important to list certain enablers to organisation i.e., factors that assist organising or makes organising successful. This would enhance the understanding of the role played by civil society in organising the workers. Some factors have assisted civil society to organise the workers for their rights. They are government support, media, international pressure and other factors. These are discussed below.

##### **a) Government Support**

The support provided by the government is an enabler to organisation. The schemes provided by the government help in organising workers. In all the three sectors, the support of the government was important for organising workers, especially in a case of the waste pickers where they were integrated into the development programme in Pune.

There are ample examples all over India to show how self-help groups have been successful in improving the condition of people who collectively form this group. Similarly co-operatives have also helped workers in numerous ways. Schemes like housing, employment assurances etc. also help in the organisation process. The workers join the union with the expectation that the union would help them and work for them. The organisations make use of these schemes and laws and helps the workers avail the benefits of which they were not aware. This builds a stronger bond or trust between them and helps both.

Laws formulated and implemented by the government have given voice to the workers. It has helped them to fight for their rights legally and has ensured better pay, social security and working conditions. The Factory Act, Industrial Disputes Act, Minimum Wages Act etc. have helped workers. With the help of respective unions, they have been able to make their claims. Though the success has been limited, this also acts as an enabler to organisation. Workers who join unions become aware of laws and their negotiating power goes up which benefits the workers.

#### b) Collaboration With International Agencies

Collaborations and funding from national and international agencies is also an enabler to organisation. With the help of funding, social security can be extended to workers and plans implemented. GTZ has worked in ensuring social protection to workers in the unorganised sector in India. They have collaborated at the state level as well as the national level.

International pressure also acts as an enabler to organisation. ILO conventions have been helpful in setting up labour standards and decent conditions of work. It has also led to awareness about workers' rights etc. Even if it is not strictly implemented, they act as enabler to organisation as in the case of domestic workers (discussed later in the next section).

#### c) Media

Media has also emerged as an enabling factor to organisation. When an issue is highlighted by the media immediate steps are taken by concerned authorities. In

case of organising too media attention helps in organising and strengthening the workers rights. For example when the case of a member of Parliament harassing his domestic worker was highlighted by media, a number of NGOs and trade unions approached the family of the worker and the case was taken up by them. Whenever the media highlights issues concerning workers like working conditions etc., it leads to improvement of their conditions as they get the attention of civil society groups who start organising the workers around work related issues.

#### d) Other Factors

It is seen that the organisation process is strong and better when workers are free individuals and not accountable to others. In the three sectors, it was seen that the waste pickers were the most organised and were successful in improving their conditions. This was because there was no employer-employee relation and they directly negotiated with the administration. In the other two sectors, workers had the fear of losing their job and therefore feared joining unions. In many cases, they were threatened by employers for joining unions and in some cases even removed from work. In factories, it is seen that the presence of multiple unions are prohibited and the management supports only one union. Lack of support from employers slows the organisation process. Many times workers get carried away by the employer's view that these unions will not benefit them. In some cases, for instance in the case of the domestic workers in Bengaluru, where workers had the support of employers in joining the union, it was easier to organise them and it was even easy for the union members to negotiate with the employers. Just a few citizens who supported unions made a remarkable difference in unionising workers there. This leads to conclude that even the support of the employers is an enabler to organisation. However this form of support is very limited.

The participation of the worker's in the management process is another enabler to organisation. If workers participate in the decision making process including funding, more workers join seeing the benefits of participation. This also helps in a long lasting struggle for rights as a successor is not needed and the workers themselves will chose members amongst themselves.

Multiple contact points are also an enabler to organisation. Workers working in the unorganised sector do not have a workplace, which makes it difficult to approach them, unlike in the case of the workers in the organised sector who have a fixed workplace like a factory. So, it becomes important that more ways to reach them are explored. In case of domestic workers, help of resident welfare association was sought and milk booths, vegetable market and slums were targeted to begin the process of organisation.

Gender sensitivity is another enabler to organisation. In case of the unorganised sector, most of the workers are women and when they see issues concerning them being taken up, they become members of the union. During interviews for this study, most of the women workers felt comfortable when there were more women around. It was also seen that in all the organisations chosen for the study, women workers were more in number except in the case of contract work where male workers were more. The unions were headed by women and the workers felt comfortable speaking to them.

## **5.2 The Role of Civil Society**

It would be useful to look at the role played by civil society (trade unions and NGOs) in the three sectors of this study.

### a) Laws and Policies

Civil society has played an important role in formulation and enforcement of policies and laws in all the three sectors. In the case of the waste pickers and domestic workers, the efforts of civil society can be seen clearly. If one looks at the laws enacted for domestic workers at the state level, majority of them are formulated due to pressure from unions and NGOs. At national level most of the draft Bills have been prepared by the unions and the NGOs. It is also seen that in most cases these Bills have not become Acts and remain policy papers. This brings out the limitation of civil society that it can only propose and suggest to the government, and beyond that its role becomes limited. Enforcement and implementation rests firmly in the hands of the government and enforcing authorities.

As mentioned earlier, civil society has helped domestic workers avail benefits which are provided to them by the government of which they were not aware. The workers could avail insurance with the help of the union. They also assisted workers in availing a housing scheme which was launched by the Karnataka government. The workers were able to get ration cards with their help. They even helped workers in getting identity cards. In the case of the waste pickers, the success has been even more. Waste pickers have been integrated in the waste management system.

In the case of the waste pickers too, most laws have been enacted due to the pressure from civil society. In this case, it is also seen that the workers with the help of local administration especially the Pune Municipal Corporation were able to design waste management system for the city. This effort helped all sections of society. The government had a systematic waste disposal in place, people were able to live in much cleaner places and the workers got better pay, improved working conditions and better value for scrap. All the workers who were integrated in the SWCaH programme had increased their earning. Apart from that, they got a fixed amount every month from every household for door step collection. They got gloves, coat, soap and cart which enabled them to maintain hygiene. The scrap was segregated at the source which increased the value of the scrap and thus contributed to the increase in income.

In the case of the garment workers, both home-based and the contract labour, not much has been achieved. Most of the existing laws in this sector are passed by the government and their proper implementation has been stressed upon by the unions. For the home-based workers, only a couple of laws exist and they have not been able to claim their identity as workers. It was only recently in November, 2011 that the registration of home-based workers started and very few of them have availed it. The level of awareness among them about the laws and schemes for their benefit was also seen to be very less.

Civil society groups have been successful in bringing the problems of workers in various sectors to the notice of the government. It is with their help that laws are made and they play an important role in successful implementation of the laws. Without their involvement, the implementation would have been even lesser than

that existing now. However, they can only draft, suggest and propose to the government. They just act as a pressure group. The implementation depends on the willingness of the ruling party.

#### b) Organisation of Workers

Civil society has been quite successful in organising workers in the three sectors of the study. There have been debates on the type of organisation (discussed in chapter 3) that should be used i.e. bottom-top, top-bottom, self-help groups etc. It is seen that there is no one way to success and depending on the situation and place, the mode of organisation has to be determined. There is no one single form that can be said to be successful in all the cases. It is also seen that those forms or organisations that include the direct involvement of workers in the decision making process and their active involvement are successful in a better organisation, than those where a leader (person trying to organise or very few active union members) leads them. If the workers themselves are involved, they become more aware of their rights, how to go about things, act as an inspiration to other workers, communicate well with other workers and make them also aware of their rights and so on as he/she is also a part of the same group. If there is a leader or only few members are active who decide everything on behalf of the workers, then the problem of taking forward the organisation on the retirement of that person/people comes and many times the organisation may become weak. The consciousness of workers may also be comparatively less and a relation of dependence would exist. But in all the three sectors, organisation has led to the empowerment of workers. In all the sectors, bottom-up approach of organising was used.

#### c) Benefits to Workers

The workers in the three sectors of the study have benefited considerably due to the efforts of civil society. The effect has been on all spheres of life personal, professional and community related. They have been successful in getting an identity as workers. For instance, identity cards have been issued to the waste pickers by the Municipal Corporation, by union to the domestic workers and the Ministry of Textiles to the home-based workers. There is a remarkable difference in the way people and the administration look at them (discussed in chapter 3).

Their struggles have been successful and they have been able to avail health insurance. After the struggle with local administration, they were also able to get ration cards issued. The efforts of the civil society have helped improve their work conditions which are more hygienic now.

In case of disputes between family members, the help of organisation was sought and they helped in resolving disputes relating to property or education and any other issues. In one of the case an old domestic worker was not being treated well by her son. The union intervened and she was given a share in the property where she could live. This was done by negotiation with her son and the problem was amicably resolved. In another case of a teenaged child of a domestic worker who was losing interest in her studies, the union members acted as counsellor and solved the problem.<sup>175</sup> Problems related to fights after drinking were also resolved through union intervention. As a result, workers now live peacefully in their community and most of their problems have been resolved through union intervention. The Fair Price Shop in Pune was not operating properly. It would remain closed and the commodities were always out of stock. The union members protested and the shop started functioning properly. All the needs of the workers were collectively met either through protest with the administration or by setting up their own facilities. Some of these include facilities for drinking water, sanitation etc. Workers through the help of union got savings account, insurance policy, availed loan and other benefits available for the unorganised sector. This has been discussed in detail in chapter 3.

One of the most significant achievements of civil society has been the transformation in the personality of the workers, i.e., the way they approach their work. In all the three sectors, it was seen that most of the workers became more aware of their rights after joining the union. Many gained confidence and became leaders of the struggle coming up with new ideas to improve their work and increase the pay they receive. Even in cases where the efforts have not translated into policies, they have been able to create a workforce which many times are able to set their own terms and conditions of work and pay even without existing

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<sup>175</sup> Interview held with a domestic worker at Jayanagar in Bengaluru October 2010.

structures and laws. All this was achieved through the collective action of workers with the help of unions.

It was seen that the older an organisation, the better organised the workers. Of all the three organisations, the waste pickers were the oldest and hence better organised than the other two. In order to make the workers voices heard and to bring their problems to the notice of the government, civil society groups have to work consistently with the workers. It was observed that some groups stop working with these sectors at some point either because of the success rate going down or because of other reasons which weakens the movement. The workers lose trust and when another organisation comes up, they doubt their intentions and are suspicious. They feel they may be again left. So it becomes difficult to gain their trust.

### **5.3 Reasons for Some Sectors Being More Organised Than Others**

It is important to ask why certain sectors within the unorganised sector are more organised than others, and why organisation in certain sectors within the unorganised sector happens earlier or faster than in other sectors. It is seen that if the enablers to organisation exist among certain sectors, they organised faster than the other sectors. Even if a few enablers were there it made a lot of difference. It was also seen that international pressure, attention by the government on certain sectors and boom in certain sectors facilitates the organisation process which leads to the organisation of the workers.

The garment industry witnessed growth in the post-liberalisation period. Many international companies shifted the production base to places where labour was cheap and set up units in these countries. A good number of workers got employed here and the contribution of this sector to the GDP increased. In the same period, issues like employment of child labour in such units, unhealthy conditions of work etc. were raised. Many unions and NGOs started working in this sector. Many countries issued voluntary codes and refused to buy products where child labour was used or animal testing was involved. The success of such codes is debatable as

one still finds such labour employed and the business flourishing. However, such issues were raised during this period and have been tackled to some extent.

One finds this situation not just in India, but in other countries like Bangladesh, China, Indonesia, Thailand, Philippines and Malaysia also. The proliferation of NGOs and unions in this sector could be a result of the sudden unemployment of many workers (mostly male) in the organised sector which may have attracted the attention of the trade unions who wanted to ensure that these workers were not removed and their job were protected. It may also be related to the increase in the number of workers (majority of them women) employed here and the unions saw this as an opportunity to increase their membership. This proliferation may have coincided with the empowerment of women workers. Workers began organising themselves after the boom in the textile sector. This may be because in most of the places, the labour was cheap and the Feminisation of labour was taking place. Once the women started working and gained self-confidence, they also realised that they could collectively demand better wages and improve the working conditions. They also may have realised the need for equal pay for equal work. These unions were the only place where these people could go. Another reason could be the role of international funding agencies in promoting such NGOs as it was a time when voluntary codes and other issues were gaining attention internationally and it was worth promoting such issues.

In case of domestic workers too, the ILO intervention helped speed up the organisation process. The Convention on Decent Work for Domestic Workers (2010) by ILO led to an increase in the number of unions, NGOs and other groups organising domestic workers. With the ILO attention on domestic workers, funding for such organisations also increased and many international organisations started financially contributing towards the organisation of domestic workers. At the same time union wings of political parties entered the field and started organising workers. A competition began among all the groups.

However, it is seen that once the attention is withdrawn from the sector, funding decreases, then there is a decrease in the number of unions and NGOs working in that sector. Only a few of them survive. For instance in the garment industry in Delhi, there were many NGOs working with the garment workers in the 1990s, but

today in 2012, very few of them continue to work with them. Even organisations like SEWA, who were active then are inactive or atleast dormant now. JMS which used to work in this sector stopped working as they were finding it difficult to organise workers and they were finding it difficult to negotiate for better wages. There were no laws and workers were also not united. They would take up work even at lower rates and this made it difficult to organise. They (JMS) has started working with the sector again since 2009 and they feel that they will be successful in organising the workers better now as they understand the problems better and would work accordingly. They would first try and organise workers to demand social security for this sector. Later, they would demand better wages/pay.<sup>176</sup>

In the case of waste pickers, it was seen that the privatization of the waste management system led to their exclusion. There were many closures of dumps and they were not allowed to collect scrap freely. To resist this move, the workers started organising in form of co-operatives, companies or unions. This has also been seen in Brazil, Philippines Colombia and Cairo.

It was also seen that if there was continuity in the work of civil society organisations then the organisation of workers was better and long lived. Also the awareness of the workers was more and they were able to carry forward the struggle.

## **5.4 Trade Unions Affiliated to Political Parties and Other Trade Unions**

In this context, it is important to know whether unions affiliated to political parties have been more successful in organising workers than other unions.

Political parties have made little effort towards organising workers in the unorganised sector. Even Left parties, who stand for workers rights, have been able to do little in this sector. This sector tends to be overshadowed because of occupational diversity and mobility factors. The occupations of workers change according to need and they move from one geographical area to another. In these circumstances, it is difficult to organise workers into a unionisable force.

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<sup>176</sup> Interview held with Ms. Albeena Shakil in Delhi, October 2011.

Even today, very few sectors within unorganised work have active trade unions. Even where unions are present, they have not been able to do much. In order to cater to the needs of workers in the unorganised sector, the structure and functioning of the trade unions have to undergo a change. They have to adapt themselves to the nature of work in the unorganised sector which is quite different from that of the organised sector. The liberalisation of the economy has led to change in working patterns everywhere. Trade unions have not been able to address the needs of new forms of employment like sub-contracting, outsourcing and others. They have not had much success in focusing on the needs of the unorganised sector workers who have to move between jobs and locations at a much higher frequency.

Trade unions of political parties have ignored the workers in the unorganised sector. The very structure of trade union excludes unorganised sector workers. The liberalisation of the economy has led to an increase in the number of workers in the unorganised sector and they now form the majority of the workforce. This sector has been largely ignored by the union and they are ill-equipped to cater to the needs of workers in the unorganised sector.

In the sectors of this study i.e, domestic work, waste picking and garment work, it is seen that the involvement of political parties in such sectors was short lived and only the ruling party's (party in power which has formed the government in the respective state) union wing was more successful in organising workers. In most cases, groups of political parties were more successful in organising workers as they were financially secure and due to the support of the ruling party in the respective states, they are able to get schemes passed and implemented for the workers. This was due to their links and their ability to influence policy decisions. Once the attention of ILO was diverted,<sup>177</sup> or there was recession in the sector, these groups stopped working there. Even, if they worked, the change in the government changed the situation where the active union became inactive and the inactive one belonging to the current ruling party became active. However, it is

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<sup>177</sup> Here it means anybody/organisation whose policy led to organising workers. The study has earlier stated that some sectors get attention of unions and NGOs due to ILO or other organisation taking up the issue, boom in the sector etc. It could be any body not just ILO but ILO is taken as an example because ILO's attention on domestic workers led to a number of unions and NGOs entering the field and trying to organise them.

also seen that non-political party unions and NGOs also decrease once the attention gets diverted. In the case of the garment workers in Delhi, once the boom was over, the international attention got diverted, funding also decreased and there was decrease in the number of organisations organising garment workers. Such groups are not completely apolitical. Only few organisations worked with these sectors after the attention shifted. Most of the survivors were non-party organisations. It was also seen that there were no NGOs working in case of the waste pickers and garment workers and few were present in case of domestic workers. In case of waste pickers, few NGOs that were there were taking care of the education of the unprivileged or underprivileged children and these included the children of the waste pickers. This leads to conclude that unions are the ones organising workers in the unorganised sector. However, this conclusion cannot be universally applied as it is based on the three sectors of this study where the presence of NGOs was not seen. They may be present in other sectors of unorganised work in the same city or in the sectors of the study in other cities.

In case of domestic workers, NGO and trade unions were working in partnership. Their activities were related to each other and a relation of mutual dependence was seen among both. In case of domestic workers, this form of collaboration has a positive effect. They have rescued many workers who were sexually assaulted or in bondage with the employers. However, it may not always have the same result. This form of alliance may prove detrimental to the workers' movement. They (trade unions and NGO) may compromise on worker's rights in order to save their partnership.

At times the consciousness of workers leads to organisation and once they start organising trade union of political parties enter and take up the unionsation process. For example, in case of the bullock cart union in Chattisgarh, it was a bullock cart owner who first raised the consciousness of workers and later a trade union was formed (Ahn 2007: 67).<sup>178</sup>

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<sup>178</sup> In this case, bullock carts were used for transportation of rice from rice mills in adjacent areas to the Food Corporation of India (FCI) godowns. The workers worked on a piece-rate system and the rate was kept very low which amounted to lower than the minimum wage for unskilled workers for 8 hours of work. In spite of a piece rate system being followed, workers had to carry a fixed number of bags everyday resulting in long hours of work and less pay. The union has been able to raise the piece rate per bag and overtime wages.

Many times there is a clash of interest between various unions. It is seen more in the union wing of political parties as they organise both the organised and unorganised sector and the interests of both groups clash and it becomes difficult to reconcile. Many times, the interest of organised sector gets predominance over that of the unorganised sector. In case of strikes, the unorganised sector supports the organised sector struggles, but the organised sector unions do not participate in the struggles of the unorganised sector workers (Ibid).

It is also seen that the problems of women workers were not addressed by political party unions. Studies done by scholars on other countries like Indonesia, Thailand and Malaysia show that in all these countries, trade unions have ignored women workers or have paid little attention to them. In these countries, it is the NGOs who have addressed women's issues. However, in India in the sectors of this study, it is seen that the presence of the unions of political parties were less and there were no NGOs. So, in India, in the sectors of this study, it was the unions who were performing the preliminary steps of organising workers. One of the criticisms cited by Crinis (2002) in these countries was that the NGOs were unable to mobilise a large number of workers as they were outside the factories and industries. The writer also opines that it should be the unions who would increase the membership (Crisis 2002: 163).

### **5.5 Has Civil Society (Trade Unions and NGOs) Acted as a Link between the Government and Workers to Strengthen the Unorganised Workers Movement for Rights?**

Have civil society groups (unions and NGOs) been able to strengthen the labour movement particularly in the unorganised sector. Has their intervention helped in strengthening the unorganised workers' movement for rights?

Lewis argues that,

NGOs and Civil Society have provided a relatively professional arena for activism which can also serve as a space in which a person can gain experience and knowledge for careers in other sectors (Lewis 2010: 163).

Lewis further argues,

NGO was a means by which young idealists from student politics, as well as some from sections of business and academia could connect their work to the challenges of national reconstruction and poverty reduction (Ibid: 162).

The trade unions have been successful in organising the workers and in negotiating with the state for better facilities for workers. Studies done in construction industry by Patnaik (2009), tea industry by Bhengra (2009) and brick kiln industry by Gupta (2003) show that the unions have been successful in ensuring better work conditions to some extent. Studies done by SEWA, Bhatt (2006) also shows that within the unorganised sector, unionisation has helped workers get better facilities and increased income. The findings have been similar in other countries. (This is discussed in detail in chapter 3 and 4).

Civil society has acted as a bridge between the government and the workers. In all the three sectors, proper implementation of schemes became possible due to civil society interventions. Workers were made aware of laws and policies through campaigns, workshop, meetings and discussions. All this helped the workers and also the government in proper utilisation of resources. They also brought the problems of the workers to the notice of the government and worked with the government in finding solutions and implementing the same.<sup>179</sup>

They have successfully drafted various legislations taking into consideration the problems of the workers and what needs to be done. Identity cards, ration cards etc. were all issued with their efforts. The existing laws like the Contract Labour Act, Minimum Wages Act etc. were also implemented with their help. In recent years, the Right to Information Act and the Food Security Act have been implemented due to the efforts of civil society.

In case of the unorganised sector, civil society has acted as a pressure group, a link between government and the workers and has performed commendably well. In all the three sectors, there were laws passed, social security schemes extended and discussions held with the government agencies. Many cases were solved both inside the court and outside. Workers have benefited a lot in terms of becoming aware about their rights, laws existing which they could use and social security benefits. Workers have also got courage to stand up for their rights and collectively

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<sup>179</sup> This is based on field work done in Bengaluru and Pune in 2010 and Delhi in 2011.

protest against unjust practices in factories or workplaces. In all the three sectors of the study, workers collectively demanded better pay and work conditions, protested against false allegations against the employers and administrators (discussed in detail in chapter 3). The workers were empowered in this sense as they now understood the benefits of collective action and supporting each other's cause. It is the strength of the workers movement that the strike called by unions on 20<sup>th</sup> and 21<sup>st</sup> February 2013 has been supported by unions across party lines and was a cause of worry for all administrators and legislators.

However, the role of unions has not always been positive and certain people or groups within a group were not happy with the actions taken. There were clash of interest within different groups in the same profession. For instance, in case of waste pickers when the unions started their tie up with the Pune Municipal Corporation, it was seen that a section of workers who were not integrated into SWCaH were unhappy by the decision taken. This was because their profit had reduced as they continued going to the dump to collect the waste. Due to the implementation of door to door collection and segregation at source the quantity and quality of scrap that reached them deteriorated.<sup>180</sup>

In case of both domestic workers and waste pickers, it was seen that all the workers were unable to avail benefits of the scheme extended to them. In case of domestic workers, when the union extended the housing scheme to the workers some of them could not avail it as they did not have proper documents required and were not happy with it. In case of waste pickers, workers did not get back some of their insurance claims due to the same reason and were unhappy about it. Clash of interests exists among members of union but when a decision is taken, all abide by it.<sup>181</sup>

In the field of legislation too, their success was limited. A small number of the policy or law drafts are discussed by legislators and even lesser number become policies or laws. Most laws are manipulated and misused against the workers. The role of civil society in formulating laws and their involvement in the policy is seen by some as a threat to the sovereignty of the country People who hold this view

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<sup>180</sup> This is based on field work done with 100 waste pickers in Pune in December 2010.

<sup>181</sup> This is based on field work done in Pune in December and Bengaluru in October 2010.

argue that it is international bodies behind NGOs who lobby around the government to get policies and laws passed that are suitable to them and those which helps in furthering their agenda. Others argue that many NGOs in disguise are spying for their respective governments in the name of development. Their main aim is to set their bases here and keep their government informed about the policy and other issues taking place here.

According to Wilson (1996), NGOs have not been very successful in organising the people and catering to their needs as they are cut off from the politics of the country, are small and scattered and are isolated from the mainstream of the working class movement. Their rejection of wider political perspectives limit their potential to challenge the framework in which such exploitation is occurring and ironically make them perfectly acceptable to the World Bank and its associates.

For instance, Priyadarshini (2011) who expresses doubt over the role of NGOs and argues that the NGOs have not been able to stress upon the needs of the workers they represent. They get their funds from other countries and are dependent on them. The funding countries use them for their own interest.

A study done in Bangladesh by Lewis (2010), shows that the NGOs played an important role in government formation by funding. In his study, it is stated that an NGO Proshika had assisted the opposition in the election campaign and diverted donor funds for political purposes (Lewis 2010: 167). NGOs may act as organisational spaces for activism but they also provide spaces where government power can be projected (Ibid: 176).

Yet, one has to admit that the construction of the three sector model and the way by which it may be simultaneously maintained and undermined forms part of the regulation process of the overall organisation of neo-liberal aid and governance (Ibid).

Whatever be the charges leveled against them, it is seen that these organisations reach to even those places that are ignored by the government or get less attention. Many NGOs are working in the tribal belt and helping people there in many different ways like education, health, building infrastructure etc. These arguments

are directed towards transnational organisations and not Indian organisation or union wing of political parties.

Crinis (2002) studied garment workers in Malaysia and highlights the positive role of NGOs. He finds that the NGOs there helped women garment workers. He draws comparison between trade unions and NGOs and has shown that trade unions have ignored women and it is the NGOs that have benefitted the women workers. It is through their efforts that the situation of garment workers was brought to the notice of the people and the need to improve the status of women workers. The awareness of the workers also increased. The country also ratified the United Nations Convention on Elimination of All Forms of Discrimination against Women in 1995. NGOs and women organisations have collectively put before the government eleven issues concerning women like minimum wage, right to form trade union etc. The government has not acted on them yet (Crinis 2002: 163-164).

Another study by Ford (2002) in Indonesia shows that the NGOs are the ones helping the workers, especially domestic workers and garment workers to deal with their problems at workplace. The trade unions were not able to cater to the needs of women workers.

Hisao's (2003) study in Taiwan shows that NGOs grew on indigenous resources with no direct international or global intervention and are based on local issues. They have internationalised the state and have assisted in upgrading the political status of the state (Hisao 2003: 190). Emergence of social movements has changed the state and NGO power relation (Ibid: 182). The functions of NGOs were to explore new frontiers of social concern, intimate and advocate necessary reforms, maintain and protect certain social values, provide services to needy individuals and groups, expand the ways and means of social participation by which new social networks and social capital is created (Ibid: 185).

According to Wilson (1996), trade unions are seen as a hindrance to the development. NGOs are considered by him to have a better understanding of ground situations and the people and are more flexible and fit into the neo-liberal criteria of detachment from wider class-based movements, and the isolation of

unorganised sector workers from unions fighting for the rights of organised sector workers (Wilson 1996: 17).

Though there are certain benefits that NGOs have over trade unions, the absence of NGO activism in the three sectors of the study has meant that the trade unions had a bigger role to play in these sectors. This study finds that in the three sectors of the study the presence of NGOs is lower than that of trade unions. They are present only in organising domestic workers. But their presence here deals with limited issues i.e. women related issues. In the other two sectors, i.e. waste picking and garment work they are absent. So, it concludes that in the sectors of this study, trade unions have organised workers.

This study points to the need of the unions to change according to time and to focus on the unorganised sector which is continuously expanding and has got very little attention of the unions so far. They need to look for ways to organise these workers with support from workers within the organised sector. It was also seen that there were fewer women members in the union wings of political parties and this is an important issue that needs to be addressed.

In case of garment workers in Delhi, it was seen that though women were registered members of the union, few of them came for the meetings and even if they did, their voices were unheard.<sup>182</sup> This was not the case with other unions like that of domestic workers or waste pickers, which are not political party unions. Here, men are not restricted entry into the union, but it was seen that in the case of domestic workers and even in the case of waste pickers, the proportion of men was less compared to that of women. The women were active in most of the union activities. The unions either have to maintain a balance in the union or should have separate unions for women. It was also seen that most of the union members in the garment sector had a feeling that women were suited for certain kinds of jobs and were against women becoming tailors which is currently a male profession. They also had the fear of losing their jobs if women entered their sector. Sextyping<sup>183</sup> of

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<sup>182</sup> This is based on the field work conducted in Delhi in October 2011.

<sup>183</sup> This is a term used by scholars like Ghosh, Jhabwala and others to describe/define division of labour based on gender.

job was prevalent. One of the workers interviewed who was a tailor himself said that

It is not that women are not capable of becoming tailors but what would we do if women entered this job. Already, no man is employed for cutting the threads and checking which is done by women, so if they become tailors, we will have to sit at home unemployed. As it is, it has become difficult to find jobs these days.<sup>184</sup>

Many others felt that women were not fit to be tailors as a lot of strength was needed and they lacked that. Some felt they would be able to manage it with difficulty. The women workers felt that if they were given an opportunity to become tailors, they could perform the task similar to their male counterparts, but this opportunity was not given to them. One of the women workers said

I do not have problem that we are not allowed to stitch, but the pay should be more, workplace should be better especially water and toilet facilities and we should get provident fund and insurance.<sup>185</sup>

Experiments on organising women workers in the organised sector has shown that unions meant exclusively for women have been successful in organising the workers. Self Employed Women's Association (SEWA) is an example of such union. It has been working in many states in India and has empowered women workers. In order to make the women's voices heard, trade unions have to either start separate wings for women workers or take steps to ensure that their voices are also heard in the union by having equal representation.

There is a need for unions to develop new strategies to deal with the problems of the workers. This includes help in formulating and implementing policies that benefit the workers and ensure job protection. The current laws need to be revised to ensure that no loopholes are there and that they are not used against the workers. They need to work more on a rights based approach i.e. it is the worker's right to get social security, minimum wages, proper work environment and not see all these as a charity from the employers side.

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<sup>184</sup> Interview conducted with a worker who works in a garment factory in Mongolpuri. He is a tailor. It was held in November 2011. The interview is translated in English.

<sup>185</sup> Ibid.

There is a need to provide legal aid to workers. Instead of compromising with the employers/owners, the unions need to strive for the implementation of the decree given by court. They also have to stress on the need for more labour courts and take steps to ensure that the cases be heard in the place of residence of the worker and not in the state High Court. Arrangements in this regard should be done with the help of the government. With the changing time and working conditions, there is a need for unions to change their style of functioning and adapt to the changed environment. In order to have a strong movement for worker's rights, this is needed without this, the movement will fail.

Another problem that was seen was the lack of unity among the unions. The unions themselves are divided and different workers are from different unions. These unions are in competition to expand their membership and many times there are areas divided among them to avoid clashes. However, these unions do not rise above party lines and focus on the problems of the workers. They constantly fight amongst each other and there is no consensus among them regarding any policy or any other issue. They themselves are so divided that it weakens the organisation process and in turn weakens the labour movement. According to Fisher, Civil society is not free from power struggles nor is it an open space for rational agreement and apolitical decision making (Fisher 2010: 256).

The unions should use new means to counter these problems and have to look for new measures and techniques to strengthen the organisation process. They need to relook, rethink and redraft all the measures adopted and reexamine the demands to strengthen the worker's rights. They have to consult amongst themselves and rise above their party identities and take into consideration the interests and rights of the workers.

In a global economy, it becomes important to have organisations that ensure that worker's rights are granted and protected. The production is so widespread that there have to be international bodies which take care of worker's rights. The individual governments of the countries are unable to look into the rights of these corporations and frame policies on their own. It is also seen that international pressure helps in setting up some standards as is seen in the section on law and ILO. So, in this scenario it becomes important to have civil society groups which

work across borders. Here it does not mean that national unions are not needed. They have to be there and function with the workers here, as they are in the best position to understand the needs and problems of the workers. In every country, the condition of workers and work is different and the local unions are needed, but at the same time there is a need to collaborate with international bodies, to ensure that the standards are set and rights are guaranteed to workers. They would learn from the experience of organising in other countries and adopt the same strategies here to organise workers if the problems were similar. It was also seen that international pressure has worked to some extent in setting standards, if not ensuring that it is implemented. So, it will help in this and the unions must work to ensure that the standards are implemented.

Civil society operates within the limits set by the government. While they understand the problems of the workers and formulate policy papers and bills, they are not able to get it passed in the Parliament which is entirely the task of the government. With these limitations, civil society can challenge the government, but can never be a threat to sovereignty of a nation, especially when the limits are clearly defined and in countries where a written constitution exists.

Civil society helps the government. In most sectors of unorganised work, where the government does not pay much attention both in improving the conditions of work and providing social security, the civil society interventions have helped. They have been able to improve working conditions as well as ensuring social security by helping in the implementation of existing laws. In all the three sectors, the workers felt a change in themselves and in their work, especially waste pickers and domestic workers.

## **5.6 Conclusion**

The role of civil society has been mixed. In certain countries and certain sectors of work they have been very successful, while in some other countries and sectors they have not achieved much. However, civil society has always benefited the workers though the extent may vary. It has empowered workers and helped in raising their awareness and knowledge about legal rights and entitlements. It was

also seen that it has acted as a link between the government and the unorganised workers and has strengthened the latter's struggle.

Civil society has an important role to play and it helps in empowering the workers. In the three sectors of the study, it was seen that civil society had empowered the workers in some sense by ensuring better pay, meeting the immediate needs etc. In order to get laws passed, civil society alone was not able to do much without government support. Even to extend schemes or issue identity cards or insurance policy, they needed government support. So, whenever the two have worked together the workers have benefited. Without the support from government, civil society was unable to do much for the workers. A co-operation between civil society and the government was needed for long term benefits for the workers.

## **Chapter 6**

### **Conclusion**

Civil society organisations like the trade unions and the NGOs help people deal with the effects of liberalisation to some extent. This is limited in the sense that they have been able to help only to the extent of providing temporary relief to workers by helping them meet their immediate needs. For any programme to continue successfully, trade unions and NGOs need government's cooperation especially if it is related to ensuring rights of workers.

The liberalisation of the economy has led to change in employment conditions all over the world. In India, it has had an effect on both the organised as well as the unorganised sectors. It has led to informalisation of work and growth of the unorganised sector of the economy. This has added pressure on the unorganised sector and due to availability of surplus labour the wages have gone down. The unions and the workers have focussed more on demanding social security from the government. They have put less emphasis on laws especially in the garment sector because it has been seen that laws are used against the workers by the employers. In both domestic work and waste picking, where laws are inadequate, the demands have been both for new laws and social security.

The trade unions have not been able to adapt to the changed conditions of work and employment. The 'right to work' which every country has to ensure to its citizens is being affected with unemployment being high and deteriorating working conditions. The reduction in subsidies, which is an outcome of liberalisation, has made the condition of the workers worse. They are not only losing employment, but have to work with lower wages. The little security that was available to them through the social-welfare measures of the government has either gone down or has been completely removed. Targeting of social security schemes has meant that a lot of deserving people are excluded due to inappropriate methods used in targeting.

It has been seen that formulation of laws for domestic workers and waste pickers mostly at the state level was a result of pressures from civil society. In the three sectors of this study, domestic work, waste picking and garment work, it has been seen that the role of trade unions and NGOs have been instrumental in formulation of laws. However, the implementation of laws requires an action role of the government. Civil society has acted as a strong pressure group even in the implementation of laws but this has been inadequate.

Civil society together with the government is working on a national policy for domestic workers which is underway and many meetings and discussions have taken place between the government and selected civil society groups. The draft of this is ready, but it has not yet been passed.

Civil Society acts as a check on the government especially on issues pertaining to social welfare. The Right to Information and the Food Security Act were all possible due to cooperation between the government and civil society. In case, of the Food Security Act, it was pressure from civil society that new forms of targeting (target population is higher than earlier) were introduced and the government had to incorporate the change in the draft. The Suresh Tedulkar Committee Report, which fixed Rs 447 to fulfill the daily requirements of a person per month and the Planning Commission which fixed poverty line at Rs 781 and Rs 965 per month or Rs. 27 and Rs. 32 per day in rural and urban area for meeting the needs, was criticised by civil society groups and was not implemented.

International pressure has also helped in formulation of laws as in the case of domestic workers. It was also International Labour Organisation (ILO) intervention that led to formulation of laws in many countries for domestic workers. It brought the problems to the notice of the government and the people. This helped civil society groups to take it further in demanding the ratification of the convention and implementing a national level law for domestic workers.

One can draw the conclusion, that only by cooperation between civil society and the government can there be adequate laws which can be implemented satisfactorily. Civil society alone cannot do much except acting as a pressure group. In all the cases, the success has depended on government support. It is also

seen that the success is more at the state level than the national level. The party in power gets galvanised when public pressure builds up. Success stories of organisation in various sectors within the unorganised sector are there in many states, and parties across political spectrum have helped in the organisation process. It depends more on the negotiating power of civil society at the state level. In Pune, cooperation between the civil society (union) and the Municipal Corporation helped in implementing programs for the benefit of waste pickers. In case of domestic workers Minimum Wages Act was passed with help of government and in case of home-based workers, the workers were registered with the Ministry of Textiles with help from the government.

It is also the case that civil society efforts work better when government support is forthcoming. Without the support of the government these efforts have not yielded much result especially at the level of policy and legislations. Without the support from the government, civil society has only been able to solve the immediate issues of workers, but not overarching issues like 'rights'. This implies that on its own civil society efforts are akin to the workers.

It is also seen that in some cases, especially that of the domestic workers, middle class sensibility<sup>186</sup> has helped in improving their conditions, both in terms of pay and social security. The cooperation between the employers and the union helped in ensuring better pay to the workers even where the laws fixed a lower amount as salary per month. This cooperation has also ensured a weekly off and some amount of social security in terms of medical expenses or support in the education of children for most domestic workers. On the other hand, the same middle class which is ready to support the workers at a personal level are not supportive for a law for domestic workers. In a meeting in Bengaluru, the employers did not want laws for domestic workers, but were ready to give hike in salary, compensation for workplace injury, medical expenses. They did not want the law to enforce this on them. This shows that in case of domestic workers while middle class sensibility

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<sup>186</sup> Middle class sensibility means awareness or the willingness of the middle class. For example when the middle class was conscious about the rights of workers, they engaged in ensuring that the rights of the workers were protected and the rights of the workers were better even in the absence of laws. When the consciousness was not there it was difficult to demand workers rights.

has helped in improving their condition, the same class is a hurdle when it comes to ensuring the same security as a 'right' for the workers.

Organisation of workers has been beneficial to the workers in all the three sectors. It has helped in implementation of laws and policies for the workers. They have felt that changes have come in their personal lives and most of them feel that they are more aware of their rights. They have been able to manage their day to day problems better with the help of the unions. Unions have helped in issues like childcare, fight between parents and children, fights among couples etc. In all the three sectors civil society has been successful to some extent in ensuring social security to workers through their own initiatives like tying up with insurance agents, opening of banks and others. They have also acted as link between the government and the workers and have extended government schemes on health and others to the workers like RSBY, food security etc. But at a policy level they have not been able to do much. These areas need more effort. For any development to take place, the unorganised sector cannot be ignored, as majority of the population are employed here and this sector is expanding at a rapid pace.

Among all the three sectors of the study, the waste pickers are the most organised and they have been able to participate in the development programmes of the city. With efforts of the union, most of the children of waste pickers have been able to get an education; it is most likely that the next generation would not be engaged in waste picking. They have also participated and spoken at international conferences about their hardships at work and how they do their work. Through such exchange of ideas they have also learnt to manage waste better and use the waste to make commodities.

It is also seen that the trade union movement has not been able to adapt to the changes of liberalisation of the economy which led to change in the working patterns. The trade union movement has ignored the workers in the unorganised sector. Unions affiliated to political parties are rarely engaged with workers in the unorganised sector. Even in the organised sector it has not been able to adapt to the changing conditions of work. The trade unions of political parties have paid less attention to women's issues at workplace. The absence of co-operation among trade unions is a hindrance to the enactment of policies. They are unable to

converge on ideas. It was seen that the areas in which the trade unions work were divided among various unions and interference in each others was not tolerated. Consensus on issues pertaining to the workers was rarely possible among unions.

The findings of this study are contrary to the overall trend or findings of other studies which show that the trade unions have ignored the unorganised sector and have not involved in addressing the problems of workers in the unorganised sector. In this study, it has been seen that trade unions have entered the unorganised sector. They have started organising the workers in the unorganised sector. This has enabled the workers to improve their working and living conditions and demand rights from the government

In the three sectors of this study it is the trade unions that have taken steps to organise workers. Except for the domestic work, there were no NGOs working in the other two sectors i.e. waste picking and garment work. NGOs have paid less attention to these sectors. However, this may not be true elsewhere, but in the sectors of this study (domestic work, waste picking and garment work) and places of this study (Bengaluru, Pune and Delhi) there were no NGOs involved in organising. In Pune, they were involved in education of children which included the children of waste pickers, but direct involvement in organising was not there.

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