Introduction

Children employed in others’ houses in order to perform the household chores like helping in food-preparation, taking care of the babies, cleaning the utensils and the floor of the house, washing the clothes, helping the old family-members in doing their day-to-day activities, etc. is a common phenomenon in India. It is an inhuman and cruel form of child labour, for these children are not only deprived of their parents’ affection at their tender age, but also not given the minimum comfort like the employers’ children. They are forced to live at the outer houses—in unhygienic condition, sleep on the floor—very often without a mosquito net and feed on the left over of the family-members. They are frequently subject to the cruel behaviour of the owner and his family-members, the instances of which are not scanty. The wage for a Child Domestic labour (CDL) is very less and in many cases, the child is attached to the family for a long time—till he grows old or till she attains the age of marriage. Child Domestic Labour, a manifestation of child-bondage is a brutal form of labour—an example of the sheer violation of human rights which needs to be curbed.

Domestic Work

As per Convention No. 189 of the International Labour Organisation (ILO), “domestic work” means work performed in or for a household or households and “domestic worker” means any person engaged in domestic work within an employment.

The term “domestic work” covers a wide range of tasks and services that vary from country to country and that can be different depending on the age, gender, ethnic background and migration status of the workers concerned, as well as the cultural and economic context in which they work.

Child Domestic Labour & Child Labour

As stated earlier, Child Domestic Labour (CDL) is a general reference to children’s work in domestic work sector in the home of a third party or employer. This general concept, according to the ILO covers both permissible and non permissible situations. Likewise, Child labour in domestic work refers to situations where domestic work is performed by children below the relevant minimum age (for light work, full-time non-hazardous work), in hazardous conditions or in a slavery-like situation.

The Magnitude of Child Domestic Labour

India takes the credit of hosting the largest number of child labourers in the world but it is an irony that there is no updated (latest) and reliable figure of the total number child labourers in the country. As per Census 2001, 2,52,000 children were engaged in beedi manufacturing and 2,08,833 in the construction sector. An estimated...
185,595 children were employed as domestic help and in dhabas; 49,893 children work in auto-repair workshops. The Census of India, 2011 puts the figure of working children in the age-group of 5-14 years at 4353247 against 12666377 as per the Census 2001. But the real picture is different as a large number of children working in different sectors—organised and unorganised go unnoticed due to the laxity of the enumerators and the apathy of the parents and the employers, the latter putting them out of sight of the surveyors in the fear of punishment by law. Further, a good number of NGOs have conducted surveys on enumerating the child labour. In consideration of their findings, it can be said that the latest figure of the child labourers in India could be more than 55 lakh.

Despite a number of limitations to fully capturing all hidden work situations, a number of household surveys among those used in the 2012 ILO’s global estimates on child labour, provide important quantitative information on child domestic work – allowing for global estimates on child domestic workers to be made. As per the ILO estimate, about 17.2 million children are in paid or unpaid domestic work in the home of a third party or employer; of these, 11.5 million are in child labour, of which 3.7 million are in hazardous work (21.4% of all child domestic workers); and 5.7 million, mostly adolescents, in permissible work but need to be protected from abuse and provided with decent work; in addition, undetermined numbers of children are in domestic work as result of forced labour and trafficking. In 2012, the ILO produced Global Estimates on Forced Labour. Of the total number of 20.9 million forced labourers, children aged 17 years and below represent 26% of all forced labour victims (or 5.5 million children). While the specific number of children in forced labour and trafficking for domestic work remains unknown, evidence points to the existence of significant numbers of children in debt bondage, victims of trafficking and in servitude situations; 67.1% of all child domestic workers are girls; 65.1% of all child domestic workers are below 14 years; 7.4 million aged 5 to 11 and 3.8 million aged 12 to 14; child domestic work touches all regions of the world.

As regards the children accomplishing the task of domestic labour in India, it can be safely claimed that they constitute a major section of the entire child labour force. As per a conservative estimate, it shall not be less than 6 lakhs.

In Odisha, the last survey on Child labour was conducted way back in 1997, putting the figure at 2.15 lakh. According to some NGOs this figure is unrealistic and they claim that the number is nearer 7.30 lakh on the basis of a study conducted by the ILO in 1990. As per Census 2001, the number of working children in the age group of 5-15 years was 3,77,594. But the figure was only 92087 in 2011, which again raises doubt by some NGOs actively involved in promoting the cause of child labourers. On the basis of Unicef’s definition—10-14 years old, not in school and hence child labourers—it is 13 lakh. NGO studies claim that 15% of the child-population in the age-group of 5-14 works as child labourers, including those who work on their families’ own agricultural land. According to them, the magnitude of child labour is alarming and it must have exceeded 10 lakh by 2011. But in view of less school-drop outs in the recent years, the figure, at best could be put at 4 lakh, which does not seem unrealistic.

**Is Domestic Child Work hazardous?**

Some adherents of the practice claim that it is not hazardous like other forms of child labour,
for the children who are usually deprived of the basic necessities of life in their own houses could get the same in the place of employment—the quantity may not be at par with the expectation of the human rights activists. Barring the rare instances of torture in employment, they are taken care of properly, claim these supporters. According to them, the employer is simply an extended family and therefore offers a protected environment for the child. Further, there is an increasing need for the women of the household to have a domestic “replacement” that enables them to enter the labour market. In some cases these children are also sent to schools, thereby making a balance between work and study. They do not hesitate to quote article 21 of the Constitution, in accordance with which the poor parents send their children to perform light works at others houses in lieu of food, cloth and shelters—the basic necessities to live a life as they could not afford the same at their own places. May be for this reason, the Child Labour (Prohibition and Regulation) Act of 1987 does not list as hazardous the employment of children as domestic labour in the list of seven occupations and eight processes prohibited by it. But the ILO has identified a number of hazards to which domestic workers are particularly vulnerable and the reason it may be considered in some cases a worst form of child labour. Some of the most common risks children face in domestic service include: long and tiring working days; use of toxic chemicals; carrying heavy loads; handling dangerous items such as knives, axes and hot pans; insufficient or inadequate food and accommodation, and humiliating or degrading treatment including physical and verbal violence, and sexual abuse. The risks are compounded when a child lives in the household where he or she works as a domestic worker. These hazards need to be seen in association with the denial of fundamental rights of the child, such as, for example, access to education and health care, the right to rest, leisure, play and recreation, and the right to be cared for and to have regular contact with their parents and peers. These factors can have an irreversible physical, psychological and moral impact on the development, health and wellbeing of a child. According to a survey conducted by Campaign against Child Labour (CACL), an NGO, “more than 90% of girl-children engaged in domestic work are exploited through different forms of sexual harassment by their employers, or by their cousins or relatives.” For example, many little girls of nine or 10 say innocently. “My master is very affectionate, he often puts me on his lap and pets me saying ‘good girl, good girl’. Often, men will ask DWs to massage their bodies and nobody thinks anything about it. ‘Even male DWs are sexual abused’, claims CACL. An NGO study in India found that out of 70,000 sex workers, 15% had begun working as DWs between the age of 15 and 18.

A Utkal University study found that nearly 90% of girl DWs started work before they completed 12 years of age more than 75% belonged to the age-group 12-14 years. Pre-puberty girls, whilst themselves still unaware of their sexuality, are increasingly becoming targets of sexual abuse. Again 70% stepped out to work to supplement the family income. The study also found instances where mothers had accepted ‘silence money’, following the abuse of their daughters. This is often prompted by a sense of helplessness and ignorance with regard to registering official protests. Studies reveal one common aspect in the mind set of child DWs—that their work hours extend to all hours, that they have no legitimate rights. Abuse, even sexual
abuse, is accepted as a professional hazard to be endured. The only alternative is to leave the job. To the last one, all child DWs are hesitant to talk about their jobs even after they have left them. They fear they will not only lose their present jobs but will be ‘branded’ by the local employer community.

Root causes of Child Domestic Work

Social and Cultural Factors

In many parts of Odisha, especially in tribal pockets which are the prime sources of supplying child domestic workers to different urban areas and villages child domestic work is considered a major component of socialization—children are taught the domestic chores from their parents while assisting them in performing the same. At an early age, when they are considered fit to handle the household chores in others’ houses, they are pushed to the employers’ family in lieu of some wage. In some cases, the families consider it a cultural necessity that the girl children are born to serve in others’ families—the grooms’ households. Since the village atmosphere and for that matter the atmosphere at the family of origin is not conducive to train to manage certain chores like rearing a child, taking care of the old, etc, the parents consider the employment at others’ houses a part of a woman’s “apprenticeship” for adulthood and marriage. Although the tacit intention of sending the children to work in others’ families is earning some money, the author was astonished to find the above social-cultural factors among the Santhal and Munda tribes of Kankadahad Block of Dhenkanal district in the state of Odisha. Almost all the respondent-parents claimed that child domestic work in the employers’ family is a social cultural necessity which they have been inheriting from their forefathers. Child Domestic Work is also regarded in a positive light as a protected and non-stigmatised type of work and preferred to other forms of employment—especially for girls.

Feminisation

Many studies on child labour claim that more than 60% of the girls than boys living below poverty line are deprived of an education and sent out to work to supplement the family income. Girl child labourers, to quote ILO, the nowhere children; a section of the child population that is neither at school nor reported to be economically active.

A large proportion of girl child labourers enter the unorganised sector of domestic work. Girls are seen as naturally domestic workers, seemingly train at home in doing house work. In the absence of the official sources data, rough estimate available from sporadic studies actually limit a realistic assessment of the magnitude and nature of the problem. However, that there is an overwhelming ‘feminisation’ of domestic work is well established and visible. According to the Sharamshakti report (1998), there are 16.8 lakh female domestic workers in the country, as against 6.2 lakh male workers. This finding is reinforced by another study, conducted in the early-1980s, by the Catholic Bishops Conference of India, which says females constituted 78% of DWs in a 12-city study. In Odisha, a 1997 study by the Department of Applied Economics of Vanivihar, Utkal University, reveals a strong preference among employers for girl-children, particularly part time DWs. Invariably, all research points to the fact that children DWs are preferred not only because they cost less but are more pliable than the boys. A section of researchers, like the adherents of the “nimble figure” theory—the belief that the small fingers of the children is indispensable
to weave carpets than the grown up children believe that the girls are better fitted to the new environment—unlike the boys, they learn and handle the household chores quickly.

**Social Exclusion**

In many parts of the country, the rigid caste system acts as a push factor for Domestic Child Worker. In order to overcome the rigidity of the social exclusion, the members of the lower castes consider fleeing to urban areas and working in different sectors, both organised and unorganised. The children are often seen working in others’ houses—cleaning the utensils, helping the olds in performing their day-to-day works, assisting the cooks in food preparation, watching the children playing, etc. In all these instances the intention is to supplement to the family’s income.

**Violence suffered by children at their own homes**

In some cases, the children flee their houses in order to escape the violence inflicted on them by their parents. Sometimes, as the author found in five cases in Bhubaneswar city, the children get troubled due to the quarrels among the parents and other family disturbances and they feel it better to leave the villages for the nearby or distant urban areas where they fall prey to the mediators who take them to the employers. Although children under this category form a small segment of the entire child labour force, more particularly that of the Child Domestic Workers, it is a matter of great concern for the social psychologists. A Utkal-University study revealed that 30% of the total Child Domestic Workers have fled their houses due to family breakdowns—either the father had deserted the family, or he was an alcoholic or a drug addict or, the mother was living with another man. This study found that the absence of a supportive family structure made girl DWs more vulnerable.

**Poverty**

Poverty undoubtedly is the prime reason for child labour. It surpasses other reasons like socio-cultural factors, social exclusion, etc. In Odisha, 48% of its population still lives below poverty line. A study by Campaign Against Child Labour (CACL) in 2001 on child DWs in Odisha found that lack of regular income by the head of the family—mostly daily-wage earners or small cultivators—was a major reason for the incidence of child domestic labour.

As regards occupation, 85% of the state’s population is dependent on agriculture, which is mostly rain fed—prey to erratic monsoons in the absence of adequate irrigation facilities. The land reforms measures in many parts of the state seem unsuccessful. The average ownership of land (by households) in its poorest districts is between 0.5 to 2 acres. There still exists a big hiatus between the traditional Zamindars (Malgozars and Sahookars termed in different regions) and the poor landless and marginal farmers. The frequent occurrence of drought, flood and cyclone brings untold miseries to poor farmers. In a normal paddy year, the harvest is never more than 100 bags of paddy. The family consumes part of the yield, which, once all the debts have been paid off, sustains them for a maximum of three to six months depending on family-size. Barring paddy, the farmers do not take interest in growing other crops, especially the cash crops. Although the government has been imparting training to the farmers on state of the art techniques of production in agriculture, there seems to be lack of interest among the farming communities. In recent years, distribution of 25 kg of rice at the rate of Re.1 per kg per household
living below poverty line has given a solid blow to the incidence of absolute poverty in the state, but it has not brought an end to the occurrence of migration of poor families to neighbouring states like Andhra Pradesh, Chhattisgarh, Madhya Pradesh and Maharashtra. A peculiar situation has emerged in the state. At home, the poor farm-labourers enjoy the supply of cheapest rice and consider it wise to sit idle at their homes than exerting vigour in others’ fields. At the same time, a chunk of population flees to others states on the plea that they are starved at home and there is a dearth of job in the state. The migrating farmers in many instances get jobs only in unorganised sector as they lack the skill demanded by the organised sectors. In order to supplement the families’ income, they force their women and children to work in others’ households, that too at a meagre wage.

**State’s effort to tackle Child Domestic Work**

The successful implementation of mid-day-meal scheme in the schools and free feeding programme for pre-school children at Anganwadi centres in the state, particularly in the backward areas which are the main sources for supply of child domestic workers, has restricted the swelling of the problem. To justify the same, the enrolment of children in primary schools in the state was 42.73 lakh in 2002-03 which has risen to 45.82 lakh in 2008-09. Similarly, the enrolment in upper primary school was 9.16 lakh in 2002-03 which went up to 21.22 lakh in 2008-09. Likewise, the gross enrolment ratio in 2005-06 was 83.59 in 2005-06 which increased to 106.31 lakh in 2008-09. The dropout rate in primary schools has come down to 2.83% in 2009-10 as against the dropout rate of 41.8% in 2000-01. Likewise, the dropout rate in upper primary schools (the prime parameter of child labour) was 57% in 2000-01 which slowed down to 8.19% in 2009-10. The above-statistics is an indicator of the fact that the rate of child labour, including the child domestic workers has been showing a negative trend in recent years.

It’s a fact that the state government has played a commendable role in rehabilitating a great portion of the child labour force through 20 National Child Labour Projects (NCLPs), but the lack of follow-up action by the administration has made the rehabilitation strategies unsuccessful in many cases.

The district child welfare committees have been set up with the objective of curbing the exploitation of children by the employers. When accused of inaction, officials at the women and child development department and labour department pass the buck back and forth saying that unless a case is filed with the police they cannot initiate any action. The onus of pro-activism, therefore now seems to rest squarely with Non-Government Organisations (NGOs)

**What is the Solution to end Child Domestic Labour?**

The problems posed by child labour in domestic work require a complementary approach in different domains and at different levels.

- On orders from the Supreme Court, the central government amended the All India Service (Conduct) Rules 1968, in February 2000. This prohibited the employment of children below the age of 14 as domestic servants by government servants. In order to assess the magnitude of the Child Domestic Labourers in Odisha, the first and foremost target should be the houses of the government servants.
Before implementing different strategies for the rehabilitation, a vigorous and effective state wide survey on these children should be conducted. Co-operation of parents and employers in this regard is required. Further, proper follow-up action by the implementing agencies should be conducted so that the different strategies of rehabilitation could be made more effective.

There should be a massive awareness among the parents that their children should not be burdened with household chores of others at a time when they are expected to play with their friends in their villages. Further the social attitude that the children are indispensable for domestic works and the beliefs amongst employers and parents that these situations represent a protective and healthy environment for children – especially girls should be changed.

The law enforcement mechanisms should be strengthened so that the employers engaging the children in hazardous domestic works should be punished.

If at all a lower minimum age for the domestic workers is established, say 20, the employers would not prefer them for accomplishing the petty jobs at their homes.

Identification of the hazards the children face while performing household chores should be made so that stringent legal actions could be initiated against the employer inflicting such hazard, thereby dissuading them from employing children at their households.

The hours of domestic work performed by the children should be regulated and the employers should be compelled to provide them with the wage at par with their young and grown up counterparts, so that the employers shall prefer the latter than the children.

The enrolment of the children at school should be made compulsory; an affective vocational education for the vulnerable children should be ensured and successful feeding programmes at schools should be implemented.

Effective labour inspection that is authorized by law to enter premises in order to enforce provisions applicable to domestic work should be made.

The employment relationship in domestic work should be formalised through written contracts / model employment contracts;

Finally, the worldwide movement against child labour should be supported by all.

Dr. Kahnu Charan Dhir, Sub-Divisional Magistrate, Kamakshanagar, Dhenkanal.
The history of our Odisha is very old. In different era it bears names like Utkala, Kalinga etc. The names signified different territorial extent ruled by different dynasties of rulers at different periods. Each of these comprised large areas of current Odisha but also included areas forming parts of the neighbouring states. With the freedom movement of India a revolution was started for unifying all the outlying Odia-speaking areas into a separate state. For this purpose Madhusudan Das set up an organization called “Utkal Sammilani” in 1903. Sir Basudev Sudhal Deb, KCIE, CIE, king of erstwhile Bamanda state was invited by Madhusudan Das to preside over the first meeting of the Utkal Sammilani. But, it was not possible due to sudden demise of Sir Basudev Sudhal Deb. At last Odisha became separate state on 1st April 1936. Struggle of many Odia leaders and intellectuals during three decades led to the formation of Odisha state. Eighty years since the momentous day, much has changed in the labour relation, juveniles, child labour problem and migrant workers of Odisha. Let’s discuss the journey of our state as well as the difficulties it faced since 1936.

Labour Union

National and State politics highly affected the labour revolution in Odisha soon after it became a separate province. On 1st March 1938 the first labour union of Odisha namely “Press Workers Union” was founded in Cuttack by Pyari Shankar Rai including the workers of Mission Press, Saraswat Press, Observer Press, Satyabadi Press, Nababharat Press, Kohinoor Press and Manmohan Press. This labour union was registered with the Trade Union Act, 1926 as 1st labour union of Odisha bearing registration no 1. On 1st June 1938 Sri Rai had formed the 2nd labour union with the workers of Cuttack Electricity Company. Till 1940 there were two registered labour unions in Odisha. During 1944 to 1946 around 29 numbers of labour unions were registered in Odisha out of which 19 labour unions were in Cuttack district, 4 numbers were in Sambalpur district, 2 numbers were in Puri district and rest 4 labour unions were functioning in Ganjam district. Twenty years old Sadananda Mohanty was the youngest Labour Union leader in Odisha. Banka Bihari Das had formed the 1st union of domestic servants in Odisha which was registered with the recommendation of the Ramanujam Committee in 1991 by making

**Labour Scenario in Odisha**

*Dr. Samir Kumar Nanda*