

MATERNITY AND CHILD CARE SUPPORT SERVICES

**MATERNITY AND CHILD CARE
SUPPORT SERVICES**

**Proceedings of
the NGO Consultation**

**held at Madras
August 30 - 31, 1993**

**Proceedings No. 8
M. S. Swaminathan Research Foundation**

M. S. SWAMINATHAN RESEARCH FOUNDATION

Centre for Research on Sustainable Agricultural and Rural Development

Third Cross Road

Taramani Institutional Area

Madras - 600 113, India

Telephone : 91-44-2351229

Fax : 91-44-2351319

Designed & Printed at

Reliance Printers

9, Sardar Patel Road

Adyar, Madras - 600 020

Telephone : 414974, 415346

Foreword

Successive Five Year Plans of India have pointed out that women form a large percentage of people below the poverty line. At present over 150 million women live below the poverty line, many dependent on daily wages for their livelihood, and about 90% of them in the unorganised sector. Nearly 60 million children under the age of six belong to families in which mothers work in difficult circumstances to eke out a living. Lack of facilities such as creches and other child care services lead to older girls in the age group 6-14 years being thrown out of the school system just to care for the younger babies. It is in this context that the work of the Tamil Nadu Forum for Creche and Child Care Services (TN-FORCES), which is a growing network of nearly forty non-governmental organisations concerned with such issues, assumes importance.

The M.S. Swaminathan Research Foundation (MSSRF) and its Centre for Research on Sustainable Agricultural and Rural Development have as their goal the introduction of a pro-nature, pro-poor and pro-woman orientation in research and development programmes. MSSRF has therefore accorded the highest priority to children and women belonging to the socially and economically disadvantaged sections of society, under its programme "Reaching the Unreached". The Foundation, which is the Convenor for the Tamil Nadu Forum for Creche and Child Care Services has been organising discussions on topics relevant to the promotion of child care support services. In December 1992, the Foundation organised a workshop on "Structural Adjustment Policy and the Child in India" to consider the impact of the new economic policies on children. The present proceedings relate to a NGO Consultation on Maternity and Child Care Support Services organised on August 30-31, 1993.

We are grateful to Smt. Jayanti Patnaik, Chairperson, National Commission for Women, for kindly coming to Madras to deliver the Valedictory Address, and to Ms. Khin Sandi-Lwin, Chief of UNICEF's Field Office at Madras for

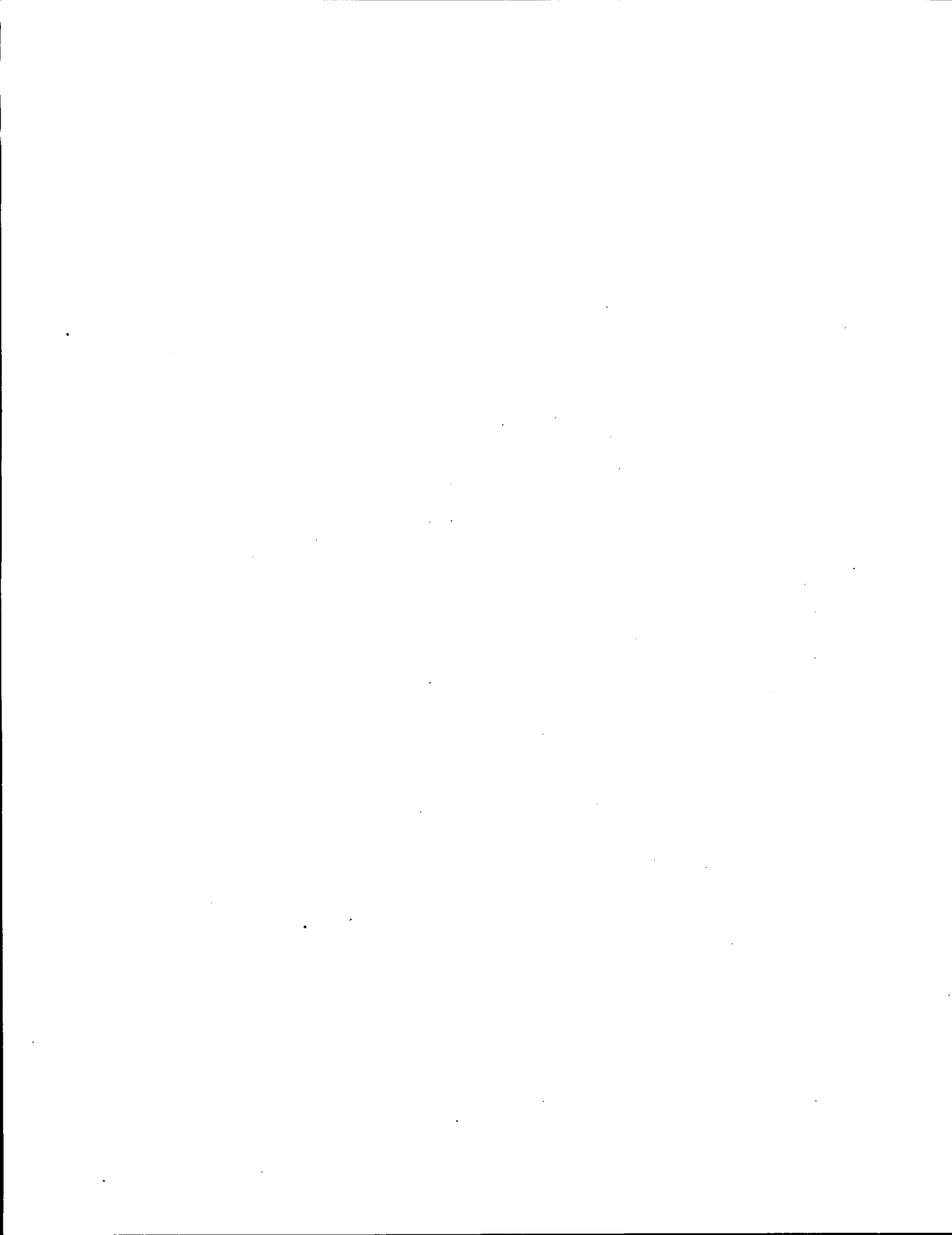
her unstinted support and valuable advice. Our thanks are due to Dr. Vina Mazumdar, Ms. Sarojini Varadappan, Dr. Shanti Ghosh and Dr. Madhava Menon for their active guidance and participation, and to all the participants for making the Consultation a meaningful and worthwhile one, as will be evident from these proceedings. Finally, our thanks are due to the Bernard Van Leer Foundation for its financial support for this activity.

M. S. Swaminathan

M.S. Swaminathan

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Introduction

WHY A CAMPAIGN

It is customary to speak of women's "double burden", considering her two roles as home-maker and worker. Seldom are her simultaneous triple roles recognised. Yet the need to carry three distinct responsibilities, — of child bearing and child rearing, (which cannot be postponed or ignored) of the inevitable housekeeping and home-making, and of economic activity which cannot be foregone, (since the majority of women engaged in productive work out of economic necessity) — has a direct bearing on the well-being of women and indeed of the entire family.

From this standpoint, women need support services from the family, employer, State and society as a whole, for the entire period from pregnancy up to the time the child is five or six years old, that is, for the **Continuum of Maternity and Child Care**. Such support services are essential, not only for the health, nutrition and well-being of mother and infant at birth and after, and for the promotion of breastfeeding for this purpose, but also to provide relief and freedom from anxiety for the mother while at work; and most importantly, for the health and satisfactory overall development of children of working mothers during the early critical years. In our country, it is also essential for another reason — to enable girls, who are often burdened with the responsibilities of caring for younger siblings, to be educated.

The lack of recognition of women's triple roles is reflected in the current laws, policies and programmes which affect women and children during this period. A study of these shows that by and large, laws and policies which concern themselves with women as workers are not sensitive to their role as mothers; while programmes and schemes addressing women as mothers are not sensitive to their role as workers.

This basic contradiction needs to be resolved if women and children are to obtain their right to develop their potential and lead full, healthy, productive and satisfying lives.

THE FIRST STEP Hence, a campaign for the review of laws, policies and programmes relating to support services for the continuum of maternity and child care from the perspective of women's triple roles is being initiated, under the umbrella of the Tamil Nadu Forum for Creche and Child Care Services. The campaign was launched by an NGO consultation focussing attention on the issues and leading up to a plan of action. The meeting was held on August 30 and 31, 1993 in Madras, with Smt. Jayanti Patnaik, Chairperson, National Commission for Women as the Chief Guest at the Valedictory Session on August 31.

- OBJECTIVES OF THE CONSULTATION**
1. To bring together on a common platform people from various concerned professions and organisations and representing diverse viewpoints, to share experiences on the issues
 2. To begin the study of the various aspects, such as legal, economic, social and organisational and the process of collecting necessary information
 3. To plan an action campaign and initiate dialogue with the Government
 4. To consider the modalities for the dialogue, such as the setting up of a Working Group or Task Force to review the status of support services for maternity and child care, and make recommendations for changes in laws, policies, programmes and schemes
 5. To review the proposal for a National Child Care Fund in this context and suggest guidelines for its working

SCOPE AND CONTEXT Attention was focussed on the following selected issues:

- legal aspects and need for revised legislation
- organisation and management of support services
- health, nutrition and development of mother and child
- involvement of women's and labour movements.

PARTICIPANTS Participants were invited from the following categories, those already aligned with FORCES being expected to play a leading role.

- Women's organisations and women activists, trade unions, representatives of employers, social workers, Members of Parliament and Legislative Assemblies
- Professionals and academics from the disciplines of law, health and medicine, nutrition, education, child development, women's studies, management and other social sciences

FORM AND STRUCTURE To initiate the discussion, invited speakers made presentations on some of the major issues, followed by general discussions. Working groups were formed to tackle different issues and the sectional reports were brought together into a set of recommendations for presentation to the Chairperson of the National Commission on Women.

- EXPECTED OUTCOMES**
1. The setting up, by the National Commission on Women, of a longer-term review or working group to study the issues in depth and make recommendations
 2. Suggestions for practical measures at the operational level which can be incorporated into existing schemes and programmes, including guidelines for the National Child Care Fund
 3. Formation of a Steering Group which will plan and implement the campaign
 4. Linking advocacy for maternity and child care support services with the campaign for the promotion of breastfeeding.

THE REPORT The following pages record the presentations, the discussions and the outcomes (in the form of recommendations) of the consultation. It is hoped that the document will be a useful tool both to initiate dialogue with the Government, at various levels, and for action by the National Commission for Women. Most important, it should provide a framework on which the members of TN - FORCES and others concerned, can individually and collectively base their future actions and develop the campaign. This is only the first step in that direction.

Mina Swaminathan
Project ACCESS

The Programme

Monday, August 30, 1993

Morning Session

9. 30 a.m. -- 1.00 p.m.

Welcome

Dr. M.S. Swaminathan

Introduction

Scope and Purpose
of the meeting

Ms. Mina Swaminathan

Chairperson : Dr. Vina Mazumdar

THEME PRESENTATIONS

1. The Law in Relation to
Maternity and Child Care
Support Services
Ms. Asha Bajpai
Ms. R. Geetha
2. Support Services to Ensure
Health of Mother and Child
(with special reference to breastfeeding)
Dr. R.K. Anand
3. NGOs and the Organisation of
Child Care Services
Ms. Brinda Singh
4. Impact of Day Care on
Child Development
Dr. Vrinda Datta

General Discussions

LUNCH

Afternoon Session

2.00 p.m. - 5.00 p.m.

Working Group I

Chairperson : Dr. N.R. Madhava Menon

Laws and Policies (new legislation,
amendments in existing laws and
procedures for enforcement)

Rapporteurs

Ms. Asha Bajpai
Dr. Vrinda Datta

Working Group II

Chairperson : Dr. Shanti Ghosh

Programmes and Schemes (new
schemes, changes in existing
schemes and implementation)

Rapporteurs

Ms. Saulina Arnold
Ms. Ila Vakharia

Tuesday, August 31, 1993

Morning Session

9.30 a.m. - 1.30 p.m.

Presentations by Working Groups
and
Finalisation of Recommendations

LUNCH

Chairperson : Dr. Vina Majumdar

Welcome	Dr. M.S. Swaminathan
Introduction	Dr. Vina Mazumdar
Presentation of Recommendations	Spokespersons of the Consultation Ms. Asha Bajpai (Laws and Policies) Ms. Saulina Arnold (Programmes and Schemes)
Remarks	Ms. Sarojini Varadappan President Women's India Association Ms. Khin Sandi-Lwin Chief of Field Office UNICEF, Madras
Valedictory Address	Ms. Jayanti Patnaik Chairperson National Commission for Women
Chairperson's concluding remarks	Dr. Vina Mazumdar
Vote of Thanks	Ms. Mina Swaminathan

The Issues

VINA MAZUMDAR

the Chairperson for the first session, began by framing the context within which the discussions were to take place. Pointing out that we are passing through very difficult times in our country, she drew attention to the fact that studies in forty countries which have already undergone the process of Structural Adjustment have found a serious decline in the health and welfare of women and children as a consequence, as shown by indicators like infant mortality, per capita expenditure on education and increase in prostitution. A similar situation is likely to arise in our own country with the increasing emphasis on the free play of market forces which can be observed as a result of the new economic policies. Disturbingly, along with this can be observed the rapid erosion of the concept of the welfare state, with signs of the declining authority and capacity of the State, and one can imagine the dangers it poses to children, who are the most vulnerable segment of society.

This is also the time, however, when India has ratified the International Convention on the Rights of the Child, thus providing an opportunity to consider measures for their welfare and protection. Children's voices are not easily heard in the halls where policies are made, since they have no votes, and no powerful lobby in their support. It is therefore essential for professionals and academics from diverse disciplines to join with people from all walks of life to raise their voices and become spokespersons for the child, so that short-sighted thinking does not threaten the future of the next generation. It is in this context that the present consultation was taking place, to articulate the needs of young children and plead for justice for them.

ASHA BAJPAI

speaking on legal provision for maternity and child care support, began by referring to the Constitutional framework within which these provisions have

to be considered. Articles 15, 32, 47 and 49 between them lay down the broad general principles regarding special provisions for women and children, protection of the health and strength of workers and of children at a tender age, for just and humane conditions of work and maternity relief, and for raising the level of nutrition, public health and the standard of living of the people in general. Within this Constitutional mandate, there are certain legislations for support, like maternity benefit and creches. There are two Acts dealing with maternity benefit and six providing for creches. (Annexures I and II)

Several suggestions can be made for improvement and increased effectiveness of these Acts. As regards maternity benefits, some of these are: extending the scope of the Act to include adopted infants, and to cover various types of employment so as to benefit the vast numbers of women working in the unorganised sector; and improving the procedures for implementation and for bringing complaints.

As regards creches, the present six legislations all suffer from similar defects — insistence on the employment of a minimum number of working women for eligibility, and other conditions which not only limit the scope of the Acts but make evasion very easy; ludicrously low penalties for non-compliance and poor procedures for enforcement; divided responsibility for implementation; and finally, rules which are often not only outdated but inadequate, unrealistic and not adapted to the needs of child development and welfare.

Since India has ratified the International Convention on Rights of the Child which includes the right to development, it is necessary for the legal system to adapt itself to make available maternity and child care support to all women and children.

R.GEETHA

noting that children of all workers, both men and women, need proper care, placed the issue of maternity and child care services in the broader framework of job security for women and the growing incidence of child labour. In the labouring class, it is a reality that both men and women have to work, and a very large number of women are employed in the unorganised sector. For such workers, who form the large and silent majority, laws regarding maternity and child care are either silent or woefully inadequate.

To illustrate, the sanction of maternity leave is based on the number of working days put in by the worker. But in the case of the construction worker, often

there may be no records at the site to calculate the number of working days. Further, the period of work may not be continuous, with families shifting from site to site as soon as the job they are hired for is completed. It is difficult to perceive a direct employer-employee relationship here. The layers of authority are too many and too diffused to pin the responsibility on any single individual or agency.

In the unorganised sector, there is considerable instability in employment. Employers may be invisible, working through several layers of middlemen, and employment may be temporary, seasonal or broken, while at other times it is masked as self-employment or home-based contractual work, which recognises only a buyer-seller relationship. Even in the case of self-employment, an employer can sometimes be identified - for example, ragpickers who are performing a municipal function, should be the responsibility of local authorities. The first prerequisite therefore is to regulate employment and provide for some job security through measures like identity cards, Labour Boards etc. as envisaged in the proposed Construction Labour Bill.

Because of the lack of direly needed child care services, in the labouring family a girl is always preferred as the first child, to care for the younger children. The lack of services not only fixes the responsibility of caring for the siblings on the eldest, but also inducts children into employment, establishing a direct connection between the incidence of child labour and the lack of child care facilities.

Implementation of welfare measures requires the formation of bodies like Tripartite Labour Boards, including representatives of the State, which is the principal employer, the employers (or their associations) and the workers. There must be proportionate representation for women workers on these Boards, which would be responsible for implementation of the laws, with a fixed percentage of costs earmarked for welfare activities.

Creches and other child care services should be managed by parents' committees. Women's involvement in child care issues will increase with growing demand for child care from women labour.

BRINDA SINGH

after a brief introduction to Mobile Creches, emphasised that the primary objective of any child care programme should be the child's need. Is child care merely

custodial, doling out some nutrition supplements? Or is it creating an environment where the child is not merely physically secure, but where health, nutrition and community needs are addressed, and which is mentally stimulating for the child, with freedom to explore and develop individual creativity? Too often, one has seen child care programmes where children are just "kept" in a room with a bored, indifferent worker, and children staring into space with vacant expressions!

Child care programmes have to be considered from the perspective of building people, and must have a holistic approach to the child. Many programmes, both governmental and non-governmental, do not see the need for this approach and therefore make no provision for play material and activities for the 0-5 years age-group.

Monetary compensation for the child care workers must be in relation to the job. A child is at the centre for 8 - 9 hours a day, and the quality of care must be equivalent to that of a home. So the enormity of the task facing the caregiver and the fact that it is highly skilled work must be understood. 'Love and Care' may not have monetary value, but the individual who is providing them must be compensated for the time and energy she spends in child care. Big words like "dedication" and "commitment" will not fill her stomach. It must also be understood that this will make child care "high-cost" in terms of human resources, and sufficient funds have to be provided. In this context, it must be accepted that non-governmental organisations who themselves do not provide adequate maternity or child care benefits to their employees are hardly in a position to fight for the rights of workers.

The untrained worker has no concept of the potential of early child care activities and the significant role they can play in the development of the child. Most people feel that children grow up on their own and need minimal care, the conception being that as women bring up their own children, they can easily manage a child care programme. But to look after a single baby is one thing and to look after groups of them is quite another. Without training, the programme will be merely custodial.

Child care cannot only be the sole responsibility of non-governmental organisations but must become a partnership involving the parents, employers, community and the State.

R.K. ANAND

opened by speaking about the now widely recognised value and importance of breastfeeding, which saves precious lives, money for the family, pollution for the planet, and brings mother and child close. However, breastfeeding, especially exclusive breastfeeding from birth to six months, is on the decline. While 80% of women who resort to artificial feeding may not be working, no woman should be compelled to choose between her vocation or breastfeeding her infant. Positive social support measures for meeting the health needs of both women and children must come from the State, society, the family and the employer.

Indian women in the organised sector are allowed 90 days maternity leave with full salary, and this may also be combined with other leave for a further period of 60 days. The Punjab and Haryana Governments now grant six months maternity leave. A General Body resolution of the Indian Academy of Pediatrics, issued two years ago, recommends, the same.

In traditional agricultural societies, and in home-based small-scale industries where breastfeeding is possible, there is a potential health hazard for mother and child from fertilizers and other chemicals. In contrast, the urban high-income group working mother with adequate purchasing power, proper hygiene and use of contraceptives may ensure child spacing and relative freedom from infections.

Urban poor women working as unskilled labourers in the unorganised sector do not have any maternity benefit or creche facilities. They go back to work within six weeks of delivery, leaving the child in the care of the older sibling or elders. Their children suffer from undernutrition due to inadequate food intake, and increased morbidity due to infection from contaminated supplementary foods. Urban middle-income women are often able to get three months maternity leave and a substantial number even succeed in extending this leave. The laws requiring that factories employing more than 30 women should have a creche, are observed only in the breach. Even if creches were available, carrying babies in overcrowded public transport systems is unpracticable. Moreover, the mother is allowed to feed her infant in the creche only at specified times, when the baby might be asleep!

Though there has been a decline in IMR from 146 in 1960 to 80 in 1990 and an increase in life expectancy from 31.7 in 1950 to 54.7 in 1980, (for the female child) the problems of women, and consequently those of children, remain unmitigated. Socio - cultural biases combined with poverty weigh heavily on

women who marry early and bear children young, and who work excessively long hours in the home and outside with unequal access to health, nutrition, educational and other opportunities as well as insufficient legal protection. Though a number of schemes and programmes for mothers and children exist at both the national and regional levels, support for nursing mothers is sadly lacking.

Women's organisations and professional bodies like the Indian Medical Association should put pressure on the Government for laws supportive of breastfeeding. Use of mass media is essential in getting support from public in general and individual families and husbands in particular.

VRINDA DATTA

mentioned that there is little information available on existing child care systems and their impact on the development of children. In this context, a study was undertaken in 1987 to look at the intellectual development and social maturity of children under different forms of care, such as maid care, creche care, grandmother care and mother care. The major findings were:

- Maid care children were significantly poorer on all aspects of social maturity.
- The creche care children did better than those under maid care and even under mother care, probably as a result of peer group stimulation.
- Grandmother care children did better on most aspects. This again may be due to personal involvement and time available.

In another study, forty family day-care centres were also studied. It was found that most of them had 6-8 children each, worked 8 - 10 hours a day, but had no programme or activity for children. As an outcome of this study, a 3-day orientation training programme was organised. This made the caregivers realize the importance of the work they were doing. They also wanted to continue the contact, so it resulted in the formation of a Day Care Association, through which they could share experiences, receive new ideas and stimuli and improve in quality, with some awareness of competition in services.

Another study on quality of child care services attempted to understand the relationship between quality and activities and interaction patterns in the centre. The study showed that quality was not correlated to the type of child care service but more to the nature of activities and interaction patterns. Both high and low quality care were found in all the types of child care services.

The most important factors affecting quality (and by inference, child development) were the size of the group and the education (and training) of the worker. Networking among child care centres is being initiated to create awareness about the implications of these findings.

COMMENTS Some of the important questions and issues raised in the course of discussions were the following :

1. Is poverty the only cause of deprivation? And are not children of non-working mothers at risk in other ways? While child labour is obviously linked with poverty, there is no such obvious link between poverty and the incidence of drug addiction, crime, or child abuse. Malnutrition, too, is not always caused by poverty alone, since factors like ignorance, the easy availability of junk foods, the influence of mass media, and the decline of the extended family all contribute in various ways. Child care services must therefore be considered the right of every child.
2. The recent pronouncement by Government restricting all maternity benefits to only two children seems to be in contradiction to the policy flowing from the statement on the Rights of the Child, since it discriminates against a group of children. Such unilateral action on the part of Government, without the usual consultation with the legislature or other institutional forums, has disturbing implications and could be contested on constitutional grounds. Greater public awareness and debate on this issue is necessary.
3. The increasing incidence and reporting of female infanticide and female foeticide in different parts of the country is of serious concern and should form part of any discussion on child care and the status of women.
4. While in many cases creches are underutilised because of lack of awareness about the availability of such services, it is also true that in many instances creches are found not to be genuine, since they do not suit the needs of working mothers, in terms of timing and location, or fail to include children below two years of age. In fact, they often function like nursery schools for all children, whether their mothers are working or not. A clear understanding is needed that child care services have to be of different types, suited to the needs of children of different ages, and responsive at the same time to the nature, timings and location of the work of parents (and other family members).

The Outcomes

A. Laws and Policies

PREAMBLE In the Indian context, the framework for all legislative policies is the mandate provided by the Constitution. In a democracy, the actual process of policy formation is an exercise in balancing the interests of various institutions and groups within this framework, while the bureaucracy, which has an important role to play in implementation, can also determine the success or failure of policies in practice.

In relation to the interests of women and children, the relative merits of the **equality** approach and the **special treatment** approach could be debated. However, the Indian Constitution, with its emphasis on social justice, favours the latter approach, expressed in several Articles. This mandate lays down the broad parameters and guidelines for legislative and policy change.

A study of the response of the legal system to the needs of women and children raises the question whether maternity and child care should be considered a part of labour legislation or be treated as social welfare. From the perspective of women's multiple roles, an integrated approach would be the most productive. While the positive features of laws often acquired after long years of struggle should be preserved, it must be accepted that present labour legislation needs to be more mother-and-child friendly. At the same time, where the laws are inadequate either in scope or nature, maternity and child care should be considered a national and State responsibility and not left only to the employers, especially as the employer-employee relationship is often not clearly established in the unorganised sector. Devices can be found to involve employers through compulsory financial contributions.

The Eleventh Schedule of the 73rd and 74th Amendments to the Constitution clearly place "women and child development" among the 29 subjects which are to be the responsibility of local governments, while labour legislation remains a Central responsibility. The difficulties arising from this division of responsibilities can be tackled by setting up appropriate institutional structures for implementation.

RECOMMENDATIONS The following recommendations are based on these guidelines

1. Long-term action

The formulation of a comprehensive code reflecting the integrated approach and known as the **Maternity and Child Care Services Act**, which is sensitive both to the rights of the child and to gender justice, should be the long-term goal.

2. Policy statement

Pressure should be brought on Government to articulate a policy statement on maternity and child care services.

3. Task Force

To help in achieving the above two goals, the National Commission for Women is urged to set up a special Task Force to consider legislation and policy relating to maternity and child care from an integrated standpoint, examining the relevant labour legislation in relation to the Constitutional safeguards for women and the Convention on the Rights of the Child.

4. Short-term Goals

In the short run, the following amendments to existing laws are proposed and the National Commission for Women, women's organisations, trade unions, NGOs, academic institutions, professional bodies and others are urged to lobby for support by legislators for these amendments.

- i. *Maternity Benefit Act* : in order to promote breastfeeding, maternity benefit should be provided for sixteen weeks (or four months) from the day of childbirth, with special provision for pregnancy leave during the last two or four weeks of pregnancy, and additional provision for extension of maternity leave on half pay for a further prescribed period.

- ii. *Shops And Establishments Act* : in order to benefit the large number of women working in the tertiary sector, appropriate clauses regarding creches and child care services should be incorporated into this Act.
- iii. *Creche Provisions* : in the six Acts presently providing for creches, the following amendments are required :
 - a. Delinking the provision from the number of female workers employed, and linking it instead to the number of children (of the appropriate age-group) of all workers
 - b. Enabling employers to group together for provision of common child care services
 - c. Enabling employers to fulfil their financial responsibility for child care services for their workers by support to services run by NGOs and professionals equipped to run them.
 - d. Modifying the corresponding rules relating to creches under these Acts in order to bring them in line with the holistic conception of child care.
- iv. *Minimum Wages Act* : in order to ensure gender justice as well as recognition of the full-time and skilled nature of their work, child care workers should be included in the schedule drawn up for the purposes of the Minimum Wages Act

5. Implementation

The implementation of programmes and policies relating to maternity and child care services would become the responsibility of the local bodies (Panchayats and Nagar Palikas) in the near future. In order to provide monitoring independent of local interests, and to represent the interests of the other concerned groups. Tripartite Boards, with representatives of the employers, workers and the State should be set up for advice, dispute settlement and supervision. Linkages should be established between these boards and the local implementing bodies in such a way as to promote healthy checks and balances while avoiding cumbersome duplication.

6. Public Opinion

Both legislative changes and policy implementation benefit from public awareness and informed debate. Efforts should be made by professional associations, academic institutions, NGOs, women's organisations, trade unions, media, business and industrial establishments, and social activists to spread awareness and information about the issues related to maternity and child care in order to enhance support for the development of women and children.

B. Programmes and Services

PREAMBLE Child care services address the needs of women, young children and older children -- providing for the survival, health, care, protection and all-round development of the young child, offering support for women's participation in economic activity and political, social and cultural life, and releasing older children, especially girls, from the task of child care-taking, thus allowing them access to elementary education, preventing and reducing child labour and juvenile delinquency.

The need for child care services was recognised as early as 1940 by the National Planning Commission. Yet services continue to be inadequate in both quantity and quality. Besides, programmes and schemes concerned with the health, welfare and development of mothers and children need to be more sensitive to women's multiple roles, especially as workers.

In India, 15 crore women in families below the poverty line make up the female work force, with 90% in the unorganised sector. In the last few decades the pressures on women have increased enormously. The increasing number of women-dependent families, female children in the role of child care-takers, malnutrition, illiteracy, poor health and heavy work load contribute to these burdens.

The social, economic and cultural pressures on women are likely to increase still further in the context of the New Economic Policy and the Structural Adjustment Programme, and it is feared that more and more women will be forced into the unorganised sector as a result.

While it is estimated that five crore children below the age of six years need child care services, at present only about one crore children (20%) are covered

by various schemes and programmes. There is no exact estimate of the number of children below two years of age whose mothers need positive support measures for breastfeeding.

In this context, there is a growing concern that the budget allocations for the social sectors (health and education) seem to decline year by year and Plan by Plan, inspite of repeated assurances by the Government.

RECOMMENDATIONS

1. Quantity

Keeping in mind that less than 25 % of young children below the poverty line now receive any kind of child care services at all, mostly of a partial nature, there is need for a very large expansion of holistic child care services in all parts of the country in the immediate future. In the context of the ratification by India of the International Convention on the Rights of the Child, such services must be recognised as the fundamental right of every child in need. Further the Government must implement its stated commitment in the Eighth Plan to turn 25% of all anganwadis into creches or day-care centres.

Pressure should be brought from the grassroots level, through NGOs, women's organisations, local bodies etc. for such rapid expansion.

2. Quality

The quality of child care services also is in need of drastic improvement. Child care services must be holistic in nature, catering to the needs of the child and promoting all-round development of the child. Some of the components of such a service would be:

- a. A clean, safe and healthy environment, including toilet and water facilities
- b. An adequate adult-child ratio for the proper care of children
- c. A home-like atmosphere of love and warmth for the child's emotional security
- d. The presence of adequately trained staff
- e. A stimulating play environment to promote the social, mental and emotional growth and development of the child
- f. Sufficient and balanced diet prepared in a hygienic manner

- g. Flexible timings which meet the needs of local mothers, as well as the educational needs of older children
- h. Suitable location, if possible near the elementary school and
- i. A diversity of models responsive to the needs of different age-groups such as infants, toddlers and older pre-schoolers and varying local needs. Family day-care, group day-care, care within the family and care by elderly people are examples of such models

In Tamil Nadu where the infrastructure already exists, the network of child care centres must focus on qualitative improvement and become more responsive to the needs of women and children.

3. Child care Workers

The issue of remuneration and working conditions of child care workers needs to be seriously addressed. Her worth as a full-time skilled worker who should be paid fair wages, in both Government and non-government sectors must be recognised. Sadly, at present her wages are less than the Minimum Wages laid down for an unskilled worker. At the same time, service rules, employment benefits and working conditions have to be improved and implemented, to ensure job satisfaction, promote her self-esteem and raise her social status.

Training and development of the child care worker are equally important needs to be addressed. Training is a continuous and ongoing process to equip and encourage the worker in her task and should be backed up by a supportive monitoring system. Parent groups must play a big role in monitoring, guiding and supporting the worker.

4. Financial Support

Existing institutions and support structures like the Central and State Social Welfare Boards, and other national and State bodies should not only offer funding for child care services but should actively identify and support flexible local initiatives, innovative ideas and diverse models based on community support.

A National Child Care Fund, together with a network of State and regional Child Care Funds, should be set up to support all types of child care services, which may be implemented at the local level by a variety of agencies such

as trade unions, women's organisations, NGOs, clubs, parent groups, business houses, schools, employers and community.

Such a Fund may be financed by a cess on employment, by tax-exempt individual and corporate donations, other welfare funds, Insurance schemes and parents' contributions. Existing funds like the Beedi Welfare Fund may be utilised for running child care services.

5. Public Awareness

Both NGOs and media should be involved in an effort to create awareness that child care is not the responsibility of women alone, but that of the entire family and society. Men as fathers, husbands, brothers and grandparents of both sexes are equally responsible for the welfare and development of the younger generation and should be encouraged to participate actively in the process, besides giving support to women.

NGOs should work closely with media to project positive images about child care and child development as well as to promote child care services. This can be done, for example, by advertisements as well as features, stories and talks which highlight the importance of child care and which show men and other adults playing a positive role in child care. At the same time, negative values about children, child care and women should be discouraged both in the media and in school curricula and text books.

Besides mass media, popular cultural forms such as songs, posters and folk media should also be utilised, as well as face-to-face communications by health workers and other paraprofessionals.

Professional associations of all kinds should be drawn upon, while women's studies units and academic institutions can also play a big part. The help of experts in communication should be sought to develop effective communication strategies.

6. Local Government

With the 73rd Amendment to the Constitution (of April 1993) the subject of women and child development is to come under the local bodies (Panchayats and Nagar Palikas). Further, there is to be reservation of one-third of the seats for women in all these bodies. In the context of these two developments of great significance, it is essential for NGOs to begin training and empowering

women at the grassroots level to understand and fulfill their rights, responsibilities, powers and duties in the local administration.

At the same time NGOs must act as watchdogs and ensure through public pressure that State Governments give adequate funds to local bodies to run such services, and to allow parent groups at the local level to participate actively in the running of child care services.

7. Breastfeeding

In view of the critical importance of breastfeeding for the health and development of the child in the first two years of life, women should not be faced with the cruel dilemma of either earning a living or caring for the child. While mother-and-child-friendly laws and better implementation may be of greater benefit to women in the organised sector, for the vast majority of women working in the unorganised sectors, the State will have to take responsibility for developing support services of the following kinds to enable women to combine working with breastfeeding:

- a. Schemes that give financial and nutritional support to the mother so that she can avoid going back to work for four months and be able to exclusively breastfeed the baby. Such support becomes more urgent with the implementation this year of the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992.
- b. Schemes that enable working women to continue breastfeeding after the child is four months, such as work-place creches, nursing breaks, part-time work etc.

Valedictory Address

JAYANTHI PATNAIK
Chairperson
National Commission
for Women

I am indeed very glad to be here with you today at this consultation on Maternity and Child Care Services, and I am thankful to you all for having given me this opportunity. The seminar is of topical interest, as of late there has been increased emphasis on promoting breastfeeding as against the use of baby foods.

In one of her letters to me, Mina Swaminathan had written that "while concern for laws affecting women tends to focus on personal and family laws, and those concerning sexual issues, less attention is paid to labour legislation affecting women." I entirely agree with her. The main reason for this appears to be that male-dominated trade unions do not give as much importance to women's problems as is necessary, nor do perhaps the government and the employers. Implementation of laws such as Maternity Benefit Act, Equal Remuneration Act, Contract Labour Act, Minimum Wages Act, etc., leave much to be desired.

The coverage under the Maternity Benefit Act, 1961, is low, and its implementation unsatisfactory. It was only in 1988 that the Act was amended to cover shops and establishments employing ten or more persons, the earlier coverage having been restricted to certain categories, such as mines, factories, circus, etc. Although the Act empowers the State Governments to extend the provisions to establishments other than those specified in the Act, information available indicates that nothing much has been done in this regard. This is therefore one area in which detailed information needs to be collected and the working of this Act thoroughly reviewed.

The proper implementation of the existing provisions is itself far from satisfactory. I therefore hope that if this Act is amended, as proposed, to have greater coverage and more liberal benefits such as sixteen weeks leave with permission for extended half-pay leave, etc, care will be taken to ensure effective implementation.

I would also like to point out that it was way back in 1969 that the National Commission for Labour had recommended the setting up of a Central Fund for maternity benefits. A similar recommendation has been made in SHRAM

SHAKTI (1988). The recommendations of both these Commissions were based on the grounds that individual employers are reluctant to bear the burden, and that therefore there is a tendency on their part not to recruit women. I think it is high time pressure is brought on the Central Government to implement this important recommendation. Only by creating such a Central Fund can maternity benefits be extended to women workers in the unorganised sector, particularly in agriculture.

There is also imperative need for organising the rural workers so that they can fight for their rights. I do not have the details as to how the schemes of maternity benefits to women in agriculture are being implemented in some of the States, but one needs to really go into the reasons why other States have not been able to emulate such examples.

Any recommendations concerning amendments to the Maternity Benefit Act so as to expand its coverage as well as benefits would require detailed examination, as we have to be sure not to take any action which may turn to be counter-productive. In an ideal situation, women with family responsibilities, and not just pregnant women, ought to be given greater facilities so that they can easily reconcile their employment and family responsibilities. As you would be aware, there is an ILO convention and recommendation regarding workers with family responsibilities, i.e., both male and female workers. These instruments can provide useful guidelines to the NGOs to take up with the Government such of the provisions which can be implemented without much difficulty or expense.

In a developing country like ours, there is so much to be done in social sectors that a certain degree of prioritisation is a *sine quo non* for balanced social development. Paradoxically, when resources are scarce, the greater is the need for State intervention. How effectively to tackle deprivation and more so vulnerability to deprivation - and women in India are most deprived - is a task which should concern not only planners, but also social activists.

As I mentioned at the beginning, the subject of this seminar is topical. A number of organisations, governmental and non-governmental, have organised seminars and workshops on breastfeeding. It is now established that breastfeeding is definitely healthier than other baby foods. Various studies and surveys have conclusively shown that infant foods do not have the same nutritional value as mother's milk, and their use may lead to ailments connected with malnutrition. Although a lot of concerted effort is being made by various organisations to propagate the advantages of breastfeeding, a lot more still remains to be done.

I am sure that work has already been done to identify the class of women who would be the target of a campaign in favour of breastfeeding. Fortunately for us, in our country, breastfeeding is still most common, particularly in the rural areas where firstly, baby foods, and even other types of milk, are beyond the reach of poor women. Secondly, it is traditionally believed that during the lactation period women do not conceive. In such cases, what is needed is to ensure that nursing mothers get nutritious food so that they have adequate milk for the child. Thus, primarily our campaign has to be targeted at the working women in the urban areas.

But even in their case we would need to find solutions, as to how working women can take infants up to 2 years old to the place of work, which may be at quite a distance, even if we assume that creche facilities are available. The long distance between the residence and the work place coupled with difficulties in commuting can be a real problem. I need hardly over-emphasise the important role which the government, health professionals, social activists and employers can and should play to ensure not only that breastfeeding is adequately propagated and promoted but also to see that the proper environment is created whereby mothers who want to breastfeed their children, are not prevented from doing so by compulsion of circumstance. Hence, the imperative necessity for strengthening the existing support services like creches and maternity health care.

An important ingredient of the existing programmes is the ICDS, which has been in operation since 1974. I should hope that with the strategies laid down in the Eighth Plan, the scheme will go a long way in providing the necessary support for the overall development of children. Admittedly, there are a number of weaknesses in the implementation of the scheme. I would, therefore, urge upon the voluntary organisations to perform a watchdog role on the progress of the scheme, as even with the best of intentions, targets are not achieved because of faulty implementation.

Moreover, governmental efforts need to be supplemented by voluntary effort. I feel that apart from the statutory obligations under certain Acts to set up creches, it should be possible for the NGOs and the employers, and their associations, to co-operate to establish common child care facilities to serve different industrial areas. As for the unorganised sector, it appears that the NGOs will need to continue their efforts with greater zeal, with or without government support.

Since I arrived only this morning and have only just been able to glance through some of the points being discussed in the seminar, you will kindly excuse me

if I do not respond to them in detail immediately. I can, however, assure all present here that the National Commission for Women would examine your recommendations thoroughly and take follow-up action with the concerned authorities. In fact, the Commission proposes to organise a national-level workshop on the subject during November 1993 with the active support of experts in the field like yourselves.

Before I close, I must once again thank the organisers, particularly Mina Swaminathan, for having invited me. She has been doing commendable service to the women of our country by focussing attention on the urgent need to reform maternity and child care laws and to promote breastfeeding. I have no doubt that with the zeal she has, she would be succeeding in her mission. I wish her all the best.

LEGISLATION RELATING TO CRECHES

Name of Act	Min. no. of workers	Min. no. of children	Age of eligible children	Provision	Authority to make rules
Factories Act 1948	30	---	Up to six yrs.	A suitable room or rooms for the use of children with trained women in charge	State Govt. shall make rules regarding location, construction, accommodation, furniture and equipment, amenities and facilities, milk and refreshments, breast feeding by mothers etc.
Plantation Labour Act 1951 (d) & (w)	50	20	"	"	State Govt.
Mines Act 1952 Section 58	No min. number specified	---	"	Room or rooms, amenities and supervision	Central Govt.

Name of Act	Min. no. of workers	Min. no. of children	Age of eligible children	Provision	Authority to make rules
Beedi & Cigar Workers (Conditions of Employment) Act 1966	50	---	Up to six yrs.	Room or rooms and trained incharge	State Govt.
Contract Labour (Regulation & Abolition) Act 1970.	20	---	"	Two rooms to be provided for children, one play room and one sleeping room	Chief Labour Commissioner Central Govt.
Inter-State Migrant Workers Act 1980.	"	"	"	"	"

LEGISLATION RELATING TO MATERNITY BENEFITS

The Maternity Benefit Act, 1961	Employees State Insurance Act, 1948
<p style="text-align: center;">APPLICATION</p> <p>Government and non-government owned factories, mines, plantations, circuses, shops and establishments which employ a minimum of ten (in some cases twenty) workers.</p>	<p style="text-align: center;">APPLICATION</p> <p>Factories (other than seasonal factories).</p>
<p style="text-align: center;">ELIGIBILITY</p> <p>A woman must actually have been employed for at least 80 days out of the 12 months preceeding the expected date of delivery</p>	<p style="text-align: center;">ELIGIBILITY</p> <p>The wage limit for coverage under the Act is Rs.1,600/- per month</p> <p>An insured woman shall be qualified if the contributions in respect of her were payable for not less than 80 days in the immediately preceeding two consecutive contribution periods.</p>
<p style="text-align: center;">BENEFITS</p> <p>Total of 12 weeks of paid maternity leave plus one month in case of illness arising out of premature delivery, miscarriage, etc</p> <p>Nursing breaks - two breaks per day till child is fifteen months old.</p>	<p style="text-align: center;">BENEFITS</p> <p>12 weeks of wages at the daily rate, and in case of sickness, 6 weeks + one month.</p>

The Participants

1. Dr. R.K. Anand
55, Kavi Apartments
Worli, Bombay - 400 018
2. Ms. Aruna Pillai
Joint Action Council for Women
12, Rosary Church Lane
Madras - 600 004
3. Ms. Asha Bajpai
National Law School of India
University
Nagarbhavi Campus
Bangalore - 560 072
4. Ms. Asha Krishnakumar
FRONT LINE
C/o THE HINDU
859/860, Anna Salai
Madras - 600 002
5. Ms. Bala Srinivasan
Dept. of Statistics
Madras Christian College
Tambaram
Madras - 600 059
6. Ms. Bargavi Devendra
Women's India Association
43, Greenways Road
Madras - 600 018
7. Ms. Brinda Singh
Mobile Creches
D.I.Z. Area, Raja Bazaar
Sector IV, near Gole Market
New Delhi - 110 001
8. Mr. J. Chandrasekhar
Centre for Indian Trade
Unions (TN)
13, Mosque Street
Madras - 600 005
9. Ms. Chandra Thanikachalam
Indian Council for Child Welfare
No.5, 3rd Main Road West
Shenoy Nagar
Madras - 600 030
10. Mr. M.L. Doss
Legal Resources for Social Action
B-48, Alagesan Nagar
Chingleput - 603 001
11. Ms. Gabriele Dietrich
C/o T.N. Theological Seminary
Arasaradi
Madurai - 625 010
12. Ms. R. Geetha
Tamil Maanila Slum Dwellers
and Residents Association
24/2, M.C. Road
Old Washermanpet
Madras - 600 021
13. Ms. Ila Vakharia
Centre for Health Education
Training and Nutrition
Awareness (CHETNA)
Ilavatiben Lalbhai's Bungalow
Civil Camp Road
Shahibaug
Ahmedabad - 380 004

14. Dr. S. Jayam
Neonatology Forum
31, 1st Main Road
Kamaraj Nagar
Thiruvanmiyur
Madras - 600 041
15. Ms. Jaya Sitaraman
Family Planning Association of
India (TN)
AVM Charities Health Centre
Vadapalani
Madras - 600 026
16. Ms. Jayashree Vencatesan
Project ACCESS
M.S. Swaminathan Research
Foundation
3rd Cross Street
Taramani Institutional Area
Madras - 600 113
17. Ms. Khin Sandi-Lwin
Chief of Field Office
UNICEF South Zone
20, Chittaranjan Road,
Madras - 60 018.
18. Ms. Krishna Iyer
Project ACCESS
M.S. Swaminathan Research
Foundation
3rd Cross Street
Taramani Institutional Area
Madras - 600 113
19. Dr. N.R. Madhava Menon
National Law School of India
University
Nagarbhavi Campus
Bangalore - 560 072
20. Ms. Mano Bakthavatsalam
Women's Voluntary Services
125, Luz Church Road
Mylapore
Madras - 600 004
21. Ms. Mina Swaminathan
Project ACCESS
M.S. Swaminathan Research
Foundation
3rd Cross Street
Taramani Institutional Area
Madras - 600 113
22. Dr. V.R. Muraleedharan
Dept. of Humanities and
Social Sciences
Indian Institute of Technology
Madras - 600 032
23. Ms. Rama Narayanan
Project ACCESS
M.S. Swaminathan Research
Foundation
3rd Cross Street
Taramani Institutional Area
Madras - 600 113
24. Ms. Ranjani Murugan
Altrusa Club of Madras
9, AVM Avenue
Dr. Radhakrishnan Salai
Madras - 600 004
25. Dr. D.T. Reji Chandra
Palmyrah Workers' Development
Society
Crystal Street
Martandam - 629 165
Tamil Nadu

26. Dr. Regina Papa
Department of Women's Studies
Alagappa University
Alagappa Nagar
Karaikudi - 623 003
27. Ms. Sara Mathew
Feminist Association for Social
Action
7, Verghese Avenue
Ashok Nagar, Madras - 600 083
28. Ms. Sarojini Varadappan
Women's Voluntary Services
and Women's India Association
47 A, Warren Road
Madras - 600 004
29. Ms. J.P. Saulina Arnold
Tamil Nadu Voluntary Health
Association
31, Mandapam Road
Kilpauk Garden
Madras - 600 010
30. Ms. Sembiyam Madhavi
Indian Council for Child Welfare
5, 3rd Main Road West
Shenoy Nagar
Madras - 600 030
31. Dr. Shanti Ghosh
Pediatrician and MCH Consultant
5, Sri Aurobindo Marg
New Delhi - 100 016
32. Ms. Shenbagavalli
Project ACCESS
M.S. Swaminathan Research
Foundation
3rd Cross Street
Taramani Institutional Area
Madras - 600 113
33. Ms. Shyamala
Pennurimai Iyakkam
A-5, Bharatiyar University
Quarters
Coimbatore - 641 046
34. Ms. Tarakeshwari
Indian Council for Child Welfare
5, 3rd Main Road West
Shenoy Nagar
Madras - 600 030
35. Ms. V. Vasuki
All-India Democratic Women's
Association (TN)
13, Mosque Street
Chepauk, Madras - 600 005
36. Dr. Vina Mazumdar
Centre for Women's Development
and Studies
25, Bhai Vir Singh Marg
New Delhi - 110 001
37. Dr. Vijayalakshmi
Avinashilingam Institute for
Home Science and Higher
Learning for Women
Coimbatore - 641 043
38. Mr. K. Vijayakumar
Legal Resources for Social Action
B-48, Alagesan Nagar
Chingleput - 603 001
39. Dr. Vrinda Datta
Tata Institute of Social Sciences
Sion-Trombay Road
Deonar
Bombay - 400 088

Tamil Nadu Forum for Creche and Child Care Services (TN - FORCES)

Alagappa University

All-India Democratic Women's Association (TN)

All-India Trade Union Congress (Women's Wing) (TN)

Altrusa Club of Madras

Avinashilingam Institute for Home Science
and Higher Education for Women

Association of Sarva Seva Farms

Balar Kalvi Nilayam

Bala Mandir

Bharatiya Grameen Mahila Sangh (TN)

Centre for Action in Rural Development

Centre for Indian Trade Unions (TN)

Children's Garden School Society

Community Services Guild

Feminist Association for Social Action

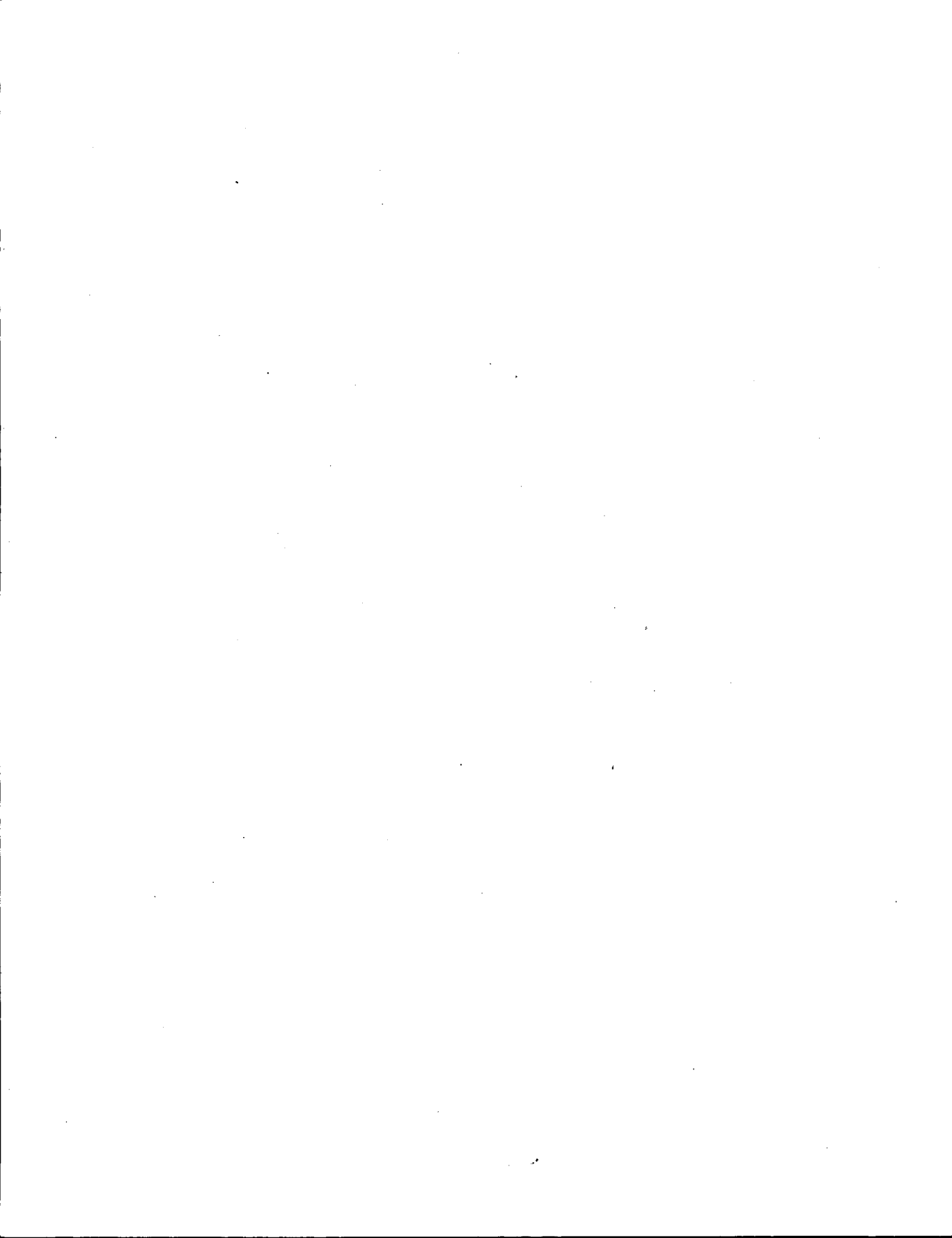
Family Planning Association of India (TN)

Gandhigram Trust

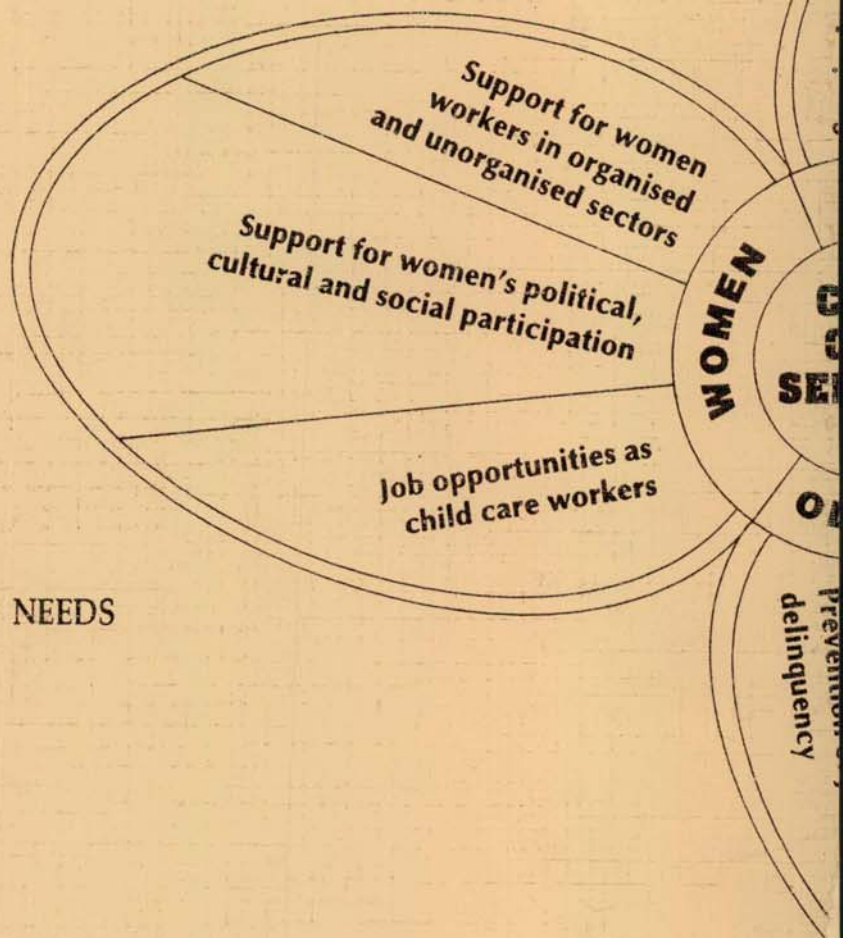
Gandhian Unit for Integrated Development and Education

Guild of Services (Central) (Seva Samajam)

Indian Academy of Pediatrics (TN)
Indian Association for Preschool Education (Madras Branch)
Indian Council for Child Welfare (TN)
J. B. A. S. College for Women
M.S. Swaminathan Research Foundation-Project ACCESS
National Council of Women in India (TN)
National Federation of Indian Women (TN)
Palmyrah Workers' Development Society
Pennurimai Iyakkam
PREPARE - India Rural Reconstruction
and Disaster Response Service
Satyamurthi Centre for Democratic Studies
Stree Seva Mandir
Tamil Nadu Dr. Ambedkar Mandram
Tamil Maanila Kattida Thozhilalar Sangam
Tamil Nadu Voluntary Health Association of India
Vidya Vikasini Society
Women's India Association
Women's Voluntary Services (TN)
Young Women's Christian Association (Madras)



CHILD CARE SERVICES
ADDRESS INTERSECTING NEEDS



M. S. Swaminathan Research Foundation