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Domestic Workers and Policy Discourse in India

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Part - I

Introduction:

Domestic workers have been a part of the household of the elite in India for decades now. Before the emergence of the middle class, domestic workers were found working for landlords, local elite and of course royalty. Today, with the rise of the urban middle class, the demand of domestic workers has increased. Working as a domestic help has become an option for many poor, illiterate men and women, often pushed out of villages due to unemployment. The nature of job and working conditions varies from employer to employer and region to region. Domestic workers are hired for number of tasks both on full-time and part-time basis. Major role of these workers ranges from cleaning and cooking to taking care of children and old people in the employer's house. The economic growth and expansion of middle class especially in urban India in last few decades has made hiring of domestic workers affordable for the middle class. Thereby it has increased demand of domestic workers in urban areas. According to the recent estimates of ILO, at least 67 million men and women aged above 15 years are employed as domestic workers across the world in 2017; out of these approximately 83 per cent are women. According to the NSSO survey 2004-05 there are 4.2 million domestic workers in India and most of them are women¹. According to the survey, women workers are usually engaged as housemaid/servant, cook and baby sitters.

Domestic workers according to the NSSO report represents nearly one per cent of India's total workforce. Various non-official reports suggest that in recent decade, the number of domestic workers has tremendously increased, as there is high demand in urban areas. With the increase in employment, cases of harassment of these workers by their employers have also grown. The rapid growth of domestic work and workers in complete absence of regulatory mechanism has increased vulnerability of millions of workers. The domestic work market, is led by the terms and conditions led by employers and placement agencies, who regulate the rules as per their wishes. It leaves almost no place for the domestic worker to bargain his/her working condition, wages and other labour rights. These placement agencies manipulate and cheat distressed women and men from economically weaker regions with the lure of good pay and place them as domestic workers in urban households. The new work environment, urban lifestyle and community around them remain alien to them, which further increases their vulnerability. This paper attempts to highlights vulnerability of the domestic workers and persisting policy gaps which have increased their pain.

Vulnerability of the Domestic Worker:

In 2013 media reports from Lucknow reported that a MBBS doctor and his wife were arrested on charges of harassment of their 22 year old domestic worker. The domestic worker said in her complaint to the police, that the couple used to beat her, burn her with cigarette butts, and forcibly chop her hair. Few media reports in December 2012 reported that a 13 year old girl, who was working as a maid in Bhadrak district of Odisha, was subjected to physical and mental torture by her employer. She was forced to clean the utensils of 20 dogs and their defecation, forced to sleep in the verandah without any bed and the employer used to mercilessly beat her up. The abuse and torture by employers have also taken lives of many domestic workers. For example, In November 2013, a 35 year old domestic help was found dead with grievous injury marks at Mr. Dhananjay Singh's bungalow in New Delhi. Mr. Dhananjay Singh was then a Member of Parliament of Bahujan Samaj Party (BSP) from Uttar Pradesh. These are just few of the innumerable cases of abuse and exploitation ,

¹ http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_155951.pdf

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but there are several such cases across India, which were reported. Given the vulnerability of domestic workers, it is obvious that most of such cases go unreported. Senior journalist Ms. Tripti Lahari, who recently published a book – ‘Maid in India’ argues that approaching police or judicial system by domestic workers against abuse is certainly not a first resort. According to her, the general feeling amongst workers is that employers are powerful and reporting against them in police is not easy task². Let us take the example of Delhi, since all India data is not yet available.

Reporting of Crime against Domestic Workers in Delhi

Year	Total Cases Reported in Police	Cases Reported under JJ Act	Cases of Rape reported	Murder and Attempt to murder	Abduction	Physical Hurt	Cases booked under other laws
2011	29	12	10	0	2	0	5
2012	58	32	9	1	2	4	10
2013	75	30	22	3	2	3	15

Source: Rajya Sabha, Starred Question No. 320, Answered on 10 February 2014

Data shared by the Union Ministry of Home Affairs in the Rajya Sabha in February 2014 reveals that though the reporting of crime against domestic workers in Delhi is low but there is an increase in such reporting (see table above). According to the data, reporting of exploitation on daily basis such as physical hurt and verbal abuse against domestic worker is negligible. However, various activists and scholars working with domestic workers believe that such violence on daily basis is more common.

Other than physical, mental and sexual abuse and torture, these workers have also been subject to exploitation related to labour rights. Several reports have acknowledged problems related to employment, job contract, working conditions and wages of domestic workers. Unlike in the case of physical and mental abuse, domestic workers do not have any legal remedy to complaint against his/her labour rights. Domestic workers can seek recourse under The Protection of Women from Domestic Violence Act, 2005, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, The Protection of Children from Sexual Offences Act, 2012 and various provisions of the Indian Penal Code (IPC) against physical and mental abuse. However, these workers are not entitled to seek recourse under any Indian labour law against labour related dispute between employer and employee. Domestic work is not recognized as a part of the labour industry and therefore domestic workers are not recognized as labourers under various labour laws such as the Workman’s Compensation Act, 1923, Inter State Migrant Workmen Regulation Act, 1979, Equal Remuneration Act, 1976 and the Minimum Wages Act, 1948. . The employer of the domestic worker has authority of deciding on terms and conditions of the domestic worker without any accountability. Often, dispute on labour issues between employer and employee triggers physical and mental abuse of the domestic workers. Maya John (2017) argues that in many cases when domestic worker express unwillingness to continue work, demand pending wages or leave/rest they are simply refused. Often these demands are suppressed by physically assaulting the worker. In the complete absence of labour right protection to these workers, employers have absolute right over employee. Dr. Maya John explains this as quasi-magisterial power of the madam (employer).

² Hindustan Times, July 16, 2017: <http://www.hindustantimes.com/india-news/overworked-underpaid-abused-inside-the-world-of-india-s-domestic-workers/story-IpmmGUfMxPqM5H1JR6QYCL.html>

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The recent case of Modern Mahagun Society in Noida Sector 78 a labour issue raised by a domestic worker employed in the society turned into criminal case of theft by the employer and was later presented as a communal issue. All this was done with the help of politicians and the police administration. On July 12, 2017 several family members and friends of a maid working in a flat in the Modern Mahagun Society barged in the society protesting against physical assault by her employer. According to media reports the security personal of the society, opened fire in the air to threaten the protestors, and in return the protestors pelted stones. Despite the first complaint was registered by the victim domestic worker, the Noida police started following up based on the FIR registered much later by the society related to rioting by family and friends of the maid. Following this incident, the society arbitrarily decided to fire 60 other domestic workers from their job. The Noida case got lot of media attention and first broke out on the social media platform. Several incidents of harassment and exploitation take place across the country and is neither reported nor given due attention.

Trafficking of Children/Women for Domestic Work:

Increasing urbanization, rise of nuclear families where both partners work have made the domestic help indispensable. A decade ago the domestic help was sourced from nearby slums or from villages, today this has become a 'business' with placement agencies becoming recruiting centers for domestic help, especially in metro cities. These agencies traffic girls and children from impoverished states in rural India and make them live under extreme exploitation, first at the placement agency's 'transit area', and then at the employer's house. Research shows that most victims are sourced from states like West Bengal, Jharkhand, Chhattisgarh, Bihar, Assam, Odisha, and Uttar Pradesh. Some cases of trafficking from Nepal and Bangladesh were also recorded (Tehelka, 2008; Economics Behind Forced Labour Trafficking, 2014).

Placement agencies hire sourcing agents in various villages who act as intermediaries. These intermediaries convince parents and children regarding benefits to convince parents and children regarding the benefits of working in big cities. Promises of better and lucrative job options and employment opportunities lure parents into sending their children with the brokers. As per a report of Global March against Child Labour about 70% children in domestic labour were convinced to leave while others were abducted. Number of kidnapped children itself is estimated to be anywhere around 2 to 5 million. (Economics Behind Forced Labour Trafficking, 2014).

Trafficking of girls and women from rural parts of Odisha, Chhattisgarh, West Bengal, Jharkhand and Bihar for the purpose of domestic servitude is a business where the traffickers gains most. According to the report of Global March against Child Labour, traffickers procure and supply as much as 4-5 girls every month or two and make up to INR 500 – 20,000 per girl. The agencies themselves receive anywhere between 20,000-50,000 INR for placing the domestic labour in employer's house. Many times the agencies collect the labour's wages and continue to take commission from it. "On a conservative level, agencies make anywhere between Indian rupee (INR) 23 lakhs to INR 74 lakhs per year. Moreover, the likely market for child labour in the NCR region can cause circulation of as much as INR 205 crores to INR 1554 crores illegal money in the market." In all this the domestic labour themselves are paid less than INR 1500 per month, which is not even a third of the minimum wages for unskilled labour (Economics Behind Forced Labour Trafficking, 2014). Employers, parents, village goons and police also benefit at different levels from trafficking. "The employers get consistent domestic worker at very low costs; parents can receive an advance during the time of trafficking and on occasion the salary of their child; further, the village goons and police may also take a cut from traffickers in order to turn a blind eye to trafficking" (Economics Behind Forced Labour Trafficking, 2014).

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Working Conditions of the Domestic Worker:

Domestic work is one of fast growing occupation in urban India, which provides livelihood options to millions of poor and disadvantaged people from rural parts of country and slum dwellers. Despite being recognized as an occupation, there are no updated statistics on number of people engaged in this labour market. The available estimated statistics on domestic worker in India vary drastically. According to NSSO survey 61st round in 2004-05 there were around 4.75 million domestic workers whereas Census 2001 estimated around 6.4 million people engaged in this occupation. However, few non-government estimates suggest that domestic workers may be up to 90 millions in India (MoLE, 2010). While, these numbers are incomparable to estimate current labour size of domestic workers, but these number suggests that number of domestic workers in India is significantly huge. According to a report of Ministry of Labour and Employment in 2010 domestic work is the largest female occupation in urban India, which employs nearly 3.05 million women workers. Yet, India has not recognized domestic work as a legitimate labour market, thereby allowing individual employer to arbitrarily decide working conditions, wages, job security and such other fundamental labour issues of the domestic workers.

Despite being a huge, rapidly growing labour market more so in urban India, people engaged in domestic work are highly vulnerable. The disadvantaged social, economic, educational, background of these workers, their gender and nature of workplace and absence of legal recognition of their labour are few major factors which makes them more vulnerable and prone to the exploitation. As the examples in the first section have shown that the domestic worker may be subject to physical, mental and sexual exploitation by the employer. The non-regulation of the domestic work further aggravates the situation, as many forms of exploitations of the domestic worker by their employer are not even criminalized by any law. There are range of issues pertinent to the work and working conditions of domestic workers, which needs to be addressed in order to fulfill our constitutional obligation of right to livelihood and right to work. Some of such issues are as follows:

- **No formal job contract-** Domestic workers are employed by private households through informal/ verbal agreements. Employers in this case always enjoy benefits of changing terms and conditions of employment.
- **Extreme insecurity of employment-** Continuity of job is entirely dependent on the mercy of employers. Often, when domestic workers fall ill or are otherwise unable to work for a few days, they are informed that they no longer have their jobs.
- **Insecure work places-** Domestic workers have to face abuse including sexual harassment at their work places. There have been several instances when women and young girls have been beaten up, raped and even murdered.
- **Heavy work load-** There is a tendency to continuously increase the work-load of domestic workers. As time goes by, the employers continue to ply new tasks on them.
- **Long working hours-** Domestic workers, who live at the employers' home, have no limit to working hours. They are often on 24 hour duty.
- **No paid leave-** There are no provisions for paid leave for domestic workers. Leave for domestic worker is generally dependent on mercy of employers
- **No provision of rest-** Due to the nature of work and timings of work, the timing for workers' food and rest is often irregular.

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- **Poor occupational health-** The Encyclopedia of Occupational Safety and Health by the ILO, identifies the types of domestic work that exposes worker to hazardous substances, injuries and psychological risk³. According to the ILO, lack of minimum safety measures and unhygienic conditions while performing mechanical tasks, indoor and outdoor duties, taking care of persons, goods, household linen, furniture and other things, cleaning of premises and utensils, kitchen work and commuting for outdoor duties by the domestic worker often leads to such occupational safety risks. However, in the case of domestic worker in India, none of these issues have been regulated.
- **No Social security-** Domestic workers are not entitled to any retirement benefits. They have to continue working till their bodies and health permit, irrespective of age. The wages are so low that saving for old age is not possible. There are some schemes of the central government which offer social security to these workers, but it is very difficult for them to access. For example, the government of India had extended Rashtriya Swasthya Bima Yojana (RSBY) to domestic workers, but activists working with domestic workers have found that they face lots of challenges to be certified as a domestic worker by their employers.

The discussion on labour rights of domestic workers in India has intensified in last few decades among both academicians and activists. There has been lot of discussion on exploitation of domestic workers by employer and urgent need of regulating conditions of service and extending benefits of social security schemes to them. Yet, India has not introduced any comprehensive legislation to protect labour rights of the domestic workers. The Unorganized Workers' Social Security Act, 2008 does include domestic workers but availing benefits of schemes scheduled under the scheme is a big challenge for them. During the tenure of UPA-II government, there were some substantial moves towards recognizing labour rights of the domestic worker. For example, the government constituted a Task Force to develop a national policy on these workers. In 2011, the government also signed ILO Convention Number 189 related to domestic worker and promised to the world that it would regulate domestic work including working conditions, occupational health, wages and social security. However, there has not been any progress on this issue since then. The following section of this document attempts to explore policy related debate and discourse in India on issues related to the domestic workers.

³ http://www.ilo.org/wcmsp5/groups/public/@ed_protect/@protrav/@travail/documents/publication/wcms_308907.pdf

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Part - II **Policy Discourse on Domestic Workers**

The National Commission on Self-Employed Women (NCSEW), 1987

The government of India in 1987 appointed a National Commission on Self-Employed Women (NCSEW) to conduct a comprehensive study of the working conditions of women in self-employed sector. This was later expanded to include all unprotected women labourer in the country and women in the informal sector⁴. The study report of NCSEW in 1988 recommended 350 policy issues ranging from sector specific issues, administrative machinery, institution building, monitoring, legislations, occupational health, social security and supportive services⁵. For the domestic worker, the NCSEW in 1988 recommended a system for registration of these workers. Studying the exploitation of the domestic worker the commission felt it necessary to fix a minimum wage and bring legislation that would regulate condition/s of employment, social security and security of employment⁶. However, along with various other recommendations of the commission, its recommendations for domestic workers remain unfulfilled.

Second National Commission on Labour, 2002

The Second National Labour Commission was constituted in 1999 to rationalize labour laws related to organized sector and also to suggest an umbrella legislation to ensure minimum level of protection to the worker in the unorganized sector (Shivaji, 2003). The commission headed by Mr. Ravindra Verma submitted its report to the Prime Minister in 2002. While dealing with issues of domestic workers under the category of unorganized workers the commission found them physically, mentally, occupationally and sexually vulnerable. The report reads, “There is no system of social security on which the domestic workers can fall back. They work for long hours and do variety of work and sometimes get few hours of undisturbed sleep. In many cases they are not provided with safe and clean places where they can rest or sleep. Since many domestic servants are women and children they run the risk of sexual harassment and exploitation in many houses⁷.” The commission in its report recommended following measures to protect labour rights of domestic workers:

- The commission recommended introduction of a system of registration of domestic workers.
- Domestic workers should be provided with identity cards that specify the names of their employer, wage paid, entitlement to social security and so on.
- Government should ensure adequate protection to ensure satisfactory conditions of work, humane treatment and acceptable level of social security to domestic workers.
- The commission strongly recommended for fixing a minimum wage and a legislation to regulate conditions of employment, social security and security of employment.

The second labour commission advised against a separate piece of legislation for domestic workers in order to minimize the number of separate laws. However, it favoured the inclusion of domestic workers in a comprehensive legislation

⁴ Arya Sadhna, *The National Commission for Women: A Study in Performance*, CWDS, New Delhi, retrieved from: <http://www.cwds.ac.in/wp-content/uploads/2016/11/NCWreport.pdf>

⁵ Sharma Kumud, *‘Changing the Term of the Discourse: Gender Equality and the Indian State*, CWDS, Pearson, New Delhi

⁶ NCEUS, 2007, ‘Report on Condition of Work and Promotion of Livelihood in the Unorganized Sector’, NCEUS, Government of India.

⁷ Report of Second National Commission on Labour, retrieved from: <http://www.prsindia.org/uploads/media/1237548159/NLCII-report.pdf>

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regulating working conditions and social security of unorganized workers. Its recommendations for the domestic work were radically progressive to ensure labour rights protection for workers and holding employer accountable.

National Commission for Enterprises in the Unorganized Sector (NCEUS), 2007

The National Commission for Enterprises in the Unorganized Sector (NCEUS) in its report '*Condition of Work and Promotion of Livelihood in the Unorganized Sector*' in 2007 dealt with issues of domestic workers and found that workers are forced to work in sub-human conditions with no job security, no benefit and no dignity. This report (also known as Prof Arjun Sengupta report) is one of the first significant policy document that highlighted employment related problems of these workers. According to the report, the biggest problem faced by the domestic workers across the country is their non-recognition as workers. It reads, "The domestic workforce is excluded from labour laws that look after important employment-related issues such as conditions of work, wages, social security, provident funds, old age pensions, and maternity leave" (NCEUS, 2007).

The NCEUS recommended a comprehensive legislation to protect wage, working conditions, labour rights of unorganized workers including domestic workers. It further suggested to bring employers of unorganized workers under labour laws such as Bonded Labour System (Abolition), Act, 1976, Child Labour (Protection and Regulation) Act, 1986, Minimum Wages Act, 1948 and Equal Remuneration Act, 1948. As with various other progressive commissions and their reports, these recommendations of the NCEUS also remain unfulfilled. To address issues unorganized workers' social security, the NCEUS also proposed a separate legislation. It wanted the government to provide minimum social security services which include health benefit, disability and death insurance and old age pension. The government of India in the Unorganized Workers' Social Security Act, 2008 incorporated few suggestions of the NCEUS. However, the intent of the NCEUS to provide comprehensive social security to the unorganized workers remains unfulfilled. This Act does not guarantee essential social security services such as health care, disability and death insurance and old age pension.

Task Force on Domestic Workers, 2009:

To address issues of vulnerability of the domestic worker the Ministry of Labour and Employment, government of India constituted a task force. The Task Force of the Ministry was asked to deliberate on issues related to welfare and regulatory measure for promoting decent work for the domestic workers (MoLE, 2011). It was set up on December 29, 2009 with an objective to evolve a policy framework for domestic workers in the context of regulatory mechanism and providing welfare measures. The Task Force in its report dated March 18, 2010 recommended following regulatory initiatives:

- 1- Extension of the Welfare schemes to domestic workers including health and maternity benefits, death and disability insurance and old age benefits. Following the recommendation the government of India extended benefit of Rashtriya Swasthya Bima Yojana (RSBY) to the domestic workers. However, inclusion of domestic workers in other social security schemes remains un-implemented.
- 2- Task force suggested fixation of minimum wages for domestic work by state governments who have not fixed it yet. The Union government on July 01, 2010 sent a letter to the state government in this regard and requested to take appropriate action.
- 3- The Task Force also suggested mandatory registration of placement agencies and individual providing placement, sourcing and recruitment of domestic workers under the Shops and Establishment Act, 1953. The Union government on 13th October 2010 requested state government to ensure registration of such agencies and individual as earliest.

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- 4- The Task Force also recommended for drafting a National Policy on Domestic Workers covering welfare, regulatory and skill development issues of domestic workers. It has also suggested development of code of practices in order to protect labour rights of worker and protect against abuse and exploitation.

The Task Force on the Domestic Worker constituted by the government was successful in convincing government to address few issues through executive orders. Since the subject of labour is in the concurrent list of the Constitution, implementation of labour policies rest with respective State government. It has been observed that direction issued by the Central government drawn from the report of the Task Force largely remain un-implemented at state level.

The ILO Convention 189:

The government of India signed the ILO Domestic Workers Convention, 2011 (No. 189) in the 100th Session of International Labour Conference of the International Labour Organization. The convention attempts to provide decent working condition for domestic workers as the domestic work continues to be undervalued and invisible. The preamble of the convention notes that these workers are vulnerable to discrimination particularly in respect of conditions of employment, work and other abuse of human rights. To ensure decent work for domestic workers it develops a broad framework for member countries which not only includes labour rights, entitlements, grievance redressal mechanism and social security but also provides a human rights perspective to deal with various issues of domestic work. According to the convention, decent work for the domestic worker must be in line with ILO Declaration on Fundamental Principles and Right at Work and the ILO Declaration on Social Justice for a Fair Globalisation. These two declarations of the ILO promotes for freedom of association and collective bargaining, elimination of forced or compulsory labour, abolition of child labour and elimination of discrimination in respect of employment and occupations⁸.

The ILO Domestic Workers Convention expects from ILO member countries to recognize domestic work as a labour industry and domestic worker as a worker. Further, it deals in issues of working condition and social security such as working hours, over time and compensation, weekly/daily rest, paid annual leave and minimum wages. All signatories of the convention have also promised to proactively provide protection to these workers against all forms of abuse, harassment and violence. India along with all south-Asian countries unanimously supported the convention. According to the MoLE (2011) the Indian government's decision to support the adoption of the convention was deemed to have played a key influential role. Tall promises of the Indian government in ILO remain unfulfilled even after six years of the convention. There has not been any significant progress by the government of India to move on ratification of the ILO Convention No. 189.

National Policy on Domestic Workers, 2011:

The Task Force constituted in 2009 to deliberate on regulatory and welfare issues of domestic workers was further extended to draft a national policy on domestic workers. The task force in its final report on September 12, 2011 suggested a draft policy for the domestic worker. The draft policy focused on following major issues:

- 1- **Considering Domestic Work as a Labour Sector-** The draft policy acknowledged the significant contribution of domestic workers in our economy yet underprivileged and highly exploited group. It further blames non-regulation of this huge labour sector by the government for vulnerability and exploitation of the domestic

⁸ <http://www.ilo.org/declaration/lang--en/index.htm>

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workers. The draft policy advocates for recognizing domestic work as a labour sector and domestic worker as labourers.

- 2- **Inclusion of the Domestic Workers in Existing Labour Laws** - In order to enable domestic workers enjoy their rights of worker, the policy proposed for inclusion of these workers in existing labour laws. Realizing that inclusion in existing laws may not protect them fully, so it also suggested to supplement it with laws specifically for domestic workers.
- 3- **Suitable Amendments in Existing Labour Laws** - For the purpose of inclusion of the domestic workers in existing labour laws, the policy suggested suitable amendments in laws such as The Workmen's Compensation Act, 1923, The Trade Union Act, 1926, The Payment of Waged Act, 1936, The Minimum Wage Act, 1948, The Maternity Benefit Act, 1961 and The Contract Labour (Regulation and Abolition) Act, 1970.

The draft policy proposed by the Task Force was sent to the Cabinet in 2011. The then Cabinet referred it to the Committee of Secretaries. Later the government also asked suggestions and comment on the policy from State governments. A new draft policy was prepared after incorporating suggestions from committee of secretaries and State government in January 2014. The Cabinet in its meeting dated 20th January 2014 referred the matter to the Group of Minister (GoM). According to information⁹ provided by the government in the Rajya Sabha on December 14, 2014, The GoM has been discontinued after formation of new government in May 2014. However, the current government acknowledged that the national Policy for Domestic Worker is under consideration.

The Unorganized Workers' Social Security Act, 2008:

The Unorganized Workers' Social Security Act, 2008 is a landmark legislation, which aims at protection of vulnerable unorganized workers across the country. It has borrowed some progressive ideas from the National Advisory Council (NAC) and the Prof. Arjun Sengupta Report in 2007. This is the first legislation of India that includes domestic workers. According to the Act a domestic worker is a "person engaged in production of service or goods for an employer in his/her own home or other premises of his or her choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, material or other inputs¹⁰." This law stipulates formulation of welfare schemes by the Central and State Governments. It instructs the central government to enact suitable welfare schemes for the unorganized sector for life and disability cover, health and maternity benefit and old age protection. Further, it provides for notification of schemes by State governments related to provident fund, employment injury benefit, housing, educational schemes for children, skill upgradation of workers, funeral assistance and old age homes. Other than these suggestions, the Act provides for constitution of National and State Social Security Board for Unorganized Workers. These boards are empowered to monitor implementation of the Act and recommend policy proposal within the ambit of the law to respective governments. Currently following major centrally sponsored schemes are available for unorganized workers under the Act.

- I. Indira Gandhi National Old Age Pension Scheme (Ministry of Rural Development)
- II. National Family Benefit Scheme (Ministry of Rural Development)
- III. Janani Suraksha Yojana (Ministry of Health and Family Welfare)
- IV. Handloom Weavers' Comprehensive Welfare Scheme (Ministry of Textiles)
- V. Handicraft Artisans' Comprehensive Welfare Scheme (Ministry of Textiles)
- VI. Pension to Master Craft Persons (Ministry of Textiles)

⁹ Rajya Sabha, Unstarred Question No. 3135, Answered on 14th December 2016

¹⁰ The Unorganized Workers' Social Security Act, 2008, Ministry of Law and Justice, Government of India.

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- VII. National Scheme for Welfare of Fishermen and Training and Extension (Department of Animal Husbandry, Dairying & Fisheries)
- VIII. Aam Admi Bima Yojana (Department of Financial Services)
- IX. Rashtriya Swasthya Bima Yojana (Ministry of Health and Family Welfare)

Critically analyzing the Act, Sankaran (2009) argues that though the Act claims to extend social security to the unorganized workers, it actually focuses on implementation of few welfare schemes. Schemes scheduled in the Act are very few and inadequate to cover various social security issues of unorganized workers. According to a NSSO data of 2011-12, nearly 436 million workers in India are unorganized and share 91.78% of total employed workforce (Srija and Shirke, 2014). Further the law failed to earmark certain portion of Central and State budget for expanding the coverage of these schemes. The IMFR in 2013 studied implementation of some schemes scheduled in the Unorganised Workers' Social Security Act, 2008 and found various policy gaps and implementation problems. It identified that the fragmented ownership structure of schemes, without any effective coordination mechanism as one of the main policy gaps. For every scheme, there are several stakeholders and authorities, which makes implementation very complicated. Moreover, it reveals that the fragmented ownership of schemes resulted in non-availability of robust data on implementation of these schemes. In the absence of data, there is very little scope to understand whether these schemes are working or not (IFMR, 2013).

Unions and Lobbying:

Many scholars and activists have been highlighting the vulnerability, exploitation and misery of the domestic workers, concentrated specially in urban areas. Moreover, there are several unions operating in major cities of India lobbying for labour rights of the domestic workers. Armacost (1994) in her study found that the number of informal or formal trade unions representing domestic workers have grown from just one until 1960 to 24 in 1987. According to her the first union namely All India Domestic Workers' Union (AIDWU) established in 1953 in Delhi and later expanded its activities in Bombay and Calcutta. The AIDWU organized two historic hunger strikes in Delhi for their demand of recognizing domestic workers as labour and protection of their labour rights. The first strike was in November 1956 and the second was in March 1959. These two strikes by the union followed by overwhelming support from domestic workers later motivated members of parliaments to introduce private member Bills addressing the union's demands in the Parliament. Mr. Kanhaiya Lal Balmiki, introduced the All India Domestic Servant Bill, 1959 in the Lok Sabha and Mr. P.N. Rajabhoj introduced the Domestic Workers' (condition of employment) Bill, 1959 in the Rajya Sabha. Both of these Bills were private member Bills, which were later withdrawn.

The National Domestic Workers' Movement (NDWM) is another significant union which has been advocating for recognition of labour rights for domestic workers since 1985. It claims to work with more than two lakh domestic workers in 17 different States of India. While lobbying for a comprehensive legislation for labour rights protection of domestic workers the NDWM has also been engaged in creating public awareness. The union has played a crucial advocacy role in progressive legislative and executive changes in states such as Rajasthan, Tamil Nadu, Karnataka, Andhra Pradesh, Kerala and Meghalaya. SEWA Bharat has also been engaging with domestic workers in states such as Delhi, Bihar, Gujarat, Madhya Pradesh, Rajasthan, Uttar Pradesh and Kerala. It claims to have a membership of more than 71,000 domestic workers. It has played an important role in drafting of the Draft National Policy on Domestic Workers in 2011. It has also been advocating for ratification of ILO Convention No. 189 to ensure protection of their labour rights. Similarly, the Gharelu Kamgar Union based in Delhi-NCR has also been fighting for labour rights of domestic workers. The union has been very vocal and vigilant against exploitation of domestic workers. It is the same union, which extended its support to victim workers of Modern Mahagan society in Noida, where according to them the members of the society, administration

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police and politician have been covering wrongdoing of employers by victimizing domestic workers. These unions are just few examples to illustrate their struggle in various parts of country, there are many other organizations, unions- both formal and informal fighting for labour rights of the domestic workers.

Private Members Bill:

The unionization of domestic workers has seen a growth in last seven decades after the independence. This growth is an evidence of their concerted struggle to be recognized as dignified labourer. With an increase in number of unions and groups representing domestic workers, their involvement in the struggle has also significantly increased. It is their concerted effort, which has drawn attention of various policy makers on the issues of the domestic work. Post independence, domestic workers found mention in number of important policy documents but the policy recommendations are yet to be adopted by the government. Meanwhile, their struggle has also been motivating number of law makers. In last seven decades different parliamentarians have introduced more than a dozen private members Bill in the Loksabha and the Rajya Sabha.

Private Member Bills Introduced in the Parliament for Labour Rights of Domestic Workers

S. no	Private Member Bill	Introduced by	Political Affiliation of MP	Introducing Date	Main Provisions of Bill
1	All India Domestic Servant Bill, 1959 ¹¹	Mr. Kanhaya Lal Balmiki	INC	1959 (Lok Sabha)	a) A minimum wage of Rs. 30 per month for workers under 18 years of age and Rs. 40 for those worker over 18 years; b) A 10 hour maximum working day; c) Wage to be paid within 7 days of the following month, or in cases of termination, within 3 days; d) One full day's rest a week, 15 days annual leave with pay and 12 days casual leave with pay; e) Maintenance of servant's registry in the local police station and f) Fine of Rs 25 on employer who default in their obligations.
2	Domestic Workers (Condition and Employment) Bill, 1959	Mr. P.N. Rajabhoj		1959 (Rajya Sabha)	
3	Domestic Workers (Condition of Service) Bill, 1972	Mr. Hukam Chand Kachwai	BJS	1972 (Lok Sabha)	a) This Bill amongst various other provisions proposed for inclusion of domestic workers under the provisions of the Industrial Dispute Act, 1947. b) The Bill suggested an 8 hours working day, 12 casual leave and 21 sick leave in a year.
4	Domestic Workers (Condition of Service) Bill, 1977	Mr. Hukam Chand Kachwai	BJS	1977 (Lok Sabha)	

¹¹ Armacost Nicola Cunningham, 1994, 'Domestic Workers in India: A Case for Legislative Action', Journal of the Indian Law Institute, Vol 36: I

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5	Domestic Workers (Condition of Service) Bill, 1989	Mr. Thampan Thomas	Janata Party	1989 (Lok Sabha)	<p>c) One full day's weekly rest, minimum wages, d) Two months notice in case of retrenchment and a gratuity upon termination of service.</p> <p>(Source: Armacost, 1994)</p>
6	Domestic Workers (Condition of Service) Bill, 1989	Mr. Babu Kaldate	Janata Dal	1989 (Rajya Sabha)	
7	Domestic Workers (Condition of Service) Bill, 1990	Mr. Harish Rawat	INC	1990 (Lok Sabha)	
8	Domestic Workers (Condition of Service) Bill, 1990	Mr. Babu Kaldate	Janata Dal	1990 (Rajya Sabha)	
9	Domestic Workers (Condition of Service) Bill, 1990 ¹²	Mr. Mohan Singh	BJP	2008 (Lok Sabha)	
10	Domestic Workers (Condition of Service) Bill, 1990 ¹³	Mr. Arjun Meghwal	BJP	2009 (Lok Sabha)	
11	The Housemaids and Domestic Servants (Conditions of Service and Welfare) Bill, 2004 ¹⁴	Mrs. Prema Cariappa	INC	2004 (Rajya Sabha)	<p>a) The Bill suggests for registration of domestic workers and making it compulsory for employers to hire registered domestic workers.</p> <p>b) It also provides for protecting working conditions and wages of workers.</p>
12	The Domestic Workers (Welfare and Regulation of Employment) Bill, 2015 ¹⁵	Mr. Bhartruhari Mahtab	Biju Janata Dal (BJD)	2015 (Lok Sabha)	<p>a) Regulation of working hours, leave, pension and other working conditions of domestic workers;</p> <p>b) Registration of placement agencies engaged in deploying domestic workers and requiring them to maintain and furnish the details of domestic workers to the Government;</p> <p>c) Compulsory registration of domestic workers under the New Pension Scheme or</p>

¹² Lok Sabha, 2008, The Domestic Workers (Condition of Service) Bill, 2008 (Bill 16 of 2008), A private member bill introduced by Mr. Mohan Singh, retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/3201s-20.pdf>

¹³ Lok Sabha, 2009, The Domestic Workers (Condition of Service) Bill, 2009 (Bill 88 of 2009), A private member bill introduced by Mr. Arjun Meghwal, retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/4084LS.pdf>

¹⁴ Rajya Sabha, 2004, The Housemaid and Domestic Servant (Condition of Service and Welfare) Bill, 2004 (XXXV of 2009), introduced by Ms. Prema Cariappa, retrieved from: <http://nidan.in/nidanwp/wp-content/uploads/2014/07/The-HouseMaids-and-Domestic-Workers-Conditions-of-Service-and-Welfare-Bill-2004.pdf>

¹⁵ The Domestic Workers (Welfare and Regulation of Employment) Bill, 2015, introduced in the Lok Sabha by Mr. Bhartruhari Mehtab on 27th February 2015, Bill no. 21 of 2015, retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/4204LS.pdf>

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					any other approved pension scheme to provide social security to such workers; and d) Making of agreement by the employer with the domestic worker and registration of such agreement
13	The Domestic Workers (Decent Working Conditions) Bill, 2015 ¹⁶	Mr Kirit Premjibhai Solanki	BJP	2015 (Lok Sabha)	a) This Bill defines employer-employee relationship and regulation of working condition for domestic worker. b) The Bill prescribes contents of compulsory job contract, regulation of working hours, wages, overtime and leaves entitlements. c) It also seeks to include domestic worker under the Industrial Dispute Act, 1947.
14	The Domestic Workers Welfare Bill, 2016 ¹⁷	Mr. Shashi Tharoor	INC	2016 (Lok Sabha)	a) The Bill ask for mandatory registration of domestic workers and placement agency. b) It also asks for mandatory registration of employment agreement. c) For the purpose of effective grievance redressal it also seeks to constitute district boards to govern implementation of the law. d) This is the first Bill that seeks to extend benefits of all existing labour laws to the domestic workers, recognize the domestic workers as workmen or employee within the meaning of the Workmen's Compensation Act 1923, the Inter State Migrant Workmen (Regulation of Employment and Conditions of Service Act 1979, the Payment of Wages Act, 1936, Maternity Benefit Act, 1961, the Minimum Wages Act, 1948, the Equal Remuneration Act, 1976, the Employee's State Insurance Act, 1948, the Employees Provident Funds and Miscellaneous Provisions Act, 1952, the Payment of Gratuity Act, 1972 and the Unorganized Workers' Social Security Act, 2008.

¹⁶ The Domestic Workers (Decent Working Conditions) Bill, 2015, Introduced in the Lok Sabha by Dr. Kirit Premjibhai Solanki on 13 March 2015, Bill no. 54 of 2015, retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/4754LS.pdf>

¹⁷ The Domestic Workers' Welfare Bill, 2016, Introduced in the Lok Sabha by Mr. Shashi Tharoor on 5th August 2016, (Bill no 204 of 2016), retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1573.pdf>

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15	The Domestic Workers (Regulation of Work and Social Security) Bill, 2017 ¹⁸	Mr. Oscar Fernandes	INC	2017 (Rajya Sabha)	<ul style="list-style-type: none"> e) The Bill seeks compulsory registration of domestic workers, employer and placement agency through a district board constituted especially for the implementation of this law. f) It provides for regulation of labour rights of the domestic workers such as working hours, leave, rest, wages, occupational health and overtime. g) It also suggests compulsory duties of employer and placement agencies. h) Migration has been one of important factor in marginalization of domestic workers. The Bill addresses this issue through district board by keeping records of mobility of the domestic workers. i) This Bill also seeks inclusion of these workers in all major labour laws of India.
16	The Domestic Workers (Regulation of Work and Social Security) Bill, 2017 ¹⁹	Mr. Sankar Prasad Datta	CPI (M)	2017 (Lok Sabha)	Same as Above

First two private member Bills introduced as early as in 1959 by Mr. Kanhaya Lal Balmiki and Mr. P.N. Rajabhoj were withdrawn later, however many member of parliamentarians spoke in favour of the Bill. In his statement the then Minister of Labour Mr. Abid Ali said that the legislation could not be introduced because the State Government did not support it and additionally implementation, monitoring and enforcement of the proposed Bill would be difficult.

More than a decade later in 1972, Bhartiya Jana Sangh (BJS) leader and trade union activist Mr. Hukam Chand Kachwai introduced a fresh Bill in the Lok Sabha. He re-introduced it in 1977. This Bill was comparatively radical in extending labour laws to the domestic workers. This remained a model Bill for various parliamentarians for many decades. Provisions of the Bill prepared and introduced by Mr. Hukam Chand Kachwai was later re-introduced in both houses of the Parliament by parliamentarian across the party line. Mr. Thampan Thomas, Mr. Bapu Kaldate, Mr. Harish Rawat, Mr. Mohan Singh and Mr. Arjun Meghwal re-introduced the Bill drafted by Mr. Kachwai in various parliament sessions from 1989 to 2009. Meanwhile Indian Congress leader Mrs. Prema Cariappa from Karnataka drafted a fresh Bill and introduced in the Rajya Sabh in 2004. This Bill is slightly different from the Bill repeatedly introduced by various parliamentarians across the party line (mentioned above).

¹⁸ The Domestic Workers (Regulation of Work and Social Security) Bill, 2017, introduced in the Rajya Sabha by Mr. Oscar Fernandes on 7th April 2017, retrieved from: <http://164.100.47.4/BillsTexts/RSBillTexts/Asintroduced/domestic-7417-E.pdf>

¹⁹ The Domestic Workers (Regulation of Work and Social Security) Bill, 2017, introduced in the Lok Sabha on 21st July 2017, retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/695LS%20AS.pdf>

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The sixteenth Lok Sabha has recorded highest number of Bills introduced by various parliamentarians to extend labour rights to the domestic workers. Five Bills have been introduced in the Parliament (Four in the Lok Sabha and One in the Rajya Sabha) in first three years of 16th Lok Sabha. Biju Janata Dal (BJD) leader Mr. Bhartruhari Mahtab introduced first Bill on February 27, 2015. This Bill has highlighted concerns related to problem faced by the domestic workers due to lack of any regulatory framework and non-recognition of employer-employee relationship. In the same Parliament session BJP parliamentarian Mr Kirit Premjibhai Solanki introduced another Bill attempting to address labour issues of the domestic workers. Mr. Solanki brought back the issue of including domestic worker under the Industrial Dispute Act, 1947.

Indian National Congress Leader Mr. Shashi Tharoor introduced another Bill in 2016. The Domestic Workers Welfare Bill, 2016 introduced by him is a detail legislation that seeks to guarantee following rights to the domestic workers²⁰:

- a. Right to earn and earn livelihood free from forced and compulsory labour
- b. Right to earn minimum wages
- c. Right to decent working and living conditions
- d. Right to address grievances in an appropriate manner
- e. Right to organize and bargain collectively
- f. Right to equal employment opportunities and remuneration

In order to make above rights accessible to the domestic workers the Bill prescribes way to regulate wages, leave, working condition, overtime, compensation for injury and working hours. Mr. Shashi Tharoor in this Bill attempted to address significant contribution of domestic workers to the economy, yet unreported. Other than proposing inclusion of the domestic workers under major labour laws of India, he proposed this piece of legislation as an additional instrument to address specific working conditions of the domestic workers.

Recently in the month of April 2017, veteran Indian National Congress leader and former minister of labour, Mr. Oscar Fernandes introduced a fresh Bill in the Rajya Sabha. The Domestic Workers (Regulation of Work and Social Security) Bill, 2017²¹ introduced by him seeks to improve working conditions of the domestic workers and provide better social security by regulations and creating institutions. Few months later in July 2017, CPI (M) parliamentarian Mr. Sankar Prasad Datta introduced identical Bill²² in the Lok Sabha.

A close examination of content of all these Bills reveals that all of them are pro-labour and radical in nature. It also reveals that the perspective towards domestic worker has also evolved in the policy discussion over a period of seven decades. While initial few Bills attempted to ensure to regulate labour related entitlements, it slowly moved towards recognizing their labour rights. Last three private member Bills introduced by Mr. Shashir Tharoor, Mr. Oscar Fernandes and Mr. Sankar Prasad Datta have broadened the scope of legislation for the domestic worker by focusing on their fundamental rights guaranteed by the constitution. The marginalization, victimization and exploitation of the domestic workers have been a point of discussion both inside the parliament and outside. We could trace 16 different private members Bill introduced by parliamentarians across the party line seeking decent and dignified working conditions for them. All of these Bills unanimously advocated for recognizing them as labourers to put an end to violation of their labour

²⁰ The Domestic Workers' Welfare Bill, 2016, Introduced in the Lok Sabha by Mr. Shashi Tharoor on 5th August 2016, (Bill no 204 of 2016), retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1573.pdf>

²¹ The Domestic Workers (Regulation of Work and Social Security) Bill, 2017, introduced in the Rajya Sabha by Mr. Oscar Fernandes on 7th April 2017, retrieved from: <http://164.100.47.4/BillsTexts/RSBillTexts/Asintroduced/domestic-7417-E.pdf>

²² The Domestic Workers (Regulation of Work and Social Security) Bill, 2017, introduced in the Lok Sabha on 21st July 2017, retrieved from: <http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/695LS%20AS.pdf>

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rights. Despite such efforts by parliamentarians, domestic workers remain unrecognized, unrepresented and under-privileged.

State Level Policies

Labour features in the concurrent list of the Constitution and therefore State Governments have substantial role in policy formulation and their implementation. In the case of Domestic Worker, there is no any comprehensive initiative from States to extend labour rights to them. However, few states have addressed selected issues of domestic workers, some of them are as follows:

The Maharashtra Domestic Workers Welfare Board Act, 2008:

The Maharashtra government in 2008 paved way for constitution of district level boards by passing the Maharashtra Domestic Workers Welfare Board Act, 2008. The Act seeks constitution of a board in every district of the state to register domestic workers and help them to access benefits of various social security schemes. Such boards in the State are empowered to grant following benefits to beneficiaries²³:

- I. Provision for immediate assistance to a beneficiary in case of accident.
- II. Financial assistance for the education of children of the beneficiary.
- III. Provision for medical expenses for treatment of ailments of a beneficiary or his/her dependent/s.
- IV. Provision for maternity benefit to the women beneficiaries. Provided that, such maternity benefit shall be restricted in case of two children only ;
- V. Make payment of funeral expenses to the legal heir on the death of the beneficiary.

Krishnaprasad (2015) in her study presented in an ILO seminar revealed that the Maharashtra Domestic Workers' Welfare Board started registering domestic workers in cities mainly since October 2011 and it has registered about 50,000 domestic workers. According to her the board runs welfare schemes such as Janshree Bima Yojana, financial assistance to support children's education, funeral assistance, maternity benefit, pension under Sanman Dhan Yojana and skill development program.

Domestic Workers Welfare Board, Tamilnadu:

Following a PIL filed by the Domestic Workers Welfare Trust in the Supreme Court of India, the Tamil Nadu government constituted the Domestic Workers Welfare Board under the Tamil Nadu Manual Workers (Regulation of Employment and Condition of Work) Act, 1982. The Tamil Nadu government formally constituted the board in 2007²⁴. The State government has constituted 16 such separate welfare board to address issues of sector specific labourers. These boards have been implementing social welfare schemes such as financial assistance for accident death and disablement due to accident, funeral assistance, educational and marriage assistance to children of labourers, maternity benefit assistance and pension²⁵.

²³ The Maharashtra Domestic Workers Welfare Board Act, 2008, MAH 1 of 2009, Department of Labour, Government of Maharashtra, retrieved from: <https://mahakamgar.maharashtra.gov.in/images/dcl/pdf/maharashtra-domestic-workers-welfare-board-act-2008.pdf>

²⁴ Tamil Nadu Manual Workers' Welfare Board and 13 other Boards, 2009, Pro-active Disclosure under Section 4 of the Right to Information Act, 2005, retrieved from: http://www.tn.gov.in/rti/proactive/labour/handbook_welfareboards.pdf

²⁵ Government of Tamil Nadu, 2009, 'Policy Note on Labour, Factories, Employment and Training- 2008-09', retrieved from: http://cms.tn.gov.in/sites/default/files/documents/labour_1.pdf

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Registration of Private Placement Agencies in Delhi

The Labour department of government of National Capital Territory of Delhi in September 2014 issued an executive order to regulate employment of domestic workers through placement agencies. The Delhi Private Placement Agency (Regulation) Order²⁶, 2014 issued by the State government ask for mandatory registration of placement agencies with the labour department of the State. According to the order all such agencies must registered themselves under the Shops and Establishment Act, 1954 and Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. It also provides for issuance of license for such registered agencies to engage in placement of the domestic workers in Delhi. Many placement agencies have been accused for involving in trafficking of women and children for domestic workers in metros. Therefore, a regulatory order like this by the government is a step towards fixing responsibility of placement agencies. The executive order fixes following major duties of a registered and licensed placement agency in the state:

- 1- **Written Agreement of Employment:** That the placement agency must ensure that the employment agreement between domestic worker and employer is in writing
- 2- **Domestic Workers' Passbook:** The placement agency must issue a passbook duly attested by the owner/proprietor/manager of the agency to all placed domestic workers. The passbook should contain important information such as details of domestic worker, name and address of employer, proposed period of employment, proposed rate of periodicity of payment and details of bank account of the domestic worker. It should also mention other information such as return fare payable to the domestic worker on the expiry of placement period and name and address of the next of kin of the domestic worker.

The order issued by the State government in 2014 promised to upload information related to the order and registration of placement agencies on the website of labour department. However, there is no information available on the website regarding registered placement agencies. Senior journalist and writer of a book 'Maid in India', Ms. Tripti Lahiri argues that the order has no impact as it is not an enforceable law²⁷.

Minimum Wages for Domestic Workers in India:

One of the most important interventions for domestic workers in India is the recent inclusion of domestic work in the list of scheduled employment under the Minimum Wages Act of 1948 in a few states. The Act empowers the central and state governments to fix and revise the minimum rates of wages payable to workers in scheduled employments. Karnataka was the first state to notify minimum wages to domestic workers in 2004. Bihar and Andhra Pradesh notified it in 2007, Rajasthan in 2008, Kerala in 2010, Jharkhand in 2010 and Odisha in 2012. In Tamil Nadu, Maharashtra and Assam, though domestic work has been included in the list of scheduled employment, a minimum wage rate has not yet been fixed (Neetha, 2013).

However, several problems continue to plague domestic workers when it comes to wages. First, no uniform law exists in India to address the issue of minimum wages and social security. Secondly, the few states that have notifications do not

²⁶ Delhi Private Placement Agency (Regulation) Order, 2014, Department of Labour, Govt of NCT Delhi, retrieved from: [http://bba.org.in/sites/default/files/imageblock/Order%2B1938%2B\(25-09-2014\)%2B.pdf](http://bba.org.in/sites/default/files/imageblock/Order%2B1938%2B(25-09-2014)%2B.pdf)

²⁷ Hindustan Times, July 16, 2017, retrieved from: <http://www.hindustantimes.com/india-news/overworked-underpaid-abused-inside-the-world-of-india-s-domestic-workers/story-IpmmGUfMxPqM5H1JR6QYCL.html>

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define the occupation in terms of an employment relationship or as employment within private households. All of them define domestic work in terms of tasks undertaken. Though task-based wage fixation may be the easiest route, this risks exclusion – all those whose task has not been listed can be continued to be paid less than the notified minimum wage. Thirdly, there exist variations across states in the method of wage fixation, the definition of domestic work, the statutory wage rates, and their enforcement. The wage rates prescribed by the Act do not suggest any clear method of calculation and there is variation across states in the minimum wage rates.

Conclusion

The policy debate on the domestic workers in India has a long history. Numbers of policy deliberations have effectively reflected upon pain, abuse, vulnerability and exploitation of domestic workers. Most of these deliberations found that non-regulation of condition of employment of these workers by the government is the major factor behind their exploitation. Unfortunately, despite being one of fastest growing source of employment especially for women, domestic work is not recognized as a labour market. It further leaves for non-regulation of working conditions of worker engaged in this sector. Seventeen private member Bills introduced in the Parliament and recommendation of various commissions constituted by the government in last seven decades after the independence have unanimously asked for correcting this policy negligence. However, successive governments have ignored the policy recommendations made by the commissions and parliamentarians.

The non-regulation of the working conditions of domestic worker denies them labour rights guaranteed under the Constitution, which has been the focus of most of the private member Bill as well. But it further leads to the violation of basic human rights and dignity. Various cases reported in the media and research by scholars have found that often labour related dispute between employee and employer, triggers physical, mental and sexual abuse against domestic workers. There is absolutely no mechanism available for millions of these workers to seek help against their exploitation. In order to protect these vulnerable labourers, India must move towards regulating working conditions of these workers. At this point of time, the country also has two favourable reasons to go ahead with extension of labour rights to the domestic workers. First, the rich discourse on policy deliberation on domestic worker, which has evolved over a long period. Second, India signed the ILO Domestic Workers Convention, 2011 (No. 189) in 2011 and promised to ratify it. In order to ratify this convention, India needs to regulate working conditions of the domestic workers. There can be no further delay in recognizing domestic workers as labourers and put an end to the misery of millions of worker engaged in the domestic work.

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