



SOCIO-LEGAL STATUS OF WOMEN DOMESTIC WORKERS IN INDIA BY *

INTRODUCTION

In 2002, the Office of the United Nations High Commission for Human Rights included “Domestic Work” in forms of contemporary slavery. Majority of domestic workers generally remain undervalued, overworked, underpaid and unprotected. Unorganized nature of workforce keeps the workers away from reach of legal and social protection thus putting them at risk of serious exploitation and abuse. The circumstance of domestic workers in India is no different, it can also be termed worse due to factors like basic education level of workers, absence of legislative protection, lack of awareness of social rights, insensitive attitude of employer towards the workers and prevalent notions of a casteist society.

There is complete disregard for the dignity of labour and elite society often looks down upon the workers, considering the work menial and below the accepted standards. Domestic workers are de-humanized and are accorded third class citizen status. Till date, the relationship between a domestic worker and employer, as Sagarika Ghose has said, is “*urban India's most unresolved relationship. A relationship that goes to the heart of the inequality that every affluent Indian unthinkingly accepts.*”¹ Since home is not seen as a workplace, a typical domestic worker is not recognized as a worker, but as a servant who takes care of the household, the employer is seen as a ‘maalik’ rather than an employer who hires the ‘services’ of the domestic worker. Since no legal recognition is given to them as “worker”, they are prevented from accessing social benefits like health insurance, maternity protection etc.

As feudalism, casteism, gender discrimination remain rooted, domestic workers often have to face violence, abuse, sexual harassment and victimization at the hands of employers and placement

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¹ Sagarika Ghose, “‘Servants’ of Destiny”, www.ibnlive.com

agencies. These private placement agencies remain unregulated and un-scrutinized. They often resort to illegally procuring vulnerable people especially minor children and women from tribal and rural areas of Chhattisgarh, Bihar and Jharkhand etc. to work in urban domestic households. Thus majority of them have fallen prey to human trafficking, forced labour and exploitation.

It becomes all the more necessary to discuss the present socio- and legal status of domestic workers in India as there is no inclusion of this vulnerable workforce in our legal regime for protection of labor rights and same is attempted in this paper. An attempt has been made to understand the socio-economic conditions, nature of work, working conditions and difficulties of women laborers working as domestic labour and in conclusion stress is upon the need for law and regulation which can ensure minimum wages and other basic rights of these workmen.

Unorganized, informal sector and domestic workers

Unorganized workforce is often neglected and invisible. Where in Organized sector, workers have regular salaried jobs with well-defined terms and conditions of employment, clear-cut rights and obligations and fairly comprehensive social security protection. The unorganized sector, on the other hand, has no such clear-cut employer-employee relationships and lacks most forms of social protection. Thus it is often characterized by the presence of factors viz. long hours of work, wage discrimination of men and women, lack of job security, no minimum wages, lack of minimum facilities at work place, ill-treatment, heavy physical work and sexual exploitation, bonded labour etc. These workers are outside the reach of protective labour laws and trade union organizations. They are not offered fair wages and decent terms of work and there are hardly any opportunities to improve their income in this sector.

As the demand for domestic workers is drastically increasing in India², it is becoming an important source of occupation today in informal sector. However, poor conditions and degrading social circumstances of domestic workers has been a reality in India for decades now. NSSO (2011 round) data shows that conditions of domestic workers fare worse in comparison with conditions of other workers employed in the unorganized sector such as watchman, tutor, drivers, cook etc.³ The general problems faced by domestic workers include “Lack of decent wages and work conditions, no uniformity in receiving monetary and non-monetary benefits like holidays etc., Violence, abuse and sexual harassment at workplace, Exploitation, Trafficking, Non-recognition

² Ministry of Labour and Employment, Government of India, “Final Report of the Task Force on Domestic Workers”(September 12th, 2011), page 44.

³ Employment unemployment situation in India, Ministry of Statistics & Programme Implementation, National Sample Survey Office report (pg45 and 141), Government of India
Retrieved from: http://mospi.nic.in/sites/default/files/publication_reports/nss_report_554_31jan14.pdf

as “workers” thus no access to social security benefits like health insurance, maternity protection, Employment of Minors and teenaged workers”.⁴

Defining domestic workers

As per the Draft National Policy on Domestic Workers (as provided in the Final Report of the Task Force on Domestic Workers: Realizing Decent Work), “Domestic Worker” means “ a person who is employed for remuneration whether in cash or kind, in any household through any agency or directly, either on a temporary or permanent, part time or full time basis to do the household work, but does not include any member of the family of an employer.”⁵

Further based upon the hours of work and nature of employment contract, domestic workers can be classified into:

1. *Part-time worker* i.e. a worker who works for one or more employer for a specified number of hours per day or performs specific tasks for each of the multiple employers every day.
2. *Full-time worker* i.e. a worker who works for a single employer, for a specified number of hours (normal full day work) and who returns back to her/ his home every day after work.
3. *Live-in worker* i.e. a worker who works full time for a single employer and also stays on the premises of the employer or in a lodging provided by the employer (which is close or next to the house of the employer) and does not return back to her/ his home every day after work.

It is pertinent to note that many judgments have declared that those engaged in personal service cannot be considered “workmen” for the purpose of the 1926 Trade Unions Act.⁶ Since the household or home is not viewed as an industrial workplace to which labour laws can apply,⁷ the implications are that the domestic worker cannot have recourse to labour laws or labour courts in case a dispute arises with the employer. Hence projecting a grim state of affairs when it comes to impart legal protection to the domestic workers.

Prevalence of Women in domestic workforce

The prevalence of women workers in urban unorganized sector is significant in number. They are engaged in activities like domestic work, construction work, small trades like brick making, coir

⁴ Ministry of Labour and Employment, Govt. Of India, Final Report of Task Force of domestic workers, page 46

⁵ Supra note 2, pg 5; retrieved from :<http://pib.nic.in/newsite/PrintRelease.aspx?relid=97652>
http://www.nirman.org/pdf/national_policy_on_domestic_work_2011.pdf,

⁶ Rangaswami v. Registrar of Trade Unions, A.I.R. 1962 Mad. 231 (India).

⁷ See decision of the Supreme Court of India in Bangalore Water Supply and Sewerage Board v. Rajappa, A.I.R. 1978 SC 548 (India).

and basket weaving, household industries etc. In rural unorganized sector women are engaged in agricultural activities, animal husbandry, dairy, fisheries etc.

A report from the International Labour Organization (ILO) entitled *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (2013) says that there are various estimates regarding the number of domestic workers in India, which range from 2.5 million to 90 million workers.⁸

An analysis by the ILO of the micro-data of the 61st round Employment and Unemployment Survey that was conducted by National Sample Survey Organization (NSSO) shows that the Women constitute the majority of domestic workers (almost 70 per cent), thus study shows that in India, female housemaids/servants form the largest sub-category amid domestic workers.⁹

According to a report entitled *Human Resource and Skill Requirements in the Domestic Help Sector* (2013-17, 2017-22), which was prepared by KPMG for the National Skill Development Corporation (NSDC), the size of domestic workers is expected to grow from 6 million in 2013 to 7.79 million in 2017, and further to 10.88 million in 2022¹⁰. The report further makes following observations:

- People from marginalized sections of society, primarily migrant workers constitute majority of domestic workers.
- Women comprise about 90% of workforce in this sector.
- Rapid urbanization and nuclear family system, have led to increased demand for domestic help
- Average earning of a domestic worker in India is INR 6,000, as compared to INR 23,000–30,000 a month in countries like Hong Kong or Singapore. This disparity is due to factors such as level of education as domestic workers in other countries are often more educated as compared to their Indian counterparts, acknowledgement of importance of the work is there by employers of domestic labour and the government enforces minimum wages legislation effectively.

Thus Most of the domestic workers are primarily women who have migrated from rural areas for economic gain. **Women dominate this sector, with their culturally and inherently conditioned roles as domestic caregivers, they fit well with this occupation.** The

⁸ http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/--publ/documents/publication/wcms_173363.pdf

⁹ NSSO 2006a. —Employment-Unemployment Situation in India 2004 – 2005||, Round 61st , Report No. 515 – I and II (61/10/1&2), Ministry of Statistics and Program Implementation. Government of India. New Delhi ; Retrieved from: http://www.ilo.org/surveydata/index.php/catalog/154/related_materials

¹⁰ Retrieved from : <http://www.nscindia.org/sites/default/files/files/Domestic-Help.pdf>

unorganized sector is most vulnerable, ignored and diverse. Women in unorganized sector constitute a sizable number so it is important to study their problems and prospects.

PRESENT LEGAL STATUS

A. Constitutional Mandates

The Constitution of India guarantees equality of opportunity in employment and directs the State to secure equal rights for livelihood, equal pay for equal work as well as just and humane conditions of work for all.¹¹

Our constitution also provides fundamental right to its citizens in form of Right against Exploitation (Articles 23-24). Article 23 deals with the prohibition of traffic in human beings and forced labour and Article 24 deals with prohibition of employment of children in factories, etc.

➤ Right to Live with Human Dignity

In **Menka Gandhi v. Union of India**¹², the Supreme Court gave a new dimension to Art. 21 and held that the Right to Live is not merely a physical right but includes within its ambit the right to live with human dignity.

The same view was elaborated by, the Court in **Francis Coralie v. Union Territory of Delhi**¹³. Another broad construction of the theme of life to dignity is to be found in **Bandhua Mukti Morcha v. Union of India**¹⁴. Describing Art. 21 as the core of fundamental rights, Bhagwati J. gave it an extended interpretation and observed:

“It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and

¹¹ Under part iv directive principles of state policy our constitution lays down following mandate for the state :

Article 39 the state shall ensure (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

Art 41. Right to work, to education and to public assistance in certain cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Art 42. Provision for just and humane conditions of work and maternity relief

Art 43. Living wage, etc., for workers -the state shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and, in particular, the state shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas.

¹² 1978 AIR 597, 1978 SCR (2) 621

¹³ 1981 AIR 746, 1981 SCR (2) 516

¹⁴ 1984 AIR 802, 1984 SCR (2) 67

dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State neither the Central Government nor any State Government-has the right to take any action which will deprive a person of the enjoyment of these basic essentials.”¹⁵

B. Legislative Actions

Ever since the Domestic Workers (Conditions of Employment) Bill, 1959, there have been many efforts to legislate for this sector, but without success. Following are the laws which have been enacted till date that offer protection to domestic workers:

➤ **At the Central level domestic workers have been included in :**

1. The Unorganized Workers’ Social Security Act (2008)
2. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013).
3. The Central Civil Services (Conduct) Rules, 1964 ,Prohibit any government official/civil servants from employing children below the age of 14years as domestic workers
4. There have been other measures as well, like extension of the “Rashtriya Swasthya Bima Yojana” (RSBY) to cover domestic workers and the notification of Minimum Wages by a few State governments.
5. The employment of minors as domestic workers is still a common practice in India despite the inclusion of this occupation in the list of hazardous child labour (2006) by the Government of India (GOI), prohibiting it for boys and girls under the age of eighteen. The Juvenile Justice Act, 2000, has been effective to some extent in the rescue of workers below the age of eighteen. However, the Child Labour Act has included domestic work in prohibited employment for children only up to age fourteen. Therefore, children above age fourteen are legally allowed to work under certain conditions and do not fall under the jurisdiction of the Juvenile Justice Act. Given the large numbers and the enormity of the problems that this sector of workers face, these steps remain grossly inadequate.
6. There are other draft Bills, such as the one developed by the National Commission for Women in 2008.¹⁶

¹⁵ *ibid*

¹⁶Domestic worker welfare and social security act 2010

http://new.nic.in/PDFFiles/domestic_worker_welfare_and_social_security_act_2010.pdf

But there is no specific Act of the Parliament to protect the rights and welfare of the largest as well as the fastest growing sector of employment for women in the urban areas. This is a grave lacuna, especially in light of the ILO Convention 189, and Articles 41 and 43 A of the Constitution of India.

However, **A Draft National Policy for Domestic Workers**¹⁷ currently pending before the cabinet, proposes a minimum wage of Rs.9, 000/month for skilled, full-time domestic workers, in addition to 15 days of paid leave in a year and maternity leave. If enacted, this may be a significant step in ensuring equity and reducing the gender gap

The National Policy has recognized the importance and the problems of the market for domestic worker and has emphasized the need for ‘inclusion’ rather than exclusion of domestic workers in the existing legislations as well as ‘supplementing these with legislations specific for domestic workers’. The National Policy proposes amendments in the existing legislations for workers in general to explicitly include domestic workers.

Though the Provisions are very good on paper, but their implementation will pose the biggest challenge. Since the workplace here is a private place, it is not always accessible to legal scrutiny. Any designated authority will not be able to move in a private residence as and when they desire for inspection of the working conditions without the consent of the owner. Moreover, carrying out inspection of each and every household will entail a huge cost, both in terms of time and money.

➤ **At State level:**

The Delhi government regulates placement agencies under *Delhi Shops and Establishments Act, 1954*.¹⁸

The Delhi Government has drafted “Delhi Private Placement Agencies (Regulation) Bill, 2012”, the bill requires compulsory registration of all placement agencies of domestic workers. The placement agencies need to keep a record of all the details of their client, domestic workers, and domestic workers’ at least one kin. An officer will be appointed to monitor the implementation.

¹⁷ supra note 2, pg.5 ; see :<http://pib.nic.in/newsite/PrintRelease.aspx?relid=97652>
also see http://www.nirmana.org/pdf/national_policy_on_domestic_work_2011.pdf

¹⁸ Oder to amend act was passed in 2014 following Delhi high court order dated 18th dec 2013 , of a 2009 judgement *bachapan bachao andolan vs union of India & others*
:<http://www.afdindia.org/Executive%20Directions%20for%20the%20Regulation%20of%20Private%20Placemet%20Agencies%20providing%20Domestic%20Workers%20in%20NCT%20of%20Delhi%20dated%2025.09.2014.pdf>

Failure to abide by the terms in the bill will lead to cancellation of the license. Any placement agency without a license is banned from placing domestic workers.

The Delhi Private Placement Agencies (Regulation) Bill, 2012 has also been criticized on various counts. According to Shakti Vahini (an NGO which has rescued many domestic workers from abuse), “the Bill in its present form is very detrimental to the safety of women and children in the source areas. This is because providing legal sanctity to placement agencies without monitoring mechanism in source areas will lead to increase in trafficking and traffickers will work with impunity in the source areas on the basis of legal sanctity in Delhi”¹⁹.

It must be noted that presently the minimum wage rates is notified by the Union Government for organizations, departments or areas that come under its ambit. Similarly, state governments can fix minimum wage rates for its various departments or sectors.

But So far only seven states — namely, Andhra Pradesh, Bihar, Jharkhand, Karnataka, Kerala, Odisha and Rajasthan — have notified minimum wages for domestic workers under the Minimum Wages Act, 1948. Moreover, only three states — Kerala, Maharashtra and Tamil Nadu — have each constituted a Welfare Board for Domestic workers.

Delhi also recently revised the minimum wages but schedule of minimum wages act is not yet amended to include domestic workers in it.²⁰ So the advantage is unlikely to reach domestic helps which are not covered under the laws ambit.

Even though RSBY (Rashtriya Swasthya Bima Yojana (RSBY) a Health Insurance Scheme for the Below Poverty Line families) was extended to cover domestic workers in 2011,²¹ only a few states such as Kerala, Jharkhand, Chhattisgarh and, recently, Haryana have implemented it. So, the requirement is for a comprehensive and uniformly applicable national legislation that guarantees fair terms of employment and appropriate working conditions.²²

C. Steps Taken By International Labour Organization [ILO]:

➤ Convention Concerning Decent Work for Domestic Workers 2011

¹⁹ <http://shaktivahini.org/press/comments-on-behalf-of-shakti-vahini-with-regards-to-draft-of-the-delhi-private-placement-agencies-regulation-bill-2012/>

²⁰ <http://nielit.gov.in/sites/default/files/PDF/FacilityManagement/min-wag-416.pdf> ;
<http://www.hindustantimes.com/delhi/aap-govt-to-raise-minimum-wages-by-50-for-delhi-s-workforce/story-7NWxukc3tOl67NeX53S99O.html>

²¹ http://www.rsby.gov.in/about_rsby.aspx ;
<http://rsby.gov.in/docs/RSBY%20Guidelines%20for%20Domestic%20Workers%2026.6.11.pdf>

²² <http://www.nsdindia.org/sites/default/files/files/Domestic-Help.pdf> (pg 20)

On 16th June 2011, delegates of International Labour Organization (ILO) adopted Convention on Domestic Workers, and a supplementary Recommendation.²³ Convention No. 189 came into force on 5th September 2013 and offers specific protection to domestic workers by laying down basic rights of workers, principles, standards and conditions of work. It further requires the States to take a series of measures with a view to making decent work a reality for domestic workers.

The Convention recognizes domestic work as ‘work’ and sets international standards for decent working conditions for domestic workers. It is binding on Member States that ratify it, while the supplementary recommendation provides more detailed guidelines on implementation of the Convention.

Main Features of Convention No. 189:

It defines **domestic work** as “*work performed in or for a household or households*”²⁴. Nature of work may include tasks such as cleaning, cooking, washing, taking care of child, or elderly or sick members of a family, gardening, watchman, driving, even taking care of household pets.

Under the Convention, a **domestic worker** is “*any person engaged in domestic work within an employment relationship*”²⁵. A domestic worker may work on full-time or part-time basis; may be employed by a single household or have multiple employers; he can be a live-in worker i.e. residing in employer’s household or may be live-out worker i.e. living in his or her own residence. Thus all domestic workers including a non-national worker i.e. working in a foreign state, are covered by Convention No. 189, although countries may decide to exclude some categories, under very strict conditions.

The **employer of a domestic worker** may be a member of the household for which the work is performed, or an agency or enterprise that employs domestic workers and makes them available to households.

Convention No. 189 affirms the fundamental rights of domestic workers. It sets minimum labour standards for domestic workers like:

- Promotion and protection of the human rights of all domestic workers (Preamble; Article 3).

²³ Convention concerning decent work for domestic workers (Entry into force: 05 Sep 2013) Adoption: Geneva, 100th ILC session (16 Jun 2011); C189 - Domestic Workers Convention, 2011 (No. 189) ;available at : http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/documents/genericdocument/wcms_208561.pdf http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:2551460

²⁴ Article 1, Domestic Workers Convention, 2011 (No. 189).

Avialble at: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189

²⁵ *ibid*

- Respect and protection of fundamental principles and rights at work such as “ (a) freedom of association the right to collective bargaining; (b) elimination of all forms of forced or compulsory labour; (c) abolition of child labour; and (d) elimination of discrimination in respect of employment and occupation (Articles 3, 4, 11).”²⁶
- Effective protection against all forms of abuse, harassment and violence (Article 5).
- Fair terms of employment and decent living conditions (Article 6); laying clear terms and conditions of employment / termination and communicating the same to worker through formal contracts etc. (Article 7).
- Equal treatment of domestic workers with respect to normal working hours, compensation for overtime, adequate periods of daily and weekly rest, and annual paid leave etc. (Article 10).
- Standards are laid down concerning child domestic workers like setting a minimum age for entry into domestic work (Article 4); their work should not deprive them of compulsory education, or interfere with their opportunities for further education or vocational training (Article 4).
- Standards concerning live-in workers like no obligation to remain in the household or with its members during their periods of rest or leave (Article 9) , Right to keep their identity and travel documents in their possession (Article 9).

India is yet to ratify convention no.189 and for about sixty other ILO conventions related labour welfare²⁷ since its domestic labour laws are not in line with the international standards.

D. Emerging issue of Placement Agencies and Live in Workers

As the need and demographic profile of Indian family changed, new constraints and problems merged for the domestic workers who look for work through their kins, toil all day and finally retire to their own homes. From dis change also emerged another class within class of domestic workers the “live –in” or permanent domestic workers /caretakers. Formalized and given contractual work by “placement agencies” which remain unregulated. These agencies claim to provide training or place domestic helps. But more often people from rural areas, especially girls and women, fall prey to human trafficking and abuse by some agencies. There is no monitoring body to accredit these agencies.

²⁶ Convention concerning decent work for domestic workers , 2011 , available at : http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189#A1

²⁷ http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:11210:0::NO::P11210_COUNTRY_ID:102691

This is no more an internal problem, but a global plight of women domestic workers who immigrate to countries like Oman, Bahrain, and Saudi Arabia etc.²⁸

The placement agencies, which bring domestic workers from various states to work in the metros are mostly unregulated the major clusters supplying domestic workers in the country include West Bengal, Bihar, Jharkhand, Rajasthan, Odisha, Assam, and the Northeast. The migrants from neighboring nations like Bangladesh and Nepal also form part of this workforce.²⁹ In Delhi, most domestic workers are migrants from the villages of Jharkhand, West Bengal, and Chhattisgarh³⁰

E. Rising Abuse Of Domestic Workers:

Very recently, a case of domestic work abuse came up in Dwarka locality in Delhi, where a doctor couple had kept their 13 year old domestic help locked up with insufficient food while they were holidaying in Thailand³¹ instances are there where these workers are abuses and even get murdered and raped.

Overall, in India's 28 states and seven Union Territories, there were 3,564 cases of alleged violence against domestic workers reported in 2012, a marginal increase from 3,517 in 2011 and 3,422 in 2010.³²

F. Empowerment of Workers through Ngo, Associations and Unions.

In recent years many NGOs and workers' organizations have put pressure on the government to protect the rights of domestic workers .There are organizations which have aimed at formalizing this domestic labour market. They organizes Domestic Workers who need to register themselves with these associations, empowering them through leadership and capacity building programs and informing them of their rights.

Many NGO like jagori, Shakti vahini have taken up the responsibility to protect and rescue domestic workers from abuse and slavery and have their own helpline numbers. National domestic workers movement and National Platform for Domestic Workers is an informal attempt to create a union for workers at national level.

Another trend is startups and business models like The Maids Company, Society for Social Transformation and Environmental Protection (sSTEP) providing professional housekeeping services. It aims to provide not a domestic worker, but housekeeping service. . The company

²⁸ <https://www.hrw.org/news/2016/06/15/migrant-domestic-workers-overworked-and-underprotected>

²⁹ KPMG report entitled Human Resource and Skill Requirements in the Domestic Help Sector (2013-17, 2017-22). <http://www.nsdcindia.org/sites/default/files/files/Domestic-Help.pdf>

³⁰ supra note 21

³¹ <https://www.theguardian.com/world/2012/apr/07/india-child-labour-delhi-outrage>

³² Press Information Bureau Government of India Ministry of Women and Child Development 10-February-2014 Violence Against Maid Servants ; available at : <http://pib.nic.in/newsite/PrintRelease.aspx?relid=103336>

negotiates a proper contract which all the terms and conditions are clearly laid down. These company takes the responsibility of ensuring that both the parties are enforcing the terms of the contract. The company provides trained domestic maids. The company does police verification of its employees and is responsible for the accountability of domestic worker in matters of security.

CONCLUSIONS

The above overview of legal status shows that there is no central legislation to protect the domestic workers moreover ILO convention has not been ratified by India. Where states like Kerala Karnataka, Maharashtra Bihar have specific laws regulating minimum wages and including domestic workers in legislations Delhi has only a draft bill which is yet to be placed in assembly.

There is a lack of basic education, no awareness of social rights, and no access to training. Further there is limited access to skills development in domestic work, which results in career stagnation and no significant increase in the well-being of the workers.

Implementation of Legislations

- Much progress has been made in the extension of social security through legislation and schemes, but efforts to regulate their conditions of work, including wages, hours of work, safety and health and access to grievance redressal continue to remain outside central legislative protection. Legislative Efforts are not consistent across states.

There is a need to push forward the pending bills i.e. Delhi Private Placement Agencies (Regulation) Bill, 2012 , draft of national policy for domestic worker should be implemented and should not be dragged further.

Following example of other states, Delhi should also bring the domestic workers under purview of minimum wages schedule. But important to note that while setting minimum wages it is important to conduct detailed study in order to understand socio-economic conditions of workers, current average wage being earned etc.

Further these rules and regulations should be reviewed periodically to address emerging problems of this sector.

Registration and Legal Checks on Operation of Placement Agency

- The stories of domestic workers being kept in a dingy place in cities with many being physically and sexually assaulted are well known. However, the stories of what goes on during the transportation of these workers, how the various agents use these workers

remain largely hidden. Many agencies recruited minors and teenage children for work and these agencies are running unchecked.

Thus Despite the government's law banning child labour, thousands of children below the age of 14 continue to be employed in Indian households as domestic help

- Therefore it is suggested that monitoring authorities should be established that can act as centers to monitor domestic abuses and restrict the employment of children at home. The absence of a registration and labour monitoring system poses a major challenge, as there is no way of correctly concluding the number of workers across the country.

Training and Skill Development:

- Conventional roles such as sweeping, cooking, witnesses skill-gap when it comes to domestic help using modern household equipment's in specialized and emerging job roles such as elderly care, childcare are trained resources are often found lacking relevant skill-sets thus there is need for relevant training . Training will give them literacy and numeracy skills which will not only help them do work more efficiently but also help them earn higher wages. So they will also be more willing to invest in training, upgrading skills and increasing sector attractiveness.
- Private players are also making efforts towards organizing the sector and have established agencies and companies to train domestic help. Companies established under this sector offer well-trained housekeeping workers, who are efficient in cooking, cleaning and childcare, to the urban middleclass. However, such a trend is in its nascent stage and companies such as The Maid's Company, Hire-a-Help etc. are taking small steps. These models should be developed more while keeping them under checks which are important to protect the workers from exploitation at hand of companies.

Need For More Participation and Organization:

Many social agencies, such as NGOs, are actively protecting the rights of domestic workers. They also provide work training, basic education and employment assistance to domestic workers. A lot of them also try to place workers they help or rescue.

Since sector is fragmented and many training take place in isolation, the reach of these ngos and association is unfortunately has its own limitation. Though informal unions exist, there are speculations that domestic workers may be given the right to form formal unions, thus allowing them to increase their bargaining power. The presence of a union is also likely to prevent abuse and exploitation. Thus keeping in mind the importance of role of

ngo and union , access to such platform needs to be developed , and needs government effort to send training teams and conduct awareness camps after determining the target areas.

Trafficking and Migration Laws

- Migration is an important characteristic of this sector. A large number of people working in this sector migrate from rural areas of the country to cities and many of them are from Eastern and Northeastern regions. Moreover, migrants from neighboring countries such as Bangladesh and Nepal also constitute a significant percentage of domestic help working in India. Stringent law is needed to address this issue of trafficking.

Sensitizing Employers

There is a need to start regarding domestic work as a service. This transition not only needs legislative administrative actions but also needs a positive change in attitudes of people. Giving dignified treatment to workers and the work itself is important. People should be sensitized towards workers plight through workshops and programs.

Thus amidst growing cases of trafficking , mushrooming private placement agencies , which are working unregulated, the changing demands and profile of Indian family , absence of specific legislation , nature of activity being isolated and unorganized and legally unprotected workers, calls out for further proactive actions by government and civil society .