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# **A STUDY ON THE DOMESTIC WORK IN INDIA: AN EXPLORATION INTO THE FACTORS AFFECTING THE GROWTH OF WOMEN DOMESTIC WORKERS**

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## **ABSTRACT**

Among all categories of the informal sector, the protection of domestic workers forms one of the biggest challenges to labour laws. The intrinsic work associated in the day to day life of a domestic worker makes them more vulnerable than other workers in the economy. They work for non-business purposes. In this manner, the work involved being in a private space with lack of proper regulation and guidelines cause the female domestic workers without basic protection.

In case of any monetary vulnerability, they are left helpless before their employers. It is, in this manner, necessary to foster an arrangement of social security that can manage the cost of satisfactory assurance to domestic workers, with less involvement of the state in the issues of the family. This paper looks to give ideas to such a plan, which is fit to the particular qualities of domestic workers in India. It perceives that dissipated and separated plans social security model proposed is a decentralized model where government managed retirement is incorporated with other significant concerns like least wages, expertise improvement, and expanding and bargaining power of domestic workers. These ideas have been made in the wake of undertaking an investigation of existing lawful arrangements for domestic workers in India and the accepted procedures from different jurisdictions that have seen relative achievement in providing social security to domestic workers.

**Keywords:** Domestic workers, Female workers, Social security, lack of knowledge in realization of rights, etc.

## INTRODUCTION

Domestic work is one of the most seasoned and most significant casual occupations for a millions of women around the world. Women have restricted options and enter the domain of domestic work without any training, financial assets and different open doors.. The term ‘domestic service’ is practically difficult to define since the duties of domestic workers are not well defined. is presently acknowledged as a significant class of work across the globe. Domestic service remains a highly personalized and informal service delivered in the homes of employers. In Domestic service, work can't be exposed to any similar tests, since it has the person practically remarkable in wage paid industry, Of being carried on for use, not so much for benefit, and the settlement of wages stays a singular deal among employer and employed.<sup>1</sup> Majority of women population are immensely developing their intellectual skills through education than ever before and the country has recorded compatible economic growth. In spite of increase in growth of women domestic workers, India continues to have one of the lowest rates of female workforce participation in the world.<sup>2</sup>

Near 54% of working age ladies between the ages of 15 to 59 are not accessible for work in light of family liabilities or homegrown work. Moreover, they embrace undertakings, for example, bringing wood and water which goes towards the consideration and food of their family. Such work is called numerous things - neglected consideration work, regenerative work, social consideration works, etc.

Employed domestic workers takes up the household responsibilities in return for remuneration and this incorporates the care of children and elderly, cooking, driving, cleaning, shopping for food, getting things done and dealing with family pets, especially in metropolitan regions. In spite of the advantages this work brings to individual families, domestic workers are frequently not perceived as workers by society.

Domestic workers in India keep on battling for recognition and acknowledgment. While several legislations such as the Unorganized Workers’ Social Security Act, 2008, Tamil Nadu Domestic Workers Welfare Board in January, 2007 bringing domestic workers under the Tamil Nadu Manual Wages Act, 1982 (‘Tamil Nadu Act’). Under this Act, the State of Tamil Nadu, recognizing the vastness and intricacies involving domestic workers, has created a completely

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<sup>1</sup> <https://www.ijitee.org/wp-content/uploads/papers/v8i1/A2526118118.pdf>.

<sup>2</sup> <https://in.one.un.org/page/rights-for-domestic-workers>.

separate administration for the Board concerning domestic workers, while all other Boards have a common administration, assistance, accidental death, and pension. Sexual Harassment against Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 and Minimum Wages, Legislations in the Pipeline like The Draft Labour Code on Social Security and Welfare (“the Code”) has been released. Despite, several legislations provided, but there remains an absence of comprehensive, uniformly applicable, national legislation that guarantees fair terms of employment and decent working conditions. Domestic workers should however be ensured similar terms of work as appreciated by different specialists.

### **DEFINITION OF DOMESTIC WORKER**

Domestic Worker” means, a person who is employed for remuneration whether in cash or kind , in any house hold ‘or similar Establishments’ through any agency or directly, either on a temporary or contract basis or permanent, part time or full time to do the household or allied work and includes a “Replacement worker” who is working as a replacement for the main workers for a short and specific period of time as agreed with the main worker under section 1(f) of Domestic workers Welfare and Social Security Act 2010<sup>3</sup>

A bill presented in Rajya Sabha, entitled ‘The Housemaids and Domestic Servants (Conditions of Services and Welfare) Bill, 2004’, has defined domestic worker as

(a) “domestic servant means any person who earns his livelihood by working in household of his employer and doing household chores”,

(b) “housemaid means a woman servant who performs household chores for wages<sup>4</sup>

The International Labour Organisation (ILO) broadly defines a domestic worker as “someone who carries out household work in private households in return for wages”.<sup>5</sup>

### **CHALLENGES FACED BY WOMEN DOMESTIC WORKERS**

The Constitution of India gave equivalent freedoms to both male and female and makes arrangements for no segregation among people on the ground of sex, standing, doctrine and so forth Notwithstanding this, the situation with ladies is neither at standard with men in

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<sup>3</sup> Section 1(f), Domestic Workers Welfare and Social Security Act 2010.

<sup>4</sup> The Housemaids and Domestic Servants (Conditions of Services and Welfare) Bill, 2004.

<sup>5</sup> <http://jicrjournal.com/gallery/163-jicr-june-2902.pdf>.

monetarily prosperous classes, nor in average workers. In 2000, the UN Human Rights Commission pronounced domestic work as a type of contemporary subjection. Women in domestic work face heaps of problems in different viewpoints. A portion of the overall issues looked by are

- Lack of good wages and working conditions.
- Discrepancy in getting different financial and non-money related advantages like occasions and so on
- Violence, misuse, and inappropriate behavior at work environment i.e., at the home of business.
- Exploitation by position organizations. The homegrown specialists who come through arrangement organizations endure double-dealing in many structures. Individuals are trapped in instances of dealing too.

Since they are not perceived as 'laborers' they abhor admittance to social security schemes at different specialists do, similar to health care coverage, maternity assurance and advanced age security and so on That is the reason, homegrown laborers can have flat portability (for example change of spot of homegrown work), however can't have up versatility in view of absence of admittance to schooling and abilities preparing. Most homegrown specialists are not coordinated into worker's organizations and have no delegate voice. Homegrown specialists are taken advantage of, underestimated and there are a few normal elements of homegrown work that put it aside from different kinds of paid work.

To begin with, domestic workers are utilized at homes of others by an individual or a family (not a firm or endeavor). Second, since they are recruited to work at individuals' homes and to play out a scope of care taking capacities, domestic workers will more often than not have an individual and personal information on their employers. Yet, the relationship is exceptionally inconsistent, which put numerous domestic workers Journal of Interdisciplinary Cycle Research Volume XII, Issue VI, June/2020 ISSN NO: 0022-1945 Page No:1399<sup>6</sup> defenseless against verbal, physical or sexual maltreatment by their managers. Generally hourly, contrasts in race, class and citizenship between the business and the homegrown laborer worsen this disparity and weakness. Third, homegrown laborers will generally be more helpless,

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<sup>6</sup> Domestic workers Journal of Interdisciplinary Cycle Research Volume XII, Issue VI, June/2020 ISSN NO: 0022-1945 Page No:1399.

undetected and detached from laborers of different areas since private family is the actual work environment here.

Domestic workers will quite often have lower remuneration, less advantages, and lesser lawful or social assurances contrasted with most other pay laborers. Moreover, Domestic workers are presented to a wide scope of unfortunate and unsafe working conditions. On the whole, the acquiring of Domestic workers particularly women are among the lowest of all occupations. As women they are exposed to orientation separation, bias and generalizing corresponding to their work which is viewed as low status, and little value. They hazard physical and mental maltreatment and inappropriate behavior, with transient Domestic workers and kids being particularly helpless. They work extended periods, for meagre pay, ordinarily have no maternity leave, medical care or benefits arrangement. The living and working conditions both are unacceptable.

## **NON-UNIFORMITY IN RECOGNITION OF THE RIGHTS OF DOMESTIC WORKERS IN INDIA**

As present, domestic work remains as a promptly accessible vocation choice for for millions of women. While an enormous number of women are occupied with this area, it is critical to take a gander at the functioning conditions that exist in this sector. Fixing reasonable, least wages, giving week by week days off and paid yearly leaves, shielding from physical and sexual abuse and guaranteeing social security are main points of interest that should be tended to by the public authority broadly, and across India's states.<sup>7</sup>

## **LEGISLATIVE ANALYSIS FOR DOMESTIC WORKERS**

The situation of the informal sector workers has to a great extent been disregarded by the Indian Legislature. There is an absence of sufficient regulations to manage the assistance states of domestic workers. This part endeavors to give an exhaustive investigation of bills and regulations that have endeavored to give some protection to domestic workers. The earliest attempt to have a public law directing the administrations of domestic workers traces all the way back to **the Domestic Worker (Conditions of Service) Bill, 1959 and the House**

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<sup>7</sup> Upasana Mahanta, Indranath Gupta, *Recognition of the Rights of Domestic Workers in India Challenges and way forward*, 2019.

**Workers (Conditions of Service) Bill,**

Notwithstanding, these bills never ignited any significant talk and were rarely authorized and **Domestic Workers (Conditions of Service and Welfare) Bill, 2004 ("Act of 2004")** in the Rajya Sabha. It was a moderately straightforward bill which required the State and Central Government compulsorily register domestic workers in their territorial jurisdiction, in addition to framing rules to ensure employment.

**Sexual Harassment Act 2013** In request to handle sexual harassment in domestic households, **the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("Act of 2013")** has looked to protect domestic workers through the foundation of an district-level complaint redressal system. Local Complaints Committee, which has the ability to grant financial compensation. This Act isn't intended to manage offense of a more genuine nature, as is essential in instances of domestic workers. Not just is the Act of 2013 tormented with a few provisos and deficient arrangements however even the current arrangements have generally stayed obscure and unimplemented by the Act of 2013 affects the existences of domestic workers.

**PROTECTION OF DOMESTIC WORKERS**

The state legislatures of Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Karnataka, Kerala, Maharashtra, Odisha, Rajasthan and Tamil Nadu have found a way multiple ways to work on the functioning states of domestic workers and to give admittance to social security plans. Seven states including Andhra Pradesh, Bihar, Jharkhand, Karnataka, Kerala, Odisha, and Rajasthan have presented least wages for domestic workers. The state legislatures of Kerala, Maharashtra, Tamil Nadu have additionally comprised Welfare Boards for domestic workers who can profit of welfare benefits by enrolling with these Boards. Be that as it may, regardless of these endeavors, a greater part of homegrown specialists stay outside the domain of work laws even today.

**REGISTRATION OF DOMESTIC WORKERS**

The task force on the regulations of the agencies work for the protection of the domestic workers and also to give them fair working conditions. Even acknowledgement through letters were sent out to secretaries of the state by the **Ministry Of Labour And Employment** to take necessary steps for registration of placement agencies providing domestic workers under **the**

**Shops and Commercial Establishment Act, 1953.** So far, in practice there is lack of registration and regulation of placement agencies. This is indeed a immediate necessity for scrutinizing the placement agencies for numerous nefarious activities such as trafficking in women and Children for domestic work.

Across the States in India, many girls are affected who were being used for trafficking and this was revealed after a survey conducted by the State Resource Centre, Adult and Continuing Education and also in the past 7 - 8 years, there were about 20,000 girls were used for trafficking business. It is heart wrenching to hear that trafficking business is a network of agents who hand over most of the trafficked girls to placement agencies, who in turn place them in various households and even send them to other countries.

Section 15 Of **The Domestic Workers Welfare And Social Security Act 2010**, states that

(a) all domestic workers, employers or service providers shall be registered as per procedure hereinafter prescribed<sup>8</sup>

(b) Every employer / service provider and domestic worker wherever applicable, shall within one month of the commencement of the employment of domestic worker, in the household, shall submit to the District Board approved by the District Board, application alongside endorsed expense, for enrollment, giving such subtleties as recommended.

(c) Where a Domestic Workers attempts low maintenance work in at least two families and isn't locked in through any arrangement office, it will be the obligation of such Domestic Workers to enroll with the District Board.

(d) & (e) where a domestic worker leaves the work in a district and moves to any other area in any part of the territory of India and takes up work in any household or where a domestic worker is engaged through a middleman or agency or service provider for work in any household they have to to register as per the procedure prescribed. In few following provisions the act has mentioned about the registration fee and the renewal of the registration certificate and only after completing the full process of registration, the domestic workers can be recognised.

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<sup>8</sup> [http://ncwapps.nic.in/PDFFiles/domestic\\_worker\\_welfare\\_and\\_social\\_security\\_act\\_2010.pdf](http://ncwapps.nic.in/PDFFiles/domestic_worker_welfare_and_social_security_act_2010.pdf)

## SPECIAL STATUTES

### Unorganized Workers' Social Security Act, 2008

- **Tamil Nadu Domestic Workers Welfare Board** in January, 2007 **bringing domestic workers under the Tamil Nadu Manual Wages Act, 1982 ('Tamil Nadu Act')**. Under this Act, the State of Tamil Nadu, perceiving the immensity and complexities including domestic workers has made a totally different organization for the Board concerning domestic workers, while any remaining Boards have a typical organization, help, incidental demise, and benefits.
- Legislations in the Pipeline The Draft **Labor Code on Social Security and Welfare** ("the Code") has been delivered.

There are some of extra regions for additional exploration that have been featured by the investigations embraced for this proposition. These remember the further examination of Domestic Workers For India. This would give a superior impression of by and large model execution of female homegrown laborers, and permit examination between the consequences of these between states correlation when the various strategies are utilized.

*UN Report, (2013)* expressed that Millions of homegrown specialists all over the planet are not secured under broad work laws and are profoundly defenseless against abuse which approaches nations to stretch out friendly insurance to them. Homegrown specialists are habitually expected to work longer hours than different laborers and in numerous nations don't have similar privileges to week after week rest that are delighted in by different specialists. Joined with the absence of privileges, the outrageous reliance on a business and the secluded and unprotected nature of homegrown work can deliver them helpless against double-dealing and misuse.<sup>9</sup>

## CONCLUSION

Domestic work is an expectation of work for heaps of helpless ladies. This is one of a handful of the areas which have a female majority and one of the biggest work suppliers for women and young ladies in India. Different variables are liable for the woeful states of women in disorderly area like gender discrimination, poverty, lack of basic knowledge, ignorance of

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<sup>9</sup> *UN Report, (2013)*



government, inadequate laws which are neglecting to forestall them. In this way, the predicament of Domestic workers will change, when they will be joined to battle for their privileges.