

## **DOMESTIC WORKERS IN INDIA: CHALLENGE OF INCLUSIVITY AND PROSPECT OF FRATERNITY**

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### **ABSTRACT**

The Constitution of India begins with 'We' and bequeaths justice, liberty, equality and fraternity to all the citizens of India without any discrimination. However a new sector, domestic workers, has emerged and is characterized by long and unregulated working hours, employment subject to employer's mercy, and high level of insecurity. This condition impinges on the concept of 'fraternity', that is assuring dignity and rights to the individuals. Around half a million unorganized individuals working as 'domestic help' contribute immensely to the Indian economy and society by liberating the qualified and skilled (mainly housewives) to enter into workforce and contribute to national development. However, while playing a vital role in the household chores, domestic workers remain vulnerable as they are still unorganized and are constituted mainly by migrants and internally displaced people, living mostly in slums in shabby conditions, and remain subject to exploitation in the absence of specific legislative framework to regulate their working conditions.

Recently, some measures have been initiated to bring this sector in the legislative ambit, including the Unorganized Social Security Act which defines "wage worker", including the domestic workers. A reality check indicates there is not a single provision in this Act to assure social security to the domestic workers; instead, it excludes them from the provisions of labour laws, such as The Minimum Wages Act, The Payment of Wages Act, The Maternity Benefit Act etc. Currently a Code on Social Security has been passed, which deals with the domestic workers and provides various provisions for their welfare and social protection; however, the devil lies in its implementation.

This paper attempts to delineate the legislative provisions, underline the challenges faced by the domestic workers, and outline the policy postures required to adopt an inclusive approach to afford social justice and facilitate their economic and social inclusion as per the spirit of the Constitution.

**Keywords:** domestic workers, inclusive approach, social justice, social security

## **1. INTRODUCTION**

India achieved its independence on the basis of high moral principles that the British eventually could not resist, thus forcing England to leave India with a handshake, unlike violence and bloodshed in other countries. However, partition of the country before independence proved critical as it inflamed religious and communal feelings among the broader society. Taking a cue from this, instead of promulgating the constitution just after independence, the government of India took around two and a half years to draft a constitution that was considered inclusive in nature and incorporated liberty, equality and fraternity for all the citizens of India irrespective of religion, race, ethnicity and gender. Dr Bhim Rao Ambedkar, chairman of the Constitution draft committee was proud to enshrine 'We the people' as the opening words of the Constitution.

The Constitution, has stood the test of the time for nearly seven decades and has undergone amendments. It still remains relevant. However, over a period of time and mainly since the liberalization of the economy the term "Socialist" is coming under increasing challenge. The liberal economy, though more pro-urban in nature, has opened numerous employment opportunities for the skilled people, especially females, who were previously confined to household chores. In this regard, the barely educated, unskilled, and poverty stricken people migrate from the rural to urban areas in search of employment opportunities. They mostly tend to find employment as domestic workers, and this sector of employment has had a surge in demands. The increase in demand for domestic workers is linked to both cultural factors and economic trends that are associated with the changes that have occurred in urban India.<sup>i</sup>

## **2. DEFINING DOMESTIC WORKERS**

Domestic work refers to work performed in and for a household in an employment relationship. The work may comprise of cleaning, cooking, washing and ironing, taking care of children, the elderly or sick members of a family, and looking after household pets, gardening, guarding the house and driving for a family. In spite of its growing importance, domestic work remains largely unrecognized and almost always poorly regulated.<sup>ii</sup> Black's Law Dictionary defines the term "domestic worker" as a domestic servant, a servant who resides in the same house with the master. The term does not extend to workmen or labourers employed outdoors.<sup>iii</sup>

The International Labour Organization (ILO) Convention 189, defines domestic work as "work performed in or for a household or households", and a domestic worker is "any person engaged in domestic work within an employment relationship".<sup>iv</sup> In the context of this Convention, the term "domestic work" is inclusive and includes a wide variety of tasks that may be conducted by persons working in and for private households. The variety of potential tasks carried out by domestic workers relies on the socio-economic situation of a particular area or country, which

decides the kinds of household and personal services demanded by private households. Housework – cooking, laundering, house cleaning, and collecting firewood for cooking, – is usually equated with “domestic work”. However, caring for children, the elderly, the sick and the physically disabled in private homes; driving the family car, taking care of the garden, and guarding private houses, all of which are generally thought of as “household work” or “personal care”, are also covered by the definition of the ILO Convention 189.<sup>v</sup>

This sector is so unorganized that it is difficult to ascertain the exact statistics and, even if available, it is difficult to comprehend the real numbers. For example, as per the ILO statistics there are at least four million domestic workers in India,<sup>vi</sup> According to other sources the number of domestic workers in India ranges from official estimates of 4.2 million to unofficial estimates of more than 50 million.<sup>vii</sup>

Broadly speaking, the domestic workers can be placed in three major categories based on their living arrangements, nature of work and background.<sup>viii</sup> The first category is **Live-in domestic workers**, namely, those who work full time for a single employer and also stay on the premises of the employer or in a dwelling provided by the employer and do not return back to their usual place of residence every day after completion of work. The second category is **Part-time, Live-out domestic workers**, notably, workers who work for more than one employer for a specified number of hours per day or perform specific tasks for number of employers every day. After work, they return to their usual place of residence. The third category is **Migrant domestic workers**, essentially workers who migrate from their usual place of residence in search of work outside their home-town or home country. In this category there are two types of workers: first, domestic, who travel inter-state but within the country for work; and second, foreigners, who migrate from the neighboring countries in search of domestic work.

There are several factors that are instrumental in growing the demand for domestic workers. Specifically, the demand can be categorized under two rubrics, pull factors and push factors. Major push factors include steep decline in the agricultural sector, livelihood insecurity in the countryside, need to increase the family income, and higher unemployment rates in rural areas. All of these factors accumulatively urge people to move to cities and towns to work as a domestic workers. Yet other driving forces include the urge to live the glamorous life of the city, work in a cash economy, acquire better education for children, act as pull factors for younger men and women.<sup>ix</sup> Major pull factors include rising incomes of middle class that enable them to hire domestic workers, opportunities for skilled housewives to enter into the work force, and social status symbol to employ servants.

After a brief elaboration of the background, definitions, categorization of the domestic workers and increasing demand for domestic workers, the next section explicates the legal provisions in regards to the domestic workers in India.

### **3. CONSTITUTIONAL RIGHTS OF DOMESTIC WORKERS**

It hardly need to be said that protection of the rights of domestic workers is an international issue. Different countries have developed different legislative provisions. However, taking cognizance of the deplorable situation of this sector around the world, the ILO has developed several provisions for the welfare of the domestic labour with an objective to project the important role played by this sector, and to acknowledge and dignify their role and support the rights of domestic workers that are unrecognized and unprotected. Thus, the ILO has developed a list of rights for domestic workers.<sup>x</sup>They include: The right to organize -Article 3(3), Organized bargaining with the employer, Right for collective bargaining Article - 3(2)(a), Right to education and technical knowledge - Article 4(2), Right to get justice in the case of maltreatment - Articles 5 & 16, and Right to safe and healthy working environment -Article 13(1).

Although India voted in favour of the ILO convention, but it has not yet ratified this convention. Ratifying an international convention amounts to a formal adherence to implement all the obligations, including passing of comprehensive legislation for domestic workers.<sup>xi</sup>

It is remarkable to state that, even before the ILO's convention, India incorporated several legislative provisions in its Constitution to not only safeguard the rights of the workers and to also ensure their welfare. In this respect, specific articles incorporated in the Constitution include:

- Article 29 (e) ensures that the health and strength of individuals are not abused and that no one is forced by economic necessity to do work unsuited to their age or strength<sup>xii</sup> and Article 29 (f) states that childhood and youth should be protected against exploitation.<sup>xiii</sup>These are the non-justiciable Directives of State Policy which indirectly deal with the domestic workers.
- Article 39(5) of the Indian Constitution underlines that the State shall, in particular, direct its policy towards securing 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 into vocations unsuited to their age or strength.<sup>xiv</sup>
- Article 41 of the Constitution states that the State shall, within the limits of its economic capacity and development, make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other cases of undeserved want.<sup>xv</sup>

- Section 2(g) of the Unorganized Workers Social Security Act, 2008 defines a “wage worker” in the unorganized sector to mean a person employed for remuneration in the unorganized sector and also includes workers employed by households including domestic workers, with a monthly wage.<sup>xvi</sup>

In line with the Constitutional provisions, the Government of India has incorporated several other measures to strengthen the legislative provisions, and to provide legal protection and social security to domestic workers.

#### **4. NATIONAL LEGISLATIVE PROVISIONS**

**The Unorganized Workers Social Security Act, 2008.** The title itself of this Act, as it does not provide any social security (except for mere registration) to any section of the workers. Even the term Social Security is not defined anywhere in the Act. Under section 2(l) the term “Unorganized sector” limits the coverage to those enterprises that employ less than ten workers. This provision is directly in contravention to Article 14 (Right to Equality) of the Constitution, as there cannot be any reasonable distinction between workers working with employers who employ less than ten workers and those who employ more than ten workers. Thus, the definition under section 2(l) appears to be arbitrary. The Act does not provide for compulsory registration of an employer who employs unorganized workers. There is also no provision for penalties in the Act to punish the employers who violate the legislative provisions. Furthermore, this Act also fails to enumerate the number of working hours, conditions of work, mandatory holidays, job security, trade union rights, minimum wages and safety measures at the work place.

**Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal) Act, 2013.** Section 2(e) of this Act defines “domestic worker” as, a woman who is employed to do household-work in a household for remuneration whether in cash or kind, either directly or through any agency on a temporary, permanent, part-time or full-time basis, but does not include any member of the family of the employer.<sup>xvii</sup> The existing law following the Vishaka judgement<sup>xviii</sup> of the Supreme Court of India does not apply to domestic work. Thus, there is a need for the proposed law to provide a mechanism for dealing with such harassment.<sup>xix</sup>

**The Domestic Workers Welfare Bill, 2016** This Bill was introduced in the Lok Sabha in August 2016, but has not come into existence until now. It specifically ensures<sup>xx</sup>: Households should be considered as a workplace, and not be treated as a ‘private space’; the definition of ‘workers’ includes casual, temporary, contractual or migrant workers; defines ‘minor domestic worker’ as one who is above the age of 16 years but below the age of 18 years and has completed compulsory elementary education; ‘Wages’ under the bill means all remuneration expressed in terms of money, but does not include the value of any accommodation, supply of light, water,

medical attendance etc.; the employer or placement agencies would have to register the employment agreement and get it verified within two months of the commencement of the employment of the domestic worker. The draft Domestic Workers Welfare Bill (2016) is just the latest version of a proposed law to provide basic rights and protection to the millions who are engaged as “help” across the country. It would be easy to blame the lethargy of the legislature and the political class for the fact that this bill has not been passed. However, the very structure - both social and economic - of domestic labour and the way it underpins entitlement and inequality makes even the slightest move towards formalization a virtual impossibility.<sup>xxi</sup>

**Child Labour (Prohibition and Regulation) Act, 1986** prohibits the employment of children below 14 years of age. Since 2006, the law has been amended to prohibit child workers in the domestic sector.

The domestic workers are covered under the **Rashtriya Swasthya Bima Yojana** for the Below Poverty Line families, launched by the Government for the unorganized sector in 2007. The Scheme provides for smart card based cashless health insurance coverage of Rs.30,000 per family per annum on a family floater basis. The government assumes responsibility for the cost of the smart card. However, initiation process of the Aadhar Card marginalized a bigger chunk of the people for not having the appropriate identity documents.

Recently, the Government of India formulated the **Labour Code on Social Security, 2018** which provides provisions for social security to the entire workforce in the country. It provides universal social security including pension, sickness benefit, maternity benefit, disablement benefit, invalidity benefit, dependent’s benefit, medical benefit, group insurance benefit, provident fund, unemployment benefit etc. These benefits are applicable to domestic workers, home-based workers and others,<sup>xxii</sup> but effective implementation still remains a distant dream.

## **5. STATE LEVEL LEGISLATIVE PROVISIONS**

In addition to the national legislative framework, several state governments have also taken initiative to bring the domestic workers within the ambit of legislative provisions to ensure minimum wages and other related working conditions. Seven states (Andhra Pradesh, Bihar, Jharkhand, Karnataka, Kerala, Odisha and Rajasthan) announced minimum wages for domestic workers under the Minimum Wages Act, 1948. Three states (Kerala, Maharashtra and Tamil Nadu) have formed Welfare Boards for Domestic Workers, where domestic workers can take advantage of prescribed set of welfare benefits by registering themselves with these boards. Yet, another set of three state governments (Chhattisgarh, Jharkhand and Kerala) have committed to improve the working conditions of domestic workers and to provide access to social security schemes through the Rashtriya Swasthya Bima Yojana. The above legislative frameworks

indicate that the state governments have tried to assuage the concerns of the unorganized and domestic workers but with the increasing complexity and the nature of employment, there are still several loose ends that are being manipulated and exploited by the employers and the placement agencies. Several challenges remain unaddressed and require attention.

The above discussion reflects the measures taken by the central and state governments to address and safeguard the rights of the workers in the unorganized sector. However, over a period of time several lacunae appeared both in the nature and scope of the legislation as well as in the implementation and lack of institutional accountability.

## **6. CHALLENGES FACED BY DOMESTIC WORKERS**

The central and state governments have tried to enact several legislations and also initiated several welfare plan for the domestic workers but this sector is progressing at such a fast pace that the legislative provision are unable to cope with the unfolding challenges. Major challenges include:

**Unrecognized work.** Currently, domestic workers are not explicitly covered under any significant labour laws mainly because of the nature of their work and the non-recognition of the employment relationships. Domestic workers perform their work in private houses rather than commercial establishments and the definition of workers and workplaces used in the existing labour laws are not applicable to household spaces or domestic workers themselves. Until now, there is no single law specifically for domestic workers in India as domestic work is not considered real work; it is just an extension of household services.

**Abominable wages.** Domestic work is the lowest paid work in comparison to other professions. Factors responsible for the low pay are low level of education, undervaluation of domestic work, and low bargaining power of domestic workers. Wages for the domestic workers are determined on the basis of tasks performed by them, hours of work, their social status, skills etc. There is no minimum wage fixed for domestic work. It varies across employers, irrespective of the quantum and hours of work.<sup>xxiii</sup>The Minimum Wages Act, 1948 and Payment of Wages Act, 1936 are also not applicable on them because they are not included in the definition of “worker” in the Industries Disputes Act. So far, only seven states (Andhra Pradesh, Bihar, Jharkhand, Karnataka, Kerala, Odisha & Rajasthan) have introduced minimum wages for domestic workers.

**Undervalued.** Most of the work performed by domestic workers is considered as women’s work and, therefore, treated as of less value and low status. These include cooking and cleaning etc. reason being the existence of patriarchal system in the country. Certain tasks such as driving, gardening or guarding etc. are considered of high value and status, performed mainly by men. Most of the domestic workers are migrants, women, many of whom are minors and belong to the

lowest ebb of the economic spectrum. This makes them easy to replace and more vulnerable to exploitation. The mentioning of domestic workers as ‘servants’ and ‘maids’ have restrained them from attaining equality and a dignified status.

**High level of insecurity.** Domestic workers work in a private household ambiance so they feel highly insecure because they can be hired and fired at any time as they have to work on the personal instructions of the employers and to their level of expectation. Employers can terminate them anytime from services, since most of the domestic workers work without any formal agreement. They are not covered under any of the labour provisions and social protection schemes. Indeed, hardly a week goes by without some news report about a domestic worker being abused by an employer. Cases of alleged torture, violence, beatings, sexual assault and incarceration are common place occurrences. Since, they belong to the unorganized sector, there are no specific laws that safeguard their rights.<sup>xxiv</sup> Domestic workers are also excluded from the Workmen Compensation Act, 1923 and the Contract Labour (Regulation and Abolition) Act of 1970.

**Illiteracy and poverty.** Most of the domestic workers are illiterate or less educated and they are ignorant of their rights. Only few of them have knowledge about the legal protections accorded by the government and social schemes. The uneducated and unorganized domestic workers, who are most of the time living on a ‘hand to mouth’ basis have significantly less job opportunities and thus leads to their limited bargaining power and capacity.

**Non-acknowledgement of skills.** Domestic work is considered as unskilled work. For instance, a domestic worker cooking at home is considered as “unskilled” and hence paid less whereas a chef working in a hotel is considered as skilled and paid a handsome salary that is much higher than that of a domestic cook. Therefore, it can be stated that the same task performed by two different people is considered skilled or unskilled in different locations and also remunerated differently.<sup>xxv</sup>

**Risky work environment.** Domestic workers are employed in private households of the employers rather than firms or enterprises. This leads them as invisible workers out of the purview of the outside world and from the eyes of the law enforcement agencies. Despite the fact that homes are safe to work in, domestic workers are exposed to a range of unhealthy work environments and are forced to work in hazardous conditions within the households that we generally consider as safe. For example, the workers are required to use toxic cleaning solvents without or rarely providing them with plastic gloves. Similarly, they are expected to clean unsanitary places such as household toilets but there is no provision for first-aid in case of cuts and burns.<sup>xxvi</sup> Most of the domestic work is informal and is performed outside the workplace safety purview of labour regulations and social protections.

**Health problem and social exploitation.** As the domestic workers belong to the unorganized sector, there are no specific laws to safeguard their rights, or in case of eventuality there is no standard provision for health or insurance benefits and job security. Even the Maternity Benefit Act does not extend to the women working as domestic workers. Also, the workers have no social protection from the state and rely on informal and familial support during crises or emergencies.

**Long and unregulated working hours.** Most of the domestic workers are made to work more than the required eight hours a day and all the seven days the week. On average, their working hours range between 8 to over 18 hours a day. While working such long hours, their wages and rest time remain at the discretion of the employer. Part-time workers work at several houses and thus hours of work depend on the number of employers whereas in case of full-time domestic workers hours of work are dependent on the schedule of their employers.

**Caste based task determination.** In India, the caste system is still prevalent as caste categories continue to regulate the division of labour and chores done by the domestic workers. Employers often expeditiously decide on the workers caste on the basis of their skin colour. Workers from lower castes are employed in cleaning tasks, while upper caste workers are employed in the kitchen for cooking.<sup>xxvii</sup>

**Lack of conducive work environment.** Since most of the domestic workers are recruited from rural or tribal areas, it becomes difficult for them to adjust themselves to the new environment, culture, and language, which, in turn, increase their loneliness and anxiety. They have very limited time to socialize with their friends or relatives. They are even discouraged by the employers from doing so by keeping them engaged in household chores. They are also not provided with just and humane conditions of working. Sometimes they are even considered as victims of suspicion, often charged with theft and subjected to physical abuse, police interrogation or even dismissal.

**Employer and domestic worker relationship.** The relationship between the employers and domestic workers is not regularized by any law. In case a dispute arises between them, the domestic worker is restrained from having recourse to labour laws or labour courts, as the household or home is not viewed as industrial workplace<sup>xxviii</sup> to which the labour law applies.<sup>xxix</sup> As stated by Sagarika Ghosh, the relationship between a domestic worker and employer is “urban India’s most unresolved relationship. A relationship that goes to the heart of the inequality that every affluent Indian unthinkingly accepts”.<sup>xxx</sup> Since the home is not seen as a workplace, a typical domestic worker is not recognized as an employee, but as a servant who takes care of the household.<sup>xxxi</sup>

**Diplomatic Immunity.** The purview of diplomatic immunity and rights demanded by domestic workers in diplomatic households have been the concern of a number of cases in almost all the countries throughout the world in recent years. Domestic workers employed as private staff by diplomats or international civil servants remain one of the most “at risk” categories of domestic workers, with two factors combining to create a “specific protection gap”: the often “tied” nature of their immigration status and the potential immunity claim that may be submitted by a state invoking international law rules on state immunity or by a diplomat invoking the 1961 Vienna Convention on Diplomatic Relations (VCDR).<sup>xxxii</sup>

The rights claims of domestic workers in diplomatic households, however, are frequently trumped by the more pressing interests of safeguarding good diplomatic relations between states. The “decent work deficit” experienced by domestic workers has increasingly come to the attention of international human rights bodies and regional and domestic courts.<sup>xxxiii</sup> The migration process is built around a “triangular relationship among a person, a sending state, and a receiving state.”

The protection of the rights of domestic workers is a key site of conflict between international legal rules that regulate diplomatic relations between states and those regulating relationships between individuals (including migrant workers) and states. As presently defined, the intersection of the legal regulation of immigration with that of diplomatic relations molds domestic workers in diplomatic households into a position of subordination, a position that is anathema to international human rights and labor standards. Of all the categories of migrant domestic workers, those employed in diplomatic households are most likely to be characterized as engaged in “unfree” work, constrained by immigration law on the one hand and laws of diplomatic and state immunity on the other.<sup>xxxiv</sup> The protection theoretically available to such workers continues to be hindered by the operation of law, with state interests in protecting the public sphere of international diplomacy shielding diplomats and states from accountability for what takes place in the private domain of the diplomatic household.<sup>xxxv</sup>

One of the most high-profile cases of diplomatic immunity was the case of Devyani Khobragade, who was sent to New York as an Indian consulate in December 2013, which steered tension in ties between the US and India. She was arrested on the complaint filed against her regarding payment of wages less than the minimum wages by her domestic worker.

## **7. RECOMMENDATIONS FOR AN INCLUSIVE APPROACH**

The pace of domestic work is increasing at an unprecedented rate for this the governments have initiated several measures to safeguard the rights and welfare of the workers but still there is lack

of effective measures to streamline the working conditions, rights of the workers, obligations of the employers and the necessary powers with the law enforcement agencies. For an inclusive approach, following recommendations can prove useful:

- Though there are mentions of domestic workers in some of the legislations but still major gaps remain in providing fair terms of employment, rights and entitlements as well as decent working conditions. They still remain less favourable compared to other categories of workers. Therefore, what is missing is a comprehensive framework which should be uniformly applicable throughout the country.
- The definition of the workplace needs to be amended to include private households of employers where the domestic workers perform their activities.
- Domestic workers are workers and as such they should be entitled to fair terms of employment and working conditions that take into account the specificity of the duties they perform, which should be equivalent to those enjoyed by other workers, for example, minimum working hours in one call.
- The major challenges that the domestic workers face include lack of decent wages, sub-standard working conditions, undefined working hours, seven-day working week, lack of skill development, victimization at the hands of traffickers and placement agencies and even violence, abuse and sexual harassment at the workplace. In a rising India, where the domestic workers liberate a big section of the educated people to contribute to national development, there is dire need to consider the domestic workers as an integral part of the national progress and prosperity.
- Domestic workers have no say in determining their wages like other workers in the organized sector. There has been no mention of the method of calculating wages. The domestic workers must be included in the Minimum Wages Act nationwide, so that there is some stability for the workers in this field of work.
- Provisions should be made for the regulation of placement agencies and proper legislative provisions for the protection of the rights of domestic workers.
- The process of lodging complaints and obtaining justice is long and complicated under Sexual Harassment of Women at Workplace (Prevention and Prohibition and Redressal Act, 2013). For an illiterate person to take advantage of this law and ensure punishment for the guilty it is very difficult and cumbersome. The process needs to be simplified with the provision of a single window system. Also, free legal aid should be provided so that a helpless domestic worker with limited monetary capacity and understanding of legislative provisions should be able to get timely justice.

The preceding discussion and analysis indicates that several attempts have been made to define a domestic worker but still there is no set definition upon which a specific legislation could be framed for this strata of the society. In this regard, statements visionary leaders like Mahatma Gandhi and Bhim Rao Ambedkar can prove as a capstone while charting future path for an inclusive society. Ambedkar outlined that “Slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from others the purposes which control their conduct”.<sup>xxxvi</sup> The number of domestic workers is increasing in proportion to India’s economic progress and social mobility from rural to urban areas, the domestic workers who play a vital role in liberating the house wives to join the work force and contribute to the national economy and national development remain vulnerable. The absence of clearly defined working hours, wages, and workplace safety, all impinge on the spirit of the Constitution of India that grants liberty, equality and fraternity to each individual citizen of India. The towering personality of Ambedkar realized in early stages of the Constitution implementation that “Equality may be a fiction but nonetheless one must accept it as a governing principle”.<sup>xxxvii</sup> In the current context of domestic workers that “governing principle” appears to be missing. No doubt, India is witnessing unprecedented growth in all sectors, but to map this progress Ambedkar envisioned: “I measure the progress of a community by the degree of progress which women have achieved”.<sup>xxxviii</sup> Taking this measurement scale seriously alongside the fact that most of the domestic workers are women, the social capital in India lags behind in comparison to other sectors.

Ambedkar went to the extreme extent of stating that “If I find the constitution being misused, I shall be the first to burn it”.<sup>xxxix</sup> Although the Constitution is not being misused, as such, it certainly has not been able to grant equal rights to a vital strata of the society. In case, the domestic workers are denied their rights granted by the Constitution, Ambedkar noted that “Lost rights are never regained by appeals to the conscience of the usurpers, but by relentless struggle.... Goats are used for sacrificial offerings and not lions”.<sup>xl</sup> Therefore, what the visionary leader suggested is that this cluster of the society that is unorganized needs to organize itself and initiate a civil struggle for their rights. As Ambedkar asserted: “So long as you do not achieve social liberty, whatever freedom is provided by the law is of no avail to you”.<sup>xli</sup> Thus he not only envisioned the predicament that the domestic workers currently face; he also showed the salvation path to redress their grievances. Currently, India is passing through a crucial phase in its economic, political, social and defence preparedness, and simultaneously faces the challenges of insurgency, militancy and cross-border terrorism. India cannot afford resistance from yet another section of the society. Therefore, an inclusive approach is required in taking cognizance of the current circumstances and in strengthening the developmental trajectory of the country.

## 8. CONCLUSION

Domestic work is a major and growing informal work activity. Long working hours, low pay, absence of job security and low social status define the occupation. Legal instruments that recognize domestic workers as ‘workers’ and the home as a ‘workplace’ are thus intrinsic in improving the position of domestic workers. This would enable domestic workers to assert for their rights and demand for their basic rights of work such as minimum wages, regulation of working hours etc. This would also help in regulating the growth and functioning of placement agencies. Necessary measures should be taken by the government by implementing specific legislations or by amending the Constitution to curb the problems faced by the domestic workers. Also, public awareness programs and campaigns should be organized to sensitize people about their basic rights and amenities. Ultimately, for a sovereign, secular and democratic India, fraternity is the buzzword enshrined in its Constitution, which distinguishes it from other developing or neighboring countries.

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<sup>xiii</sup> Constitution of India, Article 29, Clause (f)

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