

# Female Domestic Workers in South Kolkata Region ---- An Analytical Overview

Somnath Roy<sup>1</sup>  
Deepali Priyamvada<sup>2</sup>

## I. Introduction:

In India so far as rendering of labour is concerned, we can see the existence of two broad sectors viz organized and unorganized. Among these two, the people who are employed in unorganized sectors, their cry remain unheard most often. Domestic workers fall in this category. Today we sometimes cannot think of without their participation and hence they have become part and parcel of our lives. In spite of their great contributions, they are always neglected as they are excluded from the purview of labour laws. As reasoned by Hon'ble Mr. Justice Krishna Iyer that domestic workers are isolated workers and as such cannot be termed as 'Organized labour'.<sup>3</sup>

The increase in the number of domestic workers is due to a shift from agrarian-based economy to a manufacture and service-based economy. It is also associated with the growth of the urban middle class, especially the increase in the number of women working outside their homes and the availability of cheap domestic labour.

Mostly composed of women and children, domestic workers in India belong to a greatly disadvantaged working sector in the country. They are part of the informal economy. They usually come from lower caste, with very little education and are often unaware of their rights. In India, many women and children domestic workers are vulnerable or continue to suffer different kinds of abuses in violation of their human rights. Inside the home of their employers, where there are no checks and controls in place they do not have protection against employers or other members of the family who exploit them sexually, physically, psychologically and abuse them.

Increase in number of domestic workers is also viewed as 'feminisation of labour'. There are certain pull and push factors which have

---

<sup>1</sup> LL. B( Calcutta University) LL. M(Burdwan University). Assistant Professor, Jogesh Chandra Chaudhuri Law College, Kolkata & Research Scholar, Department of Law, The University of Burdwan. Ex-Faculty- Durgapur Institute of Legal Studies, Durgapur, West Bengal. E-Mail- somnathroy12@yahoo.com, Ph No. 9614300040.

<sup>2</sup> B.Sc(B.U), LL.B(B.U) LL.M(B.U). Assistant Professor, Durgapur Institute Of Legal Studies, Durgapur, West Bengal & Research scholar, Department of Law, The University of Burdwan. E-Mail- Priyamvada.deepali@gmail.com, Ph No. 9475345504.

<sup>3</sup> Bangalore Water Supply and Sewerage Board v. A. Rajappa, AIR 1978 SC 548.

led the domestic workers to enter in this profession. Some of them are that poverty is the main reason; colour of the city life is another factor; changing of agrarian economy to service-based economy; family problems; ill treatment by parents or husband also lead them to enter in this avocation; not getting any opportunity of education etc.

In this article apart from discussing the concepts of domestic work and workers, international scenario of the aspect and the legislative efforts of Indian legislature, we have tried to highlight certain incidents hampering the social security of domestic workers in South Kolkata region after conducting an empirical study. Then finally our suggestions.

## II. Meaning and Concept of Domestic Work and Domestic Workers:

Domestic workers, in particular women domestic workers, are a constantly growing section of workers in the informal sector of urban India. The last three decades have seen a sharp increase in their numbers, especially in contrast to male domestic workers (Neetha 2004)<sup>4</sup>. In the Indian context, domestic work is generally defined in terms of types of work performed and the time spent at work, i.e., in the employer's home. Live-out and live-in are two distinct categories of domestic work. Live-out work is primarily of two types: first, those who work in one house for the whole day and go back to their homes in the evening and; secondly, those who work in different houses, moving from one to the other, performing one or more tasks in each household. They may clean in one house, chop vegetables in another and wash clothes in the third, while some others may perform only one task, such as cooking. They often visit these households twice a day though the requirements in some families may be limited to only once a day. Another form of part-time live-out work is in terms of piece-rate. It is often applied to washing clothes and wages are calculated on the basis of family size.<sup>5</sup>

Domestic Workers Convention, 2011(No.189) adopted by the International Labour Organisation on 16<sup>th</sup> June, 2011 defines domestic work as "work performed in or for a household or households". This work may include tasks such as cleaning the house, cooking, washing and ironing clothes, taking care of children, or elderly or sick members of a family, gardening, guarding the house, driving for the family, even taking care of household pets. According to section 2(f) of the Domestic Workers

<sup>4</sup> 'Domestic Workers: Conditions, Rights and Responsibilities', a Report written by Surabhi Tandon Mehrotra, published in December, 2010 available at [jagori.org/wp-content/.../01/Final\\_DW\\_English\\_report\\_10-8-2011](http://jagori.org/wp-content/.../01/Final_DW_English_report_10-8-2011) visited on 07.12.2013.

<sup>5</sup> Dr. K. John, 'Domestic Women Workers in Urban Informal Sector', in ABHINAV(National Monthly Referred Journal of Research in Arts & Education), Vol. 2 Issue 2, p 3 available at [www.abhinavjournal.com](http://www.abhinavjournal.com) visited on 18.10.2013.

(Registration, Social Security and Welfare) Act, 2008. 'Domestic Worker' means a person who is employed for remuneration whether in cash or kind, in any house hold through any agency or directly, either on a temporary basis or permanent, part time or full time to do the household work or allied work.<sup>6</sup> Explanation to the definition lays down that household and allied work includes but is not limited to activities such as cooking or a part of it, washing clothes or utensils, cleaning or dusting of the house, caring/nursing of the children/sick/old/handicapped.<sup>7</sup>

Section 2(f) of the Domestic Workers Welfare and Social Security Act, 2010 defines the term 'Domestic Worker' as 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 house hold 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.<sup>8</sup> Explanation to this definition says that household and allied work includes but is not limited to activities such as cooking or a part of it, washing clothes or utensils, cleaning or dusting of the house, driving, caring/nursing of the children/sick/old /mentally challenged or disabled persons.<sup>9</sup>

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 defines the term domestic worker in its section 2(e) as "Domestic worker' means a woman who is employed to do the household work in any 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>10</sup>

If we analyse the definition of the term 'Domestic Worker' as provided under the above mentioned Acts we can summarise it as:

- Domestic workers are persons who are employed for remuneration(remuneration may be in the form of cash or kind);
- They may be employed in any house hold or similar establishment(the term 'similar establishments' have been used in the definition given under the Domestic Workers Welfare and Social Security Act, 2010 only);

---

<sup>6</sup> Section 2(f), Domestic Workers (Registration, Social Security and Welfare) Act, 2008.

<sup>7</sup> Explanation *ibid*.

<sup>8</sup> Section 2(f), Domestic Workers Welfare and Social Security Act, 2010.

<sup>9</sup> Explanation *ibid*.

<sup>10</sup> Section 2(e), The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

- They may be employed either directly i.e by themselves or through some agencies;
- They may be employed on a temporary or contract basis or permanent;
- Their engagement may be either full time or part time;
- They are employed to do the house hold or allied work;
- As per the definition provided by the Domestic Workers Welfare and Social Security Act, 2010 the term 'domestic worker' includes replacement worker who works instead of or in the place of the main worker for a short and specific period of time as agreed with the main worker;
- According to the explanation appended to the definition house hold work includes cooking and its part, washing clothes and utensils, cleaning and dusting of the house, driving, caring and nursing of the children, sick, old, mentally challenged or disabled persons. Driving is mentioned as an allied work in the Domestic Workers Welfare and Social Security Act, 2010 only and not in the Domestic Workers (Registration, Social Security and Welfare) Act, 2008.
- The definition of Domestic Worker as provided in section 2(e) of The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 says about women domestic workers only and does not include any member of the family of the employer.

Under the Domestic Workers Convention, 2011 a domestic worker is "any person engaged in domestic work within an employment relationship". A domestic worker may work on full-time or part-time basis; may be employed by a single household or by multiple employers; may be residing in the household of the employer (live-in worker) or may be living in his or her own residence (live-out). A domestic worker may be working in a country of which she/he is not a national. All domestic workers are covered by Convention No. 189, although countries may decide to exclude some categories, under very strict conditions.

### **III. International Scenario:**

International labour standards, that is, ILO Conventions and Recommendations, play an important role in the design of labour law for domestic workers. These instruments provide authoritative guidance on law and policy regarding domestic workers. Where Conventions have been ratified they also entail international law obligations for the countries concerned. International labour standards are prepared and adopted by the

International Labour Conference, the ILO's main decision-making body comprised of government, worker and employer delegates.<sup>11</sup>

The fundamental Conventions which are somehow related to Domestic Workers are:

- the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No.98);
- the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105);
- the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111);
- the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999, (No. 182).
- the Wage-Fixing Machinery Convention, 1928 (No. 26), and the Minimum Wage Fixing Convention, 1970 (No. 131);
- the Protection of Wages Convention, 1949 (No. 95);
- the Maternity Protection Convention, 2000 (No. 183);
- the Workers with Family Responsibilities Convention, 1981 (No. 156);
- the Termination of Employment Convention, 1982 ( No. 158);
- the Private Employment Agencies Convention, 1997 (No. 181);
- the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

#### **IV. Domestic Workers Convention, 2011:**

Now coming to the recent Convention which is directly related to Domestic Workers is the Domestic Workers Convention of 2011 which is also known as Convention No.189. This Convention was adopted by the International Labour Conference of the International Labour Organization on 16<sup>th</sup> June, 2011 concerning decent work for Domestic Workers.

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

- organize & mobilize support for the ratification and implementation of the Convention by their Governments;
- use the provisions of the Convention and the Recommendation to influence changes in laws and improve the working and living conditions of domestic

---

<sup>11</sup> The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) and the Committee on the Application of Standards (CAS) of the international Labour Conference issue comments and observations to countries that have ratified these Conventions available in 'Effective Protection For Domestic Workers: A Guide To Designing Labour Laws' published by the International Labour Office, Geneva in 2012.

workers, regardless of whether or not the country in which they work has ratified Convention No. 189.

#### **IV. I. Basic rights of domestic workers**

- Promotion and protection of the human rights of all domestic workers; (Preamble; Article 31).
- Respect and protection of fundamental principles and rights at work: (a) freedom of association and the effective recognition of 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).
- Effective protection against all forms of abuse, harassment and violence (Article 5).
- Fair terms of employment and decent living conditions (Article 6).

#### **IV. II. Information on terms and conditions of employment**

- Domestic workers must be informed of their terms and conditions of employment in an easily understandable manner, preferably through a written contract (Article 7).

#### **IV. III. Hours of work**

- Measures aimed at ensuring equal treatment between domestic workers and workers generally with respect to normal hours of work, overtime compensation, periods of daily and weekly rest, and annual paid leave (Article 10).
- Weekly rest period of at least 24 consecutive hours (Article 10).
- Regulation of stand-by hours (periods during which domestic workers are not free to dispose of their time as they please and are required to remain at the disposal of the household in order to respond to possible calls) (Article 10).

#### **IV. IV. Remuneration**

- Minimum wage if a minimum wage exists for other workers (Article 11).
- Payment of wages must be paid in cash, directly to the worker, and at regular interval of no longer than one month. Payment by cheque or bank transfer – when allowed by law or collective agreements, or with worker's consent (Article 12)
- In-kind payment is allowed under 3 conditions: only a limited proportion of total remuneration; monetary value is fair and reasonable; the items or services given as in-kind payment are of personal use by and benefit to the workers. This means that uniforms or protective equipments are not to be regarded as payment in kind, but as tools that the employer must provide to the workers at no cost to them for the performance of their duties (Article

12). • Fees charged by private employment agencies are not to be deducted from the remuneration (Article 15).

#### **IV. V. Occupational safety and health**

- Right to safe and healthy working environment (Article 13).
- Measures are put in place to ensure workers' occupational safety and health (Article 13).

#### **IV. VI. Social security**

- Social security protection, including maternity benefits (Article 14).
- Conditions that are not less favourable than those applicable to workers generally (Article 14)

#### **IV. VII. Standards concerning live-in workers**

- Decent living conditions that respect the workers' privacy (Article 6).
- Freedom to reach agreement with their employers or potential employers on whether or not to reside in the household (Article 9).
- 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).
- Regulation of stand-by hours (Article 10).

**Domestic Workers Recommendation No. 201** was also adopted by the International Labour Conference of 2011 which supplements Convention No. 189. Unlike the Convention, Recommendation No. 201 is not open for ratification. The Recommendation provides practical guidance concerning possible legal and other measures to implement the rights and principles stated in the Convention.

#### **V. Indian Legislative Efforts:**

India is a country where Rule of Law prevails. Here everyone is subject to the existing laws of the land. Everyone has to obey law and no one is above it and any violation to it results in to punishment. Constitution of India is the supreme law of the land and is the basic charter of the governance of our country. It is the basic and fundamental charter that outlines the governmental structure, allocates powers and duties of the Government, establishes basic decision making procedures, and places limitations upon governmental activities. In other words it can be said that a Constitution is the original law by which Government is created and set up, and the branches of the government derive their power and authority from it. In our country it is the Constitution which has divided the legislative powers between the two sets of governments viz the Central Government and the

State Governments. Seventh Schedule to the Constitution has laid down three lists:

- i. List I i.e Union List;
- ii. List II i.e State List and
- iii. List III i.e Concurrent List.

The subject matters enumerated under List I, only the Union Legislature i.e the Parliament is competent to make laws, on the subject matters of the State List only the State legislatures can make laws but on the subject matters specified under List III i.e the Concurrent List both the Union Legislature as well as the State legislatures are competent to make laws. Entries 22, 23 and 24 of List III says about trade unions and labour and industrial disputes, social security and social insurance, welfare of labour including their conditions for work etc, hence on these subject matters Parliament as well as the state legislatures can make laws.

For the purpose of our present study the term 'social security' is important. So far as the social security of domestic workers is concerned Parliament has given us the enactments. The legislations in the field are mainly the Domestic Workers (Registration, Social Security and Welfare) Act, 2008 and the Domestic Workers Welfare and Social Security Act, 2010.

#### **VI. Domestic Workers Welfare and Social Security Act, 2010:**

The Domestic Workers Welfare and Social Security Act, 2010 has been enacted with a view to reduce the trafficking and other forms of exploitation of millions of Women and children which have arisen due to the tremendous growth in the demand for domestic workers of the both sexes and to meet this growing demand. Thousands of placement agencies providing domestic workers in metro-towns of many states have grown up who are exploiting in various ways as well as trafficking and these illegal actions remained outside the purview of any legislative control.

Absence of any legal protection, has led to severe exploitation of women and children which include depriving domestic workers from their salary improper working hours per day, absence of proper food and living/sleeping condition, forced and total cut off from their family members, bonded labour, sexual exploitation by agent during transit, at the office of agency and at the work place in houses of employers etc etc.

Therefore this Comprehensive Central Legislation is specifically designed to meet the working condition of the domestic workers including registration, who are an important segment of service sector of Indian economy and who have an Multiplier impact on the economy by enabling the women in particular to work by sharing the family burden, can ensure the end of the exploitation of these domestic workers and definitely to give effect to the



Directive Principles of State Policy contained in Articles 39, 41, 42, 43 and 43A of the Constitution of India

There are seven chapters consisting of 37 sections in the Act. Sections 1- 30 contain general provisions whereas sections 31 – 37 deal with miscellaneous provisions. The salient features of the Act are as follows:

- The name of the Act is Domestic Workers Welfare and Social Security Act, 2010 and it shall be applicable throughout India except the state of Jammu and Kashmir;
- For the purposes of this Act certain definitions have been given such as Appropriate Government, Beneficiaries, Domestic Worker, Employer, Service provider, Child, District Board, wages etc;
- According to section 2(h) “Employer” means any person , authorities, management that engages the domestic worker to do any work in a household whether part time or full time either directly or through any other person or agency and who has an ultimate control over the affairs of the household and includes any other person to whom the affairs of such household is entrusted and in relation to contract labour, the principal employer;
- As per section 2(j) “Service provider ” means any voluntary association registered under the Societies Registration Act 1860 or a company registered under the Companies Act 1956 or any other law for the time being in force, which espouses the cause of domestic work and/or provides or engages in employment of domestic workers and includes any person or an association of such persons or placement agency whether registered or otherwise through whom any such worker is engaged in any household work with the principal employer .

Explanation: “Placement Agency” means any agency /bureau /contractor or person(s) or association or organization whether registered or otherwise which provides/ engages in employment of domestic workers or which facilitate the placement of domestic help for prospective employers and includes such agency or person offering such services through any print, electronic or any form of communication.

- Section 4 says about the establishment of Central advisory Committee and section 5 has laid down its functions;
- Section 6 says about the establishment of State Advisory Committee and its functions have been laid down in section 7;
- Establishment of District Boards is there in section 8; section 9 says about the disqualification and removal of the members of the district board; Resignation of its members have been laid down in section 10; Sections 13 and 14 deal with the functions and powers of the district board respectively;

- The provisions regarding registration of domestic workers, employers and service providers have been laid down in section 15 and section 16 says about the fees for such registration;
- According to this Act child means a person who has not completed the age of eighteen years. As per section 18 no child to be employed as a domestic worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force;
- Section 19 lays down the provisions relating to establishment of Domestic Workers Welfare Fund;
- Domestic workers who are registered as beneficiaries will get the benefits provided by the Board from its fund under the Act;
- Identity cards to be issued by the board; registers or records to be maintained by it;
- Contributions of domestic workers are to be there in the fund and non payment of such contribution for a period of one year may lead to strike down of the name of the domestic worker as beneficiary;
- Section 26 has said about the duties of the employers and service providers; a domestic worker shall not be made to work for not more than 9 hrs a day and not more than 48 hrs a week along with rest and food for full time domestic workers; there shall be wages for overtime work and also weekly holiday;
- According to Section 27 minimum wages for domestic workers to be fixed by the appropriate government and offences and penalty are there in section 28 of the Act.

### **VII. The Sexual Harassment of Women at Workplace (Prevention, Prohibition And Redressal) Act, 2013:**

This is a new legislation enacted by our Parliament with a view to give effect to the guidelines of the Supreme Court in the famous case of *Vishaka v. State of Rajasthan* (AIR1997SC) and in order to ensure the equality rights of women as guaranteed under Articles 14 and 15 of the Constitution of India. Moreover women also have right to life under Article 21 of the Indian Constitution and to lead the life with human dignity. At the same time women have also been given the fundamental freedom like that of men to practice any profession or to carry on any occupation, trade and business and they are entitled to a safe working environment which would be free from sexual harassment. This Act got the assent of the President on 22<sup>nd</sup> April, 2013. The Act contains 30 Articles.

Protection of women from sexual harassment and the right to work with human dignity have been internationally recognized as basic human

rights through several International Conventions and Instruments. One such vital instrument is Convention on Elimination of All Forms of Discrimination against Women, 1979 which was ratified by India on 25<sup>th</sup> June, 1993. Also in order to give effect and implement the rights contained therein, our Parliament has enacted this legislation by virtue of the power given to it under Article 253 of the Constitution of India.

Now we shall throw some light on certain provisions of the act which are relevant for the purpose of our present study:

- The term aggrieved woman is defined under section 2(a) of the Act. ‘Aggrieved woman’ means -
  - i. In relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
  - ii. In relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.<sup>12</sup>

Within the purview of the second clause of the definition, a domestic worker may come though a separate definition of domestic worker has been provided by the Act.

- According to section 2(e) of the Act, “Domestic worker” means a woman who is employed to do the household work in any 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>13</sup>
- As per section 2(n) ‘Sexual harassment’ includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely –
  - i. physical contact and advances; or
  - ii. a demand or request for sexual favours; or
  - iii. making sexually coloured remarks; or
  - iv. showing pornography; or
  - v. any other unwelcome physical, verbal or non-verbal conduct of sexual nature.<sup>14</sup>
- If we see the definition of the term workplace as provided in section 2(o) of the Act, the last sub-clause i.e sub-clause vi

---

<sup>12</sup> Section 2(a), The Sexual Harassment of Women at Workplace(Prevention, Prohibition and Redressal) Act, 2013

<sup>13</sup> Section 2(e), *ibid*.

<sup>14</sup> Section 2(n), *ibid*.

speaks of a dwelling place or house which would come within the purview of the term workplace.

- Section 3 of the Act states that no woman shall be subjected to sexual harassment at any workplace.
- Establishment of Internal Complaint Committee is provided under section 4 of the Act and the provisions relating to establishment, jurisdiction etc of the Local Complaint Committee are there in sections 6 and 7 of the Act.
- Section 9 of the Act speaks about complaint to be filed by an aggrieved woman. Any aggrieved woman may file a complaint in writing before the Internal Complaint Committee and if the Internal Committee is not set up then before the Local Complaint Committee of the sexual harassment that she has suffered within a period of three months from the date of the incident and if it is a series of incidents then three months to be calculated from the incident that has taken place last.

Proviso to this section says that if the complaint cannot be filed in writing then every assistance shall be provided by the Presiding Officer or any Member of the Internal Committee or by the Chairperson or any Member of the Local Committee as the case may be to make the complaint in writing.

The above mentioned period of three months can be extended by the Internal Committee or the Local Committee as the case may be by recording the reasons of such extension in writing. It will do so if it is satisfied to that effect that circumstances were such which prevented the lady to file complaint.

Subsection 2 of the section lays down that if the aggrieved woman is unable to make a complaint due to physical, mental incapacity or death then her legal heirs or any other person as may be prescribed may make the complaint.<sup>15</sup>

- The provisions regarding inquiry and inquiry report have been laid down in sections 12 and 13 of the Act.
- According to section 15 of the Act the compensation for the victim is to be determined by the Internal Committee or by the Local Committee if the Internal Committee has not been constituted. While determining the compensation certain factors are to be considered by the Committee. Those are :
  - a. mental trauma, pain, suffering and emotional distress caused to the aggrieved woman;
  - b. loss in the career opportunity due to sexual harassment;

<sup>15</sup> Section 9(2), *ibid*.

- c. medical expenses of the victim for physical and psychiatric treatment;
  - d. income and financial status of the respondent;
  - e. feasibility of such payment in lump sum or in instalments.
- Section 19 of the Act has laid down certain duties of the employer, some of which are to provide safe working environment; display at conspicuous place in workplace the penal consequences of sexual harassment; to organize workshops and awareness programmes; to make available such information to the Internal Committee or the Local Committee as the case may be which are relevant to the complaint filed under section 9 of the Act; to provide necessary facilities to the Committee for dealing with the complaint and conducting inquiry; to provide assistance to woman who intends to file a complaint under the Indian Penal code or under any other law for the time being in force; treat sexual harassment as a misconduct under service rules and initiate action against such misconduct etc.

### **VIII. Social Security Scheme of the Government of India:**

Now we would like to throw some light on the social security scheme made by the Ministry of Labour and Employment, Government of India. The Government of India has set-up a Task Force to formulate policies for domestic workers in the form of regulatory mechanism for the purpose of providing social security to them. The Task Force has examined various issues such as extending coverage of Rashtriya Swasthya Bima Yojana (RSBY), health and maternity benefits, life and disability benefit, old age pension, etc., to domestic workers. In their first report, the Task Force on Domestic Workers has made the following recommendations:

- (i) To extend the welfare schemes to the domestic workers including Health and Maternity benefit, Death and Disability benefit and old age benefits.
- (ii) Rashtriya Swasthya Bima Yojana (RSBY) should be the first welfare scheme to be extended to the domestic workers.
- (iii) Domestic workers should be identified and registered by the State Labour Department.
- (iv) The domestic work should be included in the Union List of scheduled employment vide a notification under the Minimum wages Act, 1948 for fixation and enforcement of minimum wages in respect of domestic workers. The State Governments which have not fixed minimum wages for

domestic work should fix minimum rates of wages for domestic workers.

- (v) Registration of all placement agencies and individuals providing placement, sourcing and recruitment service relating to domestic work under Shops and Establishment Act to be made mandatory.
- (vi) To formulate National Policy for the Domestic Workers.
- (vii) Conducting the skill and re-skill training programme initiated by International Labour Organisation.

#### **IX. Empirical Study of South Kolkata Region:**

Here we are stating certain incidents that we have come to know after conducting our empirical study of South Kolkata region relating to social security, working conditions, working environments, payment of remuneration to female domestic workers of this region

**Case 1:** A lady domestic worker named Arati Haldar of Chetla region had not been paid her remuneration after her a monthful work in a house. She is a lady with two sons at home and being deserted by her husband, is forced to do the work of domestic worker for her as well as for her sons survival. She got an employment in a house to clean floors and utensils and wash clothes twice weekly for a remuneration of Rupees one thousand. After the first month is over, and on 16<sup>th</sup> of the next month she asked for her remuneration of the previous month. The employer by giving her a lot of reasons paid her only six hundred rupees and admitted to pay the rest on 20<sup>th</sup> of the month. On 21<sup>st</sup> she again asked for the rest four hundred rupees of her previous month's remuneration. The employer said that he would be paying after two three days but did not do so. The same thing happened in the next month also. She became angry and quarrelled and said that she would not continue with the work. When she left she got rupees six hundred only out of rupees one thousand. So she was at a loss of rupees four hundred.

This is definitely harassment to her in the light of remuneration. If this type of thing happens on and on how will the domestic workers be able to maintain them and their family members.

**Case 2:** Another lady domestic worker named Anita. She is also self employed. She works in Rashbehari Sitalatala region. A lady employer gave her an old mobile phone having problem in the battery to use. One evening

she could not go to that house to work as her younger son who is of the age of three years was having fever. The lady employer tried her in phone for several times but did not get her as the phone got switched off due to the problem in the battery. The next morning when she went to that house, the employer misbehaved with her and also threw certain unwelcome words like '*amar harite ki tumi magnay kaaj koro*', '*tomar kar ki hoyeche amar dekhar dorkar nei*', '*tomar taka katbo*', '*tumi akta chor*' etc etc. She got angry with the words '*tumi akta chor*'. Then quarrel started and she was called '*chor*' repeatedly for the mobile phone which the employer gave to her voluntarily. She was also said that her stealing will also be informed to police. Being scared she gave back the mobile and left the job.

Inspite of doing nothing if blame is put on domestic workers then really the environment of working will not remain favourable and definitely it is a hamper to the dignity of a human being.

**Case 3:** Another female domestic worker of Chetla region aged about thirteen fourteen years. Her house was in an interior village of South 24 Parganas (in the route of Kakdwip). She was a full time worker in a house of Chetla. Just because she did not do a work in time which she was asked to do by the employer, a portion of her left ear was cut off by the employer with a scissors. She started shouting in pain and a lot of blood was coming out from there. Then the neighbours came running and rescued her and took her to the SSKM hospital where her wounded portion was stitched. Then when the nearby slum dwellers got the news within half an hour of the incident, a lot of them came and tried to rush the house of the offender with a view to beat them. Police force from Chetla police station came to handle the same and they had to give a lot of effort to manage, control and handle the situation.

Poverty at home forced this lady to go out and work, if this type of circumstance may arise then where is their social security. Why they should not be given their minimum respect as human being.

**Case 4:** This is also a very bad incident. It is an incident of Kasba region of South Kolkata. I am not disclosing the name of the victim domestic worker. This is an incident of sexual abuse on the part of the employer. This unmarried domestic worker was sent to the house of the employer by an agency (centre) of South Kolkata on live-in basis. The employer had a son of about twenty one or twenty two years. He sexually abused the worker. He used to do every type of sexual action with her excepting sexual intercourse at first and promised that he would be marrying her. By making her to believe that he would be marrying her, he also did sexual intercourse with her. Whenever there was no one in the house, he used to commit the intercourse. Then one day she became pregnant by him and the offender asked her to abort and somehow managed the lady and did the abortion.

After that when this lady asked for marriage, the boy just denied to do so. That day there was no one was there by her side to hear her cry.

**Case 5:** Another incident of Chetla region. An old lady of about seventy eight years is the employer. A lady of about seventy years named Jyotsna is the domestic worker who had no relative. This worker used to live in the house of the employer. This worker was often beaten by her employer (sometimes of no reason). The worker used to massage the legs of the old lady and if the lady was not satisfied with the massage, she used to kick her. The employer used to take the worker in market and buy vegetables, good quality of fish etc but did not give her anything from that. The employer used to have good fish etc and the worker only 'Puin sak' cooked and kept in fridge for a week. The employer did not buy any aquaguard and forced the worker to bring water for drinking from outside in bottles of two litres. By the excess water the employer used to bathe. The employer always used to throw abusive words to her. The worker was paid only five hundred rupees. She even used to buy oil, soap, biscuits, sattoo from her own money. One day the lady kicked Jyotsna in such a way that she fell down and her bones of waist broke down. The neighbours came running and took her to M.R.Bangur Hospital, Tollygunge and admitted her there. After few days she died there. Now the old lady employer says that Jyotsna has been sent to old age home. If she does not say so she may not get any domestic worker now. She is a very clever lady.

**Case 6:** This is an incident of Jodhpur park region of South Kolkata. A lady named Rita was kept as domestic worker in a house appointed by an agency of South Kolkata. Her work was to look after a little girl of two years. This Rita is a resident of Sasun(a place of South 24 Parganas). She used to come at 8 in the morning and leave the working place at 7, 7.30 in the evening. She used to travel by local train. On 31<sup>st</sup> of July, 2012 a great load shedding took place throughout Kolkata and due to that power cut a great hamper took place in the train route. Getting the information beforehand Rita wanted to leave at 5 in the evening on that day. The mother of the little girl (little girl is the girl who was looked after by Rita) who was very considerate gave her the permission of leaving before time that day. But the mother-in-law of the mother of the little girl who was very inconsiderate started quarrelling with Rita over the matter. Somehow Rita tackled the situation and at last she was allowed at 5.30 that too after serving tea to the members of the house.

Rita has come to work for earning money and livelihood. This circumstance is an emergency one. Rita never asks for leaving before time. This is a practical problem. The lady who started quarrelling over the matter, if she faced this type of situation then what would have happened to her. If



Rita faced any problem on that day while going back home then who would be responsible for that.

#### **X. Suggestions:**

After this short empirical study conducted by us we may suggest the followings:

- There are some practical problems faced by the domestic workers. These are not natural problems but man-made ones i.e on the part of the employers or their family members. The invariable attitude of the employers need to be changed;
- The employers sometimes do not keep in their mind that domestic workers are also human beings. They do have human rights and have the right to live as well as work with human dignity. They must be paid their due respect as human beings;
- The employers should be more considerate and have compassion for them. The employers who do not pay their remuneration in proper time without any reason, they should feel for them;
- Sometimes in emergency situations also they should be given to do their favourable;
- They should not be taunted or thrown bad words or words which are unwelcome;
- The domestic workers should always be given safe and favourable working environment. Working environment should be created in such a manner that they feel that they are safe. They should be given chance to work happily;
- The agencies or centres which send domestic workers in the houses of the employers, sometimes they are seen to deduct a great amount from the monthly remuneration of the workers. This is to be reduced;
- Sometimes the centres make the workers to put their signatures or thumb impressions against the remuneration which they are not actually paid. This is to be stopped;
- It is a habit of the centres to change the place of work of domestic workers very frequently. They are not allowed to work for a long time in a particular house. The centres change the place of work after two or three months. This is to be stopped;
- We have got comprehensive social legislations dealing with welfare and social security of domestic workers. The provisions should not remain in the pages of the statutes, the implementing authorities are to implement the provisions;

- NGOs should come forward to save and to make the lives of domestic workers secured;
- Awareness programmes may be conducted through which the workers can be made aware of their rights and the provisions of law dealing with their service conditions, remuneration, working environment so on and so forth;
- Steps to be taken to eradicate their ignorance and illiteracy;
- Social security schemes for domestic workers may be made by the appropriate Government.
- The provisions relating to medical benefits are to be sufficiently included in the present legislations for domestic workers for their more social security.

#### **XI. Conclusion:**

Domestic workers in India belong to a greatly disadvantaged working sector in the country. Though International instruments are there dealing with their social security, national legislations are there on the subject which have laid down a lot of provisions concerning their working environment, working hours, conditions of work, other facilities, establishment of certain institutions dealing with their social security, yet they are unaware of their rights and privileges given to them under various legislations. Yes, they are definitely part and parcel of our lives, we cannot sometimes think of without their help due to our busy day to day schedule. We must be considerate for them and we must provide them with such an environment for work so that they can easily, safely and peacefully work. They may be poor but they are human beings like us. They do have human rights from which flows the right to live with human dignity and to get proper dignity in workplace also. In order to provide them their human dignity, to think of their welfare and security, there must also be co-operation on their part. If a good relationship can be maintained between them and their employers then only a good and cordial society can be formed. So we must also take necessary steps so that they are able to enjoy a peaceful life along with their rights.