WORKSHOP REPORT
ON
PAID DOMESTIC WORK AS “DECENT WORK”: GLOBAL ASPIRATIONS AND INDIAN REALITIES
(18th August 2020 - 20th August 2020)

This workshop was part of project entitled The Laws of Social Reproduction, which seeks to study women’s reproductive labour in five sectors bridging the marriage-market continuum: sex work, bar dancing, commercial surrogacy, paid domestic work and unpaid domestic work. The project is headed by Professor Prabha Kotiswaran at King’s College London, with the support of postdoctoral researchers - Dr. Sutapa Majumdar, Dr. Sophy K.J., Dr. Sreerupa, and Dr. Shakthi Nataraj. The project is generously supported by the European Research Council.
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A Brief Introduction and Acknowledgements

This report aims to document the conversations that spanned three days over August 2020 on *Paid Domestic Work as ‘Decent Work’: Global Aspirations and Indian Realities*. It contains a summary of the presentations by our speakers, discussants, and participants. Speakers approached the topic from various disciplines including law, history, sociology, anthropology and political science even as activists, trade union leaders, representatives from the International Labour Organisation and law practitioners made time to share their insights on COVID-induced shifts in paid domestic work and renewed possibilities for mobilization, social action litigation and a reimagination of labour laws for the unorganised sector.

The report is less of an effort to transcribe conversations over the three days than to offer readers an overview of the nature of debates on paid domestic work at a notable moment in time, namely, in the months right after the first wave of the COVID-19 pandemic took hold and millions of workers including domestic workers lost their livelihoods overnight and were rendered destitute. Presentations spoke to the continuities in the precarity that paid domestic workers faced pre-pandemic, which were and continue to be exacerbated during the second wave of the pandemic. For the most part, we summarized the presentations of the speakers except where speakers shared their presentation notes. We have indicated this in the report. We have also included select power point presentations which were shared with us. Readers are advised to read speakers’ academic papers for scholarly and nuanced accounts of their research. This report is only meant to serve as a point of reference for the debates on paid domestic work as of August 2020.

We express our gratitude to all the speakers who presented and participated in the dialogue and deliberations. Saumya S. made a valuable contribution to this report by acting as Rapporteur. The support of the European Research Council made the workshop and report possible (Grant number 772946).

Sophy KJ, Saumya S., Prabha Kotiswaran, Annalisa Fagan-Watson
Paid Domestic Work as “Decent Work”: Global Aspirations and Indian Realities

Introduction
The workshop on ‘Paid Domestic Work’ was convened from 18th August 2020 to 20th August 2020 in the digital platform, MS Teams. It started with the inaugural lecture of Professor Kerry Rittich on 18th August 2020. The topic of her lecture was titled, the ‘Visibility and Value at Work: The Legal Organization of Productive and Reproductive Work’. Over the following two days, scholars, activists, domestic workers, researchers and lawyers from India and abroad discussed the issues and challenges faced by Indian domestic workers from a labour rights and human rights perspective. In particular, the sessions dealt with the historical alienation of domestic workers, the political economy of paid domestic work under a neoliberal capitalist economy, the invisibility and stigma of domestic workers in society and domestic workers’ resistance to such invisibility and discrimination through mobilization and unionization.

This workshop was convened partly to discuss the implications of Covid-19 on domestic workers. During the Covid-19 pandemic and accompanying lock-down, paid domestic workers were the first to lose employment without any recourse. The International Labour Organisation reports that out of 55 million domestic workers who are at risk of losing their jobs, 37 million are women.1 The loss of livelihood has resulted in aggravated existential challenges for survival for these women workers and their dependents. Even during the final stages of lockdown, i.e., lock-down 4.0 and 5.0, we have witnessed their stigmatization as ‘unhygienic carriers of the virus’. Covid-19 has revealed the vulnerabilities that domestic workers face as they have no formal recognition as workers or fora to approach for grievances, wages, social security measures or to ensure work after the lockdown. The sudden economic shock inflicted by the pandemic will also be instructive for assessing the size of the domestic work sector going forward and to what extent the burdens of paid domestic work will be insourced into households and the reconfiguration of paid domestic work into more servile forms including live-in paid domestic work. In convening experts on paid

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domestic work, we were hoping to also look forward to the shifts in the sector and how this will, in turn, impact the mobilizational struggles of domestic workers.

Feminist discourse on paid domestic work has long problematized the invisibility of domestic workers and its contextual nuances. Materialist feminists have theorised how reproductive work performed by women contribute to market activities and production processes. There are demands for the valuation of ‘domestic work like any other work’ and for considering the private sphere as a space of production and consumption. Elaborating on the ‘feminization of domestic work’, this debate has similarly challenged patriarchy and the stereotyping of domestic work as unskilled, natural and easy work. The social and cultural questions around stigma and discrimination of domestic workers in different contexts have been discussed raising caste/race as intersectional elements. Various studies are focusing on migration and susceptibility to the exploitation of migrant domestic workers, especially in the case of live-in workers. Studies on the mobilization and unionization of domestic workers have similarly explored critical interlinkages between social movements and advocacy. They have also discussed new methods and challenges of collectivising in a neoliberal capitalist economy.

Since the adoption of the Domestic Workers Convention (No. 189), 2011 by the ILO, the Indian domestic workers’ movement has demanded ratification of the Convention and enactment of sector-specific legislation on similar lines, to ensure ‘decent work’ for paid domestic workers. Certain legislations included domestic workers under their ambit such as the erstwhile Minimum Wages Act, 1946 (in 10 states and one union territory), and extended benefits under the Welfare Boards (Kerala, Maharashtra and Tamil Nadu), under Employees State Insurance schemes, the Unorganised Sector Social Security Act (USSSA), 2008 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. However, these are not comprehensive enough to ensure social security and decent conditions at work. Despite sixteen attempts in Parliament, no legislative proposal was converted to a Government Bill for wider recognition.

It was against this backdrop of discussions on ‘Paid Domestic Work’, that we decided to address the following five themes; one within each session:
• SESSION 1: POLITICAL ECONOMY OF PAID DOMESTIC WORK IN INDIA
• SESSION 2: FEMINIST DEBATES ON PAID DOMESTIC WORK IN INDIA
• SESSION 3 INFORMAL LABOUR AND PRECARITY AT PAID DOMESTIC WORK
• SESSION 4 STRATEGIES FOR MOBILIZATION & COLLECTIVIZATION AMONGST DOMESTIC WORKERS IN INDIA
• SESSION 5. REGULATORY APPROACHES TOWARDS PAID DOMESTIC WORK

The first three sessions were conducted on 19th August 2020 and session 4 and 5 were conducted on 20th August 2020. Participants were then invited to share their written comments for consolidation into this report. Where participants have done so, we have indicated their contributions to the reports. For the most part, however, this report has been compiled by the Laws of Social Reproduction team, by Sophy K.J.², Prabha Kotiswaran³ and Saumya. S.⁴

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SESSION 1: POLITICAL ECONOMY OF PAID DOMESTIC WORK IN INDIA

While discussing domestic work as an economic activity, the panel discussed it in a historical context to highlight the economic, political and socio-cultural variables that determine its valuation and the dignity of workers. Women’s increased labour force participation after 1999-2000 (34.1%), has prompted households to turn to domestic workers to balance their employment with family obligations. This has resulted in increased demand for workers, migration for domestic work and the development of the domestic work sector. In development discourse, an extensive literature on migration and care addresses commodification, privatization and exploitation in the private realm. But the linkages between the political economy of migration and the political economy of social reproduction need to be understood better in appreciating paid domestic work as an independent economic activity in the labour market. The session was planned to understand the prospects for the dignity of Indian paid domestic workers and how these are different from prospects for domestic workers in the rest of the world. Most domestic workers being from marginalized castes, the question of inequality and discrimination against domestic workers cannot be addressed without raising the cultural and structural question of ‘caste’. Scholars have however argued that there is a visible change in the demographics of female domestic workers with increasing participation from the general population beyond Dalit/Tribal/Bahujan communities. This requires further analysis in understanding the changing caste dimensions in paid domestic work. The lock-down due to Covid-19 has exposed the vulnerability of domestic workers who lost their livelihoods with no safety net to fall back on, leaving the families of migrant domestic workers at risk of poverty and hunger. The economic crisis and stigmatization of domestic workers during lock-down has exposed the prejudices against domestic workers and their vulnerabilities. Against this backdrop, the session’s speakers assessed the new ‘political economy of domestic work’, the historical treatment by the state of the sector, gaps in addressing challenges during different phases of development of the sector and the persistence of a continuum of challenges unaddressed even today.
The session was chaired by Sophy K.J and the speakers were Neetha N, Shraddha Jain, Supurna Banerjee, and Nitin Sinha. Archana Prasad was the discussant for the session. After introducing the session, she invited the first speaker, Neetha N, for her presentation. Below is Neetha’s presentation which she kindly shared with our project.

**Political Economy of Paid-Domestic Work in India**

Neetha focused her presentation on the growth of paid domestic work in the contemporary context and analyzed the political economy of this period marked by structural changes in the economy through the integration of markets. She closely looked at the period of globalization to explain the fluctuations in the growth rate and its correlation with informality and the vulnerability of domestic workers in the labour market. There have been notable increases in economic growth since the 1990s, from what is known as the earlier Hindu rates of growth (2-3 per cent), with changes in economic policies. The period is characterized by a steady withdrawal of the state from economic and social sectors, sectoral shifts in the economy with a boom in the service sector, growth of the informal sector facilitated through curbing of inspections and the lax enforcement of labour laws. The economy grew at unprecedented rates which is clear from the data given below. India moved to a double-digit growth rate in 2006-07 for the first time in the history of the country and could maintain about 9 per cent growth rate for some time and subsequently started fluctuating and declining, although it managed to maintain an annual average 6 per cent to 7 per cent till 2017-18. GDP growth has declined further since 2017-18. It was 5.02 per cent in 2018-19, 4.4 per cent at the end of 2019 and 3.1 per cent in the first quarter of 2020 (January to March). The pandemic further pushed the economy into a major crisis with an unprecedented negative growth rate at -53.9 per cent.

**Table 1: GDP Growth in India – 1994-95 to 2018-19**

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5 Professor & Acting Director, Centre for Women’s Development Studies
6 Researcher, Centre for Development Studies, Trivandrum
7 Assistant Professor, Institute of Development Studies Kolkata
8 Senior Research Fellow, ZMO, Berlin
9 Professor, Centre for Informal Sector & Labour Studies, JNU
10 The GDP back series data based on factor costs allows for comparison across time. The base year for national accounts was changed from 2004-05 to 2011-12.
Neetha argued that these changes in the economy accompanied by a growth in the service sector and informalisation of even the formal sector meant larger-scale changes in overall employment. Employment remained a major concern as high rates of growth were not accompanied by commensurate increases in employment. Not only were employment increases affected, but there has also been increasing disparity by sectors and categories of workers in terms of gender. While male employment stagnated, women’s employment declined at the overall level. Women’s employment has shown a fall with a notable decline in work participation rates. This was against the thesis of the feminization of employment that prevailed in the early years of economic changes drawing from the experiences of East Asian countries.

The period, especially since the late 1990s, was marked by a crisis in rural areas with a declining share of agriculture in GDP and low and declining productivity, though a large section of the population was still dependent on agriculture. Employment in agriculture was also affected by the increased mechanization and shift towards less labour-intensive commercial crops. The conversion of land to non-agricultural use such as real estate business also affected the number of days of employment available in agriculture in rural areas. Households from privileged positions in social hierarchies of class and caste had the advantage of social and economic capital to overcome some of these challenges. With reduced employment possibilities, landless agricultural workers were
badly affected leading to poverty and distress among such households and eventual migration for employment. The period also saw many cases of suicides among agricultural workers owing to rural distress. Suicides among small and marginal farmers were also reported widely and captured both by field reports and studies as well as macro data sources.

An important offshoot of these changes in rural areas with a reduced number of days of employment has been a decline in women’s employment in rural areas. Women’s workforce participation rates (WPR) have always been low in India even before the 1990s and the rates have shown a steady decline since 1999-2000, led by a sharp fall in rural areas (Figure 2). In the space of about twelve years, i.e., between 2004-05 and 2018-19, WPR for rural women fell from 33 per cent to 19 per cent.

Sources: National Sample Survey, Various Rounds

This fall is not merely in terms of the proportion of workers to the total female population, but also a decline in the absolute number of workers. There is an absolute fall in the number of women workers by 46.91 million between 2004-05 and 2017-18. On the other hand, women’s WPR in urban areas remained stagnant, even with high rates of urbanization. Another important dimension
that needs attention in the context of the social dynamics of economic growth is that though the
decline in WPR is true for all sections, the decline is specifically marked for the marginalized
communities - women from SC and ST and Muslim groups- and is true for both rural and urban
areas. With the decline in employment in agriculture and lack of opportunities for non-farm work
in rural areas, there has been an unprecedented migration for labour, including by women and has
been widely reported.

Census figures on migration, the latest being 2011, show a spurt in female migration for
employment and business, and an increased female share of labour migrants from 12% to 16%.
Female labour migration increased from 30 lakhs to 45 lakhs in rural areas and about 1 lakh to
2.34 lakhs in urban areas. Further, though most of such movement is mostly rural to rural (36 %)
there is a shift in the pattern of female labour migration with a distinctive tilt towards urban
destinations. The movements to urban areas are notable with urban to urban being 28 per cent;
rural to urban, 30 per cent. Because of this increased urban migration, the 12 million working
female migrants were 44 per cent of the 28 million female workforce in urban areas. Such a trend
is likely to have been further enhanced since 2011, with the employment data showing a deepening
of a rural crisis with declining economic growth rates.

| Reason for migration – Work/employment and Business (in million) |
|-----------------------|------------------|------------------|------------------|
|                       | Rural            | Urban            | Urban            |
| Work/employment       |       |       |       |       |       |       |
| Male                  | 18.59 | 22.41 | 6.82  | 11.23 |
| Female                | 2.65  | 4.01  | 0.84  | 1.99  |
| Business              |       |       |       |       |       |       |
| Male                  | 1.53  | 1.47  | 0.76  | 1.07  |
| Female                | 0.30  | 0.50  | 0.11  | 0.35  |
| Total Employment      |       |       |       |       |       |       |
| Male                  | 20.11 | 23.88 | 7.59  | 12.30 |
| Female                | 2.95  | 4.51  | 0.95  | 2.34  |

Sources: Census of India, 2001 & 2011
Though there was a high level of migration, work opportunities seems to be limited with the macro data showing high degrees of segregation. The share of regular workers in total employment has increased from 28.4% in 1993–94 to 42.8% in 2011–12, and then to 52.1% by 2017–18 with a simultaneous decline in the share of casual workers. The definition of ‘regular work’ followed in the NSS, defined only in terms of duration of employment, irrespective of wages and other conditions of work is an issue. Further, a closer look at the sectors of regular employment suggests that the increase has mostly been in service work and here regular work does not denote better forms and conditions of work for women workers. The sectoral data highlights that contrary to the common understanding, it is not in information technology (IT), communication or in the hospitality sector (the sectors of aspiration for many young women from various segments of the middle class) that a larger proportion of women are employed. The bulk of the growth has been in education and as domestic workers/nannies/cooks in private households. Here it is important to note that domestic work is and often acknowledged as an undercounted sector, because of its gendered specificities and with the workplaces being private homes. Even then, the number of domestic workers shows a phenomenal increase during the period with very high shares of women with the sector being second in terms of importance after education.

Neetha pointed out that this growth of domestic work comes at a time when overall women’s employment was declining. This refutes the argument in the literature of increased demand for paid domestic workers because of the increase in overall women’s work participation rates. Working women, because of their inability to manage all domestic chores and responsibilities, are assumed to employ domestic workers for their daily demands of housework. However, such an explanation does not seem to capture the growth of domestic work in the Indian context.

Apart from the rural crisis led by stagnation in agricultural production, the extant growth model also resulted in increasing overall inequalities. It was argued that rigidities in labour laws are the reasons for poor economic outcomes and this has gradually resulted in lack of enforcement of core labour standards including minimum wages under the Minimum Wages Act. A large section of the population was pushed to the informal sector with high levels of employment insecurity and precarious conditions of work. As pointed out earlier, this period also saw informalisation of the formal sector with many lower grade jobs completely contracted out to private agencies resulting
in a pool of contract workers within the formal sector. These changes in the workforce have not only affected the overall working conditions including wages and social security but also the collective consciousness of workers, resulting in the weakening of trade unions. Cutback on social sector expenditure and withdrawal from public provisioning of basic services are also important policy interventions. These developments have paved the way to the increased inequality and accumulation of wealth in the hands of a small proportion of the households and the unprecedented emergence of the middle class, thereby widening the gap between the rich and the poor.

Neetha stated that the increased inequality and the emergence of the middle class are important dimensions that need attention in the context of an increased supply of poor women and the enhanced demand for paid domestic workers. Many poor women, especially those from migrant households had no option but to enter the informal labour market on adverse terms in order to sustain themselves. Given the restrictions and exclusionary tendencies in the labour market, the entry to paid domestic work was one of the easiest, especially for illiterate or poorly educated women. The notion that skills required for taking up housework are inherent in women together with the understanding that private homes are best suited for women even when they are into paid work have all contributed to the segregation of women into domestic work. The fact that paid domestic work for fixed hours gives women greater flexibility to manage their own domestic and care functions, if they are not into a live-in work arrangement is another reason for an increased supply of domestic workers. Regularity in work and thus wages combined with less physical labour were other attractions compared to informal sector jobs such as construction. Thus, displaced from agriculture, the men sought and found jobs in industrial, construction or service sectors in urban cities, while women took up domestic work.

Among domestic workers, the category that dominates is that of ‘part-time workers’ who work mostly in multiple homes either doing the same or different tasks. ‘Part-time’ is from the point of view of the employer as the aggregate daily hours of work across all employer households, spread across 12-16 hours tend to be equal to or greater than that of a ‘full time’ worker as defined by ‘normal working hours’ under labour laws. However, there has been an increased demand for 24-hour live-in and full-day live-out workers although this increase is not comparable to that of ‘part-time’ workers. Live-in domestic workers, who were sourced from specific locations/pockets by agents or by employers are mostly young girls from tribal pockets. According to Neetha, the link
between unequal development of regions or displacement of the poor due to development projects and migration for labour are key dimensions in the understanding of an increased supply of live-in domestic workers. Migrant domestic workers from Jharkhand, Chhattisgarh and tribal pockets of Orissa and Assam have acquired visibility with reports of exploitation of young women migrants by local agents/middlemen or placement agencies. However, the line between migration and trafficking is often blurred in such migration patterns and has been a matter of debate raising concerns about the mobility of women for employment.

Most urban middle-class households prefer part-timers (those who work in multiple households doing different tasks - thus part-time for the employer) due to a variety of reasons. The most important of these is both the easy availability and the possibility of engaging cheap labour with no responsibilities e.g. domestic workers who are easy to hire and fire. Part-time workers free the employer from the responsibility of boarding and lodging and allow employers to hire according to their budget. It enables the employer to keep an array of workers if required to carry out different tasks which are fragmented and where caste and other demographic characteristics are also considerations. Thus, workers from lower castes are often employed in cleaning tasks, while workers from upper castes are hired for cooking. A good section of all domestic workers are landless and less educated migrants who may have taken up domestic work either immediately after their migration to the city or after a few years owing to financial difficulties. A few have shifted from other informal sector jobs, mostly construction to domestic work. Migrant domestic workers maintain rural ties for many reasons. First and foremost is the lack of security in urban areas, which includes employment as well as other uncertainties of basic living, such as housing, water, health and education. Dependence on rural ties during unforeseen contingencies is also high among these workers which were evident in the return migration of domestic workers during the pandemic. Many domestic workers also depend on their rural ties to address and reduce their care burdens. Children are often either not taken to the city or sent to rural areas largely owing to economic difficulties arising out of the increased cost of housing, education and other daily expenses. The security of children, especially girls is also a concern for many workers.

She further drew our attention to the nature of work and work relations of domestic work as it is important to look at housework and its changes over time, especially amongst the educated and
consumerist middle class. Exposure through media and socialization have redefined notions of cleanliness, hygiene, health and family life among this class. Standards of cleanliness and hygiene demand an array of workers to broom, dust, mop houses, and wash toilets. With larger changes in the living styles and health and hygiene becoming important concerns, the meaning and specificities of cleaning have changed which are important to understand the demand side of the sector. Workers are also hired either to replace the woman from the kitchen or to ease her work apart from other odd tasks. Thus, in most middle-class homes, the woman, mostly the mother, is in charge of the well-being of the family and is responsible for maintaining the family’s class status. Irrespective of her employment status, she is the manager of multiple tasks. She manages all routine work as well as attends to the physical and emotional needs of every member of the family and is particularly concerned about the development of children. The understanding of children as subjects of development with a focus on education as the input to equip and prepare them to take up competitive spaces in higher education has also brought in the concept of quality time. Though quality time is understood as time spent outside task-based and regimented routines; time spent with children in tutoring academic work, or taking children to music and dance tuitions, or sports classes is also part of this quality time. The domestic worker is meant in this space to assist the homemaker woman.

Almost all middle-class households in cities and towns have a worker or two to undertake various tasks which are physically demanding and socially menial. Most part-time workers clean homes as this service has the maximum demand and workers combine these tasks as per the requirements of employers. Washing utensils and clothes are also outsourced in many households, though it is not as common as house cleaning tasks. Cooking is less outsourced largely due to cultural reasons and social and regional diversity in food habits. The social understanding of these tasks is reflected in the composition of workers and wages – with cleaning tasks largely dominated by women from marginalized caste groups with poor wages and the presence of upper-caste women in cooking which fetches higher wages. If all cleaning and cooking tasks are contracted out, multiple workers are often recruited to carry out these fragmented tasks which allow employers to maintain wage differentials across tasks. Reliance on a single live-out worker for all tasks is considered risky by employers as the worker could take leave unexpectedly leaving the employer to manage all work. Tasks such as vegetable cutting, occasional shopping or picking up of children from schools or occasional childcare are mostly unaccounted for and the performance of which is seen as part of
the worker’s loyalty to the employers. Specialised care services such as childcare, elderly care are less in demand and are mostly met through live-in domestic workers who combine multiple or all household tasks or through specialized care agencies following a different system of employment relations.

Neetha argued that caste is an important factor in the understanding of paid domestic work with the caste-based concentration of workers in specific tasks as elaborated earlier. In the initial phase of its increase, domestic workers were mostly from marginalized sections- such as SC and ST which has changed over time with the entry of economically backward OBC and upper-caste women as captured by the secondary data as well as field studies. She observed that this change in the caste composition could be due to the expansion of tasks for which domestic workers are hired, from sweeping, mopping and utensil cleaning to other tasks such as cooking and caring. Also, it seems that in the context of an overall decline in opportunities for women’s employment, women from economically vulnerable households from other caste groups were also forced to join paid domestic work.

The increased visibility of workers largely due to the unionization of domestic workers has not resulted in significant changes in the material reality of these workers. Poor wages and conditions of work continue to mark the sector though in pockets there have been some improvements. Wages remain variable, determined by tasks, location, employer specificities and personal attributes of the worker. The lack of any policies to regulate the sector has left workers in a dependency relationship with the employer. In the absence of social security, most workers are keen to maintain a certain degree of non-market relationship with the employer as this ensures the possibility of some support especially to tide over challenges within urban life such as children’s education, health issues or help dealing with state departments including the police. Workers may also be indebted to the employers through advanced salary or loans borrowed for contingencies. For workers, while the informal relationship is a form of social security, employers expect loyalty and obligation from workers. This is irrespective of the employer’s relationship with the worker and is often used by the employer in negotiating wages and other conditions of work.
Neetha briefly touched upon the evolution of the legal paradigm relating to domestic work. Organisations with varied locations and perspectives have unionised workers and now all central trade unions have also entered the sector. The International Labour Organisation (ILO) Convention on Domestic Work (C189) has been an important landmark in the sector. Reluctant attempts to regulate the sector have been a feature of the contemporary phase of the sector despite the struggles taken up by organisations and unions working among domestic workers. Domestic workers are excluded from the coverage of labour laws in general as they do not qualify under prevailing definitions of ‘workmen’, ‘employer’ or ‘establishment’ as defined in these laws. The reluctance to accept the private realm of the household as a workplace is reflected in the poor response of the state to the demands of the unions to regulate the sector. Among arbitrary state interventions, one of the most important has been the inclusion of domestic work in the list of scheduled employment under the Minimum Wages Act, 1948. Though the Act has been extended to cover domestic workers in many states of India, the low wage rate fixed under the Act and the poor implementation of the provisions are pointers to the lack of commitment of the state. An ongoing effort in the sector is the proposed National Policy on Domestic Work which was drafted in 2012, after much pressure and lobbying from national and international organizations. This did not get the clearance of the then UPA government and the fate of this policy is still unclear, despite multiple revisions. On the other hand, attempts to formalize the sector through employment contracts have also met with obstacles. In the absence of legal interventions to protect the payment of wages, conditions of work and social security, a purely formalized system is often critically approached by the workers' collectives.

According to Neetha, though domestic work is visible and has gained attention, it is still a highly personalized and informal service with little scope for workers to contest employment conditions. The gendered and thus socially devalued nature of housework is an important marker of the sector. Domestic workers have importantly contributed to keeping gender relations intact in employer households without fundamentally challenging the sexual division of labour. Further, paid domestic workers allow women from middle and upper classes to enter the formal labour market if required to fulfil the role of the ideal woman. The severely undervalued labour of domestic workers is instrumental in keeping the costs of social reproduction low which maintains the existing social and economic systems.
She emphasized that because of the connection that the sector and the workers have with the reproduction of labour and its relationship with production, any attempts towards valuation of paid domestic work requires changes wider than just an increase in wages for domestic workers. Poor wages of domestic workers act as a subsidy to other sectors as it helps employers pay their employees below the cost of reproduction of labour. In this context, any increase in wages and improvements in the working conditions of domestic workers is bound to increase the cost of reproduction. Wages in other sectors will have to increase considering the increased costs of reproduction and is likely to have larger economic implications. Further, with the increase in wages for domestic work, the outsourced housework is surely to fall back to the unpaid realm onto the women of middle-class households. She stated that it is in this context, that the state may be forced to support the burden of costs of reproduction and/or facilitate accessibility and affordability of market services for care to address the situation.

The second presenter of the session was Shraddha Jain\textsuperscript{11}. She shared her short article which is reproduced below.

\textbf{Political Economy of Paid domestic Work in Urban Areas: Locality Specific Norms for Wage Bargaining and Mobilisation by Employers}

This research has been carried out in the National Capital Region (NCR) – i.e. NCT of Delhi and two neighbouring districts in Haryana and Uttar Pradesh – Gurgaon (now Gurugram in Haryana) and NOIDA (in Uttar Pradesh). The presentation was drawn from a co-authored paper (Jain and Kodoth, 2019) and further research carried out with Prof. Praveena Kodoth.

\textbf{The political economy of Paid Domestic Work in Urban Areas}

Ms Jain began her presentation by situating the paid domestic work within the political economy framework. Political economy can be understood as a process involving different stakeholders who tend to mobilise around their conflicting interests. This mobilisation can be formalised and visible

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(like collectives) or invisible such as through the informal circulation of information. During this process, we observe power being acquired through social identities such as caste, class and gender. These processes take place both at macro and micro levels. In the context of paid domestic work in India, we have a political economy regime of non-recognition of domestic service as work (although, domestic workers have been recognised and included in important schemes like Rashtriya Swashthya Bima Yojana). The latest instance being the discussion on the Labour Code on Industrial Relations, 2020 and Code on Occupational Safety, Health and Working Conditions, 2020, where the ministry of labour has explicitly refrained from the inclusion of domestic service as it will bring each household into the ambit of law which would be difficult to enforce.

In this note, Jain discussed the micro-level processes and analysed how locality specific norms shape the interactions between domestic workers and employers. Formal organisation and unionisation of domestic workers has been sporadic in the NCR and paid part-time domestic work market operates through the informal circulation of information among workers and employers. Further, she discussed how employers have been mobilising themselves through Residents’ Welfare Associations (RWAs) and acting as ‘collectives’ to stifle the bargaining spaces gained by a section of domestic workers. The growing legitimacy of RWAs, especially in devising surveillance mechanism, has been reported during the current Covid-19 pandemic.

In contrast to the evolution of localised markets, the employment of domestic workers by another section of employers has a more striking and different exhibition of class power. This is a section to public sector employees who have been provided accommodation with servants’ quarters. Due to vulnerabilities of migrant domestic workers, some of the employers belonging to this class have been able to exercise power without being organised as ‘collectives’.

**Evolving Domestic Labour Market in the NCR**

It was observed that women domestic workers in the National Capital Region work under several arrangements namely, part-time, full time live-in, full time live-out, workers’ families residing in attached servant’s quarters in private houses and the accommodation facilities provided to public sector employees. There is historical evidence of the employment of domestic workers being customary and being a marker of affluence. Jain and Mishra (2018) show the varying nature of the
demand for domestic workers in the NCR leading to a range of preferences for work arrangements.\textsuperscript{12}

During her presentation Jain focussed on part-time domestic work. She found in her research that market relations are taking newer forms with increasing employment of females among the affluent classes in this region. If we look at the literature on paid domestic work in Delhi- NCR, references have been made to cleaning and washing tasks. While in the 2000s we find cooking is considered a task under part-time domestic work. This is suggestive of evolving demands of the employers, one of which is the employment of women from the middle and upper-middle classes. Workers from Gurgaon informed us that only those households with employed women would hire cooks. And these will be the households that would employ multiple workers as well. During the fieldwork, we find a segment of workers who exclusively took ‘part-time’ jobs that entailed cooking as they were remunerative and less tiresome.

The geographical spread to our respondents across the NCR brought forth the locality-specific norms that shaped interactions between workers and employers. The diffused process of negotiations led to the emergence of wage rates that were standardised at the level of localities. We find a range of market practises that varied according to the class character of the employers. For instance, even if the size of the house was the same across two lanes in Bengali Market in New Delhi, prevailing rates for cleaning a privately owned house was reported to be higher than the rates for cleaning the accommodation provided to the government officers. Moreover, a worker from Nehru Nagar (one of the localities with lowest rates as shown in Table 1) elaborated that the rates for domestic work were low because the employers were ‘not rich’ and women residing there needed to ‘work for a living’.

Usually, rates were conveyed in terms of tasks and barring exceptions, time was at best implicit in norms. Table 1 shows that the rates were expressed in two ways. Firstly, in terms of quantum of work, such as the number of rooms, size of the house and other being flat task rate for

cleaning/washing tasks. These rates gained legitimacy through the circulation of information among workers and employers.

Table 1: Descriptive Rates for Cleaning/washing tasks in select localities

<table>
<thead>
<tr>
<th>Localities</th>
<th>Rates according to Activities</th>
<th>Workplace description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Combined Rate - cleaning house and washing utensils</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gurgaon 3</td>
<td>Around Rs 1000 in one locality and around Rs 2000 in an adjacent locality</td>
<td>Varied types of independent houses</td>
</tr>
<tr>
<td>R K Puram I</td>
<td>Rs 1200 to 1500</td>
<td>2 BHK to 4 BHK - Government housing</td>
</tr>
<tr>
<td>Munirka 1</td>
<td>Rs 1000 to 1500</td>
<td>3 BHK – 4 BHK Apartments</td>
</tr>
<tr>
<td>Taimur Nagar</td>
<td>Rs 500 to 1000 per hour in different colonies</td>
<td>Relatively small houses</td>
</tr>
</tbody>
</table>

**Monthly rate for cleaning houses**

<table>
<thead>
<tr>
<th>Localities</th>
<th>Rates according to Activities</th>
<th>Workplace description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengali Market</td>
<td>Rs 1000 per floor (level) in private houses</td>
<td>Relatively large independent houses</td>
</tr>
<tr>
<td></td>
<td>Rs 800 in government houses</td>
<td></td>
</tr>
<tr>
<td>HUDCO place</td>
<td>Rs 1500 per floor / house</td>
<td>Large government Houses</td>
</tr>
<tr>
<td>Gurgaon 2</td>
<td>Rs 1000 – 1200 for an hour</td>
<td>Independent houses</td>
</tr>
<tr>
<td>Nehru Nagar</td>
<td>Rs 400, Rs 700, Rs 800 according to size</td>
<td>Small to relatively big houses</td>
</tr>
</tbody>
</table>

**Rates for other tasks**

<table>
<thead>
<tr>
<th>Localities</th>
<th>Rates according to Activities</th>
<th>Workplace description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bengali Market (Private houses)</td>
<td>Washing utensils Rs 1000 / Dusting Rs 300-350</td>
<td>Relatively large houses</td>
</tr>
<tr>
<td>Darya Ganj</td>
<td>Rs 200 per room for cleaning and Rs 200 per person for washing utensils</td>
<td>Varied types ranging from small to large houses</td>
</tr>
<tr>
<td>Gurgaon 3</td>
<td>Rs 200 per person for washing utensils</td>
<td>A range of independent houses</td>
</tr>
<tr>
<td>Nehru Nagar</td>
<td>Rs 100 per person for washing utensils</td>
<td>Small to relatively big houses</td>
</tr>
</tbody>
</table>

**Other Rates**

<table>
<thead>
<tr>
<th>Localities</th>
<th>Rates according to Activities</th>
<th>Workplace description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vasant Kunj</td>
<td>Rs 700-1000 per task</td>
<td>Range of apartments and houses</td>
</tr>
<tr>
<td>Munirka 2</td>
<td>Rs. 1000 per task</td>
<td>3 BHK – 4 BHK Apartments</td>
</tr>
</tbody>
</table>

Source: Jain and Kodoth, 2019

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13 See Jain and Kodoth (2019) for similar catalogue for cooking.
It was notable that the earnings of workers were dependent on the tasks carried out on the jobs and localities in which they worked. In our sample, workers who had the highest monthly earnings had cooking jobs only or a combination of cooking and cleaning jobs, in specified localities in Gurgaon and Bengali Market. Half the workers earned below Rs 6,000 a month and all their jobs involved only cleaning activities (sweeping and mopping was referred to as ‘cleaning the house’, washing utensils and washing clothes) in localities like Dwarka, RK Puram, Kilokari, Nehru Nagar and Binovapuri.

It is also important to note that it would be hard for workers to move to better-paying localities as they migrate and find jobs through social networks that are localised and employers also hesitate to employ workers without references. They have also started asking for identity cards such as Aadhaar cards. Also, despite growing demand, this sector is characterised by personal trust and comfort both for employers and workers. Workers who were relocated to farther areas of the NCR, still travelled several kilometres to reach older places of employment.

The rates were not definitive and locality specific norms shaped the process of bargaining at the locality level. Additionally, norms exert pressure on employers to not to deviate much from locality specific rates. Employers who shifted to relatively high paying localities said that they paid less in the localities they previously resided in.

Many workers faced vulnerabilities such as losing jobs while making visits to villages and had fears of undercutting from new workers who have been trying to enter the market. This was observed even in the localities with relatively high rates and where a section of workers has been able to negotiate for better wages.

**Bargaining and Negotiation**

A section of workers has been able to find spaces to bargain for better wages and make visible the previously ‘unpaid’ tasks. Some workers who were replaced when they were ill or went to villages were called back on higher wages due to the demand for specific skills they possessed. It has been notable that working female employers have been willing to pay better wages.

Some people say I pay more but I think it is justified because the worker helps in other tasks by herself… It is difficult to find workers who keep to my time and requirement. We ask neighbours if a worker can be trusted. I may need to leave the house to buy vegetables
etc... If someone says something like the worker has stolen something, I would not employ the worker.’ (51 years working woman in Mayur Vihar, Delhi)

Further, an employer who runs her business from home said she agreed to pay the rate quoted by her worker (Rs 5000 a month for cooking twice a day) on the expectation that once the worker was properly instructed, she (the employer) could concentrate on her job. She said ‘I can pay more if I earn more’.

Some workers could bargain to draw additional wages for tasks like preparing Tiffins which were not specified in the rates. One of the pretexts being that they can take an additional cleaning job for that time and can earn more. It is to be highlighted they have to string together a maximum number of jobs to maximise earnings.

These developments started irking some employers. An example is as follows:

“Families don’t have the patience to wait when a worker goes to the village. They will employ another worker. Employers may offer a higher wage to the domestic worker in a neighbour’s house.” (Employer in Noida).

Employers’ Mobilisation through Residents Welfare Associations (RWAs)

Employers in different localities have been making attempts to stifle the workers’ spaces to bargain by introducing surveillance mechanisms and attempting to regulate part-time domestic work carried out in their respective building complexes. They were anxious about ‘spirally increasing wage rates’. The Resident Welfare Association (RWA) rates emerged as a result of activism from employers especially from women residing in these complexes.

“If the rate quoted by a new worker is only a little higher than the previous rate, an employer may not bargain but this results in a continuous increase in rates. In five months, the wages for cleaning has gone up from Rs. 1600 to Rs. 2000. There was a hike, every time a new worker was employed… Also, we don’t cut wages for holidays out of fear that the worker will leave the job. Workers can ask for a raise any time, they do not wait for a year… The RWA has no control. The association should step in” (Employer in Noida)

It is pertinent to note that RWAs have been expanding their footprints, especially in urban governance, in matters related to the maintenance of local infrastructure, resolution of local
disputes and organisation of social and cultural activities (Srivastava, 2015). RWAs have also channelled the assertion of residents as ‘consumer citizens’ where they are subject to the discipline and efficiency of the market, essentially through self-regulation.15 Kamath and Vijayabaskar (2009)16 draw our attention towards the heterogeneity of urban middle class (non-slum population) with diverse interests. They don’t face problems with basic amenities. Residents of gated communities comprise of elites and professionals catering to globalised service sectors.17 These spaces have been utilised to operate as ‘employers collectives’ and regulate engagement with part-time domestic workers.

‘In this society, there are 900 occupied houses, even if one employer refuses [to hire the worker at the wages quoted by the worker], there are 899 options... The society was facing problems... A few of the residents took the initiative and prepared guidelines [for rates]’. (Employer in Gurgaon).

In addition to this, as a collective of employers, RWAs have devised surveillance mechanisms such as ID cards and frisking of workers’ belonging.

Another example of surveillance is as follows:

No maid will be allowed to blackmail the owner by referring to the neighbouring house as what they are paying. In case RWA receives any such complaints against a particular maid/servant more than once, their entry will be barred and will not be allowed even on the request of residents. [Minutes of a RWA meeting in Gurgaon, 2017]

It was learnt from a resident that some RWAs in the area were asking workers in their complexes to get no-objection certificates from their employers if they wanted to shift to another job in the same complex.


The concerns about surveillance were reported particularly during the current pandemic. There have been reports about conflicts among residents and office bearers of RWAs. Women residents have been struggling to organise housework, care responsibilities and some had to even manage full-time employment as well. On the other hand, many others have been concerned about the entry of workers into apartment complexes. RWAs have ‘newfound legitimacy’, especially during Covid-19 pandemic. Some of the steps taken were restricting the number of workers per household and employers escorting workers. These developments led to recent discussions around the legal authority of RWAs. These came amidst district administrations delegating the decision-making authority about the movement of domestic workers to the respective RWAs and neighbourhood committees.

RWAs as important stakeholders have been identified in framing policies for domestic workers. For instance, in the Supreme Court order in 2017, domestic workers were to be registered under National Social Security Board, and it was required that the labour department in Delhi shall cooperate with the Residents’ Welfare Associations to undertake the process. Similarly, the Guidelines for extending the registration of domestic workers under Rashtriya Swasthya Bima Yojana (RSBY) in 2011 provided that certificates provided by a registered Resident Welfare Association (RWA) can be one of the criteria for state governments to identify domestic workers in an area (Mahanta and Gupta, 2019).

**RWAs Regulating Wage Rates for Part-Time Domestic Workers**

After a comparison of rate lists accessed from few high -end apartment complexes in Gurgaon with locality specific rate lists, it was observed that they were similar in terms of specifying details of the tasks carried on the job such as cleaning bathrooms, chopping vegetable and ironing the clothes. However, for cleaning and allied tasks, we observed that all the rates in RWA lists were lower than the highest market rates that we complied.

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This discussion suggests that RWA rate lists seek to prescribe a ceiling or cap for wages and limit the ability of workers to bargain.

**Table 2: Market and RWA rates for Cooking**

<table>
<thead>
<tr>
<th>Locality*</th>
<th>Market Rates**</th>
<th>RWA Lists</th>
<th>RWA Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gurgaon 1</td>
<td>Rs 2500-Rs.3000 for a single shift</td>
<td>Gurgaon A (2adults+ 2children)</td>
<td>Rs. 1500 (Breakfast + 1 meal); 2000 (Breakfast+ 2 meals)</td>
</tr>
<tr>
<td>Gurgaon A</td>
<td>Rs. 1500 for a single shift</td>
<td>Gurgaon B</td>
<td>Rs. 2500 per meal</td>
</tr>
<tr>
<td>Gurgaon 3</td>
<td>Rs 500 per person per shift</td>
<td>Gurgaon C (3 to 5 persons)</td>
<td>Rs. 3000 to 4000 for 2 shifts</td>
</tr>
<tr>
<td>Gurgaon D</td>
<td></td>
<td>Gurgaon D (4 persons)</td>
<td>Rs. 1500 to 2000 for breakfast and lunch; Rs. 3000 for breakfast, lunch and dinner</td>
</tr>
</tbody>
</table>

Source: Jain and Kodoth (2019); own compilation from RWA rate lists; * these were mostly independent houses; **where not otherwise mentioned the rates were for 4 persons

In the case of cooking, from Table 2 we can see that a woman who worked two shifts under the lowest market rates (in Gurgaon 2) would still earn more than if she worked under the lowest RWA rate (Gurgaon 1). This suggests that the RWA intervention may be serving to contain the normal process of the rise in wages according to the market.

Workers from Delhi who didn’t work in such high-end apartments explained to us how RWA regulations have been unfavourable for workers. In an apartment complex in Dwarka, the rates for cleaning and washing utensils was fixed lowering that the prevailing rates. Even if some employers paid the previous rate, workers struggled to negotiate for increments because the stipulated rates were lower than what they were receiving. Again, these developments suggest that RWA rate lists seek to prescribe a ceiling or cap for wages and limit the ability of workers to bargain.

**Employment Relations in the Absence of Localised Market**

The second point for discussion is different from the market relations discussed above. Another set of employers could suppress the bargaining power of workers without being mobilised as collectives. This was possible because they were allotted government accommodation with a ‘servant’s quarter’. Drawing from interviews done with some workers residing in these quarters
and some of their employers we understand that a quarter is a huge attraction for domestic workers who are migrants in the city and look for safe places to stay with households. Taking advantage of such vulnerabilities, some employers in a University have been able to exercise their class power and draw implicit rent from workers by not paying cash wages.

“Things are at the discretion of the employer. Even if there is some basic rate, there is no market as such. There is no uniformity. Relations are very informal and it depends largely on the whims of employers. My workers share stories of other workers with huge work-load.” (University Professor)

However, housing complexes for other government officers had some uniformity and norms about cash wages. For example, to avail a quarter, a worker had to do three substantive tasks, and cash was paid only for additional tasks beyond three.

An important point about these arrangements is that we cannot neatly differentiate between part-time workers and full-time workers. To earn cash wages, some domestic workers do part-time work in other houses as well. It is also notable that some private houses that offer similar quarters to workers to live with their families, these also seek to suppress wages. In our limited sample of five such cases, the earnings ranged between 3500/- and Rs. 7000/- per month.

Therefore, Jain’s discussions highlight different ways in which class power is exercised by employers in the NCR. In contrast to new market relations discussed earlier, remnants of patronage are visible in the due allocation of servant quarters.

The third presenter of the session was Supurna Banerjee21. Her write-up for the presentation is given below.

A reflection on the condition of migrant/commuting domestic workers in India through the lens of Covid-1922

21 Assistant Professor, Institute of Development Studies Kolkata.
22 Some of the material for this presentation are part of an ongoing article with Dr. Lauren Wilks.
Drawing on her long and continued interactions with migrant women workers from tea plantations of West Bengal now working as paid domestic workers in Delhi-NCR region and some work with commuting domestic workers in Kolkata, she reflected on three issues: (i) loss of mobility due to lockdown and subsequently continued suspension of trains, (ii) how the subsequent opening up of the lockdown affected changes in labour conditions for paid domestic workers which also relate to the future of paid domestic work, and (iii) the very negation of the notion of the domestic worker as a worker. She then posed some thoughts on questions of skill, work and undervaluation of domestic labour. Banerjee argued that the Covid-19 induced crisis provides a lens to reflect on the labouring lives of women domestic workers and paid domestic work in India as constituted by structural inequalities.

The locking down of trains which was central to the migratory mobility of a large section of the women domestic workers dealt a blow to their livelihood. The pandemic followed shortly after Holi, an important festival for which many of the Hindu workers had returned from Delhi-NCR to the plantations in West Bengal. This meant that they were unable to return to the city and resume their work. The prolonged period of closure of trains meant not just loss of earnings but also job loss for these migrant women. Similar predicaments were faced by women living in the suburbs of Kolkata who were daily commuters travelling to and from Kolkata for work. Suspension of local trains resulted into job loss forcing many of them to move into other forms of informal, uncertain work with reduced wages, to forms of labour that Joan Robinson terms as ‘disguised unemployment’. The suspension of logistical arrangements around informal work through which migrant populations can access livelihood raises a crucial challenge to the future of work for both commuting and migrant domestic workers rendered immobile.

According to Banerjee, the lockdown and the subsequent opening up also renewed questions around conditions of labour and the future of domestic work. Conditions of lockdown living with the increase in work-from-home for middle-class employers meant that live-in domestic workers were saddled with an additional burden of work which remained unacknowledged both in rhetorical and economic terms. While consistently underpaid, over-exploited and classified as unskilled, domestic workers, had over the years, been able to negotiate some task specifications in the discharge of their duties. The necessities of lockdown living in many cases reversed this hard-won gain. The increased unemployment has pushed many women previously engaged in other jobs
or with working husbands, to look for jobs as paid domestic workers. Banerjee explained that the effect of this distress-driven competition has been the diffusion of nascent job specialisation. This leads us to the more fundamental question of lack of acknowledgement of skill within this form of labour (evident in the need to learn new ways of sustaining a middle-class household) and its continued invisibility evident in the employer’s tendency to view paid domestic work as an extension of one’s domesticity.

Finally, she explained that it is not just conditions of precarity around the performance of paid labour, but that the rituals surrounding labour also provide an important insight into how deep the devaluation of domestic work and its workers runs. The distancing practices engaged by employers premised on caste stigma and notions of purity and pollution are further heightened through the pandemic-induced anxieties around touch. In the post-lockdown period of resumption of work, there has been a renewed focus on disciplining and cleansing of the labouring body of the paid domestic worker. Further, employers are demanding a restriction on the number of houses that part-time live-out workers can work in without offering commensurate compensation. Such demands render visible the employer’s notion of ownership of the worker, her body and labour which are treated as property.

Drawing together these three interrelated strands we see that the features of labour in the Covid-19 crisis sharpens already existing and enduring processes of the devaluation of paid domestic work as invisible reproductive labour. Though the lockdown period and withdrawal of paid domestic workers did foreground the question of unpaid housework and the gendered division of labour at home, the experiences of female domestic workers do not suggest that this led to a new valuation of their work. Paid domestic work continues to be reproduced not only as women’s natural labour but also low skilled, low-status work especially suited for poor migrant women. At the same time, it provides sustenance to large sections of working-class women especially migrants. By withdrawing the basic infrastructure (such as trains, wage protection etc.) such livelihood is impossible and these women are pushed into further precarity. Banerjee stated that the paranoia brought out by the pandemic zeroed in on the worker’s body as the focal point of contamination. She concluded by saying that the paid domestic worker was the one to traverse to the intimate sphere and therefore, the one who now has to negotiate with new forms of social
surveillance and ostracization which even threatens to dissociate her ownership over her own body and labour.

The last presenter of the session was Nitin Sinha.23

Early attempts of Regulation of Domestic Workers during the Colonial Regime in India

Sinha’s historical work on domestic servants of the past in colonial India attempts to look at early attempts to recognize domestic workers through colonial regulations. It particularly looked at the earlier attempts to register domestic servants in Calcutta. The ‘invisibilisation’ of domestic workers in the contemporary era is discussed in the context of the absence of law or legal recognition. This has also become the cause for the ‘devaluation of work’ and ‘informality’ of domestic work. It is true that during the 20th century there was the enactment of more protective legislation for workers, and that domestic workers were scripted out from the ambit of the legal framework.

The commonsensical argument is that the domestic work within the household is an activity that happens within the private space. Therefore, the relationship between the employer and the employee is personalized or privatized and hence, informality is the foundational character of paid domestic work. This argument of a long history of informality requires closer re-reading and formulation through historical documents such as regulations of 18th and 19th century. There are some concrete shifts in the making of the formal and informal within the precincts of the law. There is a historical process through which servants have been written off from the formal mechanism. But it is equally important to highlight that when there is a comparison between two time periods – one from the 1750s to 1810s and the contemporary period post-independence period, the meaning of regulation and formality has changed. But there are certain interesting continuities as well. The attempt through the presentation was to highlight a couple of them.

Although the general presumption is that domestic workers were never recognized by the state historically speaking, he argued that the colonial state tried to control and regulate domestic

23 Senior Research Fellow at the ZMO, Berlin
workers through certain colonial regulations in the 18th century and 19th century. In British labour history from 1870s onwards, there was a legal transition from the master and servant relationship to the employer-employee relationship. According to Sinha, this is also visible in Indian labour history from the 1920s onwards. However, the legal template scripted only rights and entitlements of industrial labour devoid of any rights for domestic labour. Industrial labour was governed based on the employer-employee relationship. But we cannot understand this new transition without looking at pre-history of that, which is marked by the master and servant relationship. He stated that this period was marked by the master-servant relationship in employment relationships be it in public space or private space.

Historically, one of the first regulations brought in Calcutta in 1759 on domestic workers prescribed eight measures on how to govern menial servants in European households. Then there were multiple orders and regulations passed in 1760, 1766 and 1774. In the 1780s, there was a vibrant debate on framing by-laws for menial domestic servants and it lasted for two years. It was not converted into a by-law, but there were discussions on principles of law on how to govern domestic labour. In 1814, a by-law was brought in and it was reiterated in 1816. In 1819, the First Bengal Presidency Regulation, Regulation VII of 1819 was passed. The understanding from the series of legal interventions from 1759 to 1819 in the expanding city of Calcutta, points out that domestic servants were not invisible nor they were informal. Sinha indicated that in his research to understand the labouring process and legal interventions concerning other workers such as brick-kiln workers, laskers, coolies, masons, sepoys and carpenters, he found that the domestic workers were on par with such workers in the legal thinking of the state as they need to control or regulate public labour social groups. To explain it further, he argued that the domestic workers in the private space namely, the household, were regulated on par with other workers in the public space. However, he clarified that while they were not invisible or informal, their recognition was not akin to the contemporary sensibility of providing social security measures. These regulations originated from the master-servant relationship which contained two characteristics (1) inequality in the relationship (criminal prosecution in case of breach of contract by the workers) and (2) registration of servants to keep law and order intact (this is very specific to the history of Calcutta).
To ensure good conduct of the menial servants working in European/Christian households, essentially non-Indian households in Calcutta, there was a procedure of registration that was introduced in 1766. It was proposed that an office would be established in Calcutta and all the workers would be registered. It was after one month that such a mechanism was suggested for coolies and a month after for laskars. The mechanism of control for different labouring groups adopted by the colonial state was quite similar in the late 18th century. The office was established, and two officers were appointed. But it was put to disuse. Again in the 1780s, when there was a huge discussion on how to regulate workers, this registration again came up. The idea then was slightly expanded. Servants were presumed to be responsible for increasing crimes in Calcutta. There was a discussion that the Regulation was required not only to ensure wages and terms of service but to regulate workers’ conduct and character of the servants in the city space. The logic of the attempted regulation, as it was intended to be passed as a by-law which didn’t happen, was to control law and order in the state. The city was becoming more important in the thinking of the state. The proposal for registration made by the Superintendent of Police was such that it would function as a mechanism of hiring. It was supposed to weed out servants with bad character and prevent them from entering European households and from the city space. Weeding out was supposed to happen through the mechanism of a ticket from the master. The master would give a chit/ticket of good/bad character and it would be entered in the Registration office set up by the state and provided a registration certificate on payment of certain fees by both the master and the servant. That remained as a certificate of their character for prospects of employment in households. It remained an institution for regulating the hiring of good servants and weeding out bad servants from entering European households. The chits/tickets became important in the domestic labour market in Calcutta in the early 19th century though the regulation was failed and never became a by-law. There were criticisms from a couple of European Officers regarding the registration office as there was rampant corruption among the native officers in the Office as they accepted bribes enabling the servants to get registration arbitrarily.

Sinha argued that the Regulation was devised to govern household labour and the master-servant relationship within the European/non-Indian household during the colonial period. Paradoxically, in the contemporary debate, the Indian middle class does not want the state to bring in laws to regulate the domestic space. Sinha juxtaposes this with the Europeans in colonies who did not have
that anxiety of state intervention into the domestic space during the colonial period. In England at the end of the 18th century this became an issue and domestic servants were ruled out of the master-servant regulations as the masters did not want themselves to be dragged to the court by their servants. But in the colonies, the Europeans were not anxious about the law intervening with household employment relations. The European masters were sued in courts in Calcutta and Madras by Indian domestic servants for non-payment of wages, ill-treatment and violence towards them. Elizabeth Kolsky has referred to this in her studies about how violence was normalized in certain types of European households in the colonial set up. The 1819 Regulation was a classic example of master-servant regulation in the colony which had a long history regulating domestic servants. It remained on the books till the enactment of the Indian Penal Code in 1862. Later there was an argument whether master-servant laws should be codified under civil laws. There was a bill attempted for domestic workers in 1925 in Calcutta. However, then the discourse of ‘non-intervention’ into the domestic space became stronger and similar attempts were discouraged. So this concept of ‘non-interventionism’ which we see in the contemporary period actually started during the colonial period before the mid 20th century onwards, on the active insistence of Indian middle class.

**Discussion**

Archana Prasad\(^{24}\) presented her views as a discussant. She observed that it was time to identify other vulnerable women workers, especially the common challenges in terms of their informality and invisibility. There are similar reasons for informality and invisibility of vulnerable women workers for structural reasons. Unemployment under state capitalism, liberalization and crony capitalism has led to the increased neglect of informal women workers. In a 2013-2014 survey among domestic workers in NCR region, the average wage in South Delhi locality for domestic workers who work in 2 to 3 households was Rs. 6000/-. During the pandemic, their income has come down to Rs. 4786/-. These are not accurate figures. This appears to denote that there was a decline in real wages. This decline is the result of the deepening or reconfiguration of informality within the larger structures of employment that exists today. If we look at it this manner, we find that the number of people whose wage growth is very small or negligible or declining spread over the occupations is much higher. These are macro reasons for this. One is the divorce of the growth

\(^{24}\) Professor, Centre for Informal Sector & Labour Studies, JNU
rates from the real economy to the ascendancy of finance capital and second is the tendency to
decenter production to disinvest in workplaces. During the pandemic, there was a move towards
work from home. But it has put much pressure on domestic workers and households and made it
more exploitative. It has given infrastructural advantages to the employer in terms of spending on
electricity and other essential amenities.

There was no mechanism for micro-level wage bargaining patterns in society. If you want to earn?
more, you have to work harder. In the 2014-15 survey, we found that the workers try to work in
more households to earn more, but it brings down the hourly wage income. One may get a high
nominal income, but it is lesser per hour. The route towards providing visibility to domestic
workers cannot be through employers’ associations or ourselves, as we are the employers of
domestic workers. It has to be through the regulation of the employer which needs to be done
through labour laws. This is a highly difficult task because the character of the employers itself is
very variegated as many women employers are overworked to meet the expenses of domestic
workers. This is why female employment has certain common issues that feed into systemic
discrimination which is amplified in domestic work. The way forward is not to categorise domestic
work as a separate entity, but also to link it to broader issues of reconfiguration of informality and
informal labour. The duality of law exists as capital wanting to make it exist in such a way. The
tendency of accumulation of the capital and the duality of law in addressing informal labour
separately is something that needs to be reconsidered. Coming to the question of valuation, within
the capitalist system all labour is devalued. The further devaluation of paid domestic workers arises
from the fact that the work doesn’t come under the labour rights perspective. It may come under
the criminal law paradigm. RWA may require verification of the worker. That is a different type
of regulation. There is a lot of similarity between women engaged in casual work or informal work
or engaged in different kinds of home-based work, domestic work and various contract-based
systems. The problem is visibility which is seen with women engaged in other sectors too. Bringing
a political alliance between women workers in vulnerable sectors has become especially necessary
in the context of the new labour codes.
SESSION 2: FEMINIST DEBATES ON PAID DOMESTIC WORK IN INDIA

Increasing feminization at work is particular to the paid domestic work sector. Feminist scholars have long argued for the recognition of women’s reproductive labour performed within the confines of the domestic sphere which is grossly undervalued due to its disconnect with the world of market-based paid work. Western feminists have elaborated on how such non-waged/under-waged work produces surplus value for capitalists. Indeed, the second wave of feminism challenged social injustices linked to the family and the gendered division of labour. In the Indian context, given the vast agrarian sector and the predominantly informal nature of the economy including in urban areas, scholars like Devaki Jain have argued that “all poor women are workers” engaged in any or combined categories of work--household production, home-based personal activities and other productive activities highlighting the high levels of unpaid work that women perform within the subsistence economy of rural households. For many poor women, paid work in the market often takes the form of paid domestic work which is an extension of unpaid housework. This work within the private sphere becomes an excuse for non-interventionism by the state. As Palriwala and Neetha argue, ‘gendered familialism’ has strategically played a role in reiterating care work as female work in public discourse and policy. Social reproduction by domestic workers in India is further complicated by the significance of caste and other marginalities in structuring the very nature of paid domestic work. Mary John has thus argued that the stigma of women’s paid labour cannot be addressed without making visible the workings of caste in the workspace. This session raised pertinent questions such as ‘what is its visible/invisible forms within the personalized workspace and how do we address it both in discourse and in practice?’ The personalized employment relationship between the female domestic worker and the employer further raises questions such as gendered behavioural expectations and the creation of subjectivities of domestic workers through different strategies including colonial forms of control based on class, gender, caste, ethnicity, religion and linguistic identity which were also part of the discussion. The panel aimed to discuss the relevance of social reproduction debates in the Indian context and the invisibility and stigma of female domestic workers in Indian society.
Prabha Kotiswaran25 chaired the session. She introduced the session by referring to how care work and domestic work has been long time preoccupation for feminists, particularly materialist feminists, the world over. In the Western context, there is a typical narrative where it has been theorized, mostly in the context of unpaid domestic and care work debates, how it can be reduced or eliminated through socialization or by taking up paid work. The ‘wages for housework’ movement, in a more radical manner, outlined the subsidy that unpaid care and domestic work offer to capitalism and the problematized unwaged character of housework wherein there is a tendency to naturalize women’s housework. The ‘wages for housework’ movement was in fact a rebellion in terms of ‘wages against housework’ wherein feminists did not merely want to take up paid work or simply socialize unpaid care and domestic work. They wanted time for leisure, to read a book or paint. Today in the works of autonomous feminists like Mariala Dalla Costa, the question of unpaid domestic work has moved on to elderly care and the care gap filled by migrant women labour.

In this context, Prabha invited the attention of the panel to investigate how ‘unpaid domestic and care work’ is theorised in the Indian context. She referred to Samita’s recent cautioning about adopting the easy narrative of characterizing changes in paid domestic work under different economic patterns, from feudalism to capitalism to post-industrialism and the adoption of received categories of labour and capital from the Western experience in sectoral debates. The studies have also discussed the differences in how domestic workers are hired. In the West, it is in the context of the increase in women’s employment outside the domestic sphere whereas in India despite lower female labour force participation rates, there is an increase in the number of domestic workers. This in turn leads us to the theorization on the ‘culture of servitude’ prevalent among the Indian middle class and the pattern of keeping a domestic worker as a matter of privilege. This also makes us think about the subaltern context of the domestic workers and there is much literature on multiple marginalities and discriminatory practices followed by employers, society, institutions and family structures in the form of a lack of recognition and dignity towards domestic workers. There is a question that is often asked: whether we should call it ‘domestic servitude’ rather than legitimating it as ‘work’ in this strong hierarchical society though there is labour inherent in it. This further raises questions relating to precarity and invisibility of informal women workers in

25 Professor of Law & Social Justice, King’s College London & Principal Investigator, Laws of Social Reproduction
Indian feminists’ debates and this has become an essential question post-recession and during this pandemic for women within households because of the lack of redistribution of household work. It is against this backdrop of international debates on domestic and care-work, specific national contexts of women’s work and the cultural context of ‘paid domestic work’ and their working conditions, that the panel was invited to present their thoughts.

The first speaker of the session was Parvati Raghuram26. Her presentation was titled, ‘Paid Domestic Work: Who, what, where and why it matters’. She posed the questions of ‘who is in the household’, ‘what is in the household’ and ‘where is the household’ to understand the spectrum of work, kinds of work and urban/rural difference in the context of paid domestic work. She specifically mentioned that literature predominantly relates to urban space; rural spaces are less documented and differences in the regional terms are less studied. Domestic work varies according to relations in production, be it relations with production based on familial and gender ideologies, social relations that consists of class and gender variants and spatio-temporal relations based on settings and practices in the workspace.

The next set of thoughts that Raghuram shared are on the actors in paid domestic work. Generally, the visible ones are the private sector, the household, the community and the state. In the Indian context, the household is the major actor and then the community and lastly, there is little intervention by commercial agents in terms of the source of work. The state is generally seen as a law-giver or regulator, but not so active role in payment and recognition within the household. These actors have varied levels of interaction in paid domestic work in terms of payment and in determining their working conditions.

She presented her thinking on the importance of spatio-temporal relations in domestic work. She made a critical remark that there is very little study on comparative thinking between rural and urban workspace, but on the other hand, there is a lot of constitutive thinking specifically on either on the rural or urban space. It is important to understand how capital functions differently under the capitalist and feudal economy, and urban and rural households respectively and its shaping of the labour process. Comparative thinking between rural and urban workspaces hasn’t occurred in studies on domestic work, though it happens between nations or states. It is also interesting to look

26 Professor of Geography and Migration, the Open University, London
at translocal private sector agents, how they function to source workers from rural areas for urban households. The state also intervenes as a regulator of translocal private sector actors to prevent illegal or unlawful practices in transnational domestic work.

Now we examine why does all of this matter? The reason why it matters is (a) we are speaking through situated positions, individually. There are two ways we can think about this politically. One is definitely from a political economy lens. There is already fabulous work from feminists on that, including Samita’s work on ‘Capitalism in the East’. The other way it does matter is the reason why some feminists have moved towards thinking through the care perspective. While social reproduction as a political subject is addressed through the political economy and care work lenses, there is an ethical register that comes out through the care perspective. This whole set of work contributes towards social reproduction. The care actually offers a ethical register. The political economy perspective rather offers a justice register. She invited our attention to think over what are the gains and losses of thinking through ethics rather than through the political economy. It is interesting to study the specifities of what paid domestic work constitutes and how domestic work intersects with other sectors of work, for instance, nursing, gardening etc. There is this process of skilling and deskilling domestic work and this transformation is ignored or devalued. In the IT sector, women drop out after marriage because domesticity as a matter of normalcy sets into their lives. This also makes us think about who is the ethical subject here other than the employer in the broader framework of shared ethics. This thinking becomes relevant especially because there are so many commonalities, but specific differences between women in India.

The second speaker of the session Samita Sen\(^\text{27}\) focused on how ‘domesticity’ played out in the 19th to 20th centuries. According to her, the period of modernity coincided with the colonial period and many scholars have looked at the importance of ‘domestic servants’ in the formation of modern middle-class identity in different regions/spaces, especially in the 1970s and 80s, both from the perspective of feminist and revisionist histories of industrial modernization. Bengal has become a matter of study from both perspectives. Swapna Banerjee has looked at Kolkata historically and Raka Ray and Seemin Qayum have called the labouring process in paid domestic work as a ‘culture of servitude’. Their analogy has unsettled the monolithic narrative of a seemingly smooth capitalist transition. The reason for such an analysis is the peculiar history

\(^{27}\) Professor of History, Cambridge University
behind the formation of the middle class, or *bhadrālok* in Bengal. Bhadrālok has been defined by Sumit Sarkar to those who are distanced and different from manual workers and who were a predominantly elite class consisting of professionals and officers in government services. Sumit Sarkar has also included elite women in the category of Bhadramahila and talked about their middle-class assertion to distance themselves from manual work both inside and outside the home. This middle-class assertion has reconfigured households (both rural and urban) with hiring or recruiting domestic servants for household work. However, in this period there were more male domestic workers and feminization hadn’t occurred in the sector. Feminization happened in Bengal in the 1920s and other parts of India by 1930s. The number of women outstripped men in domestic work in the 1960s in Bengal and 1970s in other states. In the 19th and 20th century, there was some secular shift in employment with the increase in the number of women in paid domestic work sector in India and the West, but post-world wars there was a decline in the employment of domestic workers and it became more obsolescent. It was only in the 1990s that there was a perceptible increase in domestic workers in the west and there were more studies and activism only in the 21st century. Race played an important role in maintaining a certain level of domestic work employment in European states than in Northern America. In contrast to this in South Asia, we had a continuous history of domestic work and the real change has been its feminization only in the 20th century.

Sen in her presentation focused on three issues. Firstly, the glaring gap in domestic work discourse has been the lack of studies on domestic work in smaller towns and rural areas. As there are more studies on urban spaces particularly, cities, there is no scope for comparative studies or for understanding the real character of paid domestic work in the rural economy. Secondly, she referred to the difference in the regulatory framework in the colonial period in 18th and 19th century India. According to her, the regulatory framework for labourers was largely influenced by race during the colonial period. There were two different sets of regulatory frameworks, one was for inter-racial employment relations, between white employer-native employee and the other for native employers and native employees. This difference is marked by the shadow of caste on the history of domestic work regulation. Thirdly, she argued that it is important to give attention to the fact that domestic workers are one of the few kinds of workers who were simultaneously for three centuries under three modes of production. We have spoken about servitude, but not about slavery. In the 18th century, there was a conversation about wage regulation for domestic work. And another
conversation which was important in the context of the abolition of slavery was on ‘domestic slavery.’ Indian slavery was classically classified as domestic slavery. Domesticity and slavery are very closely intertwined in our understanding. She argued that domestic work in India is closely intertwined with slavery; the colonial state from an abolitionist perspective brought in regulations relating to wages and working conditions of domestic servants in Indian households. She added that it was when the law began to define family, that the definition of the family began to shrink, and the discipline of patriarchy excluded domestic workers from the family. Once they were outside the purview of family regulations, what other kind of regulation would be possible for them? The master-servant relationship became one of the legal discourses to include them.

The urban question also raises the issue of caste in many ways. One of the ways caste is implicated in urban migration is the anonymization of caste in the process of migration. She referred to one of the interesting jokes in 19th century Calcutta, of fake brahmins cooking in middle-class households. Urban migration allowed a different kind of negotiation of caste in households. One implication of many of these contentious histories is that the continuous history of domestic work and the easy and cheap availability of domestic work hasn’t challenged gender and generational character of domestic work. However, the pandemic has challenged the gendered and generational character of domestic work as domestic workers couldn’t come for work and household work finally had to be shared within the household.

The third speaker in the Session was Deepita Chakravarty. Her presentation was titled ‘Women and Girl Children Domestic Workers in Post-Partition West Bengal’. She referred to the studies that have shown how the interplay of market and patriarchy leads women and men to perform different economic roles in society. According to her, segregation based on gender, or the sex-typing of work, plays an important role on both the demand and supply sides in determining the work profiles of women and girl children. The objective of her presentation was to explain how a particular labour market (domestic service), a traditionally male domain, became segregated both by gender and age in the post-partition Indian state of West Bengal and mainly in its capital city Calcutta. She stated that literature on women’s work in colonial Bengal highlights two important points. Firstly, the traditionally lower work participation rate of women and secondly, the fact that avenues of women’s work shrank between 1881 and 1931 as a result of the introduction of the

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28 Professor of Economics, School of Development Studies, Ambedkar University, Delhi
‘limited version’ of modernization in industry. It was also found in her study that domestic service was one of the major avenues of employment in urban Calcutta during that period.

With the help of the statistical data, she clarified two points. Firstly, during the Colonial period, the majority of domestic workers in Urban Calcutta were migrant men from neighbouring regions (Table 1). Secondly, there was an exponential increase in female domestic workers post-independence period from 1951 to 1981 (table 2 to table 4).

Table 1: Migrant Domestics in Calcutta in 1921 by their Place of Birth

<table>
<thead>
<tr>
<th>Born in</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankura</td>
<td>750</td>
<td>604</td>
</tr>
<tr>
<td>Burdwan</td>
<td>1251</td>
<td>1080</td>
</tr>
<tr>
<td>Dacca</td>
<td>3022</td>
<td>226</td>
</tr>
<tr>
<td>Hooghly</td>
<td>2157</td>
<td>1390</td>
</tr>
<tr>
<td>Howrah</td>
<td>1398</td>
<td>657</td>
</tr>
<tr>
<td>Jessore</td>
<td>302</td>
<td>136</td>
</tr>
<tr>
<td>Midnapore</td>
<td>2879</td>
<td>2465</td>
</tr>
<tr>
<td>Nadia</td>
<td>378</td>
<td>418</td>
</tr>
<tr>
<td>24 Parganas</td>
<td>3851</td>
<td>2513</td>
</tr>
<tr>
<td>Total intra-state migration</td>
<td>15988 (36.58)</td>
<td>9489 (77.42)</td>
</tr>
<tr>
<td>Bihar</td>
<td>11788 (26.97)</td>
<td>1416 (11.55)</td>
</tr>
<tr>
<td>Orissa</td>
<td>11240 (25.72)</td>
<td>583 (4.76)</td>
</tr>
<tr>
<td>U.P.</td>
<td>2956</td>
<td>473</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>1726</td>
<td>295</td>
</tr>
<tr>
<td>-----------</td>
<td>------</td>
<td>-----</td>
</tr>
<tr>
<td>Total</td>
<td>43698 (100)</td>
<td>12256 (100)</td>
</tr>
</tbody>
</table>

Table 2: Percentage Share of Women in Domestic Service among all Workers in the Group in Calcutta Industrial Region in 1951

<table>
<thead>
<tr>
<th>Occupational Division</th>
<th>Percentage Share of Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 (Services not elsewhere classified)</td>
<td>17.97</td>
</tr>
<tr>
<td>9.1 (Domestic services [but not including services rendered by members of the family])</td>
<td>31.25</td>
</tr>
<tr>
<td>9.10 (Other Domestic Servants)</td>
<td>36.47</td>
</tr>
<tr>
<td>9.12 (Cooks)</td>
<td>27.69</td>
</tr>
</tbody>
</table>

Source: *Census of India*, 1951, Vol.V1, Part IV, The Calcutta Industrial Region Tables

Table 3: Percentage Share of Women in Domestic Service among all Workers in the Group in Calcutta city and Calcutta Industrial Region in 1961

<table>
<thead>
<tr>
<th>Occupational Division</th>
<th>Calcutta City</th>
<th>Calcutta Industrial Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 (Service, Sport and Recreation Workers)</td>
<td>18.20</td>
<td>17.76</td>
</tr>
<tr>
<td>91 (Housekeepers, Cooks, Maids and Related Workers)</td>
<td>31.57</td>
<td>33.45</td>
</tr>
<tr>
<td>911 [Cooks, Cook-Bearers (Domestic and Institutional)]</td>
<td>14.86</td>
<td>16.93</td>
</tr>
<tr>
<td>912 [Butlers, Bearers, Waiters, Maids and Other Servants (Domestic)]</td>
<td>37.14</td>
<td>38.87</td>
</tr>
</tbody>
</table>


Table 4: Percentage Share of Women and Girl Children (0-14) years in Domestic Service in Urban WB in 1971 and 1981
The next interesting question in Chakravarty’s presentation investigated the feminization of the domestic work sector. Post-partition, there was large scale migration of refugees to Calcutta from Bangladesh. This resulted in industrial decline and a downward trend in industrial job opportunities. It led to more people entering domestic work. Labour markets in general faced a decline in wages and this was reflected in domestic work as well. The migrant males who had come to the city alone with rural ties had more responsibilities. Arguably they had to send some money home from whatever small amount they received as wages. Therefore, men, the main income earners in the family looked out for labour-intensive employment. With the unprecedented influx of women, sex ratio improved significantly. As the whole family needed to work in urban families, women’s employment amongst the middle-classes also led to the hiring of domestic workers and women slowly replaced migrant male domestics. The refugee women, on the other hand, in their frantic search for a means to survive were often able and ready to work for a lower wage than were the migrant females. Often destitute and in search of a safe shelter, sometimes they offered to work in return for food and accommodation only.

The post-partition period witnessed changes in demand and the demographic profile of workers. From newspaper advertisements of the period, it can be gathered that there was more demand for widowed women or destitute women: *nihshai* (helpless), *nirjhanjhat* (unencumbered) and *anatha* (destitute). Among the displaced population, significant numbers were single women or women with children not accompanied by an adult male member of the family. The city faced acute shortage of shelter for those had no previous roots in the city and it resulted in labour camping even in floating barges. Even educated migrant young men advertised in newspapers offering tuition to children in well-to-do families in post-partition Calcutta, in return for food and shelter.

There was gender disparity at work to the extent that women were paid very low salaries and duties were often not specified, but for men (much less in number, about 15%) specific duties were given with higher wages. The supply side of labour was abundant and it can be read from advertisements published under the heading ‘ahar o basathan chai’ (food and shelter sought) often mentioning that

<table>
<thead>
<tr>
<th>Year</th>
<th>Women</th>
<th>Girl Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>42.00</td>
<td>40.63</td>
</tr>
<tr>
<td>1981</td>
<td>58.02</td>
<td>60.43</td>
</tr>
</tbody>
</table>
the applicants were from the other side of Bengal. The refugee women were ready to take over household duties at lower rates and middle-class women could bear the cost of keeping them and this resulted in the outsourcing of domestic work in a large scale to outsiders (refugee women) which was traditionally done by women at home. Another important feature relating to the employment of women was that middle-class refugee women needed employment desperately. The general idea that Bengali middle class women don’t come to the labour market frequently was challenged because of partition. The percentage of women working in different categories within displaced women is much more than the host women engaged in employment. Post-partition, there were more women in the labour market, outsourcing domestic work including care work to the domestic workers. Here the middle class women started exercising agency by appointing domestic workers to perform their household activities. On the other hand, domestic workers had no recognition as they were desperate to find shelter and food by engaging in any available occupation. If we examine the entry of girls into domestic work, we find that partition played an important rule from the supply side.

Table 5 indicates many more refugee women involved in different types of work than the host population

<table>
<thead>
<tr>
<th>Category of Work</th>
<th>Percentage of displaced women in total female workforce of different categories</th>
<th>Percentage of displaced women in total displaced women workers in selected categories of work</th>
<th>Percentage of women (excluding displaced women) in selected categories of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 (Health, education and public administration)</td>
<td>15.37</td>
<td>18.09</td>
<td>9.19</td>
</tr>
<tr>
<td>8.1 (Medical and other health services)</td>
<td>20.49</td>
<td>9.00</td>
<td>3.22</td>
</tr>
</tbody>
</table>
It is evident from the table that there was a change in the demography of the workforce in all the sectors post-parition, including domestic work, with more participation of the displaced women population.

The last speaker of the Session Neha Wadhawan\textsuperscript{29} touched upon the themes of mobility in paid domestic work and addressed the issue of intersectionality in paid domestic work. She also addressed the issue of discrimination against women that Nivedita Menon calls ‘assumed commonality of female experience’. She planned her presentation in two parts, in the first part-the intersectionality and the consequent exploitation and in the second part, to look at the intersectional privileges of the employers. Her research was primarily on live-in workers. She started her presentation by asking when women take up domestic work. She found that women’s entry into domestic work is based on biased gender perceptions of skill, marital status, notions of childbearing age etc. Their predetermined role in biological and social reproduction is critical in influencing the character of their work. Examples are the garment workers who opt out of employment when there is available paid care work in the locality (Supriya Chowdhary’s work). Sex workers have reported being domestic workers before joining their work and domestic workers simultaneously engage in sex work to supplement their income etc.

In her presentation, the extra feature that she wanted to explore in paid domestic work discourse was indigeneity or race. In Jharkhand, young women have more mobility compared to other women in Adivasi community. Due to the perceived fear associated with migration to the cities, 

\textsuperscript{29} National Coordinator, Work-in-Freedom Project, ILO, Delhi
they never reveal to their families that they are migrating for work. Instead they say that they are going to visit their relatives. They have the freedom to visit their relatives alone as their families exercise less control over their mobility compared to upper-caste families. This situation is there because elopement as a traditional practice is recognized and accepted by these communities. The outsiders/recruiters take advantage of these social norms/acceptance, mislead women about work in cities and bring them to city spaces. Lack of restrictions on mobility and exercise of control over tribal women leads to their uninformed migration with their families and in turn, tribal live-in-workers in cities are highly controlled by the employers under the disguise of protection. This often becomes an issue of tension between the employer and employee. Denial of permission to move outside employers’ home, in turn, gets extended to restrictions on returning home. This is more visible during the time of pandemic. While part-time workers lost their employment, full-time workers are overburdened with work inside homes in the new work-from-home mode. She mentioned that in the coming days there may be an increase in the requirement of more live-in workers than part-time workers.

In her work, she has also looked at contours of unpaid work in source areas. Young women work as agricultural labourers for no income in source regions which makes them think about migrating to cities for paid work. When it comes to the role of the state in regulating migration, its elitist, racist and casteist attitude has led to criminalizing them. This is alongside the prevalence of community policing over them. For example, Anti-human trafficking units have received increased funding and expanded their work in source regions in the recent times. However, these units deal with the labour intermediation by criminalizing the framework. On the one side, there is a high demand for live-in domestic workers in cities, and on the other hand, women decide to move out for work from villages/source areas ensuring the supply of human resources. But the state treats the intermediaries as traffickers and these women become trafficking victims despite their agency and independent decision-making capabilities. Another feature that is prevalent in states is migration registers. Under this, the state is increasingly insisting on registration when the women/men move out of the village for work. In certain cases, women move out of the villages to escape bad marriage or violence within their families. When they inform the state about their migration decision, they undergo an amount of backlash from the families/communities and this may result in the prevention of migration. This uniform policy framework for men and women jeopardizes womens’ aspirations to choose work.
Neha also referred to the practice of age bans in transnational migration. To circumvent age bans, domestic workers are forced to fake documents or age in their passports. This puts them outside the purview of legal protection as the state tends to wash off their hands, indicating the illegality involved in their migration process. In the Indian case, there is a ban on those under the age of 30 years migrating to other countries for domestic work which also questions their agency to make decisions to engage in a vocation. Neha referred to Nepali women’s case where they prefer to earn skills in India before migrating to Middle East countries.

She also called for deconstructing the category of the employers to understand the processes of surplus extraction of the reproductive labour that are embedded in ‘cultures of servitude’. It is also important to explore the avenues of feminist solidarity and issues that women’s movement in the region should take up given the direct conflictual nature of relationship between the employer and employee, in this case both being women. Employers and patterns of employment practices in India are diverse. The middle-class families in India emphasize following casteist practices in relation to Adivasi women who lie outside the caste system and use brahminical privileges based on purity and pollution and engage in casteist abuses to control them. Employers even withhold wages from Adivasi workers taking advantage over their vulnerabilities to tie them in debt bondage. It is interesting to look at how we have engaged or not engaged in addressing the issue of the sexual division of labour and looked at the issue of outsourcing unpaid housework for lower wages to vulnerable women. However, it is also interesting to know that there is a certain level of negotiations that domestic workers engage in with their middle-class employers on certain occasions like air travel/train travel tickets to return home. She also mentioned that Indian employers are complicit in violence against Indian domestic workers abroad and the power relations within the nation-state are replicated in the transnational space. She also argued that employers’ perceptions are important to look at considering increasing feminization to the exclusion of wage benefits and working conditions to the women workers in employment in gig economy platforms.
The informal sector, once considered to be ‘transitory space’, has become the modal experience of precarious informal work today, as a result of new forms of economic development. The vulnerability of domestic workers is inherently tied to the process of informalization. Scholars have used the concept of ‘feminization of poverty’ to explain the increased participation of women in precarious work. Many aspects of their precarity such as their non-recognition as workers, migration, the lack of entitlements and illegal practices like trafficking, forced labour, child labour, sexual abuse and exploitation by intermediaries, require discussion as consequences of informalization. The vulnerability and precarity of domestic workers are also attached to their social status. Female domestic workers are not a homogenous group; hence it is also important to dissect their varied experiences as well as struggles and resistance in their survival. While informality points to the failure of the state in recognizing and acknowledging the legal status and entitlements of domestic workers, ‘precarity’ entails insecure, uncertain, unpredictable and undependable futures. In the Indian context, cultural, social and political marginalization intersect with the precarity of workers in the informal sector. This necessitates alliances between precarious workers’ struggles and caste and gender identity-based movements. During the initial phase of lockdown with the advent of Covid-19, while domestic workers were re-entering the workspace, most were not paid their wages and were unable to manage their basic needs or get enough food. We have also seen the conversations around domestic workers as carriers of the virus and the purity-based claims that reflected caste and class-based privilege. The session attempted to think upon the solutions to these visible violations that require in-depth discussions from a policy perspective.

Sumeet Mhaskar\textsuperscript{30}, chaired the session and contextualized the debate in the context of his work on rationalization in textile mills in Mumbai. As women workers lost their employment in textile mills, most of them turned to domestic work for livelihood. It was interesting to note that the female workforce in the 1920s in textile mills was around 23\% of the total mill worker population which went down to 1\% in 1975s and now is at zero. In his empirical survey, around 200 respondents were women engaged in domestic work as they were stripped out of industrial work. He also mentioned about different kinds of work within the spectrum of household work and its

\textsuperscript{30} Associate Professor, O.P. Jindal Global University, Sonepat
caste-based outsourcing which is visible in the domestic space. The labouring classes who are easy to be fired from industrial work end up in informal domestic work and need to be studied from an intersectional perspective to understand the continuum of embedded occupational and caste disadvantages in society.

The first speaker of the session was Swapna Banerjee\(^3\). She spoke on ‘the historical analysis of feminization of domestic labour in colonial Bengal’. She also addressed the assumption attached to the sector as highly feminized and touched upon the precarity prevalent in the domestic work in the colonial period. She started her presentation by referring to historical references to domestic servants in Indian literature. She referred to Kautilya’s Arthasastra, Asokan edicts and Buddhist and Jain literature which tells us about slaves and *sudras* (both male and female) who worked as domestic servants. It was explained with the help of Census data of 1911 that in Calcutta, the colonial metropolis, domestic service in 1911 accounted for 12 per cent of all occupations which far exceeded the pan-Indian average of 1.47 per cent (Table 2). In Colonial India, in total 1.5 % workforce accounted for the domestic workforce while only in colonial Calcutta it accounted for 1.14 % of the workforce (Table 1).

Servants in the Colonial Period (Table 1)

<table>
<thead>
<tr>
<th>Geographical Area</th>
<th>% of Domestic Workforce in total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>1.5</td>
</tr>
<tr>
<td>Bengal</td>
<td>1.14</td>
</tr>
</tbody>
</table>

*Source: Census of India, 1911, vol. 1, India. Part I, Chapter IX, Subsidiary Table II, pp. 432-433*

Domestic Service in Calcutta versus Other Cities, 1911 (Table 2)

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31 Professor of History, Brooklyn College of the City University of New York
The 1911 Census noted that nearly two-thirds of the actual workers returned under the head of domestic service were males. It further stated that when a family could only afford one servant, their choice was always a man who could do the shopping and perform other outdoor activities “better” than a woman. The shift in favour of feminization became visible from 1921-1931. The percentage of female domestic workers increased from 26 to 52, and that of male workers declined from 74 to 48. By 1931, approximately five per cent of the work-force in Bengal was employed in domestic service. In the 1930s, domestic service accounted for over 70 per cent of women workers in the modern services in Bengal.

With this historical backdrop, her presentation sought to analyze the feminization of domestic service in Bengal, India, within the colonial capital in Calcutta. The feminization of domestic labour was intimately connected to colonial economic policies and the differential impact of the so-called process of “modernization.” The intersectionality of social, economic, cultural, and ideological factors pushed women to precarity and compelled them to rely on their reproductive labour for sustaining themselves and their families. According to her, the changes in the nature of work alluded to the changes in the attitudes of women domestics towards their future generation, especially in terms of providing them education and other factors for social mobility.

She placed her arguments in the context of modernization and reproductive labour and explained the terminologies in detail. According to her, in the Indian context, modernization in the sense of
growing industrialization was an artificial construct grafted onto the economy by colonial rule. The British invested in selected industries to promote their political, economic, and administrative interests. The entire process had a negative impact on women's lives. Reproductive labour which constitutes social reproduction involves biological regeneration and caring directly for oneself and others (childcare, elder care, healthcare; cleaning, shopping, repairing). It also reproduces culture and ideology and provides for sexual, emotional, and effective services to maintain family and intimate relationships.

It is interesting to note that while comparing with the West, especially England and France, industrialization led to the decline of domestic service as a major employer of women. But in Bengal, limited industrial growth pushed women towards domestic service, the only expanding occupation for women in the modern sector during the last quarter of the 19th century. With increasing industrialization, the percentage of non-agricultural working women in France who worked as domestic workers fell from 19 per cent in 1896 to 16.4 per cent by 1936. In Britain, the drop was from 42 per cent in 1901 to 30 per cent in 1931.

Bengal was a unique case compared to other parts of British India because it had one of the lowest rates of female participation in the workforce. Unlike the rest of India, where both men and women participated in agricultural labour, women in Bengal were employed in caste-based and other non-agricultural occupations such as making and selling dairy products, foodstuffs and fuel items, textile spinning and weaving, basket making and allied crafts, occupations related to jute textiles and work in mines and plantations. But by the 1930s the share of women in traditional caste-based occupations dropped from 95 to 82 per cent.

It is interesting to look at how technological changes influenced change in women’s occupations. In 1911, 91 per cent of women workers in the Bengal Presidency was employed in jute, tea, and coal industries. But around the Calcutta industrial belt, women’s employment in the jute industry was on the decline: 29 per cent in 1901 to 17 per cent in 1911 and 12 per cent in 1921. In the late-1920s women were also pushed out of collieries when underground work by women and children was prohibited in 1928. There was a 28.5 per cent decline in the employment of women and children in factories between 1921 and 1931. In the tea industry, women’s labour was replaced by male labour as a result of the Great Depression in the 1930s. This progressive decline in the
employment of women in industrial work leads to an increase in the number of women in domestic service.

There were social and cultural factors which cannot be ignored for increasing feminization in domestic work. Due to the unplanned and unorganized nature of the growth of the modern sector, its environment became unwholesome for the migration of women. The outcome was an acute sex imbalance leading to widespread promiscuity and prostitution. The single woman worker living unprotected among an overwhelmingly male population was compelled to seek the protection of a single man. According to government reports, her position became difficult to differentiate from that of a prostitute. These social conditions were further complicated by ideological factors. The spread of Victorian domestic ideology, emphasizing the role of the ideal mother and wife, fostered by the Bengali middle class resulted in a schism in the cultural world of Bengali women. The bourgeois language of "respectability" divided the population morally and ideologically along with class and communal lines with women as the focus of a new consciousness of social status.

The negative stereotypes of working women strengthened the essentially conservative public debate on the role of Bengali women in the late-19th and early-20th century. The new domestic ideology struck deep roots into the conservative, equally patriarchal lower orders of Bengal. Much of the early female labour force who came from the middle-ranking artisan and agricultural castes withdrew from public activities to increase their social status. To combine social respectability with growing economic prosperity, the dominant peasant castes like the Mahisyas emulated the practices of the upper castes and distanced themselves from manual labour. The male-dominated cultural inhibitions in Bengal, while presuming to protect women, pushed them to gender-specific occupations, such as domestic service, begging, and even prostitution.

She argued that the rising participation of women in domestic service in the early decades of the twentieth century was not just an economic outcome, but a combination of complex economic, social, and cultural factors. The middle-class demand for household servants as a symbol of class-status was commensurate with the supply of excess labour released from the agricultural, non-agricultural, and industrial sectors. Live-in domestic service provided destitute Bengali women with a means of livelihood. It also gave them a shelter in the unfamiliar and unwholesome urban milieu. Women who worked as maids came from villages near Calcutta and settled within the familial set up of rising middle-class families. On paper, their activities were taking care of
children and acting as parlour-maids to the mistresses of the house, but they ended up doing almost all forms of household work.

While extending her thoughts on the present day women domestics, it was argued that in contemporary India, women domestics are still subjected to the same kind of push factors that drive them to precarity and compel them to rely on socially reproducible labour to sustain themselves and their families. However, at present domestic service in India is also used as a stepping-stone for upward social mobility—a process that was witnessed decades ago in Europe and the Western world. Interviews and literature reveal that present-day women domestics are preparing their female children for livelihoods that no longer build on socially reproducible labour. Women domestics, despite significant hurdles, strive to equip their daughters and granddaughters with training and education for an alternate means of survival. To facilitate a better future for girl children of domestics, they require education, unionization, and legal protection to end systemic challenges.

The next speaker for the session Padmaja Barua\textsuperscript{32} presented on ‘Precarity at domestic work: exploring discursive boundary making in domestic work relations in India’. Paid domestic work in India is both precarious and informal as domestic workers are not recognized as workers, in the eyes of the state, and lack access to the key provisions of the main labour laws. This means that these workers labour under the most precarious of work conditions characterized by uncertainty, instability, and insecurity of work in which they themselves bear the risk of work as opposed to their employers or the state. However, what is important to keep in mind is that this sector of work is regulated and structured, not by law, but by social institutions and hierarchies based on caste, class, ethnicity, race, and gender. So what accentuates the precarity and vulnerability of domestic workers, in the Indian context, is that paid domestic work has been shaped by specific cultural constructions based on class, caste and gender, which enable employers to create, maintain and sustain material and symbolic distinctions between themselves and their workers. And in this talk, which is based on Ms. Barua’s research with employers in India, she focused on how employers are doing this, through everyday discourses and labour practices within the home. She examined how devaluation of paid domestic work and the workers who do this work, is reproduced at the level of individual households and the micropolitics within. This

\textsuperscript{32} Associate Professor, Western Norway University of Applied Science
discussion has implications for our understanding about systems of inequality and subordination at wider spatial scales by highlighting the kind of class formations and constellations that have emerged in India post liberalization. This cultural devaluation faced by domestic workers significantly reproduces their precarity by militating against their ability to achieve traditional work benefits, labour rights and dignity of labour which is afforded to other workers in the Indian polity. Barua highlighted how this devaluation occurs through the process of discursive boundary work or boundary making as practiced by employers, in relations with their domestic workers. Boundary work is a concept developed within cultural sociology and has been defined by Nippert-Eng as “strategies, principles and practices we use to create, maintain, and modify cultural categories” (1996, “Home and Work”). Boundary work, as used in the literature pertaining to paid domestic and care work, revolves around the production of a symbolic, but also material. The demarcation between employers and domestic worker based on hierarchical markers of difference—for example race, class, gender and in the Indian context, caste—in a process, as scholars such as Pei Chia Lan and Helma Lutz have pointed out, is marked by changes and continuities. She referred to her research in Mumbai and Chennai (in 2013 and 2014) which illustrates that employers engage in two boundary work discourses and discursive approaches (which in turn informed employer practices)—namely, that of benevolent maternalism and a market-based approach—but rather than being watertight compartments, these approaches operated on a continuum. Which employers veered more towards one approach rather than the other depended on two key factors: whether the employers hired full-time or part-time workers, and the specific positional attributes of the employers in terms of age, occupation, and family background. Employers who veered more towards maternalism were older in age, belonged to affluent business families and were housewives or involved in the running of their family businesses. They also tended to employ both full-time and part-time domestic workers. In contrast, the younger employers who veered more towards the market approach, were working professionals who mainly employed part-time domestic workers.

**Benevolent Maternalism**

Within the trope of benevolent maternalism, the employers sought to represent themselves as benevolent employers who were kind, altruistic and always mindful of the welfare and interests of their workers. This benevolence was manifested in their tendency to grant gifts, favours and
benefits to their workers. For example, many of the women spoke about how they take care of all the material needs of their workers and their families which extends beyond paying them just their wages. Instances of paying the rent of the houses the workers lived in, paying for their children’s education, getting jobs for the husbands of the workers and giving them large loans of money were common. The women articulated that by financially supporting their workers in these diverse ways, they were doing a form of charity. Rather than donating money to the poor, charity began at home by helping their workers who were also poor and needy.

So, on the one hand, while employers sought to forge close, personal ties with their workers and promote the qualities of motherliness, protectiveness and generosity, they also, on the other hand, were preoccupied with openly and overtly essentializing their domestic workers as being inherently and fundamentally inferior. This was mainly manifest in their discourses of their workers as being dirty and lacking hygiene, as a result of which they could not allow their workers to sit on their furniture, use their toilets or use the same crockery and cutlery as the employers used. What was interesting was that while this form of othering echoed caste-based concerns relating to purity and pollution, the employers sought to systematically decouple their preoccupation with hygiene and cleanliness, from any explicit reference to caste-based ideologies. Instead, they distanced themselves from any association with caste-based segregation practices by claiming that domestic workers preferred to, on their volition, initiate and abide by these practices. What is also worth pointing out here is that was an intertwining of caste and class hierarchies in the way in which employers sought to legitimize these differences with their workers, whatever the latter’s caste status. This supports the premise that the maintenance of class and caste boundaries cannot be neatly separated, and the dominant order asserted by employers against their domestic workers is based on a particular blending of class and caste-based ideologies. These employers represented themselves as benefactors rather than employers. By framing their relationships with their workers in personal rather than professional terms, they absolved themselves of any responsibility of recognizing their domestic workers as workers with rights.

The Market – based approach
Barua turned to discussion of the tropes mobilized by the younger set of employers. Employers in this group, who are part of a younger generation of urban professionals, aspired to promote a more modern identity and disassociated themselves from feudal traditions which emphasize the position
of employers as masters and workers as servants. They resisted this notion of domestic servitude to emphasize an emergent market-based democratic order in which employers and workers are bound together by a wage contract. So, in this sense, they attempted to embrace the “impersonal rationality of the market” (as Ray and Qayum, 2009 have posited) and spoke about the necessity of maintaining a more “business-like” relationship with their workers, emphasizing job-tasks rather than the forming of close, personal bonds with their workers.

These women accepted that within the altered temporal rhythm of part-time employment arrangements, workers were singularly tasked and time-driven, often working for three or four households daily. Given the circumscribed amount of time they spend with their domestic workers, most of these employers, factored in the necessity of overlooking small mistakes or ignoring a less than satisfactory quality of work, in order to avoid what they perceived to be unnecessary personal conflicts with their workers. By deploying a language of accommodation and noninterference, these employers sought to represent themselves as comparatively egalitarian and lenient employers. These employers were also able to make relatively clear allowances for the needs and actions of their workers by attributing a certain measure of personhood to them—they were willing to recognize that their workers had lives of their own, were often wives and mothers, and would put their families first.

However, this trope of egalitarianism was contradicted by articulations and practices of these employers, which attempted to bring back hierarchy and inequality into the relationship. Apart from practices like gift-giving, there was a strong preoccupation with cleanliness and order, both in the work done by the workers and with the worker’s bodies. The reasons given for this was that because their workers lived in slums and were involved in unclean and unhygienic tasks, dirt and disease entering their homes was an omnipresent danger. It is with this preoccupation with cleanliness that the comparative egalitarianism of market-oriented employers comes up against its most obvious barrier, reinforcing Barua’s argument that the maternal and the market-based approaches exist on a continuum and share fundamental hierarchical assumptions. Moreover, like the older employers, these women were keen to distance themselves from any association with caste-based segregation by emphasizing that they demanded hygiene and cleanliness only to
protect their own health and that of their family members. This reflects a secularized version of the purity/pollution codex that is integral to caste-based practices.

Similar to the older set of employers, these employers were reluctant to recognize the labor rights of their workers and preferred to portray themselves as humanitarians rather than employers. They expressed ambivalence regarding the issue of workers’ rights and unionization, stating that the relationship between employers and domestic workers and issues such as wages and paid leave should be negotiated at an individual level.

**Commonalities between the two approaches**

As is evident from my presentation so far, these two discursive approaches were grounded in a set of basic commonalities: the perception that having domestic workers is essential to running a household; a demand for cleanliness imposed on domestic workers and the work they do; and a shared tendency for employers to cast themselves as humanitarians and benefactors rather than employers. These commonalities demonstrate that Indian employers resist the notion of domestic work being legitimate work with concomitant labor rights and entitlements. By foregrounding their role as generous and humane employers - who take care of their workers in diverse ways - the essentially unequal and adverse terms and conditions under which domestic workers are incorporated into work arrangements are disguised, and attention is deflected away from the issue of the workers’ labor rights. At the same time, by controlling the activities, labour, spatial mobility, and cultural representations of their workers, employers seek to reiterate their superiority and dominance while simultaneously, reproducing the status and position of the workers as subordinate and precarious.

**Summation**

It is clear that there are historical continuities and changes in the way that domestic labour relations have been organized in India and this has implications for our understanding of the historical trajectory of the political economy of paid domestic work in India. The continuities are apparent in the using of sensibilities reminiscent of older feudal values such as maternalism as a strategy to control both the labour and the personhood of domestic workers, and in the disavowal by employers of recognizing the rights and entitlements of domestic workers as workers, and their roles as employers and not benefactors or humanitarians. At the same time, changes can be seen
in the tendency of younger employers to distance themselves from feudal notions of master-servant relations, instead emphasizing a more democratic order based on the contractual elements of the wage relationship. However, in the ultimate analysis, the fact that employers continue to structure domestic work in ways that consolidate their control over the labor process and reproduce hierarchies between themselves and their workers poses significant challenges to the advancement of secure, stable, dignified and non-precarious terms of work.

It is also important to think about and discuss whether the law has inherent emancipatory potential to regulate this sector of work which is highly personal, intimate and based on a particular constellations of hierarchies based on class, caste and gender. So even if there were to be legal provisions available to domestic workers, the personal and intimate features that govern this work are not likely to dramatically and suddenly abate and domestic workers will, to a larger or lesser extent, still depend on negotiating and navigating the intimate and highly personal relationship that they share with their employers in order to ensure that their rights are secured. This is not to suggest that the law is not important but rather for us to look at this from a more nuanced and layered perspective and to think about how laws can be enacted and established in a way that recognises and builds on the existing political agency and capacities of domestic workers and the efforts that they have made, till now, to informally regulate and control their own labour and terms and conditions of their work.

The third speaker of the Session was Sujata Mody\textsuperscript{33}. She started her presentation by talking about ‘the continuity of precarity of domestic work in new city space’. According to her, with the new middle class, the change in attitude towards domestic work is superficial. In Chennai before 2007, the domestic workers choose domestic work as they were able to take care of their household chores and participate in social and cultural life. However, after 2007 urbanization plans were rashly implemented, accompanied by displacement and the eviction of 2 lakh families from the city to the outskirts of the Chennai. Combined with it, the Jawaharlal Nehru Urban Renewal Mission gave the local government the money and resources to implement such an uneven programme which workers were unable to contest within the short notice period. After that in 2007, there was a second renewal plan which resulted in the construction of two industrial hubs.

\textsuperscript{33} Activist, Pen Thozhilalargal Sangham
at the southern and western end of Chennai which extended Chennai’s space from 6000 or 8000 square kilometres. This expansion has challenged the organization and mobilization of not only domestic workers, but all kinds of workers. The huge apartment complexes have made the workers stranded in isolated structures. According to her before this urban expansion, the workers were best organized and could demand together for better conditions at work. Now the distance and expansion of the city have isolated the workers from coming together and it is a challenge that urbanization has posed to the organization of workers.

The pandemic has posed unprecedented challenges to domestic workers in slums. The majority of them being dalit/Muslim women who are vulnerable as well as single parents/widows/single women had to struggle for daily living. The distance from slums to new gated communities has created struggles with workers having to spend 20% of their total wages on travel which the new employers did not compensate them for. The kind of support the workers had from traditional employers in independent houses couldn’t be enjoyed by domestic workers anymore in the new urban colonies. The hire and fire practices have become inhumane. During these times, NGOs, unions and organisations have tried to reach out to them ensuring that they have regular food supply and small assistance which has helped the workers to survive. Certain employers with whom the workers had personal relationships credited small amounts to their banks, but on the other side, new employers in complexes ignored them completely. After the opening up, the workers were asked by the employers to use private vehicles. Another challenge is the surveillance of domestic workers and treating them carriers of virus and as dirty and without hygiene. She wanted to specifically mention about organizational challenges in new city and urban spaces to the detriment of workers’ organization and mobilization.

In terms of relationships between the state and the domestic workers during Covid times, the government of India has provided no specific provisions for domestic workers. There were repeated requests for cash transfers to the state government and there was a very minimal transfer of Rs. 2000 to a few bank accounts. Though there is a change in the attitude of workers and they are in negotiation with the employers, most of the workers are weak in bargaining capacity and confidence. Employers are also uninformed about the labour rights of their workers. It requires a change in public discourse around the dignity of domestic work.
The next speaker of the session was Sudipta Sarkar\textsuperscript{34}. She has shared her write up of the present which is given below.

**Decent Work Deficits among Part-Time Domestic Workers in Delhi**

Sarkar started her presentation by mentioning that domestic work is considered as ‘un-skilled’ because it is mostly recognized as a traditional women’s work, which women learn and perceive from other women in the home. Thus, domestic work is undervalued in both monetary and social terms as governments, citizens and others do not recognize its economic and social value.

Sarkar’s presentation was based on an empirical study that was conducted in 2010-11 in Delhi. About 152 women were interviewed with the help of purposive sampling techniques from different slum areas. Respondents were ever-married women aged between 20 and 58 years. In the study, the definition of part-time workers is considered as ‘those workers who stay outside of the employer’s house and perform household tasks of the employers in exchange for cash (may be along with kind), she may work multiple houses daily’.

She explained about their household characteristics and the socio-economic status of the part-time paid domestic workers in Delhi, workers’ home and the workspaces. Further, she emphasised the issue of decent work for domestic worker followed by the discussion on the social and economic insecurities of domestic workers during the COVID-19 pandemic.

The majority of the workers have their jhuggis,\textsuperscript{35} forty-seven per cent have a rented jhuggi. About eight out of ten have a one-roomed residence and thus no separate cooking place. Almost every household has electricity and the households use government drinking water as well as sanitary facilities. On average, six out of ten do not receive PDS (Table 1). A lack of permanent residence is an important reason for not receiving PDS. Among the PDS-receiving beneficiaries eight out of ten fall under the BPL category. Whereas analysis of the monthly per capita expenditure for all the households reveals that about eleven per cent of households come under below poverty category.

\textsuperscript{34} Assistant Professor, Visva Bharati, University, Kolkata— Santiniketan  
\textsuperscript{35} A slum dwelling made of non-concrete materials
Table: 1
Public Distribution System (PDS) received by the households
Of part-time domestic workers in Delhi

<table>
<thead>
<tr>
<th>Details of PDS received by the Households</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Get PDS</td>
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<tr>
<td>No</td>
<td>55.3</td>
</tr>
<tr>
<td>Yes</td>
<td>44.7</td>
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<tr>
<td>Total</td>
<td>100.0</td>
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Reason for no PDS
<table>
<thead>
<tr>
<th>Reason</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
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<td>51.2</td>
</tr>
<tr>
<td>Yet not applied</td>
<td>22.6</td>
</tr>
<tr>
<td>Applied but did not got the facility (unknown about the reason)</td>
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<td>Not Indian</td>
<td>10.7</td>
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<td>Document lost</td>
<td>3.6</td>
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<tr>
<td>Total</td>
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</table>

Whether APL/BPL
<table>
<thead>
<tr>
<th>Category</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>BPL</td>
<td>83.8</td>
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<td>APL</td>
<td>16.2</td>
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<tr>
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</tbody>
</table>

Source: Field survey (2010-11)

The average age of women workers at Delhi is 38 years, most of the women are Hindu from lower castes such as Balmiki, Chammar, Kahar, Malah, Namashudra, Kurmi, Telli etc. followed by Muslims and other groups. Currently, married women constitute the highest proportion of domestic workers followed by widowed women. Most of the women belong to the lower caste and are illiterate. Information on the preference of caste or discrimination by the employer confirms that the majority of workers experience no caste preferences but a few felt its existence. This dilution of casteism may be possible because urban life dilutes caste barriers. The majority of the women workers have migrated from eight states and two countries. Uttar-Pradesh, Bihar and West Bengal are the top-ranked states. Nepal and Bangladesh also contribute a significant proportion of migrant workers to the city. In all the three states, women migrated along with family after marriage. In the case of Bangladeshi workers, women migrated mainly for the purpose of a better livelihood in the city where they gradually end up as a part-time domestic worker or solid waste
separator (Kawari ka kaam). However, for Nepalese women the situation is different, their purpose of migration is re-union or to join with their husbands who work in the city and gradually they engage in part-time domestic work.

According to her, most of the women in the surveyed urban poor localities choose part-time paid domestic work because it allows them to carry out their household tasks and responsibilities as well as to earn outside their homes. From her empirical study, there were certain important findings:

1. In Delhi, wages of part-time domestic workers are fixed based on particular tasks performed. However, the fixed amount of money for any particular task can vary across localities as well as within localities. Wages are fixed based on bargaining between the employer as well as the employee. Most of the newly migrant women in the city are economically poor with low or no educational background. They remain ignorant about the existing market rates in the city and have low bargaining power. Such women are earnestly in need of a source of income; often they enter in paid domestic work in private homes. Such workers are vulnerable because they are ready to accept jobs at a very low rate. As the new workers are easy and cheaply available for the employers, this leads to competition between the old and the new workers. Cheap new workers replace many older workers, which creates a situation of insecurity within the working community.

2. Part-time domestic workers lack uniformity in their work time. Most of the workers, from very poor households, even work for more than 10 hours a day, which is a threat to their health and personal lives. Some workers work in 10 houses for 10 hours, whereas some are engaged in only one house and work for 13 hours. Working in more number of houses does not mean that workers are earning more. Their hourly wage is very low; thus, they work like a ‘machine’ to several houses to earn a decent wage at the end of the month. This is extremely hazardous for the mental and physical development of workers.

3. Particular scheduled reasons by which an employer can dismiss part-time domestic workers are absent in Delhi. Many of the respondents pointed out that their services can abruptly be terminated due to a sudden absence in work; long vacations are taken without arranging for an alternative or termination can happen due to an employers’ dissatisfaction of specific tasks performed. Absence due to the sudden illness of workers can also be a reason
for termination. Thus, many workers ignore their health and go to work, even in sickness, for fear of job loss. Since there are no formally agreed-upon conditions, such practices work against the wellbeing of workers, which requires some corrective measures from the concerned authorities.

4. In Delhi, domestic workers are not included in any social security measures (till the date of the survey). Thus, the families with very poor income have to take loans and are in debt due to crucial illness, hospitalisation and further treatment. For most of the workers, employers are the main source of loan during an emergency crisis. Other than employers, very few workers reported friends or distant relatives who help them during need. Dependency on the employer further curtails their freedom increasing their voiceless with their employers. Therefore, the inclusion of this deprived group under state social security measures is essential to make them independent and self-sufficient. As the respondents of this study are ever-married women, the question of pregnancy and maternity leave are an important subject of the query, but field experiences suggest that most of the workers are mothers of two or three and joined the market only after their children have grown up. This is probably because of the lack of leave and the chance of termination from work.

She also discussed the social and work insecurities of part-time domestic workers during the present pandemic crisis occurred due to COVID-19 outbreak. According to her, there are three significant needs during the lockdown phase for survival.

a. Cash in hand - In Delhi, about 80-90 per cent of domestic workers have been terminated from work due to the fear of the virus. As these workers do not have any protection under labour laws, they are randomly terminated from work and there is no provision of unemployment benefits for these workers. Thus, a constant source of income has been stopped during the lockdown phase. Cash in hand is essential for the daily purchases of vegetables, milk for children or payment of rent. Thus, it has been a difficult situation for the workers who have ran out of the money. Although the Central Government has transferred monthly Rs. 500/- to the beneficiaries of Jan-Dhan yojana for three months in the initial phases of lockdown, there would be many domestic workers who don’t have a savings account and are deprived of the Government benefits. As per the field survey of 2011, more than 70 per cent of the part-time domestic workers in Delhi did not have a savings account.
b. Food security – In India, the Government provided grain through the PDS system during the pandemic. Although there are some reports of corruption by the ration dealers in some states, the distribution of food grains has been beneficial for the poor. But in the case of people with no ration cards e.g. migrants in the cities, have been suffering tremendously. As mentioned earlier, about 55 per cent of part-time domestic workers in Delhi do not have any access to PDS, as about half of the workers do not have any permanent residence in the city.

c. Health Security- The majority of the workers are not included in the social security measures in the city. More than 85 per cent of the workers use shared government toilets in the slums where the idea of social distancing and hygiene is a mockery. If a person gets infected then there is no provision in the household to stay in self-isolation because most of the workers stay in a one-roomed home in jhuggies. About 80 per cent of part-time domestic workers reside in one-roomed homes.

Thus, the need for cash, food and health security during this crisis has exposed the vulnerable conditions of domestic workers who are not covered under national labour laws.

The fifth speaker of the session was Ruth Manoroma. Her main argument centred on domestic workers being in abject poverty and orphaned by the state and economy even before the pandemic. Three conditions that explain domestic workers’ situation are irregularity, uncertainty and insecurity. According to her, domestic workers are much poorer than other categories of workers. Domestic workers are vulnerable inside the home, in public space and the workplace. They are denied regularity in employment which results in no wage for no work.

Domestic workers are invisible, unlike construction workers, though both are in the informal sector. Domestic workers need to balance home, children and employers’ houses taking up the double burden of social reproduction. Another important factor to note is that they have no assets of any kind. They are always left with old items that employers hand over for their daily use. They do not own any valuable items like jewellery or land. This often lands them in a debt trap when there is an emergency at home. They get indebted to the money lenders and employers. The lack of adequate employment opportunities leads to unstable income. Their peculiar working pattern is

36 Activist, National Alliance for Women
that there is no incremental increase in their wages and they retire with the same wages as what they got when they joined domestic work. This is perpetual stagnation of the valuation of labour. It becomes all the more important when it happens to an economically and socially vulnerable workforce.

According to her, domestic workers are at the bottom in the social hierarchy, their demands are ignored and disrespected. She disagreed with the use of the term ‘lower castes’ to refer to SC/ST population as it involves pre-ordained determination of social status based on two binaries, upper castes and lower castes.

It is in this context that she referred to social distancing during Covid -19. As it is widely used against domestic workers, she termed “social distancing” as a practice of untouchability. The terminology itself is discriminatory. Rather, physical distancing with social solidarity with the workforce dispossessed of work should be maintained in the current context. She also referred to discriminatory practices against domestic workers as part of their precarity at the workspace. The practices of untouchability within the workspace involve use of separate utensils for domestic workers and denial to enter certain portions of home. These practices are part of their indignified experiences of daily lives.

According to her, Convention No. 189 cannot provide any solution unless a worker is recognized as human. Decency comes from recognizing a person as human. She again contested the use of the terminology ‘servants’ in the context that it presupposes the structure of serfdom. The precarity of the domestic workers is seen in their housing, educational qualifications and access to food. They live in kutcha and pucca houses in slums in city spaces, the first space to be evacuated for development purposes by the state. All of them are illiterate or semi-literate. As they are not able to educate their children, they have been illiterate for generations. This intergenerational inequality of domestic workers is not addressed by the government in a holistic manner.

Their access to food is minimal and, in her study, she found that 100 % of domestic workers’ health was to be considered vulnerable with multiple childbirths, lack of food and malnourished children. According to her, domestic workers needs to be elevated to the position of workers. Though they are included under the Minimum Wages Notification, their valuation of wages is inadequate and discriminatory. The central government should give social security to workers. Smart cards would not provide them benefits, but social security under the Unorganised Social
Security Act, 2008 needs to be provided. For the provision of social security, contributions from employers and workers can be given towards the Fund separate to that of the government. She also argued for the provision of smartphones or laptops to children of domestic workers to ensure continuity in their online education during the current times. She concluded with a demand for an Urban National Employment Guarantee Scheme to ensure regular work and regular income for informal workers, including domestic workers in urban space.

The last speaker of the Session was Uma Rani. She touched upon two issues. Firstly, the conditions of domestic workers and secondly on digital labour platforms in the context of domestic work. She stated that the international labour standards on minimum wages statutes and other enactments have systematically excluded domestic workers. Both the international conventions on minimum wages Convention No. 26 and Convention No. 131 left the determination of wages to the discretion of the states. Part of the non-recognition and undervaluation is also because of the nature of the framework of the legal standards set from the above.

She mentioned that strong and consolidated struggles for recognition of domestic work internationally led to Convention No. 189 in 2011 which was a historical milestone, even for an organization like ILO. Through this effort, the tripartie welfare mechanism gained recognition at an international level. The statistics of the sectoral workforce came out during this Convention and this made them visible in the public domain. The struggle brought forth civil society movements, employers, unions and government officials before the standard-setting organization namely, the ILO. Challenges regarding wage settings remain in developing countries across the globe. In India, though minimum wages regulation has arrived in certain states, domestic workers are provided with the lowest wages across the categories. This is against the principle of non-discrimination in the Convention. It also makes for a very strict bar against in-kind payments. According to her, the lowest wage for domestic workers is seen in developing countries as every state law considers them as unskilled workers.

The fight against this normalized inequality against domestic workers in the domestic space raises ethical questions around individual principles of life and the importance of the creation of a level playing field for everyone. She also reflected on laws for domestic workers and how they can be

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37 Senior Economist, ILO, Geneva
monitored in the domestic space. It is a pertinent question in terms of an implementation of failures that we often talk about. She referred to Dr. Adelle Blackett’s book titled ‘Every transgression’ to explain how daily transgression over a domestic worker’s personhood is reflected in their daily lives in the intimate workspace. According to her, it is these unsaid social norms that counteract against formal laws and regulations in society.

While explaining the issues of digital platforms engaged in domestic work, she mentioned that it acts like a unilateral decision-making body without any room for dialogue and negotiation. She called it ‘platform capitalism’ that furthers exploits by not promising regular work and regular income. The work through platforms are random and they follow unfair labour practices like offering higher incomes in the beginning and reducing it to abysmally low levels after they have enough workers on the list. Moreover, these platforms do promote casteist and stereotyped selection of workers. It generally works on the intake of fees from both the worker and the customer. The conundrum of domestic workers is that under both traditional work relations and new digital platforms there is a continuum of exploitation and inequity.

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Domestic workers’ mobilizations and unionization in India have a long-standing history and encompass different models of mobilization such as civil society organizations, cooperatives, church-based initiatives, regional-level collaborations, national-level platforms and political party-affiliated initiatives. In 1953, the All India Domestic Workers’ Union (AIDWU) was established by a male domestic worker. The political party-based trade unions, as they got national recognition and became influential, ignored workers in the informal economy and lost touch with the majority of the workforce from the 1960s. This led to the formation of collectives focused on the unorganized female workforce. Domestic workers were mobilized in the mid-1980s by two large women’s organisations with a national base--the AIDWA and the SEWA-- which shows the engagement of feminist organisations with domestic workers. The domestic workers’ movement entered the next phase as organizations decided to come together at the national level and form national level networks. The presence of multiple employers for each domestic worker; the private nature of the domestic workspace; the different categories of workers – live-in workers/live-out workers; the personal equations between the worker-employer and diverse kinds of labour arrangements are challenges for collectives and unions that currently work with domestic workers. Organizations and strategic networks have empowered workers to resist employers’ unreasonable demands and raise questions relating to labour rights and dignity in their daily lives. This empowerment through mobilization and unionization has become important as the domestic workers’ employment relationship is still not recognized by the law. However, the challenges posed by Covid-19 to the organization and assistance of domestic workers also requires conversations about new methods of mobilization and workers’ struggles. The panel invited the speakers to discuss the following issues:

1. Important turning points in the history of unionization/collectivization/mobilization (trade union organizing, non-union organizing, NGOs/new movements, regional level/national level platform formations, coalitions) of domestic workers as well as alliances with the women’s movement and anti-caste movement.
2. How can the indignity and dehumanization of domestic workers be addressed through conscious interaction and engagement with anti-caste mobilizations and mobilization of other precarious and informal sector workers such as safai karmacharis, manual scavengers and bonded labourers?

3. Discuss the challenges in negotiations, both in individual and collective terms and the attitude of state institutions towards unions and collectives’ interventions in various matters relating to domestic workers?

4. How do we envisage new strategies in the wake of Covid-19, in empowering domestic workers to negotiate vis-à-vis employers and the state in asserting citizenship rights and making legal and social space for these precarious women workers?

This session brought together activists and researchers from major parts of the country to discuss these relevant questions. Chaired by Nalini Nayak, the session was organised in two phases – the first one comprised mainly of the field practitioners, namely Subhash Bhatnagar, Kiran Moghe, Elizabeth Khumallambham and Lissy Joseph; and in the second phase the activist researchers Suneetha Eluri, Maya John, and Rajesh Joseph, Balmurli Nataraj and Roshni Lobo spoke on their research and fieldwork. Apart from discussing their respective experiences in the unionisation of domestic workers and strategies of collectivisation, the speakers also voiced common concerns on the absence of a sector-specific law dealing with domestic workers and the repercussions of this absence; a denial of recognition of the household as a work place and that of domestic workers as ‘workers’ and the attitude of various stakeholders including the state towards these workers. They also discussed the solutions offered by domestic workers’ collectives in securing the rights of workers and protecting them on various fronts in the absence of a law.

39 Activist and General Secretary, SEWA, Kerala
40 Activist, Nirmala Niketan
41 President, The Pune Zilla Gharkamgaar Sanghatana
42 Activist, Community for Social Change and Development (CSCD)
43 Activist & Advisor, 'The Telangana Domestic Workers' Union
44 ILO, Jordan
45 Assistant Professor, Delhi University & Activist, Gharelu Kaamgaar Union
46 Associate Professor, Azim Premji University
47 Professor, William Paterson University
48 Research Assistant, Azim Premji University
Nalini Nayak started the discussion by highlighting the increased activity in mobilization and collectivisation of domestic workers especially following the adoption of the ILO Convention No. 189 on Domestic Workers in the year 2011 (hereinafter referred to as the ILO Convention 189). In addition to the central trade unions, she also stressed the important role played by the smaller unions in devising innovative strategies to articulate the issues of domestic workers at the local level and bargain collectively.

Nayak shared her experiences of collectivisation through SEWA, which is a central trade union with only women workers of the informal sector as members. The organisation began mobilising domestic workers in the 1980s in Kerala, where it successfully brought women worker’s issues to the forefront of the labour movement. Women workers had been taken for granted there and treated as unskilled labour. Hence at the local level, SEWA focused on building the consciousness of workers and on decent work by organising regular meetings to discuss the issues facing women workers. It also set standards for members taking care of the sick and the elderly, gradually expanding to child-care, post-natal care, and eventually to cleaning and cooking. A contributory welfare fund with contributions from both employers and workers was also established by SEWA to support the workers in times of need.

SEWA has also long been involved in extensive efforts aimed at legal recognition and protection of the rights of domestic workers, both at national and international levels. In the year 2010, the organisation was a part of the official delegation of the Government of India that participated in the discussions preceding the adoption of ILO Convention 189. It was a member of the International Domestic Workers Movement, which also lobbied at the ILO during the two years when the Convention was being discussed. Nayak underscored how the pressure created by the collectives of so many workers present at the discussions led the governments to ultimately adopt the said ILO Convention 189. After the Convention was passed, several organisations were brought together to create the National Platform for Domestic Workers, with a single point agenda - to lobby for comprehensive legislation for domestic workers. Further, SEWA was also a member of the National Taskforce of the Ministry of Labour that developed a Draft National Policy for Domestic Workers in 2011. However, neither any policy nor any specific legislation dealing with domestic workers has been adopted to date.
In the second presentation of the session, **Subhash Bhatnagar** shared his experiences of many years on the struggle for a separate law or policy for domestic workers. He is an activist attached to Nirmala Niketan and one of the conveners of National Domestic Workers Platform. He also supported the establishment of Gharelu Kamgar Panchayat Sangam, a union dedicated to the cause of migrant domestic workers in Delhi. The main challenge before the domestic workers' movement, according to Bhatnagar, is that the definition of “workmen” in the major labour legislations in India is interpreted to exclude domestic workers from its ambit, which deprive them of all statutory protections. Only a few legislations such as the Unorganised Workers Social Security Act, 2008, Prevention of Sexual Harassment Act, 2013 (hereinafter known as Sexual Harassment Act, 2013), and some other policies such as Rashtriya Swasthya Bima Yojna (a health insurance policy) apply to domestic workers. Though they were mentioned in Draft Code on Social Security, 2017, they did not find a place in the Code On Social Security, 2020. Schedules under the Minimum Wages Act of certain states also include them for the benefit of minimum wages.

Bhatnagar stated that the most important turning point came in October 2006, when in the Child Labour Prohibition and Regulation Act, 1986, domestic work was included in the category of hazardous industry where children should not be allowed to work. This development led to the formation of a committee, which, under the chairmanship of Ms. Malini Bhattacharya, then chief of the National Commission of Women (NCW), framed draft legislation for domestic workers. This draft legislation proposed several protections including an eight hour working day and a tripartite board to look into the welfare of the domestic workers. There was consensus on the Bill within the domestic workers’ movement and it was proposed to be carried forward by NCW to the central government for enactment. Though the Bill could not successfully culminate into law, it helped build a national consensus on the issue.

There was a division in the domestic workers' movement and the Domestic Workers Rights Campaign was formed with regional consultations and meetings. However, with the understanding of coming together and intervention of the international domestic workers movement, the National Platform for Domestic Workers (NPDW) was formed in 2012 in Chennai and all organisations became part of it. It conducted a huge rally demanding specific legislation and there was a public hearing to consolidate opinion on legislation. In 2016, after a national conference by the NPDW, there was a consensus on taking forward the framing of the new bill for domestic workers and it
was successfully presented as a Private Member’s Bill in Parliament in 2017. Bhatnagar concluded that it was mobilised after the ILO Convention No. 189 on Domestic Workers that brought the two divergent campaigns within the domestic workers' movement together leading to the formation of a National Platform for Domestic Workers. NPDW has filed a petition through the Human Rights Law Network (HRLN) at the Supreme Court to direct the central government to enact legislation which was ultimately withdrawn after an assurance to that effect.

Meanwhile, a few states adopted some laws and policies directed at the welfare of domestic workers, including the Maharashtra Domestic Workers Welfare Board Act, 2008; Tamil Nadu Domestic Workers Welfare Board constituted in 2008 under the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982; Domestic Workers Welfare Fund Schemes started by Kerala; legislations to regulate private placement agencies adopted in Chattisgarh, Jharkhand and Delhi. However, no comprehensive legislation on domestic workers at the central level has been enacted.

Bhatnagar opined that the drive for replacing the major labour laws with 4 labour codes weakens the cause of domestic workers. Bhatnagar highlighted that the 2017 version of the Draft Social Security Code included domestic workers within its ambit, but the recent 2019 version has once again kept domestic workers outside its purview. He emphasized the need for continuous efforts to pressurise the government to either enact separate comprehensive legislation for the informal sector or at least to include them in the Social Security Code as they were in the 2017 version of the Code.

Next, Kiran Moghe, shared her experiences in mobilization and collectivisation of domestic workers, especially in and around the city of Pune in the state of Maharashtra. She started by highlighting how the socio-economic specificities associated with a place and neighbouring areas determine the demand as well as the supply of labour for domestic work in that area. There are specificities associated with the metropolitan areas which requires in-depth study. For instance, Pune generates demand for a variety of domestic services through its cosmopolitan demographics – with a significant population of students, IT and auto industry professionals, double income young parents as well as retired aged parents require a variety of domestic services including cooking, child care and elderly care, all at variable rates. Lot of academic work that has been done is concentrated on big metropolitan cities like Delhi, Mumbai, Chennai, Bangalore etc. but we need
to look at expanding cities due to urbanization and study how even taluka places are generating demand for domestic workers. There are a variety of reasons, including agrarian distress and easy entry into domestic work, contributing to an increasing supply of domestic workers in new cities or towns. For example, smaller neighbourhoods such as Rajgurunagar have a Special Economic Zone (SEZ) which generates significant demand for domestic services. The supply includes the local population as well as a migrant population which came to the city in large numbers after the droughts in Marathwada and Vidharbha region (the comparatively less developed regions of the state of Maharashtra) in 1972. There have also been long-standing tensions between the migrant and local workers, which hinder the collectivisation of these workers. Pune has been historically associated with social revolutions led by Mahatma Jyotiba Phule and Savitribai Phule against caste and gender-based inequality. It was also highlighted how the values propagated by such revolutions have had a long-lasting cultural effect. In her survey in 2004, Moghe concluded that the households have not tightly held to caste-based boundaries. From her finding, for instance, Dalit women were cooking in households belonging to the so-called upper castes and upper-caste domestic workers were doing menial tasks for their employers. Nevertheless, she also attributes such a transformation to the “compulsions of modern capitalist living” which offer too limited physical space in the houses to segregate places for menial tasks.

Moghe also shared her experiences in organising domestic workers. She stated that the All India Democratic Women’s Association (AIDWA) took up the cause of domestic workers after witnessing and assisting in various problems faced by them over time, such as sexual abuse of a child accompanying her domestic worker mother, false accusations of theft, deduction of wages for leaves taken in emergencies, etc. Moghe clarified in her response that AIDWA did not start its work organising domestic work; it was rather an organic process to organise women domestic workers from its perspective that women’s issues originate from three aspects of women’s lives which are as women, as citizen and as workers. AIDWA is committed to achieving democracy, equality and emancipation for women. She referred to her initial activism of organizing anganwadi workers in Pune. During Ms. Susheela Gopalan’s time AIDWA did two-three surveys on home-based workers based on Pune and submitted it to the Parliament. From AIDWA’s local-level work, there was a conscious decision made in the 2000s to organise domestic workers as a trade union.
The Pune Zilla Ghar Kamgar Association was formed, dedicated to the said cause. The name of the organisation, as well as its form, were consciously chosen – the term 'ghar kaamgar' - kaamgar meaning worker, was adopted as opposed to the pejorative 'norkarin' in Marathi which means domestic servant; a trade union was formed to emphasize the labour rights of domestic workers including minimum wages, weekly off-days, paid leave, pension, etc. The Association started transforming workers’ consciousness from their conditioned mindset that paid domestic work is an extension of household work at home and hence, that their negotiation capacity to demand wages with their employer is low. There were attempts to create awareness among the employers as they were looking at paid domestic work as an unskilled activity and treating the ‘work’ as ‘help/assistance’ rather than as an economic activity. Another strategy was to involve the state to improve visibility of domestic workers. Large public programmes and rallies were conducted with huge media coverage. Unionisation tried to increase the visibility of domestic work through large protests and demonstrations, issuing identity cards to its member domestic workers which gave them a stronger standing in front of the police and other authorities; an alternate dispute resolution mechanism to resolve disputes with the help of labour office; developing a wage card with the help of ILO and collaboration with other women and labour organisations. Therefore, as a trade union, it not only looked at economic issues, but also their other civic issues such as housing rights and access to PDS as a fraternal organisation of AIDWA. The organisation also reached out to other social movements or organisations for joint programmes/trade union platforms and kept solidarity intact across women’s organisations. Moghe stated that as the labour laws are getting diluted, workers’ demand for specific welfare legislation would weaken and hence the union is actively part of protests and strikes nation-wide. The union has repeated its stand that the central government should comply with Convention No. 189 and in that process, the union has educated the workers about the Convention. The Union has contact with around 40000 members though these are not live members as the workers in the informal sector are difficult to keep track of.

She argued that it is important to build up political consciousness among domestic workers today. Especially with the passage of the Maharashtra Domestic Workers Welfare Board Act, 2008, in Maharashtra, the activists got caught up with the Boards and trying to get benefits from them. This weakened the movement as the welfare boards have no money and practically they could not deliver any benefits to the workers during Covid. Regarding the current Covid-19 crisis, Moghe put forth two interesting points. Firstly, she suggested the possibility of a decrease in demand for
domestic workers in the post-Covid period owing to the general economic slowdown; a loss of income as well as a drop in the female workforce participation rates, which might lead to a loss of freedom in females to employ domestic workers due to their unemployment. She also emphasized the possibility of an increase in the mechanisation of the households leading to a decrease in demand for domestic services. All the speakers could not concur on this point and some argued that mechanisation might not be adopted by many in the middle-class and a demand for full-time as well as part-time domestic workers as a source of cheap labour would continue to persist.

Secondly, Moghe stated that since the economy might not be able to absorb all the domestic workers post Covid-19, the demand for some form of urban employment guarantee scheme should form a part of the agenda of the unions and other collectives. Along with the legislation, there should be a demand for ‘right to work’ and it should become the agenda of the programme. The organisation should continue with the labour rights-based approach and trade unions of women workers should come up. Though trade unions are generally presumed to be patriarchal, they cannot exist as patriarchal entities and many breakthroughs have occurred within trade unions like AITUC. It is important to bring forth experiences of smaller collectives and building solidarity among trade unions would be important to consolidate the mobilisation and consciousness among workers.

The experiences and struggles of mobilizing domestic workers in a metropolitan area like Delhi and its neighbouring Gurgaon were shared by Elizabeth Khumallambam. Socio-economic dynamics of the population affects the demand and supply of domestic workers in this area too. Delhi receives migrants from all over the country. Domestic workers mainly hail from the states of Bihar, West Bengal, Jharkhand, Assam and Uttar Pradesh. Even now the data consolidation couldn’t be done although it is assumed to be around 1 lakh to 3 lakhs. Khumallambam stated that previously when she started mobilising these workers, they were divided amongst themselves on the basis of the community and region they hailed from, culture, native language, working area and so on. Bringing them together for the realisation of common interests was a difficult task. Groupism based on region and culture was visible among the workers and it took time to help them to break out of their comfort zone and build solidarity across groups. Also, stagnant wages, no weekly leaves and a high risk of replaceability led to insecurity amongst domestic workers. It was
important to understand their perspective on their demands. Hence, mobilization, in this case, was preceded by building a personal rapport with the workers and supporting them in their issues with employers, police and the labour department. This gradually helped to build trust and the comfort levels of the workers. They became more conscious of the commonality of their problems, and gradually some success in terms of collectivization has been achieved. The problems are of varied kinds, personal to professional and working conditions and living conditions related issues were taken to multiple appropriate forums including the police and the labour office.

Another important experience shared by Khumallambam was her dialogue with various Resident Welfare Associations at the organisational level about the problems faced by domestic workers such as low wages, provision of weekly leaves, lack of sanitation facilities, etc. The employers prefer domestic workers who are obedient and non-problematic to avoid any kind of negotiations. It is at this stage that the organisation decided to become the voice of the workers in negotiation with RWAs or employers. Though there has been some progress in terms of weekly leaves and sanitation facilities in a few apartment complexes, in the absence of a specific law, such negotiations have had mixed outcomes till now, with most RWAs attempting to absolve themselves of any liability by claiming that employment of domestic services is a private dealing of individual households. They emphasize the need for law to intervene in the matters of individual households. This is also one of the important reasons for the continuous demand for a sector-specific law for domestic workers. The struggle continues, with additional focus on equipping the workers with information and preparing them to assert themselves as workers to voice for their rights in the absence of a law.

Next, vivid details of the problems faced by domestic workers including false accusations of theft, physical assault, sexual harassment, and the struggles in fighting for their cause, was shared by Lissy Joseph. She has long been associated with the cause of domestic workers through various other platforms including the National Domestic Workers' Movement (NDWM). NDWM was drawn to the struggle for rights of domestic workers after one of its fieldwork visits during which it rescued a migrant domestic worker named Vijaya, who was accused of stealing gold ornaments from her employer's house and was physically assaulted by the police. She was brought by the employer on promises of good wages and offer of certain old utensils. None of these was paid to
her. When the organisation found her at the police station, she was not in a position to even stand on her own. The organisation ensured that she was duly compensated. Mobilization started from then on, and various strategies including visiting homes, neighbourhood meetings, exchange of experiences and the narration of individual struggles were used to raise consciousness and solidarity amongst domestic workers in Andhra Pradesh. Workers were mobilised at the local level, district level, state level and national level. Apart from individual harassment issues, skill training and job placements were also enacted. It was also done with the realisation that only economic empowerment can be the way forward for women workers. NDWM further put immense efforts to help the workers gain public recognition, through protests and rallies, meetings with the labour department, ministry, the chief minister, and also promoting a movie titled “Drishti” depicting the everyday life of domestic workers. With this collectivisation and subsequent recognition, domestic workers have started feeling a sense of community and have gained confidence in their dealings with the employers, police and other authorities. They are now able to engage in dialogue and claim power and space at the local community level. As a union, they are also able to participate in meetings at local and national levels and build solidarity.

Sr. Joseph highlighted that one of the major hindrances in the efforts of resolution of domestic workers’ disputes was the collusion between employers and state authorities including the police and labour department. This was clear from the two recent cases – one was related to a migrant domestic worker Aparna who had died while working with the employer, and the police agreed to register a case only after intervention and much persuasion by NDWM; the second was related to the case of a minor migrant domestic worker named Mahalaxmi who was sold by a trafficker on the false pretext of being her relative. She was tortured to death by her employer. Even though the police was informed by the Telengana Domestic Workers’ Union about the said trafficking, no action was taken, and her dead body was handed over to the trafficker, allowing the trafficker and the employers to destroy all evidence. After extensive efforts by the Union, the case was finally transferred from the local police to the central investigating authority (CBI).

Sr. Joseph emphasized, on basis of her experience, that with the support of only a few laws (such as Sexual Harassment Act, 2013), the real power can lie with the unions and effective changes can only be brought about with continuous collective efforts of the workers themselves. Domestic
workers in her organisation have transformed themselves and even articulate their feeling of being part of a community while working with unions. They are able to assert their status as workers with their ID cards before the police, labour officers and local authorities. She emphasised the need for more unionisation and building up of political consciousness as workers among them.

The second part of the session started with the presentation of Suneetha Eluri. Eluri is part of the labour movements through the ILO and was also associated for long with the cause of domestic workers in India. She shared her experiences in the struggle for achieving legal protection for workers through a separate law or policy. She identified two phases in the domestic workers’ movement: the phase before the Convention no. 189 of 2011 and the phase after the Convention. She stated that post-adoption, when the ILO started intervening in the Indian domestic workers' movement in 2011-12, a number of conceptual and structural challenges surfaced. In 2011-12, only 4 central trade unions out of 13 trade union centres were working among domestic workers such as AITUC, CITU-AIDWA, BMS and SEWA and that too only in certain localities. Another major challenge was also to convince the mainstream trade unions to take up the cause of domestic workers owing to the reluctance of their existing members to associate and identify with such workers. Interestingly, however, several civil society and church-based domestic worker collectives were registered under the Trade Unions Act, 1926 not under the Societies Registration Act, 1860. During her inquiry, Eluri found several reasons for the same – First, that only the registered trade unions (and not NGOs) are invited by the labour authorities for negotiations on various issues. Second, being members of the union helps domestic workers to be more conscious of their identity as workers and helps the activists to promote leadership amongst such workers. Third, several government welfare schemes allow endorsement from the trade unions but not the civil society organisations. Therefore, this served as a new strategic model for organising.

With the help of such organisations, mobilization and demand for a policy on domestic workers continued and a Draft Domestic Workers Policy was framed. Interestingly in 2013 when policy discussions were happening, one of the newspapers reported that this Draft Policy was not being adopted by the government as it conferred trade union rights upon domestic workers and was perceived as a law and order problem by the bureaucracy. This was also confirmed by the then Minister of Labour and Employment in the Parliament. Though by that time several states had allowed registration of several domestic worker organisations as trade unions, subsequently
several regions, like Delhi, refused such registration until very recently. Though in many states, minimum wages are notified for domestic workers, the government officials are still not sure about the coverage and their recognition.

While talking about the external challenges to the domestic workers, primarily there is no clarity on who constitute domestic workers and their distinction from home-based workers. Further, a few legislations that dealt with domestic workers (such as the Unorganised Workers' Social Security Act, 2008, Sexual Harassment Act, 2013) were enacted from a welfare perspective, and authorities were reluctant to look at the issue from a labour rights perspective. Even in the selective highlights in the media on the issue of violence against domestic workers, the attempt generally is to portray them as a law and order problem. Their issues and challenges are not addressed from a labour rights paradigm.

Eluri also spoke about some other interesting strategies of mobilization, including use of the election platform to voice the concerns of domestic workers (as was done by the TDWU under the leadership of Lissy Joseph). She stated that in some other states domestic workers are now emerging as important political constituencies. Finally, she emphasized that there is no better way to take up the cause of domestic workers, than organising.

**Maya John** spoke on the challenges faced by domestic workers and the attitudes of various stakeholders including employers and state authorities towards them. She explained how in the context of domestic service, the highly individuated employer-employee relationship encouraged its private regulation, denied a domestic worker the identity of a ‘worker’ and lead to persistent invisibilisation. The absence of public powers of the state and trade unions gives “magisterial powers” to employers, which they use arbitrarily by shifting between the public and private spheres at their convenience. Typically, the employers give the justification of individual contractual relations when it comes to demands for leave or wage hikes but resort to the enforcement of informal customary relations when they want the worker to be flexible or do overtime. Quite ironically, though the employers do not see themselves as such or their homes as workplaces, nevertheless the strategies of work extraction and unfair labour practices are similar to industry practices. John compared, by way of an illustration, the case of the lockout in factories to a dispute
between a domestic worker with a single employer in a housing complex which may escalate tensions and result in a prohibition of a worker into all apartments of that complex.

John also highlighted how this employer-dominated work relationship is characterised by stagnant wages, illegal confinement and rampant verbal and physical violence. This persistent violence and abuse of domestic workers has led to some instances of collectivisation amongst themselves. Illustrations include the spontaneous gheraoing of the police station and apartment complexes by domestic workers in Noida where some of these workers were reportedly confined by their employers. John emphasized that it was essential to destroy this “magisterial power” of the employer and to bring domestic services out of the realm of private regulation. She suggested that transforming domestic work into a public municipal work regulated by the state should be the key agenda now. However, the ever-strengthening labour deregulation paradigm with dismantling of the labour inspectorate and penalising of the collective actions was also put forth as her major concerns while demanding for municipalization of domestic work.

The final presentation was made by Balmurli Natrajan, Rajesh Joseph and Roshni Lobo. They studied the consciousness of domestic workers, strategies of their collectivisation and challenges therein, in the city of Bangalore. They point out that the ILO Convention 189 has indeed helped popularized the cause of domestic workers in the city. In their study, the speakers found 3 types of domestic worker organisations operating in the area: party-affiliated trade unions, labour NGOs and conventional NGOs. Labour NGOs support the unions, and in between the two operate the labour activists, who are the mobilisers and animators of domestic workers at the local level. The workers associated with these activists the most. Sometimes the member workers are part of some local NGO also as mobilisation and enrolment mainly happen in the local area where the workers reside. After 2011 the NGOs engaged with domestic workers’ cause increasingly registered themselves as trade unions. In 2016 all these groups came together to form a Domestic Workers Federation in Bangalore.

The study also explored the factors which encourage domestic workers to be a part of the unions. It found that the main reason is the security and support that these unions are capable of providing when workers are caught in a dispute or are exploited and falsely accused of a crime by employers or the police. This led the speakers to conclude that while unions are also involved in raising the
consciousness of workers on their rights of minimum wages, bonus and weekly offs, the major everyday concern of the workers revolves around dignity, security and welfare.

The speakers also concur with others such as Maya John while emphasizing the need to reinforce the concept of the household as a workplace and as a site of social production. Balmurli stated that domestic work needs to be visibilised as the provision of a service which is commodified. A domestic worker helps the members of the household to use their freed-up time to work and earn wages outside. He further pointed out that reluctance to see the household as a workplace leads the employer to deny the working relationship and assume some kind of paternalistic approach outside the realm of a contract, where they perceive themselves to be giving a tip or bakshish instead of wages for work. The use of terms “servants”, “maids”, “bai” also determine the attitude towards domestic workers within our consciousness as well as part of the public discourse.

The speakers also supported the argument that the apartment complex operated, in some sense, a factory gate for domestic workers. However, they opined that this semi-formal setup could offer many possibilities in the direction of securing rights of the workers, with the RWA operating as a collective employer with whom some uniform rules on wages and other rights could be bargained for.

In summary, all the activists and researchers characterised as crucial the role of mobilisation and collectivisation of domestic workers to protect their rights, especially in the absence of any specific law or policy. Though the demand for specific legal protection is a long-standing one, concerns around this approach have also started developing in the wake of changing nature of the state itself, from being a protective regime to one actively supporting deregulation and dismantling of its protective structures. There is a growing opinion on the need for additional mechanisms to tackle these changes. All the activists also felt the need for a shift in the approach of the state, its authorities and the employers towards domestic workers, especially for their separate identity as workers and the recognition of the households as their workplace. The invisibilisation of domestic workers also reflects the absence of data both at the central or state level, something which most activists had to struggle with at the beginning of their collectivisation efforts.
Further, the need to raise consciousness amongst the workers and the need to increase awareness about their rights also surfaced as one of the important tasks of domestic worker collectives. A case in point was activists’ experiences with cases of sexual harassment of domestic workers. As Nodal Officer of the Local Complaints Committee in Gurgaon, Elizabeth Khumallambam pointed out that many workers were not even aware as to what constituted sexual harassment, and did not report it except in aggravated cases of rape. Others like Kiran Moghe spoke about the reluctance of the workers to come forward with such complaints because of the perception that it will adversely affect their employment. Maya John also pointed out the collusion between employers and state authorities in such cases.

Further, the speakers recognised the importance of initiatives such as skills upgradation, but also spoke of their shared grassroots level experience on the difficulties associated with such initiatives. Many domestic workers’ collectives have been working on skill upgradation and have been able to place the workers in comparatively better jobs such as housekeeping. However such skill upgradation is seen to work only when there is a schedule of minimum wages which helps distinguish various skills and jobs. In the absence of such distinctions, even the workers are reluctant to engage in skill upgradation as they can earn better wages with part-time domestic work in multiple households.
In the 5th session on “Regulatory Approaches towards Paid Domestic Work”, activists and legal practitioners came together to discuss various possibilities and legal frameworks to regulate domestic work and protect and uphold the rights of workers. These possibilities were explored against the backdrop of the particular conditions of domestic workers including the undervaluation of work; dehumanised working conditions; the gendered nature of work and the public-private divide when it comes to the determination of work and workplace.

Despite several efforts in Parliament, sector-specific legislation remains a far cry for Indian domestic workers. This denial was extensively contested by feminists in the domestic labour debates as well as in more recent discussions on the social and economic ‘devaluation of care’. It is important to understand the role of the law in reimagining the status of domestic workers and in redistributive struggles for domestic workers. The conversation around regulations discussed different models of legal frameworks to ensure decent work for domestic work within labour laws but also other areas of the law such as contract law or tort law. It is relevant to discuss the possibilities of MOUs between states as migration is integral to the flow of the workforce to different states. Another pertinent cause of undervaluation and invisibility is the issue of ‘indignity/dehumanization’. Though we agree with the importance of intersectional dimensions of paid domestic work, is the law able to account for them? As US scholar Terri Nilliasca notes, can ‘the Domestic Workers’ Bill of Rights adequately address the forces of racism, heteropatriarchy, immigration and structural neoliberalism’ that all contribute to the subjugation of domestic workers?’ This question is relevant to legislative reforms in India. Questions that the panel addressed were:

1. How do we place discussions on legal recourse for domestic workers within the larger debate on new legislative approaches for the informal or unorganized sector?
2. There is an argument that instead of framing new sector-specific legislation, the government can ensure labour rights for domestic workers within existing labour laws. Is this feasible or adequate especially as the government consolidates a range of existing general as well as sector-specific labour laws?
3. Caste identity is a significant cause of discrimination against domestic workers. How can domestic workers from marginalized castes be protected both from material and social adversities in a legal framework to safeguard them from dehumanization and indignity?

4. Do we think that a third body, ‘Welfare Boards’ are the model way forward to distribute social security provisions and other benefits?

5. There have been long-standing efforts to regulate the functioning of placement agencies in recruiting domestic workers. What are the best mechanisms/practices to regulate placement agencies and their unfair practices?

6. What are the legal solutions to deal with inter-state and intra-state migration for domestic work and susceptibilities to subsequent adversities?

The session was chaired by Babu Mathew, and panellists included legal practitioners and academic experts, namely, B.T. Kaul, Aparna Bhatt, Vasanthi, N, Uday Shankar, Alok Prasanna Kumar, and Shraddha Chigati. The discussions brought forth much food for thought, including the need for legal backing for the rights of domestic (and other unorganised sectors) workers in the form of a separate law (a fifth labour code!). There was also a discussion on the recognition of rights of domestic workers within the existing labour laws; the need to revisit the basic assumptions of labour law to take into account non-conventional types and forms of work and workplaces; diversity in the workforce and social realities including poverty and migration; a suitable legal framework for domestic work whether it entails a rights-based approach or welfare approach; and the possible roles that have been and could further be played by different actors to protect the rights of domestic workers, including the judiciary, the state governments and local authorities, and the civil society, in addition to the central government.

At the beginning of the discussion, B.T. Kaul elaborated on some of the fundamentals of labour jurisprudence which are important to understand the legal treatment given to domestic workers over the years. He mentioned the constitutional safeguards under the Fundamental Rights Chapter

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55 Independent Researcher, Gender and Development Studies
and Directive Principles of State Policy to ensure the welfare of the workers. It was pointed out that early judicial precedents, otherwise held as landmarks, were reluctant to recognise domestic work within the conventional scope of labour laws. The examples quoted included the decisions in State of Bombay v. Hospital Mazdoor Sabha, (AIR 1960 SC 610), Rangaswamy v. Registrar of Trade Unions (AIR 1962 Mad 231) and Bangalore Water Supply & Sewerage Board v. R. Rajappa (AIR 1978 SC 548), all of which were in favour of giving a wide interpretation to the terms “industry” and “undertaking”, but created domestic work as an exclusionary category out of the scope of an “undertaking”, owing to the personal nature of services. Basic labour rights such as the right of registration under the Trade Unions Act, 1926, were denied. Nevertheless, Prof. Kaul also drew attention to some other cases wherein the Court was proactive in protecting the rights of the workers in the unorganised sector. In both the Asiad Workers Case [PUDR v. Union of India, (AIR 1982 SC 1473)] and Salal Hydro Project v. State of Jammu & Kashmir, (1983(2)SCC181), the right to the minimum wage was raised to the pedestal of fundamental rights and denial of the same was held to be a violation of Article 23 of the Indian Constitution.

The more recent attempts of the judiciary to come to the rescue of domestic workers were also highlighted by Kaul, particularly through the ongoing case of Shramjeebi Mahila Samiti v. State of NCT of Delhi [SLP (Crl.) No. 150 of 2012]. In this case, the Supreme Court directed that a National Security Board be constituted by the Central Government and that domestic workers also be included within the ambit of the Unorganised Workers Social Security Act, 2008. Subsequently this direction to register the domestic workers and enable them to avail the benefits available under this law, was extended to all the state governments. The Court also directed the Central Government not to release funds to the states who had not undertaken the registration process. Further, in one of the pending cases where an association of domestic workers sought registration under the Trade Unions Act, 1926, the Delhi High Court opined that the right of workers in an unorganised sector to collective bargaining is essential. Kaul identified a window of opportunity through such cases to push further for the legal protection of domestic workers. He made suggestions for intervention in the ongoing matter related to migrant workers taken up *suo motu* by the Supreme Court of India. In this way there would be some directions passed by the court for protection of the rights of domestic workers, which would remain in force until the time the
legislature enacts a law. Further, he was also in agreement with Babu Mathew on having a fifth Labour Code which would comprehensively deal with all forms of unorganised labour.

Next, **Aparna Bhatt**, who has been a part of various human rights cases including those involving women workers, shared her valuable experience from one of the cases she was involved in for 10 years in the Delhi High Court, which led to the passing of some guidelines relating to the placement agencies dealing with domestic workers. In the year 2002, she was approached by an NGO named "Butterfly" who claimed that a 13-14 years old domestic worker was missing from the house of her employer. The employer did not have any information about the whereabouts of the minor worker. The police, as well as the placement agency which had placed her in the employer's house for domestic service, refused to help the child's mother when the latter approached them. Moreover, no FIR was registered, which suggested collusion between the police and placement agency. With this background, Bhatt filed a *habeas corpus* petition in the Delhi High Court. In the first few hearings, the focus was on the child and the police took its usual stand that they had searched everywhere but had not found the child. However, during the pendency of the case, the child rights’ activists including Adv. Bhatt found that the placement agencies which were very active in placing the domestic workers in the area were not regulated at all under law. They were procuring women and children from across India, mainly from the states of Bihar, West Bengal, Orissa, Jharkhand and Chattisgarh, on the pretext of finding them a job. However, in several cases it was found that these agencies were working as gateways to brothels or the commission of crimes by children. The activists realised that these placement agencies were involved in trafficking with impunity. Therefore, the High Court expanded the scope of the ongoing case to also take into account the working and regulation of such placement agencies. Meanwhile, some more organisations including the Shramjeevi Mahila Samiti and Bachpan Bachao Andolan had approached the High Court after rescuing trafficked women and children en-masse.

Adv. Bhatt suggested to Court that the Delhi Women's Commission (DWC), which was very effective at that time, could look into the issues of adult women domestic workers. The Commission had the power to examine cases. Further, the Child Welfare Committee under the Juvenile Justice Act, 2015 could do the same for minor domestic workers. The DWC as well as the Delhi government agreed to this. Furthermore, the Delhi Shops and Establishments Act, 1954
and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (hereinafter referred to as the Inter-State Migrant Workers Act) were used from the existing legal framework to regulate placement agencies, and the Delhi government issued a public notice in the newspapers directing all such agencies to seek immediate registration under the two laws.

Adv. Bhatt’s submissions to the court, which later formed part of guidelines issued by the court included the requirement of registration of placement agencies, a mechanism to ensure non-violation such as fines (as the penalties under existing laws were a non-deterrent), and recognition of such cases as cases of trafficking. While discussing further on this, she also stated that Section 370 and 370A of the Indian Penal Code, 1860 which deal with exploitation and trafficking are a good legal means to initiate prosecution, and that the police are also now using these provisions in cases of trafficking, whereas earlier they were reluctant to initiate prosecution.

Bhatt agreed with Kaul on the need to intervene in the ongoing matter of migrant workers before the Supreme Court, but was not very hopeful of getting any fruitful relief, as, in her opinion, the multiplicity of issues in such cases often lead to abstract judgments making any concrete relief less likely. Hence, she said that it was very important to collect data on domestic workers and their trafficking cases comprehensively, to persuade the court for regulation and specific protection.

Vasanthi further strengthened the discussion by re-engaging with the core functions and ideas underlying labour law, which would be important especially in the context analysing the distinction between paid and unpaid work, and organised and unorganised sectors. She opined that one of the biggest failures of labour law had been its inability to engage with questions of social identity including those of caste and gender. She pointed out instances where labour law failed to address the question of gender, in the cases of Charu Khurana56, the Air Hostess case57 etc. She also argued that the exploitation of workers needs to be explored in the context of constitutional law jurisprudence. Similarly, labour law did not address most forms of work that workers were engaged in. Furthermore, she highlighted the protectionist origin of the Indian labour laws which failed to adhere to the rights-based approach. Vasanthi also explored the problems of workers from the perspective of “exploitation” of workers. She referred to Prabha Kotiswaran’s work to talk

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56 Charu Khurana and others vs. Union of India and Others, 2015 1 SCC 192
57 Air India Etc. vs. Nargesh Meerza and Ors., 1981 AIR 1829
about possible alternatives to criminalisation in dealing with the issue of exploitation, such as using labour law.

Further, she discussed important aspects of the distinction made between the private and public sphere in the context of work. She stated that domestic work transgressed to the personal sphere to such an extent that it had become the rallying point on which the law needed to be organised. What constituted domestic work need not always be seen as dignified. Nitin Sinha later added to this important discussion by stating that the reluctance to intervene in the household space had been the prevailing viewpoint even in the legal thinking in the 19th and 20th centuries. Even the colonial lawmakers were met with resistance from the Indian public when they attempted to regulate the master-servant relationship with some civil codes, and they chose not to regulate it. He interestingly opined that such exceptionalism of the Indian household was originally very much a legal construct, and not as a result of the absence of laws. Vasanthi further added that this public-private divide was required to be questioned in all legal spheres, including constitutional law (which, for instance, enforces fundamental rights only against the state, generally leaving out private acts) and labour law. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, bridged the boundaries to a certain extent by recognising sexual harassment even within private spaces.

Further, on the issue of public-private divide, Vasanthi also shared her struggles while attempting to get the minimum wages notified for domestic workers in the state of Andhra Pradesh. The main argument given by the authorities against such notification was their reluctance to inspect the households of employers as that would have violated the sanctity of home. Even after the minimum wages were notified in the year 2007, surveys reflected poor implementation due to the inability of domestic workers to bargain with their employers coupled with a lack of inspections and follow-ups by authorities. This proved that the mere passing of law was not enough, and an overhaul in the framework of law to address the questions of the public-private divide and other social realities was required. Further, the fact that India was both a source and destination country for domestic workers was also an important factor to be taken into account while restructuring our labour laws. According to Vasanthi, the interactions of labour law with other laws such as international law and
human rights should be further explored. Labour law should be reformulated and aligned to the questions of “dignity, autonomy, consent and agency”.

Next, the intervention of Uday Shankar brought forth other interesting strategies for domestic work to re-engage with existing law. He stated that in the case of domestic work, the work itself was not analysed as much as the interpersonal relationship which drove the applicability of the law. There had been an over-emphasis on the term ‘household’ which featured prominently in domestic as well as international legal instruments. This diluted the whole debate as it highlighted only the domesticated environment where someone was assisting the master of the house. The need to bring domestic work within the understanding of labour law jurisprudence became compromised.

Shankar drew certain striking analogies between domestic work and paid work done outside the home. Firstly, when fixing minimum wages outside, factors such as cost of the living index are considered. Similarly, in the case of domestic workers, the costs and standards prevailing in a locality become determining factors for fixing of wage and other working conditions. Secondly, the productivity factor related to a worker in an industry setting also relates to the contribution of the domestic worker in increasing productivity of his/her employers enabling them to be gainfully employed outside. Despite these functional similarities domestic workers were kept outside the purview of existing labour laws.

Further, Shankar also attacked the welfare approach adopted by the existing labour laws which practically denied the workers their rights. He claimed that the legal structure was built on the welfare approach, which was more about the appropriation of resources, planning and aspiration, instead of any claimable interest. The Domestic Workers (Registration Social Security and Welfare) Act, 2008, which was not notified by the Central Government, focused on domestic workers, but the very title of the Act reflected the whole idea of establishing a legal regime from the welfare perspective and not on the rights model. Instead of a regime based on charity, he emphasized the requirement of a rights-based model for the protection of interests of domestic workers.
Alok Prasanna Kumar took the legal discussion further by examining the underlying ideas and framework of the four new labour codes in India – the Code on Wages, 2019, which has been enforced as on the date of the workshop, and the three other proposed Codes on Social Security, Industrial Relations and Occupational Safety and Health – to check their suitability with different forms of work including domestic work. At the outset, he stated that very much like the existing laws, the four Codes were aligned to a certain idea of the worker being an “able-bodied man working at an establishment for an identifiable employer”. Three key elements come through—who is an identifiable employer, who is the worker and what is the establishment. The understanding within these Codes surrounding these three elements are unhelpful when it comes to domestic work. Domestic work is not like other forms of informal work. It is systematically devalued as it is done by women workers. It is done in a different environment within a household, traditionally not understood as a workplace under labour law. As Nitin Sinha pointed out, the model of labour law framework in the 19th and 20th century is still followed in India and it continues to be incapable of addressing domestic workers as an organized workforce. It is in this context, that Kumar further moved in detail to explain how the employer, employee and establishment are defined in these Labour Codes. During this study, Kumar argued that these definitions stuck to the earlier definitions in the former legislation. There is no de-construction around the understanding of ‘work’. There is thus no new attempt to include more informal categories of workers into the legislation but to continue to exclude them by its definitional standards.

The Code on Social Security, 2020 indeed happens to mention home-based work, domestic work, construction work and unorganized work but presents these categories as exceptions to organized forms of work where there are an identifiable employer and employee in a given place of production or establishment. Categories such as home-based work and unorganised work were characterised as exceptions to the broader idea of work. Since these exceptional categories don’t fit into organized categories of work, the government explains that they would formulate some other welfare measures or schemes of social security for them. In examining the Social Security Code, while there are provisions detailed for formal categories of workers, the statement that something will be done for exceptional categories mentioned therein looks like charity. He agreed with Vasanthi and Uday Shankar that the approach towards such constructed exceptions under the Codes was that of charity, like some welfare social security schemes floated by the government. It
doesn’t seem like the Code on Social Security intends to create a right-based framework for domestic workers, home-based workers or other categories of the workforce in the informal sector.

Domestic workers generally have multiple employers and multiple workplaces to work at in a day. There are broadly three categories of domestic workers, part-time, full-time and live-in domestic workers. Firstly, our laws have not found ways to accommodate different models of domestic workers. These four Labour Codes now have no room to address the rights and entitlements of the domestic workers. Secondly, even where it is articulated, it doesn’t understand or take into consideration the complexity of domestic work. Thirdly, important rights such as the right to unionise, the right to claim wages, right to occupational health and safety and right to protection from sexual harassment are absent in the context of such excluded categories of work, such as domestic work. So there is a thinking that domestic workers do not require protection under the law or any regulatory mechanisms to ensure decent work. From the very start towards domestic workers, we have ‘systematic exclusion’ and now the inclusion that we find is at best ‘charitable’ with no articulation of rights for them. There should be a legal framework to protect them.

Kumar added a different perspective on the idea of the fifth Labour Code for the informal sector workforce. Referring to the Concurrent List of the Indian Constitution which gives powers to both central and state governments to make laws on several subjects including labour matters, he claimed that state governments, being equipped with better information on the local conditions and ground realities, should be at the forefront of enacting laws and policies to protect the interests of domestic workers. in the case of domestic workers, as the Centre hasn’t made a law, it is worthwhile to explore how a state can pro-actively enact laws for the benefit of domestic workers. He mentioned that the states like Karnataka, Madhya Pradesh, Gujarat and Uttar Pradesh are in the news for the wrong reasons during the pandemic by ‘liberalising’ the labour laws against the interest of the workers. If the states can take these rigid initiatives, the states should also be pushed to take initiatives for the benefit of workers. In support of his argument, he stated that a number of social welfare laws and policies had originated at the state level before being adopted at a pan-India level, such as a mid-day meal scheme, NREGA (a scheme related to rural employment guarantee) and the law on the right to information. These are measures which became effective in states and more states adopted these measures and later the Centre took the initiative to enact a
pan-Indian law. He referred to platform workers in the gig economy and the centre’s approach to ignore their existence as players in the labour market. In reality, for many categories of workers, the central government is non-existent in most of the country, especially in local areas. It is the state government that has reached out to the ground-level through its awareness on what is happening and what is required. Therefore, the state governments should be given law-making power in terms of labour welfare rather than merely treating them as implementing authorities. Even the state governments require elaborate state machinery to implement national legislation in states which they don’t get support for.

He also spoke on the need to address the concerns of migrant workers including domestic workers. There are laws in various states to regulate workers who are sent out of the state for work. But there are no laws in states who receive such workers in large numbers. The primary difficulty has been the invisibility of the migrant workers in such states. At one point, some political scientists opined that these are uncomfortable questions that the state doesn’t want to ask as they need to provide for them, but these are questions they need to address at some point in time. There is excellent work done by Dr Chinmay Tumbe looking at patterns of migration in India. According to him, we have been living through the great Indian migration for the last 150 years. Primarily, migration is a male-driven exercise to move out of your village, town or city. But recent studies suggest that Indian migration is also led by women, not because of marriage, but for work. Any mechanism that needs to be put into place to address the question of migration, needs to be put at state level. The first important aspect is the recognition of migrant workers. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, has completely failed as it only investigates inter-state migration. He highlighted that there was also a significant amount of intra-state migration taking place for domestic work as well, which was not covered by the law. Therefore, the question is complex, but more research and engagement with the government and civil society is needed. To conclude, he remarked that firstly, the four Labour Codes do not address the interests of the domestic workers. These Codes are designed keeping in mind the old definitional categories, of ‘employer’, ‘employee’ and the ‘establishment’. Secondly, on the legislative front, it will be more fruitful to push at the state level since the states have both the power to enact and implement the laws on their own. Thirdly, while we think about regulatory
frameworks to address migrant workers, it is important first to recognize them as workers, moving out for work from location to location.

Next, Shraddha Chigateri shared her experiences based on her research work carried out while at the Institute of Social Studies Trust, to study the relationship between claims made by domestic workers’ organisation and policy change over the years. The paper she shared with us based on her presentation is reproduced below.

**Demands for a National Law on Domestic Work: Key Issues and Way Forward**

**Introduction**

The discussion over the course of the workshop thus far has been on widening the lens on the regulatory framework beyond a labour law lens – to laws such as contract, criminal law, tort, mechanisms such as an employment exchange, as well as other regulatory norms such as those of the market, of bargaining and negotiation, informal regulatory practices – to understand how the lives of domestic workers are and would be better governed, has been truly engaging. It is productive and will yield interesting insights on the question of regulation of paid domestic work. In this presentation, I would like to analyse the limits and the possibilities engendered by engaging with the regulation of domestic work through a labour law lens.

My engagement in the regulation of domestic work comes from research I carried out with colleagues, Mubashira Zaidi and Anweshaa Ghosh, at the Institute of Social Studies Trust, New Delhi on the claims-making by domestic worker organisations in Gujarat and Karnataka. This was for a cross-country comparative project that examined the relationship between claims-making by feminist movements and policy change led by Prof Nitya Rao at the University of East Anglia for the United Nations Research Institute for Social Development (Chigateri, Zaidi, and Ghosh 2016).58

One of the claims around which groups have mobilised and coalesced around the demands for a separate law on domestic work. This has been in tandem with other strategies of mobilising and

organising workers – and we had a glimpse of the richness of these strategies over the course of the workshop – the power of organising, building worker and political consciousness, pushing for better working conditions and wages, through wage, leave and bonus negotiations with employers, skilling domestic workers to enhance employability and wages, and so on. It is within this range of strategies that I would like to locate the demand for the recognition of domestic work in labour law through a separate law – as another strategy for enlarging the space for resistance against the persistent backlash against and retrenchment of labour rights. But of course, what the terms are for bargaining in the shadow of the law, as Prof Kerry Rittich puts it, as well as its likely distributional consequences and how it seeks to allocate powers and risks are all important to examine and unpack, not just for the claims for a separate law on domestic work, but also in relation to how the labour law currently deals with domestic work.

In this presentation, I would like to locate the demand for a separate national law on domestic workers by focusing on two things:

• Assessing the feasibility and adequacy of the ‘inclusion approach’ – viz., regulating domestic work through an expansion of existing labour laws to include domestic workers – through an examination of whether and if so how domestic workers are included in the proposed Labour Codes

• Examining the broad contours of the demands by domestic workers themselves including the features of the 2017 NPDW Bill as well as dissonances on some issues such as the function of tripartite boards

Along with domestic worker groups, I would like to make the case for separate national legislation on domestic work, within a range of broader organising strategies, while examining the limits and the possibilities opened up by the proposal for such a law.

**History of Attempts to Regulate Domestic Work**

Since the 1950s, domestic worker groups have demanded a national law on domestic work, which have also reached Parliament through Private Members’ Bills, through petitions to the Committee on Petitions, as well as through questions raised by MPs in Parliament and there has been an increase in the number and frequency of these demands (including numerous Private Members
Bills) in recent years (Armacost 199459; Neetha 200960; Sankaran, Sinha, and Madhav 200761; Madhav 201062; SEWA 201463). There have also been recommendations for the regulation of domestic work and a separate law on domestic work through committees and commissions set up by the government. These Bills and recommendations have included a mix of calls for minimum wages, paid leave, maximum hours of work, the weekly day of rest, paid annual leave, social security provisioning, through both separate provisions for domestic workers, and the extension of labour laws such as the Industrial Disputes Act to domestic workers. Some of these attempts are listed below.

- 1959, 2 Private Members’ bills introduced post protest and a hunger strike by Shyam Singh Pawar, General Secretary All India Domestic Workers’ Union – the All India Domestic Servants Bill introduced by Kanhaiya Lal Balmiki, and the Domestic Workers (Conditions of Employment) Bill by PN Rajabhoj
- 1972, Domestic Workers (Conditions of Service) Bill, 1972 by Hukam Chand Kachwai
- 1977, Domestic Workers (Conditions of Service) Bill 1977 by Hukam Singh Kachiwai
- 1988, Recommendation of the National Commission on Self Employed Women (Shram Shakti report) to regulate this sector, endorsed the Domestic Workers (Conditions of Service) Bill drawn up by domestic worker groups
- 1989, Domestic Workers (Conditions of Service) Bill in Lok Sabha by Thampan Thomas and in the Rajya Sabha by Bapu Kaldate
- 1990, Domestic Workers (Conditions of Service) Bill 1990 by Harish Rawat in the Lok Sabha and by Bapu Kaldate in the Rajya Sabha


2001, Study Group on Women and Child Labour for the National Labour Commission recommended separate legislation for domestic workers
2001, Domestic Workers (Conditions of Service) Bill, 2000 by V Saroja
2008, Domestic Workers (Conditions of Service) Bill 2008 by Mohan Singh
2008, the Domestic Workers (Registration, Social Security and Welfare) Bill drafted by the National Commission for Women in consultation with domestic worker groups
2009, Domestic Workers (Conditions of Service) Bill by Arjun Meghwal
2008, Domestic Workers (Conditions of Service) Bill 2008 by Mohan Singh
2008, the Domestic Workers (Registration, Social Security and Welfare) Bill drafted by the National Commission for Women in consultation with domestic worker groups
2009, Domestic Workers (Conditions of Service) Bill by Arjun Meghwal
2015, Domestic Workers (Decent Working Conditions Bill) by Kirit Solanki
2016, Domestic Workers Welfare Bill by Shashi Tharoor
2017, Domestic Workers (Regulation of Work and Social Security) Bill by Sankar Prasad Datta
2017, Domestic Workers (Regulation of Work and Social Security) Bill by Oscar Fernandes

There are also several versions of Bills drawn up by many domestic workers’ groups, and the focus of this presentation is on the Bill drawn up by the largest network of domestic workers in the country, the National Platform for Domestic Workers (NPDW) – the Domestic Workers Regulation of Work and Social Security Bill 2017 (National Platform for Domestic Workers 2017). This Bill is important not only because it has been proposed by the NPDW but also because the private member Bills presented recently (by Sankar Prasad Datta and Oscar Fernandes) are almost verbatim copies of the NPDW Bill.

One of the things to note in the face of this persistent claims-making by domestic worker groups is that the government’s response over several decades has been to point to the difficulties of administering and enforcing the regulation of domestic work and the likely retrenchment of domestic workers, especially given its performance in ‘private households’ (Armacost 199464). However, more recently, in response to questions in Parliament on the regulation of domestic work, the government has pointed, not to the difficulties of regulating the sector, but rather to the efforts it has made to regulate the sector through the inclusion of domestic workers in the Unorganised Workers’ (Social Security) Act 2008 and plans for a National Policy on Domestic Work.

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64 Supra at 60.
Work. While the argument on the difficulties of regulating the sector continues to rear its ugly head in both governmental action and inaction on domestic work, the fact that this argument cannot be made with the same kind of ease and ‘common sense’ marks a changed context – hard-fought for changes in the law and the increased mobilization and organization of domestic workers, particularly since the 2000s.

Even so, the recognition of the need to regulate domestic work sits within a wider context of a deep retrenchment of labour laws, through a labour law reform process which has been ongoing for the last 30 years. While this labour law reform process has reached its apotheosis through the ‘consolidation and simplification’ process that the central government has undertaken in recent years through four labour codes, the labour law reform process has a much longer history. The proposed labour codes themselves are part of a wider labour law reform agenda at both the central and state levels, in what commentators have called ‘reforms by stealth’ which includes reforms ranging from the extension of fixed-term employment to all sectors, the rationalisation of forms and procedures, the enabling of self-certification, the enhancement of the hours that can be spent on overtime, amongst many others. At the heart of this labour law reform process are the ideas of labour flexibility and ease of doing business at the expense of the labour rights of workers.

**The rationale for a National Legislation on Domestic Work**

At the heart of the demands for national legislation on domestic work is a recognition of the inadequacy of the current labour law regime to adequately address the issues of unorganised workers generally and domestic workers specifically. This is because of how labour law conceptualises work, not just in terms of the standard employment relationship and what falls outside its purview, but also in terms of how gendered understandings of work inform what is regulated through terms such as workmen and industry and the concomitant difficulty of extending the regulatory regime (registers, inspections, conciliation, grievance redressal, industrial tribunals, etc.) to the ‘private’ sphere of the household.

This has resulted in the patchy and piecemeal regulation of domestic work by labour law thus far in terms of *what* is covered (minimum wages, social security, sexual harassment) and in terms of *who* is covered (laws being specific to some states), and *how* it is covered (the lax regime on inspections under the Minimum Wages Act, 1948), with domestic workers falling through the cracks of labour law.
Another reason for the demand for a national law on domestic work lies in the inter-state character of domestic work, given the high levels of migrant labour, and the involvement of placement agencies in domestic work. Therefore, domestic worker groups, through the umbrella platform of the NPDW, have argued for a sector-specific law along the lines of beedi and cigar workers, dock workers, building and other construction workers (SEWA 2014).

**Inclusion of Domestic Workers in the Labour Law Reform Process**

On the anvil for the regulation of domestic work for their rights as workers is the Draft National Policy on Domestic Work (which continues to be ‘under consideration’), which amongst other things, has a focus on inclusion of domestic workers in existing laws. Currently, the labour law reform process provides a singular opportunity for the government to include domestic workers in existing labour laws, and here, I would like to examine whether, and if so how, domestic workers are included in the four (proposed) Labour Codes.

**Code on Wages 2019**

The Code on Wages was enacted in August 2019, and for all intents and purposes, the Code includes domestic workers as they fall under the definition of ‘employee’ of an ‘establishment’ which has no threshold of applicability in terms of a stipulation on number of employees (unlike the Code on Occupational Safety and Health) for a household to come under the ambit of the law.

However, while there were clear indications of the inclusion of domestic workers in the text of the debates in Parliament, and in the submissions by the Ministry of Labour and Employment (MoLE) to the Parliamentary Standing Committee on Labour, there continues to remain some ambiguity on its applicability to domestic workers. In their submission to the Standing Committee on the Code on Social Security, when MoLE were asked whether the verbatim definition of establishment in that proposed Code covers agricultural holdings and households, the Ministry clarified that it did not cover either of the two, pointing to the muddled manner in which the Codes have dealt with domestic workers as well as the wider category of informal workers.

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65 Supra at 64
66 Employee defined under s 2 (k) – ‘any person […] employed on wages by an establishment to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied. Establishment defined under s 2 (m) – ‘any place where any industry, trade, business, manufacture or occupation is carried on and includes Government establishment’ [industry defined in Code on Industrial Relations and Code on OSH and specifically excludes domestic service, but the other categories are not defined in the Codes].
**Code on Occupational Health and Safety, 2020**

Domestic workers do not come under the purview of this proposed Code as there is a threshold of ten or more workers in the definition of establishment, except to the limited extent that the chapter on contract labour and inter-state migrants applies (which has a threshold of 20 employees).\(^67\) Therefore, all the stipulations in the Code relating to health and working conditions (potable drinking water, ventilation, sufficient lighting, arrangements for latrine), and weekly and compensatory holidays, extra wages for overtime, annual leave with wages, etc. do not apply to domestic workers (except to the limited extent that the Code on Wages addresses these issues on rest days).

**Code on Industrial Relations, 2020**

Again, the proposed Code on Industrial Relations only has a limited applicability to domestic workers through the inclusion of domestic workers as workers as part of the unorganised sector to whom chapter III on trade unions applies. However, they are excluded from the definition of workers of an industry (through a specific exclusion of those in domestic service).\(^68\) As domestic workers are excluded from the definition of workers in an industry, the provisions on mechanisms under the Act to resolve industrial disputes (in relation to the terms of employment or with the conditions of labour, or dispute arising out of discharge, dismissal, retrenchment or termination of such worker) are not applicable to them. Therefore, they have no access to bipartite forums such as works committees, or to grievance redressal committees for the resolution of disputes arising out of the grievances of an individual worker relating to terms of employment or conditions of service. Moreover, model standing orders that regulate conditions of work, which deal with how workers are intimated about periods of work, holidays, wage rates; conditions and procedures for applying for leave and holidays and notice for termination, do not apply. The Standing Committee

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\(^67\) The Code is applicable only to those employees who work in an establishment which is defined as any ‘place where any industry, trade, business, manufacture or occupation is carried on in which ten or more workers are employed’ (s 2 (u)).

\(^68\) s 2 (zm) read with s (2) (m):

s 2 (zm) “worker” means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied,

S (2) (m) (m) “industry” means any systematic activity carried on by co-operation between an employer and worker (whether such worker is employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature) but does not include—

(iii) any domestic service;
recommended that the Code on Industrial Relations should have a separate chapter on the unorganised sector in the Code to specifically extend the provisions of the Code to the unorganised sector but this has not been heeded.

**Code on Social Security, 2020**

The proposed Code on Social Security has a range of categories including workers; employees; unorganised sector workers; wage workers; building workers; contract workers; gig workers; home-based workers; platform workers and self-employed workers that fall under its purview, but the thresholds for applicability for these categories restrict the applicability of many of the chapters of the Code, making this version of the Code a far cry from the progressive universalisation of social security envisaged by previous versions of the Code.70

Domestic workers are waged unorganised sector workers under the Code to whom only the chapter on Social Security for the Unorganised Sector applies, and the chapters on Employees Provident Fund, Employees State Insurance, Maternity Benefit, Employment Injury do not apply. Apart from a few central schemes listed in the Seventh Schedule, which includes the paltry amounts provided under the Janani Suraksha Yojana, social security provisioning under this Code is ‘to be determined’. Much has been left to delegated legislation, with terms like ‘as may be prescribed’, ‘as may be stipulated’, etc. pertaining to entitlement, contributions, threshold for applicability, the functions and powers of the social security organisations etc., i.e., much is left to the executive without sufficient legislative scrutiny. As Indrani Mazumdar and Neetha N. have argued, it dismantles what exists and ‘generates more uncertainties than security’ (Mazumdar and Neetha 202071). Overall, therefore, the labour law reform process is hopelessly inadequate in addressing one of the objectives of the Draft National Policy on Domestic Workers to include domestic workers through existing laws. It is within this context that this paper addresses the contours of the Bill proposed by NPDW.

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70 The Code offers a confused collation with several other codes that set up welfare funds, such as those for beedi workers, iron ore mines, manganese ore mines, etc. left out from its collation exercise.

At the outset, the NPDW Bill is rooted in a rights-based framework for domestic workers – focusing on the right to minimum wages, working conditions and a right to social security. The Bill defines domestic work and domestic workers, drawing on the ILO Domestic Workers Convention 2011 clearly demarcating the place of work and the relationship of employment as the basis of categorisation. In other words, it recognises domestic work as work, it recognises it as work that requires regulation, and it recognises the household as a place of work. This recognition, which is rooted in a labour rights framework, is important given the pervasive non-recognition of domestic work as work in labour law, as well as the ambivalence that domestic workers themselves experience in the valuation of domestic work.

Unlike the definition of a domestic worker in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which is gender specific, the Bill itself, drawing on the ILO definition, has a gender-neutral definition of domestic workers with its reference to ‘any person’, and it encompasses work performed for a household, rather than performance in the household. Feminist researchers have pointed to the specificity of the gendered experience of domestic work and its invisibilisation due to its performance in the household (see for instance Bhattacharya and Sinha 2009). However, in addressing the issue of how to define domestic work in any proposed law, possibly the questions to ask are whether there is any purpose to be served by an exclusionary approach (by making the definition gender-specific) and whether the rest of the provisions in the Code can be put to use to address the gender-specific experience of domestic work.

Regulating the Employment Relationship

Regulating the employment relationship is at the heart of how the Bill envisages the protection of the labour rights of domestic workers. One of the key means through which the Bill proposes to

72 Art 1 of the ILO Convention reads as follows:
(a) the term domestic work means work performed in or for a household or households;
(b) the term domestic worker means any person engaged in domestic work within an employment relationship;
73 s. 2 (e) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 defines a ‘domestic worker’ as ‘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;’
74 The Bill defines employers as any person who engages a domestic worker to do any work in the household either directly or through a service provider and who has ultimate control over the affairs of the household, and in relation
do this is by turning the regulatory gaze of the law on the employment relationship through the compulsory registration of all employers, service providers and domestic workers with a district Board to be set up under the Bill. The Bill stipulates that no employer or service provider can employ domestic workers without registration. The certificate of registration issued is to be renewed every year, and the onus of registration is placed on the employers and service providers, including for part-time workers, with a penalty prescribed for breach.75

The purpose of the process of registration, which includes the collection of particulars of domestic workers and ensuring that service providers maintain records of domestic workers, is arguably to lift the veil of invisibility of domestic workers and bring the watchful, punitive gaze of the state to bear on the employment relationship. Further, it is to recognise domestic workers as ‘beneficiaries’ in law for social security provisioning and for the collection of fees for social security, on which more below. Registration is a key means through which the law has envisaged the provisioning of social security, as evidenced by the USSS Act, as well as by the proposed Code on Social Security. However, the problems with the multiplicity of ID requirements for claimants, predicating compulsory registration for the receipt of social security, as well as the privacy issues that the Aadhar debate have thrown up are all issues to be thought through carefully, while considering the purpose and function of registration under the proposed Bill.

**Minimum Wages, Working Time, and Working Conditions**

A significant means through which the employment relationship is sought to be regulated by the Bill is through provisions on minimum wages, working time and working conditions –which are either not addressed at all for domestic workers under current labour laws or only patchily addressed. For instance, the Bill has similar provisions to the provisions of the Minimum Wages Act 1948 on hours of work, working time, rest, overtime, and fixation of minimum wages. This is an important recognition in law of domestic work as work requiring the implementation of basic labour standards, and the fact that this extends to all domestic workers and not just to domestic to contract labour, the principal employer (s.2 (k)). Further, the Bill defines a service provider as a voluntary association or placement agency […] which espouses the cause of domestic workers and/or provides or engages them in employment with the principal employer [Cooperatives of domestic workers are exempted (s. 2 (p))]. In turn, placement agencies are defined as any agency, bureau, contractor, person registered under the Act that provides, engages in employment of domestic workers, or which facilitates the placement of domestic workers for prospective employers (s.2 (p)).

75 For migrant workers, on the other hand, other than for those employed through service providers, onus of informing the board of the move from district placed on domestic worker.
workers in a few states, is a welcome move. The new Code on Wages 2019, which now supersedes the Minimum Wages Act, 1948 in theory extends to all domestic workers. However, feminist critiques of Minimum Wages Act, 1948 on the issues of caste-based and gender based occupational segregation in domestic work, and its effects on the ways in which domestic work is classified as unskilled and undervalued in minimum wage notifications, on whether time-rated or piece-rated fixation of wages works better for different categories of domestic workers and the difficulties of prescribing minimum working time and rest periods for ‘part-time workers’ continue to hold salience for the proposed Bill as well as the new Code on Wages (Vasanthi 2011; Neetha 2013; Sankaran 2013; Neetha 2015).

The Bill also prescribes that basic amenities such as drinking water, food, first aid and washrooms are to be provided by employers, as well as private accommodation for live-in employees for resting and dressing. These are important and welcome additions to any law regulating domestic work as these are issues that crop up repeatedly in analyses of the working conditions of domestic workers. The Bill also prescribes an entitlement of up to 15 days of paid sick leave, and 15 days of paid leave after working for 240 days, and an entitlement to a weekly day off. It also prescribes a month’s notice for termination of employment to be given by employer or employee before termination. These are again welcome additions to the regulation of working conditions and provide powerful tools for domestic workers to bargain ‘in the shadow of the law’.

However, apart from a provision on registration by domestic workers, the Bill does not offer anything specific on migrant labour. The Bill could benefit from further conversations on how the Inter-State Migrant Workers’ Act on displacement allowance, journey allowance, ensuring

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There are further issues with the new Code and how it pertains to domestic workers, including on the truncated and myopic provisions on discrimination, as well as issues with lawful deductions, particularly on housing and what this means for live-in workers.
suitable conditions of work etc. could be made applicable to migrant domestic workers, who form the vast majority of domestic workers.

**Discrimination and other forms of exploitation**

The proposed Bill has important provisions on not just regulating working conditions and minimum wages, but also on prohibiting discrimination on the basis of caste, race, region, language, colour, sex, creed or religion for recruitment, conditions of employment and payment of wages by employer and by service provider for recruitment, placement, payment, and rehabilitation of domestic workers. While the prohibited categories of discrimination are not exhaustive, the Bill has a wider set of prohibited categories and contexts of discrimination than what was provided for under both the previous Equal Remuneration Act, 1976 and the current Code on Wages, 2019.

Further, the Bill prohibits exploitation by the employer or members of the household in the form of sexual, physical, verbal assault, violence, trafficking, wrongful confinement, and bonded/forced labour. There are also general prohibitions (by any person) with higher penalties on the sexual exploitation and trafficking of women and children, illegal confinement of domestic workers, compelling person to render forced labour and the provision of child labour (child defined as anyone under 18). However, the Bill does not adequately address ongoing debates on trafficking and exploitative labour practices, the role of placement agencies, and how they could be better regulated through a labour law framework.81

**Social security**

One of the most concrete set of provisions of the Bill are on the provisioning of social security. The Bill provides for an infrastructure as well as the means of collecting and disbursing funds through the setting up of a contributory fund – the Domestic Workers Social Security Welfare Fund – drawing on contributions from employers and employees, through registration fees and monthly contributions, but also the state through cess collection. This part of the Bill enshrines a work-based framework for the provisioning of social security through a tripartite contributory mechanism in the context where the vast majority of domestic workers have a multiplicity of employers, thereby distributing the responsibility between employers, the state and domestic

81 See for instance Kotiswaran 2018; Nayak 2018; Mazumdar and Neetha 2020.
workers themselves. The funds are expected to be administered by a state board set up under the Bill through allocations to a district board, also set up under the Bill. Domestic workers are entitled to a range of social security benefits that are currently available to workers in the formal sector, including assistance and rehabilitation in the case of an accident arising out of the course of employment, pension to those who are 60 years old, sanction loans and advances for the construction of a house, financial education for the domestic worker and her children, medical expenses for her and her dependents, and maternity/paternity benefit (but this is limited to two children).

The Bill also has a provision that enables domestic workers to enrol under ESI to avail the benefit of health cover including for maternity. While this is welcome, it would be useful to learn from the experience of previous attempts to extend ESI coverage to domestic workers, for instance through a pilot in 2016, which included them as self-employed workers, thereby removing employer liability (Neetha 2017).

**Authorities set up under the Bill**

Overall, the NPDW Bill and its precursor – the Bill prepared by the National Commission on Women which was based on consultations with domestic worker groups – enjoys widespread support amongst groups for regulating the conditions of work and for the provisioning of social security (Chigateri, Zaidi, and Ghosh 2016). However, some of the more contentious provisions, on which there are serious dissonances amongst domestic worker groups, centre on the powers and functions of the many authorities proposed by the Bill.

The Bill proposes the setting up of the following authorities

- A tripartite Central Advisory committee constituted by the Central Government – this is a tripartite committee with proportionate representation from government, civil society/domestic workers/trade unions and employers
- A tripartite State Domestic Worker Regulation of Work and Social Security Board constituted by the State Government
- A tripartite District Domestic Worker Regulation of Work and Social Security Board
- Worker Facilitation Centres (WFCs), which could be Panchayati Raj Institutions, Resident Welfare Associations and NGOs working with domestic workers
• Bipartite grievance redressal mechanism – for the resolution of disputes relating to rejection and denial of registration or cancellation of registration
• Dispute resolution mechanisms through the setting up of domestic worker courts

The dissonances have centred particularly around the powers and functions of the Boards proposed by the Bill. For instance, the District Domestic Worker Regulation of Work and Social Security Board is expected to carry out the following functions:

• registration either directly or through WFCs, issue ID cards, collect cess at the time of registration, renewal of registration certificate, authorise WFCs to collect contributions from workers and others, maintain registers and records of domestic workers [registration and collection of contributions, maintenance of records]
• grant benefits that beneficiaries are entitled to, implement schemes, establish or devise the establishment of creches [administration of social security]
• facilitate the resolution of dispute through conciliation [conciliation]
• authorise WFCs to conduct surprise visits to check the implementation of the Act, the Board themselves can enter a premises if there is reasonable ground for suspecting a domestic worker is being subject to sexual exploitation or is being wrongfully confined, or to rescue a child [inspection, rescue]
• make such examination and hold such inquiry to ascertain whether the provisions of the act have been complied with, or if the production of documents or record or evidence is required [adjudication]
• have the power of a civil court in adjudicating a dispute, enforcing the attendance of someone and examining him on oath, compelling the production of documents, issuing commissions for the attendance of witnesses [adjudication]

Networks such as the Domestic Workers Rights’ Campaign have argued against divesting the Labour department of its traditional functions of registration and regulation in favour of the tripartite Board as this would weaken the Labour Department, rather than make it more accountable to domestic workers (Chigateri, Zaidi, and Ghosh 2016)82. Again, this is an area that needs more widespread consultation amongst domestic worker groups.

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82 Supra at 59.
Way Forward

What then is the way forward for claims-making by domestic workers? Should domestic workers continue to pursue their demands for separate legislation when labour laws have been hollowed out even for the formal sector? What is certain is that the ‘inclusion’ approach to domestic work, viz., regulating domestic work through an expansion of existing labour laws to include domestic workers, has been limited in its effectiveness. This was true of the labour law regime before the labour law reform process, and it continues to be true of the labour law reform process as well, with some exceptions. An important aspect of the claims-making by domestic worker groups across the country has been their consensus on the need for a separate law to regulate domestic work. It has provided the focal point of mobilisations and has energised domestic worker claims-making. In this sense, there is value in the claims for a separate law as a strategy in a broad set of claims-making through organising, alliances, and other regulatory frameworks. It has the effect of both energising domestic worker groups and in focusing attention to the question of how domestic work ought to regulated to maximise the ability of domestic workers to claim their rights. However, there does need to be a wider consultative process on the proposed law – especially on some of the more contentious aspects of the law, for instance on the functions of the tripartite boards, and feminist concerns on the regulation of trafficking and how this might inform the regulation of placement agencies.

Overall, any exercise in law reform must be cognisant of the limitations of law in securing transformative justice for domestic workers. An affirmative approach to recognition and redistribution through a separate law may not be able to address issues of servitude or occupational segregation in paid domestic work, such that there is no longer a ‘division of labourers’ in domestic work, but it does provide domestic workers with a powerful tool to bargain for their rights in the shadow of the law.

In the final talk, Babu Mathew fully exposed the harsh reality of the dismantling nature of the ongoing labour law reforms and the irony of separate legal protection being demanded by domestic workers within this deregulatory framework. He unpacked some more worrying aspects of the enforced as well as the proposed Labour Codes which would take away protections available under existing laws and placed domestic work within this larger paradigm of evolving labour law. He
pointed out that under the proposed Code on Industrial Relations, 2019, which would subsume the existing Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946, strikes would practically be illegal. The power of state governments to refer a labour dispute to the Labour Court or Tribunal would be taken away. Further, a system of compulsory recognition of trade unions would be adopted, but the secret ballot system of election would no longer be applicable, thus curtailing the liberty of individual union members. Further increase in the likelihood of manipulation would be ensured by the check-off system (in which a worker’s contribution to his/ her preferred union is deducted from the wages by the management) with an unsatisfactory level of verification. Such provisions would surely lead to the further weakening of the collective bargaining regime, with obvious repercussions on domestic workers. As a further blow to collective bargaining and job security, the fixed-term contract of employment has been reinforced.

Next, the already enforced Code on Wages, 2019 brought in the concept of floor wage in addition to the minimum wage, wherein the floor wage is less than the minimum wage. The government would only set the floor wage and mechanism to fix the minimum wages is left to the executive. The Expert Committee appointed by the Ministry of Labour and Employment has already proposed a mechanism to do so, based on guidelines of the ILC 1957 and the Supreme Court Judgment of Workmen v Reptakos Brett & Co. (AIR 1992 SC 504). Further, Mathew pointed out that the bonus payable to workers under the Code depended on the revenue earned, but the right to demand access to the accounts of the employer would be taken away, thus making the provision toothless. Next, the Code on Social Security, 2019 (as it stood at the time of the workshop) which seeks to subsume several existing legislations on employees’ provident fund, insurance and pension, compensation, maternity benefit, etc., was also discussed briefly. Most importantly, it was pointed out that while the crucial elements of social security such as Employees’ Provident Fund and Employees State Insurance were continued for the organised sector, the incremental extension to the unorganised sector was frozen, which would also affect independent welfare boards created under existing sectoral laws such those for construction workers or mine workers. In this scenario, Mathew opined, that imagining social security for domestic workers within the proposed labour regime would be very difficult. Furthermore, the proposed Code on Occupational Safety and Health which seeks to replace 13 existing laws including a number of sectoral laws, takes away some of the basic protections for workers such as maximum working hours.
Mathew pointed out that overall, the freedom of association and collective bargaining was going to be tremendously weakened. The introduction of floor wages below minimum wages split the mechanism of wage fixation at the bottom. The basic statutory protection through capping working hours would be done away with. There would be no guarantee of social security for the unorganised sector workers; with the dismantling of sectoral welfare boards, the benefits from cess collection would be gone, and implementation mechanisms would be weakened. In addition, we would be demanding a separate law for domestic workers when the current reforms are focusing on the replacement of sectoral laws with general laws. He concluded by emphasizing the need for a 5th Labour Code exclusively for the unorganised sector, based on constitutional goals and ILO Core Labour Standards adapted to Indian conditions. Such a Code should ensure labour rights, wages and social security for the unorganised sector also. On request for further elaboration during the discussion that ensued towards the end, Mathew clarified that many activists and trade unions have informally agreed to the idea of a 5th Labour Code. A formal initiative to pursue the cause is yet to be carried out.

The elaborate talks on the struggles for legal recognition of domestic workers, the feasibility of seeking protection within the existing laws especially within the context of the changing nature of labour laws and the dismantling of existing protective structures, and the proposal for a 5th Labour Code, dominated the general discussion at the end of the session. Interesting points regarding the said 5th Labour Code were put forth, including the possibility of municipalisation of domestic work through such law. Besides, the need for mobilisation against the four Labour Codes which are dismantling existing protections and sector-specific laws was emphasized by multiple speakers. Nevertheless, the need to continue to have a constructive engagement with the government and other stakeholders to push for a sector-specific regulation for domestic workers was echoed by all.
CONCLUSION

The discussions around various aspects relating to paid domestic work flagged some pointers that require further investigation and in-depth dialogue. The scholars pointed out that there is a glaring gap in the literature when it comes to empirical research on rural areas. It was pointed out that a comparative analysis between rural and urban workspace is necessary both from a political economy perspective and to strengthen rights discourse. It becomes essential to understand various spatial contexts and the character of domestic work in each location to streamline claim-making and policy initiatives in resonance with workers’ experiences on the ground. We find from empirical studies and ethnographic studies that metro cities are studied in detail, mapping aspects of migration, demographic analysis, intersectional nuances and vulnerabilities within the city space contributed by the state and society. It is at this juncture, we aim to explore how geographical areas such as rural areas, towns and cities reshape the characteristics of domestic work differently.

There were references to new non-statutory regulators such as Residents Welfare Associations and their increasing control over privacy, livelihood and dignity of domestic workers. In the context of the pandemic, there was the undignified treatment meted out to domestic workers by the Residents Welfare Associations in gated communities. The collective fear of infection had to be born by the domestic workers and they had to undergo an extra level of surveillance and deprivation of certain common facilities like lifts, use of common parks and rest benches etc. There was serious questioning around whether these extra regulations or exclusionary approach by the RWAs is legal.

Domestic workers are treated as inferior and unequal under different economic structures. The changes in the economy haven’t influenced patterns of discrimination within the household. Casteism and patriarchal control are inflicted on these women workers. Scholars and activists argued that the casteist character of the privileged middle class comes out from under the cover of ‘maternalism/paternalism’ and ‘benevolence’ tactics of the employers. To address fundamental inequities ingrained in domestic work, we think that it is important to ask questions around the social construct of domestic work and domestic workers in the Indian context.

The workshop deliberated on Raka Ray and Seemin Qayums’ conceptual framework of ‘culture of servitude’ in paid domestic work in India. As it is visible, domestic workers are still being treated as servants and subjected to dehumanized status in their daily lives. It is in this context,
that Samita Sen further analysed paid domestic work in India from the perspective of ‘domestic slavery.’ These analyses invite attention to look at paid domestic work with its contextual nuances of class, caste, gender, ethnicity and language and inquire further into a framework that would be more inclusive in approach. Parvati Raghuram’s suggestion to study spatio-temporal relations that exist within the workplace in respect of settings and practices in paid domestic work would provide additional analytical perspectives in studies to come.

The discussions around Covid-19 and domestic workers discussed issues around the impending economic crisis and loss of employment, aggravated vulnerabilities during the lockdown, ignorance of the state towards the sector, the character of demands from the domestic workers and articulation of entitlements from different stakeholders. The discussions asked fundamental questions relating to the reasons for the easier neglect and ignorance of paid domestic work and workers in the Indian socio-political space. Are these challenges new to the sector or how does the continuum of these challenges exist in the sector under different economic models? Did the weakened position of the state in safeguarding the interests of the workers lead to domination over the workers and control of their work by the Resident Welfare Associations? The participants in the workshop shared concerns over the lack of distribution of welfare provisions for domestic workers. Domestic workers are at the frontline of risk in the current pandemic and suffer from the loss of employment, non-payment of wages and decreasing wages with more burden of work and difficulties in organizing and mobilizing the workers. Hence, it is essential that there be active policy intervention to ensure their dignified existence as an occupational category.

Activists noted that the domestic workers’ lives have improved both politically and economically because of the confidence gained from unionization. On the regulatory front, there was an emphasis on the long-standing demand for sector-specific legislation. However, there was a much wider discussion on the new Labour Codes (Code on Minimum Wages, 2019, Code on Industrial Relations, 2020, Code on Social Security, 2020 and Code on Occupational Health, Safety and Working Conditions, 2020) and participants shared their concerns over the continuum of exclusion of domestic workers from these laws. Thinking towards a newer legislative path, including a fifth Code on the Informal Sector was suggested as a solution to bring informal sector workers under the gamut of the protective labour law regime. It was suggested that the efforts towards a sectoral
law for domestic workers should continue, but as part of the short-term strategy, workers should pursue benefits under existing welfare schemes and policies.
Feminists have long troubled the status of reproductive work, arguing for the recognition of its value and the sharing of its burdens. International initiatives like the new ILO Domestic Workers’ Convention seek to de-exceptiolnalize domestic work by giving presence, voice and power to millions of ‘invisible’ workers, while support for unpaid work is now identified as a target of the Sustainable Development Goals. Yet the simultaneous endorsement of policies and practices of market entrepreneurialism, favoured to advance development and gender empowerment, risks intensifying distinctions between paid and unpaid workers, along with the economic and political inequality that travels with it.

In this context, we need to shift our gaze to how differences between productive and reproductive work are made and maintained. Here, I discuss four ways to think about legal rules: as behavioural incentives; as devices to allocate resources, risks and powers; as tools to (re)shape the domains of home and work; and as norms that legitimate hierarchical social and economic arrangements. Examining law in this way reveals how the flow of risks and resources, burdens and benefits is organized across home and market and provides a window on the mechanisms by which productive and reproductive work are distinguished, shaped and valued.
Making a wide range of economic as well as social laws and policies visible as part of the law of social reproduction, this legal analysis provides a bridge to the work of activists and scholars in other disciplines and helps identify perils and chart future possibilities for those engaged simultaneously in unpaid and market work.

**WEDNESDAY, 19TH AUGUST, 2020**

**SESSION 1**

**THE POLITICAL ECONOMY OF PAID DOMESTIC WORK IN INDIA**

(TIME: 11:00 A.M. TO 1:00 P.M. IST; 6:30 A.M. TO 8:30 A.M. BST)

**JOIN SESSION HERE**

**Chair:** Sophy K.J., Post-Doctoral Research Associate, Laws of Social Reproduction, CWDS & KCL

**Speakers:**
- Neetha. N, Professor & Acting Director, CWDS, Delhi
- Shraddha Jain, Researcher, CDS, Trivandrum
- Supurna Banerjee, Assistant Professor, Institute of Development Studies, Kolkata
- Nitin Sinha, Senior Research Fellow, ZMO, Berlin

**Discussant:** Archana Prasad, Professor, Centre for Informal Sector & Labour Studies, JNU

While discussing domestic work as an economic activity, we would like to discuss it in a historical context to highlight the economic, political and socio-cultural variables that determine its valuation and the dignity of workers. Women’s increased labour force participation after 1999-00 (34.1%), has prompted households to turn to domestic workers to balance their employment with family obligations. This has resulted in the increased demand for workers, migration for domestic work and the development of the domestic work sector. In development discourse, an extensive literature on migration and care addresses commodification, privatization and exploitation in the private realm. But the linkages between the political economy of migration and the political economy of social reproduction need to be understood better in appreciating paid domestic work as an independent economic activity in the labour market. We are also keen to understand the prospects for the dignity of Indian paid domestic workers and how these are different from prospects for domestic workers in the rest of the world. A majority of domestic workers being from marginalized castes, the question of inequality and discrimination against domestic workers cannot be addressed without raising the cultural and structural question of ‘caste’. Scholars have however argued that there is a visible change in the demographics of female domestic workers.
with increasing participation from the general population beyond Dalit/Tribal/Bahujan communities. This requires further analysis in understanding the changing caste dimensions in paid domestic work. The lock-down due to COVID-19 has exposed the particular vulnerability of domestic workers who lost their livelihoods with no safety net to fall back on, leaving the families of migrant domestic workers at risk of poverty and hunger. The economic crisis and stigmatization of domestic workers during lock-down has exposed prejudices and vulnerabilities of domestic workers. Against this backdrop, we discuss the new ‘political economy of domestic work’, the historical treatment by the state of the sector, gaps in addressing challenges during different phases and the persistence of a continuum of challenges unaddressed even today.

BREAK: 45 MINUTES

SESSION 2 FEMINIST DEBATES ON PAID DOMESTIC WORK IN INDIA
(TIME: 1:45 P.M. TO 3:45 P.M.IST; 9:15 A.M. TO 11.15 A.M. BST)

JOIN SESSION HERE

Chair & Moderator: Prabha Kotiswaran, Professor of Law, King’s College London

Speakers:
Parvati Raghuram, Professor, Open University, UK
Samita Sen, Professor, University of Cambridge
Deepita Chakravarty, Professor, Ambedkar University, Delhi
Neha Wadhawan, National Project Coordinator, Work in Freedom, ILO, India

Feminist scholars have long argued for the recognition of women’s reproductive labour performed within the confines of the domestic sphere which is grossly undervalued due to its disconnect with the world of market-based paid work. Western feminists have elaborated on how such non-waged/under-waged work produces surplus value for capitalists. Indeed, the second wave of feminism challenged social injustices linked to the family and the gendered division of labour. In the Indian context, given the vast agrarian sector and the predominantly informal nature of the economy including in urban areas, scholars like Devaki Jain have argued that “all poor women are workers” engaged in any or combined categories of work–household production, home-based personal activities and other productive activities highlighting the high levels of unpaid work that women perform within the subsistence economy of rural households. For many poor women, paid work in the market often takes the form of paid domestic work which is considered to be an extension of unpaid housework. This work within the private sphere becomes an excuse for non-interventionism by the state. As Palriwala and Neetha argue, ‘gendered familialism’ has
strategically played a role in reiterating care work as female work in public discourse and policy. Social reproduction by domestic workers in India is further complicated by the significance of caste and other marginalities in structuring the very nature of paid domestic work. Mary John has thus argued that the stigma of women’s paid labour cannot be addressed without making visible the workings of caste in the workspace. What are its visible/invisible forms within the personalized workspace and how do we address it both in discourse and in practice? The personalized employment relationship between the female domestic worker and the employer further raises questions such as gendered behavioural expectations and the creation of subjectivities of domestic workers through different strategies including colonial forms of control based on class, gender, caste, ethnicity, religion and linguistic identity. This panel aims to discuss the relevance of social reproduction debates in the Indian context and the invisibility and stigma of female domestic workers in Indian society.

BREAK: 30 MINUTES

SESSION 3 INFORMAL LABOUR AND PRECARITY AT PAID DOMESTIC WORK
(TIME: 4:15 P.M. TO 6:15 P.M. IST; 11:45 A.M. TO 1:45 P.M. BST; 12:45 P.M. to 2:45 P.M. CEST)

JOIN SESSION HERE

Chair & Discussant: Sumeet Mhaskar, Associate Professor, O.P. Jindal Global University
Speakers:
Swapna Banerjee, Professor, Brooklyn College of the City University of New York
Padmaja Barua, Associate Professor, Western Norway University of Applied Science
Sujata Mody, Activist, President of Penn Thozhilalargal Sangam
Sudipta Sarkar, Assistant Professor, Visva-Bharati, Santiniketan
Ruth Manorama, Activist, National Alliance for Women
Uma Rani, Senior Economist, ILO, Geneva

The informal sector, once considered to be ‘transitory space’, has become the modal experience of precarious informal work today, as a result of new forms of economic development. The vulnerability of domestic workers is inherently tied to the process of informalization. Scholars have used the concept of ‘feminization of poverty’ to explain the increased participation of women in precarious work. Many aspects of their precarity such as their non-recognition as workers, migration, the lack of entitlements and illegal practices like trafficking, forced labour, child labour, sexual abuse and exploitation by intermediaries, require discussion as consequences of
informalization. The vulnerability and precarity of domestic workers is also attached to their social status. Female domestic workers are not a homogenous group, hence it is also important to dissect their varied experiences as well as struggles and resistance in their survival. While informality points to the failure of the state in recognizing and acknowledging the legal status and entitlements of domestic workers, ‘precarity’ entails insecure, uncertain, unpredictable and undependable futures. In the Indian context, cultural, social and political marginalization intersect with the precarity of workers in the informal sector. This necessitates alliances between precarious workers’ struggles and caste and gender identity-based movements. During the initial phase of lockdown with the advent of COVID-19, while domestic workers were re-entering the workspace, most were not paid their wages and were unable to manage their basic needs or get enough food. We have also seen the conversations around domestic workers as carriers of the virus and the purity-based claims that reflected caste and class-based privilege. The solutions to these visible violations require in-depth discussions from a policy perspective.

THURSDAY, 20th AUGUST 2020
SESSION 4 STRATEGIES FOR MOBILIZATION & COLLECTIVIZATION AMONGST DOMESTIC WORKERS IN INDIA
(TIME: 10:30 A.M. TO 1:30 P.M. IST; 6:00 A.M to 9:00 A.M. BST)

JOIN SESSION HERE

Chair & Speaker: Nalini Nayak, Activist, SEWA Kerala

Part I

Speakers: Subhash Bhatnagar, Activist, Nirmala Niketan
Kiran Moghe, Activist, The Pune Zilla Gharkamgaar Sanghatana
Elizabeth Khumallambam, Activist, Community for Social Change and Development (CSCD)
Sr. Lissy Joseph, Activist, TDWU

BRIEF Q&A

Part II

Speakers: Suneetha Eluri, ILO, Jordan
Maya John, Assistant Professor, Delhi University
Domestic workers’ mobilizations and unionization in India have a long-standing history and encompass different models of mobilization, including through civil society organizations, cooperatives, church-based initiatives, regional-level collaborations, national-level platforms and political party-affiliated initiatives. In 1953, the All India Domestic Workers’ Union (AIDWU) was established by a male domestic worker. The political party-based trade unions as they got national recognition and became influential, ignored workers in the informal economy and lost touch with the majority of the workforce from the 1960s. This led to the formation of collectives focused on the unorganized female workforce. Domestic workers were mobilized in the mid-1980s by two large women’s organisations with a national base—the AIDWA and the SEWA—which shows the engagement of feminist organisations with domestic workers. The domestic workers’ movement entered the next phase as organizations decided to come together at the national level and form national level networks. The presence of multiple employers for each domestic worker, the private nature of the domestic workspace, the different categories of workers – live-in workers/live-out workers, the personal equations between the worker-employer and diverse kinds of labour arrangements are challenges for collectives and unions that currently work with domestic workers. Organizations and strategic networks have empowered workers to resist employers’ unreasonable demands and raise questions relating to labour rights and dignity in their daily lives. This empowerment through mobilization and unionization has become important as the domestic workers’ employment relationship is still not recognized by the law. However, the challenges posed by COVID-19 to the organization and assistance of domestic workers, also requires conversations about new methods of mobilization and workers’ struggles. We invite speakers to discuss the following issues:

1. Important turning points in the history of unionization/collectivization/mobilization (trade union organizing, non-union organizing, NGOs/new movements, regional level/national level platform formations, coalitions) of domestic workers as well as alliances with the women’s movement and anti-caste movement.

2. How can the indignity and dehumanization of domestic workers be addressed through conscious interaction and engagement with anti-caste mobilizations and mobilization of other precarious and informal sector workers such as safai karmacharis, manual scavengers and bonded labourers?

3. Discuss the challenges in negotiations, both in individual and collective terms and the attitude of state institutions towards unions/collectives’ interventions in various matters relating to domestic workers?
4. How do we envisage new strategies in the wake of COVID-19, in empowering domestic workers to negotiate vis-à-vis employers and the state in asserting citizenship rights and making legal and social space for these precarious women workers?

BREAK: 1 HOUR

SESSION 5. REGULATORY APPROACHES TOWARDS PAID DOMESTIC WORK

(TIME: 2:30 P.M. TO 5.30 P.M. IST; 10:00 A.M. TO 1:00 P.M. BST)

JOIN SESSION HERE

Chair & Speaker: Prof. Babu Mathew, Professor, NLSIU, Bangalore

Part I

Speakers: B.T. Kaul, Professor, Delhi University
Aparna Bhatt, Lawyer, Supreme Court
N. Vasanthi, Professor, NALSAR, Hyderabad
Uday Shankar, Associate Professor, IIT Kharagpur

BRIEF Q&A

Part II

Speakers: Shraddha Chigateri, Independent Researcher, Gender and Development Studies
Alok Prasanna Kumar, Researcher, Vidhi Centre for Legal Policy
Babu Mathew, Professor, NLSIU

Despite several efforts in Parliament, sector-specific legislation remains a far cry for Indian domestic workers. This denial was extensively contested by feminists in the domestic labour debates as well as in more recent discussions on the social and economic ‘devaluation of care’. It is important to understand the role of the law in reimagining the status of domestic workers and in redistributive struggles for domestic workers. The conversation around regulation can also discuss different models of legal frameworks to ensure decent work for domestic work within labour laws but also other areas of the law such as contract law or tort law. It is relevant to discuss the possibilities of MOUs between states as migration is integral to the flow of the workforce to different states. Another pertinent cause of undervaluation and invisibility is the issue of ‘indignity/dehumanization’. Though we agree with the importance of intersectional dimensions of
paid domestic work, is the law able to account for them? As US scholar Terri Nilliasca notes, can ‘the Domestic Workers’ Bill of Rights adequately address the forces of racism, heteropatriarchy, immigration and structural neoliberalism’ that all contribute to the subjugation of domestic workers?’ This question is relevant to legislative reforms in India. Questions that the panel will discuss are:

1. How do we place discussions on legal recourse for domestic workers within the larger debate on new legislative approaches for the informal or unorganized sector?
2. There is an argument that instead of framing new sector-specific legislation, the Government can ensure labour rights for domestic workers within existing labour laws. Is this feasible or adequate especially as the government consolidates a range of existing general as well as sector-specific labour laws?
3. Caste identity is a significant cause of discrimination against domestic workers. How can domestic workers from marginalized castes be protected both from material and social adversities in a legal framework to safeguard them from dehumanization and indignity?
4. Do we think that a third body, ‘Welfare Boards’ are the model way forward to distribute social security provisions and other benefits?
5. There have been long-standing efforts to regulate the functioning of placement agencies in recruiting domestic workers. What are the best mechanisms/practices to regulate placement agencies and their unfair practices?
6. What are the legal solutions to deal with inter-state and intra-state migration for domestic work and susceptibilities to subsequent adversities?

CONCLUSION AND WRAP-UP

This workshop is part of project entitled The Laws of Social Reproduction, which seeks to study women’s reproductive labour in five sectors bridging the marriage-market continuum: sex work, bar dancing, commercial surrogacy, paid domestic work and unpaid domestic work. The project is headed by Professor Prabha Kotiswaran at King’s College London, with the support of postdoctoral researchers Dr. Sutapa Majumdar, Dr. Sophy K.J., Dr. Sreerupa, and Dr. Shakthi Nataraj. The project is generously supported by the European Research Council.
**Participants**

**Neetha. N**

Neetha N. is Professor and Acting Director at the Centre for Women’s Development Studies (CWDS), New Delhi. Before joining CWDS, she was Associate Fellow and Coordinator, Centre for Gender and Labour, at the V.V. Giri National Labour Institute, NOIDA. Her core themes of research interest are employment and female labour migration, specifically covering areas such as the changing dimensions of women’s employment, gender statistics, the socio-political and economic dimensions of care work, and migration for domestic work. She is one of the lead authors of the chapter on ‘Pluralization of Families’ in the *Report of the International Panel on Social Progress*, 2018. Her recent Book is titled, ‘Working at Others’ Homes – The Specifics and Challenges of Paid Domestic Work’ published by Tulika Books.

**Shraddha Jain**

Shraddha Jain, PhD. Scholar at the Centre for Development Studies, Kerala. She has been doing research on issues relating to women’s paid and unpaid labour, intra-household gender relations and care responsibilities. She uses an interdisciplinary approach for her research. Following up on her MPhil. research, she undertook further research on Paid Domestic Work in the National Capital Region along with Prof. Praveena Kodoth. Currently, she is completing her Ph.D. thesis titled: ‘Bargaining Over Care within Households: Case Studies of Women in Two Occupational Classes in the National Capital Region’, supervised by Prof. Praveena Kodoth. The thesis focuses on the processual understanding of bargaining and allocation of care responsibilities. She holds two co-authored publications: a chapter (co-authored with Prof. Kodoth) in a volume edited by Prof. Neetha and an article in the IJLE (co-authored with Prof. U.S. Mishra).

**Supurna Banerjee**

Supurna Banerjee is Assistant Professor at the Institute of Development Studies, Kolkata. She was Research Fellow (2018-2019) in Re:work, Humboldt University, Berlin. Her interests are in labour, migration and gender studies. Her monograph *Activism and Agency in India: Nurturing Resistance in the Tea Plantations* (2017) was published by Routledge. She has co-authored *Limits of Bargaining: Capital, Labour and the State in Contemporary India* (2019) published by Cambridge University Press. She has also written in and co-edited peer reviewed journals including in South Asia Multidisciplinary Academic Journal (SAMAJ) and Journal of South Asian Development (JSAD) and co-edited a book *Caste and Gender in Contemporary India: Power, Privilege and Politics* (Routledge India).

**Archana Prasad**
Archana Prasad is Professor at the Centre for Informal Sector & Labour Studies, School of Social Sciences. She did her Ph.D. from Centre for Historical Studies JNU in 1994 and was a post-doctoral fellow at the Department of Science and Technology Studies, Cornell University from 1994-1996. Prior to joining the Centre for Informal Sector and Labour Studies she has been a fellow of the Nehru Memorial Museum and Library and was teaching at the Centre for Jawaharlal Nehru Studies and the Department of History, Jamia Millia Islamia. She specializes in research on the contemporary history of adivasi livelihoods, labour and resistance, women and labour, environmental and labour history. Her current research is focused on the ideologies of resistance and forms of protest amongst adivasi workers through the collection of their oral histories. She is involved with several grassroots and working-class movements and has served on several government committees concerning women’s and adivasi issues. She has also published several books, scholarly and popular articles on a wide range of subjects related to adivasi and women's issues.

Nitin Sinha

Nitin Sinha is senior research fellow at Leibniz-Zentrum Moderner Orient, Berlin. He has worked on histories of transport and communication, labour, and agrarian ecology of colonial India. Between 2015-18, he was the principal investigator on the project, Domestic Servants in Colonial South Asia. His latest publications include two edited volumes, Servants’ Pasts (published from Orient Blackswan in 2019 and available open access) which chart the long history of domestic service in South Asia.

Prabha Kotiswaran

Prabha Kotiswaran is Professor of Law & Social Justice at King’s College London. She has authored Dangerous Sex, Invisible Labor: Sex Work and the Law in India, published by Princeton University Press and co-published by Oxford University Press (2011), and has co-authored Governance Feminism: An Introduction (Minnesota University Press, 2018). She has also edited Sex Work (Women Unlimited 2011), Towards An Economic Sociology of Law (Wiley-Blackwell 2013), Revisiting the Law and Governance of Trafficking, Forced Labour and Modern Slavery (Cambridge University Press, 2017) and Governance Feminism: Notes from the Field (Minnesota University Press, 2019). She is Notes Editor for the Indian Law Review (Taylor & Francis) and founding editor of Beyond Slavery and Trafficking (Open Democracy).

Parvati Raghuram

Parvati Raghuram is Professor of Geography and Migration, Faculty of Arts & Social Sciences, The Open University. She has published widely on retheorising migration of international students, skilled migrants and care-workers. She has primarily worked on India but is also currently involved in several projects on migration within Africa. She has co-authored Gender, Migration and Social Reproduction (Palgrave, 2015), The Practice of Cultural Studies (Sage, 2004), South Asian Women in the diaspora (Oxford, 2003), Gender and International Migration in Europe (Routledge, 2000).
and co-edited the book titled, Tracing an Indian Diaspora: Contexts, Memories, Representations (Sage, 2008-10).

Deepita Chakravarty

An economist by training, Deepita Chakravarty did her PhD from JNU and is currently a Professor in the School of Development Studies, Ambedkar University Delhi (AUD). She has primarily published in the area of labour market behaviours of women and men in India in journals of repute such as *EPW, Indian Journal of Gender Studies, Modern Asian Studies, Journal of South Asian Development* and *Journal of Economic Asymmetries* among others. She has recently published a book with Routledge, UK, titled *Women, Labour and the Economy: From Migrant Men Servants to Uprooted Girl Children Maids* (2015) jointly written with Ishita Chakravarty. Before joining AUD, Deepita worked at CESS, Hyderabad, IIM, Kozhikode and SOAS, University of London as a regular faculty member. In 2010-11, she was the recipient of Sir Ratan Tata Post-Doctoral Fellowship at London School of Economics and Political Science in London.

Neha Wadhawan

Dr. Neha Wadhawan is associated with the Work in Freedom programme at the International Labour Organisation in New Delhi. She holds a PhD in international politics from JNU and her research interests have focused on gender, labour, migration and citizenship in South Asia. She has taught as visiting faculty at the School of Development Studies, B. R. Ambedkar University, New Delhi from 2014-2016.

Samita Sen

Samita Sen is an Indian historian and academic. Having previously taught at the University of Calcutta and Jadavpur University, she has been Vere Harmsworth Professor of Imperial and Naval History at the University of Cambridge since 2018. Samita Sen received her Ph.D. from Cambridge University in 1992 and was JRF at Trinity College, 1990-1994. She taught at Calcutta University and Jadavpur University from 1994 to 2018. In this period, between 2013 and 2015, she served as First Vice-Chancellor, Diamond Harbour Women’s University. She was also Dean, Faculty of Interdisciplinary Studies (Jadavpur University), 2016-2018. Her monograph, *Women and Labour in Late Colonial India* (Cambridge University Press, 1999) won the Trevor Reese Prize in Commonwealth History. She has published extensively on gender and labour. Her specialization is in colonial South Asia but she has also done contemporary and interdisciplinary research on issues such as domestic violence and labour in the informal sector.

Sumeet Mhaskar

Prof. (Dr.) Sumeet Mhaskar is trained in Sociology and Political Science. He holds a doctorate in Sociology from the Department of Sociology and St. Antony’s College, University of Oxford. He
obtained his M.A and M.Phil. degrees in Political Science from the Centre for Political Studies, Jawaharlal Nehru University. Prior to joining the Jindal School of Government and Public Policy, he was based at the Centre for Modern Indian Studies (CeMIS), Georg-August-Universität Göttingen where held fellowships from the Alexander von Humboldt Stiftung and Max Weber Stiftung. Sumeet has also held positions at the Max Planck Institute for the Study of Religious and Ethnic Diversity in Göttingen, Center for South Asia at Stanford University, and International Centre for Development and Decent Work at Universität Kassel. Sumeet is currently working on a book manuscript which examines Mumbai’s ex-millworkers’ responses to their job loss as a result of the closure of textile mills in Girangaon, the industrial heartland of the city since the mid-19th century. In addition, he is working on a project titled “Rural-Urban Linkages in a Global City” that looks into the urban experience of rural labour migrants who enter the city through well-established and old networks.

Padmaja Barua

Padmaja Barua is Associate Professor in Social Work at the Western Norway University of Applied Sciences in Bergen, Norway. She holds a PhD in Gender and Development from the University of Bergen in Norway. In addition, she has a Master’s in Gender and Development from the University of Bergen in Norway and a Master’s in Social Work from the University of Delhi in India. Dr. Barua also has long-term experience in work in the non-governmental sector in India. Her research interests are located at the interface between gender, paid domestic work, labour and social movements.

Sujata Mody

Sujatha Mody is the President Penn Thozhmillalar Sangam & Garment and Fashion Workers Union, Tamil Nadu. She has been a trade union activist for many decades and a strong advocate for women’s rights at their workplace. She was active in advocacy for the inclusion of domestic workers under the Minimum Wages Act, 1948 in Tamil Nadu and it was notified by the Government on July 18th, 2018. She has problematised the changing demography of migrant female workers as there is a considerable shift in the choice of employment for women from agricultural and other unskilled work in rural areas to semi-skilled work in the garment factories.

Swapna Banerjee

Swapna Banerjee is Professor of History at Brooklyn College of the City University of New York. Her research lies at the intersection of gender, class, race, and ethnicity in colonial South Asia. Her book Men, Women and Domestics: Articulating Middle-Class Identity in Colonial Bengal (OUP, 2004) employs the lens of employer-servant relationships to understand the construction of national identity in colonial Bengal. Her second monograph, Fathers in a Motherland: Imagining Fatherhood in Colonial India (OUP, forthcoming 2020) interrogates the strong connection between fatherhood and masculinity. On a fellowship from the Australian Research Council, she is currently working on a collaborative research project that historicizes the travelling Indian ayahs.
and Chinese amahs of the nineteenth and twentieth centuries. Banerjee was named Endowed Chair in Women's and Gender Studies (2016-18) at CUNY. She is affiliated with PURAI: Global Indigenous and Diaspora Research Studies at the University of Newcastle, NSW, Australia.

**Uma Rani**

Dr. Uma Rani is Senior Economist with the Research Department at the International Labour Organization (ILO), Geneva office. Her research focuses on minimum wages for low-paid workers including those in the domestic work, income inequality, global supply chains in the electronics sector, and digital economy, wherein she explores how labour and social institutions interact with public policies and shape the patterns of economic and social inequality. She is currently working on a report on Ensuring decent work and fair competition on digital labour platforms which will be published early next year.

**Sudipta Sarkar**

Dr. Sudipta Sarkar is currently working as an Assistant Professor in the department of Geography, Visva-Bharati, West Bengal. She has completed her Graduation with honors in Geography from Mahila Maha Vidyalaya, Banaras Hindu University and did her post-graduation (specialization in population studies), M.Phil. and Ph.D. from the Centre for the Study of Regional Development, Jawaharlal Nehru University, New Delhi. Her research interests are in migration and development, gender and labour issues. She has published several articles, one book chapter and a book.

**Nalini Nayak**

Nalini Nayak is an activist, feminist and trade unionist based in Kerala, India. She has been involved with coastal communities and their issues for over three decades, associated with Protsahan Trivandrum, Mitraniketan Vagamon and the Self Employed Women's Association. Nayak is a founder member of the International Collective in Support of Fishworkers, where she has taken the initiative to collectively evolve a feminist perspective in fisheries policy. She is at present, the general secretary of the Self Employed Women's Association, Kerala, of which she was a joint founder. She has been part of the mobilisation and unionisation of domestic workers for many decades and part of advocacy campaigns for the statutory recognition of domestic workers. She has extensively written on women workers in both national and international journals.

**Subhash Bhatnagar**

Mr. Subhash Bhatnagar is Chief Functionary, Nirmana and Convener, National Domestic Workers Platform. For over 35 years, Mr. Bhatnagar has promoted and supported the rights of construction workers and domestic workers. His work strives to render a dignified life for the people working in the unorganised sector through the means of public awareness programs modelled around legal rights, education and policy implementation. He has contributed to legislative and judicial activism for construction workers and domestic workers over last 20 years.
Kiran Moghe

Kiran Moghe is the General Secretary of All India Democratic Women’s Association (AIDWA). She is also the president of the Pune Zilha Gharkamgaar Sanghatana and involved in campaign and activism for domestic workers. She is a noted writer and activist on issues of socio-political relevance and instrumental in upholding rights of women and women workers in Maharashtra.

Elizabeth Khumallambam

Elizabeth is currently associated with Domestic Workers Network (DWN), Community for Social Change and Development (CSCD) focused on working among domestic workers at Delhi/NCR. She was the Programme Director at the Nari Shakti Manch in India, a grantee partner part of the Ending Gender Based Violence Against Garment Workers initiative. She is member of the Asia Pacific Forum on Women Law and Development (APWLD) and Local Complaints Committee, Gurgaon. Her work is mainly focused on women working in the unorganised sector, particularly domestic workers. She focuses on the mobilisation of women workers and dialogue and collective bargaining with employers, associations of employers and residents’ welfare associations.

Sr. Lissy Joseph

Dr. Sr. Lissy Joseph has been the founder of the Domestic Workers Movement in Andhra Pradesh, India since 1997. In 2003 the organization officially registered as A P Domestic Workers Welfare Trust and later changed its name to National Workers Welfare Trust in 2015 due to the division of the state into Andhra Pradesh and Telangana. The National Workers Movement advocates for the rights of domestic workers, migrant workers and other unorganised labourers. She has also facilitated the registration of the Telangana Domestic Workers Union, Andhra Domestic Workers Union and Telangana Construction workers Union. She is a recipient of Sadguru Gnanada National Award in 2008, Mother Theresa Award from Citizens Council, 2009, UN Women Award for AP in 2011 and Dr. B.R. Ambedkar National Award in 2014.

Suneetha Eluri

Suneetha Eluri is currently working with ILO, Jordan. She was associated with the ILO project on Making Decent Work a Reality for Domestic Workers as National Project Coordinator in India. She has written extensively on unionising domestic workers and has been part of various negotiations on strategizing advocacy and campaign for domestic workers.

Maya John

Maya John teaches at the University of Delhi. She has been researching and publishing on the evolution of labour law in colonial and postcolonial India; the relationship between caste, gender and the labour market; the history of educational inequality in India; recent anti-rape agitations in India and gender-specific laws at the workplace. John is also actively working with the Gharelu Kamgar Union, a union of domestic workers employed in Delhi-NCR. She also assists unions of
nurses, teachers and other sections of the urban workforce, and is associated with the women's organization, Centre for Struggling Women.

Dr. Balmurli Natrajan

Dr. Balmurli Natrajan is Professor of Anthropology at William Paterson University of New Jersey, USA. An anthropologist and engineer by training, his research interests are in four broad domains: group formation, identity & inequality (esp. caste, race, class, gender); cultural theory and transmission (esp. variation within cultural groups); contexts for development policy and practices (esp. livelihoods and technology); and nationalism. His main field research is in India. Dr. Natrajan's books include "Culturalization of Caste in India: Identity and Inequality in a Multicultural Age" (London: Routledge, 2011) on the persistence of caste in India today, and a co-edited volume (with Paul Greenough) "Against Stigma: Studies in Caste, Race and Justice Since Durban" (Hyderabad: Orient Blackswan, 2009). His recent publications have been on busting popular myths about food habits and politics in India, on explanations of toilet behavior in the context of development policies (Chhattisgarh, India), and on the challenges of collectivization of domestic workers (Bengaluru, India). He has also written popular articles on issues of public concern and is part of solidarity networks.

Rajesh Joseph

Rajesh Joseph is Associate Professor at the Azim Premji University, Bengaluru. He is part of the livelihood and migration initiative team at the university. His interest has been in the area of informal economy and urban poverty. His current research interest is in domestic worker’s unions, health of women garment workers and water governance in Bengaluru. Prior to joining as faculty at the university, he has worked more than 12 years in the development sector. During those years, he has worked in the field of urban poverty dealing with issues in the informal sector of the economy such as education, financial inclusion, social security, migration and job placement.

Roshni Lobo

Roshni Lobo has done her Masters in Social Work and is currently working as a Research Assistant at Azim Premji University. She is involved in multiple research projects on domestic worker’s rights, health of women garment workers and social inclusion of street food vendors in Bengaluru. She has extensive field experience working with domestic and garment workers’ union, by building and training workers to manage their unions.

B.T. Kaul

Professor (Dr.) B.T.Kaul obtained his LL.M. and Ph.D. degrees in Law from University of Delhi. He was a foreign and commonwealth fellow at London School of Economics and Political Science from where he earned second LL.M. degree specializing in Intellectual Property Law and Comparative & International Labour Law. He has also been a World Intellectual Property Organization (WIPO) Fellow at “Workshop on Teaching and Research in Intellectual Property Law” held at Sydney, Australia, jointly organized by WIPO and the University of New South Wales, Sydney. Professor
Kaul has teaching experience in the field of law of more than four decades. He was Chairperson of the Delhi Judicial Academy from 2014 to 2018. Prior to this, he was Professor of law and Professor-in-Charge, Law Centre-II, Faculty of Law, University of Delhi. Prof. Kaul has contributed to labour law literature by writing Annual Surveys in the area of Labour Management Relations Law in the Annual Survey of Indian Law (ASIL), a prestigious publication of the Indian Law Institute, New Delhi for more than three decades and has also contributed a number of other writings in the area of ‘Labour Law’ and ‘Criminal Law’ in various leading legal journals and books. He was also resource person and consultant to V.V. Giri National Labour Institute and the Indian Law Institute, New Delhi for a number of years.

**Aparna Bhat**

Aparna Bhat is a Senior Advocate at the Supreme Court of India. She has been part of various human rights litigations on child rights, acid victims, human trafficking and women workers. She has represented the National Commission for Women in various cases. She has been part of pioneering litigation strategies for domestic workers before the courts of law. She continues her contributions to promote women’s empowerment through lawyering and she is part of various women’s movements on anti-trafficking, violence against women and equal rights for women at workplace.

**N. Vasanthi**

Nimushakavi Vasanthi is a Professor of Constitutional Law and has been instrumental in designing and teaching courses in constitutional law at the undergraduate and post graduate level. She completed her studies from Osmania University and joined the University in 2000. She has headed the Committee Against Sexual Harassment since 2013. She has been associated with several research projects of the University including the Human Rights Education, Labour Rights and Criminal Justice Project for the Ford Foundation among others. She has also worked in the areas of labour law, clinical legal education and women and law. She has over 7 years of experience as a lawyer having practiced at the Andhra Pradesh courts before joining NALSAR. She has worked for a year at the Council for Social Development, an ICSSR institute as RBI Chair Professor from Nov 2011 to 2012.

**Dr. Uday Shankar**

Dr. Uday Shankar is Associate Professor at Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology Kharagpur. He has more than 15 years of experience in teaching and research in law. He has served as guest professor under Magdalene Schoch Fellowship awarded by the Faculty of Law, University of Hamburg in the year 2016. He has been awarded with a fellowship from prestigious Max-Planck Institute of Comparative Public Law and International Law, Heidelberg in the year 2008. He has participated in Law Teaching and Legal Research Programme at Cardiff University, UK. He is a Member of International Association of Constitutional Law. He is Life Member of Indian Law Institute, Delhi. He has carried out research projects in the area of Public Law and Energy Law. He has organized short term courses on Emerging Issues of Labour...
Laws. He has completed his Graduation, Post-Graduation and Doctoral Degree in Law from Faculty of Law, University of Delhi. His academic writings are published in journals and books.

Alok Prasanna Kumar

Alok Prasanna Kumar is Co-Founder and Lead, Vidhi Karnataka. His areas of research include judicial reforms, constitutional law, urban development, and law and technology. He graduated with a B.A. LL.B. (Hons) from the NALSAR University in 2008 and obtained the BCL from the University of Oxford in 2009. He writes a monthly column for the Economic and Political Weekly and has published in the Indian Journal of Constitutional Law and National Law School of India Review apart from media outlets such as The Hindu, Indian Express, Scroll, Quint and Caravan. He has practiced in the Supreme Court and Delhi High Court from the chambers of Mr Mohan Parasaran, and currently also co-hosts the Ganatantra podcast on IVM Podcasts.

Dr. Shraddha Chigateri

Dr Shraddha Chigateri is an independent gender and development researcher currently based in Singapore. Previously, she has worked as Research Fellow at the Institute of Social Studies Trust, New Delhi where she worked on several research projects focused on various dimensions of women’s work, including paid domestic work and unpaid care work. She is currently working as a consultant with Gender at Work India on a cross-country collaborative research project led by the Institute of Development Studies: Countering Backlash- Reclaiming Gender Justice.

Babu Mathew

Babu Mathew is Professor and Chairperson of Master of Public Policy Programme Council. Babu Mathew was Former Registrar and faculty at NLSIU. He was also part of the trade union movement and various other social movements taking up issues of bonded labour, child labour, displacement and destruction of the livelihoods of the marginalised. He combined the teaching and practice of human rights and served as Country Director of Action Aid International in India. In this capacity he was in charge of evolving a ‘Rights Based’ policy and implementing a human rights agenda with special focus on Economic Social and Cultural Rights in 25 states of India. He led the process of presenting a Shadow Report focusing on the excluded communities of India before the relevant UN Committee in Geneva.

Sophy K.J.

Sophy K. J. is currently Post-doctoral Fellow in the Laws of Social Reproduction project, focusing her studies on paid domestic work. She is Assistant Professor of Law at the National Law University Delhi since 2013. Her subjects of teaching are labour and development and legal anthropology/history at the University. Her recent book titled ‘Customary Rights of Farmers in Neo-liberal India: A Legal and Policy Analysis’ was published by Oxford in 2020. She is involved in policy initiatives taking up issues of domestic workers, bonded labour, child labour, construction workers, contract workers and women workers.
Women and Girl Children Domestic Workers in Post-Partition West Bengal

Deepita Chakravarty
Labour market segregation by gender

• Studies have shown how the interplay of market and patriarchy leads women and men to perform different economic roles in society (Mitchel, 1971, Hartman, 1976; Walbi, 1996)

• Segregation on the basis of gender, or the sex-typing of work, plays an important role from both the demand and supply sides in determining the work profiles of women and girl children.

• Objective: how a particular labour market (domestic service), a traditionally male domain, became segregated both by gender and age in the post-partition Indian state of West Bengal, and mainly in its capital city Calcutta.

• literature on women’s work in colonial Bengal highlights two important points. First, traditionally lower work participation rate the rate of women (Mukherjee, 1995). This is true even today (Chakravarty, 2020)

• Second, avenues of women’s work shrank between 1881 and 1931 as a result of the introduction of the ‘limited version’ of modernization in industry (Banerjee, ; Mukherjee, Sen, 1999)
Domestic service

- Domestic service turned out to be the only avenue
- Importance of domestic service declined with industrialization but in India importance is increasing
- The incidence is one among the highest in West Bengal since the colonial times
- Mainly an urban feature: therefore concentrating on Calcutta makes sense
Table 1: Migrant Domestics in Calcutta in 1921 by their Place of Birth

<table>
<thead>
<tr>
<th>Born in</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bankura</td>
<td>750</td>
<td>604</td>
</tr>
<tr>
<td>Burdwan</td>
<td>1251</td>
<td>1080</td>
</tr>
<tr>
<td>Dacca</td>
<td>3022</td>
<td>226</td>
</tr>
<tr>
<td>Hooghly</td>
<td>2157</td>
<td>1390</td>
</tr>
<tr>
<td>Howrah</td>
<td>1398</td>
<td>657</td>
</tr>
<tr>
<td>Jessore</td>
<td>302</td>
<td>136</td>
</tr>
<tr>
<td>Midnapore</td>
<td>2879</td>
<td>2465</td>
</tr>
<tr>
<td>Nadia</td>
<td>378</td>
<td>418</td>
</tr>
<tr>
<td>24 Parganas</td>
<td>3851</td>
<td>2513</td>
</tr>
<tr>
<td>Total intra-state migration</td>
<td>15988 (36.58)</td>
<td>9489 (77.42)</td>
</tr>
<tr>
<td>Bihar</td>
<td>11788 (26.97)</td>
<td>1416 (11.55)</td>
</tr>
<tr>
<td>Orissa</td>
<td>11240 (25.72)</td>
<td>583 (4.76)</td>
</tr>
<tr>
<td>U.P.</td>
<td>2956</td>
<td>473</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>1726</td>
<td>295</td>
</tr>
<tr>
<td>Total</td>
<td>43698 (100)</td>
<td>12256 (100)</td>
</tr>
</tbody>
</table>
Table 2: Percentage Share of Women in Domestic Service among all Workers in the Group in Calcutta Industrial Region in 1951

<table>
<thead>
<tr>
<th>Occupational Division</th>
<th>Percentage Share of Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 (Services not elsewhere classified)</td>
<td>17.97</td>
</tr>
<tr>
<td>9.1 (Domestic services [but not including services rendered by members of the family])</td>
<td>31.25</td>
</tr>
<tr>
<td>9.10 (Other Domestic Servants)</td>
<td>36.47</td>
</tr>
<tr>
<td>9.12 (Cooks)</td>
<td>27.69</td>
</tr>
</tbody>
</table>

Table 3: Percentage Share of Women in Domestic Service among all Workers in the Group in Calcutta city and Calcutta Industrial Region in 1961

<table>
<thead>
<tr>
<th>Occupational Division</th>
<th>Calcutta City</th>
<th>Calcutta Industrial Region</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 (Service, Sport and Recreation Workers)</td>
<td>18.20</td>
<td>17.76</td>
</tr>
<tr>
<td>91 (Housekeepers, Cooks, Maids and Related Workers)</td>
<td>31.57</td>
<td>33.45</td>
</tr>
<tr>
<td>911 [Cooks, Cook-Bearers (Domestic and Institutional)]</td>
<td>14.86</td>
<td>16.93</td>
</tr>
<tr>
<td>912 [Butlers, Bearers, Waiters, Maids and Other Servants (Domestic)]</td>
<td>37.14</td>
<td>38.87</td>
</tr>
</tbody>
</table>

Table 4: Percentage Share of Women and Girl Children (0-14) years in Domestic Service in Urban WB in 1971 and 1981

<table>
<thead>
<tr>
<th>Year</th>
<th>Women</th>
<th>Girl Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>42.00</td>
<td>40.63</td>
</tr>
<tr>
<td>1981</td>
<td>58.02</td>
<td>60.43</td>
</tr>
</tbody>
</table>
How could refugee women replace migrant men?

- Industrial decline, downward trend in industrial job opportunities, large scale immigration of men, women and children: settled around Calcutta

- Glut in the labour market general decline in wage rate including domestic service

- Unprecedented influx of women, single quite often- Sex ratio improved significantly; whole family needed to work mainly slum dwellers but also middle classes- refugee women most likely to replace migrant male domestics

- Up-country migrant males had come to the city alone with rural ties, relatively better fall-back position and had more responsibilities. Arguably they had to send some money home from whatever small amount they received as wages (examples in memoirs, for example Atarthi, .)

- The refugee women, on the other hand, in their frantic search for a means to survive were often able and ready to work for a lower wage than were the migrant males. Often destitute and in search of a safe shelter, sometimes they offered to work in return for food and accommodation only. Supported by newspaper insertions
Change in the nature of demand

- The particular emphasis in newspaper advertisements on employing widowed women or destitute women (nihshai (helpless) nirjhanjhat (unencumbered) anatha (destitute)) as the preferred domestic workers, requires further explanation.
- Among the displaced population a significant number were single women or women with children not accompanied by an adult male member of the family.
- Acute shortage of shelter for those without previous roots in the city-camps even in floating barges.
- Even educated migrant young men advertised in newspapers offering tuition to children in well-to-do families in postpartition Calcutta, in return for food and shelter.
- Low salary structure revealed, duties often not specified; for men (much less in number, about 15%) specific duties with higher wage.
- Supply side: Advertisements published under the heading ‘ahar o basathan chai’ (food and shelter sought) often mentioning that the applicants were from the other side of Bengal.
Change in the nature of demand

• Nature of jobs indicates a taking over many of the hh duties traditionally performed by employing middleclass women themselves

• Middle class women (often refugees) increasingly took employment outside to meet the two ends- domestic staff as family members

• Partition led to simultaneous gendering of two very different labour markets

• Table 5 indicates many more refugee women involved in different types of work than the host population
Table 5: Employment Behaviour of the Displaced and the Host Women in Calcutta Industrial Region in 1951

<table>
<thead>
<tr>
<th>Category of Work</th>
<th>Percentage of displaced women in total female workforce of different categories</th>
<th>Percentage of displaced women workers in selected categories of work</th>
<th>Percentage of women (excluding displaced women) in selected categories of work</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 (Health, education and public administration)</td>
<td>15.37</td>
<td>18.09</td>
<td>9.19</td>
</tr>
<tr>
<td>8.1 (Medical and other health services)</td>
<td>20.49</td>
<td>9.00</td>
<td>3.22</td>
</tr>
<tr>
<td>8.2 (educational services and research)</td>
<td>18.11</td>
<td>6.51</td>
<td>2.72</td>
</tr>
<tr>
<td>9 (Services not elsewhere classified)</td>
<td>8.59</td>
<td>46.69</td>
<td>45.87</td>
</tr>
<tr>
<td>9.1 (Domestic services)</td>
<td>10.63</td>
<td>42.23</td>
<td>32.77</td>
</tr>
<tr>
<td>All</td>
<td>8.45</td>
<td>100</td>
<td>100</td>
</tr>
</tbody>
</table>
Table 6: Distribution of Domestic Servants per Hundred Households According to Different Expenditure Classes in Calcutta city, 1953

<table>
<thead>
<tr>
<th>Household Expenditure (Rs. Per month)</th>
<th>Number of Domestic Servants per Hundred Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 25</td>
<td>...</td>
</tr>
<tr>
<td>26 -50</td>
<td>...</td>
</tr>
<tr>
<td>51 – 100</td>
<td>0.5</td>
</tr>
<tr>
<td>101 – 200</td>
<td>4.1</td>
</tr>
<tr>
<td>201 – 300</td>
<td>17.7</td>
</tr>
<tr>
<td>301 -500</td>
<td>49.4</td>
</tr>
<tr>
<td>501 and above</td>
<td>108.2</td>
</tr>
</tbody>
</table>

Table 6A: Migrants in Other Services: Calcutta, 1961

<table>
<thead>
<tr>
<th>Migrated from</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural areas of the state</td>
<td>33,240 (14.59)</td>
<td>14,420 (37.63)</td>
</tr>
<tr>
<td>Pakistan</td>
<td>71,047 (31.19)</td>
<td>13,420 (35.02)</td>
</tr>
<tr>
<td>Bihar</td>
<td>71,376 (31.33)</td>
<td>3,369 (8.79)</td>
</tr>
<tr>
<td>Orissa</td>
<td>18,765 (8.24)</td>
<td>556 (1.45)</td>
</tr>
<tr>
<td>U.P.</td>
<td>25,904 (11.37)</td>
<td>1391 (3.63)</td>
</tr>
<tr>
<td>Total</td>
<td>227824 (100)</td>
<td>38325 (100)</td>
</tr>
</tbody>
</table>
Table 8: Female and Male Worker Population Ratio (per 1000) for Different Age Groups in Urban West Bengal

<table>
<thead>
<tr>
<th>Age group</th>
<th>1987-88</th>
<th>1993-94</th>
<th>2004-05</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>5-9</td>
<td>6</td>
<td>3</td>
<td>11</td>
<td>2</td>
</tr>
<tr>
<td>10-14</td>
<td>78</td>
<td>76</td>
<td>88</td>
<td>48</td>
</tr>
<tr>
<td>15-19</td>
<td>119</td>
<td>302</td>
<td>113</td>
<td>314</td>
</tr>
<tr>
<td>20-24</td>
<td>147</td>
<td>624</td>
<td>166</td>
<td>601</td>
</tr>
<tr>
<td>25-29</td>
<td>176</td>
<td>871</td>
<td>189</td>
<td>858</td>
</tr>
<tr>
<td>30-34</td>
<td>237</td>
<td>964</td>
<td>215</td>
<td>928</td>
</tr>
<tr>
<td>35-39</td>
<td>203</td>
<td>979</td>
<td>276</td>
<td>981</td>
</tr>
<tr>
<td>40-44</td>
<td>219</td>
<td>971</td>
<td>239</td>
<td>975</td>
</tr>
<tr>
<td>45-49</td>
<td>174</td>
<td>987</td>
<td>279</td>
<td>984</td>
</tr>
<tr>
<td>50-54</td>
<td>202</td>
<td>967</td>
<td>196</td>
<td>964</td>
</tr>
<tr>
<td>55-59</td>
<td>179</td>
<td>850</td>
<td>142</td>
<td>914</td>
</tr>
</tbody>
</table>
Figure 1: Sex-wise Migration for Employment from different parts of WB to Kolkata City, 1991
Figure 2: Female and Male Migration for employment to Kolkata city from different parts of WB as a percentage of total workers in the metropolis in 1991 for different age groups
Figure 3: Migration for work from the rural areas of the state to the urban areas, 2001

Source: *Population Census*, Migration Tables, 2001
Figure 4: Percentage of age-group wise migration for employment by women from rural and urban areas of the state to the urban areas within the state of enumeration in 2001.
Note: Migration refers to 0 to 9 years. MH, AP, TN stand for Maharashtra, Andhra Pradesh and Tamil Nadu respectively.
Source: Census of India, Migration Tables, 2001
Domestic Workers Network (DWN) Delhi/NCR

"We Are Also Worker, Help Us in Our Struggle for our Rights and Entitlements"
Focus points- organising DWs

➢ Demand for domestic workers has increased manifold in the last few decades and it is one of the fastest growing sectors in India.

➢ It remains unregulated and the workers remain beyond the coverage and protection of Labour Laws.

➢ Lack of decent wages, unregulated work conditions and defined work time, exploitation, abuse, harassment at workplace, victimization at the hands of traffickers/placement agencies, forced migration, lack of welfare measures and lack of skill development avenues resulting in stagnation are major issues that domestic workers face.
➢ 1 day week off a week and 4 days week off in a month
➢ Maternity Benefits, Social Security and Creche facilities
➢ Security Against Abuse/harassment/Sexual Harassment at Workplace
➢ Toilet facilities in workplace
➢ Strong law/National Legislation for Domestic Workers
➢ Treatment and medical expenses should be provided in case of any kind of accidents or sickness at workplace.
The Contemporary Phase of Paid Domestic Workers

Neetha N.
Centre for Women’s Development Studies
New Delhi
The focus on economic growth, reduced state intervention – keys features – economic growth reached an all time high– double digit in 2006-07 -10.08; GDP growth fluctuated with declines- annual average 6% to 7% till 2017-18.
• GDP growth declined further since 2017-18 – 5.02% in 2018-19, growth rate was 4.4 at the end of 2019; 3.1 % in the first quarter of 2020 (January to March)

• Economy was heading towards a crisis with declining growth rates with Covid -19 this is all the more an issue.

• This had serious outcomes for employment - All the data sources point to a crisis in employment.

• Post liberalization period was seen as an opportunity for women – markets would be able to address low wpr of women - the discourse on feminization - Declining work participation rates, especially for women.
Female Work Participation Rates (WPR)
1983 - 2017-18

- Rural
- Urban
Female Work Participation Rates across social groups, (1999-2000 and 2011-12)

<table>
<thead>
<tr>
<th>Social Group</th>
<th>1999-00</th>
<th>2011-12</th>
<th>2017-18</th>
<th>1999-00</th>
<th>2011-12</th>
<th>2017-18</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rural</td>
<td></td>
<td></td>
<td>Urban</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST</td>
<td>43.8</td>
<td>36.6</td>
<td>27.0</td>
<td>20.4</td>
<td>19.6</td>
<td>17.0</td>
</tr>
<tr>
<td>SC</td>
<td>32.5</td>
<td>26.2</td>
<td>17.4</td>
<td>18.5</td>
<td>17.3</td>
<td>17.2</td>
</tr>
<tr>
<td>OBC excluding Muslims</td>
<td>31.4</td>
<td>25.6</td>
<td>16.8*</td>
<td>16.8</td>
<td>16.5</td>
<td>14.3*</td>
</tr>
<tr>
<td>Muslims</td>
<td>16.1</td>
<td>15.3</td>
<td>9.7</td>
<td>10.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper castes (excluding Muslims)</td>
<td>24.6</td>
<td>21.3</td>
<td>14.1*</td>
<td>11.2</td>
<td>13.4</td>
<td>12.6*</td>
</tr>
<tr>
<td>Total</td>
<td>29.7</td>
<td>24.8</td>
<td>17.5</td>
<td>13.9</td>
<td>14.7</td>
<td>14.2</td>
</tr>
</tbody>
</table>

Source: N. Neetha: ‘Crisis in Female Employment: Analysis across Social Groups’
* Including Muslims
• The period especially since late 1990s by a crisis in rural areas – declining share of agriculture in GDP– low and declining productivity with high numbers still dependent on agriculture

• Reduced demand for labour - Mechanisation and shift to commercial crops – decline in land cultivated

• Households from privileged positions in social hierarchies of class and caste had the advantage of social and economic capital to overcome some of the challenges

• Landless agricultural labour in distress
• Marked increase in distress migration of men and women to urban areas – macro data unable to capture this movement, especially of women

• Data relates primarily to population movements – labour migration data not reliable

• For women the data conceals than what it reveals – marriage and associational migration masking labour migration
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work/employment</strong></td>
<td>Male 18.59</td>
<td>22.41</td>
<td>Male 6.82</td>
<td>11.23</td>
</tr>
<tr>
<td></td>
<td>Female 2.65</td>
<td>4.01</td>
<td>Female 0.84</td>
<td>1.99</td>
</tr>
<tr>
<td><strong>Business</strong></td>
<td>Male 1.53</td>
<td>1.47</td>
<td>Male 0.76</td>
<td>1.07</td>
</tr>
<tr>
<td></td>
<td>Female 0.3</td>
<td>0.50</td>
<td>Female 0.11</td>
<td>0.35</td>
</tr>
<tr>
<td><strong>Total Employment</strong></td>
<td>Male 20.11</td>
<td>23.88</td>
<td>Male 7.59</td>
<td>12.30</td>
</tr>
<tr>
<td></td>
<td>Female 2.95</td>
<td>4.51</td>
<td>Female 0.95</td>
<td>2.34</td>
</tr>
</tbody>
</table>

*(increase of about 16 lakhs) *(increase of about 14 lakhs)
<table>
<thead>
<tr>
<th>Categories</th>
<th>In Lakhs (approximate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Education</td>
<td>27.5</td>
</tr>
<tr>
<td>Domestic workers, Ayyahs &amp; child care workers</td>
<td>24</td>
</tr>
<tr>
<td>Directors, executives etc</td>
<td>16.6</td>
</tr>
<tr>
<td>Shops and sales workers</td>
<td>11.3</td>
</tr>
<tr>
<td>Housekeeping and restaurant services</td>
<td>11</td>
</tr>
<tr>
<td>Clerical workers</td>
<td>10.5</td>
</tr>
<tr>
<td>Construction workers</td>
<td>10</td>
</tr>
<tr>
<td>Health professionals and workers</td>
<td>5</td>
</tr>
<tr>
<td>Garbage collectors</td>
<td>4</td>
</tr>
<tr>
<td>Beauticians</td>
<td>4</td>
</tr>
<tr>
<td>Finance, business, administrative, police, social work, etc.</td>
<td>4.5</td>
</tr>
</tbody>
</table>
• Decline in casual workers an increase in regular workers in urban areas; Sectors that have shown marked increase, even with a larger decline are education and domestic work.

• Data an issue for domestic workers - high underreporting - comparison between 1999-2000 and 2011-12, shows more than four-fold increase.

• The growth of paid domestic work sector at a time when women’s employment is declining – the argument of expansion with increased women is failing.

• The increase in domestic work needs to be located within the larger changes in the economic structure and resultant changes in the social and economic life.
• Economic growth through informalisation - informal and flexible labour to advance economic growth- efforts to curb (non-implementation) and simplify labour laws.

• Household incomes declining. Many migrants have no option but to enter the informal labour market on adverse terms in order to sustain themselves.

• Men seek jobs in industrial, construction or service sectors in urban cities, while women take up domestic work.

• Paid domestic work, the easiest to enter as skills required for this work believed to be inherent in women and the private nature of the workplace is considered the most appropriate for them.

• House work has undergone a change – and thus the presence and services of domestic workers have to be seen in the changed context.
• The 24-hour live-in workers have also increased -sourced from specific locations/pockets.

• The high presence of young girls as live in workers from tribal areas has been noted - linked to unequal development of regions and displacement.

• The involvement and exploitation of such migrants by agents and or placement agencies have received much attention.

• In some instances the line between migration and trafficking is blurred and has been a matter of debate.
• Increased inequality produced an affordable class of employer and a surplus of unskilled workers

• The new neo-liberal middle class – educated with new class values – nuclear families

• Children’s education a priority – investment in children as human capital (overall growth – hobbies – dance, music, football, sports, tuitions )

• Modern families – media and consumerism – the concept of family time
• Health and hygiene concerns – regular/routine cleaning an important part of housework – dusting as a separate task - modern kitchens and bathrooms - bathrooms as modern spaces – dry bathrooms

• The ideal middle class mother – manager of tasks- interested in the well being of the family — managing routines and attending to the physical and emotional needs of every member- concerned about the development of children- maintaining class status.

• The domestic worker is in this space to assist the homemaker woman – cleaning being an important yet not valued work – always allocated to the hired worker.
• Dependence on ‘part time’ workers – reasons – flexibility, easy hire and fire, frees employers from the responsibility of boarding and lodging. An array of workers if required; where caste and other demographic characteristics are also considerations

• Sometimes multiple workers to carry out different tasks which are fragmented

• Migrants – illiterate or with low educational backgrounds; mostly land less, agricultural or construction workers if worked earlier.

• Migrated for domestic work or joined the work after few months of years of their migration – male incomes insufficient or contingencies

• Caste an important factor – in the initial phase – mostly women from marginalized sections- SC – changed overtime with the entry of economically backward OBC and upper caste women
• Tasks in domestic work very important – caste considerations- cleaning and mopping – mostly SC – other tasks have mixed caste status – workers from upper caste prefer to take up cooking or care responsibilities – but may combine it with cleaning– especially utensils - mostly avoid sweeping and mopping work alone.

• Migrant families either completely in the destination – moved over time – in some cases children, all or a few are back in the village.

• Rural ties very important. Care functions thus transferred to the village – also depends on rural economy for survival if (mostly) there are unforeseen contingencies
• The increased attention of domestic worked has not resulted in any changes in the material reality without due recognition and policy safeguards. Poor wages and conditions of work - differ across tasks, location, employer specificity.

• Market informalism and dependence - workers and employers negotiate wages, leave.

• But both are keen in maintain a certain degree of non-market relationship. Loyalty and obligation of the workers still expected.

• For employer - labour tying, disciplining and regulating work through indebtedness- monetary and emotional – additional work demands.

• For workers it is a form of social security - overall cutback of social welfare expenditure and public provisioning.
• Regulation – largely towards formalizing the sector—given the current social and economic relationship—formalization through contract is a challenge—laws for protecting wages, conditions of work, social protection most important

• The severely undervalued labour of domestic workers keep the costs of social reproduction low, and allow women from middle and upper classes to enter the formal labour market if needed and also keep the gender relations intact as it does not fundamentally challenge the sexual division of labour.
• Any attempts at adequate valuation of paid domestic work requires changes wider than increase in wages for domestic workers.

• Market wages will have to account for the increased costs of reproductive labour to ensure that the outsourced burden of care work doesn’t shift back to the unpaid realm onto the women of middle class households.

• The state may have to support the burden of their costs to facilitate accessibility and affordability of market services for performing tasks of social reproduction.
Workshop on 'Paid Domestic Work‘
20-08-2020

STRATEGIES FOR MOBILIZATION & COLLECTIVIZATION AMONGST DOMESTIC WORKERS IN INDIA
In India, domestic service remains the single largest source of employment for socially and economically backward women apart from the agricultural sector and 90% of the domestic workers are women. Domestic workers belonged mainly to the lower economic class, social caste and deprived of formal education or certification of skills. They are compelled to work for mere survival at the subsistence level. They are made to do the most menial and arduous tasks, subjected to heavy and strenuous workloads, forced to work long and excessive hours, seven days a week, leaving them little time to spend for themselves, with their families and children. The family and children of domestic workers often suffered gross neglect and deprivation.
The characteristic feature of their work within the four walls of a home, having to undertake work in multiple home due to low wage, limited community supportive systems for child care, water, fuel, basic infra-structure and constrain in transportation and communication makes it very difficult for them to find time and leisure to develop themselves and their skills and capacities of communication and assertiveness which made them often vulnerable to exploitation.
Due to the lack of protection by labour laws, domestic workers were denied basic rights: to fair wages, humane working conditions, right to due process and to fair and just trial, right to be protected against inhuman and degrading treatment and unusual punishment, right to be heard and air grievances, right to complain without the threat of physical, verbal abuse, withholding of salary and right to recreation and social security.
The high level of control exercised by the employer and the subordination of the domestic workers combined with lack of legal protection and high job insecurity made these workers easy victims of psychological, verbal, physical, and sexual abuse at work. In general, the picture of domestic work and domestic workers was one of people – mainly women entering the domestic service, not out of choice but as a means to alleviate poverty.
Case of Aparna a Interstate Migrant Domestic Worker

- Borra Aparna aged about 16 yrs employed by Mr. Allikanti Prasad and his wife Mrs. Allikanti Sumalatha since the past 3 years (when the child was 13 yrs of age) and the said child has been kept under confinement and restrained for performing domestic work at their residence since then.

- On 1st June 2020 around 10 AM, Borra Aparna was found to be unconscious, and was taken to People’s Hospital located in Pragathi Nagar by the employer later to Pratima Hospital located in Kukatpally, where the hospital staff suggested taking her to Osmania Hospital. Borra Aparna passed away enroute to Osmania Hospital at 12noon and the Hospital declared her as brought dead.

- It may be noted that Mr. Allikanti Prasad failed to collect the medical reports or preliminary examination reports or any written instructions from either of the private hospitals that gave instructions to transfer the minor child to Osmania Hospital or ascertain any kind of diagnosis or first aid.

- The family of Aparna belongs to Scheduled Caste community. Aparna’s father passed away when she was 8 yrs old and she was put to employment at Mr. Allikanti Prasad when she was aged 13 yrs by her mother through an agent.
It may be noted that Aparna was restricted to stay in the work premises without freedom of movement or to pursue her Right to Education. She did not possess a cell phone to call her family. She was at the mercy of Mrs. Allikanti Sumalatha whenever she wanted to talk to her mother. It may be noted that this is should be accounted as a violation of right to freedom for Aparna.

According to Aparna’s mother Smt. Arjamma, Aparna called her in distress after requesting her employer’s watchman to use his cell phone only three days before her death and subsequently on 1st June 2020 morning at 8.30 AM. During both the calls she expressed fear for her life and begged her mother to take her home. Smt. Arjamma tried to convince Sumalatha and Mr. Allikanti Prasad to send her daughter home after receiving the distress call from Aparna, but in vain. The employers refused to pay heed to her requests.
Mystery shrouds domestic help's death at bizman's home

Aditi.Mallick@timesgroup.com

Hyderabad: A minor girl working as a domestic help for a couple died under suspicious circumstances in their Bachupally house. Borra Aparna (16) made a distress call to her mother on the morning of June 1 before she was found dead complaining of harassment from her employer, a businessman, police said. Aparna hailed from AP's East Godavari district.

According to police, a half-opened pesticide bottle was found in the room where Aparna was found unconscious on Monday morning. OGH doctors declared her brought dead. "We are waiting for the postmortem report to find out if she consumed the pesticide. The CCTV camera on the corridor shows she had gone into the room after 8.30 am. The employer found her lying a couple of hours later," said Bachupally inspector P Jagadeeshwar.

He said, "She did not seem distressed in the footage. However, we are investigating the case from all angles." A suspicious death case was registered, while an autopsy was conducted on Wednesday.

Arjamma said her daughter was 13 when she was hired by the couple — A Prasad and Sumalatha — who reside on Rajeev Gruhakalpa Road.

"Four days prior to her death, Aparna sounded scared. Whenever I called her in the recent past, she would pester me to take her back home. We even requested the couple to drop her at our relative's house, but they did not bother," Arjamma told TOI.

On Monday morning, Aparna called her mom from the watchman’s phone. "She seemed very scared. She said Sumalatha was harassing her and asked us to rescue her. That was the last she spoke to us. The family's harassment led to my daughter’s death," she said, crying inconsolably.

Lisee Joseph of National Domestic Workers' Association questioned the delay in registering a case by police. She said though the incident occurred on Monday morning, a case was registered on Tuesday after she and other activists intervened.

"Cops have failed to register a case for abetment of suicide and add sections of Juvenile Justice Act, SC/ST Atrocities Act and Bonded Labour System (Abolition) Act in the FIR against the couple," she said.
Case of Mahalaxmi

• A young girl, Mahalaksmi, tortured to death was found dead in the house of an Adyar Businessman Muruganathan. His wife Sushmitha and her cousin Mithirachini have been arrested. It is said that when Mahalaksmi was just 13 years old, she had been sold to this family by Sumithra who hails from Rangampet in East Godavari District of Andhra Pradesh.

• On hearing about the death of Mahalaksmi, the TN Domestic Workers Union of Chennai contacted Sr. Lissy from Telengana domestic workers Union and traced Sumitra to Rangampet. Though initially she had been answering the phone calls on 6th July, and later on 7th July, when she knew that people were coming to meet her at Rangampet, she seemed to panic and cut off the phone. She had first told the Union members that she was very poor, suffering from HIV/AIDS and had no relations whatsoever. Mahalakshmi was her only relation, being the daughter of her own younger sister. Efforts were made to assist Sumitra to come to Chennai in spite of her health condition and later to admit her to an HIV/AIDS care centre so that she could seek justice for Mahalaksmi.
Inquiries in the village revealed that Sumitra was a well of person who had settled in Rangampet when her husband who was a cine camera man at Chennai had died. She had been running a small hotel there where lot of people, including women would come and go, to and from Hyderabad and people around were suspicious of her activities. She had been away from this village for over one year. It was said that she was receiving Rs. 5000/- per month which Muruganathan’s family was depositing in the local Andhra Bank account. She had alienated her own relations and no one had any good word for her. They said that she was staying mostly in Chennai and occasionally at Hyderabad. Her one younger sister had died recently and another sister was married to a cine cameraman at Hyderabad and was living there.

It is said that she uses her influence with people in the cine field to carry on her trafficking of girls to Chennai as well as Hyderabad. The neighbours reported that they had seen Mahalakshmi who was a very sweet and attractive girl. They had seen her when she was brought to Rangampet a number of times when she was about 10 years old small by a woman who claimed to be her mother. They had not seen them ever since. Now they are sad to know about the cruel death of Mahalaksmi.
According to news reports, the labour department had no records of the employment of Mahalakshmi which comes under interstate migration and needs to be recorded. Even though the police were informed by TDWU and TN DWU about the trafficking of the girl by Sumitra, the police handed over the body to her allowing her to help her clients to destroy evidence of torture that lead to her death. The facts lead to the impression that there is collusion between the traffickers and their clients with the law enforcement authorities be they from the labour department or the police. There is human trafficking, child labour, migrant labour, immoral activities, abuse, torture and murder. Yet no credible action has been initiated.

The Andhra Domestic Workers Union along with National Platform for domestic workers and the Unions of Domestic Workers at Chennai demand a CBI enquiry into the whole case and demand that the traffickers be arrested and bring to light all the other issues covered including the tracing of the parents of Mahalaxmi, other girls trafficked by Sumitra and justice for each of them.
Strategies for Mobilization and Collectivization among domestic workers by National Workers Movement

• National Workers Movement initiated in 1997 was response to the above conditions of domestic workers and found strategies to mitigate such situations. Domestic workers were not seen, not heard, did not experience justice and was not part of the decision process that affected their life. What was the way forward?
Yes we visited and met with them at their homes and gathered real life stories

We invited them to come to the neighborhood meeting

At the meeting they met each other and found there were many others like them in the work

They began to narrate the stories of struggles to one another and know each other

Each of them realized that they were not alone but many had similar situations of struggles and stories of life

Solidarity arose among them as citizens, women, workers and the need to represent them to the right authorities
Meetings and trainings were organized to share their common concerns and develop confidence and skills of communication.

Discussion on Gender discrimination, paid and unpaid care work, the oppressive social systems of caste, class, patriarchy etc helped them to assess their situation, take stock of their conditions and develop certain confidence to address the situation. The social analysis and work analysis helped them realize the value of their contribution to the family, work and society and how they were deprived of basic rights.
This realization led them to lobby and advocate for recognition and rights with concerned department of Labour and other offices.

After a long struggle they were able to make attitudinal and legal changes with officials at the Labour Commission and Ministry.

They met with Commissioners, Principal Secretaries, Minister and Chief Minister himself with representations.

They were heard by the Legislative Assembly through a representation made by one of the Women MLA.
In the meantime simultaneous work was done among domestic workers to form their local to state level trade unions and register it as domestic workers Unions. In 2009 we were registered and got recognized as state level domestic workers Union.

We initiated a network to bring together many actors to have a common opinion and solidarity, lobby for their rights and build capacities of many stake holders the realization of Domestic Work as work, Domestic Workers as workers and they had rights like any other worker and need labour rights and social protection.
We approached and worked with media to address the general public and employers on the struggle of domestic workers and the need for attitudinal and positive change to consider domestic workers as workers and persons with dignity and rights.

The workers formed their groups and participated or organized silent marches, demonstrations, Dhahran’s etc to pressurize those responsible to take up the cause and show their growing strength from individual to group and Union.

Economic empowerment by saving from the little they had also gave them greater confidence and possibility.
SOME ACHIVEMENT OF DOMESTIC WORKERS MOVEMENT- TS

- Recognition and Dignity of domestic work as work and to the workers
- Empowerment of domestic workers as workers
- Justice to domestic workers
- Visibility and voice to the workers
In 2002 domestic work was brought under the schedule of employment.
In 2006 D W added to the Final Notification of Minimum Wages Act 1948 on July 10-2006.
25-4-2007 Fixation of M. W to DW – Preliminary Notification (Rs. 1950 PM).
10-12-2007 Final Notification on MW to DW GO. Ms. No. 119.
As Rs. 2600 PM with 4 days of leave in a month.
23-9-2009 Memo No. NI / 11883/2009 Commissioner writing to organise District Level Convention of DW in collaboration with NDWM-AP to create awareness on MW Act and Unorganised Workers Act along with visit to DW, Grivance Cell and Recognition of DW as Work etc.
28-10-2010 Lr. No. R1/15705/2009/dt. 28-10-2010- Issue of Identity Card to DW and issue SS prescribed by state and Central Govt
14-12-2010 Revision of Wage to DW –Preliminary Notification and Cost of Living Allowance to DW on every 1st April and 1st October
1-11-2011 Final Notification on revised wage and VDA
12-12-2012 Formation of AP Unorganised Workers SS Act Rules under the SS Act of 2008
At National level
DW registered under the Trade Union Act of 1926
DW included under the Minimum Wages Act of 1948
2008 - Inclusion of DW in the Unorganised Workers SS Act of 2008
2013N  DW included under the Protection of Women against Sexual Harassment at Work Place Act 2013 on Nov. 3
2010 Govt of India appoints Task force to prepare a National policy on DW
2011 DW Unions organised as National Platform to work on the non negotiable in the policy
2014 DGLW asking all state to include DW in the Minimum Wages Act of 1948 and prescribe MW to DW and Register all DW under the Ss Act of 2008 in the Welfare Board
2016 NPDW worked and prepared a comprehensive Legislation for DW. And is still on for its realisation

International Level
ILO Convention on DW –C-189 and R. 201
Among DW
Registration of Trade Union of DW in AP from 2006-2009 State Level union registered
Workers educated on labour rights, social protection
Workers Motivated to join the trade union to know and protect their rights and defend when violated of their rights as union
As members of the union Workers participate in meeting to know their rights, responsibilities, possibilities of lobby and advocacy on their rights
As union members they can learn to negotiate their contract including work, wage, leave, over time pay etc.
As union they negotiate for wage on the work, working condition
As union they will address grievance of worker and if needed will take legal assistance to protect their rights. As union members will deliberate on working conditions, health, lobby, representations to upgrade their work, skill, labour rights and social protection. Solidarity of members in time of distress and violations of rights.

Prevention of DCL and reporting of cases.

Assistance to members from Union.

Information and assistance to members on Government Welfare Schemes, procedures and assistance to claim the same.

Political representation on rights of workers from time to time with concerned office, political parties, governments.
The National Platform for DW is a national network of member based domestic workers organizations to advance the struggle of all domestic workers in the country towards a just society for all DW where they will be recognized as workers, their contribution listed and they get labour right and social protection like any other worker.
A comprehensive legislation has been prepared and submitted to the government and lobby is on for its realization.
DR. SR. LISSY JOSEPH (SCCG)

NATIONAL WORKERS MOVEMENT

TELANGANA DOMESTIC WORKERS UNION
ANDHRA DOMESTIC WORKERS UNION
Domestic workers and the challenges of collectivization: labor NGOs, neighborhoods, apartment complexes

Rajesh Joseph, Balmurli Natrajan & Roshni Lobo
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Domestic workers and the challenges of collectivization: labor NGOs, neighborhoods, apartment complexes

Rajesh Joseph · Balmurli Natrajan · Roshni Lobo

Abstract This paper is a critical commentary on the organizational challenges for collectivization of domestic workers (DWs) who constitute a core part of India’s informal economy. Building upon field research among DWs working in a mega-city and in multiple homes, we explore three challenges—the transformation of labor NGOs to ‘unions,’ the ‘place’ of the union and the ‘place’ of the worker in organizing DWs. While the first challenge deals with the form of the collective that best enables the transformation of subjectivity and consciousness of DWs from ‘servant’ to ‘worker,’ the latter two emerge from the structure of work of DWs—the fact that they are dispersed among multiple employers, and the possibilities offered by large apartment complexes for DW unions to work in concert with the state to guarantee worker rights.

Keywords Domestic workers · Labor NGOs · Informal sector workers union

Introduction

Domestic workers (DW) are a core part of India’s informal economy and a segment of workers who have become visible increasingly as a global migrant workforce. They are a part of the large ‘informal’ sector of urban economy and society in India. According to the NSSO data, over the last two decades, the DW population has emerged as the second-largest urban informal workforce (Chen and Raveendran 2012), next only to ‘home-based workers’ (artisans and petty commodity producers). The NSS

1 There are other terms that are in use in popular discourse to refer to DWs. We use the term DW in our research to refer to the workers who are the subjects of our study, since this is what many of the workers and the collective organization (the union) itself use as their self-representation. Further, almost all the other terms that are frequently used to refer to DWs (almost always by others) are problematic in some manner or another. These include ‘domestic help,’ ‘maids’ and ‘servants.’ Part of our research therefore attends to language and the context of use of such terms by the workers, employers and the general public. We will treat DW therefore as a category of work and workers that is historically and ideologically produced within the political economic and socio-cultural contexts of work and labor in a society.

2 For this study, the term ‘informal’ is taken to mean any work that is “unregulated and unprotected.” Thus, any worker (self-employed or waged) doing informal work is an informal worker, and the increasing trend in the ratio of informal to formal work is the informalization of the economy (cite). Most estimates of the workforce in India place informal sector workers at around 92% of the workforce (NCEUS 2007).
68th round (July 2011–June 2012) estimates that 41.3 lakh workers work in the households of others, and an overwhelming 27.9 lakhs of this total are women. An increasing number of studies are emerging about DWs around the world including the phenomenon of international migration of DWs for work.

Although they form a crucial segment of the informalized worker population in the city, DWs are a relatively neglected population (in labor and citizenry mobilizations, and within policy) as compared to workers in the garment, construction, transportation, restaurant and other informal industries. Studies on DWs (Kothari 1997; Sankaran 2013; Sharma 2016) have established that they are characterized by a very high degree of ‘feminization’ of the workforce, with an ‘invisibilization’ that undervalues their labor (partly due to the work being done within private homes and not in the public space, and also due to the ‘naturalization’ of women’s work). Scholars have also commented upon the lack of legislations that guarantee the welfare of DWs including minimum wages and the need to reconceptualize the home as a place of work (Naidu 2016; Neetha and Palriwala 2011). In general, DWs are also overwhelmingly of ‘low’ socioeconomic status, and with an increasing proportion of migrant workers from different parts of India.

It has been rightly argued that the discourse on lower female labor participation rates masks the increased domestic work activities in India (Ghosh 2016; Naidu 2016). A number of factors may contribute to this growing presence of DWs within the workforce, each of which requires careful study. Some of these include: the rising incomes of urban middle and upper classes and the increasing ways in which the engaging of a domestic worker has become part of a normalized set of cultural markers for upward mobility; greater female participation in the workforce in urban India due to a complex of factors such as rising cost of living, changing family structures and gender norms; the emergence of ‘housework’ as a culturally salient category of work that requires attending to in conscious ways (and not simply assumed to be done by women in the household); the existence of a steady supply of working-class women who are willing to do this work.

Official state speech and policies, and socially dominant perceptions in society have been slow to recognize DWs as ‘workers’ in the informal sector. Public debates underplay the fact that DWs play an important role in the economy. This is consonant with the invisibilization of women’s work. The Indian state, despite supporting the ILO convention on domestic workers (ILO convention 189, 2011), has not yet ratified it and has not framed any policy that guarantees protection and rights for this segment of the workforce. Since 92% of the working population in India work in the so-called informal sector (NCEUS 2007), any sustained organization of labor requires the participation of informal sector workers. Collectivization of informal sector workers, although not a new phenomenon, comes with particular challenges (Chigateri et al. 2016; Gallin 2001; George 2013). It is only the persistent struggles of collectives and NGOs working on informal sector workers that have made this an issue of some importance in the public sphere over the last decade. This makes DWs, in cities such as Bengaluru, a very distinct and interesting segment of the labor force of Bengaluru from the perspective of collectivization and organization, and the making of a ‘worker consciousness.’

In the previous paper (Joseph et al. 2018), we developed an empirically based argument focused on the precarity of DWs as workers enmeshed within monetary relations of debt and obligations of a ‘gift’ economy. There, we showed how the struggle for bonus by domestic workers (DWs) in Bengaluru captures the movement of DWs from a ‘servant’ to a ‘worker,’ a potential Freireian conscientization that transforms DWs from subalterns to Subjects of history. Thus, we argued that the ‘act of asking for a bonus is a transformational act for the DW to liberate themselves and become ‘responsible Subjects’’ (ibid 45; using Freire’s terms).

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3 These data on DWs in India were given by the minister of state of labour and Employment in replying to a debate in Lok Sabha (27.04.2015; accessed on the Lok Sabha website on Friday, February 17, 2017).

4 Ghosh argues that the low Female Labour Participation Rates are only an apparent phenomenon, since it hides the high rates of domestic duties and allied activities (no. 93 of NSSO) within. Naidu too advances a similar argument.

5 Although we introduce and use the term ‘domestic worker’ (DW) throughout this paper, we use the term consciously as a category-in-the-making in terms of, both, their legal recognition by the state, and their own consciousness.
This paper is a critical commentary on the organizational challenges for collectivization of DWs, challenges that underlie the above transformations of DWs as Subjects. Our aim here is to provide readers with general insights into key challenges for the collectivization of domestic workers in a particular context (i.e., DWs working in a mega-city and in multiple homes rather than as live-ins). Three challenges are elaborated upon—the transformation of labor NGOs to ‘unions,’ the ‘place’ of the union and the ‘place’ of the worker in organizing DWs. The first section outlines the historical trajectory of collectivization of DWs in Bengaluru noting the ways that a diversity of organizational forms emerges in interaction with each other and engagement with DWs over a period of four decades. Here, we explore the organizational transformation of collectives, from being a conventional NGO to what are called ‘labor NGOs’ (Chan 2012) and the ways that the latter enables the emergence of a new form of ‘union’ of DWs quite distinct from the more conventional unions affiliated with established political parties. The next section looks at the ‘lack of a locus’ for organizing of DWs in a way that is analogous to the factory site. This is due to the structural reality of the ‘household’ as a place of work and as a private place. Thus, we contrast the executive meetings with the local area-level meetings held in workers’ residential neighborhoods to see how the ‘union form’ needs to negotiate the everyday life consciousness and needs of domestic workers. The third section notes the emergence of the apartment as a potential new locus for DWs to organize. It highlights the residential apartment complexes as the new ‘factory gate’ for domestic workers and their collectives. Together, these sections give us insights into the challenges of collectivization that need to be addressed in order to enable the transformation of worker consciousness alluded to the above. This paper is based upon our ongoing empirical study that combines ethnographic and quantitative inquiry among DWs in different parts of Bengaluru, India.

Collectivization of DWs in Bengaluru: labor NGOs and unions

Domestic workers have not always been collectivized. A comprehensive report prepared for the UNRISD (Chigateri et al. 2016) details in some depth the processes through which unionization of DWs occurred in India, with a special section tracing this history in Bengaluru (ibid pp. 62–81; also Chigateri 2007). In this section, we refer to the above-mentioned study, and where possible deepen it with our own primary data (interviews, surveys and participant observations with DW collectives). Our findings largely corroborate the above study but also add an analytical piece—the distinction between unions and what we call labor NGOs—that we find significant for the questions raised in this paper.

Interestingly, Chigateri et al. (2016) point out that the earliest DW union happened to be from Bengaluru (1986), although there were other attempts at mobilizing DWs around the country, most notably through the National Domestic Workers’ Movement (NDWM), the Association of Indian Democratic Women’s Association (AIDWA) and Self-Employed Women’s Association (SEWA). While NDWM (despite the term ‘movement’ in its name) operated strictly as an NGO under the aegis of the Catholic Bishops Conference of India (CBCI), AIDWA is an official wing of the Communist Party of India (Marxist), and SEWA is an independently organized trade union registered in 1972 and made up entirely of women workers in the informal sector.

This presence of NGOs in the collectivization history of DWs in particular (and informal workers in general) is also visible in Karnataka. The earliest attempts to unionize DWs in Bengaluru were made in 1982 by Women’s Voice, an NGO that traditionally worked with women issues. Its founder Ruth Manor-ama noted the twin difficulties facing anyone organizing informal labor such as DWs—that of registering an all-woman’s union that was also in the informal sector, along with the fact that unions were themselves not viewed in an altogether positive light by the DWs themselves (Chigateri et al. 2016). Nevertheless, through persistence, she was able to register the first union of DWs in Karnataka—the Karnataka Gruha Karmikara Sangha (KGKS) in 1987. Parallel to the efforts of Women’s Voice, was an ongoing effort in different parts of India since 1985 by

In a separate paper, we will engage with the other side of these enabling conditions—the DW as worker. There, we tackle what it means for a DW to think of herself as a ‘worker,’ and how the facts of precarity, patriarchy and informality shape the DW’s sense of ‘worker’.
the National Domestic Workers Movement (NDWM) led by the Belgian nun, Sister Jeanne Devos (part of the CBCI) to initiate work among domestic workers. In the early 1990s, Sr. Devos commissioned another sister of the congregation, Sr. Celia, to take charge of organizing DWs in Karnataka in 1994. After two decades of work among DWs in Bengaluru, Sr. Celia was able to register the second union of DWs in Karnataka, the Karnataka Domestic Worker’s Union (KDWU) in 2003.

During this time, the KDWU managed to bring together different actors in Bengaluru working on DWs. This included two prominent NGOs—the Stree Jagruti Samiti (SJS) and the Foundation for Educational Innovation in Asia (FEDINA). There were some other smaller NGOs too who were brought into this effort (e.g., the Association for Promoting Social Action or APSA; and St. Michaels’ convent/home which was a home for unwed mothers, children; and a vocational school for women run by Good Shepherd Sisters). The SJS was working on related issues such as domestic violence, workplace harassment, trafficking, sexual harassment among domestic workers and their children, and FEDINA was working with marginalized populations in the slums and labor issues. According to Geetha, the co-founder of SJS, they initially began organizing domestic workers in earnest around the issue of child domestic workers through a UNICEF project. SJS began to register all the workers with the KDWU. Thus, through the efforts of NGOs such as SJS and FEDINA, the membership of KDWU grew over the years.

However, by around 2010 there were some fissures within the KDWU. This led to many of the NGOs leaving the coalition and working on their own to register independent unions of DWs. This period also saw the entrance of a few other NGOs who began work among DWs, including two central trade unions who historically work only with organized labor. In 2009, both, the Center of Indian Trade Unions (CITU) which is affiliated with the CPM (see AIDWA above) and the Indian National Trade Union Congress (INTUC) which is affiliated with the Indian National Congress (INC) began work among DWs in Bengaluru. This led to the formation of a separate union CITU. Consequently, in 2019, there are about ten small and medium-sized DW unions registered according to the data available. (Table 1).

As we can see, the historical trajectory of DW collectivization in Bengaluru is one in which few pioneer NGOs begin to work among DWs, a coalition forms among multiple NGOs over time enabling a thrust to unionize DWs by some visionary leadership, a period of fusion and then some fission of DW collectives and unions. We see how NGOs enter into the domain of domestic workers. Some of these are faith-based organizations, while others are secular NGOs who work on issues impacting domestic workers such as child labor and violence against women. At some point in their work, the leadership of these organizations articulates a case for the unionization of DWs, although not all of them take this turn. It is this transformation from an NGO into a labor NGO that facilitates the formation of a DW union that is a key struggle in the collectivization of DWs.

One key factor at work here is the fact that DWs exist within a diverse set of labor arrangements (see Chen 2011) which poses a unique challenge to DW collectivization efforts. Some DWs work as ‘live-in’ workers (with room and board) but more often as workers working in multiple homes. Some are paid piece-rates for each kind of work they perform, while others are paid a salary. The focus of our study is DWs who work in multiple homes. When organizations seeking to collectivize DWs enter the low-income residential areas where DWs live, they enter a space that is already a contentious place, one where various civil society organizations seek to interpellate DWs (i.e., ideologically produce them as subjects in different registers). DWs, in their everyday lives, are thus enmeshed within the practices and subject-producing actions of organizations that range from the overtly religious (sects around particular deities, church groups), to charitable trusts (supporting education, health, child rights, women empowerment, etc.), or rights-based organizations (women rights, Dalit rights, housing, etc.), to social entrepreneurial business (microfinance) who jostle among themselves for the same ‘client base’.7

Thus, organizers of DWs face the reality of the intersectionality of class, caste, gender, ethnicity and other identities when they enter the residential areas of DWs, a context in which ‘worker consciousness’ is only one among others. We find that many of the

7 Most of the microfinance and social entrepreneurs now call their ‘target’ groups or ‘beneficiaries’ as clients.
NGOs do not actually make this transition. Such a situation allows us to distinguish between three kinds of organizations working with DWs—the conventional NGOs (who tend to define themselves as exclusively working for ‘welfare rights’ for DWs, and who therefore focus entirely on demands from the state), the older-style trade unions usually affiliated to political parties (who are less apt to work within the residential areas of DWs, and preferring to facilitate to get state schemes/welfare) and the labor NGOs (who are the most creative, combining the nimbleness of an NGO with a clarity of the need to foreground the DW as a part of a laboring class worker with rights, while not reducing their subjectivity to any simplistic singularity). It is the last kind of organization, the labor NGO that gives rise to innovative and effective forms of unions (see RoyChowdhury 2005). While the ‘worker’ disappears in the kind of work that conventional NGOs do among DWs, and the ‘worker’ appears mechanically as the only subjectivity in the approach of older-style trade unions, it is only within the labor NGOs that we see the development of a notion of the ‘worker’ in relation to (at times in tension with) other identities (such as woman, wife, mother, particular caste or ethnic or religious identity).

Such a trajectory of DW organizing is necessary to grasp in some depth to understand the contemporary dynamics of DW collectivization in Bengaluru. In a separate paper, we explore the key driving factors—interpersonal (e.g., leadership personalities), conjunctural (e.g., particular modes of organizing DWs, differing perspectives on the need and form of the union itself) and structural (e.g., the demands of domestic work and the composition of the workforce).

In the next section, we explore one such structural feature of domestic workers that shapes any attempt to organize or collectivize them. In the rest of this paper, we use the word ‘union’ to refer to those labor NGOs that are facilitating the kinds of unions that seem most effective in the lives of DWs.

The ‘place’ of the union: dispersal and visibility of a collective

In the formal sector where the ‘union’ is recognized by the employer and the state law, the union office is located either inside or outside the factory gates. It is very much visible to the employer, the employees who may be its members, and the state. In the domestic work context, the work place of DWs is the ‘private individual home.’ Unlike the formal sector worker union, any collective of DWs faces the fact of multiple employers for each DW. Who then does the DW union identify as the collective employer of all DWs?

This is a major challenge to any collectivization effort or bargaining for DWs. Individual employers and individual homes can invoke the rights of a private

<table>
<thead>
<tr>
<th>S. No</th>
<th>Name of the union</th>
<th>Name of facilitating organization</th>
<th>Started to work with DWs</th>
<th>Union registered in</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bangalore Gruhakarmikara Sangha</td>
<td>Women’s voice</td>
<td>1982</td>
<td>1984–1985</td>
</tr>
<tr>
<td>2</td>
<td>Karnataka Domestic Workers union</td>
<td>Individual driven</td>
<td>1994</td>
<td>2003</td>
</tr>
<tr>
<td>3</td>
<td>Domestic Workers Rights Union</td>
<td>Stree Jagrauti Samiti</td>
<td>2004</td>
<td>2009</td>
</tr>
<tr>
<td>4</td>
<td>Manegelasa Karmikara Union</td>
<td>FEDINA</td>
<td>2004</td>
<td>2014</td>
</tr>
<tr>
<td>5</td>
<td>Akhila Karnataka Domestic Workers Trade Union</td>
<td>Karuna Domestic Workers Welfare Trust</td>
<td>2007</td>
<td>2012</td>
</tr>
<tr>
<td>6</td>
<td>INTUC Domestic Workers Union—Bangalore</td>
<td>INTUC</td>
<td>2007</td>
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</tr>
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<td>7</td>
<td>Bruhath Bengaluru Gruha Karmikara Sangha</td>
<td>APSA</td>
<td>2009</td>
<td>2014</td>
</tr>
<tr>
<td>8</td>
<td>Bengaluru Jilla Manekelasagarara Sangha</td>
<td>CITU</td>
<td>2012</td>
<td>2013</td>
</tr>
<tr>
<td>9</td>
<td>Birds Domestic Workers Union</td>
<td>BIRDS</td>
<td>2014</td>
<td>2018</td>
</tr>
<tr>
<td>10</td>
<td>Bangalore Domestic Workers Trade Union</td>
<td>National Domestic Workers Movement</td>
<td>2016</td>
<td>2017</td>
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</tbody>
</table>
citizen in far easier ways than factory owners. Such an ambiguous situation raises the debate over whether the individual home is a private space or ought to be considered a workplace (since it has employment, and hence some form of production, within). It is a central point of contestation for the state. Consequently, two issues become salient, a strategic one, and a conceptual one. Strategically, any effort in collectivization by organizations of DWs pushes them to seek workers at their ‘living spaces’ rather than their workplaces. Underlying the strategic issue is a conceptual task of locating DW work within the context of capital accumulation and labor processes, and in turn conceptualizing the ‘household’ itself.

Taking the strategic issue first, we see that as DWs are spread throughout the city, labor NGOs do not have a single ‘union’ office. The dispersal of the DW makes it necessary to claim spaces that may legitimize their struggle. Thus, labor NGOs have devised an organizational model (Fig. 1), in which they strategically conduct ‘area-level’ meetings every month in different DW residential neighborhoods, and complement this with ‘block-level’ and ‘Executive committee’ meetings.

The Executive Committee meetings are typically called by the labor NGO. They are conducted once or twice every month depending on the issues taken up. The general body of the union, comprising all the members of the union, elects the members of the executive committee. It is here that the labor NGO’s influence on organizing DWs into a collective is exercised most significantly. In most of the unions, the area-level leaders (from areas where the union is active) represent the Executive Committee. And, it is the labor NGO that influences the choice of these leaders. Thus, most Executive Committee members are ‘selected’ rather than elected. The labor NGOs select the members according to leadership traits displayed by the individuals in the area level (such as the level of interest shown and perceived capability to represent the workers’ issues at the area level). We capture the labor NGOs’ work of ‘influencing’ through the solid arrow lines in the figure. Labor NGOs exercise their influence not only in shaping the Executive Committees of the DW unions but also almost entirely act as advocates of DW with state officials. They are the ones who articulate the three core demands of DW unions—minimum wages, weekly offs and yearly bonus (see Joseph et al. 2018). The Executive Committee members represent the union to the state’s Labour Office with these demands and thus lobby the government to legislate policy that recognizes the collective rights of DWs.

Complementing the Executive Committee are the area-level field activists. It is in the executive meeting that the *plan of action* is discussed, and this communication is taken down to the area-level meetings by the executive members and activists representing the area. In the area meetings, the executive member is supported by one of the field activists who call for the meetings. This arrangement makes the lines of communication easy as decisions in the Executive Committee meetings are communicated to the DWs through the area-level meeting. This works the other way too in many cases when the area-level members give feedback to the Executive Committee about any important issue which they feel ought to be taken up in the executive committee. These issues are in the nature of taking a concern to the state’s labour department or pertaining to cases that needed to be dealt legally. We capture this work of area-level committees by a dotted line in the figure.

The area-level meetings are similar in form to meetings of Self-Help Groups (SHG) or Joint liability groups (that many DWs are part of). These meetings are conducted *in the open*, many times *at the doorsteps of members’ living spaces*. As discussed above, the labor NGO meetings (many times simply called ‘union’ meetings by DWs) have to compete with other organizations in the area. Since most DWs are also members of these other groups, it often leads to a dilemma for the women when the timings of a ‘union’ meeting sometimes clash with that of an SHG or other group meeting. DWs thus have to choose which meeting to go. This in turn poses another issue for the unions—that of the potential *ad hoc* nature of many of the issues that they take up on behalf of the DWs. For, as we found in our study, most of the cases which come to the union happen to actually come from non-members who approached the area-level unions to ‘solve their problem’ (usually problems related to domestic violence at the DV’s home, or the arbitrary dismissal of a DW, or failure to be paid due wages). This becomes counterproductive for the long-term strategic objective of collectivization of DWs, since many of the DWs do not become emotionally invested in the union, preferring to not come back for meetings once their problem was solved. This poses the
challenge of membership and persistence of purposeful collectivizing. Indeed, many DWs who were regular and committed union members started complaining to the leadership to not entertain complaints from non-members. As one of them put it about another DW who was not a member:

We [meaning the union] solved the problems...which was in bad condition...and we took so much risk. Now she is simply sitting in the area [during our meeting]. We called her for the meeting, and she didn’t come. Next time onwards, we are not taking up the cases [of those] who are irregular in monthly meetings. We have to strictly follow this in our area [Field note entry, October 05, 2016].

As these cases are fought on an ad hoc basis, the larger questions of the employer not paying minimum wages, payment/dues on time to workers, arbitrary dismissal on whims and fancy of the employers, etc. still remain largely unaddressed as systemic and structural issues that define the DW work relation as a worker–employer relationship in the informal sector.

On the other hand, the ‘success’ of fighting cases for non-members brings legitimacy for the union at the local level. The cases that have a profound effect on members (and non-members) are the ones that happen locally. Most of these cases are of arbitrary dismissals of domestic workers by the employer without giving them their dues. The challenge for the union then is to show evidence for the existence of a direct relationship between the employer and the employee (a point we pick up in the next section). Any small victory of the union also legitimizes the claim of the DWs to be viewed as ‘workers’ rather than as ‘servants’ in their relationship with the employer. These cases are also looked at internally by the labor NGOs as the training ground for the executive members of the unions, the leaders-in-the-making of DWs. In recent times, aided by the notification of minimum wages for domestic workers by Karnataka, the Labour Department has been intervening on behalf of the unions, thus strengthening their hands.

DW ‘union’ meetings thus are simultaneously a struggle to capture the ideological attention of DWs. They raise interesting issues about collective action (what it is and why it is required), place (where does collective action occur) and visibility (who is it visible to). Conducting meetings in the open makes sense to organizers since it assures visibility to the collective work of DWs who see and hear their own union at work. Indeed, organizers are clear that holding meetings in the open rather than building a union office (a physical office structure) was not only about cost-effectiveness, but more importantly about making the general public, especially the domestic workers who have not joined the union become aware of the existence of the union. As one of them put it, ‘If we do
it on the street, few workers who pass by they will stop and listen what we are talking about’ [Field note entry, September 13, 2017].

Such an organizational strategy (Executive Committees and area-level meetings) allows us to go back to the conceptual issue mentioned above which underlies the strategy. We note that DWs are arguably best viewed as petty commodity producers (producing a service), but not as independent producers (such as peasants and artisans) since they use tools provided by the employers. Being proletarianized, DWs fall within the circuit of capital and are not ‘excluded’ (see Sanyal and Bhattacharyya 2009). They are tied to capitalist production since they work in households of employers who themselves work within the circuit of capital (being either owners of capital or wage-workers in capitalist firms). Nonetheless, DWs are not simple wage-workers since they are not ‘exploited’ in the conventional sense of having surplus extracted within the production process (as are factory workers). Consequently, conceptualizing DW as workers requires a more nuanced development of the concept of exploitation and the meaning of a wage relation, a challenge that we take up separately and build upon many others who have advanced our insights into this matter (e.g., Elster 1986; Resnick and Wolff 1989).

A first step in this direction is to make visible how the work of social reproduction that is overwhelmingly carried out by women (the woman employer–supervisor and the woman DW) remains invisibilized (see Rai 2013; Razavi 2013) and remains undertheorized. That this is not an abstracted conceptual issue, but one of the concretely addressing complex social actors in their connections to capital and class is brought out by a frequently heard refrain by organizers who exhort DWs to think about themselves as significant actors in the economy: ‘You are playing an important role in the economy because the middle class [your employers] have to go to work. If you don’t go [to work] then their productivity and income suffers’ [Field note entry, December 21, 2017]. Consequently, the fact that the ‘household’ is not simply the place of work for the DW, but also a place of production of value (commodities) and subjectivities (identities), needs to be foregrounded in conceptualizing DWs, many of who in our study prefer to view themselves as ‘self-employed workers.’ For our purpose, we note that the question of subjective identity formation is part of our challenge to develop methodologies that capture the dynamics in concrete situations of collectivization. We now turn to the third challenge that faces collectivization of DWs—the apartment complex where most DWs increasingly work in Bengaluru.

The ‘place’ of the worker: the apartment as factory gate

The domestic work sector is also an increasingly migrant workforce. Most of the DWs in our study are first-or second-generation migrants. This workforce is dominated by Telugu and Tamil speakers in addition to Kannada speakers. More recently, there is an influx of Hindi and other north-Indian language speaking DWs. Bringing cohesiveness to a group as diverse and at the same time trying to focus on the employer and the government policy is a hard task. While our study has yet to explore what such an ethnically diverse DW workforce poses as challenges to collectivization, we elaborate here on a related issue—the fragmentation of the workforce along a different axis.

There is another emerging ‘hierarchy’ among DWs in terms of workplace. DWs who work in apartment complexes and ‘gated communities’ are generally paid significantly higher than those working in individual houses. Speaking about the hierarchy, Kalai a DW says:

Few workers get minimum wage. But, no one is getting minimum wage in Kothanur. DWs who go far away and work in ‘the apartments’—they get above minimum wage. Locally [meaning in Kothanur], there is no respect…this work is seen as degrading work. Sometimes I don’t even say what I am working as. If we work in the apartment we get respect. But there few employers behave rudely [Interview 12.04.2017].

Her colleague, Sarasamma added, ‘We go out, to work in apartments; Offissar hage hogutteve barutteve [trans: we go like officer and come]. In some houses, as soon as we enter they order us saying do this do that; in some houses they leave us, we know what to do, so many years we are working. This is maryade [respect]’ (Interview 12.04.2017).

8 Most DWs in our study are from Dalit communities.
9 Pseudonyms for DWs have been used for DWs.
The extent of the wage gap between apartment complexes in particular parts of the city and others is part of an empirical project that we are conducting. What is crucial here is that an increasing number of DWs perceive the apartment and gated communities as holding better employment prospects than working in individual houses (a factor of the perception that the employers in apartments are more affluent and willing to pay more than the individual houses), and to some extent (although this is still an ambiguous one) as also about being treated with ‘dignity.’ This has led to a segmentation between DWs working in the apartments vis-à-vis those working in individual homes. One fallout of this segmentation is that it has become difficult to standardize wages across the domestic work sector. Indeed, any discussion of wages within the union is always contentious as DW members claim that they are better off negotiating their own wages with their employers.

Consequently, since the prevailing wages in apartment complexes are above the Karnataka government fixed minimum wages, the unions have left the wage negotiations to the workers themselves. There is, however, one potential area of organizing for the unions—the possibility of constructing apartment complexes/gated communities as a single employing entity by systematically impacting the working conditions within them. One of the main challenges of the DW unions is the fact that although DWs have a direct relation with employers, each DW has multiple employers. However, since all the payments are in cash on a monthly basis for hourly work, most of the legal struggles (i.e., cases of conflict that come to the unions) become a fight to legally prove the existing relationship of the DW and the employer. This is because many employers, when confronted with the accusations from DWs about discrepancies in payment, take recourse to the lack of a contract that demonstrates employment, with some even denying that the DW worked on their premises.

It is in the course of this struggle for ‘proof of work’ that the DWs who work in apartment complexes have pointed out to the apartment complex entry and exit logs as evidence for their claim of employment. Almost all apartment and gated communities maintain such musters/registers for all visitors at their gates. In this sense, the apartment gates have now been transformed into the ‘factory gates’ for DWs, making DWs isomorphic to formal sector workers who punch in their entry and exit at the factory gate. Some apartments have provided ID cards for all workers working on their premises (ostensibly for their own reasons of security). This quasi-formal arrangement for workers is now transforming itself into the possibility of viewing the apartment complex and its representative—the Resident Welfare Association as a collective employer who has an identity. DWs and their unions have begun to use this as collective bargaining tool where each apartment forms norms in their relation with domestic workers working in the complex. Such a focus would resonate with what has already been observed by scholars on the Resident Welfare Associations—that ‘despite little evidence of Resident Welfare Associations influencing the state, there is unmistakable convergence of interests and agendas, towards the new rule of property and capital’ (Kamat and Vijayabaskar 2009: 375).

Such an arrangement, where it operates, also provides a valid documentary proof for the labor department officials to call upon the employer to negotiate with the DWs. This also helps in bargaining for higher wages or facilities citing the prevailing wages in the apartments. However, it also enables employers to demand the enforcement of particular Resident Welfare Association regulations on DW behavior as a collective group. Even as the apartment gate becomes the factory gate for the DWs, the Resident Welfare Association and meetings in the apartment Club House become sites for employers to address issues of their individual DWs collectively. Such regulations usually reveal class, caste, and gender bias and contempt at work. The recent case in Bengaluru of the Shantiniketan housing complex in Whitefield is a good example. Here, the Resident Welfare Association membership clearly referred to DW as ‘maids’ and ‘help’ (thus constructing them as ‘servants’ in line with long-held traditional and conservative perspectives), imposed restrictions on mobility of the DWs and compromised on their safety by confining their movement to the basement.11

Another recent case, this time in Noida (near Delhi), represents more clearly the feudal and class elitism of

10 The 2016 notification on minimum wages is above the market wages.

the Resident Welfare Association members including the nexus between politicians and middle- and upper-class employers. Here, an employer in the apartment complex illegally confined a domestic worker who had gone to get her back wages but was instead accused by the employer of theft. When this DW did not return home, a large group of the DW’s neighborhood community entered the apartment complex and demanded her release. This led to a fracas with the security guards and the police being called in.¹²

The point is that these cases are not isolated cases, but are increasingly repeated and patterned in similar ways across India. Over the last 2 years, there have been at least 11 documented cases along the above lines. Even ‘enlightened’ households with the housing complex are made to comply with a discriminatory rule. One such example came to our notice in a personal communication. An elderly couple who had treated their domestic worker with dignity and supported her children too for many decades protested their own Resident Welfare Association rule to ‘frisk all maids and cooks’ when they left the apartment complex. They pointed out the stereotyped presumptions underlying the rule and raised questions about why other individuals who too visited the apartment complex (such as tuition teachers, trainers, restaurant employees, the Society’s office staff, drivers of delivery vans, personal drivers) were exempt from this rule. Sadly, their Resident Welfare Association overruled these objections.

Finally, such cases also bring out the use of threats of dismissal of DWs, due to the perceived availability of a large army of DWs seeking employment within apartment complexes. This tussle to control DWs as a laboring population many times flares up into open conflicts and wider social tensions of caste, gender and neighborhood identities. All these point to the need to recognize that the apartment complexes are not merely made up of individual private homes where the state cannot trespass individual rights. This claim no longer holds true, for apartment complexes are the workplaces for many informal sector and sub-contractor workers including DWs of course but also drivers, gardeners and host of other service providers. The challenge then for DW unions is that as employers collectivize through their Resident Welfare Association, the scenario resembles the formal sector where owners of capital seek to hire ever more docile (or even subservient) set of contract workers who do not have the backing of unions. Indeed, all the cases above had clear articulations of Resident Welfare Association members against the collectivization of DWs. Apartment complexes and gated communities are better viewed as sites where the claim of being a ‘private’ place only acts to conceal the fact of employment and generation of value (within households)—both of which come under the purview of state regulations and collective bargaining rights of workers.

Conclusion

We have highlighted in this paper three key challenges faced by those organizing DWs—the need to transform from an NGO into a labor NGO that facilitates union formation, the challenge of ‘place’ of the union and the challenge of the ‘place’ of the worker. Each of these challenges reveals some structural factors that need to be addressed for an effective DW collectivization effort. Thus, the fact that DWs are dispersed across multiple employers makes it imperative for labor NGOs to establish long-term connections between the residential area-level committees of the union and the Executive Committee in ways that make their presence visible and effective at articulating local demands at the state level. Similarly, DW unions face a challenge from Resident Welfare Associations who attempt to ‘cordón off’ apartment complexes from regulating conditions of work and affirming the rights of DWs as ‘workers.’

Viewing these challenges as part of a Gramscian ‘war of position’—a cultural battle to be fought in civil society by DW unions—allows us to stress the need to reconceptualize and publicly articulate the fact of the so-called private household as really being also a place of work, a worksite for generating value and subject positions and social relations of production. DW unions thus have an opportunity here to advocate the need to finalize and implement the current draft national policy for domestic workers. This draft policy does recognize domestic workers as ‘workers’ and focuses largely on the assurance of welfare rights of DWs. However, it also needs to go beyond and

recognize the collective bargaining rights of DWs, especially in light of the fact that apartment complexes are collective employers and households are worksites as argued above. This in turn will strengthen the struggle of DWs for dignity.

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The Feminization of the Domestic Labor Force and Precarity of Women’s Labor in Colonial Bengal

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Servants in Indian History

The history of servants in India can be traced as far back as recorded history goes:

- Kautilya's *Arthasastra*
- Asokan edicts
- Buddhist and Jain literature

These texts tell us about slaves and *sudras*, both male and female, who worked as domestic servants.
## Servants in the Colonial Period

<table>
<thead>
<tr>
<th>Geographical Area</th>
<th>% of Domestic Workforce in total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>India</td>
<td>1.5</td>
</tr>
<tr>
<td>Bengal</td>
<td>1.14</td>
</tr>
</tbody>
</table>

In Calcutta, the colonial metropolis, domestic service in 1911 accounted for 12 per cent of all occupations which far exceeded the pan-Indian average of 1.47 per cent.

*Source: Census of India, 1911, vol. 1, India. Part I, Chapter IX, Subsidiary Table II, pp. 432-433*
Domestic Service in Calcutta versus Other Cities, 1911

The 1911 Census noted that nearly two-thirds of the actual workers returned under the head of domestic service were males.

It further stated that when a family could only afford one servant, their choice was always a man who could do the shopping and perform other outdoor activities “better” than a woman.

<table>
<thead>
<tr>
<th>Cities</th>
<th>% of Domestic Workers in the Workforce</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calcutta</td>
<td>12</td>
</tr>
<tr>
<td>Bombay</td>
<td>7.3</td>
</tr>
<tr>
<td>Madras</td>
<td>6.68</td>
</tr>
<tr>
<td>Delhi</td>
<td>6.1</td>
</tr>
<tr>
<td>Ahmedabad</td>
<td>3.12</td>
</tr>
</tbody>
</table>

Domestic Service in Bengal, 1921-31

- Interestingly, from 1921 to 1931, the percentage of female domestic workers increased from 26 to 52, and that of male workers declined from 74 to 48.
- By 1931, approximately five percent of the work-force in Bengal was employed in domestic service.
- In the 1930s, domestic service accounted for over 70 percent of women workers in the modern services in Bengal.
My paper seeks to analyze the feminization of domestic service in Bengal, India, with the colonial capital in Calcutta.

The feminization of domestic labor was intimately connected to colonial economic policies and the differential impact of the so-called process of “modernization.”

The intersectionality of social, economic, cultural, and ideological factors pushed women to precarity and compelled them to rely on their reproductive labor for sustaining themselves and their families.

The paper will conclude by alluding to the changes in the attitudes of women domestics towards their future generation.
In the Indian context, modernization in the sense of growing industrialization, was an artificial construct grafted onto the economy by colonial rule.

- The British invested in selected industries in order to promote their political, economic, and administrative interests.
- The entire process had a negative impact on women's lives.

Reproductive labor which constitutes social reproduction involves biological regeneration and caring directly for oneself and others (childcare, elder care, healthcare; cleaning, shopping, repairing).

- It also reproduces culture and ideology and provides for sexual, emotional, and affective services to maintain family and intimate relationships.
Comparison with the West: England and France

In England and France, industrialization led to the decline of domestic service as a major employer of women.

But in Bengal, limited industrial growth pushed women towards domestic service, the only expanding occupation for women in the modern sector during the last quarter of the 19th century.

With increasing industrialization, the percentage of non-agricultural working women in France who worked as domestic workers fell from 19 percent in 1896 to 16.4 percent by 1936.

In Britain the drop was from 42 percent in 1901 to 30 percent in 1931.
The Unique Case of Bengal: Women Engaged in Non-Agricultural Sectors

- Among all the provinces of British India, Bengal had one of the lowest rates of female participation in the workforce.

- Unlike the rest of India, where both men and women participated in agricultural labor, women in Bengal were employed in caste-based and other non-agricultural occupations:
  - making and selling dairy products
  - foodstuffs and fuel items
  - textile spinning and weaving
  - basket making and allied crafts
  - occupations related to jute textiles
  - work in mines and plantations

- But by the 1930s the share of women in traditional caste-based occupations dropped from 95 to 82 percent.
Technological Changes and Women’s Occupations

- In 1911, 91 percent of women workers in the Bengal Presidency were employed in jute, tea, and coal industries.
- But around the Calcutta industrial belt, women’s employment in the jute industry was on the decline:
  - 29 percent in 1901
  - 17 per cent in 1911
  - 12 percent in 1921
- In the late-1920s women were also pushed out of collieries when underground work by women and children was prohibited in 1928.
  - There was a 28.5 percent decline in the employment of women and children in factories between 1921 and 1931.
- In the tea industry women’s labor was replaced by male labor as a result of the Great Depression in the 1930s.
- This progressive decline in the employment of women in industrial work lead to an increase in the number of women in domestic service.
Furthermore, due to the unplanned and unorganized nature of the growth of the modern sector, its environment became unwholesome for the migration of women. The outcome was an acute sex imbalance leading to widespread promiscuity and prostitution.

- The single woman worker living unprotected among an overwhelming male population was compelled to seek the protection of a single man.
- According to government reports, her position became difficult to differentiate from that of a prostitute.
- These social conditions were further complicated by ideological factors.
The spread of Victorian domestic ideology, emphasizing the role of the ideal mother and wife, fostered by the Bengali middle class resulted in a schism in the cultural world of Bengali women.

The bourgeois language of "respectability" divided the population morally and ideologically along class and communal lines with women as the focus of a new consciousness of social status.

The negative stereotypes of working women strengthened the essentially conservative public debate on the role of Bengali women in the late-19th and early-20th century.
Withdrawal of Women from the Workforce

- The new domestic ideology struck deep roots into the conservative, equally patriarchal lower orders of Bengal.

- Much of the early female labor force who came from the middle-ranking artisan and agricultural castes withdrew from public activities to increase their social status.
  - To combine social respectability with growing economic prosperity, the dominant peasant castes like the Mahisyas emulated the practices of the upper castes and distanced themselves from manual labor.

- The male dominated cultural inhibitions in Bengal, while presuming to protect women, pushed them to gender-specific occupations, such as domestic service, begging, and even prostitution.
The rising participation of women in domestic service in the early decades of the twentieth century was not just an economic outcome, but a combination of complex economic, social, and cultural factors. The middle-class demand for household servants as a symbol of class-status was commensurate with the supply of excess labor released from the agricultural, non-agricultural, and industrial sectors. Live-in domestic service provided destitute Bengali women with a means of livelihood. It also gave them a shelter in the unfamiliar and unwholesome urban milieu. Women who worked as maids came from villages near Calcutta and settled within the familial set up of rising middle-class families. On paper their activities were taking care of children and acting as parlor-maids to the mistresses of the house, but they ended up doing almost all forms of household work.
In contemporary India, women domestics are still subjected to the same kind of push factors that drive them to precarity and compel them to rely on socially reproducible labor to sustain themselves and their families.

However, at present domestic service in India is also used as a stepping-stone for upward social mobility—a process that was witnessed decades ago in Europe and the Western world.

Interviews and literature reveals that present day women domestics are preparing their female children for livelihoods that no longer build on socially reproducible labor.

Women domestics, despite significant hurdles, strive to equip their daughters and granddaughters with training and education for an alternate means of survival.

To facilitate a better future for girl children of domestics, they require education, unionization, and legal protection to end systemic challenges.

Those are the subjects that my fellow panelists will hopefully illuminate.

THANK YOU!
Decent Work Deficit in Domestic Work: A Focus on Part-Time Women Workers in Delhi

Dr. Sudipta Sarkar
Assistant Professor
Department of Geography
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Domestic Workers: A Growing Workforce

If all domestic workers worked in one country...

83% of domestic workers are women

1 in every 13 female wage earners is a domestic worker

Source: International Labour Organization, 2013

Tracy Leifert

DOMESTIC WORK IS WORK!
Issues to be discussed

To understand the work and gendered related aspects of part-time (live-outs) women domestic workers in Delhi.

To understand the decent work deficit in domestic work at the micro level (Delhi) in particular and India in general.
Paid domestic work is one of the important sources of wage employment in informal economy which comprise more than 100 million workers of the world (ILO report 2011).

In India the estimate reaches more than 4 million (NSSO 2004-05). About 11 percent of women workers are engaged in domestic work in urban India.

On 16 June 2011 ILO’s International Labour Conference adopted the convention no. 189 *decent work for domestic worker* and Recommendation no. 201.

In India, domestic workers are yet devoid of decent work conditions at a larger sphere.
Convention no. 189 is yet not ratified in India neither any alternative national legislation has formulated for them.
CONCEPTS AND DEFINITIONS

• Domestic work means household work like sweeping, cleaning utensils, washing clothes, cooking and such other manual work as is mutually agreed between the employer and domestic worker carried out at the work place (Maharashtra Domestic Workers Welfare Board Act No 1 of 2009 and ILO, 2009).

• Domestic worker is defined as ‘a person who is employed for remuneration whether in cash or kind, in any household 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 (Domestic worker bill; Registration social security and welfare, Act 2008).

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• Any Person who performs activities of private households which includes all kinds of domestic personnel, such employed persons are maids, cooks, gardeners, gatekeepers, secretaries, governess, baby sitters etc (NSSO 2004-05, NIC-1998).

<table>
<thead>
<tr>
<th>Part-time/Live-out domestic worker</th>
<th>Full-time/Live in domestic worker</th>
</tr>
</thead>
<tbody>
<tr>
<td>Part-time domestic workers are those who do not stays with the employer and are not generally on call 24 hours a day. They either work all day for one employer or repeatedly perform specific tasks like washing clothes, dishes, or cooking for a number of employers (NDWM).</td>
<td>Full time/Live-in domestic workers reside at the place of employment. They are engaged in all domestic work ranging from housekeeping, washing clothes, utensils, cooking and baby/children/ elderly care activities (NDWM).</td>
</tr>
</tbody>
</table>

NSSO (2004-05) NIC-98 categorized domestic workers under private households with employed persons, category P, and division 95.
Part-Time women domestic workers in Delhi

– Socio-demographic background of the workers
– Reasons for selecting part-time domestic work
  1 FIGURE.pdf
– Dual burden of work
  2 FIGURE.pdf
– Work place and spatial mobility
  3 FIGURE.pdf
  4 FIGURE.pdf
Decent Work Deficit in Part-Time Domestic Work in Delhi

**Concept of Decent Work**

*Decent work* is an important ILO agenda which explains that every working community should enjoy dignity, equality, freedom and security at workplace and social protection for families. Workers should have opportunities for work that is productive and delivers a fair income.

*ILO Convention no. 189* - *decent work for domestic workers* demands the formalization of domestic work.
<table>
<thead>
<tr>
<th>Decent work dimension for domestic workers</th>
<th>Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Work conditions</strong></td>
<td>Contract of employment, calculation and periodicity of payment, hours of work, annual daily leaves, termination of employment, the rate of pay or compensation for overtime, authorized deduction from workers’ remuneration.</td>
</tr>
<tr>
<td><strong>Law and practice in respect of social protection</strong></td>
<td>Occupational safety and health coverage, workplace compensation and comparable life, access to general health care, retirement pensions, accident insurance schemes and maternity protection and recognition of domestic workers’ own family responsibilities and unemployment insurance schemes.</td>
</tr>
<tr>
<td><strong>Enforcement of labour laws and access to justice</strong></td>
<td>Labour inspection, complaints-based, labour laws and access to justice for domestic workers</td>
</tr>
</tbody>
</table>

NEED FOR

ILO CONVENTION NO. 189 FOR DOMESTIC WORKERS

IN INDIA

Case study:

SITUATION IN DELHI
NEED TO FIX MINIMUM WAGES FOR DOMESTIC WORKERS

**Case study: situation in Delhi**

- Workers lack fixed amount of money for any particular task ---wage rate varies across different localities as well as within locality.

- Newly migrant in the city---economically poor/low or nil educational level/earnestly in need for a source of income. ---force them to accept jobs at very low rates. unknown about the existing market rates in the city.
  - Creates competition ---tension within the working community in the city.
  - Cheap new workers even replace many older workers from job---insecurity within the part-time workers.

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**ILO Convention no. 189 Measures**

**Minimum wages:**

*Article 11 of the Convention focuses on the issue of minimum wage coverage of domestic workers.*

Minimum wage should be fixed for all domestic workers without any discrimination based on sex, which would protect their wages and will ensure decent working conditions.

There should be rate of pay or compensation for overtime.
Case study: Situation in Delhi

ILO Convention no. 189
Work conditions

Measures
Termination of employment

Article 7 of the Convention highlighted that there should be a period of notice by either the domestic worker or the employer. According to the Recommendation no. 201, any outstanding payment should be made promptly.

- Particular scheduled reasons and prior notice of dismissal of workers are absent in Delhi.

- Workers informed that sudden absence in work, employers unsatisfaction in terms of specific tasks or leave taken without arranging an alternative worker may cause job loss.

NEED FOR TERMS AND CONDITIONS FOR TERMINATION AND PRIOR NOTICE SYSTEM.
There is no uniformity in working time and most of the women workers do not have any paid emergency leave.

**NEED FOR UNIFORM FIXED HOURS OF WORK, EXTRA WAGES FOR EXTRA WORK, ANNUAL LEAVE, DAILY AND WEEKLY REST PERIODS ARE ESSENTIAL**

- [Paid leave provisn.doc](#)
In Delhi, domestic workers are not included in any social security measures (till the date of survey, 2010 Dec.).

For any critical illness, hospitalization and further treatment -- have to go in debt.

Employers ---- main source of loan during such emergency.

Dependency on the employer further makes them voiceless towards their employers.

**INCLUSION OF DOMESTIC WORKERS UNDER SOCIAL SECURITY MEASURES IS ESSENTIAL TO MAKE THEM SELF-SUFFICIENT DURING THE CRISIS PERIOD**

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**ILO Convention no. 189**

**Law and practice in respect of social protection**

*Article 14* of the Convention focuses that domestic workers should be brought under social security protection including maternity protection. Social protection also includes a wide range of collective protection and insurance mechanisms. ILO addresses occupational safety and health coverage (*Article 13*), workplace compensation and comparable life and accident insurance schemes, as well as access to general health care, retirement pensions and unemployment insurance schemes *(ILO 2010, REPORT IV-1:58)*
**ILO Convention no. 189**

Enforcement of labour laws and access to justice:

*Article 17 of the convention suggests* - there should be an effective and accessible complaint mechanisms of domestic workers, labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.  
(ILO 2010, report IV-1:72)

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**Case study: situation in Delhi**

Part-time workers of the surveyed area did not reported facing any physical torture or abuse (slapped/hair-pulled/punched) or molestation at the workplace.

Reasons- part-time nature of work, obligatory inter-linkages with debt etc. (discussed earlier)
Linking with the pandemic…

3 important needs during the lockdown for survival

– **1. Food security** – access to PDS (55% do not have ration cards)

– **2. Cash in hand**-
  a. Need cash to buy vegetables/milk/pay rent others (47% have rented accommodation in jhuggies)
  b. 80-90% paid domestic workers in Delhi are terminated from work-no regular cash flow
  c. 77% do not have savings account

– **3. Health security**-
  a. workers are not included in any social security measures

[one room home- 80.3%/shared toilet (Govt.)-86.2%]
Conclusion

Paid domestic workers are one of the important earning members of their own households. However their work is not valued by the society and thus, they suffer from in-decent work life, which is unregulated, un-uniform and are poorly structured. Therefore better work conditions are essential which would include structured wages, definite hours of work, breaks and holidays, protection in the form of social security in illness, pregnancy, old age and dismissal.

Apart from achieving decent work, special training and skill development programmes are very important which not only would make these workers self-sufficient and skilled in specific household tasks but it would also impart a sense of dignity and recognition as a worker in the labour market and perhaps within their own homes. Dignity and recognition in labour market would further enhance their self-confidence, self-esteem and a feeling of productive part of the society.

Therefore it is an imperative to formulate domestic workers under national labour legislation or to ratify the convention no. 189 for domestic workers in India to protect their work rights and to protect them from future shocks.
Thank You