

Paid Domestic Work as “Decent Work”

Global Aspirations and Indian Realities

Report on Workshop Proceedings



Title: Paid Domestic Work as “Decent Work”: Global Aspirations and Indian Realities; Report on Workshop Proceedings

Author: The Laws of Social Reproduction Project

Report Design: Mrinalini Godara

Cover: Poster by Ms. Kruttika Susarla, with acknowledgment to Centre of Indian Trade Unions (CITU) and the All-India Coordination Committee of Domestic Workers (CITU)

Published: July 2025

This workshop was part of the Laws of Social Reproduction Project, which seeks to study women’s reproductive labour across five sectors bridging the marriage–market continuum: sex work, erotic dancing, surrogacy and egg donation, paid domestic work and unpaid domestic work. The project is headed by Professor Prabha Kotiswaran at The Dickson Poon School of Law, King’s College London and is generously supported by the European Research Council under the European Union’s Horizon 2020 research and innovation programme (under grant agreement No. 772946)



For any inquiries or further information, please contact Professor Prabha Kotiswaran at prabha.kotiswaran@kcl.ac.uk

Citation: Laws of Social Reproduction Project (2025) *Paid Domestic Work as “Decent Work”: Global Aspirations and Indian Realities; Report on Workshop Proceedings*. The Laws of Social Reproduction Project, The Dickson Poon School of Law, King’s College London.



This work is licensed under CC BY-NC 4.0. To view a copy of this license, visit <https://creativecommons.org/licenses/by-nc/4.0/>

Paid Domestic Work as “Decent Work”

Global Aspirations and Indian Realities

Report on Workshop Proceedings

Table of Contents

A Brief Introduction and Acknowledgements	1
Session I: Political Economy of Paid Domestic Work in India	4
Session Overview	4
Political Economy of Paid-Domestic Work in India	5
Political Economy of Paid-Domestic Work in Urban Areas: Locality Specific Norms for Wage Bargaining and Mobilisation by Employers	12
A Reflection on the Condition of Migrant/Commuting Domestic Workers in India Through the Lens of Covid-19.....	19
Early Attempts of Regulation of Domestic Workers During the Colonial Regime in India.....	20
Domestic Work as Informal Labour	23
Session II: Feminist Debates on Paid Domestic Work in India	24
Session Overview	24
Introduction	25
Paid Domestic Work: Who, What, Where and Why it Matters.....	26
Contentious Histories of Domestic Work in Kolkata	27
Women and Girl Children Domestic Workers in Post-Partition West Bengal. . .	28
Vulnerabilities in Migration for Paid Domestic Work.....	31
Session III: Informal Labour and Precarity at Domestic Work	34
Session Overview	34
Introduction	35
Historical Analysis of Feminisation of Domestic Labour in Colonial Bengal. . .	35
Precarity at Domestic Work: Exploring Discursive Boundary Making in Domestic Work Relations in India.....	38

The Continuity of Precarity of Domestic Work in New City Space	42
Decent Work Deficits among Part-Time Domestic Workers in Delhi	43
Understanding the Special Vulnerabilities of Domestic Workers.....	46
Wages for Paid Domestic Workers and its Challenges.....	47
Session IV: Strategies For Mobilisation and Collectivisation of Domestic Workers.....	49
Session Overview	50
SEWA's Efforts to Support and Protect Domestic Workers' Rights.....	51
The Fight for Domestic Legislative Protections for Domestic Workers	51
Organising for Domestic Workers in Pune.....	53
Forming Collectives of Domestic Workers: Challenges and Pathways to Success.....	55
National Domestic Workers' Movement Efforts to Protect Domestic Workers in Andhra Pradesh.....	56
Barriers to Organising and Protecting Domestic Workers.....	57
Understanding and Combating the "Magisterial Powers" of Employers over Domestic Workers	58
Understanding Domestic Workers' Consciousness	59
Reflections on Raising Consciousness Among Domestic Workers	59
Session V: Regulatory Approaches to Paid Domestic Work in India	61
Session Overview	61
The Supreme Court's History of and Potential for Protecting Domestic Workers' Rights.....	63
Litigating Against Trafficking for Domestic Work.....	63
Understanding the Fundamental Flaws in Labour Law for Domestic Workers .	66
Regulation of Domestic Work at the State Level.....	66
Demands for a National Law on Domestic Work: Key Issues and Way Forward Introduction	69
The Need for a Fifth Labour Code	79
Discussion.....	80
Conclusion	81
Appendix I: Participant Profiles	83

A Brief Introduction and Acknowledgements

This workshop on *“Paid Domestic Work as ‘Decent Work’: Global Aspirations and Indian Realities”* was convened online between 18 August 2020 to 20 August 2020. We began with the inaugural annual Laws of Social Reproduction lecture by Professor Kerry Rittich on *“Visibility and Value at Work: The Legal Organisation of Productive and Reproductive Work”*. Over the next two days, scholars, activists, domestic workers, researchers and lawyers from both India and abroad discussed the issues and challenges Indian domestic workers faced both 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, finally, domestic workers’ resistance to such invisibility and discrimination through mobilisation and unionisation.

A key focus of the workshop was to examine the implications of Covid-19 on domestic workers. During the pandemic and accompanying lockdown, paid domestic workers were the first to lose employment without any recourse, with the International Labour Organisation reporting that out of 55 million domestic workers at risk of losing their jobs, around 37 million were women¹. The loss of livelihood presented challenges to survival for these women workers and their dependents. Even during the final stages of lockdown, we witnessed their stigmatisation as ‘unhygienic carriers of the virus’. Covid-19 revealed the vulnerabilities that domestic workers face as they lack formal recognition as workers, fora for grievance redressal, wage protections, and other social security measures. The sudden economic shock inflicted by the pandemic was instructive in assessing the size of the domestic work sector; the extent to which burdens of paid domestic work are then insourced into households; as well as the reconfiguration of paid domestic work into more servile forms including live-in paid domestic work. In convening experts on paid domestic work, we also hoped to look at future shifts in the sector and how these will, in turn, impact the mobilisational struggles of domestic workers.

Feminist discourse on paid domestic work has long problematised 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. Elabourating on the ‘feminisation of domestic work’, this debate has similarly challenged patriarchy and

¹ International Labour Organisation (2020) ‘Livelihoods of more than 55 million domestic workers at risk due to COVID-19’. Available at: <https://www.ilo.org/resource/news/livelihoods-more-55-million-domestic-workers-risk-due-covid-19>

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 have been undertaken focused on migration and the susceptibility to the exploitation that migrant domestic workers face, especially in the case of live-in workers. Studies on the mobilisation and unionisation 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 International Labour Organisation, 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 have included domestic workers under their ambit such as the erstwhile Minimum Wages Act, 1946 (in 10 states and one union territory) and benefits extended under the Welfare Boards (Kerala, Maharashtra and Tamil Nadu), under Employees State Insurance schemes, the Unorganised Sector Social Security Act (USSSA), 2008 as well as 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', we decided to address the following five themes, one within each session:

- *Session I: Political Economy of Paid Domestic Work in India*
- *Session II: Feminist Debates on Paid Domestic Work in India*
- *Session III: Informal Labour and Precarity at Paid Domestic Work*
- *Session IV: Strategies For Mobilisation & Collectivisation Amongst Domestic Workers in India*
- *Session V: Regulatory Approaches Towards Paid Domestic Work*

This report documents the conversations that spanned the three days of the conference. It contains a summary of the presentations by our speakers, discussants, and participants. Each speaker approached the given topic from their own specialisation including law, history, sociology, anthropology and political science while activists, trade union leaders, representatives from the International Labour Organisation and law practitioners made time to share their insights on pandemic-induced shifts in paid domestic work and renewed possibilities for mobilisation, social action litigation, and a reimagination of labour laws for the unorganised sector.

The report is less of an effort to transcribe conversations 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 overnight millions of workers including domestic workers lost their livelihoods and were rendered destitute. Presentations spoke to the continuities from the precarity paid domestic workers faced pre-pandemic, which were and continue to be exacerbated during the second wave of the pandemic. In this report, we summarized the presentations of each speaker and also added any notes speakers shared with us from their presentation. Select presentations from the conference are also [available online](#). 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. was a valuable contributor to this report as rapporteur during the conference. The support of the European Research Council (under Grant number 772946) made the work under this project and on this workshop possible. Participants were also invited to share their written comments for consolidation into this report, where they have done so, we have indicated their contributions to the report. However, this report has primarily been compiled by the Laws of Social Reproduction team, specifically by Sophy K.J., Prabha Kotiswaran, and Saumya. S.

- **Sophy KJ,**
Post-Doctoral Research Fellow, Laws of Social Reproduction, King's College of London & Centre for Women's Development Studies & Assistant Professor, National Law University Delhi
- **Prabha Kotiswaran,**
Professor of Law & Social Justice, King's College of London & Principal Investigator, Laws of Social Reproduction
- **Saumya S,**
Doctoral Researcher, National Law University Delhi

Session I: Political Economy of Paid Domestic Work in India

CHAIR:

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

SPEAKERS:

- **Neetha. N**
Professor & Acting Director, Centre for Women's Development Studies, Delhi
- **Shraddha Jain**
Researcher, Centre for Development Studies, 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

Session Overview

In discussing domestic work as an economic activity, the panel explored its operation historically to highlight the economic, political and socio-cultural variables that determined its valuation and the dignity of its workers. Women's increased labour force participation after 1999–2000 (34.1%) prompted households to turn to domestic workers to help balance their employment with family obligations. This resulted in increased demand for domestic workers, migration for such work and the development of this work sector. In development discourse, extensive literature on migration and care addresses the commodification, privatisation and exploitation that takes place 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 order to appreciate paid domestic work as an independent economic activity in the labour market.

The session aimed to understand the prospects to secure and protect the dignity of Indian paid domestic workers and how these may differ from prospects for domestic workers worldwide. As most domestic workers belong to marginalised castes, the question of inequality and discrimination against domestic workers cannot be addressed without also engaging with the cultural and structural question of 'caste'. Scholars have however argued that there is a visible change in the demographic profile of female domestic workers, with increasing participation from the general population beyond Dalit, Tribal, or Bahujan communities. There must be further analysis to understand the changing caste dimensions of paid domestic work.

The lockdown following Covid-19 pandemic has further exposed the vulnerability of domestic workers, a majority of whom lost their livelihoods without any safety net to fall back on, leaving the families of migrant domestic workers at risk of poverty and hunger. The economic crisis and stigmatisation of domestic workers during the lockdown exposed the vulnerabilities of such workers and the prejudices they faced. It was against this backdrop that the session's speakers assessed the new 'political economy of domestic work', examining the historical treatment of the sector by the state, gaps in addressing challenges during different phases of development of the sector, and the persistence of a continuum of challenges that remain unaddressed till today.

Political Economy of Paid-Domestic Work in India

By Neetha. N*, *Professor & Acting Director, Centre for Women's Development Studies, Delhi*

*This section covers Neetha's presentation, which she kindly shared with the project team.

Neetha focused on the growth of paid domestic work in the contemporary context, through any analysis of the political economy of the period, which was marked by structural changes in the economy through the integration of markets. She looked closely at the period of globalisation in explaining the correlations between fluctuations in the growth and the informality and 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), following 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, particularly a boom in the service sector; growth of the informal sector facilitated by the curbing of inspections and lax enforcement of labour laws. The economy grew at unprecedented rates, as is clear from the data in Figure 1². India moved to a double-digit growth rate in 2006–07 for the first time in the country's history and, for some time, could maintain around 9% growth rate for some time. Subsequently the rate started fluctuating and declining, but it managed to maintain an annual average 6% to 7% rate till 2017–18. The GDP growth has declined further since 2017–18. It was 5.02% in 2018–19, 4.4% at the end of 2019, and 3.1% 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%.

2 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.

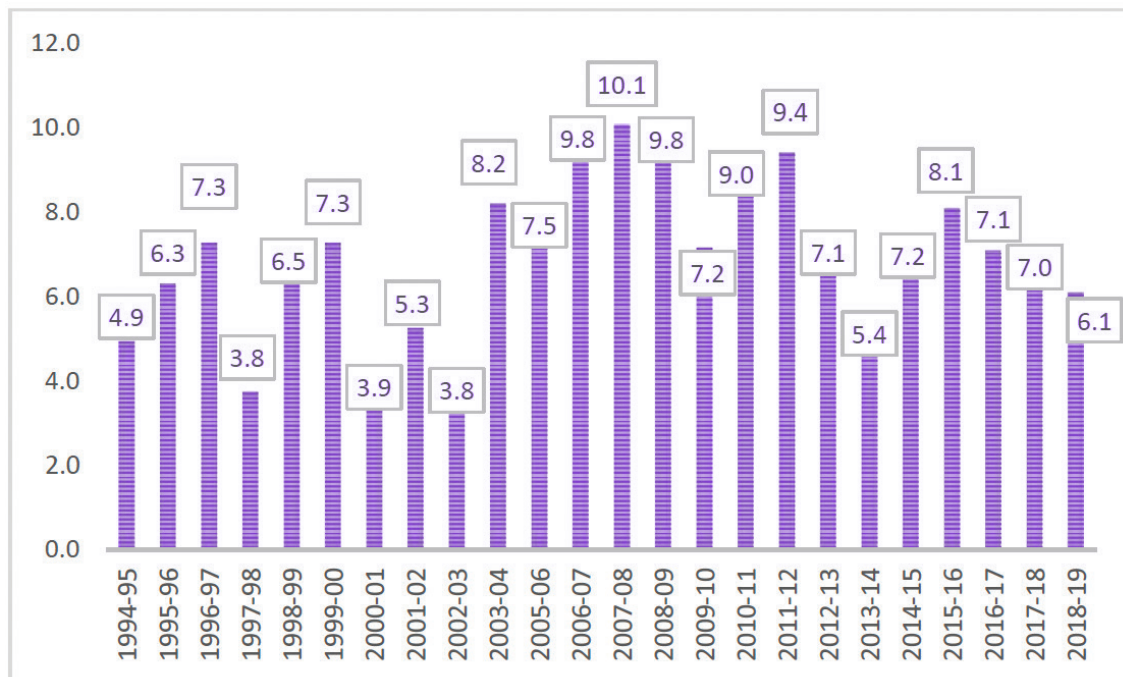


Figure 1: GDP Growth in India – 1994–95 to 2018–19. Source: Economic Survey – Various Years

Neetha argued that these changes in the economy, accompanied by a growth in the service sector and informalisation of even the formal sector, led to larger-scale changes in overall employment. Employment remained a major concern as high growth rates were not accompanied by commensurate increases in employment. Not only was there an impact on employment growth rates, but there were also disparities based on gender between the increases across sectors and categories of workers. While male employment stagnated, women's employment declined overall. Women's employment saw a fall, with a notable decline in work participation rates. This went against the prevailing theory in the early years of economic changes, based on experiences of East Asian countries, that employment would be feminised.

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

An important offshoot of the reduced number of days of employment in rural areas has been a decline in women's employment in these areas. Women's workforce participation rates ('WPR') have always been low in India even before the 1990s, with the rates steadily declining since 1999–2000, with a sharp fall specifically 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.

This fall is not only in terms of the proportion of female 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 the high rates of urbanisation. 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 particularly marked for marginalised communities – Muslim women and women from Scheduled Caste and Scheduled Tribes – and this is true in both rural and urban areas. The decline in employment in agriculture and lack of opportunities for non-farm work in rural areas was followed by unprecedented migration for labour, by women as well, as has been widely reported.

Census figures on migration, with the latest from 2011, show a spurt in female migration for employment and business, with the proportion of women among labour migrants increasing from 12% to 16%. Female labour migration increased from 30 lakhs to 45 lakhs in rural areas and from about 1 lakh to 2.34 lakhs in urban areas. Furthermore, though much of this movement has been from rural to rural (36%), there is also a shift in female labour migration patterns distinctively tilting towards urban destinations. The movements to urban areas are notable with urban-to-urban migration being 28% and rural to urban being 30%. This increased urban migration led to the 12 million working female migrants being 44% of the

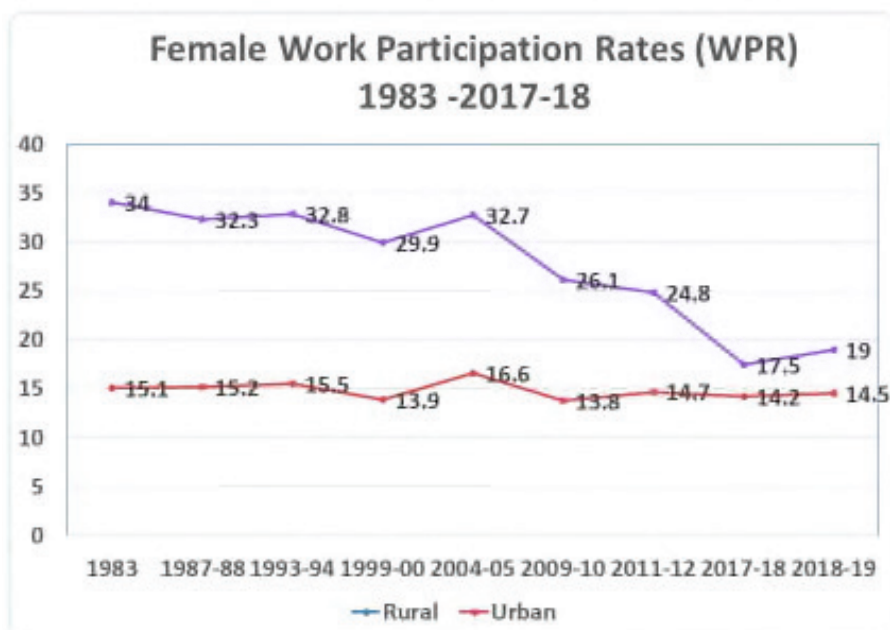


Figure 2: Female Work Participation Rates from 1983–2018. Sources: National Sample Survey, Various Rounds

		Rural		Urban	
		2001	2011	2001	2011
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 (increase of about 16 Lakhs)	0.95	2.23 (increase of about 14 Lakhs)

Table 1: Reason for migration – Work/employment and Business (in millions). Sources: Census of India, 2001 & 2011.

total 28 million female workforce in urban areas. This trend is likely to have only grown since 2011, with the employment data showing a deepening of the rural crisis alongside declining economic growth rates.

Although there were high levels of migration, work opportunities seemed 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 to 52.1% by 2017–18, with a simultaneous decline in the share of casual workers. One issue is the definition of ‘regular work’ followed by the NSS, which only considers the duration of employment, irrespective of wages and other conditions of work. Furthermore, 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 common belief, a larger proportion of women are not being employed 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). 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 is often acknowledged as, an undercounted sector, because of its gendered specificities and the private nature of the workplace. Even then, the number of domestic workers shows a phenomenal increase during this period with very high proportion of women and the sector being second in 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 that has been made 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 the daily demands of their 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 increased inequalities overall. It was argued that rigidities in labour laws were the reasons for poor economic outcomes, which gradually resulted in poor 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, which meant 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 leading to weakening of trade unions. Other important policy interventions included cutbacks on social sector expenditure and withdrawal from public provisioning of basic. These developments have paved the way for accumulation of wealth in the hands of a small proportion of the households and the unprecedented emergence of the middle class, thereby increasing inequality and 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 in the context of an increased labour 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 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 for housework are natural for women alongside the understanding that women are best placed within private homes, even for paid work, have contributed to the segregation of women into domestic work. Another reason for the increased supply of domestic workers is the fact that paid domestic work for fixed hours gives women greater flexibility to manage their own domestic and care functions, provided they are not in a live-in work arrangement. It was also a more attractive role compared to informal sector jobs such as construction because of the regularity in work and wages as well as less physical labour. 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 dominant category 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, which is spread across 12–16 hours, tend to be equal to or greater than the 'normal working hours' of a 'full time' worker defined 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 increased supply of live-in domestic workers is linked to the unequal development of regions or displacement of the poor due to development projects leading to migration for labour. Migrant domestic workers from Jharkhand, Chhattisgarh and tribal pockets of Odisha and Assam have become more visible with reports of exploitation by local agents/middlemen or placement agencies of young women migrants. However, the line between migration and trafficking is often blurred in such migration patterns, which 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) for a variety of reasons. The most important of these is the easy availability as well as the possibility of engaging cheap labour with no responsibilities for the employer, for example, domestic workers who are easy to hire and fire. Part-time workers free the employer from the responsibility of boarding and lodging as well as allowing them to hire based on their budget. If required, it enables the employer to keep an array of workers that carry out different fragmented tasks, 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 large 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.

But these migrant domestic workers maintain rural ties, for a variety of reasons. First and foremost, is the lack of security in urban areas, including employment but also other uncertainties of basic living, such as housing, water, health and education. There is also high dependence on rural ties among these workers during unforeseen contingencies, which became 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 due to economic

difficulties of 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 in domestic work, highlighting that it was important to look at housework and its changes over time, especially amongst the educated and consumerist middle class. Media exposure and socialisation have redefined notions of cleanliness, hygiene, health and family life among the middle class. Standards of cleanliness and hygiene demand an array of workers to broom, dust, mop houses, and wash toilets. With larger changes in the lifestyles as well as health and hygiene becoming key concerns, the meaning and specificities of cleaning have changed; all of which is important in understanding the demand side of the sector.

Workers are hired either to replace the woman in 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 and attends to the physical and emotional needs of every member of the family, with particular concern for the development of children. The growing understanding of children as subjects of development, with education a key focus to equip them to take up competitive spaces in higher education, has brought in the concept of 'quality time'. Though quality time is primarily understood as time spent outside task-based and regimented routines; the time spent with children in tutoring academic work or taking children to music and dance tuitions, or sports classes is also considered part of this quality time. In this space, the domestic worker is meant to assist the woman homemaker of the household.

Almost all middle-class households in cities and towns have a worker or two to undertake various tasks that are physically demanding and socially menial. Most part-time workers clean homes, with this service having the maximum demand and workers combining these tasks as per the employer requirements. Many households also outsource washing utensils and clothes, though this is not as common as cleaning the house. Cooking is outsourced less, primarily due to cultural reasons as well as the social and regional diversity in food habits. The social understanding of these tasks is reflected in the composition of workers and wages: cleaning tasks are largely dominated by women from marginalised caste groups who receive poor wages while upper-caste women are present in cooking jobs which also fetches higher wages. If all cleaning and cooking tasks are contracted out, often multiple workers are recruited to carry out these fragmented tasks. This allows 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, which would leave the employer to manage all work. Tasks such as vegetable cutting, occasional shopping, picking up of children from schools or occasional childcare are mostly unaccounted for, with the performance of such tasks seen as part of the worker's loyalty to the employers. Specialised care services such as childcare and elderly care are less in demand. These are mostly met through live-in domestic workers who combine multiple/all household tasks or through specialised care agencies that follow a different system of employment relations.

Neetha argued that caste is an important factor in understanding paid domestic work as made clear with the caste-based concentration of workers across specific tasks. Secondary data as well as field research have captured that while in the initial phase of its increase, domestic workers were mostly from marginalised sections of SC and ST communities, this has changed over time with the entry of economically backward OBC and upper-caste

women. 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 belong to other caste groups were also forced to join paid domestic work.

The increased visibility of workers largely due to the unionisation 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 dependent relationship with their employer. In the absence of social security, most workers are keen to maintain a certain degree of non-market relationship with their employers as it helps secure support especially in tiding over challenges within urban life such as children's education, health issues, or dealing with state departments including the police. Workers may be financially indebted to the employers through receiving an advance on their salary or borrowing loans for contingencies. While the informal relationship is a form of social security for workers, employers in turn expect loyalty and obligation from them. This is irrespective of the employer's factual relationship with the worker, often used by the employer while negotiating wages and other conditions of work.

Neetha briefly touched upon the evolution of the legal paradigm for domestic work. Organisations across varied locations and perspectives have unionised workers, with all central trade unions now having entered the sector as well. The International Labour Organisation (ILO) Convention on Domestic Work (C189) has been an important landmark. A feature of the contemporary phase has been reluctant attempts to regulate 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 fall under the legal definitions of 'workmen', 'employer' or 'establishment'. The reluctance to accept the private realm of the household as a workplace is evidenced by the poor response of the state to union demands to regulate the sector.

While intervention by the state has been arbitrary, one of the most important of these has been the inclusion of domestic work in the list of scheduled employment under the Minimum Wages Act, 1948. However, although 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 its provisions indicate 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 organisations. This did not get the clearance of the then UPA government and the fate of this policy is still unclear, despite its undergoing multiple revisions. On the other hand, attempts to formalise 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; workers' collectives have been critical of a purely formalised system.

According to Neetha, though domestic work has become visible and gained attention, it remains a highly personalised and informal service that offers workers little scope to contest employment conditions. An important marker of the sector is the gendered and socially devalued nature of housework. Domestic workers have contributed to keeping gender relations intact in employer households, with no fundamental challenge of the sexual division of labour. Furthermore, paid domestic work allows women from middle and upper

classes to enter the formal labour market, if they need to, and fulfil the role of the ideal woman. The severe undervaluation of domestic workers' labour is instrumental in keeping the costs of social reproduction low, which helps maintain existing social and economic systems.

Finally, Neetha emphasised that the connections between this sector and the reproduction of labour means that any attempts at valuation of paid domestic work requires broader reform than simply an increase in wages. Poor wages for domestic workers become a subsidy to other sectors as it helps employers in these other sectors pay wages that are below the actual cost of reproduction of labour. In this context, any increase in wages and improvement in the working conditions of domestic workers is also bound to increase the cost of reproduction. Wages in other sectors will have to then increase to account for these increased costs of reproduction, all of which is likely to have larger economic implications. Furthermore, with the increase in wages for domestic work, the outsourced housework will surely fall back to the unpaid realm of women in middle-class households. In this context, to address the situation, the state may be forced to support the burden of costs of reproduction and/or facilitate accessibility and affordability of market services for care.

Political Economy of Paid-Domestic Work in Urban Areas: Locality Specific Norms for Wage Bargaining and Mobilisation by Employers

By Shraddha Jain*, *Ph.D. Scholar at the Centre for Development Studies, Kerala.*

*This section covers Neetha's presentation, which she kindly shared with the project team.

The research discussed here 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 paper³ and further research carried out with Prof. Praveena Kodoth.

The Political Economy of Paid Domestic Work in Urban Areas

Shraddha began her presentation by situating domestic work within the framework of political economy, understood as different stakeholders mobilising around their conflicting interests. This mobilisation can be formal and visible, such as with collectives, or invisible such as through the informal circulation of information. During the process of mobilisation, we can observe power be acquired through social identities such as caste, class and gender with these processes taking place at the macro and the 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 such as the Rashtriya Swasthya Bima Yojana. The latest instance of such non-recognition has been 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 including domestic service in both codes as it would bring households under the ambit of labour law, which would be

3 Jain, S. and Praveena Kodoth (2019). Locality Specific Norms for Wages and Bargaining: 'Part-Time' Domestic Workers in the National Capital Region. In Neetha N. (ed.). *Working at Others' Homes: The Specifics and Challenges of Paid Domestic Work*. New Delhi. Tulika Books, 66–94.

difficult to enforce.

Shraddha discussed micro-level processes, such as how norms specific to localities shape the interactions between domestic workers and their employers. Formal organisation and unionisation of domestic workers has been sporadic in NCR and the part-time paid domestic work market operates through the informal circulation of information among workers and employers. She also discussed how employers have mobilised through Residents' Welfare Associations (RWAs), as 'collectives', to stifle the space for bargaining previously gained by a section of domestic workers. The Covid-19 pandemic has led to reports of growing power of RWAs with increasingly varied surveillance mechanisms being devised and implemented.

In contrast to this evolution of localised markets, the employment of domestic workers has had a strikingly different exhibition of class power when they have been employed by officials and provided government accommodation in the form of "servants' quarters". Due to vulnerabilities of migrant domestic workers, some of these employers have been able to exercise power without being organised as 'collectives'.

Evolving Domestic Labour Market in the NCR

Women domestic workers in the National Capital Region work under varied arrangements from part-time to full time live-in, full time live-out, workers' families residing in attached servant's quarters in private houses or the accommodation facilities provided to public sector employees. There is historical evidence of employing domestic workers being a customary practice as well as a marker of affluence. Jain and Mishra showed the variations in demand for domestic workers in NCR, which led to a range of preferred work arrangements.⁴

Shraddha focused her presentation on part-time domestic work. In her research, she found that market relations were taking newer forms with the increasing employment of females among affluent classes in the region. If we look at historical literature on paid domestic work in NCR, references have been made to cleaning and washing tasks, while in the 2000s, we find cooking is considered a task within part-time domestic work; all of which suggests evolving demands from employers. One shift has been women from the middle and upper-middle classes being employed, and, as workers in Gurgaon informed us, those households being the ones to hire multiple workers, including cooks. During our fieldwork, we found a segment of workers who exclusively took 'part-time' cooking jobs due to the higher remuneration and less tiresome nature of the work.

The geographical spread of our respondents across NCR brought forth the locality-specific norms shaping interactions between workers and employers. The diffused process of negotiations led to the emergence of standardised wage rates at the locality level. We also found variance in market practices based on the employers' class character. For instance, similar sized houses across two lanes in Bengali Market in New Delhi would have higher rates for cleaning for privately owned homes compared to government accommodation provided to officials. Moreover, a worker from Nehru Nagar (one of the localities with the lowest rates as shown in Table 1) elaborated that the rates for domestic work were low because the employers were 'not rich' and the women in these households needed to 'work for a living'.

Usually, rates were conveyed in terms of tasks and, barring limited exceptions, working hours were at best implicit in prevailing norms. Table 1 shows that the rates were expressed in two

4 Jain, S. and Udaya S. Mishra (2018). Demand for Domestic Workers in India: Its Characteristics and Correlates. *Indian Journal of Labour Economics*, vol. 61(4). 659–679.

ways. Firstly, in terms of quantum of work, such as the number of rooms and size of the house, and the other being a flat task rate for cleaning or washing tasks. These rates gained legitimacy through the circulation of information among workers and employers.

Localities	Rates according to Activities	Workplace description
Combined Rate – cleaning house and washing utensils		
Gurgaon 3	Around Rs 1000 in one locality and around Rs 2000 in an adjacent locality	Varied types of independent houses
R K Puram I	Rs 1200 to 1500	2 BHK to 4 BHK – Government housing
Munirka 1	Rs 1000 to 1500	3 BHK – 4 BHK Apartments
Taimur Nagar	Rs 500 to 1000 <i>per hour</i> in different colonies	Relatively small houses
Monthly rate for cleaning houses		
Bengali Market	Rs 1000 per floor (level) in private houses	Relatively large independent houses
	Rs 800 in government houses	
HUDCO place	Rs 1500 per floor / house	Large government houses
Gurgaon 2	Rs 1000 – 1200 for <i>an hour</i>	Independent houses
Nehru Nagar	Rs. 400, Rs 700, Rs 800 according to size	Small to relatively big houses
Rates for other tasks		
Bengali Market (Private houses)	Washing utensils Rs 1000 / Dusting Rs 300–350	Relatively large houses
Darya Ganj	Rs 200 per room for cleaning and Rs 200 per person for washing utensils	Varied types ranging from small to large houses
Gurgaon 3	Rs 200 per person for washing utensils	A range of independent houses
Nehru Nagar	Rs 100 per person for washing utensils	Small to relatively big houses
Other Rates		
Vasant Kunj	Rs 700–1000 per task	Range of apartments and houses
Munirka 2	Rs. 1000 per task	3 BHK – 4 BHK Apartments

Table 2: Descriptive Rates for Cleaning/washing tasks in select localities. Source: Jain and Kodoth, 2019⁵, *see for similar catalogue of cooking*.

5 Jain, S. and Praveena Kodoth (2019). Locality Specific Norms for Wages and Bargaining: 'Part-Time' Domestic Workers in the National Capital Region. In Neetha N. (ed.). *Working at Others' Homes: The Specifics and Challenges of Paid Domestic Work*. New Delhi. Tulika Books, 66–94

The earnings of workers depended on the tasks they carried out and the localities in which they worked. In our sample, workers with highest monthly earnings had cooking jobs only or a combination of cooking and cleaning jobs, in specific localities in Gurgaon and Bengali Market. Half the workers earned below Rs 6,000 a month with their jobs involving only cleaning activities (sweeping and mopping 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 localised social networks and employers also hesitate to employ workers without references. Employers have also started asking for identity cards such as Aadhaar cards. Despite growing demand, this sector is characterised by personal trust and comfort both for employers and workers. Workers that had relocated to farther areas of the NCR still travelled several kilometres to be able to work with their previous places of employment.

The wage rates were not definitive, with locality specific norms shaping the process of bargaining. Additionally, norms exerted pressure on employers to not deviate significantly from these rates. Employers who shifted to relatively high paying localities discussed how they paid less in the localities they previously resided in.

Many workers faced vulnerabilities of losing their jobs when visiting the village and feared being undercut by new workers trying to enter the market. This was observed even in localities with relatively high rates and where a section of workers had been able to negotiate for better wages. For example:

“ 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

Bargaining and Negotiation

A section of workers had been able to bargain for better wages and make visible previously 'unpaid' tasks. Some workers who had been replaced when they were ill or had gone back to their villages were then called back to work for higher wages due to the demand for specific skills they possessed. It is notable that working female employers are generally 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 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 original rates. One of the supposed pretexts for this was so the workers could take an additional cleaning job for that period time and hence earn more. We

have to realise however that these workers have to string together multiple jobs to be able to maximise their earnings. These developments began to irk some employers.

Employers' Mobilisation through Residents Welfare Associations (RWAs)

Employers in different localities have been making attempts to stifle workers' bargaining powers by introducing surveillance mechanisms and attempting to regulate part-time domestic work carried out in their building complexes. The employers were anxious about 'spirally increasing wage rates' and so, RWA rates emerged through activism from employers, especially 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 footprint in urban governance, including in matters related to local infrastructure maintenance, local dispute resolution, and organisation of social and cultural activities.⁶ RWAs have channelled the assertion of residents being 'consumer citizens', where they are subject to the discipline and efficiency of the market essentially through self-regulation.⁷ Kamath and Vijayabaskar draw our attention to the heterogeneity of urban middle class (non-slum population) with diverse interests.⁸ They don't face problems with basic amenities. Residents of gated communities comprise of elites and professionals catering to globalised service sectors. 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. An example of surveillance is:

“ 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, Gurgaon, 2017

6 Sanjay Srivastava. 2015. *Entangled Urbanism: Slum, Gated Community, and Shopping Mall in Delhi and Gurgaon*. New Delhi: Oxford University Press.

7 See Coelho, K., & T. Venkat. (2009). The politics of civil society: neighbourhood associationism in Chennai. *Economic and Political Weekly* Vol 44 (No. 26/27), 358–367. Mahanta, U., & Gupta, I. (2019). Introducing the status of domestic workers in India. In *Recognition of the Rights of Domestic Workers in India* (pp. 1–17). Springer, Singapore; Sanjay Srivastava. 2015. *Entangled Urbanism: Slum, Gated Community, and Shopping Mall in Delhi and Gurgaon*. New Delhi: Oxford University Press.

8 Kamath, L. and Vijayabaskar, M., 2009. Limits and possibilities of middle-class associations as urban collective actors. *Economic and Political Weekly*, Vol 44 (No. 26/27), 368–376.

It was learnt from a resident that some RWAs that if workers wanted to shift to another job in the same complex in the area, they would ask them to get no-objection certificates from their previous employers.

The concern surrounding surveillance grew during the pandemic. There have been reports about conflicts among residents and office bearers of RWAs.⁹ Women residents have been struggling to organise housework, care responsibilities, and some had to even manage full-time employment alongside. On the other hand, many others were concerned about the entry of workers into apartment complexes. RWAs secured 'newfound legitimacy', especially during Covid-19 pandemic. RWAs began restricting the number of workers per household and having employers escort workers inside. These developments led to discussions around the legal authority of RWAs.¹⁰ This all happened amidst district administrations delegating the authority for decision-making on the movement of domestic workers to the respective RWAs and neighbourhood committees.

RWAs have been identified as important stakeholders in framing policies for domestic workers. For instance, in a Supreme Court order in 2017¹¹, domestic workers were to be registered under National Social Security Board, and the Court required that the Delhi Labour Department cooperate with the RWAs 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 RWA could be the basis of identification of domestic workers in the area by state governments.¹²

RWAs Regulating Wage Rates for Part-Time Domestic Workers

After comparing rate lists that we accessed from a few high-end apartment complexes in Gurgaon, we observed that these lists were similar in terms of the tasks detailed in the job such as cleaning bathrooms, chopping vegetables, and ironing the clothes. However, for cleaning and allied tasks, we observed that all RWA rates were lower than the highest market rates we had compiled. This suggests that the RWA rate lists aim to set a ceiling or cap on wages and hence limit the ability of workers to bargain.

From Table 3, in the case of cooking, we 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 is constraining normal wage rises as per market demand. Workers from Delhi who didn't work in such high-end apartments explained how RWA regulations have been unfavourable to workers. In an apartment complex in Dwarka, the rates for cleaning and washing utensils was fixed lower than the prevailing market rates. Even if some employers paid the previous rate, workers struggled to then negotiate for increments because the stipulated rates were lower than

9 Shrabonti Bagchi (2020) 'Lockdown 3.0: Why RWAs and residents are fighting over domestic workers', Mint, 5 May 2020. Available at: <https://www.livemint.com/mint-lounge/features/lockdown-3-0-confusion-anger-over-the-entry-of-domestic-help-in-urban-centres-11588671231538.html>

10 Siddhant Kalra (2020) 'Banning domestic workers, forcing quarantine: Can your apartment RWA make these 'special' COVID rules?', Citizen Matters, 19 June 2020. Available at: <https://citizenmatters.in/bengaluru-apartment-association-rwa-covid-rules-legality-ward-committees-urban-governance/>

11 Shramjeevi Mahila Samiti vs State of NCT of Delhi on 4 August, 2017, available at <https://indiankanoon.org/doc/75274280/> (retrieved on 23rd November, 2020)

12 Mahanta, U., & Gupta, I. (2019). Introducing the status of domestic workers in India. In Recognition of the Rights of Domestic Workers in India (pp. 1-17). Springer, Singapore

RWA and Market Rates for Cooking in Localities in Gurgaon			
Locality*	Market Rates**	RWA Lists	RWA Rates
Gurgaon 1	Rs 2500–Rs.3000 for a single shift	Gurgaon A (2 adults + 2 children)	Rs. 1500 (Breakfast + 1 meal); 2000 (Breakfast + 2 meals)
Gurgaon 2	Rs.1500 for a single shift	Gurgaon B	Rs. 2500 per meal
Gurgaon 3	Rs 500 per person per shift	Gurgaon C (3 to 5 persons)	Rs. 3000 to 4000 for 2 shifts
		Gurgaon D (4 persons)	Rs. 1500 to 2000 for breakfast and lunch; Rs. 3000 for breakfast, lunch and dinner

Table 3: Market and RWA Rates for Cooking. Jain and Kodoth (2019);¹³ own compilation from RWA rate lists

* These were mostly independent houses.

** Where not otherwise mentioned, the rates were for 4 persons.

what they were in fact receiving. Again, these developments suggest that RWA rate lists seek to set a ceiling or cap for wages and limit the bargaining power of workers.¹³

From Table 3, in the case of cooking, we 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 is constraining normal wage rises as per market demand. Workers from Delhi who didn't work in such high-end apartments explained how RWA regulations have been unfavourable to workers. In an apartment complex in Dwarka, the rates for cleaning and washing utensils was fixed lower than the prevailing market rates. Even if some employers paid the previous rate, workers struggled to then negotiate for increments because the stipulated rates were lower than what they were in fact receiving. Again, these developments suggest that RWA rate lists seek to set a ceiling or cap for wages and limit the bargaining power of workers.

Employment Relations in the Absence of Localised Market

The second point of discussion is different from the market relations discussed previously. Another set of employers can suppress the bargaining power of workers without being mobilised as collectives. These government officials as employers are allotted government accommodation with a 'servant's quarter'. Drawing from interviews done with workers residing in these quarters as well as their employers, having their own living quarters is a huge attraction for migrant domestic workers in the city who are looking for safe places to stay with their families. Taking advantage of such vulnerabilities, some employers in a university have used their class power to draw implicit rent from workers by not paying cash wages.

13 Jain, S. and Praveena Kodoth (2019). Locality Specific Norms for Wages and Bargaining: 'Part -Time' Domestic Workers in the National Capital Region. In Neetha N. (ed.). Working at Others' Homes: The Specifics and Challenges of Paid Domestic Work. New Delhi. Tulika Books, 66–94.

“ 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 set norms about cash wages. For example, to avail a living quarter, a worker had to do three substantive tasks and cash was paid only for additional tasks beyond these 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 would do part-time work in other houses as well. It is also notable that some private houses that offer similar quarters for workers and their families also seek to suppress wages. In our limited sample of five such cases, the earnings ranged between 3500/- and Rs. 7000/- per month.

This discussion highlighted 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 employment and accommodation in servant quarters.

A Reflection on the Condition of Migrant/Commuting Domestic Workers in India Through the Lens of Covid-19

By Supurna Banerjee*, *Assistant Professor, Institute of Development Studies, Kolkata.*

*This section covers the write-up for the presentation by Supurna, which she kindly shared with our project. Some of the material for this presentation were part of a then ongoing article with Dr. Lauren Wilks.

In her session, Supurna drew on her interactions with migrant women workers originally from tea plantations in West Bengal who worked as paid domestic workers in Delhi-NCR region and with commuting domestic workers in Kolkata. She reflected on three issues (i) the loss of mobility due to the lockdown and subsequent continued suspension of trains, (ii) how post-lockdown there were changes in labour conditions for paid domestic workers which related to the future of paid domestic work, and (iii) the very negation of the idea of domestic worker as “workers”. In doing so, she sought to highlight the skills and work involved in as well as undervaluation of domestic labour. Supurna argued that the Covid-19-induced-crisis helped reveal the labouring lives of female domestic workers in India as constituted by structural inequalities.

The locking down of trains during the pandemic dealt a serious blow to the livelihood of many of these women, as it was central to the migratory mobility of a large section of these domestic workers. In fact, the pandemic lockdown began shortly after Holi, as an important festival during which many of the Hindu workers returned from Delhi-NCR to the plantations in West Bengal, which meant they were eventually unable to return to the city and resume work. This prolonged closure of trains meant losing jobs and earnings for these migrant women. Women living in the suburbs of Kolkata who were daily commuters travelling to and from Kolkata for work faced similar predicaments. The loss of jobs forced many workers to move into other forms of informal, uncertain work with reduced wages – what Joan Robinson termed ‘disguised unemployment’. This suspension of logistical arrangements for informal work affecting livelihood reveals crucial challenges to the future of work for both commuting and migrant domestic workers who rendered immobile.

According to Supurna, the lockdown also raised larger questions about conditions of labour and the future of domestic work. The increase in work-from-home for middle-class employers during lockdown meant that live-in domestic workers were saddled with additional burdens of work that remain largely 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 tasks being clearly specified in the discharge of their duties. The nature of living conditions during the lockdown reversed this hard-won gain in many cases. Furthermore, general increases in unemployment pushed many women previously engaged in other jobs or with working husbands, to look for jobs as paid domestic workers. Supurna explained that this distress-driven competition led to the diffusion of nascent job specialisation. This raises more fundamental questions on the failure to acknowledge the skills required in this form of labour, which is made evident in the training required when hired in a new household, as well as its continued invisibility because of the employer's tendency to view paid domestic work as an extension of one's domesticity.

Finally, Supurna explained that it is not just the precarious work conditions, but also the rituals surrounding this labour that provides important insights into how deeply domestic work and its workers are devalued. Prior practices by employers of distancing themselves based on caste stigmas, notions of purity and pollution, were further heightened by pandemic-induced anxieties around touch. Once work resumed post-lockdown, there has been an increased focus on disciplining and cleansing the labouring body of the paid domestic worker. Furthermore, employers have demanded workers restrict the number of houses that part-time live-out workers can work in, without offering commensurate compensation. Such demands make visible the employer's notion of ownership of the worker, her body, and labour, all of which are treated as property.

Drawing together these three interrelated strands, the features of labour in the Covid-19 crisis sharpened already existing and enduring devaluation of paid domestic work as invisible reproductive labour. Although 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 suggest that this did not lead to a new valuation of their work. Paid domestic work continues to be viewed not only as women's natural labour but as low skilled, low-status work, particularly suited to poor migrant women. At the same time, it is a source of livelihood and sustenance for large sections of working-class women, especially migrants. Withdrawing basic infrastructure such as trains, wage protection, etc. makes earning such livelihood impossible, pushing these women into further precarity. Pandemic-induced paranoia zeroed in on the worker's body as the focal point of contamination. She concluded that the paid domestic worker was the one to traverse into the intimate sphere and, therefore, the one who had to negotiate with new forms of social surveillance and ostracisation, which threaten to dissociate her ownership over her own body and labour.

Early Attempts of Regulation of Domestic Workers During the Colonial Regime in India

By Nitin Sinha*, *Senior Research Fellow at the ZMO, Berlin.*

Nitin's work historically analyses the regulation of domestic servants in colonial India,

looking at early attempts to recognise domestic workers through colonial regulations. In particular, he looked at attempts to register domestic servants in Calcutta (Kolkata). In the contemporary era, the absence of law or legal regulation sets the context for and is reason for the 'invisibilisation' of domestic workers, the 'devaluation of work', and the 'informality' of domestic work. While the 20th century saw the enactment of more protective legislation for workers, domestic workers were explicitly scripted out from this legal framework's ambit.

The common argument made is that domestic work is an activity that happens within the private space of the household. Therefore, the relationship between the employer and the employee is personalised or privatised, making informality the foundational character of paid domestic work. However, the idea that there has been a long history of informality requires closer re-reading of historical documents, such as regulations of the 18th and 19th century. There have been concrete shifts in the marking of the formal and informal within the law – 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 – the first from the 1750s to 1810s and the second being the contemporary post-independence period – the meaning of regulation and formality has changed with time, but with certain interesting continuities as well.

Although the general presumption is that domestic workers were never recognised by the state; historically speaking, Nitin argued that the colonial state in fact tried to control and regulate domestic workers through regulations in the 18th century and 19th century. From 1870s onwards, there was a legal transition for British labour from the master and servant relationship to the employer–employee relationship. According to Nitin, this is also visible in Indian labour history from the 1920s onwards. However, the legal template scripted rights and entitlements only for industrial labour, devoid of any rights for domestic labour, meaning only industrial labour was governed based on the employer–employee relationship. But we cannot understand this new transition without looking at the history of labour, since the prior master–servant relationship applied to employment relationships in both public and private spaces.

Historically, one of the first regulations in Calcutta on domestic workers, which was introduced in 1759, prescribed eight measures on how to govern 'menial servants' in European households. Multiple orders and regulations then followed, being passed in 1760, 1766 and 1774. Then in the 1780s, there was a vibrant debate on framing by-laws for menial domestic servants that lasted for two years. While a by-law did not materialise, there were substantive discussions on the principles that ought to govern a law on domestic labour. In 1814, a by-law was brought in, which was then reiterated in 1816. In 1819, the First Bengal Presidency Regulation (Regulation VII of 1819) was passed. The series of legal interventions from 1759 to 1819 in the expanding city of Calcutta reveal that domestic servants were neither invisible nor informal.

Nitin indicated that while undertaking research to understand the history of labour and legal interventions for other workers such as brick-kiln workers, lascars, coolies, masons, sepoys and carpenters; he found that the domestic workers were on par with such workers in the legal approach of the state, as the state needed to control or regulate public labour social groups. In this way, 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 and had two key characteristics (1) inequality in the relationship including

criminal prosecution in case of breach of contract by the workers and (2) registration of servants to keep law and order intact, which was very specific to the history of Calcutta.

To ensure good conduct of menial servants working in European/Christian households (essentially non-Indian households) in Calcutta, there was a procedure for registration introduced in 1766. There was a proposal for an office to be established in Calcutta through which all such workers would be registered, with suggestions for similar mechanism for coolies made after one month and for lascars, a month after that. In the late 18th century, the mechanism of control for different labouring groups adopted by the colonial state was quite similar. The office was established, and two officers were appointed, but it eventually went into disuse.

In the 1780s, in the discussion on how to regulate workers, the idea of registration came up again but was slightly expanded. Servants were believed to be responsible for growing number crimes in Calcutta. Therefore, the idea became to have regulations that not only ensured wages and terms of service, but also regulated workers' conduct and character in the city space. The goal of this attempted regulation was to control law and order in the state, but while it was intended to be passed as a by-law, it did not go through. The city became increasingly important in the thinking of the state.

Registration was meant to function as a mechanism of hiring, to weed out servants with bad character from the city space and prevent them from entering European households. This would happen through tickets from the master, who would give a chit/ticket of good/bad character which would be entered in the registration office set up by the state. A registration certificate would then be provided on payment of certain fees by both the master and the servant, which would serve as a certificate of character for employment prospects in households. It became an institution to ensure the hiring of good servants and weeding out of bad servants in European households. In the early 19th century, these chits/tickets became important in Calcutta's domestic labour market though the regulation failed and never became a by-law. There were reports of European officers criticising the registration office for rampant corruption among native officers who allegedly accepted bribes leading to arbitrary registration of servants.

Nitin 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. In contemporary discourse, paradoxically, the Indian middle class does not want the state to bring in laws that regulate the domestic space. He juxtaposes this with Europeans in colonies who had no anxiety about state intervention in 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 masters did not want to be dragged into court by their servants. But in the colonies, the Europeans were not anxious about the law intervening with household employment relations.

But 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 normalised in certain types of colonial European households. The 1819 Regulation was a classic example of the long history of regulating domestic servants within the master-servant relationship in the colony. It remained on the books till the enactment of the Indian Penal Code in 1862. Later, there was an argument about whether master-servant laws should be codified under civil laws. In 1925, there was an attempt at a Bill for domestic workers in Calcutta. However,

the discourse of 'non-intervention' into the domestic space gained strength and similar attempts were then discouraged. So, this concept of 'non-interventionism' which we see in the contemporary period actually started during the colonial period, around early 20th century, on the active insistence of the Indian middle class.

Domestic Work as Informal Labour

By Archana Prasad*, *Professor, Centre for Informal Sector & Labour Studies, JNU.*

Archana began by observing that it was time to identify other vulnerable women workers, particularly considering the common challenges they likely face in terms of their informality and invisibility due to structural concerns impact such women across sectors. Unemployment under state capitalism, liberalisation, and crony capitalism led to the increased neglect of informal women workers. In a 2013–2014 survey among domestic workers in the 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. 4800. While these are estimate figures, they indicate a decline in real wages as a result of the deepening or reconfiguration of informality within employment structurally. If we look at it this manner, we find that there is a high proportion of people whose wage growth is small, negligible, or declining across occupations, with macro reasons for this phenomenon. One is the divorce of growth rates in the real economy from the ascendancy of finance capital and second is the tendency to decentre production and disinvest in workplaces. During the pandemic, there was a move towards work from home, but this has put much pressure on domestic workers and households, making the work far more exploitative.

There was no mechanism for micro-level wage bargaining patterns in society. If you want to earn more, they say you just have to work harder. In the 2014–15 survey, we found that workers try to work in more households to earn more, but this would bring down their hourly wage income. Even if they earn a high nominal income, it will amount to less per hour. The route to providing visibility to domestic workers cannot be through employers' associations or us, as we are the employers of domestic workers. Reform needs to be through the regulation of the employer, which has to be done through labour laws. But this is a highly difficult task as the character of the employers itself is very variegated as many women employers are themselves overworked to meet the expenses of domestic workers. Female employment has certain common issues that feed into systemic discrimination, which is then amplified within domestic work.

The way forward is not to categorise domestic work as a separate entity, but to locate it within the broader reconfiguration of informality and informal labour. The duality of law is as such because capital wants it to exist in this way. The tendency of capital accumulation and the duality of law to address 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 is a result of this work not being seen within the labour rights framework. It may come under the criminal law paradigm instead or RWAs 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, informal work, in different kinds of home-based work, domestic work, and various contract-based systems. The problem of visibility is there for women engaged in other sectors as well. Bringing such a political alliance between women workers in vulnerable sectors becomes especially necessary in the context of the new labour codes.

Session II: Feminist Debates on Paid Domestic Work in India

CHAIR AND 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

Session Overview

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 because of its disconnect with market-based paid work. Western feminists have elaborated 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 even in urban areas, scholars such as Devaki Jain have argued that "all poor women are workers" engaged in either household production, home-based personal activities, or other productive activities combined with home-based or household work. They have highlighted 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. The work taking place within the private sphere becomes an excuse for non-interventionism by the state. As Palriwala and Neetha argued, 'gendered familialism' has played a role in strategically 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 discussed the visible and invisible forms of caste and gender within the workspace, and how we can address it both in discourse and in practice. The personalised employment relationship between the female domestic worker and the employer raises further issues, such as the gendered behavioural expectations and the subjectivities that surround domestic workers including colonial forms of control based on class, gender, caste, ethnicity, religion and linguistic identity. The panel discussed the relevance of social reproduction debates in the Indian context and the invisibility and stigma of female domestic workers in Indian society.

Introduction

By Prabha Kotiswaran*, *Professor of Law & Social Justice, King's College London & Principal Investigator, Laws of Social Reproduction*

**This section covers the write-up for the presentation by Supurna, which she kindly shared with our project. Some of the material for this presentation were part of a then ongoing article with Dr. Lauren Wilks.*

Prabha introduced the session by discussing how care work and domestic work have long preoccupied feminists world over, particularly materialist feminists. In the Western context, the typical narrative is that unpaid domestic and care work can be reduced or eliminated through social provisioning 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 offers to capitalism and problematised the unwaged character of housework, which tended to naturalise women's housework. The 'wages for housework' movement was in fact a rebellion in response 'wages against housework', where feminists did not simply want to take up paid work or ensure social provisioning of unpaid care and domestic work. Instead, these feminists wanted time for leisure, to read a book, or paint. Today, in the works of autonomous feminists such as Mariela Dalla Costa, the question of unpaid domestic work has moved on to elderly care and the care labour gap being filled by migrant women.

In this context, Prabha invited the panel to investigate how 'unpaid domestic and care work' is theorised in the Indian context. Samita recently cautioned against adopting the easy narrative that characterises changes in paid domestic work as following different economic patterns (from feudalism to capitalism to post-industrialism) as well as against adopting received categories of labour and capital from the Western experience. 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 low and declining female labour force participation rates, there has been an increase in the number of domestic workers. This in turn leads us to theorise on the 'culture of servitude' prevalent among the Indian middle class and the pattern of keeping domestic workers as a sign of privilege.

All of this must also make us think about the subaltern context of the domestic workers.

There is extensive literature on the multiple marginalities and discriminatory practices in the form of a lack of recognition and dignity for domestic workers by employers, society, institutions, and family structures. One question that is often asked: should we legitimise by calling it 'work' in this strong hierarchical society or should we call it 'domestic servitude', even though there is labour inherent in it? This further raises questions related to the precarity and invisibility of informal women workers in Indian feminist debates. The question has become essential for women post-recession and during this pandemic because of the lack of redistribution of household work within the households. The discussion that followed was set against this backdrop of international debates on domestic and care-work, specific national contexts of women's work, the cultural context of 'paid domestic work', and working conditions for these women.

Paid Domestic Work: Who, What, Where and Why it Matters

By Parvati Raghuram, *Professor of Geography and Migration, the Open University, London*

Parvati posed questions on 'who is in the household', 'what is in the household' and 'where is the household' to understand the spectrum of 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 regional terms are less studied. Domestic work varies according to relations in production, based on familial and gender ideologies; social relations that consists of class and gender variants; and spatial-temporal relations based on practices in the workspace.

Parvati shared thoughts 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 lawgiver or regulator but does not play so active a role in payment and recognition within the household. These actors have varied levels of interaction with paid domestic workers in terms of determining payment and working conditions.

Parvati discussed the importance of spatial-temporal relations in domestic work. She remarked that there is very little research that compares the rural and urban workspace, while, on the other hand, there is a lot of constitutive thinking specifically on either the rural or urban space. It is important to understand how capital functions differently under the capitalist and feudal economy, and in urban and rural households respectively, in how it shapes the labour process. Comparative thinking between rural and urban workspaces hasn't occurred in studies on domestic work, though such work has happened between nations or states. It is also interesting to look at trans-local private sector agents, how they source workers from rural areas for urban households. The state also intervenes as a regulator of trans-local private sector actors to prevent illegal or unlawful practices in transnational domestic work.

Now why does all of this matter? The reason it matters is because we individually speak from our situated positions. There are two ways we can think about this politically. The first approach is 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 approach is the reason why some feminists have moved towards thinking through from the care perspective. While social reproduction as a political subject is addressed through the lens of political economy

and care work, there is an ethical register that comes from the care perspective. This whole set of work contributes towards social reproduction. While care offers an ethical register, the political economy perspective rather offers a justice register. Parvati invited our attention to the potential gains and losses of thinking through ethics rather than through the political economy.

It is interesting to study the specifics 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 sets into their lives as a matter of normalcy. This also makes us think about who the ethical subject is 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.

Contentious Histories of Domestic Work in Kolkata

By Samita Sen, *Professor of History, Cambridge University*

Samita focused on how 'domesticity' operated in the 19th to 20th centuries. The period of modernity coincided with the colonial period. 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, from the perspective of feminist and revisionist histories of industrial modernisation. Bengal has been the subject of research from both perspectives. Swapna Banerjee has looked at Kolkata historically. Raka Ray and Seemin Qayum have called the labouring process in paid domestic work 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 behind the formation of the middle class, or *bhadralok* in Bengal. *Bhadralok* has been defined by Sumit Sarkar as those who are distanced and different from manual workers, 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 discussed their middle-class assertions distancing themselves from manual work both inside and outside the home. This middle-class assertion has reconfigured households (both rural and urban) with the hiring or recruiting domestic servants for household work. However, in this period there were more male domestic workers and feminisation hadn't occurred in the sector.

Feminisation 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 obsolete. It was only in the 1990s that there was a perceptible increase in domestic workers in the West, with 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 compared to North America. In contrast to this, in South Asia, we had a continuous history of domestic work and the real change has been its feminisation, which happened only in the 20th century.

Samita focused on three issues in her presentation. 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, especially in cities, there is no scope for comparative studies or to understand the real character of paid domestic work in the rural economy. Secondly, she referred to the differences 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. These differences carry the shadow of caste, which marks 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 under three modes of production for three centuries.

We have spoken about servitude, but not about slavery. In the 18th century, there was conversation about wage regulation for domestic work. And another conversation important in the context of the abolition of slavery was '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. When the law began to define family, and began to shrink the definition of the family, patriarchy excluded domestic workers from the family. Once outside the purview of family regulations, what other kind of regulation would be possible? The master-servant relationship became the primary legal discourse around domestic workers.

The urban question also raises the issue of caste in many ways. One of the ways that caste is implicated in urban migration is the anonymisation 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 these contentious histories is that the continuous history of domestic work and the easy and cheap availability of domestic work hasn't challenged the gendered and generational character of this work. However, the pandemic has, in fact, challenged the gendered and generational character of domestic work because domestic workers couldn't come for work and household work had to be shared within the household.

Women and Girl Children Domestic Workers in Post-Partition West Bengal

By Deepita Chakravarty, *Professor of Economics, School of Development Studies, Ambedkar University, Delhi*

Deepita referred to studies showing how the interplay of market and patriarchy leads to women and men performing different economic roles in society. According to her, segregation based on gender, or the sex-typing of work, plays an important role in terms of both demand and supply in determining the work profiles of women and girl children. She explained 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, primarily 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 a 'limited version' of modernisation in industry. In her study, she found that during that period domestic service was one of the major avenues of employment in urban Calcutta.

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 4). Secondly, there was an exponential increase in female domestic workers in the post-independence period from 1951 to 1981 (table 5 to table 7).

Deepita then examined the feminisation of the domestic work sector. Post-partition, there was large scale migration of refugees from Bangladesh to Calcutta. This resulted in industrial decline and a downward trend in industrial job opportunities, which ultimately led to more people entering domestic work. Labour markets in general saw a decline in wages, which was reflected in domestic work as well. The migrant males who had rural ties, and came to the city alone, had more responsibilities. They had to send some money home from whatever small amount of wages they received. Therefore, men, the main income earners in the family looked for labour-intensive employment. With the unprecedented influx of women, the sex ratio improved significantly. In urban families, as the whole family needed to work, women's employment among the middle-classes also led to the hiring of domestic workers. Slowly, women replaced migrant male domestics. On the other hand, the refugee women, in their frantic search for a means to survive, were often able and ready to work for a lower wage than the migrant females. Often destitute and in search of a safe shelter, they sometimes offered to work in return for food and accommodation only.

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

Table 4: Migrant Domestics in Calcutta in 1921 by their Place of Birth

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

Table 5: Percentage Share of Women in Domestic Service among all Workers in the Group in Calcutta city and Calcutta Industrial Region in 1961. Source: Census of India, 1961, Vol. XVI West Bengal & Sikkim Part X-A, Tables on the Calcutta Industrial Region Book (ii)

Occupational Division	Percentage Share of Women
9 (Services not elsewhere classified)	17.97
9.1 (Domestic services [but not including services rendered by members of the family])	31.25
9.10 (Other Domestic Servants)	36.47
9.12 (Cooks)	27.69

Table 6: Percentage Share of Women in Domestic Service among all Workers in the Group in Calcutta Industrial Region in 1951. Source: Census of India, 1951, Vol.VI, Part IV, The Calcutta Industrial Region Tables

Year	Women	Girl Children
1971	42.00	40.63
1981	58.02	60.43

Table 7: Percentage Share of Women and Girl Children (0-14) years in Domestic Service in Urban WB in 1971 and 1981

The post-partition period witnessed changes in demand for and the demographic profile of workers. Based on newspaper advertisements from this period, there was greater 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 who were not accompanied by an adult male member of the family. The city faced an acute shortage of shelter for those with no previous roots in the city, which resulted in this labour camping, sometimes even on floating barges. In post-partition Calcutta, even educated migrant young men put out advertisements in newspapers offering tuition for children in well-to-do families in return for food and shelter.

There was gender disparity at work in that women were paid very low salaries and duties were often not specified, but for men (that were much less in number overall, about 15%) specific duties were given with higher wages. The supply side of labour was abundant and advertisements published under the heading '*ahar o basathan chai*' (food and shelter sought) often mentioned that applicants were from the other side of Bengal. Refugee women were ready to take over household duties at lower rates and middle-class women could bear the

cost of keeping them, all of which resulted in domestic work being outsourced at a large scale to outsiders (refugee women), which traditionally had been done by women at home.

Another important feature of the employment of women was that middle-class refugee women desperately needed employment. Partition challenged the general idea that Bengali middle-class women don't come to the labour market frequently. The proportion of women among displaced women working in different categories was much more than the proportion of women from the country who were employed. Post-partition, there were more women in the labour market who outsourced domestic work including care work to the domestic workers. 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 through any available occupation. If we examine the entry of girls into domestic work, we find that partition played an important role from the supply side.

Category of Work	Percentage of displaced women in total female workforce of different categories	Percentage of displaced women in total displaced women workers in selected categories of work	Percentage of women (excluding displaced women) in selected categories of work
8 (Health, education and public administration)	15.37	18.09	9.19
8.1 (Medical and other health services)	20.49	9.00	3.22
8.2 (educational services and research)	18.11	6.51	2.72
9 (Services not elsewhere classified)	8.59	46.69	45.87
9.1 (Domestic services)	10.63	42.23	32.77
All	8.45	100	100

Table 8: indicates many more refugee women involved in different types of work than the host population

It is evident from Table 8 that there was a change in the demography of the workforce in all sectors post-partition, including domestic work, with greater participation of the displaced women population.

Vulnerabilities in Migration for Paid Domestic Work

By Neha Wadhawan, *National Coordinator, Work-in-Freedom Project, International Labour Organisation, Delhi*

Neha touched upon mobility and intersectionality in paid domestic work, while also addressing the issue of discrimination against women that Nivedita Menon calls 'assumed commonality of female experience'. She first discussed intersectionality and the consequent exploitation

and then looked at the intersectional privileges of the employers. Her research primarily focused on live-in workers. She started by discussing when women take up domestic work. She found that women's entry into domestic work is based on biased gendered 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. For example, Supriya Chowdhary's work showed that garment workers opt out of employment when there is paid care work available in the locality. Sex workers have reported being domestic workers before joining their work and domestic workers simultaneously engage in sex work to supplement their income etc.

She also explored indigeneity or race in paid domestic work discourse. In Jharkhand, young women have more mobility compared to Adivasi women. They never reveal to their families that they are migrating for work because of the fear associated with migration to the cities, instead saying 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 in these circumstances compared to upper-caste families. This is because elopement as a traditional practice is recognised and accepted by these communities. So, the outsiders/recruiters take advantage of these social norms/acceptance and mislead women about work in cities, to 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. Neha 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 also looked at contours of unpaid work in their home/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; elitist, racist and casteist attitudes have led to criminalisation 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 recent times. However, these units deal with the labour intermediaries by criminalising the entire framework. On the one hand, there is high demand for live-in domestic workers in cities, and on the other hand, women decide to move out from villages/source areas for work 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 prevalent feature in states is migration registers. Under this, the state is increasingly insisting on registration when women or men move out of the village for work. In certain cases, women move out of their villages to escape bad marriages or violence within their families. When they inform the state about their migration decision, they face backlash from their families and communities, which may ultimately the migration. The policy, while uniformly applied to men and women, specifically jeopardises women's 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 falsify their age in their passports. This puts them outside the purview of legal protection with the state tending to wash their

hands of these cases, since they reveal the illegality involved in the migration process. In India, there is a ban on those under 30 years migrating to other countries for domestic work, which raises questions about their agency to make decisions on engaging in a vocation. Neha referred to a Nepali women's case, where they preferred to gain skills in India before migrating to Middle East countries.

She also called for the deconstruction of the category of employers to understand the processes behind surplus extraction of reproductive labour embedded in 'cultures of servitude'. It is also important to explore avenues of feminist solidarity and the issues that women's movement in the region should take up given the direct conflict in the nature of relationship between the employer and employee, in this case with both being women. Employers and patterns of employment practices in India are diverse. The middle-class families in India follow casteist practices in relation to Adivasi women who lie outside the caste system and use Brahminical privileges based on purity and pollution to engage in casteist abuses and control them. Employers even withhold wages from Adivasi workers, taking advantage of their vulnerabilities and tying them in debt bondage.

It is interesting to look at how we have engaged or not engaged with the issue of the sexual division of labour and how we look at the issue of outsourcing unpaid housework for lower wages to vulnerable women. However, it is also interesting to note that domestic workers engage in negotiations with their middle-class employers on certain occasions such as with air travel/train travel tickets to return home. She 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. Finally, she argued that employers' perceptions are important to look at considering the increasing feminisation of the workforce to the exclusion of wage benefits and poor working conditions for the women workers employed in gig economy platforms.

Session III: Informal Labour and Precarity at Domestic Work

CHAIR AND 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 University, West Bengal
- **Ruth Manorama**
Activist, National Alliance for Women
- **Uma Rani**
Senior Economist, ILO, Geneva

Session Overview

The informal sector, once considered to be 'transitory space', has now become the primary mode of experience as a result of new forms of economic development, involving precarious informal work. The vulnerability of domestic workers is inherently tied to the broader process of informalisation. Scholars have used the concept of 'feminisation of poverty' to explain the increased participation of women in precarious work. Many aspects of the precarity of domestic workers such as their non-recognition as workers, the lack of entitlements and illegal practices like trafficking, forced labour, child labour, sexual abuse and exploitation by intermediaries, are consequences of informalisation. The vulnerability and precarity of

domestic workers are also connected to their social status. Female domestic workers are not a homogenous group and so it is also important to dissect their varied experiences, the struggles and resistances in their survival.

While informality points to the failure of the state to recognise and acknowledge the legal status and entitlements of domestic workers, 'precarity' entails insecure, uncertain, unpredictable, and undependable futures. In the Indian context, cultural, social and political marginalisation intersect with the precarity of workers in the informal sector. This necessitates alliances between precarious workers' struggles and caste and gender identity-based movements. With the advent of Covid-19, during the initial phase of lockdown, when 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. This session attempted to think about solutions to these visible violations from a policy perspective.

Introduction

By Sumeet Mhaskar, *Associate Professor, O.P. Jindal Global University, Sonapat*

Sumeet contextualised the debate through his work on rationalisation of 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 then went down to 1% in 1975s and is now at zero. In his empirical survey, he met around 200 women respondents who were engaged in domestic work as they were stripped out of industrial work. He also discussed the different kinds of work within the spectrum of household work and its caste-based outsourcing, which is visible in the domestic space. The labouring classes who are easily fired from industrial work end up in informal domestic work. Therefore, any research and analysis needs to be from an intersectional perspective to understand the continuum of embedded occupational and caste disadvantages in society.

Historical Analysis of Feminisation of Domestic Labour in Colonial Bengal

By Swapna Banerjee, *Professor of History, Brooklyn College of the City University of New York*

Swapna addressed the assumptions that are attached to the paid domestic work sector, with its highly feminised nature and the precarity prevalent in such work during the colonial period. She discussed historical references to domestic servants that were made in Indian literature. She referred to Kautilya's *Arthashastra*, Asokan edicts, Buddhist and Jain literature, all of which discuss slaves and *sudras* (both male and female) working as domestic servants. Census data from 1911 helped explain that in Calcutta, the colonial metropolis, domestic service accounted for 12% of all occupations, which far exceeded the pan-Indian average of 1.47% (Table 10). In colonial India, the domestic workforce accounted for 1.5% of the total workforce, while it only accounted for 1.14 % of the workforce in colonial Bengal (Table 9).

The 1911 Census noted that nearly two-thirds of workers under the head of domestic service were males. It further stated that when a family could only afford one servant, their

Geographical Area	% of Domestic Workforce in Total Population
India	1.5
Bengal	1.14

Table 9: Servants in the Colonial Period. Source: Census of India, 1911, vol. 1, India. Part I, Chapter IX, Subsidiary Table II, pp. 432–433

Geographical Area	% of Domestic Workforce in Total Population
Calcutta	12
Bombay	7.3
Madras	6.68
Delhi	6.1
Ahmedabad	3.12

Table 10: Domestic Service in Calcutta versus Other Cities, 1911

choice was always a man who could do the shopping and perform other outdoor activities “better” than a woman. The shift in favour of feminisation became visible between 1921–1931. The proportion of female domestic workers increased from 26% to 52%, and that of male workers declined from 74% to 48%. By 1931, approximately 5% of the workforce in Bengal was employed in domestic service. In the 1930s, domestic service accounted for over 70% of women workers in modern services in Bengal.

With this historical backdrop, she sought to analyse the feminisation of domestic service in Bengal, specifically within the colonial capital in Calcutta. The feminisation of domestic labour was intimately connected to colonial economic policies and the differential impact of the so-called “modernisation” process. The intersectionality of social, economic, cultural, and ideological factors pushed women to precarity and compelled them to rely on their reproductive labour to sustain themselves and their families. According to Swapna, the changes in the nature of work were indicative of changes in the attitudes of women domestic workers towards the future generation, especially in terms of providing them education and other support towards social mobility.

She contextualised her arguments within the concepts of modernisation and reproductive labour. According to Swapna, in the Indian context, modernisation, in the sense of growing industrialisation, was an artificial construct grafted onto the economy by colonial rule. The British invested in select industries to promote their political, economic, and administrative interests. This entire process had a negative impact on women's lives. Reproductive labour, which constitutes social reproduction, involves biological regeneration as well as, caring directly for oneself and others (childcare, elder care, healthcare, cleaning, shopping, repairing). It also reproduces culture and ideology while also providing for sexual, emotional, and other services that help maintain family and intimate relationships.

It is interesting to note that in the West, especially England and France, industrialisation led to the decline of domestic service as a major employer of women. With increasing industrialisation, the percentage of non-agricultural working women in France who worked as domestic workers fell from 19% in 1896 to 16.4% by 1936. In Britain, the drop was from 42% in 1901 to 30% in 1931. 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.

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; work in mines; and work on plantations. But, by the 1930s, the share of women in traditional caste-based occupations dropped from 95% to 82%.

It is interesting to look at how technological changes led to changes in women's occupations. In 1911, 91% 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% in 1901, to 17% in 1911, and 12% in 1921. When underground work by women and children was prohibited in 1928, women were also pushed out of collieries. There was a 28.5% decline in the employment of women and children in factories between 1921 and 1931. As a result of the Great Depression in the 1930s, women's labour was replaced by male labour in the tea industry. This progressive decline in the employment of women in industrial work led to an increase in the number of women in domestic service.

There were social and cultural factors that led to the increasing feminisation in domestic work, which cannot be ignored. Due to the unplanned and unorganised nature of the modern sector's growth, its environment became unwholesome for the migration of women. The outcome was an acute sex imbalance that led to widespread promiscuity and prostitution. The single woman worker who lived unprotected among an overwhelmingly male population was compelled to seek the protection of a single man. According to government reports, it became difficult to differentiate her position from that of a prostitute. These social conditions were further complicated by ideological factors. The Bengali middle class fostered the spread of Victorian domestic ideology, emphasising the role of the ideal mother and wife, which 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 becoming the focus of a new consciousness of social status.

The negative stereotypes of working women strengthened the conservative public discourse on the role of Bengali women in the late-19th and early-20th century. The new domestic ideology made deep roots in 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 in order to increase their social status. To improve their social respectability alongside their 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 presumed 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 parlourmaids to the mistresses of the house, but they ended up doing almost all forms of household work.

She argued that in contemporary India, women domestic workers are still subjected to similar factors that drive them to precarity and compel them to rely on social reproductive 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 more widely. Interviews and literature reveal that present-day women domestic workers are preparing their female children for livelihoods that no longer rely on social reproductive labour. Despite significant hurdles, women domestic workers strive to equip their daughters and granddaughters with training and education that could help them secure alternate means of survival. To facilitate a better future for girl children of domestic workers, we must invest in the education, unionisation, and legal protection of domestic workers that can help end systemic challenges.

Precarity at Domestic Work: Exploring Discursive Boundary Making in Domestic Work Relations in India

By Padmaja Barua, *Associate Professor, Western Norway University of Applied Science*

In India paid domestic work is both precarious and informal because domestic workers are not recognised as workers in the eyes of the state and lack the protections from key provisions of labour laws. These workers then work in precarious work conditions characterized by uncertainty, instability, and insecurity, in which they bear the risk of work as opposed to their employers or the state. However, it is important to keep in mind is that this sector of work is regulated and structured, not by law, but instead by social institutions and hierarchies based on caste, class, ethnicity, race, and gender. So, in the Indian context, the fact that paid domestic work has been shaped by specific cultural constructions based on class, caste and gender accentuates the precarity and vulnerability of domestic workers. All of this enables employers to create, maintain and sustain material and symbolic distinctions between themselves and their workers.

Based on Padmaja's research with employers in India, she discussed how employers make such boundaries through everyday labour practices and discourses within the home. She examined how the devaluation of paid domestic work and the workers who do this work is reproduced in individual households and the micropolitics within. This has implications for our understanding of systems of inequality and subordination at wider spatial scales by highlighting the class formations and constellations that have emerged in India post liberalisation. The cultural devaluation that domestic workers face reproduces their precarity by militating against their securing traditional work benefits, labour rights, and dignity of labour; all of which are afforded to other workers in the Indian polity. Padmaja highlighted that this devaluation occurs through the process of discursive boundary work or boundary making as practiced by employers while engaging 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”.¹⁴ The term ‘boundary work’, as used in the literature on paid domestic and care work, revolves around both symbolic and material production. As scholars such as Pei Chia Lan and Helma Lutz have pointed out, the demarcation between employers and domestic workers based on hierarchical markers of difference – for example race, class, gender generally, and caste in the Indian context – is a process marked by changes and continuities.

Padmaja referred to her research in Mumbai and Chennai in 2013 and 2014, which illustrated 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. The likelihood of employers veering 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 either 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 that veered more towards the market approach were working professionals who mainly employed part-time domestic workers.

Benevolent Maternalism

Under benevolent maternalism, 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 material needs of their workers and their families, which extends beyond just paying them their wages. Common instances were paying the rent for the workers’ homes, paying for their children’s education, getting jobs for the husbands of the workers, and giving them large loans of money. The women articulated that financially supporting their workers in these diverse ways was a form of charity. Rather than donating money to the poor, charity began at home by helping their workers who were also needy and poor.

So, on the one hand, employers sought to forge close, personal ties with their workers and promote the qualities of motherliness, protectiveness, and generosity. On the other hand, they were also preoccupied with openly and overtly essentialising their domestic workers as being inherently and fundamentally inferior. This was manifest in their discussion of their workers being dirty and lacking hygiene, because 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. Interestingly, while this form of othering echoed caste-based concerns surrounding purity and pollution, 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, on their volition, preferred to initiate and abide by these practices. It is also worth pointing out that there was an intertwining of caste and class hierarchies in the manner in which employers sought to

14 Christena E. Nippert-Eng (1996) *Home and Work: Negotiating Boundaries through Everyday Life*. Chicago: University of Chicago Press.

legitimise these differences with their workers, whatever the latter's caste status. This supports the premise that maintenance of class and caste boundaries cannot be neatly separated, and the dominant order asserted by employers in relation to their domestic workers is based on a 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 recognising domestic workers as workers with rights.

The Market – Based Approach

Padmaja then discussed the tropes mobilised by the set of younger employers. These employers, part of a younger generation of urban professionals, aspired to a more modern identity and to disassociate themselves from feudal traditions that emphasised the employers as masters and workers as servants. They resisted this notion of domestic servitude and emphasised an emergent market-based democratic order in which employers and workers are bound together by a wage contract. So, they embraced the “impersonal rationality of the market” as Ray and Qayum¹⁵ have posited and discussed the necessity of maintaining a more “business-like” relationship with their workers, emphasising job-tasks rather than forming close, personal bonds with their workers.

These women accepted that within the altered temporal rhythm of part-time employment arrangements, workers were singularly task-and-time-driven and they often worked 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 need to overlooking small mistakes or ignoring less than satisfactory quality of work, in order to avoid what they perceived as unnecessary personal conflicts with their workers. These employers represented themselves as comparatively egalitarian and lenient employers by deploying a language of accommodation and noninterference. These employers were able to make relatively clear allowances for their workers' needs by attributing a certain measure of personhood to them – they would recognise 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 these employers' articulations and practices, with attempts 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 reason given was that these workers lived in slums and were involved in unclean and unhygienic tasks, then dirt and disease entering their homes was an omnipresent danger. It is through this preoccupation with cleanliness that the comparative egalitarianism of market-oriented employers comes up against its most obvious barrier, reinforcing Padmaja's argument that the maternal and 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 emphasising that they demanded hygiene and cleanliness only to protect their own health and that of their family members. This reflects a secularised version of the purity/pollution codex that is integral to caste-based practices.

15 Raka Ray and Seemin Qayum (2009) *Cultures of Servitude: Modernity, Domesticity and Class in India*. Stanford, California: Stanford University Press.

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

Commonalities Between the Two Approaches

As is evident, 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 labour 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 work arrangements for domestic workers are disguised, with attention deflected from the issue of the workers' labour 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 as well as changes in the way that domestic labour relations have been organised in India, which has implications for our understanding of the historical trajectory of the political economy of paid domestic work. The continuities are apparent in the sensibilities adopted that are 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 the rights and entitlements of domestic workers as workers as well as 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 emphasising a more democratic order based on the contractual elements of the wage relationship. However, ultimately, the fact that employers continue to structure domestic work in ways that consolidate their control over the labour 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 whether the law has inherent emancipatory potential to regulate this sector of work when it is highly personal, intimate and based on a particular constellation of hierarchies of 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 suddenly and dramatically abate and domestic workers will, to an extent, still depend on negotiating and navigating the intimate and highly personal relationship with their employers to ensure their rights are secured. This is not to suggest that the law is not important but rather for us to look at this with a more nuanced and layered perspective – 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 as well as the efforts they have made till now to informally regulate and control their own

labour and the terms and conditions of their work.

The Continuity of Precarity of Domestic Work in New City Space

By Sujata Mody, *Activist, Pen Thozhilalargal Sangham*

Sujata discussed how the change in attitude towards domestic work, with the new middle class, is superficial in nature. Before 2007 in Chennai, domestic workers chose domestic work as they could take care of their household chores and participate in social and cultural life alongside. However, after 2007, urbanisation plans were rashly implemented, accompanied by the displacement and the eviction of 2 lakh families from the city to the outskirts of the Chennai. The Jawaharlal Nehru Urban Renewal Mission also gave local governments the money and resources to implement this uneven programme that workers were unable to contest in such a short notice period. After that, there was a second renewal plan which resulted in the construction of two industrial hubs at the southern and western end of Chennai which extended Chennai's space from 6000 to 8000 square kilometres. This expansion has challenged the organisation and mobilisation of not just domestic workers, but all kinds of workers. Huge apartment complexes have stranded the workers in isolated structures. According to Sujata, before this urban expansion, the workers were better organised and could collectively demand for better work conditions. Now the distance and expansion of the city have isolated the workers, preventing them from coming together, with urbanisation posing serious challenges to the organisation of workers.

The pandemic has posed unprecedented challenges to domestic workers in slums. The majority of them were Dalit/Muslim women who were vulnerable as well as single parents/widows/single women that struggled for their daily living. The distance from slums to new gated communities created struggles for workers, with them having to spend 20% of their total wages on travel and the new employers not compensating them for it. Domestic workers in the new urban colonies could no longer the kind of support they had from traditional employers in independent houses. Furthermore, practices of hiring-and-firing became inhumane. During this period, NGOs, unions, and other organisations have tried reaching out to the workers to ensure they have a regular food supply and providing other small assistance that could help the workers 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 cities opened up post-lockdown, employers asked the workers to use private vehicles. Another challenge was the increased surveillance of domestic workers and treating them as carriers of virus, as dirty and unhygienic. There were specific organisational challenges in the new city and urban spaces to the detriment of workers' organisation and mobilisation.

In terms of relationships between the state and domestic workers during the pandemic, the government of India offered no specific provisions for domestic workers. There were repeated requests to the state government for cash transfers and there was a very minimal transfer of Rs. 2000 to a few bank accounts. Though the attitude of workers has changed and they are negotiating with their employers, most workers lack the capacity and confidence for bargaining. Employers are also uninformed about the labour rights of their workers. Addressing all these issues requires a change in public discourse around the dignity of domestic work.

Decent Work Deficits among Part-Time Domestic Workers in Delhi

By Sudipta Sarkar*, *Assistant Professor, Visva Bharati University, West Bengal*

*This section covers the write-up for the presentation by Sudipta, which she kindly shared with our project.

Sudipta discussed how domestic work is considered 'un-skilled' because it is primarily understood as traditionally women's work, which women learn from other women in the home. Thus, domestic work is undervalued both monetarily and socially with governments, citizens, and others not recognising its economic and social value.

Sudipta discussed the findings of an empirical study conducted in 2010-11 in Delhi. About 152 women were interviewed based on purposive sampling techniques from different slum areas. The respondents were married women aged between 20 and 58 years. In the study, part-time workers was defined as 'those workers who stay outside of the employer's house and perform household tasks of the employers in exchange for cash (possibly along with in-kind contributions) and she may work daily at multiple houses'.

Sudipta explained the household characteristics and socio-economic status of these part-time paid domestic workers in Delhi as well as about the workers' home and their workspaces. She also emphasised the issue of decent work for domestic workers and, finally, discussed the social and economic insecurities of domestic workers during the COVID-19 pandemic.

The majority of the workers have their own *jhuggis*¹⁶ while 47% have a rented *jhuggi*. About 8 out of 10 have a one-roomed residence and thus no separate cooking place. Almost every household has electricity, and the households use government drinking water and use 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, 8 out of 10 beneficiaries fall under the BPL category. But analysis of the monthly per capita expenditure for all the households reveals that about 11% of households come under the below poverty category.

Based on the study the average age of women workers in Delhi was 38 years. Most of the women were Hindu and belonged to lower castes such as *Balmiki*, *Chammar*, *Kahar*, *Malah*, *Namashudra*, *Kurmi*, *Telli* etc. with some women who were Muslims or belonging to other groups. Married women constituted the highest proportion of domestic workers, followed by widowed women. Most of the women belonged to lower castes and were illiterate. Discussion of caste preferences or discrimination by employers revealed that a majority of these workers experienced no caste preference as such, but a few felt the influence of caste. This dilution of casteism may be because urban life dilutes caste barriers. The majority of the women workers had migrated from eight states and two countries: Uttar-Pradesh, Bihar and West Bengal were the primary states while Nepal and Bangladesh also contributed a significant proportion of migrant workers to the city. In all three states, women migrated along with their family after marriage. In the case of Bangladeshi workers, women migrated mainly for the purpose of a better livelihood in the city, where they would gradually end up as either a part-time domestic worker or solid waste separator (*kawari ka kaam*). However, for Nepali women the situation was different as the purpose of migration was reuniting or to joining with their husbands who work in the city, and they would gradually engage in part-time domestic work.

16 A slum dwelling made of non-concrete materials.

Details of PDS received by the Households	Percentage
Get PDS	
No	55.3
Yes	44.7
Total	100.0
Reason for no PDS	
Do not have permanent address	51.2
Yet not applied	22.6
Applied but did not got the facility (unknown about the reason)	11.9
Not Indian	10.7
Document lost	3.6
Total	100.0
Whether APL/BPL	
BPL	83.8
APL	16.2
Total	100.0

Table 11: Public Distribution System (PDS) received by the households of part-time domestic workers in Delhi. Source: Field survey (2010–11)

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

1. In Delhi, the wages of part-time domestic workers were fixed based on the particular tasks performed. However, the amount of money fixed for any particular task could vary across localities as well as within localities. Wages were fixed through bargaining between the employer and the employee. Most of the women in the city who recently migrated were economically poor and had limited or no educational background. They remained ignorant about the existing market rates in the city and therefore had low bargaining power. Such women were earnestly in need of a source of income and would then enter paid domestic work in private homes. Such workers are especially vulnerable because they are ready to accept jobs at a very low rate. The easy and cheap availability of these new workers would lead to competition between the old and the new workers. Cheap new workers replaced many older workers, creating a situation of insecurity within the domestic worker community.
2. Part-time domestic workers lacked uniform work hours. Most of the workers, belonging to very poor households, worked for more than 10 hours per day, which represents a threat to their health and personal lives. Some workers worked in 10 houses for 10 hours, while others were engaged in only 1 house, but worked for 13 hours. Working in a greater number of houses did not mean that workers earned more. Their hourly wage was very low, which meant they would work like a 'machine' across several houses in order to earn a decent wage by the end of the month, which was extremely hazardous

for their mental and physical development.

3. There are no scheduled reasons on the basis of which an employer can dismiss part-time domestic workers in Delhi. Many respondents pointed out that their services could abruptly be terminated due to a sudden absence from work, long vacations being taken without arranging for an alternative, absence due to the sudden illness of workers, or an employers' dissatisfaction with their performance on specific tasks. Many workers then ignore their health and go to work, even while sick, because they fear losing their jobs. The lack of formally agreed-upon conditions means that such practices harm the workers' wellbeing. The concerned authorities must make some corrective measures that address these issues.
4. At the time of the survey, domestic workers were not included under any social security measures in Delhi. Thus, the families with poor income have to take loans and are in debt after facing critical illnesses that require hospitalisation and further treatment. For most workers, employers were the main source of these loans during emergency crises. Very few workers reported friends or distant relatives who could help them when needed. Dependency on employers further curtailed their freedom, making them feel voiceless with their employers. Therefore, including this deprived group under state social security measures is essential to making them independent and self-sufficient. As the respondents of this study were married women, questions of pregnancy and maternity leave were important. But field experiences suggest that most workers had 2 or 3 children and joined the market only after their children had grown up. This is probably because of the lack of leave and the likelihood that they would be terminated from work.

Sudipta also discussed the social and work insecurities that part-time domestic workers faced during the pandemic crisis. There were three significant survival needs during the lockdown.

1. Cash in hand: In Delhi, about 80–90% of domestic workers were terminated from work due to the fear of the virus. As these workers did not have any protection under labour laws, they were suddenly terminated from work, with no unemployment benefits for these workers. Their primary or only source of income was stopped during the lockdown. Having cash in hand is essential for daily purchases such as vegetables or milk and paying rent. Thus, these circumstances have been very difficult for workers, who ran out of the money. Although the Central Government transferred Rs. 500 monthly to the beneficiaries of *Jan Dhan Yojana* for three months in the initial lockdown phase, there were many domestic workers who did not have savings bank accounts and were thus deprived of government benefits. From the 2011 field survey, more than 70% of part-time domestic workers in Delhi did not have a savings account.
2. Food security: In India, the government provided grain during the pandemic through the PDS system. Although there are some reports of corruption of ration dealers in some states, the distribution of food grains was highly beneficial for the poor. But people with no ration cards, for example migrants in the cities, suffered tremendously. As mentioned earlier, about 55% of part-time domestic workers in Delhi do not have any access to PDS as they did not have any permanent residence in the city.
3. Health Security: The majority of workers were not included in the social security measures in the city. More than 85% of the workers use shared government toilets in

the slums where social distancing and hygiene are a mockery. If a person is infected, then there is no provision for self-isolation in the household because most workers stay in one-room houses in *jhuggis*. About 80% of part-time domestic workers surveyed resided in one-roomed homes.

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

Understanding the Special Vulnerabilities of Domestic Workers

By Ruth Manorama, *Activist, National Alliance for Women*

Ruth focused on domestic workers in abject poverty, being orphaned by the state and economy even before the pandemic. Domestic workers' situations are affected by three conditions: the irregularity, uncertainty, and insecurity of work. According to Ruth, domestic workers are much poorer than other categories of workers. They are vulnerable inside the home, in the public space, and in the workplace. They are denied regularity in their employment, which means they receive no wage for no work.

Unlike construction workers, domestic workers are invisible even though they both work in the informal sector. Domestic workers need to balance their homes, their children, and their employers' houses; essentially taking up double the burden of social reproduction. Another important factor is that they have no assets of any kind, just being left with old daily-use items from their employers. They do not own any valuable items like jewellery or land. This means that an emergency at home often lands them in a debt trap with money lenders or their employers. The lack of adequate employment opportunities leads to instability in income. Their peculiar working patterns mean there is no incremental increase in their wages and that they retire with the same wages they received when they first joined domestic work. There is perpetual stagnation in the valuation of labour, which becomes all the more important when it affects an economically and socially vulnerable workforce.

According to Ruth, domestic workers are at the bottom of the social hierarchy, with their demands being completely ignored and disrespected. She disagreed with using the term 'lower castes' to refer to the Scheduled Caste and Scheduled Tribe populations as it represents a pre-ordained binary determination of social status – upper castes and lower castes.

This is the context for concerns with social distancing during Covid-19. As it is widely used against domestic workers, Ruth termed "social distancing" a practice of untouchability, with the terminology itself being discriminatory. Rather, in the current context, we should adopt physical distancing alongside social solidarity with the workforce dispossessed of work. She also discussed discriminatory practices against domestic workers as a result of their precarity at the workspace. There are practices of untouchability within the workspace such as using separate utensils for domestic workers and denying their entry into certain sections of the home. These practices and undignified experiences form part of their daily lives.

Ruth argued Convention No. 189 cannot provide a solution until these workers are recognised as human. Decency begins with recognising a person as human. She again contested the use of the terminology 'servants' in this context as it presupposes the structure of serfdom.

We can see precarity of domestic workers in their housing, educational qualifications, and access to food. They live in kuccha and pucca houses in city slums, the first space to be evacuated for development purposes by the state. All of them are illiterate or semi-literate. With their inability to educate their children, these workers have been illiterate for generations. The government has failed to holistically address this intergenerational inequality of domestic workers.

The workers' access to food is minimal and, in her study, she found that 100% of domestic workers were vulnerable in terms of health because of multiple childbirths, lack of food, and malnourished children. Domestic workers need to be elevated to the position of workers. Though they are included under the Minimum Wages Notification, the valuation of their wages is inadequate and discriminatory. The central government should give social security to workers. Smart cards would not provide many benefits, but social security needs to be provided under the Unorganised Social Security Act, 2008. For the provision of social security, contributions from employers and workers can be given towards the fund, which is separate from 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 pandemic. 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 spaces.

Wages for Paid Domestic Workers and its Challenges

By Uma Rani, *Senior Economist, ILO, Geneva*

Uma 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 have systematically excluded domestic workers, with both international conventions on minimum wages, that is, Convention No. 26 and Convention No. 131, left the determination of wages to the states' discretion. The non-recognition and undervaluation of such work is partly because of the nature of the legal framework and standards being set.

Strong and consolidated struggles for the international recognition of domestic work led to Convention No. 189 in 2011 which was a historical milestone, even for an organisation like ILO. Through this effort, the tripartite welfare mechanism gained recognition at the international level. During this Convention, the statistics of the sectoral workforce came out, which made these workers visible in the public domain. The struggle brought forth civil society, employers, unions, and government officials before the International Labour Organisation as the standard-setting organisation.

But challenges regarding the setting of wages remain in developing countries across the globe. In India, though regulation of minimum wages has arrived in certain states, domestic workers are still provided with the lowest wages across occupation 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, developing countries see the lowest wage for domestic workers as every state law considers them to be unskilled workers.

The fight in the domestic space to oppose this normalised inequality against domestic workers raises ethical questions about the individual principles of life and the importance of creating a level playing field for everyone. She also reflected on the laws for domestic

workers and how these can be monitored domestically. It is a pertinent question in terms of the failures in implementation that we often talk about. She referred to Dr. Adelle Blackett's book 'Every Transgression' to explain how daily transgressions of a domestic worker's personhood are reflected daily in the intimate workspace.¹⁷ According to Uma, it is these unsaid social norms that counteract formal laws and regulations in society.

With the issue of digital platforms in domestic work, Uma explained that these act like a unilateral decision-making body without any room for dialogue and negotiation. She called it 'platform capitalism' that furthers exploits by promising neither regular work nor regular income. Work through platforms is random and follow unfair labour practices like offering higher incomes in the beginning and reducing it to abysmally low levels after they secure enough workers overall. Moreover, these platforms promote casteist and stereotyped selection of workers. It generally works through the intake of fees from both the worker and the customer. The conundrum for domestic workers is that under both traditional work relations and new digital platforms, there is a continuum of exploitation and inequity.

17 Adelle Blackett (2019) *Everyday Transgressions: Domestic Workers' Transnational Challenge to International Labour Law*. ILR Press.

Session IV: Strategies For Mobilisation and Collectivisation of Domestic Workers

CHAIR AND SPEAKER:

- **Nalini Nayak**
Activist and General Secretary, SEWA, Kerala

PART A - 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 & Advisor, The Telangana Domestic Workers' Union

PART B - SPEAKERS:

- **Suneetha Eluri**
ILO, Jordan
- **Maya John**
Assistant Professor, Delhi University & Activist, Gharelu Kaamgaar Union
- **Rajesh Joseph**
Associate Professor, Azim Premji University
- **Balmurli Natrajan**
Professor, William Paterson University
- **Roshni Lobo**
Research Assistant, Azim Premji University

Session Overview

The mobilisation and unionisation of domestic workers in India have a long-standing history and encompass different models such as civil society organisations, 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. As the political party-based trade unions got national recognition and became influential, they 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 unorganised female workforce. Domestic workers were mobilised in the mid-1980s by two large women's organisations with a national base – the AIDWA and the SEWA – which showed the engagement of feminist organisations with domestic workers.

The domestic workers' movement entered the next phase when organisations 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, such as live-in workers and live-out workers; the personal equations between the worker-employer; and diverse kinds of labour arrangements are all challenges for collectives and unions that currently work with domestic workers. Organisations and strategic networks have empowered workers to resist employers' unreasonable demands and to raise questions about labour rights and dignity in their daily lives. This empowerment through mobilisation and unionisation is important as the employment relationship of domestic workers' is still not recognised by the law. However, the challenges posed by Covid-19 to the organisation and assistance of domestic workers also raises questions about new methods of mobilisation and workers' struggles. The panel invited the speakers to discuss the following issues:

1. Important turning points in the history of unionisation/collectivisation/mobilisation (trade union organising, non-union organising, 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 dehumanisation of domestic workers be addressed through conscious interaction and engagement with anti-caste mobilisations and mobilisation of other precarious and informal sector workers such as *safai karmacharis*, manual scavengers and bonded labourers?
3. The challenges in negotiations, both in individual and collective terms, and the attitude of state institutions towards unions and other collectives' interventions in various matters related to domestic workers.
4. In the wake of Covid-19, how do we envisage new strategies to empower domestic workers to negotiate vis-à-vis employers and the state in asserting citizenship rights and in 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 questions. Chaired by Nalini Nayak, the session was organised in two phases – the first one comprised mainly field practitioners, namely Subhash Bhatnagar, Kiran Moghe, Elizabeth Khumallambham and Lissy Joseph; and the second phase had activist researchers Suneetha Eluri, Maya John, and Rajesh Joseph, Balmurli Nataraj and Roshni Lobo discussing their research and fieldwork. Apart from discussing their respective experiences in the unionisation of domestic workers and strategies of collectivisation, 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 workplace, 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 in the absence of a law on various fronts.

SEWA's Efforts to Support and Protect Domestic Workers' Rights

By Nalini Nayak, *Activist and General Secretary, SEWA, Kerala*

Nalini Nayak highlighted the increased mobilisation and collectivisation of domestic workers especially following the adoption in 2011 of the International Labour Organisation Convention No. 189 on Domestic Workers (hereinafter referred to as the ILO Convention 189). In addition to central trade unions, she also stressed the integral role of smaller unions in devising innovative strategies to articulate domestic workers' issues locally and bargain collectively.

Nalini shared her experiences of collectivisation through SEWA, a central trade union with a membership of only women workers in the informal sector. The organisation began mobilising domestic workers in the 1980s in Kerala, successfully bringing women worker's issues to the forefront of the labour movement. Women workers had been taken for granted and treated as unskilled labour. Hence, SEWA focused on locally building the consciousness of women workers on decent work through regular meetings to discuss the issues they faced. 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 cooking and cleaning. SEWA also established a welfare fund with contributions from both employers and workers to support workers in their times of need.

SEWA has also long been extensively involved in efforts to legally recognise and protect domestic workers' rights, at the national as well as international level. In 2010, the organisation was part of the official delegation of the Government of India in discussions preceding the adoption of ILO Convention 189. SEWA was also a member of the International Domestic Workers Movement, which lobbied the ILO over two years of discussion of the Convention. Nalini underscored how it was the pressure from so many collectives of workers present at the discussions which led governments to ultimately adopt ILO Convention 189. After the Convention was passed, several organisations came together to create the National Platform for Domestic Workers, with a single point agenda: to lobby for comprehensive legislation for domestic workers in India. 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 in India to date.

The Fight for Domestic Legislative Protections for Domestic Workers

By Subhash Bhatnagar, *Activist, Nirmala Niketan*

Subhash shared about his many years struggling 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 supporting migrant domestic workers in Delhi. The main challenge for the domestic workers' movement is that the definition of "workmen" under India's major labour legislations excludes domestic workers from its ambit, depriving 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, guaranteeing the benefit of minimum wages.

Subhash stated that the most important turning point was October 2006, when domestic work was included in the Child Labour Prohibition and Regulation Act, 1986 in the category of hazardous industry wherein children should not be allowed to work. This development led to the formation of a committee, under the chairmanship of Ms. Malini Bhattacharya, then chief of the National Commission of Women (NCW), that framed draft legislation for domestic workers. This draft legislation proposed several protections including an eight-hour workday and a tripartite board to look into the welfare of domestic workers. There was consensus in the domestic workers' movement on the Bill and there was a proposal for the NCW to take it forward to the central government for enactment. Though the Bill did not successfully culminate into law, it did help build a national consensus on the issue.

There was a division in the domestic workers' movement, with the Domestic Workers Rights Campaign formed through regional consultations and meetings. However, with the intervention of the international domestic workers movement and understanding of the need to come together, the National Platform for Domestic Workers (NPDW) was formed in Chennai in 2012, which all organisations became a part of. They conducted a huge rally demanding specific legislation and there was a public hearing to consolidate opinion on said legislation. After a national conference by the NPDW in 2016, there was a consensus on taking forward the new Bill for domestic workers and it was successfully presented as a Private Member's Bill in Parliament in 2017. Subhash concluded that the mobilisation took place after the ILO Convention No. 189 on Domestic Workers brought together two divergent campaigns within the domestic workers' movement leading to the formation of the NPDW.

The NPDW has filed a petition through Human Rights Law Network (HRLN) before the Supreme Court of India to direct the central government to enact legislation. The petition was ultimately withdrawn after an assurance from the government to that effect. Meanwhile, a few states adopted laws and policies aimed at protecting 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 in Kerala; as well as legislations to regulate private placement agencies adopted in Chhattisgarh, Jharkhand, and Delhi. However, no comprehensive legislation on domestic workers has been enacted by the central government.

Subhash opined that the drive to replace the major labour laws with four labour codes weakens the cause of domestic workers. He 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 emphasised the need for continuous efforts to pressure the government to either enact separate comprehensive

legislation for the informal sector or to at least include them in the Social Security Code, as they were in the 2017 version of the Code.

Organising for Domestic Workers in Pune

By Kiran Moghe, *Activist, The Pune Zilla Gharkamgaar Sanghatana*

Kiran Moghe shared her experiences in the mobilisation and collectivisation of domestic workers, especially in and around the city of Pune, Maharashtra. She highlighted how the socio-economic specificities of a place and neighbouring areas determines the demand for and supply of domestic work in that area. Metropolitan areas have specificities that require in-depth study. For instance, the cosmopolitan demographics of Pune – with a significant population of students, IT and auto industry professionals, double income young parents as well as retired aged parents – generates a demand for a variety of domestic services at variable rates including cooking, childcare, and elderly care. A lot of the academic work done thus far has been concentrated on big metropolitan cities like Delhi, Mumbai, Chennai, Bangalore; but we need to look at cities that have been expanding due to urbanisation and how even taluka centres are generating demand for domestic workers.

There are various factors, including agrarian distress and easy entry into domestic work, that contribute to an increase in supply of domestic workers in new cities or towns. For example, smaller neighbourhoods such as Rajgurunagar have a Special Economic Zone (SEZ), which then generates significant demand for domestic services. The supply includes the local population as well as a migrant population that came to the city in large numbers after the droughts in 1972 in the Marathwada and Vidharbha regions, comparatively less developed regions in Maharashtra. There have also been long-standing tensions between the migrant and local workers, which hinder the collectivisation of these workers. Pune has historically been associated with social revolutions led by Mahatma Jyotiba Phule and Savitribai Phule against caste and gender-based inequality. Kiran also highlighted how the values propagated by such revolutions have had a long-lasting cultural effect. In her survey in 2004, she concluded that households have not held tightly to caste-based boundaries. For instance, she found that 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. However, she also attributes such a transformation to the “compulsions of modern capitalist living”, which limit the physical space in houses and thus prevent segregation of places for menial tasks.

Kiran 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 with various problems these workers faced over time, such as sexual abuse of children accompanying the domestic worker, false accusations of theft, deduction of wages for leaves taken in emergencies, etc. Kiran clarified that the AIDWA did not begin with organising domestic workers. Instead, it was an organic and natural development to organise women domestic workers building on the association's perspective that women's issues originate from three aspects of women's lives: their lives as women, as citizens, and as workers. AIDWA is committed to achieving democracy, equality, and emancipation for women. She referred to her initial activist work organising Anganwadi workers in Pune. During Ms. Susheela Gopalan's time, AIDWA did 2–3 surveys on home-based workers in Pune and submitted it to Parliament. Building from AIDWA's local-level work, there was a conscious decision in the 2000s to organise domestic workers as a trade union.

The *Pune Zilla Ghar Kamgar Association* was formed, which was dedicated to this cause. The name of the organisation, and the form it took, were all consciously chosen: the term '*ghar kaamgar*', *kaamgar* meaning worker, was adopted in opposition to the pejorative '*norkarin*' in Marathi which means domestic servant; while a trade union was formed to emphasise the labour rights of domestic workers including minimum wages, weekly off-days, paid leave, pension.

The Association began by transforming the workers' mindsets by addressing the conditioning that made them believe that paid domestic work is simply an extension of their household work and hence, which limits their negotiation capacity with their employers in demanding wages. There were also attempts to create awareness among employers to address their perception of paid domestic work as an unskilled activity, treating the 'work' as 'help/assistance' rather than as an economic activity. Another strategy they adopted was to involve the state towards improving the visibility of domestic workers. Large public programmes and rallies were also conducted with huge media coverage. The union tried to increase the visibility of domestic work through large protests and demonstrations, issued identity cards to its members which would give them better standing with the police and other authorities; developed an alternate dispute resolution mechanism to resolve disputes with the help of the labour office; developed a wage card with the help of International Labour Organisation; alongside collaboration with other women and labour organisations.

Therefore, as a trade union and a fraternal organisation of AIDWA, it not only looked at economic issues but also other civic issues such as housing rights and access to the PDS for its members. The organisation also reached out to other social movements or organisations for joint programmes and trade union platforms, keeping solidarity intact across women's organisations. Kiran argued that as labour laws are getting diluted, workers' demand for specific welfare legislations then get further weakened, and hence the union is actively part of nationwide protests and strikes. The union has reiterated its stand that the Central Government should comply with Convention No. 189 and the union has also educated workers about the Convention. The union is in contact with around 40,000 members, though these are not live members, as the workers in the informal sector are difficult to keep track of. Kiran argued that today it is important to build political consciousness among domestic workers. In Maharashtra, with the passage of the Maharashtra Domestic Workers Welfare Board Act, 2008, activists got caught up with trying to get benefits from the Boards. This weakened the movement as the welfare boards had no money and could not actually deliver any benefits to these workers during Covid-19.

With respect to the Covid-19 crisis, Kiran put forward two points: Firstly, she suggested there would be a potential decrease in demand for domestic workers post-pandemic because of the general economic slowdown, which would cause a loss of income as well as a drop in the female workforce participation rates, all of which might limit the freedom of women to employ domestic workers because of their unemployment. She also discussed the possibility of increase in mechanisation of the households, which would lead to a decrease in demand for domestic services. The speakers could not find consensus on this point, with some arguing that mechanisation may not be adopted by many middle-class families and the demand for full-time as well as part-time domestic workers as cheap labour would continue to persist.

Secondly, Kiran stated that as the economy might not be able to absorb all domestic workers post Covid-19, the demand for some form of urban employment guarantee scheme should become part of all unions and other collectives' agendas. Along with pushing for legislation,

we should demand for a 'right to work', which should become a key agenda item. The organisation should continue with its labour rights-based approach with efforts to make trade unions for women workers to come up. Though trade unions are generally presumed to be patriarchal, they can exist as non-patriarchal entities, and many breakthroughs have occurred within trade unions such as AITUC. It is also important to bring forth experiences of smaller collectives and build solidarity among trade unions, all of which would help consolidate the mobilisation and consciousness among workers.

Forming Collectives of Domestic Workers: Challenges and Pathways to Success

By Elizabeth Khumallambam, *Activist, Community for Social Change and Development (CSCD)*

Elizabeth Khumallambam shared her experiences and struggles with mobilising domestic workers in a metropolitan area like Delhi and neighbouring Gurgaon. The socio-economic dynamics of the population affects the demand and supply of domestic workers in this area as well. Delhi sees migrants from all over the country, with domestic workers mainly hailing from the states of Bihar, West Bengal, Jharkhand, Assam and Uttar Pradesh. While we couldn't consolidate the data, the number of migrants is assumed to be around 1 lakh to 3 lakhs.

Elizabeth shared that when she began mobilising these workers, they were very divided on the basis of their community, region, culture, native language, working area, among other factors. It was difficult to bring them together to realise their common interests. Groupism based on region and culture was especially visible among the workers. It took time to help them to break out of their comfort zone and build solidarity across groups. Furthermore, stagnant wages, lack of weekly leaves, and a high risk of replaceability all lead to insecurity amongst domestic workers. Therefore, it was important to understand their own perspective on the demands they would make. Therefore, before mobilisation could happen, they had to build a personal rapport with the workers and support them in their issues with their employers, the police, and the labour department. This gradually helped to build trust and a certain level of comfort with the workers. The workers then became more conscious of the common problems they faced and there was some success in terms of collectivisation. The problems that workers face are of varied kinds, from personal to professional, involving working conditions and living conditions related issues, which they have to take to multiple fora including the police and the labour office.

Another important experience for Elizabeth 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 so they can avoid any kind of negotiations. It is at this stage that the organisation decided to become the voice of workers in negotiation with RWAs or employers. Though there has been some progress in a few apartment complexes in terms of weekly leaves and sanitation facilities; in the absence of a specific law, such negotiations have seen mixed outcomes. Most RWAs attempt to absolve themselves of any liability by claiming that the employment of domestic services is a private matter for individual households. She emphasised the need for the law to intervene in matters of individual households, which is also one of the key reasons for continuously demanding a sector-specific law for domestic workers. The struggle for such

a law continues, alongside a focus on equipping workers with information and preparing them to assert themselves and voice their rights as workers, in the absence of a law.

National Domestic Workers' Movement Efforts to Protect Domestic Workers in Andhra Pradesh

By Sr. Lissy Joseph, *Activist & Advisor, The Telangana Domestic Workers' Union*

Sister Lissy Joseph shared vivid details of the problems faced by domestic workers including false accusations of theft, physical assault, sexual harassment, and the struggles to fight for their cause. She has been long associated with the cause of domestic workers through various platforms including the National Domestic Workers' Movement (NDWM). NDWM was drawn to the struggle for domestic workers' rights after one of its fieldwork visits, when they 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. The employer had brought her as a migrant with promises of good wages and offer of certain old utensils, none of which was paid to her. When the organisation found her at the police station, she could not even stand on her own. The organisation worked to ensure that she was duly compensated.

From then on, they began mobilising by relying on various strategies including visiting homes, neighbourhood meetings, exchange of experiences, and the narration of individual struggles; all of which were used to raise consciousness and solidarity among domestic workers in Andhra Pradesh. They mobilised workers at the local level, district level, state level, and national level. They worked to address individual harassment issues while also supporting skill training and job placements. They understood that economic empowerment was the way forward for women workers. NDWM also put immense efforts in helping workers gain public recognition, through protests and rallies, meetings with the labour department, the ministry, the Chief Minister as well as promoting a movie titled "Drishti" that depicted 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 their employers, the police, and other authorities. These workers are now able to engage in dialogue, to claim power and space at the local community level. As a union, they are also able to participate in meetings at the local and national level and further build solidarity.

Sister Lissy highlighted that one of the major hindrances in resolving domestic workers' disputes was the collusion between employers and state authorities, including with the police and the labour department. This became clear from two recent cases: One was the case of a migrant domestic worker, Aparna, who died while working with her employer, while the police agreed to register a case only after intervention and much persuasion by NDWM. The second related to the case of a minor migrant domestic worker, Mahalaxmi, who was sold by a trafficker on false pretexts of being her relative and was tortured to death by her employer. Even though the police were informed about the trafficking by the Telangana Domestic Workers' Union, no action was taken and her dead body was eventually handed over to the trafficker. This allowed the trafficker and the employers to destroy all evidence in the case. After extensive efforts by the Union, the case was finally transferred from the local police to the central investigating authority (CBI).

On the basis of her experience, Sister Lissy emphasised that, with the support of only a

few laws, such as Sexual Harassment Act, 2013, real power can shift to the unions. Effective changes can only be brought about through continuous collective efforts from the workers themselves. In her organisation, domestic workers have transformed themselves and even articulate that while working with unions, they feel like part of a community. With their ID cards, they are able to assert their status as workers before the police, labour officers, and local authorities. Sister Lissy emphasised the need for more unionisation and building of political consciousness among the workers.

Barriers to Organising and Protecting Domestic Workers

By Suneetha Eluri, *International Labour Organisation, Jordan*

Suneetha Eluri was part of labour movements through the International Labour Organisation (ILO) and was also associated for a long time with the cause of domestic workers in India. She shared her experiences with struggling to achieve legal protection for workers in the form of a separate law or policy. She identified two phases in the domestic workers' movement: before the Convention no. 189 of 2011 and after the Convention.

Post-adoption, in 2011–12, the ILO started intervening in the Indian domestic workers' movement and a number of conceptual and structural challenges surfaced. At the time, only 4 out of the 13 central trade unions – AITUC, CITU–AIDWA, BMS, and SEWA – worked with domestic workers and, that too, only in certain localities. They faced challenges in convincing mainstream trade unions to take up the cause of domestic workers, owing to the reluctance of 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 and not under the Societies Registration Act, 1860. Suneetha found several reasons for such registration during her enquiry: first, that only registered trade unions (and not NGOs) are invited by labour authorities for negotiations; second, that membership in unions helps domestic workers be more conscious of their identity as workers and helps activists promote leadership amongst such workers; and third, several government welfare schemes allow endorsement from trade unions but not civil society organisations. These factors helped trade unions serve as a new strategic model for organising.

Through the help of such organisations and mobilisation, there were continued demands for a policy on domestic workers, after which a Draft Domestic Workers Policy was framed. In 2013, when these policy discussions were happening, one of the newspapers reported that this Draft Policy would not be adopted by the government as it conferred trade union rights upon domestic workers and was therefore perceived by the bureaucracy as a law-and-order problem. The then Minister of Labour and Employment also confirmed this in Parliament. Although, at that point, several states had allowed registration of several domestic worker organisations as trade unions; subsequently, several regions, like Delhi, refused such registration for a long time, in fact, until very recently. Though in many states, minimum wages have been notified for domestic workers, government officials are still not sure about the coverage and their recognition.

With respect to the external challenges to domestic workers, there is primarily no clarity on who constitute domestic workers or their distinction from home-based workers. Furthermore, a few legislations that deal with domestic workers (such as the Unorganised

Workers' Social Security Act, 2008; Sexual Harassment Act, 2013) were enacted from a welfare perspective, while authorities were reluctant to look at the issue from a labour rights perspective. Even in the selective media highlights on the issue of violence against domestic workers, the attempt generally is to portray the issue as a law-and-order problem. The issues and challenges that domestic workers face are not addressed from a labour rights paradigm.

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

Understanding and Combating the “Magisterial Powers” of Employers over Domestic Workers

By Maya John, *Assistant Professor, Delhi University & Activist, Gharelu Kaamgaar Union*

Maya John discussed the challenges domestic workers faced as well as the attitudes of various stakeholders such as employers and state authorities towards these workers. She explained that in the context of domestic service, the highly individuated employer-employee relationship encourages its private regulation, which denies the domestic worker the identity of a 'worker' and leads to persistent invisibilisation. The absence of public powers of the state and trade unions gives “magisterial powers” to employers, which they use arbitrarily to shift between public and private spheres at their convenience.

Typically, employers give the justification of individual contractual relations when it comes to demands for leave or wage hikes; but resort to enforcing 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; the strategies they adopt are nevertheless similar to industry practices of work extraction and unfair labour practices. As an example, Maya compared lockouts in factories to disputes between a domestic worker and a single employer in a housing complex, where the latter may ultimately escalate tensions and result in the worker being prohibited from all apartments of that complex.

Maya 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 among the workers themselves. Examples include domestic workers in Noida spontaneously *gheraoing* the police station and apartment complexes when some of these workers were reportedly confined by their employers. Maya emphasised that it was essential to destroy the “magisterial power” of the employer and to bring domestic services out of the realm of private regulation. She suggested that the key agenda now should be transforming domestic work into public municipal work regulated by the state. However, the ever-strengthening paradigm of labour deregulation, with the dismantling of the labour inspectorate and penalising of collective actions, is also a major concern when demanding the municipalisation of domestic work.

Understanding Domestic Workers' Consciousness

By Rajesh Joseph, *Associate Professor, Azim Premji University*; Balmurli Natrajan, *Professor, William Paterson University*; Roshni Lobo, *Research Assistant, Azim Premji University*

Balmurli Natrajan, Rajesh Joseph and Roshni Lobo studied the public consciousness of domestic workers as well as strategies for their collectivisation and challenges therein in Bangalore. The ILO Convention 189 has indeed helped popularize the cause of domestic workers in the city. In their study, they found three types of domestic worker organisations operating in the area: party-affiliated trade unions, labour NGOs, and conventional NGOs; with labour NGOs supporting the unions. Labour activists operate between labour NGOs and unions and are the mobilisers of domestic workers locally. The workers themselves associated most with these labour activists. Sometimes member workers are also part of a local NGO as mobilisation and enrolment mainly happen in the local area where workers reside. After 2011, NGOs that were engaged with domestic workers' issues increasingly registered themselves as trade unions. In 2016, all these groups came together to form a Domestic Workers' Federation in Bangalore.

Their research found that the main reason domestic workers joined unions was the security and support these unions can provide when workers are caught in a dispute or are exploited or falsely accused of a crime by their 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, such as on minimum wages, bonuses and weekly offs; the major everyday concern for such workers was their dignity, security, and welfare.

The speakers also concurred with the others, including Maya John, on 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 providing a service that is commodified. A domestic worker helps the members of the household use the time that is freed-up to further work and earn wages outside. He pointed out that the reluctance to see the household as a workplace leads the employer to deny the employer-employee relationship. The employers assume a kind of paternalistic approach that is outside the realm of a contract, where they perceive themselves as giving a tip or *bakshish*, instead of wages for work. Using the terms of "servants", "maids", "*bai*" also determines the attitude towards domestic workers within our consciousness and in public discourse.

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

Reflections on Raising Consciousness Among Domestic Workers

In summary, all the activists and researchers in this session characterised mobilisation and collectivisation of domestic workers as crucial to protecting their rights, especially in the absence of any sector-specific law or policy. Though there has been a long-standing demand for specific legal protection, concerns around such an approach have also developed in light of the changing nature of the state itself, from being a protective regime to one actively deregulating and dismantling its protective structures. In light of this shift, increasingly there has been the growing recognition of the need for additional mechanisms

to tackle these changes. All activists during the session also felt the need for a shift in the approach towards domestic workers by the state and the employers, especially in the recognition of domestic workers as workers and of the households as their workplace. The invisibilisation of domestic workers is also reflected in the absence of data both at the central or state level, something that most activists had to struggle with when they began their collectivisation efforts.

Furthermore, one of the important tasks of domestic worker collectives that surfaced was the need to raise consciousness among workers and the need to increase awareness about their rights. An important case in point was multiple 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 of what constituted sexual harassment, and did not report it except when involved in aggravated cases of rape. Kiran Moghe discussed 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.

Finally, the speakers recognised the importance of initiatives such as skills upgradation but also highlighted their shared grassroots level experience with the difficulties of such initiatives. Many domestic workers' collectives have worked on skill upgradation and were able to place workers in comparatively better jobs, such as housekeeping. However, they found that such skill upgradation is seen to have an effect only when there is a schedule of minimum wages, which helps distinguish various skills and jobs. In the absence of such distinctions, even workers are reluctant to engage in skill upgradation as they could earn better wages with part-time domestic work in multiple households.

Session V: Regulatory Approaches to Paid Domestic Work in India

CHAIR AND SPEAKER:

- **Prof. Babu Mathew**
Chairperson, Master of Public Policy Programme, NLSIU, Bangalore

PART A - SPEAKERS:

- **B.T. Kaul**
Professor, Delhi University
- **Aparna Bhatt**
Advocate, Supreme Court and High Court
- **N. Vasanthi**
Professor, NALSAR, Hyderabad
- **Uday Shankar**
Associate Professor, Rajiv Gandhi School of Intellectual Property Law

PART B - SPEAKERS:

- **Alok Prasanna Kumar**
Researcher, Vidhi Centre for Legal Policy
- **Shraddha Chigateri**
Independent Researcher, Gender and Development Studies

Session Overview

In this final session, activists and legal practitioners came together to discuss various potential legal frameworks to regulate domestic work and protect and uphold workers' rights, against the backdrop of the specific conditions of domestic workers including the gendered nature of the work; undervaluation of work; dehumanised working conditions; and the public-private divide when determining the work and workplace. Despite several

efforts in Parliament, sector-specific legislation remains a distant possibility for Indian domestic workers. Feminists extensively contested this denial of rights in the context of 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 domestic workers' status and in redistributive struggles for these workers.

The discussion explored different models of legal frameworks that could ensure decent work for domestic workers within labour laws, but also in other areas of the law such as contract law or tort law. One aspect discussed was the possibility of Memorandums of Understanding between states as migration is integral to the flow of the workforce across different states. Another cause of undervaluation and invisibility of this work is the issue of 'indignity' or 'dehumanisation'. Even if we agree on the importance of intersectional dimensions of paid domestic work, is the law able to account for such distinctions? As the 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 highly relevant to legislative reforms in India.

A few questions that the panel addressed were:

1. How do we locate discussions on legal recourse for domestic workers within the larger debate on new legislative approaches for the wider informal or unorganised 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 works on consolidating 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 a legal framework protect domestic workers belonging to marginalised castes both from the material and social adversities, from dehumanisation and indignity?
4. Do we think that a third body of '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 the workers' susceptibilities to subsequent adversities?

The discussions brought forth the need for legal backing for the rights of domestic (and other unorganised sector) workers in the form of a separate law – perhaps a fifth labour code! There was also discussion of recognising domestic workers' rights within the existing labour laws; the need to revisit basic assumptions underlying labour law to then account for non-conventional forms of work and workplaces; diversity in the workforce and addressing social realities including poverty and migration; a suitable legal framework for domestic work through either a rights-based or welfare approach; and the possible roles that different actors – including the judiciary, the state governments, local authorities, civil society, and the central government – have played and could play in protecting the rights of domestic workers.

The Supreme Court's History of and Potential for Protecting Domestic Workers' Rights

By B.T. Kaul, *Professor, Delhi University*

B.T. Kaul elaborated on the fundamentals of labour jurisprudence that are integral to understanding the treatment of domestic workers under the law over the years. He mentioned the constitutional safeguards under the Chapters on Fundamental Rights and Directive Principles of State Policy that are designed to ensure the welfare of the workers.

He pointed out that early judicial precedents were reluctant to recognise domestic work within the conventional scope of labour laws. For example, *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 a wide interpretation of "industry" and "undertaking", but excluded domestic work as a category from the scope of an "undertaking" due to the personal nature of services. These workers were also denied basic labour rights such as the right of registration under the Trade Unions Act, 1926.

Nevertheless, there were a few other cases where 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) SCC 181), the right to minimum wage was raised to the pedestal of fundamental rights, the denial of which was held to be a violation of Article 23 of the Constitution of India.

Kaul also highlighted more recent attempts by the judiciary to assist domestic workers, in particular the ongoing case of *Shramjeebi Mahila Samiti v. State of NCT of Delhi* [SLP (CrI.) No. 150 of 2012]. In this case, the Supreme Court directed that the Central Government constitute a National Security Board and that all domestic workers be included within the ambit of the Unorganised Workers Social Security Act, 2008. This direction to register domestic workers, enabling them to avail the benefits available under the law, was subsequently extended to all state governments. The Court also directed that the Central Government should not release funds to the states that had not undertaken the registration process.

Additionally, in a pending case, an association of domestic workers sought registration under the Trade Unions Act, 1926 – the Delhi High Court opined that the right of workers in the unorganised sector to collective bargaining is essential. Kaul argued that such cases offer a window of opportunity to further push for the legal protection of domestic workers. He suggested it was time for an intervention in an ongoing matter related to migrant workers taken up *suo motu* by the Supreme Court of India. Through such interventions, some directions could be passed by the Court for protection of domestic workers' rights, which would then remain in force until a law has been enacted by the legislature. He also agreed with Babu Mathew on the need to have a fifth Labour Code that would comprehensively deal with all forms of unorganised labour.

Litigating Against Trafficking for Domestic Work

By Aparna Bhatt, *Advocate, Supreme Court and High Court*

Aparna Bhatt shared her experiences being a part of various human rights cases including those involving women workers. In particular, she discussed one of the cases before the

Delhi High Court that she was involved in for 10 years, which led to the passing of guidelines related to placement agencies dealing with domestic workers.

In 2002, she was approached by an NGO "Butterfly" who claimed that a 13–14-year-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 that placed her in the employer's house, refused to help the child's mother when she approached them. Moreover, no FIR was registered, which suggested collusion between the police and placement agency. Aparna 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, child rights' activists including Aparna found that placement agencies that were active in placing the domestic workers in the area were not regulated under the law at all. These agencies were procuring women and children from across India, mainly from the states of Bihar, West Bengal, Odisha, Jharkhand and Chhattisgarh, on the pretext of finding them a job. However, they found that in several cases found these agencies were involved in trafficking with impunity, working as gateways to brothels or commission of crimes by children. Therefore, the High Court expanded the scope of the case to also consider the working and regulation of such placement agencies. Meanwhile, other organisations including *Shramjeevi Mahila Samiti* and *Bachpan Bachao Andolan* approached the High Court after rescuing trafficked women and children en-masse.

Aparna suggested to the High Court that the Delhi Women's Commission (DWC), which was very effective at that time and had the power to look into cases involving adult women domestic workers. Further, under the Juvenile Justice Act, 2015, the Child Welfare Committee could do the same for minor domestic workers. The DWC and the Delhi government agreed to this model. Furthermore, from the existing legal framework, 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 to regulate placement agencies. The Delhi government issued a public notice in newspapers directing all agencies to seek immediate registration under the two laws.

Aparna's submissions to the Court, which formed part of guidelines issued by the Court, included the requirement to register placement agencies, a mechanism to ensure non-violation such as fines (as the penalties under existing laws were a non-deterrent), and recognition of similar cases as cases of trafficking. 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 now also using these provisions in cases of trafficking, whereas earlier they were reluctant to initiate prosecution.

Aparna agreed with Kaul on the need to intervene in the ongoing matter of migrant workers before the Supreme Court, but she was not very hopeful of getting any fruitful relief. In her opinion, the multiplicity of issues in such cases often leads to abstract judgments that make any concrete relief less likely. Hence, she said that it was very important to comprehensively collect data on domestic workers and their trafficking cases to be able to persuade the Court to introduce regulation and specific protections.

The Problematic Origins and Design of Labour Law for Domestic Workers

Vasanthi engaged with the core functions and ideas underlying labour law, which are important in the context of understanding the distinctions between paid and unpaid work and the 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 of caste and gender. She pointed out instances where labour law failed to address the question of gender, such as in the cases of *Charu Khurana*¹⁸, the *Air Hostess* case¹⁹.

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 are actually engaged in. She also 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”. She referred to Prabha Kotiswaran’s work in considering possible alternatives to criminalisation in dealing with the issue of exploitation, such as using labour law.

Vasanthi discussed important aspects of the distinction made between the private and public sphere in the context of work. She stated that domestic work transgressed into the personal sphere to the extent that this became the rallying point on which the law needed to be organised. What constituted domestic work need not always be seen as dignified.

Nitin Sinha added that the reluctance to intervene in the household space had been the prevailing viewpoint in legal thinking even in the 19th and 20th centuries. Even 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 ultimately chose not to regulate it. He opined that the exceptionalism of the Indian household was originally very much a legal construct and not the result of the absence of laws.

Vasanthi further added that this public-private divide should be questioned in all legal spheres, including constitutional law (which, for instance, enforces fundamental rights only against the state, generally leaving out private actors) 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.

Vasanthi also shared her struggles in 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 violate the sanctity of home. Even after minimum wages were notified in 2007, surveys undertaken showed poor implementation due to the inability of domestic workers to bargain with their employers alongside the lack of inspections and follow-ups by authorities. All of this proves that the mere passing of law is not enough, and an overhaul in the legal system is required that addresses questions of the public-private divide and other social realities.

Finally, the fact that India was both a source and destination country for domestic workers is an important factor to take account while restructuring our labour laws. The intersection

¹⁸ Charu Khurana and others vs. Union of India and Others, 2015 1 SCC 192

¹⁹ Air India Etc. vs. Nargesh Meerza and Ors., 1981 AIR 1829

of labour law with international law and human rights law, among others, should be further explored. Labour law should be reformulated and aligned to questions of “dignity, autonomy, consent and agency”.

Understanding the Fundamental Flaws in Labour Law for Domestic Workers

By Uday Shankar, *Associate Professor, Rajiv Gandhi School of Intellectual Property Law*

Uday Shankar brought forth other strategies for domestic work by engaging with existing law. He stated that in the case of domestic work, it was not the work itself as much as the interpersonal relationship that drove the applicability of the law. There has been an over-emphasis on the term ‘household’, which featured prominently in domestic as well as international legal instruments. This then diluted the whole debate as it emphasised the domesticated environment in which someone assists the master of the house. This approach itself compromised the possibility of bringing domestic work within the understanding of labour law jurisprudence.

Uday drew analogies between domestic work and paid work done outside the home. Firstly, when fixing minimum wages outside the home, various factors are considered the cost of the living index. Similarly, for domestic workers, the costs and standards prevailing in a locality are determining factors in fixing wages and other working conditions. Secondly, the productivity of a worker in an industry setting also relates to the contribution of the domestic worker who increases the productivity of his/her employers and enables them to be gainfully employed outside. Despite these functional similarities, domestic workers were kept outside the purview of existing labour laws.

Further, Uday 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 – more about the appropriation of resources, planning and aspiration, instead of making claims on the state. 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 idea of a legal regime from the welfare perspective and not based on a rights model. Instead of a regime based on charity, he emphasised the need for a rights-based model that could more effectively protect the interests of domestic workers.

Regulation of Domestic Work at the State Level

By Alok Prasanna Kumar, *Researcher, Vidhi Centre for Legal Policy*

Alok Prasanna Kumar examined the underlying ideas and framework of the four new labour codes in India – the Code on Wages, 2019, which was in force at the time, and the three proposed Codes on Social Security, Industrial Relations and Occupational Safety and Health – to check their suitability for different forms of work including domestic work. At the outset, he stated that very much like 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”. There are three key elements to this — who is an identifiable employer, who is the worker and what is the establishment.

The understanding in these Codes on the three key elements is unhelpful when it comes to domestic work. Domestic work is not like other forms of informal work: It is systematically devalued as it is work done by women. It is undertaken in a very different environment, in the household, which is traditionally not understood as a workplace under labour law. As Nitin Sinha had pointed out, the labour law framework from the 19th and 20th century still influences the current law and continues to be incapable of addressing domestic workers as an organised workforce. In this context, Alok explained how the employer, employee, and establishment are defined in these Labour Codes; arguing that these definitions stuck to the same definitions from the previous legislation. There has been no de-construction of the understanding of 'work'. There has thus been no new attempt to include more categories of informal workers under labour protections, but they continue to be excluded by definitional standards under the law.

The Code on Social Security, 2020 does happen to mention home-based work, domestic work, construction work, and unorganised work; but these categories are presented as exceptions to organised work that has an identifiable employer and employee in a given place of production or establishment. Home-based work and unorganised work were characterised as exceptions to the broader idea of work. Since these exceptional categories don't fit into organised categories of work, the government explained that they would formulate other welfare measures or social security schemes for these workers. For the Social Security Code, while there are detailed provisions for formal categories of workers, the statement that something will be done for exceptional categories looks like charity. He agreed with Vasanthi and Uday that the approach toward such constructed exceptions under the Codes was one of charity, similar to 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, with these four Labour Codes having no room to address the rights and entitlements of 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 for excluded categories of work, such as domestic work. So, the thinking is that domestic workers do not require protection under the law or any regulatory mechanisms to ensure decent work. From the very start, we have systematically excluded domestic workers, and now we find the inclusion is at best 'charitable', with no articulation of rights for such workers. There needs to be a legal framework that can protect them.

On the idea of the fifth Labour Code for the informal sector workforce, Alok argued that state governments should be at the forefront of enacting laws and policies to protect the interests of domestic workers. The Concurrent List of the Constitution of India gives powers to both central and state governments to make laws on several subjects including labour matters and state governments are equipped with better information on the local conditions and ground realities in the case of domestic workers. As the Centre hasn't made a law, it is worthwhile exploring 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 – for ‘liberalising’ the labour laws against the interest of the workers. If these states can take these rigid initiatives, the states should also be pushed to take initiatives for the benefit of workers. For example, 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 that became effective in states, with more and more states adopting these measures, following which 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 of ignoring their existence as players in the labour market. In reality, the central government is non-existent for many categories of workers in most of the country, especially in local areas. It is the state government that has reached out to workers at the ground-level, building 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 being treated merely as implementing authorities. State governments even require elaborate state machinery to implement national legislation that they do not get central government support for.

He also discussed 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 for the 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.

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 is put in place to address the question of migration needs to be put in at the 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 are needed with government and civil society.

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 recognise them as workers, moving out for work from location to location.

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

By Shraddha Chigateri*, *Independent Researcher, Gender and Development Studies*

*This section covers the paper shared by Shraddha based on her presentation, which she kindly shared with our project.

Shraddha shared her research work that studied the relationship between claims made by domestic workers' organisation and policy change over the years.

The discussion over the course of the workshop thus far has been on widening the lens on the regulatory framework beyond a labour law focus – 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. For her presentation, Shraddha focused on the limits and the possibilities engendered by engaging with the regulation of domestic work through a labour law lens.

Her engagement on the regulation of domestic work comes from research she carried out with colleagues, Mubashira Zaidi and Anweshaa Ghosh, at the Institute of Social Studies Trust, New Delhi on the claims made by domestic worker organisations in Gujarat and Karnataka. This was for a cross-country comparative project led by Prof Nitya Rao at the University of East Anglia for the United Nations Research Institute for Social Development that examined the relationship between claims-making by feminist movements and policy change.²⁰

One of the claims around which groups have mobilised and coalesced around, is the demand for a separate law on domestic work. This has been in tandem with other strategies of mobilising and organising workers: 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 she locates the demand for the recognition of domestic work through a separate labour law – as another strategy for enlarging the space for resistance against the persistent backlash against and retrenchment of labour rights. But it is also important to examine and unpack 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, 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.

She locates the demand for a separate national law on domestic workers by focusing on two things:

- Assessing the feasibility and adequacy of the 'inclusion approach' – that is, regulating domestic work through an expansion of existing labour laws to include domestic workers – through an examination of if and how domestic workers are included in the proposed Labour Codes.

20 Chigateri, Shraddha, Mubashira Zaidi, and Anweshaa Ghosh. 2016. "Locating the Processes of Policy Change in the Context of Anti-Rape and Domestic Worker Mobilisations in India." Research Report. Geneva: UNRISD.

- Examining the broad contours of the demands made by domestic workers themselves including the features of the 2017 National Platform for Domestic Workers Bill as well as dissonances on some issues such as the function of tripartite boards.

Along with domestic worker groups and within a range of broader organising strategies, she made the case for separate national legislation on domestic work, 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. There has been an increase in the number and frequency of these demands in recent years²¹. There have also been committees and commissions set up by the government that have recommended the regulation of domestic work and a separate law on domestic work. 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 Kachwai
- 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

21 Armacost, Nicola Cunningham. 1994. "Domestic Workers In India: A Case for Legislative Action." *Journal of Indian Law Institute* 36 (1); Neetha, N. 2009. "Contours of Domestic Service: Characteristics, Work Relations and Regulation." *The Indian Journal of Labour Economics* 52 (3): 489–506; Sankaran, Kamala, Shalini Sinha, and Roopa Madhav. 2007. "WIEGO Law Pilot Project on the Informal Economy Domestic Workers – Background Document." *Women in Informal Employment: Globalising and Organising*. <https://media-openideo-rwd.oengine.com/attachments/250fb627-ff3d-4888-ab0b-664fe1d5f371.pdf>; Madhav, Roopa. 2010. "Legal Recognition of Domestic Work." *Labour File* 8 (3). <https://www.labourfile.com/section-detail.php?aid=737>; SEWA. 2014. "Domestic Workers' Laws and Legal Issues in India." WIEGO Law and Informality Resources. Cambridge, Mass.: WIEGO.

- 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 were 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), that is, 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 was proposed by the NPDW but also because the Private Member's 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, over several decades, the government's response 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 it's the involvement of 'private households'.²² 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. 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 because of hard-fought for changes in the law and the increased mobilisation and organisation of domestic workers, particularly since the 2000s.

Even so, the recognition of the need to regulate domestic work sits within the wider context of a deep retrenchment of labour laws, through a labour law reform process that has been going on for the last 30 years. While this process has seemingly reached its conclusion through the 'consolidation and simplification' process that the central government has undertaken in recent years in the form of the four labour codes, the labour law reform process itself has a much longer history. The proposed labour codes 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, among many

22 SEWA. 2014. "Domestic Workers' Laws and Legal Issues in India." WIEGO Law and Informality Resources. Cambridge, Mass.: WIEGO.

others. At the heart of this process has been focus on 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 in addressing 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 patchy and piecemeal regulation of domestic work by labour law 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 repeatedly 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.²³

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 among other things, has a focus on inclusion of domestic workers in existing laws. Currently, the labour law reform process offers a singular opportunity for the government to include domestic workers in existing labour laws, and here she examined if and 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, it includes domestic workers as they fall under the definition of ‘employee’ of an ‘establishment’, which has no threshold of applicability in terms of stipulating a number of employees for a household to come under the ambit of the law (unlike the Code on Occupational Safety and Health).²⁴ However, while there were clear indications of domestic workers being included in the text of Parliamentary debates as well as in the submissions by the Ministry of Labour

23 Neetha, N. 2009. “Contours of Domestic Service: Characteristics, Work Relations and Regulation.” *The Indian Journal of Labour Economics* 52 (3): 489–506.

24 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].

and Employment to the Parliamentary Standing Committee on Labour; there continues to be some ambiguity on its applicability to domestic workers. In their submission to the Standing Committee on the Code on Social Security, when the Ministry of Labour and Employment was 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. This highlights the muddled manner in which the Codes have dealt with domestic workers as well as the wider category of informal workers.

Code on Occupational Health and Safety, 2020

Domestic workers do not come under the purview of this proposed Code as the definition of establishment has a threshold of ten or more workers, with the chapter on contract labour and inter-state migrants applies having a threshold of 20 employees.²⁵ Therefore, all the stipulations in the Code relating to health and working conditions (potable drinking water, ventilation, sufficient lighting, arrangements for latrine), weekly and compensatory holidays, extra wages for overtime, annual leave with wages, among others, 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 limited applicability to domestic workers, with their inclusion as part of workers in the unorganised sector in chapter III on trade unions. However, domestic workers are specifically excluded from the definition of workers of an industry, which means the mechanisms under the Act to resolve industrial disputes – on terms of employment; on conditions of labour; or arising out of discharge, dismissal, retrenchment or termination – are not applicable to them.²⁶ Therefore, domestic workers have no access to bipartite forums such as works committees or grievance redressal committees for the resolution of their disputes. Moreover, model standing orders regulating conditions of work – that deal with how workers are intimated about periods of work; holidays, wage rates; conditions and procedures for applying for leave; holidays; and notice for termination – do not apply. The Standing Committee on Labour recommended that the Code on Industrial Relations specifically extend the provisions of the Code to the unorganised sector through a separate chapter, but this advice has not been heeded.²⁷

Code on Social Security, 2020

The proposed Code on Social Security covers a range of worker categories including

25 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)).

26 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;

27 Standing Committee on Labour (2019–20) (Seventeenth Lok Sabha), Ministry of Labour and Employment, The Code on Social Security, 2019, Ninth Report. Available at: https://eparlib.nic.in/bitstream/123456789/794369/1/17_Labour_9.pdf.

workers, employees, unorganised sector workers, wage workers, building workers, contract workers, gig workers, home-based workers, platform workers, and self-employed workers. But the thresholds for applicability restrict the reach of many of the chapters of the Code, making the current version of the Code a far cry from the progressive universalisation of social security envisaged by previous versions.²⁸

Domestic workers are waged unorganised sector workers under the Code for whom only the chapter on Social Security for the Unorganised Sector applies; with the chapters on Employees Provident Fund, Employees State Insurance, Maternity Benefit, Employment Injury all not applying. Apart from a few central schemes listed in the Seventh Schedule, including the paltry amounts provided under the *Janani Suraksha Yojana*, social security provisioning under this Code remains 'to be determined'. Much has been left to delegated legislation, with terms like 'as may be prescribed', 'as may be stipulated' used in relation to entitlements, contributions, thresholds for applicability, the functions and powers of the social security organisations, among others. In other words, much has 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'.²⁹

Overall, the labour law reform process is hopelessly inadequate at addressing one of the objectives of the Draft National Policy on Domestic Workers, which is to include domestic workers through existing laws. It is within this context that Shraddha addressed the contours of the Bill proposed by NPDW.

NPDW Domestic Workers Regulation of Work and Social Security Bill 2017

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, and clearly demarcates the place of work and the relationship of employment as the basis of categorisation.³⁰ 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, 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 the work they undertake.

Unlike the definition of a domestic worker in The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which is gender specific³¹, the Bill (drawing on the ILO definition) has a gender-neutral definition referring to 'any person' and encompasses work performed *for* a household, rather than in the household. Feminist

28 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.

29 Mazumdar, Indrani, and N. Neetha. 2020. "Crossroads and Boundaries Labour Migration, Trafficking and Gender." *Economic and Political Weekly* 55 (20).

30 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

31 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;'

researchers have pointed to the specificity of the gendered experience of domestic work and its invisibilisation due to its performance in the household.³² However, when how to define domestic work in any proposed law, the question is whether any purpose is served by an exclusionary approach of making the definition gender-specific and whether the other provisions in the Code can instead be relied on to address the gender-specific experience of domestic work.

Regulating the Employment Relationship

At the heart of how the Bill envisages the protection of the labour rights of domestic workers is the regulation of the employment relationship.³³ One of the key mechanisms proposed by the Bill is to turn 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.³⁴

The purpose of the registration process, which includes the collection of particulars of domestic workers and ensuring that service providers maintain records of these workers, is arguably to lift the veil of invisibility surrounding domestic workers and bring the watchful, punitive gaze of the state to bear on the employment relationship. It is also to recognise domestic workers as 'beneficiaries' under the law for social security provisioning and for the collection of fees for social security. Registration is the 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, predicated receipt of social security on compulsory registration, as well as the privacy issues with Aadhaar 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 for regulating the employment relationship is through provisions on minimum wages, working time, and working conditions – which are either not addressed at all or only patchily addressed under current labour laws for domestic workers. For instance, the Bill has similar provisions to the Minimum Wages Act 1948 on the hours of work, working time, rest, overtime, and fixing of minimum wages. This is an important recognition of domestic work as work under law through requiring the implementation of basic labour

32 Bhattacharya, Shrayana and Shalini Sinha (2009) *Domestic Workers in India: Background and Issues*, ILO, Geneva, Switzerland.

33 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 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)).

34 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.

standards alongside the welcome fact that this extends to all domestic workers and not just to domestic workers in a few states. The new Code on Wages 2019, which now supersedes the Minimum Wages Act, 1948, theoretically 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 fixing of wages works better for different categories of domestic workers; as well as the difficulties of prescribing minimum working time and rest periods for 'part-time workers'; all continue to hold salience for the proposed Bill as well as the new Code on Wages.³⁵

The Bill also prescribes basic amenities such as drinking water, food, first aid and washrooms 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, as well as an entitlement to a weekly day off. It also prescribes a month's notice to be given by employer before termination of employment. 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 of domestic workers, the Bill does not offer anything specific on migrant labour. The Bill could benefit from further conversations on how the provisions of the Inter-State Migrant Workers' Act on displacement allowance, journey allowance, 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 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, for conditions of employment and for payment of wages by the employer; and for recruitment, placement, payment, and rehabilitation of domestic workers by the service provider. 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 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 prohibitions on the sexual exploitation and trafficking of women and children, illegal confinement of domestic workers, forced labour and child labour (child defined as anyone under 18) by any person, the commission of which results

35 Vasanthi, Nimushakavi. 2011. "Addressing Paid Domestic Work: A Public Policy Concern." *Economic and Political Weekly*, 85–93; Neetha. N., 2013. "Minimum Wages for Domestic Work." *Economic & Political Weekly* 48 (43); Sankaran, Kamala. 2013. "Domestic Work, Unpaid Work and Wage Rates." *Economic & Political Weekly* 48 (43); Neetha. N., 2015. "Minimum Wage Setting Practices in Domestic Work: An Inter-State Analysis." *Conditions of Work and Employment Series No. 66*. Geneva: International Labour Office. https://doi.org/10.1163/2210-7975_HRD-4022-2015057. 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.

in higher penalties. 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.³⁶

Social Security

One of the most concrete set of provisions in the Bill cover the provisioning of social security. The Bill provides for the infrastructure as well as the means of collection and disbursement of funds through 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 from the state through cess collection. This part of the Bill enshrines a work-based framework for social security provision through a tripartite contributory mechanism in recognition that the vast majority of domestic workers have a multiplicity of employers, thereby distributing the responsibility between employers, the state, and domestic workers themselves. The funds are expected to be administered by a State Board through allocations to a District Board, both of which will be set up under the Bill. Domestic workers are entitled to a range of social security benefits currently available to formal sector workers, including assistance and rehabilitation in cases of accidents in the course of employment; pension to those 60 years of age; sanction loans and advances for the construction of a house; financial education for the domestic worker and her children; medical expenses for the worker and her dependents; and maternity/paternity benefit (which is limited to two children).

The Bill also enables domestic workers to enrol under ESI to avail the benefit of health cover, including for maternity. While this is welcome, it would help to learn from previous attempts to extend ESI coverage to domestic workers, for instance, through a pilot in 2016, which included them as self-employed workers and thereby removed employer liability.³⁷

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.³⁸ However, some of the more contentious provisions centre on the powers and functions of the many authorities proposed by the Bill, on which there are serious disagreements among domestic worker groups.

The Bill proposes the setting up of the following authorities

- A tripartite Central Advisory committee constituted by the Central Government with proportionate representation from government, civil society, domestic workers, trade unions and employers.

36 See for instance Prabha Kotiswaran, *Trafficking: A Development Approach*, Current Legal Problems, Volume 72, Issue 1, 2019, Pages 375–416, <https://doi.org/10.1093/clp/cuz012>; Nalini Nayak. 2018. 'Anti-Trafficking Bill 2018 Fails to Address Changing Forms of Labour Exploitation', *Economic and Political Weekly*, 53 (29); Mazumdar, Indrani, and N. Neetha. 2020. "Crossroads and Boundaries Labour Migration, Trafficking and Gender." *Economic and Political Weekly* 55 (20).

37 Neetha N. (2017). *Employee's State Insurance Scheme for Domestic Workers: Yet Another Mockery*. *Economic and Political Weekly*, 52(11), 16–5. <http://www.jstor.org/stable/44166973>

38 Chigateri, Shraddha & Zaidi, Mubashira & Ghosh, Anweshaa. (2016). *Locating the Processes of Policy Change in the Context of Anti-Rape and Domestic Worker Mobilisations in India*. 10.13140/RG.2.1.1196.5843.

- 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 or 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.³⁹ Again, this is an area that needs more widespread consultation amongst domestic worker groups.

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

39 Armacost, Nicola Cunningham. 1994. "Domestic Workers In India: A Case for Legislative Action." *Journal of Indian Law Institute* 36 (1).

to domestic work, that is, 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 a focal point to mobilisations and has energised domestic worker claims-making. In this manner, there is value in claims for a separate law as a strategy within 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 be regulated in a way that maximises 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 how the regulation of trafficking 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.

The Need for a Fifth Labour Code

By Prof. Babu Mathew, *Chairperson, Master of Public Policy Programme, NLSIU, Bangalore*

Babu Mathew exposed the harsh realities of the ongoing labour law reforms with their dismantling nature and the irony of domestic workers demanding separate legal protection within this deregulatory framework. He unpacked some worrying aspects of the enforced and proposed Labour Codes, which take away protections under existing laws, and he 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 become practically illegal. The power of state governments to refer a labour dispute to the Labour Court or Tribunal would be taken away. Furthermore, 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. There is an increased likelihood of manipulation with 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 the executive is left to fix the minimum

wages. 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, Babu 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.

The Code on Social Security, 2019 (as it stood at the time) seeks to subsume several existing legislations on employees' provident fund, insurance and pension, compensation, maternity benefit, etc. He pointed out that while the crucial elements of social security such as Employees' Provident Fund and Employees State Insurance 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 as those for construction workers or mine workers. In this scenario, Babu 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 basic protections for workers such as maximum working hours.

Overall, Babu Mathew pointed out that 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 fixing at the bottom. The basic statutory protection of 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, removal of the benefits from cess collection, and weakening of implementation mechanisms.

We would be demanding a separate law for domestic workers when the current reforms focus on the replacement of sectoral laws with general laws. He emphasised the need for a fifth Labour Code exclusively for the unorganised sector, based on constitutional goals and ILO Core Labour Standards that are adapted to Indian conditions. Such a Code should ensure labour rights, wages, and social security for the unorganised sector. He later clarified that many activists and trade unions have informally agreed to the idea of a fifth Labour Code. A formal initiative to pursue the cause is yet to be carried out.

Discussion

The subsequent discussion focused 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. One suggestion put forth was the possibility of municipalisation of domestic work through said 5th Labour Code. Besides, multiple speakers emphasised the need for mobilisation against the four Labour Codes that are dismantling existing protections and sector-specific laws. Nevertheless, all speakers echoed 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.

Conclusion

The conversations around various aspects of paid domestic work flagged issues that require further investigation and in-depth dialogue. One glaring gap in the literature is the lack of empirical research on rural areas, with a comparative analysis between rural and urban workspace necessary both from a political economy perspective and to strengthen rights' discourse. It is essential to understand the various spatial contexts and character of domestic work in each location to streamline claims-making and policy initiatives in resonance with workers' experiences on the ground. Empirical and ethnographic studies have analysed experiences in metro cities in detail – mapping migration patterns, demographic analysis, intersectional nuances, and vulnerabilities within the city space. At this juncture, it is integral that we explore how geographical areas such as rural areas, towns, and cities respectively shape the characteristics of domestic work.

There was also discussion of 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, these Residents Welfare Associations meted out undignified treatment to domestic workers in gated communities. The collective fear of infection had to be borne by the domestic workers, who underwent excessive surveillance and deprivation of certain common facilities like lifts, common parks, rest benches etc. Speakers raised serious concerns on whether these regulations or exclusionary approaches by the RWAs are legal.

Domestic workers are treated as inferior and unequal across different economic structures. The changes in the economy haven't influenced patterns of discrimination within the household, with casteism and patriarchal control affecting these women workers. The scholars and activists at the conference argued that the casteist character of the privileged middle class appears veiled under the 'maternalism/paternalism' and 'benevolence' tactics of the employers. To address fundamental inequities ingrained in domestic work, it is important to question the social construct of domestic work and domestic workers in the Indian context.

The workshop deliberated Raka Ray and Seemin Qayums' conceptual framework of 'culture of servitude' in paid domestic work in India. As is visible, domestic workers are still being treated as servants and subjected to dehumanised 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 paid domestic work alongside its contextual nuances of class, caste, gender, ethnicity and language and raise the issue of envisioning a framework that could be more inclusive in its approach. Parvati Raghuram's

suggestion to study spatio-temporal relations within the workplace, in terms of settings and practices in paid domestic work, provides fresh analytical perspectives for further research.

The discussions around Covid-19 and domestic workers flagged issues of the impending economic crisis and loss of employment; aggravated vulnerabilities during the lockdown; the state overlooking this sector, the character of domestic workers' demands, and the articulation of entitlements from different stakeholders. The discussions raised fundamental questions about why paid domestic work and workers in the Indian socio-political space were so easily neglected and ignored. Are these challenges new to the sector or do they represent a continuum of challenges in the sector under different economic models? Did the weakened position of the state in safeguarding the interests of these workers lead to the Resident Welfare Associations dominating workers and controlling their work? The participants in the workshop shared concerns over the lack 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, decreasing wages with more burden of work, and difficulties in organising and mobilisation. Hence, active policy interventions are essential to ensure their dignified existence as an occupational category. Activists also noted that the confidence gained from unionisation have improved the domestic workers' lives both politically and economically.

On the regulatory front, speakers emphasised 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 continued exclusion of domestic workers from these laws. One suggestion made was thinking of a new legislative path, including a fifth Code focused on the informal sector to bring such workers under the ambit of the protective labour law regime. A sectoral law for domestic workers could be pursued alongside, as a short-term strategy, to ensure workers receive benefits under existing welfare schemes and policies.

The discussion revealed the unique vulnerabilities that domestic workers face along caste and gendered lines, while also having concerns parallel to informal workers more broadly, highlighting the importance of allyship for cross-sectoral labour law reform.

Appendix I: Participant Profiles

**At the time of the original workshop programme in 2020*

Alok Prasanna Kumar

Alok Prasanna Kumar is Co-Founder and Lead, Vidhi Center for Legal Policy in 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 NALSAR in 2008 and completed the BCL at 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, the Indian Express, Scroll.in, the Quint and Caravan magazine. He has practiced in the Supreme Court and Delhi High Court in the chambers of Mr Mohan Parasaran, and currently also co-hosts the *Ganatantra* podcast on IVM Podcasts.

Aparna Bhat

Aparna Bhat is a Senior Advocate at the Supreme Court of India and 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 and has helped pioneer litigation strategies for domestic workers before the courts of law. She continues her contributions to promote women's empowerment through lawyering and is part of various women's movements on anti-trafficking, violence against women, and equal rights for women in the workplace.

Archana Prasad

Archana Prasad is Professor at the Centre for Informal Sector & Labour Studies, School of Social Sciences. She did her Ph.D. at the Centre for Historical Studies at Jawaharlal Nehru University 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 was a Fellow of the Nehru Memorial Museum and Library and taught at the Centre for Jawaharlal Nehru Studies and the Department of History, Jamia Millia Islamia. She specialises 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.

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, where he earned his second LL.M. degree specialising in Intellectual Property Law and Comparative & International Labour Law. He has also been a World Intellectual Property Organisation (WIPO) Fellow at the “Workshop on Teaching and Research in Intellectual Property Law” held at Sydney, Australia, jointly organised by WIPO and the University of New South Wales, Sydney. Professor Kaul has teaching experience of more than four decades in the field of law. 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 for more than three decades 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 and has also contributed a number of other writings in the areas of labour law and criminal law in various leading legal journals and books. He was also resource person and consultant for many years to V.V. Giri National Labour Institute and the Indian Law Institute, New Delhi.

Babu Mathew

Babu Mathew is Professor and Chairperson of the Master of Public Policy Programme Council at NLSIU, where he was former Registrar and faculty member. He was also part of the trade union movement and various other social movements taking up the 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 before the relevant UN Committee in Geneva that focused on the excluded communities of India.

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 fall in four broad domains: group formation, identity, and inequality (especially caste, race, class, gender); cultural theory and transmission (especially variation within cultural groups); contexts for development policy and practices (especially 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 behaviour in the context of development policies (Chhattisgarh, India), and on the challenges of collectivisation of domestic workers (Bengaluru, India). He has also written articles on issues of public concern and is part of solidarity networks.

Deepita Chakravarty

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

Elizabeth Khumallambam

Elizabeth is currently associated with Domestic Workers Network (DWN) and 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 as well as dialogue and collective bargaining with employers, associations of employers, and residents' welfare associations.

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.

Sr. Lissy Joseph

Dr. Sr. Lissy Joseph founded the Domestic Workers Movement in Andhra Pradesh, India in 1997. In 2003, the organisation officially registered as AP 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.

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 organisation, Centre for Struggling Women.

N. Vasanthi

Nimushakavi Vasanthi is a Professor of Constitutional Law at NALSAR and has been instrumental in designing and teaching courses in constitutional law at the undergraduate and postgraduate level. She completed her studies from Osmania University and joined NALSAR 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.

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 Fish-workers, 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.

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, '*Working at Others' Homes – The Specifics and Challenges of Paid Domestic Work*' published by Tulika Books.

Neha Wadhawan

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

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' Past* (published from Orient Blackswan in 2019 and available open access) which chart the long history of domestic service in South Asia.

Padmaja Barua

Padmaja Barua is Associate Professor in Social Work at the Western Norway University of Applied Sciences in Bergen, Norway. She holds a Ph.D. 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 the non-governmental sector in India. Her research interests are located at the interface of gender, paid domestic work, labour and social movements.

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, *Tracing an Indian Diaspora: Contexts, Memories, Representations* (Sage, 2008–10).

Prabha Kotiswaran

Prabha Kotiswaran is Professor of Law & Social Justice at King's College London. She has authored *Dangerous Sex, Invisible Labour: 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).

Rajesh Joseph

Rajesh Joseph is Associate Professor at Azim Premji University, Bengaluru and 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, with his current research interests is domestic workers' unions, health of women garment workers, and water governance in Bengaluru. Prior

to joining as faculty at the university, he worked for more than 12 years in the development sector 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 Lobbo

Roshni Lobo has done her Master's 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 training workers to build and manage their unions.

Samita Sen

Samita Sen is an Indian historian and academic. She previously taught at the University of Calcutta and Jadavpur University and 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 Junior Research Fellow at Trinity College between 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 at Diamond Harbour Women's University. She was also Dean, Faculty of Interdisciplinary Studies (Jadavpur University) between 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, with her specialisation in colonial South Asia but has also done contemporary and interdisciplinary research on issues of domestic violence and labour in the informal sector.

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.

Shraddha Jain

Shraddha Jain is a 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 research during her MPhil, 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.

Sophy K.J.

Sophy K. J. was a 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.

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 for a dignified life for the people working in the unorganised sector through public awareness programs modelled around legal rights, education, and policy implementation. Over last 20 years, he has contributed to legislative and judicial activism for construction workers and domestic workers.

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 honours in Geography from Mahila Maha Vidyalaya, Banaras Hindu University and did her M.Phil. and Ph.D. from the Centre for the Study of Regional Development, Jawaharlal Nehru University, New Delhi with a specialisation in population studies. Her research interests are in migration and development, gender, and labour issues. She has published several articles, one book chapter and a book.

Sujata Mody

Sujatha Mody is the President of Penn Thozhillalar 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, which was notified by the Government on 18th Jul 2018. She has problematised the changing demography of migrant female workers in light of the 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.

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 he held Fellowships from 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; Centre 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.

Suneetha Eluri

Suneetha Eluri is currently working with the International Labour Organisation, Jordan. She was National Project Coordinator in India for the International Labour Organisation project on Making Decent Work a Reality for Domestic Workers. She has written extensively on unionising domestic workers and has been part of various negotiations, strategising, advocacy efforts and campaigns for domestic workers.

Supurna Banerjee

Supurna Banerjee is Assistant Professor at the Institute of Development Studies, Kolkata. She was Research Fellow (2018–2019) in re:work at 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 and Journal of South Asian Development and co-edited a book *Caste and Gender in Contemporary India: Power, Privilege and Politics* (Routledge India).

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 Domesticity: Articulating Middle-Class Identity in Colonial Bengal* (Oxford University Press, 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* (Oxford University Press, 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 PURA: Global Indigenous and Diaspora Research Studies at the University of Newcastle, NSW, Australia.

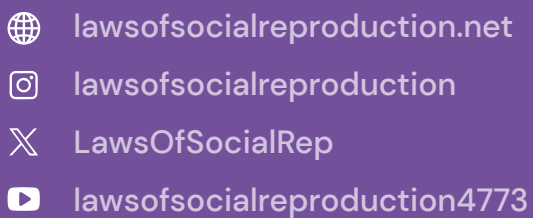
Dr. Uday Shankar

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 in 2008 from the Max-Planck Institute of Comparative

Public Law and International Law, Heidelberg. He has participated in the Law Teaching and Legal Research Programme at Cardiff University, United Kingdom. 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 organised 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 has been published in journals and books.

Uma Rani

Dr. Uma Rani is Senior Economist with the Research Department at the International Labour Organisation (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.



The Dickson Poon School of Law
King's College London
Strand
London
WC2R 2LS
United Kingdom
+44 (0)20 7836 5454