

Overview of Domestic Workers in India

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Domestic workers are from the deprived and marginalized sections of the society, whose socio-economic status is very low. This paper tries to explore the conceptual understanding of domestic work and worker and size and significance of the domestic workers in India. In last two decades there has been a significant growth in the demand for domestic workers which has led to various issues related to their basic rights and employer worker relationships. Domestic work sector is a female dominated sector where majority women are domestic worker in the total employment. They face the various issues of low wages, lack of working conditions, no formal employer-employee relationship, absence of legal protection insecurity of employment, insecurity of income and lack of social security measures. This paper attempts to understand their issues and challenges through earlier studies and it calls for suitable legal and protective mechanism to sort out all these issues. In India some of the states have attempted to protect the rights of domestic workers. Recently ILO has taken an important initiative by way of making convention and recommendation to ensure the effective promotion and protection of human rights of all domestic workers and as well as decent working conditions.

(Key Words: Domestic work, domestic workers, International Labour Organization (ILO), Working Conditions, Rights]

Background

According to the estimates of the International Labour Organization (ILO) 52.6 million domestic workers are employed across the globe in 2010, it accounts for 1.7 percent of the total employment. In India the Employment and Unemployment survey which was conducted by Labour Bureau in the year 2009-10, according to these source 2.7 percent domestic workers are employed of the total employment. The domestic work sector has significantly increased over the past 15 years, an increase of more than 150 per cent over the years in India. This makes it one of the most significant and dynamic source of employment in the informal sector in the country. Domestic work has become an important sector of women employment in India and across the world also. A majority of women domestic workers tend to be concentrated in urban areas of the country. Most of the domestic workers are from the socio-economically

weaker sections of the society and large numbers of them are migrant workers from neighbouring rural areas or the other states of India; the education level is very little and illiterate also; poverty is one of the reason to force into domestic work.

The domestic work is still undervalued and does not recognize this work as a contribution to the society and the economy. There is no formal employer- employee relationship, very poor work conditions, low wages, lack of organization, weak bargaining power, no legislative protection and inadequate social security and welfare measures. These are the issues need to be addressed. Some of the states have attempted few measures to protect the rights of domestic workers in India. The ILO has been taken an important step to recognize the domestic work. The instrument of convention and recommendation provides the basis for ensuring that under the law, domestic workers have the respect and rights that workers in the formal economy and guarantees minimum labour protections to domestic workers on par with other categories of workers. The present paper is purely based on the secondary sources of data. The main objectives of this study are as follows:-

1. To understand the concept of domestic work, domestic worker and to take review of some earlier studies on domestic workers.
2. To study about the Global and National estimates of domestic workers
3. To understand the various issues of domestic workers in India,
4. To study with reference to laws and policies for domestic workers in India.

Review of Earlier Studies

Sujata Gothoskar (2013), emphasized the plight of domestic workers, domestic work is a part of global division of labour, results into rapid migration of domestic workers without any social protection. The article reveals that how the feminist movement has approached the contradictions within domestic work and the various problems that domestic workers faces. The conflicts between the employer and the employee of the domestic work have several dimensions. It explores a whole lot of different aspects of employment relations with the context of the near absence of the state intervention and the lack of legal protection.

Neetha N. (2013), highlighted that domestic work has become an important sector of female employment the world over, though it remains least regulated globally. The specificities of domestic work in relation to the workplace, the inter sections of gender; class and caste indicate a complex picture. The number of paid domestic workers in India has shown a huge increase since last 10-15 years with a clear trend towards feminization.

Karen, Coelho et.al.(2013), the article entitled 'Housing, Homes and Domestic Work' takes a broad perspective to analyze labour markets for urban domestic work, where issues of location, distance, travel and timings are found to determine the opportunities for employment. Domestic work is a larger employment market for low-skilled female workers and the range of options and preferences that frame domestic work as an occupation. Paid domestic

work plays a fundamental role in reproducing class, caste, ethnicity and gender via the domains of household and work. This paper brings into focus not only the issues of residential locations, distance and travel but also the basic issue of housing (types, tenure, cost and amenities) the urban poor. The study has also drawn attention to the fact that wage levels, demand and supply dynamics, working conditions and the negotiating power of domestic workers are determined by a range of factors arising from the economic and social geography of a city. Finally the study highlights the critical importance of affordable, accessible and adequately serviced housing in facilitating viable and dignified livelihood for domestic workers.

Neha Wadhwan (2013) examines migration of live-in domestic work from Jharkhand through a multi method approach. The paper highlights the inter-linkages between gender, education and migration patterns to unravel the processes that are leading to migration for domestic work from Jharkhand and to understand the experiences of live-in domestic workers in Delhi. The collected data reveals that the highest category by migration for type of work for women, was domestic work engaged, almost 78 percent of the total migrant female population in the surveyed village. Further it is observed that the cities like Delhi become the desired destination for domestic workers from the State of Jharkhand, despite the abuse and restrictions on mobility, allowed only under supervision. However, the majority women are not ready to take the risk of leaving what are familiar-especially their relatives and friends to run to risk of being cut-off from their socio-cultural context, to face the difficulties implied in learning a different language or to take chances or accept sacrifices.

Kiran Moghe (2013), the paper entitled organizing Domestic Workers in Pune City, highlights the development of the Pune Zilla Ghar Kamgar Sanghatana and examines the nature of the demand for and supply of paid domestic work in Pune, and their conditions of work. The Domestic Workers Welfare Act was enacted by State Government of Maharashtra but there are no substantive welfare provisions, only promises that there will be some in the distant future. This calls for more unity of the domestic workers union's across the country to focus on joint struggles to pressurize for index-linked minimum wages, regulatory contracts between employers and domestic workers and statutory post-retirement benefits.

Sonia George (2013), the paper explains the processes involved in building 'recognition' for domestic workers through the professionalization of their work. The process is explained through the history of the organization of Self Employed Women's Association-Kerala and locating within it the personal experiences of workers and service takers. The paper explores processes that can enable these workers to achieve their dignity through collective organizing and also through attempts to professionalize them. Organizing women workers could only succeed through an integrated and inclusive approach of addressing their rights, skills and well-being. New labour practices emerge out of such activities which need wider explorations and coalitions.

Neetha N.(2013) , the paper entitled Minimum Wages for Domestic Work – Mirroring Devalued Housework, examines the minimum wages of domestic workers in various States analyses how the legal intervention translates the social understanding of domestic work, which leads to further gendering and segmenting it. Better statutory minimum wages for domestic workers could not only help, protect their rights, but could also shake the social and political foundations of household work, leading to a new valuation of it.

Kamala Sankaran (2013), the paper examines the debate on legislative protection for domestic workers has focused unduly on labour laws and wage rates, ignoring the valuation of unpaid care and domestic labour performed by women in the household. The rights of women in matrimonial property are also overlooked. A consequence of such a lack of recognition of unpaid labour is the effect it has on determination of wage rates for domestic work in India.

Conceptual Understanding of Domestic Work and Domestic Worker

Domestic work has a long history in India; this was largely performed by the serfs of the landlords and the so-called lower castes, the Shudras, where the Varma system was existed. Later, as Indian Society stratified by caste and class and the women from lower castes were bought to wash clothes and other household work of Peshwas and Sramjamdar. Later on the Industrialization and modernization began to bring about changes in the economic, social and political structure of the society which results into the changing concept of domestic work. It is quite complicated to define the domestic work in India because none of the state notifications define the occupation in terms of employment relationship; they define domestic work in terms of task performed.

The tasks listed in the notifications vary with various states however some uniformity exists at a certain level.ILO Convention No.189 also stated the terms of Domestic Work (See table-1.1)

Table 1.1: State-wise details of Domestic Task (work)

States/Act/ILO Convention	Task listed in the Notifications Act/Convention
Maharashtra	Cleaning/Washing utensils/Washing clothes/ Cooking and other household work/manual work agreed between employer and domestic worker
Andra Pradesh	Cleaning vessels/Washing Clothes/ sweeping and swabbing floor/ babysitting/care of old or infirm persons/ kitchen shopping/taking children to school and back/ other household chores
Rajasthan	Washing clothes and vessels and sweeping and mopping/child care/taking children to school and back and other household work.

Kerala	Washing clothes, washing utensils, sweeping and cleaning house premises and mopping, shopping for vegetables and items related to cooking, cooking assistance, taking care of children and taking them to school, taking care of elderly, disabled etc. cooking, any other household work, driving of personal cars, gardening and assistance, home nursing, working as security/watchmen.
ILO Convention 189	Domestic work means work performed in or for a household or households.

It reveals that the definition of domestic work is not in an uniformal way, but broadly it is a non-technical and unskilled occupation. The domestic workers unions and organizations, NGOs working for domestic workers, advocates recognizing domestic work as a skilled work and also argue for division of work and the task based minimum wages.

Domestic Worker

Domestic workers are one of the neglected and marginalized sections of the society whose social, economic and legal status is very meagre. They are facing many problems and challenges because of their work was not been considered as work so that the issue of exploitation of domestic workers is for quarterly and regularly reported. According to ILO Convention 189 defines the domestic workers – as one who engaged in domestic work within an employment relationship. The convention 189 of Article 1 also says that a person who performs domestic work only occasionally or sporadically and not on an occupation basis is not a domestic worker. The domestic worker can be local, migrants, working in one or many homes on a daily basis or only for certain days in a week, month or regularly basis. The convention recognizes that domestic workers have their rights to collectively bargain for minimum wages and social security. Every domestic worker has the right to safe and healthy working conditions. So each member country of ILO shall take in accordance with national regulatory mechanism, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.

The Draft National Policy on Domestic Workers as recommended by the Task force on domestic workers as ‘for the purpose of this policy the domestic worker means a person who is employed for remuneration whether in cash or kind, in any household through any agency or directly, either on a temporary or permanent, part-time or full time basis to do the household work’ but does not include any member of the family of an employer. The types of domestic workers, based on the hours of work and nature of employment

relationship can be categorized into three types – (1) Part time worker (2) Full time worker (3) Live-in worker.

Part time worker is that who works for one or more employers for a specified number of hours per day or performs specific tasks for each of the multiple employers every day. Full time worker is that who works for a single employer every day for a specified number of hours (Normal full day work) and who returns back to her/his home every day after work. Live-in-worker i.e. worker who works full time for a single employer and also stays on the premises of the employer and also stays on the premises of the employer or in a dwelling provided by the employer (which is close or next to the house of the employer) and does not return back to her/his home every day after work.

Hence all the definitions reveals that the domestic work and workers is generally defined in terms of type of work, type of tasks performed and the time spent at work for the remuneration. Age of the domestic worker is a critical issue have not been considered in the above definitions. In some extent the child domestic labour is still prevalent in India, but according to the child Labour (Prohibition and Regulations) Act 1986 lists domestic work in the schedule of Hazards and the permissible age for work is 18 years.

Domestic Workers; Global and National Estimates

According to ILO estimates, at least 52.6 million women and men were employed as domestic workers across the world in 2010. This figure (52.6 million) is greater than the number of persons who are employed in the countries like Vietnam, Mexico and Nigeria. Domestic work is therefore important sector of employment. It accounts for 1.7 percent of total employment worldwide and some 3.6 per cent of all wage employment. Domestic work remains a female-dominated sector, women account for 83 percent of all domestic workers across the globe and in every region of the globe. Women's share among domestic workers ranges from approximately 63 percent in the Middle East to 92 percent in Latin America and the Caribbean. This makes domestic work is an important source of wage employment mainly for women.(See: ILO Report on domestic workers have across the world, 2013). The domestic workers have increased significantly over the last 15 years. The domestic workers increased from approximately 33.2 million to 52.6 million between 1995 and 2010, i.e. the domestic workers increased by more than 19 million during 1995 to 2010 (see table 1.2)

Table 1.2: Global Estimates of the domestic workers in 1995 and 2010

Region	Domestic Workers (in lakh)		Domestic workers as % of total employment	
	<u>1995</u>	<u>2010</u>	<u>1995</u>	<u>2010</u>
Developed Countries	32.45	35.55	0.8	0.8
Eastern	4.77	5.95	0.2	0.3

Europe and CIS				
Asia and Pacific	138.26	214.67	1.0	1.2
Excluding China	71.16	120.77	1.0	1.2
Latin America and Caribbean	104.02	195.93	5.7	7.6
Africa	41.78	52.36	1.7	1.4
Middle East	11.01	21.07	5.0	5.6
Total	332.29	525.53	1.5	1.7

Source: ILO Report on Domestic Workers across the world. Global and Regional Statistics and the extent of legal protection (2013) chapter 13, p.25

The data shows that the domestic worker has significantly increased in last 15 years. The trend reflects in upward direction not only the employment growth but also a growth in the share of domestic workers in total employment. The share of domestic workers in total employment grew from 1.5 per cent to 1.7 percent. This shows global importance of employment patterns of domestic work.

In India level there are some discrepancies between estimates from official estimates and other sources. The media and NGO’s frequently cite figures of 90 million domestic workers in India; however, the primary source for these figures is not given. On the other hand Rajani Paliwala and N. Neetha (2009) published an estimate of only 2.5 million domestic workers in India, using household survey data, but their study focused only on paid care workers and they excludes other categories of domestic workers. The most comprehensive data source for India is the Employment and Unemployment survey which is conducted by NSSO at the national level every five years. On the line on global and regional estimates (ILO) the industry based approach was applied to collect the data. Therefore all persons employed by private households with employed persons. According to analysis of micro data set (61st round, NSSO) the number of domestic workers in India were 4.2 million in 2004-05, representing 1 percent of the total employment. However the great majority of domestic workers are women, some 2.2.per cent of all employment ‘Women were domestic workers compared to 0.5 percent for men. More over it clearly indicates the differences between the types of domestic tasks carried out by each gender. Most Female domestic workers are employed as house maids or servants while men domestic workers dominate the activities like gardeners, gatekeepers, (see table1.3)

Table 1.3: Employment by Activities of Households in India (2004-05)

Activities of household	Employment		Total
	Female	Male	
Housemaid/servant	2011300	300700	2312200
Cook	89300	34100	123400
Gardner	4200	15100	19300
Gatekeeper/Watchman	7000	128700	135700
Governess/babysitter	62800	24900	87700
Others	780600	747800	1528400
Total	2955200	1251500	4206700
Total estimated employment	135834000	272412900	408246900
Domestic workers as% total employment	2.2	0.5	1.0

Source: Based on 61st round of NSSO, ILO analysis on domestic workers across the world (2013) P.15

Since the estimates from NSSO survey of 2009-10 have been published by both the NSSO and the Ministry of Labour and Employment. According to the 66th round of NSSO survey (which drew on a sample of 100,000 households) domestic workers represents only 0.8 per cent of all employed persons (As per Industry based approach, 'Private households with employed persons' (see NSSO 2011 tables S36). At the same time the Employment and Unemployment survey, which was conducted by Labour bureau with a sample of 46,000 households resulted that the domestic workers represents the 2.7 percent of all employed persons were employed by private households as maids, watchmen or cooks. Although there are some errors in the estimated data, but the number of domestic workers, in particular women domestic workers are constantly increasing in the informal sector in India.

Issues of Wages, Working Conditions and Social Security

Wages for the domestic workers are determined by the number of workers such as type of task performed, hours of work, their social status, skills and other factors like labour market conditions i.e. demand for labour and supply of labour in a particular situation. There are continuous debates on determination of wages of domestic workers. The debatable issues like whether wage should be time rated or piece rated, in kind, hourly or weekly, part time or

full time, based on the size of the house or persons in the household, overtime work and other related issues. The demand for paid domestic workers does not necessarily imply reasonable wages and working conditions but the supply side factors that provide a continuous stream of domestic workers ensure that wages remain below subsistence (Kiran Moghe-2013). The Minimum Wages Act, 1948 empowers the central and State Governments to fix and revise the minimum rates of wages payable to workers in scheduled employments. Minimum wages for domestic workers have been notified only in seven states, such as Andhra Pradesh, Bihar, Karnataka, Kerala, Rajasthan, Jharkhand and Odisha. In Tamil Nadu, Maharashtra and Assam, though domestic work has been included in the list of scheduled employment, a minimum wage rate has not yet been fixed. Under the Act two methods are provided for fixing and revision of minimum wages- the committee method and the notification method. None of the states followed the committee method for fixing minimum wages a lack of clear understanding of and engagement with the specificity of the sector is evident in the details of this intervention (Neetha N). According to various experts in the field, and the specific studies on domestic workers reveals that the prescribed wages were inadequate to live in cities. Most of the domestic workers migrants and they do not have their own housing facilities. It is evident that none of the State providing sufficient minimum wages to meet the basic needs of domestic workers, and there is no uniformity in wage rates even for specific task and in specific location also.

The working conditions of domestic workers are not yet regularized, no formal contractors ensuring an employer- employee relationship, lack of unity results into no bargaining power among the workers. The legislative protection is not adequate and there are no such provisions with weekly holidays, maternity leave, health benefits and overtime work. This led to the violations of basic right to domestic workers. A domestic worker invariably represents the marginalized section of the society. There is no specific time is defined and live-in workers, even they are not entitled for paid leaves. Social Security provisions like provident fund, health care, pension etc. are not taken into consideration.

By and large all the study shows that the domestic workers are impoverished underpaid, undervalued and undernourished and majority are from socially backward and minority cities. Housing is an important issue especially for migrant's workers who are forced to live in rented basis (Kiran Moghe). This led to economic burden on these workers. It was evident that 75% to 80% domestic workers are single breadwinners, so it is a main source of income for their family. The husbands (men) in their household are often unemployed or addicted by bad habits, which results into women workers of responsibility of running house. There are also many women who separated from their husbands and running house from their own. The rise in expenditure because of inflation and also rise in expenditure of childrens' education and

health leads to take loan from non-institutional sources like money lenders, employers relatives etc.

Domestic work being a part of informal service where usually house of the employer is the workplace. In such a situation the domestic workers are unable to contest their working conditions. Domestic workers are largely drawn from the oppressed section of the society couldn't fight for their rights. There are differences in their work like the difference between part time and full time work, live-in work and live-out work these considerations have not been acknowledged. There are no proper provisions for working hours and minimum wages and overtime wages. Overall the domestic workers lack the proper working conditions and social security provisions. Extreme insecurity of employment is an important issue of the domestic workers. Employer may be asked to leave work at any time without any prior notice or intimation. When domestic workers falls ill or are facing some crisis and cannot go to work for a few days then there is no guarantee of their jobs. Therefore, the multiplicity of employers is one of the strategies used by domestic workers to protect themselves from employment insecurity. There are several cases reported of beaten up raped and abuse of domestic workers, this is one of the serious issue need to be taken into consideration. Another issue is that health and healthcare. According to ILO report seventy five percent of all fatal domestic accidents are caused by falls, fire and poisoning. The occupational diseases like skin diseases are reported, among cleaning women, domestic workers do not have sickness benefits or medical benefits; even they are not entitled for retirement benefits. Hence the domestic workers in India faces various issues related to wages, working conditions and social security and it calls for suitable legal and administrative mechanism to sort out all these issues.

Laws and policies for Domestic Workers in India

Some of the States have attempted a variety of approaches to protect the rights of Domestic workers. The laws and policies for domestic workers can play an important role in improving working conditions, social security and protecting their basic rights. The present labour laws are not adequately covering domestic workers in their preview. Most of the labour laws are not applicable to them although they have been included in the unorganized workers social security Act, 2008. In the State of Tamil Nadu employment in domestic work was included in the schedule of the Tamil Nadu Manual Labour Act 1982 and after prolonged demands in January, 2007 and Tamil Nadu Domestic workers Welfare Board was constituted and after that there was a preliminary notification for minimum Wage Act for domestic workers, based on task and working hours. Other States like Karnataka, Kerala and Rajasthan have also included domestic workers in the minimum wage laws. Especially the Kerala Government has also included domestic workers as members of the Kerala Artisan and skilled workers Welfare Fund which has the important implication of allowing them to avail of social security schemes. The National

Domestic Workers Movement (NDWM) has played an important role for the rights of domestic workers and bringing them under in various states in India.

In the year 1994, the various trade unions and NGOs in Maharashtra came together and demanded for the separate legislation for domestic workers. In response to that the Government of Maharashtra constituted a committee to investigate the conditions and problems faced by domestic workers. The Committee submitted its report in 1998 and based on the suggestions of the Committee, in the year 2000 a code of conduct for employers was issued by the Government of Maharashtra. Further the trade unions and NGO's proposed a model legislation for domestic workers to improve their working conditions, protection from exploitation and guarantees of Social Security benefits in a series of efforts to address the concerns of domestic workers the draft bill brought out in State assembly and finally the bill has passed by the State Legislative and the 'Maharashtra Domestic Workers Welfare Board Act, 2008 came into existence' The rules of which were framed in 2010 and in the year 2011 the Welfare Board has been formed under the Act. The Welfare Board is fully empowered to frame the suitable welfare schemes for domestic workers.

In 2006, the Government of India made an amendment in the Child Labour (Prohibition and Regulation) Act 1986 regarding the employment of children in domestic work. The amendment prohibits the employment of children below 14 years age as a domestic servant or in roadside, teashops, hotels and related sector. But the implementation of this amendment is very poor; some of the empirical studies suggest that the use of child labour in domestic work remains significant. The National Commission for Women (NCW), National Campaign Committee for Unorganised Workers (NCCU) and other organizations are taking a lot of efforts for the central piece of legislation exclusively for domestic workers.

Recently the ILO has been taken an important initiative as a part of decent work Agenda by recognition of significant contribution of domestic workers to the global economy considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls and majority of them are migrants and marginalized section of the society and who are particularly vulnerable to discrimination in respect of conditions of employment and of work and to other abuses of human rights. The commitment of the ILO is to promote decent work for all through the achievement of the goals of the ILO declaration. On Fundamental principles as and Rights at work and Social Justice for a fair globalization, on 16th June, 2011 the Convention No.189 guarantees and accompanying Recommendation No.201 concerning 'Decent work for domestic workers' adopted at the 100th ILO's International Labour Conference in Geneva. The Convention No.189 guarantees minimum labour protections to domestic workers on par with other categories workers. Total 27 Articles included in the Convention provides the purpose, application and measures to ensure the effective promotion and protection of human rights of all domestic workers and enjoy fair terms of employment as well as decent

working conditions. Each and every domestic worker has the right to safe and healthy working environment. Each member country shall take in accordance with National laws, regulations and practice, effective measures with due regards for the specific characteristics of domestic work, to ensure the welfare of the domestic workers. The Recommendations No. 201 is supplementing to Domestic workers Convention 2011 provides guidelines to member countries which ensure that promotion and welfare of domestic workers. Hence it is a crucial development that domestic workers brought into the orbit of International Labour Standards, which will help to address the issues related to domestic workers.

Concluding Remarks

Globalization is leading to the increased participation of women in various sector of the economy especially in informal sector of the employment. Domestic work is one of the crucial area where demand for women domestic workers are significantly increased in Indian cities, it is revealed that the push and pull factors that made domestic work an important option for low skilled working women and men also. The growing significance of domestic work in paid employment in India should get proper recognition and dignity to the work and decent conditions. The domestic work is highly personalized nature of work with informal relations and difficult of monitoring conditions as well as such work takes place under extremely vulnerable and oppressive conditions with low wages, insecure workplace, no legislative protection, no job security and lack of social security provisions.

The definition of domestic worker itself was the debatable issue. Their services were neither considered as work, nor the workers with their basic rights and dignity. But now the situation is changing, many trade unions and NGOs and other social organizations are coming forward to organize domestic workers and struggling for their basic rights and recognition for the work within decent working conditions. ILO has been taken the appropriate step for guaranteeing the minimum protections to domestic workers and recognizing their rights as workers through the domestic workers Convention, 2011 (No.189) and the accompanying recommendation (No.201) adopted by the 100th session of the International Labour Conference. These two historic documents are the first International Labour Standards devoted to domestic workers and it's a crucial development in moving towards the goal of decent work for all. India as a member country should initiate the ratification procedure of the Convention 189 as early as possible to ensure the promotion and protection of domestic workers in India.

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