

## **Public Hearing on Domestic Workers: November 11, 2014**

### **A Brief Report**

#### **A Background**

The National Platform for Domestic Workers (NPDW) was created in 2012 and comprises of several domestic workers unions and member based organizations from around the country that are demanding Comprehensive Legislation for Domestic Workers. Since this time, there has been a coordinated effort all over the country first of all to demand that the GOI ratifies the ILO Convention 189 Decent Work for Domestic Workers which was passed in June 2011. There have been signature campaigns all over the country with worker organizations attempting to sensitize their local MPS to the issues of this very marginalized and vulnerable section of workers with a hope that this issue would be raised in the Parliament.

The Ministry for Labour, GOI earlier in 2010 and into 2011, created a task force and developed a draft National Policy for Domestic Workers. This was the time when the ILO was involving governments in the workup to the International Labour Conference that would take up the discussion on a Convention for Domestic Workers. The position of Ministry of Labour and Employment (MoLE) was that since this is a sensitive area and where very little data exists, the GOI should move gradually and therefore a Policy would gain more headway than a legislation. MoLE was of the opinion that providing some welfare and minimum social security would meet the needs of these workers. The worker representatives on the Task Force –the SEWA Union and the National Domestic Workers Movement – emphasized the fact that such minimal welfare was not sufficient but that the work of these workers should be regulated and therefore the need to register the workers, the employers and the placement agencies and that the workers should receive their due social security. Hence the Draft Policy that MoLE made public on its website in November 2011 was a very comprehensive Policy.

At that time, the National Advisory Council also created a Working Group headed by Ms. Mirai Chatterjee of SEWA, and further looked into the matter.

Subsequently, MoLE presented the Policy and it was then held up by the Parliamentary Standing Committee and has still not seen the light of day. In the meanwhile, the GoI included the domestic workers in its Rashtriya Swastha Bima Yojana (Health insurance scheme) and some states implemented it. When the Sexual Harassment at the Workplace Bill was being discussed in 2012, domestic workers were specifically not covered by this Bill. Hence members of the Platform campaigned for inclusion and this was finally achieved.

On the 31<sup>st</sup> July 2013, the National Platform conducted a Public Meeting at Jantar Mantar where over 3000 workers from all over the country gathered. They had brought with them the thousands of signatures they had collected from their local areas demanding Comprehensive Legislation for Domestic Workers. The signatures were taken to the President of India and various MPs then took them to Parliament. Unfortunately, the government at that time was facing so many other political challenges and the business of Parliament was constantly disrupted, with the result that this issue did not get finally taken up by the Parliament. Subsequently, the government was voted out. We also came to understand from MoLE that the National Policy had undergone substantial changes and despite several requests, a copy is not yet available to the public. Hence we fear that this is a very watered down Policy and as Platform, we do not intend to urge its notification.

We feel that things have to commence again and hence the Public Hearing is the first national event that the Platform is undertaking.

### **Public Hearing: November 11, 2014**

A successful Public Hearing which was attended by 295 participants took place on November 11, 2014 at New Delhi. There was enthusiastic participation of members from 16 states of the country. It includes:

<b>Sr.No.</b>	<b>State</b>
1	Andhra Pradesh
2	Bihar
3	Delhi
4	Gujarat
5	Haryana

6	Jharkhand
7	Karnataka
8	Kerala
9	Madhya Pradesh
10	Maharashtra
11	Nagaland
12	Odisha
13	Rajasthan
14	Tamilnadu
15	Uttar Pradesh
16	West Bengal

A total of 11 member organizations of NPDW shared the public platform. These are:

<b>Sr. No.</b>	<b>Name of the Member Organization</b>	<b>No. of Participants</b>
1	DGKS	60
2	DWF	20
3	DWU	4
4	GKS	35
5	Karnataka DWU	5
6	MSI	6
7	NDWM	34
8	Nirmala Niketan	32
9	Pune DWU	3
10	SEWA	48
11	Unorganized Workers Federation	4

Besides this one central trade union (BMS) and 14 other organizations participated actively in the event. These organizations are:

<b>Sr.No.</b>	<b>Name of the Organization</b>	<b>No. of Participants</b>
1	ACID	2
2	APSA	3
3	Bihar Domestic Workers Welfare	3

	Trust	
4	CBCI, Rajasthan	1
5	Centrum Learning	1
6	GPS	1
7	ISI	1
8	JAGORI	3
9	Laxmi	6
10	SEWA Social Security	1
11	TCS	1
12	YUVA Manav Sewa Samiti	1
13	YUVA Urban	1
14	SAATHI all Partnership	1

In a welcome address, Ms. Anita Juneja of Gharelu Kamghar Sangathan (GKS) greeted all participants and highlighted the vulnerability and marginalization of domestic workers with no social security and minimum wages defined for them.

In an introduction to Public Hearing Ms. Nalini Nayak of SEWA spoke at length about the disadvantages faced by domestic workers and the role of NPDW. She said that in modern times in India domestic workers are visible everywhere. Modern households cannot do without them but they themselves are going through several problems. NPDW is a platform which works on membership and where several unions both at national and state level have come together. She informed that SEWA is working at national level and at state level several trade unions are involved. She further informed the audience that for this Public Hearing NPDW have tried to document several cases of atrocities and cheating but due to time constraint only 7-9 domestic workers are going to testify today. She cautioned the audience that these cases are just the tip of iceberg.

Later Sh. Subhash Bhatnagar introduced the jury members to the audience. The members were:

**Jury Members:**

1. Ms. Lalitha Kumar Mangalam (Chairperson, NCW)
2. Shri.PM Nair (Rtd.DIG)
3. Shri SC Srivatsava (National Law Association)

4. Shri Mallahan (Inspector, Delhi Police)
5. Mohuya Choudhry (Journalist, NDTV)
6. Shri Shehshah Ali (Secretary to Resident Commissioner, Jharkhand)

### **Testimony of Domestic Workers**

1. Name: Rekha Bibi,  
Village: Katlamar,  
P.O.: Khamarpara  
District: Murshidabad  
State: West Bengal

Case: Non-payment of wages

35 years old Rekha Bibi started working as part-time domestic worker from October 14, 2009 in the house of Mr. Tilak Pappu in DLF Phase 3, Gurgaon, Haryana on a salary of Rs. 3000/- per month. The work involved sweeping and mopping of two floors of the building and cleaning utensils. There was a continuous harassment from employer related to quality of her work and Rekha was asked to leave on October 14, 2012. When she asked for her dues left she was directed by her employer to come after 2-3 days. She visited 4-5 times to them but on one pretext or other they denied the remaining dues. Later the employer told her that he has given her dues of Rs. 2000/- to her husband. She was very surprised by his reply. When she inquired the same with her husband, he denied taking any money from any of her employer. He told her that he doesn't know where she works so how can he go and collect money.

She was very upset with all this and didn't know what to do. It was during this phase of confusion that she got to know about GKS, Gurgaon through one of its members who used to stay in her locality. She went to their office and requested them to help her which they did. They sent the letter to the employer to release the withheld salary for 1 month 2 days. A copy of this letter was also sent to Deputy Commissioner, Gurgaon. With no reply to the letter GKS called up employer several times but he didn't respond to calls. Finally, when he did which was on November 24, 2013, he asked the members to come next day. Next day when GKS

members went to see him, he repeated his earlier stand that the money was given to Rekha's husband. There was a lot of argument between the employer and GKS members but he refused to pay the dues. On January 23, 2014 another letter was sent to the employer with a copy to Deputy Commissioner (DC), Gurgaon. Few days later DC's office ensures GKS that they will take up the matter with the employer to release Rekha's salary. However, till this date she has not been paid. GKS again sent the application related to her case to DC office, requesting the reply to the letter sent on January 23, 2014. Their reply is awaited.

2. Name: Jaba Khatun,  
Village: Surendranathpur  
P.O.: Barsia  
District: Nadia  
State: West Bengal

Case: Non-payment of wages

19 years old Jaba Khatun hails from West Bengal. On September 1, 2011 she started working at Dr. Amit Kapoor's house in DLF Phase- 3 as a full time worker on a monthly salary of Rs. 4500/- with a promise that it will be increased to Rs. 5000/-. Her work includes sweeping, mopping, cooking, cleaning utensils and washing clothes. However, due to ill health she left the job in October, 2013.

According to her, during the course of her job as promised her salary was increased and so was the work load. As construction work was going on in the house, she was asked to do extra work like filling up of water tanks and to carry filled buckets from ground floor to second floor of the house for construction purposes. This strenuous work affected her health and she started experiencing pain in her body especially her back and arms. She was to take care of the tools used by construction workers and mason everyday. During the painting of the house she was asked to help workers in mixing paint and water. All this was additional to her regular work. Even after all this there was continuous harassment from the employer for not doing the work properly and she was made to do the same work two to three times.

In the first week of October 2013 due to ill health she took break from her work and went to stay with her mother (in Gurgaon itself) for three four days to recover. Since her health didn't improved much so she stayed back for two three more days. However, even after a week when her health didn't improved much she went to her employer's place to inform that she cannot come to work as she is still ill and requested her salary. But her employer told her that since she didn't inform them about taking leave for more days she can no longer work at their place and also would not get her salary. She was asked to leave the house.

Few days later she came to know about GKS through a pamphlet distributed by them. She contacted them through the number written on the pamphlet and later went to their office. GKS sent the letter to her employer and the very next day her employer informed GKS that he is ready to pay the withheld salary of Jaba Khatun, which he finally did to her mother.

3. Name: Radha Rani

Village: Kanauj

District: Dewas

State: Madhya Pradesh

Case: False allegation of theft and non-payment of wages

55 years old Radha Rani lives in JJ Camp, Delhi and came to Delhi 26 years ago along with her husband to earn a living. Her husband started to work as cobbler but his income was not enough to run the house. She has six children. In order to support the family Radha started to work as a part-time domestic worker. As per her in last 14 years she has worked in approximately 35 households. All was well until one incident which shook her from inside. Narrating the incident she says,

“Since 2001 I was working at Mr. Vinod's house in Jawahar Park, New Delhi as a part time domestic worker. However, in 2008 on one fine day I went to his house as usual for work and was working when the police came to his house. They called me and told me that I have to go to the police station. The employer had filed a case against me for stealing their jewellery. I was shocked. I did not know what to do. The police took me to the police station. I immediately called my family. They

all came to the police station. The police made me sit at the station till night. The employer and the police forced me to confess to the crime but I stood my ground as my conscious was clear. Next day police called me again and made me sit in the police station and later let me off. This goes on for several days. Since I did not confess to the crime as they wanted, the employer filed the case in the court with the help of the police.

The case went on for six months. During these months police used to call me every now and then and threaten me but I was firm on my statement. At the end the employer closed the case but I did not close it. The employer did not accept her fault in front of me. Moreover, she scolded me and told me not to be seen around their area. She did not pay my wages of one and half months despite the fact that I did a lot of extra work when a child was born in the family. During the case too I spent money. I was not able to go to my work regularly. Who is responsible for these losses? The employer should compensate me for all the unnecessary trouble they put me through. They have not yet paid my wages. At that time they had to pay me 3500 rupees. Justice should be done. I want my wages with compensation.”

4. Name: Deepali  
Village: Ganga  
District: Rampur  
State: West Bengal

Case: False allegation of theft and non-payment of wages

Deepali came to Delhi along with her husband 15 years ago in search of better pastures. She lives in the New Ashok Nagar Area of New Delhi. She has four children. Her husband works as a rickshaw puller but his earnings are not sufficient to support the family. This made Deepali to come out of house to work and she started to work as domestic worker. According to her, “Daily I used to work in three houses. Even after a lot of hard work I did not get enough money. There was no leave during the whole month and in case I take any leave my employer would deduct from my salary.” She continued her work without raising her voice against any wrongdoing until one incident which was a direct attack on her self-respect and forced her to take a stand on it. While narrating that incident she says,

“I faced lots of problem from one of the employer who was living in Parvat Vihar, Vasundhara Enclave, Delhi. One day my employer’s daughter blamed me for stealing her gold earrings. I tried a lot to convince them that I have not taken it but they were not ready to listen to anything. After this incident I left their job but the employer did not released my salary. I visited the employer’s house several times for my salary but each time she denied it. One day the employer slapped me and I felt very angry and insulted. I registered a complaint with the RWA of the society against the employer. RWA called both me and my employer to their office. In the office also the employer blamed me for stealing the gold earrings. However, a lady from the same society supported me and asked the employer that if I had stolen the gold earrings then why she had not registered a complaint against me at the police station. She further told my employer that they cannot hold back my salary without proving anything. RWA also supported me and instructed the employer to release my salary immediately which the employer obliged. I’m very happy for this but it came after a great struggle. Now I am a member of the SEWA trade union. After joining the union, I have gained lots of confidence and knowledge. Now I motivate other domestic workers to join SEWA union as I feel we have to struggle hard for our rights and respect.”

5. Name: Dwarkabai Bhaskar

Locality: Prajapat Nagar

City: Indore

State: Madhya Pradesh

Case: Non-payment of wages during sickness

45 years old Dwarkabai Bhaskar lives in Indore along with her five children. She came to Indore along with her husband and children to earn a living. Her husband worked as a labourer. To support her husband in running the family she also started working as a construction labourer. However, her husband didn’t appreciate her decision and there were regular fights between them. She decided to stop this work and started to work as a domestic worker. Her husband passed away 7 years ago.

The burden to run the family fell entirely on her. Talking about her experience as domestic worker she says,

“I worked in three houses as a domestic worker. I had to go two times in each house and would start to work at 8:00 in the morning and return home at 8:00 in the night. My work place was far away (around 7 k.ms) from my house and I used to cover this distance on foot. I was earning only 2000 rupees in a month. Even after lots of hard work I still get very low wages and it is very difficult to manage the expenses of family.

One day I too got very ill and was admitted to hospital for few days. After returning home I immediately returned to my work. But when I reached my work place, my employer informed me that they have kept another domestic worker in my absence. I requested my employer to take me back as I had not other means of survival. On my request my employer agreed to take me back but informed me that she would cut 10 days of my salary as she had to pay the new domestic worker. I agreed to her decision as I had no other choice but I felt very let down as I had faithfully for so many years at their place.

I just want to say that we should have a provision of paid leaves and our wages should also be increased because the same is not enough for meeting daily family expenses.

Now I am a member of M.P. SEWA union and have gained lots of knowledge about my rights through it.”

6. Name: Salma Khatun (Mother of Sabina Yasmeen)

Village: Rasilpur

P.S. : Rudhwal

District: Bharatpur

State: Rajasthan

Case: Rape and murder

14 years old Sabina Yasmeen was found dead at her employer’s place on January 28, 2014. Her mother Salma Khatun narrated the horrific incident. According to her,

“Sabina started working at one Vijay Beri’s residence in Gurgaon from July 2012, as a live-in domestic worker. Her work included - cutting vegetables, cleaning utensils and to help the Madam whenever she required help. When she started work she was paid Rs.4000/- after 2 months she was paid Rs.5000/- and then the work included - making food (breakfast, lunch, dinner), washing clothes and looking after the baby (grandson of the employer). A day before her death she visited our home at Nathupur Gaon in DLF Phase 3, Gurgaon. She used to get monthly one or two offs.

On January 29, 2014 around 2 p.m. a boy from the neighbourhood told me that Sabina’s employer has called me to their house. I went immediately but I was not allowed to go inside the house. I saw police outside the house. I did not know what was going on inside the house but was worried about Sabina as she was planning to leave the employer’s house and that they have charged her with theft. Once I went inside the house, I came to know of Sabina’s death. I was shocked. The daughter-in-law came forward and told me that Sabina has committed suicide. Later the police took her lifeless body to the mortuary for conducting post mortem.

The same day we went to police station at DLF Phase- 3 to lodge an FIR. After hearing the details of the whole incident, the duty officer told us that FIR has been registered. When we asked for the FIR number the officer asked us to come next day. The next day police personnel told us to get the FIR copy from the mortuary. I do not have much knowledge about all the formalities but when the police told us to get the copy from mortuary, deep inside me I knew the police were not doing anything and no FIR has been registered.

Although Sabina’s body had been taken to Gurgaon hospital mortuary for Post mortem around 3 p.m. of January 29 but the hospital staff explained that due to unavailability of doctors, post mortem was done on January 30 and the body was received by my husband in the evening around 6 p.m.

At that time we were feeling very helpless and vulnerable. A guy from my neighbourhood told me about Gharelu Kaamgar Sanghatan (GKS). With his help, I managed to get the phone number of GKS and called up its office and requested them to help us. After getting the information GKS members came and took stock of the situation and steered the necessary action to help us in registering FIR. I was

right that no FIR had been registered earlier. Finally, police registered the FIR under Section 302 and 376 of the IPC.

After the post mortem was done, the hospital staff asked my family to receive the body. When asked about the post mortem report, the hospital staff was not willing to give any information. Seeing the situation and the nature of Sabina's death we felt strongly that my daughter was raped and then murdered. We and GKS members insisted until and unless post mortem report was handed over to us we would not receive the dead body. After putting pressure and lot of insistence, post mortem report was handed over to us. The report proved two finger admission.

Also, since we were not satisfied with the first post mortem, and police's lack of investigation, the GKS members asked for re- postmortem of the deceased. Police refused so we protested.

On January 31, 2014 complaint was lodged before the Gurgaon court asking for re postmortem and arrest of the accused. A complaint was also filed before Deputy Commissioner of Police (DCP), Gurgaon. The court ordered re postmortem and early arrest of the accused. Re- postmortem was done at PGI Rohtak. We faced lots of threats and the culprits were not arrested.”

GKS activist:

Since the police were not taking proper action and investigation –we organized a demonstration in front of Haryana Bhawan and memorandum was given to CM (Haryana), Central ministers and various government agencies.

A complaint was lodged before Commissioner of Police and Deputy Commissioner of Police regarding non-arrest of the accused. We also initiated a signature campaign on the internet on this matter

Regarding this case the organization along with the family members are regularly meeting members of the parliament, municipal corporations, National Commission for Women and other organizations to speed up the investigation process.

Application submitted and interacted with the Commissioner, Minority Commission, New Delhi seeking the Commission's help to get justice for Sabina and to punish the perpetrators of the crime. We approached different layers of police, members of the SIT of this case to know the investigation status. But we

realize no serious investigation is being made and replies to our applications and meetings are clueless. In spite of a SIT being formed regarding this case and GKS staff and members regularly approaching the concerned police personnel in the SIT no status of the investigation report has been given.

On July 2014 an application was submitted to Sessions Court, Gurgaon seeking the status of the Investigation Report of this case. In reply the police said they have sent for a DNA test of the accused but they have not received the report from the forensic lab till then. They expected the report by the end of August, 2014. An application has been submitted regarding the report of DNA test of the accused to the Commissioner of Police by GKS, Gurgaon. In September the organization has not received any reply of the application submitted on August 29, 2014. The organization approached the police station where FIR has been lodged to enquire about the report but the game of passing the buck is going on.”

### **Feedback from Experts**

1. Dr. Onkar Sharma,  
Regional Labour Commissioner,  
Ministry of Labour and Employment (MoLE)

In the beginning itself Dr. Sharma informed the participants that whatsoever he will say on the stage should be taken as his personal views and he should not be confused as government representative putting forth its views.

He highlighted the issues came forward during the testimonies like:

- False allegations
- Harassment
- Role of Police

He felt that there is a need to bring domestic workers under existing laws. He said to look after cases of harassment there is a need to form the vigilance committee on the lines of Bonded Labour Abolition Act at state, district and block level. Labour laws need to be changed for domestic workers. Talking about ensuring minimum wages for domestic workers he said that some states have included domestic

workers under the purview of minimum wages act but not all. He further said that Payment Act, Equal Compensation Act, Maternity Act, Social Security Act & ESI all these laws have limited scope . Issues of domestic workers are different and therefore for them we need different act on the lines of Factory Act for factory workers and Construction Labourers Act for construction labourers. He said that there are some issues which are common to all like health, safety, welfare, paid leaves and paid holidays and domestic workers should be included for this.

He informed the participants that in labour laws there are 16 such laws in whose implementation power is with trade unions and NGOs. Even then they are not implemented properly as the awareness is not there. Even when the awareness is there, the required training is not there to implement them effectively. He promised that he will arrange for the required training if he be approached for this.

## 2. Ms. Bharti Birla ILO

Ms. Birla spoke about dignity of labour and how it is different in the context of men and women. When men go out of village for work people feel proud of them but when women does the same thing community boycotts them and it becomes difficult for such women to get married. She said that domestic workers face several violations of their rights. If we have so many laws then why don't we have law for domestic workers. Domestic workers are different from other workers . They have special needs and there is talk to have different law for them.

She further said that it is seen that when there is no regulatory mechanism it is difficult to judge the nature of relationship both for employer and employee. Thus there should be a regulatory mechanism. Talking about wages of domestic workers she said that wages should be respectful with no forced labour involved and with proper safety and security. She talked about different aspects of decent work from the ILO convention these are: basic minimum rights, minimum wages, social security, maternity protection, leave and tripartisan (here RWAs need to play role and it should involve representatives of employers, domestic workers and government. A platform for social bargaining). Later she spoke about various

aspects of ILO convention (189). In the end she emphasized on the need to regulate placement agencies.

### **Response of Jury**

In the end Jury members came up with following suggestions.

- They felt that one big problem concerning domestic workers is of regulating placement agencies. There is a need to make the law to regulate them. Till the time law is formed any administrative order through Ministry of Labour to regulate work of domestic workers is required.
- Jury decided to take up suo-motto Sabina Khatun's case .
- A law is required to regulate trafficking of domestic workers from different states. Anti-human trafficking law should be there and there should be a National coordinating body only for the purpose of regulating trafficking. The coordinating body should have all the information (registration, name, address) regarding the worker taken from one place to another and this information should be provided within the law.
- In the cases of harassment, physical and verbal abuse there is a need to provide support system to such workers such as financial support. There should be helpline number for domestic workers where workers in distress can call and immediate support can be provided.
- There is also a need for complaint and redressal forum. It can be situated in any city, district, and block. Here domestic workers can approach for problems related to salary, physical abuse or any other harassment.
- Bringing awareness in domestic workers about their rights and different concerning them. For this proper training should be provided and there should be a contact number where they can call in case of need.
- There is a need for comprehensive domestic workers law which covers all issues related to domestic workers such as wages, social security.
- Power of media is well recognized. Attempt should be made to harness this power in order to spread awareness about issues related to domestic workers.
- Need to sensitize police, district and jail administration about issues related to domestic workers. It can be achieved by organizing workshops at different times.

- Constitution talks about child labour as a hazardous profession and child labourer as domestic worker clearly comes in this category.
- Need for welfare fund for domestic workers on the line of Building and Other Construction Workers Welfare Fund.
- Need to transform policy into action in the form of legislation.

\*\*\*