Chapter VII

Recommendations, Summary and Conclusion.

RECOMMENDATIONS:

i. The Labor Minister should ensure that the Labor Code guarantees the rights of the domestic workers are same as the other workers such as written contracts, payments of minimum wages, national holidays, vacation and provision of penalties for violation of law.

ii. The Ministries should enact regulations which will monitor the labor agencies and working conditions and to conduct unannounced visits to the private households and to interview the domestic workers secretly about the working conditions.

iii. It should be made as a requirement of law that the labor supply agencies and the employers should deposit the written contracts with the labor ministry which should clearly specify the working hours, weekly day of rest, vacation, wages, food and accommodation, health insurance.

iv. The officials should be appointed by the labor ministry who shall investigate and a system should be launched in order to track the payment of salary by the employers to the workers. The officials should check whether the workers require assistance to set up bank accounts and systems for automatic payment from employers. It should be made as a requirement by law that the domestic supplier agencies should prepare work contracts informing the employers and workers their full rights and obligations. The employer should review the birth certificate and the educational certificates prior recruiting them to ensure compliance with minimum age requirements.

v. To publish and distribute guides for domestic workers explaining them their rights and the legal responsibilities of the employers, domestic labor supply agencies and other informal recruiters.

vi. To launch public awareness campaign using radio, television to inform the workers.
vii. The State government or Parliament should set minimum wage if there is no mention of minimum wage and it should be ensured that there is no discrimination set in deciding the minimum wages.

viii. The Government should ratify the International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural rights, the Convention on Elimination of All Forms of Discrimination against Women.

ix. The officials appointed by the Labor Ministry should gather data on domestic servant in all government labor force surveys, including survey on labor complaints and criminal complaints.

x. To strengthen labor protections for domestic workers by creating and publicizing accessible workers complaints mechanism who experience problems such as violence, unpaid wages or poor working conditions, hotlines should be introduced.

xi. To strictly enforce fifteen as the age of employment for all sectors including the domestic workers.

xii. The State Government should ratify the protocol to prevent, suppress and punish the persons who are involved in trafficking of persons especially women and children.

xiii. The Police Generals should develop protocols and train the officers on how to respond appropriately to the complaints and explain them how to respond appropriately to the complaints and explain them how to investigate and collect evidence and to provide referrals for health care, legal aid and in case of migrant domestic workers referrals to their respective embassies.

xiv. To prosecute the perpetrators of physical violence. Sexual violence and those who wrongfully confine women and children.

xv. The foreign ministries of workers’ should prioritize increased protection for migrant domestic workers through bilateral and unilateral diplomacy and to increase co-operation with other labor sending countries and agreements ensuring regional minimum standards.

xvi. To improve services for migrant domestic workers at embassies and consular offices including adequate staffing, access to legal aid, health care and trauma.
xvii. To conduct outreach by supporting domestic workers’ association and information campaign.

xviii. To collect detailed information on all abuse cases and complaints which are made by the migrant domestic workers.

xix. To create a system to track and make publicly available data on types of Abuses, the number of formal cases, time required to solve cases and final solution.

Summary

Domestic workers all around the world have some of the common demands like:

1. To recognize to the work done by the domestic worker as a real work.
2. To recognize the domestic workers as workers
3. To recognize and value the work done by the domestic worker and also of the skill that is involved in it.
4. To have the rights of the workers with is given to the other workers like right to organize themselves and to join a trade union and to have the right to represent them in the Law.
5. To have a decent working conditions which should include limitation on working hours, should have resting periods, should have overtime pay, should have paid holidays, should have sick leave, maternity leave and last but not the least should have a living wage.
6. To have a social security and protection, i.e to provided health care including those with HIV/AIDS and to get pensions.
7. To have access and to have the right to training.
8. To have freedom like freedom of movement, freedom to change the employer, freedom from harassment, freedom from physical and psychological abuse and sexual exploitation.
9. To have a decent condition of living which includes housing and other facilities.
10. To have immigration laws this should be favorable for all.
11. To have machineries to regulate the recruitment and placement agencies.
Under the leadership of the domestic workers themselves, the campaign has proven to be a very powerful tool, which not only allowed them to go for alliances but also for organizing themselves locally.

**RELEVANCE OF THE STUDY:**

In a modern society, Domestic servants are considered as the pillar of every household, specially the families, where the females are working. That means such families are totally depended on the Domestic servant. But unfortunately these families, society and even the Legislations are not ready and willing to give this Domestic Servants their right of a dignified life. The reason might be lack of awareness and also the passive attitude of the employers toward the Domestic Servant.

Thus, the present study tries to find out the actual problem of the Domestic Servant to help them to bring into the mainstream of the society by suggesting some remedial measures to improve the present scenario of the Domestic workers and to develop awareness among working families, societies as well as the legislation.

Indeed, even I feel that this investigation will add to the writing of Domestic Servant.

**III. LIMITATION OF THE RESEARCH AREA:**

Any Research project, however, vast its scope, is bound to have certain limitations arising out of limited time, finance, energy and the area at the disposal of Researcher. Therefore the present research work will be covering only Domestic Servants of Seven blocks (Talukas) of Thane District of Maharashtra.

i. The present study is combination of both doctrinal and empirical research; therefore efforts will be made to study the concept of A Critical study on the Human Rights of the Domestic Servant of Thane District of Maharashtra. The whole study shall be conducted under the following research methodologies:-

- Descriptive
- Analytical
- Exploratory
Case study

ii. A review of available literature and any such publication which are concerned with an impact of colonial servant system on administration of criminal and civil justice in Democratic in India in border sense. And to define duties of owner in administration of criminal and civil justice will be carried out during the course of this study. And to draw out a rigid analytical view on the general perspective of the role of public in administration of criminal and civil justice.

iii. Further, in continuation of its analytical and descriptive aspect of research methodology that follow the researcher shall also review all available publication that reflect specifically the attitude of administration and general public regarding the role of colonial servant system in administration of criminal and civil justice in democratic India.

iv. Again, for exploring the idea, feeling, attitude and suggestive feedback from different sections of society and from police personnel too, separate schedule, questionnaires and case study kit that meant for public and private shall be developed regarding impact of judicial system in administration of criminal and civil justice in democratic India.

v. Data shall also be collected with the help of questionnaire and schedule from the members of society and officers of courts and legal experts.

vi. The researcher will make a review of the literature available from the books of eminent authors, periodicals and article published by standard Institutions.

vii. The researcher will also make a review of literature available on the topic and analysis on the basis of case study from the Journals issued by Hon’ble courts.

viii. The Researcher will try to sort out the attitude of the public in general in respect such right.

ix. An analysis of impact of domestic servant system on administration of criminal justice in India in historical Retrospect.

x. Human right and constitutional perspectives.

In the Last, the researcher will conclude the work with certain analytical, scientific and logical deductions. Certain concrete and feasible suggestions will be provided by the researcher. In this research work plan are follows:-
Conclusion:-

In as much as there's an attitude that the house is a private space notwithstanding when it's a work environment, and local work is simply house work and not 'legitimate' work, the lack of concern of the state towards the situation of residential specialists will proceed. A day ago has presented to us another news story of a local laborer in Delhi—a minor, only 13 years of age—being limited, starved and physically attacked by her boss before being at last protected from virtual subjection in a family. This comes extremely close to the much plugged instance of a 18-year-old Santhal young lady from Jharkhand who experienced ruthless torment on account of her manager, before being protected by a NGO working with the police. In the course of recent years, there have been endless instances of household laborers—about every one of them female, a considerable lot of them minors—being manhandled and misused by their bosses. The misuse goes from withholding of wages to starvation, not permitting time for rest or rest, to beatings, torment, and sexual abuse. There has been much clamor from the media, concerned subjects, and non-administrative associations over this word related danger, and calls for enactment to manage the work of household specialists and secure their rights. Be that as it may, so far the Indian state has reacted to such calls with minimal more than lack of care.

It is extremely hard to characterize the expression "local" since it is exceptionally obscure. The expression "residential" signifies a class of "menials" which incorporates numerous kinds of specialists, similar to ayah, kitchen aide, cook and sweeper. So we would characterize the term Domestic Servants as "those workers who do cooking,
care the youngsters, cleaning utensils, washing garments, cleaning and clearing the houses as an end-result of the installment of wages".

There are two kinds of local workers – Part-time hirelings and full-time hirelings. Low maintenance hirelings are, the individuals who are utilized at least one than one house to play out some clear obligations and leave when the appointed work is finished. They are not private partners. Full-time workers are connected to one house as it were. They are available for the entire day at business' home and do whatever work is doled out to them. Various examinations have been made over the most recent couple of decades about the job of ladies in developing work showcase. This is basically on the grounds that the general public has victimized ladies by not enabling them to go about as real players in monetary exercises.

Paid household work keeps on being rejected from the focal rundown of booked livelihoods under the Minimum Wages Act of 1948. It isn't secured under either the Payment of Wages Act (1936) or the Workmen's Compensation Act (1923) or the Contract Labor (Regulation and Abolition) Act (1970) or the Maternity Benefit Act (1961). Upgrading our insight on local work lays a strong reason for activity that can have any kind of effect in the lives of local specialists. For a really long time, this gathering – a vast lion's share of whom are ladies – has stayed outside the domain of approach making on social and work issues, and has generally been kept to the casual economy. Since they work behind the shut entryways of private family units, residential laborers are protected from general visibility and consideration, and are frequently difficult to reach by regular approach apparatuses. Be that as it may, this ought not be utilized as an advantageous reason for inaction. In the expressions of the ILO's Director-General, "the ILO's command expects it to connect with the individuals who are most helpless, who confront incredible weakness and for whom the dissent of social equity is generally unfeeling". Numbering no less than 53 million, residential specialists are one gathering of laborers that merit our consideration. In a phenomenal way, this examination work endeavors to catch the measure of the residential work part and the degree of lawful assurance appreciated by household laborers based on a certain and replicable philosophy. Its discoveries add to conquering the intangibility of residential specialists and convey a ground-breaking message: household work speaks to a huge offer of worldwide wage business, however local laborers stay to a substantial degree prohibited from the
extent of work laws and henceforth from legitimate security delighted in by different specialists. Minimization and prohibition is a subject that goes through the discoveries of this Research work. For example – the greater part of every local specialist have no statutory confinement of their week after week working hours, more than two out of five are not qualified for be paid a lowest pay permitted by law, and in excess of a third have no privilege to take maternity clear out. From a human rights and sexual orientation balance point of view, this is inacceptable.

The Domestic Workers Convention (No. 189) and the going with Recommendation (No. 201), both received in 2011, offer a notable chance to make fair work a reality for residential specialists around the world. Since the selection of Convention No. 189 and Recommendation No. 201, numerous nations have left on the confirmation procedure and have sought after new administrative and approach changes guided by these instruments, which is empowering.

The report is the result of joint effort between legal advisors, analysts and working conditions experts, and between a wide range of units from inside the ILO. It obviously demonstrates the estimation of an incorporated viewpoint. It is a piece of a more extensive exertion by the ILO to help the tripartite constituents – governments and laborers' and businesses' associations – under its Global methodology for activity on conventional work for residential specialists. It is trusted the report, and different devices accessible through the worldwide online interface on residential work (www.ilo.org/domesticworkers), will helpfully help ILO constituents and accomplices in their endeavors to anchor social equity and better than average work for household specialists over the world.

At present, residential work remains as a promptly accessible business alternative for many ladies. While an extensive number of ladies are occupied with this area, it is essential to take a gander at the working conditions that exist in this division. Settling reasonable, least wages, giving week by week days off and paid yearly leaves, shielding from physical and sexual manhandle and guaranteeing standardized savings, are key issues that should be tended to by the legislature broadly, and over India's states.

Three years back, the National Commission for Women (NCW) drafted a 'Local Workers Welfare and Social Security Act, 2010' Bill. It's been gathering dust. It's
been over a long time since India turned into a signatory to the International Labor Organization's (ILO) Convention 189, which commands OK working conditions for residential specialists, yet it has still not approved it. (At the point when a nation approves a universal tradition, it makes a formal promise to execute every one of the commitments gave in the tradition, and to report intermittently to the concerned body. By still not approving a Convention it marked in June 2011, the legislature has exhibited pretty obviously how genuine it is tied in with guaranteeing the welfare of household laborers.)

There has been very obliged cheer over the thought of family workers under the Rashtriya Swasthya Bima Yojana (RSBY). However, appallingly, this is another wrongdoing. A family worker can't enlist for this arrangement aside from if her work is affirmed by two out of four endorsed associations—of which three, given the varieties associated with control, sexual introduction, class and standing, are once in a while in an opposing or one-sided association with her—the police, the business, the organizations’ occupant welfare affiliations, and affiliations. As social analyst N. Neetha finds in her paper, 'Paid Domestic Work: Making Sense of the Jigsaw Puzzle', "No other master in the country is vulnerable before such countless interests groups remembering the true objective to ensure their qualified capability."

The other two focal government intercessions as of late, bringing household laborers under the Unorganized Workers Social Security Act, 2008 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 look great on paper however move little any desire for having any kind of effect in reality without systems for examination and authorization—and as anyone might expect, they haven’t.

In India the household laborers and the law related with the residential specialists originate from helpless networks and from the retrogressive territories. Most of the local specialists are poor, uneducated and are not gifted and are uninformed about the urban work showcase. Crafted by household specialists are never esteemed. They are never paid a fair wage and numerous a times a sexually manhandled at work put. The significant issues which are looked by the local specialists are profane installment of wages, unfeeling working conditions, brutality, manhandle, sexual mishandle at working environment, abuse because of offices, constrained relocation, no welfare
measures, no aptitude advancement and so on. Indeed, even there is no correct information of the correct number of the household laborers in India. There is fluctuations of estimation from 4.75 million (NSS 2005) to more than 90 million according to various sources. In any case, it will by and large be overviewed that there are in excess of 50 million of private laborers in a nation. Beginning late, lawmakers collection of India has tried its measurement best to give genuine assertion and also government insufficiency to the close-by laborers. The adjacent specialists have been intertwined into the Unorganized Workers’ Social Security Act (2008) and the Sexual Harassment of lady at Workplace (Prevention, Prohibition and Redressal) Act 2013. A portion from this, few State governments have endeavored to give unmistakable assessments like the development of the Rashtriya Swasthya Bima Yojana to the private bosses by technique for notice of least wages. In India it is so far an ordinary practice, where by the minors more energetic than eighteen years old are utilized as an adjacent laborer, inspite of its idea in the quick overview of risky tyke work (2006) by the association of India.

Papamma from Hyderabad - (case reported in 2010): Nearly for 30 years Papamma, aged 60 years worked live –out worker as a full time domestic worker in a house in Bangalore. She was rudely got retirement with no post retirement benefits. Papamma was doing all works at the wage rate of Rs 60 for 22 years for eight hours in a house in Bangalore as domestic worker in a house in Bangalore for almost 30 years as a full time live –out worker. She was discharged abruptly with no provision for retirement. Papamma received a wage of Rs 60 for 22 years, for eight hours of work a day where she combined all tasks. In 2003, her wages were raised to Rs.500 a month. In 2007, before her dismissal, for few months, she was paid Rs.1500 following repeated requests. After her evacuation, she thumped the entryway of court through Karnataka Domestic Workers Union and aided by gathering of supporters. A protest was enlisted against the business. The case went on for one and half tears. The judgment was ins her side. The court requested the business to pay under the arrangements of Minimum Wages Act alongside back wages and additional time compensation for each one of those Sundays she had worked additional. The work officer assumed a key job in getting the vital judgment in her side.
It is obvious from the investigation of the above cases that infringement of least wages are for the most part announced and taken up as minor and enduring issues. It is just when different issues, for example, dismissal of wages, evacuation, doubtful robbery, badgering and physical abuse or laborers are raised some consideration is given to the part of non-installment of least wages and different arrangements of Minimum Wages Act.