

**Bill No. 92 of 2017**

THE DOMESTIC WORKERS (REGULATION OF WORK AND SOCIAL SECURITY) BILL, 2017

By

SHRI SANKAR PRASAD DATTA, M.P.

ARRANGEMENT OF CLAUSES

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SECURITY) BILL, 2017

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A

BILL

*to provide for regulation of work of domestic workers in order to improve their working conditions and to provide social security to them; setting up of State and District Boards for the purpose and for compulsory registration of domestic workers, employers and service providers to such Boards and also for setting up of Domestic Workers Social Fund and for matters connected therewith or incidental thereto.*

CHAPTER I

PRELIMINARY

BE it enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

**1.** (1) This Act may be called the Domestic Workers (Regulation of Work and Social Security) Act, 2017.

5 (2) It extends to the whole of India except the State of Jammu and Kashmir.

Short title,  
extent,  
application and  
commencement.

(3) It shall not apply to such Domestic Workers migrating for employment to any other country.

(4) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

**2.** In this Act, unless the context otherwise requires,— 5

(a) "appropriate Government" means in the case of a State the Government of that State and in all other cases, the Central Government;

(b) "beneficiary" means every domestic worker registered as a beneficiary under sections 6 and 7 in this Act;

(c) "child" means a person who has not attained the age of eighteen years; 10

(d) "Committee" means Central Advisory Committee constituted under section 16.

(e) "District Board" means the District Domestic Workers Regulation of Work and Social Security Board established under section 27;

(f) "domestic work" means work performed in or for a households; 15

(g) "domestic worker" means any person engaged in domestic work within the employment relationship and includes:

(i) "replacement worker" who is working as a replacement for the main workers for a short and specific period of time as agreed with the main worker and the employer; 20

(ii) "full time worker" means a person who is employed as a domestic worker in a single household for working hours as specified under sub-section (4) of section 39;

(iii) "live-in-worker" means a person employed as a domestic worker who lives in the employer's premises; and 25

(iv) "part time worker" means a person who is employed as a domestic worker for less than prescribed daily working hours of that of a full time worker, whether employed in single or multiple households;

(h) "discrimination" means any form of differential treatment on the basis of caste, race, region, language, colour, sex, creed and religion, nature of work or age at the place of work; 30

(i) "employer" means any person, that engages the domestic worker to do any work in a household whether part time or full time either directly or through service provider and who has an ultimate control over the affairs of the household which includes any other person to whom such affairs of the household are entrusted and in relation to contract labour, the principal employer; 35

(j) "employment agreement" means an agreement that lays down conditions of employment between the employer and domestic worker;

(k) "forced labour" means compelling a person to offer his/her services as a domestic worker against his will; 40

(l) "Fund" means the Domestic Workers Social Security Fund constituted under section 36;

(m) "notification" means a notification published in the Official Gazette;

(n) "prescribed" means prescribed by rules made under this Act by the appropriate Government; 45

(o) "service provider" means any voluntary association or placement agency or company registered under any law for the time being in force, which espouses the cause of domestic workers and/or provides or engages them in employment with the principal employer excluding those collectives or cooperatives that are created by the workers themselves as a means of collective bargaining;

*Explanation.*— "placement agency" means any agency/bureau/contractor or person(s) registered under this Act which provides/engages in employment of domestic workers or which facilitates the placement of domestic help for prospective employers and includes such agency or person offering services through any print, electronic or any form of communication.

(p) "State Board" means the State Domestic Workers Regulation of Work and Social Security Board constituted under section 18;

(q) "trafficking" means to recruit, transport, transfer, harbour, or receive a person by means of abuse of power or taking advantage of his position of vulnerability by threat or use of force or coercion, abduction, fraud, deception; and that includes giving or receiving of payments or benefits to achieve the consent of such person having control over another person;

(r) "workplace" means any household or a place where a Domestic Worker works as per the terms of the employment agreement; and

(s) "wages" means all emoluments which are earned by an employee while on duty or on leave in accordance with the terms and conditions of his employment and which are paid or are payable to him in cash and includes dearness allowance but does not include any bonus, commission, house rent allowance, overtime wages and any other allowance.

## CHAPTER II REGISTRATION

**3. (1) Notwithstanding anything contained in any law for the time being in force, all domestic workers, employers or service providers shall be registered as per procedure hereinafter prescribed.**

Registration of domestic workers, employers and service providers.

(2) An application for registration shall be made to the District Board in such form as may be prescribed.

(3) Every application under sub-section (2) shall be accompanied by such documents together with such fee as may be prescribed.

(4) If District Board under sub-section (2) is satisfied that the applicant has complied with the provisions of this Act and the rules made thereunder, it shall register the name of the applicant as a domestic worker under this Act:

Provided that an application for registration shall not be rejected without giving the applicant an opportunity of being heard and without assigning reasons in writing.

(5) Any person aggrieved by the decision under sub-section (4) may, within thirty days from the date of such decision, prefer an appeal to the State Board and the decision of the State Board on such appeal shall be final:

Provided that the State Board in this behalf may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the domestic worker was prevented by sufficient reasons from filing the appeal in time.

**4.** Every service provider shall, prior to the process of recruitment or engagement of domestic worker, register itself with the District Board by submitting an application along with such fee and details as may be prescribed:

Compulsory registration of service provider.

Provided that the District Board or any such person so authorized may entertain any such application for registration after expiry of the period fixed in this behalf, if satisfied, that the applicant had sufficient reason for delay in submitting the application.

Compulsory registration of employer. **5.** Every employer shall, within one month from the date of engaging a domestic worker, register himself with District Board by submitting an application along with such fee and details as may be prescribed: 5

Provided that the District Board or any person authorized by the District Board may entertain an application for registration after expiry of the period fixed in this behalf, if satisfied that the applicant had sufficient reason for the delay in submitting the application in time. 10

Compulsory duty of service provider to register domestic worker. **6.** (1) Wherever a domestic worker undertakes work through service provider, then it shall be the duty of service provider to get the domestic worker registered within one month from the commencement of the work, with the District Board by submitting an application along with such fee and details as may be prescribed.

(2) Where a domestic worker undertakes work under a single employer and is not engaged through any service provider or middleman or placement agency, as the case may be, then it shall be the duty of such employer to ensure that the domestic worker is registered with the District Board within one month from the commencement of the work: 15

Provided that the District Board or any such person so authorized by it may entertain any such application for registration after expiry of the period fixed in this behalf, if satisfied that the applicant had sufficient cause for delay in submitting the application. 20

Registration of part-time domestic worker. **7.** Where a domestic worker undertakes part-time work in two or more households and is not engaged through any placement agency, the employer shall ensure that the domestic worker is registered with the District Board by submitting an application alongwith such fee and details as may be prescribed. 25

Migrant worker. **8.** Where a domestic worker leaves the work in a district and migrates to any other area in any part of the territory of India and takes up work in any household in such part either on his own or through any agency or employer, it shall be the duty of such worker or agency or employer, respectively to inform the concerned District Board where he was registered regarding the migration and register with the District Board at the place where work has been taken up. 30

Effect of non-registration. **9.** (1) No employer or service provider shall employ a domestic worker unless a certificate of registration in respect of such employment is issued by the respective District Board or Government servant so authorized.

(2) If the District Board or any Government servant so authorized by it is satisfied, either on a reference made to it in this behalf or otherwise that the service provider or employer fails to register the domestic workers employed by it, then it shall be held liable and punished in accordance with the provisions of this Act. 35

Effect of non-payment of annual contribution. **10.** If a domestic worker fails to pay annual contribution to the District Board, he shall cease to be a beneficiary for the purposes of this Act. 40

Renewal of registration certificate. **11.** Every registration certificate issued under this Act shall be renewed annually on the payment of fee as may be prescribed.

Effect of non-renewal. **12.** (1) No employer to which this Act applies shall employ domestic worker unless the renewal of registration certificate is carried out by him in respect of such employment as issued under this Act. 45

(2) If the District Board or any person authorized by it is satisfied, either on a reference made to it in this behalf or otherwise that the service provider or employer fails to carry out the renewal of registration certificate, then such person shall be punished in accordance with provisions of sub-section (1) of section 52.

5           **13.** Subject to the provisions of this Act, every domestic worker above the age of eighteen years, registered under this Act shall be entitled to the benefits provided by the District Board from its Fund under this Act: Beneficiaries of the Fund.

                Provided that every domestic worker above the age of sixty years shall continue to be beneficiary under this Act without paying annual contribution to the Fund.

10           **14.** (1) The District Board shall issue an identity card to every beneficiary registered under this Act containing such details as may be prescribed. Identity cards.

                (2) Every beneficiary who has been issued an identity card under this Act shall, produce the same whenever demanded by any officer of the appropriate Government or the District Board or any other authority, as the case may be.

15           **15.** (1) The District Board shall maintain records or register of all its records duly catalogued and indexed in a manner and in prescribed form and shall ensure that all records are computerized within a reasonable time. Maintenance and digitisation of records.

                (2) The digitisation of the records shall be introduced through software established by the Central Government and databases available with the District Boards shall be connected through a network all over the country on different systems so that access to such records is facilitated:

                Provided that it shall be the duty of the District Board to submit the computerized records to the Committee within reasonable time.

### CHAPTER III

#### 25           IMPLEMENTING AUTHORITIES UNDER THE ACT

**16.** (1) **The Central Government shall, by notification in the Official Gazette, shall constitute a Committee to be known as the Central Advisory Committee to advise the Central Government to carry out the functions assigned to it under this Act.** Constitution of Central Advisory Committee.

                (2) **The term of the Committee shall be three years.**

30           (3) **The Committee shall consist of—**

                    (a) **a Chairperson;**

                    (b) **such number of members not less than eight representing non-Governmental organisations, trade association, union or persons representing and espousing the cause of domestic workers, individuals having expertise in issues relating to labour matters, women and child issues, law and related interests,**

**to be appointed by the Central Government in such manner as may be prescribed.**

                (4) **The salary and allowances payable to and other terms and conditions of service of Chairperson and members, procedure to be followed in the discharge of their functions and the manner of filling up of vacancies of the Committee shall be such as may be prescribed.**

40           (5) **The Committee shall meet at least once every six months to review the working of this Act.**

**17.** (1) The Committee shall—

                    (a) review and monitor implementation of the Act and rules made thereunder and recommend to the Central Government or State Governments or Union territories Administrations regarding any changes in the said Act; Functions of the Central Advisory Committee.



(b) prepare an annual report of the administration of the Act;

(c) advise the State Boards regarding schemes in relation to social security, health, medical, education and other beneficial schemes for the welfare of domestic workers and their family members;

(d) advise upon such matters arising out of the administration of this Act or any scheme made under this Act or relating to the application of the provisions of this Act to all domestic workers and employers;

(e) co-ordinate and monitor the work of various District Boards to ensure portability of registration and delivery of benefits across the country representative of the registration in any one State or Union territory Board;

(f) prescribe minimum standards to achieve decent conditions of work in consultation with State Boards;

(g) recommend appropriate strategies on elimination of any form of trafficking, forced or bonded labour and child labour; and

(h) undertake any other matter assigned to it by the Central Government, from time to time.

Constitution  
of State Social  
Security  
Boards.

**18. (1) The appropriate Government shall, with effect from such date as it may, by notification, appoint, constitute a State Board to be known as the .....(name of the State) Domestic Worker Regulation of Work and Social Security Board to exercise the powers conferred on, and perform the functions assigned to it under this Act.**

**(2) The State Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.**

**(3) The State Board shall consist of a Chairperson and such other members, not exceeding fifteen, to be appointed by the appropriate Government in such manner as may be prescribed:**

Provided that the State Board shall include an equal number of members representing the State Government, the employers and the domestic workers:

Provided further that at least one-third members of the State Board shall be women.

**(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson and the other members of the State Board and the manner of filling of casual vacancies of the members of the State Board shall be such as may be prescribed.**

Secretary and  
other officers  
of State Board.

**19. (1) The State Board shall appoint a Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.**

(2) The Secretary of the Board shall be its Chief Executive Officer.

**(3) The salary and allowances payable to and other terms and conditions of service of the Secretary and the other officers and employees of the State Board shall be such as may be prescribed.**

Meetings of  
Board.

**20. (1) The State Board shall meet at such time and place and observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed.**

(2) The Chairperson or, if for any reason he is unable to attend a meeting of the State Board, any member nominated by the Chairperson in this behalf and in the absence of such nomination, any other member elected by the members present from amongst themselves at the meetings, shall preside at the meeting.

(3) All questions which come up before any meeting of the State Board shall be decided by a majority of votes of the members present and voting, and in the event of

equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or a casting vote.

21. No act or proceedings of a State Board shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of the State Board; or

5 (b) any defect in the appointment of a person acting as a member of the State Board; or

(c) any irregularity in the procedure of the State Board not affecting the merits of the case.

No act or proceedings of a Board shall be invalid merely by reason of vacancies, etc.

22. (1) The State Board shall—

10 (i) with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder for all or any of the matters provided under this Act;

(ii) review and monitor the District Board and take appropriate steps to ensure its proper and effective implementation;

15 (iii) allocate funds to the District Board and administer the Fund;

(iv) prescribe the fees to be charged from the employers, service providers, placement agencies and domestic workers, from time to time;

(v) prescribe fee for registration as beneficiaries under the Fund and rate per mensem for the beneficiaries of the Fund;

20 (vi) implement schemes and welfare measures as formulated in consultation with the Committee;

(vii) prescribe the form of register to be maintained for registration of domestic workers under the Fund;

(viii) procedure for renewal of registration certificate;

25 (ix) entertain appeals with respect to any decision by the District Board;

(x) ensure decent conditions of service including rates of remuneration, hours of work and conditions of service of domestic workers;

(xi) provide immediate assistance to a beneficiary in case of accident;

30 (xii) make payment of pension to the beneficiaries who have completed the age of sixty years;

(xiii) sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed;

(xiv) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries as it may deem fit;

35 (xv) give such financial assistance for the education of children of the beneficiaries as may be prescribed;

(xvi) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant, as may be prescribed;

(xvii) make payment of maternity benefit to the female beneficiaries; and

40 (xviii) make provision and improvement of such other welfare measures and facilities as may be prescribed.

Functions of the State Board.

**(2) The State Board may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the appropriate Government for the welfare of domestic workers in any establishment.**

**(3) The State Board shall pay annually grants-in-aid to a local authority or to an employer who provides to the satisfaction of the State Board welfare measures and facilities of the standard specified by the State Board for the benefit of the domestic workers and the members of their family:**

**Provided that the amount payable as grants-in-aid to any local authority or employer shall not exceed—**

**(a) the amount spent in providing welfare measures and facilities as determined by the State Governments or any person specified by it in this behalf; or**

**(b) such amount as may be prescribed, whichever is less:**

**Provided further that no grant-in-aid shall be payable in respect of any welfare measures and facilities where the amount spent thereon determined as aforesaid is less than the amount prescribed in this behalf.**

Grants and  
loans by the  
Central  
Government.

**23. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to a State Board grants and loans of such sums of money as it may consider necessary.**

Budget.

**24.** The State Board shall prepare, in such form and at such time each financial year, as may be prescribed, its Budget for the next financial year, showing the estimated receipts and expenditure of the State Board and forward the same to the appropriate Government.

Annual report.

**25.** The State Board shall prepare, in such form and at such time each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year, and submit a copy thereof to the State Government and the Central Government.

Accounts and  
audit.

**26. (1)** The State Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

**(2)** The Comptroller and Auditor-General of India or any other person appointed by him in connection with the auditing of the accounts of the Board under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the auditing of the Government accounts and, in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board under this Act.

**(3)** The accounts of the State Board shall be audited by the Comptroller and Auditor-General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

**(4)** The State-Board shall furnish to the State Government before such date as may be prescribed its audited copy of accounts together with the auditor's report.

**(5)** The State Government shall cause the annual report and auditor's report to be laid, as soon as may be after they are received, before each House of the State Legislature.

Establishment  
of District  
Domestic  
Workers  
Regulation of  
Work and  
Social Security  
Board.

**27. (1) The State Government may for the purposes of preparation and implementation of the schemes for welfare of domestic workers, in a District, by notification in the Official Gazette, establish such number of District Boards to be known as the District Domestic Workers Regulation of Work and Social Security Board:**

**Provided that the State Government may constitute such Board for two or more Districts:**

Provided further that the State Government may, by notification, constitute more than one Board for a District and specify the local limits in which such Boards shall have jurisdiction or authorize any existing Board under any other law dealing with labour related matters.

**(2) The District Board shall consist of a Chairperson and such other members nominated, from time to time, by the State Government representing the employers, the domestic workers and the State Government:**

5 Provided that the members representing employers and domestic workers shall be equal in number, and the members representing the State Government shall not exceed one-third of the total number of members representing employers and domestic workers:

Provided further that the Chairperson of the District Board shall be one of the members representing the State Government and nominated in this behalf by the State Government.

10 (3) The salary and allowances payable to any other terms and conditions of service of Chairperson and member of the District Board shall be such as may be prescribed.

(4) The District Board shall meet at least once every four month to review the operation of the Act and evaluate the implementation of the Act.

(5) The meetings of the Board and the procedure to be followed for the purpose and all matters supplementary or ancillary thereto shall be such as may be prescribed.

15 **28. (1) The District Boards shall—**

Functions of  
the District  
Board.

(a) carry out the registration of domestic workers, employers and service providers and placement agency as per the procedure prescribed under the Act in the name and account of State Board either directly or through the Workers Facilitation Centres and maintain records and registration of domestic workers as beneficiaries under the Act;

20

(b) collect from employers and service providers a monthly amount equal to two *per cent.* of the wages paid to domestic workers or one *per cent.* of the house tax being paid by the employer or service providers, whichever is higher;

(c) grant following benefits to beneficiaries under the Act:—

25 (i) provision for immediate assistance and rehabilitation to a beneficiary in case of an accident arising in the course of employment;

(ii) financial assistance for the education of beneficiary and his children;

(iii) provision for medical expenses for treatment of ailments of a beneficiary or his such dependent;

30 (iv) provision for maternity or paternity benefit to the women or men beneficiaries:

Provided that such maternity or paternity benefit shall be restricted to two children only;

35 (v) make payment of funeral expenses to the legal heir on the death of the beneficiary;

(vi) facilitate the settlement of disputes through conciliation;

(vii) renewal of registration certificate and collection of annual contribution;

(viii) issue of identity card for the beneficiary;

40 (ix) disseminate information on available social security schemes for the workers;

(x) authorize the workers Facilitation Centre to act as an authorized intermediary in collecting contributions from the workers and others as mandated under the Act and remit them to the district Board;

45 (xi) authorize workers Facilitation Centre to carry out surprise visits to the working place of the domestic workers and check the implementation of the Act;

(xii) training and imparting skills to the domestic workers;

(xiii) authorize the workers Facilitation Centre to conduct surveys for beneficiaries;

(xiv) provide legal aid to beneficiaries in case of a court proceeding to address their claims; 5

(xv) implement schemes or welfare measures framed by the Central Board in consultation with the State Boards;

(xvi) maintain complaint registers for grievance redress of domestic workers;

(xvii) establish or devise establishment of creche facilities for children of domestic workers; 10

(xviii) admit upon request of the aggrieved domestic worker into rehabilitation centres established by the appropriate Government; and

(xix) such other benefits as may be decided by the Board, from time to time;

(d) in consultation with the State Board may make available such schemes as applicable under other laws such as the Unorganized Workers Social Security Act, 2008. 15 33 of 2008.

(2) The District Board shall designate any one or more of the following at such areas as may be considered necessary, as Workers' Facilitation Centres for purposes of facilitating registration of workers:— 20

(i) local Panchayati Raj Institutions or urban local bodies; or

(ii) resident welfare associations or society; or

(iii) non-profit organizations working among the domestic workers:

Provided further that such Workers' Facilitation Centres shall function under the supervision of the District Board. 25

(3) The District Board shall maintain such registers and records giving such particulars of domestic workers employed the nature of work performed by the domestic worker, and such other particulars in such form as may be prescribed.

Powers of the District Board. **29.** (1) Subject to any rules by the State Government in this behalf, the District Board may, within the local limits— 30

(a) make such examination and hold such inquiry as may be necessary for ascertaining whether the provisions of this Act have been or are being complied within any place or premises;

(b) require the production of any document, record or evidence (written or oral); and 35

(c) enter, with such assistance as it may consider necessary, at all times any place or premises if there are reasonable grounds for suspecting that any domestic worker has or is being subjected to any form of sexual exploitation or wrongfully confined in any such place or premises or rescue any child being used employed as a domestic worker. 40

(2) Every employer shall accord to the Board, all reasonable facilities in the discharge of his duties under this Act.

(3) Each District Board shall have the same powers as are vested in civil court under the Code of Civil Procedure, 1908, when adjudicating a dispute in respect of the following matters, namely— 45 5 of 1908.

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses; and
- (d) in respect of such other matters as may be prescribed.

5           **30. (1)** No person shall be chosen as, or continue to be, a member of the District Board who,—

Disqualification and removal of member.

- (a) is a salaried officer of the District Board;
- (b) is or at any time has been adjudged insolvent;
- (c) is found to be a lunatic or become of unsound mind; or
- 10           (d) is or has been convicted of any offence involving moral turpitude.

(2) The State Government may remove from office any member, who—

- (a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or
- 15           (b) is absent without leave of the District Board for more than three consecutive meetings of the District Board;
- (c) in the opinion of the Government, has so abused the position of member as to render that persons continuation in the office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such member:

20           Provided that, no person shall be removed under clause (c) unless such person has been given a reasonable opportunity to showcause as to why he should not be removed.

(3) Notwithstanding anything contained in any other provisions of this Act, the members shall hold office during the pleasure of the State Government and if in the opinion of the State Government,—

- 25           (a) the member representing employers and the domestic workers, ceases to adequately represent the employers or, as the case may be, the domestic workers, or
- (b) having regard to exigencies of circumstances or services in the State Government, the member representing the State Government cannot continue to represent the State Government,

30 then it may, by an order, remove all or any of them from office at any time.

**31.** Any member of the District Board may at any time resign his office by writing under his hand addressed to the State Government, and his office shall, on acceptance of the resignation, become vacant.

Resignation from office by member.

35           **32.** No act or proceeding of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

Proceedings presumed to be good and valid.

**33. (1) The District Board shall, with the approval of the State Government, appoint a full time Secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under this Act.**

Secretary and other officers of the District Board.

40           (2) The Secretary of the District Board shall be its Chief Executive Officer.

(3) The salary and allowances payable to and other terms and conditions of service of the secretary and other officers and employees of the District Board shall be such as may be prescribed.

- Dissolution of the District Board. **34. (1)** Every case of complaints relating to non-functioning of the District Board, shall be filed with the State Board in such form and manner as may be prescribed.
- (2) The State Board shall, after conducting an enquiry found the complaint to be true and the District Board dysfunctional, dissolve the District Board.
- (3) Upon dissolution of a District Board under sub-section (2), New District Board shall be constituted within fifteen days. 5
- Employment of a child. **35.** No child shall be employed as a domestic worker or for any such incidental or ancillary work which is prohibited under any law for the time being in force.

#### CHAPTER IV

##### ESTABLISHMENT OF DOMESTIC WORKERS SOCIAL SECURITY FUND 10

- Domestic Workers Social Security Fund. **36. (1)** There shall be constituted a Fund to be known as Domestic Workers Social Security Fund, and credited thereto—
- (a) the amount collected every month by the District Board under clause (b) sub-section (1) of section 28;
- (b) employers' contribution collected by the District Boards in the name and account of the State Board as annual registration fees under section 6; 15
- (c) any grants made to the Fund by the Central Government and State Government or any other person or organisation;
- (d) all amounts from the District Boards received as registration and other fees of domestic workers, employers and service providers; 20
- (e) any income from investment from nationalized bank;
- (f) share from Gross Domestic Product and State revenue;
- (g) all fines collected under this Act; and
- (h) all other sums received by the Board from any other sources.
- (2) The Fund shall be administered and applied by the District to meet the expenditure incurred in connection with measures and facilities which, are necessary or expedient to promote the welfare and social security of domestic workers to,— 25
- (i) defray the cost of such welfare measures or facilities for the benefit of domestic workers or beneficiaries as may be decided by the State Board; and
- (ii) sanction any money in aid of any scheme for the welfare of the domestic workers including family welfare, family planning, education, insurance and other welfare measures. 30
- Contribution of domestic workers or employers. **37.** Every domestic worker or employee who has been registered as a beneficiary under this Act shall, until he attains the age of sixty years, contribute to the Fund at such rate per mensem, as may be prescribed: 35
- Provided that the District Board may, if satisfied that a beneficiary is unable to pay his contribution due to any financial hardship, waive the payment of contribution for a period not exceeding three months at a time.
- Effect of non-payment of contribution. **38.** When a beneficiary has not paid his contribution under sub-section (1) of section 36 for a continuous period of not less than one year, he shall cease to be a beneficiary, but he shall continue to be a member: 40
- Provided that if the Board is satisfied that the non-payment of contribution was for a reasonable ground and that the domestic workers is willing to deposit the arrears, he may allow the domestic workers to deposit the contribution in arrears and on such deposit being made, the registration or entitlement to receive benefits of domestic workers shall stand restored. 45

## CHAPTER V

### REGULATION OF THE WORKING CONDITIONS

- 5 **39.** (1) Every employer and service provider shall provide such particulars of the domestic workers engaged directly or through agency, to the district Board or any person so authorized by the Board, in such form and paying such fees as may be prescribed. Duties of the employer and service provider.
- (2) No service provider or a person or agency shall carry on the business of providing domestic workers to any employer unless the said service provider or agency or person is registered under the Act.
- 10 (3) The Service provider shall maintain the records in a standard format as prescribed by the board of all domestic workers being contracted by them for purposes of employment from any part of the territory of India and provide the details thereof in such form as may be prescribed.
- 40.** For the purposes of this Act, the working hours of the domestic worker shall be as follows:— Working hours of the domestic workers.
- 15 (a) weekly working hours—no employees shall be required or allowed to work for more than forty-eight hours in a week;
- (b) daily working hours—subject to weekly working hours, no domestic worker shall be required or allowed to work for more than nine hours in a day;
- 20 (c) duration of working hour—the period of work of a domestic worker shall be so arranged that inclusive of the intervals for rest, it shall not spread over more than twelve hours per day;
- (d) weekly holidays—every domestic worker irrespective of being a full-time part-time, live-in, night-shift shall be entitled to a weekly day off;
- 25 (e) restriction on overtime—the total hours of overtime work in a days shall not exceed ten hours in a day and in the aggregate twelve hours in any week;
- (f) wages for overtime work—where a domestic worker works for more than the maximum working hours as perescribed he shall, in respect of the overtime work, be entitled to wages at the twice of his ordinary rate of wages; and
- 30 (g) interval for rest—the periods of work of a domestic worker each day shall be so fixed that no period shall exceed five hours at a stretch with an interval for rest of at least half an hour.
- 41.** It shall be the duty of the employer to provide the domestic worker with basic amenities like safe drinking water, food, first-aid and washroom facilities. Basic amenities.
- 35 **42.** It shall be the duty of the employer to provide a live-in domestic worker with private and decent accommodations for rest and dressing. Accommodation for live-in domestic workers.
- 43.** It shall be the duty of the employer to pay the wages directly to the bank account of the domestic worker within the first five days of the month in such manner as may be prescribed. Payment of wages.
- 40 **44.** The employer or domestic worker shall before termination of employment, give one month notice to the domestic worker or employer, as the case may be: Termination from employment.
- Provided that the employer before termination of employment shall provide wages worth fifteen days of employment to the domestic worker.
- 45.** (1) Every domestic worker shall be entitled to,— Leave.
- (a) a paid sick leave not exceeding fifteen days on the account of being sick; and



(b) fifteen days of annual paid leave if he has worked for a period of two hundred forty days exceeding the weekly holidays or sick leave.

Enrollment of domestic worker under Employee State Insurance Scheme.

**46.** Every domestic worker shall enroll himself under the Employee State Insurance Scheme as provided under the Employee State Insurance Act, 1948 so as to avail benefit from health cover including maternity benefit provided under that Act.

34 of 1948.  
5

Prohibition of crime against domestic worker.

**47.** No domestic worker shall be subjected to the offence of sexual, physical or verbal assault, violence, trafficking, wrongful confinement and bonded or forced labour by any employer or a member of his household.

No discrimination at work place.

**48.** (1) No employer registered under this Act shall discriminate a domestic worker on the basis of caste, race, region, language, colour, sex, creed or religion, in matters such as recruitment, conditions of employment or payment of wages.

10

(2) No voluntary association or agency shall discriminate a domestic worker on the grounds mentioned in rehabilitation, recruitment, placement and payment.

*Explanation.*—For the purpose of the section there shall be equal payment for equal work requiring the same amount of work, skill set, and effort.

15

Minimum wages.

**49.** (1) The appropriate Government shall, by notification, fix the minimum rate of wages payable to domestic worker.

(2) The appropriate Government shall review minimum wages at such intervals as it may think fit:

Provided that such intervals shall not exceed five years.

20

(3) The appropriate Government may fix—

(a) minimum rate of wages for time work (hereinafter referred to as ‘a minimum time rate’);

(b) minimum rate of wages for piece work (hereinafter referred to as ‘minimum piece rate’);

25

(c) minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a time work basis (hereinafter referred to as ‘a guaranteed time rate’);

(d) minimum rate (whether a time rate or a piece rate) to apply in substitution for minimum rate which would otherwise be applicable, in respect of overtime work done by employees (hereinafter referred to as ‘overtime rate’);

30

(e) minimum rates of wages by any one or more of the following wage—  
periods, namely:—

(f) by the hour,

(g) by the day,

35

(h) by the month.

## CHAPTER VI

### GRIEVANCE REDRESSAL AND DISPUTE RESOLUTION

Grievance Redressal Mechanism.

**50.** (1) The appropriate Government shall, by notification in the Official Gazette, constitute for every district one or more Grievance Redressal Committee for the resolution of disputes arising out of grievances relating to rejection and denial of registration, cancellation of registration and claims as well as other grievances regarding District Board.

40

(2) The Grievance Redressal Committee shall consist of—

(a) a Chairperson; and

(b) three members each representing employees and domestic workers, to be appointed by the appropriate Government in such manner as may be prescribed:

5 Provided that the Chairperson of the Grievance Redressal Committee shall be selected from the employers and from amongst the domestic workers alternatively on rotation basis every year:

10 Provided further that there shall be, as far as practicable, one woman member if the Grievance Redressal Committee has two members and in case the number of members are more than two, the number of women members may be increased proportionately.

(3) Notwithstanding anything contained in this section, the constitution of Grievance Redressal Committee shall not affect the right of the domestic worker to raise any dispute on the same matter under the provisions of this Act.

15 (4) The Grievance Redress Committee shall dispose off the complaint within forty-five days of receipt of a written complaint by or on behalf of the employee or the domestic worker, as the case may be.

20 (5) The employee or the domestic worker, as the case may be, who is aggrieved of the decision of the Grievance Redressal Committee may appeal to the District Collector against the decision of Grievance Redressal Committee and the Collector shall, within one month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the employee or the domestic worker, as the case may be.

(6) Nothing contained in this section shall apply to the worker for whom there is an established Grievance Redressal Mechanism in the establishment concerned.

25 **51. (1) The appropriate Government shall, by notification in the Official Gazette, set up adequate number of special courts to deal with complaints of domestic workers against the employers or service providers, as the case may be, to provide interim relief including reinstatement or continuity of service of domestic workers, as the case may be.**

Setting up of  
Special Court.

30 **(2) Every special court established under sub-section (1) shall be headed by a Chief Judge who shall be qualified to be appointed as District Judge and shall have such number of other Judges as the appropriate Government may prescribe.**

**(3) The qualification and salary, allowances and other terms and conditions of service of the Chief Judge and other Judges shall be such as may be prescribed.**

## CHAPTER VII

### OFFENCES AND PENALTIES

35 **52. (1) Any Service provider or placement agency or employer, as the case may be, who is not registered under this Act or has not renewed the registration certificate as per this Act shall be punishable with imprisonment for a term which may extend upto three months and with fine which may extend upto twenty thousand rupees, or with both.**

Offences and  
penalties.

40 **(2) Any service provider or agencies or employer who contravenes the provisions of the Act for the first time shall be punishable with imprisonment for a term which may extend upto three months and with fine which may extend to twenty thousand rupees, or with both.**

45 **(3) If any person who has been convicted of any offence punishable under sub-section (2) is again found guilty of an offence involving a contravention or failure of compliance of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend upto six months and with fine which shall not be less than forty thousand rupees but which may extend upto fifty thousand rupees or with both.**

(4) In case of default of payment to the domestic worker, the employer shall be liable to make payment along with the interest on such payment as may be prescribed:

Provided that if the employer makes payment to any domestic worker less than the minimum rates of wages fixed for his work, or less than the amount due to him under the provisions of this Act shall be punishable with imprisonment for a term which may extend upto six months or with fine which may extend upto twenty thousand rupees or with both. 5

(5) Any person who willfully obstructs any officer so authorized by the District Boards to conduct inspection under the act or refuses or willfully neglects to afford the such officer any reasonable facility for making any insepction, examination, inquiry or investigation authorized by or under this Act in relation to the employer or a service provider to whom, this Act applies, shall be punishable with imprisonment for a term which may extend to three months and with fine which may extend upto twenty thousand rupees. 10

(6) Whoever willfull refuses to produce on the demand of such an inspecting a person so authorized by the District Boards, any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he/she has reason to believe is likely to prevent any person from appearing before or being examined by an inspecting person acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend upto three months or with a fine which may extend upto twenty thousand rupees, or with both. 15

(7) Any person who— 20

(i) knowing sends, direct or takes female to any place for immoral purposes or to a place where she is likely to morally corrupted;

(ii) in any manner sexually exploits or indulges in trafficking of domestic worker or child; or

(iii) if found ill treating or discriminating any domestic worker on the basis of caste, sex, class, race, religion or region; 25

(iv) in any manner abuses or illegally confines any domestic worker; or,

(v) compels any person to render any forced labour; or,

(vi) engages any child as a domestic workers,

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend upto seven years and fine which may extend upto rupees fifty thousand or with both. 30

Complaint mechanism.

**53.** On identification of victim by service provider or District Board, the complaint shall be initiated to the Chief Judicial Magistrate by the service provider or District Board, whatsoever the case may be. 35

Emergency aid, medium term assistance and legal aid.

**54.** For the victims of forced labour, sexual exploitation, discrimination, illegal confinement or any kind of abuse, the District Board or service provider, as the case may be, shall provide with emergency aid, medium term assistance and legal aid in conduct of the legal proceedings and admit the victim to rehabilitation homes.

Court not to take cognizance of any offence punishable.

**55. (1)** No court shall take cognizance of any offence punishable under this Act except on a complaint— 40

(a) make by, or with the previous sanction in writing of, the State Board or the District Board; or

(b) make by an office-bearer of a voluntary organization registered under the Societies Registration Act, 1860 or Trade Unions Act, 1926 or any other law for the time being in force;

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

## CHAPTER VII

### MISCELLANEOUS PROVISIONS

5       **56.** (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any agreement or contract of service, whether made before or after the commencement of this Act. Effect of laws and agreements inconsistent with the Act.

(2) Nothing contained in this Act shall be construed as precluding any worker from entering into an agreement with the principal employer as the case may be, for granting them rights or privileges in respect of any matter which are more favourable to them than those to which they would be entitled under this Act.

10       **57.** (1) If the appropriate Government is satisfied that, or otherwise is of the opinion that— Supersession of the State Board.

(a) the State Board is unable to perform its functions; or

15       (b) the State Board has persistently made delay in the discharge of its functions or has exceeded or abused its powers, then the State Government may, by notification in the Official Gazette, supersede the State Board and re-constitute it in the manner specified in section 18 within a period of twelve months from the date of supersession:

20       Provided that the period of supersession may be extended by not more than six months for sufficient reasons by a notification:

Provided further that, before issuing a notification under this sub-section on any of the grounds mentioned in clause (b), the State Government shall give a reasonable opportunity to the State Board to show cause why it shall not be superseded and shall consider the explanations and objections, if any, of the Board.

25       (2) After the supersession of the Board and until it is reconstituted, the powers and functions of the Board under this Act shall be exercised and performed by the State Government or by such officer or officers as the State Government may appoint for this purpose.

30       (3) When the Board is superseded, the following consequences shall ensure, that is to say—

(a) all the members of the Board shall, as from the date of publication of the notification under sub-section (1), vacate their office;

35       (b) all the powers and functions, which may be exercised or performed by the Board shall, during the period of supersession, be exercised or performed by such persons as may be specified in the notification;

(c) all funds and other property vesting in the Board shall, during the period of supersession, vest in the State Government and on the reconstitution of the Board, such funds and property shall reinvest in the Board.

40       **58.** (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty: Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

45       (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Accounts and  
Audit.

**59.** (1) The State and District Boards shall maintain proper accounts and other relevant records and prepare annual statements of accounts in such form as may be prescribed.

(2) The Committee shall furnish to the Central Government, before such date as may be prescribed, the audited copy of the consolidated account of itself and the Funds together with the auditor's report.

5

(3) The State and District Boards shall furnish to the State Government before such date as may be prescribed its audited copy of accounts together with the auditor's report.

Application of  
other Acts.

**60.** The Welfare provisions of the Employees State Insurance Act, 1948, Equal Remuneration Act, 1976, Industrial Dispute Act, 1947, *Inter-State* Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, Maternity Benefit Act, 1961, Minimum Wage Act, 1948, Payment of Bonus Act, 1965, Payment of Gratuity Act, 1972, Payment of Wages Act, 1936, Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Trade Unions Act, 1926, Unorganised Worker Social Security Act, 2008, Workmen's Compensation Act, 1923 shall also apply to the domestic workers registered under this Act.

34 of 1948.  
25 of 1976.  
10 14 of 1947.  
30 of 1979.  
53 of 1961.  
11 of 1948.  
21 of 1965.  
39 of 1972.  
4 of 1936.  
15 14 of 2003.  
16 of 1926.  
33 of 2008.  
8 of 1923.

Act not in  
derogation of  
other laws.

**61.** The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law, for the time being in force.

Power to  
make rules.

**62.** (1) The appropriate Government may, by notification in the Official Gazette, and subject to the conditions of previous publication except when the rules are made for the first time, make rules to carry out the purposes of this Act.

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(2) In particular and without prejudice to the generality of the forgoing provision, such rules may be made for all or any of the following matters, namely:—

(a) term of office of members of the State and District Board as the case may be;

(b) rate of travelling and daily allowances to be payable to members of the State and District Board for attending meetings of the State and District Board as the case may be;

25

(c) form of application for registration as a beneficiary;

(d) documents to be accompanied along with application for registration as a beneficiary and fees for the same;

(e) registers to be maintained by the Secretary of the State and District Board as the case may be;

30

(f) form of an application to be made by a beneficiary to the District Board and documents which may be accompanied to such application, for grant of payments out of the fund;

(g) amount of contribution of the beneficiaries to the fund;

35

(h) form of annual statement of accounts including a balance sheet;

(i) form in which and the time when the budget of the Board is to be prepared and forwarded to the State Government;

(j) form in which and the time when the annual report of the Board is to be prepared and submitted to the State Government;

40

(k) number of members of the Advisory Committee and the manner in which they may be chosen;

(l) term of office of members of the Committee; and

(m) rate of travelling and daily allowances to be payable to members of the Committee for attending meetings of the Committee.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as  
5 may be after it is made, before each House of Parliament while it is in session for a total period  
of thirty days which may be comprised in one session or in two or more successive sessions  
and if, before the expiry of the session immediately following the session or the successive  
sessions aforesaid, both Houses agree in making any modification in the rule or both Houses  
agree that the rule should not be made, the rule shall thereafter have effect only in such  
10 modified form or be of no effect, as the case may be; so, however, that any such modification  
or annulment shall be without prejudice to the validity of anything previously done under  
that rule.

(4) Every rule made by the State Government under this Act shall be laid, as soon as  
may be after it is made, before the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

In the last few decades there has been a tremendous growth in the demand for domestic workers. Poverty has also forced people to migrate in search of work and workers with no other *skills*, turn to domestic work. This has also led to the trafficking and other forms of exploitation of millions of women and children of both the sexes. To meet growing demand for domestic help, there has been a spurt of thousands of placement agencies providing domestic workers in metro-towns of many States who remain outside the purview of any legislative control.

Absence of any legal protection, has led to severe exploitation of women and children which includes depriving domestic workers of a decent wage and excessive working hours of work. For the live-in domestic workers, there is absence of proper food and living/sleeping space, lack of freedom of mobility, isolation, exposure to harassment and sexual exploitation by agents during transit and work.

In 2011 the domestic workers won a victory at the International Labour Conference when an overwhelming majority of member countries voted in favour of a Convention to uphold the rights of domestic workers. Convention 189 and Recommendation 201, to which the Government of India is a signatory, explains in detail how domestic workers need to be protected and awarded. Whereas the Government of India has not yet ratified Convention 189, the Government of India has included domestic workers in the Anti Harassment at the Workplace Act and some schemes like the *Rashtriya Swasthya Bima Yojana (RSBY)*. A few State Governments have notified minimum wages for domestic workers and included them in some welfare schemes while the State of Maharashtra has enacted a welfare Act for domestic workers. Nevertheless in the absence of a central legislation capable of reaching all domestic workers none of these State level measures will deliver justice to domestic workers.

As domestic workers are an important segment of the service sector of the Indian economy and who have a multiplier impact on the economy by enabling the women in particular to work by sharing the family burden, only a comprehensive Central Legislation specifically designed to meet the working condition of the domestic workers can ensure the end of the exploitation of these workers.

It is in the public interest that domestic work, employing, as it does, a very large number of poor and vulnerable women and whose conditions of work and living need amelioration and to whom regularity of employment must be assured, placement agencies must be regulated so that the Directive Principles of the Constitution, more particularly the relevant provisional articles 39, 41, 42, 43, and 43-A of the Constitution are given effect to by a law made by Parliament with reference to entries 22, 23 and 24 of List III in the 7th Schedule to the Constitution.

Hence this Bill.

NEW DELHI;  
April 6, 2017.

SANKAR PRASAD DATTA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the registration of domestic workers, employees and service providers in such manner as may be prescribed. Clause 16 provides for the constitution of the Central Advisory Committee by the Central Government. It also provides for appointment of a Chairperson and other members of the Committee. Clause 18 provides for the constitution of State Domestic Workers Regulation of Work and Social Security Board. Clause 19 provides for appointment of Secretary and other officers and employees to the State Board. Clause 22 provides that State Boards shall make grants to the local authority and employees for providing benefits to the domestic worker. Clause 23 provides that Central Government shall provide grants and loans to the State Boards. Clause 27 provides for the constitution of District Domestic Workers Regulations of Work and Social Security Board.

Clause 33 provides for appointment of Secretary and other officers to the District Board. Clause 36 provides for constitution of Domestic Workers Social Security Fund.

Clause 50 provides for the constitution of Grievance Redressal Committee. Clause 51 provides for setting up of Domestic Worker Court. The expenditure relating to State shall be borne out of the Consolidated Fund of the State concerned. The expenditure relating to the Union territories shall be incurred from the Consolidated Fund of India.

The Bill, therefore, if enacted would involve expenditure from the consolidated Fund of India. It is estimated that recurring expenditure of about rupees Twenty thousand two hundred forty crore and Forty seven lakh per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Four thousand and forty eight crore is also likely to be incurred.



MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 62 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

LOK SABHA

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**BILL**

to provide for regulation of work of domestic workers in order to improve their working conditions and to provide social security to them; setting up of State and District Boards for the purpose and for compulsory registration of domestic workers, employers and service providers to such Boards and also for setting up of Domestic Workers Social Fund and for matters connected therewith or incidental thereto.

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*(Shri Sankar Prasad Datta, M.P.)*