

A Systematic Review of Existing Laws and Policies Affecting Domestic Workers in Madhya Pradesh: Challenges and Recommendations for Reform

¹Ms. Shubhi Bhargava, ²Dr. Arun Sharma, ³Dr. Saroj Choudhary

¹Research Scholar, Amity Law School, Amity University Madhya Pradesh, Gwalior, Madhya Pradesh, India Shubhibhargava8@gmail.com, <https://orcid.org/0009-0005-1421-7299>.

²Associate Professor, Amity Law School, Amity University Madhya Pradesh, Gwalior, Madhya Pradesh, India Arunboharcindia@gmail.com

³Associate Professor, Amity Law School, Amity University, Gwalior, Madhya Pradesh, India Jiasaroj@gmail.com

Abstract

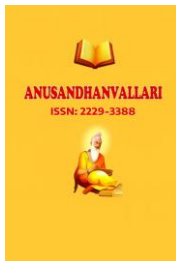
Domestic workers constitute an indispensable yet persistently marginalized segment of India's informal workforce. Despite their substantial contribution to household economies and urban labour markets, domestic workers continue to remain outside the effective protection of labour legislation, rendering them vulnerable to exploitation, insecurity, and systemic neglect. This paper undertakes a critical socio-legal analysis of the existing legal and policy framework governing domestic workers in Madhya Pradesh, a state where the absence of specific regulatory mechanisms has significantly exacerbated their precarity. Through a systematic review of national statutes, policy instruments, and proposed legislative measures—most notably the Unorganised Workers' Social Security Act, 2008 and the Domestic Workers (Conditions of Work) Bill, 2010 the study identifies persistent legal gaps and implementation failures that undermine the realization of domestic workers' rights. The paper further situates these legal inadequacies within the broader socio-economic context of Madhya Pradesh, where domestic work is predominantly undertaken by women from economically and socially marginalized communities. It highlights how the informal and privatized nature of domestic labour restricts access to minimum wages, social security, job stability, and legal remedies, while also intensifying gender-based discrimination and vulnerability to abuse. The analysis reveals that existing welfare-oriented frameworks, though symbolically significant, remain largely ineffective due to weak enforcement, lack of awareness, and the absence of state-specific legislation. The study argues that meaningful protection of domestic workers' rights requires a shift from fragmented welfare measures to a comprehensive regulatory approach. It advocates the enactment of state-level legislation in Madhya Pradesh, strengthened enforcement mechanisms, and the formal recognition of domestic work as legitimate labour.

Keywords: Domestic Workers; Madhya Pradesh; Labour Law; Legal Reform; Worker Protection.

Introduction

Domestic work constitutes one of the most significant yet least regulated forms of labour within India's informal economy. Domestic workers perform indispensable functions within households, including cleaning, cooking, childcare, and eldercare, thereby sustaining both family life and urban labour markets. Despite their crucial contribution, domestic workers remain largely invisible within formal legal frameworks, resulting in chronic vulnerability to exploitation, economic insecurity, and rights violations. The informal and privatized nature of domestic work has historically positioned it outside the scope of conventional labour regulation, reinforcing its marginal status within legal and policy discourse. (Patel, 2018)

In India, domestic work is predominantly undertaken by women from economically and socially marginalized communities, including migrant workers, scheduled castes, and scheduled tribes. This intersection of informality, gender, and socio-economic disadvantage has resulted in systemic neglect of domestic workers' rights. Unlike



workers in formal sectors, domestic workers are typically excluded from statutory protections relating to minimum wages, working hours, social security, and occupational safety. The absence of written contracts, job security, and effective grievance redressal mechanisms further exacerbates their precarity, leaving them dependent on the discretion of individual employers. (Chaudhary, 2017)

Although certain national legislations, such as the Unorganised Workers' Social Security Act, 2008, seek to extend limited welfare measures to informal workers, their applicability to domestic workers remains weak and fragmented. Similarly, the proposed Domestic Workers (Conditions of Work) Bill, 2010 represents an important legislative attempt to recognize domestic work as formal labour; however, its continued non-enactment underscores the lack of political and institutional commitment towards comprehensive labour reform in this sector. As a result, domestic workers continue to operate within a legal vacuum that prioritizes welfare rhetoric over enforceable rights. (Iyer, 2020; Rani & Sharma, 2019)

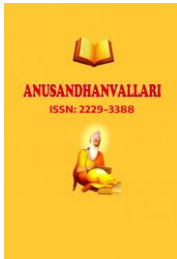
The situation is particularly concerning in Madhya Pradesh, where the absence of state-specific legislation governing domestic work has intensified workers' vulnerability. Rapid urbanization and rural-to-urban migration within the state have led to a growing dependence on domestic labour, especially in urban centres such as Bhopal and Indore. Yet, despite this increasing demand, domestic workers in Madhya Pradesh remain excluded from minimum wage notifications, social security schemes, and effective enforcement mechanisms. The lack of a dedicated regulatory framework or institutional oversight has allowed exploitative practices to persist largely unchecked. (Sharma, 2021)

Against this backdrop, the present study undertakes a systematic socio-legal examination of the existing laws and policies affecting domestic workers in Madhya Pradesh. By critically analysing both national and state-level legal frameworks, the paper seeks to highlight the structural deficiencies that undermine the protection of domestic workers' rights. The study situates domestic work within broader debates on informality, gender justice, and labour regulation, arguing that meaningful legal reform requires a shift from fragmented welfare measures to a rights-based and enforceable regulatory approach. (Jain, 2017)

The constitutional obligation to protect the dignity of labour has been repeatedly emphasised by the Indian judiciary. In *People's Union for Democratic Rights v. Union of India* (1982), the Supreme Court held that the right against exploitation under Article 23 extends beyond formal employment and applies equally to workers engaged in informal and unorganised sectors. The Court recognised that economic compulsion and vulnerability may amount to forced labour even in the absence of physical coercion. This interpretation is particularly relevant to domestic workers, whose labour conditions are shaped by informality, dependency, and unequal power relations. Despite this expansive constitutional protection, domestic workers continue to remain excluded from the effective application of labour laws, revealing a disjunction between constitutional ideals and statutory implementation (*People's Union for Democratic Rights v. Union of India*, 1982). This study adopts a doctrinal and socio-legal research methodology, relying on a systematic analysis of statutes, judicial pronouncements, policy documents, and existing academic literature. Secondary sources, including reports of international organisations, government publications, and peer-reviewed scholarship, have been critically examined to assess the legal position of domestic workers. The study does not involve empirical data collection; rather, it focuses on normative legal analysis to identify structural gaps within existing frameworks and to propose reform-oriented recommendations relevant to the context of Madhya Pradesh. (Sharma, 2021)

Research Gap

While a growing body of scholarship has examined the conditions and vulnerabilities of domestic workers in India, existing research largely adopts a national or comparative perspective, often overlooking state-specific legal



and institutional contexts. Studies addressing domestic workers' rights tend to focus on broad legislative shortcomings or socio-economic exploitation without sufficiently engaging with regional variations in policy implementation and enforcement. Consequently, the unique challenges faced by domestic workers in Madhya Pradesh remain underexplored within academic and legal discourse. (Patel, 2018; Kumari, 2020)

There is a noticeable gap in socio-legal research that critically analyses the interaction between national labour laws, state-level policy inertia, and local enforcement mechanisms in Madhya Pradesh. Existing literature rarely addresses how the absence of state-specific legislation, coupled with weak institutional oversight, disproportionately affects domestic workers in the state. Moreover, the intersectional dimensions of gender, migration, caste, and informality in shaping domestic workers' legal vulnerability in Madhya Pradesh have not received adequate scholarly attention. (Ravi, 2017)

This gap necessitates a focused legal inquiry that moves beyond descriptive accounts of exploitation to examine structural and regulatory failures at the state level. By concentrating on Madhya Pradesh, this study seeks to contribute original insight into the regional dimensions of domestic labour regulation and to inform context-specific legal and policy reforms aimed at strengthening the protection of domestic workers' rights. (Sharma, 2021)

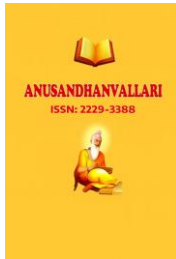
Literature Review

Domestic workers constitute a substantial segment of India's informal workforce, yet their legal and socio-economic conditions continue to reflect deep structural neglect. Scholarly literature on domestic work in India consistently highlights the paradox between the indispensability of domestic labour and its marginal legal recognition. Despite contributing significantly to household economies and urban labour markets, domestic workers remain excluded from the protective ambit of mainstream labour legislation, exposing them to exploitation, low wages, and precarious working conditions. (Chaudhary, 2017; Mishra, 2015)

A recurring theme in the literature is the legal invisibility of domestic work. Scholars argue that the location of domestic labour within the private sphere of households has historically enabled its exclusion from labour regulation, allowing it to be treated as a personal arrangement rather than an employment relationship. This perception has contributed to the systematic omission of domestic workers from statutes such as the Factories Act, 1948 and the Shops and Establishments Acts, which are designed to regulate formal workplaces. As a result, domestic workers are denied fundamental labour rights, including regulated working hours, paid leave, and occupational safety protections.

Several studies emphasise that the informal and undocumented nature of domestic work significantly weakens workers' bargaining power. The absence of written employment contracts leaves domestic workers vulnerable to arbitrary dismissal, wage theft, and excessive working hours, with little scope for legal redress. Researchers note that even when disputes arise, domestic workers face considerable challenges in accessing justice due to fear of retaliation, lack of legal awareness, and limited institutional support. This legal precarity is further compounded by the fact that labour inspection mechanisms rarely extend into private households, rendering enforcement of existing protections largely ineffective. (Kumari, 2020)

The gendered character of domestic work has received sustained attention in academic discourse. Literature consistently observes that domestic labour in India is overwhelmingly feminised, performed primarily by women from economically disadvantaged and socially marginalised backgrounds. Scholars argue that this feminisation reinforces the perception of domestic work as an extension of women's traditional household roles rather than as productive labour deserving legal protection. Consequently, domestic workers experience intersecting forms of discrimination based on gender, class, caste, and migration status. Studies document widespread instances of



verbal abuse, physical violence, and sexual harassment, often occurring in isolation and without witnesses, which further impedes reporting and legal intervention. (Ravi, 2017)

With respect to legal frameworks, existing scholarship critically evaluates the limited protection offered by welfare-oriented legislations such as the Unorganised Workers' Social Security Act, 2008. While the Act symbolically acknowledges informal workers, scholars argue that its provisions lack enforceability and fail to create substantive labour rights. The Act primarily adopts a social security approach without addressing core employment concerns such as minimum wages, job security, and working conditions. As a result, domestic workers remain dependent on discretionary welfare schemes rather than enforceable legal entitlements. (Iyer, 2020; Rani & Sharma, 2019)

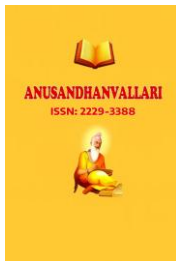
The proposed Domestic Workers (Conditions of Work) Bill, 2010 has been widely discussed in the literature as a significant yet unrealised attempt at reform. Academic commentary recognises the Bill's potential to formalise domestic work by providing minimum wages, social security benefits, and protection against exploitation. However, scholars also note that the Bill's prolonged stagnation reflects broader political reluctance to regulate labour within private households. The non-enactment of the Bill is frequently cited as evidence of the structural resistance to extending labour rights to domestic workers.

Regional studies further demonstrate that the absence of state-specific legislation exacerbates workers' vulnerability. Comparative analyses highlight that states which have taken proactive steps towards recognising domestic workers through minimum wage notifications or welfare boards have made modest progress in improving working conditions. In contrast, states such as Madhya Pradesh have received limited scholarly attention, despite a high reliance on informal domestic labour. Researchers point out that the lack of state-level regulatory frameworks results in uneven protection and reinforces regional disparities in labour rights. (Sharma, 2021) (Patel, 2018; Kumari, 2020)

The literature also underscores the role of awareness and collective organisation in shaping domestic workers' legal outcomes. Scholars argue that low levels of legal literacy among domestic workers significantly hinder the realisation of existing protections. The absence of strong unions or worker collectives further weakens workers' capacity to negotiate fair terms of employment or to challenge exploitative practices. While some studies acknowledge the efforts of civil society organisations and non-governmental actors in advocating for domestic workers' rights, these initiatives remain fragmented and insufficient to substitute for comprehensive legal reform.

Overall, existing scholarship provides valuable insight into the socio-economic vulnerabilities and legal marginalisation of domestic workers in India. However, much of the literature remains either nationally focused or descriptive in nature, offering limited engagement with state-specific legal gaps and enforcement failures. This underscores the need for regionally grounded socio-legal research that critically examines how the absence of targeted legislation and institutional mechanisms perpetuates exploitation at the state level, particularly in Madhya Pradesh.

Judicial discourse has increasingly acknowledged the rights of workers operating outside formal employment structures. In *Bandhua Mukti Morcha v. Union of India* (1984), the Supreme Court affirmed that the State bears a constitutional duty to identify and protect vulnerable workers subjected to exploitative labour conditions. The Court underscored that socio-economic justice under Articles 21 and 23 requires proactive State intervention for marginalised labour groups. Scholars have relied on this jurisprudence to argue that domestic workers, though excluded from formal labour statutes, fall squarely within the constitutional mandate for protection against exploitation and inhuman working conditions (*Bandhua Mukti Morcha v. Union of India*, 1984).



Objectives of the Study

The present study is guided by the following objectives:

1. To critically examine the existing national and state-level legal frameworks governing domestic workers in India, with specific reference to Madhya Pradesh.
2. To analyse the socio-economic conditions of domestic workers in Madhya Pradesh and assess how informality, gender, and migration shape their legal vulnerability.
3. To identify gaps in legal recognition, enforcement mechanisms, and institutional accountability affecting domestic workers' rights.
4. To evaluate the adequacy of existing policy measures and proposed legislative reforms in addressing the structural exploitation of domestic workers.
5. To propose context-specific legal and policy recommendations aimed at strengthening the protection and formal recognition of domestic workers in Madhya Pradesh.

Socio-Economic Position of Domestic Workers

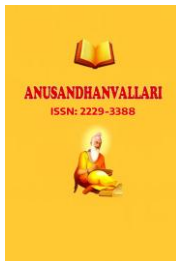
Domestic workers in Madhya Pradesh occupy a precarious position within the informal labour economy. Rapid urbanisation, coupled with persistent rural poverty, has led to increased migration into urban centres such as Bhopal, Indore, and Gwalior, where domestic work has emerged as a primary source of employment for women from economically marginalised backgrounds. The overwhelming feminisation of domestic labour reflects entrenched gender norms that associate caregiving and household work with women, thereby diminishing its perceived economic value. (Ravi, 2017)

The informal character of domestic workplaces workers at a structural disadvantage. In the absence of written contracts, defined working hours, or wage guarantees, domestic workers are compelled to rely on informal arrangements that offer little protection against exploitation. This informality reinforces asymmetric power relations between employers and workers, allowing arbitrary termination, wage suppression, and excessive workloads to persist without accountability. For migrant domestic workers in particular, dependence on employers for livelihood and accommodation further intensifies vulnerability and restricts resistance to exploitative practices. (Kumari, 2020)

Exclusion from Labour Legislation

A critical legal issue confronting domestic workers in Madhya Pradesh is their systematic exclusion from mainstream labour legislation. Statutes such as the Factories Act, 1948, the Minimum Wages Act, 1948, and state-level Shops and Establishments Acts were designed to regulate formal employment relationships and do not extend protection to domestic workers employed within private households. This exclusion effectively denies domestic workers access to fundamental labour rights, including regulated working hours, minimum wages, paid leave, and occupational safety. (Sharma, 2021)

Although domestic workers fall within the broader category of unorganised labour, welfare-oriented legislation such as the Unorganised Workers' Social Security Act, 2008 provides only limited relief. The Act adopts a fragmented social security approach without creating enforceable employment rights or obligations for employers. In practice, access to welfare schemes under the Act remains inconsistent and dependent on administrative discretion rather than legal entitlement. Consequently, domestic workers in Madhya Pradesh remain situated



within a legal vacuum that prioritises welfare symbolism over substantive labour protection. (Iyer, 2020; Rani & Sharma, 2019)

Absence of State-Specific Regulatory Framework

Unlike certain Indian states that have introduced minimum wage notifications or welfare boards for domestic workers, Madhya Pradesh has failed to adopt any comprehensive state-level legislation regulating domestic work. The absence of a dedicated regulatory framework has resulted in the complete invisibility of domestic workers within the state's labour governance system. There is no institutional mechanism to register domestic workers, monitor employment conditions, or address grievances arising from abuse or non-payment of wages. (Sharma, 2021)

This legislative inertia has allowed exploitative practices to flourish unchecked. Domestic workers in Madhya Pradesh are routinely paid wages below subsistence levels, denied weekly rest days, and dismissed without notice or compensation. The lack of a statutory framework also prevents effective data collection on the domestic workforce, further undermining policy formulation and targeted interventions. The state's failure to implement even the advisory provisions of the National Policy on Domestic Workers reflects a broader disregard for labour rights within the informal sector.

Enforcement Deficits and Access to Justice

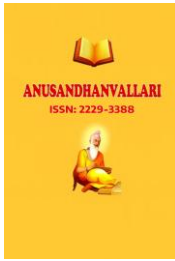
Even where limited legal protections exist, enforcement remains a significant challenge. Domestic work takes place within private households, which fall outside the conventional reach of labour inspection systems. As a result, violations of labour standards remain largely invisible and unreported. Domestic workers rarely approach labour authorities or courts due to fear of retaliation, lack of legal awareness, and financial constraints.

The absence of written contracts further weakens access to justice. Without documentary evidence of employment terms, domestic workers face considerable difficulties in substantiating claims related to wage theft, unfair dismissal, or abuse. For women domestic workers, these barriers are compounded by social stigma and limited institutional support in cases involving physical or sexual violence. The private nature of domestic work thus operates as a structural shield for employers, reinforcing impunity and perpetuating rights violations. (Jain, 2017; Mishra, 2015)

Gender-Based Discrimination and Violence

Gender remains a defining axis of vulnerability in domestic work. Domestic workers in Madhya Pradesh are overwhelmingly women, and their labour is frequently undervalued due to its association with unpaid household work traditionally performed by women. This gendered perception legitimises low wages and reinforces the belief that domestic work does not merit legal protection equivalent to other forms of labour. (Jain, 2017)

Studies consistently document instances of verbal abuse, physical assault, and sexual harassment faced by women domestic workers, often occurring in isolation and without witnesses. The absence of formal employment relationships and complaint mechanisms leaves workers with little recourse in such situations. While criminal law remedies theoretically exist, domestic workers rarely access them due to fear, dependency on employers, and lack of institutional support. This demonstrates the inadequacy of relying solely on general criminal law to address workplace abuse in the absence of labour-specific protections.



The vulnerability of domestic workers in Madhya Pradesh cannot be attributed to informality alone but must be analysed through an intersectional lens. Gender, caste, migration status, and economic dependency collectively shape the conditions under which domestic workers are employed. Women from marginalised castes and migrant backgrounds face compounded disadvantage, limiting their bargaining power and access to legal remedies. This intersectionality reinforces structural inequality and explains why formal legal recognition remains insufficient in the absence of targeted and inclusive regulatory frameworks. (Patel, 2018; Kumari, 2020)

While criminal law remedies theoretically address extreme forms of abuse against domestic workers, reliance on criminal prosecution alone is inadequate to address everyday exploitation embedded in employment relationships. Labour law operates preventively by regulating wages, hours, and conditions of work, whereas criminal law intervenes only after harm has occurred. The absence of labour-specific regulation for domestic workers thus creates a legal vacuum in which systemic exploitation persists without triggering criminal liability, underscoring the need for sector-specific labour legislation.

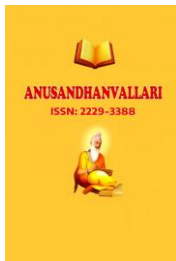
Need for Legislative and Policy Reform

The analysis reveals that the legal marginalisation of domestic workers in Madhya Pradesh is not incidental or accidental but deeply structural, rooted in the persistent exclusion of domestic work from formal labour regulation. The prevailing reliance on fragmented welfare measures, rather than enforceable legal rights, has failed to address the systemic exploitation faced by domestic workers. Welfare-oriented approaches, while symbolically acknowledging vulnerability, remain discretionary in nature and do not impose binding obligations on employers or the State. Consequently, such measures are insufficient to secure dignity, stability, and substantive equality for domestic workers operating within the informal economy. (Patel, 2018; Kumari, 2020)

Addressing this structural marginalisation necessitates a decisive shift towards a rights-based regulatory framework that formally recognises domestic work as legitimate employment. There is an urgent need for state-specific legislation in Madhya Pradesh that clearly defines domestic work, establishes employer–employee relationships, and guarantees core labour rights, including minimum wages, regulated working hours, weekly rest, job security, and access to social security benefits such as health insurance, maternity benefits, and old-age pensions. Legal recognition of domestic workers as workers, rather than beneficiaries of welfare schemes, is essential to dismantle entrenched power asymmetries within domestic employment relationships. (Sharma, 2021)

At the national level, the enactment of the Domestic Workers (Conditions of Work) Bill, 2010 would provide a crucial statutory foundation for the uniform protection of domestic workers across India. The Bill's emphasis on minimum wages, social security, and protection against abuse reflects an important step towards formalising domestic work within labour law. However, national legislation alone is insufficient to address the diverse socio-economic and administrative realities faced by domestic workers at the state level. State governments must therefore exercise legislative initiative to supplement national frameworks with region-specific regulatory mechanisms that respond to local labour conditions and enforcement challenges. (Patel, 2018; Kumari, 2020)

In this regard, the establishment of mandatory registration systems for domestic workers and employers would enhance visibility, enable data collection, and facilitate policy implementation. Additionally, accessible grievance redressal mechanisms at the district or local level are necessary to ensure timely resolution of disputes relating to wages, termination, and abuse. Awareness programmes aimed at both domestic workers and employers are equally critical, as low levels of legal literacy continue to impede the effective realization of existing protections. Empowering domestic workers through legal awareness and institutional support would significantly strengthen enforcement and enable workers to assert their rights without fear of retaliation.



Ultimately, legislative and policy reform must move beyond symbolic recognition to create enforceable legal entitlements backed by institutional accountability. Without such reform, domestic workers in Madhya Pradesh will continue to remain trapped within informal and exploitative employment arrangements, undermining constitutional commitments to dignity, equality, and social justice. (Patel, 2018; Kumari, 2020)

Conclusion

Domestic workers in Madhya Pradesh occupy a critical yet persistently marginalised position within the informal labour economy. Despite their indispensable contribution to household functioning and urban livelihoods, domestic workers continue to remain excluded from meaningful legal protection due to the informal, privatised, and feminised nature of their work. This study has demonstrated that existing national welfare-oriented frameworks, while symbolically recognising informal labour, fall short of ensuring enforceable rights, effective implementation, and institutional accountability for domestic workers.

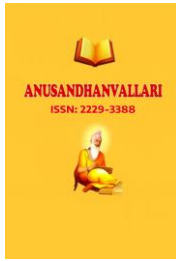
The analysis reveals that the absence of state-specific legislation in Madhya Pradesh has significantly deepened workers' vulnerability. Exclusion from minimum wage protections, lack of written contracts, weak enforcement mechanisms, and limited access to justice collectively perpetuate exploitative employment relations. These challenges are further intensified by gender-based discrimination, migration, and socio-economic marginalisation, rendering domestic workers particularly susceptible to abuse and economic insecurity. The failure to regulate domestic work not only undermines labour rights but also reinforces broader inequalities within the informal sector. The study is limited by its reliance on secondary sources and doctrinal analysis and does not incorporate empirical field data. However, this approach is appropriate given the paper's objective of examining legal frameworks and normative gaps rather than documenting lived experiences.

This paper argues that a welfare-centric approach is insufficient to address the structural exploitation of domestic workers. What is required is a decisive shift towards a rights-based regulatory framework that formally recognises domestic work as legitimate labour. The enactment of comprehensive legislation—both at the national and state levels—is essential to guarantee minimum wages, regulated working conditions, social security, and effective grievance redressal mechanisms. In this regard, the long-pending Domestic Workers (Conditions of Work) Bill, 2010 represents a crucial legislative opportunity that must be prioritised.

At the state level, Madhya Pradesh must undertake proactive legal reform by introducing dedicated legislation for domestic workers, establishing institutional oversight mechanisms, and promoting legal awareness among workers. Strengthening enforcement through registration systems, accessible complaint mechanisms, and collaboration with civil society organisations would significantly enhance accountability and protection. Ultimately, recognising domestic workers as rights-bearing workers rather than beneficiaries of discretionary welfare is essential for advancing labour justice and social equity. By foregrounding the regional dimensions of domestic labour regulation, this study contributes to the broader discourse on informal labour reform and underscores the urgent need for context-specific legal interventions in Madhya Pradesh. Judicial pronouncements have consistently reinforced the constitutional mandate to protect vulnerable workers and ensure dignity of labour. However, the continued exclusion of domestic workers from enforceable labour protections demonstrates a disconnect between constitutional jurisprudence and legislative action. Bridging this gap requires translating judicial principles into concrete statutory and institutional reforms at both national and state levels.

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