



# Global Care Policy Index

## Technical Report for India

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### Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit [globalcarepolicy.com](http://globalcarepolicy.com).

### Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

### Scoring Notes for India

Most questions for India were scored using the one-step logic since most care policies are formulated and implemented across the country by the central government.

Only one question - Question B3.3.1 - about minimum wages for domestic workers, was scored using the two-step logic. This is because minimum wages for domestic workers have been set by select state governments. The state governments of Assam, Bihar, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Odisha, Rajasthan, Tamil Nadu and Telangana have set a minimum wage for domestic workers. Together, these states account for around 40% of India's population. For Step 1, India scores a 0.5 since total national population coverage falls in the 25%-75% range. In all of these states, the minimum wage guaranteed to domestic workers is equal to or greater than the minimum wage guaranteed to unskilled workers and factory workers. There are no further exclusions in any of these states and therefore no score deductions. Thus, India scores a 0.5 for this question.

## How to Cite this Technical Report

The recommended citation for this report is as follows:

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
<b>India</b>				
<b>SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS</b>				
<b>A1. Pregnancy and Maternity Leave Coverage</b>				
A1.1	Are working women guaranteed maternity leave?	0.50	No, only some working women are guaranteed maternity leave. There are 2 exclusionary conditions. The Maternity Benefit Act states: 1. Eligible women must have worked for their employer for 80 days in the 12 months preceding the date of their expected delivery. 2. The show or establishment where the eligible woman works must employ at least 10 employees or must have employed at least ten employees on any day in the preceeding twelve months. <b>1-0.25-0.25=0.50</b>	<a href="#">Maternity Benefit Act, 1961 (5)</a>
A1.2	Are all categories of working women guaranteed maternity leave?	0.60	No, maternity leave is not universally guaranteed. The leave is granted to women only in certain formal economic establishments, recognised by law, as mentioned in Articles 2.a and 2. b of the Maternity Benefit Act. Three categories of working women are guaranteed maternity leave: Women in (1) full-time and (2) temporary employment. The Act also includes women employed (4) through an agency, i.e. (3) women in multi-party employment relationships. Women in (3) part-time and on-call work, and women workers in (5) disguised employment and dependent self-employment are not included. Given that only 3 out of 5 ILO-recognized employment relationships are covered, India scores 0.6 for this question. <b>Score: 3/5=0.6</b>	<a href="#">Maternity Benefit Act, 1961 (2)</a>
A1.3	How long a maternity leave are eligible working women guaranteed?	1.00	The Maternity Benefit (Amendment) Act of 2017 guarantees eligible working women 26 weeks of maternity leave.	<a href="#">Maternity Benefit (Amendment) Act, 2017 (3.A.i)</a>  <a href="#">Maternity Benefit Act, 1961 (5.3)</a>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.10	No, there is no mention in the Maternity Benefit Act or in any of its Amendments of the possibility of extending prenatal maternity leave if the actual date of childbirth differs from the predicted date. However, Article 10 states that "a woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of such proof as may be prescribed, be entitled, in addition to the period of absence allowed to her [...], to leave with wages at the rate of maternity benefit for a maximum period of one month."	<a href="#">Maternity Benefit Act 1961</a>  <a href="#">Maternity Benefit Amendment Act 2008</a>  <a href="#">Maternity Benefit Amendment Act 2017</a>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	No, there is no mention in the Maternity Benefit Act or in any of its Amendments of the possibility of extended maternity leave in the case of simultaneous multiple births.	<a href="#">Maternity Benefit Act 1961</a>  <a href="#">Maternity Benefit Amendment Act 2008</a>  <a href="#">Maternity Benefit Amendment Act 2017</a>
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	1.00	Yes. Eligible working women can take their maternity leave starting from 8 weeks before the date of expected delivery.	<a href="#">Maternity Benefit (Amendment) Act, 2017 (3.A.i)</a>  <a href="#">Maternity Benefit Act, 1961 (6.2)</a>
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	Yes. There is a period of 6 weeks of compulsory maternity leave after childbirth. Eligible working women are prohibited from working during the 6 weeks following the day of delivery.	<a href="#">Maternity Benefit Act, 1961 (4.1)</a>
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	Eligible working women are prohibited from working during the 6 weeks following the day of delivery.	<a href="#">Maternity Benefit Act, 1961 (4.1)</a>
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	1.00	Yes. Eligible working women are entitled to extended paid leave of one month if there is a documented illness related to their pregnancy/childbirth/miscarriage/premature birth.	<a href="#">Maternity Benefit Act, 1961 (10)</a>



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A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.50	Yes. A woman who legally adopts a child below the age of three months is entitled to a leave of 12 weeks. But this benefit comes with 2 Exclusionary conditions: 1. Leave is given only to mothers adopting a child below the age of three months. Mothers adopting older children are ineligible. 2. The offered leave of 12 weeks is 14 weeks less than the leave given to biological mothers (which is 26 weeks). 1-0.25-0.25=0.5	<a href="#">Maternity Benefit (Amendment) Act, 2017 (3.A.i)</a> <a href="#">Maternity Benefit Act, 1961 (5.3)</a>
<b>A2. Protections during Pregnancy and Maternity Leave</b>				
<b>A2.1 Financial Protections</b>				
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	Eligible working women are entitled to payment of the maternity benefit at the rate of their average daily wage during the period of three calendar months before their maternity leave. In other words, 100% wage replacement.	<a href="#">Maternity Benefit Act, 1961 (5)</a>
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.75	Yes but with 1 Exclusionary condition: Although many benefits are provided to low-income women, the amount is insufficient (by the standard of India's poverty line) to support the woman and her baby over the period of maternity leave.  Women are entitled to a variety of benefits out of social assistance funds: 1. By the National Food Security Act 2013, all women are guaranteed free meals at a local anganwadi during their pregnancy and six months after childbirth. 2. By the National Food Security Act 2013 and the Pradhan Mantri Matru Vandana Yojana (PMMVY) scheme, all women are entitled to a one-off benefit of Rs.6000. 3. Through the provisions of an amendment to the Maternity Benefit Act, all women are entitled to a medical bonus of Rs.3500. 4. Under the Janani Suraksha Yojana, women earning below the poverty line and women delivering in government medical centres are entitled to additional cash benefits of upto Rs. 2000. 1-0.25=0.75	<a href="#">National Food Security Act Chapter 2.4</a> <a href="#">Amendment to Maternity Benefit Act, 1961</a> <a href="#">Consumer Price Index 2020</a> <a href="#">Press Note on Poverty Estimates 2011-2012</a>
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	0.50	Yes but with 2 Exclusionary conditions. Under the Employees' State Insurance Act 1948, the government has set up the Employees' State Insurance Scheme. This social insurance fund helps cover employees' maternity benefits using contributions from the employer (4.75% of wages) and the employee (1.75% of the wages). However, this scheme is not enforced universally. 2 exclusionary conditions: 1. This is an optional policy that the employer is not obligated to contribute to. 2. This scheme covers only low-wage employees earning upto Rs21,000 per month. 1-0.25-0.25=0.5	<a href="#">Employees' State Insurance Corporation of India website</a>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	Yes. All eligible employees covered under the Employees' State Insurance Act are required to pay 1.75% of their wages to receive various social security benefits including maternity benefits. There is no distinction between men and women in the contributions they have to pay.	<a href="#">Employees' State Insurance Corporation of India website</a>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	0.00	No. Workers insured under the Employees State Insurance Scheme are entitled to unemployment allowances through the Atal Beemit Vyakti Kalyan Yojana. However, such benefits are not protected from loss or suspension if the worker refuses a job offer due to family responsibilities.	<a href="#">Employees' State Insurance Corporation</a>
<b>A2.2 Employment Protections</b>				
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	1.00	Yes. The employer cannot vary any conditions of service to disadvantage the woman taking the maternity leave.  The Maternity Benefit Act, Section 12 states: "Dismissal during absence or pregnancy. -- (1) Where a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service. "	<a href="#">Maternity Benefit Act, 1961 (12)</a>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	Yes. It is unlawful for the employer to discharge a working woman during or on account of maternity leave.  The Maternity Benefit Act, Section 12 states: "Dismissal during absence or pregnancy. -- (1) Where a woman absents herself from work in accordance with the provisions of this Act, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service. "	<a href="#">Maternity Benefit Act, 1961 (12)</a>
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	No. The law does not explicitly prohibit dismissal during the period following the woman's return to work after her maternity leave has ended.	<a href="#">Maternity Benefit Act, 1961 (12)</a>



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A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	0.00	No. There is no mention of such a protection in the Maternity Benefit Act or in any of its Amendments.  Article 16 of the Indian Constitution states: "No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State." However, there is no mention of discrimination on the basis of pregnancy.	<a href="#">Maternity Benefit Act 1961</a>  <a href="#">Maternity Benefit Amendment Act 2008</a>  <a href="#">Maternity Benefit Amendment Act 2017</a>
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.00	No. There are no anti-discrimination protections on the basis of marital status or family responsibilities in the Maternity Benefit Act or in any of its Amendments. However, the Equal Remuneration Act 1976 does mandate equal remuneration to men and women workers for the same work or work of a similar nature. It also prohibits discrimination while recruiting men and women workers.	<a href="#">Maternity Benefit Act 1961</a>  <a href="#">Maternity Benefit Amendment Act 2008</a>  <a href="#">Maternity Benefit Amendment Act 2017</a>
<b>A3. Paternity Leave Policies</b>				
A3.1	Are working men guaranteed paternity or parental leave?	0.00	No. Paternity leave is guaranteed only to central civil servants which is an extremely small segment of India's population.	<a href="#">Central Civil Services, Leave Rules (43-A)</a>
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.00	No. Paternity leave is guaranteed only to central government civil servants which is an extremely small segment of India's population.	<a href="#">Central Civil Services, Leave Rules (43-A)</a>
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.00	None. Only central government civil servants are guaranteed paternity leave for a period of 15 days.	<a href="#">Central Civil Services, Leave Rules (43-A.1)</a>
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	0.00	None. Eligible central civil servants are entitled to salary equal to the pay drawn immediately before proceeding on paternity leave. In other words, they receive 100% wage replacement but they are an extremely small segment of India's population.	<a href="#">Central Civil Services, Leave Rules (43-A.1)</a>
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	Such a provision is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a>  <a href="#">Maternity Benefit Amendment Act 2008</a>  <a href="#">Maternity Benefit Amendment Act 2017</a>
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	Such a provision is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a>  <a href="#">Maternity Benefit Amendment Act 2008</a>  <a href="#">Maternity Benefit Amendment Act 2017</a>
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	Such a provision is not mentioned in the Maternity Benefit Act or the Central Civil Services Leave Rules.	<a href="#">Central Civil Services, Leave Rules (43-A.1)</a>
<b>A4. Dependent Care Leave Policies</b>				
A4.1	Are eligible workers entitled to leave to take care of their children?	0.10	Only a small proportion of workers in India are entitled to dependent care leave. Government employees are allowed to take 2 years of childcare leave with 100% wage replacement. Civil servants, central and state government employees - including administrative and clerical staff - are covered. Employees at public sector undertakings/enterprises and faculty at government universities are also covered. However, this leave policy still <b>covers a small portion of the entire population</b> . Hence, India scores a 0.1 for its limited protections for childcare leave.	<a href="#">Central and State Government Orders</a>
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.00	No. There is no such leave provided in the Factories Act 1948 or any mention in any other government legislation.	<a href="#">Factories Act 1948</a>
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.00	No. There are provisions only for childcare leave and they are given only to government employees.	<a href="#">Central and State Government Orders</a>



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<b>A5. Flexible Work Arrangements</b>				
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.10	This provision is not mentioned in the Maternity Benefit Act or in any of its Amendments. However, government employees are allowed to take 2 years of childcare leave with 100% wage replacement. Civil servants, central and state government employees - including administrative and clerical staff - are covered. Employees at public sector undertakings/enterprises and faculty at government universities are also covered. However, this policy still covers a small portion of the entire population. Hence, India scores a 0.1 for this question.	<a href="#">Maternity Benefit Act 1961</a> <a href="#">Maternity Benefit Amendment Act 2008</a> <a href="#">Maternity Benefit Amendment Act 2017</a>
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.25	Yes where the nature of work allows, mothers are allowed to work from home but only while they are nursing their child after the period of their maternity leave. There are 3 Exclusionary conditions: 1. Only women are entitled to this flexible work arrangement. 2. Women are allowed this arrangement only when the nature of their work so allows. Flexi-time options are not allowed to workers for whom work-from-home is not possible. 3. This flexible work option is extended only to mothers who have just given birth. <b>1-0.25-0.25=0.25</b>	<a href="#">Maternity Benefit (Amendment) Act, 2017 (3.A.i)</a> <a href="#">Maternity Benefit Act, 1961 (6.2)</a>
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.00	This provision is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a> <a href="#">Maternity Benefit Amendment Act 2008</a> <a href="#">Maternity Benefit Amendment Act 2017</a>
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.00	This is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a> <a href="#">Maternity Benefit Amendment Act 2008</a> <a href="#">Maternity Benefit Amendment Act 2017</a>
<b>A6. Family-Friendly Workplace Policies</b>				
<b>A6.1 Nursing Support in the Workplace</b>				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	Yes. Section 11 of the Maternity Benefit Act states that a mother is allowed two nursing breaks everyday until the child is 15 months old.	<a href="#">Maternity Benefit Act, 1961 (11)</a>
A6.1.2	Are these breaks counted and compensated as working time?	1.00	Yes. Section 13 of the Maternity Benefit Act states that no deductions of wages are allowed for nursing breaks: <b>"No deduction from the normal and usual daily wages</b> of a woman entitled to maternity benefit under the provisions of this Act shall be made by reason only of - (a) the nature of work assigned to her by virtue of the provisions contained in subsection (3) of section 4 : or (b) <b>breaks for nursing the child allowed to her under the provisions of section 11.</b> "	<a href="#">Maternity Benefit Act, 1961 (13)</a>
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	1.00	Yes. Section 11 of the Maternity Benefit Act states that the duration of the nursing breaks is determined as prescribed by a doctor.	<a href="#">Maternity Benefit Act, 1961 (11)</a>
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.75	Yes but with 1 Exclusionary condition. The Maternity Benefit Amendment Act states that only establishments with fifty or more employees are required to have creche facilities. There is no mention of a requirement for a dedicated place to nurse or pump milk.  However, Section 48 of the Factories Act states that: "Creches - (1) In every factory wherein more than thirty women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women. <b>1-0.25=0.75</b>	<a href="#">Maternity Benefit (Amendment) Act, 2017 (4.1)</a>
<b>A6.2 Workplace Safety for Pregnant and Nursing Women</b>				



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A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	This is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a> <a href="#">Maternity Benefit Amendment Act 2008</a> <a href="#">Maternity Benefit Amendment Act 2017</a>
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.50	Exemptions are only provided to pregnant women but there are no protections provided for nursing women. Article 4.3 of the Maternity Benefit Act states that: "No pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do [...] any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health."  Article 42 of the Indian Constitution also states: "Provision for just and humane conditions of work and maternity relief - The State shall make provision for securing just and humane conditions of work and for maternity relief."	<a href="#">Maternity Benefit Act, 1961 (4.3)</a>
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.00	This is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a> <a href="#">Maternity Benefit Amendment Act 2008</a> <a href="#">Maternity Benefit Amendment Act 2017</a>
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.00	This is not mentioned in the Maternity Benefit Act or in any of its Amendments.	<a href="#">Maternity Benefit Act 1961</a> <a href="#">Maternity Benefit Amendment Act 2008</a> <a href="#">Maternity Benefit Amendment Act 2017</a>

## SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws				
B1.1	Are domestic workers covered under national labor laws?	0.25	Yes but Domestic workers are covered only under the Unorganized Workers' Social Security Act 2008, the Trade Unions Act 1961, and the Sexual Harassment of Women at the Workplace Act 2013. On the other hand, the Factories Act 1948, which covers a large number of factory workers offers a variety of provisions that are not extended to domestic workers. These provisions regulate health and safety at work, working hours of adults, annual leave with wages, other welfare provisions, employment of young persons, inspections, and penalty mechanisms. None of these protections are extended to domestic workers. Thus, compared to factory workers, there are very few protections for domestic workers under India's labor laws.	<a href="#">The Unorganised Workers' Social Security Act 2008</a> <a href="#">The Trade Unions Act 1961</a> <a href="#">The Sexual Harassment of Women at the Workplace Act 2013</a> <a href="#">The Factories Act 1948</a>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	1	Yes. No exceptions are specified in the legislations and provisions extended to domestic workers.	
B2. Fair Employment Process				
B2.1 Standard Terms of Employment				
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	0.00	This is not mentioned in any government legislation covering domestic workers.	



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B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	0.00	This is not mentioned in any government legislation covering domestic workers.	
<b>B2.2</b>	<b>Regulations for Recruitment and Employment Process</b>			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	0.00	The Delhi Private Placement Agencies Regulation Order regulates private placement agencies operating in the Delhi-National Capital Region. It lays down the process for registration, requirements for obtaining a license, and penalties for non-compliance. However, this order regulates only a small portion of the country, and there is no similar national legislation.	<a href="#">Delhi Private Placement Agencies Regulation Order, 2014</a>
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	This is not mentioned in any government legislation covering domestic workers.	
<b>B3.</b>	<b>Decent Working and Living Conditions</b>			
<b>B3.1</b>	<b>Working Hours and Environment</b>			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 51 of the Factories Act specifies that "No adult worker shall be required or allowed to work in a factory for more than forty-eight hours in any week," however the Factories Act does not cover domestic workers.  Section 54 of the Factories Act specifies that "Subject to the provisions of section 51, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day," however the Factories Act does not cover domestic workers.	<a href="#">Factories Act (1948)</a>
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 62 of the Factories Act specifies that "The manager of every factory shall maintain a register of adult workers, to be available to the Inspector at all times during working hours, or when any work is being carried on in the factory, showing- (a) the name of each adult worker in the factory; (b) the nature of his work; (c) the group, if any, in which he is included; (d) where his group works on shift, the relay to which he is allotted; and (e) such other particulars as may be prescribed [...] No adult worker shall be required or allowed to work in any factory unless his name and other particulars have been entered in the register of adult workers." However, the Factories Act does not cover domestic workers.	<a href="#">Factories Act (1948)</a>
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 7A of the Factories Act states that "(1) Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory," however the Factories Act does not apply to domestic workers.	<a href="#">Factories Act (1948)</a>
<b>B3.2</b>	<b>Rest and Leave</b>			



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B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	This is not mentioned in any government legislation for domestic workers.  Section 54 of the Factories Act states that "Subject to the provisions of section 51, no adult worker shall be required or allowed to work in a factory for more than nine hours in any day." Section 55 of the Factories Act states that "The periods of work of adult workers in a factory each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least half an hour." However, the Factories Act does not cover domestic workers.	<a href="#">Factories Act (1948)</a>
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 53 of the Factories Act specifies that "Where, [...], a worker is deprived of any of the weekly holidays for which provision is made in sub-section (1) of that section he shall be allowed, within the month in which the holidays were due to him or within the two months immediately following that month, compensatory holidays of equal number to the holidays so lost;" however the Factories Act does not cover domestic workers.	<a href="#">Factories Act (1948)</a>
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 79 of the Factories Act states that "Every worker who has worked for a period of 240 days or more in a factory during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of - (i) if an adult, one day for every twenty days of work performed by him during the previous calendar year; (ii) if a child, one day for every fifteen days of work performed by him during the previous calendar year." However, domestic workers are not covered under the Factories Act.	<a href="#">Factories Act (1948)</a>
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	This is not mentioned in any government legislation covering domestic workers.	
<b>B3.3</b>	<b>Wages</b>			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.50	Yes but this question uses the 2-step logic since minimum wages for domestic workers are set at the state level. The state governments of Assam, Himachal Pradesh, Jharkhand, Telangana, Tamil Nadu, Kerala, Karnataka, Rajasthan, Bihar, and Odisha have set a minimum wage for domestic workers. Together, these states account for around 40% of the country's population. Therefore, for Step 1 of the scoring logic, India scores a 0.5 since the population coverage falls in the 25%-75% coverage range.  In all of these states, the minimum wage guaranteed to domestic workers is equal to or greater than the minimum wage guaranteed to unskilled workers and to factory workers. There are no further exclusions for any of these states and therefore no deductions. Thus, India scores a 0.5 for this question.	<a href="#">State Government Orders</a>
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 59 of the Factories Act specifies that "Where a worker works in a factory for more than nine hours in any day or for more than forty-eight hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages," however the Factories Act does not cover domestic workers.	<a href="#">Factories Act (1948)</a>
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 4 of the Payment of Wages Act states that: "(1) Every person responsible for the payment of wages under section 3 shall fix periods (in this Act referred to as wage-period) in respect of which such wages shall be payable. (2) No wage-period shall exceed one month." However, this Act does not cover domestic workers.	<a href="#">Payment of Wages Act</a>



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B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 13A of the Payment of Wages Act states that: "(1) Every employer shall maintain such registers and records giving such particulars of persons employed by him, the work performed by them, the wages paid to them, the deductions made from their wages, the receipts given by them and such other particulars and in such form as may be prescribed. (2) Every register and record required to be maintained under this section shall, for the purposes of this Act, be preserved for a period of three years after the date of the last entry made therein." However, this Act does not cover domestic workers.	<a href="#">Payment of Wages Act</a>
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.  Section 5 of the Payment of Wages Act states that "(2) Where the employment of any person is terminated by or on behalf of the employer, the wages, earned by him shall be paid before the expiry of the second working day from the day on which his employment is terminated." However, domestic workers are not covered under this Act.	<a href="#">Payment of Wages Act</a>
<b>B3.4</b>	<b>Social Security</b>			
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	Yes. There are various healthcare schemes that protect domestic workers as a category of unorganised workers: 1. The Unorganised Workers Social Security Act 2008 requires the Central Government to set up a National Social Security Board, and state governments to set up State Social Security Boards. These boards should provide health benefits.  2. The Rashtriya Swasthya Bima Yojana is a government-run health insurance scheme designed to cover workers in the unorganised sector. Beneficiaries have to pay only the nominal sum of Rs.30 as a registration fee. They receive a health coverage of Rs.30,000 per year. This scheme is extended only to workers who are below the poverty line.  3. The National Health Protection Mission gives every family the benefit cover of Rs.5 lakh every year. This program covers around 40% of the population, including the poorest and the most vulnerable. Conditions for these schemes are not less favourable than those for other workers.	<a href="#">The Unorganised Workers Social Security Act 2008 (Section 3, Section 5, Section 6).</a>  <a href="#">RSBY website</a>
B3.4.2	Are domestic workers eligible for paid sick leave?	0.00	No there are no provisions for paid sick leave for domestic workers. However, there are paid sick leave provisions for workers registered under the Apprentices Act 1961, Working Journalist and Other News Paper Employee's (Conditions of Service) and Miscellaneous Provisions Act 1955, and Sales Promotion Employees (Conditions of Service) Act 1976.	<a href="#">Apprentices Act 1961</a>  <a href="#">Working Journalist and Other News Paper Employee's (Conditions of Service)</a>  <a href="#">Miscellaneous Provisions Act 1955</a>  <a href="#">Sales Promotion Employees (Conditions of Service) Act 1976.</a>
B3.4.3	Are domestic workers eligible for unemployment benefits?	0.00	No. Only workers insured under the Employees State Insurance Scheme (ESIC) are given unemployment benefits under the Atal Beemit Vyakti Kalyan Yojana. However, domestic workers cannot be insured under the ESIC and thus they do not qualify for this benefit.	<a href="#">Vikaspedia</a>
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	1.00	Yes. There are a few provisions for old-age benefits for domestic workers. 1. The Unorganised Workers Social Security Act 2008 requires the Central Government to set up a National Social Security Board, and state governments to set up State Social Security Boards. These boards should provide schemes for old age protection. 2. The scheme titled Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM) provides old-age benefits to domestic workers earning less than Rs.15,000 per month. The worker must be between 18 and 40 years old to register. They will receive at least Rs.3,000 per month after they reach the age of 60. 3. Domestic workers are also covered under the Atal Pension Yojana which provides every insured person a monthly pension of upto Rs.5,000. The government co-contributes 50% of the total contribution or Rs.1,000, whichever is lower. This program is extended only to people between the ages of 18 and 40 to register. Conditions for these schemes are not less favourable than those for other workers.	<a href="#">The Unorganised Workers Social Security Act 2008 (Section 3, Section 5, Section 6).</a>  <a href="#">Ministry of Labour and Employment website.</a>  <a href="#">National Portal of India</a>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	Yes. There are various provisions for employment injury benefits for domestic workers. 1. The Unorganised Workers Social Security Act 2008 requires the Central Government to set up a National Social Security Board, and state governments to set up State Social Security Boards. These boards should provide schemes for employment injury benefits. 2. The Pradhan Mantri Suraksha Bima Yojana (PMSBY) is a government-provided accident insurance scheme that provides cash benefits to workers in the case of an accident. Insured beneficiaries have to contribute a nominal annual premium of Rs 12 every year. Conditions for these schemes are not less favourable than those for other workers.	<a href="#">The Unorganised Workers Social Security Act 2008 (Section 3, Section 5, Section 6).</a>  <a href="#">PMSBY website</a>



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B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	Yes. There are various provisions for invalidity benefits for domestic workers. 1. The Unorganised Workers Social Security Act 2008 requires the Central Government to set up a National Social Security Board, and state governments to set up State Social Security Boards. These boards should provide schemes for disability cover. 2. The Aam Admi Bima Yojana is a government-run insurance scheme that provides invalidity benefits in the event of an accident that leads to permanent total disability, or the loss of eyes and/or limbs. The scheme is extended only to people below the poverty line. Conditions for these schemes are not less favourable than those for other workers.	<a href="#">The Unorganised Workers Social Security Act 2008 (Section 3, Section 5, Section 6).</a> <a href="#">Vikaspedia</a>
B3.4.7	Are domestic workers eligible for survivors' benefit?	1.00	Yes. There are three schemes that provide survivors' benefits. 1. The Aam Admi Bima Yojana is a government-run insurance scheme that provides survivors' benefits to a nominated family member in the case of death (natural death or by accident). The scheme is extended only to people below the poverty line. 2. Under the Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY), the nominee receives 2 lakh rupees in case of death of the insured. 3. The National Family Benefit Scheme provides Rs.10,000 to the family in case of death (natural or otherwise) of a breadwinner or a homemaker. Conditions for these schemes are not less favourable than those for other workers.	<a href="#">Vikaspedia</a> <a href="#">Department of Financial Services website</a> <a href="#">National Family Benefit Scheme</a>
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	99.00	Not applicable as these benefits are not provided to any workers.	
<b>B3.5</b>	<b>Living Conditions for Live-in Workers</b>			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.2	For live-in workers, is there any requirement for the employer to provide accomodation that offers privacy?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	This is not mentioned in any government legislation covering domestic workers.	
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	0.00	This is not mentioned in any government legislation covering domestic workers.	
<b>B4.</b>	<b>Labor Rights</b>			
<b>B4.1</b>	<b>Freedom of Association and Access to Collective Bargaining</b>			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes. The Constitution of India grants Indian citizens the right to form associations, unions, and co-operative societies. The Trade Unions Act 1926 specifies the procedure for the registration, maintenance, and cancellation of a trade union. The 2001 Amendment to this Act grants unorganised sector workers - including domestic workers - the right to form unions.	<a href="#">The Constitution of India (Article 19C)</a> <a href="#">The Trade Unions Act 1926</a> <a href="#">The Trade Unions (Amendment) Act 2001 (Article 22)</a>



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B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	Yes. The Trade Unions Act 1926 defines a trade union as a combination formed "for the purpose of regulating the relations between workmen and employers or between workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business." This definition of a trade union guarantees the right to collective bargaining.	<a href="#">The Trade Unions Act 1926 (2.h)</a>
<b>B4.2 Access to Complaint Mechanisms</b>				
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	0.10	There are only limited complaint mechanisms. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act prescribes the establishment of Local Committees in every district where women workers can report cases of sexual harassment. The Act also requires the District Officer to designate one nodal officer in every block, taluka, and tehsil - in rural areas - and in every ward and municipality - in urban areas. Women can also register a complaint via the SHE-Box Online Complaint Management System run by the Ministry of Child and Women Development.  However, there is an absence of any similar complaint mechanisms to report other (i.e. non-sexual) forms of violence or non-compliance with other labor protections. Due to the absence of comprehensive complaint mechanisms to report non-compliance with labor protections, India scores a 0.1 for this question.	<a href="#">The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (6)</a>
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	0.10	There are only limited measures. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act prescribes the establishment of Local Committees (LCs) in every district where women workers can report cases of sexual harassment. The LC is required to make inquiry into any complaint. If prima facie, a case exists, the LC shall forward the case to the police for registering the woman's complaint under Section 509 of the Indian Penal Code or any other section of the Penal Code related to sexual harassment and misconduct.  However, there is an absence of similar complaint mechanisms to report other (i.e. non-sexual) forms of violence or non-compliance with other labour protections. Due to the absence of comprehensive measures to ensure access to courts and other remedies, India scores a 0.1 for this question.	<a href="#">The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (11)</a>  <a href="#">The Indian Penal Code</a>
<b>B4.3 Enforcement and Protection Mechanisms</b>				
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	This is not mentioned in any government legislation covering domestic workers.  However, Section 9 of the Factories Act does specify the powers of labor inspectors inspecting factories: "Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed,- (a) enter with such assistants, being persons in the service of the Government, or any local or other public authority or with an expert, as he thinks fit, any place which is used, or which he has reason to believe, is used as a factory; (b) make examination of the premises, plant, machinery, article or substance; (c) inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry; (d) require the production of any prescribed register or any other document relating to the factory;"	<a href="#">Factories Act</a>
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	0.00	No. The Delhi Private Placement Agencies Regulation Order regulates private placement agencies operating in the Delhi-NCR region. It lays down the process for registration, requirements for obtaining a license, penalties for non-compliance, etc. However, this order regulates only a small portion of the country, and there is no similar national legislation.	<a href="#">Delhi Private Placement Agencies Regulation Order, 2014</a>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	0.10	Only limited penalty mechanisms exist. When the Local Committee, established under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, and the police investigate a complaint, if the employer is found guilty of sexually harassing a worker, then the employer may be imprisoned or fined under Section 509 of the Indian Penal Code or any other relevant PIC section. However, similar complaint mechanisms are not available to report other i.e. (non-sexual) forms of violence or non-compliance with other labour protections. Due to the limited penalties for non-compliance with domestic worker protections, India scores a 0.1 for this question.	<a href="#">The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (11)</a>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.50	Yes for sexual harassment but not for other forms of workplace abuse and violence. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 protects domestic workers from sexual violence at the households where they work. However, there are no law to protect workers from various forms of economic exploitation. There is also no law to protect domestic workers from physical or psychological abuse that may not be sexual in nature. Due to limited protections against various forms of abuse, India scores a 0.5.	<a href="#">The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (11)</a>
<b>B5. Protections for Forced/Under-age Domestic Workers</b>				
<b>B5.1 Protections against Forced/Compulsory Labor</b>				



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B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes. There are numerous provisions to outlaw various forms of forced labor.</p> <ol style="list-style-type: none"> <li>1. In the section 'Right Against Exploitation', the Constitution of India prohibits human trafficking and forced labor.</li> <li>2. The Bonded Labour System (Abolition) Act also prohibits all forms of bonded labor. The law institutes penalties for enforcement of forced labor.</li> <li>3. The Juvenile Justice Act 2015 prohibits exploitation of a child employee. Those who offend this law may be imprisoned for upto 5 years or may be fined upto 1 lakh rupees.</li> <li>4. Article 367 of the Indian Penal Code prohibits kidnapping or abduction of a person done to subject them to slavery.</li> <li>5. Article 370 of the Indian Penal Code prohibits trafficking of a person for the purpose of exploitation.</li> <li>6. Article 370A of the Indian Penal Code prohibits exploitation of any manner of a trafficked person, particularly of a minor.</li> <li>7. Article 371 of the Indian Penal Code prohibits habitual dealing in slaves.</li> </ol> <p>Violating the Indian Penal Code is a criminal offence that lead to imprisonment or heavy fines.</p>	<p><a href="#">The Constitution of India (Article 23)</a></p> <p><a href="#">The Bonded Labour System (Abolition) Act 1976 (Chapter 2 and 6)</a></p> <p><a href="#">The Indian Penal Code (Articles 367, 370, 370A, 371)</a></p> <p><a href="#">The Juvenile Justice (Care and Protection of Children) Act 2015 (76, 78, 79, and 81)</a></p>
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	<p>Yes. As per provisions of the Bonded Labour Abolition Act, if the District Magistrate (DM) / Sub-Divisional Magistrate (SDM) establish through a trial that a person is a victim of bonded labour, then the State Government, UTA, and District Magistratation will undertake measures to provide a safe and secure environment to the victim. The victim must also be provided Rs. 5,000 for immediate assistance when they are rescued.</p> <p>The Juvenile Justice Act 2015 institutes special protections for child victims of forced labor. Rescued children must be restored to their parents/guardians, or they must be taken to a government-run children's home, specialised adoption agency, or an open shelter.</p>	<p><a href="#">Vikaspedia</a></p> <p><a href="#">Bonded Labour Abolition Act 1976 (8.2)</a></p> <p><a href="#">The Juvenile Justice (Care and Protection of Children) Act 2015 (40, 43, 44)</a></p> <p><a href="#">Central Sector Scheme for Rehabilitation of Bonded Labourers 2016 (5.8.A)</a></p>
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	<p>Yes. The Central Sector Scheme for Rehabilitation of Bonded Labourer (2016), run by the Ministry of Labour and Employment, provides rehabilitation packages in the form of financial benefits. Adult male beneficiaries are entitled to Rs 100,000. Women and children are entitled to Rs 200,00. In case of extreme deprivation and marginalisation, victim of bonded labour are entitled to Rs 300,000. This compensation is also available to individuals still on trial. Along with financial benefits, the victim will receive housing, agricultural land, wage employment, education, etc. They will also be given psycho-social counselling, education, skill development training, etc.</p> <p>Children are given special protections under the Juvenile Justice (Care and Protection of Children) Act 2015. The Act emphasises the rehabilitation and social re-integration of child victims of forced labour/trafficking. Children must be returned to their parents/guardians, or they must be placed in observation homes, foster homes, or child care homes. They must be given access to food, shelter, counselling services, education, medical attention, legal aid, etc.</p>	<p><a href="#">The Central Sector Scheme for Rehabilitation of Bonded Labourer 2016 (5.2, 5.3, 5.4, 5.5, 5.8)</a></p> <p><a href="#">The Juvenile Justice (Care and Protection of Children) Act 2015 (40, 53)</a></p>
<b>B5.2</b>	<b>Protections for Under-age Laborers</b>			
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	1.00	<p>Yes. The Child Labour (Prohibition and Regulation) Amendment Act 2016 classifies domestic work as a hazardous occupation and prohibits all children and adolescents below the age of 18 from working as domestic workers.</p> <p>The Right of Children to Free and Compulsory Education Act 2009 stipulates compulsory schooling to children upto the age of 14.</p>	<p><a href="#">Child Labour (Prohibition and Regulation) Amendment Act 2016 (5 and 6)</a></p> <p><a href="#">Schedule of Hazardous Occupations and Processes</a></p> <p><a href="#">The Right of Children to Free and Compulsory Education Act 2009 (3)</a></p>



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B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	99.00	Not applicable since the Child Labour (Prohibition and Regulation) Amendment Act 2016 prohibits all children and adolescents under 18 from working as domestic workers.	<a href="#">Department of School Education and Literacy website</a>  <a href="#">Ministry of Skill Development and Entrepreneurship website</a>  <a href="#">Ministry of Human Resource Development report</a>
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	99.00	Not applicable since the Child Labour (Prohibition and Regulation) Amendment Act 2016 prohibits all children and adolescents under 18 from working as domestic workers.	
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	99.00	Not applicable since the Child Labour (Prohibition and Regulation) Amendment Act 2016 prohibits all children and adolescents under 18 from working as domestic workers.	
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	99.00	Not applicable since the Child Labour (Prohibition and Regulation) Amendment Act 2016 prohibits all children and adolescents under 18 from working as domestic workers.	
<b>B6.</b>	<b>Protections for Migrant Domestic Workers</b>			
<b>B6.1</b>	<b>Employment Support</b>			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	
<b>B6.2</b>	<b>Support after Termination of Employment</b>			
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	



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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	99.00	This section is not applicable to India since the proportion of migrant domestic workers to all domestic workers is estimated to be less than 10% in India.	