



Human Rights of Domestic Workers in India: A Socio-Legal Study with Special Reference to the Bareilly Region of Uttar Pradesh

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Abstract

This study examines the human rights of domestic workers in India through a socio-legal analysis, with special reference to the Bareilly region of Uttar Pradesh. Domestic work remains one of the most informal, invisible, and weakly regulated forms of employment, leaving workers vulnerable to low wages, insecure employment, lack of written contracts, inadequate social security, unsafe working conditions, discrimination, harassment, and limited access to legal remedies. The study analyses constitutional protections, labour legislation, social security measures, international labour standards, and institutional mechanisms relevant to domestic workers. It also considers the socio-economic profile of Bareilly, including migration, gender relations, household structures, informal employment, and the particular vulnerabilities faced by women domestic workers. The findings indicate a significant gap between formal rights and their practical enforcement. Limited awareness, weak institutional capacity, lack of documentation, procedural barriers, and insufficient worker-specific legal protections continue to restrict access to justice and welfare benefits. The study argues for a comprehensive rights-based framework that includes registration, standardised employment contracts, wage protection, social security coverage, effective grievance mechanisms, legal aid, gender-sensitive safeguards, and stronger enforcement. Such reforms are essential to ensure dignity, equality, security, and meaningful labour rights for domestic workers in India, especially in vulnerable regional contexts.

Keywords: Domestic Workers, Human Rights, Labour Rights, Bareilly, Uttar Pradesh, Social Security, Informal Sector, Gender Justice, Labour Law, Access to Justice.

1. Introduction

Domestic work plays a critical role in the economy of India, a country marked by high inequality. Similarly, the employment of domestic workers is widely spread. Even if, in recent years, numerous measures have been announced, nationally or at state level, the condition of domestic workers remains largely unregulated and invisible within the legislation. The present study focuses on domestic workers in the Bareilly region of Uttar Pradesh state, a climate of insecurity making the situation even more

precarious for this segment of the workforce. A socio-legal methodological approach combines the normative and empirical dimensions, allowing to document precisely working conditions and to compare them with existing statutory provisions. In particular, the distribution of employment relationships, together with the absence of a clear definition of the term “employer”, recurrently hamper the access to rights (Kundu, 2008); (Bhattacharjee & Goswami, 2019).

2. Conceptual Framework and Theoretical Underpinnings

Population dynamics shape labour need in Bareilly, as in other urban destinations, giving rise to considerable yet highly uneven demand for domestic workers. The 2011 National Census reported a total population of 3,35,897, of whom 2,56,708 lived in urban areas (Bhattacharjee & Goswami, 2019). Domestic workers, along with marginal and informal workers, are hired chiefly by middle- and upper-class households. These households also exhibit certain distinctive traits. Many still engage in agriculture, either as owners of agricultural land or as tenants. Land holdings are typically very small, often below the threshold of cultivable viability. Income sources, apart from agriculture, are linked to law, education, medicine, and the government. A section of comparatively better-off households is engaged in horticulture, automobile workshops, selling estate property, marriage halls, and non-agricultural land. The average per capita monthly income of these households falls in the 3,600–8,400 bracket. Accordingly, some households employing domestic workers fall into the upper- or even higher class.

3. Legal Regime Governing Domestic Workers in India

In India, domestic workers remain at the margins of labour policy and are largely unrecognized in the legal domain. Despite some regulatory efforts aimed at informal workers, this workforce continues to be excluded from formal social protections, leading to widespread insecurity. Attempts to introduce legislation for their welfare have met with limited success. Before the International Labour Organization’s (ILO) Domestic Workers Convention No. 189 was adopted in 2011, the Ministry of Labour and Employment established a National Task Force on Domestic Workers in 2008. This initiative, driven by the ILO’s Decent Work Agenda, acknowledged the inadequacy of existing social security measures. In 2009, the Ministry drafted a national policy on domestic workers that recommended defining domestic work as a distinct occupation and extending specific protections—including wage and social security coverage—across the country (Neetha, 2021).

Preliminary attempts by various states to frame regulations and policies for domestic workers often reflect an official focus on specific groups—such as women, scheduled castes, and back-to-work migrants—instead of consulting the workers themselves. The prevailing economic, social, and cultural milieu places domestic workers, especially women, from specific groups, marginal-categories, and interior hinterlands in an unaccounted and neglected sphere, leaving them vulnerable to exploitation. Linkages among the broader economic policy, labour policy, labour history, the informal economy, and specific requirements of the domestic worker position remain informal, unformalized, and unconnected. The wider societal visions of labour mobility constrict and delimit the sphere for policy and law formulation, making attempts for policy development an uphill task for the domestic worker sector (Kundu, 2008). Domestic work has significant socio-economic ramifications, and a robust framework for comprehensive rights-protection systems is crucial. India committed to formulating a national policy in line with the parameters set in the ILO Convention, but the absence of definition poses challenges in clarifying categories, designing responsive policies and schemes, and formulating a legal approach to entitlements, especially for households engaging and employing such workers (Bhattacharjee & Goswami, 2019).

3.1. Constitutional Protections

As elucidated in earlier sections, the Constitution provides an array of protections relevant to the rights of domestic workers. These rights have been further elaborated through statutory farming laws in varying formats, and through diverse international treaties and conventions that resonate with significant implications for freedom and rights. Hence, an examination of these, focusing on their application to domestic workers, illustrates the need for rights that remain but rarely find expression. For the purposes of such an examination, it is also critical to frame the meaning of work in the informal economy, the nature of work in domesticity, and the equivalence of the notion of labour as understood in the formal space, as pointers for practical engagement.

3.2. Statutory Provisions and Labour Codes

The Constitution of India does not explicitly refer to domestic workers, nor do the statutory codes formerly applicable to this sector (Neetha, 2021). Therefore, it is important to understand what is meant by domestic work and who is considered a domestic worker. The Organisation for Economic Co-operation and Development (OECD) defines domestic work as “the provision of services that are performed within the employer’s family environment” (OECD, 2011). According to the International Labour Organization (ILO), a domestic worker is “any person engaged in domestic work” (ILO, 2011). Domestic work includes “household chores, child care, elderly care, cooking, cleaning, washing clothes, or other household services performed in the domestic environment” (Kumar, 2021). Therefore, domestic workers, according to the ILO, include “housemaids, servants, caretakers, and cooks” (Kumar, 2021).

Domestic workers in India are covered under the Code on Wages but remain excluded under the Occupational Safety, Health and Working Conditions Code and the Social Security Code. The eligibility criteria for availing benefits under domestic work, such as wage limitation, social security, and proper registration, are not widely available to domestic workers in the Bareilly District of Uttar Pradesh. Consequently, such workers remain uncovered in substantial numbers under these statutory codes.

3.3. International Commitments and Ratifications

India is a signatory to various international human rights treaties and agreements that affect the situation of domestic workers in the country. They include the International Covenant on Civil and Political Rights (ICCPR) signed on 24 October 1966 and ratified on 10 April 1979, the International Covenant on Economic Social and Cultural Rights (ICESCR) signed on 24 October 1966 and ratified on 10 April 1979, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) signed on 17 July 1980 and ratified on 9 July 1993, the Convention on the Rights of the Child (CRC) signed on 30 September 1990 and ratified on 11 December 1992, the Convention on the Rights of Persons with Disabilities (CRPD) signed on 30 March 2007 and ratified on 1 October 2008, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UNMWC) signed on 15 December 1998 but not ratified until date. Adoption of the International Labour Organisation (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment on 26 June 1973, ILO Convention No. 182 on the Worst Forms of Child Labour on 17 June 1999, and ILO Convention No. 189 concerning Decent Work for Domestic Workers on 16 June 2011 were also done in respect to International Labour Standards (Neetha, 2021). The ILO Convention No. 189 concerning Decent Work for Domestic Workers supplementing the broader human rights and labour standards, although not explicitly stating the word ‘domestic work’, is also applicable to domestic workers of the country. India has thus far failed to ratify the ILO Convention No. 189.

4. Socio-Economic Context of Domestic Work in Bareilly, Uttar Pradesh

The socio-economic milieu of Bareilly is defined by demographic, economic, and labour market characteristics influencing the supply of and demand for domestic work. Home to 4.08 million inhabitants, Bareilly ranks as the 49th most populous urban centre in India. Rural areas remain intimately connected to the urban centre through commuting and migration. Bareilly District recorded an annual net migration of 0.84 million in 2011–2016, making it a major source of out-migration (Bhattacharjee & Goswami, 2019). Income levels in Bareilly are low by national standards. Surveys reveal that 45% of the population earns less than 10,000 per month, while a further 27% earns between 10,000 and 20,000 (Kundu, 2008). In 2017, Bareilly ranked 11th among 13 Hindi-heartland cities in the BPL index. The educational attainment of Bareilly's population stands at 68.99%, with 6.47% (0.26 million) literate in English. Around 59,350 domestic workers are estimated to operate at unorganised sites, with female workers constituting nearly 90% of this cohort. The supply of people willing to work as domestic helpers fluctuates and depends on social conditions and status.

Household characteristics associated with the employment of domestic workers converge on low income, gender, and the prevalence of multiple earners. Households hiring domestic helpers report monthly income at 44% of the national average—indeed, 18% remain below the national poverty line. Gender appears fundamental in the hiring of domestic assistance: the share of the female population in employment rises from merely 2% without domestic help to 18% in its presence. Households whose incomes originate from multiple sources are more likely to employ domestic assistance, indicating that it offers a way to manage income unreliability. Households employing domestic workers for any purpose marginally outperform the national average across all structural characteristics. Such workers typically leave employment within a year, with only five months of continuous service before transitioning to new jobs. Domestic work has gained importance through its circulation around the household economy and greater acceptance in society.

4.1. Demographic and Economic Profile

In 2011, Bareilly city had a population of 3,60,000, of which 42,000 (approximately 12%) held jobs requiring an educational qualification of Class V or below, many of whom engaged domestic workers. A survey of 2,000 households in twenty wards across eight administrative zones revealed that nearly 60% employed domestic aides, with similar proportions of worker-sending households in rural areas (Bhattacharjee & Goswami, 2019). The low influx of migrant workers limits job supply; urban-rural linkages between Bareilly city and surrounding districts sustain demand and facilitate worker movement. The local economy is predominantly informal, dominated by small-scale manufacturing, household workshops, trade, construction, agriculture, and allied occupations, offering limited formal sector employment.

Formal employment had contracted rather than expanded among the educated, and caste-status ascription persisted. The period of purpose-specific worker-sending households had also lengthened, reportedly over the preceding twenty years, yet the share of maid employment by bachelor or unaccompanied male migrant workers had declined. Migrant continuance was necessary for the single male or female spouse to enter domestic work, given the local social norms governing marriage and intra-familial relations.

4.2. Social Norms, Migration, and Household Arrangements

Migration in the bareilly area is heavily influenced by pre-existing social norms

and household arrangements, including family and kinship systems. Many rural families have relationships with urban employers or have household arrangements established with local relatives. A number of migrated families change their place of residence without interrupting their connection with their city of employment. The area has an apparent tendency to grant more freedom to women workers migrating from the rural to urban area for domestic work. Although, within the area's migrant dwellers, constraints regarding the space of freedom for women workers differ between higher and lower caste/class families, which limits the access to rights of workers from lower caste and poorer families. Expectations of mothers toward their children also influence the involvement of the family members to collect the wages of the workers and perform the task of looking-after in the destination. (S Betancourt et al., 2013)

5. Rights, Realities, and Violations: Empirical Insights from Bareilly

Domestic work constitutes one of the largest sectors of informal employment (Bhattacharjee & Goswami, 2019). These workers have a unique occupational profile, largely working on demand without standard hours, enjoying no formal benefits like a pension or health insurance, and having little job security. Consequently, they remain vulnerable to a host of violations, including discrimination, sexual harassment, and violence. India has major gaps in the protection of domestic workers, both at the constitutional and statutory levels. Such inadequacies, as well as the informal nature of domestic work, are universal challenges that apply to both Bareilly and state functions. The circumstances of these workers in India often resemble those in poor countries. Drawing on the country's experience, one can identify protection components that are transferable to Bareilly.

5.1. Work Conditions and Contractual Realities

Across India, non-governmental organizations, unions, the National Commission for Women, and state governments have drawn attention to the plight of domestic workers. A 2010 report of the Labour Commission of the State of West Bengal highlighted the issue and integrated housemaids or domestic workers into the Unorganised Sector Workers' Act. These events have spurred greater interest in the issue of women in the unorganised sector. The significance of women participating in the unorganised sector arises from the socio-economic factors that make such work necessary and the violations of their rights as recipients of labour, particularly issues of security in women's work, which polices the gendered nature of women's mobility. The Rajadhiraj Principle provides a pivotal framework for understanding the work conditions and rights of women employed as housemaids or domestic workers. Conceptualizing the problem along the lines of rajadhiraj entails an exploration of the notion of "raj", or authority, and the mobilization of labour across spatial domains in relation to gender. The rajadhiraj continues to be invoked to characterize house dominions, which is indicative of the view that labour mobilized across these boundaries is entitled to rights considered private or wide of the law, improperly members of a shared space.

In Bareilly, amongst the myriad of border cases classifying domestic workers as intruders, the labour policies adopted across Indian states comprise a framework affording limited statutory rights, mainly the right to a minimum wage, paid leave, and several other conditions that remain genuinely remote from the wide demands for real rights within the rajadhiraji. House-maids or domestic workers furnish a connection across states to the far broader unorganised sector—not included amongst the general domain of workers. Four broad socio-economic characteristics mark out the Bareilly region: a monocentric and nodal scale economy with economic linkages principally to state capitals; a mode of domicile and habitation sustaining alternative

linkages to the adjoining regions of the state; high rates of jobless growth; and a gendered division of labour influencing upward spirals within families. Each of these dimensions articulates a specific demand for domestic workers, with the rajadhiraj informing domestic service policies.

5.2. Wages, Social Security, and Benefits

Wages, social security, and benefits for domestic workers are largely excluded from formal labour legislation and are poorly understood (Bhattacharjee & Goswami, 2019). Although workers frequently move between rural, peri-urban, and urban settings, in Bareilly demand remains driven by urban migration and transport links, particularly to larger destinations such as Delhi and the Gulf (Kundu, 2008). Live-in and live-out arrangements predominate, with considerable task variation across full-time, part-time, day, and temporary positions; payment is generally made by the month, week, or day. Few domestic workers enjoy written contracts.

5.3. Freedom of Association, Collective Bargaining, and Agency

In Bareilly, demand for domestic workers is fuelled by socio-economic factors that intersect with migration. Key conditions include the ratio of casual to regular wage workers, migration and marriage patterns, household income levels, and ownership of household appliances (Bhattacharjee & Goswami, 2019). Labour-market statistics indicate that Bareilly is still in the process of transition from an agrarian to a more diversified economy; a relatively large segment of the population therefore still engages in domestic labour, particularly among families moving from rural to urban areas for employment or study. Further, large numbers of young adults—especially females—leave Bareilly for education or work, which causes households to seek domestic support, especially for elderly or pre-school children (Neetha, 2021).

The demand for domestic workers is intrinsically linked to socio-cultural factors such as joint family norms, marriage tradition, caste considerations, and the pervasive stigma attached to certain occupations. Households would typically employ other family members from adjoining villages as part of their domestic workforce, but increasing economic opportunities and educational options outside of Bareilly have reduced supply from these locales. A strong demand for domestic work—both within and outside the home—has resulted from women leaving marriage after short periods, and divorce rates in Bareilly have multiplied such that contract maids frequently perform a wide range of tasks including cooking, cleaning, infant and child care, elderly care, and washing.

6. Institutional Mechanisms, Access to Justice, and Enforcement Gaps

Safeguarding domestic workers' rights hinges on effective institutional mechanisms, access to justice, and enforcement of legal provisions. The study maps the bodies governing domestic work in Bareilly, evaluates civil society initiatives, and assesses access to legal aid and judicial redress. Enforcement shortcomings and procedural barriers constrain rights protection despite formal safeguards.

Bareilly's labour administration consists of a Regional Labour Commissioner (RLC), Labour Superintendents, and Labour Inspectors, complemented by various central and state ministries and local authorities (Neetha, 2021). However, the limited capacity of the Labour Department hampers the implementation of statutory provisions, and domestic workers fall outside the purview of the Bareilly Municipal Corporation (BMC). Bareilly lacks dedicated NGOs focusing exclusively on domestic workers; instead, civil society engagement occurs through gender-based and broad-spectrum organisations that also address domestic-worker issues.

Legal aid is formally accessible to all workers, and Bareilly's District Legal Services Authority conducts awareness programmes on rights and remedies. Nevertheless, workers experience lengthy judicial delays, negligible compensation, limited awareness of legal entitlements, and procedural hurdles such as lack of documentation and reluctance to register complaints against employers. Such obstacles deter recourse to formal justice, enabling the persistence of exploitation outside of rajadhiraj contexts.

6.1. Government Bodies, Local Authorities, and Labour Departments

Domestic workers in India receive less state protection compared to other unorganised workers, resulting in a limited legal framework that fails to effectively address issues such as social security, wage regulation, and workplace safety. Existing proposals advocate for the development of a new policy structure to provide distinct rights, protections, and entitlements compatible with broader reforms targeting the informal economy.

India's ongoing development policy discussions frequently reference domestic workers. Various government reports and private sector initiatives offer significant recommendations for enhancing their rights, yet formal policies remain stagnant and ill-defined (Neetha, 2021). In the absence of specific state policies, previous initiatives aimed at regulatory clarification target the unorganised sector as a whole rather than domestic workers in particular (Kundu, 2008). The National Labour Commission, established in January 2002, observed that 93 per cent of the workforce operates in the informal sector. Urban employment surveys regularly identify domestic workers as one of the largest unorganised worker categories. Accordingly, the proposed National Policy on Unorganised Workers seeks to extend the ambit of national social security legislation to cover every worker within this broad sector, and the National Policy on Women aims to clarify the status and entitlements of women in unorganised sectors as well (Bhattacharjee & Goswami, 2019).

6.2. Non-Governmental Organizations and Civil Society

Tandem preoccupations with economic development and the welfare of disadvantaged groups have provided non-governmental organizations (NGOs) and civil society with a centrality not always found in labour legislation (Bhattacharjee & Goswami, 2019). To support vulnerable women with care-giving responsibilities, NGOs offer domestic work as a highly sought substitute. An outbreak of the COVID-19 pandemic has reinvigorated opportunities to become domestic workers in South 24 Parganas, a region comprising both urban and rural areas where domains of three distinct local economies ever continue to play their respective functions.

In recognition of increased risk of outbreaks, the Ministry of Labour and Employment of India formed a task force in 2009 to develop a national policy for domestic workers encompassing wage and social security protections (Neetha, 2021). Following the recommendations of the task force, the state of Bengal has articulated a similar concern and intention for domestic workers. Non-governmental organizations play a crucial role in assisting with such policy and endowed these organizations with membership organizations, fighting for and defending the rights to just wages and proper treatment.

6.3. Legal Aid, Adjudication, and Remedies

The right to seek justice and the right to a legal remedy are integral to a well-functioning legal order. Adjudication of rights violations is made possible through access to courts and alternative dispute resolution mechanisms that ensure legally mandated protections and remedies. This section details available legal aid, adjudication mechanisms, and remedies for domestic workers in Uttar Pradesh and,

specifically, Bareilly. Uttar Pradesh has enacted a scheme for providing free legal services to the poor and weaker sections through the State Legal Services Authority (UPLSA), and Bareilly District Legal Services Authority (BDLSA). A Lok Adalat program is also in place. Legal aid is provided by a panel of advocates to prisoners, women, minors, persons with disability, industrial workers, victims of human trafficking, and those affected by riot; the needs of domestic workers are not included on this list. In practice, the free legal aid scheme is rarely used; domestic workers seldom obtain free legal assistance from NGO or civil society organizations, and complaints regarding payment of wages, worker safety, and harassment are rarely pursued.

7. Comparative Perspectives: domestic workers' rights in India and selected jurisdictions

Domestic work is subject to fairly well-defined legislative frameworks and elaborate rules and regulations in many countries across the globe, but in India, it is still struggling to achieve legislative recognition on a national scale. The rights of domestic workers in India have often been compared to those of domestic workers in the Asia-Pacific region and in other parts of the world such as Europe, the Americas and Africa. Unfortunately, these comparisons point to an absence of universally accepted standards for domestic work by the government of India, leaving many domestic workers in a particularly vulnerable situation. The provisions and the overall status of the employment of domestic workers as well as provisions of the existing International Labour Organisation (ILO) convention on domestic work have been examined across selected jurisdictions to assess the extent of comparable frameworks, protections and enforcement models. Additionally, an effort has been made to highlight the key aspects of domestic workers' rights and benefit from examples and experiences of jurisdictions with comparable socio-economic and employment structures where legislative protection is better defined. Such an analysis is significant given that the socio-economic and employment conditions of domestic workers display stark parallels with much of the provisioning in India, and the existing domestic legal framework is, to some extent, able to accommodate some of the measures already adopted successfully by these jurisdictions.

8. Policy Landscape: Reforms, Programmes, and Implementation Challenges

Despite domestic work comprising one of the largest segments of the unorganised economy, national and state laws addressing its socio-economic needs remain limited within India (Neetha, 2021). Interventions have taken multiple forms, comprising amendments to the Child Labour Prohibition and Regulation (CLPR) Act, 1986 and the Unorganised Workers' Social Security (UWSS) Act, 2008; a draft National Policy on Domestic Workers; and a Draft Domestic Workers (Registration, Social Security, and Welfare) Bill.

The drafting of the bill in 2008 originated in the backdrop of complaints concerning the exploitation of live-in domestic workers, many of whom belonged to tribal communities and migrated to urban centres from rural or semi-urban hinterlands for more remunerative employment. In 2009, the Ministry of Labour and Employment constituted a Task Force, which included representatives from civil society, trade unions, and employer associations, to articulate a national policy advocating a rights-based approach and shifting towards formal recognition of domestic workers' rights within labour laws, social security, and skill development avenues. The draft document proposed measures to safeguard wages, access to social security, voice in the workplace, and opportunities for self-development, and advocated explicit recognition of domestic

workers' status in existing statutory laws and schemes administered by the state.

9. Socio-Legal Recommendations for Bareilly and Uttar Pradesh

The socio-economic transformation of Bareilly indicates a potential conducive environment for domestic workers' rights. Bareilly's sizeable middle class, rising migration from neighbouring regions, amplified awareness of personal security, minimal use of social media, and increased civil society engagement foster a climate to enhance labour protections. To advance domestic worker rights, the state and city governments can undertake several socio-legal measures. First, authorities should promote rights-awareness campaigns, registration drives, standardised contracts, grievance redress mechanisms for both workers and employers, and employer accountability. Documenting entitlements is particularly important given the lack of formal engagement, the absence of pro-worker interlocutors, and the disjuncture between workers' intentions and prevailing regulations. Moreover, enhancing linkages between social security schemes, expanding coverage of social security and accident/life insurance, facilitating access to pension and skill-development programmes, and addressing gaps in notifications, guidelines, and tracking systems would significantly benefit workers. To foster a rights- and entitlements-oriented framework, the Independent Community Welfare Programme (ICWP) model could be explored for wider replication.

10. Conclusion

Domestic work is the most invisible yet the oldest occupation ever. Historically, it has been undervalued and considered the least important occupation. Domestic work has failed to find its due recognition, be it in terms of wages, working hours, place of work, or lack of employment security. Even to this day, it remains one of the most poorly regulated and overlooked services in India. The contemporary reality is, even after multiple mammoth necessities to improve the situation of domestic workers, the implementation of ample schemes and policies; there is hardly a progress in the welfare of domestic workers across the field. Bareilly, an economically backward region of Uttar Pradesh is a micro cosmos of India where Domestic workers continue to suffer at the hands of their employers. The plight of the workers hardly improves even after separate legal provisions for Labourers are laid down in the form of the International Labour Organisation (ILO) and the Draft National Policy on Domestic Workers in 2011 (Neetha, 2021). Mahatma Gandhi stated, "No country can be truly free if it has domestic slavery" (Kundu, 2008). Despite there are provisions in the Constitution of India to safeguard the rights and to uplift the socio-economic status of the domestic workers, in practice it appears toothless (Bhattacharjee & Goswami, 2019).

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