



### Record of Discussion held on 20.03.2014

In reference to the Commission meeting held on 4/10/2013 and 10/10/2013, with regards to a news report in Times of India captioned "savagely rescued maid from VK flat" and summary record of 52 meeting of the commission held on 23 January, 2014, it was brought into notice of the Commission by the Principal Secretary, Home Department that Government of Delhi would shortly introduce a bill on regulation of Placement Agencies for Domestic maid and a draft copy of the Delhi Private Placement Agencies Regulation Bill of 2013, was forwarded to National Commission for Scheduled Tribes vide their letter dated 3<sup>rd</sup> January, 2014. The Commission desired that the final version may be sent for comments. However, the said draft bill was discussed because it had come to the Commission's notice that a Central Act: Inter-State Migrant Workman (Regulation Employment and Conditions of Service) Act 1979 covered similar ground and provided for necessary staff and funds, a hurdle posed for the present regulations and could be utilized for draft bill prepared by the Delhi State Government and strengthen it suitably.

2. The list of participants is enclosed and is annexed.
3. Secretary, NCST welcomed the officials of Home Department, Social Welfare Department and Labour Department of Delhi Government and Delhi Police. The context of the meeting as mentioned above was explained by Delhi Police, Secretary, NCST.
4. The main elements highlighted in the discussion were:
  - (i) It was brought out that similar to the draft Delhi Private Placement Agencies Regulation Bill, 2013, an Act i.e. Inter-State Migrant Workman (Regulation of employment & Conditions of Service) Act, 1979 existed. The details of issues, structure, funding staffing, measures and responsibilities of States given in the said Act need to be examined for the present Bill. The infrastructure and monitoring system in both the Acts at both originating State for migrant Labour and State (Delhi) where employment is gained that is provided under the Inter-State Migrant Workman Act of 1979 could be harmonised.
  - (ii) In addition to registration and responsibility by Private Placement Agencies, it may also be make mandatory on the part of direct Employer who employ any household worker directly, to register the full details and photograph in the Labour Department.
  - (iii) As a general principle, the Placement Agency as well as the direct employer as well as intermediaries involved in the specific case should be made jointly and severally responsible, both on criminal and civil aspects.
  - (iv) The wages, welfare measures, facilities, journey allowances, residential accommodation, medical facility and insurance in case of injury or death and also be appropriately defined. The Labour Department has a responsibility to verify and be held responsible for shortcomings and failures
  - (v) The terms of employment should be defined in writing between the Placement Agency Employer and the Worker on tripartite basis under Labour Department aegis.
  - (v) The provision for inspection by Labour Department of Private

Placement Agency and random spot inspection of direct Employer may also be specified in the Bill.

- (vii) On enquiry, in response to Labour Department desiring to make, the Delhi Police responsible for inspections and visits to the maid and employer, the Delhi Police said that even verification references were not being executed by their subordinates in view of their various responsibilities. Secretary, NCST pointed out that pragmatic provisions need to be incorporated in the Bill and not un-implementable guidelines which looked good in paper.
- (viii) A Mechanism needs to be developed with bill by Social Welfare Department and Labour Department, for 100% registration of Private Placement Agencies within and outside Delhi State providing house workers in Delhi and provide for some punitive measures, such as fine and imprisonment.
- (ix) Even at the time of registration of as worker for employment, the details of similar registration for migration in the originating State should be insisted upon and thereafter, communicated to the Labour/ Social Welfare/ Home Department of that State for record and necessary action.
- (x) Each domestic servant so placed should have a bank account in her/ his own name opened at the time of enrolment by the Placement Agency to ensure that salaries are deposited in their bank accounts under information on website to the Labour Department.

5. The JC, Delhi Police also mentioned that while acting an offences against Scheduled Tribe domestic workers, in order to apply PoA Act and provide relief, verification by the originating State Government concerned is not forthcoming nor is information promptly given. Thus State Government may also be sensitised to send the verification reports on time to the police. It was observed that a tight and well thought and registration procedure would easily overcome these problems.

6. A discussion was also held on the contents of the draft Bill during which many inadequacies were pointed out that rendered the proposed legislation quite unable to address the genuine problems of the target group of victims and which it prompted to ameliorate. The Special Secretary of the Delhi Government agreed to take all these aspects and the suggestions/ views discussed into consideration while finalizing the Bili for sending to this Commission for its views and then for placing is before the legislature.

7. Secretary, NCST thanked all Participants.