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Invisible Hands: A Socio-Legal Study of Women Domestic Workers in Himachal Pradesh's Unorganized Sector

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ABSTRACT

India's domestic work industry, especially the unorganized sector, is still disproportionately represented by women, poorly regulated, and generally unseen. The convergence of gender, labor, and legal invisibility in a state frequently praised for its social development metrics is examined in this study, which focuses on women domestic workers in Himachal Pradesh. The study examines these women's lived circumstances via a socio-legal perspective, emphasizing their socioeconomic backgrounds, working conditions, and structural obstacles to legal and labor rights. Through stakeholder interviews, qualitative fieldwork, and an examination of current labor laws and policy frameworks, the study exposes the systemic injustices that deprive women domestic workers of official recognition and rights.The study urges immediate legislative changes, policy changes, and the establishment of inclusive systems that recognize and uphold the rights of unorganized domestic workers. This study adds to the expanding conversation on gender equity, labor justice, and the necessity of a rights-based approach in informal labor sectors by bringing their "invisible" labor to light.

Introduction

This was a provision from the 13th-century Magna Carta, but in practice, even after 700 years, domestic workers in many nations still do not benefit from this proclamation; their rights are only theoretical, and they still endure the horrors of exploitation. Karl Marx believed that the basis of the capitalist system was exploitation. He maintained that the basis for the exploitation of the working class was established by the capitalists' ultimate desire for ever-increasing profits [1]. But exploitation is not just a feature of capitalist regimes. Similar to Roscoe Pound's assertion that a community cannot exist without conflict, it might appear that no society can exist without exploitation of any type. The rights of domestic workers in India are a clear illustration of how the idea of social justice seems to be subordinated in some contexts. The reality is different, with some groups of people experiencing various forms of exploitation and their rights

only existing on paper, despite the Constitution's golden articles that guarantee equality and social and economic justice. With no guarantees for their safety, working conditions, pay, or social security, domestic workers are arguably the most exploited of the labor classes.

This is a very old tradition where slaves were made to work for the owner in exchange for a small amount of food, even if the master greatly benefited from their labor. Feudalism, a type of slavery that persisted throughout the middle Ages, included laborers cultivating the master's land and adding to his riches in exchange for just the right to survive [2]. By regulating worker pay and hours, capitalism added another layer of complexity to this issue, but the pay was pitiful and the working conditions were appalling. Marx summed up the capitalist concept as follows: "Workers' unpaid labor is the source of capitalists' wealth; workers' and capitalists' interests like slave and master or serf and lord before them are diametrically opposed and impossible to reconcile."[1] Since capitalists can only expand their portion of the wealth at the cost of workers, and vice versa, the two will constantly clash.

He also emphasized that exploitation cannot be eliminated until workers have control over the means of production for their own gain; only then would "the expropriators be expropriated."[1] Therefore, exploitation in one form or another has persisted throughout history and continues to this day. The beautiful history of human civilization is nothing more than a tale of one group oppressing another, and exploitation is nothing more than an act of violence by one individual against the rights of another. In the beginning, might is right prevailed and the idea of human rights was nonexistent [3]. But as society developed, the marginalized groups began to stand out for their rights, and some of those rights became unalienable, and everyone began to claim them.

[1] Magna CartaLibertatum, commonly called Magna Carta, is a charter agreed to by King John of England at Runnymede, near Windsor, on 15 June 1215

Human Rights as natural rights

Human rights were once thought to be synonymous with natural rights. Many intellectuals believed that the unalienable rules of nature served as the foundation for rights. Civil and political liberties were further strengthened as a result of the contributions and strengthening of these rights over the 17th, 18th, and 19th centuries. They are regarded as First Generation Human Rights as well. Economic, social, and cultural rights were significantly developed and strengthened over the 20th century.

It also makes minorities' rights stronger. The Second Generation of Human Rights resulted from this. A bare minimum of the people's economic well-being was guaranteed by these rights [4]. It also resulted in the acknowledgment of the fundamental material requirements necessary for a respectable human existence. The second part of the 20th century saw the emergence of the Third Generation of Human Rights. An indivisible person can take part in the holistic development of human beings thanks to these rights. Following Hobbes, John Locke conducted more research on the divine foundation of natural rights. In Two Treatises on Government, published in the late 17th century, Locke expanded and developed the natural right argument. Locke, in contrast to Hobbes, supported natural rights by citing what God had planned for humanity.[2]Both France's Declaration of the Rights of Man and the Citizens, which was adopted by the republican Assembly of France during the 1789 revolution, and the American Declaration of Independence (1776) both exhibited Locke's long-lasting influence on political discourse.

As modernity arrived, there was a period of reformation during which reason posed a threat to religious authority. New foundations for natural rights were argued for by political philosophers. In 1651,[3] Thomas Hobbes launched the first significant assault on the divine foundation of natural rights.

[2] *Available at*: https://socialistworker.org/2011/09/28/what-do-we-mean-exploitation (Visited on October 10, 2015).

[3] *Available at*: https://socialistworker.org/2011/09/28/what-do-we-mean-exploitation (Visited on October 10, 2015).

Literature review

Abraham et al. (2009) [1] explores the nature and quality of employment growth in rural India in her article *"Employment Growth in Rural India: Distress Driven?"* published in the *Economic and Political Weekly*. The study critically evaluates whether the observed increase in rural employment is a result of productive economic expansion or a manifestation of distress-led employment, where people are compelled to take up low-paying, insecure jobs due to a lack of viable alternatives. Abraham highlights that much of the employment growth during the period under review occurred in the form of casual labour, particularly in agriculture, which does not reflect real improvement in labour market conditions. Instead, it suggests an erosion of employment quality and underlines the need to look beyond aggregate employment figures to understand the underlying causes and implications of such trends for rural livelihoods and poverty alleviation.

Bhalla and Kaur et al. (2011) [2] in their working paper titled *"Labour Force Participation of Women in India: Some Facts, Some Queries"* for the London School of Economics' Asia Research Centre, focus on the puzzling trends in female labour force participation (FLFP) in India. The paper raises critical questions about the declining participation of women in the workforce despite economic growth and improvements in female education. Bhalla and Kaur delve into data inconsistencies and socio-cultural barriers that may explain this phenomenon, such as unpaid domestic responsibilities, social norms restricting women's mobility, and underreporting in official statistics. Their analysis provides both statistical evidence and theoretical insights, arguing that a multidimensional approach is required to understand and address the barriers to female employment. The paper serves as an important contribution to the discourse on gender, employment, and development policy in India.

Dev et al. (2007) [3] in his book *"Inclusive Growth in India: Agriculture, Poverty, and Human Development"*, published by Oxford University Press, presents a comprehensive analysis of the challenges and strategies for achieving inclusive growth in the Indian context. Dev emphasizes that despite high GDP growth rates, large sections of the population particularly in rural areas remain excluded from the benefits of development. The book underscores the centrality of agriculture, poverty reduction, and investments in human development (such as education and

health) for fostering inclusive growth. Dev argues that agricultural stagnation, rising inequality, and insufficient public investment in social sectors have hindered the equitable distribution of growth benefits. His work calls for targeted policy interventions to bridge the rural-urban divide and ensure that growth translates into tangible improvements in the lives of the poor and marginalized.

Das et al. (2012) [4] in the article *"Wage Inequality in India: Decomposition by Sector, Gender and Activity Status"*, published in the *Economic and Political Weekly*, investigates the structure and sources of wage inequality in the Indian labour market. Using decomposition techniques, Das analyses the extent to which wage disparities are influenced by sectorial location (organized vs. unorganized), gender, and employment type (regular vs. casual). The findings reveal that a significant portion of wage inequality stems from structural differences across sectors and discriminatory practices based on gender and employment status. Notably, the wage gap between male and female workers persists even after controlling for education and experience, highlighting systemic gender-based discrimination. Das's study contributes valuable empirical insights into the dynamics of labour market inequality in India, offering a foundation for policy measures aimed at promoting fairness and equity in wage distribution.

Government of India (2011) [5] in its report titled *"India Human Development Report: Towards Social Inclusion"* published by the Institute of Applied Manpower Research under the Planning Commission, provides a comprehensive analysis of human development indicators across India with a particular emphasis on social inclusion. The report delves into the disparities among different socio-economic and demographic groups, particularly focusing on Scheduled Castes, Scheduled Tribes, minorities, and women. It underscores the persistent inequality in access to education, healthcare, employment, and other public services, despite notable economic growth. By integrating both quantitative data and policy analysis, the report emphasizes the need for inclusive development strategies that address structural and systemic barriers. It serves as a critical baseline for understanding the social dimensions of human development and the role of the state in promoting equity.

Government of India (2013), **[6]** through the report *"Low Female Employment in a Period of High Growth: Insights from Primary Survey in Uttar Pradesh and Gujarat"* (IAMR Report No.

9/2013), explores the paradox of declining female labour force participation despite high economic growth. Conducted by the Institute of Applied Manpower Research, the study is based on primary surveys in the states of Uttar Pradesh and Gujarat, offering a ground-level perspective on the socio-economic and cultural factors inhibiting women's employment. It identifies key issues such as lack of suitable job opportunities for women, safety concerns, social norms, and domestic responsibilities. The report challenges the assumption that economic growth naturally translates into gender-equitable employment outcomes and calls for targeted policy interventions to address the multifaceted barriers to women's participation in the workforce.

Government of India (2014) [7] in the report *"Critical Assessment of Labour Laws, Policies and Practices Through Gender Lens"*, prepared by the Ministry of Women and Child Development, provides an evaluative overview of India's labour policies and legal framework from a gender perspective. This report critically examines how existing labour laws, workplace practices, and institutional mechanisms align or fail to align with the goal of gender equality in employment. It points to several gaps in legal protection, enforcement, and gender-sensitive implementation, especially in the informal sector where a significant proportion of women are employed. The analysis also highlights the absence of supportive infrastructure such as childcare facilities and flexible work arrangements. Recommendations include the need for comprehensive legal reforms, gender sensitization of institutions, and the development of inclusive labour market policies.

Himanshu (2011) [8] in his article *"Employment Trends in India: A Re-examination"*, published in *Economic and Political Weekly* (Vol. 46, No. 37), offers a critical analysis of employment trends in India using a re-evaluation of National Sample Survey data. The paper revisits the patterns of employment growth, labour force participation, and sectorial shifts over the previous decades, challenging the dominant narrative that India's high GDP growth has been accompanied by commensurate employment generation. Himanshu highlights that employment growth has been sporadic and uneven, particularly in rural areas and among women. The study emphasizes the rise of informal and precarious employment, the stagnation of female labour force participation, and the limited absorption of labour into productive sectors. By reinterpreting data

trends, the author contributes to a more nuanced understanding of employment dynamics in India, especially in light of policy implications for inclusive growth.

Kelkar (2009) [9] in her paper titled *"Implications of National Rural Employment Guarantee for Women's Agency and Productivity"*, presented at the FAO-ILO-IFAD Conference *"Moving Out of Poverty"* (Rome, 31 March – 2 April), examines the impact of the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) on women's economic agency and productivity. Kelkar argues that MGNREGA has significant transformative potential for rural women by providing them with paid employment, economic independence, and a stronger voice in household and community decision-making. However, she also points out several limitations, such as irregular work availability, lack of gender-sensitive implementation, and infrastructural constraints. The paper underscores the need for institutional reforms within the scheme to enhance its effectiveness for women, advocating for measures like crèche facilities, wage parity, and targeted capacity-building efforts. This contribution is vital in linking public employment programs to broader gender empowerment outcomes.

Anonymous (2011) [10] in the article *"Gender and Productive Assets: Implications for Women's Economic Security and Poverty"*, published in *Economic and Political Weekly* (Vol. 46, No. 23), explores the critical relationship between gender and access to productive assets such as land, credit, technology, and employment. The paper emphasizes that women's limited ownership and control over such assets is a major factor behind their economic insecurity and persistent poverty. It argues that asset inequality is both a cause and a consequence of gender inequality, which perpetuates women's marginalization in economic systems. The article calls for gender-sensitive asset redistribution policies and legal reforms that enhance women's rights to property, inheritance, and financial services. By linking asset ownership to broader development goals, the study provides a strong policy-oriented perspective on achieving gender equity and sustainable poverty reduction.

Kurian (2007) [11] in the article *"Widening Economic and Social Disparities: Implication for India"*, published in the *Indian Journal of Medical Research* (Vol. 126, No. 1), discusses the growing economic and social inequalities in India and their long-term developmental implications. Kurian highlights how liberalization and rapid economic growth have not translated

into uniform benefits across regions, classes, castes, or genders. The article underlines the persistent disparities in income, access to health and education, and social mobility, which disproportionately affect marginalized groups, especially women and rural populations. The author argues that such imbalances, if not addressed through inclusive policy frameworks, could threaten the sustainability of India's development trajectory. The study offers a critical macro-level perspective on inequality and emphasizes the need for redistributive and equity-focused interventions.

Masood and Ahmad (2009) [12] in their paper *"An Econometric Analysis of Inter-state Variations in Women's Labour Force Participation in India"* (MPRA Paper No. 19297), conduct a quantitative analysis to examine the factors responsible for state-level differences in women's labour force participation (LFP) across India. Using panel data and econometric modeling, the authors identify key determinants such as female literacy, fertility rates, urbanization, and sectoral employment patterns. Their findings suggest that socio-economic development, educational attainment, and cultural norms significantly influence female LFP. The study contributes to the understanding that improving women's labour participation requires multifaceted strategies tailored to regional contexts, integrating both economic and social policy components.

Anitha and Revenkar (2007) [13] in their article *"Micro Credit through SHG for Rural Development"*, published in *Southern Economist* (Vol. 46, No. 8), explore the role of Self-Help Groups (SHGs) and microcredit in enhancing rural development, particularly among women. The authors argue that microfinance, when channeled through SHGs, plays a significant role in improving women's economic participation, self-reliance, and decision-making power in rural areas. The study presents examples of how access to small loans has helped women engage in income-generating activities, thereby contributing to household income and local development. However, the paper also highlights the need for proper training, market access, and support systems to ensure the sustainability of such initiatives. The article positions microcredit as a key tool for grassroots empowerment and rural transformation.

Banerjee, Duflo, Glennerster, and Kinnan et al. (2015) [14] in their influential study *"The Miracle of Microfinance? Evidence from a Randomized Evaluation"*, published in the *American*

Economic Journal: Applied Economics (Vol. 7, No. 1), present rigorous empirical evidence on the impacts of microfinance using randomized control trials (RCTs) conducted in Hyderabad, India. Contrary to popular belief, their findings reveal that while microfinance improves access to credit and encourages business activity, it does not have significant effects on broader development indicators such as household income, consumption, health, or education in the short term. The study contributes a critical perspective to the microfinance debate, arguing for a balanced view that acknowledges both the opportunities and limitations of microfinance in reducing poverty and empowering women. It also calls for more nuanced financial inclusion policies that are tailored to diverse needs and contexts.

Barnes, Keogh, et al. (2001) [15] in their report *"Microfinance Program Clients and Impact: An Assessment of Zambuko Trust, Zimbabwe"*, published by AIMS in Washington, DC, provide a comprehensive impact assessment of microfinance programs on low-income clients. Focusing on the Zambuko Trust in Zimbabwe, the study uses client interviews and financial performance data to evaluate the outcomes of microcredit initiatives. The authors found that access to credit led to improvements in household income, business sustainability, and client confidence. However, they also highlight limitations such as repayment challenges and the limited depth of outreach to the poorest clients. This study offers early empirical evidence on the potential of microfinance to contribute to economic empowerment, while cautioning against overestimating its transformative capacity without complementary support services.

Cook et al. (2020) [16] in the article *"Micro-Credit Programs Empower Women through Self-Help Groups"*, published in the *International Journal of Research in Social Sciences* (Vol. 10, No. 2), investigates the role of micro-credit and Self-Help Groups (SHGs) in enhancing women's social and economic empowerment. Drawing from case studies and SHG-based models in India, the author illustrates how participation in micro-credit programs enables women to gain financial independence, develop leadership skills, and build supportive community networks. The paper emphasizes the importance of group solidarity and shared learning in the success of SHGs. Cook also notes that empowerment is not solely economic but includes greater participation in decision-making within households and communities. The article underscores the need for sustained policy support and capacity-building to strengthen SHG frameworks.

Das gupta et al. (2005) [17] in the article *"Microfinance in India: Empirical Evidence, Alternative Models and Policy Imperatives"*, published in *Economic and Political Weekly*, presents an in-depth analysis of microfinance evolution in India. Das gupta examines different microfinance models, including the SHG-bank linkage program and NGO-led initiatives, assessing their outreach, sustainability, and socio-economic impacts. The study critiques the commercialization of microfinance, pointing to risks like mission drift and over-indebtedness. Empirical data suggest that while microfinance can enhance financial inclusion and women's access to resources, its impact varies significantly depending on implementation models and regional contexts. The article concludes with policy recommendations aimed at improving regulatory frameworks, enhancing transparency, and promoting client protection in the sector.

Deka et al. (2011) [18] in the conference paper *"Determinants of Women's Empowerment in India: Evidence from National Family Health Survey"*, presented at the Society for Social Work and Research 15th Annual Conference, explores the socio-economic and demographic factors influencing women's empowerment in India. Using data from the National Family Health Survey (NFHS), Deka identifies variables such as education, employment, age at marriage, and household structure as significant predictors of empowerment. The study particularly highlights regional and urban-rural disparities in empowerment levels. Deka argues that policies must go beyond economic programs to address structural inequalities in education, health, and social norms. This paper contributes a data-driven perspective to understanding empowerment in the Indian context, linking it to national-level indicators and household dynamics.

Ganapathi and Sannasi et al. (2008) [19] in the article *"Women Entrepreneurship – The Road Ahead"*, published in *Southern Economist* (Vol. 46, No. 18), examine the status, challenges, and prospects of women entrepreneurship in India. The authors discuss various barriers faced by women entrepreneurs, including limited access to credit, lack of training, social constraints, and weak institutional support. At the same time, they highlight the growing role of microfinance, SHGs, and government schemes in encouraging women-led enterprises. The article emphasizes the need for skill development, market linkage, and gender-sensitive policy formulation to create a more conducive ecosystem for women entrepreneurs. It positions entrepreneurship as a key driver of women's empowerment and rural development.

Gill et al. (2015) [20] in the case study *"Women Empowerment through Self-Help Groups – A Case Study of Bijaydandi Development Block in Mandla District of Madhya Pradesh"*, published in the *National Journal of Hindi Sanskrit Research* (Vol. 1), assesses the impact of SHGs on women in a tribal region of Madhya Pradesh. Through fieldwork and interviews, Gill demonstrates that SHGs have significantly improved women's access to credit, savings habits, and their role in household decision-making. The study also notes enhanced confidence, social recognition, and mobility among participants. However, challenges such as inadequate training and lack of awareness about financial management persist. This case study provides grassroots-level insights into how community-based financial models contribute to the broader goals of women's empowerment in rural and marginalized settings.

Case Methodology

As a result, by the end of 1950, the three aforementioned sets of instruments had established themselves as the primary international tools for promoting and defending international human rights. But in the decades that followed, each became more diverse, and new monitoring[4] agencies like the European Committee of Social Rights, the Inter-American Court of Human Rights, and United Nations treaty bodies and Universal Periodic Review were established. Regional human rights organizations, such as the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples'[5] Rights, have emerged in recent years to monitor violations of human rights on a regional level. These organizations keep an eye on states' adherence to the African Charter on Human and Peoples' Rights. The Organization for Security and Co-operation in Europe (OSCE) was established in response to the fall of the Soviet Union. It acknowledged that discussions on human rights, political and military relations, and economic development were all equally crucial to maintaining peace and stability throughout Europe and the (former) Soviet States [7]. The League of Arab States established the Arab[5] Human Rights Committee in 2009, while the Association of Southeast Asian Nations (ASEAN) recently established the ASEAN Intergovernmental Commission on Human Rights.

[4]Durga das Basu, '*Human Rights in Constitutional Law'*, (Vadhwa Publications, Nagpur, 2nd edn, 2003). *Available at* :http://vle.du.ac.in/mod/book/print.php?id=13397&chapterid=29484#_ftn1 (Visited on October 10, 2015).

[5]*Available at* :http://vle.du.ac.in/mod/book/print.php?id=13397&chapterid=29484#_ftn1 (Visited on March 1, 2015)

Beyond what is often known as the "international human rights framework," there are additional international organizations. In their specialized fields of work, they are also crucial in combating human rights abuses. States can, for instance, file complaints against other States[6] with the International Court of Justice, which occasionally renders decisions on human rights cases involving claims that one State violated the terms of an international agreement (for instance, by denying its citizens access to consular representatives while they were being held in the second State). By accepting inter-state complaints about suspected violations of ILO conventions, the International Labour Organization (ILO)[7] also monitors States' adherence to international labor norms [8]. Furthermore, violations of international humanitarian law, international criminal law, or jus cogens standards of international law may result in criminal prosecution of individuals (as opposed to states) or civil lawsuits under domestic law. Such prosecutions are carried out by the International Criminal Court, the International Criminal Tribunal for Rwanda, the International Criminal Tribunal for the former Yugoslavia, and several other internationalized criminal tribunals [9].

Human rights conflicts can be decided by a number of regional tribunals established by development agreements or economic integration.[7] Sub-regions of Africa, the Americas, and Europe are served by these regional economic community courts and tribunals. Since its beginning, it has developed into a significant human rights tool and has had a significant impact on all human rights-based laws implemented globally. This commitment has evolved into a law throughout time and has impacted several human rights-based accords and declarations [10]. The International Covenant on Civil[8] and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which were both ratified and put into effect in 1976, are the two most well-known of these agreements.

[6] *Available at*: http://vle.du.ac.in/mod/book/print.php?id=13397&chapterid=29484#_ftn1 (Visited on March 1, 2016)

[7] English philosopher whose works lie at the foundation of modern philosophical empiricism and political liberalism. Like Hobbes, Locke also belongsto natural rights school of thought.

[8] *Available at*: http://vle.du.ac.in/mod/book/print.php?id=13397&chapterid=29484#_ftn1 (Visited on March 1, 2016)

Human rights laws all around the world have been greatly influenced by the terms of these two covenants, which are binding on the member nations. These declarations discuss universal human rights that cannot be taken away, such as the right to equality, the right to freedom, the right to life and personal liberty, etc. This law's most significant feature is that it establishes duties that states must uphold. States take on responsibilities and duties under international law to uphold, defend, and fulfill human rights when they ratify international treaties [11]. States are required under the commitment to respect to abstain from obstructing or restricting the exercise of human rights. Governments commit to implementing domestic policies and laws that are consistent with their commitments and responsibilities under international human rights treaties by ratifying them. Therefore, the primary legal safeguard for human rights protected by international law is provided by the domestic legal system. Mechanisms and procedures for individual and group complaints are available at the regional and international levels to help ensure that international human rights standards are in fact respected, implemented, and enforced at the local level in cases where domestic legal proceedings are unable to address violations of human rights. The main ideas outlined in the Universal Declaration of Human Rights are as follows:

1. We are all equal and free from birth. Everybody is born free. Everybody has their own views and opinions. All of us ought to receive the same treatment.

2. Avoid discrimination. Regardless of our differences, everyone is entitled to these rights.

3. The Life Right. Everybody has the right to life, as well as the right to live in safety and freedom.

4. There is no slavery. No one has the authority to enslave us. No one can become our slave.

5. No torment. No one has the right to torment or injure us.

6. No matter where you go, you have rights. Like you, I am a human!

Before the law, we are all equal. Everyone is subject to the same laws. It must be fair to all of us.

"I know why the thing rose in Germany," said Nobel Prize-winning novelist William Golding, creator of the enduringly popular "Lord of the Flies." I am aware that it may occur in any nation [11]. This is where it could occur. Golding was alluding to the Holocaust in Germany and his conviction that it was not a unique incident and that the wickedness that led to it actually sprang from humanity's innate evil. Because of humanity's shortcomings, he said, sorrow and death would inevitably follow any place where evil was permitted to flourish.[9] The Universal Declaration of Human Rights may be significant in this situation. Because of the fatal flaws in humanity, it is still applicable today. The failure has not been with the UDHR. It's humanity. Our desire for power leads to tyranny, our selfishness to poverty, and our incapacity to forgive those things leads to genocide. And in an attempt to address these deadly human shortcomings, we have produced the UDHR as a Band-Aid solution. It can't address the world's issues, in my opinion. However, it's still far better than nothing [12].

Case Analysis

The Indian Constitution guarantees all citizens social, economic, and political justice; liberty of thought, expression, belief, faith, and worship; equality of status and opportunity; and, above all, fraternity, which upholds each person's dignity and the unity and integrity of the country. Therefore, any action that goes against these can only be viewed as cruel and a breach of the Constitution's fundamental values. As a result, crimes committed against domestic workers are cruel and violate human dignity, which is one of the fundamental principles stated in the Preamble.[10] It guarantees the dignity of each individual and provides brotherhood to all citizens.

Additionally, it infringes against the basic freedom protected by Article 19 of the Constitution. Domestic workers are destined to continue working without any rights, despite the strong complaints of many progressive segments of society against the infringement of even the most basic of their freedoms.

[9] *Available at*: http://vle.du.ac.in/mod/book/print.php?id=13397&chapterid=29484#_ftn1

[10] Thomas Paine, *The Rights of Man* 68 (Penguin Books, New York, 1985).

However, even as the country commemorates its 70th anniversary of independence, the liberties outlined in the Constitution have not extended to domestic servants. The exploitation of domestic servants has not stopped after seventy years of independence, and their predicament persists.

All people, whether citizens, non-citizens, or foreigners, are granted the basic right against exploitation, which is guaranteed by these articles. "Traffic in human beings and begar and other similar forms of forced labor are prohibited and any violation of this provision shall be an offense punishable by law," states Article 23(1). It forbids "begar," "traffic in human beings," and other like types of forced labor. It further states that any violation of this ban would be punishable by law. Therefore, legislation to implement the restriction provided in Article 23(1) is envisaged.

According to the ruling in the People's Union for Democratic Rights v. Union of India case, it is considered begar to pay salaries below the minimum wage. Additionally, the court ruled that Article 23(1) would target forced labor in all of its manifestations. Therefore, it was forbidden to force any reluctant labor, whether paid or not, in addition to begar or other unpaid labor. If someone is compelled to work, it doesn't matter how much money they are paid. According to the court, coercion or force under Article 23(1) may be the consequence of physical force, legal requirements, or poverty, hunger, or need [14].

The Rajasthan Famine Relief Works Employees Act, 1964, exempted employees involved in famine relief operations from the Minimum Wages Act in the case of Sanjit Ray v. State of Rajasthan. The Act allowed hunger-affected individuals working in famine relief to be paid less than the minimum wage. The Act was declared unconstitutional by the Supreme Court for violating Article 23(1). The court ruled that the State could not exploit the hunger-affected individuals' helplessness by paying them less than the minimum wage on the grounds that it was provided to them in order to assist in meeting the famine situation. The court determined that "beggar" refers to forcing someone to work against their choice and without compensation in the case of S. Vasudevanv. S.D. Mittal.

The Constitution did not limit the prohibition to specific forms of forced labor when it qualified "forced labor" by linking it to other works, such as "beggar and other similar forms" Acquired

knowledge Judges in the People's Union for Democratic Rights have noted that forced labor can occur in a number of ways, including physical force, force applied by a law, such as a provision imposing a fine or imprisonment on an employee who fails to perform labor or service, or even compulsion brought on by poverty, hunger, want, and destitution. Any element that denies someone a choice and forces them to take a specific activity can rightfully be considered a form of force [14]. The Bench made the following observation: "We are, therefore, of the opinion that where a person provides labor or service to another or remuneration that is less than the minimum wage, the labor or service provided by him clearly falls within the scope and ambit of the words "forced labor" under Article 23."

The court decided in People's Union for Democratic Rights v. Union of India13 that the ban on trafficking inhuman persons, begar, and other types of forced labor is a general restriction that is widespread in its scope and has a complete impact. In addition, the court ruled that Article 23 is a charter that upholds human dignity for both private individuals and the State. Furthermore, whether or not it is compensated, any unwelcome labor is forbidden since it is forced labor. Regarding minimum wages, the court decided that it is assumed that an individual is working under duress when he receives less than the minimum wage [15]. Either physical coercion, legal requirements, or poverty, hunger, and desire may be the cause of this compulsion. Once more, any element that denies someone a choice and forces them to choose a certain course of action may legitimately be considered "force," and if labor or service is required as a result of such force, it would be considered forced labor.

Human trafficking is also a crime punishable under the Indian Penal Code. According to Section 370 of the Indian Penal Code, anybody who imports, exports, removes, purchases, sells, or disposes of someone as a slave or who accepts, receives, or detains someone against their will faces imprisonment. Additionally, the government passed the Bonded work System (Abolition) Act 197617, which abolished the bonded work system in accordance with Article 23 of the Constitution. Section 24 stipulates that no kid under the age of fourteen may work in a mine, factory, or other dangerous job. Economic need shouldn't compel people to engage in activities that are inappropriate for their age or physical capabilities [16]. This is crucial when we take into account that many youngsters and the elderly are compelled to work in a variety of unhealthy occupations due to financial need.

Children and young people are given the chance to grow up in a healthy way, with freedom and respect. Children and young people should be shielded from material and moral desertion as well as from exploitation. When discussing the rights of child laborers, it is crucial to remember the directive principle that children should not be mistreated during their early years and that they should be provided with the opportunity and resources to grow up in a healthy way, in a setting of freedom and dignity, and that they should not be exploited or materially abandoned [17].

Act of 2008 Concerning Domestic Workers (Registration, Social Security and Welfare) An explanation of the goals and justifications Domestic workers who exploit women and children are a common and frequently reported problem. The majority of domestic workers have turned into modern-day slaves as they lack rights and regulations to rely on. It is also well known that the placement agencies, which function freely and without any kind of controls or guidelines, traffic and exploit a large number of women and children. The demand for domestic workers has increased dramatically over the past few decades, resulting in the trafficking and other forms of exploitation of millions of women and children of both sexes. To meet this demand, thousands of placement agencies have sprung up to provide domestic workers in the metro areas of many states, who are trafficked and subject to various forms of exploitation while remaining outside the scope of any legislative control [18]. Lack of legal protection has resulted in severe exploitation of women and children, including depriving domestic workers of their entire salary, requiring them to work an average of more than 16–18 hours a day, denying them proper food and living/sleeping conditions, forcing them to be completely cut off from their family, limiting their labor, and sexually abusing them while they are in transit, at the agency's office, and at their employers' homes [19]. The media often reports on the never-ending list of exploitation. Without an implementation mechanism, laws like the latest notification on the Child Labour (Prohibitions & Regulation) Act, 1986's ban on child labor in domestic employment cannot be put into effect [20].

Conclusion

A profoundly ingrained pattern of vulnerability, invisibility, and socio-legal neglect is shown by the study of women domestic workers in the unorganized sector in Himachal Pradesh. These workers continue to be socially and legally excluded despite their vital role in family economics

and the larger socioeconomic fabric. Their exploitation is made worse by the combination of gender, caste, class, and rural-urban dynamics; they have little to no access to social security, formal labor rights, or redressal processes. Because of poor implementation, a lack of knowledge, and administrative obstacles, laws intended to safeguard workers in the unorganized sector like the Unorganised Workers' Social Security Act, 2008 remain mostly ineffective on the ground. Furthermore, social conventions continue to devalue domestic work, particularly when done by women, which furthers their social and economic marginalization. The urgent need for thorough legislative reform, strong policy execution, and the acceptance of domestic work as respectable labor deserving of rights and dignity is highlighted by this study. Addressing the historical injustices faced by women domestic workers requires empowering them via legal literacy, unionization, and participation in governmental assistance programs. Only then can their unseen hands be properly recognized within the context of human rights and social justice.

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