

AS INTRODUCED IN THE RAJYA SABHA  
ON 22ND JULY, 2022

**Bill No. XXIX of 2022**

THE NATIONAL COMMISSION FOR WELFARE OF HOME-BASED  
WORKERS BILL, 2022

A

**BILL**

*to provide for the establishment of a National Commission for Welfare of Home-based  
Workers and for matters connected therewith.*

BE it enacted by the Parliament in the Seventy-third Year of the Republic of India as  
follows:—

**1.** (1) This Act may be called the National Commission for Welfare of Home-based  
Workers Act, 2022.

Short title,  
extent and  
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification  
in the Official Gazette, appoint.

**2.** In this Act, unless the context otherwise requires,—

Definitions.

10 (a) "appropriate Government" means in the case of a State, the Government of  
that State and in all other cases, the Central Government;

(b) "employer" means any person who employs, either directly or through another person, on behalf of himself or any other person for remuneration, any home-based worker;

(c) "home-based work" means work carried out by a person, in his or her home or in other premises of his or her choice, other than the workplace of the employer; for remuneration; which results in a product or service as specified by the employer, irrespective of who provides the equipment, materials or other inputs used;

(d) "home-based worker" means workers who produce goods or provide services for the market in their own home or in any other premises of his or her choice, other than the workplace of the employer;

(e) "National Commission" means the National Commission for the Welfare of Home-based Workers established under section 3; and

(f) "prescribed" means prescribed by rules made under this Act.

Establishment  
of a National  
Commission  
for the  
Welfare of the  
Home-based  
Workers.

**3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Commission for Welfare of Home-based Workers to improve the conditions of home-based workers in the country.**

**(2) The Commission shall consist of —**

**(a) a Chairperson;**

**(b) a Deputy Chairperson; and**

**(c) three members**

**to be appointed by the President by warrant under his signature and seal from amongst the persons having special knowledge and vast experience in the field of home-based work.**

**(3) The Central Government may appoint such number of officers and staff including experts to the Commission as may be required for its efficient functioning.**

**(4) The salary and allowances payable to, and other terms and conditions of service of the Chairperson, Deputy Chairperson, members, officers, staff and experts of the Commission shall be such as may be prescribed.**

**(5) The National Commission shall have the power to regulate its own procedure.**

Functions of  
the National  
Commission.

**4. (1) It shall be the duty of the National Commission to take such steps, as it may deem appropriate, for the welfare and protection of the rights of home-based workers and their dependant family members.**

**(2) Without prejudice to the generality of the foregoing provision, the National Commission shall ensure the following provisions for the benefit and welfare of home-based workers, namely:—**

**(a) recognise and accepting home-based workers as workers in their own right through legislative and administrative actions;**

**(b) conducting a national survey for the collection of statistics of home-based workers on a regular basis and not as a one off National Sample Survey module by adopting the official international statistical definition of 'home-based workers', and ensuring that such national surveys include a question on 'place of work' and 'source of work (contractor or firm or self)' so that the distinction between self-employed own account home-based workers and sub-contracted home-based workers becomes clear;**

**(c) undertaking the registration of home-based workers at the national and state level by assisting the appropriate Government and issuing a Home-based Worker Identification number (HBWIN card) for each of them;**

(d) ensuring legal equality to home-based workers in status and rights in relation to other wage earners performing same work;

(e) ensuring decent wage, social security and occupational health and safety provisions for home-based workers through appropriate legislative and administrative measures;

(f) identifying, preventing and mitigating potential human rights violations that affect home-based workers;

(g) drafting a national policy for the welfare of the home-based workers;

(h) ensuring legal recognition of the home-based workers in global supply chains and include the protection of the rights and welfare of home-based workers in all due diligence processes applicable to such companies involved therein;

(i) promoting community-based skill-building trainings for the home-based workers by coordinating with the state and local governments;

(j) ensuring financial and digital inclusion of home-based workers;

(k) collaborating with all relevant stakeholders including the representatives of home-based workers, NGOs and trade unions in pursuance of the objective of the National Commission;

(l) submitting reports to the President regarding the working of safeguards on an annual basis or at such intervals as it thinks fit including measures for protection, welfare and social development of home-based workers.

**5.** (1) The President shall cause to be laid before each House of Parliament all the reports submitted to him under clause (1) of sub-section (2) of section 4 along with a memorandum explaining the reasons for not accepting any of the recommendations made thereto.

President to lay report.

(2) Where the report, or any of its part is related to any of the issue connected with the State Government, a copy of such report shall be forwarded to the Governor of that State, who shall in turn, along with an explanatory memorandum concerned with the action taken or proposed to be taken on the recommendations related to the State, if any, and reasons for not accepting any of the recommendations, cause such report to be laid before the State legislature.

**6.** The National Commission shall, while investigating any matter referred to in sub-section (2) of section 4, have all the powers of a Civil Court trying a suit and, in particular in respect of the following matters, namely:—

National Commission to have powers of Civil Court.

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commission for the examination of witnesses and documents; and

(f) any other matter which may be prescribed.

**7.** The appropriate Government shall consult the National Commission on all policies affecting the interests of the home-based workers.

Appropriate Government to consult the National Commission.

Central Government to provide adequate funds to the National Commission.

**8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the National Commission for carrying out the purposes of this Act.**

Power to remove difficulties.

**9.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty: 5

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

Act to have overriding effect.

**10.** The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. 10

Power to make rules.

**11. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule. 15 20

## STATEMENT OF OBJECTS AND REASONS

Home-based workers are workers who produce goods or provide services for the market in their own home or in a structure attached to their own home. Most of the home-based workers produce goods for global supply chains across the world. The work they do can vary greatly and may include stitching garments and weaving textiles, stitching shoe uppers and footballs, producing craft products, processing and preparing food items, rolling incense sticks, cigarettes and cigars, assembling or packaging electronics, automobile parts, and pharmaceutical products etc. Although they remain largely invisible, home-based workers are engaged in many branches of industries—old and new—and represent a significant share of employment in global supplychains.

According to the 2017-18 India Periodic Labour Force Survey, there were about 35 million home-based workers representing 9.8 per cent. of all workers. A recent survey of 340 garment factories in Delhi and Bengaluru showed that 58 per cent. of surveyed factories outsource to home workers. These workers may be contracted directly by factories or through third party contractors.

Home-based workers are the most vulnerable among all informal economy workers. Relegated to the bottom of supply chains, they have the least bargaining power, the most insecure work, and low incomes. Majority of the workers lack social security, income security and health security. They also lack access to basic services such as water, health care, sanitation, and electricity which severely affect their lives and livelihoods.

Although home-based workers belong to the most vulnerable categories of workers, there is no official policies, programmes and schemes that protect their rights and welfare. The term home-based worker is not legally recognised. Hence, they remain as an exploited and invisible class of workers living under the mercy of global brands for whom they do the hard-work. It is critical for the Government to recognise and identify the problems of these large majority of workers and safeguard their legitimate rights and welfare through legislative and administrative actions. Considering the intensity and gravity of the problem, it is understood that an institutional framework with necessary powers, functions and capacity is an urgent policy priority.

Hence, the Bill seeks to attain the objectives mentioned above through the establishment of the National Commission for the Welfare of Home-based Workers.

SANDOSH KUMAR P.

#### FINANCIAL MEMORANDUM

Clauses 3 of the Bill provides for establishment of the National Commission for the Welfare of Home-based Workers to carry out the responsibilities assigned to it. It also provides for appointment of a Chairperson, Deputy Chairperson, members, officers, staff and experts to the Commission. Clause 8 provides for the Central Government to provide adequate funds for the functioning of the Commission.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India which cannot be estimated at present. Recurring expenditure is also likely to be incurred.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

---

A

BILL

to provide for the establishment of a National Commission for Welfare of Home-based  
Workers and for matters connected therewith.

---

*(Shri Sandosh Kumar P., M.P.)*