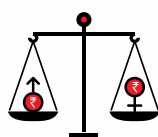


# INDIA GENDER REPORT

FEMINIST POLICY COLLECTIVE

Lead Anchor: Ritu Dewan  
with  
Swati Raju



**FEMINIST POLICY INDIA**

Transformative Policy and  
Financing for Gender Equality

Updated on 3 May 2025 with corrections in Chapter 23

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[www.feministpolicyindia.org](http://www.feministpolicyindia.org)

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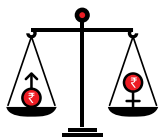
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## FEMINIST POLICY INDIA

Transformative Policy and  
Financing for Gender Equality

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### FPC History and Vision

The Feminist Policy Collective (FPC) is a voluntary platform that was formally set up in February 2019 following a national consultation co-organised by a core group of feminists and founding organisations. The initial group of the FPC comprised a mix of individual researchers, academicians, policy advocates and feminist organisations, as well as UN Women. Since June 2018, FPC has been collectively working together on making the gender responsive budgeting framework more effective to transform the way policy and finance could change gender relations. Over the last five years (2019 to 2024) the members have voluntarily contributed to establishing the Collective and carrying out activities towards fulfilling the founding vision and mission.

The Feminist Policy Collective defines its vision as contributing to policies and practice on Transformative Financing for gender justice that advances the rights of women in all their diversity. FPC is committed to equality, equity and egalitarianism that is inclusive of the rights of all marginalised groups and gender-diverse communities, addressing historical and systemic discrimination that perpetuates deep inequalities.

The FPC mission is –

- Creating evidence that centers the lived realities and voices of diverse women for informing policy formulation, implementation and monitoring.
- Establishing platforms for dialogue to strengthen learning exchanges between practitioners, policy advocates, academia, administration and philanthropies that are committed to gender equality.
- Taking forward key policy recommendations with the State for advancing women's constitutional rights.
- Contributing to a feminist discourse to inform key actors to influence local, national and global policymaking priorities.
- Building partnerships with like-minded organisations and networks for advancing women's constitutional rights.

As a voluntary group, the FPC is managed by a Steering Committee selected from among the larger Core Group, while day-to-day operation is managed by a full-time Coordinator who receives guidance from the Co-convenors who volunteer on a rotational basis. Operationally the FPC works through thematic working groups (WGs) that have been formed to work on Transformative Financing and Development; Women, Work and Poverty; Gender and Health and Gender-Based Violence.

The key activities of the FPC include research and publications, webinars and conference panels, and the flagship annual Pre-Budget Consultations (2019 to 2022) to identify policy priorities from an intersectional feminist lens to guide Union Departments and Ministries preparing for the imminent Union Budget. Beyond these, the FPC manages a website providing resources on transformative financing for gender justice (see <https://www.feministpolicyindia.org/>) and communicates on social media, as well as through an email listserv (the FPC Solidarity group). Resources for activities are pooled by various members, primarily on a pro-bono basis, as well as by associative institutions.

## Acknowledgements

It has been almost two years since the India Gender Report was first envisioned. The process from mooted the idea to its conceptualisation and through several stages to its final production has been a rather long journey, often fraught with challenges and doubts about whether it was doable and that too doable well. Yet, all the while full of adventure and hope, always exciting and exhilarating. Driven by passion and commitment to the rights ensured and guaranteed in our Constitution.

This adventurous venture has several fellow-travellers and allies: V.R. Raman, Subrat Das, Sruthi Kutty, Aishwarya Rajeev, Aiman Haque, Titas Ghosh, Vibhuti Patel, Kiran Moghe, Durga Vernekar.

**Ritu Dewan**

(for FPC) <https://www.feministpolicyindia.org/>



# Concept and Structure of the India Gender Report: An Introduction

Ritu Dewan

The India Gender Report – the first of its kind – is conceived and envisaged by the Feminist Policy Collective (FPC) in the context of the many gendered rights that are enshrined in the Constitution of India. The Constitution guarantees a multitude of rights to all citizens of the country, with Article 15 specifically prohibiting discrimination on grounds of religion, race, caste, sex or place of birth, and Article 15 (3) proclaiming that nothing shall prevent the State from making any special provision for women and children. Article 39 lists Principles of Policy to be followed by the State, asserting that the direction be towards securing that citizens, men and women equally, have the right to an adequate means of livelihood (Article 39 (a)); that the ownership and control of the material resources of the community are so distributed as best to subserve the common good (Article 39 (b)); that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment (Article 39 (c)); that there is equal pay for equal work for both men and women (Article 39 (d)). Several other articles focus on gender rights, including Article 39A (Equal Justice and Free Legal Aid) and Article 51A (Fundamental Duties).

The endeavour of IGR is to examine myriad essential aspects of the gendered economic, extra-economic and non-economic status perceived from the prism of transformative finance and located within the context of both overall macro fundamentals as well as lived reality. The purpose is not merely to present trends, but to analytically scrutinise the extent of fulfilment of gender rights, the levels of attainment achieved, and the advancement of the process of equality, egalitarianism and equity of women and trans-persons in all its avatars in keeping with the Constitution of India.

Much has been written on the processes of both gender equalisation and de-equalisation. However, what appears to be missing is the analysis of the Macro-Patriarchal construct of the State, a State that cannot function without the interlocking of macro policies with patriarchal structures: macroeconomic policies that are increasingly exclusive and patriarchal structures that are being increasingly strengthened. The integration of patriarchy in the prevailing system of production and reproduction of goods and services is organic, and one cannot exist without the other in the current stage and pattern of growth: in other words, a dialectical dependency, each feeding into the other and thereby continuously getting reinforced.

India has been undergoing fundamental transformations in the past several years, each of these transfigurations impacting each and every gendered structure. Thus, of necessity, the process of realisation of rights encompasses all major alterations, either positively or negatively. The objective of the IGR consequently locates gendered attainment within the construct of the Macro-Patriarchal State as articulated via financial commitments and also policies that impact gendered structures.

The India Gender Report (IGR) therefore presents a newer perspective, what I term as 'Transformative Feminist Finance', in order to demystify the enabler and simultaneously the de-enabler role of the State with the objective of visibilising the on-going processes and mechanisms of ensuring gender equality in the very ideological system and principles of development – a term now replaced by the reductionist concept of 'growth'.

The IGR is divided into 5 major sections – each anchored by domain experts from FPC – encompassing a wide range of interlinked national and regional issues, apart, of course, from the introduction and a concluding denouement which necessarily incorporates the suggested future course of action viewed from the lens of Transformative Feminist Finance as well as economic and extra-economic intersectionality. While it is quite impossible to delink and isolate the issues contained between and within each section, structural logic and readability requires a demarcation. In addition, each section has an Overview by section anchors that explicate the addressed themes.

Section One – **Transformative Financing and Development** – incorporates analysis related to five generally overlooked essential themes connected to macroeconomic fundamentals and policies relating to gender equality. These relate to the critical evolution of *Gender Responsive Budgeting in India* by Nesar Ahmed focusing on allocations, followed by the other under-researched dimension of budgeting, that of revenue raising by Mridul Eapen and Ishita Mukhopadhyay in the chapter on *Gender, Taxes and Revenue Mobilisation*. The next two chapters deal with the monetary architecture: Sumangala Damodaran writes on *Gender and Banking, Credit and Financial Inclusion* linking analysis to poverty alleviation, and R. Ramakumar discusses the gendered impacts of monetary variables in *Monetary Policy, Inflation and Women*. The last chapter by Jayati Ghosh deals with the rarely analysed theme of *Gender-Differentiated Impacts of Trade Liberalisation on Indian Agriculture* via examination of price volatility in a national and international setting.

Section Two contains a total of six chapters, under the theme of **Work, Labour, Livelihoods**. Decadal changes in work are documented by Sona Mitra and Mridusmita Bordoloi in their chapter on *Trends in Women's Workforce Participation in India*. In her chapter on *Social Group Dimensions of Women's Employment*, Neetha N. analyses the work status of marginalised women. The critical issue of the connects and disconnects between employment and work movements is dealt by Indrani Mazumdar in *Women and Migration*. Preethi Rao and Aishwarya Joshi identify entrepreneurship enablers and challenges in *Women in MSMEs*. The platform economy is focused on by Anweshaa Ghosh in her chapter on *New and Emerging Sectors of Labour Absorption*. Ritu Dewan in the last chapter of this Section deals with the gendered ramifications of labour 'reforms' in *Decoding the Labour Codes: Women, Work and Rights*.

The theme of **Gender, Health and Well-being** is analysed in Section Three. Ravi Duggal and Jashodhara Dasgupta examine the structures of health financing in their chapter *Towards Gender-Responsive Health Systems in India*. Issues and determinants of food insecurity are dealt with by Dipa Sinha in her chapter on *Nutrition*. The interconnects between labour and occupational health challenges have been highlighted by Padmini Swaminathan in *Women, Work and Health: Re-visiting Unresolved Issues, Examining New Challenges*. Chapters four and five of this Section pertain to analysis of government programmes: *Key Diseases-Infectious* by Sandhya Srinivasan, Amita Pitre, Jashodhara Dasgupta, and Aasha Kapur Mehta, and *Key Non-Communicable Diseases* by Sandhya Srinivasan, wherein the focus is on the effect of TB and HIV/AIDS on marginalised groups. The last chapter by Nilangi Sardeshpande, Rashmi Padhye and Renu Khanna deals with *Reproductive and Sexual Health Issues across the Life Cycle*.

Section Four focuses on **Gender and Sexual-based Violence**. Amita Pitre provides a broad intersectional overview of the prevailing forms of sexual and gender-based violence in her chapter titled *Overview of Sexual and Gender Based Violence in India*. The identification of challenges to attaining justice are examined by Julie Thekkudan in *Accessing Justice: Institutional Barriers for Victim-Survivors of Sexual and Gender-based Violence*. Anagha Sarpotdar takes on the challenge of scrutinising recent court rulings in *Assessing Implementation of Law on Workplace Sexual Harassment*. In the chapter

**Resistance, Resilience, and Organising**, Navsharan Singh analytically documents women's collective response to attacks on their rights. This section also contains three boxes – Voices from the Field: Towards Accountability and Justice – that highlight critical issues: **Dalit Feminist Movement** by Abirami Jotheeswaran; The **Ground Realities of Queer and Trans Persons and the Gaps in Promises made by the State** by Zayan, Saurav Verma and Rituparna Borah; **Gender based Violence and Disability** by Aishwarya Rajeev.

Section Five on **Education and Skilling** examines three major themes. Protiva Kundu and Shreya Ghosh analyse the State's financial commitment to primary education in **From Commitment to Action: A Decadal Review of Government Financing for Gender Equality in School Education**. The following chapter **Higher and Technical Education** by Timothy A. Gonsalves, Deepti Gupta, Lishma Anand, Priscilla T. Gonsalves, and Devika Sethi deals with the status of these two streams of education based on secondary data analysis and a primary survey. **Making Skill Development more Gender Responsive** by Sarojini Ganju Thakur focuses on the integration of gender in the national policies on skill development via a decadal analysis.

The data and analytical base that supports the India Gender Report is an intermix of quantitative and qualitative, across the three interconnected levels of the macro, the meso and the micro. The evaluation attempts to cover the time span of a decade. There are of course major constraints due to the lack of as well as the often-poor quality of nation-wide and also regional quantitative data particularly that which is comparable: not the least is the lack of Census-based decadal information. These 'limitations' are sought to be overcome at least partially in several ways, including by examining information collected and also collated by institutions, universities, think-tanks, organisations, NGOs and of course by individual researchers and activists. Also incorporated is state-level information wherever relevant, available and also possible. It must be noted that in the context of the on-going processes of centralisation of capital and policies, the focus may perhaps often be on macro-level analysis. It is hoped that the next volume will take up regional analysis in greater detail, as well as strengthen and deepen what is contained in this volume.

Additionally, as the framework of Transformative Feminist Finance incorporates policy analysis through a macro-patriarchal lens, all issues included in the IGR are not all purely data-based. Several sectors that are examined are what are generally perceived as being 'gender-neutral', which, of course is counterfactual. These sectors consequently are seriously data-deficient, and hence of necessity have to be analysed in order to visibilise their 'genderness'. Also incorporated are several crucial legislations that have been recently enacted which have serious consequences for all who have their labour appropriated in both absolute and relative terms.

Needless to say, there are several 'missing issues' in this India Gender Report. It is of course not feasible to take up all components and fundamentals of gender inequalities and processes of gender de-equalisation in a single volume; however, it is essential that these be identified: we are sanguine that they will be taken up subsequently by not only us but also by all who are committed to ensuring the attainment of our Constitutional rights.

The list of 'missing issues' is long and certainly not exhaustive, nor in order of priority: physical infrastructure; international fund flows; balance of payments; developmental funding; internal terms of trade; insurance policies; pensions; universal basic income; political representation and participation; digitalisation; climate change; common property resources; deforestation; 'development' displacement; resettlement and rehabilitation; community management; distribution and re-distribution; sectoral and sub-sectoral productivity; privatisation; monetisation; non-agricultural rural

livelihoods; factors impacting demand for labour; mechanisation; technology; social reproduction; ownership and inheritance rights; homestead and house rights; cooperatives sectors; consumption levels; savings; capital expenditure; interest payments; decentralisation; planning; revenue lost due to exemptions, concessions, tax rebates, bad loans etc; poverty; multidimensional poverty estimates; sex disaggregated data systems; Equal Opportunity Commissions; universalisation of social security; availability, accessibility and affordability of all public goods; withdrawal of user fees;.....and much and many more.

FPC hopes – with much sincerity, optimism, enthusiasm, anticipation and of course expectation – that the India Gender Report will contribute to and augment the continued struggle of India's citizens for the attainment and fulfilment of their constitutional rights.

# SECTION I Transformative Financing and Development

**Anchors and Section Overview:**  
**Ritu Dewan and Swati Raju**

## Overview

Section One of the IGR focuses on five essential aspects that are rarely dealt with in relation to the gendered connects and disconnects with macroeconomic fundamentals and policies, each having critical ramifications impacting gender equality. While there is a huge body of literature and also data on gender issues, macroeconomic fundamentals appear to be not only devisibilised but also rather severely under-researched. The importance of expenditures and allocations that enhance gender equality are unquestionable, as is essentially the need to expand the theme of transformative financing to sectors and policies that are often left out of scrutiny and debate, resulting in the perception of gender equality in a reductionist manner. This exclusion additionally limits the basis of equality to what is termed rather disparagingly as 'soft' analysis of 'soft' sectors, disassociating women and transpersons from the means of productions as well as the system of production, and hence alienating them from several forms and methods of macroeconomic revolutionary policies.

The chapter on **Gender Responsive Budgeting** by **Nesar Ahmed** lays down the broad contours and also evolution of the process of mainstreaming gender as reflected in India's planning and budgeting processes. The analysis of Gender Responsive Budgeting (GRB) and its impact on empowerment of especially marginalised sections extends over more than a decade at both the national and state levels. It is argued that GRB can be made more effective by integration of gender in action plans of ministries, by developing robust monitoring mechanisms, by incorporating and emphasising intersectional needs of especially marginalised and minority women, and by creating strong and reliable sex-disaggregated data systems.

**Gender, Taxes and Revenue Mobilisation** by **Mridul Eapen and Ishita Mukhopadhyay** examines how gender is inherent not only in allocations but very much in the fiscal architecture. Analysis of existing literature on implicit and explicit gender impacts of tax policies as well as data-driven examination of both direct and indirect taxes reveal two major consequences: that positive tax discrimination acts as an incentive, even if mild, for women to seek employment, and that individual consumption expenditures are more severely impacted by the regressive nature of indirect taxes, especially Goods and Services Tax.

**Sumangala Damodaran** in her Chapter on **Gender and Banking, Credit and Financial Inclusion** examines the monetary architecture, and its impact on reducing poverty alleviation via strategies to provide livelihoods for the poor. The analysis, located within a gendered political economy framework, focuses on both conceptual and secondary evidence realities of access and interventions related to various policy initiatives for financial inclusion.

**Monetary Policy, Inflation and Women** by **R. Ramakumar** deals with the gendered differential impacts, both direct and indirect, of monetary variables including inflation and interest rates on

women's wellbeing as well as their developmental status. Also examined are the many linkages between monetary policy and women, through the examination of both secondary data and published literature in relation to developing countries with special reference to India.

***Gender-Differentiated Impacts of Trade Liberalisation on Indian Agriculture*** by Jayati Ghosh examines the crucial importance of perceiving trade policies in a sector that employs the majority of women workers. Analysed are the impacts on especially women farmers of price volatility, inadequate public investment, of highly subsidised production in developed nations, protectionism etc. The decadal analysis deals with issues of non-recognition of women as farmers, their control – or lack of – over the means of production, and trade policies.

# CHAPTER 1 Gender Responsive Budget in India: An Overview

Nesar Ahmad

## Abstract

*Gender Responsive Budgeting (GRB) has emerged as a critically important tool to measure the progress in gender mainstreaming by incorporating a gender perspective in planning and budgeting processes. GRB is an approach to analyse the budget to understand the priorities of the governments as reflected in their budgets and to examine how they impact men and women. Gender budget analysis is an attempt to understand the impact of government spending, as well as implications of revenue collection on men and women in society. Further, the GRB approach to budget making acknowledges the gender patterns in society and allocates money to implement policies and programmes that will change these patterns in a way that moves towards a more equal society. The Indian government started bringing out a Gender Budget Statement (GBS) 2005-06 onwards. Subsequently some of the state governments also adopted GRB.*

*This chapter focuses on the status and progress of the GRB process in the country both at national and state levels and what does it mean for women empowerment specially, the empowerment of the marginalised women, and what has been its impacts in general. The chapter finds that though, GRB is gaining momentum in India, it still has a long way to go before being properly implemented. GRB can prove to be an effective tool in addressing gender gaps in development. But the current focus on the post budget reporting does not provide enough attention to ministering gender in the planning process itself. A more comprehensive approach to GRB would require formulation of the gender action plans in line ministries, based on the identification of gender specific needs and priorities of women as suggested in the Gender Budget Manual of the MWCD (2015).*

*The GRB stakeholders will not only have to look beyond the binary of gender, addressing the concerns of gender minorities, but will also have to recognise the diversity and focus on intersectionality approach and address the issues of discrimination and exclusion faced by marginalised groups of women such as SC/ST, DNT and minority women. There is a need to have sex segregated data in the country in all aspects which is important for mainstreaming women in the process of development. There also seems to be a lack of robust mechanisms to monitor the implementation of the GRB in India.*



## I: Introduction

The Constitution of India upholds gender equality and empowers the state to adopt affirmative action for empowerment of women. Internationally also, with the developments like Beijing Platform for Action, the UN Millennium Summit and the international conferences on Financing for Development, countries have increasingly recognised the relationship between reducing gender inequalities and development. The ratification by countries of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adoption of the earlier Millennium Development Goals (MDGs) and now the Sustainable Development Goals (SDGs) are visible manifestations of the commitment towards the gender equality and women empowerment. Since the Beijing Platform for Action, many countries have accepted gender mainstreaming as the strategy for achievement of these goals (UN Women 2020).

In this context, Gender Responsive Budgeting (GRB) has emerged as a critically important tool to measure the progress in gender mainstreaming by incorporating a gender perspective in planning and budgeting processes. GRB is an approach to analyse the budget to understand the priorities of the governments as reflected in their budgets and to examine how they impact men and women. Gender budget analysis is an attempt to understand the impact of government spending, as well as implications of revenue collection on men and women in society. Further, the GRB approach to budget making acknowledges the gender patterns in society and allocates funds to implement policies and programmes that will change these patterns in a way that moves towards a more equal society. One of the tools of GRB is the Gender Budget Statement (GBS) that indicates the proportion of total budget that is being spent on promoting women empowerment and gender equality in the government budget. Indicator 5c1 of the SDG 5 (Achieve gender equality and empower all women and girls) specifically tracks 'the proportion of countries with systems to track and make public allocations for gender equality' (UN Women, 2016).

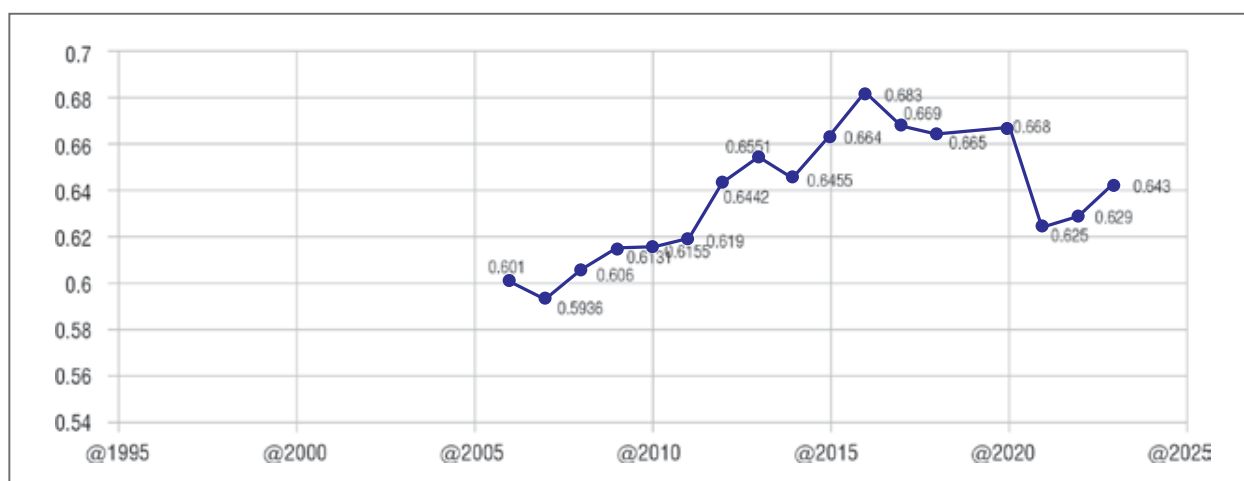
The Indian government started bringing out a Gender Budget Statement (GBS) 2005-06 onwards. Subsequently some of the state governments also adopted GRB for the state government budget and started bringing out GBS. Before adopting GRB, India had initiated the Women Component Plan (WCP) in the 9th Five Year Plan, which mandated that at-least 30 percent of the plan allocations should be directed towards women empowerment in all women related sectors'/ministries (Health, Education, Rural Development, Labour and Employment and so on) (Mitra, 2019).

## II: Status of Women in India

Patriarchal norms, values and practices rooted in the collective conscience in India together with systematic barriers pose multiple challenges preventing girls and women from enjoying their legitimate rights. This gender inequality poses a significant development challenge in India. The Global Gender Gap Index, 2023 of the World Economic Forum (WEF) has ranked India at 127th, with a score of 0.643, among 146 countries in 2023. "The Global Gender Gap Index annually benchmarks the current state and evolution of gender parity across four key dimensions (Economic Participation and Opportunity, Educational Attainment, Health and Survival, and Political Empowerment)". India's ranking on Global Gender Gap Index was 98th, with a score of 0.6010, among 115 countries in 2006, when the WEF started ranking the counties according to their performances on gender equality in 2006 (WEF, 2006). In 2015 India's ranking declined to 108th among 145 countries, though with an improved score of 0.664 in 2015 and increased to 0.683 in 2016 before it started declining. India's score on the global gender gap index has improved again in last two years (Chart 1).



**Figure1: India's score on Global Gender Index 2006 to 2023**



Source: Global Gender Gap Reports, WEF, various years

Note: Data for the year 2019 not available

India's score on SDG 5 Gender Equality in the SDG India Index prepared by National Institute of Transforming India (NITI) Aayog is 48/100 in 2020, slightly improved from 2019 when it was 42/100. The data on the indicators of the SDG 5 (prepared by NITI Aayog) presented in Table 1 suggests that much is left to be done to achieve the SDG 5 by the target year 2030.

**Table 1: India's Performance on SDG Goal 5 Indicators: 2020**

	Proportion of women in managerial positions including women in board of directors, in listed companies	Operational land holding gender wise (percentage of female operated operational holdings)	Percentage of currently married women aged 15-49 years who have their demand for modern methods of family planning satisfied	Rate of crimes against women	Women who have experienced cruelty/physical violence by husband or his relatives during the year	Ratio of female to male average wage/salary earnings received among regular wage/salaried employees	Percentage of elected women over total seats in the state legislative assembly	Sex ratio at birth	Ratio of female to male Labour Force Participation Rate (LFPR) (15-59 years)
Target	245	50	100	0	0	1	50	950	1
India	190	13.96	72	62.4	19.54	0.74	8.46	899	0.33

Source: SDG Dashboard, NITI Aayog, available at: <https://sdgindiaindex.niti.gov.in/#/ranking>

As the data for the SDG 5 indicators suggest, women lack control over resources (land), are paid less wage/salary, and their presence in labour force is just one third of men but also continue to suffer high rates of crime and spousal violence and need of family planning methods are not met for more than one-fourth of women.

India's population Census 2011 reports a continuing decline in the sex ratio among children under age 7, a direct result of the preference for the male children rampant in the society. It was as low as 927 girls per 1000 boys in 2001 and was found further reduced to 914 in 2011 (Census of India, 2011). Sex

ratio at birth has now improved to 929 in 2019-21 from 919 in 2015-16, according to NFHS 5. Data from the NFHS 5 indicates continued gender gap on various indicators and suggests continued gaps in indicators such as education, health, nutrition, as well as women's access to internet (see Table 2).

**Table 2: Gender Gap in Select Indicators: 2015-16 and 2019-21**

S. No.	Indicator	NFHS V (2019-21)		NFHS IV (2015-16)	
		Women	Men	Women	Men
1.	Literacy Rate (%)	71.5	84.4	NA	NA
2.	10 or more years of schooling (15-49 years) (%)	41.0	50.2	35.7	47.1
3.	Ever used the internet (15-49 years) (%)	33.3	57.1	NA	NA
4.	Below normal Body Mass Index (BMI) (15-49 years) (%)	18.7	16.2	22.9	20.2
5.	Prevalence of Anemia (15-49 years) (%)	57.0	25.0	22.7	53.1

Source: NFHS 5

### **Women of Marginalised Communities**

It is also important to underscore the fact that women are not a homogenous group. Due to their social status, gender and caste, the Dalit and the Adivasi women in India face double disadvantages (Shrivastava, 2013). Women belonging to both groups lag behind the general population in almost all indicators and are also behind men of their own communities. In India, the Census 2011 data shows that the literacy rates for SC, ST and Muslim women stood at 56.5 percent, 49.4 percent and 62 percent respectively which are lower than the 64.6 percent literacy rate for all women. Share of women of marginalised sections in higher education is also much lower than their share in total population, except for SC females as shown in the Table 3.

**Table 3: Share of Marginalised Groups in Higher Education Enrolment (%)**

	SCs			STs			Muslims		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
2019-20	14.76	15.02	14.89	5.48	5.58	5.53	5.17	5.31	5.23
2020-21	14.10	14.40	14.25	5.61	6.06	5.83	4.50	4.80	4.64

Source: AISHE, 2019-20 and 2020-21

According to Ramachandran and Naorem (2013), SC/ ST girl children face special challenges in achieving education. SC/ST women also lag much behind in reproductive health, child survival and anaemia (CSD, 2010).

### **Policies towards Women in India**

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women. It prohibits discrimination against any citizen on ground of caste, religion, race, sex place of birth (Article 15(1)) and asks the state to make special provisions for women and children (Article 15 (3)). Article 39 of Constitution of India asks the State to direct its policy towards securing for women and men equally the rights to an adequate means of livelihood and equal pay for equal work for both men and women.

In India the women empowerment has been part of the development planning from the Fifth Five Year plan (starting in 1974). The current thrust on women empowerment and equality in planning and now budgeting has gone through various phases viz. from women's welfare to women's development to women empowerment and now to the intersectoral integration of women's questions through various Five-Year Plans (Mitra 2019). Some of the initiatives taken by Indian government towards the empowerment of women are:

- Establishment of National Commission for Women (1992)
- Reservation for women in local self-government (1992)
- The National Plan of Action for girl child (1991-2000)
- National Policy for the Empowerment of Women (2001)

The National Policy for Women Empowerment, 2001 provides for the mainstreaming of gender in the development process. It also recognises the need for purposive policies in the education field to "eliminate discrimination, universalise education, eradicate illiteracy, and creating a gender sensitive educational system, increasing enrolment and retention rate of girls and to improve the quality of education to facilitate life-long learning as well as development of occupational/vocational / technical skills by women" (Gol, 2001). The 2001 Policy does mention "inadequate" access of the access of "women particularly those belonging to weaker sections including Scheduled Castes/Scheduled Tribes/ Other backward Classes and minorities, majority of whom are in the rural areas and in the informal, unorganised sector – to education, health and productive resources" (Gol, 2001). In the Twelfth Five Year Plan (2012-2017), the last of the Five-Year Plans, also, participation of women in governance, inclusion of women from marginalised sections in the process of development and gender budget were stressed upon. The 12th Five Year Plan also noted that one of the seven key elements to be addressed for Gender Equity was "Mainstreaming gender through Gender Budgeting" (MWCD, 2015).

The government also adopted a financing pattern which was "responsive to the gender-based requirements rather than having a gender neutral approach" (Mitra, 2019) which led to gender responsive budgeting and beginning in 2006 of the gender budget statement (GBS).

### **III: Gender Responsive Budget in India**

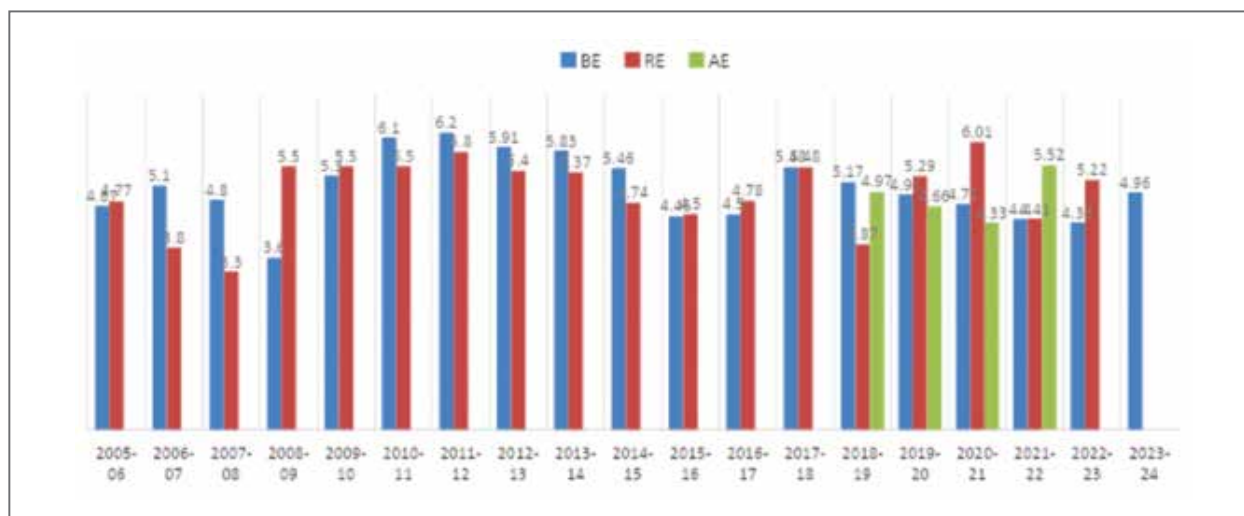
In India, GRB was adopted in principle in 2000-01, but the Gender Budget Statement began to be presented in 2005-06. Some of the state governments also followed suit and adopted GRB and started releasing GBS along with the regular budget. GBS is one of the tools of GRB that informs the proportion of the total budget that is being spent by the government on promotion of women empowerment and gender equality. GBS (Statement 13) of the Union budget is presented in two parts. Part A lists the schemes and programmes which have 100 percent allocation towards women while Part B lists the schemes/programmes having at least 30 percent allocations for women and girls.

The GBS, while purely quantitative, has been an important step for Women's Empowerment (WE) and Gender Equality (GE) and allows for an estimation of the extent of government spending on women as also highlights the priority given to Women Empowerment/Gender Equality by the various Ministries/ Departments by comparing what percentage of their budgets is dedicated to women (Mishra and Sinha, 2012).

## Gender Budget Statement: An Analysis

Women specific allocations as detailed in the GBS of the union government has not shown any increase over the years in terms of percentage to total union budget and has typically remained between 4 to 5.5 percent of the total budget.

**Figure2: Gender budget as percent of total union budget**



Source: Earlier data taken from various issues of Response to Union Budget, CBGA; data from 2012-13 calculated from the Union Budget

The GBS would earlier provide only the budget estimates (BE) and revised estimates (RE) for the previous year, but started providing the actual expenditure (AE) as well starting from the year 2018-19. The chart above shows that the RE, and later AE, has been lower than the BE in percentage terms during most of the years.

However, there have been several issues with the GRB process in the country and various studies show that GRB efforts have often been limited to bringing out only the GBS and that has become an end in itself (Kaul, 2018). The GBS largely remains a post budget reporting exercise. "The strategy has been reduced to an ex-post analysis of budgetary outlays across ministries and departments through the lens of gender" (Mitra, 2019) and "ends up focusing primarily on welfare schemes and does not examine the role of women as economic agents. Any analysis or understanding of the presence of women beneficiaries in other sectors is rarely undertaken" (Dewan et al, 2023). Mishra and Sinha (2012) importantly highlight "it neither serves as a tool that informs policy making nor does it enable policymakers to assess the additional steps needed to make policies/schemes gender responsive". Currently the GBS "continues to report the expenditure profile without prior assessment of the gender responsiveness of the programme and schemes under the ministries and programmes" (Dewan et al, 2023).

The methodology adopted to prepare the GBS also needs improvement. Some of the schemes and programmes reported in Part A are not entirely women specific programmes, for example the PM Awas Yojana (Rural and Urban) is reported in Part A, but the support provided under the scheme to build a house is for the family. The lack of clarity about the reporting of the schemes in Part A and B of GBS is obvious from reporting of the PM-Awas Yojana-Urban, which has been reported in Part A in 2023-24 BE and was reported in Part B in 2022-23 BE but has been brought into Part A again in 2022-23 RE (GBS, 2023-24).

Also, in Part B, the allocations are mostly assumption based, in most cases, in absence of sex disaggregated beneficiary data.

There have been positive results of the GRB process and initially there was a lot of momentum around the strategy of GRB (Kaul, 2018). The creation of Gender Cells in the Ministries/Departments and charter for the GBCs was developed (MoF, 2007). Number of ministries/departments reporting in GBS increased from 9 in 2005-06 to 33 in 2018-19 (Kaul, 2018). In 2023-24 it has increased to 43 departments/ministries out of total 93 departments. However, despite the increase in the number of "demands" and departments/ministries reporting in the GBS, the proportion of allocations towards the gender budget has not increased over the years substantially. The reason for this lies in the fact the departments and ministries reporting higher allocations to the gender budget are still very few in number, while the rest are allocating/reporting very small amount towards the gender budget (GB).

### ***Budget 2023-24: How gendered!***

The recent budget for the year 2023-24, which was presented after the world coming out of the shadow of the Covid-19 pandemic, was not very supportive for the women and gender minorities to rebuild their lives. The crucial MGNREGA scheme saw a massive cut in its budget, in spite of a huge amount of due wages, decreased budget for the National Health Mission, decline in food subsidy, and continued denial of full maternity benefit as per the National Food Security Act, no increase in the budget for the MWCD, which runs schemes like one stop crisis centres, and were major setbacks, looking at the budget 2023-24 from a gender perspective. Budgets of some core schemes like National Education Mission, National Livelihood Mission – Aajeevika, PM Ayushman Bharat, and Rashtriya Krishi Vikas Yojana have either not been increased or have been slashed, in the Budget 2023-24.

### ***Gender Budget Statement 2023-24: A closer look.***

The GBS 2023-24 suggests that a major part of the GB is reported in Part B (the schemes/programmes with GB share being 30-99 percent). 60.55 percent comes from Part B while 39.45 percent comes from Part A.

The highest share of GB comes from Ministry of Rural Development, which contributed 64.18 percent in the total GB reported in Part A in 2023-24 (BE). Ministry of Housing and Urban Affairs is second highest contributor in the Part A of the GB in 2023-24 with, 28.51 percent share. Thus, the two Ministries together contribute about 93 percent of the total GB in the Part A. The higher reporting by the Ministries of Rural Development and Housing and Urban Affairs is due to total allocation of PM-Awas Yojana Rural and Urban being reported in the Part A, a scheme which is not exclusively for women.

In 2023-24, Major contribution in Part B of the GB comes from Ministries of Rural Development (23.72 percent), Health and Family Welfare (23.6 percent), Women and Child Development (11.85 percent) and Departments of School Education and Literacy (16.5 percent), Higher Education (10.81 percent) (both coming under the Ministry of Education). Together these four Ministries contribute about 86 percent of the total GB in Part B.

As Dewan et al (2023) suggest in their paper, GB figures "do not fully capture the allocations for women-specific and women-related schemes as many ministries/departments still do not report on this subject. Schemes that have less than 30 percent women beneficiaries are not captured in the statement." This reflects the need for better reporting and innovative designing and/or re-designing of schemes and programmes so that more women have access to them. Hence major ministries

such as Ministry of Agriculture and Farmer Welfare, Jal Shakti, Food and Public Distribution etc as well as crucial ministries like Micro, Small and Medium Enterprises and Skill Development and Entrepreneurship have to improve their reporting and also re-design their schemes/programmes to be able to report in the GBS.

### ***Clubbing of Schemes and Transparency***

The recent trend of clustering different schemes and providing information on their combined budget leads to lesser transparency in understanding the budget. For instance, the MWCD classified all their major schemes under three umbrella schemes and budgets are reported for these three umbrella schemes only and not for the individual schemes. Ministry of Agriculture and Farmer Welfare has also clubbed various schemes under Green Revolution and Krishionnati Yojana, and report the combined budgets under these two umbrella schemes. Similarly, the Ministry of Education has merged the National Child Labour Project with Smagra Shiksha Abhiyan in 2022. This type of clustering of the schemes makes it difficult to track the expenditure and outcomes of these schemes (Dewan et al, 2023). It also poses challenges from the gender budget perspective, it is better to report the GB share in the components of larger schemes rather than for the entire scheme as a whole (Kaul, 2018).

### ***Institutional Mechanisms for GRB in India***

The Ministry of Women and Child Development (MWCD) is the nodal ministry for the GRB and promotes and monitors the implementation of GRB by other Ministries/Departments. All the ministries/departments have been asked to create a Gender Budget Cell (GBC) which facilitates the GRB at the ministry/departament level and a charter for the GBCs have also been developed. Gender Budget Cells have been established in 57 Ministries/Departments as of 2022. The GBCs are responsible for analysing the gender issues addressed by the major schemes/programmes of respective ministries/departments, conducting/commissioning performance audits of the schemes/programmes, suggesting further policy interventions and preparing a chapter on gender perspective related to sector/service covered by their respective ministries (MoF, 2007).

### ***Monitoring of GRB***

Monitoring and evaluation of the GRB is essential to ensure its proper implementation. As per a BARC study (2017) midterm review of the budget implementation by the Ministry of Finance is a mechanism to ensure effective implementation of the budget, including the GRB. However, there does not seem to be any specific mechanism to monitor the GRB process in the MoF because of which the implementation of GRB is not very effective and does not lay much effect on the planning process". Recently, however, the MWCD has developed tools for implementing GB which includes two gender sensitive checklists based on a Five Step Framework and spatial mapping. The two checklists (one for beneficiary-oriented programme that target women and the other for mainstream sectors and programmes) will help review "the public expenditure from a gender perspective to enable gap identification measure to enhance gender responsiveness of schemes and budgets" (MWCD, 2023). It is not clear, however, the extent of these tools being used by the ministries/departments.

### ***GRB and Women of Marginalised Sections***

However, another and even bigger issue with the GRB is that it regards women as a homogenous group and does not give adequate attention to the marginalised women groups (Ahmad, 2014). The main focus of GRB is mainstreaming gender in the process of budgeting and planning. However, so far, it



has mostly considered women as a homogenous group, because of which the issues of marginalised women facing multiple discrimination perhaps have been lost. The studies related to GRB also have mainly focused on the efforts made by the governments towards it and incorporating gender issues in major policy documents (like the Plan documents). The status of marginalised women groups have not been considered in most of the studies conducted on GRB, though it certainly has been flagged as an important issue (see for example Mishra and Sinha, 2012).

Another study (BARC 2017) found that the women from marginalised community are not focused upon enough by the select ministries. "For example, officials in the Ministry of Women and Child Development (MWCD) said that the Ministry considers women as a homogenous group and its mandate is to provide support to all women and not only to some specific groups. Similarly, the Ministry of Agriculture and Farmer Welfare (MoAF&W) said that it targets at allocating at least 30 percent of the budget of its various beneficiary oriented schemes for women but does not give adequate attention to the marginalised women groups. Though the concerned officials in the Ministry of Tribal Affairs (MoTA) said that in order to benefit the tribal women, they try to focus on those sectors like livestock, fisheries etc. in which more women are engaged. But no such efforts seem to be made by the Ministry of Social Justice and Empowerment (MSJ&E). Only in one scheme, in which grant is made to the state government, the ministry asks the state governments to ensure that 15 percent of the allocation should go towards women" (BARC, 2017).

Soman and Niaz (2014) in their analysis of the Prime Minister's New 15 Points Programme in four states, namely Gujarat, Tamil Nadu, Uttar Pradesh and Odisha demonstrated that "Muslim women continue to be invisible in policy frameworks meant for the development of socio-religious communities" and that they face multiple disadvantages and exclusions in all spheres of life on account of patriarchy, poverty and religion. The study highlighted the need of greater policy attention on Muslim women.

An analysis of the GBS found that share of women from marginalised sections in the gender budget is extremely low. Allocations towards Dalit and tribal women are less than 2 percent of the total GB, while it was 3.5 percent of in case of minority women (Ahmad 2021).

The huge decline in the budget for the Ministry of Minority in the year 2023-24 would have further brought down share of minority women's budget in the total GB. This year the government has allocated only Rs. 10 lakhs to the Ministry's flagship women leadership development programme, which is the only scheme of minority ministry reported in the Part A of the GBS (see GBS, 2023-24).

As for other ministries/departments catering to the marginalised sections, except for the Ministry of Tribal Affairs (MoTA), there is no increase in the budget of the key ministries for the marginalised in the 2023-24 budget. Allocations to the Department of Empowerment of People with Disabilities and the Ministry of Women and Child Development remain almost the same as the previous year's budget. However, there is an increase of about 7.75 percent in nominal terms in the budget for the Department of Social Justice and Empowerment (DoSJ&E), catering to the Dalits, elderly, Denotified and Nomadic Tribes (DTNT), transgender and other marginalised groups.

None of these departments/ministries report any scheme in Part A of the GBS and no scheme of the Department of Empowerment of People with Disabilities figures in any of two parts of the GBS. The allocation to the reported schemes of the DoSJ&E in Part B does not show any substantial increase while the allocations to the scheme of MoTA reported in Part B of the GBS has increased in 2023-24.

## Gender Minorities

Another important related issue is that of gender minorities. In 2011 Census, the transgender communities were enumerated for the first time and their population was estimated to be 487,803, “when homosexuality was still criminalised, and ‘transgender’ was not constitutionally recognised as a gender identity in India (Das, 2023).” The Transgender Persons (Protection of Rights) Act has been enacted by the Parliament in 2019. In 2014, the Supreme Court, through its judgment it “expanded the contours of gender and recognised the rights of transgender persons within the Constitutional folds” (Das, 2023). Despite this legal and constitutional recognition of transgender persons, the GRB in the country continues to be practiced in a gender binary form. The GBS 2023-24 has included SMILE (Support for Marginalised Individual fir Livelihood and Enterprise), the only scheme for transgender (under the Department of Social Justice and Empowerment) which budget has been increased to Rs. 6 crores from Rs. 4.5 crores.

## IV: Gender Responsive Budgeting in States

States have also initiated the GRB process in their planning and budgetary exercises. According to the Annual Report of the MWCD for 2022-23, 27 States have implemented gender budgeting (MWCD, 2023). Further in a written response to a Rajya Sabha question in March 2021, the Minister of Women and Child Development mentioned that seven of the 27 States were “early adopters” (adopted GRB between 2004-05 to 2006-07), 10 States, termed as “subsequent adopters” (adopted GRB between 2007-08 and 2010-11) and 12 States were “Recent Adopters” (adopted GRB in 2011-12 or later). See Table 4 below:

**Table 4: States with GRB**

Early Adopters	Subsequent Adopters	Recent Adopters
Odisha (2004-05)	Madhya Pradesh (2007-08)	Rajasthan (2011)
Tripura (2005-06)	J & K (2007-08) <sup>1</sup> Status after 2019	Dadra and Nagar Haveli (2011-12)
Uttar Pradesh (2005)	Arunachal Pradesh (2007-08)	Andaman & Nicobar Islands (2012)
Karnataka (2006-07)	Chhattisgarh (2007-08)	Punjab (2012)
Gujarat (2006)	Uttarakhand (2007-08)	Maharashtra (2013)
Lakshadweep (2006-07)	Himachal Pradesh (2008)	NCT of Delhi (2013-14)
West Bengal (2005-06)	Assam (2008-09)	Jharkhand (2015-16)
	Bihar (2008-09)	Andhra Pradesh (2017)
	Kerala (2010-11)	Tamil Nadu (2018-19)
	Nagaland (2009)	Manipur (2020)

Source: Written reply in the Rajya Sabha by the Minister of Women and Children on March 19, 2023.

Similar to the central government, the GRB exercise at the state level too has been limited to bringing out the GBS with the State budget. Further, there is no uniformity in the structure of GBS nor do States adopt a similar methodology whilst preparing the GBS. Nevertheless, some States seem to have adopted the process in a more effective manner and undertaken efforts to move beyond the GBS.

<sup>1</sup> The state of Jammu and Kashmir was bifurcated in 2019 and two union territories were created with a reorganisation act passed by the Parliament.



There are however several examples of some states presenting a robust GBS. In Kerala, for example, Part B (Schemes with less than 90 percent fund benefiting women) of the GBS provides “explanatory notes” to the proportion of the scheme allocation based on scheme wise sex disaggregated data. More importantly, the allocations reported in the GBS in Kerala reflect the identified priorities for advancing gender equality in the state. Hence, the GRB exercise goes beyond simply presenting a GBS indicating allocations for women focused schemes. Some states have also created measures to monitor GRB implementation. Karnataka undertook measures to monitor GRB implementation with an audit of GRB conducted by the CAG, and the report published which was examined by the Public Accounts Committee of the State. Madhya Pradesh has constituted an inter-departmental committee for monitoring (Kaul, 2018).

## **V: Impact of GRB and Conclusions**

In its initial years, the GRB process resulted in the adoption of new programmes by several so-called gender-neutral ministries/departments like Sanchar Shakti of Department of Telecommunications, DISHA of Department of Science and Technology, and other initiatives from the Department of Posts, Information Technology, Rural Development, Agriculture and Textiles (MWCD, 2015).

An UN Women report (2016) found that though there is a “rich and diverse landscape at the national and sub-national level” created by “multiple actors including government, CSOs and donors”, the main focus of the GRB work - at national and almost all the states - is the GB statement, thereby highlighting the need of addressing the gap in design and use of GBS, and setting up of stronger monitoring mechanisms.

International Monetary Fund (2016) analysed the impacts of GRB in India, taking GRB implementing States and non-GRB implementing States into consideration, and found that “gender budgeting is positive and significant for primary school enrolment equality, suggesting a positive role for gender budgeting in improving gender equality in this regard”.

There is, however, no evaluation conducted by the government to assess the outcome of GRB in the country according to the written reply in the Rajya Sabha by the Minister of Women and Children on March 3, 2021.

Thus, though, GRB is gaining momentum in India it still has a long way to go before its appropriate implementation, proving to be an effective tool in addressing gender gaps in development. The current focus on post budget reporting does not provide enough attention to ministering gender in the planning process. A more comprehensive approach to GRB would require formulation of the gender action plans in line ministries, based on the identification of gender specific needs and priorities of women as suggested in the Gender Budget Manual of the MWCD (2015).

The GRB stakeholders will have to look beyond the binary of gender, address the issues/concerns of gender minorities, recognise diversity and focus on the intersectionality approach as also address the issues of discrimination and exclusion faced by marginalised groups of women such as SC/ST, DNT and minority women. The lack of gender segregated data in the country and rectification of this gap especially for the marginalised sections of society is important for the mainstreaming of women in the process of development. Further, there is a need to develop a robust monitoring mechanism that will help track the outcomes given the recent clustering of schemes in the budget.

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# CHAPTER 2 Gender, Taxes and Revenue Mobilisation

Mridul Eapen & Ishita Mukhopadhyay

## Abstract

*Discussion on gender and taxation is a discussion on macroeconomic fiscal policy of revenue of the state and impact of the policy on gender equality of the country. The chapter reviews the context in terms of the theoretical premise of gender budgeting. A critical analysis of existing literature on the gender equality implications of tax policies both direct and indirect taxes in the country is presented. There are implicit as well as explicit effects of taxation and revenue generation policies of the government. India went through a regime of positive discrimination in personal income tax. The effect of this regime on revenue mobilisation of the state is examined. It is deduced that positive discrimination does not reduce the revenue of the state as far as Indian experience is concerned. It is also found that although the regime of positive discrimination was there for limited number of years, it did act as a mild incentive for women to seek employment. However gender implications of taxation policies are more observed in individual consumption expenditures rather than income. This is due to the regressive nature of indirect taxes in the country, particularly the impact under Goods and Services Tax regime which is found to be severe. In general, indirect taxes make women more vulnerable in the consumption goods market. Gender insensitivity is prevalent in imposition of indirect taxes in the country. It is argued that the gender budget is to be also seen in the light of the revenue side. Gender sensitivity with respect to expenditure can lead to perverse results if we lack sensitivity in revenue generation.*

## I: The Context: Gender Mainstreaming/Gender Budgeting

The urgent need to sensitise macro development policy to gender gained a strong momentum with the growing mismatch between macro policy and development outcomes for women, particularly in the neo-liberal era. Introducing the concept of gender into development/planning circles makes it possible to view the inequality that exists in society by taking account of the socially constructed differences in the different (gendered) roles of men and women in society - woman the home maker and man the bread winner<sup>1</sup> - on which rests a whole structure of gender discriminatory norms and practices. These gendered roles lead to unequal gender relations and leave women with little power economically, socially, and politically, the flip side of which is men's socio-biological drive for mastery, manifested increasingly as violence against women. It is well understood that in any economy gender relations are a structural characteristic since macro changes to the economy impact gender relations and vice versa.

<sup>1</sup> Or rather 'employed/earning' male according to the Supreme Court's Handbook on Combating Gender Stereotypes, 2023.

Gender Budgeting has been adopted as a tool for mainstreaming gender perspective at various stages of planning/budgeting/implementation/impact assessment of policies/programmes, objectives and allocations, and endorsed by over 100 countries globally including India, underscoring the importance of gender equality as a fundamental foundation for development. *GB (or GRB) is an entry point into macroeconomic fiscal policy, not a separate Budget for women. It seeks to break down the usual Budget according to its impact on girls/boys, men/women assessed through a number of steps designed for the purpose.*

Expenditure and revenue being two sides of the same budget coin, it is important to ensure that both sides are sensitive to gender and the revenue base is large enough to support expenditure for government programmes, especially for women and other vulnerable groups. Most of the research on Gender Responsive Budget focused largely on the gender sensitivity of budgetary expenditures while the revenue side of the budget was hardly studied since gender disaggregated data on the necessary variables were even more difficult to access than for expenditures, for instance per capita consumer expenditure in households by gender. These earlier studies on Gender Budget which focused largely on the expenditure side, drew attention at the end to the near absence of any analysis of the gender impact of taxation or how governments mobilise resources (Budlender et al 2002, R Sharp 2002, Elson 2006).

Taxation and gender equity has perhaps drawn less attention in developing countries particularly in India due to the small proportion of women paying direct taxes. Economic crises in recent years generated increased inequality which has thrown millions of people out of work and into poverty worldwide, specifically women. The most recent disaster, the pandemic has aggravated the situation, highlighting the need for stronger, more equitable and efficient tax systems that can ensure a stable flow of public services, even during periods of downturn. However, that increasing recourse is being taken by countries world-wide since the 90s to raise revenues particularly through indirect taxes, that are regressive and biased against women's livelihoods and household/ care responsibilities, while at the same time foregoing revenues by offering incentives to and allowing tax avoidance by large corporations and the rich, failing to generate enough revenue to fund services needed to improve these women's lives, is a matter of great concern (Barnett and Grown 2004). Moreover, harmful tax practices such as illicit financial flows to safe havens result in large resources which could have been spent on public services, being lost.

Tax justice is a women's rights issue because tax laws, policies and systems continue to shape women's lives, affect their access to property, incomes and public services, and transmit gendered social expectations and stereotypes within societies and across borders (GATJ et al 2021). Through this research, we aim to make a small contribution to the existing body of literature, and expand the discourse around tax regimes through a gendered lens. The larger objective is to influence policy shifts and make revenue generation policies of the government efficient and equitable for women.

This chapter has four sections including the context. In the second section, we give a brief review of studies on taxation in India highlighting the gender- based differences in society which create a gender 'bias', both explicit and implicit, and should be used to understand the impact of taxation. Section 3 attempts to make a unique contribution to the literature on how gender- based differentials affect tax equity considerations by focusing on aspects of the female labour market in India at a disaggregated level. Emerging from the above analysis we provide suggestions in Section 4 for improving some aspects of the tax system, both direct and indirect, to make it more gender equitable by incentivising labour force participation and by making indirect taxes on women-specific needs less regressive.

## II: Brief Critical Review of Theoretical and Empirical Studies on Gender and Tax Systems in India

Despite the earlier paucity of research focusing specifically on tax and revenue side of the Budget, the second half of 1990s saw the emergence of a growing literature on gender effects of taxation, initially focusing on the developed economies; empirical studies were also undertaken for developing economies including India. Our focus is largely on personal income tax and GST. A different methodology emphasising the notion of gender 'bias', explicit and implicit was attempted in a study by Stotsky (1997) for assessing gender implications of tax systems in developing economies. This together with Elson's work (2006) on compliance of tax systems with the principles of CEDAW, Convention of Elimination of all forms of Discrimination against women, provided a useful framework for analysis. Regressive tax policies and underfunded public services perpetuate women's disproportionate responsibility for unpaid care work and the lack of recognition of this work. Given this work profile, women are unlikely to bear a larger share of direct tax burden, as their poorer work status prevents them from accessing certain benefits available to employees through the tax system.

*Explicit* bias is due to specific regulations in tax law that treat men and women differently and is more common in personal income tax; *implicit* bias is more due to the gendered social norms and practices which impact differentially on men and women. In a study by P Chakravarty et al, part of the 8-country substantive work on the issue of Gender Equity and Taxation (Grown and Valodia 2010) reveals that India is one of the few countries where tax system provided positive discrimination for women with a higher exemption limit in the 2000s, which has since been removed. From the financial year 2023-24, the exemption limit of taxable income has been raised to Rs 3 lakh from the existing Rs.2.5 lakh but is irrespective of gender. Income tax in India is based on individual filing; each individual being assessed independent of the income of the rest of the household and regardless of family size or number of dependents. Most of the deductions and exemptions are available to all, irrespective of gender. The tax code classifies income earned from salaried employment, business and professional activities, capital gains, house property and certain other sources of taxable income; only about 5.3 percent of women workers are in regular wage/salaried employment; almost 19.7 percent are self-employed and about 6.8 percent are in casual labour (in 2022-23). While only about 2.89 percent of the population fall in the income tax net with women constituting less than 3 percent of this small number, a special rebate was given to women tax payers till they turned 65 years after which they could access a larger rebate meant for senior citizens. Later the minimum non-taxable limit for women was raised which was beneficial to women but did pose a problem in terms of tax incidence which differed significantly between dual and single earner households; a female single earner household would attract lower taxation (P Chakravarty et al 2010). Grown (2010) and Neha Hui (2013) reiterated that the rationale to provide such exemptions was to encourage women's workforce participation and nudge them to enter the job market. Despite this however, Chakravarty's study does not find much positive impact of higher tax exemption limit for women since the latter form a miniscule proportion of tax payers and there is little evidence to show that it has favourably altered women's lives. On the other hand there was an explicit bias in the Indian tax system which recognises the Hindu Undivided Family (HUF) as a separate and distinct taxable legal entity, inherently biased against women. The HUF guaranteed consolidation of wealth in male hands, as a Hindu male alone had a right in the ancestral property at birth; a male alone could put his individual property into joint family property and had partition rights whereas a female could not do so. Female members were only entitled to maintenance out of the family property (Chakravarty, 2010). The introduction of the Hindu Succession Act 1956 conferring full and heritable capacity on a female heir in respect of all property acquired by her and the amendment in 2005 which gave the daughter the same rights in the coparcenary property (ancestral property



of the Hindu undivided family) as a son, removed a significant explicit bias in the Indian tax system. However, problems still remain in practice (K Singh UNFPA).<sup>2</sup>

The implicit bias against women in personal income tax structure is reflected in the case of a family business. When a family business is filed in the name of a male head of the family, which means that tax on profit of family business is also usually filed in the man's name, with female members being unpaid family workers, their contribution to the business is neglected 'which means that women face a distinct disadvantage, especially in the case of divorce, as their contribution in the family business is not documented (Neha Hui 2013). This bias also promotes gender stereotyping by not recognising women as workers or earners and confers ownership of profits, income, resources and assets to men (Neha Hui 2013). This relates to the growing discourse around the idea if unpaid work should or should not be quantified as pointed out earlier.

Joshi et al (2020) have further argued that women-led businesses are usually operating in the informal sector or are unincorporated, and therefore, are unable to access benefits of low corporate taxes. Neha Hui (2013) deepens this line of argument by suggesting that when deductions are more for female labour intensive industries (like garment) compared to male labour intensive ones (like automobiles), there may be an increase in female workforce participation. Similarly, if there are deductions for small scale industries that are more often run or managed by women, it may have a positive impact on women. However marginal deductions for small scale establishments are rare. Joshi (2020) has argued that women enterprises are generally small, less profitable, have limited access to resources and finance and have more added unpaid care responsibilities as compared to men.

Several studies have revealed gender differentials in expenditure and women spending more on goods beneficial for the family like food provisioning, education and health care necessary for children's welfare, perceived to be their socially ascribed role and responsibility. There is enough evidence to suggest that without reduced or zero rating for certain goods, the burden of these taxes falls disproportionately on women. This is because women spend a larger proportion of their lower incomes on collective household needs such as food, beyond cereals, health and education in their care work (Grown & Valodia, 2010). This regressivity is much higher in urban households than in rural households (Chakraborty 2010).

In all country experiences including India, gender differences in expenditure exist and how changes in relative prices of goods/services men and women consume which include indirect taxes, will impact on women's and men's expenditure pattern, need to be examined. Indirect taxes are seen to be horizontally equitable but vertically inequitable and while VAT/GST/excise duties do not show an explicit gender bias, implicit biases are definitely present depending on the goods being covered or through tax preferences being given to certain purchasers or producers. Implicit biases are found more in consumption taxes that unfairly places the tax incidence on women, given gender differences in consumer expenditure, enhancing incidence of poverty among women (Grown 2010; Neha Hui 2013). Indirect taxes include consumption taxes (levied on food, fuel and other goods), Value Added Tax (VAT) and goods and services tax (GST) (GATJ et al 2021). However, it has not been possible to examine equity dimensions of indirect taxes from a gender perspective due to lack of consumer expenditure data by gender, what is collected is for the household. The usual approach to 'gender'

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<sup>2</sup> As pointed out by K Singh (2013) an amendment of the law can be successful only if daughters ask for and get their share in the parental property. At present, women are routinely coerced into relinquishing their shares to maintain 'peace' in the family and because they do not want a souring of relationships with their natal family.

Another problem with the HSA 1956, which remains even after the 2005 amendments, is the discriminatory manner in which a woman's property devolves upon her heirs in comparison to the devolution of a male's property.

at the household level is to disaggregate households by sex of household head, (male headed, or female headed), despite problems of defining households on the basis of headship. Several other demographic variables like household sex composition and adult employment are used as proxies for gender relations (Grown 2010).

Chakraborty et al (2010) conducted an in-depth study to understand the incidence of indirect taxes based on household headship and household sex composition for the state of W Bengal. 'Aggregate incidence of tax is higher for female-headed households than it is for male-headed households. By contrast, the aggregate tax incidence is highest in male-dominated households, followed by households with an equal number of males and females and lowest for female-dominated households. A notable output of the study was that 'the VAT incidence was relatively higher for female-dominated households without children than for female-dominated households with children perhaps because having children in the household shifts consumption toward basic food items that are VAT exempt'; tax on items of basic necessities is one of the main reasons for the regressive tax incidence.

A simulation was carried out in Chakravarty et al (2010) 'to assess how changing the rate structure of taxes affects the incidence of taxes across various groups'. Basic food items in the consumption were zero rated and demerit goods such as tobacco were taxed twice. The experiment yielded the result that 'zero-rating of food reduces the overall tax burden in all household categories, but it does not change the pattern of tax incidence. Even when food is zero-rated, the female-headed households still bear a higher incidence compared to male-headed households. However, when the rates are increased on tobacco, which is primarily consumed by men, the aggregate tax incidence in male-headed households becomes higher than it is in female-headed households. This result is not only on account of differences in the consumption basket but also due to the differential rate structure of these two commodities.

The emphasis on indirect tax, as argued by scholars, is inherently biased against 'informal workers and people living in poverty – the majority of whom are women – as they spend a large part of their incomes on taxes for essential goods and services that they consume to sustain livelihoods' (GATJ et al 2021) and are left with lesser disposable income for 'public goods such as health and education' (Joshi et al 2020). Advocacy groups advocating 'Framing Feminist Taxation' call for 'taxing for intersectional gender equality' over the narrative of 'taxing for growth'.

### **III: Gender-based Differential Impact of Taxes**

#### ***Direct Taxes***

A look into the positive gender discrimination in India in the case of income taxes can be discussed by looking at the outcome in terms of incentivising women. The concession was valid for the years 2005-06 to 2012-13. From the year 2013-14 income tax concessions for women were abolished. How can tax concessions to salaried women bring gender equality? What are the ways in which this affirmative action works towards gender equality? One effect is clearly in terms of labour force participation. Tax concessions apparently seem to have motivated women to take up salaried employment to avail of more disposable income relative to men in the same profession. So apart from employment figures the figures of those women who were aspirants in employment like public service commissions and others would give an indicator how far the positive discrimination motivated women's aspiration to get jobs and break the so called 'glass ceiling'. This appears to suggest what Alesina et al (2007) argue, that women would tend to show a high elasticity of labour supply. Has the presumed higher elasticity of labour supply of women really worked? The existing literature does recognise that this policy did not



affect the majority of working women, who earn much less income to be included in the income tax bracket. If we consider the number of who filed income tax returns in India it is 8,90,89,795 in 2022-23, 8,25,04,957 in 2021-22 (<https://www.incometaxindia.gov.in>). In a reply to a Parliament question, Finance minister stated that although more Indians are filing income tax returns, 1-2 percent of the population actually pays income tax. Tax compliance has increased from 2019-20 to 2022-23, but the vast majority of people with jobs are outside income tax net. Also the number of people filing income tax returns but paying zero taxes are also increasing. Data shared by Ministry of Finance in Lok Sabha shows that the number of people showing income tax returns are quite low. However all are under the indirect tax coverage. As the number of Indian income tax payers are declining, the number of women tax payers are also presumably declining if we consider the employment figures of Periodic Labour Survey<sup>3</sup> reports. With declining employment of women who can pay taxes the incentivisation process has to be seen with disaggregation figures of salaried employment.

Official statistics indicate that the more elasticity of salaried jobs or aspiration for income earning jobs, did not have any effect on total employment. The gradient of female employed increased more in the non- tax-paying sectors. The mild increase in salaried tax payer section of women was mitigated by the increase of female employment in non-tax-paying occupations. The positive discrimination failed to reach its goal in terms of total employment. When we look at the gradient in employment in occupational categories in the later years of positive discrimination, this did not even have any major effect on salaried employment. Female employment became more skewed in non-tax-paying occupations which are mostly non-salaried, casual, contractual during those years.

**Table1: Women Union Public Service Applicants: 2007 to 2014**

Years	Female Applicants UPSC	Rate of Change (Female)
2007	95,359	-
2008	99,689	4.54%
2009	1,37,416	37.84%
2010	1,94,954	41.87%
2011	1,98,655	1.90%
2012	2,09,581	5.50%
2013	3,17,404	51.45%
2014	407367	28.34%

Source: [dge.gov.in/dge/sites/default/files/2022-07/Handbook of employment 1947-2014](https://dge.gov.in/dge/sites/default/files/2022-07/Handbook%20of%20employment%201947-2014)

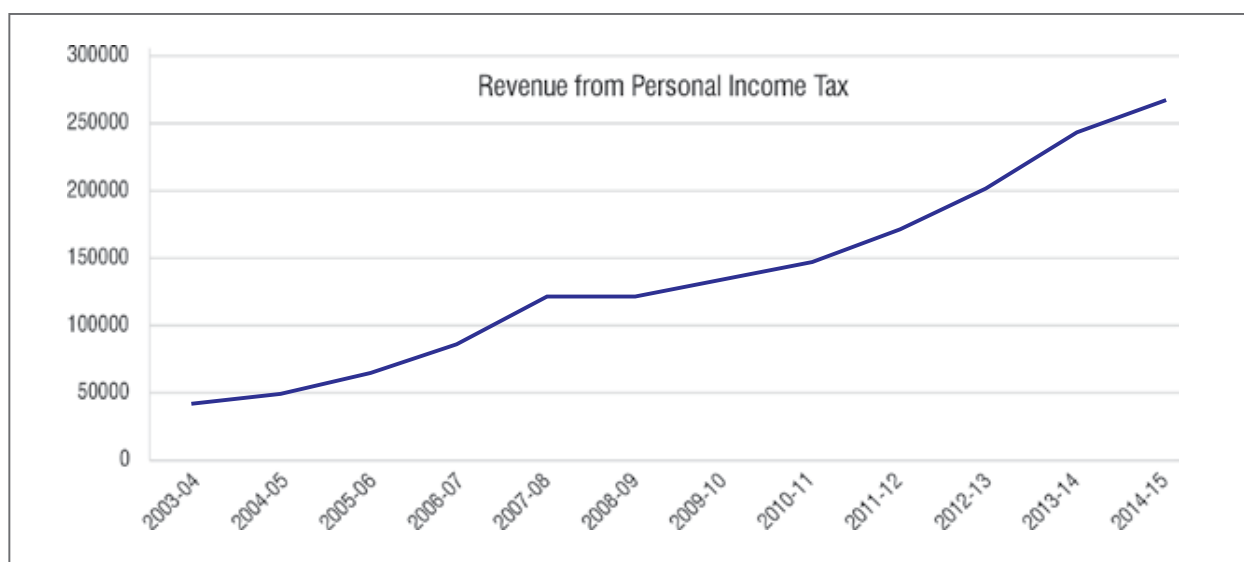
The effect of the positive discrimination is expected to raise the aspirations of educated females going for employment. An examination of educated female job seekers and female Union Public Service applicants indicates the effect on aspirational level of the targeted population. Table 1 shows there was an increased aspiration for jobs in the initial years of the policy. This increase in aspirational level of women job seekers could not be sustained in the later years. But the mild increase does point out to the positive impact of the positive discrimination as an affirmative action. According to Dewan (2011) greater the differences between spouse's income, women will find it less beneficial to be in gainful employment. Buying property in wife's name helps a couple to take advantage of reduced stamp duties and property tax in the context of positive discrimination in these direct taxes.

The first fiscal outcome examined here is that how the income tax concession years fared in revenue collection. Did the concession mean that revenue earnings of the government were sacrificed to

<sup>3</sup> Periodic Labour Survey Report, Ministry of Statistics, GOI

cater to gender equity? Table 2 shows that in spite of concessions revenue from personal income tax was not falling. Tax exemption for women was not reducing the rate of change of revenue although we see flattening of the gradient of the curve of revenue gained from personal income tax during the later years of exemption. (Figure 1). This explains that positive discrimination in terms of concessional income tax to women did not mean a revenue loss to the state. This can only happen in numbers when the increase in tax paying women as a consequence of incentive caused by positive discrimination is mitigated either with increase of non-tax-paying employment for women or with women unemployment. Both were true according to official statistics of the country. This is also true when the increase in tax paying men far outnumbers the tax paying women.

**Figure 1: Increase in Revenue from Personal Income Tax in Concession Years: 2003-04 to 2014-15**



**Table 2: Tax Exemptions and Tax Breaks: 2003-04 to 2021-22**

Year	Revenue from PIT (cr)	Tax Exemptions for Women (Rs)	Tax Exemptions for Men (Rs)	Rate of change in Revenue	Exemption Rate in Income Tax (women)
2003-2004	41386	50000	50000	-	
2004-2005	49268	50000	50000	19.05%	0.00%
2005-2006	63689	135000	100000	29.27%	170.00%
2006-2007	85623	135000	100000	34.44%	0.00%
2007-2008	120429	145000	110000	40.65%	7.41%
2008-2009	120034	180000	150000	-0.33%	24.14%
2009-2010	132833	190000	160000	10.66%	5.56%
2010-2011	146258	190000	160000	10.11%	0.00%
2011-2012	170181	190000	180000	16.36%	0.00%
2012-2013	201840	190000	180000	18.60%	0.00%
2013-2014	242888	200000	200000	20.34%	5.26%
2014-2015	265772	200000	200000	9.42%	0.00%
2015-2016	287637	250000	250000	8.23%	0.00%

Year	Revenue from PIT (cr)	Tax Exemptions for Women (Rs)	Tax Exemptions for Men (Rs)	Rate of change in Revenue	Exemption Rate in Income Tax (women)
2016-2017	349503	250000	250000	21.51%	0.00%
2017-2018	420084	250000	250000	20.19%	0.00%
2019-2020	473179	250000	250000	12.64%	0.00%
2020-2021	487560	250000	250000	3.04%	0.00%
2021-2022	696604	250000	250000	42.88%	0.00%

Source: Income Tax Slab from Assessment year 2001-2002 to A.Y. 2012-2013 (taxguru.in)

*Personal Income Tax from CBDT Data* The tax slab has been revised in 2023 Budget and the exemption limit is set at Rs 30000

A second effect of tax concessions would be an effect on consumption of female tax payers. Less tax burden would mean more disposable income and hence more consumption expenditure. Whereas the data on consumer expenditure may speak of increased expenditure, this does not mean eased out tax burden on women. During the concession years the burden of indirect taxes was very high. The burden of indirect taxes was already high and the tax dependence of total revenue of the state was also low. The share of direct and indirect taxes is clearly shown in Table 3. Direct Tax dependence of revenue collection is falling. The only dependence of revenue from tax has been the indirect tax which implies vulnerability of women from impoverished and marginal sections of the society.

**Table3: Direct/Indirect/Total Tax as a Percentage of GDP (Central Taxes): 2003-04 to 2021-22**

Financial Year	Direct Tax (Percent of GDP)	Indirect Tax (Percent of GDP)	Total Tax (Percent of GDP)
2003-2004	3.81	5.35	9.16
2004-2005	4.10	5.28	9.37
2005-2006	4.47	5.38	9.86
2006-2007	5.36	5.61	10.97
2007-2008	6.30	5.55	11.85
2008-2009	5.93	4.70	10.63
2009-2010	5.85	3.80	9.65
2010-2011	5.81	4.50	10.31
2011-2012	5.48	4.36	9.84
2012-2013	5.53	4.69	10.22
2013-2014	5.62	4.38	10.00
2014-2015	5.55	4.34	9.89
2015-2016	5.47	5.23	10.70
2016-2017	5.53	5.61	11.14
2017-2018	5.86	5.33	11.20
2018-2019	5.56	4.96	10.53
2019-2020	4.72	4.75	9.47
2020-2021	7.13	5.43	12.56
2021-2022	3.14	5.45	8.58

Source: Union Budget 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022

## Indirect Taxes

The burden of indirect taxes on the people has been increasing over the years from 2014-15 onwards. In the discourse of mainstreaming gender in taxation systems, it is crucial to look at “pink taxes” or “tampon taxes”. In India, the government removed GST on sanitary products which were previously put under 12 percent tax bracket. Women, however, are heterogeneous categories, and these exemptions are more likely to benefit middle- and upper-income women since low-income women may use non-taxed substitutes (Joshi et al 2020). In this chapter we focus on certain women specific goods and services in the health sector, which is both essential for development and as a basic human right. It may be that women have different health needs (eg reproductive health) that require them to make more use of medical facilities than men which justifies a differential tax treatment of those goods and services that promote substantive gender equality (Grown 2010).

This assumed massive proportions with the introduction of Goods and Services Tax. GST had a gendered impact on the society. The consumption items specifically used by women were affected by GST, which made the quality of life of women worse. This also affected the earnings of small women entrepreneurs.

Table 4 shows a list of some consumption items which are supposedly used mostly by women and where we find high taxation rates. The high GST rates are effective on consumption items related to women's health.

**Table 4: GST Slabs of Some Products, Services and Commodities**

Products/Services/Commodities	Current Slab (%)
Articles of jewelry and parts thereof, of precious metal or [of metal clad with precious metal	3
Milk food for babies	5
Housekeeping such as plumbing, carpentering, etc	5
Saree fall	5
Braids in the piece; ornamental trimmings in the piece	12
Handbags including pouches and purses; jewelry box	12
Table, kitchen, or other household articles of iron, steel, copper, and aluminum	12
Female reproductive health (diaphragms, contraceptives, hygiene-related products)	18
Baby carriage	18
Beauty	18
Domestic Services	18
Human health and social care services	18
Toilet paper and similar paper, of a kind used for household or sanitary purposes, napkins for babies, tampons, bed sheets, and similar household, sanitary, or hospital articles	18
Tableware, kitchenware, other household articles, and hygienic or toilet articles, of plastics	18
Non-electric domestic appliances (cookers, stoves, etc)	18
Trunks, suit-cases, jewelry boxes, powder boxes, cutlery cases, and similar containers, of leather, sheeting of plastics, textile materials,	18

Products/Services/Commodities	Current Slab (%)
<i>Electro thermic hairdressing apparatus (for example, hair dryers, hair curlers, curling tong heaters) and hand dryers; electric smoothing irons; other electro-thermic appliances of a kind used for domestic purposes</i>	18
Beauty or make-up preparations	18

Note: The above products in italics correspond to the items mentioned in the consumer expenditure schedule or items related to the items in the consumer expenditure schedule. This GST product list is not exhaustive but products that relate to women's consumption.

The consideration of zero rated taxation was following the patriarchal gender norms as Table 4 depicts. Imposition of this kind of gender norm superimposes feminine priority on the consumption items not related to socioeconomic well-being of women. The perception of women as neither the main bread earners of the household nor as contributing to the society as a whole is depicted in the list. Sexual division of labour between production and reproduction is evident here. The norm imposed perceives women as beautiful bodies as well as taking care of cooking and children of the household. While children's picture, drawing and colouring books are not taxed, education sector is being privatised and coming under tax slabs. The starred good in the list in Table 5 are the sanitary towels(pads) or sanitary napkins and tampons which were not zero rated in the beginning of GST regime, but this is a consequence of women's movement in the country. This makes such goods an exception in the general list of zero rated goods. Table 8 shows the high rates of taxation of female hygiene products.

**Table 5: List of Goods Having Zero-Rated GST**

Description of goods
All types of contraceptives
Kajal [other than kajal pencil sticks], Kumkum, Bindi, Sindur, Alta
Plastic bangles
Condoms and contraceptives
Firewood or fuel wood
Wood charcoal (including shell or nut charcoal), whether or not agglomerated
Children's picture, drawing or colouring books
Human hair, dressed, thinned, bleached or otherwise worked
Glass bangles (except those made from precious metals)
Bangles of lac/shellac
Slate pencils and chalk sticks
Slates
Sanitary towels (pads) or sanitary napkins; tampons*

GST rates are having greater impact on women who are engaged in underpaid or unpaid work in small and medium enterprises. The input cost has risen with GST rates and production in household enterprises, small and medium enterprises has become costly. With unemployment rising in the organised sector, more and more women are engaged in this sector. The effect disproportionately also falls on care workers. The trend was already there earlier, which became strong after COVID. Dependence on indirect taxes has been high in India and this has increased with introduction of GST. Consumption taxes on essentials, inputs in the case of small production have acted regressively with respect to poor women of the country.

## IV: Towards Gender Equitable Tax Policies

Discussions point out that there is a disconnect between macroeconomic fiscal policy and gender equality. There exists micro and meso projects of livelihood, employment related policies for empowerment of women. Gender budget is the only fiscal macroeconomic mechanism which directly affects the question of gender equality. Revenue or taxes are hardly part of the targeted policies for effectively implementing gender justice. Thus, tax structure inherently includes the patriarchal biases as well as the class biases of regressive tax structure. Gender based vulnerability of such policies has increased surprisingly together with gender based affirmative actions by the state. This is a contradiction which requires attention.

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# CHAPTER 3 Gender and Banking, Credit and Financial Inclusion

Sumangala Damodaran

## Abstract

*The discourse on financial inclusion along with the importance of access to banking and credit have been important dimensions of the mainstream policy framework, particularly with regard to poverty alleviation strategies and the provision of livelihoods for the poor. The gender dimension has been an important one in this discourse, especially with the growth of microcredit, its attractiveness for financial institutions, as well as the idea of self-help and self-help groups as viable forms of employment generation and livelihood creation for women. This chapter addresses the conceptual dimensions of the discourse on financial inclusion from a gendered political economy perspective. It also looks at the secondary evidence for the realities of access to banking, credit and finance for women and the gendered impact of various initiatives/interventions that have been instituted for financial inclusion in India.*

## I: Introduction

The discourse on financial inclusion, along with the importance of access to banking and credit, have been important dimensions of the mainstream policy framework, particularly with regard to poverty alleviation strategies and the provision of livelihoods for the poor. The gender dimension has been an important one in this discourse, especially with the growth of microcredit, its attractiveness for financial institutions, as well as the idea of self-help and self-help groups as viable forms of employment generation and livelihood creation for women. Access to banking and financial services and credit availability specifically for women, it is argued, will create the conditions for accumulating assets, generating income, managing financial risks, and fully participating in the economy. Further, it has been argued, in the mainstream framework, that the financial services industry can be both a catalyst and barometer of gender equality, with financial inclusion being a major driver of access to financial services such as savings, credit, insurance, payments (ILO).

While the need to increase women's participation in financial markets ostensibly comes from the recognition that they, especially poor women, are excluded from financial institutions, the dominant strategies and the policy framework that have been put forward in the last three decades or so hardly address the real constraints that women face to participation in markets, financial or otherwise. Further, the institutions and policies that have been rolled out have often exacerbated the conditions of existence for women because of the economic principles that underpin them. This chapter addresses the conceptual dimensions of the discourse on financial inclusion from a gendered political economy perspective. It also looks at the secondary evidence for the realities of access to banking, credit and finance for women and the gendered impact of various initiatives/interventions that have been instituted for financial inclusion in India.



## II: Policy Framework for Financial Inclusion Based on Gender

In India, like in most developing countries, the transition from what has been considered the 'social banking' phase (characterised by bank nationalisation, the important emphasis given to priority sectors with subsidised bank lending and the emphasis on redistribution through access to banking and credit) to the phase of financial liberalisation as an important element of neoliberal economic liberalisation, took place from the mid-1990s. An important impetus for the transition in the financial sector was based on the exclusion-inclusion argument, whereby it was emphasised that the poor have been bypassed by banking systems that are exclusionary and by 'repressed financial regimes' (Joshi and Little, 1994) that control deposit and interest rates and direct credit to specific sectors. Among the poor, the gender divide that exacerbated the exclusion was seen to provide particular impetus for the creation of systems, such as microcredit, that would address the finance needs of poor women in developing countries. Officially adopted in 2005, financial inclusion was defined formally by the RBI as *"the process of ensuring access to appropriate financial products and services (such as deposits, credit, insurance and payments such as cash transfers and subsidies) to all sections of society, with a focus on the poor, at an affordable cost by regulated mainstream financial institutions"*. Building upon the idea that 'the poor are bankable' and that women, specifically, can be relied upon to pay back loans and utilise them effectively for the benefit of the whole family, financial inclusion and its attendant policies became like a movement for inclusion of hitherto excluded people and also as a major plank of anti-poverty programmes.

The different planks of banking and financial inclusion policies for women were (Chavan, 2020; Chatterjee, 2021:

- a. Microfinance provided by banks and other financial institutions.
- b. Inclusion of women under priority sector. Although socio-economically "weaker sections" was a priority sector category from the early 1970s, it did not explicitly include women until 2013. In 2013 for the first time, women were explicitly mentioned as a weaker section, by including loans to individual women beneficiaries up to Rs. 50,000 in the priority sector. This was increased to Rs 1 lakh in 2015.
- c. Creation of Bharatiya Mahila Bank, a public sector bank with the mandate to cater to banking needs of women, within the larger regulatory framework of regular banks, not as a different institution like the Regional Rural Banks or Cooperative Banks. It was merged with the State Bank of India in 2017.
- d. Introduction of Basic Savings Bank Deposit Accounts [BSBDA], establishment of Financial Literacy Centres [FLCs], implementation of Banking Correspondents [BC] models, and bank Self Help Group [SHG] linkage programmes.
- e. Interest subvention for women's self-help groups for loans up to Rs 3 lakhs from 2007. The effective rate, thus, works out to 7 percent for women's groups (going down further to 4 percent if the group repaid on time).
- f. Targeted allocation of credit. In 2000, the Central Government created a 14-point programme to give dedicated attention to women's credit needs, which included a 5 percent target of total bank credit for women which did not change over time or differentiate between from different classes or social backgrounds.

Apart from these initiatives specifically directed towards women, the general policies for financial inclusion sought to improve access to bank accounts, to increase usage of debit cards and digital banking services in order to ease supply side or access constraints to banking and finance. As Baruah

et al. (2016) note, under neoliberal policy changes, there was a paradigm shift, from an emphasis on credit to a more comprehensive approach toward financial services, particularly opening bank accounts and offering basic financial products such as insurance. The infrastructure for the collection of deposits, particularly from poor populations, selling financial services of various kinds and mediating delivery of transfer payments also came into existence, in the form of intermediaries and specialised payment banks, apart from regular banks.

### **III: Gender and Financial Inclusion: Constraints and Evidence**

What does the evidence show with regard to the gendered dimensions of banking, credit and financial inclusion policies in India? How can the impacts be judged against the constraints that women face with regard to banking and finance?

Gender relations, it has been found globally, impact women's access to banking and credit and utilisation of services and funds adversely, even when they are available (Beck et al. 2008, Demirguc-Kunt et al. 2013; Delechat et al. 2018). Further, women from developing countries are worse off than those in developed countries with regard to access and utilisation (Beck et al. 2008, Demirguc-Kunt et al. 2013). The mechanisms through which this happens are the extent to which employment is available in general and specifically for women, conditions of work and employment, the degree of access to and levels of education, whether gender based and intersectional discrimination is experienced in the financial system and the extent to which they exercise control over their lives and incomes.

Specifically, the inability to provide collateral, low financial literacy, poor credit histories, and restrictions on physical mobility are factors that indirectly affect women's access to credit (Roy and Patro 2022; Narain, 2009; Coleman, 2002). These translate into discriminatory lending practices and identification requirements that adversely affect women. Even if there is access, women face various kinds of barriers to use of financial products and services such as patriarchal societal norms that prevent or discourage employment, poorer conditions in the labour market, lack of control over finance, informational asymmetries, financial and technological illiteracy and mobility. With regard specifically to digital financial services, women may actually have less knowledge, security and privacy to avail the use of digital and electronic devices such as mobile phones and ATMs, in addition to the large gender gaps in access to mobile phones, debit cards and the like.

The extent of labour force participation, conditions of employment, the access to land and other assets, education status, degree of control over incomes and resources and the resilience to shocks are some of the factors that would determine the demand for banking and financial services as well as their utilisation by and outcomes for women (Roy and Patro 2022). On the supply side, the objectives of specific initiatives and whether they take into account specific gendered constraints would be important in determining actual access as well as outcomes.

The initiatives that target women outlined earlier, ostensibly based on a recognition of women's constraints in financial markets, seek to ease them, but fail to address fundamental issues with regard to gender and finance.

First, the system of microcredit, or microfinance, has been found to have mixed effects across developing countries and in India as well. It was an understanding that gender relations result in lack of access to the financial system and that women take the major share of responsibility in caring for the family that formed the basis for the system of microfinance focussing on women. The gendered understanding of banking and finance, however, was converted into institutional responses that were based on market logic, based as they were in an era of financial liberalisation with profitability being

a major objective. Because it was based on the formation of neighbourhood or self-help groups of women who would commit to repaying loans as a group, it mitigated the risks and the need for collateral of banks, but resulted in market driven high interest rates for repayment under the plea of high transaction costs of administering small loans. *'Banking for the poor'* got easily absorbed within a framework of *'banking on the poor'*, of which women became the main targets. In other words, for many commercial FIs, the poor, and poor women specifically, became 'bankable', or a source of generating good returns on commercial lending. For example, where in India and other countries in South Asia, most normal loans at an individual level like personal, housing, car loans, etc or for business purposes would not be given at rates more than 10% or so per annum, it became possible to charge groups of low-income people upwards of 25%, making them a good potential source of high returns for the commercial banking sector. It allowed for the high cost of transacting small loans to get offset by high returns. It came to be argued that *"... freedom from poverty is not for free. The poor are willing and capable to pay the cost."* (RBI 1999, cited in Ramakumar 2010). Ghosh (2011, 2012) argues that the mushrooming of microfinance institutions of both non-profit and profit varieties was very quickly followed by crises in many of the same developing countries that were earlier seen as the most prominent sites of success. In families, over-indebtedness and intra-household conflict over finances have been found to affect women specifically.

Second, the evidence with regard to women's access to banking services in India is mixed. The Global Findex Database of the World Bank is the one that gathers overall as well as gender-disaggregated data on global access to financial services, including payments, savings, and borrowings, and has done so over four rounds, in 2011, 2014, 2017 and 2021. For 2017, it showed that a major instrument for financial inclusion in India, the Prime Minister's Jan Dhan Yojana (PMJDY), resulted in a rapid increase in the percentage of adults owning deposit accounts in banks between 2011 and 2017 in comparison with the world average and the average for BRIICS (Brazil, Russia, India, Indonesia, China, and South Africa) countries. Also, in keeping with the decline in the gender gap in account ownership in developing economies, in India too there was a significant reduction in the gender gap in account ownership, but the gap, at 6 percent, remained the second highest after China among the BRIICS countries (Chavan 2020).

Another database, the National Family Health Survey, showed that the percentage of women who have a bank or savings account that they themselves use increased from 53 percent in NFHS-4 (2015-16) to 79 percent in NFHS-5. On the supply side, thus, one dimension of access, to bank accounts, eased for poor women, but this hardly translated into usage of these accounts, for savings or for payments. Chavan (2020) notes that between 2014 and 2017, as the percentage of adults owning deposit accounts increased, the percentage of adults with inactive accounts (zero deposit or withdrawal during preceding 12 months) also increased. In 2017, the only year for which gender-wise data on usage are available, only 35 percent of India's women actually used a bank account, with this figure likely to be significantly lower for poor women. The RBI Committee which studied this issue recommended better leveraging of technology, promoting mobile banking facilities and Government-to-Person (G2P) payments to facilitate usage and ensure greater financial participation by women (RBI, 2015). Special payment banks came into existence to facilitate this (Chatterjee, 2021).

The target driven emphasis on increasing access to bank accounts, thus, showed positive results for women in India, even if their actual usage of the accounts was limited. The main reason for not using bank accounts, according to the Findex survey in 2017, was non-availability of funds, with about 54 percent of adults reported this as the reason, and this likelihood is greater for women because of the poorer access to economic opportunities and the worse conditions that they face (Chavan 2020). Of the women who have a bank account, less than one-fifth were found to save formally with the bank;

for many, usage is limited to withdrawal for emergencies, withdrawing salary, or availing government benefits. Women continue to save in informal systems such as community-based savings groups.

Third, women's access to credit remains low, both of overall credit and microcredit. Women's share in total bank credit has shown a steady rise over the last two decades but the rise has been far slower than for men. In 2017, women accounted for about 7 percent of total bank credit, whereas men's share was about 30 percent (Chavan, 2020). For women, this increased to 14 percent by 2022, but the figure is still low, especially when compared to men. Further, average loan size came down marginally to ₹1,45,600 in 2021 from ₹1,48,700 in 2016 (Hindu Business Line 2022).

There is an important point that needs to be made, that the emphasis on microcredit as the main plank for addressing gender concerns in banking and financial systems is skewed, as it is accompanied by a much lesser emphasis on the need for large credit for women. The Pradhan Mantri Mudra Yojana targets the financial inclusion of women by providing collateral-free loans up to INR 1 million for small and micro enterprises. Under the scheme, 68 percent of the loans were disbursed to women entrepreneurs in 2021, yet 88 percent of these were under the 'Shishu' category (covering loans up to INR 50,000 in Mudra Yojanas). Though women clearly benefited from the scheme, the loans have largely been small ([https://www.orfonline.org/research/financial-inclusion-of-women/#\\_edn19](https://www.orfonline.org/research/financial-inclusion-of-women/#_edn19)).

Even specifically for microcredit, as awareness about microcredit programmes increased from 41 percent in NFHS-4 to 51 percent in NFHS-5, only 11 percent women had ever taken a microcredit loan according to NFHS-5. Women's use of microcredit programmes has been higher in rural areas (12 percent) than in the urban regions (9 percent).

Fourth, the credit-to-deposit ratio, which measures the funds available from the financial system in relation to the deposits, was only 27 percent in 2017, in comparison to 52 percent for men. This ratio, which also shows entitlement to bank credit, is thus clearly skewed against women. As Chavan (2020) notes, a lower credit-to-deposit ratio for women is an advantage for banks from the point of view of liquidity. However, for women, it is a sign of credit deprivation. Further, it also points to the prevalence of the profitability motive, with the greater emphasis on attracting deposits as against providing credit to women. Chavan (2020) and Khan (2011) note that because deposits are a cheap and stable source of funding for banks, whereas transaction costs associated with small loans is high, banks tend to focus more on the latter. As part of the Pradhan Mantri Jan Dhan Yojana, public sector banks attracted Rs. 250 billion in deposits by serving 100 million low-income women across the country ([https://www.orfonline.org/research/financial-inclusion-of-women/#\\_edn19](https://www.orfonline.org/research/financial-inclusion-of-women/#_edn19)). For a bank, it has been estimated that a female Jan Dhan customer's lifetime revenue is at least 12 percent higher than that of a male customer's because women are committed savers, when they can do so. According to Ajayan (2023), banks can potentially unlock an estimated inflow of INR 20,000 crore in deposits, while disbursing INR 10,000 crore in overdrafts to 20 million beneficiaries, if 100 million low-income women initiate a habit of small-scale savings. This is because, when it is possible to save, it is found that the average bank balance of women is 30 percent higher than that of men and it is argued that all banks need to do is to provide the same services to men and women in order to tap an untapped massive revenue opportunity. Arguments such as this make the profitability motive an important one in stating the benefits from deposit mobilisation from women, as in the case of microcredit. This is also augmented by the array of intermediaries such as agents or business correspondents and profit oriented private institutions like for-profit microfinance institutions, small finance banks (specialising in small-sized loans) and payments banks (specialising in small-sized payments services), which reflects the thrust on commercially-oriented financial inclusion. As Chavan (2020) notes, this is also due to the high costs of setting up formal banking branches.

Fifth, the digital gender divide was also seen to be pervasive in 2017, with only 22.5 percent of women with mobile phones using them for financial transactions. Further, although the percentage of adults owning debit cards rose between 2011 and 2017, the gender gap widened and only 22 percent of women had a debit card as against 43 percent of men. Given how gender constraints work in the case of the difference between access and usage of bank accounts, the gender gap in usage of cards is likely to be wider than in deposits. Social norms that prevent or look down upon women using mobile phones, gender-based violence, low education levels, low access to payments infrastructure, etc are found to be factors that inhibit usage of technology, whether in the form of mobile phones or ATMs (Pande et al. (2018), Chatterjee (), Ghosh and Chaudhury 2019).

Sixth, the gender divide is seen particularly in the case of Female Headed Households (FHHs) as compared to those headed by men. Ghosh and Vinod (2017) found that on average, female-headed households are 8 percent less likely to access formal finance and 6 percent more likely to access informal finance as compared to households that are headed by men, and FHHs use 20 percent less cash loans as compared to male-headed households. Again, access to employment, education and wages are found to be relevant in access to finance.

## IV: Summing Up

The need to increase women's participation in financial markets through access to banking and credit has been an important dimension of the argument for financial inclusion in India from the 1990s. This argument ostensibly comes from the recognition that women, especially poor women, have been excluded from participation in the financial system and been neglected by financial institutions over the post-independence period. Financial inclusion, containing a slew of policies and initiatives focussed on the poor, and specifically on poor women, has been a major plank of the policy framework in the period of neoliberal policymaking. We show in this chapter that the dominant strategies and the policy framework that have been put forward for financial inclusion of women in the last three decades or so have improved access to services of various kinds due to aggressive strategies to increase reach. However, they hardly address the real constraints that women face to participation in markets, financial or otherwise. Further, the institutions and policies that have been rolled out have often exacerbated the adverse conditions of existence for women because of the economic principles that they are underpinned by, particularly the profit motive and the proliferation of for-profit intermediary agents and institutions in making financial services accessible to women. Further, the equation of women's finance with small size, such as microfinance, or the greater emphasis on deposit mobilisation as against the provision of loans for production, suffers from a limited ambition of women's role in the economy.

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# CHAPTER 4 Monetary Policy, Inflation and Women: A Review with Special Reference to Indian

R. Ramakumar<sup>1</sup>

## Abstract

*This chapter is an effort to explore the links between monetary policy and the developmental status of women in India. Particularly in the developing economies, women are qualitatively differently affected by monetary variables like inflation and interest rates compared to men. Monetary policy also influences the stance of fiscal policy of governments, and thus indirectly affects the well-being of women. This article is an effort to understand these multiple linkages using secondary data and published literature with special reference to India.*

## I: Introduction

Over the years, the hegemonic stance in monetary policies across the world has been guided by the ideology of “monetarism”. The monetarist view disconnects monetary policy from a direct role in generating economic growth or employment generation. It is argued that the aim of monetary policy must be to ensure price stability (i.e., keep inflation low) through a steady and predictable growth of money supply in the economy. It is from this conclusion that a case is made for **inflation targeting** as a goal for central banks.

The interest rate is the primary instrument recommended to achieve the goal of inflation reduction; when inflation is high, interest rates must be raised to rein in the growth of credit and money supply in the economy. In developed economies, it is recommended that the inflation rate must be “very low” and in the “single digits” i.e., around 2 percent (see Blanchard and Dell’Ariccia and Mauro, 2010). In the developing world, the recommendation is to keep inflation in the range of 4 to 5 percent.

The monetarist hegemony has been powerfully challenged by Keynesian and Marxist economists (see Kaldor, 1982; Patnaik, 2008). According to them, capitalist economies are marked by the presence of a demand constraint, which pulls down growth and employment generation. In such instances, these economists argue that the demand for money, the demand for investment and economic growth can be significantly enhanced using an expansionary monetary policy i.e., where interest rates are lowered, and inflation is allowed to rise to a certain threshold. At the same time, Keynesian and Marxist economists also argue for an expansionary fiscal policy as more central to efforts towards increasing growth and employment.

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For Marxist economists, the monetarist inferences on inflation targeting have a strong class-motivation too. To begin with, inflation can arise due to a rise in demand (**demand-pull** inflation) or a rise in costs (**cost-push** inflation). Faced with both these forms of inflation, capitalist economies try to resolve them by targeting the workers and their incomes (Patnaik, 2022). In the case of demand-pull inflation, the effort is to compress demand by allowing worker's incomes and wages to fall or stagnate in nominal terms. In the case of cost-push inflation, the effort is to compress the share of worker's wages in production by restricting their bargaining power and instituting flexible labour processes. In either case, the casualty is the consumption of workers.

The **class dimension** of inflation targeting has intensified with the rise of neoliberalism. The ideology and practice of neoliberalism tends to protect the interests of wealth holders, who prefer low inflation. Further, in a global economic environment where free cross-border capital flows are encouraged, high interest rates and low inflation incentivises owners of capital to move assets across economies and profit from arbitrage.

At the same time, there is a tendency among heterodox economists in the Western world to underplay or ignore the costs of high inflation in the developing economies. First, inflation is a tax on the incomes of the poor in the developing world. In most developed economies, a higher share of employment is formal, and most wages and pensions are indexed to inflation (Checherita-Westphal, 2022). But in developing economies, majority of employment is informal in nature, and most wages are not indexed to inflation. Even minimum wages are not paid to a large section of the workforce (van Klaveren *et al*, 2010). Secondly, inflation also erodes the real value of the meagre savings of the poor. Thirdly, given that the structure of inflation in the developing countries is tilted towards inflation in wage goods (food) vis-à-vis other goods, the distributional consequences of higher inflation are significant. Finally, there are no universal social security systems or food security schemes in place to ameliorate the impacts of higher inflation on the poor in the developing world.

In short, on the one hand, there would be little space for any trade-off between inflation and unemployment amongst the poor in the developing economies. The poor in the developing economies would – and rightly so – care about **both** unemployment and inflation. On the other hand, a singular focus on “very low” inflation rates can indeed harm growth and employment.

## II: Monetary Policy: The Gender Dimension

Mainstream economists, in general, assume that the impacts of macroeconomic policies are gender neutral. On the other hand, heterodox economists recognise that macroeconomic policies are not gender neutral. They treat the economy as “embedded in social, cultural and political structures”; consider gender as “endogenous”; and assume a two-way relationship between economy and gender (Van Staveren, 2011, p. 116).

### **Gendered Effects of Monetary Policy**

As we have discussed, economic growth, employment, and savings of households are squeezed under a contractionary monetary policy regime. In such cases, households may respond in ways that end up increasing the burdens on women than men: (a) a heavier dependence on women's unpaid work to offset a fall in consumption; (b) a heavier dependence on women's paid labour to offset a fall of income; and (c) possibly both the above (see UNDP, 2012). These differential impacts can lead to considerable losses of capabilities for women (Sen, 1998).

The presence of a gender bias is recognised as spread across the hired labour market, and the spheres of self-employment and entrepreneurship. Labour markets are segmented across multiple factors including gender (Heintz, 2006). The nature of gender division of labour is such that less women enter the workforce than men, and female employment is concentrated in certain sectors or sub-sectors. Many of the spheres of work where women are concentrated are more vulnerable to economic shocks and volatilities than other sectors (Braunstein, 2013). In the face of a shock, women are more easily laid-off, and less easily reinstated, than men (Seguino and Heintz, 2012). In other words, any shock induced by a contractionary monetary policy to the labour market can lead to differential impacts across men and women, and in many cases can affect women more acutely than men.

Several empirical studies in the developed world affirm the above conclusion. In a study of male and female employment in 17 low- and middle-income countries between 1980 and 2000, Braunstein and Heintz (2008) found that during periods of contractionary inflation reduction (i.e., where interest rates were raised, inflation declined and employment fell), there was a larger loss of female employment than male employment. In another study of United States between 1979 and 2008, Seguino and Heintz (2012) found that unemployment was disproportionately higher among black and white women as compared to white men in times of contractionary monetary policy. Black women were the worst affected among all groups.

In other words, central banks must consider potential gender biases and place monetary policymaking within the larger canvas of social, political, and cultural factors. There are more ways in which a contractionary monetary policy affects women's employment and wages. In several developing countries, women work in large numbers in export-oriented manufacturing units (UNDP, 2012). Examples are fish processing in India or garment industry in Bangladesh. If contractionary monetary policy leads to an exchange rate appreciation, it will adversely affect the competitiveness of these units, which in turn leads to higher job losses for women than men. In agriculture and traditional non-agricultural sectors too, women work in a self-employed capacity. If the exchange rate appreciates, cheaper imports of these goods can lead to a fall of economic competitiveness and undermine female livelihoods.

Apart from the labour market, the increase of interest rates under a contractionary monetary policy also influences the way credit markets function. Institutional credit organisations in the developing economies largely ignore the needs of female borrowers (Wellalage and Locke, 2017). Chaudhuri *et al* (2020) report the results of an analysis of the Indian Micro, Small and Medium Enterprises (MSME) Survey, 2006–2007 and noted that "irrespective of the extent of women's involvement in the firms, women-led businesses are less likely to obtain formal finance" (p. 1179). Further, even when women are beneficiaries of formal credit, high interest rates can adversely affect credit demand from micro-enterprises where women are self-employed. An example is private microfinance in India, where higher interest rates in the range of 24 to 36 percent per year necessitate exceedingly high rates of return to allow women to break even and not default (Chavan and Ramakumar, 2005).

Studies also show that women are better savers than men in the household (Dewan, 2011). In the more recent periods, governments have also been trying to generate growth impulses using monetary policy – replacing the earlier role of fiscal policy – by pulling down bank deposit rates. Real interest rates are hovering around zero in many developed countries, if not already in the negative territory. Such shifts in monetary policy intend to push savers from banks into the capital market. But they affect female savers particularly badly because while men are more prone to risk-taking in stock investments, women prefer to keep their savings "safe" in the banks.

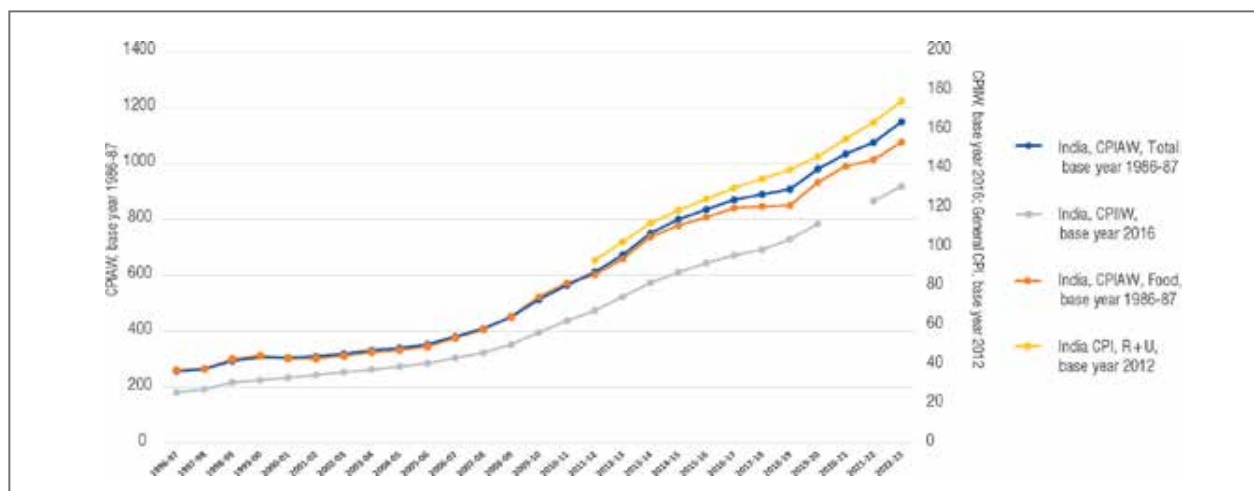
In this broad setting, heterodox economists have suggested that central banks should play a developmental role rather than focusing solely on inflation targeting (Seguino, 2019). In this regard, Seguino's suggestions include (a) asset-based reserve requirements (ARR), where banks are compelled to lend more to women in order to avoid having to deposit the equivalent amount in a non-interest bearing reserve; (b) the central bank's provision of loan guarantees as a substitute for collateral in loans to women; and (c) central bank plans that encourage long-term and medium-term in lending in areas where more women work than men; and (d) the use of capital management techniques to reduce speculative capital inflows and outflows, which help to reduce women's care burdens, shield the value of women's savings and assets, and protect female employment.

## The Adverse Impacts of Inflation

In developing countries like India, the debate cannot singularly be around the problems of contractionary monetary policy. The adverse impacts of inflation are particularly acute on women amongst the poor. As Figure 1 shows, there was a marked rise in the consumer price indices for agricultural labourers and industrial workers in India after late-2000s with occasional stretches of significant acceleration. General inflation in India is largely driven by food inflation. Among poor households in India, food and beverages account for about 58-60 percent of the consumption expenditure (Chakravarthy, 2022). Rising food prices eat into the incomes of the poor, working class, and lower middle classes. Lower real incomes force these households to reduce food intake, either by skipping meals or by reducing the portion size at each meal. Inflation is a burden even for land-owning farmers as most smallholders and farmers are net buyers of food (Ramakumar, 2022).

At one level, lower food intake in the household increases the risk of malnutrition and preventable morbidity and mortality, especially in infants and children. But at another level, when the food intake of a household collapses, it has a particularly harsh impact on women – what are called the “hidden gender effects of inflation” (Chakravarthy, 2022, p. 7). Food in the household is consumed first by the men and children, and only the last by women; they end up not just eating the last, but also eating the least. Karat (2013, p. 8) writes that “...high food inflation and the consequent food insecurities have a cascading impact on women who are charged, unfairly, with balancing family budgets and who often cut down on their own needs and food requirements” (p. 8). Higher food inflation also forces households to reduce other discretionary expenditures, such as on education and health, which could contribute further to exacerbating intra-household gender inequalities.

**Figure 1: Consumer Price Indices of Inflation, India, by Types, 1996-97 to 2022-23**



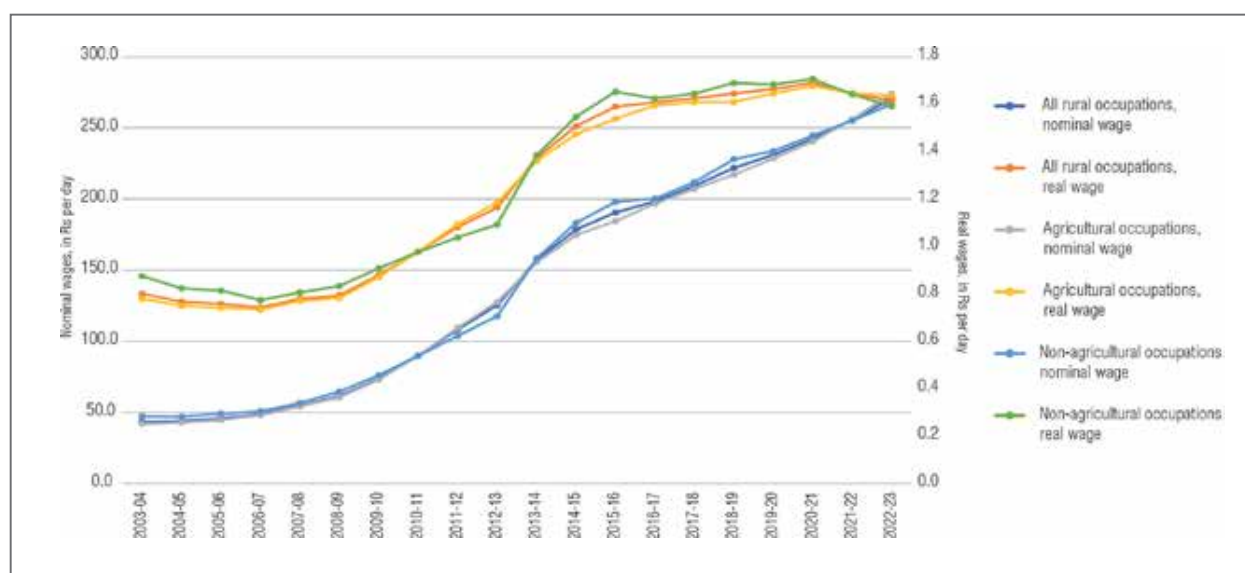
Source: Reserve Bank of India

Similarly, fuel inflation raises the prices of gas cylinders; when kerosene subsidies are withdrawn, it forces women to “revert to collecting firewood and even plastic waste, thereby increasing drudgery, time poverty, and negative health impacts” amongst women (Dewan, 2019, p. 19). Overall increases in commodity prices, such as in cotton, chemicals, or coal, could also increase input costs and contribute to more job losses in specific sectors where women are predominantly employed.

Finally, higher inflation significantly erodes the value of wage earnings of women. Figure 2 provides information on nominal and real daily wages of rural women under three categories: all rural occupations, all agricultural occupations, and all non-agricultural occupations. The nominal wages for women in India rose over the past decade, though at a slower rate after the demonetisation of 2015-16. However, higher rates of inflation completely obliterated all gains in nominal wages for women leaving their real wages almost constant, if not falling, after 2015-16. While real wages for men were also depressed by inflation, the fact that the average female wage was only about 60 to 70 percent of the male wage implied that the impact was harsher for women than for men.

Rising food inflation may be manageable if India had a strong social safety net, including a universal public distribution system for the poor to rely on, and if most wages are indexed to inflation. In the absence of such a buffer, measures to curb food inflation must become a political priority. Inflation in India is largely supply-led, arising out of bottlenecks in the supply of food items. Consequently, an effort to soften food inflation must include measures to alleviate supply bottlenecks in agriculture, such as to raise public investment in agriculture, promote public agricultural research and extension, prevent predatory imports, continue to provide subsidised inputs, and provide adequate and timely credit.

**Figure 2. Nominal and Real Wages for Women, Rural India, by Occupations, 2003-04 to 2022-23, in Rs per day**



Source: Labour Bureau, Ministry of Labour and Employment

### III: Monetary Policy Stance and Employment in India

Developing nations like India conduct monetary policy in a way that differs significantly from developed nations. With the rise of neoliberalism in the 1990s, which fundamentally altered how macroeconomic policy is financed in the economy, India's monetary policy framework also saw further, substantial

changes. India's monetary policy authorities have always claimed that the Reserve Bank of India (RBI) did not follow a policy of "mindless monetarism" (Rangarajan, 1997). Yet, from the 1980s onwards, India's monetary policy has increasingly leaned towards several basic principles of the monetarist argument. Inflation targeting was officially adopted only in 2016; but reducing inflation was an overarching target for the RBI even prior to 2016, such that it overrode other mandates like economic growth.

Prior to 2016, the repo rate and the reverse repo rate served as a signal for the RBI's monetary policy stance. Between the late-2000s and 2016, particularly in the aftermath of the global financial crisis, RBI's effort was to reduce inflation to 4.0-4.5 percent in the short run and 3 percent in the medium run. From 4.75 percent in March 2010 to 8.50 percent in October 2011, the repo rate was raised 13 times. Repo rates decreased afterwards, although they remained high at 6.25 percent even in 2018-19; they then dropped to 4 percent during the Covid years and then again increased to 6.25 percent by 2023.

In 2016, the inflation targeting regime was inaugurated by amending the RBI Act of 2016. Here, a statutory basis was created for a flexible inflation targeting framework (Mohan and Ray, 2018). An inflation target is declared for a period of five years, which is notified in the official gazette. An inflation target of 4 percent was announced between 2016 and 2021, with an upper tolerance limit of 6 percent and a lower tolerance limit of 2 percent.

The assumption here appeared to be that Indian inflation was a demand-pull phenomenon, and supply side constraints had little to do with inflation pressures. However, most recent phases of inflation in India were more supply-driven than demand-driven. Food and fuel prices were the predominant factors behind these supply shocks. Fuel prices were globally driven. Supply shocks in food arose due to multiple constraints in agricultural and industrial production (Bhattacharya, Rao and Gupta, 2014; Ramakumar, 2022). In addition, there was a rise in rural wages in India till 2016-17, though they stagnated afterwards (Ramakumar, 2022).

As a result, raising interest rates had no real effect on food inflation or fuel inflation in India (Dua and Goel, 2021). It essentially attempted to address a demand problem either where there was none or where a rise in demand represented a rise in consumption from a low base. Often, given the mass nature of hunger and malnourishment in India, particularly amongst women and the poorest, a rise in demand for food grains represents a much-needed rise in consumption. But the rise in interest rates had adverse impacts elsewhere: on the employment front.

## ***Female Employment in India***

Employment among women has always constituted an important concern for students of gender relations in India. The largest share of Indian women is employed in agriculture; and outside agriculture, they are employed in both formal/organised and informal/unorganised sectors. There are also certain specific industrial sectors and sub-sectors where female employment predominates compared to other sectors and sub-sectors.

Let us consider the period in which bank rates remained high: 2010-11 to 2018-19. A key feature of change in the labour market over this period was a sharp decline in female jobs at a rate faster than in male jobs. Thomas (2020) has documented that between 2012 and 2018, there was a fall by about 20 million in the number of women in the agricultural labour force i.e., from 79.2 million women to 59.2 million women. If we consider the manufacturing labour force, overall, the number of unorganised sector workers declined. Within the manufacturing sector, job losses were most significant in the



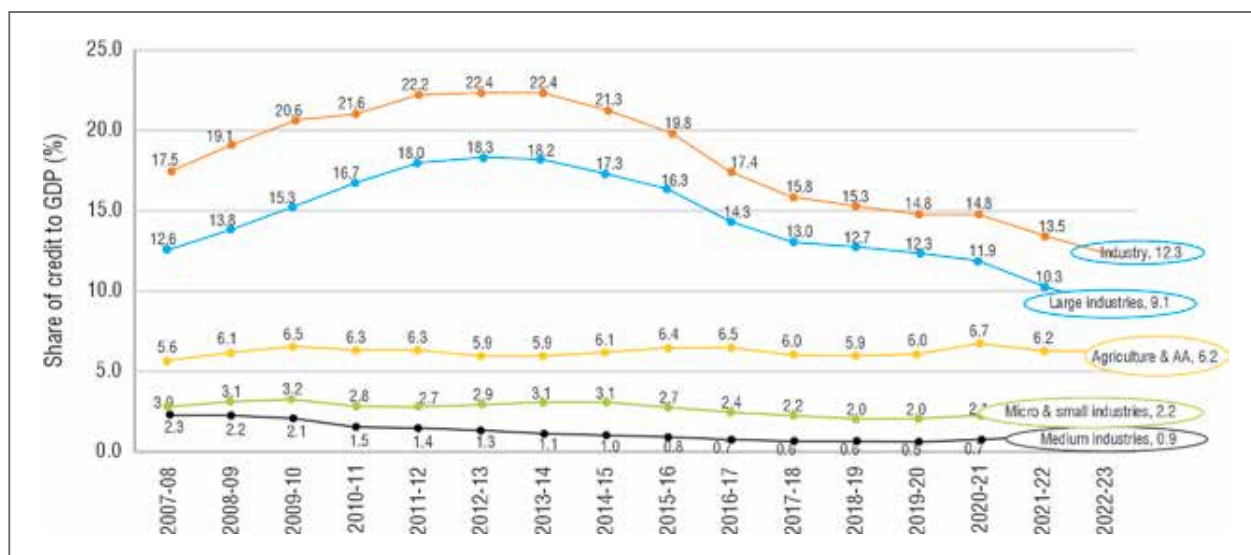
“micro and small firms in India’s unorganised manufacturing” including traditional industries where women are predominantly employed (*ibid.*, p. 61).

Thomas’ overarching conclusion was that “female workers accounted for almost all of the job losses suffered by Indian manufacturing after 2012”. The number of female manufacturing workers declined by 3.6 million between 2012 and 2018 i.e., from 17.8 million to 14.2 million. Strikingly, in comparison, the decline in the number of **male and female** manufacturing workers together was only one million. In specific sub-sectors like construction, the decline in the number of female workers was about 2.4 million, compared to a rise in the number of **all** construction workers by about 4.7 million.

## Monetary Policy and Female Employment

The decline in female employment after 2011-12 was closely associated with changes in India’s monetary stance. Repo rates of the RBI stayed elevated after 2011-2012, and never fell below 6 percent till 2019-20 – only to rise again above 6 percent after the pandemic. Alongside, there was a shrinkage of bank credit to the industrial sector as a share of the GDP (see Figure 3). Industrial credit as a percentage of GDP declined from 22.4 percent in 2012-2013 to 14.8 percent in 2019-20 and 12.3 percent in 2022-23. While credit to large industries fell more sharply, credit to small, medium, and micro industries also fell considerably.

**Figure 3. Credit from Scheduled Commercial Banks to Agricultural and Industrial Sectors as a share of GDP, India, 2007-08 to 2022-23, in percent**



Source: Reserve Bank of India

In the case of medium industries, there was negative year-on-year growth in credit outstanding during seven out of the 10 years between 2010-11 and 2019-20. Over the same period, there were two years with negative growth rates and two years where the year-on-year growth of credit outstanding was less than one percent in the case of credit outstanding to micro and small industries. The unfulfilled demand for credit to micro- and small enterprises, where women work predominantly, is called the “missing middle” in India’s MSME financing (IFC, 2022). The total credit demand from Women Owned Very Small Enterprises (WVSE) in India (that constitute 18 percent of the 15 million women-owned microenterprises) is estimated to be about INR 836 billion. It has also been estimated that:

"...the overall demand for finance from MSMEs is INR 69.3 trillion..., of which INR 36.7 trillion...is addressable debt demand. Of this debt demand, the micro and small segments account for INR 11.9 trillion...and INR 21.65 trillion..., respectively. Thus, micro and small enterprises account for 91 percent of the debt demand...Almost 60 percent of the credit demand from micro-enterprises and 70 percent of credit demand from small enterprises is currently unmet by formal financial institutions" (*ibid.*, p. 13-15).

In most sub-sectors where women are largely employed, the relative decline of credit intake was visible. Data from the RBI show that the average year-on-year change in credit outstanding to leather and leather products was 10 percent between 2008-09 and 2013-14, but 0.5 percent between 2014-15 and 2019-20. The average year-on-year change in credit outstanding to beverages and tobacco was 20 percent between 2008-09 and 2013-14, but 0.2 percent between 2014-15 and 2019-20. The average year-on-year change in credit outstanding to textiles was 13 percent between 2008-09 and 2013-14, but -0.5 percent between 2014-15 and 2019-20. The average year-on-year change in credit outstanding to food processing was 20 percent between 2008-09 and 2014-15, but -3 percent between 2015-16 and 2019-20. The slowdown of credit flow to these sectors is likely to have significantly adversely affected female employment.

Several empirical analyses over the years have underlined the link between policy rates and the demand for industrial credit. Pandit and Vashisht (2011) found that, controlling for a set of extraneous factors, "firms' demand for bank credit...gets a boost when policy rates are reduced" (p. 15). According to Rajakumar, Krishnaswamy and Deokar (2015), historically, the correlation co-efficient between lending rates and credit growth was the strongest in the case of industry and manufacturing. Pandey and Shettigar (2017), in an empirical analysis of M3 and the index of industrial production (IIP), found a significant long term relationship between the two variables. Sahoo and Bishnoi (2022) argued that between 2013 and 2016, "investment started falling on account of higher policy rates and reduced credit supply" (p. 59). What appears clear is that the rise in repo rates after 2010-11 made industrial credit relatively more expensive in the 2010s compared to the late-2000s.

On its part, the RBI could have allowed a slightly higher level of inflation and let an easy money regime continue for a while more, particularly because the sharp fall in investment rates had already begun by the early-2010s. According to Chandrasekhar (2016), it chose otherwise because it was a prisoner to the dynamics of capital flows in a globalised open economy. Any decline in interest rates would have led to a relative decline in India's ability to attract foreign capital – or at least in ensuring that foreign capital did not pull out in the aftermath of the "taper tantrum" episode of 2013. Chandrasekhar writes that "it is hard to believe that the RBI [had] not factored this into its decision on interest rates" (p. 21).

The rise in policy rates, then, must have contributed to a fall in credit offtake in a range of sectors after 2011-12. It was indeed the case that banks were turning risk-averse, firms were in distress and aggregate demand was declining over this period, and these factors did moderate the demand for bank credit from industries. Yet, in the least, it is eminently arguable that a fall in interest rates might have helped offset some of these depressing features and helped firms survive and preserve employment.<sup>2</sup>

<sup>2</sup> This essay does not deal with the more recent emergence of Non-Banking Financial Companies (NBFC) in the provision of credit to activities related to industry.



Such a conclusion is supported by empirical studies. For instance, based on interviews with private entrepreneurs in Coimbatore, Bangalore, and Kollam, Thomas (2021) noted that working capital requirements were relatively high during periods of recession, as customers of firms delayed or defaulted on payments or dues. According to him, “high interest rates on working capital loans in particular are a heavy burden for the entrepreneurs” (p. 24). From a sample survey of 320 MSMEs in the apparel, footwear, textile, sports goods, and furniture sectors, Parida and Pradhan (2022) reported that the interest charged by the banks of 11.8 percent per annum was perceived as “high”; they were higher than what a household paid for a home loan or a car loan. Combined with other features of bank loans, such as high value of collateral, long and complicated procedures, and other unsuitable terms and conditions, high interest rates disincentivised these firms to opt for fresh bank loans. Clearly, demand for loans were influenced by the interest rates.

## IV: Concluding Remarks

Globally, it is being increasingly accepted that contractionary monetary policy, particularly in times of economic slowdown, has adverse impacts on growth and employment. The impacts of contractionary monetary policy are not gender neutral. Given that labour markets and credit markets are segmented, including across gender, monetary policy impacts on these markets must also be studied from a gendered perspective. Within households, the impacts on women are particularly burdensome because adverse outcomes in labour and credit markets pile on their growing responsibilities at home like unpaid work, child-care, and elderly care.

The undesirability of contractionary monetary policy, however, does not make higher inflation a “tolerable” phenomenon in the developing economies. The reasons are the lack of indexation of wages with inflation and the absence of any comprehensive social security system that could ameliorate the impacts of higher inflation. Higher inflation imposes considerable costs and burdens on women in these societies just as contractionary monetary policies do.

In India, inflation is a supply-side phenomenon. However, efforts to counter higher inflation have focused, not on policies to ease supply bottlenecks, but on raising policy rates to “cool” the economy. However, in a demand-constrained situation, such hawkish monetary policy stances raised the costs of credit in the 2010s. Alongside a persistent demand deflation, higher costs of credit contributed to a fall in the ratio of industrial credit outstanding to GDP. This declining trend was visible also in micro, small and medium industries that mostly employed women. As the supply situation remained tight, inflation also did not fall as expected. The outcome was that while nominal wages of women rose slowly, real wages of women remained constant and even fell in many years in the second half of the 2010s.

From a gender perspective, monetary policy must be transformed from being narrowly focused on inflation targeting into being **developmental**. India's monetary policy, however, does not factor in the needs of the real sector adequately while formulating its stances. This has adversely affected survival and growth in economic sectors that employ women and has worsened the conditions of female employment and livelihood.

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# CHAPTER 5 The Gender-Differentiated Impacts of Trade Liberalisation on Indian Agriculture

Jayati Ghosh

## Abstract

*Trade liberalisation in Indian agriculture has been associated with significant changes, many of which have added to price volatility and greater insecurity. Indian farmers must compete in global trade and domestic markets with highly subsidised production in advanced economies, even as they get reduced protection at home. The effects are significantly worse for women farmers, because the majority of them do not have land titles and are not even recognised as farmers, thereby facing much higher costs of cultivation, higher costs of credit, less access to inputs and crop markets, and high gender gaps for paid work. This chapter explores how this has played out particularly in the last decade, and how official policies have contributed to the problems rather than reduced them.*

## I: Introduction

Over the last three decades, and especially since the turn of the century, farming in India has been subject to significant changes, and been through varying degrees of crisis. The causes of this widespread crisis are complex and manifold, reflecting technological and weather-related factors, changes in relative prices and reduced levels of public intervention in terms of both investment and regulation. The range of factors included greater trade openness, combined with other fiscal, monetary, financial and sectoral policies that reduced protection for farmers and limited or reduced the required public investment important for the rural areas. It is true that climatic shifts have played a negative role, especially in terms of generally lower rainfall, more uneven and untimely rain and growing regional variation in the rainfall. However, as argued below, the main causes are dominantly related to public policy, and in particular to an economic strategy at both central government and state government levels which systematically reduced the protection afforded to farmers and exposed them to market volatility and private profiteering without adequate regulation, reduced critical forms of public expenditure, destroyed important public institutions and did not adequately generate other non-agricultural economic activities. In this chapter, the gendered implications of this are explored, with a particular focus on the impact of external processes in the wider policy context, and recognising the structural and systemic forces that affect women in Indian agriculture.

## II: The Context

Agriculture remains the lifeblood of economic activity in India. Around half the workforce depends on agriculture for its livelihood, even though as its share of national income has fallen to less than one-fifth. This reflects the failure to generate dynamic sources of additional employment in non-

agriculture which would encourage the movement of workers out of agriculture. The economic strategy adopted since the early 1990s systematically reduced the protection afforded to farmers and exposed them to import competition and market volatility; allowed private profiteering in agricultural input supply and crop purchases without adequate regulation; reduced critical forms of public expenditure; marginalised or destroyed important public institutions of direct relevance to farming, including public extension services and marketing arrangements; and did not adequately generate other non-agricultural economic activities.

While these various forms of public protection for cultivation were being reduced, trade liberalisation meant that Indian farmers had to operate in a highly uncertain and volatile international environment. They were effectively competing against highly subsidised large producers and agribusinesses in the developed countries, whose average subsidy was many times the total domestic cost of production for most traded crops. Other government policies had direct and indirect effects upon agriculture. The most significant were the efforts at reducing subsidies that affected both agricultural producers and consumers, such as food and fertiliser subsidies as well as electricity rates, and declines in public expenditure which would have benefited cultivation. However, these strategies that raised the prices for consumers of both food and fertilisers, had undesirable and even counter-productive effects, leading to the paradoxical results of reducing consumption and simultaneously increasing subsidies.

The 2014 electoral promise to double farmers' incomes in five years was pushed back by a few years to 2022. Since then, it has barely been mentioned, replaced by the promise to provide Rs 6000 per year in cash transfers to farmers. But in the near-decade since then, farmers' incomes have actually **declined** on average in real terms, and also become even more volatile (Himanshu 2022). Public investment in agriculture and related areas fell as share of public spending, and public investment declined as a share of agricultural GDP from 5.4 percent in 2011-12 to 4.3 percent in 2020-21. Meanwhile, other policies and processes operated against the interests of farmers. The NDA government's trade policies have been clearly against the interests of agriculturalists in favour of protecting consumers. When global prices of certain cash crops were high, exports were subjected to temporary bans to prevent domestic price rise—the most recent example being the bans on exports of certain rice varieties in 2022 and 2023. When such prices were low, imports continued to be permitted, forcing Indian farmers to deal with very low prices for their crops. So the focus has been more on protecting food consumers (certainly desirable in the Indian context) but without adequate consideration or compensation for the impact on cultivators. Meanwhile farmers also have to contend with increasingly frequent droughts, extreme climate events, soil degeneration and falling or polluted water tables.

These problems have been compounded by policy errors. Early in the tenure of the government that came to power in 2014, the central government sought to bring in a very flawed bill on land acquisition, which would have enabled more farmers to be displaced from their land without adequate compensation. Popular outcry at the time forced a reversal of this, but since then several state governments have quietly introduced the same provisions, which militate against land-owning farmers. Then, a few years later, three new farm laws were rushed through Parliament in the midst of the Covid-19 pandemic, ostensibly designed to “modernise” India agriculture, but in effect pushing for greater power to large private commercial players. This led to prolonged agitation and peaceful protests from farmers, who were once again successful in forcing the central government to backtrack.

There were other sins of commission, such as the wrongly conceived and poorly planned demonetisation of 85 percent of the value of the currency in November 2016. This dealt a severe blow to farmers during the *kharif* harvest and *rabi* sowing season, when they found it very difficult to sell their crops or access the required inputs. It led to a prolonged collapse in rural livelihoods and demand

(Ghosh, Chandrasekhar and Patnaik 2017; Reddy 2019). The hasty and ill-advised imposition of GST in July 2017 added to cultivation costs and was a further blow to economic activity, adding to the travails of small and medium enterprises and further affecting mass consumption demand. Livestock rearing, which had saved farmers from penury and accounted for nearly one-third of agricultural value added, has been under threat from cow vigilantes who are allowed and even encouraged to run riot, lynch innocent people and generally threaten the livestock trade. The period of the Covid-19 pandemic provided yet more disastrous shocks, with a brutal lockdown without notice or adequate social protection, followed by chaotic management that led to millions of deaths (Ghosh 2022). All of this necessarily affected cultivation and its viability.

The incidence of agrarian distress is widespread but not uniform: there are pockets of prosperity and certain categories of large farmers who are able to diversify into high value crops have benefited. However, the revival of farmers' protests in 2022 and 2023 points to the continued systemic problems in agriculture that are far from being resolved. The massive agitations by farmers across the country have not only been focused on withdrawal of the problematic farm laws. They have also had other crucial demands: a genuine loan waiver, reduction of electricity tariffs, higher procurement prices for crops and payment of the long-overdue arrears for some sales, lower GST on agricultural machinery and implements, legal recognition of the land rights of so-called "forest dwellers" who have been cultivating their land for generation, as well as demand of women farmers, which are discussed below.

The crisis in agriculture in turn has affected and been affected by the stagnation of other employment opportunities in the rural economy, impacted by the closure of many small-scale industries, decline of co-operatives, reduced viability of livestock rearing and lack of demand for local goods and services. This is sometimes presented as a trajectory in which rural people have been "left out" of the process of globalisation, or have been "marginalised" or "excluded". But cultivators and workers have not been "left out"; rather, they have been incorporated and integrated into market systems that are intrinsically loaded against them. Lack of assets, poor protection through regulation and low bargaining power have operated to make their material conditions more fragile.

Liberalised trade certainly led to increased levels of exports and imports of agricultural commodities. But there were very sharp fluctuations in the unit value of exports because of very volatile international prices. Price volatility has been particularly high for vegetables, particularly potatoes, tomatoes and onions (NABARD 2023). So the inevitable uncertainties of weather fluctuations were compounded by further problems of extremely volatile crop prices, which followed an international pattern no longer inversely related to harvest levels. Yet input prices kept rising, especially because of government attempts to reduce fertiliser subsidies and the progressive deregulation of supplies of inputs such as seeds and pesticides.

Exposure to global price volatility was accompanied by a growing reliance on private debt, because of insufficient expansion of institutional credit, coupled with a growing inability of farmers to meet debt service payments. Financial liberalisation in the 1990s led to a significant deceleration in the growth of bank credit, particularly from commercial banks to rural areas, and a relative fall in the proportion of bank credit going to the priority sectors, especially agriculture. Non-institutional or informal credit became the main source of credit for a significant proportion of rural households, with such credit accounting for more than one-third of all rural credit (NSSO 2019). Informal interest rates across rural India remain high, typically between 24 and 36 percent per annum, and these are what must be paid by particularly vulnerable groups such as marginal farmers, tenants and women farmers and others without clear land titles.



### III: Women in Indian Farming

When policy makers in India talk of the economic empowerment of women, they rarely focus on problems in agriculture, which is still seen implicitly as a male domain. Yet most of the women employed in India are engaged in agriculture, whether in household farms owned or tenanted by their families, or as wage workers. Women's contribution to agricultural production is enormous: as recognised farmers, as unrecognised and unpaid workers on family farms, and as agricultural labour (Ramachandran, Swaminathan and Nagbhushan eds, 2020). Apart from their direct involvement in agriculture, they are also crucial to rural off-farm income-generating activities such as livestock rearing, and of course to all the household-based tasks associated with social reproduction, including care of the young, the sick and the old. They typically bear the responsibility for family nutrition and household provisioning, which is part of the unpaid work they routinely perform. However, as livelihood from agriculture has tended to become more volatile and insecure in recent years, women cultivators and agricultural workers have also been negatively affected.

Data from the National Sample Surveys until 2017-18 and the Periodic Labour Force Surveys thereafter suggest that women account for the majority of those working in Indian agriculture, and currently around three-quarters of women who are recognised to be "employed" in rural India are engaged in farming. They are nearly half the workers in tea plantations, in cotton cultivation, in vegetable and fruit production, and more than two-thirds of those involved in livestock rearing.

Despite this very large presence, most such women are not recognised as farmers by public policies. Many of them are tenant farmers or agricultural workers. Around one-third of them are categorised as "unpaid helpers" in family farms, and many of those who are not even classified as "in the labour force" by the official surveys do actually participate in farming. Village surveys have regularly found that many more women are engaged in farming than the labour force surveys suggest, and also that they spend longer hours working than indicated by the official surveys (Ramachandran, Swaminathan and Nagbhushan eds, 2020).

There has been much discussion of the dramatic decline in women's recognised work participation rates (more correctly employment rates) in India, slowly from the early 1980s, more sharply from the mid-2000s onwards. This was despite rapid increases in economic activity, at least until the economic shocks from 2016 onwards. Various explanations have been offered for this, from more young women being engaged in education (which is still not enough to explain the decline) to rising real wages that have allowed women in poor households to avoid or reduce involvement in very physically arduous and demanding work with relatively low wages. It is important to recognise that these numbers relate to recognised employment, even if it is informal or self-employment, and exclude most forms of unpaid but nonetheless productive work done within households.

While there are many factors at play as noted above, two must stand out. First, there has been an overall inadequacy of employment opportunities and a slack labour market despite relatively high economic growth, largely related to the pattern of growth. It is well known, and confirmed by numerous national and international studies (Seguino and Braunstein 2018) that women tend to get rationed out of better quality jobs; and when all paying jobs are scarce, then they get squeezed out of all economic activities except the most insecure, fragile and low paying ones. This obviously has social determinants, such as the widespread conviction among both men and women that men must be the primary breadwinners in a household. This patriarchal norm even infects employment opportunities for women heading households, who are forced to be the main breadwinners. Second, and related to this, there is the continuing allocation of unpaid work within households and communities to women



and girls, and the fact that the time required for such work may even have increased because of greater atomisation of households, reduction in accessible and quality public services and continued inadequacy of basic amenities such as piped fuel and water (Ghosh 2014).

It is worth noting that the aggregate changes in employment rates in India were largely driven by the number of women recognised to be working in agriculture. In rural India, the drop in women's recognised work participation was particularly sharp, from 33 percent in 2004-05 of women above the age of 15 years to 25 percent in 2011-12 to only 17 percent in 2017-18. There was some recovery to 27 percent in 2021-22. Both the decline and subsequent partial revival were almost entirely explained by changes in women's recognised participation in agriculture, which went from 19 percent in 2011-12 to 13 percent in 2017-18 to 20 percent in 2021-22. In other words, women workers moving out of and back into recognised agricultural employment have driven the aggregate employment trends.

A shift from agricultural work to other sectors is typically seen as an essential feature of the development process. Structural transformation is typically seen as the shift from primary to higher value added secondary and tertiary activities. So a reversion to agriculture (typically as self-employed workers or unpaid helpers on family farms) essentially reflects the lack of any income-generating opportunities in other sectors. This distress shift back into agriculture is not a sign of greater dynamism that could have led to greater demand for workers in cultivation. This worrying conclusion is confirmed by the fact that a significant part of the so-called "increase" of recognised women workers was of unpaid helpers, who in 2022-23 accounted for more than one-third (37.5 percent) of rural women workers. They actually outnumbered the self-employed women handling their own micro-enterprises in rural India, according to the PLFS Annual Report 2022-23. Both regular and casual paid workers together accounted for only around one-fifth of recognised women workers in rural areas according to this survey.

However, even these numbers are likely underestimates, given the male biases in questioning and enumeration in sample surveys. A study covering village surveys in different parts of India found that if the actual hours of work are carefully counted, almost all women would be counted as workers, quite different from the low work participation suggested by official surveys. For rural women, the actual hours worked per day including care work, was between 60-80 hours per week (Ramachandran, Swaminathan and Nagbhushan 2020). Notably, a significant part of that was not only care work for family members, and providing other services, but also work directly or indirectly contributing to agriculture. Since these contributions tend to be missed when questions are posed only to one (typically male) member of the household about "usual activity" and "subsidiary activity", they can only really be identified through careful time use surveys.

Therefore, within the manifold problems of women farmers, the first and most basic one is the lack of recognition. This is not only social—it is also legal, administrative and regulatory, and has many adverse consequences. Even among those who are working on their own land or on household land, only a minority is in possession of land titles that would entitle them to bank credit, crop insurance, input subsidies, agricultural extension services, or access to government programmes such as PM-KISAN. This inevitably means that women farmers face much higher costs of inputs and credit than their male counterparts. In addition, in several parts of the country they face social constraints that limit their mobility, prevent their involvement in certain cultivation operations and reduce their ability to hire and supervise labour.

Lack of land titles or other assets denies women farmers the collateral required to obtain formal credit, reducing their ability to access bank loans and forcing them to use informal credit sources

at much higher interest rates. Quite often they are tenant farmers, thereby doubly disadvantaged. Indeed, women farmers are more likely to be unrecorded tenants paying higher rents than others. They are far more likely to borrow from moneylenders and input dealers at very high interest rates, because they cannot get cheaper loans from banks and co-operative societies. They also cannot get crop insurance. They are similarly denied access to various public services intended for farmers, whether in the form of public agricultural extension services, or subsidised inputs like fertilisers and pesticides. In some part of the country, restrictions on women from engaging in ploughing and other operations, as well as on using mechanised techniques, along with difficulties in being able to hire agricultural machinery when required, impose additional costs. Market access is also more complicated and fraught for them, because of mobility constraints and difficulties in getting their produce to markets, which makes them even more dependent on various intermediaries. Other forms of gender discrimination in markets affect women's ability to use hired labour and can change the terms on which they purchase inputs and sell their crops. Women farmers are therefore not only the weakest and most marginalised sections of the farming community, even among Dalits and other disadvantaged social groups, but they also have higher costs than their male counterparts because of structural and institutional reasons.

The issue of credit, and crop loans in particular, as well as access to other finance like crop insurance, is particularly important. More women in rural India now have bank accounts, thanks to the MNREGA, Jan Dhan Yojana and other schemes to enable the poor to open bank accounts. But this does not necessarily open up access to formal credit. Microfinance has been touted as the alternative source of credit more readily available to women, but it is nowhere near an effective substitute for institutional credit. The scheme to link Self Help Groups with public sector banks (SHG-Bank Linkage or SBL) to enlarge the access of women availing of microcredit to institutional loans has been seen as a way of addressing this gap. But the loans remain too short term and the interests are far too high to be useful in resolving the issue of loans for working capital. There have been some notable exceptions whereby cooperatives formed out of the Self Help Groups have been able to create viable enterprises involved in farming (such as some of those part of the Kudumbashree federation in Kerala). But in general, microfinance remains most fundamentally a means of consumption smoothing rather than enabling women involved in cultivation to access farming loans or credit for productive purposes in general.

All this in turn means that women farmers face significantly higher costs of cultivation than men farmers. Therefore, they are not as able to reap the benefits of foreign trade in the form of higher crop prices, even as they are affected even more adversely by rising input prices. Periods of falling output prices hit them harder for similar reasons. And when, as has been the case in the past decade in India, there are problems of viability for all cultivators, the problems of women cultivators are likely to be even more pressing. Given the existing gender inequalities in society, the livelihood crisis of the farming community in general has disproportionate adverse effects on women and girl children not only in farming families, but even among those engaged in non-agricultural activities.

Most women who are farm workers are dominantly employed as casual labour, although there are some pockets of regular employment, such as in tea and coffee plantations. As in most of the Indian economy, gender gaps in wages for agricultural work are high. For every single category of rural casual work, even in tasks traditionally performed by women in most parts of rural India (such as transplanting and weeding) gender gaps in wages are significant. In addition, many workers in all these tasks of cultivation do not enter the wage discussion at all because they are unpaid "helpers" in family enterprises. Such unpaid workers accounted for 43.1 percent of all women workers in rural areas, but only 11 percent of men rural workers, in 2022-23. If these unpaid workers (both male and

female) were included in the calculation at zero wages, gender wage gaps would show up as being very much larger.

Many of the casual workers in Indian agriculture are migrant workers, both men and women. The migration is of many different kinds: seasonal, circular, short-term, task-specific. They vary from daily (but possibly quite long and tedious) commutes to prolonged and sometime permanent moves. Distances covered in such migration for agricultural work also vary greatly. As new cash crops have placed new requirements for labour at specific times, such migration had become more prevalent, but it is inadequately captured in the sample survey data. The role of labour contractors has grown more evident with the commercialisation of agriculture. Public policy about such migration within the country is largely absent, and where it does exist it is gender blind and insensitive to the needs of women to an alarming degree. Women migrant workers in agriculture (and in other rural work such as in brick kilns, etc.) face multiple challenges, in addition to the lower wages they receive. They face concerns about physical security and sexual exploitation both during the travel and at the destination. Despite the enforcement of a national UID system (Aadhaar), access to public services tends to remain dependent on the defined home location, so migrant workers get denied essential public services, including for nutrition and health services. It is difficult if not impossible to enrol children in Anganwadis or schools in the destinations. Some states (such as Kerala and Tamil Nadu) have brought in special schemes for inbound migrant workers, but these remain the exception.

These concerns are further amplified because of intersectional inequalities. Women from marginalised communities, such as particular castes or ethnic, religious or linguistic groups often face even worse conditions in labour markets than other women workers, and this is also true of agricultural labour markets.

## IV: Food Security

Nutrition indicators in India have been marked by significant differences across men and women, boys and girls. And there has been very little improvement in such indicators, especially over the past decade. Genuine food security among a population requires some public intervention. For a large country like India, food security for the people also requires some degree of national food sovereignty through sufficient domestic supply. This means increases in agricultural productivity, changes in cropping patterns, and the sustained viability of cultivation. Then people must have the purchasing power to buy the necessary food, so employment, remuneration and livelihood issues are important. Social discrimination and exclusion that can determine both livelihood and access to food by different social categories, also have to be reckoned with, along with the provision of clean drinking water, sanitation and access to other basic amenities.

In terms of domestic food production, the period of more open agricultural trade meant a deterioration of conditions of food sovereignty, with the shift from cultivation of traditional staples and to cash crops. There was also a sharp decline in per capita food grain absorption. The decline in per capita calorie consumption occurred even for the lowest 40 percent of population. This confirms the evidence on poor nutrition outcomes from the National Family Health Surveys, which is strongly gender-differentiated.

With open trade, when global food prices rise, Indian food prices tend to rise as well, even though this does not usually benefit the farmers but the intermediaries. But when global prices fall, food prices in India do not necessarily fall but may stabilise at higher levels or even continue to increase. This was evident in the period just before and after the Global Financial Crisis of 2008, when a price

surge in world food markets led to even greater domestic food prices increases in India (Ghosh 2010). This was also associated with a rise in retail margins in many towns and cities of India, especially in regions where there was a growth in corporate food retail activities (Chandrasekhar and Ghosh 2011).

Recognising the widespread prevalence of hunger and undernutrition, the Government of India sought to legislate to make the right to food a legal right and make the existing Public Distribution System more widely accessible. The National Food Security Act 2013 legally entitled 75 percent of the rural population of the time and 50 percent of the urban population (amounting to around two-thirds of the total population) to receive a certain amount of subsidised food grain under the Targeted Public Distribution Scheme. It also entitled pregnant and lactating mothers and infant children up to 3 years to receive some amount of free food. Given the known gender divisions within households, it was recognised to be important to ensure that there is physical food provision rather than cash transfers that can be spent on other items by effectively depriving women and girl children of adequate nutrition.

While the Act did not go far enough, and excluded around 100 million deserving beneficiaries (Dreze et al 2019) it necessarily required the programme to relate to particular food items. This made it a measure that could be contested under the WTO's Agreement on Agriculture (AoA), which forbids crop-specific subsidies over the minimum permissible limit for countries like India. In 2013, the USA raised a dispute in the World Trade Organization, arguing that the Act contravened the AoA because of crop-specific purchases of food grain by the public sector and its subsidised distribution to vulnerable populations. India managed to avoid an adverse ruling and associated sanctions only by fighting with great difficulty for a Peace Clause to delay action until some agreement is eventually reached by the WTO membership as a whole. The advanced countries are opposing such a resolution, and the matter still hangs in the WTO, so the Peace Clause is currently still active. However, this episode and the continuing uncertainty about the permissibility of the scheme given the rigid interpretation of the AoA, point to the problems and contradictions inherent in some of the global architecture, particularly for developing countries like India that are rightly concerned about both food security of the population and livelihood security of farmers. This is why food security in India has also become an international trade issue, and why the food concerns of women and girls in particular are directly impacted by trade agreements.

## **V: The Gender-Differentiated Impacts of Liberalised Trade**

The previous discussion suggests that the impacts of deregulated and more open trade policies (along with various other policies like financial liberalisation and reduction of public spending for agriculture and rural areas) had separate and disproportionate effects on women, precisely because of the specific conditions under which women and girls live and work. Within the generalised crisis of farming, the condition of women farmers has typically been worse than that of their male counterparts, for several reasons. The first – and possibly the most important – is the fact of non-recognition, which plagues so much of women's work in India. In most states of the country, women are typically excluded from asset ownership, and therefore very rarely do they have titles to land in their own names, even when they are the direct cultivators (Agarwal 2001). When they are involved in working on family farms, they are treated by investigators, policy makers and even local society as “helping” the actual farmer rather than as full and equal participants in cultivation. This has several direct material consequences, quite apart from social recognition of their economic contribution and the implications for women's voice, empowerment and bargaining power within and outside households. Despite much activism by women's groups and others around the demand for giving women equal rights to the land and many pious declarations by governments, the situation is still extremely unequal, and women farmers are regularly denied their rights to land. The absence of legal titles to land means that women farmers

cannot access institutional credit, cannot benefit from various public programmes and subsidies targeted to farmers with land titles, and are therefore forced into non-formal arrangements that are typically more exploitative and disadvantageous for the cultivators. This means that women farmers are more likely to be unrecorded tenants. They are also far more likely to borrow from money lenders and input dealers at very high interest rates, rather than get cheaper loans from banks and co-operative societies. They get excluded from public programmes for agricultural extension, input provision and other advantages that male farmers with land titles have.

The agrarian crisis is highly differentiated by region and category of cultivator. The burden has mainly fallen on small and marginal farmers, tenant farmers and rural labourers, particularly those in dryer tracts—and women farmers are more frequently found in such categories. The most extreme manifestation of the crisis has been in the suicides by farmers in some parts of the country, but women's suicides are often not classified as “farmer suicides” because they do not have land titles and are not recognised as farmers. The Covid-19 pandemic greatly worsened this phenomenon, as well as that of hunger deaths and deaths related to undernutrition (Ghosh 2022).

In addition, in different parts of the country, social constructions of gender constrain the ability of women farmers to engage in some cultivation practices such as ploughing, forcing them to use hired labour for certain operations. Other forms of gender discrimination in markets affect their ability to use hired labour and can change the terms on which they purchase inputs and sell their crops. All this means that women farmers are typically not only the weakest and most marginalised sections of the farming community, even among Dalits and other disadvantaged social groups, but that they typically have higher costs than their male counterparts because of structural and institutional reasons. Therefore, when there are problems of viability for all cultivators, as has been the case in the past decade in India, the problems of women cultivators are likely to be even more pressing.

It is true that the picture is complex, because in some parts of India there is also evidence of substantial agricultural income expansion through diversification of crops, expansion of horticulture and related activities and growth of commercial farming. This in turn has led to loss of assets, including land, by the small peasantry—and women have been disproportionately displaced from cultivable land, whether as registered owners or tenants. This reflects the wider movements from subsistence farming to commercial farming, and the requirements of global markets rather than local markets, that have made it harder for women cultivators to operate on equal terms.

Meanwhile, the extreme task-based work segmentation of work that is characteristic of Indian agriculture has meant that women working (in paid or unpaid fashion) on farms are more likely to be affected by both trade and technological progress, and also very emphatically by climate change. Some women agricultural workers are being displaced from their previous paid activities, while more are forced to work (and increasingly in unpaid work) in extremely hot and debilitating conditions that can be real threats to life.

The structural discrimination against women in India's labour markets is reflected very sharply in gender wage gaps in cultivation. For every single category of rural casual work, even in tasks that are traditionally performed by women in most parts of rural India (such as transplanting and weeding) gender gaps in wages are significant. The largest difference is evident for fisheries, where women workers are typically employed in difficult and unpleasant tasks such as cleaning water tanks while being partially submerged in water, and yet receive on average less than half the male wages. In non-cultivation rural activities, women employed as casual labourers receive just above half the male wage on average.

It is clear that the period of more open trade has had very adverse and gendered consequences on cultivation in India, increasing vulnerability and fragility of working conditions and material life and adding to unpaid work burdens of women. This has been made much worse by public policies that have simply not recognised the specific problems of women farmers and agricultural labourers, and especially in the past decade have been based very strongly on traditional assumptions about male ownership, control and direction of human activity on farms. Reversing this will require a reversal of these official attitudes to begin with, and explicit recognition of the difficulties and socio-economic rights of the hundreds of millions of women who contribute to Indian agriculture

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# SECTION II Women and the Worlds of Work

## II

**Anchors: Ritu Dewan and Sona Mitra**  
**Overview by Ritu Dewan**

Section Two of the IGR contains a total of six chapters, and focuses on several major themes related to Women and Work. India has one of the lowest rates of women's workforce participation, additionally characterised by wage differentials and also exclusion based on extra-economic factors such as religion and caste. Women's exclusion from the labour market as both regular and casual workers has led to the majority being pushed into self-employment, with a negligible percentage serving as employers, pointing to the prevalence of sub-par employment conditions for women. Urgent related issues that impact the worlds of work of women are migration, the nature of 'entrepreneurship', areas of labour absorption, and the institutionalisation of labour market inequalities manifested in the new labour legislations.

***Trends in Women's Workforce Participation in India*** by **Sona Mitra and Mridusmita Bordoloi** examines changes over the last decade. The major causes for a low participation rate in both rural and urban areas are several: lack of job security and alienation from basic social security provisions even for regular workers; predominance of unpaid helpers in household enterprises; domestic and care burden; constraints on women's mobility; discriminatory recruitment practices, etc.

In ***Social Group Dimensions of Women's Employment***, **Neetha N.** demystifies the layers of exclusion that marginalised women in particular encounter, their lack of social capital leading to denial of entry into the labour market and their concentration in lower-end jobs. It is asserted that women not be perceived as a homogenous entity, but to additionally take into account challenges and obstacles that characterise social identity differentials while analysing labour market structures and relations.

**Indrani Mazumdar** combines three methodologies to examine three scenarios in ***Women and Migration***: the interconnection between employment and migration over three decades based on macro data; micro-studies for analysing circular and seasonal migration; and case studies related to women migrant workers' experiences. It is argued that the capitalist mode of accumulation via the utilisation of piece-rated work through the employment of a 'family unit' rather than an individual worker devisibilises women as independent earners.

***Women in MSMEs*** by **Preethi Rao and Aishwarya Joshi** locates the evolution of entrepreneurship and examines the gender components especially in relation to women's participation in micro, small and medium enterprises. Challenges to increasing women's entrepreneurship are identified, as well as enablers including ecosystem-based solutions that can enhance women's potential. Also put forward are suggestions and recommendations encompassing several components including investment patterns, innovations, market and network support.

**Anweshaa Ghosh** focuses on ***New and Emerging Sectors of Labour Absorption***, a sector on which there has not been enough research from a gendered perspective: the platform economy. Several fundamental aspects are dealt with: factors affecting women's entry; the gender digital divide; precarity and precarious working conditions; prevailing gendered notions; unpaid work; algorithm



controls; volatility; unsafe workspace mechanisms; non-inclusive space, etc. The consequence is the relegation of women workers to the margins of the platform economy.

The last chapter, ***Decoding the Labour Codes: Women, Work and Rights*** by *Ritu Dewan*, examines the gendered implications of the recent amalgamation of all labour laws into four Codes. The very definition of 'worker' now excludes those employed in private households, thereby denying these workers the benefits of whatever the Codes seek to give. Social security measures have not been identified; sexual harassment at the workplace finds no mention; safety conditions have been made optional; constraints implemented on all workers from all sectors and sub-sectors who seek recourse to unfair labour practices.

# CHAPTER 6 Trends in Women's Workforce Participation in Indian

Sona Mitra and Mridusmita Bordoloi

## Abstract

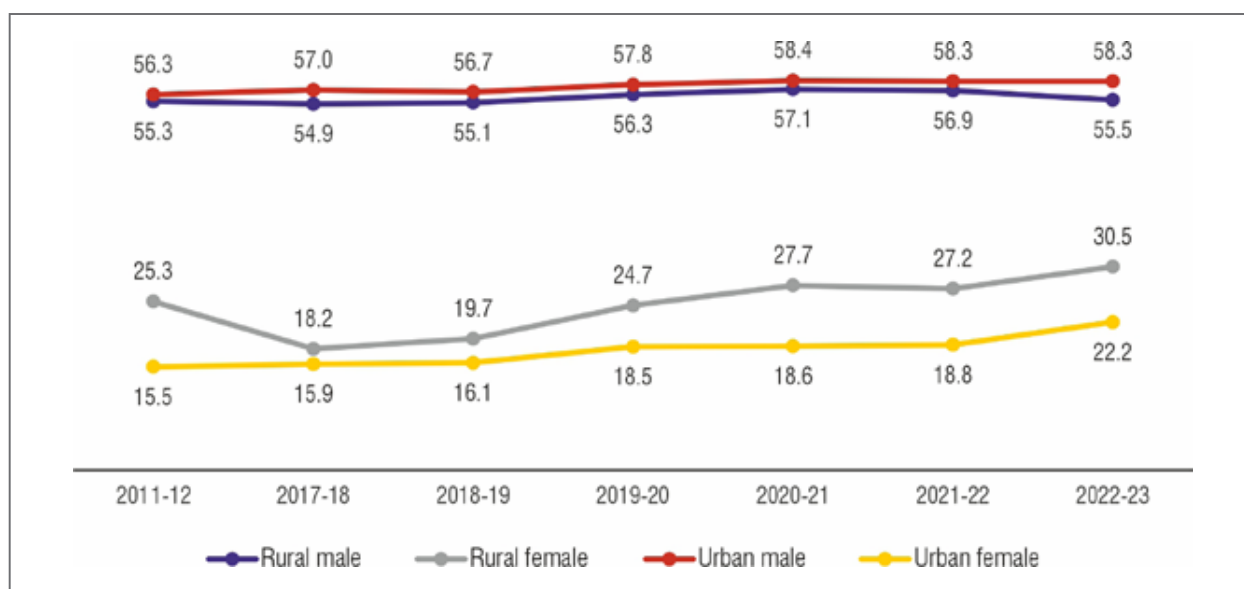
Women's workforce participation rate is significantly lower in India, not only in comparison to men, but also compared to women in other economies growing at similar rates. Low worker population ratio (WPR) of women stems from low labour force participation rate (LFPR), which refers to proportion of people who are either working or actively looking for work. Between 2011-12 and 2017-18, while LFPR dropped steeply among rural women from 25.3 percent to 18.2 percent, it changed very little among urban women from 15.9 percent to 15.5 percent. The rates started increasing slowly since then to reach 30.5 percent for rural women and 22.2 percent for urban women in 2022-23. Accordingly, women's WPR also moved slightly upwards in the last few years. However, despite this increase, the working conditions have not changed, there exists strong occupational segregation and women remain concentrated in low paid and low value-added jobs. Even among those working as regular-salaried employees, a large proportion of women do not have written job contracts or basic social security provisions. During the last decade, while around half of urban women workers have regular employment, majority of the rural workers have been self-employed. Among the rural self-employed women, the majority were unpaid helpers in household enterprises, who do not directly get individual earnings in hand. Among the urban self-employed women, substantial section are own-account workers. While lack of decent work conditions remains a challenge for women's work participation, the persistent challenge of very low levels of female labour force participation rate (FLFPR) remains. The reasons identified and highlighted in the chapter pertains to allocation of a large proportion of women's daily time to domestic and care responsibilities, gendered social norms around women's mobility, type of education pursued, responsibilities post marriage, and discriminatory recruitment practices by employer. At the same time, lack of jobs for women across sectors and industries is equally responsible for lower participation of women in the labour force.

## I: Introduction

The proportion of women in India joining the workforce is significantly lower, not only in comparison to men, but also compared that of women in other economies growing at similar rates. Work participation rate among women, defined as worker (employed) to population ratio (WPR), is an indicator of active engagement women in the labour market. While, WPR represents one part of the labour force estimates, the labour force participation rate (LFPR) refers to proportion of individuals who are either working currently or actively looking for work. During the decade between 2011-12 and 2021-22, LFPRs in

India were the lowest among urban women, while urban men had the higher rates (**Figure 1**). In fact, men in rural and urban areas have had similar trends in LFPR, with rural men registering slightly lower rate than urban men by an average of around 2 percentage points. However, women in rural areas historically had relatively higher rates than in urban areas. Between 2011-12 and 2017-18, while there was a steep drop in LFPR among rural women from 25.3 percent to 18.2 percent, that among urban women changed very little from 15.9 percent to 15.5 percent. The rates started increasing since then to reach 30.5 percent for rural women and 22.2 percent for urban women in 2022-23. Despite this, the level is still lower than the global and regional averages.

**Figure 1: Labour Force Participation Rate (LFPR) according to usual status (PS+SS), 2011-12, 2017-18 to 2022-23, All India (%)**



Source: Employment Unemployment Survey- 2011-12; PLFS - 2017-18 to 2022-23, NSO, MoSPI, Gol.

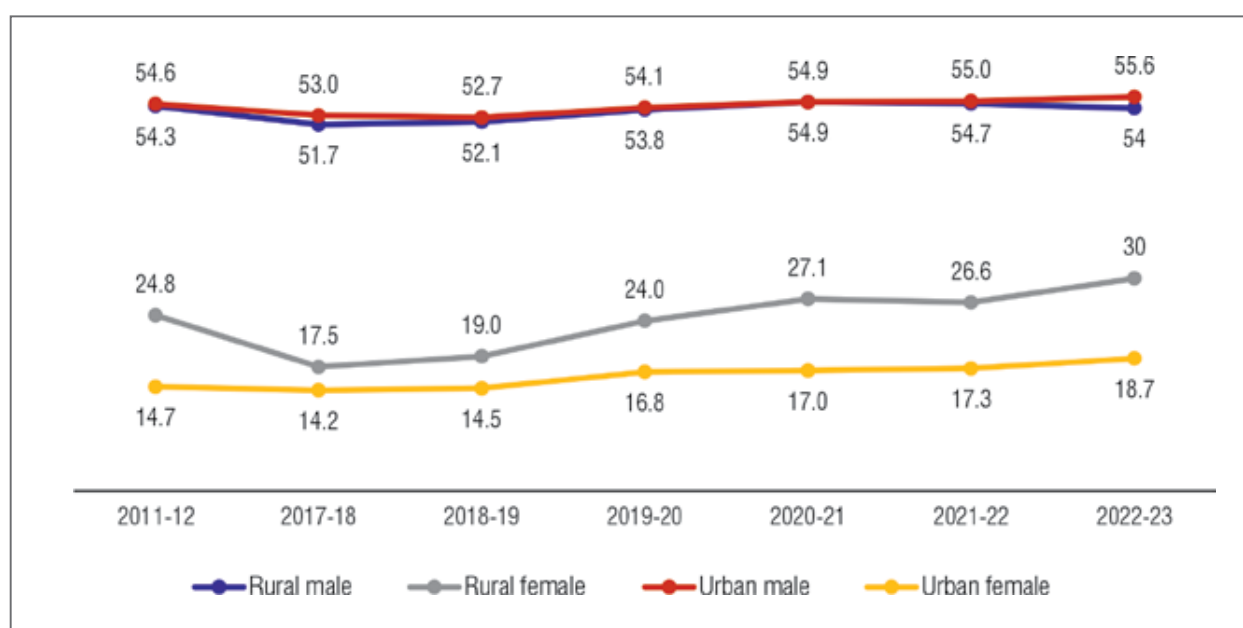
Various factors have been attributed to low levels of LFPR among women in India, arising from both supply and demand side of the labour market. They range from increased enrolment of women into higher education, delaying their entry to labour markets, increased income of households inducing an income effect that leads to a withdrawal of women from the labour market, mechanisation of agricultural processes leading to exclusion of rural women from agricultural work, migration induced by marriage leading to loss of jobs, restrictive social norms and so on.

However, an insidious factor deterring women from participating in the workforce actively is the disproportionately large share of women's daily time allocated to of domestic and care responsibilities within households. During 2021-22, around 46 percent of rural working age-women (15 to 59 years age) and 57 percent of urban working age-women were engaged in full-time household duties, whereas the corresponding shares were less than 1 percent for males in both rural and urban areas. Again, the share of women engaged in full-time domestic work is higher among married women, women belonging to households with higher number of children and households with joint family structure, as compared to the rest. Around 60 percent of married women were occupied in full-time domestic duties, as opposed to 30 percent other women. Such a pattern is visible primarily because of the gendered social norms that considers women as the primary caregivers within a patriarchal society, while men are considered as the primary bread-earners of households. These norms become even more stringent for young married women and those with children.

The PLFS data indicate that even among women with education level of graduation, post-graduation and above, a high share of 52 percent are engaged in full time unpaid domestic work. A considerable share of highly educated women being engaged primarily in housework, also points to the dearth of suitable opportunities in the secondary and tertiary sector, and thus low opportunity cost of being full-time homemakers. Another aspect that restricts women's entry into workforce is the gender bias in recruitment processes in certain industries or occupations, often practiced by the employers. At the same time, slower pace of job creation in the economy in comparison to the pace of increase in working age population, as well as high level of informality in the nature of jobs being created, work against women's entry into the labour force.

Similar to the trend in LFPR, WPR has consistently been the lowest among urban women, followed by rural women, while being significantly lower than the rates among rural and urban men (**Figure 2**). The rural-urban gap in women WPR had been increasing consistently since 2017-18 with relatively higher pace of increase in rural women WPR, while that among urban women had a negligible increase. In comparison, there was very little increase in WPR among men with hardly any difference in urban and rural rates.

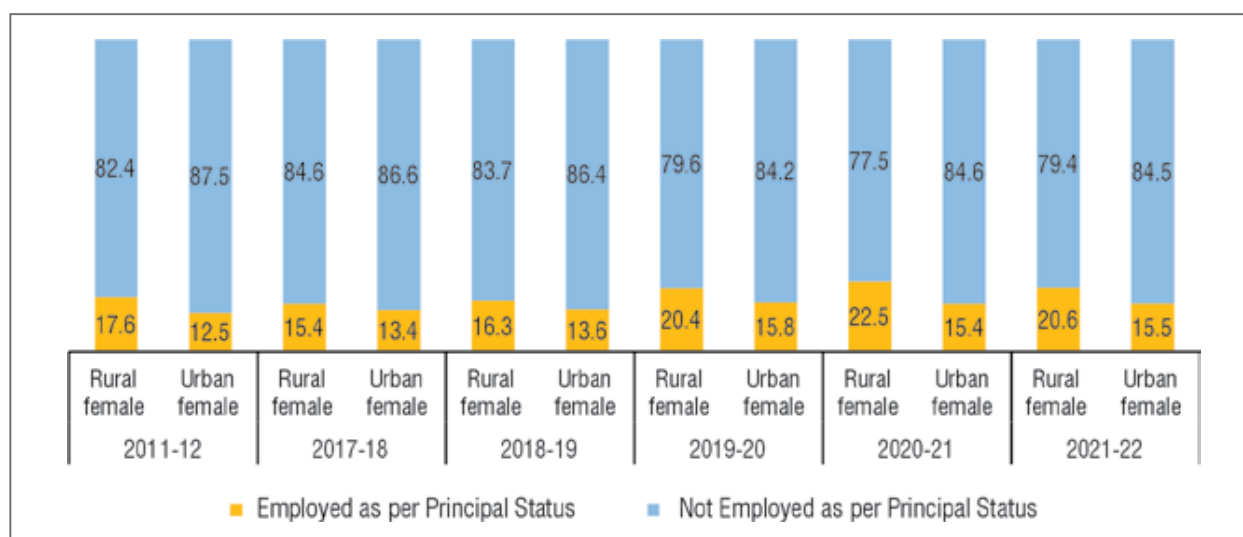
**Figure 2: Worker Population Ratio (WPR) according to usual status (PS+SS), 2011-12, 2017-18 to 2022-23, All India (%)**



Source: Employment Unemployment Survey-2011-12; PLFS - 2017-18 to 2022-23, NSO, MoSPI, GoI.

For a considerable proportion of these women, work participation has not been their principal status where they engage for more than six months of a year. For instance, in 2019-20, while 24 percent rural females were working, only 20.4 percent was working full time. During the peak COVID period of 2020-21, the gap between principal status workers and the rest increased: 22.5 percent rural women were full-time workers, while overall WPR was 27.1 percent (**Figure 3**). This shows that a considerable share of females is not full-time workers in rural India, whose primary status is likely to be household care work, studies or any other. Employment rates according to principal status are higher for rural women across all years. On the other hand, in urban areas, females working according to their secondary status were far less. For instance, while 17 percent urban females were working during 2020-21, 15.4 percent was working according to primary status.

**Figure 3: Women Employed as per Principal Status out of Total Women Population, by Place of Residence, 2011-12, 2017-18 to 2021-22, All India (%)**



Source: Employment Unemployment Survey- 2011-12; PLFS - 2017-18 to 2021-22, NSO, MoSPI, GoI.

In the post COVID period, there was a slump in the economic growth rates accompanied by a rise in female labour force participation rates (FLFPRs) and female worker population ratios (FWPRs) especially in rural India. This rise is driven by the rising participation of women in agricultural activities. If we look at the nature of employment, it is primarily self-employment that rose. Moreover, within self-employment, it is the share of unpaid workers contributing towards household enterprises that grew faster. By 2021-22, the rise in the incidence of self-employment caused by the pandemic was back to pre-pandemic levels for men, but remained higher for women. Since both self-employment and agriculture constitute residual sectors, rise in FWPRs may partly signify a distress manifestation. (SWI, 2023)<sup>1</sup>.

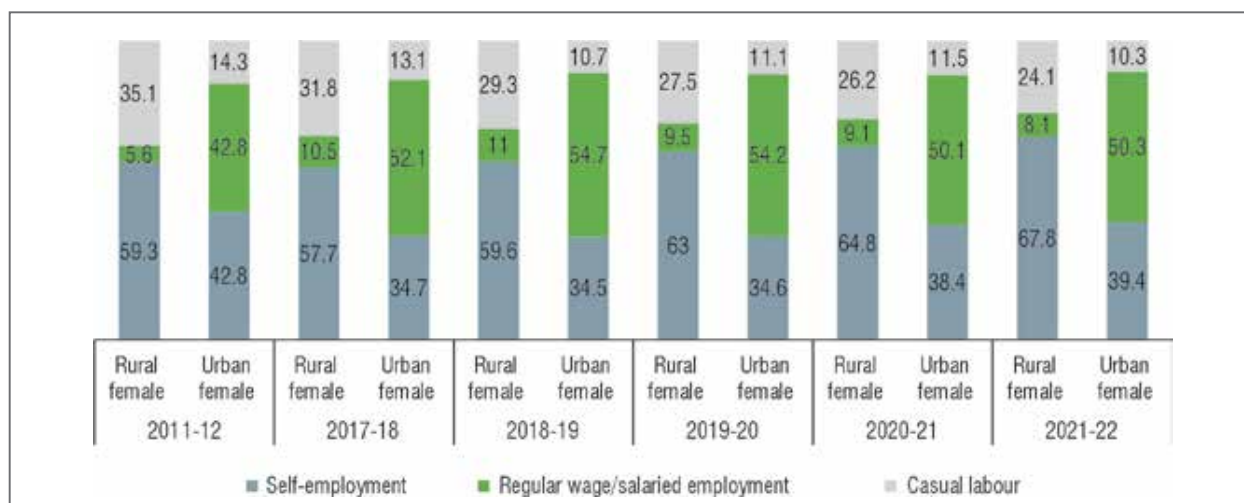
## II: Trends by Status of Employment

In terms of the nature of women's work, regular employment has been available for a large section of the urban workers, while majority of the rural workers have been self-employed across all years (**Figure 4**). After self-employment, the other prominent type of work among rural females is casual labour, followed by a small proportion in regular employment. After a decline in the share of self-employed rural females from 59.3 percent in 2011-12 to 57.7 percent in 2017-18, it started rising in the subsequent years. The share reached 67.8 percent in 2021-22, indicating that more than two-thirds of rural female workers were self-employed in the post-COVID period.

Among the urban female workers, the share engaged in regular employment went up between 2011-12 and 2017-18 from 42.8 percent to 52.1 percent, and further increased to 54.7 percent in 2018-19. Since 2019-20 with the economy showing signs of slowing down, the share started to come down to reach 50 percent in 2020-21 and 2021-22. In parallel, there was a slight increase in the proportion of urban self-employed females in 2020-21 and 2021-22, as compared to the previous three years. This decline in regular employment and rise in self-employment was accentuated because of the economic shock caused by the COVID-19 pandemic, which in itself was an indication that there was a gradual rise in the precarity of the jobs where females were engaged in.

<sup>1</sup> State of Working India (2023) Social identities and labour market outcomes, Centre for Sustainable Employment, Azim Premji University.

**Figure 4: Distribution of Women Workers as per Usual Status (PS+SS), by Place of Residence, 2011-12, 2017-18 to 2021-22, All India (%)**



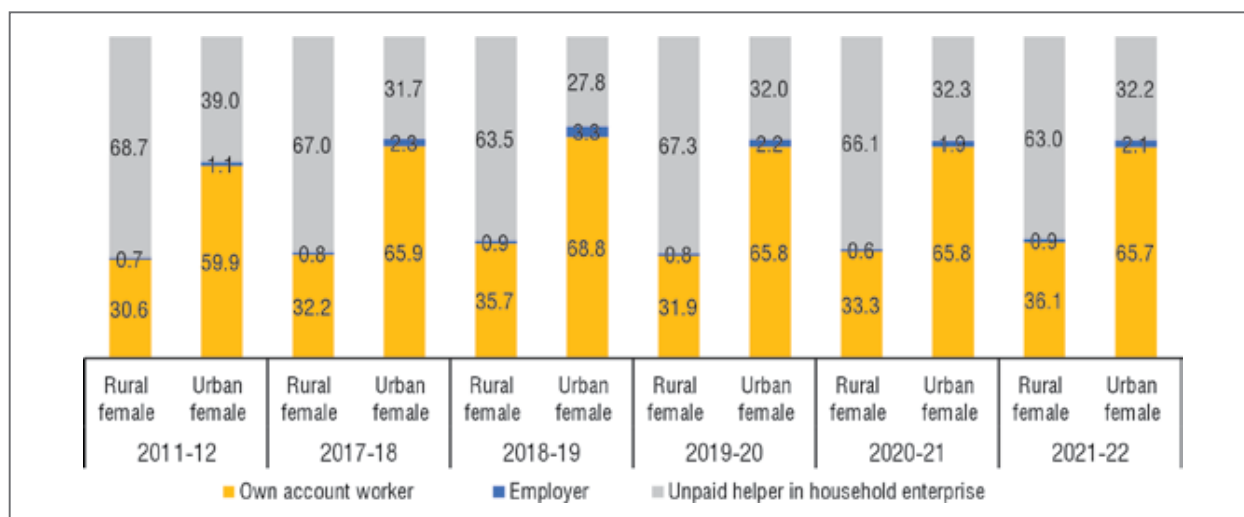
Source: Employment Unemployment Survey- 2011-12; PLFS - 2017-18 to 2021-22, NSO, MoSPI, GoI.

In the recent years, there has been a reversal of past movement out of agriculture by women. The figures show significant movement into the sector by women mostly in the category of self-employed family workers. 76 percent of rural women workers remain engaged in agrarian activities in 2021-22. The occupational distribution of rural women as per the PLFS 2021-22 shows us that around 58 percent was engaged as skilled agricultural and fishery workers, and 26 percent in elementary occupations, which are basically labourers engaged in different types of work including agricultural and non-agricultural work. The next largest contributor to rural women's employment is the manufacturing sector with a share of 7.9 percent among total rural women workers, followed by 5 percent in the construction sector. A relatively small share of 3.7 percent rural women workers was employed in trade, hotel & restaurant sector. In the urban areas, the largest contributor to women's employment in 2021-22 was the service sector employing 40.7 percent workers, followed by the manufacturing sector that employed 24.3 percent, and the trade, hotel & restaurant sector employing 14.8 percent of the total urban female workers. In terms of occupational groups, the share of engagement in elementary occupations stood at 22 percent, and that of white-collar occupations including senior officials, managers, and professionals, stood at 28 percent.

A deeper look into the self-employed women across different sub-categories reveal interesting insights. In the rural areas, women employers, are almost negligible at less than 1 percent over the last decade (**Figure 5**). In the rural areas, majority of the self-employed women have been engaged as unpaid helpers in household enterprises, who do not directly get individual earnings in hand. The share of unpaid family helpers was a little higher than two third in both 2011-12 (69 percent) and 2017-18 (67 percent). A similar situation was observed in 2019-20 and 2020-21 as well. In 2021-22, the share dropped to 63 percent. Agriculture continues to remain the most important sector for self-employed women workers.

Among the urban self-employed women, the share of employers have increased from 1.1 percent in 2011-12 to 3.3 percent in 2018-19 to fall to 2.2 percent in 2019-20 and remains the same currently. Majority of self-employed women were working as own-account workers. Between 2011-12 and 2017-18, urban own account workers increased considerably from 59.9 percent to 65.9 percent. This share increased further to 68.8 percent in 2018-19, after which it has remained almost stagnant till 2021-22 at 66 percent. In fact, the overall structure of self-employment among urban women, including the share of unpaid workers and employers, has remained similar since 2019-20.

**Figure 5: Trend in Distribution of Women Self-Employed Workers across Categories of Self-Employment, by Place of Residence, All India (%)**



Source: Employment Unemployment Survey- 2011-12; PLFS - 2017-18 to 2021-22, NSO, MoSPI, GoI.

A deep dive into the working contracts of regular income-earning women workers show that a considerable proportion is working in vulnerable conditions without any job security or social security provisions from the employers' side. As shown in **Figure 6**, more than half the women with regular employment in both rural and urban areas are working without a written job contract or social security, and nearly half of the women (ranging between 42 percent to 52 percent) in regular employment are not eligible for paid leave.

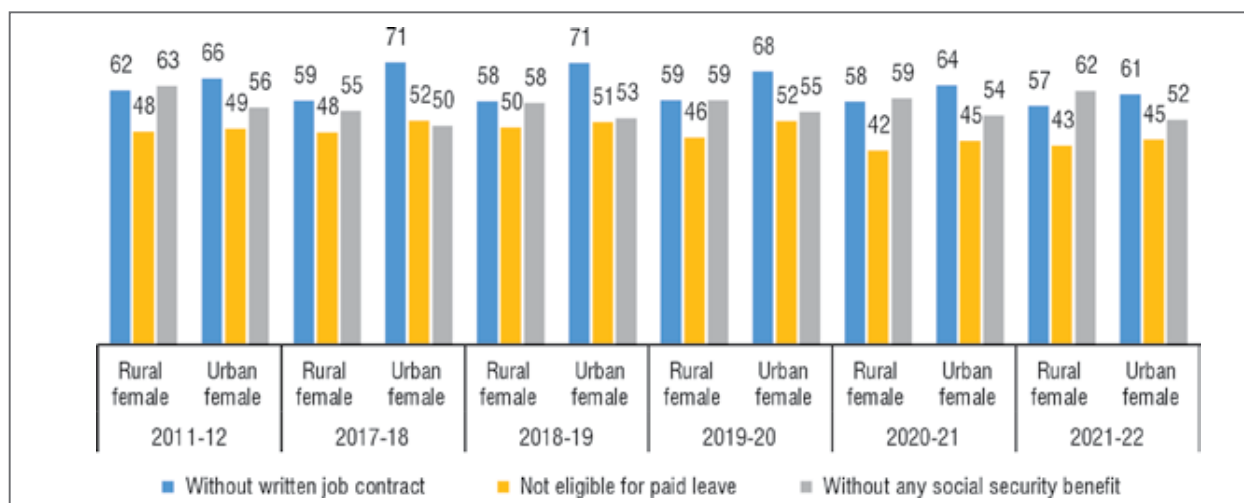
The proportion of regular employees without written job contract has consistently been higher in urban areas. Over the last four years, this share has also dipped considerably in urban areas - from 71 percent in 2017-18 to 61 percent in 2021-22. While there was a positive trend with the proportion of regular salaried women without social security decreasing from 56 percent in 2011-12 to 50 percent in 2017-18, it started rising again since 2018-19 and remained in the range of 52 percent to 55 percent. Between 2011-12 and 2021-22, there has been marginal decline in the proportion of women with regular employment, yet the shares are still substantial. Overall, between 2011-12 and 2021-22, the proportion came down from 48 percent to 43 percent in rural areas and from 49 percent to 45 percent in urban areas.

In comparison, the proportion of rural women regular workers without written job contract has hardly changed during 2017-18 and 2021-22, and was in the range of 57 to 59 percent. In rural areas, of the women with regular employment, the proportion without any social security benefit from employers (such as PF, gratuity, health insurance, maternity benefits etc.), reduced significantly between 2011-12 to 2017-18 by 8 percentage points, to arrive at 55 percent in 2017-18, which started rising again from 2018-19 onwards and reached 62 percent in 2021-22.

Such trends indicate that even among women workers with regular employment that guarantees a regular flow of income in specific intervals, there exists very high levels of informality and greater casualisation.



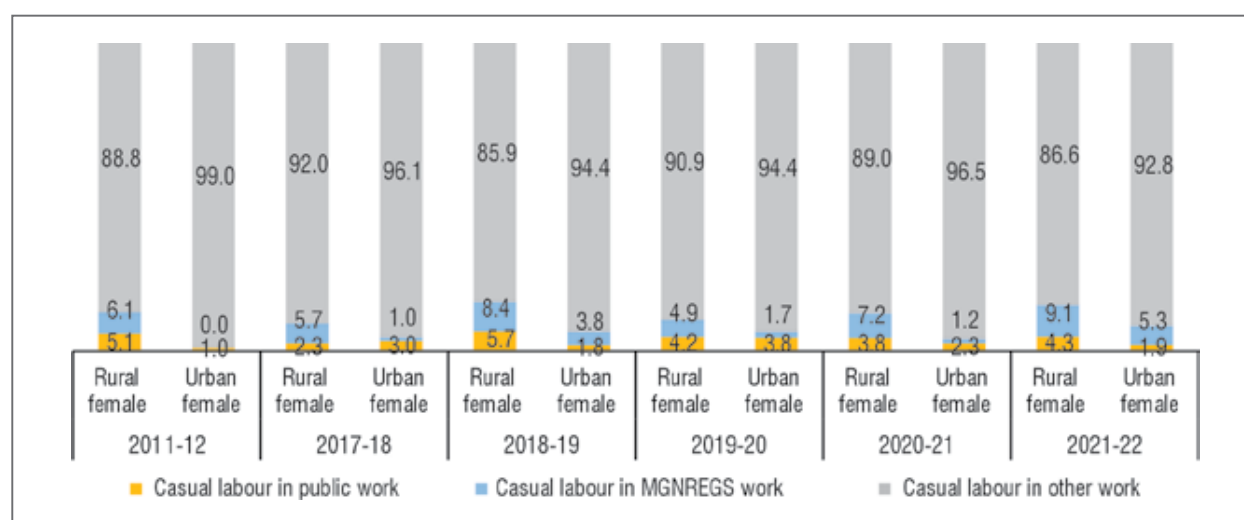
**Figure 6: Working Conditions of Regular Salaried/Wage Earning Women as per Usual Status, by Place of Residence, 2011-12, 2017-18 to 2021-22, All India (%)**



Source: Employment Unemployment Survey- 2011-12; PLFS - 2017-18 to 2021-22, NSO, MoSPI, GoI.

As mentioned earlier, casual labourers constitute a relatively smaller share of the overall women workforce – 24.1 percent in rural India and 10.3 percent in urban India. Nationally, a vast majority of the women casual labourers have been engaged with non-public or non-governmental work. The share of urban female casual labourers engaged in non-public work is higher than that of rural females. Non-public manual work constitutes approximately 93 percent of all urban casual women workers, and has been between 86 percent and 92 percent in the last decade, the rest being MNREGA work performed by women.

**Figure 7: Trend in Distribution of Women Casual Labourers across Type of Work as per Current Weekly Status (CWS), by Place of Residence, All India (%)**



Source: Employment Unemployment Survey- 2011-12; PLFS - 2017-18 to 2021-22, NSO, MoSPI, GoI.

### III: Women's Earnings

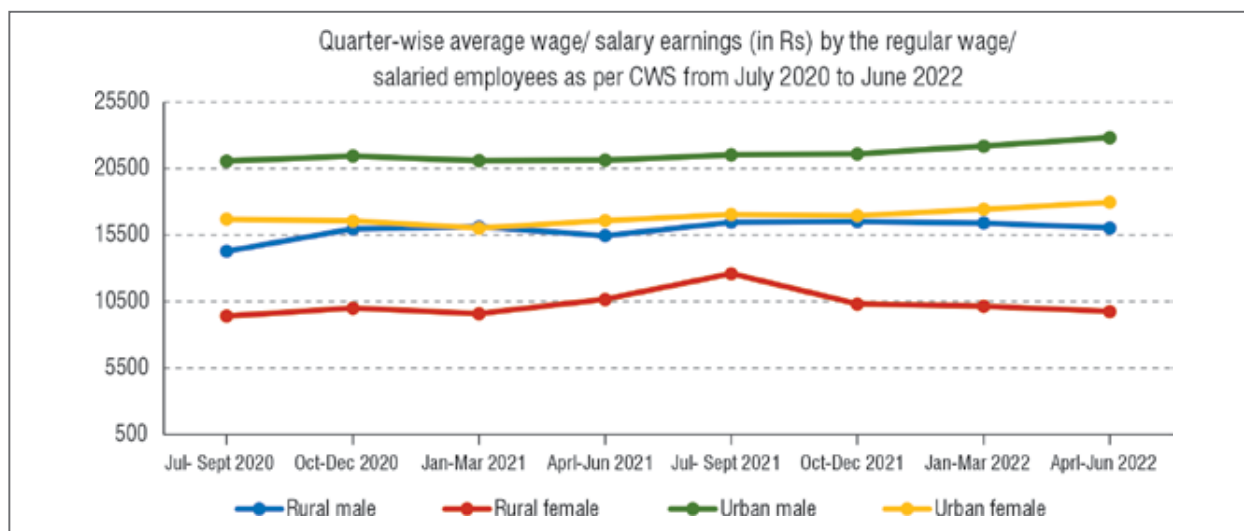
Past statistics has revealed that in India's labour market, the average earnings of women have been considerably lower than those of men, with the recent years experiencing some moderate decline in gender wage gaps. Interestingly, most of the occupations where women tend to cluster, have higher

gender-based wage gaps as compared to the wage differences in other occupations. The category with high gender wage gap was elementary occupations, where average earnings of women were only 56 percent of the earnings of men. Elementary occupations consist of all labourers across agricultural activities (inclusive of animal farming, fishery and forestry), manufacturing, construction and mining activities, as well as elementary sales and service workers such as domestic helpers, cleaners, building caretakers, street vendors, guards, garbage collectors etc.

Due to the economic shock caused by the pandemic the earnings across most occupations were adversely impacted post 2019-20. The consumer demand took a big hit in 2020-21 and initial quarters of 2021-22, due to multiple instances of lock-downs slowing down economic activities, as well as major restrictions on people's movements. At the same time, supply of labour increased to support household earnings in the distress situation. the share of self-employment increased faster than the share of wage employment which also had an impact on the earnings of women. As shown in Figure 8, since July 2020 average earnings of those who had regular employment, kept fluctuating and witnessed a lack of improvement over the next two years, as per the estimates provided by the earnings data in the PLFS from 2017-2022 significantly, while the share of employment grew in the self-employed category for women, the earnings in the same category dropped proportionally more than the earnings from wages. This has been reported in the State of Working India Report, 2023.

Amidst this period of overall drop in earnings, women workers faced a relatively larger blow to income levels, which was reflected in higher gender wage gaps across most sectors. In rural areas, average monthly incomes of regular wage or salary earners again started declining slightly after September 2021 to reach similar levels a year before in 2020 during the peak COVID period. Overall, during the entire period of two years from July 2020 till June 2022, gender gap in regular salaried earners remained quite high. Among the three broad types of work, the starkest gender gap in earnings was visible in self-employment work, with women reporting earnings only 41 percent of what men earned from self-employment during 2020-21. This ratio increased slightly to 44 percent in 2021-22. However, it is important to note that women's earnings from self-employment had started declining even prior to the pandemic. In the case of casual work, average daily wages of women were around 67 percent of the wages received by men during 2021-22, which was relatively lower in 2020-21 at 65 percent.

**Figure 8: Quarter-wise Average Wage/Salary Earnings (in Rs) by the Regular Wage/ Salaried Employees as per CWS from July 2020 to June 2022**



Source: PLFS – 2020-21, 2021-22, NSO, MoSPI, GoI.

## IV: Observations

There has been an increase in women's participation in workforce as per the latest surveys. These figures are contested at different levels by researchers. However, even if we ignore the issues of reliability of the data, despite the increases, the FWPR and FLFPR figures are nowhere near the other similarly placed countries and fall far below expectations. A deeper look into data also highlights the deteriorated conditions of work and the sub-par levels of jobs in which women remain concentrated. The return of women into agriculture, especially as self-employed family workers is a strong indicator of deteriorating status of women workers in the labour market. The slow increases in the growth of earnings in real terms, the rigid gender gaps and deteriorated earnings from self-employment further strengthens the argument of lowered status and deteriorated working conditions for women in the labour market.

The fact that women need good quality jobs to stay in the labour market – jobs that offer decent remunerations, adhere to legal entitlement, have women-friendly policies and workspace environment, covers for basic levels of social security, gets amplified once the trends are studied at deeper levels. The larger issue of attracting and sustaining women in the labour market either as self-employed or as wage-earners need a more comprehensive and holistic policy framework. Our chapter at the outset mentioned increasing involvement of women in unpaid domestic work and care roles. Policies need to enable and facilitate women and support them on performing and balancing their paid and unpaid roles in the economy. This requires sustained investments in providing jobs, creating infrastructures to nurture women's small businesses, allowing self-employment to thrive as aspirational engagements and not driven by subsistence necessities, and providing supportive infrastructure and community-based solutions for women to take care of their domestic responsibilities as well as to cater to their aspirations within the labour markets. It is extremely important to also recognise the importance of policies that enable women to enter and re-enter labour markets as per their needs based on their life cycle choices.

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1. State of Working India (2023) Social identities and labour market outcomes, Centre for Sustainable Employment, Azim Premji University
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3. Periodic Labour Force Survey (PLFS), July 2017-June 2018, Annual Report, National Sample Survey Office, Ministry of Statistics and Programme Implementation, Government of India.
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# CHAPTER 7 Social Group Dimensions of Women's Employment

Neetha N.

## Abstract

*Declining women's work participation with fluctuations and segregation into limited sectors of employment are now accepted features of women's employment in India. This chapter provides a disaggregate analysis of women's employment. Within the larger picture of a decline and stagnation in female employment there are layers of exclusion and integration based on social divisions such as religion and caste. The expansion and the inclusive nature of higher education has surely widened opportunities for women from marginalised communities. However, since social hierarchies play an important role in labour market outcomes, women from the marginalised communities who lack social capital are either denied entry or are absorbed at the lower end of the employment spectrum. These evidences point to the need to focus on social structures and their new manifestations, without which it is unlikely that the gains in education can be translated to required social change. It is argued that policies for improving female employment should to go beyond male –female differences, taking into account the social identities of women and their specific challenges.*

## I: The Context

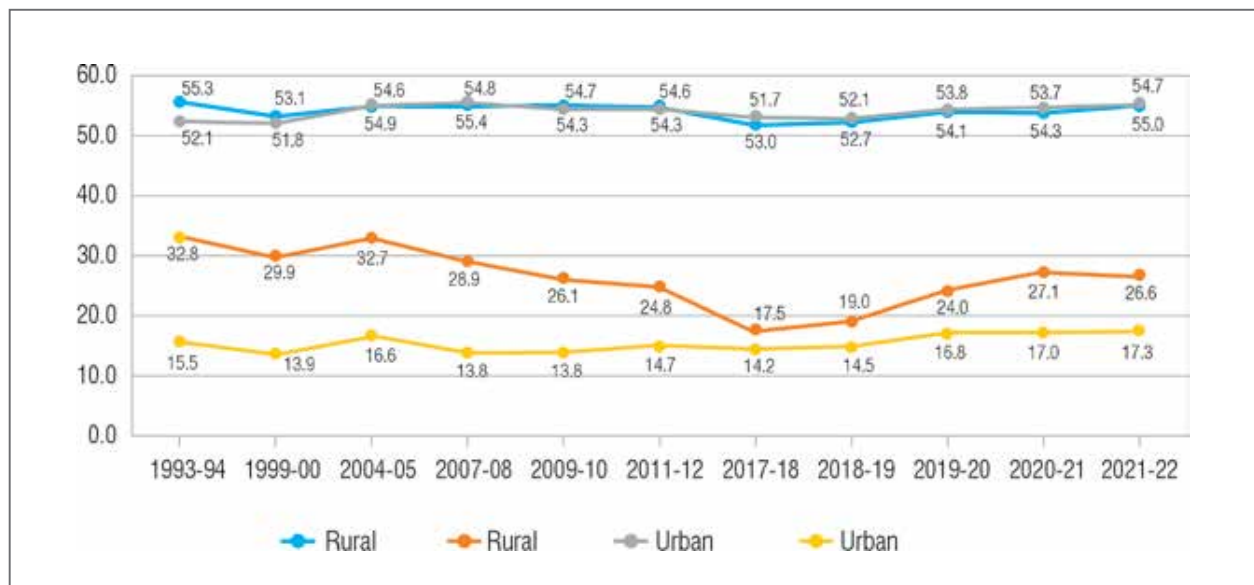
The paradox of women's work participation declining with economic growth has been a much debated concern. The assumption of an increased presence of women in the labour force with expansion of the market dominated the initial phase of economic growth. There have been no signs of such a trend and on the contrary a reverse trend exists with women's work participation rate showing a long term decline. The statistics on women's work that is at the heart of these debate relate only to what is counted as economic activity. Research has shown that a large chunk of work that women do, even those counted as economic activity, are poorly captured as many women are engaged in activities which are not clearly separable from or overlap with their role in, house work or care work. Seasonality and multiplicity in economic engagement is yet another dimension that adds to the complexity of capturing women's economic engagement. The interlinkage between women's engagement in economic activity and their social role as mothers/wives and care givers though critical are rarely taken into discussions on women' work participation.

Work participation rates of women saw a sharp decline between 1993-94 and 2011-12, unlike male participation which remained more or less the same during this period. Participation rates for women started to revert back since 2018-19, but whether this has been due to the newly initiated PLFS, with its changed methodology is a factor that needs to be factored in, especially when micro level studies are showing otherwise. Even with improved rates in rural areas, work force participation rate for women

in 2021-22 is behind by 6 percentage points compared to that of 1993-94. The decline though was largely a rural phenomenon, the fact that urban work force participation of women has remained very low with fluctuations is equally a concern with overall work participation rates of women at 24 percent while male participation was at 54 percent in 2020-21.

The potential of the market to address social inequalities, be it gender or caste, have been an underlying assumption that structured the discussions around changes in economic policies especially in the 1990s. The structural changes in the economy that accompanied the pro-market policies saw an unprecedented growth in services. Services with its potential to provide employment to many aspirants, together with the nature of jobs within the service sector were seen as possibilities for addressing existing labour market rigidities. The data, as it is clear from the figure (Figure 1) shows fluctuating trends with no clear indications of any betterment in women's employment participation, which goes against the established understanding of a positive relationship between economic growth lead by the service sector and women's employment.

**Figure 1: Trends in Work Participation Rates- Male and Female (UPSS- All ages): 1993-94 - 2021-22**



Sources: Various Rounds of Employment and Unemployment data, NSSO and Periodic Labour Force Surveys

Women's absence or reduced presence in employment are often signs of larger social and economic changes and have implications for women's overall status. Are women withdrawing from economic activities and if yes why, are critical questions that needs exploration. It is also important to disaggregate the larger picture to understand the social dimensions of these overall trends given the differentials among women.

Most of the studies that explore labour market outcomes of social groups have either analysed each social category be it, religion or caste, separately/independently or clubbed the caste groups into two segments -SC/ST and Non SC/ST. This analysis fails to understand the implication of the interaction between religious and caste identities. The category 'others' is often an aggregation of various distinct social groups. Further, being an OBC from Muslim community is structurally very different from that of being a Hindu OBC in terms of labour market outcomes. But research on social identities, especially on the intersectionalities of religion, caste and gender and its impact on labour market outcomes has been very limited (Mukherjee, 2021, Neetha, 2013).

Data availability has always been an issue for any disaggregated analysis across social groups with the only data available for limited analysis being NSSO<sup>1</sup>. This chapter explores religious and caste implications in labour market outcomes of women through an analysis of four rounds of Employment and Unemployment data from 1993-94, 1999-00, 2004-05, 2011-12 and data from PLFS rounds from 2019-20, 2020-21 and 2021-22<sup>2</sup>. With the shift to PLFS, which follows a different methodology, the data for a detailed analysis of this intersection of caste and religion is an issue. Because of these limitations, to get a larger trend over time, religious and caste categories are analysed separately in the section below. Available data for seven rounds is taken, as more than the pattern for particular years, the long trend helps in the understanding of how social variables determine labour market outcomes which remain unaffected even with substantial changes in the economy.

Though social variables interact with economic changes, what changes it will bring about is not always simple and can throw light on the challenges in addressing inequality, be it across gender or social groups. Previous analysis of the data has shown that standard assumptions on women's employment, the most important being the feminisation thesis, could prove wrong in specific contexts, owing to multiple factors including social and cultural variables (Abraham, 2013; State of Working India, 2018).

## II: Social and Economic Axes' of Women's Employment Participation

The most noted changes for women's employment is the unexpected fall in the female workforce participation rate (FWPR) or worker population ratio between 2004-05 and 2011-12. WPR for women declined to 24.8 percent in usual principal and subsidiary status (UPSS) employment. The decline, though not to the extent in the rural areas, was noted in urban areas too, where it fell from 17 percent to about 15 percent.

**Table 1: Trends in Female Work Participation Rate (FWPR) across Religious Categories (UPSS- All ages): 1993-94 to 2021-22**

	1993-94	1999-00	2004-05	2011-12	2019-20	2020-21	2021-22
<b>Rural</b>							
Hinduism	34.7	31.4	34.4	26.1	25.1	28.4	27.8
Islam	16.3	16.2	17.8	15.3	13.8	16.7	16.2
Christianity	36.0	32.2	35.9	28.4	30.7	31.3	35
Sikhism	24.1	27.3	35.5	25.7	20.5	19.7	19
OTHERS	42.5	36.5	47.5	38.9			
<b>Total</b>	<b>32.8</b>	<b>29.7</b>	<b>32.7</b>	<b>24.8</b>	<b>24</b>	<b>27.1</b>	<b>26.6</b>
<b>Urban</b>							
Hinduism	16.1	14.5	17.4	15.3	18	17.8	18.2
Islam	12.3	9.8	12.1	10.5	9.8	11.1	11
Christianity	22.0	23.2	24.4	25.2	24.6	24.5	26.5
Sikhism	9.1	9.9	15.3	12.8	14.4	14.4	15.4
OTHERS	13.7	13.0	15.3	14.9			
<b>Total</b>	<b>15.5</b>	<b>13.9</b>	<b>16.6</b>	<b>14.7</b>	<b>16.8</b>	<b>17</b>	<b>17.3</b>

<sup>1</sup> Since census data does not record the caste identity of any respondent except that of SC and ST status, no further analysis is possible using census data. The use of census data is also limited because of the non-publication of socio-economic data and working status by religion.

<sup>2</sup> All analysis across these groups are based on usual principal and subsidiary status (UPSS) employment and is for all ages.



	1993-94	1999-00	2004-05	2011-12	2019-20	2020-21	2021-22
<b>Rural + Urban</b>							
Hinduism	30.4	27.5	30.4	23.1	23	25.4	25.2
Islam	14.9	14.1	16.0	13.6	12.3	14.8	14.4
Christianity	31.9	29.5	32.5	27.3	28.6	28.9	32
Sikhism	20.7	23.3	31.3	22.5	19	18.2	18.2
OTHERS	31.9	27.8	34.1	28.3			
<b>Total</b>	<b>28.6</b>	<b>25.8</b>	<b>28.7</b>	<b>21.9</b>	<b>21.8</b>	<b>24.2</b>	<b>24</b>

Sources: Various Rounds of Employment and Unemployment data, NSSO and Periodic Labour Force Surveys

The data confirms (Table 1) most of the existing understanding on religious category wise participation rates with women from Christian community showing the highest rates compared to other groups. The category others, which is available only till 2011-12, is for a number of small religious identities and thus the rates are not to be considered seriously. Muslims show the lowest participation rates both in urban and rural areas, much below the overall rate, which is again a known pattern. What is important to note in this context is the continuation of the religious wise differentiation in women's economic participation pointing to the failure of policies in addressing structural challenges.

The general decline in FWPR is reflected in the rates for different communities, though the degree varied. The decline is higher for women from Hindu community. A section of Hindu households owns agricultural land and women may have been farmers or unpaid workers. Further, women from marginalised segments within Hindus are largely agricultural workers. Casual work in agriculture, which is the main source of employment for marginalised sections, declined in this period which explains the decline in overall work participation of Hindu women. Further, with the overall crisis in rural areas, opportunities in agriculture have declined as noted by many studies for all sections, which have affected women's employment. However, the crisis in agriculture seems to have affected Hindu women more than the rest.

The trend in urban areas shows an interesting pattern. Though the increase has not been substantial, women from all religious communities showed an upward movement, while for women from the Muslim community the rates have declined from an already low participation rate of about one percent, with FWPR for Muslims in 2021-22 being only 11 percent. This decline at a time when employment in urban areas was driven by an expansion in the service sector points to two possible issues. The first and the most important is the existence of labour market exclusion and the second, an increased restriction on Muslim women to join certain sectors/occupations. With increased education among women in the community, especially the among the younger cohorts, the possibility of increased restriction does not seem to be an explanation. On the other hand, exclusion and segmentation based on social groups, be it religion or caste is an issue that many studies have highlighted in the context of urban employment.

Caste-based discrimination, with its long history, has implications in terms of access to social and physical resources and is critical in the understanding of women's declining work force participation rates. Thus, women are not only subjected to the much discussed gender inequalities but also caste based discrimination.

SC/ST women's participation is always noted to be higher than that of women from other communities. However, this does not mean greater inclusion as these communities are historically



deprived and are largely concentrated in a few sectors. In rural areas, SC/ST women are mostly in agriculture - agricultural workers (SC) or small farmers (ST). SC/ST women's shares in construction are also high as helpers or unskilled workers. These physically demanding and socially low status jobs are the one of the options for poor women from these communities outside agriculture. Even in urban areas, marginalised women's presence in construction and other low status jobs such as paid domestic work is high. Their forced entry and continuation in menial and poorly paid jobs is noted as largely an outcome of their poor economic background, which continues. The caste development index calculated by Deshpande (2017) which captured occupation, education and assets showed continuation or worsening of caste inequalities even with changes in the economy. Because of the low economic condition of SC/ST households, social restrictions on women in taking up employment are also noted as lower (Das, 2006). However, there are many field studies that show increased restrictions on SC/ST women as the family moves up the economic ladder, a process that is popularly captured as an outcome of 'sanskritisation' (Eswaran, 2013, Mitra, 2008).

Participation rates clearly show a decline across all caste categories in tune with overall trends. However, the decline varied within this general trend with differences across social groups in terms of its intensity. Since for 1993-94, the data is not disaggregated for OBC and others separately, the analysis is done only since 1990-2000. The highest decline in participation rates is for SC women, followed by ST. The difference between social groups also matches with the broader economic differentiations that are noted in the literature (Neetha, 2013). Thus, women from socially and economically worse off sections are the ones who have also been more affected by the overall decline in employment.

One of the disturbing insights that disaggregate analysis gives is the steep decline in participation rate among women from SC community in rural areas (about 7 percentage points). OBC women is second in terms of the decline. The common explanation for reduced participation of women in employment which is of an inverse relationship between household's economic status and women's work participation for social groups cannot fully explain the decline, as household incomes do not seem to have increased considerably in this period. Studies have shown that the economic condition of many households from marginalised communities have in fact dipped with increased economic inequality during the period (Deshpande 2001, Thorat, 2010). Women from marginalised communities are largely agricultural workers as they do not own agricultural land. The changes in the cropping pattern and the large-scale mechanisation of many agricultural operations reduced the demand for labour in general in agriculture. The availability of cheap migrant workers, mostly men, is also a reason for women's exclusion from agriculture. Contribution of women as unpaid agricultural workers in family farms has also seen a decline owing to these changes and is reflected in the declining trend in work force participation rates for women from OBC communities and also others. Strikingly, participation rates for 'Others', communities that are socially and economically better placed have the least decline by only 1.5 percentage points.

The lack of employment opportunities in rural areas, is now accepted as an outcome of the enduring agricultural crisis. However, there have not been enough policies to improve possibilities of non-farm employment, which has restricted employment avenues. Distress migration to urban areas for work was the outcome of the rural crisis and women have also been part of this movement. Studies have documented the presence of women migrants from marginalised communities in many informal service sector jobs such as paid domestic work.

**Table 2: Trends in Female Work Participation Rate across Caste Categories (UPSS- All ages): 1993-94 to 2021-22**

	1993-94	1999-00	2004-05	2011-12	2019-20	2020-21	2021-22
<b>Rural</b>							
ST	48.2	43.8	46.4	36.4	37.3	41.2	40.1
SC	35.5	32.5	33.3	26.2	23.7	26.7	25.7
OBC		30.2	33.0	23.9	23.5	26.5	25.9
Others	29.7	22.3	26.2	20.1	18.5	20.8	20.8
<b>Total</b>	<b>32.8</b>	<b>29.7</b>	<b>32.7</b>	<b>24.8</b>	<b>24.0</b>	<b>27.1</b>	<b>26.6</b>
<b>Urban</b>							
ST	23.4	20.4	24.5	19.2	23.6	22.0	26.7
SC	19.9	18.5	20.0	17.2	19.2	20.3	18.7
OBC		15.9	18.5	15.1	16.6	16.9	17.2
Others	14.5	10.8	13.4	12.9	15.6	15.1	15.7
<b>Total</b>	<b>15.5</b>	<b>13.9</b>	<b>16.6</b>	<b>14.7</b>	<b>16.8</b>	<b>17.0</b>	<b>17.3</b>
<b>Rural + Urban</b>							
ST	46.1	41.2	44.4	34.6	35.7	39.1	38.6
SC	32.9	29.9	30.8	24.2	22.7	25.2	24.3
OBC		27.0	29.9	21.6	21.5	23.8	23.5
Others	25.4	18.3	21.4	17.1	17.2	18.4	18.7
<b>Total</b>	<b>28.6</b>	<b>25.8</b>	<b>28.7</b>	<b>21.9</b>	<b>21.8</b>	<b>24.2</b>	<b>24.0</b>

Source: Various Rounds of Employment and Unemployment data, NSSO and Periodic Labour Force Surveys

However, as evident from the data, women's participation in urban areas saw only a marginal improvement and the increase could not match the decline in rural areas as reflected in the overall decline. It needs to be noted that participation rates of SC women did not show much change and have almost stagnated while for all other categories there has been a small increase. Participation rates for women from ST communities saw the maximum increase followed by others. The five percentage increase for the category 'others' needs to be seen in the pattern of urban employment led by the expansion of services. There has been an expansion of low paid services such as paid domestic work or retail services/vending where many women from marginalised communities and economically poor women could find opportunities.

Other sectors of expansion such as education, health or even the modern services such as IT, communication etc was open only to educated and those with social capital. This meant exclusion of various degrees, even for those who do not have the required social capital. Labour market prejudices are also important in understanding who gets employed and their distribution across occupations/jobs. Women as a category are known to be a subject to many such market prejudices, which are more for women from marginalised communities. The market-based concepts such as skill and experience, productivity and efficiency are often used to exclude women from better paid jobs. Given the broader gendered labour market context, those who succeed in breaking these prejudices are usually the socially and economically better placed women.

### III: Exclusion in Services: Women Employment in Subsectors of Services across Caste Categories

As discussed earlier, the penetration of the market and the unprecedented expansion of services were seen as possibilities for breaking existing social inequalities, be it gender or caste. However, existing analyses have shown that women workers are over-represented in the low value-added industries as well as occupations (Mazumdar & Neetha N, 2011; Mondal, et.al. 2018).

Increased participation of women leading to feminisation of services was the most important and widely acknowledged off shoot of this period. Since, many new occupations in services did not have any caste baggage, the expansion of such services was thought to address caste-based exclusions as well. Services sector accounts for many diverse subsectors which are heterogeneous in terms of work profiles and conditions of work. In the following table sub-sectors of 'public administration, education and health' and personal services, which account for the highest shares of female workers in services is analysed to understand the caste dynamics within women's service sector employment. The analysis is carried out for the year 2018-19<sup>3</sup> using the PLFS unit level data. The table below shows how employment outcomes are determined/influenced by social and cultural inequalities.

**Table 3: Distribution of Women Workers across Caste Categories and Subsectors of Services: 2018-19**

Sub-sectors of services	Social Category				
	ST	SC	OBC	Others	Total
Public administration and defence, compulsory social security	10.91 (9.60)	9.42 (25.51)	6.73 (36.21)	6.03 (28.69)	7.29 (100.0)
Education	41.52 (5.66)	33.58 (14.09)	47.63 (39.68)	55.05 (40.58)	47.04 (100.0)
Human health activities	15.26 (9.27)	10.90 (20.40)	10.35 (38.44)	9.70 (31.89)	10.55 (100.0)
Residential care activities	0.59 (2.91)	2.02 (30.86)	0.97 (29.34)	1.37 (36.89)	1.29 (100.0)
Social work activities without accommodation	6.43 (15.06)	2.54 (18.32)	2.25 (32.24)	2.71 (34.38)	2.74 (100.0)
Creative, arts and entertainment activities	0.98 (11.03)	0.29 (10.21)	0.29 (20.22)	0.96 (58.55)	0.57 (100.0)
Activities of membership organisations	0.32 (2.83)	0.21 (5.56)	0.89 (47.83)	0.92 (43.78)	0.73 (100.0)
Other personal service activities	8.13 (5.15)	11.00 (21.47)	12.71 (49.29)	7.02 (24.09)	10.11 (100.0)
Activities of households as employers of domestic personnel	15.86 (5.16)	30.03 (30.11)	18.17 (36.16)	16.22 (28.57)	19.69 (100.0)
Total	100.00 (6.41)	100.00 (19.73)	100.00 (39.19)	100.00 (34.67)	100.00 (100.0)

Source: Periodic Labour Force Survey, 2018-19

Note: Figures in parentheses are shares of women from the listed caste categories to total women in the identified sub-sector.

<sup>3</sup> Given the overall trend, the larger picture would be the same for the latest PLFS round.

The distribution of employment and shares across various caste categories reflect caste based segmentation of the labour market as well as caste based prescriptions of women's work. The distribution of women from various caste groups across sectors clearly shows domination of upper castes and OBCs in all the sectors that are socially more acceptable. Women from many caste groups are concentrated in education and this is true for even the marginalised communities. There are differences among caste groups in terms of the relative distribution with 55 percent for the category 'others' and for women from the SC community, the proportion is only 34 percent.

It is important to note that this period also saw the growth of private education and the system of contract teaching. Once again, it had important implications for job quantity and quality. Health is another sector where SC women's share is about 20 percent. Public programmes in health, such as the National Rural Health Mission (NRHM) through the network of ASHA workers<sup>4</sup> is likely the contributing reason for this large proportion apart from reservation in employment for SC in public sector hospitals.

Within personal services, the dominant occupations are of hairdressers, personal care, housekeeping and restaurant service workers and travel and tourism related work. (Mondal, et.al. 2018). Such employment are extensions of women's housework or care work and are located in the stereotyped understanding of women's traditional role and skills. This further leads to the reinforcement of such the gendered understanding. For sectors that are known for poor working conditions, such as 'Activities of households as employers of domestic personnel' the proportions are high for SC women (30 percent), while only 16 percent of women from 'others' are noted.

The analysis shows that women from SC community are predominantly in jobs that do not have any written contracts, paid leaves, maternity or child care provisions and even job security. Apart from poor working conditions, these work spaces are also often unsafe and required systems for registering complaints are non-existent, including sexual harassment. Being trapped at the lower end of the labour market, these women lack possibilities for mobility exacerbated by lack of required social networks. These inequalities are aggravated with poor or no access to land or assets and thus are forced to depend on wage work, even if these are highly exploitative. Share of different communities in each sector throws further light into the exclusions within service sector, where again in many sectors, share of women from marginalised communities are below their share in the population pointing to exclusion.

Even getting access to such jobs are not easy as there are fewer jobs available, which leads to furthering of the poor conditions of work and lack of collective initiatives. A feature that needs attention in the context of women's employment is the low work participation rate among women who are educated but below higher secondary level. Lack of adequate employment opportunities to suit the requirement of women with middle level education is an issue which demands creation of jobs that are acceptable to such women.

## **IV: Caste, Education and Employment Interface**

The domination of upper caste women who are socially and economically better placed is often attributed to the shortage of qualified women from marginalised categories. Thus the explanation that is often highlighted for the poor presence of women from marginalised communities in many occupations is the lack of required educational qualifications. Caste hierarchy has a strong bearing on

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<sup>4</sup> ASHA workers are volunteers in this programme and are only paid stipends that are well below the minimum wages of all categories of skilled workers.

the nature and forms of work that women from various caste locations can undertake. In the following table, distribution of women in the select service sectors that account for the most educated women (women with education graduate and above) analysed across various social groups are given. This can throw concrete insights into the dynamics of caste, education and economic processes.

**Table 4: Share of Women Workers across Caste Groups with Educational Qualification Graduation and above in e Select Subsectors of Services: 2018-19**

Sub-sectors of services	Social Category				
	ST	SC	OBC	Others	Total
Public administration and defence, compulsory social security	6.32	14.06	37.79	41.83	100.0
Education	3.56	9.13	40.19	47.11	100.0
Human health activities	5.73	11.94	34.03	48.31	100.0

Source: Periodic Labour Force Survey, 2018-19

The shares of women from various caste groups across three prominent sectors of employment points to caste based exclusions in the labour market even when women from marginalised communities are educated. The share of upper caste women who have educational qualifications of graduate and above in the three important sub-sectors of women employment (public administration, health and education) are 42, 47 and 48 percent followed by OBC at 38, 40 and 34 percent. Caste and education though were found critical for women's workforce participation, education alone cannot level the gap between social groups (Deshpande, 2017). The lack of social capital along with caste based discrimination in the labour market adds to the marginalisation of women from less privileged groups as has been highlighted in many studies (Thorat & Mallick 2004; Madheswaran & Attewell, 2007).

In the understanding of this pattern, it is important to acknowledge the lack of suitable jobs for educated women (State of Working India, 2018) in general, where privileged sections have an advantage over other sections. Further, even when women from less privileged background break the ceiling at the entry level, due to lack of social support many may find it difficult to cope with the demands at the workplace. Lack of child care support is one of the important issues that women in general and especially those with limited resources often have to deal with in their work life. Lack of acknowledgement of workplace discrimination, be it gender or caste especially in the private sector are also issues that women from marginalised section have to confront on a daily basis.

## V: Conclusion

The analysis clearly shows that there are layers of exclusion and integration based on male–female identities and other social divisions such as religion and caste. Despite rapid changes in the economy with better rates of growth, many traditional structures of hierarchy exist resulting in gender and caste disparities. Though the expansion and inclusive nature of higher education has widened opportunities for women from marginalised communities, it is yet to reflect in the labour market. Many of the positive changes, such as better presence of women from these communities in education and in other public sector employment are likely the outcome of affirmative State policies. However, social hierarchies are still important determinants in the entry to many jobs and sectors in the private sector. Education, even when it is at the highest levels does not lead to equality of opportunities given the oversupply of potential workers. Labour market outcomes are not purely determined by economic factors and social determinants such as gender and caste identities play a critical role. Exposure and access to networks of family and friends are critical in breaking stereotypes that exist in the

system. Even for upward mobility these are important considerations. Women who do not have these networks find it difficult to break the structural exclusion in recruitment and also in occupational mobility. Women from marginalised communities, owing to their double disadvantage of gender and caste, even when educated are thus largely in jobs that are low quality with low pay and lack any social security. Thus, policies for improving female employment should acknowledge social identities and go beyond male –female differences. Without framing policies to address gendered and other identity based social structures and its new manifestations, it is unlikely that women from all communities would be able to break the rigidities and exclusionary tendencies in the labour market even when they are highly educated.

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# CHAPTER 8 Women and Migration

## Indrani Mazumdar

### Abstract

*This chapter draws on macro-data on women's migration and employment over three decades that have been analysed to argue that the rise in female marriage migration rates is linked to the ongoing devaluation of women's work and employment and its outcome in a gendered employment crisis. Drawing on micro-studies on women workers in circular and seasonal migration, this chapter discusses how capitalist modes of accumulation can deprive women of an independent wage through the use of piece rates combined with a male-female pair or family as the unit of labour. It is argued that there is a need for organisers of labour to focus on women workers as a special contingent of such family units of labour in order to find a way to take up the issue of such cases of unpaid labour by women in the wage economy. Finally is presented analysis of three cases that came to the fore during the Covid pandemic and lockdown to bring out some complex social contexts within which women migrant workers' experiences have to be located.*

### I: Introduction

Development discourses in India have always viewed migration from the perspective of expected transition from an agrarian to an industrial or even post-industrial social and economic order. In the neo-liberal era, a more intense focus on rural to urban migration appeared to stress more on individual mobility and display less of a structural orientation. The implicit expectation in such discourses is that the migration process leads to some form of settlement at destination or brings in remittances as investments in development at the area of origin, leading additionally to upward social mobility for the class of migrant workers.

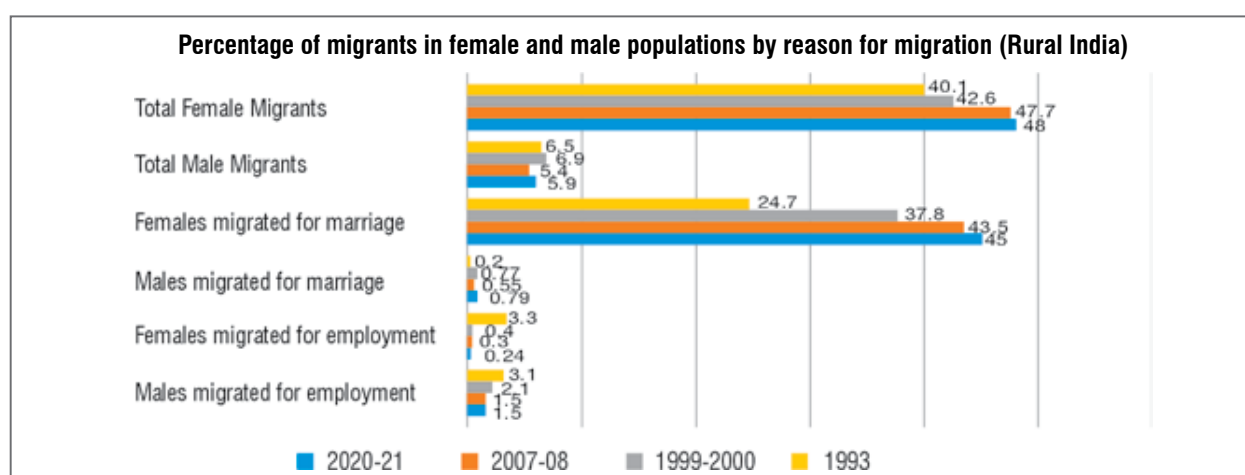
In these broader discourses, there has been little focus on the gender implications of migration patterns and trends, or indeed on women's labour migration. A marked tendency has been to view men's migration as the key indicator from the point of view of labour and development, relegating women's migration patterns to the non-economic sphere. Yet migration statistics over the past three decades indicate that increasing rates of migration in India have been driven by increasing proportions of the female population migrating for marriage, rather than men and/or women migrating for work. Figures 1 and 2 present a graphic picture of the broad trend in migration rates (i.e., percentage of migrants in the population) by major reasons for migration over the past three decades for rural and urban areas respectively.<sup>1</sup>

<sup>1</sup> The data source for these figures are the four rounds of migration surveys conducted by the NSSO as part of EUS in 1993, 1999-00 and 2007-08, and by the revamped/renamed NSO as part of the PLFS in 2020-21. The decennial census is also a valuable source of data on migration. Unfortunately, in the absence of the census having been conducted either in 2021 or in the following two years, we have no migration data from census post 2011.

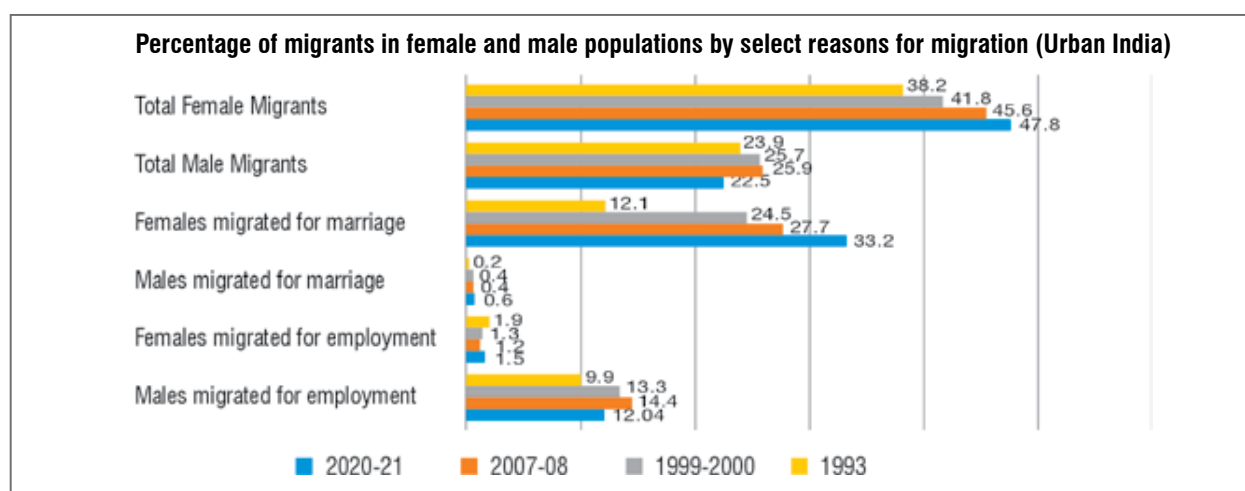
What they show is that migration rates among males are stagnating.<sup>2</sup> In 2020-21 aggregate male migration rates stood at around 6 per cent and 23 per cent of the rural and urban male population respectively, although only 12 per cent of the urban male population and 1.5 per cent of rural males had given work related reasons for migrating. Female migration rates on the other hand, have steadily increased from 40 per cent in 1993 to 48 per cent in 2020-21 in rural areas, and from 38 per cent in 1993 to 48 per cent in 2020-21 in urban areas, although the pace of increase appears to have slowed down in the most recent decade.<sup>3</sup> Of course migrants are here defined as men and women whose last usual place of residence any time in the past was different from the place of enumeration, which excludes short term or seasonal migrants, who some would argue constitute the majority of migrant workers in India.

Nevertheless the figures are indeed able to give us a snapshot of some key trends in relation to gender that merit a closer examination.

**Figure 1**



**Figure 2**



<sup>2</sup> Migration rates refers to the proportion of migrants in total population. Given population increases, even stagnant rates of labour migration would indicate that the number of migrant workers have of course increased in absolute numbers, and indeed the needs and conditions of the millions who have to move in order to survive and sustain their family and kin, have largely remained off the radar of public policy. Their contributions to the economy and society mostly remain unacknowledged, and even when recognised, approaches to migrant workers tend to be contingent in nature rather than geared towards any long term vision.

<sup>3</sup> These figures of course exclude short term migrants for whom comparable figures are not available due to definitional changes across surveys.

What is most striking is that it is marriage that appears to be the driving force of the increased migration rates for women. It is not merely that marriage has remained the primary reason for female migration, but also that the rates of marriage migration for women have increased phenomenally from 25 percent in 1993 to 45 percent in 2020-21 in rural areas and from 12 percent to 33 percent in urban areas. On the other hand, the proportion of women who gave employment as their reason for migration actually dropped from 3.3 percent among rural females in 1993 to less than a quarter of a percent by 2020-21, and stagnated at less than 2 percent among urban women across the four surveys. Still, the increase in female marriage migration has indeed upped the migration rates for the general population, creating an impression of increased mobility in the society and economy as a whole.

In actuality, like so many developments in India, this is but a half story, as the scope, scale, and forms of temporary (short term and medium term) migrant employment have also expanded, and indeed accelerated under liberalisation. In rural and urban areas, it is construction and related industries in which a significant proportion of workers engage in circular migration as 'footloose labour' to use the term popularised by Jan Breman. Marx had referred to such mobile workers as "the light infantry of capital" or that "class of people whose origin is agricultural, but whose occupation is in great part industrial".<sup>4</sup> He described such 'nomad labour' in 19<sup>th</sup> century Britain, used for various operations of building and draining, brick-making, lime-burning, railway-making, etc., who were housed in improvised villages of onsite huts without any sanitary provisions. He pointed out that this proved to be very profitable to contractors, who exploited labourers in two-fold fashion – as soldiers of industry and as tenants. With some variations, including the triangular relationship between contractor, principal employer, and worker, a critical mass of such 'nomad labour' may be found in construction, brick kilns, and even commercialised agricultural operations in 21<sup>st</sup> century India.

The industrial working class in India's factories (formal and informal) was of course always comprised of migrants from the late colonial period and through the post-independence decades, whether they settled with families at their work destinations or remained part of perennial streams of single (mostly male) migrants from rural hinterlands, becoming temporary residents at work destinations for some years, and ultimately returning to their village homes. With employment becoming more volatile and disrupted in the contemporary phase of capitalist development, possibilities for settlement of working class migrants at destinations appear to have become more fraught and difficult, even as a ramped up agrarian crisis of the neo-liberal era and attendant distress continues to push people out of their villages in search of livelihood and employment.

Further, apart from the relatively more traditional modes of circular and seasonal migration for agriculture, construction, brick kilns, etc., even in relation to modern industry and old and new services, a lack of stability/durability of any particular employment relation in both formal and informal modes of employment, has emerged as almost a defining characteristic of our times. Within such tendencies the longue duree of economic transition seems to have become further mired in systemic volatility and logjam, suggesting that there is a need to re-examine the relationship between capitalist development, the working class, and the agrarian social base. For this, we would argue that the gendered patterns of migration in India can provide several important insights.

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<sup>4</sup> Karl Marx, Capital, Vol 1, Ch. 25, Section 5, C.

## II: The Gender and Labour Context of Migration in Contemporary India: Low Female Work Participation Rates and Greater Concentration of Women in Agriculture

At a broad level, it is well to remember that the current context of a low female work participation rate, i.e., a low female worker population ratio (FWPR), which stood at 24.0 percent (26.6 percent in rural and 17.3 percent in urban) in 20-21 as per the Annual Periodic Labour Force Survey (PLFS), is significantly lower than the 28.7 percent recorded in the NSS' quinquennial Employment Unemployment Survey (EUS) of 2004-05. An uptick in the most recent years followed more than a decade of decline that had brought the FWPR to an all-time low of 16.5 percent in PLFS, 2017-18 (quinquennial EUS surveys of NSS having been replaced by the Annual PLFS, with the last of the former conducted in 2011-12, and the first of the latter conducted in 2017-18).

With a worker population ratio of 54.8 percent among males (2021-22) that is more than double that of women, what perhaps may be underlined is that where the number of women in the workforce is a little less than half the number of men in rural areas, in urban areas men outnumber women in the workforce in a ratio of more than three to one. The greater sway of traditional and feudal restrictions in rural settings thus appears to still allow higher proportions of women to work in the production economy in comparison to the more modern urban setting. So clearly there are processes at work in curtailing women's employment opportunities that cannot be explained away merely by long standing feudal social restrictions on women's work.

We may however, also note that while the gender gap in workforce participation is of course visible across all social groups, yet as Table 1 shows, the gap is relatively the least among tribal communities and tends to increase as one moves up the caste hierarchy. Such a reverse pyramid is of course a well-established gender facet of feudal caste structures that have such long and persistent lineages in the social and economic fabric of India. As such low female work participation rates and gender imbalances in the labour market contain elements emanating from both persistent feudal restraints as well as the vicissitudes of capitalist development in India.

**Table 1**

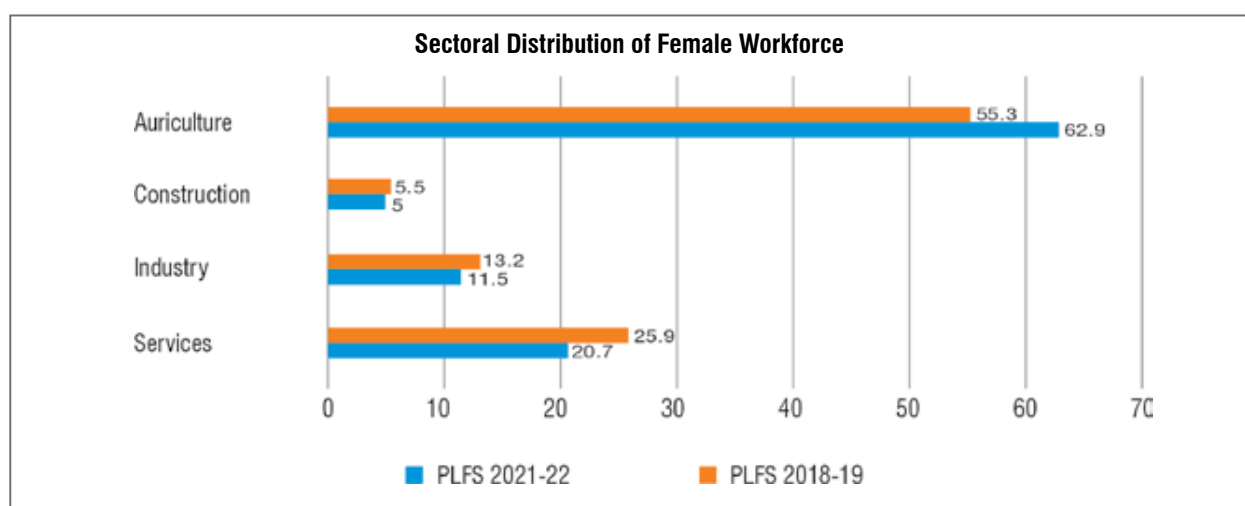
Social Group	Worker Population Ratio PLFS 2021-22			Estimated share in population (2021-22)	
	Male	Female	Gender gap	Male	Female
ST	57.3	38.6	18.7	9.7	10
SC	54.1	24.3	29.8	20.0	20.0
OBC	54.2	23.4	30.8	45.7	45.8
Others (Upper castes)	55.4	18.7	36.7	24.6	24.2
All	54.8	24.0	30.8	100	100

At the same time, with urban FWPR having persistently remained far lower than rural (unlike in the case of men among whom, urban work participation rates have been either level or more than rural since 2004-05), it is not surprising that the share of agriculture in the female workforce has been consistently higher than in the male workforce. In the most recent past, an increase in the share of agriculture in the female workforce is particularly evident, having risen by almost 8 percentage points from 55 percent in 2018-19 to 63 percent of the country's female workforce in 2021-22 [see Fig. 1(a)]. A return to agriculture by women seems to be the reason for the increase in the FWPR that took place across the same period (from 17.6 percent in 2018-19 to 24.0 percent in 2021-22).

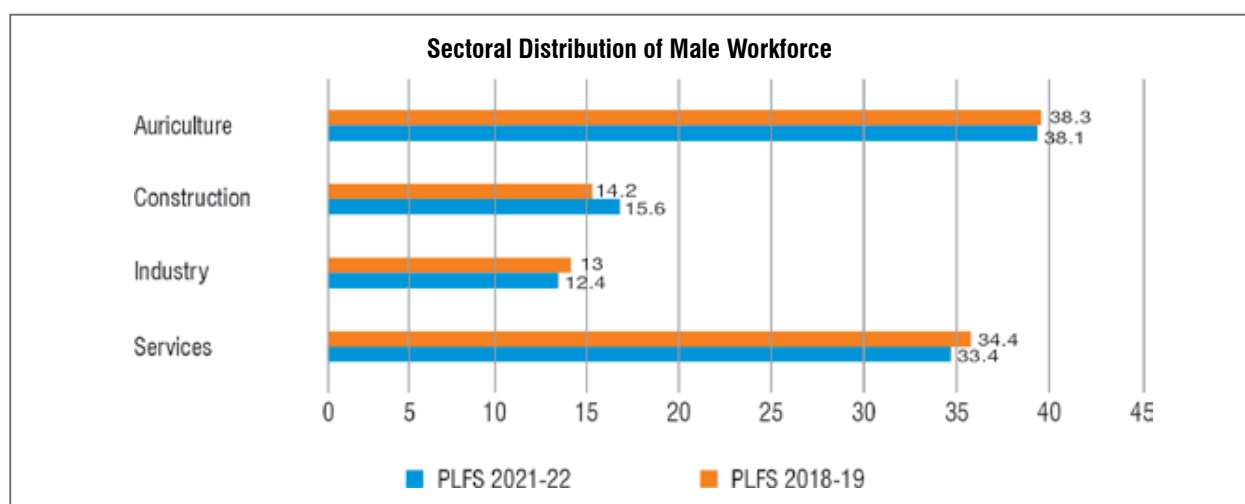
Agricultural work thus seems to have emerged as the key fall-back option for women in the recent crisis years, including the pandemic and lockdowns induced elements of crisis. Further, volatility and upsets in both industry and services are evident in a fall in their share in women's employment by more than 6 percent, the slack having been picked up by women's retreat into agriculture, where a significant proportion of women's involvement is in the form of unpaid work.

Among male workers, the share of agricultural employment has, however, remained more or less the same, and it is casual labour in construction that has emerged as the key option for male workers unable to secure a full livelihood in agriculture. The share of construction in the sectoral distribution of the male workforce has inched up to an unprecedented 16 percent, while industry and services remained stagnant and slightly declining. Since construction is so often a temporary employment and remains a transitory phase, rather than a permanent exit from agriculture, it appears that the expected process of transition from agriculture to industry and services has stalled, while in the case of women, developments have actually moved into reverse gear in recent years.

**Figure 1 (a)**



**Figure 1 (b)**



While we may note here that volatility and indeed a decline of employment in the non-agricultural sectors seem to be affecting women's employment more adversely than men, the question before us in this paper is where and how does migration and its gender dimensions fit into such a context.

### III: Economic Basis of Increased Marriage Migration Rates

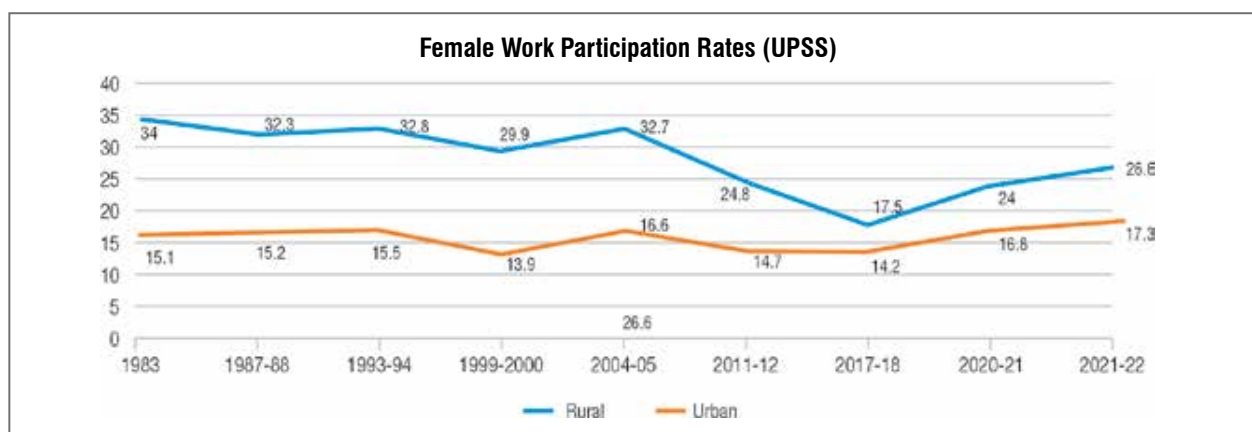
Since only one reason for migration is asked for in the macro-surveys, there would be many more migrant women workers than only those who explicitly gave an employment related reason for their migration. Marriage or family movement would be given as their reason for migration even by women who by virtue of taking on employment at destination are certainly constituents of the migrant workforce.

A 2017 Report of the Working Group on Migration set up by the Ministry of Housing and Urban Poverty Alleviation had pointed out that as per the 2001 census, 69 percent of the rural female work force, and 50 percent of the urban female work force were migrants. NSS 2007-08 also showed that 31 percent of the female migrants who moved for marriage in rural areas were working, while 13.3 percent of them in urban areas were also working which corresponded with the general levels of female workforce participation. Yet, can one simply deduce that all women defined as migrants in macro-surveys, who happen to be also workers, should be assumed to be migrant workers?

While it is indeed plausible to refer to the marriage migrants working in urban areas as migrant workers, it would however be a gross error to designate all rural women workers in village exogamous marriages as migrant workers. The widespread rule of village exogamy which bars marriage within a village combined with patrilocal residence where married women have to reside in the homes of their husbands, has meant that the overwhelming majority of married women are designated migrants in the macro-data. Yet to suggest that women who are confined to working within the boundaries and occupations of the village into which they have been married should be designated migrant workers, even though they are effectively immobile, would perhaps be laughable. The question however remains as to why marriage migration rates should be increasing to such extraordinary levels?

Demographic pressures as well as increased connectivities would have indeed contributed to increased marriage migration. Yet, we would argue that other economic developments have to be taken into account in order to understand the trends in female marriage migration. It has been argued elsewhere that devaluation of women's work with advancing mechanisation in agriculture, expanding enclosure of the commons with consequent erosion of the value of traditional/local ecological knowledge women have contributed to penetration of village exogamous norms into areas/regions and social groups where it was earlier neither traditional nor prevalent earlier as well as rigidified village exogamous practices in its traditional heartlands. Nowhere is the pervasive devaluation of women's work more strikingly visible than in the steep fall in rural female work participation rates (FWPR) and the incapacity of the persistently low and stagnant urban FWPR to compensate.

**Figure 3**





Declining FWPR was already a feature of the 1990s, and then the first decade of the 21<sup>st</sup> century witnessed an unprecedented eviction of some 20 million women from the workforce between 2005 and 2010.<sup>5</sup> Longitudinal analysis of female work participation trends had highlighted the continuous and pervasive nature of the employment crisis, and pointed out that even when FWPR appeared to rise such as in between 1999-2000 and 2004-05, the rise was driven by increased unpaid economic work by women rather than work for wages or incomes.<sup>6</sup> We may note here that the more recent FWPR uptick since 2017 has followed the same pattern of increased unpaid work by women, albeit additionally accompanied by a trend of return to agriculture. If traditional forms of work for women are undergoing change, the absence of more diverse employment opportunities and sustainable incomes for them prevents any generalised alternative to agrarian patriarchy gaining much ground. Prevailing patterns of growth, including significant growth in services, has clearly not been able to generate sufficient opportunities for women that could compensate for the losses in female employment.

Elsewhere we have pointed to how the progressive devaluation of women's economic contributions to households enhances economic dependence of women. In combination with caste and community endogamy, such dependence would have no doubt added to the weight of dowry, increased difficulties in arranging marriages, and propelled a widening of the search for marriage partners beyond the local circuits of marriage arrangements. An observable slackening of the surge in female marriage migration rates in rural India over the past decade, suggests that even accounting for increases in age at marriage, such a phenomenon may be reaching the limits of possibility within the rural setting. On the other hand, a more recent surge in marriage migration having become more marked in urban India, suggests that more rural women may now be marrying into the urban milieu.

While employment is the most prominent reason for male migration, the proportions of female migrants identified as moving for employment related reasons is so small as to be rendered insignificant. Single male migration for work/employment, often leaving women behind and within the folds of agrarian patriarchy, has indeed been a major mode of labour migration, particularly for modern industry since the pre-independence era. It is of course well known that when it comes to women's work, macro-surveys have always undercounted the number of women workers. The same tendency is reflected in migration surveys, albeit for different reasons, of which arguably the principal one is the eliciting of only one reason for migration. The monocausal approach in migration statistics inevitably fails to comprehend that migrant women workers are embedded in a complex of social norms, and a realistic estimate of the number and proportions of women migrant workers remains elusive.

## **IV: Circular and Seasonal Migrant Workers and Their Unfreedoms**

Outside the remit of macro-statistics, field studies shown that the majority of rural women migrant workers are short term or circular migrants. They are not captured by the change in usual place of residence definition of migrants in macro-surveys. A survey on gender and migration through 2009-11, indicated that the majority of female migrant workers were indeed short-term migrants (CWDS, 2012).<sup>7</sup> It also showed that women migrant workers from rural areas were concentrated in just four occupations/sectors: agriculture, paid domestic work, brick making, and construction, in comparison to male migrant workers who were dispersed across more diversified occupations and industries.

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<sup>5</sup> Mazumdar & Neetha, EPW, 2011

<sup>6</sup> Ibid

<sup>7</sup> See CWDS (2012), Gender and Migration, Negotiating Rights: A Women's Movement Perspective at <https://www.cwds.ac.in/wp-content/uploads/2016/09/GenderMigrationNegotiatingRights.pdf>

A category of short term migrants was indeed introduced in migration surveys since 1999-2000, yet inadequacies in definition of short term migrants as well as changes across the macro-surveys, has ensured that we have no comparable data to show whether its proportion has increased or declined. As of now, the rather strange category of 'temporary visitors' introduced in the PLFS migration survey of 2020-21, is clearly unable to provide credible estimates of the number of workers involved in circular or short term labour migration.

One of the key findings of the CWDS survey on gender and migration referred to above, was the concentration of Adivasi and Dalit women in short term circulatory migration whose normative characteristics include hard manual labour in inhospitable conditions, relentless mobility (year after year), unfreedoms (labour tying or debt bondage through advances given ahead of the migration cycle through labour contractors), and narrowing of options for social advance because of regular disruptions in education of children and in maintenance of household assets (including domesticated animals) because of migrant employment, even as family survival was ensured through such migration. In contrast, among women migrant workers of upper caste background and even among OBCs, a greater proportion are long term or even medium term migrants, both modes of migration that are usually associated with some kind of regularity in employment and incomes. In other words, recruitment practices of employers, have imbricated caste and community hierarchies into migratory labour processes, reinforcing caste based discrimination in locations that may even be distant from the local milieus in which particular caste hierarchies are rooted.

**Table 1: Caste wise Distribution of Migrant Women Workers by Type of Migration**

Type of Migrant	General	OBC	MBC	SC	ST
Long term migrant	44.51	41.56	21.51	25.98	20.81
Medium term migrant	30.02	22.98	30.11	17.36	10.48
Short term and Circulatory	17.81	29.93	21.51	41.18	58.71
Daily/weekly commuters	4.97	3.69	25.81	14.67	8.71
Migrant for family care	2.69	1.84	1.08	0.81	1.29
All	100	100	100	100	100

Source: CWDS, 2012, p. 51

An element in modes of seasonal or circular migration is the circulation of male female pairs for wage labour in some industries/activities that rely almost exclusively on migrants. For example, millions of workers are recruited in pairs, usually a husband and wife (*jodis*) by labour contractors for labour in brickfields and kilns across the country. Their season of migration varies from four to eight months in a year, during which they are accommodated in rude quarters near the kilns that may be located in distant rural settings or close to urban peripheries as is increasingly the case. Known for harsh conditions of onsite residence and work, multiple modes of coercion and degradation are common occurrences in the life and labour of brick kiln workers.

Similarly, lakhs of male female pairs are recruited for harvesting sugarcane across states in western India (an estimated 5-6 lakhs in Maharashtra alone) and parts of southern India. The *jodi* is here often referred to as *koyta*, the Marathi word for the sickle used for cutting cane. What distinguishes sugarcane workers from other forms of agricultural wage labour, is that they are hired not by farmers, but by sugar mills, albeit through contractors, to harvest multiple farmer's fields. Housed in temporary tents open to the elements and depredations of wild animals, they move from one site to another over a period of four to five months in a year.

In both cases capitalist modes of accumulation may be seen to be reliant on a family unit of labour rather than an individual, where wages are fixed at piece rates (per 1000 bricks or per tonne of sugarcane), and generally paid to the man of the house. The denial of an independent wage to women through the combination of a collective unit of labour and piece rates is an issue that has yet to be addressed or even acknowledged by labour law (only piece rates without any fall-back wage is the norm in minimum wage notifications for brick kiln workers and sugarcane harvesters). Even worker based struggles in these sectors, which have indeed made headway on minimum wage rates in some states, have yet to find a way to take up the issue of such cases of unpaid labour by women in the wage economy. It is perhaps time to focus on organisation and consultation with women workers as a special contingent of such family units of labour, if the incorporation of agrarian patriarchy within the economics of capitalist wage labour is to be confronted by a working class politics that pushes beyond the limits of economism.

## V: The Pandemic and Women Migrant Workers

During the Covid 19 pandemic and related lockdowns, the entire nation became witness to hundreds of thousands of migrant workers trekking back to their home villages in the most dire conditions. Yet, even in the midst of an outcry that pitchforked the migrant worker question into the centre of public discussion and debate as never before, women migrant workers remained invisibilised. Three cases that did however manage to enter media and public discourse, indeed highlight some significant trends in women's labour migration in contemporary India. It is worthwhile to examine these cases and the questions they raise in relation to how women's labour migration is approached by policy and law.

For example, in April 2020, it was reported that a young girl had died during the grueling journey on foot while returning to her village in Chhattisgarh from the chilli fields in Telangana. Jamlo Makdam/ Madkam was the name that made the news headlines, although Jeeta Madkani is what was recorded on her Aadhar card (photo below taken from PARI). She was born in 2008, and died in 2020 after three days of relentless walking in the summer heat, when the lockdown closed down all activity including means of transport. Without adequate food and/or rest on the way, the 12 year old's life's journey ended when she collapsed due to exhaustion, dehydration, and muscle fatigue, having covered some three fourths of the distance from her work destination to her home. She had left her home some two months earlier, part of a group of 11 women/girls who had been recruited for chilli harvesting in village Kannaigudem, Mulugu district of Telangana.

Women's involvement in seasonal migration for agricultural operations with husbands or family groups is well known, and as discussed above, relatively better documented in the case of sugarcane harvesters in western India. Much less is known or documented about group migration by all female teams of workers for seasonal agricultural operations, or the myriad regional routes that such groups traverse. A few studies on female migration for chilli plucking and tobacco grading in coastal Andhra, or of Adivasi women for paddy transplanting in West Bengal are indeed available in the public domain, but the phenomenon as such, and the new trends therein, are poorly documented. Jamlo/Jeeta's tragic death was of course caused by the manner in which lockdown was imposed without any consideration of the situation and needs



of migrant workers. The length and conditions of the journey that Jamlo and her co-workers took on their way home were indeed more extended and harsher because of their need to bypass road blocks. Yet there are compelling structural elements in Jamlo's journey that also need to be delved into.

Let us begin with the home village. Located in a remote part of the forested terrain in district Bijapur, Census 2011 recorded Jamlo's home village (Aaded) as comprising of barely 37 households, with a population of just 171 of whom 80 percent were ST. The same census informs us that only 6 females and 23 males in the village were literate (Jamlo, who was less than school going age in the census year, had reportedly studied up to Class three, but then had to drop out to work with farm animals). With 46 workers among a male population of 90 in comparison to 48 female workers in a female population of 81, it might at first seem as if female work participation rates in the village were higher than males in 2011. A slightly closer look however, shows that every female worker was a marginal agricultural labourer, in comparison to 36 main cultivators and only 10 marginal agricultural labourers among the male workers. Further, with not a single worker in the village in either household industry or in the category of other workers, the absence of any possible local alternatives to the underemployment of women becomes evident.

Sukmati, Jamlo's mother, told PARI reporters that four of her children had died at crawling age.<sup>8</sup> Like almost all the Adivasi residents of Aaded village, Sukmati and her husband had been making a livelihood from collecting forest produce, cultivating paddy, horse gram and other crops on small plots of land, and working as agricultural labourers. In such conditions, the death of Jamlo's siblings is surely a measure of chronic and acute levels of poverty and undernourishment in her family.

Jamlo's family is described by the PARI reporters who visited her village, as belonging to the Muria community of Adivasis.<sup>9</sup> Reportedly some of the Muria, who are part of the Gondi people, have been migrating from Bastar to Telangana districts for some years.<sup>10</sup> A number of the Muria are recorded there as Internally Displaced Persons.<sup>11</sup> Unlike in Chhattisgarh where they are listed as ST alongside and as part of the Gonds, the Muria are not recognised as ST in Telangana, although Gonds as such are indeed included in Telangana's ST list.<sup>12</sup> It is possible that the route to Telangana from the remote village that was Jamlo's home was opened through the wider community connections among the Muria across the Bastar division of which Aaded (located in Bijapur district) is a part. Yet, it is significant that the police investigation into Jamlo's death indicated that it was a woman from Jamlo's own village community (Sunita Madkami) who was contacted by a farmer (Santosh Manchala) in Kannaigudem, and paid a paltry Rs 10,000 to mobilise and transport her group of 11 labourers to his farm.

What about Kannaigudem village, in Mulugu district, the village in Telangana where the group of women from Aaded of which Jamlo was a part, had gone to work? According to Census 2011, more than half of the population of 737 in that village, which was a part of Warangal district at the time of the census, were also ST. Although not a rich village, Kannaigudem is yet characterised by higher than average proportion of main workers (defined as being employed for at least 168 days in a year)

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<sup>8</sup> <https://ruralindiaonline.org/en/articles/jamlos-last-journey-along-a-locked-down-road/>

<sup>9</sup> <https://ruralindiaonline.org/en/articles/jamlos-last-journey-along-a-locked-down-road/>

<sup>10</sup> The connection with Telangana has deep historical lineages stretching back to medieval times as a scion of the Kakatiya dynasty (regarded by some historians as one of the Shudra kingdoms) set up his capital in Bastar, after the defeat and submission of the last Kakatiya king in Warangal to the Delhi sultanate. The Bastar princely state became part of India at the time of independence.

<sup>11</sup> Many had to flee from their villages during the violence unleashed by the state backed vigilante Salwa Judum clashes with Naxalites (2005-11).

<sup>12</sup> <https://www.newindianexpress.com/thesundaystandard/2017/dec/16/displaced-muria-gond-children-of-a-lesser-god-1729253.html>

along with a greater degree of inequality among households in comparison to the grindingly levelling poverty and underemployment in Aaded that the census data indicates. In a worker population of 420 in Kannaigudem, there were 51 cultivators (26 males and 25 females) of which most (48) were main workers. Yet surprisingly even the 336 agricultural labourers (176 female and 159 male) were also were main workers, save one. Further, according to one information/data aggregating source, the village has 21 hectares irrigated by bore wells (98 hectares is non-agricultural area), and its main crops are paddy, cotton and maize.<sup>13</sup> There is however, no mention of chilli which is the crop that the migrants from Aaded had gone to harvest.

Yet we do know that farmers in Telangana, who were among the first to have borne the brunt of liberalisation induced crisis in agriculture, were encouraged to shift to chillies following the devastation in cotton prices that had led to large scale farmer suicides in the region. Within a few years of such a switch, farmers again faced a fall in chilli prices, leading to the demand for a minimum support price for chillies in Telangana. The constant exposure of farming communities to extreme price volatilities and frequent crises is of course one of the consequences of the pressure exerted by neo-liberal policies vis-a-vis agriculture, to advance commercial crops over state procurement supported food crops. Post liberalisation, agrarian crisis is thus, qualitatively different from the creeping crisis of the pre-liberalisation era. It is in such conditions that an ever expanding outreach to the cheapest possible labour from ever more remote outposts of poverty in the country has led to their integration into the commercialised agricultural production processes through migration. Women and children who constitute the cheapest labour reserve are often preferred, especially for crops such as chillies, where wage payments, as the PARI reporters had found, was largely made in kind, not cash.<sup>14</sup>

Public policy responses to Jamlo's death took the form of some cash compensation (Jamlo's family was given one lakh rupees from the Chhattisgarh Chief Minister's Fund), and registration of cases by the Bijapur police against Sunita Madkani under section 304 (II) (culpable homicide not amounting to murder) sections 370 (human trafficking). Referred to as an 'agent', Sunita Madkani was however herself a field labourer and part of the group that had to walk back to Aaded in April 2020. Reportedly, even when Jamlo fell and injured herself on the way, she was still forced to continue walking without respite, which was undoubtedly harsh, albeit in a desperate situation. After her death, the same group carried her body for five to six kilometres before an ambulance arrived.

Yet no questions were asked as to why the Inter-state Migrant Workmen's Act (ISMWA) had failed to kick into action to ensure the rights and entitlements of migrant workers (which includes wages not below the wage rate of the destination region), evident in the fact that no mention is made of whether the workers received less than the statutory minimum wage in Telangana. ISMWA was invoked only after Jamlo's death, for the sole purpose of charging Sunita Madkani with having failed to register as a contractor. Yet the question remains as to whether Sunita Madkani could really be considered to be a contractor within the meaning of the law? After all, she herself had been one of the labourers on the Kannaigudem chilli farm, and was in much the same situation as other residents/families

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<sup>13</sup> <http://www.onefivenine.com/india/census/village/Warangal/Mulug/Kannaigudem>

<sup>14</sup> According to the PARI report, seasonal migrants from Chhattisgarh and Odisha harvesting chillies in Telangana, the money wage rate that they were offered was reportedly Rs 120 per day, which made wages in kind (chillies) a better deal for the workers (see <https://ruralindiaonline.org/en/articles/children-of-the-chilli-fields/>). That same year, according to 'Agricultural Wages in India, 2015-16' brought out by the Directorate of Economics & Statistics, Ministry of Agriculture & Farmers Welfare, Govt. India, the average wage for field labour in agriculture in Telangana ranged from Rs 285 to Rs 295 for males and Rs 191 to Rs 201 for females in the months of February March, which is the chilli harvesting season (see Table 1.1 and 1.2). One may note the gender inequality in wages in general, but what is significant for this paper is that the migrant workers on chilli farms were getting even less at less than two thirds of the average female wage, and less than half the average male wage for field labour in Telangana.



in Aaded. Does the charge of human trafficking and use of the stringent provisions of Section 370 (which is a non-compoundable offence attracting punishment of up to life imprisonment in cases involving minors) even address the situation and conditions of the trek for a two month season of chilli harvesting for which Jamlo migrated? Although she had gone for work with her friends and other villagers without telling them, her parents were aware of where and with whom she had gone. Even while on that fatal journey home, she had spoken at least once with her father. It is here that we see how labour law fails migrant workers and particularly female workers in terms of rights and entitlements as workers, and anti-trafficking criminal laws are invoked that completely fail to and indeed cannot address the economic or social needs and concerns of migrants.

A few weeks after Jamlo's final journey, again in May, 2020, videos of a 15 month old toddler (Rahmat) trying to wake his dead mother (35 year old Arveena Khatoon) on a station platform in Muzaffarpur caused widespread shock and perturbation. Arveena was a migrant construction worker who had collapsed on the long train journey back from her worksite in Ahmedabad to her native village in Katihar, Bihar. The police FIR on Arveena's death, thumb-printed by an unlettered brother in law, labelled her as being mentally and physically sick, both having led to her death. Reports on Arveena's death usually and prominently mentioned that she had been married to someone in Bareilly and was divorced.

Yet, with all the explicit labelling of Arveena by the police and media, no picture emerged of how she had managed her migrant work-life in Gujarat's highly developed construction industry with her small children in tow. Legitimate questions were indeed raised regarding whether and how the conditions on the journey were responsible for Arveena's untimely demise. Yet no critiques were made of how an increasingly corporatised construction industry (on the capital side) continued to rely on a model of employment that maintained its armies of manual workers as casual labour, rendering hundreds of thousands of them without any means of sustenance during the lockdown. Further, no mention was made of why and how migrant workers like Arveena get left out of the regulatory and welfare mechanisms including of the Building and Construction Workers' (Regulation of Conditions of Work) Act, and the failure of the Construction Workers' Welfare Board Schemes.

Other questions that remained off radar, included why or how had Arveena come to be married to a man in Bareilly more than a thousand miles from her home village and considerably beyond her native cultural ambit, although every report mentioned that marriage and that she was a divorcee, which fed into a form of cultural labelling. The whys and hows were not asked despite her home district and even the block of Azamnagar where her natal village is located having reported the 'sale' of young girls into distant parts of Uttar Pradesh over the past five years, suggesting that poverty was driving cross-regional marriages in the area. Nor were any questions raised as to whether Arveena's move to Ahmedabad from Katihar, which is among the 20 most backward districts identified by the Niti Aayog, was connected with the drastic fall in rural Bihar's female work participation rates to an incredibly low 2.6 percent by 2018-19. Yet these are fundamental issues that are crucial for understanding the features of contemporary women's migration, including the rising proportions of marriage migrants.

While both the above cases would generally be considered to fall in the category of seasonal or circular migration driven by distress, a third case that shot into prominence during the pandemic is nowadays generally framed in policy perspectives as 'aspirational migration'.



## VI: Conditions and Limitations of 'Aspirational' Migration\*

An agitated exodus of over 150 Odisha girls from a garment factory in Ernakulam, Kerala in May, 2020, drew attention to the concentration of long distance female migrants in southern India's apparel factories, a phenomenon that seems to have gained momentum over the second decade of this century. Allowed to leave the factory premises only after resigning, the homeward journey of girls from Odisha was ultimately facilitated by a Bollywood actor, which pitchforked their desperate situation into feel good celebrity news. What was not considered newsworthy however, was the fact that the girls airlifted by the actor up to Bhubaneswar, all returned to just one place - Rajnagar block, in Kendrapara district. A few days later, another batch of girls hailing from Jharkhand, walked out of the same factory, with the same intent of going home. Shramik trains had begun to ply by then, and the girls were this time allowed to board. Some 800 to 1000 of them deboarded at Ranchi. A scale to the quiet massing of young women/girls in the migration stream from northern and eastern Indian states towards southern India's garment industry suddenly entered public consciousness.



Southern India's garment industry has long been known for feminisation of its workforce.<sup>15</sup> Occupational wage surveys of the 1990s had revealed that such feminisation went hand in hand with lower and more unequal wages for women workers, even in comparison to women workers in the significantly less feminised garment workforce of northern India.<sup>16</sup> Southern hubs of garment manufacture of course always drew on migrants for their workforce, but initially these migrants were mostly from within the state of location or at best from a neighbouring state. Recruiting women migrants from distant states, regions, and cultures is of relatively more recent vintage, and speaks to developments in the apparel industry.

By the 1990s, it was as the industry became more integrated with the western brand buyer controlled global apparel industry that the volume of RMG manufacture in southern India overtook the western and northern Indian apparel export hubs. Brand buyer policy of maintaining low inventories, meant shorter lead times and 'just in time' production. Inevitably this had led to transformation of India's garment export manufacturing from the niche of high fashion low volume merchandise that had characterised the independent exporters of yore, into low priced, larger volume production that became more concentrated in southern India. If the quantities and scale of production at short notice led to creation of larger factories, vicissitudes of high volume but short term demand and the pressure exerted by monopoly buyers on price lines was not conducive to sustaining long term or permanent workers, while the extensive as well as intensive labour required (compulsory overtime and high production

<sup>15</sup> See N Neetha, 'Flexible Production, Feminisation and Disorganization: Evidence from Tiruppur Knitwear Industry', EPW, Vol. 37, No. 21, May 25-31, 2002

\* This section draws on a study by the author supported by ILO's Work in Freedom programme. That support is gratefully acknowledged.

<sup>16</sup> See Mazumdar (2007), Globalization and Women Workers in India: Emergent Contradictions, Stree, Kolkata.

targets) also led to high burnout rates among particularly married women workers. Combined with the low wages in the industry, labour shortages, particularly in times of high and fast moving demand have become an endemic feature of the RMG industry.

The ways adopted by manufacturers to meet such a situation have been contractorisation and sub-contracting on one side, as is the dominant form in the major hub of Tiruppur in Tamil Nadu. On the other side, a de facto fixed term employment (generally not exceeding two to three years) seems to have also evolved, of which the factory in Ernakulam, Kerala is one example. Notwithstanding the assertion of the Ernakulam factory management that all its workers are 'permanent', by their own admission their workers, particularly the long distance migrants, generally stayed on for at best two to three years (attrition rates were higher for local within state migrants who tended to stay for much shorter periods). In the ability to maintain a continuous inflow as well as outflow of workers, dormitory hostels for workers within the factory seem to have emerged as a key strategy, since they attract a regular inflow of young and single girls, who cannot and do not continue after marriage. They may be officially 'permanent' workers of the factory, but their actual tenure is at best of a few years.

Interestingly, among a workforce of over 3000 in the Kerala factory, some 700 girls were from Kendrapara district alone, including 140 who had left during the pandemic, but returned after some months.<sup>17</sup> Field research by this author in 2021-22 found that the Rajnagar block office in Kendrapara, Odisha, had documented the return of 217 women from Kerala in the summer of 2020 (including the initial 150 mentioned above, who were then followed by others when the Shramik trains started plying). More than half the girls (56 percent) were in the age group 18-20, some 38 percent were between 21 and 25, with only a handful (11 in all) above 25, and none above 30. Almost all the women returnees were unmarried.

Interviews with the management of the factory as well as young women who traversed the corridor from Rajnagar to the Kerala factory revealed that it was the workers themselves who had become the main recruiters of friends, sisters, and others from the villages around, particularly from around 2017. For each recruit that a worker brought in, she was paid an incentive of around Rs 1000 by the factory management, over and above covering of all costs of transportation and travel expenses. The mass scale mobilisation of workers from Rajnagar is thus explained by a cumulative process with local girls working in the factory having become the primary source of intermediation. At the same time in the interviews with workers, the phrase "she's married now" was virtually coded to refer to someone who was no longer migrating or working in the factory.

A recruitment policy based on incentivised intermediation by its own workers could of course only work on the scale required if a critical mass of workers was already working in the factory. So the question arises as to how the factory made itself known in distant corners with which it had no social connection, and how the usual social restrictions on women migrating for work were overcome. It is here that government sponsored skill training centres seem to have emerged as key intermediaries in not only making large numbers of young girls from northern and eastern states available to the apparel industry in other states, but also in providing an official government stamp which goes part of the way in gaining social sanction for their migration based placement.

Garment factory work, considered to be 'aspirational migration', holds pride of place in the training and placement programmes for young girls under the Central Government's skill development policy.<sup>18</sup> The programmes are given leadership by National Skill Councils whose boards have industrialists and Government officials, but have assiduously excluded even representatives of the labour ministry and

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<sup>17</sup> Source: Interview with the Managing Director on 30.03.2022.

worker organisations, thus bypassing the tripartite system of including representatives of workers along with government and employers, which is a core principle for labour matters. Honed in neo-liberal times, the skill development policy is explicitly and exclusively directed towards placement in the private sector, whose labour training and recruitment costs are now paid for by the Government. It has proved particularly useful for feminised apparel export manufacturers, and some very large garment factory owners now run their own training and recruitment centres with government funds.

Since 2014, it is the Deen Dayal Upadhyay Grameen Kaushal Yojana (DDU-GKY) under the Union Government's Ministry of Rural Development that has emerged as the principal spearhead for training young girls from poorer states such as Odisha and Jharkhand for the garment industry, although often the skill centres operate through multiple govt. skilling schemes under the same roof.<sup>19</sup> DDU-GKY funds cover the costs of trainers, training requirements (including building rent and equipment), hostel accommodation (including food), transport, as well as placement costs for trainees. With all costs paid for by the government, the trainees, drawn mainly from rural BPL households, and particularly from St, SC, and OBC communities, don't have to incur any expenditure. This centrally sponsored scheme is fully funded by government (60% from the centre and 40% from states) although implementation agencies are all private.<sup>20</sup>

The Ernakulam factory started its long distance recruitment through such private agencies and partnered with one that ran centres in Jharkhand and Odisha, as well as north eastern states to make a promotional video. It showed the factory with neat and clean lines of uniformed girls stitching. Well laid out hostel dormitories, dining facilities, playgrounds and entertainment facilities were all displayed, and select workers, supervisors, and even parents of girls were shown talking about how good life was in the factory. With young girls apparently walking about and chatting in seeming abandon, the video presented a college or boarding school campus air to the factory's environs that was indeed attractive. Indeed the hostel facilities as directly observed by this researcher, did have a boarding school air about them.

And yet, interviews with workers from Jharkhand and Odisha made clear that the intensity of the pressure of work in the Ernakulam factory was more than in other factories. Unlike the common practice in the garment sector of extending the workday with overtime, the hostel based workforce in the Kerala factory, were never asked to work overtime. Instead the mode of extraction was an intense pressure to meet higher than average production targets within the 8 hour workday, through a combination of incentive pay and continuous verbal coercion (harsh words and insults) from supervisory staff, whose own incentive pay is linked to pushing up production targets.

Evidently the Ernakulam factory combines facilities that are truly better than anywhere else, with a gruelling and extractive pace of work that is more than anywhere else. Nevertheless, free food and accommodation has meant that the net incomes and remittances received by workers' families/peasant families are more than if they had to bear their own sustenance costs. Since most workers send the bulk of their wages home, a good number of families, particularly from Odisha, have been sending not just one but two, three and even more daughters to work in the Kerala factory. Further,

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<sup>18</sup> First enunciated in 2009, the Central Government's skill development policy was re-enunciated in 2015, with the same objective of training for private sector jobs. Usually, such placements also involved migration.

<sup>19</sup> Other schemes that operate under the same roof may include PMKVY or state government. named schemes. The broad pattern of funding made available by the government is the same (particularly since 2016, when a government order laid out the common norms), with a few tweaks in duration of training or components.

<sup>20</sup> Central allocations for DDU-GKY increased from Rs. 728 crores in 2014-15 to Rs. 2000 crores by 2021. Poor uptake during the pandemic however led to a massive drop in actual expenditure of to less than a quarter of the allocated funds of Rs. 2000 crores in 2021-22 followed by a halving of allocation to Rs. 1000 crores in 2022-23.

the company's stress on security arrangements, which ensures that workers are sequestered within the campus for most of the time, is rarely contested by any of the girls (the pandemic exodus being a rare exception), and suits both genuine safety concerns of their families, as well as their restrictive patriarchal anxieties.

Nevertheless, at its core, the mode of extraction that undergirds the production process in the factory is a burnout pace of work, which is ultimately sustained only by a rolling supply of young workers who leave within a few years. For the migrant workers themselves, this form of work is unsustainable after marriage, with both the system of hostel residence, as well as cultural distance acting as obstacles to any more long term continuance.

## **VII: In Conclusion**

This chapter has outlined some of the key trends in women's migration at three levels. Macro-data on women's migration and employment over three decades have been analysed to argue that the force of agrarian patriarchy with its feudal caste structures and hierarchies, is bolstered by the ongoing devaluation and displacement of women's work and employment. A discussion on women workers in circular and seasonal migration draws on earlier studies highlights how capitalist modes of accumulation can deprive women of an independent wage through the use of piece rates combined with a male female pair or family as the unit of labour. The chapter argues that there is a need to find a way to take up the issue of such cases of unpaid labour by women in the wage economy, and for organisers of labour to focus on women workers as a special contingent of such family units of labour. Finally, through an analysis of three cases that came to the fore during the Covid pandemic, the chapter has tried to demonstrate some of the complex issues and questions that each of them brought out.

Such a focus on women migrant workers and female centric migration streams should not however, be taken to deny the male centric pattern of labour migration in India, through which agrarian patriarchy reaches out and remains a ubiquitous and sustained institutional force within the ensemble of economic relations that are otherwise more dominated by market institutions. Indeed the pattern of male migrant workers leaving women behind has perpetuated the tendency to a low wage led growth path, as the cost of social reproduction continues to be borne in part, by the village economy and agrarian patriarchy, rather than the capitalist wage economy. Inevitably, a male dominated workforce constructed by male dominated labour migration narrows the fields of employment opportunity for women. It enhances the tendency for women workers (migrant and non-migrant) to become more concentrated in those industrial and service occupations where retrogressive gender ideologies make for an employer preference for women, and where a propensity to super-exploitation is particularly marked.

# CHAPTER Women in MSMEs

## 9

Preethi Rao and Aishwarya Joshi

### Abstract

Women's contribution to the Indian economy has long been an area of interest to scholars, and women entrepreneurs constitute an important part of the answer. This chapter attempts to provide a holistic picture of women's participation in the Micro, Small and Medium Enterprise (MSME) sector in India. We begin by contextualising the historical evolution of MSMEs and the current regulatory environment through a gender lens, and then go on to document barriers to promoting women's entrepreneurship viz. gendered social norms, the lack of market linkages, and discrimination in the formal credit market. We also list enablers that can be further scaled up, viz. social commerce, domain-specific government initiatives, ICT adoption, and alternative measures of creditworthiness. Furthermore, we discuss ecosystem-based solutions that have found success in recent years, viz. domain-specific government initiatives, frugal innovations, social commerce, upskilling and networking support, and collaborative philanthropy. We conclude by highlighting potential future opportunities that can be tapped to boost women's entrepreneurship in India, stressing the importance of investment and policy-level changes.

### I: Introduction: Contextualising Women Entrepreneurship in India

#### **Historical Evolution of Enterprise Constitution through a Gender Lens**

India's economic landscape went through a dynamic transformation in the 1990s, when liberalisation led to more open markets, increased foreign investments, and a resultant increase in economic growth. India's annual Gross Domestic Product (GDP) growth was augmented from a mere 1.1% in 1990 to 8.8% by 1999.<sup>1</sup> Micro and small enterprises were benefactors of this push towards entrepreneurship and competition and became important contributors to the nation's economy. The number of small-scale units increased from an estimated 0.87 million units in 1980-81 to over 3 million in 2000, while growth trends in the MSME sector (8.16%) outstripped the organised industrial sector in India (6.5%) by the end of the first decade of liberalisation.<sup>2</sup> Employment was boosted due to MSMEs as well: during 1991-1997, while the organised sector (including government jobs) saw an increase of a mere 0.86% of jobs per annum, small-scale units saw a tripling of this growth rate at 3.5% during this period (*ibid*). However, women's participation in this growth has been minimal. The lack of gender-disaggregated data collected at the national and sub-national level further hinders our understanding of the historical trends in women-led enterprises in the MSME sector.

<sup>1</sup> GDP growth (annual %) - India. World Bank Open Data. (n.d.). <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?end=2022&locations=IN&start=1961&view=chart>

<sup>2</sup> Economic indicators of SSI in India at a glance. Registered & Unregistered SSI Units India | Growth of Employment in SSI & Industrial sector. (n.d.). <https://www.dcmsme.gov.in/ssiindia/statistics/economic.htm#Industrial>



Prior to the recent push for women-led MSMEs, the few indicators available with respect to women's participation in the sector need to be pieced together from the limited gender-disaggregated data available in the Economic Censuses and the National Sample Survey (NSS) data. At the time of the Third Economic Census (1990), women's employment in enterprises was estimated to be 43.6%, which fell to 25.17% by the Sixth Economic Census two decades later (2013). More recently, NSS enterprise survey data indicates that women-led enterprises constituted a mere 17.4% of the total enterprises in India in 2010 (NSS 67<sup>th</sup> Round), and this proportion increased to 19.5% by 2015 (NSS 73<sup>rd</sup> Round). By these estimates, less than one in five enterprises in India are led by women. A review of the fifth and sixth Economic Censuses<sup>3</sup> notes that women-owned enterprises have gradually informalised: the number of such establishments without hired workers has increased from 77.10% in 2005 to 83.20% in 2013. Attention must be paid to rural India, where female proprietorship of own-account enterprises and establishments was estimated to be 17.2% in 2010 and grew only slightly to 21.2% in 2015. However, as of 2015, we see more rural women-led enterprises than in urban ones—the latter estimated to be 17.8% of the total enterprises in India—and this is partly attributable to over two decades of the Self-Help Group (SHG) movement in rural India.

The SHG movement gained momentum in the early 2000s. Supported by microfinance institutions (MFIs) and non-banking financial companies (NBFCs), SHGs have played a transformative role in empowering women in lower and middle-income countries (LMICs) such as India, and have fostered entrepreneurship among women through community-led microfinance. The movement initially focused on empowering women in rural India by promoting savings, credit availability, and women-led entrepreneurship.<sup>4</sup> In time, the movement took root in peri-urban and urban areas as well, and SHGs today have expanded their ambit by engaging in income-generating activities themselves, as well as providing skill development and capacity building for their members. Today, SHGs work in the areas of livelihoods creation, healthcare initiatives, and improving women's agency and empowerment in their respective communities. In 2010, 2.1% of all enterprises in India were owned and operated by SHGs (NSS 67<sup>th</sup> Round); by 2015 this number had dipped slightly to 1.8% (NSS 73<sup>rd</sup> Round).<sup>5</sup> Over the last few years, central and state government schemes and initiatives Deendayal Antyodaya Yojana - National Rural Livelihoods Mission (DAY-NRLM) and the Integrated Child Development Services (ICDS) push for convergence with existing SHG networks strengthen women's entrepreneurship in India. With several central and state initiatives such as the National Rural Economic Transformation Project (NRETP), the Tamil Nadu Rural Transformation Project (TNRTP), and JEEViKA by the Bihar Rural Livelihoods Promotion Society (BRPLS), SHGs have become a vital component of public sector efforts for enterprise formation in India.

The SHG movement in part has led to a shift to a more aggressive approach to promotion of entrepreneurship among women. Scholarship around gender and entrepreneurship delineates two types of entrepreneurs: opportunity entrepreneurs who tend to be highly educated, have prior business and managerial experience, enjoy access to capital and business networks and predominantly work in the formal sector.<sup>6</sup> Necessity entrepreneurs, on the other hand, are pushed into the field due to lack

<sup>3</sup> Samantroy, E., & Tomar, J. S. (2018). Women Entrepreneurship in India: Evidence from Economic Censuses. *Social Change*, 48(2), 188-207. <https://doi.org/10.1177/0049085718768898>.

<sup>4</sup> Laha, A., & Kuri, P. K. (2014). Measuring the Impact of Microfinance on Women Empowerment: A Cross Country Analysis with Special Reference to India. *International Journal of Public Administration*, 37(7), 397-408. <https://doi.org/10.1080/01900692.2013.858354>.

<sup>5</sup> Ministry of Statistics and Program Implementation. 2016. Economic Characteristics of Unincorporated Non-agricultural Enterprises (Excluding Construction) in India. [https://www.mofpi.gov.in/sites/default/files/2015\\_16\\_nss\\_73rd\\_round.pdf](https://www.mofpi.gov.in/sites/default/files/2015_16_nss_73rd_round.pdf)

<sup>6</sup> Warnecke, T. (2013). Entrepreneurship and Gender: An Institutional Perspective. *Journal of Economic Issues*, 47(2), 455-464. <https://doi.org/10.2753/JEI0021-3624470219>.



of income or job loss, do not have high levels of education or much prior experience, and have limited to no access to capital and business networks. They tend to work for low wages and usually function in the informal sector (ibid). Due to existing gender-based social norms, women are more likely to be necessity entrepreneurs than men, especially in developing countries.<sup>7</sup> It has been noted that women entrepreneurs in India occur more due to necessity/push factors than opportunity/pull factors.<sup>8</sup>

## Regulatory Environment

### • Definition of MSMEs as per the MSME Act

The MSME Development Act of 2006 was brought into force to promote, develop, and enhance the competitiveness of micro, small and medium enterprises (MSME Development Act, 2006).<sup>9</sup>

The latest definition of MSMEs as per the MSME Development Act Amendment (June 2020), classifies enterprises on the basis of investment in machinery or equipment as well as turnover.<sup>10</sup>

Classification	Investment in Plant and Machinery or Equipment	Turnover
Micro enterprise	INR < 10 million	INR < 50 million
Small enterprise	INR < 100 million	INR < 500 million
Medium enterprise	INR < 500 million	INR < 2.5 billion

The Act includes provisions for support from Reserve Bank of India for timely and smooth flow of credit, procurement preference policies by Central and State governments in favour of MSMEs, and centrally funded policies or programmes to promote and enhance skill development, technological upgradation, marketing assistance or infrastructure facilities, and cluster development to strengthen backward and forward linkages for MSMEs (ibid, pg 51) ). The Act also mandates the establishment of the National Board for Micro, Small, and Medium Enterprises and the Micro and Small Enterprises Facilitation Council. The former reviews government policies and programmes that promote and enhance competitiveness of MSMEs, the impact of such policies, makes recommendations to the Central government for the same, and advises with regard to usage of funds constituted under the Act. The latter resolves disputes between buyers and suppliers. An Advisory Committee is also constituted under the Act, which provides recommendations to Central and State governments regarding matters such as the level of employment and investment in micro, small and medium enterprises.

### • RBI Guidelines for Financing of MSMEs

The Reserve Bank of India (RBI) considers MSMEs to be a part of the priority lending sector due to its employment-intensive nature (Chapter III, *RBI - Directions*, 2017).<sup>11</sup> As such, the RBI prescribes a sub-target for banks to lend to the MSME sector within their overall priority lending (ibid).

<sup>7</sup> Saskia Vossenbergh, 2013. "Women Entrepreneurship Promotion in Developing Countries: What explains the gender gap in entrepreneurship and how to close it?," Working Papers 2013/08, Maastricht School of Management.

<sup>8</sup> Gupta, D. D. (2013). The Effect of Gender on Women-led Small Enterprises: The Case of India. South Asian Journal of Business and Management Cases, 2(1), 61-75. <https://doi.org/10.1177/2277977913480654>.

<sup>9</sup> The Gazette of India. Micro, Small and Medium Enterprises Development Act. (June, 2006). <https://samadhaan.msme.gov.in/WriteReadData/DocumentFile/MSMED2006act.pdf>

<sup>10</sup> The Gazette of India. Ministry of Micro, Small and Medium Enterprises Notification. (June, 2020) [https://msme.gov.in/sites/default/files/MSME\\_gazette\\_of\\_india.pdf](https://msme.gov.in/sites/default/files/MSME_gazette_of_india.pdf)

<sup>11</sup> Reserve Bank of India. Master Direction - Lending to Micro, Small & Medium Enterprises (MSME) Sector. (July, 2017). [https://www.rbi.org.in/Scripts/BS\\_ViewMasDirections.aspx?id=11060](https://www.rbi.org.in/Scripts/BS_ViewMasDirections.aspx?id=11060)

Other directives by the RBI for the banking sector in support of the MSME sector are as follows (Micro, Small and Medium Enterprises, *RBI*, 2021):<sup>12</sup>

- a) Start-up loans up to INR 500 million for enterprises classifying as MSMEs, and collateral-free loans up to INR 1 million for MSME units.
- b) Composite loans up to INR 10 million for MSME entrepreneurs to fulfil their working capital and term loan requirements.
- c) Cluster financing, where each lead bank in the district is directed to adopt at least one cluster to finance.
- d) Credit Guarantee Fund Trust Schemes for MSEs, a joint initiative of the MSME Ministry, Government of India, and SIDBI, to provide cover for credit facility up to INR 20 million extended by lending institutions to MSEs without any collateral security or third-party guarantee.
- e) Loans to entities assisting artisans, and village and cottage industries, as well as to NBFCs-MFIs for on-lending to MSMEs.

• ***Registration, Licensing, and Labour Regulation for MSMEs: Evolution over the Past Decade***

With the onset of economic reforms in the 1990s, India's industrial policy went through major transformation. The criterion of investment for classification of small scale industries (SSIs) was revised in the early 1990s, and small enterprises could choose to apply for registration as a small scale industrial undertaking with the State Directorate of Industries to be entitled for the incentives and concessions provided for such firms (DCMSME, 1991).<sup>13</sup> With the expansion in investment criteria for classification as SSIs, small enterprises were no longer required to obtain carrying-on-business (COB) licenses to continue operations, as was the requirement before this period (DCMSME, 1993). From 1997 onwards, products reserved for production by SSIs were gradually de-reserved, while most industries were delicensed in 1991 allowing entry of domestic and foreign competition.<sup>14</sup> Until 2006, small scale industrial units were required to register with the District Industries Centres (DICs).

After the MSME Development Act came into force in 2006, any entrepreneur intending to establish a services SME a medium manufacturing enterprise, was required to fill out the Entrepreneurs Memorandum Part-I (EM-I), while filing an Entrepreneurs Memorandum Part-II (EM-II) was discretionary for SMEs in services and manufacturing but was mandatory for medium scale manufacturing enterprises for certain specified industries as per the First Schedule of the ID&R Act, 1961 (DCMSME, 2014-15).<sup>15</sup> This was replaced by the Udyog Aadhaar Memorandum (UAM) in 2015, which was made mandatory for all new SMEs. Filing was discretionary for existing SMEs that had filed EM-I/EM-II or held Small Scale Industry registration prior to the 2006 MSME Act (MSME, 2015). With the UAM, there was a push for entirely digital filing. In June 2020, with the change in the criteria for MSMEs, the UAM was replaced by the Udyam registration which is now mandatorily linked to the entrepreneur's Aadhaar number (MSME, 2020).<sup>16</sup> All existing enterprises, even ones registered under

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<sup>12</sup> Reserve Bank of India. Micro, Small and Medium Enterprises FAQ. (October, 2021). <https://www.rbi.org.in/commonman/english/Scripts/FAQs.aspx?id=966>

<sup>13</sup> DCMSME. Circular 4/91-SSI Bd. (May, 1991). <https://www.dcmsme.gov.in/publications/circulars/2.htm>

<sup>14</sup> Bhattacharjea, A. Industrial policy in India since independence. Ind. Econ. Rev. 57, 565–598 (2022). <https://doi.org/10.1007/s41775-022-00154-9>.

<sup>15</sup> Development Commissioner (Micro, Small & Medium Enterprises). Entrepreneurs Memorandum (Part-II), Data on MSME Sector. (2015). <https://www.dcmsme.gov.in/publications/EMI-2014-15.pdf>

<sup>16</sup> The Gazette of India. Ministry of Micro, Small and Medium Enterprises Notification. (June, 2020). <https://udyamregistration.gov.in/docs/220191.pdf>

EM-II and UAM are required to re-register on the Udyam Registration portal. SMEs are now given a permanent identity number (Udyam Registration Number) and an e-certificate upon registration.

Some legislations around regulating labour welfare in India dates back to the colonial period, such as the Workmen's Compensation Act (1923), the Trade Unions Act (1926), the Payment of Wages Act (1936), and the Employers' Liability Act (1938). Other important legislation that is applicable to MSMEs was passed in the early years of Independence. For example, the Minimum Wages Act (1948) provides for minimum wages in certain occupations—as well as penalties and offences by companies—which various States have amended over the years. The Employees' Provident Fund & Miscellaneous Provisions Act (1952) stipulates that provident funds be instituted for employees to which the employer must contribute to. The Maternity Benefit Act (1961) requires employers to provide six months of paid maternity leave for female employees and cannot dismiss her from employment citing the maternity break as a reason. The Equal Remuneration Act (1976) provides for equal remuneration to men and women workers and prevents discrimination against women in matters of employment "on the grounds of sex". The Code on Wages (2019) amended and consolidated existing laws relating to wages and bonus, covering prohibition of gender-based discrimination, minimum wages and wage payment, audits, inspections and other matters for employers to attend to. In 2020, the Government of India announced the amalgamation of existing labour laws into four new Labour Codes, with proposed changes to extend social security benefits to gig workers among others.<sup>17</sup>

## **Data around Women Entrepreneurship - Trends in Numbers and Revenue Growth 2012-2022**

In the past decade (2012-2022), there are two major sources of pan-India data that can be used to estimate women's participation in the workplace: the first being the Sixth Economic Census (2016) and the second is the Periodic Labour Force Survey that has been carried out every quarter by the National Sample Survey Organisation (NSSO) since 2017. The former was the first Economic Census in which women's entrepreneurship was added as an area of enquiry in an attempt to bridge data gaps at the national level. Close to two-thirds of women-led businesses operate in the non-agricultural sector, with manufacturing (45.36%), trading (28.57%) and other services (8.18%) being the top three sub-sectors. In the agricultural sector, women predominantly own and operate businesses in livestock (92.2%), with forestry and logging being the second largest sub-sector (4.51%) (MOSPI, 2016).<sup>18</sup> We also know that large proportions of women-owned and -managed firms engage in 'traditionally feminine' sectors like wearing apparel, textiles, tobacco products, and food and beverage products<sup>19, 20</sup>.

A majority of women-led businesses (83.19%) operated without any hired workers, also known as 'solopreneurs'. By 2016 estimates, women-owned enterprises employed 13.45 million people, with a little over 60% of this employment generation being in rural areas. Agriculture (30.14%), manufacturing (29.36%), and trade (17.69%), emerge as the top three sectors in terms of number of persons employed in women-owned establishments (ibid)). A majority (89%) of women-led establishments are perennial in nature. Over three-quarters of women-owned businesses are estimated to be self-financed (79%),

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<sup>17</sup> Ministry of Information and Broadcasting, Government of India (2020), New Labour Code for New India. [https://labour.gov.in/sites/default/files/labour\\_code\\_eng.pdf](https://labour.gov.in/sites/default/files/labour_code_eng.pdf).

<sup>18</sup> Ministry of Statistics and Programme Implementation. 2016. All India Report of Sixth Economic Census. <https://msme.gov.in/sites/default/files/All%20India%20Report%20of%20Sixth%20Economic%20Census.pdf>

<sup>19</sup> Chaudhuri, K., Sasidharan, S. & Raj, R.S.N. Gender, small firm ownership, and credit access: some insights from India. Small Bus Econ 54, 1165–1181 (2020). <https://doi.org/10.1007/s11187-018-0124-3>.

<sup>20</sup> Mitra, R. (2002). The growth pattern of women-run enterprises: An empirical study in India. Journal of Developmental Entrepreneurship, 7(2), 217.

and around 18% run through donations and financial assistance from government sources. Despite the widespread reach of the SHG movement, loans from SHGs finance merely 1% of women-led enterprises in the country (*ibid*).

In certain sectors, however, the landscape seems to be changing. Opportunity entrepreneurship among women, specifically in high-growth sectors such as technology, finance, e-commerce etc. has been on the rise in recent years. Although the Indian start-up ecosystem is still in its nascent stages, there are examples of unicorns and successful enterprises led by women. However, in the absence of a comprehensive database that tracks women's participation in high-growth sectors, it is difficult to ascertain the progress women are making as start-up founders.

Moreover, unlike their male counterparts, over 50% of women-led businesses in India earn a monthly revenue of less than INR 10,000 which constrains their growth to small-scale and low-revenue businesses (*NSS 73rd Round*). Data on the informal sector at a national and state level continues to have major gaps, limiting the visibility around women-led businesses in the informal sector, where such small-scale and low-revenue models are more commonly found.

## II: Traditional and Non-Traditional Enablers and Barriers

### ***Gendered Social Norms and Low Female Labour Force Participation***

In South Asia, common constraints faced by female business owners are low levels of education, limited access to credit, and gender-based discrimination which leads to less training and lower levels of technical know-how resulting in a lower capacity to adapt to changing markets<sup>21</sup>. While some barriers such as, lack of motivation and fear of failure, are personal in nature<sup>22</sup>, others are socio-cultural challenges to women's advancement and empowerment. In India, even as the adjusted net enrolment rate (ANER) for girls has been improving since 2018, we see that there is a sharp drop in ANER for girls in secondary education. In 2018-19, only 57.6% girls were enrolled in classes 9 and 10, which increased to 64.7% in 2021-22—but this still leaves out over a third of girls of school-going age who are not in secondary education. The retention rate for girls in higher secondary education is even lesser, having improved only slightly from 40.4% in 2018-19 to 44.2% in 2021-22 (UDISE+ 2018-2022).<sup>23</sup> Women's health is also a cause of concern in India: 53.2% of women of reproductive age were anaemic in 2012<sup>24</sup>, this number was a worrying 57% according to *NFHS-5 estimates* for 2019-21. Women's safety continues to be a barrier to women's advancement: the National Commission for Women received 26,513 complaints in 2020-21, which was the second highest annual count during the period between 2012 and 2021. Sexual harassment, rape and attempt to rape, dowry deaths, domestic violence, and police apathy against women have routinely featured in the top 10 categories of complaints during this period (*NCW, 2012-2021*).<sup>25</sup> Added to these factors are the barriers of unpaid care work and double burden: on average, women in the Indian labour force spend almost 4 hours on unpaid domestic work and 1 hour and 45 minutes on unpaid care work in the household every day as

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<sup>21</sup> Luisa De Vita, Michela Mari, Sara Poggesi, Women entrepreneurs in and from developing countries: Evidences from the literature, *European Management Journal*, Volume 32, Issue 3, 2014, Pages 451-460, ISSN 0263-2373, <https://doi.org/10.1016/j.emj.2013.07.009>.

<sup>22</sup> Tripathi, K.A. and Singh, S. (2018), "Analysis of barriers to women entrepreneurship through ISM and MICMAC: A case of Indian MSMEs", *Journal of Enterprising Communities: People and Places in the Global Economy*, Vol. 12 No. 3, pp. 346-373. <https://doi.org/10.1108/JEC-12-2017-0101>.

<sup>23</sup> Ministry of Education. (2022). UDISE Dashboard. <https://dashboard.udiseplus.gov.in/#/home>

<sup>24</sup> UNICEF. (n.d.). Women's nutrition - UNICEF DATA. UNICEF DATA. <https://data.unicef.org/topic/nutrition/womens-nutrition/#data>.

<sup>25</sup> National Commission for Women. (2012-2021). Annual Reports. <http://ncw.nic.in/Annual-Reports>

opposed to their male counterparts, who spend merely 1.5 hours on domestic work and 1 hour and 12 minutes on care work respectively (NSO Report, 2019). All these factors contribute to a low female labour force participation rate, which was 24% as of 2022 (World Bank, 2022).<sup>26</sup> Subsequently, an even lesser proportion of women end up being business owners: currently, only 20% of India's 63 million MSMEs are owned by women (MicroSave Consulting, 2022).<sup>27</sup>

## **Market Linkages - Beyond the Boundaries**

A key gap that women entrepreneurs face in establishing and growing their businesses is the lack of backward and forward market linkages. Family support is also sought by women entrepreneurs in management and establishing market linkages;<sup>28</sup> a recent study by LEAD at Krea University found that male family members such as spouses, brothers, and sons often mediate interactions with specific segments of the business ecosystem on behalf of women entrepreneurs.<sup>29</sup> Gendered social norms further amplify these and other barriers to market linkages for women entrepreneurs; for example, the inability to provide collateral for loans due to property being owned by male family members.<sup>30</sup> Due to these norms, women entrepreneurs also are more likely to receive business guidance from informal networks of family and friends instead of other entrepreneurs (ibid). Scholarship highlights that firms managed and managed-and-owned by women face greater discrimination in the credit market for institutional and non-institutional loans (Chaudhuri et al, 2020).<sup>31</sup> This systemic barrier is further compounded by the fact that historically discriminated groups are often subjected to higher rates of interest in the credit market as lenders rely on the former's willingness to take more risks, thus reducing the expected returns from self-employment.<sup>32</sup> Such gendered barriers thus result in a lower capacity of women entrepreneurs to adapt to changing markets (De Vita et al 2014),<sup>33</sup> which exacerbates the general entrepreneurial challenges around marketing, finance and navigating regulatory frameworks (Sinha 2003).<sup>34</sup>

## **Changing the Narrative - Enablers for Women Entrepreneurs**

All these challenges notwithstanding, the landscape for women entrepreneurship is slowly but surely being transformed. The recent push for promoting and supporting women-led businesses through domain-specific government schemes and programs, state-led incubators such as Telangana's WE HUB are focusing on end-to-end support for women-led businesses. Social commerce as a concept is increasingly gaining momentum among women entrepreneurs, especially through easily

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<sup>26</sup> The World Bank. International Labour Organization. "ILO Modelled Estimates and Projections database (ILOEST)" ILOSTAT. Accessed February 06, 2024. <https://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS?locations=IN&start=2012>

<sup>27</sup> Jaitly, S., Thangallapally, L. S., MicroSave, Roy, A., Vaishnaav, C., Cyriac, A., Syal, P., Tandon, S., & Jain, J. (2022). Decoding Government support to women entrepreneurs in India. [https://www.niti.gov.in/sites/default/files/2023-03/221007\\_NITI\\_MSC%20Entrepreneurship%20Schemes%20Research%20Report\\_Final.pdf](https://www.niti.gov.in/sites/default/files/2023-03/221007_NITI_MSC%20Entrepreneurship%20Schemes%20Research%20Report_Final.pdf)

<sup>28</sup> Women Entrepreneurship Research Report: 2020 | A LANDSCAPE STUDY ON Women Entrepreneurship: Its challenges and impact on health, socio-economic security and family wellbeing outcomes of Women Entrepreneurs. In Landscape Study on Women Entrepreneurship. [https://cdn1.edelweissfin.com/wp-content/uploads/sites/3/2021/04/Landscape-Study-on-Women-Entrepreneurship\\_UdyamStree-By-EdelGive.pdf](https://cdn1.edelweissfin.com/wp-content/uploads/sites/3/2021/04/Landscape-Study-on-Women-Entrepreneurship_UdyamStree-By-EdelGive.pdf)

<sup>29</sup> Joshi, A., & Narasimhan, M. (2022). Connections: How social interactions

<sup>30</sup> shape growth stories of women-led enterprises. LEAD at Krea University.

<sup>31</sup> Chaudhuri, K., Sasidharan, S. & Raj, R.S.N. (2020). Gender, small firm ownership, and credit access: some insights from India. Small Bus Econ 54, 1165–1181 <https://doi.org/10.1007/s11187-018-0124-3>

<sup>32</sup> Deshpande, A., & Sharma, S. (2016). Disadvantage and discrimination in self-employment: caste gaps in earnings in Indian small businesses. Small Business Economics, 46(2), 325–346. <http://www.jstor.org/stable/43895708>

<sup>33</sup> De Vita, L., Mari, M., & Poggesi, S. (2014). Women entrepreneurs in and from developing countries: Evidences from the literature. European Management Journal, 32(3), 451–460. <https://doi.org/10.1016/j.emj.2013.07.009>

<sup>34</sup> Women entrepreneurship in the North East India: motivation, social support and constraints on JSTOR. (n.d.). [www.jstor.org. https://www.jstor.org/stable/27767864](https://www.jstor.org/stable/27767864)



navigable channels such as WhatsApp and Facebook, which help them reach customers without third-party mediation.<sup>35</sup> Due to the informal nature of many women-led, own-account enterprises in India, women entrepreneurs often find themselves at a disadvantage when banks and other lending institutions use traditional measures of creditworthiness to determine their suitability for credit assistance (Chaudhuri et al, 2020). Utilising alternate measures of creditworthiness that consider these constraints can help even the playing field for institutional credit access for women-led businesses. Lastly, with the increased investment in government programs such as the NRETP, there is a changing business landscape in India today, with a shift in focus towards growth-track nano-entrepreneurs to help diversify the enterprise landscape, especially in rural areas. Existing literature documents that ICT adoption can help rural micro-entrepreneurs in accessing finance, gathering information about new markets, and enhancing their managerial abilities (Chatterjee et al, 2020).<sup>36</sup> Digital technology continues to contain untapped opportunities for women entrepreneurs in skilling, business processes outsourcing, and e-commerce through an evolving digital economy. In time, ICT can be harnessed for last-mile delivery of business support for women-led enterprises of varying scale.

### III: Solutioning through an Ecosystem Approach

#### ***The Future of Entrepreneurship: Use Cases of Innovative, Non-Traditional Business Models***

In an information, skill and credit constrained setting, women in search of livelihood opportunities have often sought establishing low-cost, low-skill, subsistence enterprises, largely characterised by their small scale, informality and their traditional sectoral representation. These nano-enterprises have little growth potential and are more often than not constituted out of necessity rather than business opportunity or aspiration. Even among the 8.3 million strong SHG network ([SHG Profile Entry status](#)), which exerts higher bargaining power and has better access to credit and information due to collectivisation, women collective members are not able to reach their potential. While there are many reasons for this, fear of failure, affecting their risk preferences and business appetite or insufficient skill sets can severely impact enterprise creation and growth. Frugal innovations are best suited in resource constrained settings where the capital available is low while the required skills and community support is available to achieve the envisioned outcomes.

Maximising cost savings can be achieved through

- i. Removing, reducing or replacing operational processes in a business,
- ii. Replacing cost-intensive processes with frugal innovations,
- iii. Standardising processes to ensure maximum output with minimal quality deviations,
- iv. Introducing heuristics for monitoring business performance by the SHG member

For women entrepreneurs in the higher revenue rungs, digital technology and recent developments such as generative AI has opened doors that were hitherto unavailable due to educational disparities in STEM education (CFR, 2017).<sup>37</sup> Women entrepreneurs are also venturing into sustainable businesses such as waste management, eco-friendly products and renewable energy.

<sup>35</sup> Camacho, S., Barrios, A. Social commerce affordances for female entrepreneurship: the case of Facebook. *Electron Markets* 32, 1145–1167 (2022). <https://doi.org/10.1007/s12525-021-00487-y>

<sup>36</sup> Viswanath Venkatesh, Jason D. Shaw, Tracy Ann Sykes, Samuel Fosso Wamba, and Mary Macharia, 2017: Networks, Technology, and Entrepreneurship: A Field Quasi-experiment among Women in Rural India. *AMJ*, 60, 1709–1740, <https://doi.org/10.5465/amj.2015.0849>.

<sup>37</sup> Guest Blogger for Women Around the World. (2017, June 16). Girls' STEM education can drive economic growth. Council on Foreign Relations. <https://www.cfr.org/blog/girls-stem-education-can-drive-economic-growth>



## **Upskilling - bringing WEs at par in terms of technical skills, business planning and development, and networking and incubation opportunities**

As women entrepreneurs graduate from subsistence to aspirational and growth-oriented enterprises, there is a need to upskill and learn current and on demand offerings. This is available to them as part of incubation and acceleration programs. Such programs can be of two types - (1) Educational - that provides access to training, mentors, networking opportunities and so on, and (2) Investment oriented - that provides access to funding support, capital and business planning assistance. Some of the major women focused in India include Amazon collaboration with Womennovator, AccelerateHer, Her&Now (GiZ), NSRCEL IIM Bangalore, empoWer and WE HUB (Techcircle). These programmes provide a range of support services including technical, financial, government/policy, market linkages and access to networks. The programmes are also designed strategically to build the capacity of women entrepreneurs in new age skills such as growth hacking, product diversification, portfolio management and so on that the women need to acquire to tap into the evolving investor ecosystem. Women entrepreneurs are also equipped with skills to pitch their startups and business blueprints to investors. The Startup India supported women entrepreneurship initiatives such as Women for Startups networking and training initiative, SuperStree video podcast series and WING, have brought women entrepreneurs together and created a platform for constant learning and development ([Startup India](#)). A cross country analysis of women versus men startups finds that in no instance do women entrepreneurs report higher startup capabilities than men ([GEM Women's Entrepreneurship Monitor, 2021/22](#)).<sup>38</sup> Existence of such support mechanisms ensures that the confidence and understanding of women entrepreneur's own skills and capabilities increases, thus leading to more women-led startups in the economy. Apart from the structure and availability of upskilling opportunities, it is also important to ensure that such programs are designed in a format that is readily accessible to women entrepreneurs at different stages of life (IWWAGE/DSEU, [Barriers to Entrepreneurship, 2022](#)).<sup>39</sup> The Ministry of Skill Development and Entrepreneurship has also introduced several skilling programs for women entrepreneurs such as long term training through ITIs, apprenticeship training, Skill India and so on and also initiated special women-centric projects ([MSDE](#)).<sup>40</sup>

## **Collaborative Philanthropy**

An analysis of the data from the NSS 73rd round shows that when comparing the loan amounts accessed by men and women, women receive loans in amounts that are as much as 50 percent lesser than those accessed by men, and the number of loans accessed is also around 7.5 percentage points lower. A study by Mckinsey shows that if women entrepreneurs receive equal loans as men, they will add as much as \$12 trillion dollars to the economy globally (Mckinsey, [Power of Parity, 2015](#)).<sup>41</sup>

The gender gap in access to capital arises out of many factors ranging from lack of awareness of the existing financial support to lack of customised and targeted financial solutions for women. Such barriers can be overcome by bringing together like-minded financial institutions, venture

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<sup>38</sup> GEM Global Entrepreneurship Monitor. (n.d.). GEM Global Entrepreneurship Monitor. <https://www.gemconsortium.org/report/gem-202122-womens-entrepreneurship-report-from-crisis-to-opportunity>

<sup>39</sup> Gupta, N., & Rao, P. (2022). BARRIERS AND OPPORTUNITIES FOR ASPIRATIONAL WOMEN ENTREPRENEURS (Atiya Anis, Ed.) [Report]. [https://dseu.ac.in/wp-content/uploads/2022/06/FINAL\\_Delhi-SSK-report\\_June-2022\\_V12-10-June-1.pdf](https://dseu.ac.in/wp-content/uploads/2022/06/FINAL_Delhi-SSK-report_June-2022_V12-10-June-1.pdf)

<sup>40</sup> Ministry of Skill Development and Entrepreneurship. (n.d.). Women get a special focus under Skill India Mission. <https://msde.gov.in/sites/default/files/2019-09/Women%20get%20a%20special%20focus%20under%20Skill%20India%20Mission.pdf>

<sup>41</sup> McKinsey & Company. (2015). THE POWER OF PARITY: HOW ADVANCING WOMEN'S EQUALITY CAN ADD \$12 TRILLION TO GLOBAL GROWTH. [https://www.mckinsey.com/~media/mckinsey/industries/public%20and%20social%20sector/our%20insights/how%20advancing%20womens%20equality%20can%20add%2012%20trillion%20to%20global%20growth/mgi%20power%20of%20parity\\_executive%20summary\\_september%202015.pdf](https://www.mckinsey.com/~media/mckinsey/industries/public%20and%20social%20sector/our%20insights/how%20advancing%20womens%20equality%20can%20add%2012%20trillion%20to%20global%20growth/mgi%20power%20of%20parity_executive%20summary_september%202015.pdf)

capitalists, philanthropists and other types of institutions with a specific understanding of the stages of entrepreneurship that women are in and the associated funding needs. Women entrepreneurs need an array of financial instruments such as 'sachet' loans for short term requirements, blended finance including loans and credit guarantees for riskier businesses and impact oriented bonds and equity investments (LEAD/AVPN, Collaborative Philanthropy, 2022). Collaborative networks such as co-impact, AVPN, ANDE and so on have set up dedicated gender funds to pool resources to support women entrepreneurship.

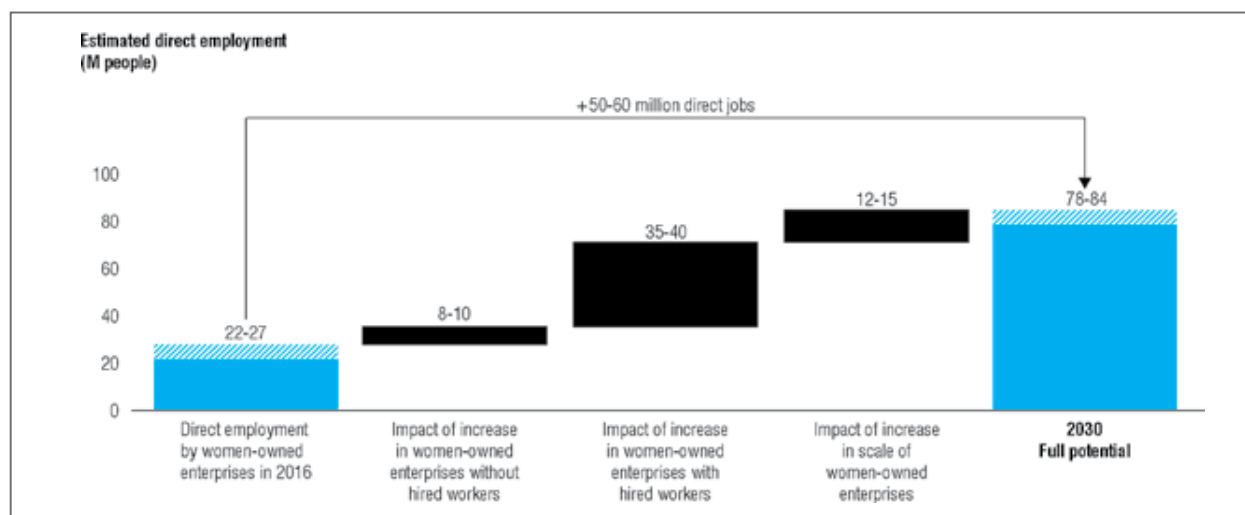
## IV: Opportunities Ahead

### ***Building Women Entrepreneurship as a Key Contributor to Employment Growth***

The potential of women-led enterprises to contribute to GDP has been hitherto untapped. The economic case for investing in women-led enterprises is compelling:

1. Women-led enterprises currently contribute to only 3 percent of the total industrial output and are an untapped economic opportunity. Increasing their presence in productive sectors can lead to exponential economic gains.
2. Women entrepreneurs have higher credit consciousness, better credit scores and lower delinquency rates than their male peers.
3. Women-led enterprises support more women in employment:
  - a. Women entrepreneurs currently employ 27 million workers and are three times more likely to hire a female employee.
  - b. Promoting women-led businesses can create up to 60 million direct jobs by 2030.

**Figure: Women-owned enterprises and job creation**



There is also strong evidence that women in leadership roles generate more positive outcomes for the business community. Companies with gender-diverse boards generate a higher return on equity, generate excess returns for investors and outperform those with no women in terms of share price performance during times of crisis or volatility. High-performing companies are almost 50 percent more likely than low-performing companies to report that men and women have equal influence on strategy development (BCG, 2018).<sup>42</sup>

<sup>42</sup> Katie A., Krentz M, BCG. 2018. Why Women-owned Startups are a Better Bet. <https://www.bcg.com/publications/2018/why-women-owned-startups-are-better-bet>

## Investment and Policy Focus

To promote women entrepreneurship, a holistic support system has to be established. Access to credit, skilling, regulatory support, change in social norms are some of the key areas of intervention to ensure that women entrepreneurs are able to contribute to the economy to their fullest potential.

The gender budget outlay for the year 2023-24 stands at 4.95 percent (i.e. Rs. 2,23,219.75 crore budgeted for gender ([Gender Budget Statement](#)), in a total budgetary outlay of Rs. 45,03,097.45 crore), which is a higher percentage than the previous year's budget estimate (4.33 percent). However, it must be noted that this increase is still lower than the revised estimates from last year (where the Gender Budget accounted for 5.21 percent of total expenditure) as well as the actual expenditure from 2020-21, which was 5.52 percent. The budget allocation under relevant Ministries have also witnessed cuts in gender budgets as follows -

1. As a percentage of total expenditure, the MWCD budget has decreased from 0.63 percent in 2022-23 to 0.56 percent in 2023-24.
2. Budgetary allocations towards the Deen Dayal Antyodaya Yojana National Rural Livelihood Mission (MORD) have increased slightly by Rs. 800 crores. Allocations towards MNREGA (as a percentage of the MoRD's budget) have been cut by 25 percent from Rs. 73,000 crores in 22-23 to Rs. 60,000 crores in the FY23-24 budget.
3. The total outlay to the Credit Guarantee Funds (Ministry of Finance) has been reduced by Rs. 500 crores and schemes such as PMMY and Stand-Up India that focus on credit lending to women and other minorities have been allocated almost no funds.

Though there have been budget cuts, women entrepreneurship has received a major regulatory and policy push in the last few years. In 2018, Central undertakings were mandated to source at least 3 percent of their procurements from women entrepreneurs. Two provisions were introduced under the Credit Guarantee Scheme for Micro and Small Enterprises Special drives to support women entrepreneurs: 10 percent concession in annual guarantee fees and an additional 10 percent guarantee coverage of up to 85 percent. Special drives were conducted to register women-owned MSMEs on the Udyam Registration Portal, and as of March 2023, over 2 lakh women-led MSMEs are reportedly registered on the portal (PIB 2023).<sup>43</sup> Some major schemes for women entrepreneurs include:

1. SAMARTH initiative which provisions 20 percent seats in free skill development programs, along with 20 percent of MSME business delegations for domestic and international exhibitions and 20 percent discount on annual processing fee on NSIC's commercial schemes for aspiring and existing women entrepreneurs;
2. Pradhan Mantri MUDRA Yojana (PMMY) which provides up to INR 100,000 to non-corporate, non-farm micro- and small enterprises;
3. Prime Minister's Employment Generation Program (PMEGP) which provides credit linked subsidy for setting up new micro enterprises in non-farm sector, with the margin money subsidy being greater for women among others classified as 'Special categories';
4. Udyogini Yojana by Women Development Corporation which provides loans up to INR 300,000 to women-led small-scale enterprises in rural and underdeveloped areas;
5. Arjana scheme (SIDBI) which provides loans from INR 250,000 to INR 30,000,000 with relatively softer terms for women-led enterprises.

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<sup>43</sup> Press Information Bureau. (2023). More than 2 lakh women owned MSMEs registered on UDYAM portal during special drives. (n.d.). <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1909928>

Other programmes and schemes providing training, business support, and MSME certification are also provided for entrepreneurs under the ambit of the Central and State governments. As of 2022, there existed 70 Central government schemes, 433 State schemes, and 52 schemes from SIDBI and NABARD specifically targeted towards women entrepreneurs. These schemes provided support in the areas of access to business support services, access to finance, entrepreneurship promotion, market linkages, mentoring and networking, and training and skilling (MicroSave Consulting 2022).<sup>44</sup> The National Policy for Skill Development enlists a public procurement process to incentivise women-owned businesses (MSDE, 2015).<sup>45</sup> Several schemes such as the Pradhan Mantri Micro Units Development & Refinance Agency (MUDRA) Yojana, Udyogini Scheme, Bharatiya Mahila Bank commercial loan scheme, Dena Shakti Scheme, Mahila Udyam Scheme, Stree Shakti Scheme, and the Annapurna Scheme, have provided women entrepreneurs access to capital in the form of loans. NITI Aayog's Women Entrepreneurship Platform (WEP) is a unified access portal that facilitates access to relevant information and services through key partnerships.

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# CHAPTER 10 New and Emerging Sectors of Labour Absorption

Anweshaa Ghosh

## Abstract

*This chapter looks at the gendered experiences of workers in the platform economy in India. The wide gender digital divide inhibits women's access and entry into the platform economy which is now ubiquitous in urban India. The chapter discusses the precarious working conditions in the emerging 'new' economy in India for platform workers. It argues how precarity becomes more pronounced for women platform workers owing to the two compounding factors - algorithm controls and the existing gendered notions of what constitutes women's work in the market space. This results in entry and sustenance barriers, volatile and low wages, job insecurity, etc. In addition, weak regulations, unequal burden of care, gender norms around women's mobility and negligible social security further keep women workers in the margins of the platform economy, thereby debunking the myth of 'flexibility' as made popular by platforms. Based on such findings, the author recommends platforms to share gender disaggregated data, creating robust and safe workspace mechanisms, support emerging platform worker led cooperatives, among others. It calls for responsible actions from both the state and the platforms to create a more inclusive space for women platform workers in India.*

## I: Introduction

In the last two decades, there has been the emergence of the 'new economy' - the rise of the digital platform economy, also now dubbed by many as the Fourth Industrial Revolution. There has been a steep rise and penetration of the platform economy facilitated by the growing digital platform, greater internet connectivity and willingness of consumers to try mobile apps that facilitate peer-to-peer business models, shared entrepreneurial enterprises etc. One is moving from the 20th century model where the corporation accumulates resources and produces goods and services toward the 21st century model where one can avail certain platforms. These platforms are large companies but draw resources from a distributed crowd with digital spaces on the rise. Sharing economies allow individuals and groups to make money from underutilised assets. We are moving toward an economy where physical assets are shared as services. (Yaraghi and Ravi, 2017). There is a shift in pattern of consumer behaviorism in urban centers towards services and goods acquired through digital platforms – transport, e-commerce, services such as personal grooming, food delivery, hospitality, etc. Meanwhile, the expansion of the digital economy is accompanied by the 'deregulation of labour markets and the increasing externalisation and fragmentation of work have provided, and continue to provide, fertile ground for the growth of digital platform work' (Blanchard 2022: 9).

Broadly, gig work can be understood as two types of work – Crowd work and On-demand application-based work (Cardon and Casilli 2015). As cited in De Stefano (2016), crowd work is where many tasks are performed online, connecting individuals and firms. On the other hand, the on-demand work

refers to daily transactions of “daily traditional activities” managed through the application, where the companies play a role in deciding the working conditions. For instance, one of the typical on-demand platforms is Uber along with other food delivery firms, which depend a lot on the workers’ labour directly or indirectly (Casilli 2017). In this chapter, I will lay out the general working conditions of the platform economy in India, based on secondary literature from India and the global south perspective, intertwining with women’s gendered experiences of working in the platform economy.

Digital labour platforms, which are ICT-enabled, data-driven and use algorithms to allocate, evaluate and monitor work, have seen exponential growth in India. The workforce engaged by these platforms is projected to reach 23.5 million by 2030. The number of digital gig workers has already increased from 15 million in 2018 to 130 million in April 2021. This is equivalent to 27.5 percent of India’s workforce of nearly 472 million workers according to 2020 World Bank data (World Bank 2021). A 2021 report by India’s Association of Chambers of Commerce and Industry, states that the domestic digital economy will account for 350 million gig jobs by 2025 (Oxford Analytica 2021). The Niti Aayog Report (2022) estimates there are 7.7 million platform workers in the country, forming 2.6 percent of the nonagricultural workforce and 1.5 percent of the total livelihood in India. In 2021, the government shared that 7.29 lakh gig workers had registered with the e-Sharam portal, a national database for informal workers. According to a Boston Consulting Group report (2021) the gig economy has the potential to service up to 90 million jobs in India’s non-farm economy alone, transact over USD 250 billion in volume of work, and contribute an incremental approximate 1.25 percent to India’s GDP over the long term. India’s gig economy workforce is also one of the largest contributors to the global gig workforce (Ibid.). This indicates that the gig economy is being looked upon as a key ‘job-creator’ in the Indian market.

In this digital matchmaking economy, algorithms are increasingly taking the role of human resource managers, middle managers, and customer service representatives (Schmidt 2017, as cited in Bansal 2023). The phantomisation of work and the increased use of algorithmic management for organising and monitoring work, has indeed led to the informalisation of employment relations and the blurring of boundaries between paid and unpaid care work (Sun et al. 2021, cited in Rani et al. 2022). Literature reveals that this form of ‘disruptive’ economy continues to build on the informal economy – low and volatile wages, time intensive and negligible social security. Further, there is enough evidence that shows that automation and digitisation of work replicates and perhaps expands exploitative and gender discriminatory practices as existed in the traditional models of work. (Lee et al 2015, cited in Bansal 2023). Studies have also shown that platforms are ‘worker-blind’ and designing of the platform is ‘customer - centric’ which leads to skewed power relations which are exploitative and discriminatory (Bansal 2023), especially based on race, class, religion, caste, disability, migrant status, across countries (Hunt and Machingura, 2016, Ticona and Mateescu 2018; van Doorn 2017).

While these platforms are providing new opportunities for women, differently abled and marginalised communities, most workers in India occupy the informal and lower-end jobs in the platform economy (Rani et al 2021). For the platforms, an excess supply of labour acts as a cushion, as they always have a large pool of available workers who are willing to replace the disillusioned workers, and for lower wages. India’s high urban unemployment rate in recent years has further reduced alternate employment opportunities for those in the labour force. ‘All these are favourable conditions for platforms to sustain as monopsonies and this is why they can afford to respond to most worker protests by penalising protesting workers by suspending them from the platform’ (Ponathpur and Ramachandran 2023: 11).

## II: Work Conditions in the Platform Economy – The Gendered Version

The gender roles that dominate the traditional labour market, continue to thrive in the platform economy as well – women continue to work in feminised sectors of paid domestic work and beauty and wellness sectors on the relevant platforms. While women have begun to also enter traditionally male-dominated sectors of ride-hailing and delivery, their numbers are comparatively low owing to number of gendered factors which will be discussed going forward (Ghosh et al. 2021). Moreover, due to the non-availability of gender-disaggregated data in India it is difficult to ascertain the exact number of women working in various sectors across the platform economy. In a study on how platform design and strategy interact with women's economic and social conditions, Surie and Adavi found that 'gender-disaggregated data was not a priority for most firms...but had a general sense of the gender composition and breakdown because of their team's interactions with their workforce.' (2021: 76). The lack of gender-disaggregated data has serious implications ranging from gender blind, male bread-winner models of platform design and policies in the market and the state.

The platform economy thrives on the concept of 'flexibility' and 'freedom' (Woodcock and Graham 2020) - to work as per one's desirable work hours - a concept that is of appeal to most women with high care and unpaid work burden (often compounded by gender norms around mobility) disallowing them to work. Flexibility however is a myth and impacts ability to earn through incentives, thereby allowing men to often earn more than women even on platforms that are not structurally designed to discriminate. There is much evidence now that gender pay gaps also exist on online labour platforms and the gaps vary depending upon the nature of the tasks performed, platform type, and if the work is taking place in developed or developing countries (Rani et al. 2022; Aleksynska et al. 2021). A 2018 study of more than 1 million Uber drivers in United States of America, found that while Uber's app is not structurally set up to discriminate, there was still a 7 percent gender pay gap for three main reasons: Men tended to drive faster, had more experience on the platform and had fewer constraints about where they could drive. (Goldman 2021). The gender pay gap in the gig economy in India is also supported by a study by TeamLease that found that women delivery workers in India are paid around 10 percent less than men (Kasliwal 2020; Kar 2019). The difference in pay gap mainly results from women's inability to give more time 'on the job' because of their unpaid and care responsibilities, gender norms around mobility which is bolstered by unsafe public spaces which forces women to reduce their work hours. Moreover, perceived gender roles in the same job may also fetch different wages as was evident in a platform for hiring cooks in India. In a study led by Institute of Social Studies Trust (ISST) on women gig workers in India, women cooks were hired for home-cooking while men were hired for cooking in guest houses and hotels, where the wages were higher. (Ghosh et.al 2020). This also illustrates the on-boarding of gendered hiring patterns as evident in traditional domestic work for cooks.

The income volatility owing to algorithm controls negates the flexibility and autonomy promised by the platform economy. Women are constantly negotiating at their homes and families to be able to step out to the 'tasks' assigned to them. This volatility is also caused by the sudden change in incentive models, which along with high commissions charged by the platforms do not remain lucrative in the long run. Further, the subjective ratings also determine ability to earn in case of platform workers. Women workers are often expected to be adept at soft skills, pleasing to the eye and subservient in their manner, especially in case of direct service provision such as beauty work, domestic work, EdTech, etc. (Ghosh et al. 2021; Adavi and Surie 2023). While women (beauty platform workers) are informed about ratings and reviews, but it is only when they start working that they realise the full

import of blended supervision (Komarraju et al. 2021). Any drop in ratings can lead to suspension of accounts, re-skilling, etc., which leads to wage loss.

It is important to note that entry into platforms differs across different platforms. One needs to at least own a smartphone to be able to enter the platform market. The Mobile Gender Gap Report (2023) shows that the smart phone ownership gender gap is 40 percent. The report further states that in India, 19 percent of female mobile internet users are only accessing it on someone else's device compared to 8 percent of men. This means non-ownership of mobile phones restricts women's participation in the platform economy at the entry level itself.

While women's share in vehicle ownership and holding driving licenses is improving, their representation in jobs with driving as an integral part remains low. (Raman and Banswal 2023: 67). In ride-hailing, e-commerce and delivery platform, one needs to own a two-wheeler vehicle, and, in most cases, women do not own any such asset and have to take two-wheelers on hire or EMIs which also needs to be maintained over time, thereby making a dent in their volatile incomes. Moreover, the rising fuel costs and inflation has led to platform workers (on food delivery apps) working 23 percent more than their peers and earning 8 percent less than them (NCAER 2023). As such, even as prevailing gender stereotypes lead to low representation of women in these roles, their low ownership of vehicles exacerbates it further (Raman and Banswal 2023).

Similarly, women beauty workers require an initial investment of Rs. 30,000-40,000 for the beauty kit provided by the platform, which means negotiation with families. The requirement of such financial investment de-bars most women from entering the platform economy, even if it promises flexibility as women historically do not own assets in their names and access to any loans is negligible. Also, taking one step before the entry, women need to acquire skills such as driving (for ride-hailing and delivery) which are considered 'non-traditional' which requires many negotiations with the family, information and access to such skilling schools, time and resource investment for acquiring the skill, etc., the cost of the struggle often invisible to the gender-blind platforms. (Ghosh et al. 2022)

Platform workers are often handed contracts which are often missing in traditional informal jobs (NCAER 2023). However, these contracts are lop-sided and there is no scope for any negotiation of the terms. These 'contracts of adhesion' (ILO. 2021) are often in English and most workers are not fully aware of the terms and conditions. Women domestic workers, often women with no or negligible education, were not aware of what the 'document' contained (Ghosh et al. 2021). A platform that connects (women) domestic workers to clients shared that they encourage their clients to provide contracts to their workers and offer support in terms of designing the same in vernacular, but most clients are not agreeable to this. (Ibid.).

In terms of grievance mechanism, platform workers have found it difficult to reach out to managers and in case their IDs are blocked or suspended, it becomes an extremely difficult task to rectify the same. (Ghosh et al. 2021) Gig workers unions support platform workers to claim accidental insurances or any conflict that may arise with the platform (Ibid.). It is only in the last couple of years that women beauty workers, mainly from Urban Company have begun to collectivise. Meanwhile, women are more active on WhatsApp groups which they create with other known colleagues; these 'whisper networks' (Meza 2017, cited in Komarraju 2023) help navigate isolation, information asymmetry, grievance mechanisms and share cautionary tales. (Ghosh et al. 2022, Komarraju 2023). Women beauty workers have shared that individual complaints against a customer do not work and unless there are repeated complaints about the same customer, only then the customer's ID is blocked. Most beauty workers shared that are asked to leave if any conflict arises before the service starts but can have implication on their rating as the same is in the hands of the customer (Komarraju 2023)

In terms of employment status, platform workers continue to be treated as 'independent contractors' or 'partners' and not employees of the platform which relieves the platform from providing any social security and in continuation any decent work conditions. For women platform workers, who are already vulnerable to risks owing to their gendered income insecurity as evidenced above, not having any social security makes them more vulnerable.

### III: Regulation and Social Protection

Platforms have a dismal record of providing any social protection to their 'partners'. The NCAER report (2023) highlighted that 45.3 percent food delivery workers reported platforms were not helpful during time of emergency or accident. While, most platforms provide accidental insurance, there are various clauses attached which workers are mostly unaware of.

Gig workers as a category of work were recognised for the first time in the Code on Social Security bill to register gig workers and set up a fund to support the extension of social security benefits to them, including maternity leave, disability insurance, gratuity, health insurance, and old age protection. There is, however, a need for distinction between gig and platform workers as of now both are included under the broad definition (Sarkar 2020). Further, domestic workers are not included in the Code on Social Security, and many women domestic workers work on relevant care work platforms and simultaneously work in individual homes; as such over-lapping and multiplicity of occupational identity can lead to confusion which may hinder registration of workers in the Board (Ghosh et al. 2021).

Gig workers unions also felt the Code on Wages was a missed opportunity in terms of getting employee status for platform workers (Ibid.). The Code on Occupational Safety, Health and Working Conditions, 2020, collates existing regulations in the space of medical, life and other hazard coverages, but does not explicitly mention gig workers. Moreover, while the codes recognise the role of companies, it is yet to address the responsibility of consumers of these services to uplift the lives of gig workers.

There has been much action in various states on policy making for platform workers since their recognition in the Code on Social Security, 2020. The Rajasthan Platform-Based Gig Workers (Registration and Welfare) Act, 2023 (henceforth referred to as RGW Bill) passed in July 2023, is the first of its kind in the world. It offers registration of all gig workers (and issuing unique IDs to each), registration of aggregators and primary employers; proposed monetary cess (less than 2 percent and more than one percent) levied on each platform-based transaction/duty to be contributed to the social security fund for the workers; provision of social security benefits to these workers (including accident and health insurance, maternity, gratuity, pension, EPF, ESIC, scholarships in consonance with existing schemes as prescribed); grievance redressal mechanism for the workers, regular consultations with trade unions working with platform workers, provisions for heavy penalties (up to Rs 50 lakh) on non-complying aggregators and employers, among others. (Bhatia 2023) Amidst positive development, there is a mandate to have at least one-third of the nominated members should be women. In addition, the Rajasthan government has promised allocation of Rs 200 crore to the Gig Workers Security and Welfare Fund. It is heartening to see other states such as Karnataka, Telangana, etc. are also developing policies around social security for gig workers – such measures show that the government recognises the risk gig workers face, and this creates an opportunity for more people to enter gig work.

There is a need to learn from the successes and failures of the various labour welfare boards across the states so that this particular board works more efficiently and not just based on paper. Registration of migrant workers is still low in the Building and Construction Workers Welfare Boards across various



states which has resulted in vast underutilised funds even in crises period of the Covid-19 pandemic (Trivedi 2020). The Welfare Boards for domestic workers has been dysfunctional for many years and registration of domestic workers has been extremely low; some of the reasons being the apathy of the policy makers towards domestic workers largely performed by poor women who are involved in time intensive work (Chigateri et al. 2016). Given the low numbers of women in the platform economy (Gupta 2023; Ghosh et al. 2021), there is a concern that women's issues in the gig economy should not get relegated to the margins, especially considering that it is a male-dominated digital economy. Moreover, there is an onus of the workers to get themselves registered and there is no motivation from the platforms (popular and otherwise) to encourage such registration either through information or support mechanisms. As such, this can lead to many workers (especially women workers) not getting registered due to lack of time, awareness and documentation required for this.

Linked to the RGW Bill, and directly related to the discourse of social protection for women workers in the informal and gig economy, it would be interesting to see what form of maternity entitlements will be provided under the Board and how will these be availed by the registered women workers. As of now, none of the platforms, including the ones with a large women force engaged with them have maternity benefits.

Inclusion of gig workers explicitly in the Sexual Harassment of Women Act, 2013 is of utmost importance. The vagueness of their worker status makes them even more vulnerable to risks in their jobs. It is also important that women workers can seek justice through an existing system such as Local Committees (LC) as mandated by the Act, but in most cases, women are unaware of the same and in most cases these LCs are non-functioning or exist only on paper. While some platforms such as Urban Company which onboards many women beauty workers have safety protocols in place, but the workers are discouraged to use the same unless it is an "emergency". (Ghosh, et al. 2022)

## IV: Conclusion

The platform economy can provide better earning opportunities for low-skilled and low waged as well as high-skilled women with a possibility of balancing their paid and unpaid care work. However, in India, evidence shows that women's participation is quite low in the platform economy and the degree of autonomy and flexibility is inversely proportional to the ability to earn more.

In a largely male dominated platform economy, women continue to be ghettoed to feminised occupations such as domestic work, beauty work, etc. While gender norms play an important role in this, but it is also the existing capitalist- patriarchal framework which continues to keep women out of decent jobs and in the 'dependent' mode with no access and/or ownership of gadgets, finances, loans, etc., owing to which there is low participation of women in the platform economy. To encourage more women's participation and equal opportunity in the digital economy, it is essential to work towards reducing the gender digital divide which would include access and ownership of cheaper smartphones and data charges, digital literacy for girls and women, working with communities on gender norms and mobile phone usage, make digital spaces safe for women and girls.

It is important to note that the platform economy continues to onboard biases and gendered experiences of work on to the platforms and as such, the algorithm controls, platform design, etc., are mostly gender-blind and customer centric which leads to exploitation of the platform worker. This, additionally, leads to a gender pay gap which is also adds to the vulnerability of women platform workers. There is a need for the state and the platforms to understand women's experiences of working on the platform and their double burden of care and unpaid work. There is much scope for social spending and investment into public goods and services which will support women's unpaid



care burden and enable them to access digitally mediated work opportunities. Further, investments and strengthening implementation of regulations in women's safety and mobility is imperative if women wish to work in the platform economy accessing roads, their homes or other households.

The state and legal systems have been slow to catch up to this ever-changing world of digital economy which also pushes workers into greater precarity. With the passing of the RGW Bill, 2023, there is hope that this will encourage more states to come up with social security measures for platform workers, with a special focus for women platform workers. Besides this, it is required to include women platform workers in the definition of the Sexual Harassment Act, 2013 as this is the most visible form of digital economy which straddles both the physical and technological worlds. Platforms also need to generate awareness and take prompt actions against such cases and not continue the 'culture of silence' which pervades issues around sexual harassment.

## V: Recommendations

**Reduce the gender digital divide:** There's is need for greater investment in programme and policy designing from a gender transformative approach towards reducing the gender digital divide in a sustained manner. Moreover, the urban-rural digital divide due to lack of digital infrastructure and unavailability of content in vernacular languages, also needs to be closed.

This would require public-private collaborations and investments at both technical and socio-political levels. Some other mechanisms to achieve this would include (but not restricted to) availability of cheaper smart phones and data charges, technical and vocational training for girls in schools, improving public care infrastructure, programmes around gender norms of digital use, ramping digital infrastructure in peri-urban and rural areas, programming around digital literacy, etc.,

**Gender-disaggregated data:** Mandatory sharing of gender-disaggregated data by platforms with the public will help in designing a gender transformative algorithm model and policies for improving women's access and participation in the digital economy.

**Safe digital and related workspaces:** The market (platforms) and the state need to work on making digital workspaces (an extension of the traditional workplace) safer for women to equitably participate in the digital economy.

**Visibilise women workers for higher participation of women in the platform economy:** This would entail gender transformative design of the technology, platform, environment and workspace on the supply side that would encourage women to enter, remain and flourish in the digital economies.

For example, the recent and progressive RGW Bill 2023 is an opportunity to visibilise women platform workers and a concentrated effort is required by unions and the state to register more women workers on the Board. A gender-disaggregated data will also help in designing and disbursement of women-centric social security schemes such as maternity entitlements, old age pensions, etc.

**Investments in care-based infrastructure:** It is vital that budgets for social schemes and public goods and services be increased – roads, housing, education, Anganwadis, crèches, social security schemes, etc., are vital for women workers to access and participate in digital economies.

**Access and ownership of assets:** Women's access and ownership of assets: land, vehicles, smartphones, etc., are important for women's participation in the digital economy. Access and easy provisioning of loans to women for asset ownership would give an impetus for women to explore technology-mediated work. One could explore possibilities of providing cash-flow based loans (being

undertaken by some FinTech companies) as against traditional asset-bound loans where women lose out as they do not have ownership of assets such as land or houses.

**Encourage Platform Workers Co-operatives:** There are various alternatives to the dominant “Uber” model and increasingly one finds the rise of platform co-operatives managed and run by workers themselves. The policy makers must provide support for such initiatives, especially to women-led cooperative with information, loans, resources and assets for them to stand against profit making platform giants.

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# CHAPTER 11

## Decoding the Labour Codes: Women, Work and Rights

Ritu Dewan

### Abstract

*The amalgamation and codification of all 44 labour laws in India into four Labour Codes has deeply significant consequences of the rights of workers, especially women. This chapter examines the implications through an economist-feminist lens, particularly in the context of the redefinition of work, worker and workplace. Also of crucial importance are the prevailing characteristics of the labour structure that is dominated by informality and precarity, with nine-tenths of women workers being employed in the unorganised sectors. Although there is little data available on the actual numbers that exist under various sub-categories and also that will be impacted, the consequences will be huge enough to affect almost 98 percent of workers: additionally, there is no relevant finance-based information available that can be examined; all that is available is however utilised and analysed. While dealing with all four codes, the focus is necessarily on the Code on Wages which several states have already drafted and primarily because it forms the basis of all other Codes: Code on Occupational Safety, Health & Working Conditions; Code on Social Security; Code on Industrial Relations. The Codes which had been kept in abeyance till after the General elections of May 2024, thereafter subject to the political transfiguration that emerged, are now up for implementation.*

### I: Introduction

The issue of the alteration in labour legislation has to be perceived in the context of several changes that have occurred in the past several years primarily in relation to the changing nature of the pattern of growth and its connects as well as disconnects to employment creation. The paradigm of growth-with-jobs is being increasingly replaced by one that not only pitches one against the other, but additionally bolsters the control of capital over labour. The Macro-Patriarchal construct of the State and subsequently its policies, not merely trivialises but also negates workers, men and especially women both as economic agents as well as citizens, thereby reinforcing gender disparities that lead to de-equalisation at multiple levels. This chapter examines the recent codification and amalgamation of the 44 labour laws and labour rights, and their replacement by four Labour Codes. While all Codes are examined in relation to their gendered impact, the focus is on the Code on Wages for two reasons: one, since labour is a subject over which both Centre and states have jurisdiction, several states have already drafted this Code; two, the Code on Wages forms the basis of the other three Codes.

Historically, the majority of women across the gendered work continuum are out of the ambit of labour laws, given that they are employed primarily in informal work, even more so than men. The central issue is therefore to examine the new Labour Codes through a feminist lens as located within the gendered reality where women are primarily informal, own account and self-employed workers

and are typically and simultaneously employed in fluid multiple economic activities that more often than not integrate paid, under-paid, unpaid and unpaid care work.

The replacement of all labour laws relating to all categories of workers in all sectors have been amalgamated in the name of 'rationalisation' and 'ease of doing business', seeking 'to improve the business environment in the country largely by reducing the labour compliance burden of industries'. The Codes were passed in Parliament in spite of vociferous opposition and under what I term as the camouflage of COVID-19, when the workers were involved in just basic physical survival. All Codes are now notified in the official Gazette.

## II: Code on Wages

Code on Wages (CoW) was passed as an Act of the Parliament vide Ministry of Law and Justice on 8th August, 2019, and has been published in the Official Gazette on 7th July 2020. The CoW repeals and replaces 4 existing laws:

1. Payment of Wages Act, 1936,
2. Minimum Wages Act, 1948,
3. Payment of Bonus Act, 1965 and
4. Equal Remuneration Act, 1976.

The definition of Work, Worker, and Workplace under the CoW restricts the definition of employee or worker to establishment or industry consequently precluded employment in private households. Omitted consequently are the vast majority of especially women workers: domestic workers; gig and platform workers; auxiliary nurses; apprentices; home-based workers; scheme-based workers including Asha, Anganwadi and MGNREGA workers, ***pashu sakhi, bank sakhi, ped sakhi, drone didis***. Also left out of the definition of worker are establishments where five or less workers are employed: this implies the exclusion of 98.6 percent of agricultural establishments. Other protections attained by many long struggles hence become 'non-applicable'. For instance, the historic movement of the beedi workers of Nipani where they obtained bonus, subsidised housing, cancellation of wrongful deductions by contractors under the guise of 'bad' product, etc.

The Code permits the extension of hours of work from the internationally accepted and ratified 8 hours per day to 9 to 12 to even 16 hours under the guise of 'spreadover' and 'emergency'. Several states like Gujarat, Haryana, Assam, Goa, and Odisha have already extended through Ordinances the hours of work from 8 to 12 hours in a day and 48 to 72 hours a week. There are several implications of this: that work hours must be legislated and not left to rule-making by the Executive and the employers; that an entire shift of workers will become unemployed; that such long working hours will result in faster burnout; that the prevalence and indeed increase in the unpaid burden of women will lead to their even faster exit from the workforce.

Under CoW, Minimum Wages are fixed presuming a household consists of two adults and two children, that is, three adults, the base being the Indian Labour Conference Criteria of 1957 at 2700 calories per day. The gender bias is overt: a male is equated to one consumption unit, a woman 20 percent less at 0.8, even though she might in fact need more given that her work hours are at least one-third more if unpaid work is taken into account. Children are calculated at 0.6 consumption units each, less than what growing children would need if full physical and mental development is to be attained: in this connection it is crucial to point out that children are the future workforce and not mere 'non-adult dependents.' Aged and those physically and mentally challenged who are dependents find



no mention whatsoever, neither do female headed households nor single person households. The patriarchal definition of a household is additionally reinforced by the conditionality of the 2-child norm.

Cloth has been reduced from 72 meters per household to 66; Rent is calculated as 10 percent of expenditure on food and clothing; Fuel, Electricity, Miscellaneous at 20 percent of Minimum Wage; Education, Health, Recreation, Contingencies at 25 percent of Minimum Wage. No amount has been calculated for expenditure on Transport or Mobile or Internet. The word 'shall' has been replaced by 'endeavour' for computing Cost of Living Allowance twice a year. Further, the calculation of a 'monthly wage' is based on daily wages multiplied by 26 days when it should be 30 days. The implication is obvious: the mandatory 'rest day' is thereby unpaid.

Sub-clause (a) of sub-section (6) of Section 6 categorises wages according to highly skilled (with 111 jobs specified), skilled 320, semi-skilled 127, and unskilled 123, with most women predictably perceived as being in the lowest skill sets. Totally missing are domestic workers from any of the 681 skillsets listed. What the CoW also does is deepen occupational gender stereotyping. For instance, while there is a category of 'cattle man' and 'calf boy', there is no equivalent category for women and girls despite the fact that they carry out at least 70 percent of dairy and livestock activities. In any case, when work is defined by economic activity and there is a stated commitment to equal wages, then there should not be any gender-differentiated categories, just as it does not exist in the category of Mazdoor (male/female).

The conditions of work are now to be checked not by the erstwhile 'Labour Inspector' but an 'Inspector-cum-Facilitator.' The fundamental 'power of entry at any time (or even reasonable hours), any frequency and unintimated one' has been removed, thereby violating ILO Inspections norms. Physical examination of the work site has been replaced by only online and web via self-certification of compliance by employers. A form has been introduced which is to be used for payment of fines and so on. This Worker Form includes the name of employer and owner, but the worker has only an Identification Number, thereby dehumanising the workers and making them totally faceless, and by excluding gender, devisibilising them even further. The form also includes the names of the father and the spouse, in violation of the Supreme Court ruling.

The now-replaced Payment of Bonus Act was based on a clear methodology worked out by long negotiations between the government and trade unions: the bonus will now be defined by the Executive which will decide as and when it is to be given. Further, the Technical Committee for Wage Determination has no representatives from workers' organisations nor does it mandate inclusion of women members. While equal remuneration for equal work is retained, the Advisory Board for Minimum Wages and the Committee for Increasing Employment Opportunities for Women have been merged into a single board, with one third being women, representing a reduction from the 50 percent stipulated under the ERA.

The Equal Remuneration Act of 1976 had been enacted after long struggles by trade union and women's movements through the 1960s and 1970s. This Act had prohibited gender-based discrimination and had stated that there should be same wages, same conditions of work, and no gender-based wage differentials for the same amount of work. Several alterations have taken place under the new CoW. Two illustrations are: deletion of gender-equality in conditions of service and also in existing entitlements concerning conditions of service after recruitment such as promotions, training, and transfers recruitment: two, the term 'gender-based' has been replaced by 'male-female', thereby excluding other genders.

### III: Code on Occupational Safety, Health & Working Conditions

The Code on Occupational Safety, Health & Working Conditions (COSH) which was introduced in the lower house of the Parliament as Bill No. 186 of 2019 replaces 13 laws:

- 1) The Factories Act, 1948
- 2) Mines Act, 1952
- 3) Dock Workers (Safety, Health and Welfare) Act, 1986
- 4) Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
- 5) Plantations Labour Act, 1951
- 6) Contract Labour (Regulation and Abolition) Act, 1970
- 7) Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- 8) Working Journalist and other News Paper Employees (Conditions of Service and Misc. Provision) Act, 1955
- 9) Working Journalist (Fixation of rates of wages) Act, 1958
- 10) Motor Transport Workers Act, 1961
- 11) Sales Promotion Employees (Condition of Service) Act, 1976
- 12) Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- 13) Cine Workers and Cinema Theatre Workers Act, 1981.

Similar to the Code on Wages, employment in private households is omitted, leaving out yet again all homebased and domestic workers as well as apprentices. Night work for women workers (after 7 pm and before 6 am) is permitted 'with her consent', but without any obligation on the part of employers to provide safe transport. Existing health provisions in relation to crèches under the Factories Act have been dropped. With the repeal of the Plantation Labour Act of 1951, managements have been given the option to transfer their liabilities and responsibility that they had to themselves provide earlier onto Panchayats who are now expected to provide medical facilities, housing, and food supplies for plantation workers. The most cynical change is that in spite of the recent massive increase in violence against women, the 2013 POSH Act – the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act – has been kept out of the ambit of this Code, thus denying a safe environment for women workers even in the organised sector.

This Code withdraws the mandate guaranteed under the 1948 Factories Act that all establishments engaged in hazardous processes must compulsorily constitute a 'safety committee'. The requirement that the employer furnish a written contract is actually more like a suggestion, as this does not contain any specific penal clauses for non-compliance. Further, a worker who fears serious health hazard can put forward the complaint to the safety committee 'if constituted by the employer.' Also problematic are the different thresholds which go against the concept of universalisation: establishment with 50 instead of 20 workers for issues of contract labour; safety committee or officer if a minimum of 500 workers are employed in factories and construction sites, etc.

## IV: Code on Social Security

The Code on Social Security introduced in the Parliament as Bill No. 375 of 2019 replaces 15 laws:

- 1) Unorganised Workers' Social Security Act, 2008
- 2) Mica Employees' Compensation Act, 1923
- 3) Employees' State Insurance Act, 1948
- 4) Employees' Provident Funds and Miscellaneous Provisions Act, 1952
- 5) Maternity Benefit Act, 1961
- 6) Payment of Gratuity Act, 1972
- 7) Unorganised Mines Labour Welfare Fund Act, 1946
- 8) Limestone and Dolomite Mines Labour Welfare Fund Act, 1972
- 9) Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare (Cess) Act, 1976
- 10) Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976
- 11) Beedi Workers Welfare Cess Act, 1976
- 12) Beedi Workers Welfare Fund Act, 1976
- 13) Cine Workers Welfare (Cess) Act, 1981
- 14) Cine Workers Welfare Fund Act, 1981
- 15) Building and Other Construction Workers Cess Act, 1996.

This Code formally grants rights such as medical insurance, gratuity, EPF, and maternity benefits only to formal workers who constitute merely about 6 percent of India's workforce, a small proportion of them women. The Maternity Benefit Act is replaced by a section on Maternity Benefit that reiterates the provision for 26 weeks paid maternity leave by employers, as introduced by the 2017 amendment to the Maternity Benefit Act, 1961 which reasserted the provision of crèches with 4 visits a day for establishments with 50 or more workers, and all other health protective provisions under the original Act.

A major amendment relating to access to crèche facilities under this Code negatively impacts women workers rights. It is stated that every establishment employing 'fifty or such number of women employees as may be prescribed' must establish crèches 'within such distance as may be prescribed' either separately or along with facilities. This change in the eligibility condition from '50 employees' to '50 women employees' hugely reduces the coverage of establishments required to have crèches. Also, now crèches are not guaranteed on-site within the workplace, as it is stated that 'the crèche facility shall be located within the establishment or at an appropriate distance from the establishment such that it is easily accessible to the women employees including a woman employee working from home.'

This Code which purports to enhance social protection for workers especially women does not list or even spell out any measures whatsoever for social security. It merely states that all schemes 'as may be framed' under existing social security organisations such as Employees Provident Fund, Employees Insurance, etc will apply. The only saving grace, if any, is the defining of unorganised worker including home-based workers and domestic workers as 'wage worker'. However, this inclusion too is problematic as both categories are not designated as workers along with many other categories in the main definition of 'workers' in the Code on Wages.

In this context it is important to note that all Cess Welfare Funds have been abolished ostensibly to make way for the Goods and Services Tax Act: these funds include those relating to workers in nine sectors: beedi, construction, iron, manganese, chrome, mica, salt pan, limestone and dolomite mines. These Cess Welfare Funds had been set up over the years through protracted trade union struggles, and included a matching contribution by the employer. The amount collected is used for workers welfare, the decision being jointly taken by the trade union and the worker who requires the fund.

## V: The Code on Industrial Relations

The Code on Industrial Relations (Bill No. 364 of 2019) seeks to replace and repeal 3 laws:

- 1) Trade Union Act, 1926
- 2) Industrial Employment (Standing Order) Act, 1946
- 3) Industrial Disputes Act, 1947.

This Code significantly limits the rights of collective bargaining, formation and recognition of trade unions, as well as organisations focusing on labour and rights of women including women's cooperatives and collectives. The changes proposed take away many and major rights that unions and organisations have struggled for over the decades.

The threshold for applicability including for retrenchment and closure under the erstwhile Industrial Employment Act has been increased three-fold, from 100 to 300 workers, consequently excluding almost 90 % of working factories and around half their workers. This implies that now firms employing less than 300 employees can discriminate between workers in several ways: in terms of conditions of employment relating to probation period, late coming or notice period, employment termination, quantum of leave, etc; availability of providing means of redress against unfair acts; framing of charges against 'inconvenient workers' as there is no Standing Order detailing misconducts; dismissal without inquiry; denial of payment of subsistence allowance to those suspended, etc.

The Code extends restrictions on strikes and even mass casual leave to all sectors beyond public utility services. Constraints include 60 days' notice, prohibiting strike during pendency of proceedings before a conciliation officer or tribunal. The government now has extraordinary powers to 'exempt' an establishment or class of establishments, without specifying exemption conditions unlike as in the Industrial Disputes Act, 1947. It is also asserted that any person who for the first time 'instigates or incites' others to take part in, or otherwise acts in furtherance of an illegal strike or a lockout is punishable with a fine ranging between Rs 10,000 to Rs. 50,000 or with imprisonment up to one month or both.

Further, a trade union in industrial establishments must have 51 percent of the workers' votes to be recognised 'as the sole negotiating union which can make agreements with employers'. Where no trade union gets this 51 percent, 'a negotiating council of trade unions shall be constituted for making agreements with employer'. Also, any individual will now be permitted to go to a tribunal to prevent a strike during which the workers will not be allowed to take any action whatsoever. For women the situation is even more problematic, given that it is much more difficult to organise women.

## V: Conclusion

The essentials of these fundamental changes in labour legislation connote the constraining of the long struggled for rights of workers from all sectors and sub-sectors. This is not to say that the situation of attainment of labour rights has been historically ideal, but that these Codes disregard and discard whatever rights had existed, all in favour of 'ease' of doing business. The impact is particularly negative for women workers, many of them being denied the status of a 'worker', and thus constrained from even judicial recourse. The analysis of whatever financial data is available furthermore reveals the dramatically declining share of wages in both nominal and of course in real terms, combined with decreasing allocations to workers along with increasing exemptions for employers.

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# SECTION III Gender, Health and Wellbeing

## Anchor and Section Overview: Nilangi Sardeshpande

Section Three of the IGR discusses '*Gender, Health and Wellbeing*,' and attempts to analyse health policy and financing in India from a gender perspective and provides an overview of the key policy issues impacting the health of women in all their diversity.

The initial examination of the health systems in India, both public and private, by *Jashodhara Dasgupta and Ravi Duggal* in **Towards Gender-Responsive Health Systems in India** brings out the gendered impacts of health financing, health system structures and human resource management. The inequitable and discriminatory nature of health financing impacts the quality of health service provisioning. The lack of good quality public health services compels marginalised communities to use irrational and costly treatment in the private sector.

In her chapter on **Nutrition** *Dipa Sinha* inquires into the social determinants of health, revealing the gendered causes of women's poor health especially that linked to work. Household food insecurity, low income levels and women's inferior status within the family set a vicious cycle of malnutrition. Adolescent malnutrition and frequent pregnancies lead to an intergenerational nutrition deficit. The fiscal outlay for maternity benefits and early childhood care is significantly inadequate for addressing the crisis of undernutrition.

*Padmini Swaminathan* in **Women, Work and Health: Re-visiting Unresolved Issues, Examining New Challenges** highlights the issues within the work domain. It is argued that women and gender-diverse individuals, mostly self-employed or in informal employment, have no protection under labour laws. Many are compelled to continue in hazardous work without safety regulations. The Labour Codes have not been able to address the fundamental issues affecting most women and also gender-diverse communities.

*Sandhya Srinivasan, Amita Pitre, Jashodhara Dasgupta, and Aasha Kapur Mehta* in their chapter on **Key Diseases-Infectious** and *Sandhya Srinivasan* in her chapter **Key Non-Communicable Diseases** point out that although infectious diseases and non-communicable diseases (NCDs) affect all genders, they have differential impacts owing to gender insensitivity in designing policies. The lack of gender-segregated data creates difficulty in designing gender-sensitive programmes. For example, malaria prevention programmes do not routinely test pregnant women despite the grave consequences of untreated malaria in pregnancy. Stigma and discrimination prevent gender-diverse communities from seeking timely treatment for various opportunistic infections associated with AIDS. Health-seeking behaviour for NCDs is poor among women and gender-diverse communities, whereas the lack of public facilities for screening and diagnosis of NCDs and inadequate availability of essential drugs results in dependence on an unregulated private healthcare sector.

Although some elements of reproductive health have been a focus of government policy, they have not addressed the needs and challenges of women, adolescents and gender-diverse groups across the life cycle, as discussed in **Reproductive and Sexual Health Issues across the Life Cycle** by *Nilangi Sardeshpande, Rashmi Padhye and Renu Khanna*. Comprehensive sexuality education is inaccessible



for the young people of the country, while unmarried sexually active couples face difficulties in accessing contraceptive services. Despite the MTP Act, accessing safe abortion services is a huge challenge in India. While there has been considerable policy attention to preventing maternal mortality, it is contingent on childbirth in hospitals that are understaffed with poor quality of care, especially for women from marginalised communities. Older women's health remains greatly neglected in policy.

# CHAPTER 12 Towards Gender Responsive Health Systems in India

Jashodhara Dasgupta and Ravi Duggal

## Abstract

*This chapter will examine gender dimensions of the different aspects of the health systems in India, including both public and private systems. It will highlight organisation of the health systems, how they are financed and the human resource issues.*

*Health financing in India reveals a stark disparity that disproportionately affects the poor, particularly women and gender-diverse individuals. Central government employees, who are predominantly males from dominant castes, enjoy highest per capita health budgets, while women have to use the underfunded general health system that spends six times less. Women's abysmally low participation in the formal labour force excludes them from better-funded schemes like ESIS.*

*Despite advancements though the National Rural Health Mission (now NHM), the public system remains fragmented with vertical disease-specific programmes. Despite cash incentives and free services for poor women, informal payments persist with inadequate service provision in case of complications. The public sector's limitations compel women and gender-diverse individuals to resort to the for-profit private sector where unnecessary procedures, drugs and diagnostics inflate costs. The private sector employs the majority of trained health workers, concentrated in urban areas.*

*The health workforce is overwhelmingly female in the lower rungs such as nursing roles with men more prevalent as doctors or dentists. The NRHM has mobilised Accredited Social Health Activists (ASHAs) to serve as frontline health workers who, despite their critical role face poor working conditions and inadequate compensation; socially marginalised HIV/AIDS Peer Educators are in a similar situation. The COVID-19 pandemic clearly exposed systemic disparities, with frontline workers from marginalised backgrounds given inadequate protection but greatly enhanced workloads.*

## I: Introduction

### ***A Historical Perspective***

Historically, India had to make a choice between developing a comprehensive primary health system versus tackling serious health problems in the country through planned interventions. The Health Survey and Development Committee Report of 1946<sup>1</sup> (Bhore Committee Report) had provided a clear blueprint of how well integrated public health systems could be organised to provide comprehensive health coverage but unfortunately, most of the recommendations were ignored in favour of a more piecemeal strategy based on Five Year Plans that aimed at certain outcomes. This created a fragmented approach that has led to silos of health interventions which have been targeted at different segments of the population, especially women. Each Five Year Plan and/or Committee kept adding programs and schemes that delivered specific services and were targeted to selected population groups in order to result in planned outcomes, for example, eradication of malaria or leprosy or family planning. The fragmented approach to address health problems resulted in a fire-fighting strategy and failed to create a comprehensive healthcare system in the country. In fact, the first health policy statement for the country only came out in 1982-83, after the 1978 World Health Assembly Alma Ata Declaration – Health for All by 2000 AD.

### ***Preventive and Curative Health***

Overall, the public healthcare system in India across states has developed along two axes. Centrally sponsored schemes cover vertical preventive and promotive programmes of specific diseases like malaria, tuberculosis, leprosy, small pox, cholera, filaria, HIVAIDS, viral hepatitis and more recently even non-communicable diseases like diabetes, hypertension, cardio-vascular, cancers, stroke. Apart from this, national programs for immunisation, reproductive and child health including family planning evolved with very strong backing of the Centre through the Five-Year Plans and these had a direct gender impact.

The remaining domain of broader curative healthcare has been left to the state governments whose health systems have been managing dispensaries and hospitals. In fact, most curative care, through district and other hospitals including teaching hospitals are largely state-funded, although in recent years some capital funding from the Centre has been received by a few states to establish AIIMS-type tertiary care institutions. Although health is a State subject, the states have had to accept the health programs on the terms designed by the Central government because of its fiscal control in distribution of resources that account for about half of State health budgets.

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<sup>1</sup> Joseph Bhore's 1946 report of the Health Survey and Development Committee prepared a detailed plan of a National Health Service for the country, which would provide universal coverage to the entire population free of charges through a comprehensive state-run salaried health service. Such a well-studied and minutely documented plan has not as yet been prepared in Independent India. The Bhore Committee proposals required implementation of structural changes in the then health care system, and had they been implemented they would have radically altered health care access and health status of the Indian masses, especially the 80 percent population residing in rural areas. It is only an embarrassment for the Indian nation that even 75 years later there is no evidence of development of health care services to a level that the Bhore Committee regarded as a minimum decent standard. And neither has the health status of the masses altered very significantly – both in terms of the technology and means available as well as in comparison with developed countries today. The gap then and now has not changed much. Instead of the National Health Service that the Bhore Committee had envisaged, which would be available to one and all irrespective of their ability to pay, further commodification of health care services took place strengthening the operation of market forces in this sector. The enclave pattern of development of the health sector continues even today - the poor, the villagers, women, Dalits, Adivasis and other underprivileged sections of society, in other words the majority, still do not have access to affordable basic health care of any credible quality

## ***Standalone Programme for HIV/AIDS Prevention***

An entirely parallel set up has been created for the prevention of HIV/AIDS: in 1992 India's first National AIDS Control Programme (1992-1999) was launched, and National AIDS Control Organisation (NACO) was constituted to implement the programme as a division of the Ministry of Health and Family Welfare. Among the preventive services are awareness generation, condom promotion, prevention of parent to child transmission, Integrated Counselling and Testing Centre (ICTC) services, promotion of voluntary blood donation and access to safe blood. The programme also runs Targeted Interventions (TIs) for high-risk groups like injecting drug users (IDUs), men having sex with men (MSM), female sex workers (FSWs) and transgender persons (TG) in which the community outreach work is done by Peer Educators who are themselves FSWs, TG or MSMs, usually organised through many hundreds of local NGOs.

## **II: Structure of the Health System**

The basic structure of the primary healthcare system has been a vast network of Primary Health Centres (PHCs), each linked with around four to five Health Sub-Centres (SC) meant to provide a range of basic services to the community in both rural and urban areas. This is being modified and now many PHCs and SCs have become the Ayushman Bharat - Health and Wellness Centre<sup>2</sup> (AB-HWC); of which there are now 154,070 across the country (DOHFW 2023:33). Then there are 31,053 Primary Health Centres (PHCs) each catering to around a population of 35-40,000. As a first point of referral, there are 6064 Community Health Centres (CHCs) with around 30 beds that are meant to provide some specialist care and cater to around 150-200,000 population. Further up the referral chain are 1275 Sub-Divisional/Sub District Hospitals and 767 District Hospitals, which are general hospitals for secondary care. Some district hospitals may have tertiary care facilities as well and could be converted into teaching hospitals. Apart from this, state capitals and metro cities have teaching hospitals and other specialty centres.

### ***National Health Mission***

In 2005, the Centre set up the National Rural Health Mission or NRHM (now the National Health Mission - NHM) with a special focus on the states that had under-served populations which strengthened the vast network of Primary Health Centres and Sub-Centres (now upgraded to Health and Wellness Centres) to deliver all the health programmes and schemes. These included services for preventive and promotive care like immunisations, maternal healthcare, reproductive and child healthcare, disease surveillance and control, family planning services and so forth.

A pivotal agenda of the NRHM was maternal and child health, which was named the Janani Suraksha Yojana (Maternal Protection Scheme or JSY programme) with an emphasis on getting pregnant women into hospitals for childbirth through providing a cash incentive. In order to facilitate community interactions with the public health system, the NRHM developed a cadre of village health workers called ASHA (Accredited Social Health Activist) and later an urban cadre called USHA (Urban Social Health Activist), to reach out to a population of 1000-2000. The NRHM also set up a system of free ambulances that have outreach into rural and remote locations to bring women or patients to hospital which has led to great improvement in health access. The hospital stay for women and their babies

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<sup>2</sup> The HWC have been upgraded from the former Health Sub-Centres or Primary Health Centres. At the HWC a mid-level provider called the Community Health Officer or CHO is positioned with the qualification of a B.Sc. Nursing/General Nurse-Midwife (GNM) or an Ayurveda practitioner. The CHO is meant to work with the local Multi-purpose Workers (including male MPWs and Auxiliary Nurse Midwives or ANMs) and the ASHA workers.

after childbirth was also made entirely free in terms of stay, food, tests, medicines and other aspects through the Janani Shishu Suraksha Karyakram (Mother and Child Protection programme, JSSK).

### **NHM and Gender Dimensions**

The public sector primary healthcare system has been crucial for women to access basic services, especially around pregnancy, childbirth and child health. Over the decade and more of the NRHM/ NHM these have been improved and upgraded and brought closer to the community, which has made a great difference especially in rural areas. The JSY cash incentive, the JSSK coverage of medical expenses and the free ambulance services have contributed significantly to affordability of hospital childbirth for poor women. However, the equity focus of the scheme often annoyed the health service providers who felt they were not getting any special benefits, leading to harassment of poor women for informal payments.

Moreover, in the case of any complication, the CHCs have not been very effective in providing services and families have been compelled to travel to the District Hospitals or to private clinics in nearby urban centres. In case the patient needs to cross the district border, the ambulance is no longer provided. The fragmentation of the preventive/promotive and curative health systems has led to certain issues for women and gender diverse community members; for example, in the domain of reproductive and sexual health where a seamless chain of referral is disrupted between primary and secondary care institutions, to the extent that community health workers (ASHAs or HIV Peer Educators) are unable to support patients who need a higher level of care.

The NRHM was quite unique in the extent of civil society participation that went into its design, ongoing guidance, capacity development and its monitoring and evaluation. The mobilisation of over a million rural women as ASHAs was a path breaking concept and drew from experience with grassroots health activists called *Mitanins* of Chhattisgarh. Community engagement was promoted through grassroots bodies such as the Village Health and Sanitation Committee (VHSC) that later included Nutrition as one of the focus areas to become VHSNC, enabling local participation in the health services provided at community level. Decentralised planning enabled district health officials to call upon the inputs from the local health NGOs and women's organisations for District Action Plans (DAP) processes every year. Community monitoring of NRHM services was encouraged across the country and many local organisations were involved, including feminist groups. Advisory bodies with civil society experts for ASHA mentoring, Community Action and other aspects of the NRHM were set up at the States and Centre; annual Common Review Missions to evaluate the NRHM programme implementation included several independent experts who went around the states with government officials.

### **The Private Health Systems**

People in India have always had diverse health systems to turn to apart from the public health system, such as herbal healers and faith healers/shamans, community birth attendants, Ayurvedic, Siddha and Unani practitioners, as well as a substantial repository of women's home remedies to deal with various ailments. Locally a vast network of medical practitioners with varying degrees of training (some of them are called Registered Medical Practitioners of RMPs) has always provided Allopathic treatment; first aid for medical issues is also provided by those at pharmacies and chemists' shops. In terms of the more formal private sector, including both non-profit Charitable/Mission Hospitals and the for-profit private sector, some curative care has always been provided through clinics, maternity homes and small nursing homes (usually 5 to 30 beds).

After the 80's private hospitals have expanded dramatically, especially in urban settings; from the 90's, the private hospital sector became corporatised, with large hospitals having 500 to 1000 beds.

In 1986-87, treatment with hospital-based care was primarily dominated by the public sector which accounted for over 60 percent of all hospitalisations (NSSO 42<sup>nd</sup> Round of 1987, Schedule 25.7 cited in MOHFW 2007:16); this has now reduced to a 42 percent share of hospitalisation (National Statistics Office, 2019) whereas the private sector has grown considerably. The exponential growth of the for-profit private sector has been aided by large numbers of specialists being produced, the health insurance industry as well as private pharma and diagnostics industry encouraged by policy provisions. Regulation and price control of the private for-profit health sector has been a contentious issue, despite the Clinical Establishments Act of 2010 and there have been many questions about the ethics of commodified healthcare, especially in the context of corporate hospitals.

### ***Gender Issues of the Health Systems***

The for-profit private sector has often been the major recourse for women and gender-diverse community members, given that the public sector is unable to provide care for most of the health issues they face. Beyond normal childbirth and contraceptives for married women, very few services are actually available for diverse women, men and transgender individuals in public primary healthcare institutions. Pregnancy complications, abortions, menstrual problems, mental health issues, problems of older women or transgender individuals, or sexual health issues of men, for example, receive inadequate care in the primary level of the public sector and people are forced to turn to private doctors or travel far from home to tertiary care institutions. In addition, those who work in the public sector health system are often seen as being judgmental or outright discriminatory and even abusive towards those seeking care, especially if they belong to marginalised communities. Yet within the private sector, unnecessary procedures, surgeries, prescriptions for drugs and diagnostics are common practice to inflate bills and cost to the patient. A lot of unwarranted procedures and surgeries are directed at women – hysterectomies, ultrasonography, C-sections, hormonal therapies and so on, a trend that is encouraged by insurance coverage (Prusty et al, 2018).

## **III: How the Health Systems are Financed**

### ***Inequitable Financing***

India's healthcare is financed by multiple sources - domestic government sources, private sources, and external or global sources. Following the 1946 Bhore Committee report, an employer-mandated SHIS - Employees' State Insurance Scheme (ESIS) was instituted in 1948 to provide health insurance to organised sector workers with the aspiration that economic growth will gradually absorb more people into the organised sector. Soon after in 1954 the Central Government Health Scheme (CGHS) selectively insured central government employees and members of Parliament. But 60 years later, when only 8 percent of India's workforce were in the organised sector, it was clear that a majority of the population was facing catastrophic health expenditure as a major cause of poverty and indebtedness in the country. In fact, Out-of-Pocket Expenditure (OOPE) contributes to 54.7 percent of total health expenditure in India and is a major source of health financing in the country (World Bank 2022 cited in Dubey *et al* 2023).

At present there is a highly inequitable financing for healthcare for different sections of the population. The elites who are employed by the Central government have assured liberal budgetary allocations and special facilities for their own healthcare both while in service as well as post-retirement. For instance, the CGHS for Central Government employees, Members of Parliament, Judges and others (both serving and retired) have Rs 6066 crore allocated in 2023-24 Union Budget which works out in the range of Rs 15,000 per capita (DOHFW 2023:141-2) and provides access to the best public and private healthcare facilities through empanelment.



Next are those employed in the organised workforce, among whom the better paid are provided medical reimbursements/health insurance from their employers while those with incomes of Rs 21,000 per month or less can access health services through dedicated ESIS dispensaries and ESIS hospitals as well as through empanelled GPs, consultants and private hospitals. The beneficiary employees get assured healthcare with a reasonable budget of Rs 5933 per insured person on average in 2021-22 (ESIC 2022:5). Those employed in the armed forces as well as the assured social security beneficiaries both in government and private sector are estimated to be about 15 percent of the population.

But the remaining 85 percent of the population have only the general public health system which is inadequately resourced. These differential schemes for select populations are against equity, universality and the non-discrimination principle. The budgetary allocations from the Centre and States barely add up to 1.2 percent of the Gross Domestic Product (GDP) which translates to around Rs 2400 per capita to run the general public health system. The poorly resourced public health system can only cater to 20 percent of outpatient care and 38 percent of hospitalisations which compels people to use the private for-profit sector. NSSO 75<sup>th</sup> Round (2017-18) tells us that 70 percent of outpatient and 58 percent of inpatient care is provided by the private health sector.<sup>3</sup>

### **Publicly Funded Health Insurance**

The Ministry of Labour launched the Rashtriya Swasthya Bima Yojana (RSBY) in 2008 for the population Below the Poverty Line (BPL), ensuring a hospitalisation coverage of Rs 30,000 per household. While initially this was successful, it soon ran into problems since hospitalisation costs rose steadily and RSBY left out outpatient expenses that were actually two-thirds of the expenditure on healthcare. A very small section of the population is covered by private health insurance and around 50 percent of the population positioned between the deprived and affluent sections are devoid of any financial health protection. These missing middles largely consist of the self-employed class in rural areas, and several organised and unorganised occupations in urban areas.

In 2018, the government announced the Pradhan Mantri Jan Arogya Yojana (PM-JAY) providing a coverage of Rs 500,000 for hospitalisation: at present the PMJAY targets the poorest 40 percent of the population, which would be around 50 crores. By September 2022, around 19 crore Ayushman cards had been issued (National Health Authority 2022). Ironically the publicly funded health insurance schemes have enabled increasing use of private hospitals for hospitalisation and treatment which fundamentally channels public resources to the private for-profit sector. The Union Budget of 2022-23 dedicated Rs 6412 crores to PMJAY; but private hospitals contributed to 75 percent of total claim value under the publicly-funded PMJAY (Dubey *et al* 2023).

### **Gender Impacts of Health Financing**

The inequitable health financing that disproportionately benefits the most privileged has deeply impacted the poor and marginalised, especially women and gender-diverse populations. The elite category of Central government employees and members of Parliament apart, even the organised sector workers are mostly male and belong to Hindu dominant castes. Women's labour force participation is only 25 percent (PLFS 2022, Table 1) and among working women, over 95 percent are concentrated in the unorganised and informal sectors, which leaves them out of social protection like the ESIS.

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<sup>3</sup> This costs people out-of-pocket Rs 1062 per OPD and Rs 31845 per hospitalisation, respectively over 3 and 7 times of that in public sector. In the latter 82 percent of OOPe is for medicines due to the huge shortages of medicines in public facilities.

Even when women are enrolled in almost equal numbers as men for schemes like the PMJAY, total number (volume) and value of claims are higher for men as compared to women. Dubey *et al* (2023) examine PM-JAY data to find that the average per-capita claim value for males is Rs. 16,715 and for females is Rs. 13,730. 68 percent of overall high-value claims (claim value > Rs. 30,000) are attributed to males. Of the total portability cases, 61 percent are male and 39 percent are female.

More male claims are seen at private hospitals and for tertiary conditions, while more female claims are seen at public hospitals and for secondary conditions. At the national level, Scheduled Castes (SC) and Scheduled Tribes (ST) populations contribute to only 5 percent and 2 percent of private hospital admissions respectively, since the scheme's inception in 2018. Males are more likely to use private hospitals than females; SC and ST populations are more likely to use public hospitals which is a very telling indicator of the importance of public healthcare systems for the marginalised and vulnerable populations (Dubey *et al*, 2023). This is borne out by the fact that for 2019-20 inpatient data shows that in government hospitals male admissions were 3 crores and female admissions 4.5 crores for the country as a whole. The NSSO 75<sup>th</sup> Round data also concurs with this that there are more inpatients amongst women (excluding childbirths) – 29 per 1000 for women and 28 per 1000 for men.

## IV: Human Resources for Health

The health workforce at the ground level includes many informal medical practitioners, such as traditional birth attendants, faith healers and shamans, snakebite curers, bonesetters, traditional physicians and herbal healers, with or without any formal education or skills/training. A large number of so-called registered medical practitioners or RMPs with varying degrees of training are often the first point of contact for treatment for a large proportion of population living in rural and remote areas and they may be dispensing either allopathic or traditional drugs or both (Karan *et al* 2021). Women themselves have been a repository of many traditional home remedies for various illnesses, based on herbal or easily available ingredients.

The NRHM mobilised 1,052,000 women as ASHA workers who are all women from their communities with limited education to provide health information at the frontlines and promote community access to the public health system. While the training and years of experience of working with the public health system enhanced the capacities and leadership potential of over a million of these women and they were recently recognised with the Global Health Leaders' Award of the WHO Director General,<sup>4</sup> they have been protesting for years against their poor working conditions and lack of proper compensation or adequate social protection. The small amounts paid as performance-based incentives for their multiple tasks have remained static for over 15 years despite soaring inflation; the government refuses to accord them the status of formal workers and insists they are 'volunteers'; in a sense extending the selflessness of women's domestic care roles into the public domain. ASHAs cannot look forward to any career progression that includes promotions or further training to become formal workers. Despite the abysmal levels of women's workforce participation, these women employed in the public sector are expected to continue as 'volunteers' and serve their community.

Apart from the ASHA workers, the health workforce is overwhelmingly female in the lower rungs. Men far outnumber women as doctors, dentists and AYUSH practitioners whereas women are far more in the nursing category. Nurses with a BSc qualification are in a 1:1 ratio with doctors whereas it should be at least two or three times that ratio. The total stock of nurses in India is three times more than doctors but they are out of the workforce. A substantial proportion of active health workers

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<sup>4</sup> <https://www.who.int/india/india-asha-workers/>

were found not adequately qualified on the one hand and on the other hand, more than 20 percent of qualified health professionals are not active in labour markets (Karan *et al*, 2021).

The various kinds of public healthcare institutions are meant to have a certain number of personnel who should be positioned according to standards, but although numbers have been rising over the years, there are vacancies remaining compared to sanctioned posts. Positions are vacant for 14.4 percent ANMs in Sub-centres and PHCs, 3.1 percent Allopathic doctors and 24 percent other doctors in PHCs, and an overall shortfall of almost 80 percent specialist doctors at the CHCs (83.2 percent surgeons, 74.2 percent obstetricians and 79.1 percent physicians). (MOHFW 2023:58)

Karan *et al* (2021) have estimated that the density of qualified doctors was 5 per 10,000 population in 2018, and 6 for nurse/midwives. India has a very low density of health workers per 10,000 population and the distribution of health workforce across the Indian states is highly skewed. The proportions of doctor and nurses in rural areas are 27 percent and 36 percent, respectively, two thirds of all health workforce is concentrated in urban areas. Further, the bulk of the total health workforce is employed in the private sector – since approximately 60 percent of inpatient care and 70 percent of outpatient care in India is provided by private sector: 65 percent doctors and 89 percent dentists, and 67 percent other health workers; however, nurses are distributed almost equally between public and private sector (Karan *et al*, 2021).

Currently there are 396 government and 252 private medical colleges with close to a 100,000 MBBS seats unevenly distributed across the country. There are also 9250 Nursing Training institutions with over 350,000 seats (CBHI 2022). Despite this India has a shortfall of skilled health personnel. A recent WHO report mentions that India needs at least 1.8 million doctors, nurses and midwives to achieve the minimum threshold of 44.5 health workers (doctors, nurses and midwives) per 10,000 population in 2030 (Karan *et al*, 2021)

However, in the matter of health workforce, it is important to recognise that there are many other health workers beyond doctors and nurses. There are Physiotherapists, Pharmacists, Technicians (Lab, OT, X-ray), Counsellors, Computer Operators, Health Supervisors and Hospital Support staff such as cleaners, security guards, Class-IV Attendants as well as mortuary and sanitation workers. There are the almost invisible Peer Educators of HIV prevention programmes, who are either sex workers: male, female and transgender, or Men who have sex with Men (MSM) or even Drug Users (IDUs). Within the health hierarchy, there are clear distinctions between white-collar workers and those who are considered less worthy, owing to their gender or class; those who work with bodily fluids or human waste, those whose work occurs in brothels and railway toilets or in the darkness of public parks.

The discrimination within the health system was highlighted during the COVID-19 pandemic, when lack of protective equipment for those most exposed, such as the frontline health workers, ASHA workers, Class 4 staff in health institutions, mortuary and crematorium workers, sewage and sanitation workers, clearly reflected their gender, caste and class locations (PHM 2021). COVID-19 also highlighted another irony: for the last two decades, government policy has emphasised hospital childbirth and dismissed the role of community birth attendants and stopped the training for the traditional '*Dais*' who were women usually of lower castes that helped women in labour and after childbirth. Yet when the pandemic occurred and all means of transport were unavailable for months on end, women who gave birth had no other recourse except to call upon those discredited women for crucial support as birth attendants.

## V: Conclusion

A gender-responsive health system in India would recognise healthcare as a right, which would then lead to fundamental policy changes in the way the health system is financed, structured and human resources managed. The financing model has to be transformed from the insurance-type model that favours the private sector to publicly financed universal health coverage. Fiscal and other distinctions that discriminate between the healthcare available to the general public and exclusive services like the CGHS,ESIS and others, must be abolished. The vertical silos of disease-specific programmes need to give way to far more integrated primary health services, including preventive, promotive and curative, rehabilitative or palliative, that are provided through a robust hierarchy of well-resourced health facilities with effective governance and accountability including public oversight. The health workforce needs to be re-organised to recognise the crucial importance of care work and ensure fair working conditions for all health workers with clear career trajectories, including neglected frontline workers. Only then can we look forward to a gender-responsive health system in India.

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# CHAPTER Nutrition

## 13

Dipa Sinha

### Abstract

*According to the latest Global Hunger Report, India ranks 107 out of 121 countries. While inadequate diets and frequent infections are immediate determinants of malnutrition, the underlying causes include household food insecurity, poverty and low levels of income, poor access to health care services and low status of women. This chapter discusses these issues of gender and nutrition using available data for India over the last 10-15 years. It is found that one of the reasons for the high levels of malnutrition is the underlying gender inequality which directly contributes to perpetuating the intergenerational cycle of malnutrition. Further, poor women's status also affects the care and access to services that children get during the early childhood period. Addressing malnutrition would require policies tackling basic structural inequities. Further, improving access to livelihoods and working towards a decentralised food system (keeping the woman farmer at the centre) are essential. Along with that, some direct nutrition interventions are crucial. Interventions that address gender discrimination and improve women's status across different sectors would have a positive impact on reducing undernutrition for all. Maternity entitlements and child care services are crucial nutrition-sensitive as well as gender-sensitive interventions.*

### I. Introduction

Good nutrition contributes to healthy, active and productive lives. Being malnourished is a significant underlying cause for mortality and morbidity<sup>1</sup>, especially among children. Consumption of nutritious diets is an important factor determining nutrition status of an individual, and malnutrition outcomes are also affected by prevalence of infections, sanitation and clean drinking water. While inadequate diets and frequent infections are immediate determinants of malnutrition, the underlying causes include household food insecurity, poverty and low levels of income, poor access to health care services and low status of women. Certain periods in the life-cycle are critical for prevention of malnutrition. It is well known that malnutrition that sets in during the early childhood period (birth to 6 years) is difficult to reverse, and the nutrition status at birth is in turn dependent on the mother's well-being during pregnancy as well as adolescence.

Malnutrition, especially chronic undernutrition measured in terms of height-for-age for children is also intergenerational in nature. Children of mothers of short stature tend to be stunted and the probability of a child being born with low birth weight is greater if the mother is anaemic. The pregnancy is

<sup>1</sup> "The Burden of Child and Maternal Malnutrition and Trends in Its Indicators in the States of India: The Global Burden of Disease Study 1990–2017 - The Lancet Child & Adolescent Health," accessed September 5, 2023, [https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(19\)30273-1/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(19)30273-1/fulltext).



also riskier for the woman if she is malnourished. Further, studies have shown that interventions for healthier pregnancies need to start earlier, at least during adolescence and not only after the woman gets pregnant<sup>2</sup>. Therefore, the access to nutrition for women especially during adolescence and pregnancy has a direct impact on the nutrition outcomes for the entire society. Further, exclusive breastfeeding for six months is the recommendation for good nutrition and health for the child. For this, the woman's health and the enabling environment that she faces in terms of maternity entitlements are also important.

Women's status is also an indirect determinant of nutrition outcomes. One of the factors that contribute to better nutrition outcomes in early childhood is childcare. Young children need frequent feeding and direct care in order to be well nourished. Since the burden of childcare in households and in the community typically falls on women, the status of women is linked to the kind of childcare available. Women face multiple burdens of paid and unpaid work resulting in a time poverty for women and in the absence of sharing the responsibility of childcare by male members of the family and lack of public services, childcare is also affected. The non-recognition of domestic and care work that women do also results in poor priority towards reducing and redistributing such work. Care services themselves are undermined and even paid care workers usually receive low wages.

The sections below look at these issues using available data for India over the last 10-15 years. India has been notorious for high child malnutrition levels and very poor ranking in the Global Hunger Index. According to the latest Global Hunger Report, India ranks 107 out of 121 countries<sup>3</sup>. There have been some improvements over the last decade but it has been slow. The proportion of persons malnourished in India has also been rising since around 2016 according to FAO statistics, and the situation seems to have worsened since the covid pandemic with a number of field studies showing increased food insecurity following the lockdowns<sup>4</sup>. Although there is not much of a gender-based difference in malnutrition outcomes for children, the gap increases during adolescence and adulthood. Many field studies have recorded that in most parts of India women eat last and least<sup>5</sup>. Further, there are large gaps in availability of services towards improving overall food security, women's access to nutritious diets, maternity entitlements, childcare and direct nutrition interventions. Some of these are also discussed.

## II. Trends in Nutrition Status in India

National Family Health Survey (NFHS) data can be used to analyse trends in malnutrition outcomes over the last 15 years. The commonly used indicators are stunting, wasting and underweight. Stunting refers to height-for-age, representing chronic undernutrition, wasting is based on weight-for-height, representing acute undernutrition and underweight is weight-for-age, a composite indicator. To determine the stunting/wasting/underweight, WHO growth standards are used and children whose

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<sup>2</sup> Bhutta, Zulfiqar A., Jai K. Das, Arjumand Rizvi, Michelle F. Gaffey, Neff Walker, Susan Horton, Patrick Webb, Anna Lartey, and Robert E. Black. "Evidence-based interventions for improvement of maternal and child nutrition: what can be done and at what cost?" *The Lancet* 382, no. 9890 (2013): 452-477.

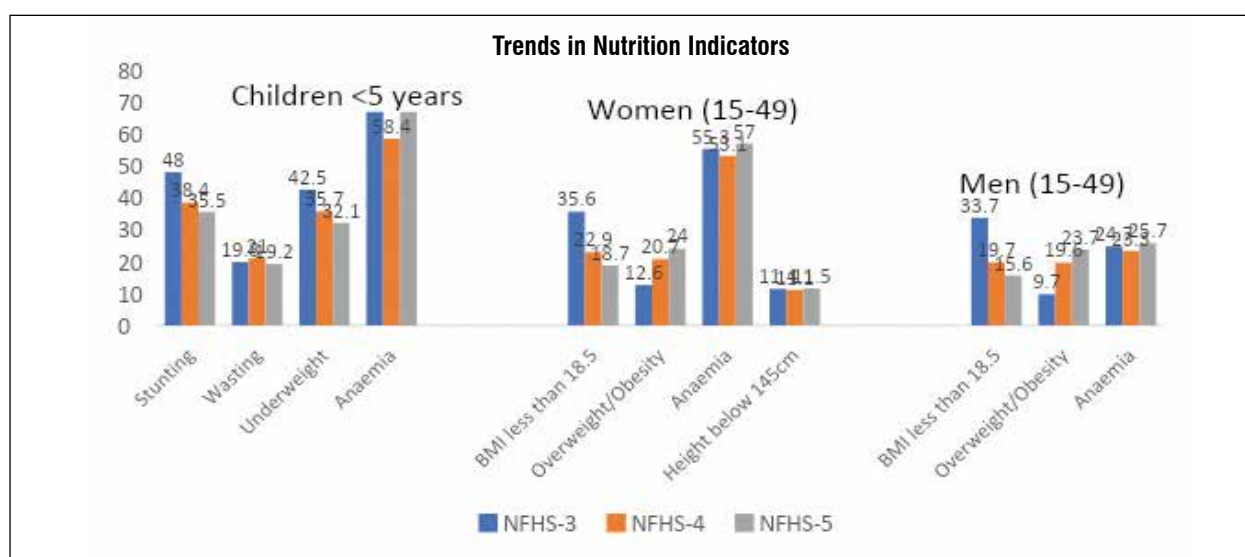
<sup>3</sup> "India," Global Hunger Index (GHI) - peer-reviewed annual publication designed to comprehensively measure and track hunger at the global, regional, and country levels, accessed September 5, 2023, <https://www.globalhungerindex.org/india.html>.

<sup>4</sup> Dipa Sinha, "Hunger and Food Security in the Times of Covid-19," *Journal of Social and Economic Development* 23, no. S2 (September 2021): 320-31, <https://doi.org/10.1007/s40847-020-00124-y>; Also see the Hunger Watch surveys conducted by the Right to Food campaign available at: <https://www.righttofoodcampaign.in/covid-19>

<sup>5</sup> Sharmistha Chakraborty, "India Suffers Because Women Eat The Last And The Least," <https://planet.outlookindia.com/>, December 2, 2022, <https://planet.outlookindia.com/opinions/india-suffers-because-women-eat-the-last-and-the-least-news-413250>

anthropometric indicators fall in less than -2 Z-scores are categorised as being undernourished and those beyond -3 Z-scores are severely undernourished.<sup>6</sup> There has been a decline in prevalence of stunting among children over this period from 48 percent to 36 percent, with a relatively steeper decline between 2005-06 to 2015-16 compared to the last five years.<sup>7</sup> Wasting has remained more or less stagnant around 20 percent. Anaemia prevalence (defined as haemoglobin levels below 11.0 g/dl) amongst children and women is extremely high and it is further concerning that there is an increase from 58 percent to 67 percent for children under years of age and 53 percent to 57 percent for women in reproductive age. Also, there is an increasing prevalence of overweight/obesity pointing to the rising triple burden<sup>8</sup> of malnutrition in India (underweight, overweight and micronutrient malnutrition). Relatively larger proportion of women (19 percent) compared to men (16 percent) are thin (low BMI<sup>9</sup>). Further, the prevalence of overweight/obesity among men and women has also been rising with almost of a quarter of men and women being overweight/obese<sup>10</sup> according to NFHS-5. These figures reflect poor diets at both ends of the spectrum.

**Figure 1: Trends in Malnutrition, 2005 to 2021**



Source: NFHS 3,4 and 5 India Reports

For a more detailed analysis, we look at the data from the Comprehensive National Nutrition Survey (CNNS, 2016-18) which provides information for a broader range of age groups among children as well as includes more detailed food consumption data as compared to NFHS. CNNS included three population groups – pre-schoolers 0–4 years, school-age children 5–9 years and adolescents 10–19 years.<sup>11</sup> The drawback however is that the CNNS has so far been conducted only once and there is no comparable data for earlier periods.

<sup>6</sup> "The WHO Child Growth Standards," accessed September 2, 2023, <https://www.who.int/tools/child-growth-standards>.

<sup>7</sup> "Persistence of Food Insecurity and Malnutrition," The India Forum, March 9, 2022, <https://www.theindiaforum.in/article/persistence-food-insecurity-malnutrition>.

<sup>8</sup> J. V. Meenakshi, "Trends and Patterns in the Triple Burden of Malnutrition in India," *Agricultural Economics* 47, no. S1 (November 2016): 115–34, <https://doi.org/10.1111/agec.12304>.

<sup>9</sup> BMI is calculated by dividing weight in kilograms by height in metres squared (kg/m<sup>2</sup>). A BMI of less than 18.5 kg/m<sup>2</sup> is considered "too thin for their height". The categories are discussed in the NFHS-5 report.

<sup>10</sup> Overweight if BMI 25.0–29.9 and obese is BMI ≥30.0

<sup>11</sup> Ministry of Health and Family Welfare (MoHFW), Government of India, UNICEF and Population Council. 2019. Comprehensive National Nutrition Survey (CNNS) National Report. New Delhi. pp. 48

**Table 1: Anthropometric Indicators by Gender and Age-group**

	Height for Age < -2 SD (Stunting)	Weight for Age < - 2SD Underweight
<b>0-4 years</b>		
Male	35.4	32.5
Female	34	34.4
<b>5-9 years</b>		
Male	21.6	35.6
Female	22.1	34.7

Source: CNNS, 2016-18

As can be seen from Table 1, there is not much of a difference in the prevalence of malnutrition measured as both low height-for-age and low weight-for-age among boys and girls in the younger age groups of children. Even in terms of thinness (low weight-for-height), it is seen that the prevalence is in fact slightly higher among boys compared to girls.

**Table 2: Anaemia Prevalence and BMI by Gender and Age-group**

	Any Anaemia	Weight for Height < - 2 SD
<b>0-4 years</b>		
Male	40.6	18.3
Female	40.2	16.3
<b>5-9 years</b>		
Male	22.2	25.7
Female	24.7	20.3
<b>10-19 years</b>		
Male	17.5	29.4
Female	39.6	18.9

Source: CNNS, 2016-18

On the other hand, gender-based differences in nutritional outcomes become stark when we look at the prevalence of anaemia, with the prevalence among girls being much higher than boys as the age group increases. In the 10-19 years age-group where most would have attained puberty, almost 40 percent of the girls are anaemic compared to 18 percent boys (Table 2). As seen in Figure 1 above, 26 percent of men in reproductive age are anaemic compared to 57 percent of women in reproductive age. Maternal anaemia has serious consequences for maternal health as well as health outcomes for the child, including higher likelihood of low birthweight babies.<sup>12</sup> Anaemia among adolescent girls and women therefore has severe implications for the perpetuation of the intergenerational cycle of malnutrition.<sup>13</sup> Further, it is also to be noted that while there are these gender-based differences in anaemia, it is also the case that malnutrition is quite widespread among both men/boys and women/girls.

<sup>12</sup> Md Mizanur Rahman et al., "Maternal Anemia and Risk of Adverse Birth and Health Outcomes in Low- and Middle-Income Countries: Systematic Review and Meta-Analysis12," The American Journal of Clinical Nutrition 103, no. 2 (February 1, 2016): 495–504, <https://doi.org/10.3945/ajcn.115.107896>.

<sup>13</sup> Robert E Black et al., "Maternal and Child Undernutrition and Overweight in Low-Income and Middle-Income Countries," The Lancet 382, no. 9890 (August 3, 2013): 427–51, [https://doi.org/10.1016/S0140-6736\(13\)60937-X](https://doi.org/10.1016/S0140-6736(13)60937-X).

As discussed above one of the main causes of anthropometric deficits as well as anaemia is poor diets, especially the lack of dietary diversity.<sup>14</sup> The poor quality of diets in India is also well known with most data showing heavily cereal-based diets with lack of variety, especially insufficient consumption of animal-based proteins as well as fruits and vegetables.<sup>15</sup> However, we do not have enough nationally representative data on food consumption. While the consumption expenditure surveys (CES) of the NSS gave some idea of food consumption at the household level, the last available official data is only available for 2011-12. The diet surveys conducted by the National Nutrition Monitoring Bureau (NNMB) which albeit had a smaller sample and did not cover all states, gave some information on individual level food consumption and nutritional quality. However, these have also been suspended with the last data available for 2011-12 for rural areas and 2015-16 for urban areas.<sup>16</sup> The only recent data available is from the CNNS, which has dietary data for only children – and is also limited in the sense that it does not capture the quantities consumed and only tells us whether foods from certain food groups were consumed or not. However, these still give us an indication of the poor quality of diets in India as well as the gender-based differences in food consumption.

### III. Gender Gaps in Food Consumption

Starting with the youngest age group, i.e. children under two years of age, it is seen that dietary diversity is extremely poor with only about 21 percent of children meeting the minimum dietary diversity requirements. Combined with minimum meal frequency, only around 6 percent of children in the country get a minimum acceptable diet.<sup>17</sup> Consumption of iron-rich foods is also very low, clearly related to the poor anaemia indicators seen above. The reasons for such poor infant and young child feeding is because of both of poor availability in the household as well as lack of awareness, unavailability of childcare services and time poverty among women. Government policies however usually tend to focus only on the behavioural aspects, where the response to these indicators are in the form of behaviour change communication (BCC) programmes. As in the case of outcomes, there is no significant gender-based differences observed in these child feeding indicators.

**Table 3: Infant and Young Child Feeding**

	Among all children 6–23 months (during the previous day), percentage with:			
	minimum dietary diversity	minimum meal frequency	minimum acceptable diet	consumption of iron-rich food
Male	20.6	43.2	6.4	7.8
Female	21.4	40.5	6.5	9.4

Source: CNNS, 2016-18

For children in the age groups of 5-9 years and 10-19 years, CNNS provides information on whether children consume specific foods at least once per week. This data is provided in Table 4<sup>18</sup>. Firstly, the consumption of foods such as fruits, eggs or flesh foods are quite low among children, with less than 40 percent of children getting these foods regularly. Secondly, it is seen that fewer girls than boys consume the more expensive and less frequent food items such as milk or curds, fruits, eggs and

<sup>14</sup> See, Karpagam S, Veena Shatrugna and Siddharth K Joshi "Nutrition Revolution by reducing Haemoglobin Cut-offs?- Anemia is not a numbers game" (June 2023) available at: <https://drive.google.com/file/d/1FQfpNIPlahoCmlMwmVGYIKU9AVElgoG/view>

<sup>15</sup> "Dietary Deprivation: Diets sans Diversity - Frontline," accessed September 2, 2023, <https://frontline.thehindu.com/cover-story/diets-sans-diversity/article29766073.ece>

<sup>16</sup> "National Nutrition Monitoring Bureau (India) | GHDx," accessed September 2, 2023, <https://ghdx.healthdata.org/organizations/national-nutrition-monitoring-bureau-india>

<sup>17</sup> The CNNS report uses WHO defined norms for measuring these indicators.

flesh foods. This pattern is also observed in the data for adults which is available from NFHS where the proportion of women consuming milk or curd, fruits, eggs and flesh foods is consistently lower when compared to men.

**Table 4: Dietary Diversity**

Percentage consuming specific foods at least once per week							
	Milk or curd	Pulses or beans	Dark green leafy vegetable	Roots and tubers	Fruits	Eggs	Fish or chicken or meat
<b>5 – 9 years*</b>							
Male	62.8	85.3	88.4	71.6	40.3	36.1	34.9
Female	59.7	85.5	88.7	72.3	38.6	34.5	36.1
<b>10 – 19 years*</b>							
Male	63.5	86.2	87.4	74.1	42.6	38	37.9
Female	57.6	84.1	88.9	73.8	40.2	31.8	34.6
<b>15-49 years#</b>							
Male	79.8	93.1	92.4	-	56.2	57.8	57.3
Female	72.3	92.9	90.8	-	49.6	45.1	45.2

Source: \* CNNS, 2016-18. # NFHS-5. NFHS-5 asks the question slightly differently. For comparability the responses "daily" and "weekly" in NFHS-5 have been considered as "at least once per week".

These patterns are a reflection of the gendered distribution of food within the household. And from the data it is observed that as the child grows older this gender-based discrimination becomes more prevalent. Community-based studies have found low consumption of green leafy vegetables among women in the child-bearing age.<sup>19</sup> A study of pregnant women in Maharashtra found that most women had monotonous diets and the diversity of diets are influenced by socio-economic and demographic factors such as maternal age, mother's occupation, and husband's occupation.<sup>20</sup>

Not only is it the case that often during times of shortage the male child or male members of the household are given a higher priority in food distribution, especially of more expensive items, there are a number of cultural and religious practices which result in women skipping meals or following dietary restrictions. For instance, on an average in India more men are non-vegetarians compared to women.<sup>21</sup> There are various 'festivals' where women fast for the better health for their husbands or sons.<sup>22</sup> Culturally, women and girls are often socialised to think about fasting as an uplifting and spiritual experience. The problem the problem is also trivialised by policy makers when it is linked to dieting fads<sup>23</sup>. It must also be mentioned that while the data presented are only about whether some food items are consumed or not, there is also a difference in the quality of food women have access to.

<sup>18</sup> Similar gender patterns are not observed for children in the 2-4 years age group.

<sup>19</sup> Rao, S., Joshi, S., Bhide, P., Puranik, B., & Kanade, A. (2011). Social dimensions related to anaemia among women of childbearing age from rural India. *Public Health Nutrition*, 14(2), 365–372. <https://doi.org/10.1017/S1368980010002776>

<sup>20</sup> Gokhale, D., & Rao, S. (2022). Socio-economic and socio-demographic determinants of diet diversity among rural pregnant women from Pune, India. *BMC Nutrition*, 8(1), 54. <https://doi.org/10.1186/s40795-022-00547-2>

<sup>21</sup> IANS, "Malnutrition Is Often a Result of Lack of Knowledge, Says Modi," *The Statesman* (blog), April 12, 2022, <https://www.thestatesman.com/india/malnutrition-often-result-lack-knowledge-says-modi-1503059764.html>.

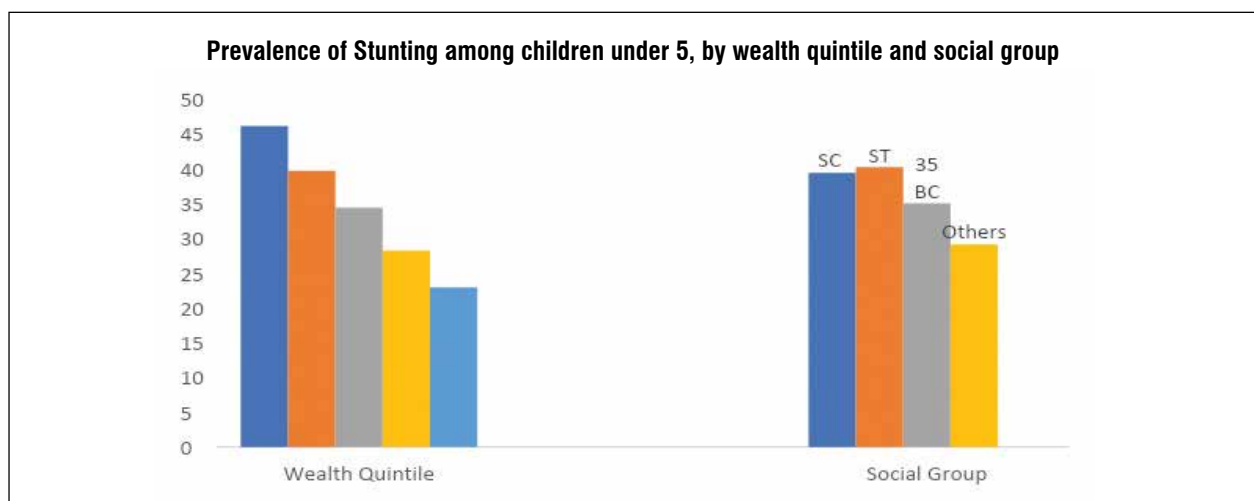
<sup>22</sup> Anushree Dash, "Why Must Only Women Fast In The Great Indian Tradition, Especially For Their Men?," *Women's Web* (blog), May 11, 2020, <https://www.womensweb.in/2020/05/only-women-fast-in-indian-tradition-especially-for-their-men-may20wk2sr/>

<sup>23</sup> "Gujarat Girls Malnourished as They Are Scared of Getting Fat: Narendra Modi | News Archive News - The Indian Express," accessed September 2, 2023, <https://indianexpress.com/article/news-archive/web/gujarat-girls-malnourished-as-they-are-scared-of-getting-fat-narendra-modi/>

These patterns are of course not uniform across all communities. Gender-based differences are exacerbated by the intersectionalities based on caste, class and religion. Although there is no space to discuss these in detail in this chapter, Figure 2 gives the broad outcome data by social group and wealth quintiles. As can be seen clearly, the prevalence of malnutrition is higher among the poorer groups and amongst Dalits and Adivasis.

Further, most of the data is still collected in a gender binary based male-female format, and does not include information for transgender persons. Although there is no information available on the food security and nutrition status among the transgender communities, it is known that they face additional barriers in accessing food security schemes. Due to lack of recognition and documentation (address proofs, bank account etc) they are denied ration cards.<sup>24</sup> In Telangana for instance, a survey of the state government found that 58,918 transgender individuals live in the state, while only 2404 families with transgender persons as heads of families received ration from the state.<sup>25</sup>

**Figure 2: Child Malnutrition by Wealth and Social Group**



Source: NFHS-5

In this context, it also needs to be mentioned that while there is poor dietary diversity in India because of affordability, availability and other issues, there is additionally the increased attack on certain foods particularly by the religious Right-wing which also has an effect on the ability to access high-protein foods especially for those belonging to marginalised communities. Two examples can be given in this regard. For instance, beef which used to be a good source of cheap protein for the economically marginalised has become less accessible with the anti-beef Hindutva related campaigns in a number of states<sup>26</sup>. Similarly, there has been a backlash faced by proposals for distribution of eggs in mid-day meals or through schools based on the justification that they hurt the sentiments of vegetarians, mostly representing Hindu upper-caste groups. This deprives many children of a good source of protein, with many nutritional as well as logistical advantages, in the meals they get from the government.<sup>27</sup>

<sup>24</sup> Shreya Raman, "Denied Visibility In Official Data, Transgender Indians Can't Access Benefits, Services," June 11, 2021, <https://www.indiaspend.com/gendercheck/denied-visibility-in-official-data-millions-of-transgender-indians-cant-access-benefits-services-754436>

<sup>25</sup> Anjana Meenakshi, "No Record, No Ration: Telangana Govt's Apathy for Transgender People," The Siasat Daily, October 10, 2022, <https://www.siasat.com/no-record-no-ration-telangana-govts-apathy-for-transgender-people-2430877/>

<sup>26</sup> "In India, Politics and Ideology Around Food Denies Basic Nutrition," Global Food Justice Alliance, accessed September 5, 2023, <https://www.globalfoodjustice.org/equity/in-india-politics-and-ideology-around-food-denies-basic-nutrition>.

<sup>27</sup> Jean Drèze, "School Meals," in *Sense and Solidarity: Jholawala Economics for Everyone*, ed. Jean Drèze (Oxford University Press, 2019), 0, <https://doi.org/10.1093/oso/9780198833468.003.0004>.



## IV. Assessing Policy Response

There are a number of schemes and policies that exist to address malnutrition. For a comprehensive analysis, these have to be analysed in the broader macroeconomic context of unemployment, inflation, increasing inequality and distress which have been addressed in other parts of this report. Similarly, issues related to food production, processing, procurement and distribution is also important. In this context, recognition of women as farmers and food producers is an important issue. Women grow much of the food for their families, communities and the market, often on family farms and yet are not recognised as farmers rather as unpaid helpers or farm labourers. As a result, they have little access to external support in the form of credit and other extension services. It has also been suggested by the Food and Agriculture Organization of the United Nations that “improving women's access to productive resources would enable them to produce 20-30 percent more food, with positive impacts on children's nutrition, health, and education”.<sup>28</sup> It has been found that where women make the farming decisions, the levels of food security and nutrition for their families is high.<sup>29</sup> In India, women as food producers also play key roles in intra-household food preparation and distribution and this needs to be recognised in policy. On the other hand, a survey in Maharashtra found a negative relationship between women's increased farm work and their own nutrition which is a result of the time poverty they face due to the double burden of farm work as well as household work. They study also cautions that reducing time burdens must be done and can help, but to address malnutrition what is required is making nutrient-rich foods more accessible and affordable.<sup>30</sup> The issue of women farmers highlights the multiple roles that women play as food producers, processors and care-givers and the policy response needs to take this into consideration. The issue of women farmers is also discussed in other places in this report and in the present chapter, we look more closely at the welfare measures.

In this section, we only look at some of the direct nutrition-related schemes of the central government including the Public Distribution System (PDS) which contributes to overall household food security, and schemes such as the Integrated Child Development Scheme (ICDS) and mid-day meals which directly address women and children. Maternity entitlements and creches are also critical. PDS provides subsidised staples to a large section of the population. The scheme was started in the 1960s and has seen many changes since. In 2013, it was brought under the ambit of the National Food Security Act (NFSA). The ICDS was started as a pilot in 1978 and gradually expanded to the entire country, and universalised following Supreme Court orders in 2006. The Supreme Court also mandated that hot cooked meals be provided to all children in the age group of 6-14 years in government schools through the mid-day meal scheme (now called 'PM-POSHAN').<sup>31</sup>

One of the problems that all these schemes face to varying extents is of coverage. The PDS provides subsidised rations through ration cards which are targeted to cover 75 percent of the rural population and 50 percent of the urban population, under the NFSA. Some states have additional coverage from their own budgets. Although the number of people receiving highly subsidised rations increased substantially following the passage of the NFSA in 2013, exclusions still remain. The lack of updated population data from the Census is one of the reasons for this. While the NFSA has the progressive

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<sup>28</sup> “Invisible Farmers: Why Recognizing and Supporting Women Farmers Is Key to Food and Nutrition Security,” October 14, 2020, <https://blogs.worldbank.org/developmenttalk/invisible-farmers-why-recognizing-and-supporting-women-farmers-key-food-and>.

<sup>29</sup> Kaela Connors et al., “Women's Empowerment, Production Choices, and Crop Diversity in Burkina Faso, India, Malawi, and Tanzania: A Secondary Analysis of Cross-Sectional Data,” *The Lancet Planetary Health* 7, no. 7 (July 1, 2023): e558–69, [https://doi.org/10.1016/S2542-5196\(23\)00125-0](https://doi.org/10.1016/S2542-5196(23)00125-0).

<sup>30</sup> Vidya Vemireddy and Prabhu L. Pingali, “Seasonal Time Trade-Offs and Nutrition Outcomes for Women in Agriculture: Evidence from Rural India,” *Food Policy* 101 (May 1, 2021): 102074, <https://doi.org/10.1016/j.foodpol.2021.102074>.

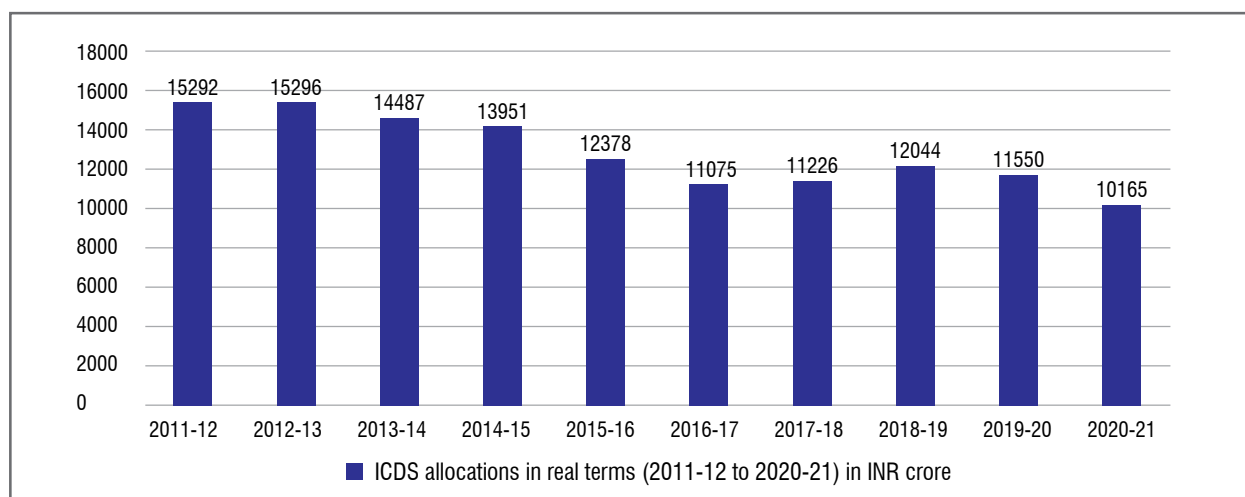
<sup>31</sup> The Supreme Court orders are available at <https://www.righttofoodcampaign.in/legal-action/supreme-court-orders> accessed September 5, 2023.

provision of having the ration cards in the name of the oldest woman member of the household, due to the gaps in updating the cards it is found that women and children are particularly affected. For instance, it has been seen that when a woman gets married and moves to her marital home, her name is removed from the ration card of her parents' household but is not automatically added to the new household.<sup>32</sup> Similarly, when children are born, their names are not immediately included.<sup>33</sup>

ICDS and mid-day meals also do not reach all children. While mid-day meals are for children in government schools up to class 8, adolescents especially girls, in high school who are at a vulnerable age are not covered. The coverage under ICDS is also only about 50 percent of the children in the relevant age group. The maternity benefits act only covers women in the organised sector, with the remaining women (over 90 percent) left to be covered under the Pradhan Mantri Matru Vandana Yojana (PMMVY). The PMMVY so far covers only about 25 percent of eligible women and is restricted in its design where it includes benefits only for the first live birth (with the recent addition of the second birth if it's a girl child) and amount being only ₹5000. The budgetary allocations for this scheme has been reducing and there has been a decline in number of beneficiaries covered.<sup>34</sup> ICDS also faces the design issue in the sense that in its current design it does not really cater to children under three years of age, other than providing take home rations.<sup>35</sup> In the absence of adequate creche services, this is a huge gap. Moreover, the ICDS centres only run for a few hours which does not significantly relieve mothers of childcare and nutrition responsibilities.

The second challenge is related to the lack of adequate budgets for these schemes. Not only are the budgets allocated low, over the last ten years they have also been declining in real terms. The central government's budgets for ICDS and MDMS is over 30 percent less than what it was in 2014-15 when looked at in real terms.

**Figure 3: ICDS allocations in real terms (2011-12 to 2020-21) in INR crore**



Source: Centre for Policy Research (2023)

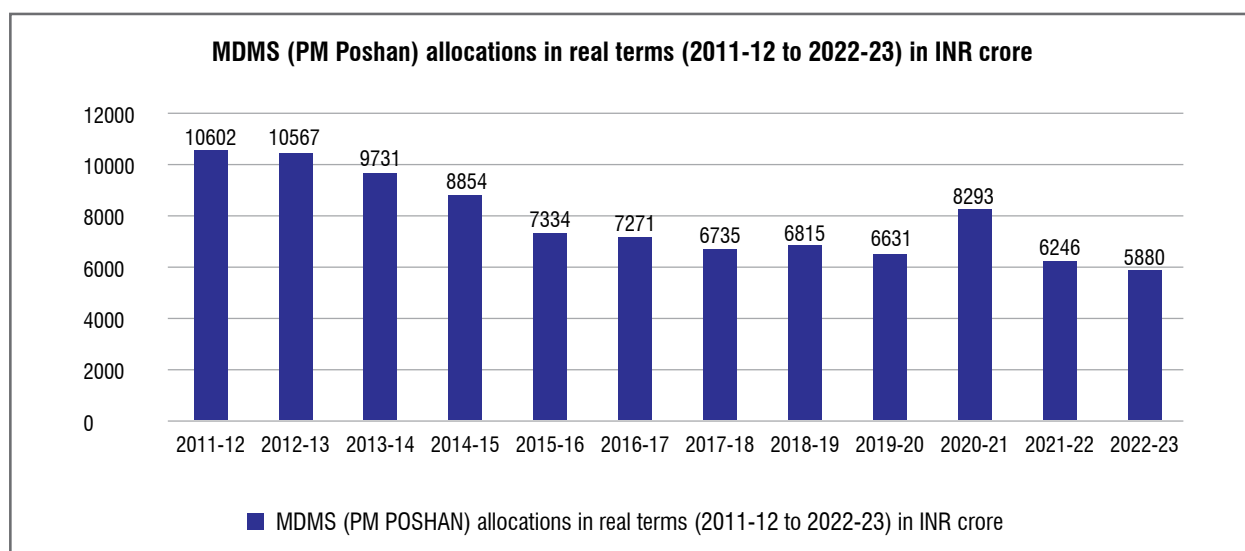
<sup>32</sup> "Excluded by Marriage: 'Over a Million Women in Odisha Left out of PDS,'" Gaonconnection | Your Connection with Rural India (blog), March 22, 2021, <https://en.gaonconnection.com/odisha-women-pds-over-a-million-women-excluded-from-ration-card-after-marriage/>.

<sup>33</sup> "Failures in the Digitisation of India's Food Security Programme: The Exclusion of Married Women of Odisha," Privacy International, accessed September 5, 2023, <http://privacyinternational.org/long-read/4468/failures-digitisation-indias-food-security-programme-exclusion-married-women-odisha>.

<sup>34</sup> "Maternity Entitlements in Freefall," The India Forum, June 14, 2023, <https://www.theindiaforum.in/public-policy/maternity-entitlements-freefall>

<sup>35</sup> "Rethinking ICDS: A Rights Based Perspective," August 26, 2006, <https://www.epw.in/journal/2006/34/integrated-child-development-services-special-issues-specials/rethinking-icds-rights>

**Figure 4: MDMS (PM POSHAN) allocations in real terms (2011-12 to 2020-21) in INR crore**



Source: Centre for Policy Research (2023)

The budget for PMMVY has also always been low and stagnant in nominal terms. The national creche scheme has seen a consistent decline in budgetary support without any alternatives being put in place.<sup>36</sup> This is part of the overall neglect of the social sector in the union budget over the last ten years.<sup>37</sup> Further, these schemes are constantly being renamed and/or clubbed as a result of which budgets cannot be tracked effectively and probably also concealing further cuts. For example, while earlier budgets used to give the budgets for ICDS and PMMVY separately, these schemes are now part of Saksham and Samarthya each of which include other schemes such as the creche scheme, mission Shakti and so on.<sup>38</sup>

A related issue is also the increasing digitisation in all the welfare schemes, especially the mandatory requirement of aadhaar and biometric authentication. Given the gender-based digital divide, women are particularly affected. For example, in accessing the maternity benefits under PMMVY it has been seen that one of the biggest barriers is the lack of an updated aadhaar and a linked bank account. Even when the aadhaar is available issues such as wrong entry of age, mismatch in name on aadhaar (maiden name) and beneficiary lists (marital name) also exclude women from getting their entitlements on time.<sup>39</sup>

Third issue is that these schemes are also not sensitive to the crisis of nutrition in the manner that they could potentially be. The PDS in most states gives only cereals, neglecting the importance of protein-rich foods in diets. Eggs are not included in school mid-day meals and anganwadi centres in most places. Only about 14 states and UTs provide eggs currently.<sup>40</sup>

<sup>36</sup> Dipa Sinha, "Care as an Economic Agenda," The Times of India, accessed September 3, 2023, <https://timesofindia.indiatimes.com/blogs/voices/care-as-an-economic-agenda/>

<sup>37</sup> "Annual Reports Archive," CBGA India, accessed September 5, 2023, <https://www.cbga-india.org/annual-report/>

<sup>38</sup> "Blog," Accountability Initiative: Responsive Governance (blog), accessed September 3, 2023, <https://accountabilityindia.in/blogs/>

<sup>39</sup> Tabassum Barnagarwala "In hunger hotspot, Aadhaar is depriving Adivasi mothers of crucial assistance" (20 September 2022) Scroll.in. <https://scroll.in/article/1032798/women-without-an-aadhaar-number-are-being-denied-access-to-a-crucial-maternity-benefits-scheme>

<sup>40</sup> PM Poshan Scheme: 14 States, UTs Provide Egg in School Mid-Day Meals; Details Here," accessed September 3, 2023, <https://www.freepressjournal.in/education/pm-poshan-scheme-14-states-uts-provide-egg-in-school-mid-day-meals-details-here>

The cost norms given for the take home ration norms are not calibrated to the current market prices and what is actually required for meeting the nutrition norms. A review of the take home rations by World Food Programme has recommended revising the guidelines and found that the current THRs often do not meet the nutritional norms and also have very high sugar content.<sup>41</sup> Even the promotion of millets that is being carried out through the G-20 related events,<sup>42</sup> celebration of the International Year of Millets and so on is being seen more for its commercial benefits, rather than with a nutrition-focus, such as inclusion in government schemes such as the PDS and meals for children which are much more widespread and address the most needy.

## V. Conclusion

In this brief review on the status of nutrition in India it is found that the levels of malnutrition in the country are unacceptably high. One of the reasons for this is the underlying gender inequality which directly contributes to perpetuating the intergenerational cycle of malnutrition. Further, poor women's status also affects the care and access to services that children get during the early childhood period.

Addressing malnutrition would therefore require policies tackling basic structural inequities. Further, improving access to livelihoods and working towards a decentralised food system (keeping the woman farmer at the centre) are essential. Along with that, some direct nutrition interventions are crucial. Those that exist are inadequate in coverage, budgets and design. A more comprehensive approach would include a PDS which is universal and delivers a diverse basket of foods including pulses and oils, improving school meals with the inclusion of eggs, milk and fruits, universalisation with quality and equity of the anganwadi programme, universal and wage-linked maternity entitlements and provision of creche/daycare services for all children who require it through multiple models. Community-based interventions towards improving nutritional intake and dietary diversity are also important.<sup>43</sup>

Along with these interventions that address gender discrimination and improve women's status across different sectors would have a positive impact on reducing undernutrition for all. Maternity entitlements and child care services are crucial nutrition-sensitive as well as gender-sensitive interventions.

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<sup>41</sup> "Review of Take-Home Rations under the Integrated Child Development Services in India | World Food Programme," January 13, 2020, <https://www.wfp.org/publications/review-take-home-rations-under-integrated-child-development-services-india>

<sup>42</sup> "Mainstreaming Millets in G20 Countries Through Integrated Behavioural and Policy Shifts | ORF," accessed September 4, 2023, <https://www.orfonline.org/research/mainstreaming-millets-in-g20-countries/>

<sup>43</sup> Rao, S. (2014). Potential of Community Based Approach for Prevention of Anaemia among Women of Childbearing Age from Rural India. *Journal of Food and Nutrition Sciences*, 2(6), Article 6. <https://doi.org/10.11648/j.jfns.20140206.15>

# CHAPTER 14 Women, Work and Health: Re-visiting Unresolved Issues, Examining New Challenges

Padmini Swaminathan

## Abstract

*This chapter conceptualises the varied nature of women's work highlighting that though women workers are in considerable numbers, they are often part of the informal sector even within otherwise formal industries. Further, it maps the health disadvantages faced by marginalised women workers engaged in occupations such as mines and quarries, and manual workers in the leather, beedi, salt and sanitation sectors. The latter, though outlawed by legislation, continues unabated across the country. Occupation health as a theme has been covered extensively, officially, in the Shramshakti Report, Reports of the Second National Labour Commission on Labour (SNCL), Government of India (2002, and in the reports of the National Commission on Employment in the Unorganised Sector. Till date, most of the recommendations contained in these official documents remain unimplemented. The paper critiques the Labour Codes passed by Parliament in 2019, which render marginalised workers even more vulnerable while prioritising employers' interests. By laying down a threshold of 250 for instituting a safety committee at the workplace, the Code on Occupational Safety and Health, literally mocks at the 90 percent informally employed workers of the country who are either self-employed (mostly women) or work in small establishments. Adding to women workers woes is the attitude of the politically-affiliated trade unions, who seldom raise issues germane to women, such as, universalisation of maternity benefits and childcare, and/or of stigmatised occupations such as surrogacy or commercial sex workers..*

## I: Introduction

Increasingly and in different ways, research by feminists has stressed the significance and necessity of examining the linkages between women, work and health, if we are to move towards an understanding of what accounts not only for the persistence of certain forms of disadvantages that confront women, but also the possibilities of seeking resolution to some, if not all, of these disadvantages. The complex inter-relationship between 'work' and the nature of economic growth also needs attention; the categories of the employed/ unemployed used by our data systems to denote those in the workforce and those outside it has a built-in bias towards excluding large numbers of activities and, therefore, workers from the category of 'employed'. The harshness of such a situation is experienced more by women, and women of marginalised communities in particular, who have to combine the tasks of production and reproduction with serious consequences to their well-being.

This paper, that attempts to map the continuing disadvantages in terms of health faced by marginalised women workers, is structured as follows: **Section 1** discusses studies that attempt to conceptualise the varied nature of women's work. In **Section 2**, based on our earlier work (Swaminathan, 2009) we recapitulate the occupational hazards faced by women who work in considerable numbers in some sectors of industry as informal workers even if parts of the industrial chain are formal. For the same industrial sectors, we provide more recent data to comprehend how far and to what extent, if any, the conditions of work and health have changed with passage of time. **Section 3** details recommendations made by officially constituted commissions and committees to demonstrate that, while there is official acknowledgment that occupational health and safety of workers has not received the attention it should have, very little attempt has been made to operationalise officially approved recommendations. We conclude this section with a discussion of the Code on Occupational Safety and Health passed by Parliament in 2019, which in a nutshell, has turned the clock back several decades.

## **II: Conceptualising Linkages between Women's 'Work' and Health Outcomes**

The current global and domestic preoccupation with increasing efficiency and productivity narrowly defined and measured in terms of, say, the output per unit of capital/per unit of labour, cannot accommodate concerns such as reducing work intensity and raising the capacity for work. On the contrary, what one routinely encounters through field level studies is the continued and pervasive exploitation of the labouring poor (men and women) through limitless extension of the working day, through the practice of forced overwork for which the worker receives no pay, through linking wages to impossible targets such that workers always receive less pay on the plea that targets have not been met. In their constant struggle to reach these targets, workers force themselves to stay put at their workplaces, to avoid going to toilets and even skip meals.

The above have led to theoretical frameworks aimed at explaining the relationship between women's work roles and their well-being based on role theories, and are categorised into three groups: the role enhancement model, the role overload model, and the role integration model (Im, 2000). "The role enhancement model presumes that health benefits are derived from participation in socially valued activities... the role overload model posits that having to balance the demands and obligations of multiple roles will result in detrimental effects on health". Since the findings of the research based on these models have been confusing and contradictory, researchers began to develop an alternative model, the so-called role integration model. "The role integration model... posits that a positive balance between role satisfaction and role stress indicates a sense of coherence and balance, and tends to increase the sense of well-being, while a negative balance tends to decrease well-being" (Im, 2000, pp.112-13).

On balance, women in the field-based studies that we have conducted (Jeyaranjan and Swaminathan, 1999; Jeyaranjan and Swaminathan, 2005) do consider being employed outside the household as conferring benefits that outweigh the negative aspects associated with such employment and this, therefore, confirms the applicability of the role integration model to our findings. Nevertheless, the negative health aspects of such work, whether at the level of the household or outside, need to be addressed even if workers and their households deny or playdown adverse health outcomes for fear of losing their jobs.



## ***Persisting Challenges***

Nearly thirty-four years ago, the Report of the National Commission on Self-Employed Women and Women in the Informal Sector (Government of India, Shramshakti, 1988), among other things, catalogued an illustrative list of occupations wherein women work in considerable numbers, as also some of the known health hazards consequent to being engaged in these occupations, along with concrete recommendations to improve health and hygiene. It is also pertinent to pinpoint the fact that, apart from noting that the 'most common occupational hazard for all women is probably overwork', the Shramshakti Report recommendations went beyond the immediate workplace/ specific occupation of the worker and urged for measures such as training of doctors in Occupational Health, schemes for provision of clean drinking water to every home, making fuel available to all households, research and training in ergonomics, among others. Needless to add these recommendations not only continue to be relevant but some of the demands pertaining to basic infrastructure have yet to be made universal for all citizens.

Two decades after the Shramshakti Report, the verdict of the Reports of the Second National Labour Commission (SNCL), Government of India (2002) and of the National Commission on Employment in the Unorganised Sector Report (NCEUS, 2008), that conditions of work in the unorganised sector and of unorganised workers continue to remain deplorable and unsafe, is also an official admission that for the vast majority of workers in this country, it is and continues to be a case of 'business as usual'; worse, the contents of these Reports also officially acknowledge that the existing legislation, specifically enacted to address the welfare and working conditions of unorganised sector/workers serves only a miniscule section of workers in this sector. More shocking, the Report of the SNCL (2002) categorically admits that the institutional mechanisms needed to implement and monitor the operations of the existing legislations (in particular those relating to the health and safety of workers) are either grossly inadequate or yet to be created.

## **III: Acknowledging Causality between Work and Adverse Health Outcomes: A Recapitulation**

A couple of the several occupational hazards characterising women's work recorded by the NCEUS and SNCL are highlighted below. This recapitulation of earlier studies is supplemented with recent field-based studies of similar sectors to underscore a point made earlier, namely, the persistence of old problems that continue to challenge us.

### ***Mine and Quarry Workers:***

*Then...*

The Report of the Government of India, SNCL (2002) citing the cases of several mines spread across the country, states that, most mine workers become unfit for heavy work after the age of 40 years. The working hours in the mines are irregular. There is no provision for holidays or a weekly off. Nor is there a system of medical/maternity leave or compensation for illnesses or injuries. The rule of the mines is 'no work, no wage' (Government of India, 2002, p. 623).

Workers are exposed to serious health hazards, which affect their lifespan. The most serious health hazards are silicosis, pneumoconiosis and tuberculosis, which the labourers acquire from mines due to lack of on-site and off-site care and protection. One factor, which largely contributes to the

contraction and incidence of silicosis, is dry drilling.<sup>1</sup> There are an estimated 5,00,000 (27 percent) cases of silicosis, tuberculosis and pneumoconiosis among the mine workers in Rajasthan. About 72 percent of the mine workers complain of one or the other respiratory tract problems (Government of India, 2002, pp. 623-24).

### **And Now...**

Quoting a Comptroller and Accountant General's (CAG) report, Alakhpura (2019) states that Rajasthan, which has a high number of mine workers, with more than 1.65 million families working at stone quarries and mines for meagre wages, has detected 7,959 silicosis cases between January 2015 and February 2017; in the same period, 449 people died of the disease in five districts. An important detail in the report is the lack of data on exact number of functioning mines because of the large number of illegal units operational across the state.

Worse, the author points out that even though silicosis has been an occupational hazard for decades, its misdiagnosis as TB still remains a threat to its treatment.

*The only slender line of state supports these workers can hope for is the Silicosis Grant Disbursement, a scheme the state launched fully aware that it had no reliable estimates about the seriousness of the crisis. Through this scheme, the Government of Rajasthan has to compensate those diagnosed with silicosis while working, or the families of those who died due to the disease, with a cash grant of Rs 2 lakh (increased from Rs 1 lakh) and Rs 3 lakh, respectively. Predictably, the process of disbursement is complicated, slow and riddled with corruption*

On the theme of silicosis being misdiagnosed as TB, Sivam Saini (2017) has argued that there is resistance among doctors to acknowledge the evidence of silicosis and notify the same as there is little enforcement of the rule. The penalty for not reporting the disease is a mere Rs 50.

Gurvinder Singh's (2019) study of Jharkhand's mica mines explains how the operation of these mines went from being legal to becoming illegal with dire consequences, particularly for women and children.

*The abandoned mines were illegally taken up by local contractors, who began to dig pits to find mica and employed children and women not only because of cheap labour but their supple hands were perfect for the job... The work is hazardous because children go deep inside the caves where there is little oxygen, which often puts their lives at risk. As the job is illegal, accidents are not compensated.*

Global outrage has put pressure on the cosmetic and other industries that have been sourcing mica from these illegal mines.<sup>2</sup> Mayank Aggarwal (2021) discusses the burden of mining on women, tribal women in particular, whose lives and livelihood suffer irreversible damage, more so long after mines are closed or abandoned.

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<sup>1</sup> A procedure of dry drilling, with compressor fitted pneumatic machines, is in practice in the mines. This type of drilling releases a huge quantity of dry silica laden dust, which is inhaled by the operators of drill machines and persons assisting them. This kind of drilling work is done by the young and strong in the lot.

<sup>2</sup> Established in January 2017, the Paris-based Responsible Mica Initiative (RMI) is now trying to safeguard the environment and eliminate unacceptable working conditions, along with eradication of child labour by 2022 in mica mining in Jharkhand. RMI had 55 members, mainly from cosmetics and paint industries, and representing the entire supply chain from mica processors in India to end-product manufacturers and brands. In 2018, it raised euro 815,625 as membership fees, which would be mostly utilised for bettering the lives of Jharkhand's mica workers.

**Manual Workers:** leather, beedi, salt and sanitation workers

*Then...*

The hazards faced by manual workers involved in a range of occupations in the unorganised sector have been extensively covered by both the Commission Reports mentioned above. Irrespective of whether it is an export-oriented industry (such as the fish processing or leather tanning industry), beedi rolling or manual scavenging or ragpicking, the abject poor conditions under which women workers in these occupations have to function on a day-to-day basis have been vividly captured by these Reports, corroborating yet again not only earlier studies by feminist scholars on these subjects (such as Dewan, 2001; Mathew and Lingam, 1998; and Pathare and Lingam, 1998, Nihila 1999, Gopal 1999), but also more importantly, indirectly emphasizing the urgency of addressing the physical strain accompanying the performance of these tasks. We recapitulate observations from just two of the studies pertaining to the leather and beedi industries to underscore the point that the priority of the country is more to earn foreign exchange even if it means compromising the health of its citizens, women workers in particular.

## **Leather Industry**

*Then...*

Nihila's (1999) study of the leather tanning industry, concentrated in the district of Dindigul in Tamil Nadu, highlighted, among other things, the fact that the provision of the Factories Act, 1948, (according to which women and children are prohibited from being employed in tanning of leather because of the hazardous nature of operations involved in tanning) is used to deny worker status to women employed in the industry. According to her estimate based on field work, almost 30 percent of the total tannery workforce consists of females. A manner in which this denial is achieved is by recruiting them through contractors. The latter are on the payrolls of the employers, not the female employees. The combination of the provision of the Factories Act 1948, and recruitment through contractors has resulted in several adverse consequences for women workers. For example, separate toilets or restrooms for women do not exist; no demand for protective gears can be made by these women who have to skin dead animals, clean lime pits (soaked with toxic chemicals) and the waste of skinned animals with bare hands, among other arduous and unclean jobs.

*And Now...*

In 2017 the India Committee of the Netherlands produced a fairly comprehensive report focusing on three main areas, namely, Kolkata, Agra and Vaniyambadi-Ambur cluster in Tamil Nadu, that supply hides, leather, garments, accessories and footwear for export and which account for 90 percent of all tanneries in India. The report documents that while leather production has modernized and grown enormously to cater to the growing export demand, not only has caste discrimination not vanished, but worse, "in the unregulated and footwear industry, we find female homeworkers, responsible for a highly labour-intensive part of shoe production, to be among the most precarious workers. They face insecure and unprotected work, receive poverty wages and work under unsafe conditions. Moreover, children are often involved in leather production in India, mostly in the unorganized part of the sector, working in smaller tanneries and workshops" (ibid: p. 4)

In addition, the above report provides extensive details of the nature of environment problem caused by the tanning part of the leather industry because of the use of several toxic chemicals, the effluents of which seep into ground water while the sludge gets dumped into the river. Needless to add, the tannery areas are perennially plagued by drinking water crisis, while farming activities remain suspended.

In terms of workers' health and safety nothing much has changed for the better if the Netherlands Report is to be believed. The hazardous conditions continue since workers have to work with toxic chemicals with little or no protective gear, and with units continuing to flout norms, rules and regulations. In all the three areas covered by the study, workers report suffering from frequent bouts of fever, severe body, bone, joint and muscle pain, severe headaches, nausea and reproductive health problems. Other common problems include eye irritation and coughing. Unable to cope, several workers have had to quit their jobs (ibid: p.10-11). What the Report also documents is the near complete abdication by employers in cahoots with medical establishments and the state to take any responsibility for conditions of work of workers, the bulk of whom are informally employed.

### **Then... Beedi Industry**

Gopal's (1999) study of the beedi industry in Tamil Nadu, describes in considerable detail, among other things, the manner in which the selective issuance of passbooks to women workers in the industry enables the beedi contractors to exercise control over the work and time of the workforce; worse, the anxiety that is deliberately allowed to build up before a passbook is issued (which quite often may not materialize), keeps women across households divided to the advantage of the contractors. Gopal provides an extremely nuanced account of how region, class, religion, gender and organization of the industry combine to make this home-based activity extremely stressful for the women workers.

### **Now...**

Sarah Khan's (2020) write-up on the beedi industry reminds us how the beedi industry is growing even as women rolling these beedis continue to be exploited in more ways than one as they try to feed their families despite the severe health hazards posed by the industry. An estimated 4.5 million work in the industry as per the ILO, majority of them being home based women workers.

Neerad Pandharipande (2020) elaborates on the health hazards faced by beedi workers

*Occupational health hazards... are only to be expected given the present nature of beedi-making... Women who roll beedis have to inhale tobacco dust throughout the time that they are working. They also have to remain in a particular sitting position for several hours at a stretch, sometimes in houses without adequate ventilation. These women are grossly underpaid and exploited. What makes matters worse is that even though they are prone to many long-term ailments, healthcare facilities in rural areas are often inadequate. This can mean that their illnesses can remain undiagnosed.* (Pandharipande, 2020)

Both Khan and Pandharipande discuss in some detail the efforts being made by government, NGOs and women workers themselves to find alternative livelihood options to move away from the debilitating conditions of work characterising the beedi industry. According to Khan, pro-women policies, particularly in the southern states of Tamil Nadu and Karnataka, have led to a significant reduction in numbers of women rolling beedis, but note that the rate of shift to other occupations reduced with age. Further, it is also pointed out that the government's skill-building initiatives cover just a few hundred workers while the industry employs over five million workers making activists beg the question: how many decades will it take to shift out all the workers?

### **Salt workers:**

The Bay of Bengal Programme Inter-Governmental Organization (BOBP-IGO)'s study of salt workers, conducted from September 2004 to August 2005, covered the major salt-producing states, namely, Rajasthan, Gujarat, Maharashtra, Tamil Nadu, Andhra Pradesh and West Bengal (Bay of Bengal News,

2006). Its report published in 2006 provides a fairly comprehensive overview of the state of salt industry in the country as well as the status of salt workers.

Notwithstanding the fact that India is the third largest producer of salt after the US and China, what has changed very little is the harsh conditions of work characterising the salt industry. To quote the BOBP-IGO study in some detail:

*Not many know that salt works begin where civilization ends; that salt pans lie in coastal and desert areas under a pitiless scorching sun; that some 1,50,000 salt workers in India and their families (perhaps half a million) live for eight months a year in the harsh environment that's often devoid of basic amenities such as drinking water, schools, hospitals or markets; that they do the toughest of manual jobs risking blindness, blood pressure, knee injury, skin lesions, back pain and exhaustion and epidemics such as malaria; that most salt worker children are school dropouts and are vulnerable to chronic cough and tuberculosis; that despite such living conditions salt workers are paid low wages and suffer vile exploitation at the hands of the many intermediaries in the salt business, including money lenders (2006: 37)*

Kavita Kanan Chandra's (2017) sensitively written piece in the Hindu newspaper on the Agarias (salt farmers) of the Rann of Kutch corroborates the findings of the Report mentioned above. Between 2006 of the BOBP-IGO study and the 2017 newspaper report, not much has changed for the salt workers, who continue to work in the scorching heat and are beset with the same health problems as noted in the BOBP-IGO study. Additionally, the Hindu report also talks of the malnutrition suffered by this community because of their dependence on meagre quantity of cereals and vegetables.

Once again, as in the case of the leather and beedi industries, while salt production and the salt industry continue to flourish, the health problems of salt workers have witnessed no reduction. The BOBP-IGO 2006 put out a number of recommendations based on its extensive study. Obviously, if the 2017 Hindu report is to be believed, the welfare of workers has yet to see the light of day.

## **Sanitation Workers**

Shomona Khanna (2019) hammers home the point that manual scavenging, despite being outlawed by the Indian Parliament through several statutes, continues to exist in large parts of the country.<sup>3</sup>

While the Safai Karmachari Andolan has maintained that manual scavenging is linked to caste notions of pollution and untouchability and therefore that no amount of provision of protective gear alone can address the issue of stigma attached to this work, governments across the country have made use of the exceptional clause provided by the 2013 Act to continue with the practice of manual scavenging.<sup>4</sup>

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<sup>3</sup> The Planning Commission in 1995 estimated that 6.4 lakh people were employed as manual scavengers, but activists believe that the numbers were actually more than a million. It is significant that 99 percent of the people forced to do this work are Dalits, and 95 percent of them are women... In 2008, the Central Government acknowledged that... while 56,873 manual scavengers had been liberated, there still were 1,38,464 manual scavengers to be liberated. The most recent estimates are found in the 2011 Census, which records that of 24,66,92,667 households in the country, 7,94,390 households accessed latrines which were being 'serviced manually or through scavengers'. Even if one makes a conservative estimate of eight latrines being 'serviced' by one manual scavenger, this would translate into 1,00,000 manual scavengers actively working in the country (Khanna, 2019: 301-2).

<sup>4</sup> The clause which reads as follows, excludes:

*'persons engaged or employed to clean excreta with the help of such devices and using such protective gear as the Central Government may notify in this behalf'. This would mean that engaging sanitation workers to clean human excreta from an insanitary latrine or open drain or pit or railway track, while wearing 'notified' protective gear such as gumboots and plastic overalls, would not be proscribed by the law; the fundamental relationship of the caste component to the task would be irrelevant under such law (Khanna, 2019: 307)*

Khanna also notes that the continuing and pervasive practice of manual scavenging in India has invited censure from various United Nations (UN) bodies.

*The UN Committee on the Elimination of Discrimination against Women in 2007 expressed concern that 'despite a law banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of the Dalit women who are engaged in this activity' (Khanna, 2019: 315)*

Ann George's (2014) study of the organisation of women workers under the Clean Kerala Mission demonstrates how Kudumbashree's organisation of women, in a way creates a ready pool of women labour to which any kind of work, even the dirtiest one, can be assigned. From one point of view, George notes, this tie-up of Kudumbashree with solid waste management is a win-win situation, with the local bodies benefiting from the better solid waste management system at a cheaper cost, and the women benefiting from the job due to a number of positive functionings associated with it. However, she asserts, one should not forget the fact the employment of Kudumbashree workers for purposes of sanitation are demonstrations of the government getting a core municipal function done at a low price without having to provide adequate protection to the workers.<sup>5</sup> The Kudumbashree women sanitation workers are supposed to fend for themselves with regard to their ongoing health costs or the purchase of protective clothes for doing the perilous work, from the limited loan and subsidy which they get.

#### **IV: Official Recommendations to address Challenges: Toothless, Ineffective and with no in-built Accountability measures**

The Report of the SNCL (2002) discussed in some detail the administrative constraints that limit the applicability of labour laws and welfare measures, which, if attended to, would have gone some way towards alleviating the adverse conditions of work. However, the theme of Occupational Safety and Health of Labour has never been a priority item on the agenda of any government, even going by simple indicators such as the number of posts of safety inspectors created, the number of vacancies left unfilled in these posts despite the growth of industries that mandatorily require monitoring, the number of cases of violations filed, the numbers disposed of, etc. In such a context, any redressal sought for women's failing health due to the overburdened nature of their 'work' needs to contend, not just with inimical patriarchal forces, but, also non-transparent and unaccountable state structures.

Fast forwarding to recent legislation on behalf of workers, namely the Labour Codes passed by Parliament in 2019, critics point out that the provisions of these Codes, if implemented, will render marginalised workers even more vulnerable. We reproduce some comments made on the Code relating to Occupational Safety, Health and Working Conditions (OSHC Code) in the Working People's Charter (2020) submitted to Members of Parliament ahead of the passage of the bills before they were enacted as Codes.

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<sup>5</sup> *Since the conceptualisation of the job itself is in the self-help enterprise framework, women do not demand the provision of medical allowance, protective clothing, or any other benefits that could be considered their rights as sanitation workers. The organisation of Kudumbashree... has not challenged the status quo of women being the tamer and less vocal labour force as compared to their male counterparts. Rather, this aspect is exploited to ensure the smooth and effective functioning of these programmes. In short, the Kudumbashree programme has not tapped its associational strength to empower women politically, with the term 'political' here used in the larger sense of identifying and attempting to erode the power and remedy the injustices characterising their everyday lives (George, 2014: 296-7)*



On the theme of coverage, the OSHWC Code provides details of the sectors and occupations excluded from its purview.<sup>6</sup>

Two, while contractors are charged with the responsibility of registering the migrant workers supplied by them, there is silence regarding intra-state migrant workers, whose magnitude according to the Charter, is much higher than inter-state workers, but whose vulnerabilities are equally acute.

Three, the Code appears to have been instituted to safeguard the interests of employers in that it does not specify even minimum standards for Occupation Safety and Health, or daily and weekly working hours. On the contrary, according to the Charter, “everything has been delegated to the Central government to be stipulated through notification (ibid: 2020).

Four, the Code, by laying down a threshold of 250 for instituting a safety committee at the workplace literally mocks at the 90 percent informally employed workers of the country who are either self-employed or work in small establishments.

Given the above, it is futile to expect for the emergence of a gender-sensitive approach anytime in the near future to address the several challenges that we have documented in the illustrative list of occupations discussed by us.

## CODA

From a feminist perspective, it is important to document that, while labour economics/studies accommodate women as workers and acknowledge women's work, they do not theoretically or methodologically reformulate the labour question to reflect the patriarchal underpinnings of capitalism and of male-dominated trade unions.<sup>7</sup> What is clear is the continuing disjuncture to this day between whom our central and political party affiliated trade unions (registered under the Trade Unions Act) consider as worthy of organising, and the struggles of feminists fighting to provide legitimacy, dignity and fair compensation to the informally employed women be they anganwadi, mid-day meal or ASHA workers (apart from the self-employed). To this day, few central trade unions have come forward to include and integrate the demands of these workers as part of their struggles against unfair compensation, exploitative conditions of work and/or against the draconian Labour codes. Worse, hardly any of our politically-affiliated trade unions fight for universalising maternity benefits and childcare that now disproportionately fall on women's shoulders.

Academics and central trade unions are yet to come up with an overarching framework that addresses this disjuncture. Until then, the contentious issues of what is 'work', 'who is a worker', will continue to be debated by trade unions and feminists alike in their own respective ways.

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<sup>6</sup> These include the agriculture sector which employs more than 50 percent of total working population of India; employees in sectors such as small mines, hotels & eating places, machinery repairs, construction, brick kilns, power looms, fire-works, carpet manufacturing, and also those employed as informal workers in organised sectors, including new and emerging sectors such as IT and IT enabled services, digital platforms, e-commerce.

<sup>7</sup> Pertinent to flag here the tribute that Senior Advocate, Indira Jaising, paid to the late Elabehn Bhatt (2022), that inadvertently captures the disjuncture between labour economists and feminist labour studies scholars. Apart from highlighting the fact that Elabehn “saw more than one law travel from the drafting board to its implementation”, Jaising emphasises an important point, namely, the continued inability of the Trade Unions Act - a legislation dating from 1926 - to bring into its fold the millions of self-employed women of this country. Further, the denial of employment benefits to this category of women was compounded by keeping Bhatt “out of tripartite meetings between labour management and government for discussions on terms and conditions of employment **on the ground that the women were not employed** (emphasis added).

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# CHAPTER 15

## Key Diseases – Infectious

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### Abstract

*This chapter examines key infectious diseases and the government programmes for them. It covers TB and HIV/AIDS, both diseases that particularly affect marginalised groups in society. There is a large body of work on the gender dimensions of TB and HIV/AIDS, and the impact on society, and the key concerns are discussed here. A case study on malaria in pregnancy looks at how the government's programme addresses malaria-related maternal morbidity and mortality. Malaria, too, affects the poor in much greater numbers and severity, with long-term impact on people's health and ability to work, but there is limited gender-specific information on this disease. The chapter concludes with a summary of the gender dimensions of caregiving for people with HIV/AIDS -- work that is usually done by women, that is not valued, and that is largely unpaid. The gender dimensions of caregiving for HIV are relevant to caregiving for all illnesses.*

### I. Introduction

This chapter examines key infectious diseases and the government programmes for them. It covers TB and HIV/AIDS, both diseases that particularly affect marginalised groups in society, and presents a case study on how the government's programme addresses malaria-related maternal morbidity and mortality. The chapter concludes with a summary of the gender dimensions of caregiving for people with HIV/AIDS, concerns that are relevant to caregiving for all illnesses.

Section II discusses gender and tuberculosis: the gendered nature of TB, differences in the epidemiology of TB, sociocultural barriers to treatment, and health-system issues.

Section III looks at gender and HIV: the policy framework for the program, data on HIV, a feminist analysis of the policy framework, and ethical concerns about gathering data on pregnant women's HIV status.

Section IV describes the government programme to address malaria in pregnancy: the vulnerabilities to the disease and sociocultural barriers to treatment.

Section V summarises challenges faced by caregivers of people with HIV/AIDS, raising issues that apply to caregiving of chronic illnesses in general.

### II: Gender and Tuberculosis: Amita Pitre

Globally and in India, TB is a significant public health problem. Before the COVID-19 pandemic it was the single highest contributor to deaths by an infectious disease in the world, ahead of HIV-AIDS.

(WHO 2022). The pandemic further affected the detection and treatment of TB cases, resulting in a stagnation in diagnosis and treatment and an increase in TB deaths, reversing the gains of previous years. The total reported number of TB cases incident in India in 2021 were 19,22,281.

TB is closely associated with poverty, undernutrition, poor housing and lack of uninterrupted access to healthcare. The impact of the disease is far reaching, not only in its health consequences and burden of mortality, but also on unemployment, poverty and undernutrition. The stigma attached to the disease also drives it underground. Though TB has been given priority in the sustainable development goals, its gendered nature has received attention in India only recently. In 2019 the Ministry of Health and Family Welfare adopted a national framework for a gender-responsive approach to TB in India (MoHFW 2019). The government is putting in efforts to build capacity towards a gender-responsive approach, but the road ahead is long. This section will outline the need for a gendered response to TB which will lead not only to better detection, diagnosis and treatment of TB but also to prevention of gender inequality in access to TB care.

### ***The Gendered Nature of Tuberculosis***

TBs shows gender differences as well as discrimination in access to treatment on the basis of its epidemiology, sociocultural barriers and health system barriers. While a concerted effort is being made to improve sex- and age-disaggregated data, there is almost no information about TB among the transgender community. The transgender community is particularly at risk of TB because of their poverty, the stigma they face both in society and in the health system, and their higher risk of HIV-AIDS. People with TB face delays in diagnosis; there is also a steady attrition at every level, from diagnosis to commencing treatment to "treatment compliance". These delays are worse among women (Mistry, 2016, Upalekar, 2001). Factors compounding poor women's risk of TB are their higher levels of undernutrition compared to men, their role as care-providers in the home, exposure to solid fuels for cooking, and their higher presence in garment factories and **beedi** rolling work, all of which known to increase the risk of TB. Men have specific risk factors for TB disease and challenges in maintaining uninterrupted treatment, which include smoking, alcohol and drug abuse, occupational diseases such as silicosis and workplace stigma. Smokers and alcohol abusers with TB have a higher risk of TB mortality.

### ***Gender Difference in Epidemiology***

TB manifests differently in men, women and presumably also among transgender persons but there is inadequate research on this aspect. The classic presentation of pulmonary TB with bacteria in sputum and thus easy diagnosis by sputum microscopy is most often seen in men. There is a greater prevalence among women of extra-pulmonary TB, or pulmonary TB with low bacteria in the sputum, as also non-specific signs of TB such as fever and fatigue (Mukherjee, 2012, Balasubramanian, 2004; Dandona 2004, Weiss et al, 2006). For this reason, diagnosis of TB in women, including pregnant women, post-partum women and in children is particularly challenging. Hence it is important to educate clinicians on these differences, undertake research on gender differences in the epidemiology of TB and maintain high quality data trends by sex, gender and age. Newer diagnostic tests using PCR technology are found useful in the diagnosis of extra pulmonary TB, but these methods, which often require high quality laboratories, are often unavailable in rural, remote and tribal districts, and many times also in urban areas. Remote tribal districts are particularly at risk of higher TB prevalence due to high levels of undernutrition, poor healthcare infrastructure, difficult terrains and long distances to health services, poor investments in public healthcare, and difficulties in access to care. These challenges are compounded for women.

## ***Sociocultural Barriers to Tuberculosis Treatment***

The stigma attached to TB is known to affect women's prospects for marriage and acceptance in the marital home. However, these are prioritised to a high level by families, to the extent of neglecting TB. Women's lack of autonomy is a reason why TB is often kept hidden from the marital family and community, and why diagnosis and treatment are clandestine or even delayed, especially in the case of young girls. Women are also socialised to prioritise their care responsibilities, and often show up very late for diagnosis, or refuse to be admitted to a hospital (Pitre 2018; MoHWF, 2019). However, once diagnosed, women have better compliance to treatment and better outcomes. Recent demonstrations of community-based and community-empowering approaches to TB have shown promise in challenging stigma and improving early diagnosis for all people with TB, but especially for women and transgender persons. These approaches include organising TB patients, creating support systems for TB patients, improving awareness and peer support to access treatment, and cultivating TB champions who become role models as well as advocates for people with TB. Employing counselors for TB patients has worked well in special projects such as **Saksham**, to mitigate stigma, help patients to negotiate the health system, and improve compliance to treatment. This practice needs to be pursued for the entire health system (Pitre 2018).

## ***Health System Linked Issues***

Undiagnosed and untreated or undertreated TB is linked to increased mortality; TB also increases the mortality of HIV positive persons with TB far beyond mortality due to HIV alone. Pregnant women with TB also have a greater risk of death. TB care in the rural public health system is often accessible at the sub-district or district level, and charges towards X-rays for diagnosis constitute one of the significant barriers to care. Other key barriers are distance and costs of travel, lack of responsive public health services and the lack of coordination between the maternal health program and the HIV and TB program. The severe dearth of women staff in the TB program also means it is not women friendly. The COVID lockdown, as well as the neglect of other services during the COVID years of 2020 and 2021, led to reduced access to TB diagnosis, interrupted TB treatment, increased deaths from TB, and increased community transmission. In urban areas, the easier access to private clinicians as compared to public health services, and the stigma of a TB diagnosis, often leads to those affected seeking care in the private sector which may be more likely to maintain patient confidentiality. However, care in the private sector is very expensive and doctors may not follow standard treatment protocols, which leads to interrupted or ineffectual treatment. There have been concerted efforts through the Nikshay Yojana to improve reporting of TB by private practitioners, educate them on standard guidelines, and provide them with access to public sector medications. However, more efforts are required to strengthen public services and regulate the private sector for TB care.

Finally, much of the community-level research on TB as well as clinical trials excludes women, especially pregnant women, and transgender persons, despite guidelines for gender-inclusive research. This hinders a complete sociocultural understanding of the impact of TB on them, barriers to their treatment, and the impact of TB medications on them. This needs to be urgently corrected to ensure a gender-responsive TB program.

## **III: Gender and HIV: Jashodhara Dasgupta**

The Human Immunodeficiency Virus (HIV) spreads significantly through exchange of bodily fluids in sexual contact, sharing unsterilised needles, or from mother to baby; leading to the life-threatening AIDS (Acquired Immuno-Deficiency Syndrome). HIV assumed pandemic proportions in India from the mid-1990's and the highest number of new infections peaked in 1997.



The mode of spread of the virus is such that gender power relations within sexual behaviour and reproduction are deeply implicated in the spread, prevention and management of the disease. While initially women sex workers were seen as a high-risk group (HRG), it emerged that male or transgender sex workers are far more at risk, beyond which all men who have sex with men (MSM) are at high risk owing to the clandestine nature of their sexual relations.

## **Policy Framework**

The overarching legal framework for this disease is the HIV and AIDS (Prevention and Control) Act 2017. However, other laws and policies that directly impact upon the spread of the disease include the laws around homosexuality, rights of transgender persons, and laws prohibiting drug use or regulating sex work. Recent Supreme Court judgements have paved the way for a more progressive legal framework;<sup>1</sup> however, the practice of law enforcement officials still follows the older approach that criminalises sex workers, transgender persons, MSM and Injection Drug Users (IDUs). This drives them underground and makes it difficult to trace and prevent the spread of the disease.

The National AIDS Control Organization (NACO), a division set up in 1992 within the Ministry of Health and Family Welfare, Government of India, ensured that free provision of Anti-Retroviral Therapy (ART) became available from 2003-04 and this has successfully reduced the mortality caused by the infection. The National AIDS and STD Control Programme (NACP) is currently in Phase V (2021–26) as a fully funded Central Sector Scheme programme with an outlay of Rs 15,471.94 crores over the five years.

In terms of health programmes, the NACP includes targeted interventions that currently reach out to around 90 lakh people from HRGs through mapping, surveillance, counselling, referrals, testing and treatment as well as other strategies including distribution of commodities for testing and treatment (NACO 2022a). In addition, there is an outreach to rural areas through the Link Worker Scheme that works in high risk districts having patterns of migration or PLHIV burden, and addresses antenatal women, migrants and truckers, spouses of HRG, those with TB, and PLHIV.

## **Data on HIV**

Currently in India, the overall adult prevalence is low (0.21 percent in 2021) within which vulnerable groups identified as most at-risk have varying degrees of prevalence in comparison to the general population: the highest is IDUs (43 times), hijra/ transgender people (18 times) and MSM (16 times). Among others, prisoners and women sex workers (9 times), long distance truckers (5 times) and single male migrants (4 times) (NACO 2022a) are also at risk along with their spouses or partners.

AIDS-related deaths have declined in India from 2004 (2.76,550) by 85 percent (41,970) in 2021 (NACO & ICMR-NIMS 2022a) after free-ART became available under the NACP 2003-04. The total number of PLHIV are estimated at around 24 lakh in 2021 (NACO & ICMR-NIMS 2022b). Not all are covered by Anti-Retroviral Therapy (ART): in March 2022, there were 14-15 lakh PLHIV on free lifelong ART (NACO 2022a).

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<sup>1</sup> For example, the **National Legal Services Authority (NALSA) v. Union of India** (2014), in which the Supreme Court ruled that transgender persons had the right to self-identify one's gender as male, female or third gender; that the constitutional rights to life, dignity and autonomy would include the right to one's gender identity and sexual orientation. Subsequently, in December 2019, the government brought in the **Transgender Persons (Protection of Rights) Act 2019** (TG Act for short), for which the Rules were notified on 25 September 2020. In addition, in **Budhadev Karmaskar vs The State of West Bengal** (order of 19 May 2022) the Supreme Court ruled in favour of the rights of sex workers to equal protection of the law, to healthcare and to government-issued identity papers and called for their equal participation in decision-making.

By 2019, it is estimated that new cases had declined by 86 percent since the peak in 1997 (NACO website). In 2021, annual new infections are estimated at 63,000. 43 percent of these were of women and girls. Children (0-14 years) accounted for 8 percent of new infections. The number of pregnant women needing Prevention of Mother To Child Transmission (PMTCT) is estimated at 20,600 (NACO & ICMR-NIMS 2022a), of which the highest share comes from Maharashtra, Bihar and Uttar Pradesh, states that have high rates of inter-migration. Out-migration was reported most in Bihar (22 percent) followed by 16 percent in Uttarakhand. Jharkhand, Kerala, Uttar Pradesh, and West Bengal. Overall, the southern states have the largest numbers of PLHIV, with Maharashtra, Andhra Pradesh and Karnataka being the top three.

Data for tracking progress in HIV prevention is maintained through HIV Sero-Surveillance (HSS), which was initiated in 1985, and is now conducted once every two years. In 2021, the 17th round of HSS was implemented with over 5 lakh samples from eight population groups. The data from antenatal clinics showed that pregnant women with spouses working as truck driver/helper had higher prevalence, as did pregnant women with migrant spouses (NACO 2022b).

As expected there has been a slight increase in AIDS-related mortality in the last two-three years due to the acknowledged grave impact of the COVID-19 pandemic causing temporary disruption in service access during country-wide lockdowns (NACO & ICMR-NIMS 2022a).

### ***Feminist Analysis of the Policy Framework***

While the public health interventions by NACP have been successful in bringing down the number of deaths due to HIV/AIDS, the fact remains that 10 lakh out of the estimated 24 lakh PLHIV are without ART and are presumably causing the infection to spread further. The reasons for this have to be investigated. Even as unequal gender power relations put the women partners of IDU or migrant workers/ truckers and the members of the transgender/ MSM community at risk, the disempowered status of these same groups may affect their health-seeking behaviour and prevent timely testing or treatment.

The progressive judgments of the Hon Supreme Court have not all been translated into executive orders or made mandatory by law. The negotiation of paid sex work by women, MSM or transgender persons is done covertly to avoid the police and this often prevents them from negotiating safe sex including the use of condoms or lubricant (for anal sex).

The TG Act 2019, as the law decriminalising the transgender community, has not been implemented in any meaningful manner to promote an enabling environment for the community. The relevant service providers, including police departments and health departments, have not been given any training on the law, owing to lack of resources; neither has any public awareness raising been carried out to reduce stigma.

### ***Ethical Concerns***

While the HSS uses bio-behavioral data from pregnant women, no informed consent is taken (NACO 2022b) and there is no counselling before the samples are taken. Personal identifiers are not recorded, but codes allow test records to be linked back to antenatal clinic records in case women test HIV positive. While this is ostensibly to enable access to PMTCT treatment, it does not protect women from stigma and mental trauma.

## IV: Case Study: Malaria in Pregnancy: Sandhya Srinivasan

Malaria is a parasitic infection transmitted by mosquitos. The dominant variants of the disease in India are *plasmodium falciparum* which can travel to the brain and kill unless treated promptly, and *plasmodium vivax* which resides in the spleen and unless properly treated can lead to frequent relapses and with long-term health consequences including anaemia. Reported malaria cases and deaths are mostly concentrated in poorer parts of the country. India is the only high-burden country to show a substantial decline in cases and deaths from 19.659 million cases and 29,512 deaths in 2000 to 4.148 million cases and 7,341 deaths in 2020 (World Malaria Report 2021).

### **Gender and Malaria**

There is limited understanding of the gender dimensions of malaria infection, because malaria cases are not reported by sex. However, it is known that the cycle of suboptimal treatment and repeated infection results in malnutrition and anaemia, worsening these conditions that are already more common in women. Furthermore, insecticide-treated bed nets (ITN), a key preventive measure of the government's programme, are likely to be prioritised for men and older family members, putting women at greater risk of infection by the malaria parasite. At the same time, as community health workers, women are the centre of the malaria eradication programme.

One known biological gender-based vulnerability to malaria is during pregnancy when the woman's immunity is low. Malaria in pregnancy threatens the health of both mother and foetus. The potential outcomes include miscarriage, pre-eclampsia, maternal anaemia, maternal death, low birth weight, and perinatal and infant mortality, though the focus of programmes is often on the infant alone, rather than the pregnant woman. The outcomes are worse for adolescents as is the case for adolescent pregnancy in general. Pregnant women's chances of developing malaria, and the severity of the disease in pregnant women, are influenced by their nutritional levels, the disease prevalence locally, existence of maternal immunity from previous infections, and access to healthcare. Estimates of prevalence of malaria in pregnancy in different parts of the country range from 11 percent (Jain et al 2022) to more than 55 percent (Brooks et al 2008), many of these asymptomatic. Prevention of malaria in pregnancy is part of routine antenatal services, and pregnant women should be provided ITNs, and either preventive treatment with antimalarials or routine antenatal screening and treatment.

### **The Malaria Control Programme**

Malaria elimination comes under the National Vector Borne Disease Control Programme for malaria, visceral leishmaniasis, lymphatic filariasis, dengue, chikungunya and Japanese encephalitis. The programme is implemented through the National Health Mission by community health workers handling a range of responsibilities. The National Framework for Malaria Elimination 2016-2030 has a target for reducing incidence and mortality by 90 percent by 2030. Towards this end, the National Strategic Plan for Malaria Elimination 2017-2022 uses focused data-driven, context-specific interventions in the high-burden states of West Bengal, Jharkhand, Chhattisgarh and Madhya Pradesh. Key elements of the national programme are strengthening surveillance, testing and treatment, and prevention through indoor spraying of insecticide, and distribution of ITNs.

The malaria programme does not acknowledge women's greater vulnerability to infection because of their poorer access to bed nets. Though the national framework includes as indicators the number and incidence of malaria cases by sex, as well as the number of cases of malaria in pregnancy, such reporting is not implemented. Though long lasting insecticidal nets are recommended in high transmission areas, these are not provided through antenatal clinics. The national policy requires

symptomatic pregnant women to visit health services and be tested, with treatment for those who test positive. This excludes women who do not have symptoms, or women who do not seek care for their symptoms.

## **V: The Many Dimensions of Care in Chronic Illness such as HIV/AIDS: Aasha Kapur Mehta**

The vast majority of women and girls who shoulder the responsibility of caring for family members who are ill -- whether from a communicable disease such as HIV/AIDS or non-communicable chronic diseases such as cancer or diabetes -- have little training in providing care. These care needs are not limited to medical care; there are several dimensions of care and each dimension is important. When a health shock hits a household and visits to the local doctor fail to provide a solution, most people don't know where to seek help for proper diagnosis and care. They will also need advice on nutritional support to cope with battling the disease, guidance on the importance of regularity in taking the prescribed medication, and so on. Most important, they will need help to ensure that the family does not fall into a debt trap. Their problems increase manifold when the disease has stigma associated with it as in the case of HIV/AIDS, leprosy or tuberculosis.

Since medical costs are usually high for any long-term illness, relatives and friends often distance themselves from the family that is coping with high health related costs, for fear of being asked for money. In the case of stigmatised diseases, the affected person, or the family, has sometimes been thrown out of the house by relatives and left to live on the pavement and fend for themselves. In some cases, HIV positive persons are taken to a hospital or community care centre and abandoned (Mehta and Gupta 2006). Women and children are especially vulnerable. If the wife tests HIV positive before the husband, she may be held responsible for bringing the disease into the house. Hospitals are mindful of this and test the husband too before informing the family of the woman's HIV status. If the husband tests positive and the wife is HIV negative, she is accused of not looking after her husband and of pushing him to seek "comfort" outside the home.

### ***The Many Dimensions of Care***

Emotional care is usually provided by family members, counsellors, friends, networks of HIV positive persons, and health and social workers. Family backing and psychological support are very important; medicine alone does not work.

Physical care may be provided by the family, friends, and healthcare providers. The degree of care required depends on whether or not the person is mobile. If the HIV positive person is at home and bedridden, caregiver(s) may need to be available 24 hours a day.

When HIV/AIDS enters the home, financial responsibilities and medical care burdens increase. In cases of job loss or inability to work, families are forced to sell assets or incur debt. Expensive investigations may not be covered even at government hospitals. As most patients have limited financial resources, it is important that they be given adequate information about the disease and treatment of opportunistic illnesses so that they can use their money wisely. PLHIV should not be started on ART without a discussion on the importance of adherence and the issue of affordability.

Healthcare providers at all levels must be sensitive, and their fear of acquiring HIV from the patient must be addressed. In view of the pressure of time on doctors, and the long waiting lists, counselling could involve representatives of Positive People's Networks to explain the importance of regularity and adherence in taking ART medicines, as well as provide information regarding other health precautions.

Nutritious food, hygiene and clean water are crucial to the HIV positive person. Tuberculosis is the most frequent opportunistic illness, followed by diarrhoea due to shortage of safe drinking water. People living in congested informal housing, using public toilets, and with limited access to clean water, need to be instructed in the importance of boiling drinking water and ensuring proper maintenance of common bathroom facilities. Clean water and nutritious food enables the person with AIDS to lead a normal and productive life. Linkages must be made with organisations for nutrition-related information and guidelines for the management of opportunistic infections. HIV positive people who are living in poverty need information on how to spend their limited resources on foods rich in proteins and nutrients.

Awareness building is needed regarding HIV/AIDS and health, especially for those already affected by the virus. Existing networks should be used for this. Information on HIV/AIDS should be made more accessible.

The dimensions of care outlined above were prepared in the context of HIV/AIDS. However, they are relevant in the context of any long-term or chronic illness. The main difference in the case of a communicable disease is the issue of stigma that stems from fear that people have of contracting the disease. The arduous tasks of unpaid care are performed without any compensation or even recognition of their importance and value. They remain non-monetised and statistically invisible. “Unpaid care provided by women in times of ill health suffered by any member of the family, saves the Government substantial expenditure for if this care was not provided at home, Government may have to provide for it.” (Mehta and Chowdhury 2024). Hence, it is extremely important that the ILO 5R framework for decent care work is implemented at the earliest by recognising, reducing and redistributing unpaid care work; guaranteeing the right to universal access to quality care services; rewarding care work through decent conditions of employment; and enabling representation and participation of women in all levels of decision making (International Labour Organization 2018 cited in Mehta and Chowdhury 2024).

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# CHAPTER 16

## Key Non-Communicable Diseases

Sandhya Srinivasan

### Abstract

*Non-communicable diseases are responsible for the bulk of morbidity and mortality in India, drawing the government's attention. However, the government programme focuses on "lifestyle" factors without addressing their social and gender dimensions. Gender-based violence is responsible for the bulk of mental distress in women, driving the high rates of suicide in women, but the government's suicide prevention strategy remains on paper. Government funding through the National Health Mission is grossly inadequate. The dependence on an extortionist private healthcare sector, inadequate availability of essential drugs in government centres, and failure to use legal provisions for manufacture of essential drugs under patent, places an enormous burden on patients and families. The lower priority given to the health of women is reflected in their poorer access to expensive treatments.*

### I. Introduction

Health and disease are shaped by intersections of biology and sociocultural inequities such as caste, class, gender and sexuality. These inequities determine not only people's vulnerability to various diseases but also their financial and other barriers to care. This chapter will look at certain key non-communicable diseases through a gender perspective – the gendered nature of vulnerabilities to diseases, and how government policies and guidelines address these.

The non-communicable diseases discussed in this section are: cardiovascular diseases, respiratory ailments, diabetes, cancer and mental health conditions. All these diseases have been chosen for comment here because they have a high burden of mortality and morbidity; there is evidence of a clear gender dimension; they have a social and/or financial impact, and there is a government programme for the disease.

Some serious and disabling conditions faced by women are not included in this section because there is at present no government programme to address these. For example, treatment for osteoporosis which is estimated to affect at least one in five women in India over the age of 50 (Khadilkar Mandlik 2015) is entirely in a highly unregulated private sector, with health and financial consequences for women. Certain neurological diseases affect more women than men, but the government has only recently instituted a programme for neurological diseases.

### II: Non-Communicable Diseases

While Indians continue to fall ill and die from infectious diseases like tuberculosis, non-communicable diseases (NCDs) have been growing in prevalence and importance, among the poor as well as the

better-off, and in less developed states of the country. Cardiovascular disease is the single largest contribution to mortality in India, followed by respiratory diseases, diabetes and cancer. Some 5.5 percent of the adult Indian population suffers from a diagnosable psychiatric disorder. NCDs are now the focus of the government's disease control programmes. Unlike in the case of HIV/AIDS and TB, where there is considerable research on the gender dimensions of these diseases, there is limited analysis of some of the NCDs from a gender perspective. This section will review existing information on gender and vulnerabilities to NCDs, and the extent to which government programmes address them.

## **Cardiovascular Diseases**

Cardiovascular disease (CVD) or disease of the heart and blood vessels, primarily ischemic heart disease and stroke, is now the primary cause of death in India, close to doubling from 15.2 percent of the national mortality burden in 1990 to 28.1 percent of the mortality burden in 2016. The number of cases of CVD has gone from 25.7 million to 54.5 million over the same period. CVD is highest in the states of Kerala, Punjab and Tamil Nadu (Lancet Glob Health CVD 2018).

The risk of CVD is greater in people with diabetes, high cholesterol and high blood pressure. The prevalence of all these conditions as well as other risk factors for these conditions, like central obesity or abdominal fat and physical inactivity, is increasing in women. Second, while menstruating women are protected from CVD by the hormone estrogen, this protection stops as soon as estrogen production stops, and post-menopausal women's risk of CVD is the same as that of men. Third, women with certain disorders such as polycystic ovarian syndrome, or who have hypertension or diabetes when pregnant, have a greater risk of these diseases – and of CVD -- later in their lives. Fourth, symptoms of CVD in women may be less clear-cut, and tests such as the ECG are less sensitive for women (Desai et al 2021). The poor awareness of women's biological risk of CVD and the sex-specific symptoms, the limitations of current diagnostic methods for women, and delays in women seeking care, all increase the chances of women suffering without early diagnosis and treatment, and dying.

Providers must be made aware of these gender-specific risks, identify women at high risk early, encourage prevention through lifestyle changes, blood sugar control, etc, and, if CVD is diagnosed, manage it with medication and lifestyle changes.

## **Respiratory Diseases**

Respiratory diseases, of which 75.6 percent chronic obstructive pulmonary disease (COPD), are the second most common cause of death in India, with the prevalence of COPD increasing from 3.3 percent to 4.2 percent from 1990 to 2016 and cases increasing from 28.1 million to 55.3 million in the same period, largely in the poorer states of the country. Asthma accounts for 20 percent of deaths from respiratory disease (Lancet Glob Health CRD 2018).

Female sex and poverty are significantly associated with higher risk of asthma (Jindal 2006). The most important risk factor for COPD is air pollution, including indoor air pollution from biomass fuels for cooking which affects women more than men. People with COPD and asthma are often not diagnosed early or properly, partly because the correct diagnostic tools are not widely available, and partly because of delays in seeking care.

## **Diabetes**

In 2016, diabetes accounted for 2.9 percent of deaths in men and 3.4 percent of deaths in women in India. Cases have gone up from 26 million in 1990 to 65 million cases in 2016, with the prevalence

in adults increasing from 5.5 percent to 7.7 percent in the same period, with high levels in poorer states of India. (Lancet Glob Health 2018). Risk factors for diabetes include a poor diet, obesity and a sedentary lifestyle. Diabetes prevalence among undernourished tribal communities (Upadhyay 2013).

Diabetes is a life-long disease and even after diagnosis involves regular monitoring, medication, and treatment of complications. Erratic provision of medicines from the government forces the majority of diabetics to buy them from the private sector (Atre 2019), putting a substantial burden on a family's finances. The direct annual cost of diabetes ranges from Rs 8,800 to Rs 46,000 across India, and indirect annual costs range from Rs 1,200 to Rs 18,700 (Oberoi and Kansra 2020). Insulin prices and availability worldwide are controlled by the pharma industry, forcing patients on insulin to ration its use; while 5 percent of diabetic patients need insulin but only half of them get it (WHO 2021).

Women are less likely to get the nutrition and healthy physical activity necessary to reduce their risk of diabetes. Women with diabetes are less likely to get diagnosed early (while it is largely symptomless in its early stages, it can be picked up in routine screening, but this requires regular access to care) and get their blood sugar under control. Women with diabetes are more likely than men are to get a stroke or CVD. The drugs can affect women differently but these issues are not routinely looked at, and more research is needed on sex specific outcomes in diabetes (Lancet Diabetes Endocrinol 2017). Women with diabetes in India get fewer essential investigations, less aggressive treatment, and less monitoring for compliance (Suresh, Thankappan 2019). Healthcare providers are unlikely to consider the specific concerns of transgender people with diabetes due to the use of hormones for transition.

Estimates of prevalence of gestational diabetes mellitus (GDM) in India range from 1.3 percent to 41 percent (Swaminathan et al 2020). GDM can lead to Type 2 diabetes in the woman later in her life (besides having poor outcomes for the baby), and requires early detection and treatment. Under the NCD programme, all pregnant women are to be tested for high blood sugar at least once, and treated if needed. However, pregnant women do not routinely undergo random blood sugar tests.

## **Cancer**

While the age-adjusted incidence of cancer in India is low and less than half of the world average, the crude incidence has doubled between 1990 and 2016, as the population ages. 8.3 percent of total deaths in India are from cancer (Lancet Cancer 2018). For both boys and girls up to the age of 14, the most common cancer is lymphoid leukaemia followed by cancers of the nervous system. Above 40, the most common cancer in men is lung cancer. The most common cancer in women is breast cancer followed by cervical cancer (Satishkumar et al 2022). Obesity is a significant risk factor for breast cancer and sexually transmitted infection (by the human papilloma virus) in the case of cervical cancer. Tobacco is a significant cause of mouth, throat and stomach cancers in women, besides being associated with heart disease in both sexes. More than one in 5 women – one in two lactating women – uses tobacco; women using tobacco are likely to be less educated, poorer, and with rural location. Among the reasons women give for tobacco use are stress reduction and hunger suppression. Environmental causes of cancer include pesticides and other chemicals that women would be exposed to in agriculture and industries which are not addressed by the NCD programme.

Cancer in India is largely diagnosed at a late stage which is one reason that survival rates are low, and 68 percent of all people diagnosed with cancer annually die within 5 years of diagnosis. The five year survival rate of common childhood cancers is less than half of that in high income countries. Most Indians approach health services only when they experience severe symptoms. This is especially true for women who may initially hesitate to approach health services for gynaecological and other

ailments involving personal physical examination. Nationally, 1.9 percent, 0.9 percent and 0.9 percent women have ever undergone screening for cervical, breast and oral cancer respectively (Gopika 2022).

The NCD programme is meant to screen for breast, cervical and oral cancers. Treatment in the public sector is available in 27 regional cancer centres and in other government, private and charitable institutions providing tertiary care. Various central and state government schemes cover cancer treatment up to a certain amount, and for most of these schemes, patients must provide a proof of income. The Ayushman Bharat Pradhan Mantri Jan Arogya Yojana, which is supposed to be available through 28,000 hospitals in the country, covers cancer care for up to Rs 5 lakh. The prime minister's national relief fund also provides partial care for cancer among other diseases. Still, about 40 percent of patients are not covered by any insurance scheme (Prinja 2023). Government and charity hospitals are cheaper than private hospitals, but by no means free. Medicine costs alone represent a large proportion of cancer care.

The bulk of cancer patients use private hospitals that can be more accessible, with shorter waiting times. However, private care is much more expensive than public care and given that insurance coverage is limited, most cancer patients in private hospitals pay for cancer treatment from their own resources and are much more likely than public hospital patients to be impoverished by cancer expenses. Out of pocket expenditure (OOPE) for cancer is the highest of all diseases, followed by heart disease. Eighty percent of outpatient care and 40 percent of hospitalisations for cancer are financed through loans or sales of assets. Government schemes do not cover outpatient diagnostics and care which are a substantial part of all cancer expenses (Prinja 2023).

### ***Gender Differences in Cancer Care:***

In India, the high OOPE on cancer care worsens the impact of existing gender and other biases. Cancer treatment is restricted to cities, forcing patients in rural areas to travel long distances, suffering loss of wages and spending for housing, food and treatment. OOPE for cancer treatment is higher for men than for women, as are the chances that men will sell assets to pay for treatment, suggesting that the health of men is more important than the health of women (Moradhvraj Saikia 2019). An analysis of hospital-based data in Mumbai found that though there are no gender-based differences in the incidence of childhood cancers, girls are less likely to get treatment, and more likely to face "treatment abandonment", presumably because their health is viewed as of lower priority than that of boys, and, after a point, not worth the expense (Chakraborty 2022, Das 2022). A study of hospital-based registries and population-based registries in the north and south of India found that boys were more likely than girls to be diagnosed with cancer. The difference between male and female diagnosis rates was sharper in the north, in private centres, in rural areas, and where the patient had to travel more than 100 km from home, suggesting that parents were less dissuaded by such hurdles for their sons than for daughters. Boys are also more likely than girls to get treatment for blood related cancers (Bhatia et al 2023). Girls may be denied certain potentially life-saving treatments such as amputation for fear that they would affect marriage chances – suggesting that parents were willing to let the child die rather than bear the burden of marrying off a girl with disfigurement (Faruqui et al 2020).

## **III: Policy Framework for Treatment of Non-communicable Diseases**

The National Program for Prevention and Control of Cancer, Diabetes, Cardiovascular Diseases and Stroke, established in 2010 and conducted through the National Health Mission (NHM), is meant to provide screening for hypertension, diabetes and common cancers (oral cancer for men and women, and breast and cervical cancer for women) to all patients attending health centres (to be expanded

to cover everyone over the age of 30). COPD was later added to the list of diseases for screening and referral for diagnosis and management. Patients with risk factors for heart disease, diabetes and cancer are to be counselled on the dangers of tobacco and alcohol use, and the importance of a healthy diet and exercise. The programme is also meant to provide access to medicines or referral to treatment at the district and community health centre level through health and wellness centres under the NHM. Care of these diseases is to be available under the Ayushman Bharat programme is through its network of hospitals. However, only a fraction of the eligible population is getting screened for NCDs and patients of NCDs do not have uninterrupted access to affordable medicines through the government (Atre 2019).

The NCD programme's focus on "lifestyle" risk factors identifies physical inactivity and poor diet as reasons for the greater incidence of these diseases in women. It does not address the context of such behaviours, such as lack of control over food choices, and working conditions and burdens that rule out healthy physical activity.

While overall, women's access to care for NCDs is less than for men (Suresh, Thankappan, 2019), Dalits and Adivasis face overt discrimination in the healthcare system, and people with disabilities face physical barriers such as lack of transport when trying to use health services. Girls and women also have more limited access to healthcare, as they may be forced to prioritise the health of others over their own health, often avoiding seeking healthcare when they are ill until the symptoms become intolerable. They may be reluctant to spend money on their own needs, or they feel the illness is minor, or they do not have autonomy in decision-making powers to spend on travel and treatment. As unpaid caregivers, girls may be forced to stop their education and independent earning.

Even schemes specifically intended to improve access to NCD care have been found to be wanting. For example, a policy analysis of a Tamil Nadu scheme for doorstep screening and treatment for NCDs concluded that while it had the potential to overcome physical barriers to healthcare access, it did not address discriminations such as on the basis of caste, gender, sexuality, poverty and disability. The authors call for the scheme to "...frame the problem of NCDs, especially diabetes, as not just a biomedical and public health problem, but as a complex social problem influenced by intersecting social determinants of health." (Thiagesan et al. 2023).

## IV: Mental Health

The enormous burden of mental distress for women is fueled by gender-based violence.

Depression and anxiety in women are strongly linked to sexual or physical abuse, and women seeking mental health services are more likely to have been sexually or physically abused. The alleged provocations for assault include not having a child, or not giving birth to a male child. Women often do not report domestic violence; they see it as routine, blame themselves for the violence, feel afraid and helpless, have little family support, and find the criminal justice system unsupportive. Severely ill women are blamed for their illness, abandoned by their families and rendered homeless. There is also a significant correlation between the prevalence of depressive disorders and the suicide death rate. Spousal violence is an independent risk factor for suicide (Lancet Psy 2020).

There is a large treatment gap for mental health care due to the extreme shortage of services, and this treatment gap is slightly greater for women than for men: 80 percent of the women diagnosed with depressive disorders are not under treatment, compared to 75 percent of the men. Fewer women than men access mental health care; among the barriers to treatment for women are a low perceived need, and the stigma of mental illness. These may discourage them from seeking care, or lead them

to visit caregivers with complaints of physical problems rather than mental distress (Patel Oomman 1999). Investigations of mental health institutions have reported varying degrees of unhygienic living conditions with over-crowding, poor access to healthcare and sanitation, treatment without consent, and sexual and physical violence (Kaur 2021).

### ***The Policy Framework for Mental Health Care***

The National Mental Health Programme, 1996, provides mental health services through the Ayushman Bharat Scheme as part of treatments for NCDs. The Mental Health Policy of 2014 and The Mental Health Care Act 2016 were developed with extensive consultation with providers as well as service users and are aligned with WHO's mental health policy, the UN Convention on the Rights of People with Disabilities, and the Rights Persons with Disabilities Act. However, mental health services are severely under-resourced and therefore inadequate. The budget for mental health in 2023-2024 was Rs 1,199 crore, which is a little over one percent of the total health budget. The bulk of this money goes to strengthening tertiary care centres for mental health. Funding for the district mental health programme, which is meant to provide mental health services at the community level, is not listed separately. The government has not given details of earmarked funds for the national suicide prevention strategy that it had announced, and the suicide prevention strategy remains on paper (CMHLP-IMHO 2023).

## **V: Recommendations and Way Forward**

There is an urgent need to collect disaggregated data on diseases to strengthen the research base on the impact of gender and other discriminations on diseases, and the determinants on health and access to healthcare. Research must be commissioned into gaps in biomedical knowledge such as on diabetes in women and diabetes and gender transition, as well as on better diagnostic tools for diseases such CVD in women.

The financial burden of healthcare has gender implications as well, which must be addressed. The high price of treatment may force women to forgo treatment, or receive incomplete treatment. Completely free treatment through public facilities must be guaranteed for all patients. Expensive life-saving drugs such as insulin and cancer therapies must be brought under price control or existing provisions for compulsory licensing should be invoked, and these drugs must be supplied through government services. Financial support must be increased for programmes such as the suicide prevention programme.

The NCD programme must acknowledge the barriers to healthy behaviours in the context of gender, class, caste, disability and other marginalisation. It must also address physical and other barriers to healthcare, such as discriminations such as on the basis of caste, gender, sexuality, poverty and disability. As Thiagesan et al note (quoted earlier), the programme must "...frame the problem of NCDs... as not just a biomedical and public health problem, but as a complex social problem influenced by intersecting social determinants of health."



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# CHAPTER 17 Reproductive and Sexual Health Issues across the Life Cycle

Nilangi Sardeshpande, Rashmi Padhye and Renu Khanna

## Abstract

*The current chapter takes a lifecycle approach and delves into the various reproductive and sexual health needs of women from adolescence till old age. Beginning with the SRH-related rights of young people, the chapter then covers the different reproductive health services, such as contraception, abortion, pregnancy-related care, fertility care, and hysterectomies. The chapter ends with the reproductive health concerns of the elderly population.*

*The chapter attempts to study the critical reproductive health concerns from a gender and equity perspective. Besides the challenge of increasing privatisation of health services, growing religious fundamentalism, exploitative technological advances, and the Global Gag rule are some additional challenges impinging on sexual and reproductive health of women and more so of the women from the marginalised communities. Cultural practices which stigmatise menstruation, caste-based discrimination in health care access and implications for occupational health, such as a higher number of hysterectomies among sugar cane cutters, are a few more challenges that women face.*

*The section which deals with the health issues of older post-menopausal women examines the demographic trends related to ageing populations and the determinants of older women's health. Further, it discusses the morbidities, including sexual and reproductive health and mental health issues, including those resulting from neglect and abuse of women in this age group. The section concludes with information about government programmes, policies, and schemes and their utilisation by elderly women.*

## I. Introduction

As early as 1968, the International Conference on Human Rights Declaration talked about the human rights aspects of 'family planning'. Subsequently various human rights instruments such as the International Covenant on Economic, Social and Cultural Rights, 1996 (ICESCR) and the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) recognised reproductive rights as human rights. The Program of Action (PoA) adopted at International Conference on Population and Development (ICPD) in 1994, explicitly defined reproductive rights and reproductive health. The UN World Conference on Women organised in Beijing in 1995 emphasised that the human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health (The United Nations, 1995).

The latest development agenda adopted by the UN i.e. Agenda 2030 (Sustainable Development Goals) includes reproductive health as part of SDG 3 (Good Health) and SDG 5 (Gender Equality). The SDG agenda also has two specific targets dedicated to achieving SRHR. These are

**Target 3.7 *By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information & education, & the integration of reproductive health into national strategies***

**Target 5.6 *Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the ICPD and the Beijing Platform for Action and the outcome documents of their review conferences***

Since India is a signatory to these international covenants and conventions, it is obligated to ensure the inclusion of SRH in its policies and laws to achieve the related targets.

Reproductive health is defined in paragraph 7.2 of the Programme of Action as «**a state of complete physical, mental and social well-being ... in all matters related to the reproductive system**», which «**implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide if, when and how often to do so.**» (Shalev, 1998)

For universal access to sexual and reproductive health and rights, one needs access to the following minimum services:

1. Comprehensive Sexuality Education
2. Access to menstrual hygiene products
3. Information about and access to contraceptives
4. Information about and access to comprehensive abortion care
5. Information about and access to pregnancy-related services
6. Information about and access to fertility-related services
7. Information about and access to postmenopausal care
8. Screening for reproductive cancers, early detection and treatment for cancer

The policies and programs related to reproductive health have gone through several transitions over the past years. The latest program which delineates the commitment of the Government regarding SRH is RMNCHA+ (Reproductive Maternal Neonatal Child and Adolescent Health). Another program which specifically addresses the health of adolescents is the Rashtriya Kishor Swasthya Karyakram (RKSK). The State governments have introduced state specific reproductive health programmes and schemes – for lack of space we are not analysing them in this chapter.

Despite the Transgender Persons (Protection of Rights) Act 2019, there are huge gaps in fulfilling the health service related needs of this community such as gender sensitive health care services and non-HIV-related services including mental health, social security, and Gender Affirmative Care (GAC) support (National AIDS Control Organisation [NACO], 2023)

The overall health system context in which we need to look at the access to reproductive and sexual health has been laid down in Chapter 1 of this volume, 'Towards gender responsive health systems in India'. Our chapter tries to study the key reproductive health concerns from a gender and equity perspective. Besides the challenge of increasing privatisation of health services, increasing religious

fundamentalism, exploitative technological advances, Global Gag rule are some additional challenges restricting access to SRH services. Cultural practices which stigmatise menstruation, caste-based discrimination in health care access and implications for occupational health such as higher number of hysterectomies among sugar cane cutters, are few more challenges that women face.

## II. Childhood and Adolescence

### **Gender-based discrimination in Childhood**

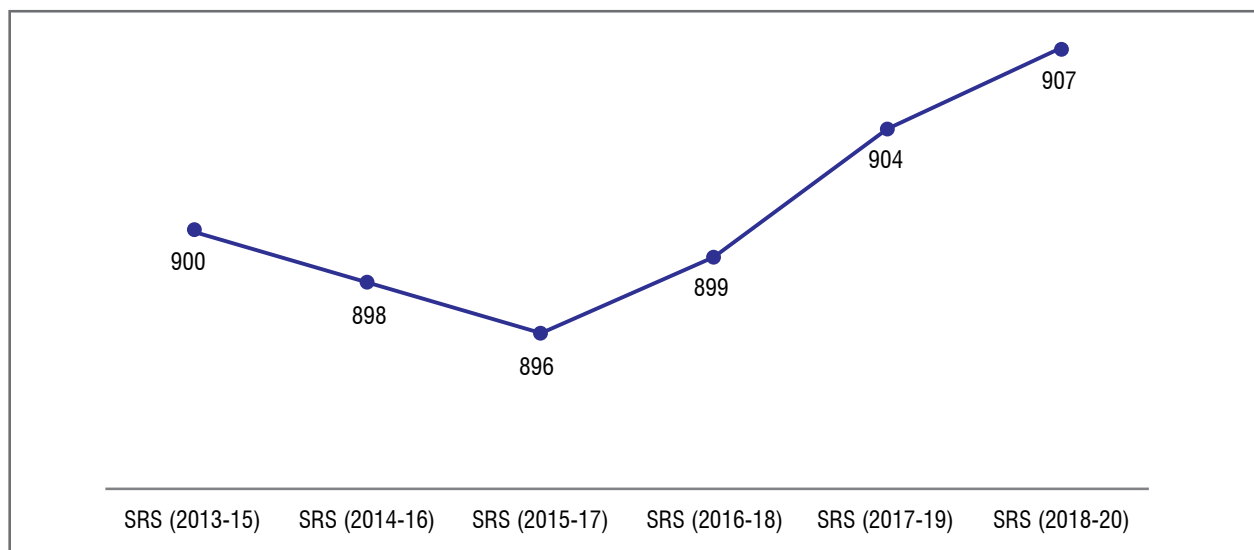
*"Every child deserves to reach her or his full potential, but gender inequalities in their lives and in the lives of those who care for them hinder this reality." -UNICEF*

The inequalities in the health and well-being of children are shaped by social, cultural and economic forces along with biological factors. Family factors such as division of work among boys and girls within homes, with girls being burdened with care giving for younger siblings, also affect health of girls. Harassment of girls in public places, rape and other forms of sexual exploitation are also a SRHR issue. (The chapter on Gender based Violence in this volume will address this issue in details). The inequalities mentioned above first surface through pre-conception and prenatal sex selection and sex determination and continue to affect the health and well-being of girls in various forms. Differences in sex ratio in childhood and the gender aspects of these issues are discussed in the section below.

### **Sex Ratio**

India is one of the 12 countries with a statistically skewed sex ratio at birth (SRB) (Ritchie & Roser, 2024). Skewed SRB indicates patriarchal social norms of male preference. The national average has improved marginally between the last two rounds of the Sample Registration System (SRS) survey (Figure 1). The states also show a variation of a few points (Annexure 1). However, India is still far from reaching a sex ratio of 950 females to 1000 males, which is considered to be the SRB in case of no sex selection (Kulkarni, 2020).

**Figure 1: Trend in Sex Ratio in India, SRS (2013-15) to SRS (2018-20)**



The skewed SRB combined with excess female mortality during childhood (Nagpal, 2019) leads to a lower Female Child Sex Ratio (CSR). There has been a continual decrease in CSR (0-6 years) since 1961. India's CSR (0-6 years) has declined from 927 to 919 during the Census of India 2001 and 2011. Arunachal Pradesh (972) has highest while Haryana (834) has the lowest CSR (0-6 years) (Census of India, 2011).

The Government of India's flagship programme, '*Beti Bachao, Beti Padhao*' (BBBP), was launched to address the declining SRB and CSR. But, such programmes in silos fail to change the deep-rooted societal beliefs leading to current gender inequities. Policies and programmes that address gender-based discrimination both in childhood and at later stages of life- programmes for education, livelihoods, dowry prevention, and land ownership need to be strengthened from a gender perspective to make real change.

## **Adolescent Health**

Adolescence (ages 10-19 years), a period between childhood and adulthood, involves rapid physical, physiological, and emotional changes, resulting in sexual, psycho-social and behavioural maturity of an individual (Nanda, 2018). In India, one in five people is an adolescent (ages 10-19 years) accounting for 19.6 percent of the total population (Census of India, 2011). Although the group is considered healthy, it faces unique issues mainly related to sexual and reproductive health due to the transitioning age. In this section, we examine the issues related to the menstrual health and hygiene among adolescent girls, data on access to SRH-related information for a subgroup of adolescents (15-19 years), the linkages with comprehensive sexuality education, and the issues of early marriage and childbearing in India.

## **Menstrual Health and Hygiene**

Although menstruation is a biological process, the life of an adolescent girl changes dramatically at the onset of menstruation (menarche) due to the social, cultural and religious beliefs and practices around menses. Maintaining hygiene, access to safe sanitary products, water and sanitation facilities and a safe disposal system are important challenges. The social taboos around menstruation such as restrictions in entering the kitchen, not taking a bath or not using the bathroom used by others in the family and restriction on a variety of foods, affect the mental as well as physical health (Garg & Anand, 2015) of the young girls. Many of these practices are discriminatory and violative of human rights of girls.

The use of hygienic method of menstrual protection among adolescent and young women (15-24 years) has increased by 20 percent between NFHS-4 (2015-16) (57.6 percent) and NFHS-5 (2019-21) (77.6 percent). However, access to these methods depends on residence (rural vs urban), education levels and the economic class of the family (International Institute for Population Sciences [IIPS] and ICF, 2021).



### **Government initiatives for menstrual health and hygiene**

In recent years, menstrual health and hygiene has been a part of several government initiatives.

- The Menstrual Hygiene Scheme (MHS) for adolescent girls in rural areas was launched in 2011 to increase awareness about menstrual hygiene and increase the access, use and safe disposal of high quality sanitary napkins. The scheme included decentralised procurement of sanitary pads at a subsidised rate and their distribution through ASHAs in the villages. The scheme also mandated the ASHAs to conduct monthly meetings with adolescent girls to discuss menstrual hygiene and other relevant SRH issues.
- National Guidelines for Menstrual Hygiene Management were jointly launched by the Ministry of Jal Shakti and the Ministry of Education in 2015. These guidelines helped the states in planning for menstrual hygiene management.
- RKSK linked the procurement and distribution of sanitary napkins with the annual programme implementation plans by the states and UTs.
- The National Menstrual Hygiene Policy drafted in 2023 uses gender inclusive language by recognising 'women, girls and persons who menstruate...' in its vision and objectives. The policy principle of 'inclusivity' mentions 'trans and non-binary persons' along with other marginalised groups.

### **Comprehensive Sexuality Education**

The awareness levels regarding SRH among adolescents is low. Thirty percent boys (15-19 years) believed men had no role in contraception and they do not have to worry about it (NFHS-5, 2019-21). Only 52 percent of girls (15-19 years) and 64 percent boys (15-19 years) knew that use of condoms and limiting sexual intercourse to one uninfected sex partner can reduce the risk of getting HIV/ AIDS.

The knowledge, attitude and perceptions about SRH among adolescents are mainly based on peer-sharing, non-formal and unreliable contents (Meena et al., 2015). Sexuality education has been a tabooed and controversial topic in India. Sexuality education was made part of the Life Skills Education programme (LSE) adopted by the Government of India in 2009. The curriculum covered changes during adolescence, body image, positive relationships, gender and sexuality-based stereotypes and discrimination, violence and abuse, STI/HIV/AIDS, and substance abuse. The current status of the programme and its impact on the adolescents is not known, however, an evaluation in 2011 reported lacunae in implementation, topics covered in the sessions and the knowledge retention (UNFPA, 2010-11). Each state government in India responded differently to the LSE programme. On one side Jharkhand has set an example through, 'Udaan', a school based adolescent education programme that has been recorded by UNESCO as a success story and on the other side state governments in Gujarat, Maharashtra, Madhya Pradesh, Rajasthan and Karnataka have banned sex education in their schools (Pandey & Rao, 2023).

Lack of political will, the hindrances due to religious and moral beliefs, social stigma around sexuality, lack of evidence-based and culturally significant curriculum are all documented challenges for CSE in India (Joseph, 2023; Pandey & Rao, 2023).

Information on SRH became part of the national adolescent programme through the **Rashtriya Kishor Swasthya Karyakram** (RKSK) (Ministry of Health and Family Welfare, 2014) launched in 2014

that addresses multiple unmet health needs of adolescents including SRH needs through facility-based, community-based and school-based interventions. However, community awareness and involvement efforts need to be further supported by infrastructure and personnel requirements to ensure better access, equal opportunities, safety and protection for adolescents, regardless of gender or sexual orientation. Also, for school-based and facility-based interventions, the teachers and health professionals need to be trained about the contents, and how to deliver them, and for tackling the specific problems that may arise during the sessions. A study by SAHAJ on the implementation of RKSK in two districts of Gujarat during the COVID-19 pandemic showed low levels of knowledge about adolescent health issues (especially issues related to boys) among the healthcare providers and the peer educators and recommended regular refresher training for them. Involvement of local community-based organisations was suggested for better awareness among the community, increased community ownership and better acceptance of the programme (Shah et al., 2022). A recent study documents lessons learnt from Learning Districts Initiative (LDI) planned and executed by MoHFW (and supported by WHO) as part of RKSK. In three years of implementation, the initiative has been able to integrate adolescent health in the district level health planning. The staff has been trained and structured community-based and facility-based activities are being carried out. The initiative suffered challenges such as vacancies in the government health system, unavailability of supplies at the local level and low levels of engagement of the adolescents. The study concludes that even with these limitations, the initiative is feasible as it leverages the local expertise (Barua et al, 2023).

### ***Health of adolescent boys***

The needs of adolescent boys have been mostly neglected in the various research as well as programmes related to SRH issues among adolescents. The study by SAHAJ mentioned above found that the healthcare providers appointed under RKSK programme have no knowledge of health issues of the adolescents and the implementation of the programme is limited to counselling and service provision for adolescent girls (Shah et al., 2022). SAHAJ's work with young boys in low-income neighbourhoods in Vadodara also indicates that they have many questions and concerns related to sexuality.

Another study mapped adolescent boys' perceptions about menstruation and Menstrual Health Management (MHM) and concluded that adolescent boys could become advocates for moving the MHM agenda ahead with a keen interest to know about menstruation and understanding the need for good MHM (Mason et al., 2017).

### ***Early Marriage and Child Bearing***

Despite having the legal ages of 18 and 21 years for girls and boys respectively (The Prohibition of Child Marriage Act, 2006), in a recent nation-wide study, 7 percent (17.26 million) of the adolescent population (10-19 years) in India was reported to be married. These are the consequences of patriarchal beliefs of need for control over girls' sexuality (Child Rights and You [CRY], 2021). Child marriages in rural India have reduced marginally (by 4 percent) between 2001-2011 but have seen a whopping increase of 41 percent in the urban areas (Child Rights and You [CRY], 2020). Around 2.2 percent of girls (>18 years) from rural India (mean age at marriage= 16.4 years) and 1.2 percent from Urban India (mean age at marriage= 16.6 years) were married before the age of 18 years according to recent statistical report (Office of the Registrar General and Census Commissioner, India, 2020). In

addition, in several communities/ cultures across India, elopement in early ages is also an accepted norm. Early marriages and the consequent early childbearing violate human rights and have SRH consequences such as complications during pregnancy and child birth and spontaneous abortions.

Child or early marriage is linked with low school enrolment, high adolescent pregnancies leading to high MMR, IMR and NMR (CRY, 2020). NFHS-5 shows that 7 percent adolescent girls (15-19 years) have begun childbearing. The proportion of girls who have begun childbearing increases steadily from the highest wealth quintile (2.2 percent) to the lowest wealth quintile (10 percent). All these girls are married. 'No education' to 'low education' and poverty have been linked with girl child marriage in India in another recent study (Paul, 2019). The level of schooling and the place of residence (rural vs urban) also affect early child bearing among girls (Refer Annexure-3).

### ***Adolescent sexuality and the legislation***

The MTP Act (1971) allows abortion on the grounds of rape, and the confidentiality clause mandates medical practitioners to protect the personal identity of abortion seekers. However, according to the POCSO Act (2012), when a girl below 18 years of age seeks sexual health-related services, including abortion, the provider is required to mandatorily report under POCSO. The POCSO Act criminalises minors (based on legal age) who engage in consensual sexual activity. The intersection of these two Acts creates confusion, and works as a strong barrier for minor girls to access safe abortion and other SRH services. And for the providers to provide the services.

The government has been deliberating on changing the age at marriage for girls from 18 years to 21 years. The reasons cited are to bring about gender equality, to delay the pregnancies, improve nutritional status and decrease maternal mortality. There has been considerable organising by civil society and the young people against this move (Girls Not Brides, 2020). Since increasing the age at marriage does not address the societal factors that lead to early marriage, child rights advocates - including representatives of adolescent girls - demanded the following actions to delay age of marriage.

1. Improving the quality of education and safety of girls to retain them in educational institutes
2. Creating better employment opportunities for girls
3. Improving the implementation of the Prevention of Child Marriage Act (PCMA) on the ground
4. Sensitising both girls and boys through CSE about the health and other consequences of early marriage/ elopement

### Summary and recommendations

Skewed SRB and CSR in favour of male child is a result of patriarchal norms and deep-rooted societal beliefs. To avoid gender discrimination in accessing health and nutrition services in childhood and improve the CSR, the ICDS centres should maintain sex disaggregated data to monitor the uptake of services, tracking of severely malnourished and should undertake corrective measures accordingly.

The menstrual health and hygiene among adolescent girls is a well-researched topic in India. The efforts taken by the government in recent years to improve the access to sanitary products are commendable. However, menstruation is not only about access to hygiene products. It has to be accompanied by a number of determinants that will ensure hygienic practices – education, availability of water and privacy, to say the least. Also, the benefits of the scheme need to reach the most vulnerable sections including the differently abled, trans-men and people with other gender identities who menstruate. Menstrual health programmes should address cultural taboos and discriminatory practices that affect the health and nutrition of young girls. Menstrual Hygiene Management programmes also need to have at their core discussions with community leaders around taboos and discriminatory practices to promote changes in social norms.

The RKSK programme has great potential for making adolescent health a priority for themselves, the community and the health machinery at the local level. However, the programme suffers challenges of availability of trained staff, acceptability by the staff, the adolescents and the community and accountability and convergence of different government departments in order to produce desired results.

The policies and programmes that address the gender-based discrimination at all stages of life including childhood and adolescence are needed, along with good implementation and monitoring mechanisms, with meaningful participation of young people.

## III. Women in Reproductive Age Group

*“You cannot make progress on gender equality or broader human development, without safeguarding women's reproductive health and rights.” - Hillary Clinton*

This section deals with the reproductive health concerns of women in the reproductive age group mainly between 18 to 45 years. The issues of postmenopausal women are covered in the last section of the chapter.

Though the SDGs commit universal access to SRH, the public health services focus mainly on contraception, pregnancy, and childbirth. For tracking the progress of achievement of SDG targets, the GoI has included the following SRH related indicators in the SDG India Index:

1. Maternal Mortality Ratio (Target 70 per 100,000 live births)
2. Institutional deliveries (Target 100 percent)

Targets which are related to health system functioning are:

1. Total physicians, nurses and midwives per 10,000 population (Target 45 per 10000 population current achievement 37 per 10000 population)

## **Maternal Health**

Currently, the MMR for India is 97 per 100,000 live births. (SRS, 2020) Assam (MMR 195 per 100,000 live births) has the highest MMR which is ten times higher than Kerala (19 per 100,000 live births). This huge inequity between states unless addressed will not result in the SDG motto, '**Leave no one behind**'. Other states which have MMR higher than the national average are Madhya Pradesh (173), Uttar Pradesh (167), Chhattisgarh (137), Odisha (119), Bihar (118), Rajasthan (113), Uttarakhand (103). Even the economically developed states like Haryana (110) and Punjab (105) have higher MMR than the national average. The state with the lowest MMR (Kerala) has the highest number of physicians, nurses and midwives per 10,000 population (115 per 10,000 population), whereas Assam has 23 physicians, nurses and midwives per 10,000 population.

Almost one-third of maternal deaths happen in the age group of 20 to 24 years. Economic status, caste/ethnicity, education, gender, religion, and culture are important structural factors of maternal health service use and maternal mortality in India (Hamal et al., 2020).

## **Access to Ante Natal Care**

The proportion of women age 15-49 in India who received ANC has risen from 84 percent in NFHS-4 (2015-16) to 94 percent in NFHS-5 (2019-2021), and 85 percent received ANC from a skilled provider in NFHS-5. Seventy percent of women had their first ANC visit during the first trimester and 59 percent had four or more ANC visits, an increase from 51 percent in 2015-16.

The proportion of women who had at least four ANC visits during their last pregnancy is lowest in Nagaland (21 percent) and Bihar (25 percent) and highest in Goa (93 percent), Lakshadweep (92 percent), and Tamil Nadu (91 percent). Women with a first birth are more likely to receive ANC from a skilled provider than women with a birth of order 6 and above (89 percent versus 67 percent). Analysis of NFHS 5 data revealed that although nearly 3 in 5 women in India utilised a minimum mandated  $\geq 4$  ANC visits during their last pregnancy, only one in five of those received adequate quality of ANC services indicating suboptimal content (Girotra et al., 2023).

## **Increase in Ultrasound Testing**

Between 2015-16 and 2019-21, the proportion of pregnancies with an ultrasound test increased from 61 percent to 78 percent [NFHS 5]. Ultrasound tests are particularly common in urban areas, among women with 12 or more years of schooling, and in households in the high wealth quintiles. While two ultrasound tests in a pregnancy are medically recommended as a marker of good ANC, market forces have raised the demand for more sonographies than medically recommended.

## **Institutional Deliveries**

Institutional deliveries have increased markedly from 39 percent in 2005-06 to 79 percent in 2015-16 and 89 percent in 2019-21. Yet, only 64 percent of sixth or higher order births occurred at a health facility, compared with 94 percent of first births. Medically speaking, a multiparous woman is at higher

risk of postpartum complications such as abnormal placentation, abruption placenta, malpresentation, and postpartum hemorrhage (Alsammani et al., 2019). Hence, it is important to ensure that the higher order births take place in the institution.

## **Caesarean Sections**

The caesarean section rates between 10 percent and 15 percent are associated with maternal and neonatal mortality decrease (World Health Organisation [WHO], 2015). Against this standard, in India, the rate of C-section deliveries increased from 17 percent in 2015-16 to 22 percent in 2019-21. C-sections are particularly common in private-sector health facilities (48 percent of deliveries). The caesarean delivery rate is higher in urban than rural areas (32 percent against 18 percent). The caesarean rate for deliveries for women with 12 or more years of schooling is 35 percent, compared with 27 percent for women with 10-11 years of schooling, 19 percent for women with 8-9 years of schooling, and 8 percent for women with no schooling. Increasing rates of Caesarean Section points to a both demand and supply-side factors.

## **Government Schemes**

Reduction in maternal mortality has always been a priority area for the health system. The programs undertaken by the MoHFW in the last two decades for improving maternal health are Janani Suraksha Yojana (2005), Janani Shishu Suraksha Karyakram (2011), Pradhan Mantri Surakshit Matrutva Abhiyan (PMSMA 2016), and LaQshya (2017). Ambulance services like the 108 service and the Janani Service have led to reducing the delays in accessing maternal health care. In addition, states have their own maternal health care schemes like Tamil Nadu's Muthulakshmi Reddy Scheme, and many others.

The PMSMA involves the private health sector in the provisioning of pregnancy-related services. A minimum package of antenatal care services (including investigations and drugs) is provided to the beneficiaries on the 9<sup>th</sup> day of every month at identified public health facilities (PHCs/ CHCs, DHs/ urban health facilities etc) in both urban and rural areas in addition to the routine ANC at the health facility (MoHFW, 2023). Identification of high-risk pregnancies is one of the critical components of PMSMA.

Approximately 46 percent of maternal deaths, over 40 percent of stillbirths and 40 percent of newborn deaths take place on the day of the delivery itself (National Health Systems Resource Centre [NHSRC], 2024). To improve the quality of care during delivery and immediate post-partum period in a healthcare facility, MoHFW has launched the Labour room Quality Improvement initiative named LaQshya.

Since Assam has the highest MMR, we tried to study the performance audit report of the district hospitals in Assam done by CAG (Government of Assam, 2021), which revealed that none of the test-checked District Hospitals were fully equipped with the essential equipment. Out of the requirement of a total 4,274 equipment prescribed by Indian Public Health Standards (IPHS) for various services, only 2,267 equipment (53 percent) were available. The audit also revealed that the Capital Expenditure on creation/ strengthening of infrastructure facilities constituted only 3.95 percent of the total expenditure during the period and the allocation on materials and supplies, which included medicines, was only 2.42 percent of the health budget and even that was not fully utilised during 2014-19. The human resource shortfall was 45 percent, 50 percent and 74 percent for doctors, nurses and paramedics as compared to IPHS norms based on the population of the district respectively. The report showed that the six newly created districts in Assam did not even have a district hospital.



Thus, though there are several programs for improving the services, there are still significant gaps in the basic infrastructure, required human resources and necessary drugs and equipment, which affects the quality of public health services.

## **Access to Contraceptive Services**

Population control has been a priority for governments in India and thus, since Independence, India has adopted a family planning program which has gone through various revisions in the seventy-five years. During these years the demand from women's health advocates has been captured in the slogan of '*No to Population Control, Yes to Birth Control!*'

In India, currently 72 percent of currently married women aged 15-49 years have their demand for family planning satisfied by modern methods. The best-performing state for this indicator is Andhra Pradesh (93.6 percent), whereas the poorest-performing state is Manipur (23.6 percent).

Sixty-eight percent of modern contraceptive users have availed the services from the public sector. Among sexually active, unmarried women aged 15-49, more than half (55 percent) use a contraceptive method and almost all of them use a modern contraceptive method. (IIPS and ICF, 2021).

Unfortunately, the burden of contraceptive use is still being borne by women. 38 percent of women used sterilisation as a method of contraception whereas male sterilisation was used only in 0.3 percent cases. The median age for female sterilisation is 25.7 years.

As a signatory to the ICPD POA, India has agreed to the couples' right to decide on family size and spacing between childbirths (Pandey, 2020). Yet, states like Rajasthan, Telangana, Andhra Pradesh, Gujarat, Uttarakhand and Odisha follow the two-child norm for contesting local elections or for applying for government jobs (Madhya Pradesh) or both (Maharashtra) (The Indian Express, 2019), indicating violation of women's reproductive rights. There is also an increasing communalisation of the issue – media reports distort data to highlight the increasing birth rates of minority populations, while projecting decreasing fertility rates of the majority religious group (Lakshman, 2024).

The Government of India launched Postpartum IUCD (PPIUCD) services in the year 2000 in selected states, which were universalised in all the states by the year 2010 (Kant et al., 2016). Under the program, the device is inserted soon after the delivery, hence the chances of expulsion of IUCD are high.

Though on one hand there is coercion for sterilisation, there are certain groups which are deprived of these services. To stall the decreasing population of Particularly Vulnerable Tribal Groups (PVTG), the Government of India restricted access to permanent contraceptive methods for these groups in 1979. There is still a ban on sterilisation for PVTGs in some of the states in India. This is not only a violation of these women's reproductive rights but also contradicting "*...voluntary and informed choice and consent of citizens while availing of reproductive health care services...*" commitment of the National Population Policy, 2000 (Nandi et al., 2018).

Currently the GoI program provides contraceptive methods such as oral contraceptive pills (Combined oral contraceptive pill (Mala N), Centchroman (Chhaya), Condoms (Nirodh), Intrauterine Contraceptive Devices (IUCD 380A – effective for 10 years, IUCD 375- effective for 5 years) and Contraceptive Injectable MPA (Antara Program) for spacing between two children (MoHFW, 2021-22). The current program also mentions provision of emergency contraceptive pills at the sub-centre and also by the ASHAs. However, a study based on the analysis of NFHS data (Arora et al., 2023) reveals that the knowledge of ECP is just 48 percent and less than one percent of the sample (0.55 percent) had

used ECP. Women aged 30–34 years, from wealthier and more educated backgrounds, living in urban areas, and currently using condoms had a higher likelihood of using ECP in comparison with women from age group 15–19 years, those from the poorest backgrounds, those with no education, those living in rural areas and those not using any contraceptive method, respectively. In comparison to married women, never-married women exhibited a higher awareness of ECP but lower use (Arora et al., 2023). Most of the conversations about contraception happen with the aim of family planning and thus single women still face challenges in accessing these services. Conversations with ASHAs and Anganwadi workers indicate that the ECPs are not easily available – they have to ask the higher up Auxiliary Nurse Midwife if anyone in the community wants it (Authors' field experience).

In 2016, Mission Parivar Vikas (MPV) was launched by MoHFW for increasing access to contraceptives and family planning services in 146 high fertility districts of seven high focus States (Uttar Pradesh, Bihar, Rajasthan, Madhya Pradesh, Chhattisgarh, Jharkhand and Assam) having Total Fertility Rate (TFR) of 3 and above. It is now extended to remaining districts of these States and all districts of six North-Eastern States (Arunachal Pradesh, Manipur, Meghalaya, Tripura, Nagaland and Mizoram).

### ***Indian women's health movement on contraception***

Indian women's health movement has been active for several decades on the issue of safe and effective contraceptives. When Depo-Provera came to India in 1974, feminist groups had raised concerns about the safety of hormonal contraceptives which had several health risks, such as increased risk of breast and liver cancer, stroke and blood-clotting in the presence of risk factors such as obesity and smoking. Another concern was the possibility of missing the essential initial check-ups to rule out contra-indications or ongoing clinical monitoring to detect any serious adverse effects. When NET-EN was introduced in India in 1986, women's groups petitioned the Supreme Court to stay its trials. Likewise, when in 1993 DMPA was approved for use in India, a public interest litigation seeking a ban on DMPA was filed. Neither of these cases ended in the ban of injectable contraceptives in India.

The public health system has mostly ignored the quality of contraceptive services and thus women's activists have stated that coercive population policies are gender-based violence. In November 2014, 15 women died after undergoing sterilisation surgery under appalling conditions in camps in the Bilaspur district of Chhattisgarh. This issue was investigated by SAMA (Wilson, 2018), which revealed that these women were all in their 20s and 30s and from Dalit, Adivasi and OBC communities, mostly landless daily wage labourers.

A recent study by CommonHealth (2022) conducted in 9 states revealed that women's ability to meet their contraceptive needs is determined by contextual factors like education, economic status, number of surviving children and above all the decision-making autonomy. Social-cultural, religious and familial barriers directly impact the decision about and ability to implement the choice. In some communities, diktats of religious leaders impinge on women's reproductive decisions.

### **Access to Safe Abortion**

In India, the Medical Termination of Pregnancy (MTP) Act was passed in 1971 and has undergone revisions in 2002, 2003 and 2021. This Act permits termination of pregnancy if its continuance involves a risk to the life or health of the pregnant woman, if it is caused by rape; or due to failure of contraceptive; and if there is a substantial risk that the child born would be handicapped either

physically or mentally. Under the amended Act, failure of contraceptives is an acceptable condition even in case of unmarried women which was not the case earlier.

After the amendment in 2021, pregnancy termination using medication has been permitted up to 9 weeks of gestation and overall termination of pregnancy is permitted up to 24 weeks. For pregnancies between 20 to 24 weeks, opinion of two registered medical practitioners is required whereas below that opinion of one registered medical practitioner is enough. As per the MTP Act, the pregnancy can be terminated only by a Registered Medical Practitioner who has experience or training in gynaecology or obstetrics as prescribed under the rules.

The Annual Report of MoHFW (21-22) confirms that more than 16,000 Medical Officers have been trained in Comprehensive Abortion Care. As per the Government records, around 43,018 post-abortion sterilisations and around 65,737 post-abortion IUCD insertions were done in the FY 2020-21. However, the report fails to provide the number of abortions in the country.

NFHS 5 reveals that in India, around 2.9 percent of last pregnancies among women aged 15-49, during the five years preceding the survey, ended in abortion. A majority of the abortions were performed in the private health sector (53 percent), whereas 20 percent were performed in the public health sector. More than one-fourth (27 percent) of the abortions were performed by the woman herself at home. Sixteen percent of women reported post-abortion complications.

Almost half of the women (48 percent) said that the main reason for seeking an abortion was an unplanned pregnancy, indicating the unmet need for contraception. Medical abortion pills were the method of abortion in 67.5 percent of cases.

The study conducted by Guttmacher indicates that in India in 2015–2019, around 21,500,000 pregnancies were unintended and 16,600,000 ended in abortion.

Thus, despite having the law for abortion, accessing abortion through the public health system is still a challenge for women in India.

In the 1980s, 'sex-selective abortion' of female foetuses was articulated as a form of "Violence Against Women" by the women's rights activists in India. Several efforts were made to effectively mobilise public opinion on this issue. However, a few decades later it was realised that as a result of the campaign and also because of the stringent implementation of the PCPNDT Act, doctors started refusing second-trimester abortions especially if the woman had a first daughter. Realising that using the language of 'sex selective abortions' and 'violence against women' was leading to reducing women's access to safe abortions, the women's movement changed its position. The movement began recognising that the act of sex determination itself is a crime under the PCPNDT Act. The framing of the issue by the women's movement thus changed to 'sex determination and sex selection is an issue of gender discrimination'.

## ***Infertility and Assisted Reproductive Technologies (ARTs)***

Infertility is the failure to achieve a pregnancy after 12 months or more, of regular unprotected sexual intercourse (WHO, 2024). For those above the age of 35, this period is reduced to around six months (The Economic Times, 2023).

Fertility care, which is an important aspect of SRH services, includes prevention, diagnosis and treatment of infertility. The patriarchal society in India lays significant emphasis on fertility of a woman and thus, there is a huge stigma associated with infertility. Women facing infertility face violence, marital discord, social stigma, emotional stress and low self-esteem.

It is estimated that around 28 million couples in India are facing fertility-related issues. Yet, barring a few exceptions, like Goa which recently became the first Indian state to offer free in vitro fertilisation (IVF) treatment (Thevar, 2023) in the public sector, most other states lack these high-end treatments in public hospitals. On the other hand, fertility treatments are booming in the private sector. The IVF market in India was around \$750 Mn in the year 2020 and is projected to reach \$4Bn by 2030 (India Today, 2023).

For a very long time, the Assisted Reproductive Technologies were unregulated in India. The discussions related to laws for regulating the ARTs and Surrogacy started in early 2000s, in the form of National Guidelines by the Ministry of Health and Family Welfare (Haqani, 2023). The ART (Regulation) and Surrogacy (Regulation) Acts delineate the eligibility criteria such as age, nationality, citizenship, marital status, gender for availing ARTs. The Act excludes unmarried men, divorced men, widowed men, single women, unmarried heterosexual couples living together, transgender individuals, and homosexual couples (whether married or living together).

The ARTs can be seen as a promising choice creating possibilities of motherhood and parenthood for groups who were deprived of these experiences. At the same time, ARTs have also increased the pressure on women to experience motherhood at all costs. Many times women feel pressured to undergo these costly treatments where several visits to the ART clinic are required for treatments like Intra-uterine insemination or in vitro fertilisation. Several hormonal injections are given to the woman to induce ovulation. Given the low success rates of these treatments, women have to undergo multiple cycles of IVF, where they feel enormous stress each time the embryo is transferred.

## **Hysterectomies**

In India, for more than a decade now, the issue of unnecessary hysterectomies among young women has been gaining attention as a public health problem. For a long time, there was no national-level data about the prevalence of hysterectomies in India. Subsequently, the questions related to hysterectomy were added to the National Family Health Survey. The NFHS data (IIPS, 2020) revealed that a total of 3.3 percent of women in the age group 15 to 49 years have had a hysterectomy. The NFHS data indicates that women in rural areas (3.6 percent) undergo hysterectomy more often than women in urban areas (2.5 percent). The differences based on educational level are quite stark. Women with no schooling (7.1 percent) have a significantly higher prevalence than women who have completed 12 or more years of education (0.9 percent).

Though the prevalence of hysterectomy at the national level seems low, there are huge interstate variations in the prevalence. States like Andhra Pradesh (8.7 percent) and Telangana (8.2 percent) have recorded the highest prevalence whereas Sikkim (0.8 percent) and Meghalaya (0.7 percent) have recorded much lower numbers of hysterectomies. Bihar (6 percent) is another state where the prevalence of hysterectomies is higher than the national average.

The median age for hysterectomy is 34.6 in India. Majority (70 percent) of the hysterectomies were performed in the private health sector. Under AB-PMJAY, 2 percent of the claims submitted by women were for hysterectomies and Chhattisgarh, Uttar Pradesh, Jharkhand, Gujarat, Maharashtra and Karnataka – generated three-quarters of all hysterectomy claims (Sharma, 2019).

**Table 1: Prevalence of Hysterectomy by Background Characteristics**

Background characteristics	Percentage of women who had hysterectomy	Median age
Urban	2.5	36.5
Rural	3.6	34
No schooling	7.1	34.5
12 or more years complete	0.9	36.9
India	3.3	34.6

Source: IIPS, 2020

In 2023, in response to the petition filed by Dr Narendra Gupta about the rising prevalence of unnecessary hysterectomies, the Supreme Court of India clearly articulated that unnecessary hysterectomies are a serious violation of the fundamental rights of women (Supreme Court of India, 2023). In 2022, the MoHFW issued "Guidelines to Prevent Unnecessary Hysterectomies". This document provides guidance to public health programme managers on measures to address unnecessary hysterectomy at the facility level, including focus on monitoring and awareness generation activities at the community level and also gives treatment pathways for abnormal uterine bleeding/dysfunctional uterine bleeding, lower abdominal pain, vaginal discharge, abnormal looking cervix and uterovaginal prolapse, which are some of the common conditions for which hysterectomies are performed.

Studies (Sardeshpande, 2014; Xavier et al., 2017) have shown that fear of cancer, failure of medical treatment, practical difficulties in living with reproductive health problems, fear-mongering by the doctors and belief in the hysterectomy as the best treatment, are some of the reasons for which women accept hysterectomy.

A study conducted by Desai et al (2017) revealed that weak sexual and reproductive health services, perception about post-reproductive uterus being dispensable and lack of knowledge of side effects of hysterectomy has led to the normalisation of hysterectomy.

The sugar cane cutting workers getting hysterectomies before migrating reveals how work-related pressures imposed on women, plus a grossly unregulated private medical sector and exploitative contractors and sugar factory owners pressurise women to undergo hysterectomy so that they do not take time off during their periods, and thus increasing the productivity (Chatterjee, 2019).

Like Caesarean Sections, hysterectomies is yet another reproductive health service, where women who may genuinely need these surgeries may be deprived of them because of reasons like lack of knowledge and information, weak public health systems, lack of financial resources and so on, while unnecessary C Sections and Hysterectomies are rampantly performed.

## **Reproductive Cancers**

According to the Globocan (2020) report, in India, 1,78,361 new cases of breast cancer and 1,23,907 new cases of cervix uteri cancer were diagnosed in 2020. The 5-year prevalence of breast cancer is 4,59,271 and the same for cervix uteri cancer is 2,83,842. In the year 2020, around 90,000 women in India lost their lives due to breast cancer and 77,348 women succumbed to cervix uteri cancer.

In India, a higher proportion of breast cancer is occurring at a younger age as compared to the West (Mehrotra & Yadav, 2022). Early-age cancer also impacts the survival rate of patients with breast cancer. Additionally, women in India get diagnosed at a late stage of the disease and the treatment is often inadequate or fragmented.

According to the World Cancer Report 2020, the most efficient intervention for breast cancer control is early detection and rapid treatment. The Ayushman Bharat- Health and Wellness Centre (AB-HWC) is expected to provide services related to screening, prevention, control and management of non-communicable diseases, yet, only 1.6 percent and 2.2 percent of women (30–69 years) had ever undergone clinical breast examination and screening for breast and cervical cancer, respectively (ICMR & NCDIR, 2020). In addition to enhancing screening services, adequate investment is required to address the treatment and rehabilitation needs of women who test positive in the screening.

### **Summary**

In this section, we examined the reproductive and sexual health needs of women in the reproductive age group.

While access to maternal health services has improved for large sections of women, the quality of maternal health care leaves much to be desired.

Access to safe and effective contraceptives is still hampered by socio cultural factors as well as policy and programmatic emphasis on 'population control'. Reproductive rights of women continue to be violated in different ways due to coercive population policies.

Access to safe abortion is restricted because of the confusions and conflation between the provisions of the MTP Act and the PCPNDT Act, resulting in service providers' biases and fears. The 'mandatory reporting' clause in the POCSO Act adversely affects minor girls' access to abortion services.

Services for infertility including ARTs are not available in public sector hospitals, paving the way for profiteering by the commercial health sector.

Increasing rates of Caesarean Sections and hysterectomies are another feature of the thriving private health sector and insurance companies, which continue to be unregulated.

Reproductive cancers screening services as well as treatment centres are inadequate.

Health inequities affect women and girls from tribal, and religious minority populations even more severely.

An intersectional and reproductive justice framework is required for provision of SRHR services in India. This implies strengthening of the public sector and regulation of the private sector.



## IV. Post-Menopausal Women

*"Women, our bodies change drastically in comparison to men. We're going through menopause. We've got a lot going on, and I don't think we've done enough to understand what aging means for women's bodies..."* Michelle Obama, 2020.

In this section, we deal with the health issues of older post-menopausal women. First, we examine the demographic trends related to ageing populations, and the determinants of older women's health. And then we discuss the morbidities including sexual and reproductive health and mental health issues, including those resulting from neglect and abuse, of this group of women. The final section deals with the government programmes and policies and schemes and their utilisation by these women.

### **Feminisation of Ageing**

According to the India Ageing Report (IIPS & UNFPA 2023), the elderly population - aged 60 years and above - will double by 2050 and will be around 21 percent of the total population of India. Within this ageing process is the rising share of women in the older age groups. By 2050, women over 60 years would exceed the number of elderly men by 18.4 million, resulting in 'feminisation' of the elderly population in India. The feminisation of the elderly is also indicated by the sex ratio. The sex ratio of the elderly was 938 women to 1,000 men in 1971 which has increased to 1,033 in 2011 and further projected to increase to 1,060 by 2026. Among the oldest old, the sex ratio is projected to be 136 women per 100 men by 2026.

This increasing sex ratio among this group poses more specific challenges relating to very old women as they are also likely to be widowed. In the age group of 80 years and above, widowhood dominates the status for women with 71 percent of women and only 29 percent of men having lost their spouses. (Subaiya & Bansod, 2011). Not having a spouse in the older ages is a cause for concern for both men and women. Studies show that those who are married have better health than those who are not, but this relationship is more apparent in the case of older men compared to older women (Goldman et. al., 1995; Bose and Gangrade, 1988). Research on widows in India by Marty Chen (1997) and others indicates that there is a high level of poverty among women in India upon becoming widows. Widowhood can also have other dimensions in India. For example, with the prevailing son preference in society, widowed mothers of sons may have a higher value within the family than older widows without sons.

High levels of illiteracy, particularly among older women in rural areas, is yet another dimension of vulnerability for older women in India. Older women in rural areas have the lowest level of literacy compared to the general population as well as all other elderly. (Subaiya et al 2011, LASI 2020). On the social front, older women experience isolation/destitution, financial, and emotional insecurity. This further aggravates the health problems among this group of old women. Life in old age seems to be more dependent in the case of females compared to males in Indian context. Women in general, widows and the separated in particular, have the least financial autonomy in Indian households. The huge gender bias, breakdown of the joint family system, improved health and increased life expectancy and decline in fertility pose serious challenges in supporting these elderly women. (S. Venkatesh and Vanishree M. R).

Older women as they age, often reflect the cumulative impact of poor diets, lack of good food and safe drinking water, a gender-based division of domestic tasks, and environment hazards, etc. These are the concerns that needs attention for economic and social policies to become senior citizen-friendly.

## ***Morbidities in Older Women***

Elderly women in India face different types of health-related issues both due to biological and socio-economic and cultural factors. Studies report that chronic morbidity, poor vision, cataract, blood pressure, back pain, slipped disc, malnutrition, depression, impaired physical performance, and elder abuse are significantly higher amongst women as compared to elderly men. Studies in Karnataka (Hiremath 2012 and Lena et al 2009) included in a review (Kaur et al 2019) reveal that hypertension and osteo arthritis are high in elderly women (hypertension 78.65 percent and 60.3 percent in the two studies respectively, and similarly, osteoarthritis 73.03 percent, 57.9 percent). Hiremath's study also showed that elderly women suffered from: diabetes (66.29 percent), and bronchial asthma (77.52 percent), cataract (65.16 percent), and anemia and skin problems (61.79 percent). According to LASI 2020, almost a quarter (23percent) of elderly age 60 and above were diagnosed with multimorbidity conditions and elderly women are more likely to have multi-morbidity conditions. The HelpAge 2023 (Singh, 2023) report states that 48 percent of older women have at least one chronic condition, yet 64 percent older women have reported not having any health insurance.

In the LASI study (2020) women over 80 years reported a far higher incidence of impairments (179 per 1,000) than their male counterparts (119 per 1,000). The self-reported prevalence of injuries and falls among older adults age 45 and above was 16 percent and 19 percent respectively; one in four elderly age 60 and above have experienced any injury and /or falls. Among elderly age 60 and above, women, widowed and elderly living alone are more prone to injuries and/or falls.

The LASI report mentions that only a quarter of the households covered in the study had some form of insurance. Even with low premiums many of the elderly cannot afford health insurance.

## ***Sexual and Reproductive Morbidities***

According to the LASI report (IIPS 2023) about 16 percent of older women age 45-59 reported having reproductive health problems such as hot flashes, irregular vaginal discharge, uterine prolapse, fibroids, cysts, and vaginal dryness in the past 12 months prior to the survey. Pradhan et al did a further analysis of the LASI data on gynecological morbidity (GM) and found lower gynec morbidities among currently not married women. They attribute these lower GM to under reporting because of stigma and the perception that these are associated with sexual behaviour and sexual relationships out of marriage are considered taboo. (Pradhan et al 2023). The same study found that while 15 to 16 percent of the women had any gynec morbidity, only 41 percent of them sought treatment.

## ***Mental Health***

An analysis of the LASI data (Paul et al 2023) showed that more older women (9.5 percent) than older men (7.4 percent) reported depression. The HelpAge report states that 43 percent elderly women worry about getting physically hurt, with 76 percent saying its due to 'fear of falling' and 46 percent stating that it is due to weak eyesight.

## ***Abuse***

According to the LASI findings, elderly women experienced more ill-treatment than elderly men (International Institute for Population Sciences 2020). A study in urban Mumbai (Gupta 2016) found that 36 percent of the respondents reported abuse, older women from the poor class being the most vulnerable. In addition, older women who had no formal education were also more vulnerable. Around 55 percent of those surveyed reported health problems due to the abuse experienced.

The HelpAge report revealed an alarming trend regarding abuse against older women. Around 16 percent of the older women were subjected to abuse. The abuse was mostly in the form of disrespect (46 percent) followed by physical abuse (43 percent) and emotional/ psychological abuse (40 percent). The main perpetrators of abuse were the son (40 percent), followed by other relatives (31 percent), and the daughter-in-law (27 percent). Most older women did not report the abuse due to 'fear of retaliation or further abuse' (18 percent), or 'no awareness on available resources' at 16 percent, while 13 percent think their concerns would not be taken seriously. 60 percent older women lacked awareness on redressal mechanisms available for abuse, with only 16 percent being aware of the Maintenance & Welfare of Parents & Senior Citizens Act and 80 percent older women are not aware of any government welfare schemes.

## **Government Policies and Schemes**

There appears to be a robust state framework for older people in India (IIPS & UNFPA, 2023). The National Policy on Older Persons 1999 attempted to provide a comprehensive support system to senior citizens, including financial security, healthcare, shelter, education, welfare, protection against abuse and exploitation, and protection of life and property. In 2021 the Ministry of Social Justice and Empowerment launched the National Action Plan for Welfare of Senior Citizens (NAPSrC) which resulted in the 'Atal Vayo Abhyuday Yojana' (AVYAY), a scheme with a vision to create "a society in which senior citizens live a healthy, happy, empowered, dignified and self-reliant life along with strong social and inter-generational bonding". However, despite the various sub schemes under the AVYAY, as the next section shows, the situation for older people, especially women continues to be grim.

The three key government schemes for the elderly are the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), Indira Gandhi National Widow Pension Scheme (IGNWPS) and Annapurna Scheme. In addition, the Maintenance and Welfare of Parents and Senior Citizens Act (MWPSA), 2007 allows older persons to claim maintenance from their children.

Smaller proportion of the elderly using these schemes indicates that either knowledge/awareness is low and/or reach/access is poor.

The LASI report (IIPS 2023) shows that overall, the awareness of the social security schemes among the elderly in India is low. Slightly more than half of the elderly (55 percent) are aware of the old-age pension scheme (IGNOAPS), 44 percent of the elderly are aware of the widow pension scheme (IGNWPS), and only 12 of the elderly interviewed are aware of Annapurna Scheme. And only 15 percent of elderly men and 9 percent of elderly women knew about the MWPSA Act. A higher proportion of the elderly from rural areas are aware of social security schemes than those from urban areas. About a quarter of the elderly are aware of concessions provided by the government such as for train, bus, and air travel, telephone connections, special interest rates for bank accounts and loans, and income tax benefits. This proportion is lower amongst the rural elderly than their urban counterparts.

About a third of the rural elderly from BPL households are recipients of old-age pension benefits. Amongst the elderly widows belonging to BPL households, 24 percent are recipients of the widow pension scheme. Slightly more than a third (35 percent) of the beneficiaries of the widow pension scheme state that there is a considerable delay in receiving the money. 35.7 percent reported delays in receiving the pension, 30.7 percent had to give bribes, 16.3 percent either had incomplete paperwork or found the paperwork cumbersome, and 10.4 percent stated that their applications were rejected.

The two main reasons reported for not using the social security schemes is that the process of enrolment in the scheme is cumbersome (35 percent) and because of not having the required

documents (8 percent). Enrolment for the various social security schemes involves multiple administrative procedures including extensive documentation, and physical presence at the offices to get the work done. The elderly are often unable to carry out these mandatory requirements because of physical infirmities, lack of technical understanding and inadequate communication skills. They often miss out on availing the scheme benefits owing to incorrect status (for instance, being declared 'not eligible') and/or incomplete or wrong documentation.

### **Summary and Recommendations: Section IV- Post-menopausal Women**

The constraints faced by intersectional discriminations experienced through life course by older women from different situations need to be addressed as a part of good health care policy, services and provisions. Measures to improve the quality of life for older women, in India, so they can live with dignity should be institutionalised through the life course. Since many of the health issues of older women are a result of cumulative factors, awareness of these should be increased at earlier life stages so that older age health problems are reduced. Awareness on the importance of physical and mental health amongst older women and their families, should be a focus of attention. Procedures and processes to apply for government welfare schemes for older women should be simplified. Awareness amongst older women regarding their rights and entitlements, redressal mechanisms related to elder abuse, should be promoted.

The unpaid care work that older women do across their life course, less formal employment or employment breaks, lower wages in informal wage work, leads to their accumulated disadvantages over older men and widowers. Social care and security support systems should be gender responsive, based on the recognition older women's care work through their life course and geared towards enabling fairness in their provisions.

A gendered approach to health care provision for older populations needs to be taken. Health care providers at the Health and Wellness Centres need to be oriented and sensitised to older women's health issues so that they can provide good quality health care closer to the women. The care package for older women should include screening for non-communicable diseases including depression, eye checkups and eye care (cataract surgeries), assistive appliances. Health insurance for older women as individuals – and not as part of households – is necessary

## **V. Conclusion**

This chapter examined sexual and reproductive health issues of women and girls across their life course. The contents relied on secondary data and to some extent on the authors' field experiences and attempted a feminist analysis of the issues. Because of space constraints detailed analysis of policies and programmes of different states in India was not done. An intersectional analysis was limited to a few examples to illustrate existing health inequities.

**Annexure- 1: Sex ratio at birth for children born in the last four years (female per 1,000 male) for select major states and India (SRS)**

	SRS (2018-20)			SRS (2017-19)
States/UTs	Total	Rural	Urban	Total
<b>INDIA</b>	<b>907</b>	<b>907</b>	<b>910</b>	<b>904</b>
<b>Best performing states</b>				
Kerala	974	973	975	968
Chhattisgarh	958	970	910	956
Himachal Pradesh	950	952	920	949
West Bengal	936	941	920	944
Andhra Pradesh	926	930	919	931
<b>Worst performing states</b>				
Uttaranchal	844	853	821	848
Delhi	860	972	857	865
Haryana	870	868	874	865
Maharashtra	876	881	870	881
Gujarat	877	882	869	870

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# SECTION IV

## Gender and Sexual-based Violence

**Anchors: Shruti Ambast and Suneeta Dhar**  
**Overview by Amita Pitre**

For the women's movement, addressing Gender Based Violence (GBV) discussed in Section Four, specifically rape and domestic violence, has been a priority from the 1980s onwards with strong mobilisations and important reforms gained. Important landmark provisions were guidelines for custodial rape, IPC Section 304 B for dowry deaths and 498 A for cruelty in marriage, the Vishakha Guidelines to prevent and address sexual harassment at the workplace and 'The Protection of Women against Domestic Violence, 2005' among others. While the momentum continues, however, the challenges and contradictions too continue. This section provides insights into the forms and status of SGBV in the last decade and highlights the specific challenges posed for prevention as well as redressal.

The chapter **Overview of Sexual and Gender Based Violence in India** by *Amita Pitre* examines the prevalence and forms of SGBV as well as structural forms of GBV such as inequality in the institution of marriage. After the brutal rape and murder of a young woman in Delhi in December 2012, important landmark laws, namely 'Prevention of Sexual Harassment of Women at the Workplace' (POSH), 2013', and the 'Criminal Law Amendment Act, 2013' (CLA, 2013) which were hanging fire for a long time, were expedited due to the public furor created.

*Julie Thekkudan* in **Accessing Justice: Institutional Barriers for Victim-Survivors of Sexual and Gender-based Violence** discusses and analytically critiques the challenges in implementing laws on SGBV. Also assessed are government efforts to address GBV.

The urgent theme of harassment at work is dealt with in analytical detail by *Anagha Sarpotdar* in her chapter on **Assessing Implementation of Law on Workplace Sexual Harassment**.

*Navsharan Singh* provides much hope in her chapter on **Resistance, Resilience, and Organising** through analysis of collective action by the most marginalised women, who have challenged the status quo and made their demands of equal citizenship visible.

Also included are three box items rich in data, evidence-based insights and recommendations. The first box details out the forms and extent of gender-based violence against Dalit, Adivasi women and minor girls, the poor conviction rates and the myriad barriers to justice and a life of dignity. The second box outlines the violence and discrimination faced by queer and trans persons; the third box speaks about various forms of violence faced by women living with disability and multiple intersecting issues that need to be addressed to ensure a violence free life for them.

# CHAPTER 18 Overview of Sexual and Gender Based Violence in India

Amita Pitre

## Abstract

*This chapter provides a broad intersectional overview of the prevailing forms of sexual and gender based (SGBV) that have garnered attention in the last ten years, and highlights the specific challenges they pose to the vision of an India free of gender based violence. It also speaks to specific forms of SGBV that have been generally neglected, including focusing upon structural forms of GBV such as the restrictions imposed by the institution of marriage, marriage (in)equality and the contradictions generated by the laws on SGBV and other issues. The concluding section provides a broad set of recommendations addressing strategic and practical needs of women and marginalised genders.*

## I. Introduction

The focus of this chapter is to provide a broad overview of prevailing forms of SGBV that have garnered attention in the last ten years and to highlight the specific challenges they pose to the vision of an India free of gender based violence. This is covered in Section I. Section II speaks to specific forms of SGBV which have been generally neglected and have not received adequate attention. Section III speaks to structural forms of GBV such as the restrictions imposed by the institution of marriage, marriage equality, contradictions generated by laws on SGBV and other issues.

## II: Broad Overview of Sexual and Gender based Violence (SGBV)

### **Important Laws on SGBV in the last Decade:**

As discussed in the introduction, important landmark laws, namely 'Prevention of Sexual Harassment of Women at the Workplace' (POSH), 2013', and the 'Criminal Law Amendment Act, 2013' (CLA, 2013) which were hanging fire for a long time, were expedited due to the public furore created by the gang rape and murder of a young woman student in Delhi in December 2012.

Another Act, 'Protection of Children from Sexual Offences' (POCSO), was passed in 2012, and for the first time, comprehensively defined sexual offences against all children under the age of eighteen years. It is a gender-neutral, and a child of any gender, who has been sexually wronged can access the remedies provided under the act.<sup>1</sup>

POCSO also provided remedies including detailed procedural laws for protection of children during investigation and trial, including setting up of fast track courts to expedite the prosecution.

<sup>1</sup> <https://timesofindia.indiatimes.com/blogs/developing-contemporary-india/five-things-to-know-about-the-pocso-act/>

The CLA, 2013 too expanded the definition of rape under IPC section 375, and made punishments more stringent for all forms of sexual violence. Minimum punishment for rape was defined as seven years and the discretion in this regard given to Judges was taken away. Since the CLA, 2013 made punishments for sexual offences including the minimum sentence stricter, rape law 'reforms' have stayed periodically in the news because of state governments expanding the scope of capital punishment by state level amendments to the law. (e.g. Maharashtra, Andhra Pradesh, Madhya Pradesh and others).<sup>2,3,4</sup> The CLA also provided important amendments to law regarding SGBV in the context of conflict and in sections related to Immoral Trafficking of Persons (Section 370 and 370 A), making these provisions more stringent.

The Justice Verma Committee was instituted in the wake of the Delhi rape, chaired by the esteemed and highly regarded Justice J. S. Verma, former Chief Justice of the Supreme Court, to recommend amendments to the Criminal Law so as to provide for quicker trial and enhanced punishment for criminals accused of committing sexual assault against women. The other members on the Committee were Justice Leila Seth, former judge of the High Court and Gopal Subramaniam, former Solicitor General of India.<sup>5</sup> Its landmark report gave several path breaking recommendations to amend laws as well as investigative procedures. Not all of its recommendations, however, were accepted.

### ***Important Programmes and Schemes to address GBV:***

An important introduction after 2012 was a 1000 crore non-lapsable Nirbhaya Fund to implement laws, policies and public programmes related to gender based violence. One of the important initiatives was the setting up of the national scheme of the 'One Stop Centres' (OSC) in effect from April 1<sup>st</sup>, 2015. The objective is to provide a single window system and integrated support with a range of services including police facilitation, medico-legal aid, psycho-social counselling, access to government compensation and schemes to survivors of SGBV.<sup>6</sup> Today there are 733 one-stop-centres running in 729 districts of India.

Other important schemes supported by the Nirbhaya Fund are the Safe Cities projects in eight selected metropolitan cities, with a view to provide safety to women in public places.<sup>7</sup>

Other schemes that have come into existence and variably supported by the Nirbhaya Fund are the police compensation schemes at the state levels such as the **Manodhairya** scheme in Maharashtra, **Aswasanidhi** in Kerala, Delhi Victim Compensation Scheme, among others. This is a victim compensation scheme for women survivors of sexual assault on filing of FIRs. The strength of the scheme is that it can support the survivor on filing of an FIR, and not post-conviction, thus alleviating the burden of proving the crime for the woman and acknowledging the various expenses the survivors incur including healthcare, travel, procurement of documents, self-protection and others.<sup>8</sup>

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<sup>2</sup> Maharashtra: Assembly passes Bill approving death penalty for rape, Indian Express, 2021 December 24. Available at Maharashtra: Assembly passes Bill approving death penalty for rape | Mumbai News - The Indian Express

<sup>3</sup> Madhya Pradesh assembly passes bill on death for rapists of girls 12 and below | Latest News India - Hindustan Times

<sup>4</sup> Disha Bill: What are the highlights of Andhra Pradesh's new law? | Explained News - The Indian Express

<sup>5</sup> <https://prsindia.org/policy/report-summaries/justice-verma-committee-report-summary>

<sup>6</sup> <https://pib.gov.in/PressReleaseIframePage.aspx>

<sup>7</sup> Cities include: Delhi, Kolkata, Mumbai, Chennai, Bengaluru, Hyderabad, Ahmedabad and Lucknow. <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1562727#:~:text=Safe%20City%20Project&text=Empowered%20Committee%20of%20Officers%20for,a%20total%20cost%20of%20Rs.>

<sup>8</sup> [https://legalservices.maharashtra.gov.in/Site/Upload/Pdf/Handbook\\_English%20Final\\_compressed.pdf](https://legalservices.maharashtra.gov.in/Site/Upload/Pdf/Handbook_English%20Final_compressed.pdf)



The Health Ministry adopted the 'Guidelines for Medico-legal Care of Survivors of Sexual Violence'<sup>9</sup> in 2014 which provides a scientific and gender responsive approach to providing health care as well as medico-legal examination for sexual violence. This has been another landmark development, and if implemented in its true spirit, can dramatically improve healthcare for survivors as also justice delivery. However there has been no allocation of funds for the health ministry to implement the guidelines or for a comprehensive health sector response to SGBV.

In the meantime, none of these reforms seem to have worked as a deterrent for SGBV.

### ***Prevalence of SGBV:***

Overall SGBV continues to be high in India. The most common form of SGBV continues to be domestic violence. One in three women reported spousal violence, nearly the same reported in 2015-16 (31 percent) as 2020-21 (29 percent) (NFHS 4 and 5 reports). 30 percent women reported physical violence, 14 percent reported emotional violence and nearly 7 percent reported sexual violence by the spouse (NFHS 4). 21 percent of women reported common injuries on account of the violence and 8 percent women reported serious injuries including eye injuries, sprains, dislocations, burns, deep wounds, broken bones and broken teeth. 52 percent women and 42 percent men also justified such spousal violence. Wife beating was justified for reasons such as, dis-respecting in-laws, neglect of house or children, wife going out without permission from husband and refusal of sexual intercourse. Most women (86 percent) had neither sought help nor told anyone about the violence they faced. Surprisingly, employed women faced a higher degree of violence than those unemployed, especially if they earned higher than the husband or sought to control their earnings. 22,372 married women who were home makers died by suicide in 2021, and this statistic covers more than 50 percent of all suicides among women (NCRB, 2021).

As per the Crime in India report (2021) number of crimes against women increased by 15 percent over the previous year, from 56.5 percent in 2020 to 64.5 percent in 2021. One third or majority of these fall (1,37,234) under the crime head 'cruelty by a spouse or relatives', while 21 percent related to sexual harassment, 18 percent on kidnapping and abduction and 7 percent to rape. (NCRB, 2021). NCRB 2022 shows the crimes against women increased by another 4 percent over the 2021 figures. There were 102 cases of acid attacks in 2021, typically the girl being young and unmarried and the aggressor being male, aggrieved when she thwarts his sexual advances. There were 33 cases of killings in the name of "**honour**", typically killings by families of young people for going against their choice in choosing a marriage partner. The numbers are a gross under-estimate of such violence that occurs. A study undertaken showed that there were nearly 1000 honour killings in India annually, 80 percent of them women.<sup>10</sup>

### ***Challenges in Addressing SGBV:***

As mentioned above, none of the many reforms in laws, policies and programmes seem to have worked as a deterrent for SGBV. For example, rape convictions reduced rather than increased in the aftermath of the Criminal Law Amendment Act, 2013<sup>11</sup> (Dash, 2020). This is due to inadequate attention to certainty of sound investigation, conviction and punishment as against a lot of rhetoric

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<sup>9</sup> Ministry of Health and Family Welfare, Guidelines and Protocols: Medico-legal Care for survivors/ victims of sexual violence, 2014. Available at 953522324.pdf (mohfw.gov.in)

<sup>10</sup> Murugnanthan S. Honour killing' the menace – a case study in Tamil Nadu. Int J Manag Res Social Sci. 2014;1(1). Available from: [https://www.academia.edu/35478626/Honour\\_Killing\\_the\\_Menace\\_A\\_case\\_study\\_in\\_Tamil\\_Nadu](https://www.academia.edu/35478626/Honour_Killing_the_Menace_A_case_study_in_Tamil_Nadu).

<sup>11</sup> Rape Adjudication in India in the aftermath of Criminal Law Amendment Act, 2013: findings from trial courts of Delhi, Dash P. P., 2020, Indian Law Review, Volume 4, 2020- Issue 2 (available at [delivery.php](http://delivery.php) (ssrn.com))

regarding capital punishment to the rapist and higher punishments, highlighting that mere legal reforms without governance and social reforms do not give the desired results. Another reason for rape acquittals is due to an increase in unnecessary prosecutions of up to 30 percent that happen due to non-recognition of sexual explorations by adolescents.

The POCSO Act, introduced in 2012 and further amendments by the Criminal Law Amendment Act (CLA), 2013 in the rape law raised the age of consent to 18 years and made all sexual activity under 18 years a crime. We discuss this more in detail among structural factors responsible for continued SGBV. Dalit and Adivasi women, as also other marginalised women such as sex workers, women living with disability, migrant women, women working in brick kilns or sugar cane workers face compounded intersectional violence, i.e. violence as a woman, as well as due to belonging to a particular marginalised section, where violence is not only higher due to multiple vulnerabilities, but also qualitatively different in nature.

Among the challenges faced by the One Stop Centres, a Central Scheme to respond to violence faced by women and girls, is inadequate funding for the Centres including delayed disbursements, lack of funds for maintenance and repairs, lack of easy access at the sub-district level, and lack of effective coordination between helplines for SGBV, medico-legal services, police systems and legal aid<sup>12</sup>. The Nirbhaya Fund itself had been disproportionately allocated to the Home Ministry and there is critique of it being used for purposes of general policing, strengthening of forensic laboratories and CCTV cameras, and other provisions, which are not necessarily specific for crimes against women. The Nirbhaya Fund was expected to build on these general provisions to provide specific services or schemes to address Crimes against Women. The victim compensation scheme is also only partially functional with a huge backlog of applications seeking compensation.

Other challenges include the long pendency under the various laws averting justice<sup>13</sup>; inadequate appointments of women police, women judges, other functionaries important for implementation, as well as, inadequate appointments of police and other personnel from the most marginalised castes and communities<sup>14</sup>; lack of uniform and efficient implementation of guidelines as well as training and budgets for their use<sup>15</sup>; poor rates of convictions and a lack of accountability of the law enforcement agencies. However, there has been an increased reporting of gender based violence which must be welcomed as a first step towards addressing it.

The nation-wide Child Line (1098) scheme for children in distress or difficulty<sup>16</sup>, a key provision to address child abuse of various kinds, is also facing a grave challenge. This scheme, which began as a field action project of TISS, has seen remarkable acceptance by children and has been found to be extremely useful by child rights groups who respond to violence faced by children, including SGBV. Primarily it is effective because children feel enabled to reach out for help when they are lost or in relatively small trouble and before predators have an opportunity to take advantage of their vulnerability. At the same time it has been key in unearthing serious forms of violence against children.

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<sup>12</sup> Oxfam India, 2021, Towards Violence Free Lives for Women: Tracking of Union Budgets (2018-21) for Violence Services, Available at Towards Violence Free Lives For Women: Tracking Of Union Budgets (2018-21) For Violence Services | Oxfam India

<sup>13</sup> NCRB 2022

<sup>14</sup> Pitre A., Condemning the Hathras horror isn't enough. We need to talk about caste and gender in our institutions, NewsLaundry. Available at Condemning the Hathras horror isn't enough. We need to talk about caste and gender in our institutions (newsLaundry.com)

<sup>15</sup> Oxfam India, 2021, Towards Violence Free Lives for Women: Tracking of Union Budgets (2018-21) for Violence Services, Available at Towards Violence Free Lives For Women: Tracking Of Union Budgets (2018-21) For Violence Services | Oxfam India

<sup>16</sup> Child rights defenders concerned that MHA may take over Childline 1098 (thenewsminute.com)

However, notwithstanding the success of the scheme, it is now being taken over by the Police and being integrated into the overall Police Helpline, where it was earlier managed in a decentralised manner by NGOs- most of those working on child rights. This is a specific challenge because it is well known that children hesitate to speak to the Police and are unlikely to open up about their problems. Besides, the overworked police system may not have the time, patience, skill as well as capacity to deal with child specific problems.

### **III: Critical and Neglected Concerns of SGBV:**

#### ***SGBV in times of Conflict:***

One of the highly neglected forms of sexual violence in India has been violence that occurs in difficult contexts of conflict, displacement, riots, mass violence and military occupation.<sup>17</sup> The sexual and gender based violence that was recently highlighted, in the case of Manipur in September 2023, highlights the grave violation of women's human rights.

Another case was with regard to the Bilkis Bano, in which a special court convicted 11 men and sentenced them in 2008 for life imprisonment for raping Bilkis Bano and murdering seven members of her family, while she was in an advanced stage of her pregnancy in 2002 riots in Gujarat.<sup>18</sup> Bilkis is a Muslim woman who displayed rare courage and personal hardships as she struggled for justice. The case was transferred out of Gujarat to Mumbai to ensure a fair trial. To the utter astonishment of those who have been striving to bring such crimes to justice, her assailants were released early in 2023 for 'good behaviour' and garlanded and feted after their release. Finally, a Supreme Court Judgement in January 2024, canceled the early release of the convicts, ordering them to return to prison in 2 weeks' time. The remission order was strongly criticised. This was another long battle for justice fought by Bilkis and her supporters for her right to live without fear and in peace. It raises questions about whether the justice system is equipped to provide relief to SGBV survivors, especially in the context of communal strife.

The other incident is the stripping, parading and gang rape of two women in Manipur caught in the recent Manipur ethnic conflict of 2023.<sup>19</sup> This came to light and sparked considerable outrage when a video of what happened came up on the social media. Both cases were initially neglected by the police and an FIR was filed only after sustained pressure from the media and civil society.

Another such incident was that of several Adivasi women gang-raped in five villages of Chhattisgarh in 2015 and 2016 by the Chhattisgarh Police.<sup>20</sup> Due to the efforts of activists, who invoked remedies from the National Human Rights Commission (NHRC) and got a complaint filed. The NHRC ordered the Chhattisgarh Govt. to provide monetary compensation and other reliefs in the case. There was however no impartial prosecution in this case, even as other similar and large-scale atrocities were reported from Bastar and Bijapur in 2016. Other cases have intermittently been reported in the last ten years, some are documented well and others are not.

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<sup>17</sup> UN definition of rape during conflict- The UN defines conflict related sexual violence as "rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is directly or indirectly linked (temporally, geographically or causally) to a conflict."

<sup>18</sup> 11 convicts, serving life imprisonment in Bilkis Bano gang rape case, were released. Here's how - India Today

<sup>19</sup> Woman stripped and raped in Manipur speaks: Police were with the mob, they left us with those men | India News - The Indian Express

<sup>20</sup> Chhattisgarh must investigate police inaction in sexual assault case - Amnesty International

Parts of India have from time to time been functioning under the ambit of exceptional circumstances or states of exception, providing impunity to violence in military occupied areas. This includes areas within the now union territories of Jammu and Kashmir, Manipur, Nagaland, Assam, Meghalaya, Mizoram, Arunachal Pradesh and Tripura; and West Bengal, Bihar, Chhattisgarh, Jharkhand, Andhra Pradesh, Maharashtra and Odisha. India has responded to violence by armed groups in Kashmir and North-Eastern India through the use of force as well as extra-ordinary laws such as the Armed Forces Special Powers Act (AFSPA) for long periods of time. These laws allow for overriding of due process rights and foster a climate of impunity and a culture of fear and resistance by citizens. Several cases of rape, brutal rape and murder and gang rape by personnel of the armed forces have thus not been adequately prosecuted. According to human rights organisations, these laws have facilitated wide-ranging human rights abuses including torture, arbitrary detentions, extrajudicial killings, enforced disappearances and sexual violence, etc., without accountability. The army has consistently denied the occurrence of the rapes and human rights abuses over years<sup>21</sup> (Wani, 2021).

A positive development was the amendment to Section 376 (2)<sup>22</sup> in 2013 which provides for punishment to rape, to reflect the following which is an attempt to include rape in times of conflict in its purview. It provides for enhanced punishment for rape committed by various persons in authority as well as in specific circumstances which now includes; rape by a person *'being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area;'* and the explanation for it includes *' "armed forces" means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government, or the State Government;'* The clause also includes these specific circumstances *'commits rape during communal or sectarian violence; or commits rape on a woman knowing her to be pregnant; or being in a position of control or dominance over a woman, commits rape on such woman; or while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman'*. Section 9 of the POCSO act<sup>23</sup>, in its explanation of aggravated sexual assault with enhanced punishment, includes this clause on communal violence, *'whoever commits sexual assault on a child in the course of communal or sectarian violence'*.

However, the Indian Government has not repealed the AFSPA as was recommended by the Justice Verma Committee. There is need, yet to see results of how the important provisions for sexual violence in conflicts have been positively deployed to afford justice to women. Women who suffered dehumanising stripping in Manipur and several others still await justice.

### **SGBV faced by Transgender Persons and Persons with Diverse Sexual Orientations and Gender Identity<sup>24</sup>:**

Trans, queer, gender non-conforming persons and persons with diverse sexual orientations have had a long struggle with laws and policies for gender equality, discriminatory practices and mindsets which affect their citizenship, access to healthcare and education, safety, livelihoods, housing and most significant aspects of life. This also leads to extensive and severe forms of gender based

<sup>21</sup> Wani N A, 2021, Sexual violence against women by armed forces in conflict zones of India. IOSR Journal of Humanities and Social Sciences (IOSR-JHSS), Volume 26, Issue 4, Series 1 (April. 2021) 51-54, e-ISSN: 2279-0837, p-ISSN: 2279-0845 Available at I2604015154.pdf (iosrjournals.org)

<sup>22</sup> Read more at: <https://devgan.in/ipc/section/376/>

<sup>23</sup> The Protection of Children from Sexual Offences Act, 2012. New Delhi: Ministry of Law and Justice. Government of India. 2012 June 20 [Cited 2023 December 10]. Available from: <http://indiacode.nic.in/amendmentacts2012/The%20Protection%20of%20Children%20From%20Sexual%20Offences%20Act.pdf>

<sup>24</sup> gvr22.pdf (prajnya.in)

violence, including physical, sexual, economic, emotional violence and exclusionary treatment. There is clear research showing this globally but systematic data in India is scarce.<sup>25</sup> Until recently, till 2018, anal intercourse, oral sex, or any form of same sex sexual contact was deemed as against nature and criminalised.<sup>26</sup> This not only facilitated direct violence against trans-persons and gay persons for indulging in illegal activity, especially by police personnel, but also constituted a constant threat of violence, unwarranted detentions, incarceration or rent seeking to avoid criminal action. This resulted in no protection from law, no access to justice, and even seeking healthcare could make them vulnerable to police action. The repeal of section 377 in 2018 has ensured that transpersons are no longer criminalised by law for consenting sexual activity, however, it is still extremely difficult for them to report sexual or other forms of violence, access health care or other relief due to stigma, marginalisation, non-acceptance of alternate gender or sexual orientation and extreme forms of discriminations.<sup>27,28</sup> In fact, wanting to live a life of choice as a transperson with their chosen partners results in extreme violence from society, police, as also the natal family or marital family if the person is forced into marriage.<sup>29</sup> The Transgender Bill of 2019 was widely criticised by trans activists as making sexual violence against transpersons a 'petty' offence with punishment of two years as against the minimum punishment for rape against cisgender women of seven years.

A recent report of a public hearing on the experiences of violence faced by queer and transpersons revealed the violence they faced at the hands of their own birth or assigned families including non-acceptance of alternate choice of gender or sexual orientation; violence, social ostracisation, starvation, restricting mobility, taking away mobile phones and house-arrest; forced marriages sometimes to convert them, or to '*bring them to their senses*', pass off their responsibility or to make sure younger siblings are not influenced; withdrawing them from education; kidnapping, incarceration to prevent them from joining their parents; medical and psychiatric treatment for conversion including committing them to a mental institution; indicates violence faced by transpersons by their own families. Cis-women seeking lesbian relationships reported facing sexual violence by brothers, uncles and fathers as 'correctional rape'. The threat of a forced marriage for lesbian cis-women and transmen is imminent and common. Familial violence also intersects with violence for choosing partner from a scheduled caste or Dalit community, Muslim, of poorer classes, with the poor, Dalit or transpersons facing the worst brunt of the violence. Violence from the society and police in general is also compounded for trans or queer persons marginalised along religion, caste, class and disability which makes them vulnerable to sexual harassment and sexual assault. Due to these difficulties, the sense of belonging of queer and transpersons to a stable home is jeopardised, and they often have to make temporary home with friends, in a hospital ward or government shelter. There have been media reports of two women friends committing suicide, or two queer persons running away from violent

<sup>25</sup> Human Rights Campaign. Sexual Assault and the LGBTQ Community. Accessed November 10, 2022 at <https://www.hrc.org/resources/sexual-assault-and-the-lgbt-community>

<sup>26</sup> Navtej Singh Johar vs Union Of India Ministry Of Law And ... 2018. Accessed November 10, 2022 at <https://indiankanoon.org/doc/168671544/>

<sup>27</sup> 5Mishra, Jigyasa. 2022, July 07. "Raped, Mocked By Police For Seeking Justice: India's Rape Laws Do Not Cover Transwomen". Article 14. Accessed November 10, 2022 at <https://article-14.com/post/raped-mocked-by-police-for-seeking-justice-india-s-rape-laws-do-not-cover-transwomen--62c65919a04a3>; Bhattacharjee, Puja. 2022, June 22. "4 Years After SC Decriminalised Homosexuality, Police Violence Against LGBTQIA+ People Hasn't Stopped". Article 14. Accessed November 10, 2022 at <https://article-14.com/post/4-years-after-scdecriminalised-homosexuality-police-violence-against-lgbtqia-people-hasn-t-stopped-629820915541e>

<sup>28</sup> Paliwal, Ankur. 2017, November 2. "'How could you have been raped?': New study on how India's transgender people face bias from doctors". Scroll.in. Accessed November 10, 2022 at <https://scroll.in/pulse/856285/transphobia-among-indian-doctors-study-aims-to-uncover-reasons-for-bias-against-transgender-people>

<sup>29</sup> 'Apnon ka bahot lagta hai' (Our own hurt us the most): Centering Familial Violence in the lives of queer and trans persons in the marriage equality debates, A report on the findings of a closed door public hearing organised by PUCL and National Network of LBI women and transpersons, 2023, accessible at WG4- Gender-Based Violence - Google Drive



families, or forcibly married to cisgender opposite sexes. Such violence from own families have not been acknowledged. Recent discussion of getting parental permission for 'love marriages' can further worsen this problem.

### ***Trafficking:***

NCRB, 2022 records 2,250 cases of Human Trafficking, a slight increase of 2.8 percent on 2021 data. Above we saw domestic violence and violence by natal families as important forms of GBV. These forms of violence along with others such as excessive household work and gender discrimination often become a push factor for young women to run away from home and get ensnared into trafficking.<sup>30</sup> Debilitating poverty which makes families easy prey to unscrupulous labour agents or promises of marriage and poor law enforcement are other underlying causes leading to trafficking. Most common reasons for which women are trafficked are sex work and forced labour.<sup>31</sup> However, the 'Immoral Traffick Prevention Act, 1956' (ITPA) and amended in 1986 only caters to trafficking for sex work. It leaves other reasons for trafficking such as child labour, bonded labour, organ trading outside its purview which weakens implementation as trafficking is an organised crime across borders. One of the most important challenges of ITPA, 1956 is the criminalising of commercial sex workers (CSWs). While sex work per se is not criminalised in India, soliciting is. This creates a false boundary between the two, and by which sex workers cannot practice their trade freely and makes them vulnerable to harassment and rent seeking from the police. A long standing demand of sex workers' movements has been to decriminalise sex work and thus eliminate harassment of sex workers, provide free health care and ensure schooling and provision for children so they are not forced into sex work. Among the challenges in redressal for this crime are: lack of dedicated resources overall and specifically for NGO-run shelter homes and the government's own Ujjwala and Swadhar Greh schemes for shelters which do not receive budgets on time, lack of a well-coordinated mechanism for services with different agencies involved creating obstacles to access, geographical inaccessibility with services concentrated in urban areas, lack of fast tracking of cases, lack of effective rehabilitation, infantilising rescued women and committing them to institutions almost akin to being criminals, without heed to whether women needed to be rescued at all. No wonder there are several instances of women running away from shelter homes back to sex work. A comprehensive, empowering, enabling, well-resourced law and not one focused on 'morality', criminalising, policing, infantilising women and children or discriminating against marginalised genders, would be required for its effectiveness.

## **IV: Institution of Marriage and Structural Forms of Violence:**

While above we discussed various forms of gender based violence, here we highlight various forms of structural violence which are rooted in patriarchy, the institution of marriage and provide fertile ground for the violence described above.

### ***Violence Implicated Within the Structure of Marriage:***

The highest rate of crime against women is that of domestic violence, and within that prominent is spousal violence. Sexual violence in India, which came under much scrutiny after the Delhi rape case, is more often committed by the husband on the wife, than any other perpetrator on a victim. Even so marriages are universal in India and very few women can stay out of the institution by their own free will. This has more to do with marriage being the only form of 'social security' for women in a

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<sup>30</sup> Optimizing Screening and Support Services for GBV and TIP Victims Archives - The Asia Foundation

<sup>31</sup> Ibid



patriarchal set up where most women have no rights to property, women's work force participation is low, and there is no expansion of public services or social protection to benefit all women, than an informed choice being made by women. In fact, the term 'husband' akin to the term used in 'animal husbandry' denotes owner of the said property, the wife. Not only are marriages near universal, but they are also completely dominated by families and communities, rooted within particular caste, cultural and religious milieus. A majority of marriages are still arranged by families.<sup>32</sup> In fact, keeping young people tethered to their particular caste/ religion is one of the major aims of the institution, whether stated upfront or not. It is the structural inequality embedded in the institution of marriage, as has come to light in recent judgements, that is one of the principal impediments to rooting out gender based violence.

Recently the courts have been confronted with petitions on adultery, marital rape, the triple **talaq** and petitions to allow same-sex marriage. The other legal issues which have come up are the recommendations to consider an increase in the age of marriage and reduction to the age of sexual consent. Each of these deliberations, whether successful or not for the petitioners, reveals the strong patriarchal nature of the institution of marriage.

While Indian society, especially that rooted in caste and religion, is no less a structural enabler of gender based violence, the Indian Penal Law is colonial in its origin and best illustrates how the institution of marriage works for most women. Colonial criminal law is based on a three-fold understanding, that the woman is a man's property, that the institution of marriage is sacrosanct and that procreative sex within marriage is the only form of legitimate sex, legitimate even if the woman does not consent to it.

### **Adultery and Exception to Marital Rape:**

The Supreme Court, in 2018, struck down the IPC section 497, that of 'adultery'.<sup>33</sup> Adultery as per the statute was an offense caused by a male lover to the husband of the married love interest, if the sexual intercourse was not as a result of rape or was '**without the consent or connivance of that man**' (read husband). And the husband had the right to lodge a complaint for the misuse of his property. Though repealed there are continued calls to reinstate it and how its repeal has lowered the 'moral' fabric of society. The Parliamentary Committee on Home Affairs has suggested adultery should be reinstated as a crime<sup>34</sup> under the Bharatiya Nyay Samhita (BNS), 2013 which replaced the Indian Penal Code, 1856. Though the BNS, 2013 does not define adultery as a crime, such recommendations are revealing. While recommending for a gender neutral law, the committee states that, '*...the institution of marriage is considered sacred in Indian society and there is a need to safeguard its sanctity*', ignoring the other reason given by the Supreme Court to repeal it as infringing on the privacy of the person.

Similarly, another law which has been protected in the name of saving the institution of marriage with all its flaws, is that of 'marital rape' which was challenged before the courts in 2022. As per IPC section 375, sex without consent is rape in India, except if the woman is the man's wife and is not under the age of 18 years<sup>35</sup>. The law is clearly meant to uphold the structure of marriage and not bring to account husbands who have committed sexual violence against their wives. When challenged in the Supreme Court, it led to a split verdict, where one judge held that the exception to marital rape was unconstitutional and '*steeped in patriarchy and misogyny*', while another judge upheld the marital

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<sup>32</sup> Allendorf K, Pandian RK. The decline of arranged marriage? Marital change and continuity in India. Popul Dev Rev.2016;42(3):435–464. DOI:10.1111/j.1728-4457.2016.00149.x.

<sup>33</sup> The Supreme Court struck down the adultery law under Section 497 IPC : Is it justified - iPleaders

<sup>34</sup> Why adultery was struck off IPC, and why a House panel wants to make it a crime again | Explained News - The Indian Express

<sup>35</sup> IPC section 375

rape exception. It is enlightening what the other judge had to say about the institution of marriage. He says, that forced sex within marriage cannot be '*equated with the act of ravishing by a stranger*', that '*sex between a wife and husband..... is sacred*', and removing marital rape exception would be '*completely antithetical to the very institution of marriage as understood in this country*'. He also goes on to say that without this exception the institution of marriage would not survive at all. Such beliefs and laws cause women to have little support to leave abusive relationships.

### **Section 377 and Marriage Equality Judgement:**

As mentioned above colonial origin laws of the IPC elevated hetero-sexual procreative sex as legal and all other forms of sexual union as illegal, criminal or not worthy of legitimacy under the law. However trans, gender diverse, queer and persons with diverse sexual orientations have had a long struggle with laws and policies for gender equality, discriminatory practices and mindsets which affect their citizenship, access to healthcare and education, safety, livelihoods, housing and most significant aspects of life, some of which were discussed before.

The reading down of IPC section 377 to decriminalise same sex relationships, was accomplished first by the Delhi High Court in the year 2009. However, it was reinstated by the Supreme Court in 2013. In 2018 section 377 was again read down by the Supreme Court in response to a review petition and through a robust judgement by a five member constitutional bench. The judgement declared section 377 unconstitutional in the context of consenting sexual acts by adults in privacy, and use of this provision for consenting same-sex relationships was irrational, arbitrary and not justified.

More recently though, the petition to legalise same-sex marriage met with a mixed judgement by the three judges giving differing opinions and ultimately stating that this was a matter for the legislature to enact. While there is inordinate effort put in 'saving' the institution of marriage, there is reluctance to allow the material benefits of the system beyond hetero-sexual relationships.

What is striking though in the outdated laws themselves, or opposition by the state to repeal the laws, parliamentary committee reports asking to reinstate regressive laws or the judiciary itself which failed to rise to the occasion and remove discrimination, is the patriarchal mindsets which continue to condone women's subordination and gender based violence.

### **Age of Marriage and Age of Consent:**

Two other changes to laws that have been recently discussed widely are the changes to the civil law on age of marriage and criminal law on age of sexual consent. In the first instance the government constituted a taskforce to decide on whether the 'age of marriage' should be raised to 21 years for girls. The reason behind this as mentioned in the TOR for the taskforce is to improve maternal health and reduce maternal mortality. The taskforce gave the decision in the affirmative.

In another instance, the Law Commission of India, was charged with deciding whether they recommend any changes to the increase in age of consent for sexual activity from 16 years to 18 years which was carried out as part of the reforms to rape laws in year 2012 and 2013. The courts in recent years, after the age of consent has been increased to 18 years have seen several cases of consensual sex where the girl was under 18 years lodged as rape complaints and boys facing immediate arrest, incarceration and sometimes given the minimum sentence of 7 years in jail<sup>36</sup>. The courts had recommended the government to re-evaluate the age of consent and bring it down to 16 years. The Justice Verma committee too had recommended that the age of consent be reduced to 16 years as has been the law for several decades in India. However, the Law Commission opined to retain the age of consent at 18 years.<sup>37</sup>

Recent evidence coming from both court cases and community based research has shown that both the law defining age of marriage and age of consent has been used by families to deter inter-caste and inter-religious marriages.<sup>38</sup> Families while opposing such relationships have filed cases both under the 'Prohibition of Child Marriage Law', 1978 and the 'Protection of Children from Sexual Offences law', 2012. While the families have twisted and manipulated the intent of these laws to retain control over the bodies of young women, punish their lovers, and maintain the hegemony of caste and religion in society, the law makers and law advisers have done little to break the stranglehold of a patriarchal marriage institution which perpetuates gender based violence.

### **Workplace Violence and Everyday Violence faced by Women:**

A study undertaken by Mahila Kisan Adhikar Manch (MAKAM) and the Feminist Policy Collective highlighted Sexual Harassment, SGBV and everyday gendered violence faced by agricultural workers and how these women were structurally made vulnerable to it.<sup>39</sup> Typically, women labourers in the agriculture sector find it difficult to differentiate between the home and their workplace, working without pay in the family farm, managing livestock, forest produce and such work alongside their domestic work including child minding. They are often not considered workers. Very few women have land ownership. Women also work on multiple underpaid jobs such as farm labour, MNREGA work, or other informal work, sometimes traveling over long distances which adds to their vulnerability. This results in long hours of work, about 16 to 18 hours or more put together with domestic work. Where women migrate to stay close to the work with or without their husbands, such as sugar cane cutters, they need to contend with poor facilities for hygiene, scant water, lack of toilets and lack of facilities to bathe and for menstrual hygiene besides no security in the sugarcane fields. Labourers are forced to borrow money from contractors which increases the precarity of their situation. Women workers in such informal sector and especially those widowed or unmarried, find the work precarious, temporary living quarters or open fields not secure, putting them at risk of sexual harassment, sexual violence as well as trafficking and the constant threat of it. Women often have to think which route to take to reach their destination, how to avoid unsolicited advances and often have no option to share these threats with their families. Women, widows and single women, migrant workers find themselves powerless to access their wages, information, credit, avail of schemes, as most of these domains are considered men's domains. They also face violence from their marital family, especially after the death of their husband, besides lack of support if they disclose sexual harassment. However, extreme poverty forces them to continue their work in order to feed their families.

## **V: Conclusion**

It is clear that oppressive structures in society, namely Patriarchy, Caste, Class, Ethnicity, Religion create fertile ground for sexual and gender based violence, the brunt borne mostly by women and girls, but also trans and queer people, and marginalised others. The violence is intersectional and looks different in quantum as well as in its forms and consequences for different women. Women, trans and queer people across the spectrum also have varying degrees of resilience and coping for it, those with multiple marginalities faring the worst. Changing social mores as well as affirmative actions and changes to oppressive laws have provided relief from SGBV while at the same time also generated

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<sup>36</sup> Law Commission of India report on the age of consent: Denying justice and autonomy to adolescents (ijme.in)

<sup>37</sup> Ibid

<sup>38</sup> Mehra M, Nundy A. Why girls run away to marry: Adolescent realities and socio-legal responses in India. Partners for Law in Development. 2020. [Cited 2023, December 10] Available from: <https://bit.ly/2YuyZu5>

<sup>39</sup> FPC-MAKAAM report 03012023.pdf - Google Drive

a form of backlash- acid attacks, killings in the name of honour, opposition to inter-caste, inter-faith marriages, communal violence and calling to reinstate the law of adultery are just a few examples of these. There needs a massive expansion of social support for women and girls so they do not have to depend on the same oppressive structures. Progressive laws, legal aid, shelters and other services are often out of reach of most, the result being that progressive measures have not realised their full potential. Here and through the subsequent chapters, we provide a range of recommendations including dismantling these structures, recognising structural forms of violence as much as inter-personal forms, raising investments in operationalising the laws meant to address SGBV as also other services to support survivors and better coordination. There needs to be increased emphasis on prevention of violence which is very low today, as also more emphasis on enabling conditions for women to rebuild their lives, have meaningful options, as well as more restorative and reparative justice as against punitive forms of redress. All these will then work together to deter SGBV, provide efficient justice in case of violence, and also allow women to heal and move on in life.

*(With many thanks I would like to acknowledge inputs from Suneeta Dhar in conceptualising and putting together an outline for the chapter).*

# CHAPTER 19 Accessing Justice: Institutional Barriers for Victim-Survivors of Sexual and Gender-based Violence

Julie Thekkudan

## Abstract

*Reflecting on the increasing trends in the different forms of violence, this chapter highlights the major gaps in the present ecosystem in India for providing justice to survivors of gender-based violence, beginning from the underlying norms and family structures that influence the way such violence is recognised, characterised and redressed, to the various stages of accessing the justice actors - the judiciary, police, medical and welfare systems of the state. The chapter draws upon quantitative and qualitative data to substantiate the challenges faced by survivors while accessing select support services and provides a brief discussion of the resource gaps in provision of such services. The chapter reiterates the traumatic struggle for the survivor and her family, with many challenges at every stage of the accessing justice and with no guarantee that justice may be achieved. The survivor must be centred by the entire eco-system approach, which has been demonstrated by many models.*

## I. Introduction

In the past two or three decades, progressive legislations on sexual and gender-based violence (SGBV) in India have on paper expanded the rights of the victim-survivor with many progressive laws. Yet, the biggest challenge has remained the implementation of these laws. Different stakeholders have developed guidelines, standard operating procedures and protocols to ensure justice in SGBV cases. Despite these, for the victim-survivor and their families, the struggle for justice in cases of SGBV is a long, traumatic and often, lonely one.

According to the National Crime Records Bureau (NCRB), the number of cases of crime against women has seen a year-on-year increase in these figures since 2016 (when the figures stood at 338,954 cases), except in 2020 when the Covid pandemic ensured a hard lock down. The pandemic would have affected access to police stations and therefore, effective reporting. It would have even affected data collection.<sup>1</sup> In 2021, the crime rate registered per lakh women population was 64.5, which has also seen an increase<sup>2</sup>

The Ministry of Statistics and Programme Implementation (MoSPI) in its report Women and Men in India 2022<sup>3</sup> states that cruelty by husbands and relatives is the most common form of violence against

<sup>1</sup> <https://www.bbc.com/news/world-asia-india-62830634>, accessed July 2023

<sup>2</sup> <https://ncrb.gov.in/sites/default/files/CII-2021/CII%202021%20SNAPSHOT%20STATES.pdf> accessed April 2023

<sup>3</sup> [https://www.mospi.gov.in/sites/default/files/publication\\_reports/women-men22/WomenMen2022.pdf](https://www.mospi.gov.in/sites/default/files/publication_reports/women-men22/WomenMen2022.pdf) accessed July 2023

women in India. From 2016 to 2021, almost 2,280,000 lakh crimes against women were recorded in India, of which about 700,000 or 30 per cent, were reported under the heading of 'cruelty by husband or his relatives' (Section 498A of the Indian Penal Code (IPC)). The percentage of women who seek support from the police is a small number. Existing perceptions and biases of misuse by women and their families sparked many debates that finally led to a dilution of the provisions under this section.

'Assault on women with intent to outrage her modesty' (Section 354 of the IPC), formed the next significant form of violence as reported by NCRB. Between 2016 and 2020, 520,000 cases of this form of violence were registered and accounted for an average of approximately 23 percent of all crimes against women.<sup>4</sup> Often seen as an archaic definition for bodily integrity, this term needs to change according to the lived realities of this day and age.

Between 2016-2020, 'kidnapping & abduction of women' formed about 18 percent of all the cases, an increase of 14 percent from 2016, and rape cases formed approximately 8.6 percent of all the cases.<sup>5</sup> 21,570 women have died by suicide for marriage-related reasons between 2016 and 2020. In the same period, dowry was a cause of suicide for 9,385 women, which works out to 1,877 per year or five women each day.<sup>6</sup> In 2021, crimes against children under the Protection of Children from Sexual Offences Act, 2012, including child rape also formed a major head (38.1 percent).<sup>7</sup>

The NCRB data is often seen as an under-representation of the actual numbers as they only reflect those which have been successful in filing a First Information Report (FIR). Many cases of SGBV do not reach this stage due to many reasons elaborated below. Moreover, the lack of disaggregated data on certain heads of data collected by NCRB such as rape and murder cases or cases of incest and marital rape, hide the real numbers behind the available statistics. While data is collected on the intersection of caste and tribe, data collection must be expanded to include other intersections of marginalisation such as SGBV against women with disabilities or non-binary people.

The National Family Health Survey 5 (2019-21) revealed that 30 percent women between the age of 18 and 49 have experienced physical violence since the age of 15 years, while 6 percent have experienced sexual violence in their lifetime. Only 14 percent of women who had experienced physical or sexual violence by anyone have brought the issue up.<sup>8</sup>

## II: Access to Justice for Survivors

Accessing justice involves many stakeholders who all combined should ideally provide an ecosystem for the victim-survivor and their families. The international standard for violence redressal mechanisms have for long included the demand for gender sensitive and trauma-informed handling of cases of SGBV. The Model Law on Rape as expounded by the Special Rapporteur on Violence against Women have spelt out the nuances of this approach.<sup>9</sup> Yet, legal practice in India has not kept pace with the developments in this approach, where patriarchal mindsets and behaviours make justice a distant dream for many. Compounded with this mindset, women, girls and non-binary persons from the Dalit, Adivasi, Muslim women, women with disabilities, trans-gender communities face specific challenges

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<sup>4</sup> [https://www.mospi.gov.in/sites/default/files/publication\\_reports/women-men22/WomenMen2022.pdf](https://www.mospi.gov.in/sites/default/files/publication_reports/women-men22/WomenMen2022.pdf) accessed July 2023

<sup>5</sup> [https://www.mospi.gov.in/sites/default/files/publication\\_reports/women-men22/WomenMen2022.pdf](https://www.mospi.gov.in/sites/default/files/publication_reports/women-men22/WomenMen2022.pdf) accessed July 2023

<sup>6</sup> [https://www.mospi.gov.in/sites/default/files/publication\\_reports/women-men22/WomenMen2022.pdf](https://www.mospi.gov.in/sites/default/files/publication_reports/women-men22/WomenMen2022.pdf) accessed July 2023

<sup>7</sup> <https://ncrb.gov.in/sites/default/files/CII-2021/CII%202021%20SNAPSHOT%20STATES.pdf> accessed April 2023

<sup>8</sup> <https://indianexpress.com/article/india/30-women-in-india-subjected-to-physical-sexual-violence-nfhs-7906029/#>

<sup>9</sup> <https://digitallibrary.un.org/record/3929055?ln=en>



that can be more traumatic, resource challenging and time consuming, often leading to a denial of justice.

### ***Family, as an Important Stakeholder:***

NFHS - 5 data shows that the family is the most violent space for women and girls. According to NFHS-5, 29.3 percent of married women between 18 and 49 years of age faced domestic violence in the country and 3.1 percent of married women between 18 and 49 years have faced physical violence. 45 percent of women and 44 percent of men agree with more than seven specified reasons for wife beating. Evidence has shown that most rapes, and even gang rapes, are by people known to the survivor or the victims' families.<sup>10</sup> A great emphasis is placed on the family as the site of honour as opposed to individual rights that are fundamental rights for every woman, girl and non-binary person as provided in the Indian Constitution. Accepted norms of sexuality restrain women's ability for negotiations within the natal and marital families, their mobility, their ability to have a livelihood or choose their own life partner.

All the above only lead to common refrains of 'she must have invited it' or 'it takes two hands to clap' as the first response to SGBV in both urban and rural contexts in India. The way a victim-survivor's family responds to situations of violence faced by their women or girls goes a long way in the first stage of accessing justice. Victims-survivors who face SGBV are often blamed by their own families for inviting the violence. They are prevented from approaching the police on a variety of reasons like loss of family honour, or the added difficulty in getting the survivor or the survivor's siblings married. If the perpetrators are economically wealthy or of a socially dominant group and put pressure on the family, compromises or out-of-court settlements for a sum of money are also common.<sup>11</sup> In cases of sexual violence by family members, disbelief, silence or lack of open questioning of the concerned family member may already close the doors of justice for the survivor, particularly minors.

The notion of an 'ideal victim' is resorted to by most sections of society including those who are meant to provide justice, be the police, the medical examiner, the public prosecutor or the judge. Driven by the sense of 'so-called honour' residing in the bodies of women and girls, the ideal victim is one whose response to the crime is with a sense of shame. The assertion of women and girls for justice in itself invites a harsher questioning of the survivor's role in the crime that is often reflected in the final outcome, if they are successful in reaching to the stage of conviction. The notion of justice for a survivor is often articulated through the perspectives of the family and not the survivor.

### ***Police, as the First Responders:***

The police station in itself is not the most confidence inspiring site for justice for most. There is a lot of stigma in approaching the nearest police station, let alone lodging FIRs which is another daunting task. It is for this reason that many survivors are supported by civil society organisations (CSOs)/ non-governmental organisations (NGOs) or activists who act as a bridge between the survivor and the police. Where the CSOs/NGOs or activists are able to establish a rapport with the police, the process of filing a FIR may become smoother than being unaccompanied by a person with a working knowledge of the relevant laws, the hierarchies of police stations and their processes.

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<sup>10</sup> <https://www.deccanherald.com/national/10-years-of-nirbhaya-conviction-rate-in-crimes-against-women-just-265-in-india-1172228.html>

<sup>11</sup> National Council of Women Leaders, Dalit Human Rights Defenders Network, Tata Institute of Social Sciences, *Caste Based Sexual Violence and State Impunity*, March 2022. <https://www.ncwl.org.in/ebook/caste-based-sexual-violence-and-state-impunity/> accessed April 2023

Police officers often pressure the survivor to drop the complaint or delay registration of the FIR. In cases of sexual violence, this delay has an important bearing on the medical examination which needs to be conducted at the earliest for forensic evidence. This delay also acts as an advantage for dominant sections of society to put pressure with a wide range of threats and bribes on the survivor or their families to drop the case. Existing research has shown that delays caused by the police in registering the FIR ranged from half a day to three months. The most common length of delay was between 2-5 days. In many cases, the FIR was registered by the police only after pressure from activists, lawyers or local NGOs who supported the survivor or family of the victim.<sup>12</sup>

SGBV is often an act of power by those with power. This would also mean that they could often have the wherewithal to put pressure on those responsible for providing justice, the survivor and their families, the communities. When women and girls come forward to file an FIR it is at times seen as a challenge to that existing power structure. This is the time when the survivor faces intimidation and threats, even to life, highlighting the importance of police protection to the survivor and their families. There is no data that indicates the length, the adequacy or effectiveness of police protection provided to survivors or the families of victims.

Long delays in investigation, ineffective and shoddy investigations have a strong bearing on whether survivors are able to reach an outcome desirable to them. The Code of Criminal Procedure (CrPC) mandates a time limit of two months for the completion of investigation of rape cases by the police. However, evidence shows that delays in completion of investigation leading to delays in filing of the charge sheet by the police could range from 0.5 months to 6 years.<sup>13</sup>

It is therefore not surprising that the conviction rates in India for all crimes against women did not see a significant increase from 2016 to 2021 remaining between 18.9 percent and 26.5 percent, the exception in 2020 when it was 29.8 percent.<sup>14</sup> Seven states have a conviction rate below 10 percent with West Bengal being the lowest at 2.5 percent conviction rate. In 2021, the Parliamentary Standing Committee on Home Affairs had expressed concern over the 'abysmally low' conviction rate which showed a mismatch between the measures adopted and their implementation.<sup>15</sup>

Biases of the existing social hierarchies in the country are often found within the police and affect their approach to the survivor. Biases towards the Dalits, Adivasis and Muslims influence the police responses and support provided to the survivor and the family. Survivors often face casteist slurs and derision when they approach the police to file FIRs.<sup>16</sup> With respect to caste diversity, all States and Union Territories have a reserved quota in the police force for Scheduled Caste candidates. However, only 8 States and Union Territories meet or exceed their Scheduled Caste constable quota.<sup>17</sup>

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<sup>12</sup> National Council of Women Leaders, Dalit Human Rights Defenders Network, Tata Institute of Social Sciences, Caste Based Sexual Violence and State Impunity, March 2022 <https://www.ncwl.org.in/ebook/caste-based-sexual-violence-and-state-impunity/>

<sup>13</sup> National Council of Women Leaders, Dalit Human Rights Defenders Network, Tata Institute of Social Sciences, Caste Based Sexual Violence and State Impunity, March 2022 <https://www.ncwl.org.in/ebook/caste-based-sexual-violence-and-state-impunity/>

<sup>14</sup> [http://timesofindia.indiatimes.com/articleshow/89305426.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/89305426.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>15</sup> <https://www.thehindubusinessline.com/news/home-panel-expresses-concern-over-abysmal-conviction-rate-in-cases-of-violence-against-women/article34077189.ece>

<sup>16</sup> CHRI and AALI, 2019, Barriers in Accessing Justice, <https://www.humanrightsinitiative.org/download/CHRI%20and%20AALI%20Barriers%20in%20accessing%20justice%20English.pdf>

<sup>17</sup> Tata Trusts, India Justice Report: Ranking states on police, judiciary, prisons and legal aid, January 2021, <https://www.tatatrusts.org/insights/survey-reports/india-justice-report>

The Bureau of Police Research and Development (BPRD) admits that the poor representation of women in police has impacted the crimes against women and that women personnel must be seen at the forefront. In 2021, women account for only 12 percent of India's police force, an increase of two percent from 2020.<sup>18</sup> Nationally it has taken 15 years from Jan 2007 to Jan 2022 for the nation to increase the share of women personnel in police from 3.3 percent to 11.8 percent. Only nine states and six Union Territories (UTs) have a quota of 33 percent. In other states, targets range from 35 percent (Bihar) to 10 percent (Arunachal Pradesh, Meghalaya and Tripura). Five states/UTs, including Kerala and Mizoram, have no reservations. And it is not surprising that none of the states and UTs have met their reserved quotas,<sup>19</sup> Bihar and Himachal Pradesh have the highest ratio of female police officers (25.3 percent and 19.2 percent respectively).<sup>20</sup>

In the recent past, the Ministry of Home Affairs (MHA) have put out various advisories on crimes against women from increasing the number of women police, to specific investigative units for crimes against women at the police station, among many others (ref). In addition, these advisories have expanded the process of compulsory filing of FIRs through a zero FIR, and other such advisories.<sup>21</sup> It has also initiated many police accountability mechanisms such as the Investigation Tracking System for Sexual Offences (ITSSO) portal which analyses data from the Crime & Criminal Tracking Network and System (CCTNS). Despite these, the general lack of police accountability has been a long-standing challenge to the implementation of laws. There are also instances of the police being reprimanded by courts<sup>22</sup> and the National Human Rights Commission<sup>23</sup> for delays in filing the FIR and shoddy investigations in rape cases.

### ***Medical Fraternity, as the Necessary Link***

The medical system plays the important role of providing immediate and free healthcare for survivors of violence and in some cases, they are also responsible for providing evidence to the crime. Many reports have found an over-reliance on the latter and a lack of awareness, priority and preparedness for the former.

A study conducted by CEHAT in 2015<sup>24</sup> showed that changes to the content of medical textbooks only included new technologies, legislations and diseases. Discussions on gender as a social determinant to health was limited as there was heavy reliance on medical reasons for illnesses. A further disturbing aspect was the perception of the futility of including gender as irrelevant to preventive and social medicine. Prevalent biases and misconceptions seemed to be widespread within doctor-patient interactions in sexual or domestic violence cases. Instead of providing a safe environment of trust for treatment and examination, doctor attitudes and over-emphasis on following procedures leave the survivor traumatised a second time with judgements on their actions.<sup>25</sup> Amendments to the Criminal Law (Amendment) Act, 2013<sup>26</sup> ensured that a survivor of sexual violence and acid attacks must be

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<sup>18</sup> <https://timesofindia.indiatimes.com/india/women-form-less-than-12-of-indias-police-force-centre/articleshow/97750778.cms?from=mdr>

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<sup>20</sup> Tata Trusts, India Justice Report: Ranking states on police, judiciary, prisons and legal aid, January 2021, <https://www.tatatrusts.org/insights/survey-reports/india-justice-report>

<sup>21</sup> [https://www.mha.gov.in/sites/default/files/WSdiv\\_CrimeAgainstWomen\\_advisory\\_17052019\\_0.pdf](https://www.mha.gov.in/sites/default/files/WSdiv_CrimeAgainstWomen_advisory_17052019_0.pdf)

<sup>22</sup> <https://www.news18.com/2022/05/19/how-delhi-police-botched-the-investigation-into-a-disabled-childs-rape>

<sup>23</sup> <https://theprint.in/features/india-amended-rape-laws-forgot-about-police-attitude-delayed-action-humiliation-in-court/899981/>

<sup>24</sup> <https://www.cehat.org/cehat/uploads/files/R%2093%20Gender%20in%20Medical%20Educations.pdf>

<sup>25</sup> <https://www.hrw.org/news/2017/11/09/india-rape-victims-face-barriers-justice>

<sup>26</sup> <https://www.iitk.ac.in/wc/data/TheCriminalLaw.pdf>

provided treatment by both public and private health care facilities, failure of which is a criminal offence. It has taken 21 years for the curriculum for the Bachelor of Medicine and Bachelor of Surgery degrees to be revised in 2019.<sup>27</sup> That the understanding and application of treatment, both physical and mental, has not kept pace with the internationally accepted care of survivors of violence needs immediate attention.

With regards to medical examinations, the dearth of doctors, particularly female doctors as mandated under Section 27 of POCSO (Protection of Children against Sexual Offences) with whom survivors may feel more comfortable, could lead to delays and loss of crucial medical evidence. Doctors have shown also reluctance to the conduct of the medical examination without a police requisition, though amendments to the law has given the right to a sexual violence survivor to voluntarily report to the hospital for one. Mandatory reporting in cases of rape and child abuse has acted as an impediment to survivors, particularly when the survivor does not want to disclose or wants time to disclose to the police but yet needs immediate treatment.

While the law mandates that the medical examination should be conducted within 48 hours, studies have shown that there are delays. The *per vaginum* test or the two-finger test, is often used to declare rape survivors as “habituated to sex”, thereby weakening the evidence of rape by putting aspersions on the character of the survivor. In fact, the Supreme Court had disallowed the past sexual history of a victim-survivor as irrelevant as evidence in rape trials in 2003 with subsequent changes to the law made in 2013.<sup>28</sup> In 2013, the Supreme Court had banned the practice of the two-finger test, with other judgments following suit, on the ground that the test is unscientific and violates the integrity and dignity of women who have been sexually assaulted.

As a response to the 2013 Supreme Court verdict, the Ministry of Health and Family Welfare (MoHFW) issued guidelines and protocols on medico-legal care for survivors or victims of sexual violence.<sup>29</sup> They included protocols for the forensic examination of the survivor to ensure her privacy, dignity and autonomy. Regional workshops were conducted to encourage the adoption and implementation of the MoHFW guideline.<sup>30</sup> Yet, only nine states have adopted these guidelines in 2017<sup>31</sup> and that the practice has continued.<sup>32</sup> In October 2022, in the State of Jharkhand vs, Shailendra Kumar Rai, the Supreme Court reiterated the “regressive and invasive” nature of the test stating its unscientific basis. It also noted that the test was based on a false notion that a sexually active woman cannot be raped. In its judgement, the Supreme Court has urged many positive steps, including the circulation of the MoHFW guidelines to all government and private hospitals; conducting of workshops for health providers for better awareness of appropriate procedures; a review of the curriculum in medical schools and the charges of misconduct for those who practise it.<sup>33</sup> It is to be seen if these directives are followed.

### ***Judiciary, as the Ultimate Dispenser of Justice:***

The judiciary has through case laws expanded the interpretations and nuances of the many progressive laws that India has legislated over the past two to three decades. Yet, challenges continue

<sup>27</sup> <https://scroll.in/article/1036458/the-banned-two-finger-test-continues-because-medical-education-remains-blind-to-its-gender-biases>

<sup>28</sup> <https://www.iitk.ac.in/wc/data/TheCriminalLaw.pdf>

<sup>29</sup> <https://main.mohfw.gov.in/sites/default/files/953522324.pdf>

<sup>30</sup> <https://scroll.in/article/857169/doctors-in-india-continue-to-traumatise-rape-survivors-with-the-two-finger-test>

<sup>31</sup> <https://scroll.in/article/857169/doctors-in-india-continue-to-traumatise-rape-survivors-with-the-two-finger-test>

<sup>32</sup> <https://www.indiatoday.in/india/story/blackmail-two-finger-rape-test-woman-iaf-officer-in-fir-1859055-2021-09-30>

<sup>33</sup> <https://timesofindia.indiatimes.com/blogs/developing-contemporary-india/two-finger-test-ban-the-scs-judgement-is-lacking/>

for survivors of SGBV. NCRB data reveals that there is a high pendency of cases in all the courts. As on October 31, 2022, according to data shared by the Law Ministry, the total number of cases pending in the Supreme Court since 2014 was 69,871. In the High Courts, this number was 53 lakh, while the number of pending cases in district and subordinate courts was 4.2 crore.<sup>34</sup>

Even fast track courts set up for speedy trials have been clogged with pendency increasing by 40 percent in the period between 2020 and 2023.<sup>35</sup> 764 fast-track courts, including 411 exclusive POCSO courts, are functional in 28 states. It is a different matter that these fast-track courts are not any faster in the disposal of cases, for example, fast-track courts in Delhi dispose of a case in 122 days on an average, while a regular court takes 133 days.<sup>36</sup> Fast-track courts are plagued with similar issues as that of normal courts - lack of physical infrastructure, shortage of dedicated judicial officials, and clear mandates.<sup>37</sup>

While free legal aid is provided to women, there are many challenges to its effective functioning and continues to be one of the biggest challenges for justice. Social workers who accompany survivors point out to demands of money from clients and a nexus between them and private lawyers as being a big problem. Others include delays in getting a lawyer, having to wait for long hours at the court because lawyers do not show up, lawyers' lack of knowledge of the provisions of relevant laws like the SC/ST Prevention of Atrocities Act, and general disinterest on the part of lawyers, who often do not bother to familiarise themselves with the details of the case they have taken up.<sup>38</sup>

Perceptions and biases that continue to play out in society are at times evident in the gender discriminatory attitudes that affect the possibility of successful convictions. For example, a bench headed by the then Supreme Court Chief Justice of India asked a rape accused whether he would be ready to marry the survivor (ref). In 2020, in a case of sexual assault, bail was granted to an accused as it was felt that he should make the victim his 'sister' on the day of Raksha Bandhan and pledge to protect her in the future. A ruling of the Nagpur bench of the Bombay High Court had stated in cases of child sexual assault, there must be a "skin-to-skin contact" with sexual intent, and mere groping is not sufficient to constitute sexual assault (ref). Judgements routinely focus on irrelevant evidence relating to the past sexual history of the survivor; rely on discriminatory gender stereotypes, and engage in victim blaming. The protectionist approach of judges with the notion of the ideal victim becomes a potent mix to overcome for many survivors.

Across the country at the high court level, only 13 percent of judges are women across the nation while at the district court level, the share is 35 percent.<sup>39</sup> The percent of women judges in subordinate courts in 2021 was 30 percent showing an increase,<sup>40</sup> yet, in 11 of 36 states and UTs, there has been a drop in women judges in high court since 2020. In Andhra Pradesh, this reduced from 19 percent to 6.6 percent, followed by Chhattisgarh where it went from 14.3 percent to 7.1 percent. Since Independence, there have been only six Dalit Judges appointed to the Supreme Court, with only one Dalit Chief Justice having held office till date.<sup>41</sup>

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<sup>34</sup> <https://www.newsclick.in/over-36-lakh-cases-fild-women-pending-dist-lower-courts-3-lakh-HC-govt-tells-LS>

<sup>35</sup> [http://timesofindia.indiatimes.com/articleshow/99044348.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/99044348.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>36</sup> <https://www.indiaspend.com/police-judicial-reforms/whats-slowng-down-indias-fast-track-courts-700397>

<sup>37</sup> <https://www.indiaspend.com/police-judicial-reforms/whats-slowng-down-indias-fast-track-courts-700397>

<sup>38</sup> <https://scroll.in/article/877225/how-well-do-indias-free-legal-aid-services-work-not-nearly-well-enough>

<sup>39</sup> <https://www.indiaspend.com/police-judicial-reforms/gender-caste-diversity-inadequate-in-indias-justice-system-new-report-858495>

<sup>40</sup> Tata Trusts, India Justice Report: Ranking states on police, judiciary, prisons and legal aid, January 2021, <https://www.tatatrusts.org/insights/survey-reports/india-justice-report>

## **Support Services, as a Means for Survival:**

Support services are vital in order to break the cycle of violence for many women and girls. In 2021-22, the Central government brought many schemes of the Ministry of Women and Child Development (MWCD) under two umbrella schemes. In addition, many states implement schemes of their own to address SGBV and provide support services to survivors. The One Stop Centres were meant to provide integrated support to survivors of SGBV linked with helplines across the country. Currently, there are 733 functional One Stop Centres across India. Implemented after a lot of research and deliberation with women's groups, and despite being in existence for the past seven years, these Centres have faced several issues and have not met its potential to effectively curb violence in both private and public spaces. Lack of awareness and publicity on existence of these Centres, poor infrastructure, bureaucratic procedures, lack of effective integration with other services, ill-equipped and contractual personnel, steeped in existing societal biases and behaviours, all contribute to very limited choices for survivors, adding to their trauma and delays in accessing justice.<sup>42</sup>

While the OSCs provided a temporary solution to instances of violence, women and girls need economic support and security of life and family to deal with the violence. There are provisions for compensation to survivors of violence under the victim compensation scheme under Section 357A Criminal Procedure Code and the National Legal Services Authority Scheme of 2018. Lack of awareness on the part of survivors and their families, different compensation schemes at the state levels, varied procedures, non-timely disbursement of funds and sometimes, corruption often leaves survivors already facing economic pressures re-traumatised and forced to 'compromise' on cases.<sup>43</sup>

The Witness Protection Scheme of 2018 recognises the various challenges that witnesses go through when deposing in a case, but is also silent on various matters, like adjournment of cases, financial resources to appear before court. Its implementation too may need more monitoring and research to plug the unknown gaps. The fallout continues to be witnesses who turn hostile during various stages of the investigations, and low conviction rates.

## **III: Financing Access to Justice for SGBV**

In 2020, the parliamentary standing panel on human resources highlighted that the allocation for the Ministry of Women and Child Development had stagnated at one percent of the budget.<sup>44</sup> In 2016-17, the allocation was ₹17,408 crore (0.88 percent of the total budget), which rose to ₹22,095 crore (1.03 percent of the total budget) in 2017-18. In 2018-19, the allocation was ₹24,700 crore (1.01 percent of the total budget) and in 2019-20, the allocation was ₹29,165 crore (1.05 percent of the total budget). In 2020-21, the allocation was ₹30,007 crore (0.985 percent of the total budget), this was revised to ₹21,008.31 crore. The panel also highlighted that there was gross under-utilisation of funds across some of the key schemes of the ministry.<sup>45</sup> This pattern has continued as was seen in a recent analysis.<sup>46</sup> In 2022, the Standing Committee on Women and Children noted that underutilisation of funds was an indication of either poor financial planning or gaps in planning, implementation, and monitoring of schemes. The COVID-19 pandemic could be a partial explanation for the underutilisation of fund.<sup>47</sup>

<sup>41</sup> <https://www.indiaspend.com/police-judicial-reforms/gender-caste-diversity-inadequate-in-indias-justice-system-new-report-858495>

<sup>42</sup> <https://www.indiaspend.com/governance/one-stop-many-challenges-sakhi-centres-struggle-to-support-women-survivors-of-violence-861666>

<sup>43</sup> <https://timesofindia.indiatimes.com/india/supreme-court-seeks-replies-from-centre-4-states-on-plea-for-compensation-to-victims-of-sexual-crimes/articleshow/96796887.cms>

<sup>44</sup> <https://www.hindustantimes.com/india-news/house-panel-points-to-shortfall-in-allocation/story-wiNf3l2VsHCJ1vodKBNPcl.html>



In 2021-22, Mission Shakti, with two umbrella schemes Sambal and Samarthya was initiated.<sup>48</sup> The budget allocations for both these schemes were Samarthya in 2021-22 were less than the combined allocations for the constituent individual schemes in the previous years by 8.3 percent and 10.5 percent, respectively.<sup>49</sup> It is estimated that schemes meant to prevent violence against women alone need a minimum of Rs 10-11,000 crores annually, more than four times the current budgetary allocations by the Union government.<sup>50</sup>

The Nirbhaya Fund was a non-lapsable corpus set up in 2013 for projects related to the safety and security of women. Between financial year 2013-'14 and 2021-'22, the fund had a total corpus of Rs 6,212.95 crore.<sup>51</sup> Research has shown that there is a greater reliance on surveillance through CCTVs and improved street lighting and so on. For example, the allocations made towards the Safe City Project—which includes surveillance initiatives like installation of cameras and strengthening other public resources to prevent gender-based violence—rose eight times of the 2022-23 revised budget, increasing from INR 165 crore to INR 1300 crore. This is true for quite a few state schemes under the Nirbhaya Fund. Between 2014 and 2022, the Nirbhaya Fund approved 42 projects across 10 ministries and departments. In December 2022, a response in the Lok Sabha had shown that 70 percent of the non-lapsable corpus has been utilised.<sup>52</sup> However, the Nirbhaya Dashboard shows that a total of 12008 crore has been appraised under the Nirbhaya Fund, 8920 crore was approved, 4923 crore has been released and 2521 crore has been utilised<sup>53</sup> which shows that only 41 percent of the appraised funds have been released and only half of that has been utilised.<sup>54</sup> Almost 80 percent of the funding was allocated to two ministries – the Department of Justice and the Home Ministry. The Health Ministry has not implemented any project which shows the absence of a health response to gender based violence.<sup>55</sup> Projects for which fund utilisation (out of funds appraised) has been particularly low include Fast Track Special Courts to dispose pending cases of rape and child sexual abuse (22 percent) and One Stop Centres (19 percent).<sup>56</sup> Currently, there are 733 OSCs but the chunk of funds have been used for the construction of these centres.<sup>57</sup> In fact, the Scheme for critical care and support for accessing justice to rape / gang-rape survivors and minor girls who get pregnant is yet to take off according to the Dashboard despite it being sanctioned in 2021.

Shifting the needle on addressing access to justice challenges needs an eco-system approach. Addressing gender-based violence must become a priority for the State, both in intent and in

<sup>45</sup> *ibid.*

<sup>46</sup> <https://www.indiaspend.com/budget/budget-2023-is-india-allocating-sufficient-public-resources-to-prevent-gender-based-violence-851167>

<sup>47</sup> <https://prsindia.org/budgets/parliament/demand-for-grants-2023-24-analysis-women-and-child-development>

<sup>48</sup> <https://wcd.nic.in/sites/default/files/Mission%20Shakti%20Guidelines%20for%20implementation%20during%2015th%20Finance%20Commission%20period%202021-22%20to%202025-26.pdf>

<sup>49</sup> <https://www.indiaspend.com/budget/budget-2023-is-india-allocating-sufficient-public-resources-to-prevent-gender-based-violence-851167>

<sup>50</sup> <https://www.outlookindia.com/national/how-governments-austerity-policies-are-worsening-gender-based-violence-in-india-news-242833>

<sup>51</sup> [https://wcd.nic.in/sites/default/files/WCD\\_AR\\_English%202021-22%20NEW%20281-11-2022%29.pdf](https://wcd.nic.in/sites/default/files/WCD_AR_English%202021-22%20NEW%20281-11-2022%29.pdf)

<sup>52</sup> <https://www.downtoearth.org.in/news/governance/10-years-of-delhi-gang-rape-70-of-released-nirbhaya-funds-utilised-lok-sabha-told-86623#:~:text=Of%20this%2C%20Rs%20413.07%20crore,6.44%20crore%20in%202021%2D2022.>

<sup>53</sup> [http://164.100.77.118/view\\_detail/eyJpdjI6IjFtY3I3cUdYbVYpMG1Lb2tpdnk5SkE9PSIsInZhbHVlIjoieNFZ1WlpOMmpha2x-pVmpvckVxZk1mdz09liwibWFjIjoieZTdmZjllYjQ2NmJiNGQyZjM3ZmY1YmlxY2ZiYWQwMWE5MTJlOTljYTI3ZDc1NGlwN2YyN-DJjMTBmNmExOTJlNiJ9](http://164.100.77.118/view_detail/eyJpdjI6IjFtY3I3cUdYbVYpMG1Lb2tpdnk5SkE9PSIsInZhbHVlIjoieNFZ1WlpOMmpha2x-pVmpvckVxZk1mdz09liwibWFjIjoieZTdmZjllYjQ2NmJiNGQyZjM3ZmY1YmlxY2ZiYWQwMWE5MTJlOTljYTI3ZDc1NGlwN2YyN-DJjMTBmNmExOTJlNiJ9)

<sup>54</sup> <https://science.thewire.in/health/india-national-policy-strengthen-health-response-gender-violence/>

<sup>55</sup> *ibid.*

<sup>56</sup> <https://scroll.in/article/1042946/india-isnt-allocating-enough-public-resources-to-prevent-violence-against-women>

<sup>57</sup> <https://science.thewire.in/health/india-national-policy-strengthen-health-response-gender-violence/>

implementation, across the spectrum of prevention, redressal and rehabilitation. Many studies to ascertain the economic cost of gender-based violence have been undertaken in other countries, a similar study in India may begin to put a figure to the economic set-backs caused by GBV at all levels – the family, the community, state and national levels. The individual level or the survivor must be centred in the institutional responses to providing justice. Many models of responses where the survivor's centrality is maintained has been demonstrated which lends many recommendations to different justice actors. A multi-sectoral platform comprising of all relevant stakeholder and with the mandate of delving deeper and possibly developing a phased action plan, with adequate finances and human resources, could/must be a start. Undertaking sustained, large scale, public education campaigns through all mediums geared towards changing mind-set of society to end gender inequalities and violence against women and girls must be a non-negotiable. Educational curriculum must keep pace with these proposals. Tracking and monitoring of the implementation of the relevant Acts related to GBV must be become an essential step. Specific challenges for marginalised communities must be integrated from the outset. All these steps must be interwoven in all ongoing efforts in order to meet our Sustainable Development Goals.

# CHAPTER 20 Assessing Implementation of Law on Workplace Sexual Harassment

Anagha Sarpotdar

## Abstract

Recent court rulings in cases of workplace sexual harassment of women reveals that implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 is poor and fraught with problems. It is important to understand status of implementation of the Act as it completes ten years of its existence on 9th December 2023. Scenario with respect to the Internal Committees (IC) and Local Committees (LC) is a defeat of the objectives of the Act and the constitutional values it upholds, aiming at furthering dignity and equality for women at workplaces. Functioning of ICs and LCs needs to be monitored and evaluated regularly by the State Governments. Budgetary allocations need to be done for smooth and effective functioning of the LCs. India ranks 122 nd out of 191 countries in the Gender Inequality Index, which reflects the inequality between men and women in terms of reproductive health, empowerment, and the labour market. Considering that status of women is trailing, it is the time for the Governments to take immediate action and make sure that objectives behind enacting the workplace sexual harassment law are achieved in real terms.

## I. Introduction

Recent court rulings in cases of workplace sexual harassment of women (Sajeev, 2023; Chishti, 2023; TOI, 2023; Singh, 2024) reveals that implementation of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereafter referred to as the Act) is poor and fraught with problems. It is important to understand status of implementation of the Act as it completes ten years of its existence on 9<sup>th</sup> December 2023.

The chapter is divided into three parts. Part one analyses performance of the key mechanisms under the Act – Internal Committee and Local Committee. Second part discusses inaction by the State for robust implementation of the Act with special reference to the MeToo movement in India. Part three will enlist suggestions and recommendations for effective working of the Act.

## II: Key Mechanisms - Internal Committees and Local Committees

### Internal Committees

The Act empowers the Internal Committees (hereafter referred to as IC) with powers of civil court allowing them to conduct inquiry in reported complaints of sexual harassment and make crucial

recommendations pertaining to transfer, leaves from work, conducting performance appraisals, penalty, compensation during and on completion of inquiry. The IC is legally bound to pass definitive judgments regarding the complaint, which can be appealed against only in outside court of law.

Taking into consideration crucial role played by the IC and powers endorsed to it as a mechanism, it is important that the mechanism inspires confidence and is reliable. However, information on the IC functioning reveals that they either do not act on complaints promptly (TOI, 2018) or lack perspective on sexual harassment. There is absence of understanding regarding what constitutes sexual harassment and often women are held responsible resulting in victim blaming (Indian Express, 2017; The Hindu, 2017; The Wire, 2017; Dasgupta and Mukherjee, 2020; Junaid, 2021; Wilson, 2021; Koshie, 2023; Misra, 2023).

In several instances, ICs were non-existent (Economic Times, 2023; The Telegraph India, 2023; The Statesman, 2022; Gupta, 2022), ineffective (Barua, 2015; Sakhrani, 2017; Vijayalakshmi, 2018; Kothawade, 2019; Rakshit, 2021) or gave a clean chit to the respondent (Vijayraghavan and Phillip, 2017; Roy Chowdhury, 2018; Newsclick, 2019; CaseMine, 2019; Bindra, 2019; Malik, 2023).

Recent reports highlight, women employees working in the private sector seem to be unhappy with the functioning of the ICs as they were increasingly found to be reaching out to the She-Box (Malik, 2021). It is also being reported that ICs have also fallen short in adhering to the Act and have little understanding of the procedure resulting in complainants losing faith in them (INBA, 2016; Sakhrani, 2017; Hindustan Times, 2018; Pink Ladder, 2019; Bangalore Mirror, 2023; Prakash, 2023).

## **Local Committees**

Section 7 of the 2013 Act mandates the constitution of a Local Committee (hereafter referred to as LC) at the district level for addressing complaints coming from the unorganised sector i.e., establishments having less than ten employees. LC members are to be nominated by the District Officer who is either the District Collector or a Deputy Collector as per the Act.

Study (Farrell and PRIA, 2018) reveals that majority of the districts in India i.e., 56 percent chose to not reply with respect to formation of LC, few were constituted as per the Act, and majority had no orientation to them and most were showing low reporting of complaints to them. Further, the study brought out reluctance on part of State Governments to disseminate information regarding LCs which makes it obviously difficult for complainants to find them for complaint registration. Another study (HRW, 2021) brings forth inaccessibility of the LCs. Study of LCs by Basu and Haldar (2019) in five districts of North India brings out that there was no systematic uniform process followed for identification, selection, and training of LCs. Any civil society organisation that showed interest became part of the LC and the process of selection was based on personal familiarity with the individual or their work. The LCs functioned in ad hoc manner that was dependent on the good will and passion of individuals instead of concerted institutional effort, the LCs did not receive any training or orientation by the Government of India (hereafter referred to as GoI) or the state government, there was struggle to acquire basic minimum resources such as separate room, cupboard, stationary, tables – chairs etc. Functioning of the LC was not connected to the labour department. No fees and travel allowances were paid to the LCs as provided by the Act. Additionally, it was seen that large share of complaints reported to the LCs were rejected by them due to lack of jurisdiction as they were reported from organisations having more than ten employees which compounded issues faced by the complainants. Study emphasised that the entire culture was that of philanthropy guided by individual preferences and voluntary intent instead of rights based understanding.

Further, for the purpose of analysing working of the LCs at a micro level the author has drawn from her paper under publication. Semi structured interviews were conducted with LC in the year 2020. Chairpersons of five districts across Maharashtra were interviewed for exploring functioning of LCs. Participants stated that since the LC convened in a government office they were viewed as a body possessing power. Participants further opined that mostly those appointed with LC had no political party affiliation which helped them to be dedicated and neutral. It comparatively reduced monetary corruption and bureaucratic delays. It was voiced that complainants posed faith in the LC as they were from the autonomous women's movement they were seen as not having ulterior motive, accessible and most importantly not working for money but imparting justice to women. Also, participants felt that the LC had better insights about the power differences between men and women that existed in society as whole and at the workplace in particular. However, a concern was expressed with respect to misuse of LC as a mechanism by employers. It was expressed that the employers were found shirking their responsibility of getting sexual harassment complaints redressed through IC of their organisation by referring complaints to LC. It was said that the LC had to be careful to not overstep any boundaries in terms of jurisdiction.

Participants voiced their dissatisfaction over not being able to reach women working in unorganised sector. No publicity was given to the LC as a special mechanism for the unorganised sector. Events were not organised and material was not generated. This was attributed to lack of outreach because of no funds. Obscurity and unreachability of the LC was seen to affecting complaint reporting. LC chairpersons added that since the LC was at the district level it was difficult for people from remote rural areas to reach the district place especially during monsoon season. Another important challenge highlighted by the participants was either poor or lack of infrastructure made available to them for meetings and complaint inquiries. This could lead to breach of confidentiality. Non availability of human resources for tasks such as documentation caused burdening the LC. It was categorically stated by all participants that the District Women and Child (DWCD) Officers and their juniors lacked interest and will for complying to the Act. This lax attitude on part of the government officers resulted in few meetings of the LC. It was expressed that the bureaucracy needed better understanding of the Act. Participants said that it was need of the hour to build alliances with the unions of unorganised workers for reaching complainants.

Above mentioned scenario with respect to the ICs and LCs is a defeat of the objectives of the Act and the constitutional values it upholds, aiming at furthering dignity and equality for women at workplaces.

### **III: Me Too, Wrestlers Case and Gol Response**

MeToo movement in India brought to light numerous complaints of workplace sexual harassment (Faleiro, 2018), triggered discussions about gender inequities at workplace, increased awareness at workplaces pertaining to sexual harassment, patriarchal perceptions towards complainants, attitude of employers, lack of evidence in incidents of sexual harassment, under reporting of misconduct, power disparities at work between men and women as an accelerating factor in sexual harassment at workplace (Sastry, 2018; Anjum, 2022; Sharma, 2022) social isolation faced by complainants at workplace after reporting complaint (Venugopal, 2018). Also, it brought to light that the Me Too revelations in India excluded women from the informal sector, where majority of women are employed (HRW, 2021).

The Me Too disclosures widely done using social media and their extensive coverage by the mainstream media highlighted serious gaps in the enforcement of the workplace sexual harassment law (Kirby,

2018) and shortcomings in the existing legal provisions on sexual violence against women along with the limitations of redressal procedures therein (Zonunmawaii, 2018) thus catalysing formation of the Group of Ministers (GoM) by the GoI. Created in October 2018 the GoM was to reevaluate the sexual harassment at workplace legal framework and make recommendations required for efficient implementation of the existing legal provisions for safety of women. The aim was to strengthen legal and institutional frameworks to prevent sexual harassment at workplace. First GoM held one meeting in its tenure of eight months (India Today, 2018).

The GoM was reconstituted in July 2019. There was an announcement by the Ministry of Home Affairs (MHA) that the new GoM was to re-evaluate the Act (Indian Express, 2019). In January 2020 the MHA said that the GoM had finalised the recommendations and they would be put up for comments from the public (Singh, 2020). However, no such recommendations were published in the public domain for feedback (Pisharoty, 2020).

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Amendment Act, 2024 was introduced in the Rajya Sabha in February 2024. The amendment proposed extension of time limit from 3 months for filing a complaint of workplace sexual harassment to 1 year and removal of Conciliation as a mode of complaint resolution. Proposed amendments to the 2013 Act have the capacity affect complainants, complaint redress procedure and have the capacity to create long lasting implications on the workplace sexual harassment jurisprudence. Therefore, nationwide deliberations are needed which are not yet announced.

Three years later, in January 2023, prominent Indian women wrestlers started their agitation against work related sexual harassment faced by multiple young female wrestlers perpetrated by Wrestling Federation of India (WFI) chief. The protesting wrestlers were players of international repute with a promising future. They should have been practicing and preparing for the Paris Olympics of 2024; instead, they were compelled to stage a sit in public protest demanding arrest of the WFI Chief (Patnaik, 2023). It was reported that past cases of sexual harassment reported against him to the authorities had either disappeared or prevented the athletes from competing again. It was further reported that the WFI chief had mistreated women for years through sexist behaviour (Rajvanshi, 2023). The protesting wrestlers demanded the resignation of the WFI chief and his arrest (India Today, 2023).

In response, the Sports Ministry of India appointed an Oversight Committee to inquire into the complaints of sexual harassment after which the protest was paused by the wrestlers (Quint, 2023). The Committee released a report in April 2023 exonerating the WFI chief of charges (India Today, 2023) after which protest was resumed by the wrestlers. Alongside a plea was filed in the Supreme Court of India (SC) against inordinate delay by the Delhi police in registering FIR against the WFI chief (The Wire, 2023). FIR was registered against the WFI chief in April 2023 by the Delhi police after receiving notice from the SC. Additionally, FIR was registered against wrestlers in May 2023 on account of marching towards the Parliament for Mahila Mahapanchayat which was withdrawn at a later date (Quint, 2023; FirstIndia, 2023).

In May 2023, United World Wrestling (UWW) issued a statement condemning the ill treatment of the protesting wrestlers and their detention following a scuffle with the Delhi Police. The International Olympic Committee (IOC) joined the UWW in condemning roughing of the protesting wrestlers by calling it disturbing and urged the authorities to ensure the well-being of the athletes throughout investigation against WFI chief (Quint, 2023). In June 2023 the wrestlers announced that since charge sheet was filed by the police, they were ending public protests and would continue the fight in court.



In the wrestlers' case, cognisance was not taken about sexual harassment complaints when they were voiced by junior wrestlers. Later, the wrestlers expressed a lack of confidence in the Oversight Committee, citing discomfort during individual hearings and feeling rushed while providing statements. Committee members reportedly emphasised the need for evidence and expressed skepticism without video or audio proof (The Wire, 2023; Outlook, 2023). While the report of the Committee was not published, after preliminary review of the report the Sports Ministry shared some major findings revealing structural shortcomings within the WFI, such as the absence of a mandated IC (Outlook, 2023). The Committee constituted by the GoI remained silent on the sexual harassment charges against the WFI chief.

Additionally, it was understood that since the WFI chief was a powerful politician and member of the Indian Parliament the Delhi Police did not file an FIR until intervention of the SC (Mahapatra, 2023; Sinha, 2023) and the crime registration did not result in an arrest. Also, the family of the minor wrestler told the media that they were under pressure to withdraw their complaint. In June 2023 the Delhi Police moved to cancel the FIR under the POCSO Act (T.K. Rajalakshmi, 2023). The GoI was called out by the civil society for being "unmoved" by women wrestlers, whose protest drew support across the country as well as globally (Wire, 2023).

Summarised, the data reveals that sexual harassment is rampant in Indian sports (BBC, 2023; Ganapathy, 2024) and there is widespread non compliance to the Act. Data under Right to Information Act revealed that 45 complaints of sexual misconduct had been filed against coaches and officials from the Sports Authority of India (SAI) from 2010 to 2020 (Firstpost, 2023). Further, out of 30 National Sports Federations of India 16 of them such as Table Tennis Federation, Handball Federation, Wrestling Federation, Volleyball Federation and Gymnastics Federation and other Federations which participated in the 2018 Asian Games, Tokyo Olympics in 2021 and 2022 Commonwealth Games were not abiding to the Act (Kamath and Vasavda, 2023).

## IV: Recommendations for Effective Implementation of the Act

The Vishakha<sup>1</sup> judgment (1997) involved non-profit organisations in the capacity of outside / external members in the Complaints Committee for monitoring the functioning of the IC and support system for the complainants. This was taking into consideration the climate of male domination that often exists in places of employment, which in turn normalises sexual harassment. It was expected that those appointed as outside / external members would carry the heritage of Vishakha forward in interest of women. Most importantly it was expected that the external member was knowledgeable on sexual harassment to prevent the influence of management on decisions made by the committee. Kapur (2013) stated that the external member brings in knowledge, skill and capacity to ensure that the processes are done in a professional and unbiased manner. However, Court rulings such in cases such as X vs Air France<sup>2</sup>, Punjab and Sindh Bank vs. X<sup>3</sup>, X vs. Rashtrasant Tukdoji Maharaj Nagpur University<sup>4</sup>, X vs. Goa Institute of Management<sup>5</sup>, X vs. Standard Chartered Bank<sup>6</sup>, X vs. Chairman,

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<sup>1</sup> Vishaka & Ors. v State of Rajasthan & Ors. ((1997) 6 SCC 241) is a milestone judgement given by the honourable Supreme Court of India that deals with aspects of sexual harassment of women in the workplace. The SC formulated the Vishaka guidelines and made it mandatory for both private and public sector to establish mechanisms to redress sexual harassment complaints

<sup>2</sup> [2018 (170) DRJ 609]

<sup>3</sup> AIR 2020 SC 3040

<sup>4</sup> MANU/MH/0912/2014

<sup>5</sup> WRIT PETITION NO. 690 OF 2019

<sup>6</sup> VRCA DJ NO. 2/22

Atomic Energy Commission<sup>7</sup> reveal that the appointment of external member with the IC has not served its intended purpose because ICs were rendered incompetent by the Courts. Therefore, it is needed that the criteria for appointment as external members with the ICs is specified and adhered by the employers as per directions of the Courts.

Next, Section 19 of the Act mandates that workshops or awareness programmes for employees to be organised by employer. In 2017 the Ministry of Women and Child Development (MWCD) of GoI published a training module on its website making it obvious that the awareness generation is to be done through classroom sessions. Contradictory to this method many employers in India are choosing to use online training modules to generate awareness (Phadnis and John, 2014; Singh, 2014).

Propaganda for usage of online training can be understood from survey (Ernst and Young, 2015) which revealed that out of total surveyed companies 46 percent of companies did not have online modules for training new employees. From this it can be derived that remaining 54 percent of surveyed companies were probably using online modules for creating awareness. Online awareness content available in India is simplistic and generalised due to absence of nuanced understanding on the issue. It leaves out grey areas related to the issue and law thus has potential of doing negative messaging due to absence of in person facilitation (Joy, 2015).

It is important that employers here learn lessons from the United States of America wherein online modules on workplace sexual harassment consisting of cartoons and unreal examples had harmful and negative effects on the participants (Levin, 2016; Feldblum and Lipnic, 2016). Such trainings made men less capable of perceiving inappropriate behavior and they were more likely to blame victims (Cueto, 2016) as they were not able to relate to the cartoonish examples thereby leading to lack of self-reflection (Reid, 2016). Need of the day is that the State Governments monitor contents and mode of awareness sessions happening to ensure that employers are investing resources in live facilitators who use real life examples, discuss nuances and address complex issues related to gender relations at workplace.

Additionally, it is important that the functioning of ICs and LCs needs to be monitored and evaluated regularly by the State Governments to ensure that these mechanisms are functioning as per objectives of the Act. Budgetary allocations need to be done as per Section 8 of the Act for smooth and effective functioning of the LCs.

## V: Concluding Remarks

It can be understood that the enforcement of the Act is skimpy and ridden with issues (HRW, 2020; Balan, 2021; Bhuyan and Khaitan, 2021; Chhibber, 2021; Mayank, 2021; Attar, 2022; Chakrabarti, 2022; Lem, 2022; The Statesman, 2022; The News Minute, 2022; Misra, 2023; EdexLive Desk, 2023) The Telegraph India, 2023; TOI, 2023). Inaction was seen on part of the organisations (TOI, 2017; Scroll, 2017; Vyas and Babar, 2015; Rajagopalan, 2023; Hindustan Times, 2023) especially when the complaint was against a man wielding power in the organisation (Live Law, 2019; Bhattacharya, 2020; Varadarajan, 2020; Deccan Herald, 2023). In these situations, there was an invariable failure to protect the career interest of the complainant (Daliya, 2022; Mateen, 2023), leading to her termination or resignation from service (Mumbai Mirror, 2013; Hindustan Times, 2015; Sen, 2015; Ganz, 2015; Calamur, 2017; India Today, 2017; Pandit, 2018; Mathur, 2018; Legally India, 2019; Sethi, 2020; Mahajan, 2022). This pushed complainants to agitate against management (Newsclick, 2019; Srinivasan, 2023) or

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<sup>7</sup> W.P.Nos.6995 of 2014, 27067 & 27068 of 2013, M.P.Nos.2 of 2014, 1 and 2 of 2013, W.P.No.6995 of 2014

approach external agencies such as media (Khan, 2018; Doshi, 2018; Scroll, 2018; NewsClick. 2019; Yamunan and Chakravarty, 2019; Mascillamani, 2020), police (NDTV, 2018; The Indian Express, 2023; Mahapatra, 2023), or commit suicide (Mumbai Mirror, 2021; Thomas, 2021; Ramashankar, 2022; The Telegraph online, 2022).

Discussed state of affairs is confirmed by the recent Supreme Court of India (SC) ruling in Goa University<sup>8</sup> ruling. In the said judgement, the SC expressed displeasure pertaining to implementation of the Act. The Court noted serious lapses in the enforcement of the Act after ten years of its existence. The SC acknowledged that if an IC and / or LC is not constituted as per provisions of the Act then it will hamper inquiries into complaints of sexual harassment. However, mere formation of the body is not enough, it is important that the IC and / or LC should be geared towards conducting impeccable inquiry as it could result in serious career implications for the complainant and respondent.

SC added that when women face sexual harassment at the workplace, they are reluctant to report it. Many of them choose to quit the employment. One of the reasons for this reluctance to complain is that there is an uncertainty about who to approach under the Act for redressal of their grievance. Other reason being the lack of confidence in the process and the outcome. Here, the SC seemed to be indicating lack of awareness about the avenues to report sexual harassment and pointing at inefficiency of the redress mechanisms i.e., IC and LC. Further, the SC emphasised that this social malady needs urgent amelioration through robust and efficient implementation of the Act.

For improving execution of the Act, the SC said that it is imperative for the employers to educate the women employees about working of the Act. They must be made aware of how a complaint can be registered, the procedure that would be adopted to process the complaint, the objective manner in which the IC and / or LC is expected to function under the statute, the nature of consequences if the charged employee is found guilty of sexual harassment if the complaint is established, the result of lodging a false or a malicious complaint and the remedies that may be available to a complainant if dissatisfied with the decision of the IC and / or LC.

SC reiterated that the Act will not succeed in providing dignity and respect that women deserve at the workplace unless and until there is strict adherence to the enforcement regime and a proactive approach by all the State and non-State actors. If the working environment continues to remain hostile, insensitive and unresponsive to the needs of women employees, then the Act will remain an empty formality. If the authorities/managements/employers cannot assure women a safe and secure work place, they will fear stepping out of their homes to make a dignified living and exploit their talent and skills to the hilt.

India ranks 122nd out of 191 countries in the Gender Inequality Index, which reflects the inequality between men and women in terms of reproductive health, empowerment, and the labour market. (FrontLine, 2023). Considering that status of women is trailing, it is the time for the Union Government and the State Governments to take immediate action and make sure that objectives behind enacting the workplace sexual harassment law are achieved in real terms.

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# CHAPTER 21 Resistance, Resilience, and Organising: They are making history. Women in Contemporary Movements

Navsharan Singh

## Abstract

*This chapter looks at women's collective response amidst increasing attack on their social and economic rights, sexual safety, and bodily integrity. The chapter documents significant struggles in the last few years which erupted in specific geographical contexts but left a big mark on the national conscience, influencing large sections and opening the possibilities of building meaningful alliances of different oppressed sections of women workers and farmers. The findings of the chapter suggest that women have not been silent victims, they have been bearing witness to the stripping of their rights. Women have mobilised, breached the public private binary and entered the political public domain to protect their citizenship rights and seek justice despite state hostility. Significantly, most of the movements that resulted from the collective mobilisations are rural and led by the most vulnerable sections of working classes. In their struggles, they challenged the official policy of facilitating market subjugation of working-class women and demanded that they be written back into policy as citizens, workers and farmers and not reduced to a welfare category in policy.*

## I. Introduction

This chapter is an attempt to look at women's collective response amidst increasing attack on their social and economic rights, sexual safety, and bodily integrity. From changes proposed in labour codes which are unfavorable for women workers<sup>1</sup>, to how the victims of sexual violence are treated by the law-and-order apparatus of the state<sup>2</sup> to deepening structural violence against women denying them worker/farmer/labour status, keeping them out of ownership of property, access to education and reducing them to a welfare category. Through documenting some of the ongoing significant

<sup>1</sup> The Occupational Safety, Health and Working Conditions Code 2020, the OSH Code, for instance, prohibits employment of contract labour in core activities of any establishment, but excludes, from the definition of core activities housekeeping and laundry services, and other like activities. These jobs have been termed "support services of an establishment" and hence are termed non-core activities. These are jobs which are performed overwhelmingly by women workers and have been contractualised in the past few decades. There is predominance of dalit women in these jobs who are employed for decades on end through contractors to clean toilets, under euphemistical title "housekeeping staff". Sanitation and housekeeping are very much part of core activities for hotels, hospital, and many other industries. The contractualisation of the most vulnerable in terms of caste, class and gender gets a sanction in law.

<sup>2</sup> The four accused in the case of Hathras rape were not found guilty of rape even when the young woman had given a dying declaration that she was gangraped. The SC/ST court convicted the prime accused on charges of culpable homicide not amounting to murder, under Section 304 of the Indian Penal Code (IPC), while the remaining three accused were acquitted.

struggles in the last few years which erupted in specific geographical contexts but left a big mark on the national conscience, influencing large sections and opening the possibilities of building meaningful alliances of different oppressed sections of women workers, this chapter argues that women have not been silent victims, they have been bearing witness to the stripping of their rights. In the past few years, women have mobilised, breached the public private binary and entered the political public domain to protect their citizenship rights and seek justice despite state hostility. Significantly, most of the movements that resulted from the collective mobilisations are rural and led by the most vulnerable sections of working classes. This chapter very briefly provides an exploration of women's resistance in relation to the political economy of crisis and how it shaped their location but also the new political possibilities, and the practices of women in movements. The two examples are drawn from the farmers' movement of 2020-21 and ASHA workers ongoing struggle for recognition of their work. It is only possible to give a flavour of the extensive knowledge base which is being created in these movements but still it is important to make a beginning and build up.

## II: Women Farmers and Agricultural Workers of Punjab and Their Fight for Dignity and Rights

For almost thirteen months on the borders of Delhi, the farmers of India camped in protest seeking the roll back of three farm laws that the central government had passed and which the farmers viewed as anti-farmer. There are many registers of this movement. The farmers came to seek the roll back of the three farm laws but the backdrop of this protest were deep structural problems plaguing the agrarian sector. The three farm laws were overlain on an acute agrarian crisis which had grown into a festering wound on the body politic of rural India. The Covid pandemic experience added to the crisis. The protest responded to an existential crisis -- the protesting farmers called it the struggle for their identity, their existence -- playing havoc in the everyday lives of the rural communities collectively and differentially along class, caste and gender axes. As the protest became protracted, multiple agrarian protests unfolded simultaneously at the borders. As the small, marginal and landless farmers, farm labourers, women, youth and Dalits joined the protest and articulated their daily experience of indignity, neglect and exploitation, the political economy of agrarian crisis was laid bare from complex, gendered locations. Women were a part of this protest bringing a perspective on the crisis and resistance.

Thousands of yellow and green dupattas were the omnipresent symbol of the women's stirring presence at the borders in Delhi from November 2020 when farmers set up camps on the outskirts of Delhi. When the convoy of thousands of tractor trolleys from Punjab entered Delhi on November 26, 2020, women were part of these long convoys. They came waving their union flags and braving police barricades, water cannons and tear gas.

The leadership of the farm movement is predominantly elderly and male, with decades of experience of mobilising farmers on local demands. There are over 32 farm Unions in Punjab alone and they were all at the protest sites. A few of these Unions have a women's wing which are led by women, but by and large women are not in leadership positions in the farm Unions. However, women quickly acquired very significant positions in the protest movement. They worked quietly behind-the-scenes -- collecting food and funds, talking to the press, managing the stage, and mobilising support for the movement among the families in the villages and townships near the camp sites at Delhi's borders. Women's role was exemplary in the build-up to the farmers' march to Delhi led by the unions in Punjab. Women mobilised support through the use of **Jago** (wake up) -- a folk performance tradition, going around in the villages late at night singing and giving the protest message. The **jagos** brought back inspiring memories of the anti-colonial struggle in the 1940s when **jago** was used by freedom fighters to awaken people to rise up against the British colonial rule.

Once the camps were set up at the borders, women took over roles and responsibilities which kept on expanding the longer the strike continued. While for many women from Haryana and Western Uttar Pradesh, it was their first time in a protest, it was not the case with women from Punjab who were present in very large numbers. Far from first-time participants in the protest movement, they have a long history of mobilising which goes back to at least three decades. Rural women have been part of farmers' protests to demand compensation for farmers' who died by suicide when they were unable to cope with mounting farm debts and, compensation for crop failure due to damaged seeds provided through government outlets. Dalit farm workers have been at the forefront against forcible land acquisition and in struggles for Dalit rights over village commons. Rural women in Punjab mobilised against rape and violence and the impunity perpetrators enjoyed in the rural social order. Women have been a part of the farmers' unions; and the left unions especially have been influential in bringing women into the public domain.

### ***Women made history with their sweat and labour***

At the four camps on Delhi borders, the unions set up protest stages. These platforms featured speeches by union leaders but also cultural performances including music, drama, poetry, and folk singing, most of the day and into the evenings. These performances highlighted various themes – the agrarian crisis, rural indebtedness, apathy of the government officials, conditions of public schools and hospitals, and women's oppression. Women and men gathered every day to hear the farm leaders, cultural activists and learnt about the happenings in the country. The protest stage and the camp settlements turned into schools for women where they learnt about their own oppression but also about the others whose rights were being taken away. The reference to labour codes, the increasing hold of agri-corporates on the rural economy, falling incomes and increasing costs of farming, joblessness and the struggle of ***dalit*** labour rights activists Nodeep Kaur and Shiv Kumar<sup>3</sup> were common themes of discussion.

On 18th January, 2021, Sanyukt Kisan Morcha (SKM) dedicated one full day to celebrate women farmers' contribution to the movement. This was the first women farmer's day, many more followed in subsequent months. Women speakers talked about the three farm laws and how they affected women. Farmer women were also joined by many other working-class women on this day. There were teachers, childcare workers, informal employment workers, nurses, anganwadi workers, ASHAs, MNREGA workers and also women from farm suicide families. It was on these stages that women started talking not only about the farm crisis but also about patriarchy, and discrimination, not in abstraction, but from their everyday lives – why are families not happy when a daughter is born; why do we prefer sons over daughters; why do we have domestic violence in our families?

In view of women's strong presence, the International Women's Day was marked at the protest sites on 8 March 2021. The song of ***basanti*** dupattas was in the air. ***Colour my chuniya basanti*** – a modified version of ***mera rang de basanti chola*** (colour my clothes yellow)<sup>4</sup> – a well-known Ram Prasad Bismil song associated with Bhagat Singh, Rajguru and Sukhdev as they walked to the gallows – reverberated in the air. The new version was about women coming out of the confines of home to claim that women's place was in the struggles. Women leaders and activists spoke about the exemplary role of women in the ongoing farm struggle and the attack on their livelihood, of their exploitation in the

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<sup>3</sup> Nodeep Kaur and Shiv Kumar, young dalit labour activists were mobilising contractual industrial workers employed in the small factories in the vicinity of farmers' camps in support of the farm movement. This attracted the ire of factory owners and they were arrested, brutally tortured, and slapped with serious charges, including murder. Nodeep Kaur also faced custodial sexual violence. For more details <https://www.article-14.com/post/why-govt-ditched-due-process-for-nodeep-kaur-shiv-kumar> and <https://www.article-14.com/post/dalit-labour-leader-shiv-kumar-tortured-in-custody-govt-doctors>

<sup>4</sup> The modified song written by poet Sarbjot Singh can be heard here <https://www.youtube.com/watch?v=vl2bHbjcvek>

big corporate farms where women labourers were not even paid the statutory minimum wage, and they challenged the official policy of facilitating market subjugation of farming communities and their forced relocation to cities as perennial casual labour.

The speakers talked about the forgotten role of women in previous movements – from Tebhaga to Telangana to Anti Betterment Levy struggles of the 1950s and 60s. They said that women always fought with men for the rights of the tillers but after the movements were over, they were asked to go back home to cook **chapatis**. They were alert to the failure of the leadership of earlier movements to pay attention to what the women were saying to help transform the gender social relations. They reminded the present leadership of the need to recognise that the ongoing farm struggle would only be half as strong, half as vibrant if women had not joined the movement.

It was evident in the farmers' protest that women who were not even recognised as farmers in policy and society, created a space in the movement for articulating a gender perspective. Women's formidable presence was also successful in breaking the convention that politics is a male arena of activity. The layer of masculinity attributed to the farmers' movement dissolved with women's presence as women became visible everywhere.

Women brought new issues to the farm movement and from a new location. Agrarian crisis in its plurality is writ large on the body politic of rural India – landlessness, falling incomes and rising costs of farming, mounting farm debts, ecological crisis manifesting in the degradation of environment, health, and water; lack of employment in farm sector, especially for women, and increasing hold of the corporate giants on the lives of farmers, to name a few. The crisis also erupted in the form of suicides of farmers and agricultural labour who were unable to repay the farm loans. In January 2021, just a month after the farmers' **morcha** began at the borders, women farmers and labourers from the families of farm suicides in Punjab joined the protest at the border. As they came they carried with them the pictures of their dead relatives, some held two. From the **pandal** where they had assembled, when they held the grainy pictures high, it was like a wave of corpses rising. It was evident that while the entire farming families come under crisis with suicides, the suicides affect women profoundly as they are left to pick up the threads which men suddenly drop – negotiating with the in-laws, carrying on the responsibilities of farming, repaying debts, demanding compensation from the state and preventing forcible evictions from their land. These women have been organising under the farmers' unions but also under **Kisan Mazdoor Khudkushi Peerat Parivar Committee** (KMKPPC) – Committee of Farmers and Labourers Suicide Victim Families which was formed in 2017 and has been actively campaigning for compensation and rehabilitation of families of suicide victims.

Since the green revolution took off in Punjab, rural women have been written out of policy. They have experienced complete neglect and total stagnation in their employment and wages, unable to get employment in farm operations even for jobs which men have vacated as they migrate to the cities. The farm work which men and women do is very different, and there is a strict gender divide in tasks. In green revolution areas mechanised farming has made it hard for agricultural wage labour to find work in all seasons, and for women work is even scarcer. In Punjab for instance, women are almost entirely out of operations associated with the wheat crop, they find rice planting at times for a few days, and it is only in cotton picking, which is not yet mechanised, that they find some paid work. The vegetable and citrus growing belt generates additional days of wage work, but the entire work put together does not exceed 150 days in a year<sup>5</sup>, and this includes work under the government's rural employment guarantee scheme, MNREGA.

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<sup>5</sup> These estimates are based on the author's field surveys in Punjab in 2019 for an ICSSR (Indian Council of Social Science Research) project published as a monograph by IDC, Chandigarh, 2020.

The nature of the work in rural areas has also changed, especially for women. Overwhelmingly, it is contract work, piece rate, which is given to the man, who engages his wife and children in these operations. Rates are per hectare of rice planted, quintal of cotton picked, hectare of hay baled, and so on. The daily wage rates on vegetable and fruit farms, where women are concentrated, are almost one-third lower than the stipulated minimum wage. When men migrate to nearby cities and towns, both as skilled labourers and as unskilled workers on construction sites and other odd jobs, women stay behind to look after the children and desperately seek opportunities for wage work. If agricultural work is scarce, non-farm work is even more scarce. The women are landless and asset-less, representing the most marginalised section of agricultural wage workers in Punjab.

Landlessness is rampant among Dalits. At the all-India level, 58 percent of rural Dalit households are landless, much higher than households in any other social group. Landlessness is particularly severe among Dalits in Haryana, Punjab and Bihar, where more than 85 percent of Dalit households do not own any land other than homestead land. (Anand, 2016). There is also extreme inequality in ownership of land.<sup>6</sup> In Punjab, currently, only 3.5 percent of Punjab private farmland belongs to Dalits who make up 32 percent of the population. (India, **Agriculture Census 2015-16**). The national average is 8.6 percent of farmland for 16.6 percent of Dalits. For several years, landless Dalits in Punjab have fought to regain control of village common land that has gradually slipped away from them and Dalit women are at the forefront of these land rights movements. Over the last few years, they have been getting unionised and staking claims over the commons with some success and seeking redistribution of excess land.<sup>7</sup> A labour union of the landless, **Zameen Prapti Sangharsh Committee** (ZPSC) is at the forefront of this movement.<sup>8</sup>

Women labourers who are landless but dependent on land for their livelihoods came to the protest and said that if cotton crop fails due to bollworm disease, farmers suffer the loss of a crop but farm workers – mostly women – lose their season's employment. Landowning farmers receive compensation for a failed crop, but who compensates for lost labour? In Sitapur, in Uttar Pradesh (UP) state, Dalit farmer-labourer women were not only dealing with stray cattle but also excessive bureaucratisation of the MNREGA making them lose days of labour only to fulfil the paper requirement. Women from Haryana brought new songs about the plight of women farmers who had no ownership of land and whose fate was worse than a tenant who can be evicted from land any time the families want to teach them a lesson.

<sup>6</sup> The Gini coefficient at the all-India level is as high as 0.76. In states like Punjab, Bihar, Kerala, Tamil Nadu, and Andhra Pradesh, the land distribution is even more skewed and the Gini is higher than 0.80. (Anand Ishan, 2016 "Dalit Emancipation and the Land Question". *Economic and Political Weekly*, 51 (47), pp. 12-14.

<sup>7</sup> According to estimates, excess land (calculated by applying a uniform land ceiling of eight hectares (around 20 acres) on operational holdings), is available for redistribution all over Indian states. In Punjab, 217,265 hectares is excess land. Punjab also has 68,839 hectares shamlat land (land owned by the village panchayat) in around 8,000 of the state's 13,000 villages, according to the Rural Development and Panchayat Department. The one-third of this is reserved for Dalits which comes to around 22,946 hectares. According to a response to an RTI (right to information) query by Zameen Prapti Sangharsh Committee (Land Acquisition Struggle Committee; see f.n. below for details about this organisation) in January 2018, over half of Punjab's shamlat land (land owned by the village council) is concentrated in the six districts of Punjab. Some 9307 hectare shamlat land is under the control of land grabbers; of the remaining 60 thousand hectares, most is auctioned by panchayats every year, and any villager can bid for cultivation. The average rent is Rs 20,000 per acre in the reserved category (Dalits), and around Rs 28,000 in the general category. In comparison, lease rates to private persons (farmers) are Rs 60,000 per acre annually in Malwa region, and Rs 25,000-45,000 in other regions.

<sup>8</sup> A labour union of the landless, Zameen Prapti Sangharsh Committee (ZPSC), was formed in 2014 for the rights and access of Dalit landless cultivators to reserved common lands in Punjab. At present, there are many villages where the union has been successful in obtaining Dalit's share in land through annual auctions by the state government. The ZPSC is now demanding that instead of annual auctions, the reserved land is leased to landless Dalits on a long term basis.



With women's rousing participation in the movement, the farm movement's claims on the state expanded. The agrarian crisis as experienced by women is far more intense. With women's presence, the movement was no longer just about state protection through MSP. They added the demands of gender justice, land to the landless, guaranteed minimum wages for farm jobs, equal wages for farm operations and much more.

It is evident that because they are largely invisible and have an extremely low labour participation rate, women farmers and labourers have been written out of the agrarian policy and agriculture sector debates. Women's strong presence and their articulation of the agrarian crisis from their vantage point demonstrated that women have been divested of their worker status and reduced to a welfare category in policy. They resented being reduced to a welfare category in policy. Successive governments in their election manifestos promise dowry money, and free stipend but their demands included employment, land, equal wages and policy attention. They seek work entitlement and recognition as workers. ASHAs are women workers who have been seeking a status as workers.

### **III: Unpaid and Uncared: ASHAs are Workers, not Volunteers!**

Accredited Social Health Activists (ASHA), primarily women, are employed as healthcare volunteers under India's National Health Mission. They are trained to function as a bridge between the government's public health programmes and the local communities and are responsible for a range of tasks. While ASHAs work alongside physicians, nurses, and midwives, their role is confined to that of a "volunteer" and excluded from the ambit of formal full time economic activity. According to government estimates, there are currently over 10 lakh ASHAs and nearly 14 lakh Anganwadi workers in the country, along with over 12 lakh Anganwadi helpers. In addition, 90 percent of workers engaged with the school mid-day meal scheme, run by the Ministry of Education, are women. Although these women workers play a crucial role in ensuring the health and nutritional well-being of women and children, and are a vital link in the implementation of the government's welfare schemes, they have been denied the status of "workers". They are envisaged as community health "volunteers", entitled only to task/activity-based incentives over and above a monthly fixed minimum "honorarium", far below the statutory minimum wages. Looking from the lens of "care extraction" it is evident that women's economic activity pivots into community volunteerism as an extension of their unpaid care work within the household.

ASHAs have been facing multi-pronged challenges in everyday work, as their occupational entities intersect with pre-existing socio-economic inequities rooted in their caste, class, and gendered identities. ASHA workers are treated as a form of "shadow workforce" to bridge any gaps in public sector health sector provisioning. As such they are caught between multiple competing expectations of the state, local community and their own families. The work does not have a clearly defined scope and ASHA workers are burdened with new duties and responsibilities as and when required. These responsibilities are fixed without ensuring necessary institutional structures and enabling conditions to ensure successful delivery.

There are wide issues ranging from ill equipped dispensaries, scarcity of resources, irregular incentives, workload, non materialisation of things, failure to achieve targets, and inadequate support from authorities which affect their work. The work of ASHAs is not valued and they remain in a state of dilemma. Right from non-payment of honorariums to facing harassment and abuse ASHA workers have experienced a deeply casteist and gendered apathy. Furthermore there is huge discrepancy among the categories of organised/unorganised sectors urban/rural areas and regular and contractual



workforce which impact ASHA workers employment. Time and again the courts have interpreted the nature of this employment to be the one that cannot be regularised.

ASHAs have been utilising diverse platforms to raise their challenges and issues in the past few years. In 2020, Women in Global Health (WGH) India chapter, during dialogue with ASHA workers, their union representatives and policy leaders engaged with the ASHA programme, highlighted their issues in the pandemic. These challenges concerned their increased burden of work; inadequate training to undertake the new roles; denial of adequate safety from violence and infections; their rightful demands of recognition and respect from government as well as community; and most importantly the lack of appropriate and timely remuneration. Based on this dialogue, they recommended that institutional mechanisms be developed for integrating ASHA's experiences, needs, and class, caste and gender realities in policymaking, clear and concise guidelines are for ASHAs and broader health system reforms including strengthening policies for fair recruitment and remuneration, retention, financial protection, leave management, protection against sexual harassment, physical and mental health protection, and stigma prevention with clear accountability. However, their demands were not met.

On September 24, 2021, lakhs of ASHA and Anganwadi workers/helpers, school cooks and workers referred, to as "scheme workers", across the country observed a strike in support of these demands. The strike was organised under the banner of the Joint Platform of Scheme Workers Federations, which includes federations of scheme workers affiliated to various trade unions.

Women workers protested everywhere - from remote villages to the towns and cities – protests broke out in the entire country. They demanded that they be recognised as frontline workers and given their due benefits. Mid-day meal workers, thousands of them, staged protests for a raise in the meagre monthly remuneration of Rs 1,500. They submitted memorandum to the Union Labour and Employment Minister seeking recognition for their work and their status as labour.

Workers unions, kisans' and women's organisations joined the striking scheme workers, to express solidarity with them. The Samyukt Kisan Morcha, leading the then ongoing kisan agitation, gave its full support to the all-India strike of the ASHA and Anganwadi and other scheme workers. Their resistance is extremely important and it has continued to date. In these collective efforts, women workers have gained experience in organising struggle, mobilising people, networking with other groups and also in confronting authorities. The scheme workers who were at first reluctant to even participate in a small village meeting, gained maturity, strength and self-confidence through their exposure to struggle and their accumulated vision and consciousness, offered to all women the lessons on women's subordination.

## **IV: Lessons for Feminist Public Policy**

After having disappeared to the margins, rural women are staging a comeback in the discussion on rural economies, what lessons are drawn for Feminist Policy from their organising and resisting? The women in these movements have employed a repertoire of resilience that is made up of the decades of neglect they faced. They have articulated clearly their position from their location, they have sketched the failure of public policy, the challenge for policy is the entry of their perspective into the frame of mainstream policy debates. In their resilience in the face of institutional resistance, we have moved from a situation where many of the forms of neglect, discrimination and violence which were not even named, let alone recognised, are now squarely placed in the public domain. Their collective strategies have been in the forefront of developing awareness of the crisis that the poor and the marginalised communities face today on everyday basis. And, it has been made possible because of their creative

and innovative work, as an outcome of their vision and determination, rather than commitment from policy makers or government. Can the policy echo the courage of perspective which the protesting women have displayed?

**Disclaimer: a part of this chapter is drawn from author's previously published work.**

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# BOX 1

## Voices from the Field: Towards Accountability and Justice

**Abirami Jotheeswaran - All India Dalit Mahila Adhikar Manch - National Campaign for Dalit Human Rights (NCDHR), New Delhi.**

All India Dalit Mahila Adhikar Manch (AIDMAM)-NCDHR, is a Dalit feminist movement primarily focusing on the promotion of Dalit women's leadership to create sustainable change with the agenda of preventing caste and gender-based violence. We work with the goal of addressing Dalit women's human rights violations through fact-finding and provision of legal support for the survivors of caste and gender-based violence. Our major interventions in the community are focused in seven states of North India: Bihar, Delhi, Haryana, Madhya Pradesh, Maharashtra, Odisha and Uttar Pradesh.

### ***Increasing Violence against Dalit Women and Minor Girls:***

Dalit women, as the most marginalised in the caste system, face the triple burden of caste, class and gender inequalities. According to the National Census of 2011, Dalit women comprise 98 million out of a total Dalit population comprising 200 million. Despite constitutional safeguards and special legislations such as the Scheduled Castes & Scheduled Tribes Prevention of Atrocities (PoA) Act, 1989, violence against Dalit women and minor girls are increasing when they assert their basic human rights to access common resources and public places, education, claim land, right to work and wages, right to dignity, right to legal recourse, right to cultural freedoms, right to choose a partner, to social mobility, political participation, and face retaliation over disputes, etc. The National Crime Records Bureau (NCRB) 2021 reports that more than 10 Dalit women and young girls are raped daily.<sup>1</sup> The following NCRB data (2020-2021) by the government reveals a situation of increasing violence against Dalit women and minor girls in India.

The statistics and analysis below are derived from a factsheet developed by NCDHR in 2022:<sup>2</sup>

Number and percentage of Crimes Committed against SC Women and Minor Girls (2020–2021)			
Year	Total Crimes against SCs registered under PoA Act	Total Crimes against SC Women and Minor Girls registered Under PoA Act	% Share of Overall Atrocities recorded under PoA Act
2020	50, 268	7, 397	14.71%
2021	50, 879	15, 855	31.16%

<sup>1</sup> NCRB data: <http://www.ncdhr.org.in/wp-content/uploads/2021/04/Dalit-Women-Rise-For-Justice-Status-Report-2021.pdf>

<sup>2</sup> <https://www.aidmam-ncdhr.org/assets/img/publications/NCDHR%20-%20Violence%20again%20women%20Factsheet%20-%20revised.pdf>

The data records 15,855 incidents of violence against SC women and girls in 2021, which shows a two-time increase in incidents of violence that was recorded in 2020. The data further highlights that crimes against Dalit minor girls had alarmingly increased in 2021, as is evident by the registered number of cases of assault (increased by 63.6 percent) and rape (increased by 21.8 percent) under the SC/ ST (POA) Act r/w IPC sections and the POCSO Act as compared to 2020.

The lack of adequate prevention measures for ending caste and gender-based violence is among the major reasons for increased violence against Dalit women and girls. The NCRB data (2022) also indicated that crimes against Scheduled Castes increased by 13.1 percent, from 50,900 cases in 2021 to 57,582 cases last year.<sup>3</sup>

### **Forms of Offences against Scheduled Caste Women and Minor Girls (2020 & 2021):**

The NCRB data on forms of violence against SC women and minor girls (2021) includes certain forms of violence as per the IPC sections such as Assault on Women to Outraging her modesty (including of minor girls); Rape and Attempt to Rape, Insult to the Modesty of women, Kidnapping and Attempts to compel her for marriage and Procuring of Minor Girls. Atrocities against SC Women and minor girls (15,855) account for 31.16 percent of the total crimes registered (50,879) under the SC/ ST (PoA) Act r/w IPC sections during 2020- 2021.

<b>Forms of Offences against Scheduled Caste Women &amp; Minor Girls - 2020 &amp; 2021 (NCDHR factsheet 2022)</b>			
<b>Crime Head</b>	<b>Crime in 2020</b>	<b>Crime in 2021</b>	<b>Percentage increase in 2021 over 2020</b>
Assault on Women and Minor Girls with intent to Outrage Modesty (Sec 354 IPC)	3373	3764	11.5
• Assault on Adult Women to Outrage Modesty	3037	3214	5.8
• Assault of Minor Girls (Sec 8 &10 POCSO Act)	336	550	63.6
Rape (Sec. 376 IPC)	3372	3870	14.7
• Rape of Women	2317	2585	11.5
• Rape of Children (Sec 4 & 6 of POCSO Act)	1055	1285	21.8
Attempt to Rape (Sec 376/511 IPC)	90	100	11.11
Insult to Modesty (Sec 509 IPC)	144	157	9.02
Kidnapping & Attempt to compel her for marriage (Sec 366 IPC)	394	309	-21.57
Procuration of Minor Girls	24	21	-12.5

<sup>3</sup> <https://scroll.in/latest/1060054/crimes-against-women-children-sc-sts-and-cyber-cases-rose-last-year-shows-ncrb->

Disaggregated data as provided by NCRB for various types of offences against Dalit women, under the SCs & STs (PoA) Act r/w IPC sections is not as extensive as that provided for all-women under the IPC. As such, the increase in violence against Dalit women can only be compared for the six offences recorded by NCRB in line with the SCs & STs (PoA) Act.

This data is based on reported cases of sexual violence and does not give segregated data on other forms of violence including Murder, Murder with Rape, Gang Rape, Murder with Gang Rape, and other heinous crimes. The nature, extent and gravity of caste and gender-based violence can only be known to a certain extent, if such disaggregated data is consistently recorded by the NCRB and made publicly available.

### ***Ranking of States on Cases of Violence against Dalit Women and Minor Girls:***

The NCRB report data highlighted the following five states with high rates of rape, attempted rape, kidnapping for the purpose of forcing into marriage, insult to modesty, and violence to outrage modesty.

States	Rape	Assault	Kidnapping & Abduction	Attempt to Rape	Insult	Total	Rank
Uttar Pradesh	559	752	234	9	0	1554	1
Rajasthan	566	616	23	67	2	1274	2
Madhya Pradesh	564	634	19	2	3	1222	3
Maharashtra	395	455	4	0	8	862	4
Haryana	234	270	10	9	20	543	5

Uttar Pradesh reported the highest number of cases among the top ten states, followed by Rajasthan and Madhya Pradesh. Maharashtra and Haryana follow down the line.

### ***Disposal of Cases against SC Women and Minor Girls by Police:***

The NCRB Report (2021) on police disposal data shows that 13,020 cases were investigated, including pending cases from previous years related to the offences against SC women and minor girls; 10,282 cases were disposed of by the police by way of cases transferred to other states or agency, and withdrawn by the government during investigation; 1,457 cases ended with Final Report as false cases and mistake of fact or of law or civil dispute.

Charge sheets were filed for 74.53 percent of them, with a pendency of 26.95 percent at the end of year. As per the Section 7(2) of the SC/ ST (PoA) Rules, 1995, the concerned police station shall conduct the investigation and file the charge sheet under this Act within a period of sixty days. The insensitivity and manipulation by the local administration towards Dalit women's issues affect the progress of the case in the court. For instance, the gang rape and murder of the 19-year-old Dalit woman in Hathras, Uttar Pradesh, in September 2020 has highlighted the brutality against a Dalit woman and her family, where the district administration had forcibly cremated the body of the victim without the family's consent. This action interfered with the gathering of evidence and was carried out prior to the police inquiry.



### Disposal of Cases against SC Women and Minor Girls by the Court:

The NCRB data of court dispositions in 2021 reveals the story of injustice towards Dalit women.

Court Disposal of Crimes/Atrocities against SC Women and Minor Girls from NCRB 2021								
Total no. of the cases under different Form of Violence in 2021	Total Cases for Trial including cases from Previous year	Cases in which Trials were Completed	Number of Cases ending in Conviction	Number of Cases ending in Acquittal	Number of cases Pending Trial at the End of the year	Conviction Rate (%)	Acquittal Rate (%)	Pendency percentage (%)
Assault on Women and Minor Girls with intent to Outrage Modesty	15,115	744	221	467	14,359	29.7	62.76	95
Rape (Women and Minor girls)	17,322	873	251	592	16,441	28.8	67.8	94.9
Attempt to Rape (Women & Minor girls)	434	10	3	7	423	30	70	97.5
Insult to Modesty of Women	455	20	2	18	435	10	90	95.6
Kidnapping and Abduction of Women to Compel for Marriage	1,912	60	26	32	1,852	43.3	53.33	96.9
Procuration of Minor Girls	77	3	0	3	74	0	100	96.1
Total/Avg.	41,411	2,107	616	1,395	39,277	23.63	73.98	96

The cases seem to be rising annually, with low conviction rates (24 percent) and high acquittal rates at the Special courts (more than 74 percent). The high pendency (more than 96 percent) of crimes against Dalit women and minor girls demonstrates the government's ineffective responses in tackling atrocities against Dalit women and minor girls.

The high rate of acquittal under the SCs/STs (PoA) Act is attributed to several factors such as: delays in lodging the FIRs; foisting of false cases against victims at the behest of (some) perpetrators to pressurise for compromise; the non-conducting of investigations by Police Officers below the rank of Deputy Superintendent of Police; the absence of proper scrutiny of cases by the prosecution before filing the charge sheet in court; the lack of proper prosecution of the case; witnesses turning hostile; long pendency of the trial and lack of corroborative evidence, among others.

During court proceedings, the evidence related to the case gets tampered with and aids in absolving the accused, as was witnessed in the 2020 Hathras gang rape and murder of a young Dalit woman. This happened even though there was a dying declaration of the victim on 22 September 2020, and the charge sheet filed by the Central Bureau of Investigation (CBI) in 2021, that included the names of the four accused under the sections of SC/ST (PoA) Act, 1989 r/w IPC for the offences of gang rape and murder. However, on March 2, 2023, the Hathras Sessions Court acquitted three out of four accused. Only one accused has been convicted - not of rape and murder, but of culpable homicide not amounting to murder.

This status reflects the tardiness and poor implementation of the legislative provisions and measures to ensure justice for Dalit women and girls in India. The challenges in securing effective implementation of the SC/ ST (PoA) Act, POCSO Act and preventive measures have resulted in a surge in cases of violence against Dalit women and girls.

### ***Call for Accountability and Justice:***

Establish effective and inclusive monitoring mechanisms for better enforcement of the SC/ ST (PoA) Amendment Act, from the stage of registration of First Information Report to the Judgment stage, to ensure fair and speedy justice for Dalit women and minor girls.

Rehabilitation of the survivors of caste and gender-based violence needs to be ensured by targeting schemes for promoting survivors' self-sufficiency. Thus, housing, livelihood, educational facility, and safety, including free legal and mental health support should be provided in cases of rape.

Prompt actions are needed in the legal sphere including disciplinary action against police and public officials who neglect to discharge their duties under Section 4 of the SC/ ST (PoA) Amendment Act.

Hold public campaigns to create awareness on the "Rights of Victims and Witnesses" under Section 15(A) of the SC/ ST (PoA) Amendment Act and procedures to access justice.

Increase budget allocation for the health care of Dalit women and girls, and establish a targeted monitoring system on the health care of Dalit women for remedial measures with the focus to provide psycho-social support for survivors according to the SC/ST (PoA) Act.

The National Crime Records Bureau (NCRB) should provide national, state and district level disaggregated data of all forms of crimes committed against Dalit women and minor girls under Indian Penal Code (IPC), SC/ST PoA Act (Amendment) and other special legislations and Special and Local Laws (SLL).

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## BOX 2

### The Ground Realities of Queer and Trans\* Persons and the Gaps in Promises Made by the State

Zayan, Saurav Verma and Rituparna Borah from Nazariya:  
A Queer Feminist Resource Group

#### ***Present Political Landscape on LGBTQIA+ Lives in India***

In the past year, there has been an influx of policies, judgements, and custodial and police violence against queer and transgender activists and persons. There have been protests organised by activists and persons and petitions in courts related to the lives of queer and transgender individuals in India. In addition to these, there were Marriage Equality petitions which were heard in the Hon'ble Supreme Court of India and also the debates around the Uniform Civil Code (UCC).

#### **Ground Realities**

Dalit queer activists have been demanding horizontal reservation from the government of India for some time now since even within the communities there exists marginalisation with respect to caste and ethnicity. In June 2023 when some activists were peacefully protesting in Chennai for the same, many queer and transgender activists were detained and manhandled by the police in Chennai.<sup>1</sup>

*"Those who belong to both the SC/ST categories and the transgender community would not be able to claim their right to reservation under both categories. Moreover, trans people who already belong to the OBC category would not gain any additional benefits in the transgender quota."*<sup>2</sup>

- Grace Banu, Dalit Transgender Activist

In another event, with the G20 summit held in September 2023, India was set to celebrate events under the ambit of this summit. However, it becomes important to question how a global summit like this affects the people at the margins of the society. Apparently, due to the safety concerns, police had been arbitrarily arresting transgender persons from signals in Delhi.

*"Keeping in mind the safety of foreign dignitaries visiting the city, we are also taking action to maintain law and order in the area."*<sup>3</sup>

-A senior police officer in Delhi

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<sup>2</sup> Meenkashy Sasikumar (2024). Explained: Why Trans People Are Demanding Horizontal Reservation Across Castes. Accessed at: <https://www.thequint.com/explainers/trans-people-fight-for-horizontal-reservations-across-castes>

<sup>3</sup> Stuti Pal Singh (2023). Arbitrary Arrests Of Transgender Persons On The Ruse Of G20 Summit Security. Justice News. Accessed at: <https://www.justicenews.co.in/arbitrary-arrests-of-transgender-persons-on-the-ruse-of-g20-summit-security/>

This shows the priorities of the government and the state types of machineries. This priority was evident even in the Marriage Equality petition that was heard by the Hon'ble Supreme Court of India this year. The Solicitor General appearing for the Central government on this petition made arguments which go against the principles of constitutional morality and focus entirely on the narratives of public morality. The Preamble of the Constitution of India keeps Justice, Liberty, Equality and Fraternity at its core. However, the arguments made by the Solicitor General went completely against all these values, rendering people into thinking if this government even views queer and transgender persons as citizens of this country.

*"Societal acceptance is needed for recognition of a union and this has to be through the parliament...and if it is done by the court then it is detrimental to the LGBTQI since you are forcing something against the will of the people,"*<sup>4</sup>

**- Solicitor General - Tushar Mehta on Marriage Equality petition**

Garima Greh is an initiative started by the Ministry of Social Justice and Empowerment, the government of India, which focuses primarily on providing shelter homes to transgender persons. But lately, Garima Greh has also been facing a financial crunch due to the government not releasing the funds for its sustenance.

*"When we initially signed the contract, we were told we would be provided 40 percent funding. For the first year we were provided 40 percent funding by the government and after that nothing at all. Last year we had zero funding. This year, so far, we have not received any funding. The problem is that they are not saying anything. They are not telling us whether the funding has stopped or will be resumed. They have kept us in the dark. I hope the government rethinks on this, understands our plight, and releases the funds".*<sup>5</sup>

**- Rudrani Chhetri, Project Director of Mitr Trust Garima Greh in New Delhi**

*"I took shelter in Garima Greh when I faced many problems from my family. In the Garima Greh, I have seen that the food quality was not good. The management is trying to do their best but is unable to because they have funding related issues. I have also seen instances where the police have barged into the Garima Greh and misbehaved with the trans community people. The Grehs lack basic facilities, but still, we trans community people don't have any complaints because we are so tormented by the outside world that we feel that the Garima Grehs are a ray of hope and a safe spot for us,"*<sup>6</sup>

**- Priyanka Sharma, a trans woman from New Delhi.**

<sup>4</sup> Live Mint (2023). Same-sex marriage Day 5: Petitioner seeks 'blessings' of India, Solicitor General quotes 'societal acceptance'. Accessed at: <https://www.livemint.com/news/samesex-marriage-day-5-petitioner-seeks-blessings-of-india-solicitor-general-quotes-societal-acceptance-11682516748337.html>

<sup>5</sup> Bhaswati Sengupta (2023). Garima Grehs Crippling: Government Stops Funding for Trans Shelter Homes. The Probe. Accessed at: <https://theprobe.in/stories/garima-grehs-crippling-government-stops-funding-for-trans-shelter-homes/>

If transgender persons are finding it difficult to sustain and feel safe in a government-run shelter home, how would a non-government run organisation, or anyone who is not backed by government would feel safe or sustain themselves?

With this in the background, it becomes even more important to ask how the state envisions justice and protection for those who are marginalised based on their gender identity and sexual orientation.

### ***What can be the way forward from here?***

An understanding needs to be built that whatever law and judgement comes up in the legal ambit, it affects everyone including queer and transgender individuals. Equality and equity can only be assured if a collaborative decision-making process is followed where people from the community are made a part of the table where decisions are made. The government also needs to think clearly about what its priorities are, because after setting up the Garima Grehs, their sustenance cannot be left to the people managing it without giving them continuous consistent funding.

There is also a need to redefine the concept of family as it is not just the queer and transgender people who face violence at the hand of their natal families but also cisgender<sup>7</sup> heterosexual<sup>8</sup> women.

*"...The experiences of natal family violence of queer and trans persons jolted us into realising how our work with women has been overwhelmingly heteronormative. The discourse of Violence against Women has been so geared towards married women and violence in the marital family that the Domestic Violence Act that all of us fought for so hard has become completely irrelevant for people outside marriage, even cis queer or single women residing in natal families..."*<sup>9</sup>

**-Paromita Chakravarti, an academic from Jadavpur University**

In this process, sensitisation of the state machinery like police, healthcare and education system, etc. is also significant so that they do not end up harassing queer and transgender people living in Garima Grehs and other shelter homes which are meant for their safety.

Transgender Persons (Protection of Rights) Act[6], 2019, the rights of transgender persons against sexual abuse have not been safeguarded to the same extent as that granted to women because the penalty imposed by the Act as 2 years of imprisonment to the rapist is considerably less severe compared to rapist of women and children (7 to 10 years of imprisonment).

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<sup>6</sup> ibid.

<sup>7</sup> People whose gender identity matches the sex assigned to them at birth (Source: file:///C:/Users/appub/Downloads/Terminology.pdf)

<sup>8</sup> People who are sexually and/or romantically attracted to people of a gender other than their own (Source: file:///C:/Users/appub/Downloads/Terminology.pdf)

<sup>9</sup> PUCL and National Network of LBI Women and Trans Persons (2023). Apnon Ko Bahut Lagta Hein. Centering Familial Violence in the Lives of Queer and Trans Persons in the Marriage Equality Debates. A Report on the findings from a closed door public hearing on April 1, 2023. Accessed at: <https://thenazariyaoundation.org/doc/nazariyapdf/Apno-ka-Lagta-hai.pdf>



## BOX 3

### Gender Based Violence and Disability

Aishwarya Rajeev

Women with disabilities are at the intersection of two marginalisations on the basis of gender and disabilities.<sup>1</sup> This is further compounded by other social locations that women with disabilities may occupy like caste, class, and sexuality, among others. Organisations like the National Centre for Promotion of Employment for Disabled Persons (NCPEDP) have been arguing for a gendered and intersectional understanding of disability, highlighting for instance, how in the context of Covid-19 pandemic, while there was a rise in cases of domestic violence, the crisis perpetuated an even dire situation for women with disabilities.<sup>2</sup> This remains an issue that receives scant attention.

Violence and abuse can take various forms, including but not limited to physical violence, emotional abuse, sexual assault, denial of basic rights, and forced marriage. Riley et al. (2022), through their cross-sectional study in Mumbai, argued that the risk of intimate partner violence (IPV) was disproportionately higher for women with functional disabilities. Women with disabilities had more than 50 percent likelihood of reporting experiences of physical, sexual, or emotional intimate partner violence (IPV) as compared to women who had screened negative for disabilities.<sup>3</sup>

It has also been argued that the lack of data around violence and women with disability is a cause for concern. National Crime Records Bureau (NCRB) does not provide disaggregated data on crimes and women with disabilities, thereby underscoring not only the lack of policy attention to this matter, but also the difficulties in carrying out robust analysis on violence and disability in the absence of concrete data. As Bhateja (2019) points out, "A woman with a locomotive disorder might not be able to escape violence due to her limited mobility; a woman with a hearing or speech impairment might not be able to call for help at the right time; a woman with an intellectual disability may not even know that she is being exploited. The NCRB report, however, does not have specific data about this sub-set of women, thereby invisibilising them and their sufferings, when this is an aspect that deserves public cognisance and mindfulness."<sup>4</sup> Moreover, women with disabilities who experience violence often face additional barriers in accessing justice and support services, as the criminal justice system and social services are often ill-equipped to accommodate their needs.<sup>5</sup>

<sup>1</sup> Sharma, M. and Das, N. (2021). "'Invisible Victims' of Violence: A Gender and Disability Perspective of Coronavirus in India", Economic and Political Weekly, Vol. 56, Issue No. 16. <https://www.epw.in/engage/article/invisible-victims-violence-gender-and-disability>

<sup>2</sup> Ibid.

<sup>3</sup> Riley A, Daruwalla N, Kanougiya S, et al Intimate partner violence against women with disability and associated mental health concerns: a cross-sectional survey in Mumbai, India BMJ Open 2022;12:e056475. doi: 10.1136/bmjopen-2021-056475

<sup>4</sup> Bhateja, A. (2019): "NCRB Data 2017: Absence of Specificities About Atrocities Against Disabled Women Further Invisibilises Them," Firstpost, 26 October, <https://www.firstpost.com/india/ncrb-data-2017-absence-of-specificity-about-atrocities-against-disabled-women-further-invisibilises-them-7556251.html>

<sup>5</sup> World Bank (2019). "Brief On Violence Against Women And Girls With Disabilities". <https://documents1.worldbank.org/curated/en/864511600841231218/pdf/Brief-on-Violence-Against-Women-and-Girls-with-Disabilities.pdf>

The UN Committee on the Rights of Persons with Disabilities, in its observations on India, pointed out the issue of intersectionality and gender as a matter to be urgently addressed. Within the larger ambit of these observations, it was also noted that it is crucial to address, among other things, 1) the fear of retribution faced by women with disabilities who have experienced violence (gender-based and otherwise), and 2) the disregard they face in the judicial system owing to stereotypes and prejudices, which limits their access to seeking justice and redressal in cases of violence, which also includes a disregard for women/girls who may have intellectual/psycho-social disabilities.<sup>6</sup>

There was some recognition of the multiple marginalisations that women face in The Criminal Law (Amendment) Act of 2013 and Protection of Children from Sexual Offences Act (POCSO) 2012. However there is a long way to go for legal processes to become truly inclusive on the ground with regards to persons with disabilities.<sup>7</sup> The Human Rights Watch Report (2018) recommended that it is vital that access to justice be ensured for women with disabilities who experience violence. This involves proper implementation of policies and laws, training and sensitisation of state functionaries who handle cases, implementation and adoption of 'Guidelines and Protocols for Medico-Legal Care for Survivors/Victims of Sexual Violence' by the Ministry of Health and Family Welfare, and devising a uniform compensation scheme across states.<sup>8</sup>

Importantly, disaggregated data must be collected and analysed in order to build public policy discourse and strengthen advocacy. As Shampa Sengupta observes, "One of the major hurdles that we face as activists is that we barely find any data on violence on disabled people in our country. As a result, the enormity of the issue never comes into forefront. So, when people like us, who work along the intersections of gender and disability, talk about these cases, it becomes anecdotal evidences. The fact that sexual violence is part of everyday lives of disabled women is conveniently forgotten."<sup>9</sup>

Finally, The Women with Disabilities India Network in their 2019 report echo many of the points in their recommendations to the government: the need to collect data on gender-based violence disaggregated by disability, and specifically addressing the different forms of gender-based violence experienced by women and girls with disabilities. They urge for targeted measures to be taken which would enable quick responses to incidents of violence on Women with Disabilities in all spaces, including domestic and work spaces. And they further advocate for mainstreaming approach that ensures that public information campaigns are held to create awareness, including use of accessible formats amongst women with disabilities on their rights.<sup>10</sup>

<sup>6</sup> UN Committee on the Rights of Persons with Disabilities (2019): Concluding Observations on the Initial Report of India, 29 October, [https://digitallibrary.un.org/record/3848327?ln=zh\\_CN#record-files-collapse-header](https://digitallibrary.un.org/record/3848327?ln=zh_CN#record-files-collapse-header)

<sup>7</sup> Bhateja, A. (2019): "NCRB Data 2017: Absence of Specificities About Atrocities Against Disabled Women Further Invisibilises Them," Firstpost, 26 October, <https://www.firstpost.com/india/ncrb-data-2017-absence-of-specificity-about-atrocities-against-disabled-women-further-invisibilises-them-7556251.html>

<sup>8</sup> Human Rights Watch (2018): "Invisible Victims of Sexual Violence: Access to Justice for Women and Girls with Disabilities in India," 3 April, <https://www.hrw.org/report/2018/04/03/invisible-victims-sexual-violence/access-justice-women-and-girls-disabilities>

<sup>9</sup> Sengupta, S. (2020). "Data On Violence On Girls & Women With Disabilities: Need Of The Hour", Feminism in India. <https://feminisminindia.com/2020/10/26/women-girls-disabilities-violence-data/>

<sup>10</sup> Women with Disabilities India Network (2019). Submission of Alternative Report (Article 6) To the Committee on the Rights of Persons with Disabilities : India. Accessed at: <https://behanbox.com/wp-content/uploads/2021/11/alternate-report-women-with-disabilities.pdf>

# SECTION Education and Skilling

## V

### Anchor and Section Overview:

**Sarojini Ganju Thakur**

The focus of Section Five of the IGR is on a decadal review of Gender Equality in Education and Skill Development. Education for women is transformational, unleashing their full potential for improving livelihoods, health and nutrition levels, enhancing their autonomy and ability to deal with violence and leading to their empowerment.

The broad policy framework for school education is laid out in the National Policies of Education (1986 and 2020) and Sustainable Development Goal 4 which aims at universal elementary and secondary education by 2030. The first chapter in this section, **From Commitment to Action: A Decadal Review of Government Financing for Gender Equality in School Education** by *Protiva Kundu and Shreya Ghosh*, recognises that while gender parity has been achieved in elementary education, it is more elusive in the case of secondary education. It makes the case for enhanced financial provisions to specifically incentivise girls' access to secondary education and also for extending the RTE to secondary education. It recognises that NEP 2020 provides for the Gender Inclusion Fund for equitable and quality education for girls for which some specific resources are provided through Samagra Shiksha.

The chapter on **Women in Higher and Technical Education**, written jointly by *Timothy A. Gonsalves, Deepti Gupta, Lishma Anand, Priscilla T. Gonsalves and Devika Sethi*, highlights that while female enrolment in higher education is close to 50 percent, stream wise it is skewed more in favour of girls in medical sciences and the arts, and lower in engineering and mathematics. For this chapter a small survey was conducted with women college students, faculty and alumnae to ascertain their views which included some recommendations for change. The overall policy recommendations include the importance of both technical and soft skill related courses, dissemination of information about jobs and addressing gender biases in higher education. The paper also advocates that states should have more flexibility in responding to women's needs.

*Sarojini Ganju Thakur* in her chapter on **Making Skill Development More Gender Responsive** recognises that while skill development has received enhanced attention since the formulation of National Policies on Skill Development and the creation of a separate Ministry at the national level, key gender issues still need to be addressed. The recommendations include mainstreaming vocational education, improving linkages with industry, ensuring adequate financial resources, improving availability of gender disaggregated data, and developing coordinating and reviewing mechanisms at national and state levels. Also highlighted are specific issues related to programme design and delivery; the need to have a clear gender focus; emphasis on nontraditional and life skills, and to understand the kind of support required for sustainable employment.

# CHAPTER 22 From Commitment to Action: A Decadal Review of Government Financing for Gender Equality in School Education

Protiva Kundu and Shreya Ghosh

## Abstract

*National Education Policy 2020 lays emphasis on achieving universal access to quality primary and secondary education for all girls and boys by 2030. A review of the status of school education of girls vis-à-vis boys and the pattern of Union government's financial commitment towards school education over the last decade reveal that gender equality in school education is a long way to go. While significant progress has been made at elementary level, especially since the implementation of the Right of Children to Free and Compulsory Education Act, 2009, girls' transition and retention at secondary level remains a challenge owing to lower, public investment at secondary level and higher out-of-pocket expenses. Literature has shown that when faced with a choice of educating boys and girls, the odds are stacked against girls. Being out of school, increases girls' vulnerability to violence and harmful practices such as child marriage which not only limits their full social, economic and political participation but also perpetuates an intergenerational cycle of poverty and malnutrition. This chapter makes a case for adopting a gender transformative approach to education delivery, which includes investing in intersectional and gender-disaggregated data, gender-responsive planning and budgeting, refining school curriculum and pedagogy to address existing gender roles and stereotypes, while simultaneously transforming social norms that create barriers to achieving gender equality.*

## I: Introduction

Gender equality refers to that stage of human social development at which "the rights, responsibilities and opportunities of individuals will not be determined by the fact of being born male or female," in other words, "a stage when both men and women, in all their diversity, realise their full potential" (United Nations Office of the Special Advisor on Gender Issues). Education based on the principle of equity promotes the reduction of gender discrimination and the social and economic self-reliance of women through policies and programmes further ensuring access to, and quality of, basic education and productive skills.

School is the transformational space that can reduce existing disparities and act as powerful equaliser across caste, class, gender and disabilities. Quality education imparted in a conducive learning environment has the power to unlock an individual's potential to make critical life decisions, meaningfully participate in society as well as foster the nation's development. Research has

established that educating girls is one of the most cost-effective ways of spurring development (Tembon and Fort, 2008).

## II: Education: Inter-sectoral Linkages

Education is critical in achieving most of the SDGs, because of its inter-linkages with specific targets related to poverty, hunger, nutrition, health for all, gender equality, decent employment and climate change to name a few. On the other hand, policy initiatives pertaining to livelihood, adolescent health and nutrition, water and sanitation, child marriage and gender-based violence play defining roles in completion of 12 years of school education for girls. As compared to women with no schooling, women with 12 or more years of schooling are less likely to have teenage pregnancies; more likely to be using a hygienic method of menstrual protection; more likely to use services of skilled provider for antenatal care; and more likely to give birth to a child with birth-weight greater than 2.5 kgs. Better educated women are more likely to participate in the formal labour market and earn higher incomes. They can also exercise greater agency than women with no schooling regarding their own healthcare; and making major household purchases. Another key aspect of keeping girls in school – especially secondary school – is its role in reducing vulnerabilities to gender-based violence and harmful practices such as child marriage. In fact, evidence from certain African countries shows that education of girls in one generation can delay marriage in their daughters' generation. Although relative educational mobility has risen in recent decades, the number of years a girl spends in school, compared to that of boys, is still more aligned to her parents' education – especially that of her mother'. However, it is important to bear in mind that schools are likely to replicate gender biases and discrimination unless conscious efforts are made to challenge them. Keeping girls in schools therefore requires ensuring girls safety en-route and in schools, separate and functional WASH and menstrual hygiene facilities. In addition, classroom transactions must encourage girls' participation, school curriculum needs to consciously dismantle existing gender stereotypes and also include information on sexual and reproductive health. Another critical element to ensure girls' retention in schools is ensuring constructive engagement with their parents/ families such that the supportive environment created in schools is complemented by the one at home.

Within the larger frame of equity, the Indian Constitution guarantees equal treatment to women in all respects. The framers of the Constitution specifically included and sought to achieve gender equality in education as well. Over time various policies and programmes have been designed to mitigate the gender disparity (Figure 1). The first National Education Policy in 1968 had a dedicated section on 'Equalisation of Educational Opportunity'. The policy emphasises on additional efforts to equalise educational opportunity across region, social class, gender, and place of residence. The report highlights that 'education of girls should receive emphasis, not only on grounds of social justice, but also because it accelerates social transformation'.

The National Policy on Education (NPE, 1986 and the Programme of Action POA, 1992) have articulated this commitment to education for women's equality as 'a vital component of the overall strategy of securing equity and social justice in education'. NPE 1986 commits "Education will be used as an agent of basic change in the status of women".

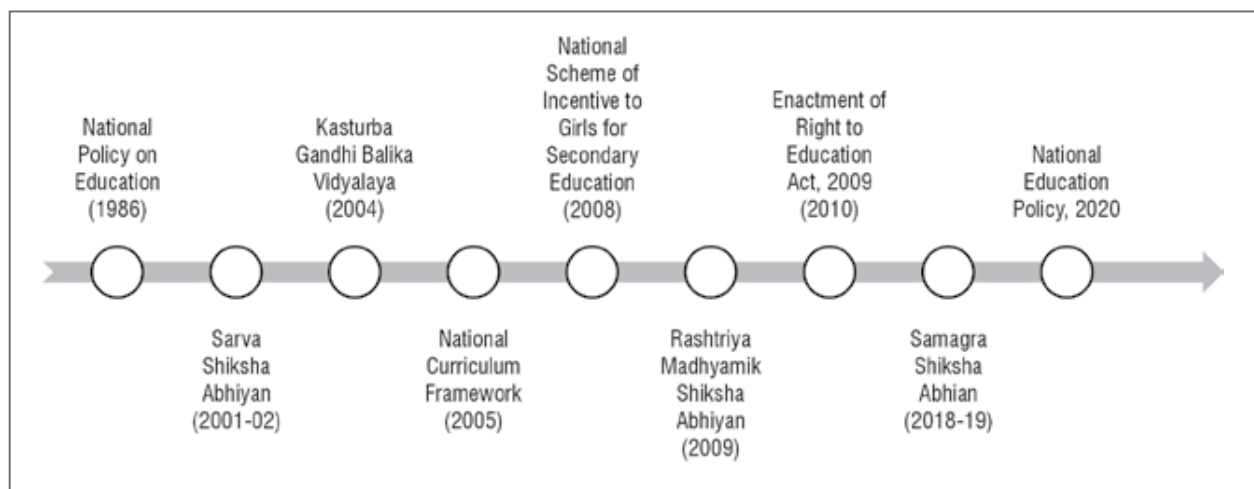
Position paper created under National Curriculum Framework, 2005 highlights the need for spending more on education to improve access of girls to education; improving teaching in government schools to ensure retention of girls in school and quality of education, and integrating inputs from Women's Studies research to ensure that the material used in textbooks and syllabi is informed with a critical approach to gender.

Two major centrally sponsored schemes for school education -Sarva Shiksha Abhiyan (SSA) and Rashtriya Madhyamik Shiksha Abhiyan (RMSA) by design had given priority to girls' education. After implementation of SSA and RMSA (currently subsumed under Samagra Shiksha Abhiyan (SSA)), and enactment of Right to Free and Compulsory Education (RTE) Act, 2009, the enrolment of girls in schools has gone up significantly. Over 4000 Kasturba Gandhi Balika Vidyalayas (KGBV) (residential schools) were set up for under-privileged girls in Educationally Backward Blocks (EBBs) where female rural literacy is below national average and gender gap in literacy is above national average. To improve the retention of girls at the secondary level, there is new initiative under SSA for the expansion of the KGBV from class IX to XII.

In 2008, National Scheme of Incentive to Girls for Secondary Education was launched to establish an enabling environment to promote enrolment and reduce drop out of girls belonging to **Dalit and Adivasi** communities in secondary schools and ensure their retention up to the 18 years of age. However, the scheme was discontinued in 2021 and is now boarded on National Scholarship Portal.

As a signatory to United Nations, India under the Millennium Declaration (2000) committed to promote gender equality and the empowerment of women as basic human rights; India is also committed to achieve the United Nations's 2030 Agenda for Sustainable Development of 'no one left behind'. The Sustainable Development Goal (SDG) 4 aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Target 4.1 of SDG-4 states: By 2030, ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. SDG 5 is to achieve gender equality and empower all women and girls. Education is one of the most critical contributors to empowerment, making evident the deep interlinkages between Goals 4 and 5. In fact, all 17 goals are interconnected and gender equality in school education is key to achieve a number of targets adopted under SDGs.

**Figure 1: Key Policies/Programmes of Government of India to Reduce Gender Disparity in School Education**



The recently released National Education Policy (NEP) 2020 envisages equitable and inclusive education for all, with special focus on children and youth, especially girls, from socially and economically disadvantaged groups. NEP 2020 has acknowledged the numerous benefits associated with girls' education in the society. It also emphasises the need for universal access to quality school education especially education for all girls and in this context, the policy recommended constitution of 'gender-inclusion fund' by Government of India to ensure equity in education.



However, in order to translate this intent into practice, there is need for adequate human, technical and financial resourcing for systemic change. It must be noted that the NEP has acknowledged the need for higher investment in education and rightly envisioned that financing should be largely from public sources to gain maximum benefits.

To achieve this vision, a resource estimation backed by fiscal roadmap to enable universalising secondary education in a stipulated time frame is required. The policy discourse shows that extension of RTE Act till secondary education was on the policy agenda for ensuring 12 years school education. In 2004, the then Ministry of Human Resource Development constituted a Central Advisory Board of Education (CABE) committee to prepare a blueprint for universalisation of secondary education. Again in 2012, another CABE committee was formed to evaluate the feasibility of bringing secondary education under the RTE Act.

While India has made notable progress in terms of achieving gender parity in primary enrolment in the last 10 years, gender parity in secondary education remains elusive. The key to correcting this imbalance lies in integrating a gender-transformative approach that addresses systemic challenges in access, quality and affordability in school education. As India has reached the halfway mark to accomplish the SDG target as well as NEP 2020 target of universal school education by 2030, the country needs to significantly accelerate its pace in order to achieve the target by 2030. In view of the above facts, the broad focus of the chapter is reviewing the policy approaches adopted by India in the last 10 years to contextualise the target of universal access to quality school education, (especially secondary education) and gender equality by integrating them into the National Education Policy (NEP) 2020.

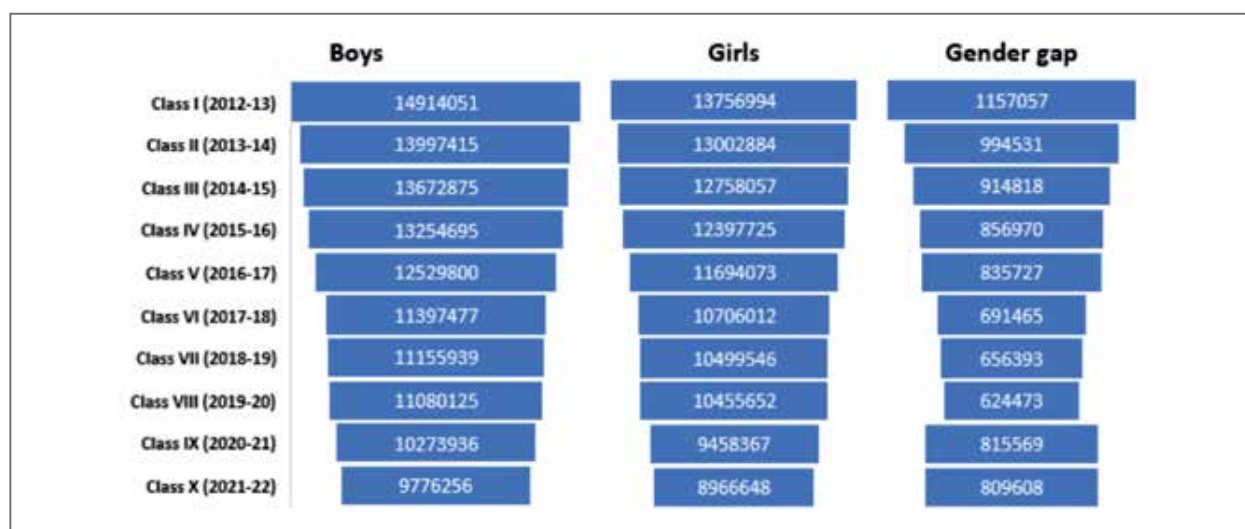
### **III: Gender Disparity in Schooling: Patterns and Trends**

India has already achieved near universalisation in elementary education, at least in terms of enrolment. Hence, there is a significant increase in demand for secondary education. However, strongly ingrained social norms coupled with systemic challenges in education delivery have compromised girls' access to quality education as compared to boys in India.

Recent statistics from the Unified District Information System for Education or UDISE+ for 2021-22 reveal that the overall dropout rate for boys is about 1.55 percent at the primary level, 2.74 percent at the upper primary level and 12.96 percent at the secondary level. For girls, the dropout rates are 1.35 percent, 3.31 percent and 12.25 percent respectively. The figures indicate that more girls than boys are discontinuing education after completing grade VIII. The figure also shows that given an opportunity to enter at the secondary level, girls are more likely to complete secondary education than boys.

The COVID-19 pandemic has made things worse as many children, especially girls, were forced to drop out following financial setbacks and increasing burden of care work in the household. These girls are largely from socio-economically deprived groups (dropout rate at secondary level for SC girls is 12 percent and ST girls is 15 percent). This indicates that while secondary education is not universal, it is also not inclusive.

**Figure 2: Cohort-wise Enrolment Pattern: 2012-13 to 2021-22**

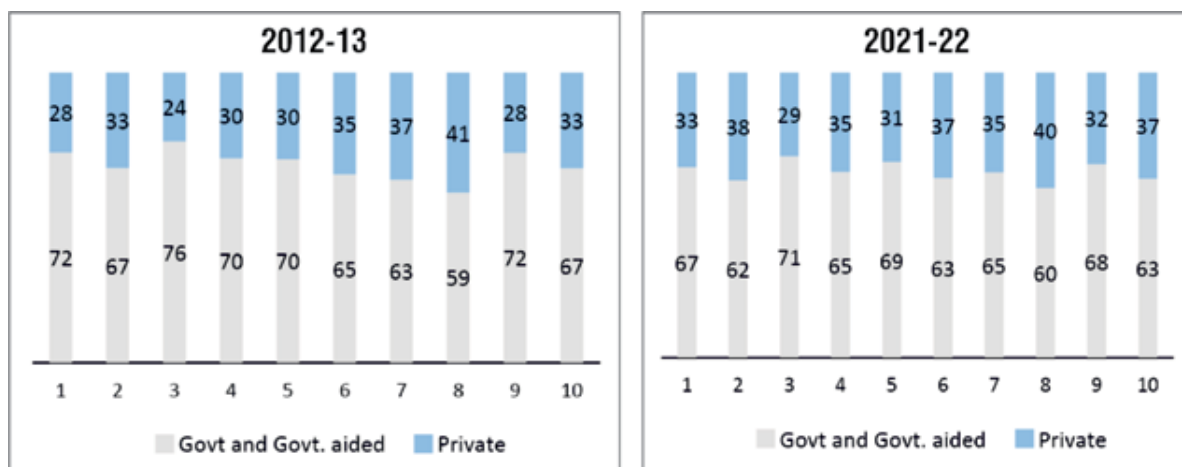


Source: UDISE+, various years

Figure 2 captures the cohort wise enrolment of children for the last ten years. It is clearly evident that enrolment decreases with increase in level of education both for boys and girls. The figure shows of 1.49 crore boys entered in class I in 2012-13, 66 percent reached class X in 2021-22. Similarly, of 1.37 crore girls enrolled in class I in 2012-13, 89 lakh able to reach class X by 2021-22, i.e, 35 percent girls dropped out before completing class X. While there is no such difference in the overall school drop-out rate of boys and girls, a closer look shows that the incidence of drop-out is much higher for girls transitioning from elementary level (class VIII) to secondary level (class IX) as compared to boys. It is clearly evident from the column depicting gender gap in enrolment in the figure. While the gap in enrolment between boys and girls was 624473 in class VIII, it jumped to 815569 in class IX, i.e, a 31 percent increase in gender gap. This highlights that addressing gender disparity in school education needs more investment at secondary level with targeted intervention for girls.

Literature has shown that in developing countries like India, parents from poor, disadvantaged and marginalised households consider schooling for girls more costly, both in terms of real financial cost and opportunity cost (Sperling & Winthrop, 2015). Moreover, when faced with a choice as to which of their children to enrol at school, prevailing social norms tend to favour investing in educating boys since they are expected to take on the role of primary earning members and decision-makers. Studies have also shown that abolishing school fees and reducing the direct costs of educating girls are critical to ensuring universal girls' education (Sperling and Winthrop, 2015). Therefore, in India, girls are more dependent on public provisioning of education as the cost of education is lower in government schools. Figure 3 shows share of girls' enrolment in government and government aided schools and private schools in comparison to boys by level of education. For example, in 2021-22, of the total girls enrolled in schools, 68 percent are in government and aided schools, and 32 percent in private schools. The ratio is 63:37 for boys. However, a marginal shift is observed in this pattern as compared to the situation in ten years back. The UDISE data for 2012-13 shows an enrolment ratio of 72:28 for girls in government and private schools respectively. With increased privatisation, while more students (both boys and girls) are getting enrolled in private schools, yet girls going to government schools is higher than their counterpart. This shows higher dependence of girls on public provisioning of school education as compared to boys. Therefore, government has a huge role to play in ensuring quality education for all girls while deepening initiatives to address social norms that place lesser value on the girl child.

**Figure 3: Dependence of Girls on Government and Government Aided Schools Vis-a-Vis Boys: 2012-13 to 2021-22**



Source: UDISE+, 2012-13 and 2021-22

This situational analysis underscores the need for directing immediate policy attention towards secondary education for girls. Several questions arise - what needs to be done to retain girls in the educational system? What about those children who are out of school? Would it be possible for India to achieve the universalisation of school education by 2030 as envisaged in NEP 2020 and SDG.

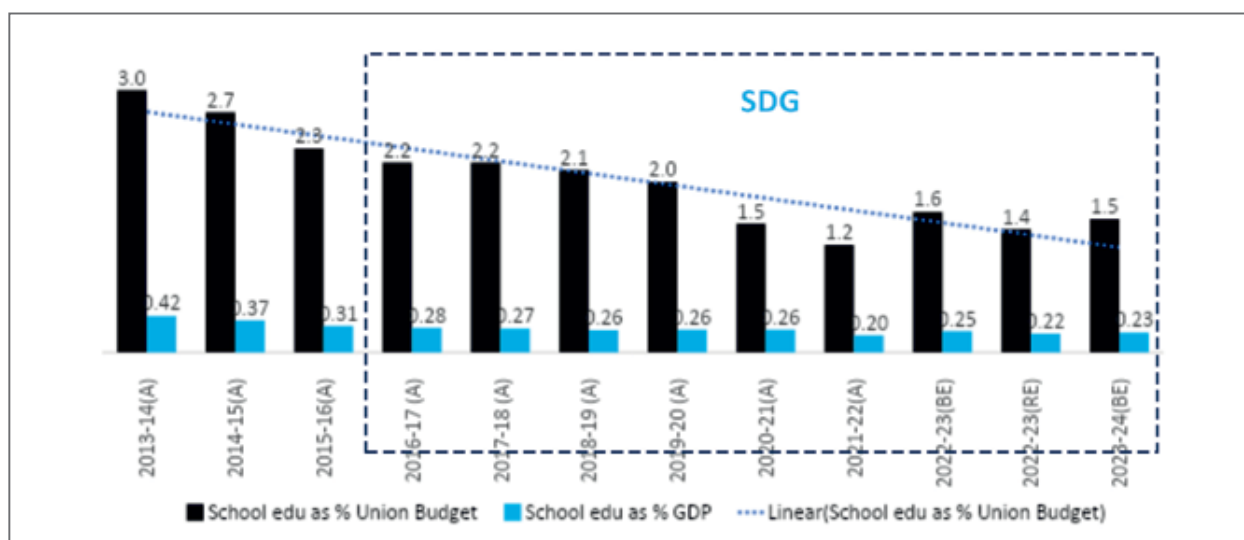
## IV: Financial Commitments towards Gender Equality in School Education

Public expenditure on education plays a pivotal role in reducing gender disparity in education. There is a positive association between gross enrolment and government expenditure on every level of education especially at elementary and secondary level. The positive externalities associated with the flourishing of education are reduction in population growth, improvement in health, reduction in poverty, and increase in GDP etc. constitutes a strong justification of education spending (Tilak, 2004).

In line with the NEP recommendations, a study estimated that the total resource requirement for free education of all girls at secondary level, i.e., classes IX-XII would cost government an additional 0.4 percent-0.6 percent of GDP. The study also provided an alternative scenario where it estimated the cost of schooling girls who have completed elementary education and above, but not all the 4 years of secondary education. Providing free secondary education for them would cost government an additional 0.2-0.3 percent of country's GDP (Kundu, 2022).

However, there are visible challenges when it comes to financing of school education. As education is in the concurrent list in the Constitution of India, financing school education is therefore, a joint responsibility of Union and State governments. For the last 10 years, both the Union and the State governments together have been able to spend only about 1 percent of the GDP on secondary education. And if we specifically look at the distribution, almost 90 percent of this expenditure is borne by the States and the remaining 10 percent by the Union government. Moreover, the share of the Union government has been falling continuously.

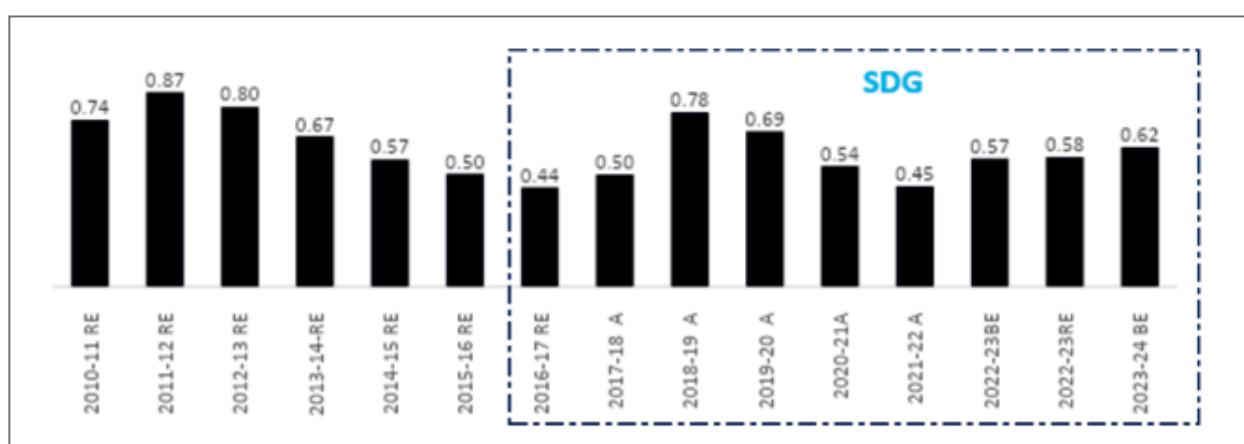
**Figure 4: Union Government Spending on School Education: 2013-14 to 2023-24 (%)**



Source: Analysis of Union Budget, CBGA, various years

As Ministry of Education is the nodal ministry for school education, the expenditure pattern by the Department of School Education and Literacy (elementary and secondary together) gives an approximate idea about the size of the resource envelop for school education. Figure 4 shows a declining trend in Union government's expenditure on school education over time - both in terms of share in the total Union Budget as well as country's GDP. However, in the absence of disaggregated expenditure data, it is difficult to comment how much of the total school education budget is getting channelised for girls' education.

**Figure 5: Share of Expenditure on School Education for Girls as % of Total Expenditure by Union Government: 2010-11 to 2023-24**



Source: Gender Budget Statement, Union Budget, various Years

Figure 5 above captures allocation of the Union government on school education for girls from Gender Budget Statement (GBS). It provides allocation for schemes exclusively designed for girls with 100 percent allocation in part A and schemes with (30 percent - 99 percent) allocation on girls in part B. Besides Ministry of Education, many other ministries like Ministry of Social Justice & Empowerment, Ministry of Tribal Affairs, Ministry of Minority Affairs, Ministry of Skill education reports expenditure on school education. At present, there is no scheme getting reported under Part A of the GBS which is exclusively designed for girls, although there are ongoing government programmes like girls' hostels, Kasturba Gandhi Balika Vidyalaya which ideally should be reported under Part A of the GBS.

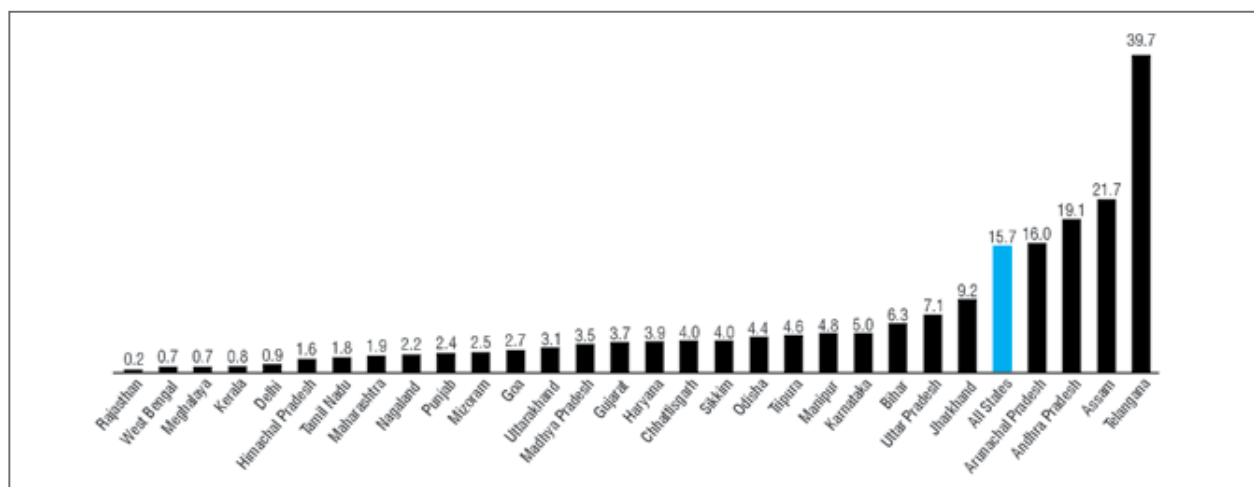
Though there is debate over the pattern of reporting under GBS, it gives a rough idea about how gender responsive school education budget is. Figure 4 shows no particular pattern of investment for girls' education. However, what is important to notice is that other than 2018-19, the expenditure never cross 1 percent of the total Union Budget.

Thus, it is evident that despite policy commitments, financial commitment towards girls' education needs more attention from the Union Budget to expand the resource envelope jointly with States. This calls for stepping up budgetary allocation for girls' education, especially secondary education. However, only ensuring higher allocation for girls' education can't ensure universal access as girls are not a homogeneous group and hence policy needs to apply the intersectional approach in planning, budgeting and implementation.

NEP 2020 acknowledges that girls cut across all under-represented groups. The policy appears to have recognised the fact that female students are disadvantaged in additional ways and so in the four Socio-Economically Disadvantaged Groups (SEDGs) that have been identified within this policy, girls form at least half of each of these groups. Therefore, it offers a recommendation to the Government of India to constitute a 'Gender-Inclusion Fund' to provide equitable quality education to all girls as well as transgender students. However, as indicated in an answer to Rajyasabha question, instead of creating a dedicated fund, Union government is meeting this specific objective of NEP through SMSA, the key centrally sponsored scheme for school education (PIB, 2021). A closer look at the SMSA budget shows neither there is substantial resource allocation for the scheme overall nor for the interventions under 'gender & equity' component of SMSA in the last three years (post NEP 2020 implementation). Data from 2020-21 on allocation under 'Gender & Equity' component in SMSA across states throws light on how states are prioritising resources to address gender gaps in school education (Figure 6).

Figure 6 shows that share of 'Gender & Equity' component in SMSA budget varies from 0.2 percent in Rajasthan to 39.7 percent in Telangana, while the all-India average allocation is 16 percent. It is to be noted here that in 2020-21, among all the major states, Rajasthan spent highest amount of its education budget on secondary education and Telangana the lowest (Kundu, 2022).

**Figure 6: Approved Budget for 'Gender & Equity' Component in Total SMSA Budget: 2020-21 (%)**



*Note: Gender & equity component in SMSA includes Strengthening and expansion of Kasturba Gandhi Balika Vidyalaya up to Grade XII); self-defense training to the girls in the schools; Special state specific projects for enhancing access, retention and quality such as enrolment drives, retention and motivation camps, gender sensitisation modules, etc; installation of sanitary pad vending machine and incinerators and gender-sensitisation workshops for teachers*

Source: Minutes of PAB meetings, 2020-21 Samagra Portal

## V: Conclusions and Policy Insights

Free provisioning of school education for girls has the potential to act as a powerful equaliser. To successfully achieve the SDG 4 in a stipulated time, adequate government financing for school education, especially secondary education is imperative. Expansion of secondary education is hampered not only because of under-allocation, but a stagnation in funding year after year. For the last 10 years, India spends around 1 percent of GDP on secondary education, one of the lowest among BRICSAM<sup>1</sup> countries.

This has a direct impact on girls' education as the enrolment pattern shows larger dependence of girls on government and government aided schools. As the out-of-pocket spending is quite high in private schools, in terms of gender-wise distribution, the preferred option for households also remains sending girls to government schools and boys to private schools. *It is imperative to develop a roadmap to increase public spending on universalisation of secondary education with a focus on girls at the earliest to unlock the potential of half of India's youth, should she wish to take full advantage of her 'demographic dividend'.*

It has also been observed that if a girl gets an opportunity to study at higher level, the rate of secondary school completion is higher for girls as compared to boys. If states are to implement the recommendation of 'free, compulsory and universal access to high quality and equitable 12 years of schooling, in line with the provisions of the NEP 2020, *a well thought out plan with adequate resource support is pre-requisite. That needs a thorough knowledge of present status of government financing for girls' education in school.*

It is also important to examine how inclusive is the education policy. *As the NEP recommendation for school education are in conformity with SDG targets, what is required is a gender lens in planning, budgeting, and implementation of programmes designed for promoting girls' education.* States like Telangana, Rajasthan, Delhi and Karnataka have taken a number of progressive policy measures like free education for girls from KG to PG, scholarships, transport which have played an enabling role in improving access and retention of girls in school. However, more concerted efforts need to be taken both in the short term and long-term basis to support completion of education and transition to decent work.

Data is the key for any policy action. However, lack of gender-disaggregated data is one of the major bottlenecks. Education data disaggregated by age, gender and socio-economic status would be critical for evidence-informed policy action. *Increased investment in publicly available, gender-disaggregated and intersectional data will enable policy design that reaches out to the 'last mile', including robust planning for the 'Gender Inclusion Fund'.*

The direct costs of schooling to a large extent influence household decisions to send their children to school. *Therefore, exemption from paying tuition fees and board exam fees, besides demand-driven distribution of scholarship and more importantly, timely distribution of scholarships are some of the policy strategies that could help in retaining children, especially girls in schools.*

Safety of girls is another area that needs attention. For many girls, especially in hilly and remote areas, long distances from the school to home is a challenge. *Construction of secondary schools within 3 km of habitation as per the norms of the Rashtriya Madhyamik Shiksha Abhiyan, provision of safe transport facilities, more 'girls only' schools with science stream, residential schools, more girls'*

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<sup>1</sup> Brazil, Russia, India, China, South Africa and Mexico are collectively known as BRICSAM countries



hostels, improvement in Kasturba Gandhi Balika Vidyalyaya, recruitment of more female teachers and special educators are some policy measures required to make the system inclusive.

*Engaging with social norms that act as barriers to girls' education are a critical piece of the efforts to ensure girls' retention in schools. While significant progress has been made on girls' education, evidence continues to point towards the need to develop multi-sectoral and multi-stakeholder interventions to address attitudinal barriers on gender roles and the value of the girl child. These interventions can help amplify role of education in building girls' agency and enhancing their social, economic and political participation.*

*Finally, to ensure completion of secondary education for girls, gender-responsive planning and budgeting is a must. Without adequate understanding of gender-based needs, the country would never be able to achieve the target of universal school education by 2030.*

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# CHAPTER 23 Women in Higher and Technical Education

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Lishma Anand, Priscilla T. Gonsalves, and  
Devika Sethi

## Abstract

*The objectives of this chapter are to examine the history and current state of higher education in India from the perspective of the female gender, and to make recommendations for the future. Up to Independence, female education received scant attention. Post 1947, the governments of independent India formulated policies that gave importance to education of girls and women. Consequently, female literacy rose from 8.9 percent in 1951 to 70.3 percent in 2018.*

*Female enrolment in higher education has risen to close to 50 percent, nationally and state-wise. However, there is some skew stream-wise with engineering and management being much lower and medical sciences and arts being higher. Despite gains in education, female labour force participation (FLFP) has declined steadily for the past several decades and India is now near the bottom of South Asia.*

*To get a micro view, we conducted a survey of about 330 women college students, faculty and alumnae. The participants were positive about some aspects of higher education. However, they gave suggestions for improvement. These included more courses on skills and knowledge related to jobs, and measures to address gender biases and discrimination.*

*One of the important policy recommendations is to make higher education more career-oriented by introducing project-based learning, technical skills and soft skills for all streams. The tendency towards centrally-controlled uniformity needs to be reversed. This requires state-level education policies, and fostering of diversity and dissent within institutions. Finally, higher education institutions should become role models of gender-sensitive organisations.*

## I: Introduction

Gender equality is enshrined in Article 14 in the Indian Constitution. It is well-understood today that differential access to higher education inhibits the realisation of the ideal of equality. In this chapter, we examine gender<sup>1</sup> issues in higher education. We start with a brief overview of the history of female education since the 19<sup>th</sup> century. We then cover in detail the status of women in higher education over

<sup>1</sup> Owing to paucity of data, we consider only the female gender in this Chapter.

the past 10 years and the national policies on education. Next, we describe a successful intervention in the IITs and a survey that we conducted among women. Finally, we conclude with recommendations for action.

### ***Pre-Independence India***

During the 19th century, social reformers from various religious communities engaged deeply with the issue of women's education. The motivation: a desire to create 'good' mothers and wives, and a wish to remove the stigma of 'backwardness' that came from having educated men and uneducated women in the same family. Additional arguments held that educated women would be able to read religious texts, manage household expenses more efficiently, and help their children learn better, thereby helping in familial, societal and national development (Dandekar, 2020). Overall, the purpose of educating women was to achieve an end that lay beyond women themselves. Although there were some elite women in the Bengal and Bombay Presidencies who expressed a passionate desire for education for its own sake (Forbes, 2013; Sarkar, 1999) they were in a minuscule minority.

British colonialism provided an impetus to Western missionaries and Indian social reformers to open schools and colleges for women in the 19th and 20th centuries. (Minault, 1998; Minault, 2009; Pernau, 2004). At this stage the state did not get involved in the project of educating women. Its concern was with creating an educated male workforce that could help the colonial project's expansion. However, it did not oppose female education (Forbes, 2013).

### ***Early Post-Independence Years***

Independence from colonial rule witnessed the rise of a major new reason to educate women: to make them equal partners in the project of nation-building (Chanana, 2000). The state now took on the responsibility of women's education. Over time there was an increasing recognition that women's education had a value in and of itself, to help women achieve their full potential as human beings.

The First Five Year plan (1952-57) stated that women had "marked aptitudes" in certain fields, and suggested that women be assisted in taking examinations in these fields as private candidates (Buch, 1998). Gradually, public policy evolved to envision women having the same kinds of careers and educational needs as men. The post-1947 policies led to a dramatic increase in the enrolment of women in higher education. For example, the number of women studying engineering rose from ~20 in 1950 to 900 in 1970 to over 10 lakhs today. In law, the corresponding increase was 290 to 2,600 to 1.4 lakh (Ministry of Education, 2021; Chanana, 2000). Likewise, female literacy rose from 8.9 percent in 1951 to 70.3 in 2018. This is a bigger increase compared to male literacy which rose from 27.2 percent to 84.7 percent (Wikipedia, 2023a).

## **II: National Policies on Higher Education**

In this section, we examine from a gender perspective the three National Policies on Education of the Government of India since Independence. These were issued in 1968, 1986 (revised 1992) and 2020. Each policy has a different emphasis, reflecting the progress of India.

### ***National Policy on Education, 1968 (NPE-1968)***

The first policy was the National Policy on Education, 1968 (NPE-1968), an 8-page document (MHRD, 1986/1992, pp. 38-45). In 1968, female literacy was very low, about 17 percent. The gender focus was on increasing education for girls. Important motivations were social justice and social transformation.

Female education was viewed largely as a tool in nation building. The word “girls” appears only in one sentence in the policy, and “women” not at all.

### **National Policy on Education, 1986/1992 (NPE-1986/1992)**

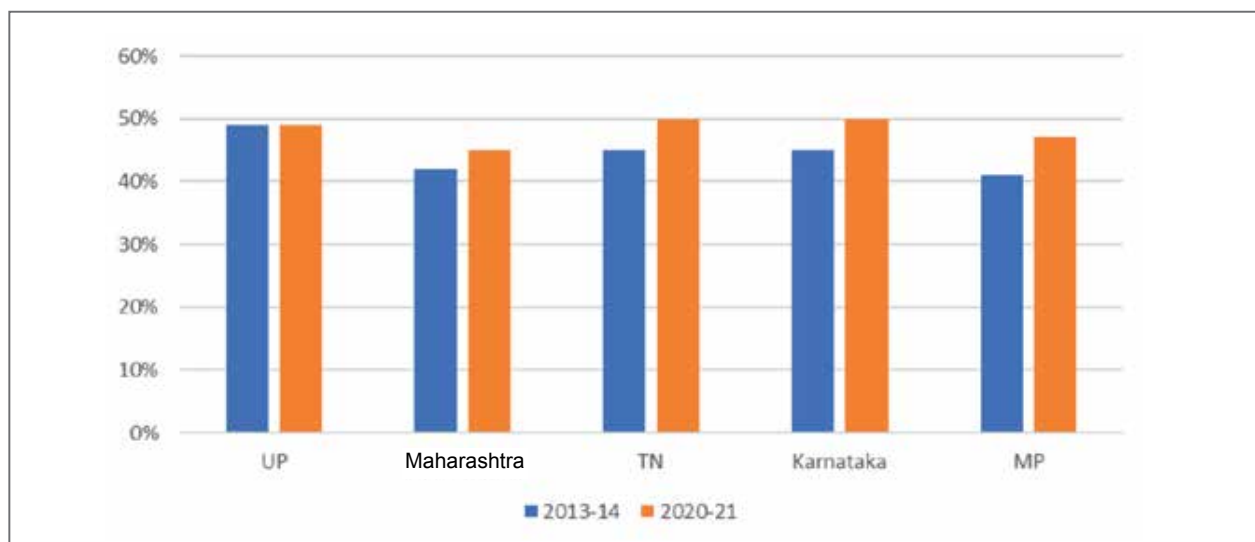
The second policy was published in 1986 and revised in 1992, NPE-1986/1992, a 37-page document (MHRD, 1986/1992). In the two decades since the first policy, female literacy had almost doubled to 30 percent. In NPE-1986/1992, the focus shifted to education of women as a means of improving the status of women and controlling population growth. A half-page section “Education for Women’s Education” (Sec. 4.2, 4.3) states forcefully: **“The National Education System will play a positive, interventionist role in empowerment of women”**. Recommendations included redesigning curricula and textbooks and orientation of teachers and administrators. Education of women in vocation, professional and non-traditional streams was emphasised. The policy focus was now on the well-being of women themselves. The policy did not mention women as teachers, but it recommended induction of more women in the planning and management of education (Sec. 10.1(d)).

### **National Education Policy, 2020 (NEP-2020)**

In 2020, the National Education Policy, 2020 (NEP-2020) was published as a 65-page document (MHRD, 2020). With enrolment of girls in schools and colleges being close to 50 percent, gender issues have taken a back seat in NEP-2020. The NEP-2020 does not draw on the wealth of statistical data that is available on the education sector, such as the annual All-India Survey of Higher Education (AISHE). Thus, its recommendations are broad-brush and some may be impractical.

Part I on School Education contains a number of references to gender-sensitisation and gender-identity along with many other issues. A Gender Inclusion Fund is proposed to provide various amenities in schools for girls and transgender children. In 2021, the Ministry of Education budgeted Rs. 10,879 crores to be used by State Governments for specific purposes. About 50 percent of this amount is for the benefit of boys and a small number of girls in Kasturba Gandhi Balika Vidyalyas and other special schools. The balance fund amounts to a modest Rs. ~400/girl/year (Ministry of Education, 2021a).

**Figure 1: Trends in female ratio in higher education in some major states**



In Part II on Higher Education, Section 14 “Equity and Inclusion in Higher Education” talks in general about socio-economically disadvantaged groups (SEDGs) and lists several steps to be taken by Governments and by Higher Education Institutions. Although girls and women are the largest SEDG in India, surprisingly gender barely gets any attention. There is a bland statement that the Governments should enhance gender balance in admissions (Section 14.4.1(c)) and that HEIs should sensitise counsellors on gender-identity. There is no attempt to quantify the gender imbalance in various sectors of higher education, nor any coverage of the problems faced by women in colleges.

The NEP-2020 emphasis on gender-blind quality metrics may actually work against women. Discounting gender reinforces the existing gender hierarchy, giving a continuing advantage to men over women, i.e. **gender-blind sexism** (Shukla *et al.*, 2022). Coupled with the scant attention to the biases against women in Indian higher education, NEP-2020 is not likely to significantly improve the status of women in Indian higher education.

### III: Current State of Women's Education in India

Statistics on women's access to education such as enrolment rates can act as a barometer to measure gender equality; in turn, interventions that improve women's access to education will have a positive impact on the goal of achieving gender equality (Manjrekar, 2021). With data largely from the annual All-India Survey of Higher Education conducted by the Ministry of Education, we present the current state and the trends over the past decade. We consider various dimensions such as variations across disciplines, across levels, States of India, etc.

#### **National and State-level Enrolment**

At a gross national level, the female ratio in Higher Education is favourable. It rose from 46 percent in 2013-14 to 49 percent in 2020-21. This is actually slightly above the female ratio of 48.7 percent in the Indian population. State-wise trends in the large states are similar (UP, MH, TN, KA, RJ, MP, Kerala) (Fig. 1). Interestingly, there is no significant difference in female enrolment between the states with medium to high HDI (human development index) and those with low HDI (Table 1) (Wikipedia, 2023). This favourable trend is a result of the state and national policies for girls to stay in school and to join college in the post-Independence decades.

The concept of **intersectionality** says that women belonging to socially disadvantaged groups are doubly disadvantaged. The very detailed analysis by Saraswati Raju on GER data from 1999-2000 to 2004-05 showed a distinct disadvantage for rural women. Social group (SC, ST, OBC) did not have much of an effect. Considering religion, Christian women had a higher GER than Hindu women and Muslim women were lower (Raju, 2008).

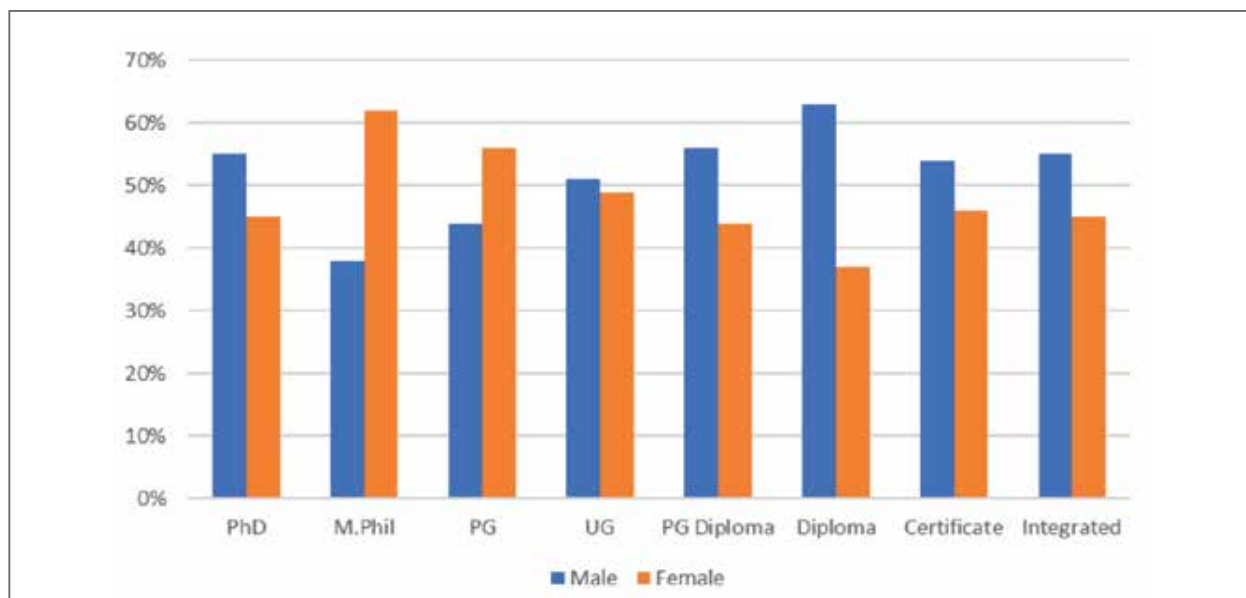
We were unable to find an up to date analysis based on GER. We looked at the female enrolment ratio overall and in SC, ST and OBC. In 2019-20 and 2020-21, there was no significant difference in enrolment ratios. Thus, women are not doubly disadvantaged as far as access to higher education is concerned. Whether intersectionality plays a role in graduation outcomes is not known.

#### **Enrolment at Various Levels**

The majority of college students are under-graduates, with the female ratio 48.7 percent. From 2013-14 to 2020-21, at the PG level, the female ratio increased from 49 percent to 56 percent, at MPhil from 58 to 62 percent and at PhD from 42 to 45 percent (Fig. 2). This preference of women to pursue PG and higher studies compared to men may be due to the pressure on men to start earning, while

women are allowed to continue studies until marriage. Women joining the work force at a later age is consistent with the declining FLFP (female labour force participation) in India (see Sec. 6).

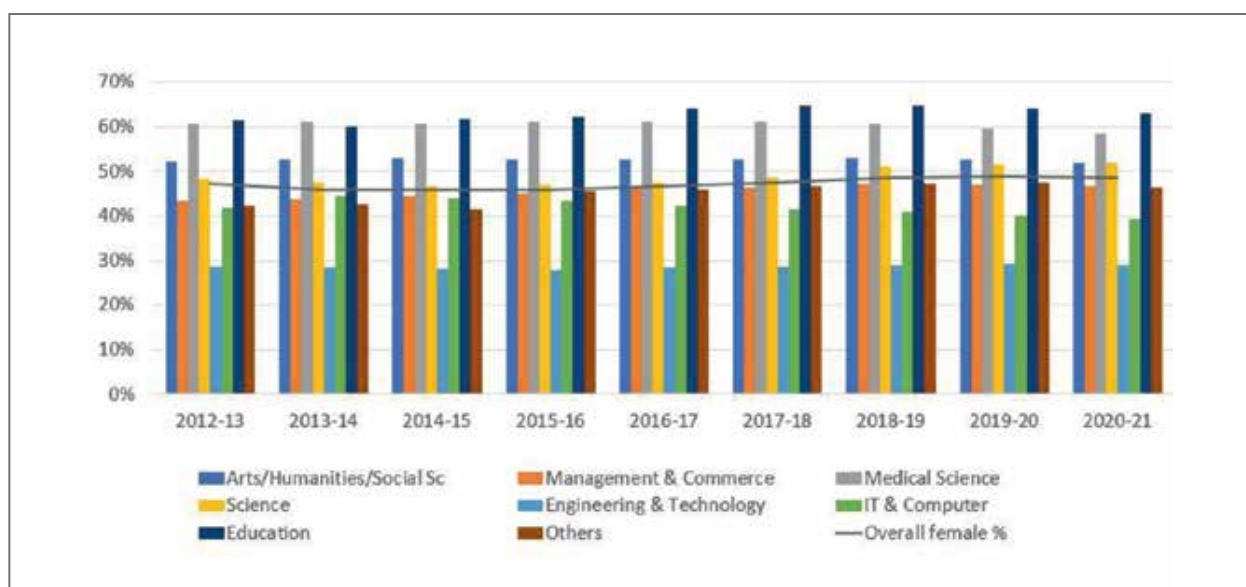
**Figure 2: Female ratio at different levels in higher education in 2020-21**



### Enrolment across Streams

Engineering and management have the lowest female participation at 29 percent and 37 percent respectively. IT & Computers at 39 percent is higher than engineering. Commerce at 48 percent is higher than management. Science has good female participation at 52 percent. The traditionally feminine streams of education and medical science are 63 percent and 59 percent respectively (Fig. 3).

**Figure 3: Female ratio in various streams**



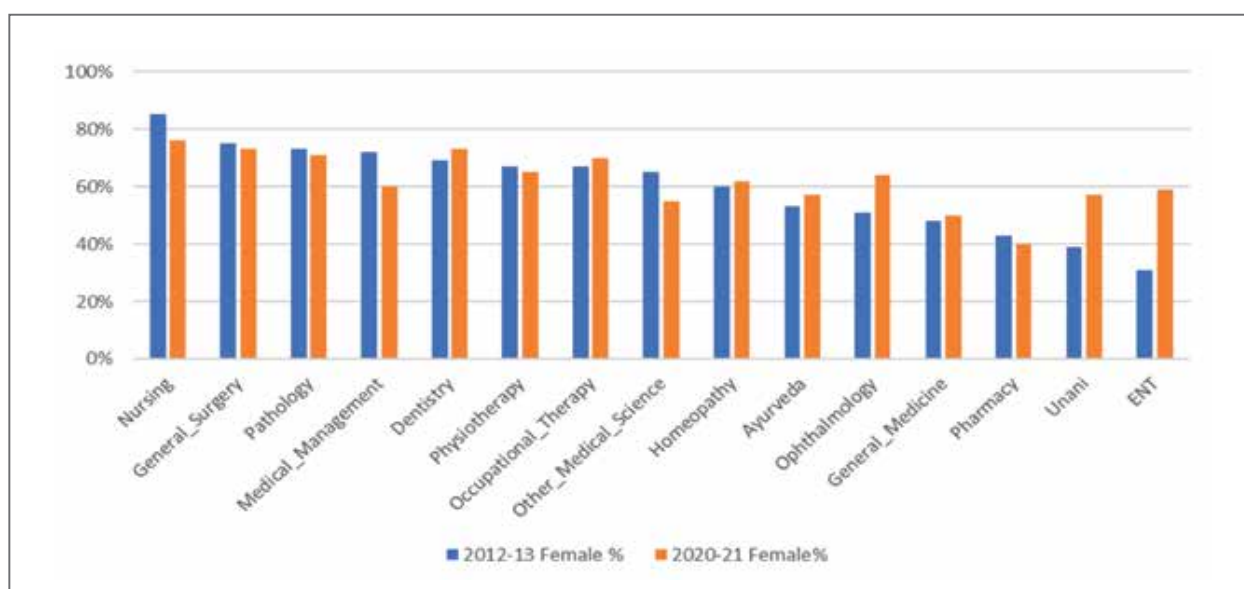


**Table 1: HDI and female ratio in HE in 2021 for selected States (Source: AISHE 20-21)**

Rank	State	Female%	HDI
1	Kerala	52.3%	0.752
12	Maharashtra	45.2%	0.688
13	Tamil Nadu	50.2%	0.686
17	Karnataka	49.9%	0.667
22	Rajasthan	47.5%	0.638
	India	48.7%	0.623
31	MP	47.1%	0.596
32	UP	48.9%	0.592

There has not been much change in the female ratios in most streams over the past decade. Exceptions are science with an increase from 48 to 52 percent and education going from 61 to 63 percent. On the contrary, medical science has declined from 61 to 59 percent and IT & Computers from 42 to 39 percent.

It is illustrative to examine medical sciences where females are dominant. Medical sciences consists of many sub-streams including nursing, medical management, Indian medical systems, etc (Fig. 4). In all sub-streams, females are the majority in 2020-21 except for Pharmacy (40 percent) and Radiology (40 percent). From 2012-13 to 2020-23, female ratio has increased significantly in two sub-streams: Unani (39 to 57 percent), ENT (31 to 59 percent). There has been a significant decrease in Nursing (85 to 76 percent), Medical management (72 to 60 percent) and Pharmacy (43 to 40 percent). We speculate that with nursing becoming more attractive due to high-paying/high-status jobs in UK and other Western countries and in high-end corporate hospitals in India, men are displacing women in nursing (Chanana, 2000).

**Figure 4: Female enrolment in fields of medical science, 2012-13 vs. 2020-21**

### Elite Institutions

The Institutes of National Importance, IITs, IIMs, etc, form barely 0.74 percent of higher education by enrolment. However, by their elite nature, they tend to produce many of the corporate and government

leaders. In 2020-21 the female ratio in these institutes was 26 percent, barely half the overall higher education ratio. This will tend to perpetuate the “glass ceiling” in the job market in years to come.

### **Female Labour Force Participation (FLFP)**

Today, women's presence in higher and technical education is discussed with reference to the Female Labour Force Participation (FLFP) rate. There has been much consternation since the FLFP of Indian women aged 15-59 declined from 30.4 percent in 1990 to 26.0 percent in 2010 to 19.2 percent in 2021. Compared to our immediate neighbours, in 1990, India was ahead of Bangladesh and almost 3x higher than Pakistan. By 2021, India had fallen behind both countries (Table 2) (ILO, 2023).

**Table 2: FLFP rates for India and neighbouring countries, 1990-2021 (Source: ILO, 2023)**

Country	1990	2000	2010	2021
India	30.4%	30.5%	26.0%	19.2%
Bangladesh	26.6%	28.3%	30.5%	34.9%
Pakistan	11.2%	16.1%	22.0%	20.7%
World	51.2%	50.9%	48.7%	46.2%

The dramatic increases in female enrolment in higher education and economic growth of the country paradoxically have not translated into improvements in FLFP. A detailed ILO study in 2014 analysed the data and give several reasons (Kapsos *et al.*, 2014). They concluded that the main reasons for the decline are:

1. Increasing education and rising household consumption leading to women not participating in the workforce. Much of the employment of women is in low-wage, low-skill sectors such as agriculture and household work. With higher education, women do not opt for these. As household income and consequently consumption increases, there is less need for a second family income from the woman.
2. Lack of job opportunities. Only certain types of jobs are open to women in India. Much of the job creation in the recent past has been in job types for which women are not considered.
3. Under-reporting of informal work and changes in data collection methodology.

For the period 2005-2010, the study concluded that increased education and household consumption accounted for 18 percent of the decline, lack of job opportunities and social factors accounted for 42 percent, and the balance 40 percent was due to changes in measurement methodology.

Thus, the declining trend in FLFP has implications for higher education. Women stay out of the work force for longer than men while studying. However, these years of higher education are not training them for the available jobs. Higher education also needs to change the perceptions and patriarchal biases of all students so that societal limitations on suitable jobs for women are phased out in the long run.

## **IV: Case Study: Women in BTech in IITs – from 8 percent to 20 percent**

Historically, BTech in IITs was almost a male preserve. From barely 2 percent in the 1970s, the percentage of women rose to about 8 percent around 2000. It stagnated at this level until 2016. For many years, IITs took the view that this was due to deep-rooted societal biases beyond the control of

IITs. With mounting concern about the low gender ratio, in 2016 the Joint Admissions Board (JAB), responsible for all admissions to BTech in IITs, constituted a committee headed by Prof Timothy A. Gonsalves, Director, IIT Mandi to recommend ways of addressing the issue. The committee consisted of IIT faculty, with about 50 percent being women (Gonsalves, 2017; Gonsalves, 2021).

Contrary to conventional wisdom, the committee found that engineering was a popular choice for girls. About 3,00,000 women students joined B.E./B.Tech. each year in India, a percentage of 28 percent. In NITs, there were 7,820 BTech women constituting 22.1 percent of BTech students. In IITs, in stark contrast, the number admitted in 2016 was about 850 or 8 percent.

The probability of a girl getting into IIT was much lower compared to the probability of her getting into MBBS and of her getting high marks in 12th Boards. It was clearly better for parents to spend on coaching for MBBS, for Board exams and for JEE Mains, rather than coaching for the IIT JEE (Advanced).

From the 2016 admissions, the committee found that there were a large number of girls whose ranks were high enough for an IIT seat, but who declined. A study of the choice lists filled by females indicated that the female choices appeared to be constrained geographically and to certain branches. If all qualified girls had accepted, IITs would have admitted >20 percent females!

The committee felt that 20 percent girls in each batch would serve to (a) make a more gender-diverse academic environment in IITs, and (b) create role models to encourage school girls and their parents to aspire for an IIT BTech seat. To achieve 20 percent, the committee recommended creation of extra female-only seats in all branches and all IITs to entice **already qualified** girls to opt for an IIT seat within their choice list. The extra seats would not reduce the seats for boys. The scheme operates without lowering the cutoff ranks for girls, thus there is no dilution of quality. As further indication that the scheme would not reduce quality, the committee cited a study done in IIT Delhi comparing the final CGPA of female and male students during the period 2003–2015. The study found that females consistently outperformed males by about 1 grade point during every one of the 13 years.

The female supernumerary scheme was approved by the apex IIT Council in April 2017 with targets of 14 percent, 17 percent and 20 percent in 2018, 2019 and 2020 respectively. Many IITs adopted special measures to attract girls such as campus open house visits for girls and help desks during the counselling. By 2020, the gender ratio rose to 19.83 percent. In that year, a total of 3,185 girls were admitted to all IITs, an increase of 275 percent over the 848 admitted in 2016.

As evidence of the effectiveness of the scheme, for the first time female students won the PGM (President's Gold Medal -- the highest academic award for BTech in an IIT) in 2017 & 2018 in IIT Mandi, and in 2019 in IIT Madras. Anecdotally, teachers report that the classes are noticeably more responsive with 15-20 percent female students. Senior female alumna and professors of IIT Madras who met in 2020 unanimously lauded the scheme, though some had opposed it in 2017. With the publicity, there is greater awareness among the public that IIT BTech is an increasingly attractive option for girls (Gonsalves, 2021; Gonsalves, 2023).

## **A Step Backwards**

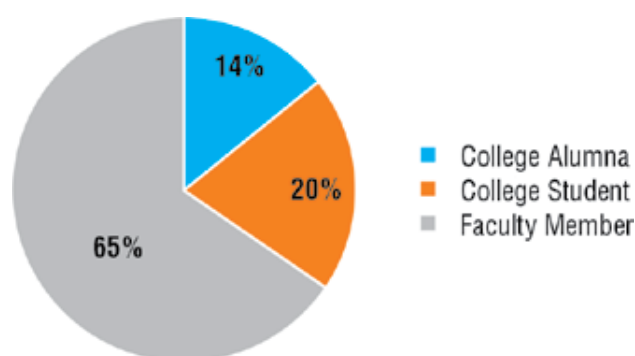
The importance of considering gender while making policies is highlighted by a seemingly well-intentioned change in the admission criteria to NITs in 2017. In 2016-17, the JOSAA decided to eliminate Board marks from the JEE ranking used for NIT admissions. Prior to the change, NITs had about 22 percent women in BTech. In 2017, there was a drastic drop in female enrolment to 13

percent in NIT Trichy, and similarly in other NITs. To undo the damage, the supernumerary scheme of the IITs (Section 5.4) was implemented in NITs and by 2020, the ratio was raised to about 20 percent. This policy change disrupted the gender ratio in NITs for a few years.

## V: Women's Voices

Gender-oriented policies in Higher Education must be grounded in the experiences and aspirations of women. To this end, we conducted a survey of women college students, alumna (career-oriented and intermittently working), and college faculty (Fig. 5). Faculty members are also alumnae, but we treat them as a separate group as they are involved in higher education as students and as teachers. Respondents were from different parts of the country and various disciplines. The survey in English was circulated in known circles, so it should be considered as ethnographic rather than quantitative.

**Figure 5: Groupwise distribution of participants**



Of the 333 women who participated in the survey, 34 percent were from engineering, 31 percent from science, 25 percent from arts and 11 percent from commerce. The age distribution is given in Table 3. Most of the respondents are college students or mid-career women.

**Table 3: Participants by age group**

Age Group	Participants	
	Number	Percent
17-22	57	17%
23-30	35	11%
30-40	84	25%
40-50	116	35%
50-60	39	12%
Above 60	2	1%

Among the college students 66 percent are UG and 19 percent from PG programs. 54.5 percent of faculty are PhD holders while the remaining 44.5 percent have a Master's degree. 85 percent of the alumnae are working women.

### Findings of the Survey

We summarise the results of the survey in two parts, views on Higher Education and on Careers. This is followed by quotes from a few female faculty.

## Higher Education

Overall, the women in the survey are fairly satisfied with their college education. Four out of five alumnae believe that their college education is relevant to their jobs. Three out of four college faculty believe that their female students are well-prepared for jobs. Only one in 20 believe that female college students are not prepared for jobs.

About 60 percent of the college students surveyed feel that men are directed more towards practical courses that lead to employment. With college alumnae this drops to about 32 percent, perhaps because they see less correlation between college education and jobs.

The main changes that women would like to see in higher education:

1. Science and engineering graduates want more courses on financial matters and soft skills. Management, humanities and arts graduates feel that courses on data analytics and technical know-how would help them.
2. A significant minority of women, about 20 percent, are inhibited by lack of confidence. Better support from family and society and measures to help college women to build self-confidence would be helpful.
3. Affordable and good quality childcare and flexible timings will help married students, faculty and staff.
4. About 1 out of 5 faculty who responded feel that encouragement, motivation and awareness are factors that can increase participation of women in higher education.
5. A senior professor at IIT Madras strongly believes that education of men is the only solution to changing the unfair pressures on women.

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### Quotable quotes

*"Even the most concerned men can be insensitive at the workplace. ... Fix the men, and you will be able fix gender bias in society"* – Senior Professor at IIT Madras

*"Parental leave should be made 8 months: 6 months for the mother and 2 months for the father. Provide quality child care centres at affordable price"* – Associate Professor at GEC, Idukki

*"The society doesn't expect women to work or even pursue such opportunities ... it is natural that the section of population for which working is optional, i.e. women, would be under represented"* – young Assistant Professor at IIT Mandi.

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## Careers

On the issue of careers, more than half of the students feel that societal expectations play a role in discouraging women from pursuing work and a gradual shift in social norms can help a larger number of women to work. About 75 percent of women in the age group 17-32 believe that social expectations discourage women from working. The percentage decreases with age, reaching 44 percent in the age group 50-60. Perhaps this is a result of women seeing that they can take up jobs especially after their children have grown up, and that with greater maturity and experience they can challenge social norms. This finding correlates with the World Bank estimates that participation of Indian women in the labour force increases with increasing age: in 2021, it was 31 percent for age group 25-34 compared to 36 percent for age group 45-54 (World Bank, 2023).

Steps to encourage women towards careers include: support from the family, change in society's perception of working women, and flexible timings. Affordable good quality childcare is often mentioned.

## VI: Summary and Recommendations

Since Independence in 1947, India has made remarkable progress in education for girls and women. The first two National Policies on Education in 1968 and 1986/1992 laid emphasis on female education for various reasons such as equality for women, social transformation, etc. By 2020, overall female enrolment at the school and college levels was close to 50 percent.

The AISHE 2020-21 report on higher education indicates that the ratio of women in different streams of higher education varies widely. The female labour force participation rate that has been declining to abysmally low levels, also indicates that gains in higher education are not translating into improvement in the socio-economic status of women. Thus, there is still a need for policy and other changes to address these issues. Sadly, the NEP-2020 pays scant attention to gender issues. It proposes gender-neutral quality measures that could be counter-productive.

In contrast, the IITs made a radical change in the BTech admission process to increase female enrolment from a low 8 percent to a respectable 20 percent. This success demonstrates that affirmative gender-sensitive policy changes can be effective in social transformation.

We list several recommendations below.

### **Career-oriented Education**

The AISHE reports show that women disproportionately join the Arts and other non-professional courses. The low FLFP rates indicate that when they graduate most women are not ready for most jobs. This is also a common refrain in the survey, from women in both professional and non-professional streams.

### **Action Points**

1. All degree programmes to include broad foundations of useful skills such as soft skills, financial literacy, data analytics (without programming), technical literacy, etc.
2. Project-based learning (PBL) helps students learn how to learn, a key skill in the fast-changing future. The projects should address some issues of society, resulting in useful reports, designing or building prototypes, etc.



3. Career counselling to expose female students to non-traditional career options. Especially important is to have working women interacting with students. Seeing that women are able to have satisfying careers without being all encompassing super-women is an important motivating factor.
4. Policy interventions to increase female enrolment in specific streams where it is low, and in elite institutions that produce tomorrow's leaders.
5. Gender sensitisation sessions for male students with working women explaining to them the type of discrimination and hurdles that they face at the work place. This will help these men to be more sensitive to their female colleagues when they join the workforce and as they rise to positions of power.

### ***Catering to India's Geographic Diversity***

India has great diversity across states. States have their own languages, culture, status of women, types of jobs, etc. These factors affect education and vice versa. It is for these reasons that the Constitution of India gives the responsibility of education to the States, with some aspects under the Union Government.

#### ***Action Points***

1. Each State to formulate an education policy that caters to its unique situation.
2. Higher education institutions in the state sectors to be given autonomy from political and bureaucratic interference.

### ***Job Support Systems***

Given the stratification of roles in the Indian family, working women need support systems at work including child care, maternity leave without suffering loss of status, etc. Gender bias and harassment at the work place is unfortunately rampant. Higher education institutions to play two roles: (1) to serve as institutional role models by freeing themselves from these problems, (2) to educate students who are the future employees and leaders of organisations.

#### ***Action Points***

1. Higher education institutions to become role models for gender-sensitive management practices
2. Age relaxation of 5 years for women in PhD, faculty and other academic selections
3. Child care and elderly care facilities to be provided in consultation with female employees
4. All committees responsible for promotions, reviews, etc to have at least 1-2 women members
5. Gender sensitisation workshops to be conducted regularly for all employees.
6. Gender sensitivity to be one of the parameters for employee evaluations

### ***Transforming Society***

In the long run, the patriarchal mindset of Indian society needs to change. This will come about if young people learn in school and college to respect others irrespective of gender, caste, religion, language, etc. It is essential that young people learn to question the status quo, to dissent and to have the courage of their convictions.

## Action Points

1. Higher education institutions to adopt academic freedom policies that encourage and protect questioning, debate and dissent, especially to break harmful societal biases
2. The administration to protect faculty and students from outside authorities who may try to impinge on their academic freedom
3. Critical thinking and data-driven analysis to be taught and used in all academics

## Data Collection

The promise of data-driven policies for gender equality will be realised only if data is readily and freely available. Data must be reliable, free from errors and biases.

## Action Points

1. Higher education institutions to collect and publish data on gender and diversity of themselves. The data collection and curation methodologies and algorithms to be made open source.
2. Higher education institutions to take the lead in promoting data collection and curation about gender at the local, state and national levels.
3. All data to be collected and curated by at least two independent entities to reduce the possibility of systematic biases and errors.

India has made remarkable progress in female education since Independence. Today, females have equal access to higher education. However, this has not translated into equal access to careers. India has a long way to go to catch up to countries in our region, let alone attain global levels. The need now is for nuanced policies that give women equality in careers and other walks of life.

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## Appendix: Survey Questionnaire

Women's Voices: How higher education helps or hinders women in their career choices?

This questionnaire aims to gather information on how current higher education system helps or hinders women from taking up / continuing a career after graduation.

Please answer the following questions based on your personal experiences and opinions. Your responses will remain confidential and will be used for research purposes only.

\* Indicates required question

1. Name (optional)
2. Please confirm that you are a Woman\*

- Yes

3. Age Group \*

**Mark only one oval.**

- 17-22
- 23-30
- 30-40
- 40-50
- 50-60
- Above 60

4. I am a \*

**Mark only one oval.**

- College Student
- Skip to question 5
- College Alumna
- Skip to question 10
- Faculty member
- Skip to question 26

### 1. Questionnaire for College Students

5. I am a student of \*

**Mark only one oval.**

- Undergraduate Program
- Post Graduate Program
- Ph.D. Program
- Other

6. Stream of Study \*

**Mark only one oval.**

- Science
- Engineering
- Arts
- Commerce

7. What are your career goals? \*

8. Do you believe Women are directed into more theoretical courses and Men are directed to more practical courses? \*

**Mark only one oval.**

- Yes
- No
- Don't know

9. What subjects would you like to study?

**Skip to question 32**

### 2. Questionnaire for College Alumnae

10. Educational Qualification\*

**Mark only one oval.**

- Undergraduate Degree (B.Tech/BA/BSc etc)
- Post Graduate Degree (M.Tech/MA/M.Sc. etc)
- Ph.D

11. Stream of qualification \*

**Mark only one oval.**

- Science
- Engineering
- Arts
- Commerce

12. How long since you graduated? \*

13. Do you believe Women are directed into more theoretical course and Men are directed to more practical courses? \*

**Mark only one oval.**

- Yes
- No
- Don't know

14. Have you taken up a job? \*

**Mark only one oval.**

- Yes

Skip to question 15

- No

Skip to question 18

Skip to question 32

### **Employed Alumnae**

15. What is your job profile? \*

16. Did you feel well educated for the job? \*

**Mark only one oval.**

- Yes
- No
- Don't Know

17. Are there subjects or skills that you wish were taught in college to improve your work?

**Skip to question 32**

- Alumnae not pursuing a Job

18. Reasons for not pursuing work \*

**Mark only one oval.**

- Lack of suitable job opportunities
- Family responsibilities
- Cultural or societal expectations
- Lack of confidence in finding a suitable job
- Financially well off, thus no need to pursue work
- Other

19. Do you want to work at a later time? \*

**Mark only one oval.**

- Yes
- No
- Maybe

20. What job? \*

21. Have you tried for a job before? \*

**Mark only one oval.**

- Yes
- No

22. What job did you take up before?

23. Were there subjects/skills that you wish were taught in college to be better prepared to work? \*

24. Do you think you need more job interview preparations?

**Mark only one oval.**

- Yes
- No

25. If you applied for a job and were not selected, what were the reasons as per your understanding?

Skip to question 32

### **3. Questionnaire for Faculty Members**

26. Qualification \*

**Mark only one oval.**

- Master's degree
- Ph.D

27. Stream qualification \*

**Mark only one oval.**

- Science
- Engineering
- Arts
- Commerce

28. How long since you acquired the qualifying degree? \*

29. Do you think that your female graduates are well prepared to enter the workforce?

**Mark only one oval.**

- Yes
- No
- Neutral

30. What jobs are they prepared for?

31. Are there subjects which could be offered to improve the employability of female graduates?

Skip to question 32

#### 4. Common Questions

32. Do you believe that societal expectations and cultural norms play a significant role in discouraging women with higher education from pursuing work? \*

**Mark only one oval.**

- Yes
- No
- Neutral

33. What are the main challenges faced by women with higher education in finding suitable employment opportunities in India? \*

**Check all that apply.**

- Lack of suitable job opportunities
- Family responsibilities
- Cultural or societal expectations
- Lack of confidence in finding a suitable job
- No financial requirements to pursue work
- Other

34. Are there any specific sectors or industries where you believe women with higher education are particularly underrepresented? If yes, please specify. \*

35. What steps, if any, do you think can be taken to encourage and facilitate the work force participation of women with higher education? \*

36. Are there any support systems, policies, or initiatives that you think would be beneficial in addressing the low workforce participation of women with higher education? If yes, please provide suggestions. \*

37. Do you think flexible working hours or remote work options could help increase the participation of women with higher education in the workforce? \*

**Mark only one oval.**

- Yes
- No
- No idea

38. Are there any additional factors or insights you would like to share regarding the low workforce participation of Indian women with higher education?



# CHAPTER 24 Making Skill Development More Gender Responsive

Sarojini Ganju Thakur

## Abstract

*The focus of this chapter is to analyse gender responsiveness of skill development in India. In the first decade of this century in India the recognition of the country's 'demographic dividend' was accompanied by the realisation of the large gaps in the nature and availability of skills. This paper analyses the National Skill Development Policies (2009 and 2014) and participation and impact in skill development programmes through a gender lens. It highlights key gender issues that need to be addressed and makes recommendations for mainstreaming gender. These include institutional and structural issues in the overall skill development architecture such as the need to mainstream vocational education, improve linkages with industry, ensure adequate financial resources, ensure availability of gender disaggregated data and develop coordinating and reviewing mechanisms at national and state levels. It also highlights specific issues related to programme design and delivery; the need to have a clear gender focus, emphasise non-traditional and life skills, and to understand the kind of support required for sustainable employment.*

## I: Introduction

In 21<sup>st</sup> Century India, the focus on skill development has increased exponentially. This is the result of the increasing realisation of India's 'demographic dividend'. As the National Policy on Skill Development and Entrepreneurship, 2015, highlighted - with 62 percent of the population in the 15-59 age groups, India has the youngest work force in the world with an average age of 29 years compared to the advanced countries.<sup>1</sup> This has huge implications for growth and enhanced productivity provided that available skills can meet the demands of industry. However, the low level and poor quality of vocational training and the huge informal work force was not equipped to meet this demand. The 2015 Report on National Policy on Skill Development and Entrepreneurship estimated that only 4.7 percent of the total workforce in India had undergone formal skill training compared with 52 percent in the US, 80 percent in Japan, and 96 percent in South Korea. Estimates suggested that it was necessary to produce 15 million new skilled entrants annually, for which fresh skilling and reskilling of existing workers was central. As a response, there has been a fresh thrust on skill development, embodied in the framing of the National Policies on Skill Development and Entrepreneurship, initially in 2009 and revised in 2015. They focussed attention on skilling with "speed, quality and sustainability", and adopted a mission mode approach. At the level of Government of India the National Skill Development Corporation was set up in 2008 and a separate Ministry of Skill Development and Entrepreneurship was established in 2014. Some states followed suit by establishing Skill Development Corporations or Departments too.

<sup>1</sup> Government of India. Ministry of Skill Development and Entrepreneurship. 2015. National Policy for Skill Development and Entrepreneurship 2015. <https://msde.gov.in/sites/default/files/2019-09/National%20Policy%20on%20Skill%20Development%20and%20Entrepreneurship%20Final.pdf>

The 2009 and 2015 policies both acknowledge the need to focus on women as they constitute half the demographic dividend, but realising this in an environment where there has been a continuous decline of women's participation in the labour force since the turn of the millennium makes it doubly challenging. According to Labour Bureau data from 2013-14, only 3.8 percent of India's adult women had ever received vocational training at that time, compared to 9.3 percent of men. Of these women, 39 percent did not join the labour force.

The Periodic Labour Force Survey (July 21-June 2022) shows 29.4 percent of women (aged 15-59) as compared to 80.7 percent men as working, with gender gaps in earnings. Even of those working 60 percent were "self-employed". And though that definition covers a vast range of activities it appears that almost 50 percent of the women were unpaid helpers. Both policies recognise the importance of breaking gender stereotypes in the work force and of skilling women in non-traditional roles and the need for special incentives and mechanisms to make this happen. They also recognise the need for a gender sensitive training environment and the importance of life skills. With this background the focus of this paper is to examine how gender has been taken into account in skill development in India in the last decade.

## **II: Landscape for Gender and the Skill Development**

In this section we broadly outline the nature of the skill development landscape in the country generally, in order to examine whether men, women and non-binary gender have equal access to institutions and schemes and how responsive they are to gender needs. Skill development at national and state levels involves a number of ministries/ departments including MSDE, Labour and employment, Higher Education, Rural Development and Urban Development, among others. This multiplicity of agencies responsible for skill development is also mirrored at the state level.

### ***Skill Training Institutions***

While skill development has acquired a new impetus recently, the importance of skilling for employment was recognised soon after Independence with the establishment of a network of Industrial Training Institutes (ITIs) from 1950 onwards, both in the government and private sector. They offer Training under the Craftsman Training Schemes, which are of 1-2 years duration for students after Class 10. A Niti Aayog report of 2021<sup>2</sup> enumerated 14,789 ITIs, of which the number of active women ITIs formed 16.83 percent of the total in India. While in overall terms the seat utilisation in these institutes was low at 48.2 percent, in 2021 only 6.6 percent of the students were female candidates, and 15.83 percent of the total instructors were women. This indicates poor gender diversity in ITIs in India.

While ITIs offer more than a hundred different courses, engineering and non-engineering, gender stereotyping persists and the gender divide in the trades being offered and pursued is deep. Most boys opt for trades such as plumbers, welders, turners, motor vehicle, electricians and girls tend to be concentrated more in sewing technology, beauty and wellness, stenographer and secretarial assistance, computer operator and programming assistants.

A study of female participation in skills training in ITIs which gathered data between 2014 and 2018 endorsed the above and found less than 5 percent was enrolled in engineering-related courses.<sup>3</sup> Courses or in sectors such as construction and real estate, transportation and logistics, electronics,

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<sup>2</sup> [https://www.niti.gov.in/sites/default/files/2023-02/ITI\\_Report\\_02022023.pdf](https://www.niti.gov.in/sites/default/files/2023-02/ITI_Report_02022023.pdf) accessed on 15.8

<sup>3</sup> Ernst & Young, Gender Study to Identify Constraints on Female Participation in Skill Training and Labour Market in India, 2019, [https://dgt.gov.in/sites/default/files/Gender\\_Study\\_1.pdf](https://dgt.gov.in/sites/default/files/Gender_Study_1.pdf)

IT hardware, the auto industry, or the pharma industry. Only 37 percent of female enrolments between 2014 and 2018 were in the priority sectors identified by the MSDE—i.e., those expected to generate the maximum jobs in the future. In addition the data indicated a female dropout rate of 23 percent from ITIs. For transgender admission in ITIs has proved to be difficult as they are not accepted in the women ITIs.

The Ministry of Skill Development and Entrepreneurship has established a network of National Skill Training Institutes for imparting vocational training. Their main objective is to impart training of instructors of it is, although they also offer some courses under Craftsmen Training Scheme, Advanced Diplomas in IIT of the National Skill Institutes, out of 33, 19 are established exclusively for women. However, in many of them the most courses offered relate to Office Management, Electronics, Fashion Design & Technology, Computer-Aided Embroidery and Designing.

Figures for 2021-22 will indicate women's participation as under:

### Women's Participation in Skills Training

Scheme	No of male candidates	No of female candidates
Craftsmanship Training Scheme (data from 2018-2021)	3,937,114	530,406
Craft Instructor Training Scheme (data from 2020-21)	3,394	6,111

### Skill Training Schemes

A briefing report for the Lok Sabha on skill development listed 20 ministries/departments at the level of Government of India that had schemes for skill development.<sup>4</sup> However, for purposes of this paper the focus will be on participation in flagship schemes of the Government of India that are being implemented throughout the country, part under MSDE and the Ministry of Rural Development (MORD).

### Ministry of Skill Development and Entrepreneurship (MSDE)

An over view of the participation of women in 2021-22 in three major schemes of MSDE can be gleaned from the following table. This is based on a reply given in the Lok Sabha<sup>5</sup>

### Women's Participation in Skills Training Programmes

Scheme	No. of male candidates trained	No. of female candidates trained
Pradhan Mantri Kaushal Vikas Yojana (data from 2016 to November 2021)	6,437,213	4,830,646
Jan Shikshan Sansthan (data from 2018-19 to 2021-22)	154,359	800,269
National Apprenticeship Promotion Scheme (data from 2018-19 to 2021-22)	301,556	61,842

<sup>4</sup> [https://loksabhadocs.nic.in/Refinput/New\\_Reference\\_Notes/English/04022020\\_101802\\_102120474.pdf](https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/04022020_101802_102120474.pdf)

<sup>5</sup> Source: Information shared by Minister of State for Skill Development and Entrepreneurship on 6 December 2021 in Lok Sabha in Sunaina Kumar, 'The Skilling imperative' the Bridge between Women and work, Observer Research Foundation, March 2022. Issue Brief Issue 529

Pradhan Mantri Kaushal Vikas Yojana was the flagship scheme launched at the time of announcement of the New Policy in 2015 implemented through the National Skill Development Corporation. Where the guidelines for implementation have been changed several times we are now on PMKVY 4.0, PMKVY 2.0 was the most significant in terms of outreach and investment. The PMKVY guidelines (2016-2020) charted out a detailed road map for the two main aspects, short term Trainings (STTs) and training for recognition of prior learning (RPL). However, in terms of coverage, the participants were dealt with generically as youth with no special emphasis of the number or proportion of women who are to be necessarily covered. As a result, there is no sex disaggregated targets or data separately from men and women in the public domain. On 15 August, 2023 the dashboard showed that of 1,10,00,708 trained under PMKVY 2, only 21,41,575 were placed as per information provided by the Training providers, As on 15 August the figures for PMKVY 3 was that were 737,502 trained candidates of which 42,990 had been placed.

In a gender responsive budget study for UN WOMEN on skill development in Himachal Pradesh completed earlier this year by the author<sup>6</sup> what came out strongly was that the gender stereotypes reproduced themselves here too. 50 percent of trainings and placement of women were in Beauty and Wellness, Apparel, Health care, IT-ITES and Media and Entertainment. In the case of women many of the placements were covered by jobs which came under the "self employed" category, especially in beauty and as tailors. Sewing machine, operators, and beauty therapists. Such jobs make it extremely difficult to gauge whether there is a real increase in income etc. Later versions of the scheme have moved from being a highly decentralised model to demand based and with a focus on future skills. Other gender issues relate to the location and distance of centres, the courses offered and training providers.

The Jan Shikshan Sansthan, an old scheme under the Ministry of Human Resources Development, 15 has since been revived under the MSDE. It focuses on skilling especially women literates, neo-literates, especially women school dropouts in rural areas and those who have minimum education till standard 8. These trainings are conducted by non-government organisations. As of July 2023 the total number of JSSs was 301 with the total number of beneficiaries trained was, 26,284.<sup>7</sup> They are expected to complete the target in 11 sectors which include Apparel Made-Ups & Home Furnishing, Automotive, Beauty & Wellness, Capital Goods & Manufacturing, Domestic Worker, Electronics and Hardware, Food Processing, Handicrafts & Carpets, IT-ITES, Plumbing and Textiles & Handlooms.

Lastly, the NAPS was launched in August 2016 by Government of India to promote the Apprenticeship in the country by providing financial incentives, technology and advocacy support.

The scheme has two components:

1. Sharing of 25 percent of prescribed stipend subject to a maximum of Rs. 1500/- per month per apprentice with the employers.
2. Sharing of basic training cost up to a maximum of Rs. 7,500 per apprentice.<sup>8</sup>

This scheme primarily caters to women, but there is no gender disaggregated data in the public domain.

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<sup>6</sup> Study on Gender Responsive Budgeting Analysis of the Skill Sector in Himachal Pradesh for UN WOMEN by author. To be published

<sup>7</sup> <https://jss.gov.in/>

<sup>8</sup> <https://www.msde.gov.in/en/schemes-initiatives/apprenticeship-training/naps>

## **Ministry of Rural Development**

The Deen Dayal Upadhyaya Grameen Kaushalya Yojana (DDU-GKY) is a placement linked skill development program for providing wage employment to rural poor youth under National Rural Livelihoods Mission (NRLM). It has its origins in Swarnajayanti Gram Swarajgar Yojana (SGSY), which was subsequently renamed as Aajeevika Skills when SGSY was converted as NRLM.

This scheme is aimed at the rural poor between 15-35 years of age, 50 percent of funds are for Scheduled Castes (SCs) and Scheduled Tribes (STs) 15 percent for minorities and 3 percent for Persons with disabilities. The scheme guidelines mandate that 33 percent of the participants have to be women for whom there is no age DDU-GKY has trained 14 lakh candidates so far<sup>9</sup>, and about 60 percent of the beneficiaries of the programme have been placed in jobs.<sup>10</sup> There is no data in the public domain that separately indicates the enrolment and placement rate for women after obtaining their certification.<sup>12</sup>

In many ways DDU-GKY duplicates the PMKVY target group, with similar trainings and often the same training provider. However, a crucial difference is that the courses are longer, 3-12 months in duration and residential in nature. A higher proportion of the release of funds to the training providers is linked to placements. The scheme aims to get at least 70 percent of the trained candidates placed into jobs.

## **III: Key Gender Issues and Recommendations**

In this section we highlight the key gender issues for skill development emerging from the review of policy and programmes by focussing on structural issues in the overall environment for skill development, and subsequently more specifically at programme design, implementation and monitoring issues of various schemes. The policy recommendations emanate from this and the review of policy and programmes as already indicated the Skill development Policies, 2009 and 2014, have a binary approach to gender and although they take into account the need for a special approach and focus on women and girls it is limited in extent, and in translation, much of that focus is further attenuated. Transgenders and others fall through the cracks completely.

### **Structural Issues - Strengthening the Educational System**

Traditionally the education system has created a divide between skilling and academics, making vocational choices always appear to be lower in the hierarchy of employment. In recent years the introduction of the National Skill Qualification Framework (NSQF) has tried to bridge this gap, but the courses have not really been mainstreamed. Apart from overall human and finance resource gaps and Boards/Universities have not really created the conditions where it is easy to transition across streams

Further, in rural areas specially, girls and boys are not aware of career choices, and children often opt for further education or skill courses based on what is available in the vicinity which often are not related to their interest or suitability, these impacts on placement and employment. In this context, the introduction and institutionalisation of a robust system for mentoring and counselling children from Class 9 about career choices is critically important.

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<sup>9</sup> <http://ddugky.info/>

<sup>10</sup> <https://www.deccanherald.com/india/over-14-lakh-trained-under-ddu-gky-60-placed-1232731.html>

## ***Creating Links with Industry for Employment***

The ultimate purpose of skill development is employment but while linkages exist with industry through the Skill India Mission Sector skill councils their role has focussed on defining training requirements and standards of certification. They are not involved with actual training and in the absence of legally enforceable qualifications there is no incentive to hire formally certified candidates. Often industry runs parallel training in house programmes. Prescribing minimum qualifications and certification for jobs will bring industries on board for training purposes and make it easier for placements.

## ***Coordination between Departments Involved with Skill Development***

When the MSDE was established the vision was that it would play a nodal role for skill development. However, both at national and national level there are several departments/ Ministries involved in skill development carrying out their work independently with overlapping schemes and budgetary resources. At both levels coordinating and review mechanisms are required at the highest level for effective convergence.

## ***Need for Gender Responsive Budgeting and Sex Disaggregated Data for Skill Development***

In order to mainstream women into skill development there is a need to allocate adequate budgetary resources to produce that outcome. While gender responsive budgeting is being implemented in 59 Ministries at GoI level and in over 24 states, expenditure on skill development through a gender lens is not being tracked. In the Gender Budget Statement of 2022-23, reflected in Statement 13 of the budget at national level, the only scheme reflected was of the National Skill Development Institutes in Part A which reflects gender specific schemes.<sup>11</sup> There was no analysis or inclusion of schemes of MSDE in Part B. tracking expenditure on skill development in the gender budget statements at national and state level would highlight investment but also create a push for sex disaggregated data which is not available for most gender schemes.

## ***Schemes - Design and Implementation***

A review of the design and implementation of skill development schemes indicate several factors detailed that need to be taken into account to make them more gender responsive.

## ***Articulating a Clear Gender Focus in Schemes for Skill Development***

First, in order to ensure gender mainstreaming, a clear gender focus needs to be started from the outset in the design and objectives of the scheme. However, most schemes lack this. The PMKVY 2 guidelines, for instance, has a focus on youth with no special emphasis on the number of women to be covered, or the trades which they should preferentially pursue. As far as Craftsmen Training Scheme is concerned, there is no explicitly stated objective on bridging the gender skill gaps and it is only recently that there has started to be some reservation for women. An example of good practice is the ADB funded HP Skill Development Program in Himachal Pradesh. It has a formulated Gender Action Plan which results in constant review of progress made in respect of women and girls.

Having a clear gender focus also implies taking into account the social norms that impact on women's choices, mobility, and the need for support during training and placement such as child care, transportation, accommodation,

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<sup>11</sup> <https://www.indiabudget.gov.in>



In addition there needs to be a broadening of the definition of gender so that in all schemes transgenders are also included. In a study on Manipur it emerged that transgender could not seek admission in women ITIs because the criteria for admission were in a binary framework. There is no data on participation by transgenders in most skill development schemes.

### ***Emphasising Non- Traditional Livelihoods and Life Skills***

There is need to focus on breaking the gender stereotypes in skilling which result in low remuneration and poor placements. Typically, females pursued traditional (gender stereotypical) skills such as apparel, beauty and wellness, health, tourism and hospitality and banking and financial services (B&FS), whereas males took up electronics, auto, IT, B&FS and tourism and hospitality. Just as apparel is almost exclusively female, trades such as electrician, plumber, handset and mobile repair and exclusively male. This indicates the predominance of men in sectors that are considered high growth.

Women need to be exposed to new skills and technologies which would assure them employment and higher incomes. There are several examples of good practices both in government and non-government such as to Mahila mates under the Mahatma Gandhi National Rural Employment Guarantee Scheme, teaching women to drive tractors in Kudumbashree or the Azad Foundation's Women on Wheels initiative (which focuses on professional driving skills). Digital literacy is another area where opportunities abound

Women's employability is also linked to other factors which include the need to enhance their confidence and awareness around rights and schemes so that they can access resources. In addition, gender sensitisation, communications skills, financial, digital and computer literacy need to be an integral part of skill development courses. A possible modality could also be that certain organisations that are known for being able to effectively impart skills with other life skills could be coopted to impart training such as SEWA, Ahmedabad, Barefoot College, Tilonia etc.

### ***Sustainable Employment should be the Main Driver***

The emphasis on targets, on numbers trained, constitute another barrier to effective skill training. Skilling agencies focus on quantity not quality. Candidates choose courses often based on location and availability rather than informed choice or suitability. The lack of interest or incentive for the candidate is one of the factors that results in poor attendance as well as a low placement rates.

Establishing last mile connectivity for employment is essential. This means that the pattern of release of funds to training providers should be predicated on ensuring continuous employment for a minimum period of the trainees. In DDU-GKY 70 percent of the funds for training providers are linked to placement which explains the higher placement rate than PMKVY 2 where only 20 percent of the funds were linked to placement.

According to a report 60 percent of the 14 lakhs trained under DDU – GKY 60 percent were placed in PMKVY 2 which represented the longest phase and the highest number of candidates trained – 109.98 lakhs had the highest placement at 23.5 percent, with the other phases showing lower figures.<sup>12</sup> Rather than being driven by targets, the nature of trainings must be driven by the requirements in the industry. There are certain sectors where training is essential and the absorption in industry is high

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<sup>12</sup> <https://thewire.in> – 17 March 2023 and [https://www.business-standard.com/article/current-affairs/placements-in-national-skill-development-programme-abysmally-low-report-122121100106\\_1.html](https://www.business-standard.com/article/current-affairs/placements-in-national-skill-development-programme-abysmally-low-report-122121100106_1.html)

such as production machine operators, automotive industry and welders. Looking at the future of work, there are areas linked to digital literacy where opportunities abound.

However as a study<sup>13</sup> pointed out there is a large male-favoured gender gap in job placement: young men are more likely to be offered jobs and accept them than women. However nine months after completing the training there were high dropout rates, about 74 percent of both men and women. Young women's reasons for dropping jobs had to do with family reasons and issues related to migrating for jobs whereas for boys it stemmed from personal reasons or dissatisfaction with the compensation or work conditions. The study suggested a range of measure for migration support including free accommodation; help with transport, setting up a bank account, medical help to facilitate migration of both men and women for jobs.

MSDE and the state missions would do well if the emphasis shifts from target-based approach to long term investment in working closely with the schools, polytechnics and the industry.

### ***Lack or Non Availability of Gender Disaggregated Data***

In most of the schemes that were reviewed the lack of or unavailability of gender disaggregated data in the public domain was striking. This not only hinders analysis of broad trends, but also limits understanding of how intersectionality (factors, such as age, caste, disability etc) works in skill development programmes. The explicit focus on gender results as a strengthened framework for gender outputs and outcomes would drive the system for gender disaggregated data which needs to be district wise, trade or job role wise so as to be able to plan gender responsive measures in the future.

### ***Recruiting Gender Sensitive Training Providers***

Training providers are the key to the nature of skill development and also a link to placements. However a review of the nature of implementation of skill development schemes in HP<sup>14</sup> showed that although training provider were approved by the industry they had few links with it. Trainings where infrastructure investment was low were most popular. They paid little or no attention to gender issues. In Himachal, based on the experience of training service providers, even short terms trainings were shifted to ITIs as they have better infrastructure.

Skill development is critical as a means to employment and sustainable livelihoods. To a large extent government interventions have merely focused on training and placement with scant attention to aspects that the National Policies on Skill development had identified as necessary to mainstream gender – breaking gender stereotypes, life skills training, gender sensitisation. In implementation of the schemes these aspects need to be centre stage. However, for long term sustained impact and inclusion of more women in the work force there has to be simultaneous focus on institutional changes in the educational system, development of more linkages with industry, and support for women entering the labour force in terms of child care, migration and transportation support. The combination of these measures would make skill development more gender responsive and impact on women's participation in the work force.

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<sup>13</sup> Pande, Rohini, Charity Troyer Moore, Soledad Artiz Prillaman, and Vartika Singh. 2017. "What Constrains Young Indian Women's Labor Force Participation? Evidence From A Survey Of Vocational Trainees". Harvard Kennedy School, Evidence for Policy design

<sup>14</sup> Study on Gender Responsive Budgeting Analysis of the Skill Sector in Himachal Pradesh for UN WOMEN by author. To be published

# In Lieu of a Conclusion: Lessons Learnt, Feminist Furtherance

Ritu Dewan

The analyses contained in each of the 24 chapters of the India Gender Report indicate four universal processes across all sectors and sub-sectors: the reinforcement of gender de-equalisation; the intensification of patriarchal rigidities; the deepening of economic and extra-economic divides; the increased exclusion of vulnerable and marginalised groups. All delinked from the prevailing paradigm of growth that has forsaken development, all alienated from the means of production and resources both public and private. And all furthering the requirements of a macro-patriarchal State of an eternally developing economy.

Women are central at all levels and across all layers especially in an emerging economy, given their roles in the inter-linked systems of production, distribution, consumption, maintenance, reproduction of goods & services, community management, and reproduction of the labour force. In performing their contribution to income-earning, income-augmenting and income-saving activities, they face numerous patriarchal economic and extra-economic constraints that reduce and also devalue their contribution to the national economy. One of the major consequences is the complex gendered 'work/labour/livelihood' continuum of paid–underpaid–unpaid domestic, household, family care work, manifested by an overwhelming work burden and time poverty which does not permit the full realisation of their rights as humans as well as citizens. A patriarchal structure that goes beyond the somewhat simplistic market/non-market binary and often extends into that of use-value particularly in an informal and developing economy. An economy that is referred to as 'strong and growing'.

In 2004 India had already attained the fifth position in the ranking of countries as per size of Gross Domestic Product (GDP) (at constant prices), rising to the third position in 2014, but now back to five a decade later in 2024. India's ranking in Per Capita GDP (PPP) however remains at a low, moving from 147 (out of 189) in 2013-14, to 141 out of 187 countries in 2023. India's global rankings today across innumerable indicators are the lowest in its entire history, and cover almost all SDGs: 107 among 121 countries in the Global Hunger Index; Gender Gap 140/156; Oxfam Inequality Index 129/157; Healthcare 145/195; Environment 177/180; Water Quality: 120/122; Air Quality 179/180; Internet Quality 79/85; Peace 139/163. Additionally, significant 'democratic backsliding' has led to India now being categorised as a 'flawed democracy'.

Even among the G20 countries, India's performance has been rather dismal. Its female LFPR among the G20 nations has the lowest average: 30 percent between 2001 and 2007, 28 during 2008-2014, and a mere 23 percent during 2015-2021. The recent rise by about 5 percentage points is due primarily to increase in unpaid family workers. Also, India reports the highest gender gap in employment rates at 57 percentage points; the highest rise in gender wage gap at about 40 percent; the largest self-employment gender gap at around 20 percentage points. Also, India's Women's Advancement Outcomes ranking is at 63 today, down five ranks from 2019 (MIWE 2022). MIWE which captures changes in female and male entrepreneurial activity in 65 world economies records that India showed the second highest decline within just a year from 2020 to 2021 for both men at above 9 percent and women at over 10 percent. Further, its ranking in Knowledge Assets and Financial Access was 46/65 (MIWE 2022).

India is considered one of the most unequal countries in the world. The World Inequality Report 2022 and the 2023 Oxfam Inequality report rather startling levels of inequality. The top one percent owns 22 percent of the total national income, while 10 percent holds 57 percent, and the bottom 50 percent accounting for only 13 percent. Wealth inequalities are even higher, with the top one percent owning more than 40.5 percent, and the bottom half accounting for 700 million persons holding as little as 3 percent of the total wealth. Simultaneously, the ratio of private wealth to national income has gone up from 290 percent in 1980 to 555 percent in 2020 (Chancel et al 2022). The recently released fact sheet on Monthly Per Capita Consumption Expenditure (MPCE) presents data in nominal terms. Adjusting for 2011-12 prices using Consumer Price Index (CPI) rural and urban for 2022-23 and CPI Agriculture Labour and Industrial Workers before 2011-12, the Compound Annual Growth Rate of MPCE shows a steep decline: 7.48 percent for rural and 5.59 percent for urban between 2009-10 and 2011-12, to less than half at 3.13 percent and 2.66 percent respectively for the period from 2011-12 to 2022-23.

In the context of the character of the macro-patriarchal State, it is not quite incomprehensible why finance, both in terms of allocations and revenue-raising, remain disassociated from the needs of the majority of India's citizens, especially those termed as vulnerable when in fact it is surplus appropriation of labour in both absolute and relative terms that masquerades as exclusion and marginalisation. This is especially so for women and transpersons. Some illustrations are identified below, contextualising fiscal articulation by an increasingly partisan State via budgetary analysis.

In spite of more than half of India's future workforce being anemic, stunted, wasted and undernourished, the child budget has declined to its lowest-ever share in 2023-24; allocations for midday meals are down to 0.23 percent of the budget from an already low of 0.79 percent a decade ago. The institutionalisation of community-based inequalities via the fiscal architecture is evident in that the budget for Ministry of Minority Affairs was drastically slashed by 38 percent within just one year between 2022-23 and 2023-24. And this apart from the pre-Budget withdrawal of Scholarships for Minority students. Persons with Disabilities who constitute 2.2 percent of India's population witnessed a huge reduction in allocations from an already meagre Rs 240 crores to Rs 150 crores. Transgender persons are almost totally devisibilised, receiving a pathetic Rs 6 crores as part of SMILE (Support for Marginalised Individuals for Livelihood & Enterprise), and non-existent in all other schemes.

The share of the gender budget to the total budget in 2023-24 fell by 0.2 percent over the earlier fiscal, its proportion of India's GDP being a mere 0.73 percent. Over 57 percent of workers are self-employed today, yet allocation to all related schemes remains at a low of 0.13 percent of the GDP. Denial of worker status to women manifests itself in several ways, an overlooked one being that bank *mitras* are now four times more than the number of bank employees. The fiscal deficit is sought to be overcome by slashing primarily social sector allocations, down to a new low of 21.2 percent of total budget outlay in 2022-23. Additional issues relate to Revised Estimates being invariably lower than Budget Estimates and much lower than the Demand-for-Grants especially of ministries and departments related to social security, and the consistent underutilisation of what has been allocated. Probably the most problematic are the one-third reduction in food subsidy, as well as the disappearance of the Urban Livelihoods Mission and the much touted 'Health & Wellness Centres'.

Meanwhile, India has emerged as the world's top arms importer in 2019-23 with imports having gone up by 4.7 percent compared to 2014-18, accounting for 2.24 percent of GDP. Simultaneously, annual write-off amounts by Public Sector Banks increased by 17 times over the last decade: the impact is primarily on depositors in the form of higher interest rates on loans, increased bank charges, and reduced staffing. The revenue raising pattern has also changed rather drastically. The share of direct taxes to total revenue is today among the lowest in the world at 35 percent; the highest ever India

had achieved was 61 percent in 2009-10. Here it needs to be added that the accepted ideal is 65 percent, achievable by a mere one percent rise in surcharges for the richest 7 percent of Indians. Instead, the wealth tax was abolished in 2016, and corporate tax reduced with its share in gross tax revenue decreasing in the last decade from 34.5 percent to 27.2 percent: also, the share of custom duty fell to less than half from 15 to 6 percent. On the other hand, the share of income tax which impacts primarily the middle class increased from 20.8 percent to 30.2 percent. An illustration of the centralisation of State-capital in terms of gross revenue resources is the rise in the share of tax collection not shared with states, today standing at a high of almost 20 percent, more than double of the 9.3 percent of 2014-15. The route followed for constraining revenue to the states' exchequer is the converting of cesses and surcharges into more permanent elements, thereby negatively impacting funds for regional development. The devolution of central taxes to states between 2015-16 and 2022-23 has declined from 34.8 percent to 29.6 percent, although the recommended share is around 42 percent. Additionally, the increasingly delayed release of the central share to states has compelled several of them to approach the highest court for redressal.

It is hoped that the methodological concept of Feminist Transformative Financing constructed for the India Gender Report proves useful, incorporating as it does several layers of data-based and lived realities: all integrated and interconnected with the fiscal and monetary architecture, with the fundamentals of economic and political institutions and policies, with class and patriarchal structures that are characterised by an in-built intersectionality. It is also hoped that the India Gender Report – with its intrinsic essential linking of academics, analysis, advocacy and action – leads to furthering the urgent need to claim the public from our Republic, to ensure the attainment of rights guaranteed to us as by the Constitution of India.

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Dr. Nesar Ahmad is Director of Jaipur based policy research organization Budget Analysis and Research Centre (BARC) Trust. Previously he has worked with Astha, CBGA and Indian Social Institute among others on the issues of mining induced displacement and its impact on women; impact of the economic liberalization on the poor, women and children; poverty and child rights; and Gender Responsive Budgeting and Budgeting for Children, and analysis of government budgets with a pro-poor, pro-people perspective. His articles are published in various journals and websites. He is author of *Women, Mining and Displacement* (2002), published by the Indian Social Institute, New Delhi and *Gender Responsive Budgeting and Marginalised Women* (2014), by BARC-Astha. His PhD was on 'Gender, Technology and Institutions in Indian Coal Mining Industry: An Evolutionary Perspective' from the Jawaharlal Nehru University, New Delhi, India. He obtained his Masters in Social Work from Jamia Millia Islamia, New Delhi.



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Lishma Anand was born and brought up in Kozhikode, Kerala. After completing her post-graduation at the University of Hyderabad, she worked as a Computational Neuroscience researcher at the Max-Planck Institute of Dynamics and Self Organization in Göttingen, Germany.

In 2012, she joined IIT Mandi, where she contributed significantly to student welfare and campus development through her role in the Guidance and Counselling Service. Presently, she is a Junior Superintendent at the School of Management.

Beyond her professional pursuits, Lishma is deeply committed to promoting gender inclusivity and empowering women in STEM fields. In her leisure moments, she cherishes quality time with her children, and enjoys exploring culinary delights from diverse cultures around the world.



**Rituparna Borah**

Rituparna Borah (She/Her) is a queer feminist, indigenous activist living with disabilities and a prominent figure in the LGBTQIA+ community. She is the Co-founder and Executive Director of Nazariya: A Queer feminist resource Group and has over 18 years of experience in advocating for LGBTQIA+ rights. She has made significant contributions in the areas of POSH, DEI, as well as gender and sexuality. She serves as an advisory board member for organizations and programs like LBQ Connect of Outright Action International, Rainbow Lit Fest, and Sahayog and currently a co-petitioner in the Marriage Equality case in the Supreme Court of India on behalf of the LBIT network.

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Sumangala Damodaran is an academician and musician, whose experience spans teaching and research in Economics, Development Studies and Popular Music Studies. She has taught in Delhi University and Ambedkar University Delhi over a period of three decades and is presently Director, Gender and Economics with the International Development Economics Associates (IDEAs). She has been a Fulbright Scholar-in-residence at the University of Washington, Seattle and also visiting professor at Ashoka University, the University of Cape Town and the Institute for Human Development, Delhi. As a development economist, her research and publications fall broadly within the rubric of Industrial and Labour studies and more specifically on Industrial Organisation, Global Value Chains, the Informal Sector, Gender, Labour and Migration. Apart from her academic involvements as an economist and social scientist, she is also a singer and composer.



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She led the women's health and rights organization SAHAYOG for 12 years and supported grassroots women's leadership for health and its social determinants. She has nurtured national and international civil society networks for advocacy around sexual and reproductive rights.

She has published her research in a number of peer-reviewed journals and been part of several academic and government committees, including the high-level Expert Group on Universal Health Coverage (Planning Commission, Government of India) as well as the first and second Lancet Commissions on the Political Determinants of Health at the University of Oslo.



**Ritu Dewan**

Ritu Dewan is President of the 64 th Conference of the Indian Society of Labour Economics, Visiting Professor at Institute of Human Development, Co-Founder of Feminist Policy Collective, Trustee of Center for Budget & Governance Accountability, Trustee of The India Forum, Director of The Leaflet, President of Indian Association for Women's Studies (2014-17), President of Alumni Association of Mumbai School of Economics & Public Policy, Vice President of Indian Society of Agricultural Economics (2019-22). She was the first-ever woman Director of the Department of Economics, University of Mumbai, and founder-member of the first Centre for Gender Economics in Asia.

She has over 250 publications, including 56 books & monographs, encompassing a wide range of issues including Development Economics, Gender Studies & Gender Economics, Rural & Urban Development, Infrastructure, Labour Markets, Environmental Displacement, Peace Studies, etc. She was a member of the Feminist Economists' Group for Engendering 12 th and 11 th Five Year Plans, and of the sub-group on 'Gender & Macro-policies' appointed by the Planning Commission. Her consultancies include UNDP, UN Women, ILO, World Bank, ADB, World Wildlife Fund, etc. Her research focus –which interlinks academics, advocacy and action – is the result of issues related to the marginalised. Her last three books are Invisible Work Invisible Workers: The Sub-Economies of Paid and Unpaid Work; Demonetisation: From Deprivation to Destitution, and Pandemic, Patriarchy and Precarity: Labour, Livelihood and Mobility Rights.



**Suneeta Dhar**

Suneeta Dhar is an independent gender equality expert. Previously she worked as Director of Jagori, and as Manager of the UN Trust Fund Manager at the United Nations Development Fund for Women. Over forty five years, she has worked on bringing in a gender perspective into policy and multi-stakeholder programming at the local, national and international levels.

She has served on expert committees of the National Commission for Women, and the Hon'ble Supreme Court's Committee on *Widow's Rehabilitation*. She is a member of *NHRC's Core Group on Rights of Women*, and of the Leadership Group of UN Women's Generation Equality Action Coalition on Gender Based Violence, co-representing the *Global Coalition on Gender Inclusive and Safe Spaces for women/girls*. She is a co-founder of Feminist Policy Collective, Women's Fund Asia, and the South Asia Women's Foundation (India).

Suneeta has a Master's degree in Social Work from the Tata Institute of Social Sciences, Mumbai and has been a recipient of the Fulbright and Advocacy Institute Fellowships for Development Practitioners. She has authored several articles, manuals, papers for national and international publications on women's empowerment, access to basic services, and Gender and SDGs. In 2021 Suneeta was recognized by Apolitical's 100 Most Influential People in Gender Policy.



**Ravi Duggal**

Ravi Duggal is a Sociologist, trained at the University of Bombay, who has been involved in health services research, advocacy and training, especially related to health economics, health systems, and health policy; budgets, decentralization/governance and social accountability; and social sector policies and social security, for now over four decades. Presently he works as an independent Researcher and Consultant. Prior to this he worked for the International Budget Partnership from 2009 – 2018 and earlier supported the Action Aid International partners in a 12 country initiative in South and South-east Asian countries on governance, economic literacy and budgets (2005-2008) and the IDRC on health, equity and governance research in South Asia (2008-2009). Until 2005 he was the Coordinator of CEHAT, an institution he founded along with other health activists and researchers in 1991.

He had begun his research career at the Foundation for Research in Community Health where he worked for 12 years and did pioneering research in the area of health financing and the private health sector, after a two-year stint at teaching Sociology at Vivekananda College, Mumbai. He has over 20 books/reports and over 200 research papers and articles published as of now most of which are available at the link: [https://www.researchgate.net/profile/Ravi\\_Duggal/publications](https://www.researchgate.net/profile/Ravi_Duggal/publications)





**Dr. Mridul Eapen**

Dr. Mridul Eapen is Honorary Fellow at the Centre for Development Studies. After retiring from CDS in 2005 was a two time Member of the Kerala State Planning Board in 2006-11 (11 th Five Year Plan) and 2016-21 (13th Five Year Plan). Her major studies have been on gender, focused largely on visibilising the various ways- social, economic and political- women are disadvantaged in society despite the critical role they play. She was a Member of the Feminist Economists Group of the Planning Commission during 11 th and 12 th Five Year Plans and of the High Level Committee on the Status of Women in India of the Ministry of Women and Child Development during 2013-14. Her major work in the Planning Board was to integrate gender into the planning process through Gender Budgeting; a separate document: Gender and Child Budget came to be prepared and presented together with the Kerala Budget Papers every year starting in 2017-18 and continuing into the 14 th Five Year Plan.

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**Anweshaa Ghosh**

Anweshaa Ghosh is a qualitative social science researcher. She has over 15 years of experience in development and is now working as a Research Fellow and Program Lead (for Gender and Digitality) at the Institute of Social Studies Trust (ISST). She has led and been part of several research and evaluation projects in India, Nepal and Bangladesh around women's informal labour. She has published in various peer reviewed journals on women's experiences in paid domestic work, care economy, platform economy, skilling, etc. She also supported the design and running of ISST's online course on - Facilitating Gender Transformative Evaluations (2018 – 2020).

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**Professor Jayati Ghosh**

Professor Jayati Ghosh taught economics at Jawaharlal Nehru University in New Delhi for nearly 35 years, and is currently Professor of Economics at the University of Massachusetts Amherst. She has authored and/or edited 20 books and more than 220 scholarly articles. Recent publications include When Governments Fail: Covid-19 and the Economy; The making of a catastrophe: Covid-19 and the Indian economy; Informal Women Workers in the Global South; and Demonetisation Decoded. Jayati has advised governments and consulted for many international organizations. She is a member of several international boards and commissions, including the United Nations High-level Advisory Board on Economic and Social Affairs; the WHO Council on the Economics of Health for All; and the United Nations Secretary General's High-level Advisory Board on Effective Multilateralism. She has received several awards for her work, including most recently the International Economic Association's Fellow Award and the John Kenneth Galbraith Award of the Applied and Agricultural Economics Association, both in 2023.



**Shreya Ghosh**

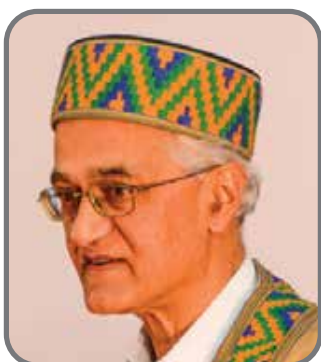
Shreya Ghosh is a development sector professional with over fifteen years of experience across programme design and implementation, public policy and systems strengthening efforts. The focus of her work has been on school education, child labour, child marriage, violence prevention & response and economic empowerment from a gender equality and social inclusion (GESI) perspective.

Over the years, she has contributed to several articles published in reputed national and international journals, newspapers and reports. Shreya is currently Head of Asia Engagement at Girls Not Brides: The Global Partnership to End Child Marriage.



**Priscilla T. Gonsalves**

Priscilla T. Gonsalves is a historian by training, a teacher and entrepreneur by profession, and an amateur naturalist by inclination. Born and raised in the US, she spent two years in Afghanistan as a Peace Corps volunteer. She came to India in 1989, and there she has raised two daughters, taught school and college courses, opened and ran Willy's Coffee Pub – Ooty's first lending library cum cafe – and founded EWOK, an NGO helping the local women in the Kamand Valley, Himachal Pradesh to attain their goals. She was a Director of Nilgiri Networks since its founding in 1999, and advised the IIT Mandi Campus School Management Committee during its initial years. She wrote a book for children based on her observations in Himachal: "From Leopards to Lizards: *Animals of Kamand*".



**Timothy A. Gonsalves**

Timothy A. Gonsalves studied at IIT Madras, Rice University and Stanford University. After joining the faculty of IIT Madras in 1989, he devoted himself to developing useful and affordable technologies for India. He mentored several start-ups and consulted for telecom and fintech industries. He founded Nilgiri Networks in Ooty, where he trained local talent to develop telecom software.

From 2010-2020, he served as the founding Director of IIT Mandi, Himachal Pradesh, a green-field institution in a remote Himalayan valley. Known for its unique project-oriented BTech curriculum, in 2019 it was ranked 20th among engineering institutions in India in the NIRF. In 2016, Gonsalves spearheaded the national effort to increase female enrolment in B.Tech at all IITs, from 8% in 2016 to 20% in 2020.

After his retirement, Gonsalves founded LEAP (Learn Engineering by Activity with Products) to transform education in low-ranked engineering colleges by introducing industry-oriented learn-by-doing.





**Deepti Gupta**

Deepti Gupta is currently a Technical Advisor to Kraft Pack Exports India Pvt Ltd where she provides expert advice and guidance regarding technical issues, solutions, and strategies. Prior to that she had worked with Airtel Money as an operations manager. She has also worked at American Express as a business analyst. She graduated with MS (Research) in CSE from IIT Madras and has worked extensively in Mobile Payments.

Deepti currently lives in Moradabad with her husband and two daughters. She likes to read and exercise in her free time.



**Aishwarya Joshi**

Aishwarya Joshi is an independent qualitative researcher in the action research and development sector. She has previously worked with academic institutions, NGOs, and action research organisations on research projects across various thematic areas including gender, nutrition, employment, and small & growing businesses. Through her work, she strives to aid a more fruitful exchange between evidence-based research and public policy.



**Abirami  
Jotheeswaran**

Ms. Abirami Jotheeswaran is a Dalit woman leader and a lawyer by training with a profound commitment to social justice. She presently serves as the General Secretary of the All India Dalit Mahila Adhikar Manch, (AIDMAM-NCDHR). AIDMAM works in seven North Indian states to prevent and combat caste and gender based violence against Dalit women and minor girls. Over two decades, she has been associated as a dedicated member of the National Campaign on Dalit Human Rights (NCDHR), New Delhi. She has been actively involved in the campaign for strengthening of the special legislation, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 through the Amendment Act of 2015.

Under her guidance, AIDMAM published the first of a kind “Dalit Women Rise for Justice” Status Report in 2021, advocating for the effective implementation of the SC/ ST (PoA) Act, 1989 and existing policies to secure justice for Dalit women affected by caste and gender-based violence, and recently released a documentary titled, “2500 years of slavery: Voices of Dalit women” based on this status report of 2021

Abirami Jotheeswaran has advocated for the rights of Dalit women and minor girls at international platforms such as the United Nations and the European Union. Her unwavering dedication continues to inspire change and progress in the pursuit of equality and justice.



**Professor Aasha  
Kapur Mehta**

Professor Aasha Kapur Mehta is a Founder Member of the FPC and is Chairperson, Centre for Gender Studies at the Institute for Human Development, Delhi. Prior to this, she was Professor of Economics at Indian Institute of Public Administration, New Delhi, where she worked for many decades. She has served on several Committees, Task Forces, Missions and Working Groups constituted by Planning Commission, NITI Aayog, Cabinet Secretariat and several Ministries/ Departments of Government of India. She led the work of the Chronic Poverty Research Centre in India. Her books, articles and working papers are on poverty, poverty dynamics, deprivation, human and gender development indicators, gender budgeting, inaccuracies in estimating female work force participation, gender related data gaps, estimating the monetary value of women's contribution to GDP, impact of ill health on women's care burden, and policy imperatives for achieving SDG1 and SDG3.



**Renu Khanna**

Renu Khanna has four decades of experience in gender equality and human rights related to health in general, and sexual and reproductive health in particular. She has worked with and engaged in different capacities as a practitioner, as a researcher, as a mentor; with marginalized communities at the grassroots level, with civil society organisations and policymakers nationally. She co-founded SAHAJ (Society for Health Alternatives), a community-based non-profit organization which began its work with the urban poor waste-picking women in 1984. She has also worked with the Public Health Department of the Bombay Municipal Corporation as a Co-Principal Investigator in a series of collaborative projects with the Liverpool School of Tropical Medicine (LSTM), UK, and the Royal Tropical Institute (KIT) Amsterdam. Currently, she is the Vice Chair of Advisory Group of ARISE Consortium led by the LSTM. She has also taught a course on Gender, Health and Rights at the Azim Premji University, a leading University in India (for MA Development Studies students in 2021 and 2022).

In addition to her 'practitioner' commitments, she is active in several pro-people's movements, including feminist and SRHR movements and coalitions – within India, regionally and globally. Over the years, she has also contributed to several UN organisations.



**Protiva Kundu**

Protiva Kundu has over 15 years of experience in the area of public policy research, engagement and capacity building on a wide range of issues at the national as well as the state level. She currently works as the Research Lead at the Centre for Budget and Governance Accountability (CBGA), a think tank based in New Delhi. Her areas of interest include social sector policy, public finance and gender. At CBGA, Protiva works on financing of education, gender-and child responsive budgeting, early childhood education, education equity, and child protection.

Prior to CBGA, Protiva was with the Policy Group of Infrastructure Development Finance Company Ltd. (IDFC). She also worked as a Consultant at the National Institute of Public Finance and Policy (NIPFP). She has a Ph.D. degree in Economics from Jawaharlal Nehru University, New Delhi.



**Indrani Mazumdar**

Indrani Mazumdar retired as Senior Fellow from the Centre for Women's Development Studies, New Delhi (CWDS) in 2020. She has since been actively engaged in continuing research on women's employment and migration. From her initial book on the impact of globalization on women workers in 2007, she has been engaged with wide-ranging field research on women's work, employment relations, and migration. Initially a collective endeavour with colleagues at CWDS, her individual and active research engagement has continued till the present, sometimes with institutional collaboration, sometimes as an independent researcher.



**Dr. Sona Mitra**

Dr. Sona Mitra, Director- Research and Policy at IWWAGE, has been working in the area of women and development for the last one and a half decades. Her core research interests are in areas related to women's economic empowerment. She has looked extensively into the causalities of low work participation rates of women in India within a political economy framework and has studied in great detail the gender gaps in the existing labour-force surveys conducted by the Government of India. Sona completed her masters and PhD in Economics from Jawaharlal Nehru University, New Delhi. Her doctoral thesis looked at the relationship between macro-economic growth and women's employment in India since the 1990s. Prior to joining IWWAGE, Sona has worked with the Centre for Budget and Governance Accountability (CBGA), National Institute for Public Finance and Policy (NIPFP), and Centre for Women's Development Studies (CWDS). She has been an independent consultant with UN agencies working on women's empowerment and has been a technical adviser to studies conducted by the Action-Aid, UN Women (India), and ICRW. She also teaches a course on Labour and Development under the Master's in Economics program at Ambedkar University, Delhi, and regularly publishes articles in peer-reviewed journals, chapters in books, and opinion pieces in leading newspapers and magazines.



**Ishita Mukhopadhyay**

Ishita Mukhopadhyay is Professor, Department of Economics, University of Calcutta. She is Former President, Indian Association for Women's Studies. Her specialization is in Labour Economics, Gender and Development, Political Economy. She is also an activist in the forum of Right to Education West Bengal. She has written profusely in national and international journals.

Some of her cited publications include "The Changing Identity of Rural India : A Socio-historic Analysis" edtd with E.Basile (Anthem Press) in 2009, " Calcutta's Informal Sector: Changing Pattern of Labour use" from Economic Political Weekly ,1998, " Emerging Challenges of Rural Labour Market : Insights from Indian villages " along with N.Roy in Arthaniti in 2019, "Gender Wage Gap: Some recent evidence from India" along with S. Poddar in Journal of Quantitative Economics in 2019, "Intergenerational co-residence and women's employment in urban India" along with T. Mukherjee, S.Bhattacharya in the Indian journal of Labour Economics in 2023. Her book "Employment in the Informal sector in India" has been published in 2022 from Springer Nature.



**Neetha N**

Neetha N is Professor at the Centre for Women's Development Studies (CWDS), New Delhi. She was Associate Fellow & Coordinator, Centre for Gender and Labour at the V.V. Giri National Labour Institute, NOIDA during 1998-2006. Her research focuses on employment, women workers in the informal sector, domestic workers, unpaid domestic and care work and labour migration. She has undertaken many research studies with the support of national and international agencies and has published extensively in national and international books, journals and newspapers.

She has recently edited two books 'Working at Others Homes: The Specifies and Challenges of Paid Domestic Work' (ed), Tulika Books (2018) and Migration, Gender and Care Economy, (2019, co-edited with Irudaya Rajan), Routledge. She is one of the Lead Authors of the chapter on Pluralising Family of the International Panel on Social Progress Report, 2018. She was also a member of the working group on women's development for the 13 th Five Year Plan and Co-Chairperson of the working group on women's employment set up for the formulation of the 14 th Five Year Plan (2022-27) of the State Planning Board, Kerala.





**Rashmi Padhye**

Rashmi Padhye has a master's degree in 'Anthropology of Health and Illness' from the University of Edinburgh. She is a freelance research consultant. She has been working in the development sector for the past 18 years. Her health sector experience includes work on health equity, health rights, health systems research, determinants of health such as nutrition, water, and sanitation, and gender aspects of health with several organisations. She is a senior researcher with SAHAJ, Vadodara, on a Sustainable Development Goals (SDGs) and Gender Equality linked project. She works as a part of a team that works on 'localising SDGs' in select states of India and at the national level.



**Amita Pitre**

Amita has a postgraduate degree in Public Health and more than twenty years of work experience in the social sector, primarily as a gender justice specialist. She is a Fulbright-Nehru scholar and completed her fellowship in Women's Studies at Emory University in Atlanta, USA. Currently she works globally within the Gender Justice and Feminist Futures workstream at Oxfam International. Her current work includes advocacy for recognition of Care as a central organizing tenet in society and advancing a Feminist Approach with Care at the center within the Oxfam system, within a comprehensive framing of Feminist Economic and Climate Just Transformation. In India Amita has undertaken policy influencing research and advocacy in the field of gender based violence, gender and health, age of consent and age of marriage within a progressive feminist legal and critical theory framework. She has worked with leading organizations such as UNFPA, TISS Mumbai including assignments with ICRW and Care International besides Oxfam. Notably, Amita's work led to institutionalizing a police based progressed addressing gender based by the Gujarat government and adoption of a 'National Framework for a Gender Responsive Tuberculosis Program' by the central government.



**Aishwarya Rajeev**

Aishwarya is a development economist studying women's work and time-use. She has recently completed her Ph.D. in Economics at Dr. B.R. Ambedkar University Delhi, and her thesis is an exploration of the dynamics of women's time-use and social location in India. She has previously worked at the Institute of Social Studies Trust-ISST as well as Feminist Policy Collective, India. Her broader areas of interest are gender and development, political economy and public policy.



**Swati Raju**

Swati Raju is currently Professor in the Mumbai School of Economics & Public Policy (earlier known as the Department of Economics) University of Mumbai. She has almost 25 years of teaching experience and started her career as Research Associate in the RBI Chair in Monetary Economics at the Department of Economics, University of Mumbai in 1997 and later joined as member of the faculty in the same Department in 2004. Dr. Swati was Assistant Professor at the Indian Institute of Technology, Bombay during 2003-2004. Her M.A. (1992) and Ph.D (2000) were awarded by the University of Mumbai. She is the Vice Chancellor's nominee of the Board of Studies of two Mumbai colleges – Sophia College and Jaihind College and has been a member of the Syllabus Review Committee at Shiv Nadar University, Chennai. She is currently an Executive Committee member of The Indian Econometric Society and was Joint Secretary in 2019-20.

Her primary research and teaching areas include Indian Public Finance, Banking, Financial Economics and Microeconomics. Over the years she has also researched in Gender Economics and issues related to employment in India. She has successfully completed 10 research projects of which 5 are associated with gender issues in India, presented 18 Conference papers, organized 6 workshops and has been regularly invited as resource person at Refresher Courses conducted in Mumbai and Maharashtra. Swati has published widely with over 20 refereed journal articles and nearly 15 non-refereed journal articles and has successfully guided 3 research students for Ph.D and has 3 students under her Supervision.



**R. Ramakumar**

R. Ramakumar is an economist by training and is currently Professor at the School of Development Studies, Tata Institute of Social Sciences, Mumbai. His areas of interest include agricultural economics, and development economics, with focus on poverty and inequality. He was earlier the Dean of the School of Development Studies as well as NABARD Chair Professor at the Tata Institute of Social Sciences. He has earlier held visiting academic positions in the University of Zurich, London School of Economics and Political Science, Queen Mary University of London, Goa University and the Centre for Development Studies, Trivandrum. From September 2016, he has also been serving as a non-ministerial member with the Kerala State Planning Board. He has written two books -- of which the most recent one "Distress in the Fields" (2022) has been acclaimed by reviews as an authoritative account of agriculture in India over the past three decades. He also writes extensively in newspapers and magazines.





**Preethi Rao**

Preethi brings over 14 years of experience in international development to her current role at LEAD, where she oversees the leveraging evidence function and contributes to strategic decision-making. She works closely with partners across policy, industry, and civil society to drive impactful partnerships across financial health and wellbeing, women's economic empowerment and entrepreneurship development, among other areas. Preethi also spearheads learning and training initiatives at LEAD. Preethi is also a co-chair of the WeProsper Coalition's steering committee.

Previously, Preethi served as Director of the Jaipur Digital Payments Lab at Catalyst (IFMR), overseeing execution, partner relations, donor liaison, monitoring and evaluation, and programmatic learning outputs. She also supports Policy, Advocacy and Communications (PAC) for IWWAGE, an initiative of LEAD, and has been instrumental in establishing knowledge and technical partnerships with government bodies.

In her advisory role at LEAD, Preethi has provided strategic guidance and managed stakeholder relations for the CGIAR GENDER Platform, 3ie's Swashakt evidence programme, which funded projects supporting women's collectives and enterprises and UNCDF and i3 Access's Financial Health Scorecard for platform workers. Additionally, Preethi led the effort to chronicle LEAD's transformative journey over the past 15 years in a coffee-table book format, highlighting key thematic areas of research.

Preethi holds a Master's Degree in Management from IFMR Graduate School of Business, with a focus on Finance and Marketing.



**Dr Nilangi  
Sardeshpande**

Dr Nilangi Sardeshpande, steering group member of Equal Measures 2030 is currently anchoring the project, "Evidence-based Civil Society Action for Gender Equality and SDGs" implemented by SAHAJ. Her current work on localising SDGs focuses on the reproductive health concerns of the marginalised communities in the states of Gujarat Assam and Maharashtra. Dr Nilangi is an Ayurveda graduate with a doctoral degree from Tata Institute of Social Sciences Mumbai. Her doctoral research focused on understanding women's access to healthcare, focusing on young women in rural Maharashtra who underwent hysterectomy. Dr Nilangi has over two decades of experience as a health researcher. She is a member of CommonHealth (A coalition for reproductive health and safe abortion) and the Evaluation Community of India (ECol). Through her engagement with CommonHealth, Dr Nilangi has been actively involved in the workshops and training on reproductive health especially focusing on access to safe abortion. She also serves as a member of the ethics committee of Anusandhan Trust and Prayas.



**Anagha Sarpotdar**

PhD in Social Sciences, TISS (Mumbai). Working on social and legal aspects of violence against women since 1999 and specifically on workplace sexual harassment since 2005.



**Devika Sethi**

Devika Sethi is a professional historian. Trained at St. Stephen's College, Delhi University, and Jawaharlal Nehru University, she has been teaching at IIT Mandi in Himachal Pradesh for the past several years. She is the author of *War over Words: Censorship in India, 1930-60*, an academic history of censorship in late colonial and early post-colonial India, published by Cambridge University Press. Her second book, *Banned and Censored: What the British Raj Didn't Want Us to Read*, published by Roli books in 2023, is the first anthology of texts banned in colonial India during the eventful first half of the 20th century.



**Navsharan Singh**

Navsharan Singh is an author and activist. She has a strong background in women's rights, human rights and farmers' movements. Through her published work she has made contributions to the understanding of state impunity for mass violence as well as to the understanding of sexual violence against women. Her current work is on agrarian crisis and farmers' movement in India. She holds degrees in economics, political economy, and a Ph. D in political science from Carleton University, Canada.

Navsharan has managed to combine scholarship with an intense engagement with social justice and rights movements. Her work has enabled her to address different audiences and has allowed her to engage in academic, literature, art and culture, women's and farmers' movements, and democratic rights spheres in India. She writes in English and Punjabi.



**Dipa Sinha**

Dipa Sinha is a Development Economist with about 20 years of experience in teaching, research and policy advocacy. Her areas of expertise include social policy, especially related to public health, food and nutrition, gender and child rights. She has been a full time Academic, teaching at the Ambedkar University Delhi, for about nine years, where she taught undergraduate and postgraduate students as well as supervised research scholars. Prior to that, she has worked as a senior researcher and adviser with the Office of Commissioners to the Supreme Court, on the Right to Food. She has independently managed research studies and has been part of large international research collaborations. She has been a member of various policy-related committees of the state and union governments in India as well as on the governing bodies/advisory groups of independent organizations. She works closely with civil-society networks and campaigns in India and globally. She is involved actively with the Right to Food campaign, India. She writes regularly in national and international journals, newspapers and magazines.



**Sandhya Srinivasan**

Sandhya Srinivasan is a Mumbai-based freelance journalist, researcher and editor with a bachelor's degree in philosophy and master's degrees in sociology and in public health. She was executive editor of the *Indian Journal of Medical Ethics* for 14 years and is currently consulting editor with IJME. She has worked on projects supported by the Council of Social Development, the European Commission, the World Health Organisation, the United Nations Research Institute for Social Development, and other organisations.

Ms Srinivasan writes on ethical issues in healthcare and research. She has reported on the emergence and dissemination of assisted reproductive technologies in India. Since 2005, she has been documenting concerns in international drug trials here and has been involved in advocacy regarding regulation of health research.



**Padmini Swaminathan**

Padmini Swaminathan, former Director, The Madras Institute of Development Studies; former Chairperson and Professor, School of Livelihoods and Research, Tata Institute of Social Sciences, Hyderabad; Former Visiting Professor, Council for Social Development, Hyderabad. On the Boards of Institute for Studies in Industrial Development, Delhi, SAMA - Resource Centre for Women, and Anusandhan Trust, Mumbai. On the Editorial Advisory Board of the Indian Journal of Gender Studies, and, Gender, Technology and Development. Publications, national and international, cover themes of Industrial Organization, Labour and Skill Development, Occupational Health - all from a gender perspective.



**Sarojini Ganju Thakur**

Sarojini Ganju Thakur is a retired IAS officer (HP cadre- 1977) , who is currently Chairperson of the Institute of Social Studies Trust , New Delhi. Her development experience spans more than 40 years. Her principal interests and work have been in gender, livelihoods, environment and education. She has held various positions in government, at the national, state and district levels; as well as in bi-lateral and multilateral organizations. She was the founder Chairperson of the Himachal Pradesh Private Educational Institutions Regulatory Commission after she retired as Additional Chief Secretary (HP). Prior to that she worked at the Commonwealth Secretariat in London from 2004-2008 as Adviser and Head of Gender, where her primary focus was on women's economic empowerment, including gender responsive budgets, microfinance, gender and trade and social protection. She was Rural Livelihoods Adviser in DFID, India from 2001-2004. She has also worked as Joint Secretary, MWCD. Gol and Deputy Director, LBSNAA, Mussoorie where she established the National Gender Centre and mainstreamed gender training. She has been involved for many years as a resource person for gender training and capacity building and has written on various aspects of gender and governance. She undertakes consultancy work on gender for various organizations including UN WOMEN, UNICEF and some CSOs.

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**Julie Thekkudan**

Julie Thekkudan (PhD), is a gender and women's rights development practitioner with over 20 years of experience in national and international development agencies. She leads on developing appropriate strategic interventions based on gender-informed and gender-sensitive developmental pathways. She is responsible for programme and campaign development and implementation. She is a trainer and a researcher on gender issues in communities, public spaces and workplaces. She currently works on legal reforms for addressing sexual violence and harmful practices in South Asia.

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**Saurav Verma**

Saurav (They/Them) is an intersectional Queer Non-binary, Bahun Feminist. They work as a Program manager at Nazariya. They are also an educator who facilitates workshops on Gender, Sexuality, SRHR and Diversity, Equity and Inclusion.



**Zayan**

Zayan (he/him) is a Dalit Queer feminist trans man who works at Nazariya: A Queer Feminist Resource Group as a Senior Programme Coordinator. He has been a TEDx speaker and got featured by The Times of India (2022) and The Washington Post (2023). As a trained educator, he has the experience of teaching children, researching and analysing the field of education and teacher education from the lens of gender and sexuality. He was a part of the International Trans Advocacy Week (TAW) in 2022 and was invited as an Asian Delegate to TAW in 2023. He was also selected as a fellow for the LBQ Connect programme by Outright International in 2023. He has published on platforms like The New Leam, The Teacher Plus, Contemporary Education Dialogues, and has recently authored a children's storybook called Chintu's Shirt which is a story about a gender non-conforming child.

***WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all its citizens:***

***JUSTICE, social, economic and political;***

***LIBERTY of thought, expression, belief, faith and worship;***

***EQUALITY of status and of opportunity;***

***and to promote among them all***

***FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation***

**PREAMBLE, Constitution of India.**



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***The Feminist Policy Collective defines its vision as contributing to policies and practice on Transformative Financing for gender justice that advances the rights of women in all their diversity. FPC is committed to equality, equity and egalitarianism that is inclusive of the rights of all marginalised groups and gender-diverse communities, addressing historical and systemic discrimination that perpetuates deep inequalities.***

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