JOURNAL ON

'LABOUR'

(A Double-Blind Peer Review Journal)

Volume 1: Sociology of Labour

2025

JOURNAL ON LABOUR

First Volume

2025

Sociology of Labour

JOURNAL ON LABOUR

EDITORIAL BOARD

NATIONAL LAW UNIVERSITY DELHI

All enquiries regarding the Journal should be addressed to:

TABLE OF CONTENTS:

Journal on Labour (Volume I, Issue I) 2025

Editorial

Journal on Labour is a double-blind and peer-reviewed annual journal that focuses on interdisciplinary scholarship on Labour. Every issue engages with current debates in the field of labour. The journal aims to serve as an important platform for academic discourse and research dissemination in the field of labour law. It will cater to the growing need for a specialised publication that addresses contemporary issues, developments, and challenges related to labour, both nationally and internationally. This annual thematic journal aims to provide a platform for interdisciplinary writings on labour issues, with its inaugural edition focusing on the theme "Sociology of Labour."

The thematic area, 'Sociology of Labour' requires us to look beyond the text of contracts and statutes and to pay attention to the unequal and complex labour worlds. The labour is bound up with relations of caste, kinship, gender, migration, and the market. It is through these relations that institutions are sustained, whether in the form of production, care, or reproduction. The current research reveals paradoxical position of labour in India in an 'emerging economy'. This makes sociological analysis of labour important and several factors of this decade such as the impact of COVID-19 on working conditions, rapid technological change, ongoing debates about labour law reforms, and persistent inequalities despite economic growth requires epistemological accommodations in labour debates.

The sociology of labour helps us make sense of this. As the sociologist André Béteille once observed, to study labour is to study how work is organised, valued, and given meaning within wider structures of inequality. In India, this study takes on a particular sharpness. Unlike Europe, where the focus was largely on class, Indian scholars have shown how caste and kinship cut across class, how migration unsettles identities, and how informality continues to define the majority of working lives. Jan Breman's writings on footloose labour and K. Saradamoni's work on women agricultural workers remind us that labour here cannot be understood without attention to these multiple axes.

When we read labour through this lens, we see not just how value is produced and appropriated, but also how law can either reinforce inequality or disturb it. The articles in this volume take up that challenge. They follow workers into households and hospitals, brick kilns and construction nakas, union halls and digital platforms. Together they show us that the future of labour law in India will depend on how closely we are willing to read society itself.

This issue gathers fourteen contributions that work through these concerns with admirable range and depth. The list below follows the order in which the articles appear in the volume.

The Limits of a Social Contract Revealed? The ASHA Workers' Strike in Kerala, by J. Devika is a commentary that situates the current ASHA mobilisation within a longer history of gendered welfare and party mediation in Kerala. It argues that the strike exposes the frayed compact through which care work was celebrated yet undervalued. The article illuminates how women workers have forced a reckoning with recognition, pay, and voice.

In *Determinants of Human Capital: Some Reflections on Discrimination and the Law, by Jaivir Singh and Kumar Abhishek*, author uses PLFS data to link job quality and educational investment with

household and identity characteristics. They show that gender, caste, and religion shape human capital decisions and labour market outcomes. The article then turns to the legal tools that might reduce such discrimination and strengthen manufacturing-linked employment.

Agency through Devalued Work: The Case of Health Care Workers in Palliative Care in Kerala, by Neetha N. and C. U. Thresia explores how workers craft dignity and discretion within a field marked by feminised care and low pay. It reads professional ethics, community expectations, and institutional design together. In doing so, it reframes palliative care as a site where agency is negotiated rather than assumed.

In *Failures of Marital Provisioning and the Framing of Agency by Migrant Domestic Workers from Kerala, by Praveena Kodoth*, the household is treated as an economic and normative site. The author tracks how marital provisioning falters and how women recalibrate dependence, migration, and autonomy. The analysis invites a rethinking of social protection that recognises both intimate and market risks.

Marginalised Labour Categories and Historical Injustices, by Avijit Chatterjee, is written as a field note that returns to forest-dependent communities to show how past dispossession continues to organise present precarities. It describes the forms of work that survive in the shadow of resource control. The article urges law and remedial imagination in forest and labour governance.

Rethinking India's Labour Laws for Informal Work: Assessing the Inclusivity of Labour Codes, by Jasoon Chelat asks whether the new Codes can meet workers where they are, not where the formal law wishes them to be. It examines thresholds, definitions, and enforcement architectures that leave large segments outside protection. The article suggest the clear ways for improving coverage and compliance.

In *An Interface between Menstrual Leave and the Right to Health: Analysis of Domestic Labour Legislation, by Solymosi-Szekeres Bernadett*, the author treats menstrual health as a part of the right to health and examine how far domestic labour laws recognise it. The article compares statutory language with workplace realities. It makes a measured case for time-bound, stigma-free accommodations grounded in evidence.

Socialisation through Work: Lived Experiences of Informal Sector Women in the National Capital Region, by Sudeshna Sengupta, listens closely to how women learn skills, norms, and solidarities on the job. It shows how work socialises even as it exploits, and how that paradox can be turned into leverage. The article invites policies that build on these solidarities rather than erasing them.

The Scaffolding of Inequality: Social Categories and Labour Mobility in the Construction Market of Lucknow, by Kapil Kumar Verma and Prashant Kumar, focuses on construction markets, the authors map how caste, migration status, and skill certification regulate entry and movement. They trace everyday brokerage and wage setting. The article reveals how "market forces" are made by social power.

Women in Daily Labour Markets: A Study in Four Cities of Gujarat, by James Regina C. Dabhi, Kanchan Bharati, and Ayanendu Sanyal is based on twenty sites across four cities, the study shows how nakas restrict women's entry and channel them into low-bargaining roles. It documents the over-representation of Adivasi and Dalit women, wage gaps, and deficits in safety and amenities. The analysis reorients attention from abstract informality to concrete market spaces.

Bringing Back the Paternity Benefit Bill: Parental Leave Reform through Evidence, by Mitali Srivastava and Saibaa Ghazala, assembles comparative and empirical arguments for a gender-equal leave regime.

It shows how robust paternity leave can lower discrimination against mothers and support caregiving men. The authors propose a pragmatic legislative pathway grounded in workplace realities.

From Margins to Brick Kilns: Women's Labour and the Nexus of Migration and Poverty, by Karabi Konch and Kashmiri Saikia, is the study that follows women into kiln work where family migration, debt, and article-rate systems intersect. It reads recruitment, housing, and care burdens together. The article argues that any meaningful reform must address tied migration and wage opacity.

Colonialism to Globalisation: Contouring Labour Discourse in India, by Sreemoyee Sarkar and Ananya Dungdung, takes the long view, tracking how law and policy have narrated labour from empire to liberalisation. It shows what persists, what mutates, and what is left unsaid. The historical sweep clarifies why today's reforms must confront yesterday's premises.

Capital as a Pre-requisite for Entry into the Beauty Platform, by Shipra and Minaketan Behera, draws upon qualitative work with women beauticians in Delhi NCR, the authors show that platform work demands economic, social, and cultural capital that many do not possess. Training costs, grooming norms, and even language tests become gatekeepers. The article recasts platform "opportunity" as structured selection.

Much of the writing here insists that labour law must learn from sociology not as ornament but as method. When we see workers as embedded in families, neighbourhoods, unions, markets, and platforms, law's categories become sharper and more honest. The issue refuses easy binaries between formal and informal, public and private, production and reproduction. It shows instead how care and construction, brick kilns and digital apps, household contracts and statutory codes speak to one another.

We close with an invitation. The next volume will take up the theme "*Labour, Capitalism and Unfree Labour.*" Themes here include the political economy of informality and exploitation, feminist and intersectional analyses of migration and oppression, the histories of marginalised and outcaste workers, the exclusions built into labour law, and the challenges posed by new industries, urbanisation, global supply chains, and the debates on just transition. If this first volume asks us to read labour law through society, the next will extend that inquiry to the wider structures of economy, politics, and global capitalism in which labour itself is entangled.

<div align="right">

Dr. SOPHY KJ
Associate Professor, National Law
University Delhi and
Editor in Chief, Journal on Labour

</div>

The Limits of a 'Social Contract' Revealed?
The ASHA Workers' Strike in Kerala

J. Devika*

Abstract— This commentary piece casts a historical eye upon the ongoing struggle of women workers at the rock bottom of the health system in Kerala, which is now nearly five months old. It notes that unlike the earlier waves of women workers' strikes in Kerala in the new century, the ASHA workers' strike led by a non-majority union, the Kerala ASHA Health Workers' Association (KAHWA), has exposed the limits of the late- twentieth century 'social contract' between the state and lower middle-class housewives in Kerala mediated by the dominant Left. In the 1990s, a host of global and local developments led to the state promising this section of women recognition and 'empowerment' and in return, women were to offer labour in local governance and act as agents of self-help aided by the state. However, women workers especially in the informal sector, were excluded from 'women'. The past decade and a half in Kerala have seen a number of public protests by women workers. The ASHA workers' strike is the latest, and the most revealing wave, as they are central to Kerala's social development achievements, even if marginal to the state's imagination of both 'woman' and 'worker'.

Keywords- Women workers, ASHAs, Kerala, KAHWA, Care extractivism, Workers' strike

*J. Devika is Professor at Centre for the Development Studies, Email: devika@cds.edu

I. THE 'SOCIAL CONTRACT' OF THE LATE 1990S

The Kerala ASHA Health Workers' Association, an independent trade union of Accredited Social Health Activists, seems to have achieved something that earlier waves of women workers' strikes in Kerala did not succeed in doing: they have managed to lay bare a historic shift, hitherto concealed by the Kerala governments and the Left's incessant claims about promoting women's empowerment. This shift exposes nothing less than the limits of a social contract that was forged between the state and 'Women' in Kerala in the late 1990s. By 'Women', I mean that section of Kerala's female population which the Communist Party of India (Marxist) began to treat as a proxy for 'people', in their attempt to refurbish the hegemony of the Left in the post-USSR phase. The outreach to women was a response to three distinct challenges, the first being the crisis of international socialism, following the collapse of the Soviet Union in the early 1990s. The second was the rising challenges to Left hegemony in Kerala, underpinned by the ideology of egalitarian developmentalism– charsacterised by the advocacy of large-scale industry, social justice understood exclusively in terms of class, and the identification of the consumption-based bourgeois family unit as the best social arrangement. These challenges came from environmentalism and feminism in Kerala, which began in the 1970s and 80s and seemed to acquire considerable strength in the early 1990s. A third challenge came from the consequences of Kerala's migration-dependence – namely, the rise of the consuming middle-classes,

and the decline of working classes, with the setbacks in agriculture and the traditional industries in Kerala in the 1980s, which seemed to erode the working class core of the Malayali national-popular on which Left hegemony rested in Kerala.

Women seemed to be the preferred proxy for a leftist sense of 'Malayali people' for several reasons. First, women in Kerala were highly literate by the early 1990s; they had also proved themselves to be able participants in mass development initiatives such as the Mass Literacy Campaigns of the early 1990. Most importantly, this generation of literate women drawn into local governance and local development were not the highly- politicised women workers of the mid-twentieth century (Devika, 2016). These were mostly family- bound women, in their later youth or middle-age, who were housewives and mothers belonging to the lower middle- class with basic schooling, hitherto un-politicised; unlike their mothers and grandmothers who were more likely to have been unionised workers. The rolling out of the Panchayati raj and the reservation of thirty-three per cent seats for women and the rise of 'women's empowerment' as a global agenda after the 1995 Beijing Conference. In addition to the growing inequalities in Kerala as it became a migration- dependent economy, and the consequent rising costs of upward mobility to families whose incomes were more susceptible to inflation (Prakash, 1998). All of these developments provided the context in which such a social contract became imaginable. The government promised 'empowerment' to 'Women'; in turn, they were to function both as agents of self-help supported by the government, as well as perform vital governmental labour for local development through the elected local bodies.

Besides the elected women members who entered local government through reservations, the late 1990s also saw the setting up of the state-wide network of women's self-help groups (SHGs) initially, representing only below- poverty-line families, under the aegis of the Kerala State Poverty Alleviation Mission, popularly known as the Kudumbashree ('Prosperity/Auspiciousness of the Family') (Kudumbashree). The network was scaled up to the whole State by around 2005; presently, the membership exceeds forty lakhs. The women in the SHGs formed a vital pool of cheap, often unpaid, labour to carry out a number of welfare and other activities of the local bodies. An effort was made towards the end of the first decade of the new century to actually empower the federated Kudumbashree structure in local bodies through internal elections and separating it from the control of officials (Devika, 2016).

The implicit identification of a certain section of the female population of Kerala as 'Women' had consequences. Those groups of women who could not be counted as 'Women', i.e. those who did not were not captured by the governmental lens, or figured only partially in governmental discourse came to be ignored or rendered invisible. Working-class women, in both in the traditional sectors (like plantations), the skilled service sector (nursing), and the low-skill informal sector (retail, for instance), as well as younger women in higher education, fell out of the focus of the governmental lens, fully or partially. Nor were such pre- existing welfare-recipient groups such as widows ready to give up earlier forms of militant mobilisation for welfare (Devika, Widows' Organizations in Kerala: Seeking Citizenship Amidst the Decline of Political Society, 2012). [1] The ASHA workers of Kerala too belong to the section of women workers outside the social contract, even though they are mobilised by the CITU.

It is not surprising, then, that the CPM-led government in Kerala has generally treated articulations by these groups of women with different degrees of hostility – as the 2015 Munnar tea plantation workers' struggle, or the struggles of retail sector women workers, or the nurses, have shown (Levy, 2017). The latest in this series is the ongoing struggle of the KAHWA, which the government and the Left trade union have treated with shocking callousness.

In other words, the new social contract between 'Women' and the state in Kerala excludes women workers, both of marginalised traditional

sectors like the plantation workers, and informal sector women workers, from retail sector workers to local-level health workers. This reinforces the patriarchal culture of treating women primarily as housewives who deserve only a secondary income, and not full recognition as workers and the minimum wage. Also, women workers are thereby excluded from the category of 'Women' under patriarchy, who are seen as deserving respect and positive visibility.

Around 2007-2008, Kerala accepted the Union government- sponsored Accredited Social Health Activists scheme, and ASHA workers were recruited in Kerala as well. While not directly linked to the Kerala government's 'women's empowerment' agenda, becoming an ASHA worker was often perceived as a stepping- stone towards accessing initiatives shaped by it, such as becoming a candidate in the local government elections (Arathi, 2020). Though they were not a part of the social contract mentioned above, the ASHA workers proved to be a vital force in Kerala at a time when annual spurts in communicable diseases were a common occurrence. The crucial role that they played during the Nipah outbreak and the pandemic has been pinpointed in the research literature. Also, along with the Kudumbashree women, the ASHA workers are recognised to have played a vital role in helping the State tide over a range of health challenges in the past ten years, including the 2018 floods (Ali, 2020) (Raveendran, 2023). ASHA workers in India have been identified in the research literature as instances of 'care extractivism' (Wichterich, 2020); and despite the historical and contemporary dominance of the Left in discourses and practices of social care in Kerala, the situation here is no different, as local observers have noted (Sankar D H, 2024).

ASHA workers are particularly valued as non-rotating workers who are rooted in the local community and hence form a valuable repository of information regarding the local community – unlike other health department officials who are transferred every three years. The recent achievements in public health in Kerala, especially through the Aardram Mission that converted Public Health Centres to Family Health Centres, have rested on increasing responsibilities that the ground-level health workers have been made to carry, without an adequate increase in their remuneration (Malu Mohan, 2025). In sum, the complaints and demands that the KAHWA made are neither new nor limited to Kerala. [2]

II. THE KAHWA AND THEIR STRIKE

Among the features which have been noted in the research literature on ASHA workers in India are poor treatment from health authorities, including nurses, the importance of political connections in getting jobs and the preponderance of women from historically marginalised castes in their ranks (Prasad, 2020) (Deepika Joshi, 2025). [3] All three apply to Kerala as well, though rigorous research on these is yet to appear. [4] The ASHA workers of Kerala were first mobilised by the major trade unions. The KAHWA was a result of the workers' dissatisfaction with the patriarchal leadership and their top-down style of functioning; it was the initiative of two such ASHA workers in Thiruvananthapuram who were members of the INTUC's ASHA worker affiliate. These ASHA workers were direct witnesses and participants in the massive (and successful) citizens' struggle against the Thiruvananthapuram City Corporation (ruled by the CPM) which was dumping city waste in enormous quantities at the peri-urban panchayat of Vilappilsala (Oms, 2017), in which the activists of the Socialist Unity Centre of India ("SUCI") played a key role (Deb, 2022). The two ASHA workers then approached the women activists of the SUCI for help with formalising their trade union; the KAHWA was thus registered in 2013. The KAHWA, however, did not follow the dominant model of trade unionism. The SUCI activists were aware that their presence could provoke the CITU; they also were keen to build a model of trade unionism that would help, rather than render precarious, the employment of informal sector workers. Instead of insisting on strict membership, they worked around protests, meetings of ASHAs, cultural events, and more

recently, WhatsApp groups, which allow for flexible participation by even members of the CITU-affiliated ASHA union. [5]

Since then, the KAHWA has fought many smaller protests, often alongside the CITU-affiliated ASHA union, for the timely payment of honoraria and incentives. But all these were not about pay. A KAHWA activist, since 2013, recalled that the participation of ASHAs saw a huge spurt in 2018. This was around a struggle not for better pay, but for greater recognition and dignity. The ASHAs were routinely used to fill the audience in public functions organized by the Health Department – and they were ordered to come to the capital city, while paying for transport out of their own pockets. This was common, and led to anger and resentment among the workers. The KAHWA gave them an outlet to protest openly, and eventually, the authorities had to agree to hire vehicles to transport them to such events. However, ASHAs still smarted at being neglected and sidelined at such events. Last year led by the KAHWA, they protested against the disrespectful manner in which they were offered food after a Health Department event. The KAHWA managed to pressurise the government to reappoint an ASHA worker who had been ordered to retire at the age of 62; the government froze the order in the face of the protest that demanded for it to be rescinded. It took advantage of the ASHA fetes conducted by the government to spread news about the West Bengal government's announcement of a one-time retirement benefit of Rs 5 lakhs for ASHA workers. [6]

The present Left Democratic Front government in its election manifesto (state elections, 2021), [7] had promised the minimum wage of Rs 700 to all scheme workers, and had especially mentioned the ASHA workers. It was not surprising that the KAHWA approached the government before this year's annual budget presentation for a discussion on wage increase, ending delayed payments, a pension scheme and retirement benefits, and other practices such as fulfilling 'criteria' to receive the full amount of Rs 7000, the meagre remuneration they receive

from the Kerala government as honorarium (Ayana Krishna D, 2025). These 'criteria' were unfair in the first place, and secondly, they made the ASHAs excessively dependent on the goodwill of their superiors at the local level. They highlighted the fact that the ASHA was, for all practical purposes, a full-time job in Kerala and the workers were on-call round the clock. This meant that they could not take up other gainful employment, as they used to do in the early years – but they were now called upon by other government departments as well, to gather data and spread information. The government reduced the numbers of 'criteria', but retained the practice (Thiruvananthapuram, 2025); it ignored the KAHWA's request to be made part of the budget discussions. The KAHWA's desperation is understandable, given that the present Left government, which made the promise of minimum wage, is in its last year. The KAHWA strike began on 10 February 2025 and has been continuing since. [8]

The workers have continued their vigil over the past two and a half months, nearly in front of the Kerala State Secretariat, organising a full-scale day-long blockade (Thiruvananthapuram, 2025), celebrating International Women's Day (Thiruvananthapuram, ASHAs rally at secretariat on International Women's Day, 2025), and solidarity events that displayed the growing civil society support for the strike (Thiruvananthapuram, Citizens rally behind ASHAs protest in Thiruvananthapuram, 2025). When talks with the government failed, they launched an indefinite relay hunger strike on 20 March (Staff, 2025). They cut their hair on 31 March in protest against the government's refusal to negotiate. (Thiruvananthapuram, ASHAs to mark 50th day of stir with 'haircut' protest in Kerala, 2025). Talks were held with the government three times – in the first two talks, the government ceded no ground and asked the workers to return to work. In the third, the government summoned the mainstream unions along with the KAHWA, and with their support, managed to isolate the KAHWA. The suggestion that the demands raised by the KAHWA should be examined by a

committee set up by the government was pushed by a senior INTUC leader, who was hand in glove with the CITU – and it was accepted by all, except the KAHWA. The KAHWA offered to reduce their demand to an increase of Rs 100 per day immediately, and staggered payments of increased sums in the coming years–in the face of the government's insistence that it was facing financial difficulties. (Thiruvananthapuram, Proposal to set up panel fails to enthuse ASHAs in Thiruvananthapuram, 2025).

To the great outrage of leftist civil society in the state, which had by then rallied around the KAHWA's struggle, the government refused to concede even this pittance. Instead, it announced that its doors were permanently closed to the striking workers. The CPM further intensified its already-intense, egregious attacks on the striking women, advancing technical arguments about the 'ownership' of the ASHAs and the responsibility of the Union government to increase their remuneration and recognise them as workers (Raghunath, 2025), thereby refusing to acknowledge the moral responsibility that it bore as a socialist party oriented towards people's welfare. The KAHWA ought to be agitating against the Union government, and not against the State government, according to the CPM.

Due to their persistence in asking the State government, their actual employers, for a raise, they were dubbed 'stooges of the BJP' by the CPM's cyber armies; and also, because an elected MP, Suresh Gopi, who is a former film star, visited the strike-site and was welcomed, with some women expressing their delight at seeing him (staff, 2025). Nevertheless, this strike caused the plight of the ASHAs to be discussed in both the Kerala State Legislature and the Indian Parliament, and J. P. Nadda, the union Health minister, promised a raise in Union incentives, even though the Kerala government has not formally requested the Union for an increase in allotments to pay the ASHAs better. The government and CPM seem to be saying that the ASHAs have every reason to agitate for worker-status and better pay and working conditions, but

not against the Kerala government – these demands are to be made to the Union government. Thus, according to the CITU-affiliated ASHA Workers' Federation, the strike is unnecessary and ill-intentioned (Bureau, 2025).

CPM leaders and members of the government have repeatedly pointed to the small size of the KAHWA, in an effort to delegitimise its demands and claims. They have also claimed that the protestors are not 'real' ASHAs, though the strike leaders have made sure that only women with ASHA identity cards participate in the protest (Kozhikode, 2025). They have poured scorn on its leaders and the SUCI, painting them as enemies of the CPM engaged in conspiracy against the Left, siding with the BJP (Kottyam, 2025).

Most importantly, they have chosen to maintain silence in the face of many pressing questions and contradictions that the strike raises– about why the CITU-led ASHA unions in other States ask for raises to state governments; why the CITU leader Elamaram Kareem himself asked for a better remuneration for the ASHAs to the United Democratic Front government in 2014, in the Kerala State Legislative Assembly (Devika, Who's Lying? Condemn the Brazen Attack on S Mini: Althea, 2025); whether Kerala did not have the moral responsibility to improve the pay of ASHAs and others whose labour brings direct benefits to the people of Kerala; how the government, which claims to be cash-strapped, seems so eager to allocate large sums as remuneration to Public Service Commission members and others even as workers in general (and not just ASHAs) seem to be its lowest priority in resource allocation (Thiruvananthapuram, ASHA workers begin indefinite strike, express anger over bias in salary hikes, 2025). And most recently, why the CITU-led school cooks' union has been on warpath right next to the KAHWA strike, demanding better wages and raising complaints that seem to be identical to those raised by the KAHWA against the government.

In the two-and-a-half-month period of the strike, the striking workers seem to have received tremendous support from Kerala's civil society

and national and international worker union networks such as the Public Services International and the International Trade Union Confederation. [9] However, the CITU in Kerala, and the CPM, including its women leaders – from Brinda Karat (Jovial, 2025) to A R Sindhu (Sindhu, 2025) – have been united in their determination to denounce the KAHWA as a SUCI-driven conspiracy against the CPM, deploying the familiar 'recalcitrant workers are lost sheep' theory.

Indeed, they seem to have a very strange understanding of pastoral responsibility of the CPM leadership have been either condoning the nauseating slut- shaming and abuse of KAHWA and its leadership by the top CITU leadership and the CPM cyber- army on social media, or at best making token protests against the slut-shamers. However, the striking workers remain undeterred as civil society support has been pouring in steadily, in the form of open endorsement on social media and defence against trolls and CPM strike-breakers.

III. LOOKING AHEAD

The KAHWA strike, along with the mass strike by women plantation workers in defiance of the patriarchal male leadership of the CITU in 2015, mark an important moment in the history of gender and labour in Malayali society. Together, they have exposed how the shift from union mobilization to self-help groups from the 1990s onwards is not a politically neutral process. [10] It also reveals more clearly than ever before that 'women's empowerment' was never just an innocuous commitment to the expansion of democracy and women's rights – it was a part of the creation of a civil society of development subservient to the command of the state, mediated by the CPM. The many groups of women workers outside its pale– including ASHA workers, many of whom hail from 'CPM party families' – are meant to labour under almost pre-capitalist regimes of oppression, only to be severely penalised if they raise their voices.

Yet the ASHA workers form a vital force that Kerala cannot do without. Given the fact that

natural disasters, pandemics, and annual epidemics are more likely to increase in the future, than to decrease, it is evident that the ground-level health worker can hardly be treated as disposable, even in a shrunken imagination of welfare provisioning by the state or other agencies. Moreover, Kerala is an ageing society which is also migration-dependent and thus, the need for social care is only going to rise in the future (Rajan, 2020).

Despite the patriarchal insults from the Kerala CITU's male leadership and the state's rejection, the KAHWA seems undeterred. The records of the strike show that more than 12,000 out of the 26,000-plus ASHA workers in Kerala have visited the strike site, despite the CITU's dire warnings. It is poised to become possibly the biggest union of ASHAs in Kerala. Moreover, independent oppositional civil society which seemed to have become completely subservient to the CPM, appears to have received a new lease on life in its open defiance of the CPM's scandalous attacks against women workers, whom they had been showering with praise until recently. The CPM's second term is widely believed to have become possible because of the government's success in steering the State through some of the most difficult times in its recent history, filled with natural disasters, violent and divisive social rioting, rising health challenges, including the COVID-19 pandemic. That this government has violently turned against the two sections of society who contributed heavily to its internationally-feted successes, the manner in which it suppressed the fisher people's agitation against the Adani Ports, and its shameful repeated assaults on the ASHA workers have stirred considerable public anger against the Kerala government and the Chief Minister. The need to rebuild a non-divisive leftist imagination that is truly inclusive, has emerged with a strength unprecedented in recent times, through the KAHWA strike.

The strike will take a mobile form from 5 May, travelling across the state and addressing people rather than the government. This will allow for the widening and deepening of the discourse of women workers' rights beyond the neoliberal

self-help-centred imaginations of women's empowerment. More crucially, it will ignite a new leftist oppositional imagination, freeing it from its current obsession with the dominant right-wing upsurge, which only saps political energy, orients all progressive political activity towards negative, fire-fighting exercises, and ultimately, breeds fear, and not political courage.

Finally, the issues raised by the ASHA workers are eminently intersectional. Though the authorities choose to ignore it, the KAHWA has consistently highlighted the fact that the striking workers are neither just 'women' nor just 'workers'. KAHWA spokespersons on TV shows have highlighted the fact that the majority of them are socially oppressed Dalit Bahujan women, majority of whom are sole or primary breadwinners in female-headed households, caring for both children and adults—ailing parents or spouses. They have thus sought to actively rewrite the narrative of the ASHA worker in ways that allow a non-divisive imagination of the Left—one that takes into account differences of identity but does not shift focus from the abjection produced by state neglect of all women, who are excluded from the dominant Left's conception of 'Women'.

The function of a strike as a potential source of public education will be explored in the upcoming 'mobile strike' – as the LDF government prepares to throw massive parties (with funds which were seemingly non-existent when the KAHWA asked for a monthly raise of Rs 100) to celebrate its fourth anniversary. No wonder the KAHWA's mood is upbeat despite everything that they have suffered in what is perhaps the longest-ever strike led by women workers in Kerala's history. They know that they now bear a historic responsibility, of crafting a necessarily-feminist, anti-caste leftist imagination fit for the twenty-first century, one which the dominant Left, sadly enough, seems to be incapable of nurturing and intolerant of.

NOTES

[1] The widows' mobilisation that was attempted around 2007-8 probably relied on the earlier militant left modes of mobilisation in Kerala and drew upon the political tradition of A K Gopalan, of the 1960s and 70s. The Kudumbashree SHGs were at an early stage then.

[2] This essay is not a full-fledged research article based on systematic data collection. The strike is still on-going and the striking workers do not wish it to be researched as it is still unfolding. In this essay, I place the strike in larger historical trajectories, and use observations from the field, media reporting, and secondary material from the literature on the neoliberalization of welfare in Kerala since the 1990s, and the research on ASHA workers in Kerala and India.

[3] As Joshi et al have pointed out, "Within India's Comprehensive Primary Healthcare Program, launched in 2018 (NHSRC, 2021b), ASHAs' tasks have expanded to include population enumeration, community-based health risk assessment, and health promotion for chronic illnesses. While a study showed an overrepresentation of SC and ST women as ASHAs in relation to their population in the district (NHSRC, 2011), this is not necessarily a sign of progress as it is probably a reflection of the concentration of women from marginalized communities in lower-paying jobs as well as the process of selection of ASHAs from within the communities they serve."

[4] A very brief inquiry about fifty members of KAHWA which I conducted (on the suggestion by a CPM leader that only 500 workers are on strike) confirmed all these insights. Out of the sample of fifty, ten were dalit women, double the proportion of Dalits in Kerala's population. Thirty-six out of fifty were dalit or OBC. My fieldwork in 2007-08 coincided with the appointment of ASHAs in Kerala – and it was an open secret that pro-CPM women were appointed, with the list obtained directly from the office of the Health Minister of the ruling LDF government, and that the Local Self-Government Department Secretary's suggestion for appointment criteria was ignored. The KAHWA members on strike who I interviewed complained vociferously about the disrespectful behaviour of even the Junior Public Health Nurses; indeed, KAHWA rose to prominence in the southern districts of Kerala when it began to openly resist and question the indignities that the ASHAs had to endure, as mentioned below.

[5] Interview with M A. Bindu, General Secretary, KAHWA. According to the strike records, more than: 12,000 of a total of over 26000 ASHA workers in Kerala have already visited the protest site in the capital city of Thiruvananthapuram at least once.

[6] Interview with strike leader S Mini and M A Bindu, General Secretary, KAHWA.

[7] Point no. 45, 'Social Protection', https://cpimkerala.org/manifesto-2021, accessed 24 April, 2025.

[8] The KAHWA is demanding that a) the honorarium be increased from Rs. 7,000 to Rs. 21,000 (i.e. the minimum wage of Rs 700 a day); b) the order mandating ASHA workers retire at the age of 62 be withdrawn, with an option to retire between the ages of 62 and 65, and all ASHA workers be paid an allowance of Rs. 5 lakhs on retirement; and c) ASHA workers have a pension scheme since they do not have access to any welfare board benefits.

[9] See, https://publicservices.international/resourc es/news/psi-writes-to-govt-of-kerala-in- solidarity-with-the-striking-asha-workers-?id=15742&lang=en, accessed 24 April, 2025; in the solidarity letter sent to the KAHWA, the General Secretary of the International Trade Union Confederation, Luc Triangle, wrote: "You have been on the frontlines of major climate and public health crises, and every day you fight against the spread of dangerous diseases to protect your communities. Your struggle is emblematic of the struggles of women workers everywhere fighting for recognition and formalisation of their incredible valuable, yet disgracefully undervalued, labour. We stand with you on full support of the honorariums, regular compensation, and access to social protection, such as an adequate pension, that you seek." (letter dated 10 April, 2025). See also, https://kafila.online/2025/02/25/the-fight- is-not-just-about-better-pay-solidarity- with-the-striking-asha-workers-of-kerala- ttcu/ , accessed 24 April, 2025.

[10] And this contests the views of researchers who, as CPM fellow- travellers, have sought to minimize the political implications of this shift even when they acknowledge it. See, for instance, M Velayudhan, 'The Labour Side of the Story: Informalisation and New Forms of Mobilisation of Kerala's Women Workers'. Social Change, Vol. 50, no.1, 2020, pp 109-120.

References

[1] Devika, J. (2016). Participatory Democracy or 'Transformative Appropriation'? The People's Planning Campaign in Kerala. History and Sociology of South Asia, 115-137.

[2] Prakash, B. A. (1998). Gulf Migration and Its Economic Impact: The Kerala Experience. Economic and Political Weekly, 3209-3213.

[3] Devika, J. (2016). The 'Kudumbashree Woman' and the Kerala Model Woman: Women and Politics in Contemporary Kerala. Indian Journal of Gender Studies, 393–414.

[4] Devika, J. (2016). The 'Kudumbashree Woman' and the Kerala Model Woman: Women and Politics in Contemporary Kerala. Indian Journal of Gender Studies, 393–414.

[5] Devika, J. (2012). Widows' Organizations in Kerala: Seeking Citizenship Amidst the Decline of Political Society. In A. Gudavarthy, Reframing Democracy and Agency: Interrogating Political Society (pp. 212-232). New York and London: Anthem Press.

[6] Levy, S. (2017). Munnar Plantation Strike, 2015: a Case Study of Keralan Female Tea Workers Fight for Justice. Retrieved from ndependent Study Project: https://digitalcollections.sit.edu/isp_ collection/2624

[7] Arathi, P. P. (2020). ASHAs Within the "Kerala Model" Lead Covid-19 Response, Get Little in Return. Retrieved from BehanBox: https://behanbox.com/2020/06/13/as has-within-the-kerala-model-lead-covid-19-response-get-little-in- return/

[8] Ali, N. (2020). Learning from Nipah Virus to Fight Covid in South India. Retrieved from Public Health Columbia: https://www.publichealth. columbia.edu/news/learning-nipah-virus-fight- covid-south-india

[9] Raveendran, K. K. (2023). Poverty, Women and Capability – A Study of the Impact of Kerala's Kudumbashree System on its Members and their Families. Thiruvananthapuram: Laurie Baker Centre for Habitat Studies.

[10] Wichterich, C. (2020). Who Cares About Healthcare Workers? Care Extractivism and Care Struggles in Germany and India. Social Change, 121–140.

[11] Sankar D H, J. J. (2024). The role(s) of community health workers in primary health care reform in Kerala, before and during the COVID 19 pandemic: a qualitative study. Frontiers in Health Services, 1321882.

[12] Malu Mohan, S. M. (2025, March 10). Who Cares for the Carers? Calling Out the Exploitation of the ASHAs. Retrieved from News Minute: https://www.thenewsminute.com/ker ala/who-cares-for-the-carers-calling- out-the-exploitation-of-ashas

[13] Prasad, A. B. (2020). Counting cows, not rural health indicators. Retrieved from People's Archive of Rural India: https://ruralindiaonline.org/en/article s/counting-cows-not-rural-health- indicators

[14] Deepika Joshi, S. A. (2025). Feminisation of the Health and Care Workforce in India and South Asia: Implications for Women's Labor and Decent Work. In Handbook on Sex, Gender and Health: Perspectives from South Asia (pp. 813–842). Singapore: Springer Nature.

[15] Oms, C. (2017). A Victory for the Villagers. Retrieved from Believe Earth: https://believe.earth/en/a- victory-for-the-villagers/

[16] Deb, B. R. (2022). From National Revolutionism to Marxism: A Politico-historical Narrative of Origins of Socialist Unity Centre of India (SUCI). Indian Historical Review, 309-325.

[17] Ayana Krishna D, S. J. (2025, April 6). Underpaid and Unheard: The Struggle of Kerala's ASHA Workers. Retrieved from Janata Weekly: https://janataweekly.org/underpaid- and-

unheard-the-struggle-of-keralas- asha-workers/

[18] Thiruvananthapuram. (2025, February 20). ASHA Workers to be given Unconditional Honorarium. Retrieved from Times of India: https://timesofindia.indiatimes.com/city/thiruvananthapuram/asha- workers-to-be-given-unconditional-honorarium/articleshow/118397238.cms

[19] Thiruvananthapuram. (2025, march 17). ASHA workers blockade Secretariat, demand honorarium hike and benefits. Retrieved from The New Indian Express: https://www.newindianexpress.com/ states/ kerala/2025/Mar/17/asha- workers-blockade-secretariat- demand-honorarium-hike-and- benefits

[20] Thiruvananthapuram. (2025, March 9). ASHAs rally at secretariat on International Women's Day. Retrieved from The New Indian Express: https://www.newindianexpress.com/cities/thiruvananthapuram/2025/Mar/09/ashas-rally-at-secretariat-on- international-womens-day

[21] Thiruvananthapuram. (2025, April 12). Citizens rally behind ASHAs protest in Thiruvananthapuram. Retrieved from Times of India: https://timesofindia.indiatimes.com/ city/ thiruvananthapuram/citizens- rally-behind-ashas-protest-in- thiruvananthapuram/articleshow/120 237336.cms

[22] Staff, O. (2025, March 20). ASHA workers begin indefinite hunger strike as talks with govt fail. Retrieved from Onmanorama: https://www.onmanorama.com/news/kerala/2025/03/20/asha-workers- begin-hunger-strike-as-protest- enters-39-day.html

[23] Rajan, S. I. (2020). Ageing and Elderly Care in Kerala. China Report, 354-373.

[24] Sindhu, A. (2025, March 8). Is the Left Government the Chief Enemy of the ASHA workers? Retrieved from TrueCopy Think: https://truecopythink.media/labour/a r-sindhu-explains-that-the-criticisms-against-the-state- government-and-citu-regarding-the-protests-by-asha-workers

[25] Jovial, N. (2025, April 3). CPI(M) leader Brinda Karat issues cryptic warning to Kerala's ASHA workers. Retrieved from The Week: https://www.theweek.in/news/india/ 2025/04/03/cpim-leader-brinda- karat-issues-cryptic-warning-to- keralas-asha-workers.html

[26] Thiruvananthapuram. (2025, February 22). ASHA workers begin indefinite strike, express anger over bias in salary hikes. Retrieved from The New Indian Express: https://www.newindianexpress.com/ cities/thiruvananthapuram/2025/Feb/ 22/asha-workers-begin-indefinite- strike-express-anger-over-bias-in- salary-hikes

[27] Thiruvananthapuram. (2025, March 31). ASHAs to mark 50th day of stir with 'haircut' protest in Kerala. Retrieved from The New Indian Express: https://www.newindianexpress.com/ states/kerala/2025/Mar/30/protesting-asha-workers-to-cut-their-hair-as-agitation-intensifies-in-kerala

[28] Thiruvananthapuram. (2025, April 4). Proposal to set up panel fails to enthuse ASHAs in Thiruvananthapuram. Retrieved from The New Indian Express: https://www.newindianexpress.com/states/kerala/2025/Apr/04/proposal- to-set-up-panel-fails-to-enthuse-ashas-in thiruvananthapuram

[29] Raghunath, A. (2025, March 12). ASHA workers' protest: Kerala govt, Centre locked in blame game over fund allotment. Retrieved from Deccan Herald: https://www.deccanherald.com/india/kerala/asha-workers-protest-kerala- govt-centre-locked-in-blame-game- over-fund-allotment-3443810

[30] staff, O. (2025, March 11). Union Minister Suresh Gopi visits protesting ASHA workers, says Centre settled their honorarium dues. Retrieved from onmanorama: https://www.onmanorama.com/news/kerala/2025/03/11/suresh-gopi- says-centre-cleared-payment-to- asha-workers-in-kerala.html

[31] Bureau, T. H. (2025, February 25). Strike unnecessary and motivated by anarchic groups, says ASHA Workers Federation. Retrieved from The Hindu: https://www.thehindu.com/news/nati onal/kerala/strike-unnecessary-and- motivated-by-anarchic-groups-says-asha-workers- federation/article69262432.ece

[32] Kozhikode. (2025, March 20). 'Those protesting are not genuine ASHA workers'. Retrieved from Times of India: https:/timesofindia.indiatimes.com/city/kozhikode/those-protesting-are- not-genuine-asha-workers/articleshow/119224621.cms

[33] Kottyam. (2025, March 1). ASHA workers' leader a 'pest', says CPM neta. Retrieved from Times of India: https://timesofindia.indiatimes.com/ city/kochi/asha-workers-leader-a- pest-says-cpm- neta/articleshow/118633351.cms

[34] Devika, J. (2025, March 1). Who's Lying? Condemn the Brazen Attack on S Mini: Althea. Retrieved from Kafila: https://kafila.online/2025/03/01/who s-lying-condemn-the-brazen-attack- on-s-mini-althea/

[35] (n.d.). Retrieved from Kudumbashree: https://www.kudumbashree.org/

Determinants of Human Capital:
Some Reflections on Discrimination and the Law

Jaivir Singh* and Kumar Abhishek**

Abstract— **After describing the structure of the Indian labour market that continues to exhibit a large informal labour workforce, it is pointed out that the growth of employment in the manufacturing sector is low. In this regard the significance of human capital expansion is highlighted with the aid of some of our previous work emphasising the point that it is important to look at linkages between human capital development, the law and productive expansion of the manufacturing sector. Against this contextual setting we share results of an empirical exercise that attempts to comprehend the factors affecting human capital investment at the household level. Using data from the PLFS Survey the empirical exercise links the quality of jobs with household and individual characteristics of employees. The remarkable discovery is that identity factors- gender, religion and caste, influence human capital investments suggesting that human capital decisions are affected by discriminatory practices in the labour market. Given the general importance of human capital development, we go on to reflect on the role of law in mitigating discriminatory practices in the labour market - looking both at the nature of the current omissions and prospects for improvement in the future.**

Keywords- **Discrimination in labour market, Human capital, Discrimination law, PLFS Survey, Labour market structure in India**

*Jaivir Singh is Professor at Centre for the Study of Law and Governance, Jawaharlal Nehru University, Email: jsingh@jnu.ac.in

**Kumar Abhishek, Centre for Economic Studies and Planning, School of Social Sciences, Jawaharlal Nehru University

I. INTRODUCTION

In this paper, we explore a link that is not commonly highlighted, the relationship between discrimination in the labour market, human capital formation and the law. Although we draw on material that utilises tools associated with economics, this essay aims to comment on discrimination and discrimination law at the intersection of the economy, society, and the law. While discrimination can and is widely practiced and discrimination law similarly covers a wide variety of human activity, the focus here is confined to the labour market. In that, we do not look at affirmative action or reservations, which are largely limited to public employment and education in India. This is not because this is unimportant or unrelated to discrimination; however, we have to restrict our scope so that we can focus on human capital formation, discrimination, and the law. In relation to these concerns, our endeavour is an illustration of the mutually constitutive relationship between the labour market and the law.

We begin in Section 2 by briefly describing

the nature of the labour market as well as the manner in which the law and the structure of the labour market jointly complement each other. The law has a very important place in etching the contours of the labour market - it is instrumental in identifying who is included and who is excluded in terms of regulatory coverage. We simultaneously underline the importance of human capital development for the Indian labour market. Human capital is both general and specific, where general capital is enhanced by investment from the state in health education, etc., and specific capital is specific to a job and involves investment by both the worker and the employer. Thus, there is a complex mix of private and public capital that results in an overall productive human capital investment. In this, we point out that the law can be very significant for human capital formation. With the background in place, we move to Section 3, in which we present empirical work that distinguishes a few facets of how Indian workers make decisions regarding their own investment in human capital. This is a demanding empirical exercise to undertake, and our attempt is still a work in progress. In this paper, we share our preliminary results presented at a conference. [1] The key result of our empirical work is to notice the role of identity in affecting human capital formation, which provides a new aspect to viewing discrimination in the labour market. Having presented this, we proceed to Section 4, which reverts to a discussion on the law, specifically discrimination law, and we reflect on the interaction between our empirical findings and the law. We conclude with a summary of the essay in Section 5.

II. LABOUR MARKET, THE LAW, AND HUMAN CAPITAL

We note some salient features of the Indian labour market – its size, nature, and formal and informal nature of work – all of which are well known, but it is necessary to outline the structure of the Indian labour market as a background to present our arguments in relief. Following the

typical manner in which the structure of the Indian labour market is described – it may be said that the Indian workforce is approximately 543 million (as per the PLFS 2023-24 survey), with 46 per cent employed in agriculture, about 11 per cent being employed in manufacturing and with the other 30 per cent employed in services. To put this into perspective, it is widely suggested that only about 15 per cent or so of the labour force can be described as being employed by the organised sector (industry and services in the public sector, private corporate sector, and factory manufacturing). The rest of the non-agricultural workforce is more or less situated in the urban informal sector, where both wages and conditions of work are inferior to the organized sector.

A picture of this structure can be captured in the figure below (Figure 1), which shows that nearly half the labour force is involved in agricultural activity (shown in blue), with 15 per cent of the labour force situated in the organised sector at the right end of the figure. This situates roughly forty per cent of the labour force in the non-agricultural informal sector, a significant portion of which is located in urban areas. Additionally, this workforce is largely associated with services rather than manufacturing activity.

Figure 1: The Employment Distribution in India: by Economic Sectors Employment Distribution
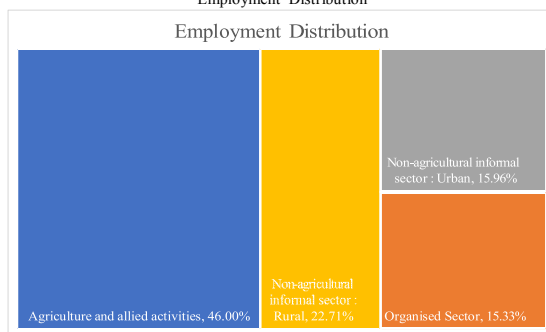
Source: Periodic Labour Force Survey (2023-24), Ministry of Statistics and Programme Implementation (MoSPI), Government of India

Looking at this picture, we can see two dynamics at play – the movement of unskilled labour from agriculture into the unorganised/ informal sector, drawn by higher wages and, similarly, a movement from the informal sector

to the formal sector. It is widely felt that the formal/manufacturing sector has not been able to absorb the growing labour force which is both growing demographically and simultaneously trying to shift across sectors in pursuit of more productive work. Given the demographic profile of the country and the burgeoning labour force thereof, it has been widely highlighted that manufacturing jobs are important. Policies of the Indian government have tried to expand employment in the manufacturing sector, but growth has been slow and not particularly productive. A part of the tepid growth can perhaps be attributed to India's low formation of human capital investment. We highlighted this in earlier work (Singh, Das & Abhishek, 2022), and we reiterate those points to set the stage for the empirical work presented in this paper.

Successive governments have attempted to increase the growth of the manufacturing sector so that both employment in the sector and share of the sector in the national income goes up. The growth of manufacturing averaged around 6.9 % between 2014-15 and 2019-20, and the share of manufacturing has remained around 15 % of GDP.

Turning to employment, the sectoral contribution to total employment was constant around 12%, and there was a fall in manufacturing employment by 9 million between 2011-12 and 2017-18 (Mehrotra & Parida, 2019). Building on this, data from the India KLEMS database (2024) [2] indicates that since 2017-18, the manufacturing sector's contribution to GDP has stabilized at 17%, while its share in total employment has remained at 11%. Amid these trends and numbers, a variety of programs have aimed at skill formation to enhance the quality of employment - so as "to transform India into a global design and manufacturing hub."[3]

The problem is that while these programmes may attempt to skill workers, they have not been accompanied by any adaptations to labour market institutions that can guarantee long-term employment and real wage stability that would accompany the skilling – instead, as time has gone by, the labour protection regime has only

been weakened. If we see skilling to be the same or as being closely related to human capital (Blair, 2011), then it is realized that the need for stable tenure is not just a matter of equity. Human capital—the capital invested in and by people to enhance their earnings over a lifetime—is well known as an essential component of growth. A crucial point made by Becker highlights two facets of human capital - the distinction between general human capital and specific human capital (Becker,1975). General human capital (such as education and health expenditure) is productive across employers, while specific human capital is associated with increased productivity of the employee only to a particular employer/ firm or employee-job match. Specific investments are more valuable if the match continues than if it is cut off. If employers have invested in specific skills, they will want employees to continue, and to the degree that employees have invested in procuring the specific skills, they will want to safeguard returns to their investment with stable wages and long-term employment. If employees feel that the employment prospects related to the specific skills that they have invested in, will disappear soon, they will be unwilling to invest in these specific skills. This becomes tricky, particularly if employers need these specific skills to compete in the international market – in the absence of some guarantee of long-term employment and real wage stability, specific skills will be underprovided (Estevez-Abe et al., 2001). This is undeniably a significant concern in a labour- abundant country seeking to gain a comparative advantage by becoming skill-abundant. There is empirical support for the proposition that labour market institutions influence employee incentives to obtain firm-specific skills in the occupation and so structure the export patterns of countries (Tang, 2012). The empirical work done by us supports the proposition that the security of tenure is linked to investment in specific capital by employees (Singh, Das & Abhishek, 2022).

As far as India is concerned, there is insufficient thinking about the law in this light.

Rather, the ease of firing, the infamous "ease of doing business" and the optics associated with that seem to guide current law reform. In fact, it is widely felt that the recent Labour Codes are nothing but a permutation or combination of the previously legislated labour laws. Apart from other issues – they carry over an essential feature of labour law in India, namely that labour laws tend to cover only the formal sector labour and thus do not cover the bulk of the labour force, viz., the agricultural as well as the informal sector workforce. The Second Labour Commission had long back said any reform to Indian labour law must increase coverage.

Thus, it may be said that Indian labour laws work only for an employee who is employed in a legally accepted category of establishment where the law permits labour benefits, and in addition if such a person is legally recognised as a labourer; both conditions are fulfilled typically only if the employee is employed in the formal sector (Sankaran, 2007; Sankaran, 2006). One must also consider that employment within formal enterprises could still fall outside legal coverage due to the type of work they perform, which can act to exclude workers from legal coverage. To put it differently, the heterogeneity of the labour market is isomorphic with what law carves out in terms of coverage.

Given this background, which juxtaposes labour law and human capital development – where the paucity of labour law could be said to inhibit job specific investments – opens up other questions as to what determines individual human capital decisions. Once we understand that, we can perhaps look for other links and exchanges between the law and human capital investment.

III. PROFILING HUMAN CAPITAL INVESTMENT : EARNING PATTERNS FROM THE PERIODIC LABOUR SURVEY

Thinking along these lines led us to examine how Indian workers were actually making decisions regarding their own investment in human capital.

This is empirically challenging, but nevertheless, an attempt has been made in this direction – this work is still in progress and we share the results which we presented in a conference. [4] This material is likely to be opaque to a general audience but we do our best to communicate the material. First, we provide the theoretical background of our empirical exercise. Next, we present our empirical results and follow them up with a brief analysis of the results.

Theoretical Background

At the outset, it is essential to talk about the analytical or theoretical model that forms the foundation of our empirical work. We use the classic work of Gary Becker on household decisions, suitably adapted to inform our empirical exercise (Michael & Becker, 1975; Becker, 1965). Becker modelled intra-household decisions regarding consumption as well as allocation of time subject to constraint that captured what he called 'full income', where this term included the cost of time using an average wage as the imputed cost of time. A good deal of applied work in economics uses this basic model to investigate household decisions. To quote:

"The household production function framework emphasizes the parallel services performed by firms and households as organizational units. Similar to the typical firm analysed in standard production theory, the household invests in capital assets (savings), capital equipment (durable goods) and capital embodied in its "labour force" (human capital of family members). As an organizational entity, the household, like the firm, engages in production using this labour and capital. Each is viewed as maximizing its objective function subject to resource and technological constraints. The production model not only emphasizes that the household is the appropriate basic unit of analysis in consumption theory, it also brings out the interdependence of several household decisions: decisions about family labour supply, time and goods expenditures in a single time-period

analysis, and decisions about marriage, family size, labour force attachment and expenditures on goods and human capital investments in a life cycle analysis." (Michael & Becker, 1975 p. 388)

In a footnote attached to the passage quoted, it is said that "this includes the production of market earnings potential" (Michael & Becker, 1975). The key insight to be noted here is that Becker wants us to envision the household, not just as a passive unit of the standard economics textbook that exchanges in goods for consumption, but as an analogue to a firm as an organizational unit. To elaborate further—

"This line of development of the model offers a promising approach to estimating the nonmarket returns to human capital investments. Furthermore, it emphasizes the importance of the environment in which nonmarket production takes place. Within this framework the effects of climate (meteorological, political or social), the ability of household members, as well as differences in family size, age, sex, etc. may be analysed." (Michael & Becker, 1975)

Nestled in Becker's work, there is a more general formulation that ignores the assumption of invariance of average wage rate with respect to time. Instead, it approaches the household problem as one where the household is seeking to maximise its earnings function, which is subject to the budget constraint and production functions of each commodity. Thus, the household is looked at in terms of its earnings potential.

We use this theoretical background to propose an earnings function in which the household seeks to maximise full income by investing in work activities that will allow an earning that will give it a chance to enjoy the highest level of consumption. We suggest that such 'enjoyment' is more likely to result from being employed in a better-quality job than a lower quality one.

Empirical Results

To translate this into an empirical model, we linked the earning potential of a job (as the dependent variable) to a set of household and individual characteristics (independent variables). [5] The data for our analysis comes from the 2018-19 Periodic Labour Force Survey (PLFS), conducted by the Ministry of Statistics and Programme Implementation (MoSPI), Government of India (GoI). This specific time frame was chosen to ensure that our findings remain unbiased and free from any distortions caused by the COVID-19 pandemic. The PLFS is a household survey that collects detailed information on demographics, education and training, and economic activity participation, providing a comprehensive assessment of employment status.

Among the information that is available for an employed person are entries regarding the nature of the job held by the person. These include:

- Location of Workplace
- Enterprise Type i.e. organisation
- Number of workers in the enterprise,
- Type of job contract
- Availability of Social security
- Usual Principal Activity Status /Nature of Employment
- Earnings in the last 7 days/ Total No. of Hours Worked in Last 7 days.

All this information allows us to assess the overall quality of a job – whether it pays well, is located in a good and sufficiently large establishment, has good terms of contract, ensures social security, and can be held securely for a reasonable length of time. This information was subjected to cluster analysis. Cluster analysis identifies patterns in the data – or, to phrase it alternatively – it is an exercise that mines the data to find an underlying structure. Through our cluster analysis, we identified five groups or categories of jobs:

- High (H): Best or High- quality jobs
- Medium High (MH): Medium High-quality jobs
- Medium (M): Medium - quality jobs
- Medium Low (ML): Medium Low-quality jobs
- Low (L): Low-quality jobs.

Using an Ordered Probit model, these ordinally ranked magnitudes were regressed on Household and Individual Characteristics. The Household Characteristics include Urban/Rural, Location, Household Type, Religion, Social group, and Consumer expenditure. The Individual Characteristics include gender, age, and varieties of education— general, technical, and training. The results can be seen in Table 1 and Table 2 of the Appendix 1.

Table 1 shows the results in relation to individual characteristics. The empirical findings follow the standard human capital insights, namely that general education as well as technical education enhance general human capital and, therefore, have a positive relation with better jobs. The data and the model cannot tell us much about specific human capital except perhaps indirectly– it is evident that formal vocational training seems to result in better jobs. Turning to gender, the results show that being a female makes it more likely that one will have a lower quality job in relation to males.

Table 2 shows the results in relation to household characteristics. It can be seen that there is a negative relationship between household size and quality of the job, a positive relationship between Consumption Expenditure and quality of the job, and that Urban households are likely to have better jobs.

However, the interesting finding is that identity plays a big role in the quality of the job– both religious and social identity. Clearly, Muslims, OBCs, and SCs are associated with lower-quality jobs. Interestingly, there is a positive relationship between a better job and an ST identity, which is very different from the other results that reify the gender, religious, and caste discrimination which are endemic to Indian society.

Analysing the Evident Discrimination

It is essential to forefront the implications of these empirical results. To begin it may be noted that the results reiterate what is widely known is that the Indian labour market is ubiquitously characterised by discrimination. The typical economics literature in this regard follows the idea that hiring discrimination translates into lower wages – workers from discriminated categories accept lower reservation wages to compete with otherwise identical groups, exacerbating wage gaps (Arrow, 1973). Thinking along these lines, the work by Kumar and Hashmi looks at the intricacies of wage discrimination across caste, religion, and employment sectors (Kumar and Hashmi, 2020). Among other findings their empirical evidence shows wage disparity among the different castes within the same religion. Furthermore, the workers employed in the service sector earn the most compared to other sectors, irrespective of their religion. In each category of worker-formal and informal, the female workers and the SC/ST and OBCs earn less than their counterparts. Similarly, yet other work by Das finds that discrimination in the labour market is manifested through unfair restrictions on entry, wages, and upward mobility for marginalised groups (Das, 2016).

There is other empirical work which echoes our empirical results, indicating that discrimination extends to human capital. It has been noted in some studies that the experience and educational attainment of discriminated groups improve their earnings (Srivastava, 2019). Other studies phrase this more negatively, for instance it is noted that gender-based discrimination leaves women with lower economic incentives to invest in education due to anticipated labour market biases, leading to reduced schooling and skill acquisition compared to men (Kingdon, 1998). Similarly, it has been observed by Ito that educational attainment is a key driver of employment inequality (Ito, 2009). The study argues that caste-based discrimination primarily manifests as job discrimination—limiting access to certain occupations—rather than direct wage discrimination. Socially disadvantaged castes also face higher transaction costs in labour market entry, putting them at a disadvantage in securing stable employment. Further reinforcing these findings, recent work by Gupta and Kothe use the Blinder-Oaxaca decomposition to show that 71% of the wage differential between Forward Caste and Non-

Forward Caste workers stems from differences in endowments, 11% is attributed to direct discrimination, and the remainder results from interaction effects (Gupta and Kothe, 2022). This substantial endowment gap points to pre-market discrimination in human capital investments—particularly in education, health, and nutrition—suggesting that these structural disadvantages play a very significant role in shaping earnings disparities rather than labour market discrimination alone.

Apart from the reiteration of existing results that demonstrate discrimination in the Indian labour market, our results serve as a foundation to analysing the nature of this discrimination and potential remedies—in particular forming a base from which we can explore the possibilities that law can offer as a remedy. As a step in this direction let us begin by reflecting for a moment on the title of this section (Section 3); it poses our empirical exercise as an attempt to profile human capital investment. According to the Webster dictionary, profiling is "the act or process of extrapolating information about a person based on known traits or tendencies." Thus, our empirical work can be viewed as telling us that the environment in which decisions are made—location, identity, and other group characteristics in which individuals are embedded — plays an important role in the earnings of the individual. To recall a portion of the passage quoted from Michael and Becker earlier, the environment in which household "production" takes place represents the "climate– meteorological, political and social" (Michael & Becker, 1975 p. 390). This kind of climate cannot be influenced by easy changes in policy – where education and skilling may be relatively effortlessly increased, but changes influencing gender and identity are more long-term and complex in contrast to standard policy interventions.

To understand what policy or regulation entails in relation to the type of discrimination we have highlighted – we turn to some of the insights regarding identity and economics suggested by Akerlof and Kranton (Akerlof and Kranton, 2010). In the first instance, they raise the important question of whether an act such as choosing to hire someone based on their identity is like choosing between apples and oranges. They say that this is definitely not the case – rather, a taste for discrimination is itself socially constructed. Unlike a personal taste for oranges/bananas, the predilection of favouring the choice of a white person as a worker by a white employer is on account of the social values held by the employer. Thus, moving to another manner of discrimination, it is on account of societal norms that women's work is distinct from men's work – what is work done by a particular gender, religious community, or a caste group is determined by norms or beliefs about such matters. Hence, the belief system or the social context becomes important for economic outcomes. In particular, since identity is fundamental to behaviour, the limits set by social norms may be a very important determinant of economic position and well-being in the short run as well as the long run. To bring in an analogy, in the short run, in a standard economics textbook, agents choose given fixed technology and market structure, all of which vary in the long run. Through the lens of identity economics, we can similarly say that in the short run a person chooses to maximise utility given her identity, norms and social categories, whereas in the long run norms and ideals and the very nature of social categories can change. These changes are of course complex and involve larger societal change. It is here that we turn to law.

IV. LAW

We turn to the law in two stages – first, to turn to the Indian law on discrimination, particularly in relation to the labour market. As a second step, looking at the lacunae with regard to discrimination and the law, we reflect on the wider engagement between the law and discrimination in the labour market.

Review of Discrimination Law in India

Let us review the law in relation to discrimination in India by first briefly turning to the constitutional

provisions regarding discrimination. The Constitution of India contains provisions regulating discrimination – Articles 14, 15 and 16. In addition to this, the Directive Principles of State Policy - which are principles listed in the Constitution that the State should apply while framing legislation, are sometimes invoked to support discrimination legislation. While Article 14 promises equality before the law and equal protection of laws, Article 15 prohibits discrimination by the State on grounds of religion, race, caste, sex, or place of birth, and it is also said that citizens cannot be disallowed from public places on grounds of religion, race, caste, sex and place of birth. Article 16 seeks to guarantee equality of opportunity in matters of public employment.

Both Articles 15 and 16 also have provisos that enable affirmative action. Indeed, the majority of Indian law to counter discrimination is aimed at affirmative action – we do not deal with this issue here because, among other reasons, such affirmative action is confined to public employment, which forms only a fraction of the Indian labour force and is not the focus in the sample used for the empirical work here.

While these constitutional provisions are important, they do not engage directly with the everyday discrimination in hiring workers that we have highlighted through our empirical work here. It is widely held that there is no comprehensive work or employment-related legislation that targets discrimination in India; instead, there are a series of specific legislations that attempt to provide remedies to certain identified groups. For instance, The Transgender Persons (Protection of Rights) Act, 2019 mandates that no government or private entity can discriminate against a transgender person in employment matters, including recruitment and promotion. In this respect, all establishments must designate a person to be a complaint officer to deal with complaints under the Act. Similarly, under the under the Rights of Persons with Disabilities Act, 2016, discriminating against persons with disability is prohibited, and if needed, a disabled person can approach the Central / State Commissioner for Disabilities. Yet another legislation, the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017, is aimed at preventing discrimination against persons with HIV/AIDS. Turning to remuneration, The Equal Remuneration Act 1976 was legislated to put into effect the Directive Principles of State Policy, Article 39(a) that emphasises the importance of ensuring that both men and women have sufficient means of livelihood and Article 39(d) emphasizes the importance of ensuring equal pay for equal work, promoting fairness and non- discrimination. The attempt of the legislation is to ensure that such work that involves the same level of skill, effort, and responsibility, and is performed under similar working conditions is remunerated equally across men and women. It could be argued that the Industrial Disputes Act 1947 (now incorporated into the Industrial Relations Code 2020) also impacts discrimination because it prohibits unfair labour practices that include discrimination against any workman for filing charges or testifying against an employer in any inquiry or proceeding relating to any industrial dispute or discouraging membership with any trade union and/or showing favouritism or partiality to one set of workers regardless of merit. There are also other legislations targeting discrimination more widely, such as the Protection of Civil Rights Act 1955 that, among other things, prohibits untouchability and prevents people from being denied access to public spaces such as shops, restaurants, and places of worship.

While the specifics may vary with each legislation, there are a series of common concerns across these legislations. They all have a system of duty bearers with an ultimate responsibility coming to rest on the employer in labour matters, but this means that in the first instance, such an employer needs to be identified as an employer, which also implies that such an employer needs to be captured as an employer by the law. This effectively suggests that the relevant discrimination law can take effect, if at all, only in the formal sector. A second problem can be found in the costly evidence needed to establish discrimination by the appellant at the hiring stage (which may include certification as being a member of the discriminated group). There is some anecdotal

evidence that suggests that discrimination is more easily established if the victim is employed and is seeking some sort of discrimination redressal after being employed rather than at the entry-level, leaving entry-level discrimination litigation as being quite rare. In addition to these concerns, there is a third problem, namely that these legislations impose criminal penalties, leading judicial authorities to often shy away from interpreting these legislations in an extensive manner – as an example, consider The Equal Remuneration Act, 1976 where under Section 10 criminal penalties are imposed as a remedy to proven discrimination.

Analysing Discrimination Law

To look more closely at our concern about discrimination in the labour market – particularly in relation to our findings relating discrimination law and human capital investment by individuals– we need to look more closely at the substantive content of discrimination law. For this, we turn to the important work by Khaitan who has consolidated and expanded on analytical structures associated with discrimination law (Khaitan, 2015). We do not summarise the contents of his work rather we selectively draw on some analytical points that help us to highlight the problem with discrimination law in India– particularly in the sense we have highlighted this discrimination. At the expense of oversimplifying one of the key questions raised in Khaitan's work is to ask what is the purpose of discrimination law–the answer identifies four basic needs that are enhanced if discrimination is mitigated– biological needs, negative freedom, adequate range of valuable opportunities and self- respect. Of course, there has to be palpably identified group who is adversely situated in relation to another cognate group – women in relation to men, as an example, where a discriminated member of the adversely placed group can be awarded a legal remedy. To give effect to the remedies, one of the key things a discrimination law needs to do is identify the duty bearers. The duty accompanying discrimination law cannot be universal – typically,

the duty bearers include the state, employers, landlords, and service providers.

Khaitan's work discusses the nature of discrimination law generally – our emphasis here is on employment and the implications of these basic features of discrimination law to comment on the law in India in relation to the labour market. First, let us turn to the purposive intent of reducing discrimination. Of course, we do not discount biological needs, negative freedom, and self-respect as important ends behind diminishing discrimination but want to emphasise the very big role played by employment in expanding the range of valuable opportunities. To the extent that discrimination is present, it prevents individuals from the discriminated group from getting these opportunities. While this can be understood in general terms, the discrimination couched in terms of human capital, as highlighted in our empirical work, has an added significance in shrinking valuable opportunities. The impact of discrimination – the inability to invest and get returns because of social discrimination definitely affects the individual, but as we have emphasised, overall human capital formation is a complex interplay between general and specific human capital, and in this light, it affects overall human capital formation. Any inhibition of individual human capital formation ends up having an adverse impact on the overall productivity of human capital.

Turning next to the discussion regarding duty bearers in relation to discrimination law, Khaitan tells us that if we look at the early common law cases that form a precedent or genealogy for current discrimination law, the common law imposed a duty on the likes of ironsmiths and inn owners to serve customers because they were public utilities. Thus, the basis of imposing the duty on them was that since they provided a public service, they were duty- bound to serve all customers. This judicial orientation has crystallised into imposing the duty on public entities – thus, the state bears most of the duty to prevent or remedy discrimination. This duty is also with the employer, especially a large employer who has more of the public nature, which is at the root of the common law origins of discrimination law

than a smaller employer. It is, by and large, very difficult to impose a discrimination-related duty on a private individual. We list these points with the intention of juxtaposing them against our empirical results to make a comment on discrimination law in India in the labour market. If we were to ask how one could reduce at least some of the observed discrimination by legal means, it cannot be argued that there are no legal means present. The evident discrimination against women and scheduled castes has potential redressal, but independent of problems of evidentiary requirement, there is a problem of the duty bearer, which needs to be brought to the front. The crucial point to note is that given the nature of the Indian labour market, its division into the formal and informal sectors, and the differential coverage of the law, it is difficult to identify and impose a duty on the duty bearer because it may be difficult to identify the employer for him to be the duty bearer. This is manifest in our empirical example if we look at some of the descriptive statistics that give us more information about our data set.

Figure 2 shows that the distribution of the sample by types of employment it can be seen that a substantial bulk of employment belongs to the self-employed category where the employer rather than being the duty bearer to mitigate discrimination may well be a victim of discrimination. Self-employed individuals account for the majority share (39%), followed by Regular Wage Employment (25%), Unpaid Family Labour (12%), Casual Labour, and Others (24%).

Figure 2: The Employment Distribution in India: by Employment Type

Distribution by Employment Type
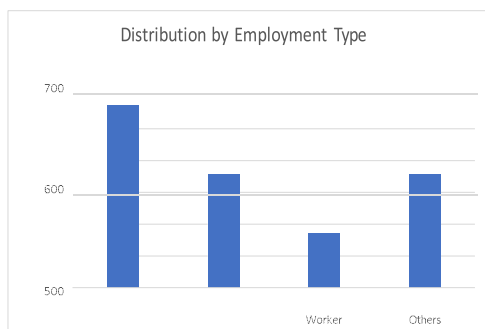
Source: Periodic Labour Force Survey (2018-19), Ministry of Statistics and Programme Implementation (MoSPI), Government of India

This brings our discussion to the point where we can say that while the intent to mitigate discrimination is enshrined in the law in India – both constitutional and statute – it is stymied on many counts. Though it operates in the realm of the government sector, largely through the affirmative action route, vast swathes of the labour market outside remain beyond the reach of the law. Albeit some in the formal sector, whether in government employment or a few others in the private sector could approach the judicial system through the redressal mechanisms placed in the law we have described if one belongs to a group recognised by the law, but as we move to the informal sector, the duty bearers themselves dry up.

If the law is to make a difference in discrimination in the labour market (in fact more generally as well) it may be the case that the law needs to expand coverage more comprehensively by creating a discrimination law that is able to cover all the groups who are denied the basic needs identified by Khaitan, as well as more completely thinking through the system of remedies particularly with regard to duty bearers in relation to labour markets. As far as duty bearers go in the labour market – it creates a conundrum because a larger formal sector better defines duty bearers than if the market veers in the informal direction. In this context mention need to be made about a private members Bill initiated by the Congress M.P Shashi Tharoor as a potential anti-discrimination law. [6] The draft Bill defines employee and employer quite expansively, apart from incorporating various categories of persons that are socially discriminated against. To illustrate the large number of groups, open to discrimination under Section 3A(i) the list includes "caste, race, ethnicity, descent, sex, gender identity, pregnancy, sexual orientation, religion and belief, tribe, disability, linguistic identity, HIV status, nationality, marital status, food preference, skin tone, place of residence, place of birth or age;" It also defines the duty bearers very well. Specifically in relation to labour in Section 14

of the Draft Bill, an employer is distinctly listed as having an anti- discrimination duty in relation to employees. While this is not the place to look at the Bill in any detail, it still needs to be noted that the spirit of the legislation has much to commend in its favour as an overall anti-discrimination law. Unfortunately, this type of law remains an aspiration and has evidently not found sufficient favour among Indian legislators to convert it into a law, but is precisely the kind of legislation that is so vitally required.

V. CONCLUSION

We started out by describing the structure of the Indian labour market which we noted continues to characterised by a large informal labour workforce. It was also observed that the expansion of employment in the manufacturing sector is sluggish and we went on to discussing the importance of human capital expansion in this regard. Using some of our previous work, we argued that such expansion needs to pay attention to important linkages between human capital development, the law and productive expansion of the manufacturing sector. With this background in place, we presented the results of an empirical exercise that attempted to understand the factors influencing human capital investment at the household level. Using data from the PLFS Survey the empirical estimation linked the quality of jobs with household and individual characteristics of workers. The interesting discovery was that identity (gender, religion and caste) influenced human capital investments suggesting that discrimination manifested itself not only generally in the labour market but in human capital decisions as well. Given the overall importance of human capital development, we went on to reflect the role of law in potentially mitigating discriminatory practices in the labour market - looking at the nature of the current lacunae and possibilities for improvement in the future. In relation to this the biggest lacunae lies in identifying an appropriate duty bearer who can act to mitigate or prevent discrimination from taking place. We noted that such identifiable duty bearers are particularly and

progressively precluded as the labour markets become more informal. This is precisely the setting in which the returns to human capital are vital for the welfare of labour and where mitigating discrimination is fundamental to enabling human capital investment.

NOTES

[1] See Section 3 which provides the details of the conference.

[2] India KLEMS (2024). India KLEMS Database, Reserve Bank of India (RBI).
Available at: https://rbidocs.rbi.org.in/rdocs/content/doc s/INDIAKLEMS08072024.xlsx [Last Accessed 07 February 2025].

[3] See About Make in India (https://www.makeinindia.com/about,last accessed on 10th February 2025).

[4] 2020 Jobs and Development Conference Presentation in 4th September 2020 "Profiling Human Capital Investment: Earning Patterns from the Periodic Labor Survey" (https:// jobsanddevelopmentconference.or g/ conferences-list/2020-conference/) Also presented as Institute of Economic Growth, Delhi Seminar on 6th November 2020

[5] We posit that the earnings potential of a job given by latent variable, where vi^* $(0 < vi^* < +¥)$. Next, we suggest that $vi^* = qi'b + ei$, where vector qi is a set of household and individual characteristics, b is a vector of unknown parameters and ei are error terms which are independently and identically distributed with a probability density denoted by g (e, q). We can't/don't observe actual earning potential of a job but can construct an **ordinal ranking of jobs** and specify model along the following lines:
$vi = 0$ if $vi^* < a1$
$vi = 1$ if $a1 £ vi^* < a2$
$vi = 2$ if $a2 £ vi^* < a3$
$vi = 3$ if $a3 £ vi^* < a4$
$vi = 4$ if $a4 £ vi^*$
Assuming the error term is normally distributed with mean 0 and variance 1 we empirically estimate the model using an ordered probit, using the method of maximum likelihood estimation to get estimates of the parameters b as well as the cut points a1 a2 a3 and a4

[6] (accessed 14th February 2025)

REFERENCES

[1] Akerlof, G.A. & Kranton, R.E (2010) Identity Economics Princeton: Princeton University Press

[2] Arrow, K.J. (1973) "The theory of discrimination". In O.Ashenfelter and A. Rees (eds.) Discrimination in Labour Markets Princeton: Princeton University

Press. pp. 3-33

[3] Becker, G.S. (1965) "A theory of the allocation of time". Economic Journal 75(299), pp. 493–517

[4] Becker, G.S. (1975) Human capital: A theoretical and empirical analysis, with special reference to education. Chicago: University of Chicago Press.

[5] Blair, M.M. (2011) "An Economic Perspective on the Notion of 'Human Capital'". In Allen Burton-Jones and J.C. Spender (eds.) The Oxford Handbook of Hunan Capital Oxford: Oxford University Press

[6] Das, M.B. (2016). "All in my Head? The Play of Exclusion and Discrimination in the Labor Market," Journal of International Commerce, Economics and Policy. 7(02). pp 1-20.

[7] Estevez-Abe, M., T. Iversen, and D. Soskice. (2001) "Social protection and the formation of skills: A reinterpretation of the welfare state". In eds. Peter A. Hall and David Soskice Varieties of capitalism: the institutional foundations of comparative advantage, 145–183. Oxford: Oxford University Press.

[8] Gupta, P., & Kothe, S. (2022). "What Explains Caste-based Wage Inequalities and Earning Gaps in the Indian Labour Market? Theil and Oaxaca Decomposition Analysis" The Indian Economic Journal. 70(3) pp. 514-532.

[9] Ito, T. (2009). "Caste discrimination and transaction costs in the labor market: Evidence from rural North India. Journal of Development Economics. 88(2). pp. 292-300.

[10] Khaitan, T. (2015) A Theory of Discrimination Law Oxford: Oxford University Press

[11] Kingdon, G. G. (1998). "Does the labour market explain lower female schooling in India?". The Journal of Development Studies. 35(1). pp. 39-65.

[12] Kumar, A., & Hashmi, N. I. (2020). Labour market discrimination in India. The Indian Journal of Labour Economics, 63(1), 177-188. https://doi.org/10.1007/s41027-019- 00203-7

[13] Mehrotra, S., & Parida, J. (2019). The Employment Crisis: Rising Educational Levels and Falling Non-agricultural Job Growth. CSE Working Paper No. 23. Bangalore: Azim Premji University.

[14] Michael, R.T. & Becker, G.S (1973) "On the New Theory of Consumer Behavior" The Swedish Journal of Economics. 75 (4). pp. 378-396

[15] Sankaran, K. (2006) "Protecting the Worker in the Informal Economy: The Role of Labour law". In Guy Davidov and Brian Laugille (eds.) Boundaries and Frontiers in Labour Law Oxford: Hart Publishing

[16] Sankaran, Kamala (2007) Labour Laws in South Asia: The Need for an Inclusive Approach Geneva: International Institute for Labour Studies

[17] Singh, J., Das, D.K., & Abhishek, K. (2022) "Specific Human Capital and Sills in Indian Manufacturing: Observed Wage and Tenure relationships from a worker Survey" The Indian Journal of Labour Economics 65:1007–1028 https://doi.org/10.1007/ s41027-022- 00408-3

[18] Srivastava, R. (2019). Emerging dynamics of labour market inequality in India: Migration, informality, segmentation and social discrimination. The Indian Journal of Labour Economics, 62, 147-171. https://doi.org/10.1007/s41027-019- 00178-5

[19] Tang, H. 2012. "Labor market institutions, firm-specific skills, and trade patterns". Journal of International Economics 87 (2): 337–351. https://doi.org/10.1016/j.jinteco.2012.01.0 01

ANNEXURES

Appendix I: Tables related to Econometric Estimation

Table 1: Role of Individual Characteristics in Determining Human Capital Investment

Individual Characteristics		
Gender	Male (Reference Category)	
	Female	-0.165***
		(0.008)
	Other	-0.322
		(0.225)
Age		0.001*
		(0.0003)
General Education Level		0.021***
		(0.001)
Technical Education	None (Reference Category)	
	In Agriculture, Crafts, Others	0.300***
		(0.026)
	In Engineering and Medicine	0.368***
		(0.023)
Vocational Technical Training	None (Reference Category)	
	Informal	0.011
		(0.009)
	Formal	0.092***
		(0.020)
No. of Observations		142,538
LR Chi2		115859.76***
Log Likelihood		-154295.1
Pseudo R^2		0.2730

Table 2: Role of Household Characteristics in Influencing Quality of Job

Household Characteristics		
Household Size		-0.029***
		(0.002)
Location: Rural or Urban		0.102***
		(0.008)
Location: State Measured as Unemployment Rate		0.02
		(0.008)
Household Type	Casual Labour (Reference Category)	
	Others	0.126***
		(0.030)
	Self Employed	-0.249***
		(0.011)
	Regular Wage	0.797***
		(0.012)
Consumption Expenditure (in logarithmic form)		0.168***
		(0.007)
Religion	Hinduism (Reference Category)	
	Islam	-0.093***
		(0.011)
	Christianity	-0.005
		(0.017)
	Others	-0.065***
		(0.017)
Social Group	Others (Reference Category)	
	Other Backward Classes (OBC)	-0.051***
		(0.008)
	Scheduled Castes (SC)	-0.020**
		(0.010)
	Scheduled Tribe (ST)	0.114***
		(0.013)
No. of Observations		142,538

Agency through Devalued Work:
The case of Health Care Workers in Palliative Care in Kerala

Neetha N.* and C.U Thresia**

Abstract— India's parental leave framework is predominantly focused on maternal benefits, with paternity leave receiving minimal attention. While the Maternity Benefit Act, 1961, mandates 26 weeks of paid leave for mothers, the Central Civil Services (Leave) Rules, 1972, provide only 15 days of paternity leave for government employees and offer no mandatory protections for private-sector workers. The Paternity Benefit Bill, 2017, aimed to address this imbalance by proposing paternity leave for fathers across all industries, including adoptive and surrogate parents. However, its dismissal left India without adequate safeguards for shared parenting responsibilities.

This paper examines how the absence of comprehensive paternity leave laws violates Article 21 of the Indian Constitution, particularly the Right to Parenthood and a child's Right to Holistic Development. Judicial interpretations have emphasised shared parenting's role in early childhood, yet the lack of legal protections perpetuates gender imbalances, forcing women to bear the dual burden of work and caregiving.

Drawing on global best practices from the ILO's Maternity and Paternity at Work report, this study analyses the societal and economic advantages of paternity leave. Empirical research conducted across private Indian companies evaluates the benefits of voluntary paternity leave policies, including improved workplace dynamics and employee satisfaction. By combining international standards with local data, this paper advocates for reinstatement of the Paternity Benefit Bill as a crucial step toward gender equity at home and in the workplace. Without these reforms, women will remain disproportionately burdened with caregiving, limiting their workforce participation and reinforcing systemic inequalities.

Keywords- Paternity leave, Paternity Benefit Bill, Central Civil Services, Child Development

*Neetha N. is Professor at Centre for Women's Development Studies, Trivandrum, Email: neetha@cwds.ac.in

**C. U. Thresia is an independent researcher, Thiruvananthapuram, Kerala, Email: thresiaster@gmail.com

I. INTRODUCTION

Women's dominance in care work is an established understanding attributed to gender stereotyped divisions of labour and the social role of women as carers. Care work encompasses productive, reproductive and relational domains of life; and includes both paid and unpaid work as well (Alarakhia et al., 2024). The unequal distribution of care work at home and social space impedes efforts towards women's empowerment. It perpetuates gender inequalities in the productive employment and economic earnings, and thereby exacerbating women's socioeconomic insecurities. Studies have analysed the undervaluation of women's care employment reflected in the poor wages and working conditions of care workers (ILO, 2018; Neetha, 2015). While Care workers

may be viewed as a unified category, there are differences among care workers in terms of their social and economic profile, nature of work and work relations. A large section of care workers in the context of India, who are almost all women, are part of the state development programmes, be it health, nutrition or child care. In the health sector, gendered stereotyping is universal, with the lower-level health staff, such as nurses and community health workers, either entirely women or dominated by women, which has implications for their economic status and social outcomes.

Women dominate palliative care programmes in all states. Whether care workers in the palliative sector who toil day and often night to provide health care for the bedridden and disabled population enjoy good working conditions and better health themselves is an issue that needs attention.

This paper addresses that gap by examining the roles of three key, feminised segments of health workers—community nurses, secondary nurses, and Accredited Social Health Activist (ASHA) workers—within the home-based palliative care team in Kerala and their interactions with patients and the community. The paper argues that although these workers face poor and stressful working conditions and their work is undervalued, the agency they gain from their engagement as community workers enables them to persist in their roles.

The paper is based on primary research undertaken in Thiruvanathapuram district, the state capital of Kerala, covering 4 palliative care units of the Community Health Centre (CHC)/ Primary Health Centre (PHC)/ Family Health Centre (FHC) located in rural (2 units), urban (one unit) and coastal (one unit) areas. This allowed a geographically representative exploration of palliative care workers and their engagements. The qualitative study employed purposive sampling of select institutions and participants. It adopted multiple methods to explore and analyse various dimensions of palliative care work where women predominate. In addition to the key informant interviews (12), and in-depth interviews

(105) held with the community nurses, secondary nurses, elected representatives of the local self-government institutions (LSGIs), ASHA workers, and various members of the palliative care team such as Middle Level Service Provider (MLSP), Junior Public Health Nurse (JPHN), Health Inspectors, volunteers, and medical professionals, patients were interviewed to get an insight about their perceptions on various dimensions of palliative care including women's care work. Data collection took over four from December 2023 to March 2024. The interviews used pretested open-ended interview schedules which gave the participants ample space to reveal their perceptions, feelings and challenges they face, in their own language. This also enabled us to get a nuanced understanding of the continuing exploitation and undervaluation of the care work, including by the state, and deeper failure of the state to protect the interests of the women care workers. Informed consent was taken from all participants. For the purpose of confidentiality, the names of the participants used in the text are fake.

The paper is structured into five sections. Following the introduction, Section 2 outlines the Kerala's globally acknowledged palliative care programme and the pivotal role played by the feminised home care team in the programme. The work profile and conditions of work of the three critical members of the team are also outlined in this section. The challenges and gendered discriminations that define the work of these health workers are analysed in Section 3. Section 4 analyses the meaning- making of their everyday work, which is critical in understanding their commitment to the programme on palliative care, defining its success. Finally, Section 5 concludes the paper.

II. PALLIATIVE CARE PROGRAMME AND THE CENTRALITY OF FEMINISED HOME CARE TEAM

In Kerala, there have been very active interventions by community-based organisations (CBOs) and non-governmental organisations (NGOs) in

palliative care since the mid-1990s (Kumar 2007, Thresia forthcoming). However, public sector initiatives for palliative care began following the palliative care policy of 2008. Later, in 2009, the Aarogyakeralam project by the National Rural Health Mission (NRHM) in collaboration with the local self-government department (LSGD) and health department expanded these efforts (Government of India 2015). With the introduction of the Aarogyakeralam project, the LSGIs of the state became obligated to initiate palliative care services in primary health care institutions. Later, by 2012, all LSGIs were mandated to initiate and strengthen comprehensive palliative care services, incorporating various dimensions of care, including supportive services at multiple levels of health care institutions. The expansion of the home-based palliative care movement in northern Kerala, which is under the ownership of the community/ CBOs, and the formation of Neighbourhood Network for Palliative Care (NNPC) (Kumar 2007) brought about a paradigmatic shift in the health and medical care provisions related to PC. Palliative care was moved out of the health care institutions to the community and the sufferers' homes, with people's involvement.

The beneficiaries of the palliative care services generally include bedridden patients, but it varies depending on the geographical coverage and terrains. In the moderately remote rural hilly terrains, besides the bedridden patients, older people who stay alone, who are severely sick, and those who have impairments and difficulties in reaching the CHC/ PHC are also included in the list.

The field team of palliative care consists of a Medical Doctor, a community nurse, JPHN, ASHA, Junior health inspector, Secondary nurse, Physiotherapist, MLSP, elected LSGI representatives and volunteers. The Health Supervisor and Health Inspector are part of the Team at the Institutional level. One CHC/PHC/FHC may have more than one palliative care unit, depending on the geographical coverage and number of patients. Each palliative unit has a medical officer who is in charge of the palliative care of the unit and also the outpatient department (OPD) at CHC/PHC/FHC. The doctor also has to undertake home visits and prescribe medicines and follow-ups for home care patients on select days, depending on the needs of the patients identified by the community nurse. The health inspector is in charge of the implementation of the palliative care project within the health system, whose duty is also to assess the work of the community nurse through the reports submitted by the nurses and feedback from other field staff. The health supervisor organises review meetings, and they are also in charge of monitoring the reports submitted by the secondary nurse. The JPHN and MLSP have field work duties, and MLSPs, in addition to their other duties, are in charge of managing patients with chronic illness. The secondary nurse is to provide specialised care to required patients and has to undertake home care visits and maintain related records. A physiotherapist, if required, is also to join the secondary nurse for field visits if patients require such care. While all the above team members are at the CHC/PHC/FHC, community nurses, ASHAs, and volunteers are the local level members. The community nurse is the primary home care worker who is in charge of home care visits and maintenance of records for the palliative care unit. ASHAs play an important role in the identification of patients and also in assisting the home care team. Though the LSGI representative is part of the field team, their home visits are not very frequent owing to varied responsibilities. Volunteers are also part of the home care team, but can have varied roles depending on the requirements of the patients. The home care team serves as the vital link between patients, the community, and the public health system with community nurses, secondary nurses and ASHAs being its critical members.

Community Nurse: The critical home care worker

Community nurses are trained nurses appointed by the LSGIs. They are responsible for

many tasks apart from providing physical care to patients at home and care at the institutional level. They must liaise team members and the health system to ensure that patients receive medicines and other supportive aids. Providing emotional support to the patients and their families is also an important part of their work, which requires the nurses to build personal relationships. The most demanding part of their work is the documentation of patients' records. Multiple registers documenting the medical history and condition of the patients, course of treatment, medication and so on have to be maintained by the community nurses. These records, while essential for follow-up and continuity, add significantly to their workload, especially considering the large number of daily visits.

Though community nurses are essential to primary care, they are hired on annual contracts by the local bodies and thus, by design, they have to be submissive to the higher authorities and local leaders. Despite being qualified and trained in palliative care, their salaries are lower than those of their counterparts in the formal health system. The nature of work is such that they are constantly on the move, with 20 days of mandatory house visits in a month. The rest of the days, except Sundays, are spent at the CHC/PHC/FHC for record submission, checking and liaisoning with officials and other staff. Leave is also limited, 9 holidays and 20 leaves in a year. Added to this, they are not allowed to take more than 5 days leave at a stretch, as there is no provision for a substitution in the system.

Though the work day of the community nurse is 7 hours a day, overtime work is common as they have to complete the documentation work, which is mostly done after working hours at home. Community nurses are required to share their personal mobile numbers with the patients, which extends their work time even to late nights and early mornings. It is not uncommon that they get repeated phone calls even during odd times for emergency cases. The payment to community nurses has seen a change from honorarium to salary. In the beginning, it was only Rs. 3000, and during the time of the study, the salary was about Rs. 18,000/-

The Secondary Nurse: Home care at the CHC level

Apart from the primary level home care team led by the community nurse, at the CHC/FHC level, there are nurses (secondary nurses) who are also involved in home care. These nurses are hired under the National Health Mission (NHM) programme, but have the official charge of palliative care. Such nurses are required to spend at least three days a week for home care, visiting patients who require active symptom management. Their coverage area is larger than that of community nurses, as they work across multiple palliative units.

Secondary nurses, as in the case of the community nurse, is supposed to maintain required communication with concerned patients and families at all times, apart from physical care. They also monitor patients regularly for drug compliance and give advice on drug intake. Teaching correct instructions to caregivers for everyday management of patients is also part of their responsibilities. To facilitate coordination among the home care team, the nurse also has to discuss the care plan with the concerned community nurse after visiting patients. They also have to ensure that the case sheets are well maintained and completed during the visit itself, and the home care report book and follow-up register are up to date.

Their working conditions are largely similar to community nurses except that they have limited field visits. The staff nurse has to conduct a minimum of 12 home care visits per month, and the remaining days they are present at the CHC/FHC for providing palliative services at the parent centre. The salary of the secondary nurse is slightly more than that of the community nurse but much less than that of their counterparts in the system. They are also placed at a relatively higher level in the hierarchy compared to that of community nurses.

ASHA – The Omnipresent Community Worker

The work and conditions of ASHA workers have been documented by many studies and are noted for their poor conditions. ASHAs have long demanded basic rights and social protections, as they are classified as volunteers and denied even minimum wage, sick leave and maternity benefits.

For ASHAs, palliative care is an additional commitment alongside their other responsibilities. As part of the palliative care service, they were found performing multiple duties. ASHA's role in palliative care begins with identifying and referring bedridden patients and those needing palliative care. The patients are screened by the medical system, and if listed for palliative care, ASHA workers have to perform multiple functions, the most important being part of the home care team. They are also required to escort the patient/ family during initial visits to the CHC to ensure better liaison between the patient and health providers. Apart from home visits as part of the home care team, ASHAs also have to undertake periodic visits to the patients and provide required support to the patients and family members.

ASHA workers also have to do documentation work for palliative care patients, and this is important for the sanctioning of the incentives that they get. Geetha shared the documentation work and its criticality in their payments "I keep entering the visit details in my diary. I write down the house number, name, address, and the patient's activity at that time, whether they are sitting or lying down. If the patient is sitting on a chair, I note that and ask if they had food, slept at night, etc Some people with neuro disorders smile at first sight, and we should document such observations. We make reports based on it and submit them to the JPHN, which is important for our payments".

For their role in palliative care, in the beginning, ASHA workers were paid a small allowance from donations received for the project, but later, a payment of Rs. 100 per patient visit per month was sanctioned. The honorarium amount of an ASHA worker in Kerala at the time of the study was Rs. 6000/- and the incentive is Rs. 2000. The rest of the payment is according to the work - rupees 20 per immunization of a child; Rs.350 for registering a pregnant woman and Rs.100 per patient for palliative care.

III. WOMEN CARE WORKERS: GENDER HIERARCHIES AND DISCRIMINATION

As discussed earlier, community nurses, secondary nurses and the ASHA workers constitute the central pillar of the programme and are all women, though these professions are not reserved for women, except for ASHA's. The wider political, socio-economic and cultural forces to continue to shape and structure employment in all fields, including healthcare, even in a state like Kerala, which has a relatively better egalitarian portrait (Thresia, 2016). Indeed, Kerala's employment prospects are not glossy with low work participation of women, who are largely in the informal sector (Neetha 2015b). In a social setting where gender divisions are defined by patriarchy, the gendered segmentation of employment and women's lower wages- justified by categorising work into technically skilled and unskilled terrain- are often legitimised.

Gender division of Work and its Internalisation

Gendered housework and care work were highlighted by many respondents as the reason for the social understanding that all care work is women's work, and thus the absence of men in such jobs. The workplace being patients' homes was also pointed out as an issue that hinders men from taking up such jobs, as these are understood as low-grade jobs socially.

Not surprisingly, many of the women participants in the study areas imbibe the conventional notions of women's caring roles and responsibilities. 'Man, the main breadwinner' is the deeply rooted cultural setting of women, and knowingly or unknowingly, this was expressed by

many workers. Sumathi, an ASHA worker, shared, "Care, love, empathy, all are qualities of women. They know how to behave politely and handle situations like PC. If someone at home is ill, we, the women, take care of them, and naturally it is viewed as women's responsibility. In most of the houses, men go to work to earn money to run the family".

A nurse with 16 years of experience abroad shared how she had to sacrifice her career for her family. She was employed in Saudi Arabia and was earning 5-6 times more salary than an experienced nurse in the formal system in Kerala. For that job, she had to leave behind her small children in Kerala with her husband and his mother. Because of tensions with child care, she decided to resign and come back. The statement 'My family members didn't tell me to resign my job, but they also didn't tell me to continue' clearly reveals how women are often indirectly compelled to make decisions undermining their own employment prospects, unlike men. Eventually, she joined the palliative care unit as a community nurse as she wanted to work. She also shared that the family, especially the husband's family, are happy because she is here to "manage the house".

Not only are women of a certain education level or class who imbibe and publicly endorse the gendered care work. Even, doctors and health officials shared similar understanding. Despite the internalisations of women's capability to conduct empathetic care work and multitasking, the changing notions of equality and the tension that a gendered division of work could bring resonated in the views of several women workers. A woman physician noted "I think women can do palliative care work better as we are capable of doing multitasking, though not by birth but by conditioning. But if men take it for granted and women are forced to bear the burden of household chores and other care work, it becomes problematic and leads to tensions in relationships".

It is clear that the state, through its interventions, subtly sanctions and reinforces gender divisions by allocating care work to women with limited pay and poor working conditions.

The response from one of the ASHA workers on low wages in the sector suggests how the state, like any other private sector employer, uses the docility of women as an important reason for its reliance on them for such schemes. To quote Divya, "We, ASHA workers and other nurses, are all women, and this might be the reason as to why our payments are low and also the reason for not getting our salary/honorarium on time. (Laughing)Nobody is going to question, we all are women and we don't talk much about it, but on the other hand, if it were men, they would have created a ruckus".

Patients, too, reinforce these gendered assumptions. One of the patients remarked, "some jobs are more suited for women; only they have the patience to do this kind of work, they do it in an organised way than men and people feel comfortable with women. Men will not go for care work courses, and that is the reason all palliative care workers are women. In my case, the women workers listen to me and understand my problems". Several patients were of the same opinion that women can support them well, and many of them conceded that they 'wait for the home care team'. One patient shared that only women have the presence of mind and the compassion and love to do this work.

Women narrated extensively about how families are responsible for the existing stereotyping of jobs, though they themselves were part of the process. It was not that they were not aware of their own prejudices. Lalitha shared that all the issues related to gendering are because of the problems in raising children, which she termed as "valarthudosham" (parenting problems). She supported her argument by saying that such differentiations are not so marked in 'foreign countries' as men also do housework in those places.

Most narratives, though, resonated the need for sharing an equal work order; in reality, all women shared their inevitable burden of housework and care work, including the drudgeries of domestic chores. They spend the whole day trying to balance the workplace demands and

housework, and care obligations. Though there were some differences among nurses in terms of the workload of housework and their own care work depending on individual profiles, a long working day with paid and unpaid work was the norm for all. Women community workers are found struggling to meet their social gender roles as carers, be it older persons, sick and disabled, children or even adult members of the household, including husbands. This is apart from the housework demands on them, such as cooking, cleaning and other household work.

Many shared lacks of sleep and leisure and also their constant guilt about the inability to provide care to family members, especially children. This suggests a strong internalisation of the gender roles, though they do look for opportunities to ease the pressure by staying with their in- laws or mothers and their mending household jobs and paid employment. Often, aligning care of palliative care work and women's own household care work seems difficult for many workers. And the presence of young children or somebody else who needs care at home makes the responsibility of women manifold and often difficult. "I don't get enough time to take care of my family, as I have to do some pending work from the office, particularly documentation. I have a little one at home, which makes my work at home even more difficult. The moment I open the register, he will crawl and jump on it. He wants to sit in my lap. It is a very difficult situation".

The gender constructs in the societal life often pose problems for the health care workers from their own family members, especially men, who often do not recognise women's contributions in palliative care services. This was apparent in the reflections of a health worker's husband. She revealed, "Some days I get late to reach home after work. My family does not approve of such things, and my husband gets angry. He questions 'why only you have to do overtime work' which hurts me". The women care workers are also often accused of not prioritising their household chores and the care of family members.

Women Care Workers' Workplace Relations: Insecurities and Challenges

Notably, despite their strong commitment and willingness to render services at the doorsteps for many needy persons and recognition from the patient community and their households, women workers face a range of gender challenges and discrimination at the workplaces, and resultant emotional and mental stress.

Medicine and health care are inherently hierarchical and gendered, and the health care service system contains multiple layers of discrimination (Risberg et al., 2006; CEHAT, 2016; Vanstone and Grierson, 2022). In a patriarchal and highly gendered health care system, male norms and values are undoubtedly dominant, despite women's multitude in the system (Shai et al. 2021). Women's healthcare professionals are rarely present in leadership role, crucial administrative posts, or higher- level policy decision bodies. In palliative care, too, the visible hierarchies persist. Nevertheless, given the nature of work, including house visits and supportive care than an augmented focus on clinical care, the forms of hierarchical relations vary and are sometimes more subtle. The medical officer in charge of the CHC palliative care unit leads the whole team in the unit, while the community nurses are responsible for deciding and planning house visits.

Though the palliative care units in all the study areas report a degree of cooperation among the team members, rude behaviour and poor recognition of women health care workers and ASHA workers by medical officers or elected representatives or from male colleagues is not uncommon. Many shared bitter experiences with elected representatives, which, according to the women, are mostly related to alleged delay in visiting patients and delivering services or related to attending emergency services. Besides the dominating attitude, many care workers raised their insecurities, apprehensions and dismay related to the covert and overt instances of sexual and caste-based harassment, which makes their

work milieu (including patients' houses) more stressful.

The distressful situations and resultant immense mental stress were reflected in the response of some of the participants.

Several interviews revealed that women healthcare workers experience heightened anxiety and fear when making house visits alone- particularly- when only men are present in the home. One of them shared that she avoids occasions that can lead to such stressful situations, "I won't go inside the house of the patients who need care when men alone are living, even when they request to come inside. There was an instance where the male patient was repeatedly calling me inside his house during the visit, and I knew he was alone…I told him I will come later with the ASHA worker". Similarly, women feel uneasy travelling alone when the daylight falls, as very few women are present in public places and thus the chances of eve-teasing and harassment are high. Additionally, patients' disrespectful or belittling behaviour often adds to workplace stress. One worker opened up, "I was checking the blood pressure of a male patient. As I press the bulb of the BP apparatus, he felt a tightening in his hand. He got irritated and yelled, "stop it, daughter of a bitch". Regarding this my colleagues wanted to file a police case as he misbehaved but I did not pursue it".

Many shared instances of abuse by patients' family members, which deeply affected their morale. A nurse noted, "We are working in very difficult situations where we might not even get a drop of water to drink. Some families treat us like their maids. They command to us to do various things". Demands for emergency care, medical support/economic support or assistive devices are sometimes unmet or delayed for reasons beyond their control. Yet, the care workers bear the brunt of dissatisfaction of the family members. Though palliative care units have funds, including money from public donations, the number of patients and their requirements often mean a shortage of medicine or a deficit in assistive devices. Inability to ensure medicines from certain brands is also

pointed out as a reason for tensions. This was shared by Devi: "We cannot give them the specific brands of medicine prescribed by their doctor as we have more generic medicines than specific brands. This makes them behave in a different way, often angry". Similarly, providing immediate service upon call is not always possible owing to their workload. This leads to complaints or displeasure from the patients or household members, despite all the effective care rendered by these workers during other times.

IV. AGENCY THROUGH DEVALUED WORK

The work life of the care workers is not easy as detailed above. However, a sense of achievement resonated in all the interviews, though they spoke at large of the inequalities and insecurities that the system is perpetuating- both as women and as care workers. All the health care workers who interacted were determined to find satisfaction and self-worthiness. Also, they were found to adopt ways to overcome controls and challenges through their everyday negotiations. Thus, though they were stressed with the workload and the specific challenges, be it hierarchical relationships, or fear of harassment and misbehaviour, they gained strength and support from their critical role in the system and the trust they held among the community. They also shared how the learnings from the field as community workers and their engagement with the health system have made them stronger to the extent that they are able to deal with conflicts and struggles in their own lives. The meaning, motivation and purpose that these care workers bring to their activity, to borrow from Naila Kabeer (Kabeer, 1998), can be termed as "agency" or "power within".

Women workers' engagement with gender relations, especially in the family, is always analysed through their economic contributions. Women who contribute economically are assumed to have a better role in decision-making and thus are seen as exercising some agency. Many workers admitted that they joined the profession primarily because of economic reasons and thus salary and

payments are critical. Their status as an earning member was reported as an important factor in their relationship with family members and the community at large. Women use their salaries to meet household expenses, and some are also paying towards loan repayments. Their contribution to family income towards education, health, and material wellbeing of the family was articulated by all women, and this was considered a major achievement. This more or less matches the existing understanding of the impacts of women's participation in economic activities. Women also reiterated the need to enter the labour market, as women's salaries are important in maintaining a given standard of living for the family.

However, many shared their engagement in the profession extends beyond the economic dimension, which ranged from job satisfaction to acceptance by patients and the larger community. As we have already seen, it is not uncommon that women perceive and internalise caring as part of their gender roles. Such internalisations may have influenced and structured their own entry into care work, in addition to its subtle reinforcement through the pervasive gender norms and practices prevailing in the society.

Vanitha shared that "being a palliative care worker is about whether you have an interest in the job and you enjoy doing it". For her, caring work is well within her capabilities, and she particularly enjoys it because the patients benefit from it and look forward to the visits. Indeed, such role internalisations and gender prejudices often mask women's capability to assert their own rights at the work place and also reduce their opportunities. Yet, many of them were proud of being a woman and that they chose the field of health and PC. One of them reported, "at the end of the day I am satisfied that I could do something. I am really proud and I can say with hundred percent confidence that I'm doing a great work."

At least one of the women preferred health and palliative care work equal to or even more than assuming the chairpersonship of a committee in the local governance system. An ASHA worker turned elected representative responded, "in the LSGI, I was the chairperson of the Welfare Committee. But I left the official position because I was not allowed to undertake both chairpersonship and the field work together for the next five years. I wanted to continue the health care job rather than becoming the chair of the Welfare Committee. Therefore, I left the chairpersonship and continued the field work". This reflects the commitment and admiration of the women to their work rather than their positions in the political power hierarchy, though such instances are not many.

For some, it is the services that they are able to provide to the patients and their families that makes them proud of their job. Susan shared that she is really proud to be a woman and a community worker, as she is able to help the patients and the members of the family. She said "Many people are getting essential services like air beds, diapers etc. and we facilitate that process. Earlier for catheterization the patient had to come to the centre but now we are going to their homes." She shared that the emotional component is equally important, which often happens only when adequate time is spent with the patient, so that sharing happens. Given that most patients are immobile or have restrictions in mobility, the visits by community workers were reported as an opportunity for the patients to socialise and also get information on current developments. Women shared the pathetic conditions of many patients, who are either left to themselves or are ignored by the families and thus considered their service as divine. The care workers also help patients and their households to access existing schemes or programmes, which are sometimes beyond the scope of the programme.

Trust relations are very important in health care arena at multiple levels: between and among professionals, carers, patients, and communities. In palliative care, it is even more important as it involves end-of- life care and difficult situations, and in most cases, both community nurses and ASHA workers have a good communication link with the patients. The palliative care workers very

much value trust relations and the network they build with the community, patients and household members, medical professionals, and representatives of local self- government institutions. According to a community nurse, "I like this work and people trust me. Generally, people trust women more than men. Bedridden women do not feel comfortable when care is given by men and we cannot trust men always. I have the freedom to go to any house at any time due to the nature of my service. We support both patients and their families and they are treating us with respect". In palliative care services, there exists a mutual give and take relationship, and the patients and their family also acknowledge their services, leading to their acceptance sometimes as a close family member. One of the patients responded, "The sister does her job well and I must respect her. She is like a daughter to me".

Another patient revealed, "I tell all my problems and worries only to palliative care sisters when they come home. I do not open up with others even when my blood pressure goes up due to keeping all problems and pains within me". This is the trust and confidentiality that the palliative care workers earn for themselves. The response of the patient was corroborated by a community nurse," the palliative care patients open up everything to us when we go to their houses. They get relieved once they pour out everything to us, and we do not disclose it to others. They tell us all their grievances and sorrows because they have no one to share their problems". People's trust makes the care workers more confident and their efforts more fruitful, which was evident in their proud sharing of such instances.

For some, palliative care work seems a source for improving their self-esteem. One of the community workers proudly shared that she is honoured to be working as a palliative care worker and that she does not consider women inferior. She continued, "People listen to me and trust me. They respect my views, and act accordingly".

Palliative care work is also an avenue for improving women workers' social relations, self-learning and knowledge building. Many workers consider palliative care as an avenue for communicating and networking with multiple agencies and actors. These interactive processes provide them valuable ample space for improving their own morale and self-esteem, despite their low economic earnings, overwork and often emotional and psychological stress. One of the women said, "If we sit at home our world will be reduced to home alone. In our work, we meet many people and get an opportunity to understand many things. To me, this increased my confidence and changed my life and worldview. When I get into problems, this knowledge helps me to support my stand. In PC, along with medicine, we provide psychological support. That learning helped me to understand the importance of sharing problems and getting relieved from the stress".

The ability of women to speak to a diverse group of people was pointed out as the most important strength of women in community work. The rapport they are able to make; it was claimed that no men can compete with. Leela, a community nurse shared, "I became more active and involved with the community and within the last 10 years I became much talkative also. I'm really proud that I could engage with an important social issue." One community nurse had a stroke and she attributes her recovery to the prayers of the patients, their families and the larger community that she is engaged with as part of the palliative care work. Thus, though they are treated unequally by the system in terms of payment and other conditions of work, these community nurses, going beyond individual concerns, find solace and support through their relationship with the patients and the community.

For some it is also a source of relief from routine tensions as Suja, an ASHA worker shared "I like my work a lot. It is a source of income but more than that, because of this work I forget most of my issues at home. Once I start a day's home care visit, I forget all my worries ". She continued "I have a lot of friends, especially old men and women, mostly boyfriends (laughing).

I like being a support to the people. I don't like sitting at home, there are many issues at my home like financial issues and my husband's illness and so on. If I am at home, I will keep on thinking about these''

The confidence that they gain in the process of their work also helps them in fighting back when they meet with gender discrimination. One of the women care workers pointed out that, "I feel the supremacy of men in all aspects of work and everyday life. Whenever I feel discriminated against because I am a woman, I respond right away. I'm not the one who sits back, but one who reacts well. Besides, I speak for my colleagues when they face discrimination and keep silence". Several interviewees revealed their spirit to fight back when gender discrimination is experienced. Thus, all these acts of resistance to discriminatory attitudes indicate that women are not mute spectators of gender discrimination, though often times they are subjected to unequal and unjust gendered treatment.

Women are also noted to be conscious of their agency and celebrate their achievement in their very articulation of it. Sangeetha, a secondary nurse, was proud of the fact that she was able to manage her paid work along with her housework and care demands and dismissed her husband being capable of handling both as she did. She was also pleased with her acceptance in her society and pointed out that she is known to everyone while her husband is known to only a handful of people.

For some, their dedication and commitment have also improved their status in their families, as family members also eventually come to appreciate their acceptance in the community for the service that they offer the patients and their families. The work provides them with a network of contacts and connections, which, if required, could be renewed, and most patients and their families were found happy to help the community nurses in the event of them needing any such help.

This does not mean that they are free of external intervention. Girija, a community nurse, narrated, "My husband has issues when I use the phone for a long time or while doing reports, he will ask me things like… Why are you always on the phone, or why are you always bringing work home? I ignore those questions, as whatever I am doing is part of my work. Sometimes I explain to him the case so that he feels included".

It is not clear whether women care workers' sense of agency has contributed to larger changes in gender relations, be it at home or outside. There are occasions when they may not be able to counter discrimination and gendered behaviours, which could strengthen gendered relations. The subtle hierarchies and intimidation are everyday experiences, and care workers handle them differently. While some mostly ignore and then keep a distance from the person concerned, there are a few who confront the issue.

Sumathi, the ASHA worker, pointed out that the ward member sometimes shows discriminatory and arrogant behaviour, and his vehemence reflects in screaming, such as "ASHA and nurse show partiality and they do things as they think without reporting to me". She emphasised that, "he will not go with the team for house visits, despite informing him the day of the visit in his ward. Once the nurse told him to come with us if he wants to see how we work, after which such complaints are less".

The community nurse shared another instance when, an elected representative yelled at her once saying "what for does the panchayat pay you, unless you do all these works", despite her committed work in the panchayat area. According to her, elected representative's attitude was abusive and some of the words used were highly disrespectful. She shared that in such cases, "We tell them that we have been assigned the work that we have to do at each house we visit. When we are asked to do more than that, it's our work that is being compromised". Several participants narrated similar experiences from various powerful persons at the local level. Even when such incidents are reported to the concerned officers, rarely are there any actions taken that the women attribute to their identity as field- based contract workers. Many noted that the only way to handle such abuse is to handle it then and there.

One of the male JHIs shared that there are heated arguments as the women retort back. Once, an elected representative abused a woman's health care worker when she asked for the return of the unused fund (fund management is by elected representatives, in this case) allocated for ward sanitation. It became a huge issue, and he treated her offensively. She felt thoroughly disturbed and mentally down, and opined that, "If I were a man, he would not dare to behave like that". But he had to finally return the money as it became an issue, and this for her is a sense of achievement, though she was upset about the whole incident. The fear of renewal of contract is a concern that all women expressed while taking up issues with authorities or challenging powerful people. In such cases, patient support was also highlighted as a cushion as many patients are also influential and are ready to help them if needed.

It is also seen that women may decide not to exercise their agency, as this could mean challenging social hierarchies and power relations affecting their employment prospects. Further, there is also a fear of being subjected to restrictions on their otherwise smooth work life. Care workers are mostly from within the locality, and thus challenging gendered social relations and hierarchies without the knowledge of the family is also difficult. This prevents many care workers from pursuing issues that they encounter with powerful people at the local level, patients' families or other men. Thus, though many had one or two experiences of harassment, humiliation from the patient's side or other members of the team, many have not shared it with the family as it could trigger conversation around her work and family honour.

Women expressed their happiness to share their fight against the system collectively as care workers. As mentioned earlier, community nurses are part of the local self-governments, while the other two are part of the National Health Mission. ASHA workers, while having been part of the system for many years, secondary palliative care nurses are relatively a new addition and are absent in other states. The organised struggles of ASHA

workers were pointed out by community nurses as learnings which provided them the impetus to form a union. The union, Kerala Palliative Nurses Federation, since its formation, has been able to take up many issues and has played an important role in fighting for better salaries and conditions of work. The salary of the nurses has seen a gradual increase over time, and because of the active intervention of the union, the state has extended accident insurance coverage to community nurses. However, contractualization of palliative care employment is an issue that the union has not been able to take up effectively. Given the larger context of informalisation of health workers in the past two decades, this would demand concerted action and alliances with unions representing other segments of the sector.

The above discussions clearly highlight that though there is discontentment with the terms of employment, women workers nevertheless extracted a tremendous sense of self-worth from the nature of work they perform. Even when the work they undertake is undervalued and is full of challenges with hierarchical relations, this did not affect their engagement with, and commitment to work. They all aspired to work, and they liked to work as care workers and through their work, they tried to overcome the challenges it posed.

IV. Conclusion

The neoliberal deregulation of labour laws has deepened gender inequalities and is reflected in the increasing prevalence of non- standard and contractual forms of women's labour in the health care sector, similar to several other employment arenas (Thresia, 2016). The deeply entrenched gender and patriarchal hierarchies of the system discriminate against women and undermine their agency and equality. The job of the community workers in palliative care who are into home visits, even when they are nurses, is viewed as low-end and is further devalued.

However, the outcomes seem to be more nuanced. While oppressive and gendered power relations do undermine the contributions of women in palliative care, the nature of the work also

offers opportunities of self-esteem building and sustenance. Women find ways to overcome their status as underpaid care workers through their work. They perceive, develop, and use strategies that ensure their well- being and survival through actions in everyday life. While women ensure their own sustenance often in an overworked and stressful milieu, the role of the state in providing dignified /decent work conditions and social space is contentious. The state is the great beneficiary of women under paid care work. Through their home- based care contributions care workers help in mitigating the health and social care deficits and the huge fiscal problems owing to institutional care. However, a due recognition from the state has eluded the lives of the care workers. The centrality of women's undervalued care work and its implications for their own health and survival must be acknowledged in development and policymaking. Gender- sensitive reforms in health and social care policy are essential for redressing inequalities, strengthening women's agency, and enabling inclusive and equitable development.

References

[1] Alarakhia et al. (2024). Gender inequality and care work L Valuing and investing in care (Chapter 17). In Gender Equality and Economic Development in sub-Saharan Africa edited by Kolovich L and Neweak M., International monetary Fund, IMF e Library. Available at https://www.elibrary.imf.org/display/book/9798400246968/CH017.xml(Accessed on August 24).

[2] Centre for Enquiry into Health and Allied Themes (CEHAT) (2016), Integrating Gender in Medical Education: Assessing Impact, Mumbai, India.https://www.cehat.org/uploads/files/GME%20Report%281%29.pdf.

[3] Government of India (2015). Arogyakeralam Palliative Care Project: Ensuring Care and Support for the Chronically Ill & I'nfirm in Kerala. In 'Social Sector Service Delivery Resource Book: Good Practices'. Niti Ayog, Government of India.

[4] International Labour Organization (ILO) (2018). Care work and care jobs for the future of decent work, ILO, Geneva, https://www.ilo.org/wcmsp5/groups/ public/—dgreports/—dcomm/—- publ/ documents/publication/wcms_6 33135.pdf

[5] Kabeer, Naila (1999). Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment, Development and Change, 30(3): 435-464, https://doi.org/10.1111/1467-7660.00125

[6] Kumar SK. (2007). Kerala, India: A Regional Community-Based Palliative Care Model. Journal of Pain and Symptom Management, 33 (5). doi:10.1016/ j.jpainsymman.2007.02. 005.

[7] Neetha N. (2015a). Minimum wage setting practices in domestic work: an inter -state analysis, Conditions of work and employment series - No. 66, Inclusive Labour Markets, Labour Relations and Working Conditions Branch, ILO Geneva.

[8] Neetha N.(2015b), Probing the Low Participation of women in employment, Paper presented at the International Conference on Gender Equality, The Gender Park, 12-14, November 2015, Ministry of Social Justice, Government of Kerala, Trivandrum

[9] Neetha N and Thresia, C.U (2024) Community Led Palliative Care: A Study of Women Health Workers in Thiruvananthapuram, Kerala, (unpublished report), Centre for Women's Development Studies, New Delhi.

[10] Risberg G, Hamberg K, and Johansson E E. (2006). Gender perspective in medicine: a vital part of medical scientific rationality. A useful model for comprehending structures and hierarchies within medical science. BMC Medicine, 4(20: 1-5. doi:10.1186/1741-7015-4-20

[11] Shai A, Koffler S and Hashiloni- Dolev, Y. (2021). Feminism, gender medicine and beyond: a feminist analysis of "gender medicine". International Journal of Equity in Health 20 (177). https://doi.org/10.1186/ s12939-021- 01511-5

[12] Thresia CU (Forthcoming). Shifting locations of knowledge production for health policies in the context of decentralisation: community engagement in palliative care in the Indian state of Kerala. In 'Expertise and Policymaking in India and China' edited by Manjari Mahajan and Mark W. Frazier. Amsterdam University Press.

[13] Thresia CU (2016). Non-Standard Work and Quality Of Healthcare Services in South Asia Non- Standard Work & Quality of Healthcare Services Author: Public Services International, South Asia.

[14] Vanstone M and Grierson L (2022). Thinking about social power and hierarchy in medical education. Medical Education 56 (1):91-97. doi: 10.1111/ medu.14659. Epub 2021 Sep 1.

[15] WHO (2014). Global Atlas of Palliative Care at the End of Life.

Failures of Marital Provisioning and the Framing of Agency by Migrant Domestic Workers from Kerala

Praveena Kodoth*

Abstract—The major structuring contexts of cross border labour migration from India do not enable the mobility of women, yet women from Kerala are a visible presence in jobs such as domestic work in the Middle East. Overseas mobility removes women from the everyday regulatory scope of local / family patriarchy. Cultural norms that restrict women's autonomous mobility, independent of their families, and mandate marital control over their sexuality informs legal restrictions on women's migration. Emigration policy restrictions on women are justified by policymakers as necessary to protect women at the lowest end of the job hierarchy, but end up fostering irregular migration at greater risk to migrant women. These contextual and empirical factors render the agency of emigrant women workers oppositional and subject migrant women to stigma. Yet, women from Kerala have been migrating as domestic workers for more than half a century. Thus, I ask how do aspiring women overcome cultural barriers at home and obtain access to mobility or in other words, what negotiations underpin women's movement? The women whose narratives I analyse here turned to overseas jobs to improve their lives; but they emphasize the failures of normative marital provisioning as the impetus for migration, directing attention to the compulsion to earn for their and their families' survival. By highlighting the lack of choice, I argue that migrant women refuse to own their agency in an effort to ground their migration on socially acceptable terms and thereby to garner licit space for migration. The paper draws upon a survey and semi structured interviews with 150 emigrant and returnee women from Trivandrum district, Kerala.

Keywords- Women's labour migration, migrant domestic workers, Kerala, Middle East, Women's agency, Paternalist emigration policy.

*Praveena Kodoth is Professor at Centre for Development Studies, Thiruvananthapuram, Kerala, Email: praveena@cds.edu

I. INTRODUCTION

Contrary narratives circulate about women workers who migrate from Kerala to take up jobs as domestic workers, ayahs, cleaners, cooks and assistants in commercial establishments to the Middle East. The popular Malayalam film, Gaddama (2011), captured a dominant narrative showing the protagonist, a migrant domestic worker (MDW), as compelled to take up an overseas job in penury after the loss of her husband. The film catapulted MDWs into the sub national consciousness but depicted the protagonist as abused, helpless and waiting to be 'rescued', divesting her of agency even before her journey began. A second narrative, by contrast, endows migrant women with significant agency albeit of an illicit form, suggesting that they make money through sex work. In contrast to the dominant narrative, this one circulates in subterranean ways, in the form of innuendos and whispers, thus lacking public visibility though by no means lacking public

impact. Together, they resonate on the fashioning of a paternalist emigration policy that sees women's labour migration as undesirable. State policy is of tangential interest in this paper, the more important concern being with migrant women's agency. Agency has been defined as the ability of a person to manipulate her personal environment, i.e., to mobilise information and other resources and to use these as the basis of decision making and action (Dyson and Moore, 1983). While migrant women exercise agency, in this sense, in making decisions regarding migration and acting on them, in the paper, I wish to draw attention to how women frame their own agency in a social context where 'owning' it risks attracting the pejorative meanings associated with women's mobility and sexual freedoms.

Kerala is a pioneer among Indian states in being responsive to the concerns of migrant workers and setting up an institutional framework to support them.[1] However, women labour migrants have remained invisible in the state. A series of survey- based studies on migration from Kerala normalizes this invisibility and has limited the questions they ask about gender to issues arising from male-dominated migration.[2] Women's cross border labour migration from Kerala has been structured by three contexts - the cultural milieu and economic contexts in Kerala, the legal context in India (which together determine the supply of workers) and the economic and legal context in the Middle East (which determines demand). The cultural and legal contexts in India/ Kerala are interlinked as a paternalist policy is informed by and reinforces restrictive gender and sexual norms, making it all the more difficult for women to question dominant power relations and obtain legitimate space for migration.

The male breadwinner norm entrenched in Kerala's cultural milieu produces migrant women's agency as oppositional. The norm of marital provisioning or the husband/father as the provider of families was ushered into the socio-cultural landscape of Kerala through colonial intervention and the modernizing reforms that came in its wake. It was among the norms that cut the ground for a new form of patriarchy which institutionalized the need for marital protection of women within a monogamous framework. Modernizing reforms in the early- mid twentieth century affected a shift and a dispersal of patriarchal authority from propertied men and women at the apex of the agrarian and jati hierarchies, to individual husbands within modern conjugal families (Kodoth 2008). Reforms centered marriage as the core of family, where previously matrilineal social institutions did not, and constructed women's access to employment or other forms of direct access to incomes as secondary to conjugal domesticity. [3] Women's autonomous mobility, independent of their families, and the nature of their overseas employment – care work in the intimate domains of the homes of strangers – brought women under suspicion of breaching gender and sexual norms and subjected them to stigma.

The legal context in India is framed by the Emigration Act, 1983, which mandates emigration clearance for all migrants. Citizens with less than 10 years of education and some specially designated occupational groups such as nurses are considered to warrant additional protection from the state and therefore need to undergo a special procedure to obtain emigration clearance unlike citizens with more education, categorised as Emigration Check not required (ECNR). The ECR category applies only to designated countries assessed to have poor working conditions, that include those in the Middle East. The procedure for emigration clearance involves verification of prescribed documents by the office of the Protector of Emigrant, that acts as a border check point. The ECR mechanism has been used to impose additional restrictions on women that has narrowed the categories of women eligible for migration and the regular pathway of migration available to them. Conditions include a minimum age of 30 years since the 1990s and in August 2016, the government stipulated that ECR category women may be recruited by only stipulated public sector recruitment agencies, i.e., they are not permitted to obtain employment and work visas through

private sources including their own family members and friends. Though sponsors may recruit directly through the eMigrate portal; to do so they must make a security deposit of $2500, which makes the cost of recruitment prohibitive. [4] Justifying paternalism, policy has, over more than half a century, represented women migrants as lured by the 'lucrative' promises of 'unscrupulous agents' (see for instance, GOI, 1973, 2018) implying that they are incapable of making careful and judicious decisions. A restrictive policy has diverted women to the use of irregular migration at greater risk to themselves.

The legal context in the Middle East is defined by the Kafala system of sponsorship and recruitment, which require migrant workers to be sponsored and to work only for their sponsor. Thus, workers' residence permits are tied to their sponsor-employers and the sponsor wields heightened powers over workers including to fire and deport them or to prevent the worker from leaving by denying her an exit permit. MDWs are excluded from the general labour laws as they are considered household workers though recently some of the Middle Eastern countries have enacted separate laws for them. In practice, however, the continuation of the Kafala system makes it difficult for foreign workers to claim rights and could prompt them tolerate violations of their rights for fear of losing their employment status that country. While the system makes it difficult for source countries to intervene on behalf of their workers, source countries have adopted different approaches. Countries that adopt a liberal, open border policy – most prominently the Philippines – have been more proactive in building infrastructure to train workers and to extend protection to them at the destination.

Demand for MDWs in the Middle East has remained steady in the face of economic downturns, nationalisation policies and even the recent pandemic. A steady increase in women's work participation rates among nationals, a high proportion of children under 14 years, demographic aging and inadequate care facilities have all contributed to demand (Tayah and Assaf, 2018, ILO, 2021). The employment of domestic workers also has 'status' value for people of the region (ILO, 2013: 32, al Najjar, 2002, Sabban, 2002: 89). Additionally, a large expatriate population that includes professionally employed women with young children also employ migrant domestic workers. Despite the risks arising from the power asymmetry engendered by the Kafala rules which has led to instances of severe abuse, there has been large scale migration of domestic workers from Asia and Africa in the hope of earning higher incomes.

Indian women were among the first foreigners from outside the Arab region to take up employment as domestic workers in the countries of the Persian Gulf (Kodoth, 2016). Kerala has been an important source of migrant labour in the Middle East since the mid twentieth century (Kodoth, 2017, 2020). An early source of demand for domestic workers came from white collar workers from Kerala but migration grew with the increased demand from nationals since the 1970s. Migrants have relied heavily on private networks and connections, including recruitment agencies, to obtain overseas employment and passage. They have continued to do so, despite increased risk, even after private recruitment was banned in 2016 (Kodoth, 2020).

The women whose narratives I analyse here turned to overseas work to improve their lives; but their mobility removed them from the everyday regulatory scope of the local community and brought them under suspicion. Overseas employment also positions women visibly as breadwinners of their families in a social context characterized by marital provisioning by husbands. However, women may be compelled to don the role of breadwinner by the breakdown of marriage. Thus, I argue that migrant women resort to a subversive framing of their agency that grounds their migration on socially acceptable terms in order to salvage some legitimacy for their decisions. Women seek to suppress the element of individual choice as a response to the socio-

cultural context that renders their exercise of agency as oppositional, at once defiant and compromised, and to a paternalist state policy that reinforces the patriarchal power of families and communities to control women.

The paper draws on material generated through field work in 2013 in Trivandrum district of Kerala, which comprised a survey of 150 women migrants and those who had returned in 2008 or later, that is in the five years prior to the survey along with longer semi structured interviews with these women. The survey captured social and demographic characteristics of the women as well as summed up aspects like decision making. The interlinked cultural and legal contexts have not changed substantially. One, despite the ban on private recruitment, many aspirants depend on widely available personal or commercial networks (see Kodoth, 2020). However, state paternalism has altered the quality of networks as the more credible private recruiters prefer not to recruit women, leaving the field open for the unscrupulous actors. Two, the change in regulation in 2016 has not led an increase in migration from Kerala, which remains at relatively low levels at least partially because of irregular migration. Three, norms change slowly and there is no evidence to show that gender norms have changed substantially during the intervening period especially with respect to poorly educated women's autonomous mobility for work. The choice of Trivandrum for the fieldwork is important because of the temporal depth of migration, cultural diversity of migrants (see table 3) and their distribution across the coastal region, highland villages and urban slums.

II. SITUATING WOMEN'S LABOUR MIGRATION FROM INDIA

There are over 2 million women domestic workers in the Middle East and almost all of them are migrants (ILO, 2021: 2, 5). Before the oil boom in the early 1970s, the employment of domestic workers which was restricted largely to the wealthy families but since it also became a symbol of

social status. The bulk of the workers are sourced from Asia.

Table 1 Emigration of women as domestic workers

Country	Year	Number
The Philippines	2010	173,883
	2019	260,993
	2020	40,203
	2021	NA
	2022	NA
Sri Lanka	2010	229,142
	2019	61,489
	2020	15,322
	2021	29,266
	2022	74,007
Bangladesh*	2010	27,706
	2019	104,786
	2020	21,934
	2021	80,143
	2022	105,466
Indonesia	2010	267,231
	2019	85,715
	2020	57,630**
	2021	—
	2022	—
India***	2010	10,718
	2019	1,731
	2020	513
	2021	608
	2022	5,895

*Figures are for women migrants. An estimated 80 % of women migrants have been domestic workers (Siddiqui et al., 2019);

** Computed assuming 50% of women migrants are MDWs, as in 2019;

***Figures are for women with less than 10 years of education.

Source: Computed from Bureau of Manpower Employment and Training, Bangladesh (https://old.bmet.gov.bd/BMET/logout), Sri Lankan Bureau of Foreign Employment, Philippines Overseas Employment Administration, e-Migrate, India

India is a smaller source of MDWs in the Middle East, overall, when compared to the other major source countries in Table 1. However, ECR category women migrants are poorly documented

because restrictions divert them to use irregular channels. The Philippines has pursued a liberal open border policy since the 1970s and has invested heavily in migration infrastructure and in equipping migrant women with skills and education. Bangladesh switched to a liberal policy around 2010 and has seen an exponential growth in migration since then. Indonesia saw a decline in migration with the imposition of bans to specific countries on account of complaints of abuse. However, there may be an increase in deployment after the pandemic. [5] Sri Lanka closely followed the Philippines approach from the 1980s until 2013, when it adopted the Family Background Report that discourages mothers of young children from migrating. Weeraratne, (2016: 16) has observed that a decline in departures of women from the country has been accompanied by evidence of irregular migration.

There was a sharp dip in emigration clearances to women post 2016, as the state-run agencies took time to begin recruitment (Kodoth, 2021). Prior to 2016 also there was sizeable irregular migration on account of the minimum age and to avoid the $2500 security deposit (a condition that was imposed in 2011).

Table 2 Number of Registered Indian Women Workers in Kuwait and Oman, 2018

Women workers	Kuwait	Oman
In the private sector (mostly nurses)	24,232	
MDWs (for 2013) 26,507*	69,858	
Government sector (Finance and administration)	16,192	
Total women workers		45,402

Source: Standing Committee on Labour (2018),

* Begum (2014)

Nonetheless, India is a leading source of women MDWs in Kuwait and Oman. Indian MDWs have had a long history of migration to the UAE, they have seen a surge recently in Saudi Arabia. The numbers in table 2 refer to the stock of MDWs from India in Kuwait and Oman and are not comparable to the numbers in table 1, which are annual flows. Yet, it is notable that India is among the leading sources of MDWs in these countries and there are more MDWs in these countries than nurses from India, whose migration is recognized and even valorised.

III. MATERIAL CONTEXTS AND MIGRATION RESOURCES

The coastal region of Trivandrum has witnessed migration of women going back to the 1950s and there are villages here that are intensely migrant. Migration from the highland villages and urban slums go back to the early 1980s when private recruiters with networks in Bombay began to play an increased role. Women emigrants are mostly from marginalized social and caste groups. The bulk of the sample of 150 women were from the Other backward classes (OBC), comprising the Latin Catholics (from the coastal fishing communities), Muslims (coastal fishing communities and highland communities), Hindu Ezhavas, Scheduled Castes (SC) and Scheduled Tribes (ST). The ST women from the highlands started to migrate overseas only in the 1990s. Less than 10 % of the sample were from the privileged castes.

Table 3. Characteristics of migrant women

Category	Percentage (%)
Hindu	31.3
Christian	37.6
Muslim	32.0
Caste	**Percentage (%)**
SC	10.7
ST	2.0
OBC	77.3
Others	8.7
Age	**Percentage (%)**
Below 30	3.3
Category	**Percentage (%)**
30 – 39	20.0
40 – 49	45.3
50 and above	31.3
Marital Status	**Percentage (%)**

Never Married	5.2
Currently Married	58.0
Divorced/Separated	16.0
Widowed	20.7
Education	**Percentage (%)**
Not Literate	11.0
Less than 10 years	81.3
Completed 10 years	5.3
More than 10 years	2.0
Decision Making	**Percentage (%)**
Self	82.0
Jointly with Spouse	11.0
Others	7.0

Source: Author's survey, 2013.

The narrow social and educational profile of women is striking. Most of the women were from relatively older age groups. Women who had started migrating in previous decades continued to migrate in a form of circular transnationalism while fewer younger women entered migrant employment. The small number of young women were from very poor families on the coast; more frequently mothers would migrate to cater to the needs of the family. A disproportionate share of women was either divorced/separated or widowed. According to the Census, 2011, about 73 % of women between 15 and 59 years were currently married while those who are widowed are about 7 % and separated or divorced are 2.2 %. This was indicative of the terms on which women accessed migrant jobs. Though this is a snowballing sample, it covers a large number of villages and wards and there was no particular intention in selecting women of any particular marital status. Thus, this would go some way to indicate that migrant domestic workers are an outlier. While a few older emigrant women were illiterate and a small number of younger women had completed 10 years or more of education, most had a few years of schooling.

Networks have been critical to how women access migrant jobs and overseas passage. Family, extended kin, neighbours, friends, acquaintances and commercial intermediaries motivate women to seek overseas employment and also provide resources ranging from finances, visas and emigration services. Even family members and friends my charge fees for visas and other services thus making it difficult to make sharp distinctions between personal and commercial networks. Women referred to the commercial intermediaries as simply 'travels' because travel agents doubled up as recruiting agents and sourced visas for aspiring workers. Recruiting agents or sub agents are proactive in mobilizing women migrants, targeting wage labourers and housewives whose financial needs are apparent and persuading them with offers. Once the decision is taken that a particular woman will take up an overseas job, a visa may be obtained in two or three months; sometimes it takes only a couple of weeks because an agent is already in touch with a ready offer. The effects simultaneously of social and commercial networks are evident in the clustering of workers in specific destinations, most prominently Kuwait, and their distribution across the Middle East with the exception of Jordan. A small number of respondents had worked also in Israel, Singapore and Malaysia.

Reports of abuse in overseas employment circulate widely in the source regions. Also, intermediaries referred to generally as agents are notorious for cheating women migrants. The most frequent complaint was that agents deceived women by promising higher salaries than they actually received. However aspiring women migrants are greatly dependent on agents to facilitate their passage to the destination because of the bureaucratic procedures involved. Migration was initiated in interior villages and highland localities by agents, who had gone to homes in search of potential emigrants. In the highland villages, the use of networks produced clusters of extended kin groups, the migration of a woman enabled her siblings, more distant kin and the next generation of relatives to go. Still further in the tribal settlements, agents are a more recent presence.

In the coastal areas, women from the older generation contribute significantly to the family

survival through fish vending but a strong culture of masculinity associated with physically strenuous work and with drinking subjects them to conjugal authority. Women's ability to mobilize resources to go overseas is limited by their lack of independent access to finances. Women emigrants mostly use loans from informal sources. Debt taken to finance migration but also previous debt in the family, hopes of stable incomes, demands arising from marriages and education of children or health expenditures prompt women to seek overseas employment. These conditions generate a form of circular transnationalism (see Piper, 2022). The risks associated with overseas employment are such that there is no certainty that women will be able to earn the expected incomes but even when they do, these earnings do not provide the basis for economic security because they are spent on one or other contingency. [6] A returnee migrant who worked as a fish vendor observed that she was able to earn as much selling fish but daily earnings tend to be frittered away while overseas earnings can be saved and used for a large contingency such as a marriage or expenses on higher education.

In most instances, migration subjected women to hardships, exposed them to new worlds and allowed them to grow and learn. In some instances, they gained a measure of control over their lives and were able to pay for building houses, repay loans or provide for their children's education or marriages. In the absence of systemic support for migration, however, migrant women remained atomized and fragmented unable to mobilise a collective voice that could have been the basis of making claims on the state and to make a dent in gender norms. Within a patriarchal system, the absence of mothers' affected care for children and emotional bonds between them. Emigrant women usually leave children in the care of other women in the extended or marital families. Rarely do their husbands assume full responsibility for the care of their children. There were instances of emigrant women had returned without completing their contract because their children were not being cared for or their husbands

had started to create 'trouble', a euphemism for excessive drinking and infidelity.

It is important, however, to avoid naturalizing women's child care and other reproductive responsibilities. As England (2005) underscores in her critique of claims that women's migration as care providers is harmful to poor countries and families within them as it deprives children of their mother's love and care, migration involves a trade-off between the presence of women at home and the money they are able to earn which may provide the basis of a better life for their children, for instance when they are invested in education and health. Long years of migrant employment takes a toll on the emotional bond between mothers' and their children, bringing into play another trade off, between the uncertain social security for the mother later in life and improved outcomes for their children in the present.

IV. ANXIETIES AROUND WOMEN'S LABOUR MOBILITY

In Saudi Arabia these women are treated cruelly, locked up and not given food… very badly abused. Their situation is pitiable. But it is different in Oman and the other countries. There they get a day off every week. On those days, many of them can be seen on the roads waiting for clients. They are doing this voluntarily. In this way, they make a lot of money

(Conversation with a hired car driver during fieldwork, July 27, 2013)

Women go from here hoping to make money. But they lose their way [get involved in sex work] invariably. They may not tell you about it.

(Priest, Coastal parish)

Women labour migrants are stereotyped in popular and policy representations either as abject - defenceless and lacking in agency- or as vested with illicit sexual agency and hence immoral. State officials defend restrictions in ways that are riddled with gendered assumptions about mobility and fears of loss of control over women. [7] A MOIA (now merged with the MEA) official said the lifting of restrictions would lead to 'unbridled

movement' such that it would become impossible to control trafficking but also depicts migration as domestic workers as a channel to enter voluntarily into sex work.

The women who go to work for foreign sponsors I think they know what to expect. They do not go there believing that it will be a good situation. It is only women who have nobody to ask about them [a family or male provider] that go. They know what they will have to face over there. There are women who have complained to us from there. Sometimes on their return they come here. I feel that they are not genuine. In one case, I had forwarded her complaint but she came back on her own. She came here with three or four men... said one of them as her husband but during the conversation I could understand that he was not her husband. She wanted to go back. Because she came back before finishing her contract [on an exit pass] there was a problem with going back. They came here to find out a way for her to go. I don't think she was harassed. She may have been in a close relation with her sponsor and some problem developed so she feared for her life... If you have a proper family, you will not let the women go.

(Conversation, January 16, 2014).

The official poses the lack normative protection from marriage or family, as a condition that sets women adrift. The public sector overseas recruitment agencies in Kerala did not recruit MDWs until 2018, two years after they were mandated to do so by the government. A representative of a public sector recruiting agency described recruiting women domestics as 'a risk, I am not prepared to do anything that will demean the name of organization'.

Notably, the Indian government has been averse to intervene in support of MDWs. For instance, the Indian ambassador to the UAE refuted the need to raise minimum wages for domestic workers saying that it would increase illegal immigration and characterized those with problems as mostly illegal and illiterate (PTI, 2008). But the government has acted on the sentiments of an undifferentiated public.

Actually, the government policy is to discourage women's migration. There is a lot of cheating and exploitation going on. There is no control. If there is even a small problem it will have a big impact on our society. The impact when women go from a society like ours is quite different from when they go from a society that accepts free sex [a reference to the Philippines].

(Interview, Official public sector recruiting agency, 18 October 2014)

This perspective of women as symbols of national honour enables the state to curtail their rights as full citizens. It marginalizes this class of women migrants in cultural and economic terms by denying their rights to mobility and overseas employment.

V. WHO GOES? NEGOTIATING FAMILY PATRIARCHY

My daughter in law wanted to go but my son would not permit her. He said, 'we do not have to depend on the food she brings'. My daughter's husband also had said no

(Carmel, coastal fishing village, Trivandrum, July 2013).

People don't like it that the women go. Of course, there are men who are no good for the house or for society. They don't care. But there are also men who understand. They know that it [migration of women] could save a family. They give support. But most of the women from here, they go [overseas] against the wishes of their husbands

(Anila, Carmel's daughter-in-law, a Kudumbasree worker, July 2013).

Even in the coastal areas that have a culture of women's migration, that male breadwinner norm renders the agency of MDWs oppositional. Responses to migration opportunities 'are often determined by what happens in families and communities'; daughters or wives may be denied permission and family resource (Hondagneu-Sotelo 2000, 115). Even in societies that have witnessed large scale women's migration such as the Philippines there has been gendered push back from civil society (Fresnoza-Flot, 2012), but the

state's refusal to reverse its approach and its investment in migrant women have empowered them and enabled women to mobilise and make claims on the state (Ireland, 2017, Parrenas, 2022). In Sri Lanka where state interventions incentivized women's migration between the 1980s and early 2000s, it also reduced stigma on migrant women (Oishi, 2005).

In the absence of a supportive policy environment for aspiring women from Kerala, family/ community patriarchy becomes the key arbiter of who goes. In other words, who goes depends to a large extent upon women's social circumstances or how they position themselves in relation to marital provisioning. Women were able to gain support for their migration plans with greater ease when serious failures of provisioning are made apparent. For instance, community workers would comment occasionally about emigrant women who they believed suffered from dereliction that 'there is nothing amiss in her going. At least by this means she will be able to survive'. Most women respondents claimed to have suffered from some form of failure of marital provisioning. Their narratives suggest a pattern. Marital provisioning broke down when the husband died, abandoned the family or otherwise refused or failed to provide support but was merely deferred when women went to tide over specific economic constraints. A third category of emigrant women were outside marital provisioning, mostly unmarried daughters. This typology is only a window into the conditions in which women are able to overcome cultural barriers and take up overseas employment.

Breakdown of provisioning

Breakdown of provisioning leading to overseas migration of women may occur in several ways. Whereas widowhood, divorce or separation shifts the burden of provisioning 'normally' on to the woman, husbands may refuse or otherwise fail to provide for the family. The latter failures are signalled most frequently when a husband fritters away his earnings on alcohol or is indifferent to the family's welfare but also when he is too old

or infirm to work or has proved to be incompetent as a provider. Even when he fails to provide for the family, a husband may abuse his wife or be suspicious of her going out to work and create difficulties for her on a regular basis making it impossible for her to work locally.

Jumaila is a separated woman and mother of two girls. After her marriage at the age of 17 and two children by the time she was 19, she learnt that her husband had another wife and two children. 'For one or two years he would stay for six months seven months coming and going. Then I said I did not need a husband like this and we separated. But that man has not divorced me till today…' She left for her first job in Saudi Arabia in 1992 at the age of 29, several years after the separation, but she underscores it even as she is categorical about the aspirations that underpinned her agency.

I took the decision to go myself; I went. I had to raise my children. My husband does not give me anything, has no concern for me. I earned a living from wage work. I had to get my children married and educate them… If you work here, with a day's wage you can take care of the daily needs of the house. If we go to the Gulf, for our children we can get five sovereigns or something to get them married or to educate them or to build them a shelter. That this is possible, I was sure in my mind so I went

(Jumaila, Muslim, Highland village, Trivandrum, July 6, 2013).

Emigrant domestic work allowed Jumaila to aspire to more than just a hand to mouth existence but the support of her parents who took care of her children in her absence allowed her to go.

Geetha's husband had taken a loan to buy an auto and instead of repaying it he 'went around drinking' and took more loans from moneylenders at high interest. The debt mounted.

The four of us [two daughters, husband and she] were in the kind of trouble that could only mean death. I secretly applied for a passport

without telling my husband. When they came for police verification my husband came to know. Then I said, isn't it better than the four of us dying here. My husband used to drink heavily, now it's not so bad. When my daughter was studying for her plus two my husband came drunk and tore up her books

(Geetha, upper caste emigrant, Trivandrum city, April, 12, 2012).

In 1999, she went to Kuwait with the help of her husband's male cousin who worked there. Once her husband was persuaded, he helped her to go, chasing all the paper work and dealing with the agent on each occasion that she has changed jobs or gone to a new country in the past 13 years. Yet, she has learnt to rely on him less. 'But my husband, if I send him Rs 50,000 to pay off a debt, he will give Rs 30,000 and spend Rs 20,000 drinking. Now I pay the creditors directly'. Geetha is one of the few privileged castes overseas domestic workers in the sample and the only woman from her locality in such a job.

Lalitha had worked in Kuwait as a domestic worker for eight years when she returned in 2011. She went because her husband, who was in Kuwait, stopped sending money and she learnt that he had fallen into the company of other women. She says that the decision that she would go was taken by her friend, who convinced her that she must go in order to 'save' her life. To be able to go, Lalitha put her daughter in a boarding school and left her infant son in the care of her sister. Lalitha deflects the blame for her husband's profligacy on to his women companions.

When I went there, I saw, through the phone these women [pause] if they get one person's number, then somehow, they will pull them into their trap. So, I endured a lot [because her husband was disloyal to her]. My mother-in-law was there, she said, 'send some money I will take a visa'. Mother-in-law did not help [with raising money]. She will not help... I will be able to live so I managed some money here, Rs 1 lakh, took the visa and went there. I got beaten up [by her husband]. So many women were there to keep

him company so I got a lot of beatings, that's how I became ill...

(Interview, Coastal village, August 11, 2013)

For Lalitha saving her marriage is equal to saving her life indicating the shame and degradation of separation. Thus, it is important that her husband appear as the victim (of other women) in the narrative.

Kochumaria presents her husband as incapable of being the provider. Her gold was pledged to run the household expenses, when her husband tried to start a business on a loan and failed. As the debt increased, she started working locally as a domestic worker. 'I told my husband, I go daily for Rs 1500 a month, if I go to Dubai there will be more salary. That way, we can solve our problem. Let me try to go?' Her husband would not hear of it. She persisted, mobilized support from her aunt who was working as a cleaning supervisor in Dubai to get him to agree. Her parents told her that her husband should be the one to go.

But my husband, it's not just about speaking, he has no experience of going anywhere, even at home he is silent. If you know a 'trade' then it is alright to go. But somebody who does not know, if you send him and he suffers If he goes out, he will be like that, he does not have education but also, he does not know how to get along with people and go out and work. Then he was [a] skeleton, not well built so he would not have had the health to work. There it is hot, cold, to adapt to all that, my husband does not have the ability

(Kochumaria, Latin Catholic emigrant, coastal village, July 9, 2013).

Kochumaria's mother takes care of her children in her absence though her husband is present. She is waiting to go to Singapore as a housemaid for which she had been interviewed.

Deferred provisioning

Deferred provisioning arises when the husband does not vacate the provider's position altogether or may expect to regain it once a situation is redressed. Women's migration is

conceived of as part of family strategies to meet exigencies that arise at specific junctures such as daughters' marriages, expensive higher education for children, debts to be paid off or a house to be built or renovated. Typically, also provisioning is deferred when women go because men fail to get a visa or because 'housemaid' visas are cheaper compared to that for male workers. In this case, women's migration may open the doors to an overseas job for their husbands or for their sons. Provisioning may be deferred also when women live overseas with their husbands but their salaries from domestic work are too substantial.

Shanti feels the need to explain why her husband did not object when she decided to go to Oman, '[h]e did not say anything… Why because there was a girl to be married. If I had stayed here, what would we have done? Because of that he did not say anything. He gave me permission to go'. Her husband is a daily wage worker. According to Shanti, he did not attempt to go overseas himself, 'because he does not know how to read and write. What will he do there?' Shanti has been receiving offers from agents and would like to go again in order to be able to renovate her house. Her previous savings were exhausted on her daughter's marriage – she gave one and a half lakhs in cash and 10 sovereigns of gold. However, she is constrained because her daughter, who managed the home during her previous absence, has shifted to her husband's home. She says to be able to go overseas, she will first have to make some arrangement for the care of her husband and son.

Lateefa's husband tried to go to the Gulf two or three times. He sold all the property her mother had given her but could go only as far as Bombay. As he could not get a visa, he then suggested that she should go. 'Everybody is going. You also go… Because he said that I went'. She turned to her mother for financial help. She left for Bombay at the age of 21 leaving her 10-month-old boy and a four- year-old girl in her mother's care. She almost lost hope during the two months wait in Bombay but got a visa to

Saudi Arabia.

I had lost everything. A measure of rice, I did not have the means to buy… I had not worked here [her natal village] before. My brothers were in business. They had the means to live. Here, where I was born, to do wage labour was demeaning. My brothers were starting to do well. They started to keep a distance from me, I felt… At the time, everybody was going to the Gulf. If I went, I would at least have the status of a Gulf kari

(Interview, July 5, 2013, Highland village).

Rarely do women domestic workers live overseas with their husbands, but those who do may straddle the space of deferred provision. As an overseas worker himself, the husband may be reluctant to acknowledge the full importance of his wife's contribution. Anwar's sponsor- employer had provided the 'housemaid' visa for Anwar's wife, Sakina, to go to Kuwait on the arrangement that she would work outside and not for him. This is illegal and is done on what is referred to as a 'free' visa, which entails the sale of the visa by the sponsor so that a worker is free to negotiate her employment on the 'open' market. Sakina had been working 'outside' for several Malayalee families on a part-time basis, when last year the sponsor told Anwar that he wanted her to work for him. To avoid this Anwar found her another sponsor. 'I took her there with me so that she could live with me and not to make her work'. Going overseas on a 'free' visa is an expensive means of enabling family life overseas for a blue-collar male worker. Sakina earns between Rs 30,000 and Rs 40,000 a month, much more than she would earn working full time for a sponsor but more importantly it is also likely to be more than what Anwar earns as an office boy and driver to an advocate. Her visa cost around Rs one lakh and must be renewed for a similar sum every two years. Renting a living space is expensive in Kuwait and there are other living expenses to be met. The woman's income is crucial for the couple to generate a significant savings. Sakina and Anwar, a young couple, have been able to use their savings to renovate the old house in a highland

village in Trivandrum, where their children live with Anwar's parents.

Women outside marital 'protection'

It was rare for women to take up overseas work on their own initiative unrelated to marital provisioning. Most of the women respondents were married when they first migrated. In the 1980s and 1990s, my data suggests, younger women below the age of 30 went more frequently than they do today. This category includes daughters who assume the burden of their parents to get siblings educated or married or to provide for their own marriages. Majida was only 18 years old in 1995, when she took up domestic work in Kuwait. Her father sold fish for a living. 'He did not have the means to get us married.' Majida may be described as precocious in her sense of filial responsibility.

My aunt was there. But I went through an agent… We did not have a secure income, no house… We were four children; I was the eldest, two boys and a girl. At the time I had an ambition, somewhere must buy five cents of land, my sister must get married, after that must, one by one in the family must get to a secure position. That was why I went. I spent Rs 30,000 to go. Even a loan of Rs 10, I was scared of then. That me! took Rs 30,000 as a loan and went.

She spent 13 years working for a single Arab family after running away from her first employer because of acute physical violence. 'I suffered a lot of physical abuse… After a month and several days, they did not pay my salary… I was really upset. At home so much debt. Then I thought, some people who come to the Gulf countries go crazy and run away. We blame them [in Kerala thinking]. 'Why can't they stay? What arrogance?' I thought all this'.

Bincy had grown up in a coastal village watching women leave for foreign shores. In 1989, when she was 21 years old, she went to Dubai motivated by a sense of adventure but her visit lasted only a month as she was unable to cope with the rigors of paid housework. 'I did not

know anything at the time', she said. Her brother was in Dubai and he interceded with her employer to let her go. Seven years later, she returned to Dubai on a 'free' visa and found work there as a bar attendant. 'There is no salary, it's all in tips, [we] can make a lot of money. I stayed outside, a rented room… But I did not save anything... No, I did not send money home'. She earned around 1000 Dirhams a month, which is significantly higher than the wages of a domestic worker at the time but spent it all on good food and on the things she liked. She had an interreligious marriage in Dubai and came back after five years.

Maria's second sojourn to Dubai in 1990 (at the age of 26) was to make money. By this time, she had lost her parents and her younger siblings were in the care of her maternal aunt. In 1986 when she left her coastal village for Kuwait to work as a domestic worker her father had made all the arrangements. The second time she went on a tourist visa sourced through an agent who had arranged with her knowledge for her to do sex work. 'But it was not like I thought. It is very difficult. I had to take sometimes 18 customers a day. I could not do that'. She ran away with the help of a Malayalee man whose acquaintance she had made, lived with him for a little more than a year; had a son and returned home when he told her that he could no longer stay with her. Her partner was already married and had a family in Kerala. When her son was a year and a half, she returned to Dubai to do sex work and continued to go over the next ten years. In 2007, she went to Israel illegally and worked as a domestic worker.

The younger generation of girls may have less reason to seek overseas employment; they are relatively better educated than their mothers' were and have better opportunities locally. Susanna, a return migrant had said, '[h]ere if a girl works in a shop, these days she can get at least Rs 6000. In the Gulf, now she may get Rs 10,000… Why should they go for that slave labour?' Annie's younger daughter who did not complete school earns Rs 9000 a month in a food

processing unit in the city and drives to work on a two- wheeler she bought on a loan. The daughter of a returnee had a contract job as a ground staff for an airline. A few among the daughters of returnees or overseas workers were training to be nurses, teachers or pharmacists or doing computer courses. Second, the profile of jobs that young women may take up in the Middle East is more diverse now– hotel waitresses, helpers in schools, hospital assistants, shop assistants and store supervisors. One respondent had been a swimming instructor and one a coast guard. A third aspect is the rising aspirations for jobs in the industrialised countries – in the care sector, which may include elder and child care, as shop assistants, factory work or in retail. Single women or young women with their husbands from some of the coastal villages work in Italy and London or were in touch with agents who had promised them visas to Canada or Australia.

Failures of Provisioning and Women's Framing of their Agency

The circumstances in which women take up overseas jobs are considerably more diverse than popular, policy or even academic narratives allow for. However, in seeking social legitimacy for their migration plans, women may highlight provisioning failures. In practice, they strategized in diverse ways to obtain consent to go and to raise resources for migration. Geetha is not alone in manipulating her husband to obtain his consent. Women who fear refusal by their husbands' but are determined to go had withheld information to various extents. Thangamma said her husband was in northern Kerala with a fishing team. 'I got him to come back the day before I left and told him… If I tell him [in advance], he will create trouble, talk unnecessarily and drink heavily'. A woman whose husband was constantly suspicious of her (samshayarogam) and would not allow her to work even locally left from her brother's house, informing her husband on the phone only just before leaving for the airport.

Women migrants defined and articulated their preference for overseas work with clarity. They were not under any illusion about the risks or the returns from overseas jobs. Those who received salaries that were not significantly higher than what they may earn in Kerala, echoed Jumaila's view that an overseas job enabled them to mobilize their earnings into substantial savings whereas at home their earnings would dissipate in no time. Thus, the refusal to recognize women's agency as in the dominant narrative on women's emigration in Gaddhama is a refusal of emigrant women's own perspectives on their movement.

But emigrant women framed their agency in more complex terms. Table 3 shows that the overwhelming majority of women made the decision to go overseas by themselves. Even when they were emphatic that they had made the decision to go i.e., that they did not come under pressure to go from their families, they sought also to underplay the element of 'choice' in their decision. Break- down of marriage makes it relatively easy for emigrant women workers to avoid social disapproval as it is seen as depriving women of 'choice' or options. Thus, it tempered the oppositional character of women's agency. When they have spouses, the emigration of women workers is more tolerated than viewed as socially legitimate. Yet, as the narratives demonstrate, the circumstances that defer provisioning may obscure women's agency because women are seen to act in accordance with their husbands' decisions.

In contrast, the agency of unmarried girls is markedly oppositional even when in specific cases they may evoke sympathy. Their narratives signal the costs for women who step into the shoes of the male provider while remaining outside marital provisioning. Though their agency is not set in opposition (or allegiance) to conjugal authority, an important cost may be in terms of the conventional form of marriage. Majida says that in going overseas she did not think about herself but only about her siblings. She believes that she is fortunate to be married at the age of 31. Late by the standards of her locality and her

community and long after her younger sister's marriage, a chance encounter in Kuwait led to her marriage. Bincy had a 'love' marriage when she was 30, long after her younger sister was married. A few of the women in this category had remained single.

The life trajectories of women indicate the possibilities that migration opens up. Lateefa went overseas to retrieve the financial ground her husband had lost but stayed for the better part of 30 years. On her first vacation, she walked out on her husband when he insinuated that she had been sleeping with her sponsor thus moving out of deferred provisioning to breakdown. In terms of the conventional morality, there have been some deeply ambiguous moments in Lateefa migration trajectory, for instance after her divorce she had a boyfriend who reneged on his promise to marry her. Lateefa remarried eventually. She met her husband a Tamil man in Dubai and says he married her in full knowledge of her past and has 'looked after her as he would something most precious (ponnupole or like gold)', thus marking her return to conjugal protection.

Migration opens up diverse trajectories and new space for the negotiation of women's agency in ways that stretch the boundaries of a single category, enable women to move from one to another in the course of their migration and even to straddle more than one space at the same time. Women exercised agency in making decisions but also executing them. However, migrant women's framing of their agency in ways that highlight lack of choice is a response to the socio-cultural and legal contexts. In the exercise or framing of their agency, migrant women avoid confrontation with dominant patriarchal power choosing instead to prize open space on terms that may be considered legitimate within the system. Migrant women do not seek any kind of radical break with patriarchy. This is most evident in their aspirations for their daughters and the significant investments in dowries to get their daughters or siblings married in socially appropriate ways. Thus, emigrant women's responses to patriarchal barriers against mobility correspond to a form of 'bargaining with patriarchy' (Kandiyoti 1988). This approach leaves open the dangers of reinforcing patriarchal power as is apparent in the stigma that migrant women are subject to upon return.

VI. Conclusion

Feminists have pointed out that the politics underlying migration comes to the fore when we ask what interests are served when certain groups of people migrate for particular purposes and acknowledge the power relations that underpin the migration flows and experiences of specific social groups (Silvey 2004, 6). Migration scholarship on Kerala assumes that the male dominated flow is a 'natural' outcome of the dominant division of labour in families in Kerala. Such work has served to mask the power relations that underpin migration flows.

Policy barriers against women's migration reduce the scope for women to migrate through regular routes; they act in accordance with and strengthen social norms that advance marital control over women's sexuality and mobility and promote cultural stereotypes of MDWs as sexually permissive. A paternalist policy strengthens family patriarchy as the key arbiter in deciding whether and in what circumstances women may take up overseas employment. In response, women seeking support for their migration plans by manipulating family patriarchy, highlighting provisioning failures and moving strategically to mobilize information, resources and allies.

This paper draws attention to how aspiring women and migrants intercede in the patriarchal dynamic of bargaining in the family in order to create the space to go. In a cultural environment marked by suspicion of women's autonomous mobility, the compulsion to earn a livelihood deprives women of 'choice' and therefore tempers the oppositional nature of their agency. My reading of their narratives is that emigrant women workers create the space to go by grounding their claims to mobility and overseas work on socially acceptable terms—the failures of marital

provisioning. Their act of strategically muting their agency by itself may be seen as a carefully thought-out expression of agency. By no means, however, do these women seek to overturn patriarchy. They seek overseas employment for most part it would seem to improve their lives withing the system or to conform to its demands – to obtain money to pay dowries and to provide for health and education for children or other family members. Thus, their access to overseas employment does not empower them to resist patriarchal power upon return; on the contrary, they are subject to its corroding impact through stigma.

NOTES

[1] The public sector recruitment agency, Overseas Development and Employment Promotion Consultants, ODEPC was set up in 1977. The state set up a department to overseas the affairs of migrants – Non Residents Keralites Affairs (NORKA) and Roots in 2002 to interface between migrants and the government. NORKA has instituted several welfare measures for migrants and returnees. The state through the Bureau of Economics also commissioned studies to understand the utilisation of remittances (GoK, 1987, 1994).

[2] Questions include the transfer of gender norms implicitly through migrant men (Joseph et al.2022) and concerns of non-migrant wives of migrant men (Zachariah et al 2001).

[3] Officials in the Travancore government are said to have lamented that 'the great majority of girls… regard their education, not as something of cultural value in itself, but a direct means of securing employment and competing with men in the open markets.' (The Travancore Educational Committee Report, cited in Jeffrey, 2005: 134).

[4] The security deposit is meant to be used for repatriation expenses if the need arises.

[5] Over 2,70,000 Indonesian's migrated out in 2023 (https://www.ilo.org/resource/news/new- protect-project-supports-women-migrant- workers-and-children-indonesia). Going by previous years, when about 30 % of migrants were domestic workers, about 80,000 migrants may have been domestic workers in 2023.

[6] The Indian government's minimum wage for MDWs was Rs 12000 a month at the time of field work in 2013.

[7] Oishi (2005: 80) notes that a senior Indian official contended that the best way to protect Indian workers from abuse was not to let them go at all.

REFERENCES

[1] al-Najjar, Sabika (2004): "Women Migrant Domestic Workers in Bahrain" in Simel and Smith (ed.), Gender and Migration in the Arab States: The Case of Domestic Workers (Beirut: Regional Office of the Arab States, International Labour Organisation).

[2] Begum, R (2016): "'I Was Sold:' Abuse and Exploitation of Migrant Domestic Workers in Oman," Human Rights Watch, July, New York.

[3] Dyson T and M Moore, 1983. 'On kinship, female autonomy and demographic behaviour in India', Population and Development Review, Vol 9 (1), 35-60

[4] England Paula. 2006. Emerging theories of care work, Annual Review of Sociology, 2005. Vol 31, pp 381-99.

[5] Fresnoza-Flot, A. 2012. Security in labour migration in the Philippines: National honour, family solidarity, and migrants' protection, in Benny TCG ed., Human security: Securing East Asia's future, London: Springer, pp 97-115

[6] George Joseph, Qiao Wang, Gnanaraj Chellaraj, Emcet O. Tas', Luis Andres, Syed Usman Javaid, Irudaya Rajan. 2022. Beyond Money: Does Migration Experience Transfer Gender Norms? Empirical Evidence from Kerala, India, World Bank, Policy Research Working paper 9966, World Bank group

[7] Government of India (1973). Report of the Ministry of External Affairs, 1972-73, Ministry of External Affairs.

[8] Government of India 2019. Standing Committee on Labour. Overseas employment of women workers including nurses and maids, Issues and regulatory framework, 16th Lok Sabha, 40th report, 2018-19.

[9] GoK (1987): Report on the Survey of Utilization of Gulf Remittances in Kerala (Thiruvanantha- puram: Department of Economics and Statistcs, Government of Kerala).

[10] – (1994): Report on Migration Survey (Thiruvananthapuram: Department of Economics and Sta- tistcs, Government of Kerala).

[11] Hondagneu-Sotelo P. 2003. Gender and Immigration: A Retrospective and Introduction, the Regents of the University of California.

[12] International Labour Organization (ILO). (2013). Domestic workers across the world: Global and regional statistics and the extent of legal protection. Geneva: ILO Office.

[13] ——. 2021b. Making decent work a reality for domestic workers: Progress and prospects ten years after the adoption of the Domestic Workers Convention, 2011 (No. 189), International Labour Office – Geneva: ILO.

[14] Ireland, P.R. (2018). 'The limits of sending-state power: The Philippines, Sri Lanka, and female migrant domestic workers', International Political

Science Review, Vol. 39(3) 322–33

[15] Jeffery. Robin, 2005. 'Governments and Culture: How women made Kerala literate', in R Jeffrey ed. Media and Modernity: Communications, Women and the State in India, New Delhi: Permanent Black, pp 112- 146.

[16] Kandiyoti. D., 1988. Bargaining with Patriarchy, Gender and Society, Vol. 2 (3), pp 274 – 290.

[17] Kodoth. P. 2021. State Policy and Recruitment of Domestic Workers and Nurses to West Asia, A Comparative Political Economy Analysis, Economic and Political Weekly, vol l vi no 36

[18] -. (2020): "In the Shadow of the State: Recruitment and Migration of Indian Women Domestic Workers to the Middle East," Background Paper, International Labour Organization.

[19] ———. 2016. "Structural violence against emigrant domestic workers and survival in the Middle East: The effects of Indian emigration policy", Interdisciplinary Journal of Economics, 28 (2), 83– 106.

[20] Kodoth. P., 2008. 'Gender, Caste and Matchmaking in Kerala: A Rationale for Dowry' Development and Change, Vol 39 (2), pp 263-284.

[21] MOIA, 2001. High Level Committee on the Indian Diaspora. Report, <http://www.indiandiaspora. nic.in/contents.htm>

[22] Nair, P R G. 1999. 'Return of Overseas Contract Workers and the Rehabilitation and Development in Kerala (India): A Critical Account of Policies, Performance and Prospects', International Migration, Vol 37 (1), 209 – 242.

[23] ——. 1998. 'Dynamics of Emigration from Kerala: Factors, Trends, Patterns', in Reginald Appleyard ed. Emigration Dynamics in Developing Countries, Volume II: South Asia, Aldershot: Ashgate. Pp 257 – 291.

[24] Oishi. Nana, 2005. Women in Motion: Globalization, State Policies and Labour Migration in Asia, Stanford: Stanford University Press.

[25] Press Trust of India (PTI). 2008. 'Zero Tolerance for Illegal Immigration to the Gulf", 20 January.

[26] Piper, Nicole. 2022. Temporary labour migration in Asia: The transnationality-precarity nexus, International Migration, DOI: 10.1111/imig.12982

[27] Sabban, Rima. 2004. 'Women migrant domestic workers in the United Arab Emirates' in Simel and Smith ed. Gender and Migration in the Arab States: The case of Domestic workers, International Labour Organisation, Beirut: Regional Office of the Arab States.

[28] Silvey. R., 2004. Power, difference and mobility: feminist advances in migration studies, Progress in Human Geography, 28 (4), pp. 1–17.

[29] Weiner. Myron. 2007. 'International Migration and Development: Indians in the Persian Gulf' in Prakash C Jain (ed.) Indian Diaspora in West Asia; A Reader, New Delhi: Manohar Publishers.

[30] Weeraratne, B. 2016. Protecting the Welfare of Children and its Causal Effect on Limiting Mother's Labour Migration, International Migration, Vol54 (5), http://dx.doi.org/10.1111/imig.1226

Marginalized Labour categories and historical injustices:

Some perspectives & insights on the marginalization of forest-dependent communities and the historical injustices perpetrated on them

Avijit Chatterjee*

Abstract—**Taungyas, the 'manufactured community' of Indian forest-dependent communities, were the first captive/bonded labouring force in the country, who regrew/replanted large swathes of what we see as standing forests today. Their labour was fully appropriated by the Empire as they were not paid any wages for this humongous work. The untold story of the Taungyas is, unfortunately, one of the best-hidden stories of marginalization and historical injustice in India. For all of us seeking to undo historical injustices on ground, the liberation of the Taungya community – tucked away mostly unknown in forest villages, mostly without records – is not only about recognizing the unparalleled value of the ecological restoration work they were made to do forcibly (for purposes quite anti to ecology, for teak and timber extraction by the Empire). It is also about seeing them re-transform into citizens of the country with equal rights from this state of utter bondage and slavery.**

Keywords- **Forest, historical injustices, forest-dependent communities, marginalized labour**

*Avijit Chatterjee is a Senior Grass Roots activists working with forest dependent communities for about one and half   decades,   Email: avijitwasi@gmail.com

I. INTRODUCTION

Forest-dependent communities are among the most critically marginalized communities in India, who have possibly faced one of the worst historical injustices over two centuries and continue to face it even now.

Culturally, forests—the very word signifies mystery, myth, 'hidden'; a refuge of the outcast, the haven of unfulfilled souls(!); the 'unknown'/ 'uncivilized' people who live there along with the animals which roam these terrains. It is a parallel world to the existing civilized society, almost disconnected in all senses. But how incorrect!

Forests have been a source of sustenance not only for inhabitants directly dependent on them, but their flowers, fruits, tubers, non-timber, seasonal forest produce, etc have nurtured one stage/phase of human civilization, and continue to feed and nourish them even now. Forests have also been a source of horses, elephants for the armies of Kingdoms. Timber from forests has always been procured for building houses. Medicinal herbs and plants have long been the source of medicines in age-old/ traditional medical systems, like Ayurveda, etc. Forest produce has also been a source of income for FDCs, though the dependence has reduced, first with settled agriculture and then with industrial production of food.

Forest Economy needs a separate assessment, understanding, and prioritization long overdue. This requires more focused discussion, beyond the scope of the current article, where we are trying to highlight marginalization. But we would like to reiterate here that this invisibilisation of the Forest Economy is deliberate, to allow super extraction of economic value at the cost

of the communities who contribute extensively towards nurturing the resources.

Numerous other studies, some of which are cited below, are further proof that the forest as an economy is a distinct and different aspect of the rural non-farm economy and plays a very important role in generating income, being a source of livelihoods for forest-dependent communities.

Working People's concept and legal standing

The predecessor of the organization - All India Union of Forest Working People (AIUFWP) on behalf of whom this submission is being made, is the National Forum of People and Forest Workers- NFFPFW. In the course of defining the political- economic status of the community it represented - the forest dependent indigenous (Adivasi) and Other Traditional Forest Dwellers (OTFDS), NFFPFW had a very interesting trajectory of arriving at this definition. The leadership had to contend with severe opposition from Indigenous intellectuals and leaders (s) who vehemently denied the worldview of considering themselves as workers. Then anthropologist B.K. Roy Barman was requested to intervene, and his observations are reflected officially in the 2nd Labour Commission deliberations.

Forest-dependent communities—indigenous or adivasi, as we call them in India, as well as Other Traditional Forest Dwellers (OTFDs)—need to be recognized as working people, where labour is an important component of their lives as primary producers/gatherers. While it is true that their labour is 'not related or structured according to factory mass production philosophy, but according to a certain rhythm of harmony with Nature, which in turn, also evolved into a way of life, a culture, a Heritage. But that Heritage was not built on thin air; it was built on the blood, toil, and tears of the labour which the FDCs contributed. The point of contention in accepting that FDCs, especially the indigenous/adivasi, are working people emanates from the fact that the FDCs do not want to identify themselves as 'commodified labour'—a concept alien to their conceptions of labour. It is in essence an unarticulated 'rejection'

of commodified labour, and commodification in itself, which swooped down on their productive lands and territories to destroy their lives, their living, their forests, their societal relations, their relations with Nature, and entangled them in the 'new web of life' where labour was a commodity. There are interesting debates around this, but very few are properly recorded and are thus getting lost in the memories of the then warriors on this front.

In the factory called Nature, which produces more of everything than any Factory has ever dreamed of producing, the gathering of seasonal forest produce — the mahua, the Saal, lac, Tendu leaves, aunla, the mushrooms, the herda, beheda, the multitudes of medicinal herbs, creepers — has been practised since time immemorial. Collecting it for self-use, sale, or exchange is hard work. Labour is heavily involved in its final 'production' - where the product is made consumable, usable by us, humans, or sometimes for our domesticated non-human extended family.

But FDCs have also been doing it for ages. When did the question of Labour come up in the lives of FDCs? Even this lens of marginalization is a post facto acceptance that we have created severe marginalization by its inherent logic, and also more brutally in geographies that the Empire annexed militarily, the colonies. Labour as a commodity came with the Empire and grew with the Empire, and has stayed on beyond the Empire, as the economic logic remains similar.

What are the locales of economic exploitation for FDCs? Where can we situate the surplus extraction?

Experience and understanding of working with forest-dependent communities around their rights over customary forest terrains and its resources as per an Act of Parliament passed on 15 December 2006 — the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006, popularly called the Forest Rights Act (FRA) — forms the basis of this article. This popularization which has obliterated an aspect so critical to this Act — recognition of customary rights — wherein it also accepts historical

injustices as done to forest-dependent communities (FDCs) by the very snatching away of these rights. This article makes an initial attempt to create perspectives and insights.

But I will limit myself to three aspects of marginalization and inherent/latent injustices:

A) Surplus extraction in primary gathering

B) Surplus Extraction in forms of Captive Labour - 0 wage (0 rights, etc.), the Neo-slaves - the Taungyas, who regrew large tracts of the forests of India.

C) Value extraction and dispossession in the Mining of minerals and fossil fuels

II. THE UNHEARD STORY OF THE TAUNGYAS

We will start with Point (B) — The Unheard Story — of the Taungyas, the 'manufactured community' and the regrowing of Indian Forests (and the super- exploitation latent in it).

This unheard story will reveal a special type of marginalization that happened to many FDCs in Indian Forests. Have you been to the hills, jungles/forests on vacation? Many of you reading this piece would surely have. Do you remember seeing the rows of Pine trees while you approach Dehra Doon from the plains, looking majestic and mystical with the sun rays playing around differently through the almost geometrically spaced trees? You do, right? Stop! How did that happen? How did trees grow spaced at precise distances? Natural forests do not grow like this. Seed dispersal, while following its own logic, never spreads itself in ways these forests look like. So, what happened?

What happened was these trees were planted and grown like that, in neat rows, with distances in between each tree equally maintained. These are replanted forests. Yes, we repeat, these forests are replanted or regrown forests. We need to remember that in the hundred years, from 1757-1857, the Empire had wantonly destroyed the forests for its superior timber - whether Burma Teak or equivalent, first for building the war ships

for their European domination and colony expansion wars and then, in India, to lay the railway network across India.

By the time the Crown took over the direct control of the colony of India in 1858, forests had to be regrown for more timber and other resources. The question was who would labour for such a humungous task. It was then that the Empire perpetrated one of the worst injustices (crime, actually). Giving the lure of land, it almost forcibly took away close to a million people — mostly indigenous/ adivasi/ moolnivasi populace — from eastern, central eastern forested terrains of India and shunted them into predesignated forest areas where the Empire decided to regrow forests.

The forcibly displaced communities had no rights, were allowed to build only grass based thatched huts where they could barely crawl in and out to plant, nurture the new saplings—of mostly teak and other commercial varieties — make them sturdy enough in 5-7 years, and then be moved on to another area. The untold story of Taungyas is also an aspect of surplus extraction at its best - one hundred percent of the Labour the Taungya Community put in to replant and regrow the forests as they stand today was unpaid work/labour in all forms. What they ate was what they could grow on the small patch of homestead land allocated.

These were or are the Forest Villages, never on revenue records, sometimes not even on records of the Forest Department (though it was the Forest Department that designed and implemented this system and literally 'owned' them). The period 1880s to 1980s - when this practice was finally, officially disbanded, saw this form of exploitation being practiced with the naked ruthlessness as it demanded, without much fuss outside, as forests were always supposed to have been the mysterious, dark aspects of Life, not to be talked about much— with this almost total lack of information flow beyond the forested terrains, ensured administratively by the shrewd minds of the Empire in to a Forest Service, completely cut off from the Civil revenue Service.

Reiterating once again to make sure that

this hidden history does not remain hidden for long, what we mostly see as forests today — were all regrown by this community now classified as Taungyas — comprising of indigenous and other traditional forest dependent communities picked up randomly from central, Central-eastern forests of India and forcibly relocated in areas designated for forest regrowth with no wages paid for the humongous labour provided.

How does one even form an idea of the sheer quantum of the economic exploitation, where:

1. At least 1,00,000 people

2. Would have regrown at least 10 million trees

3. What is the value of the Timber revenues from the regrown forests?

4. What is the value of the carbon sequestered in India's standing forests today?

5. The Environmental Value? Unparalleled and almost impossible to quantify.

To shoot off and claim a collective compensation of a trillion dollars would also seem far below the possible economic value generated from the resultants of the Labour of the Taungyas, the first true Captive/Bonded Labouring force in the history of India.

III. SURPLUS EXTRACTION IN PRIMARY GATHERING

An individual or members of the family, mostly women, would go to the jungle, collect forest produce or leaves like Tendu, use some for consumption, sell the rest of it to buy other essentials like salt, oil [earlier bartered/ exchange economy; now Money Economy] Labour in the forest to collect forest produce is back-breaking, tedious work. Working Conditions are harsh. Safety Standard - quite low.

What creates super value extraction is information asymmetry. The individual household has no clue that, for example, the Wild Aunla they are selling in the local weekly village market, at INR 35/40 Kilo, the average wholesale market price, barely 250 kilometres away, never goes below INR.250/ kilo. High information asymmetry means they have no understanding of this "value lost".

But it is very important to point out a couple of things here. Firstly, the FDCs do not know how to culturally bargain for more value, i.e., more money during a sale. And secondly, they come to sell with a feeling as if they are selling someone else's product acquired by theft. The latter is the psychological shift that the Empire hammered into FDC minds, which is an unfinished exercise of long duration.

Overcoming such marginalization will also constitute some of our attention here, as we do not think it is good enough to identify marginalization. We have to be simultaneously responsible for thinking of and engaging in correcting the historical injustices perpetrated by differing trajectories of marginalization—psychological/mental, material/physical.

While we may keep gauging the value which could not be retained at the village gate, a possible estimation of surplus value taken away in the process of sale as it happens in the weekly village markets (haat as they are called in Eastern, East-Central India) where individuals or as individual household come to the market space and sell their collected forest produce (it is also includes excess vegetables, green leafy vegetable, tubers collected in the wild from the forest) to buyers, mostly from the peripheries or far outside their villages. Village haats are always physically located a little away from the precincts of the village. It is not random. These are also spaces of celebration, fun, and merrymaking, as well as spaces for outsiders to come into the space to trade and buy their forest produce.

Nature produces, and communities go deep inside forests to collect, store, clean, de- seed, etc. - make ready for sale at the market. So, from the 'factories of forests', the seasonal forest produce makes its way to the market by dint of the labour of the communities. When the sale happens, this labour is never valued in the purchase price. The purchase price is decided by the buyer and is arbitrary. And it is continuously kept well

below fair prices, even nowadays, the government announced Minimum Support Prices (which are below Market Prices, by its very logic of support) are not heeded. It is social control of the trading upper caste, middle caste - landed, ruling section of the village and the economy - they are there to extend their caste based, feudal rights to exploit indigenous, Dalit, minority as their birthright.

There is a simple way to retain more value at the "village gate".: build aggregation economies. Scale helps in Collective Bargaining, and that too with the 'employer' being the Market. Korchi Taluk, Gadchiroli district, Maharashtra -90 villages federating and collectively selling 75% of collected produce (keeping 25% for regular personal consumption or immediate sale) has shown the amount of value retention which can be done on one high-value established forest produce - Tendu Leaves. Average sales over the last 3 years - INR

20 crore, about 2.6 million US Dollars. The average household income yearly has increased three times by the aggregated sale of just the Tendu Leaf.

Replicated over at least 4 other major turnover seasonal forest produce, the value retention would increase substantially, which should reflect clearly in individual household-level incomes.

The above would, however, need a prior assessment of the production potential (production potential if you like) of the SFPs (Seasonal Forest Produce - non-timber). While anecdotal evidence building from village elders has shown interesting ground truthing potential, as a method, we cannot depend on it. We have to deploy technology, reasonably easy and affordable to buy and use software which can do it; the only lack is the availability of sufficiently trained and invested technically trained human resources. And the patience for the data to be inputted/uploaded regularly over a span of at least 3 years, for it to be able to assess the production potential of particular SFPs. After about 3 years of rigorous data inputting for the Machine Learning based applications learn and produce more accurate results.

Marginalization has a bigger horizon than just the labour value exploitation, that is, direct economic marginalization. Marginalization is also always located in multiple layers - social, cultural, and political, of which the haziest category of cultural could be the missing link in the best understanding of the sense of marginalization of the marginalized.

Labouring has a larger societal connection. It is never practiced in a vacuum and thus also contributes to a trajectory of relations which transcend the boundaries of production, here as primary gatherers.

IV. MINING - DISPOSSESSION & MARGINALIZATION

The wealth of the forest - timber, non-timber forest produce (seasonal), underground mineral bearing and fossil fuel (coal) bearing rocks, which FDCs are legally the community owners, are still considered to be government property by the principle of 'eminent domain'. Thus, minerals and fossil fuel sources are the property of the State. And the loss to FDCs is huge. They are thrown out of their customary habitats; thousands of hectares of pristine forest are clear-felled, and the resources are mined by the State by issuance of a license to mining conglomerates, who pay a Royalty to the State. The communities that are worst affected get nothing in return other than the disruption, dispossession.

Communities should have the first right on the Royalty, not the State or the government. It is their wealth, their property. The 20 odd percentage, which is what mining companies typically pay as royalty to the government, could very well be sufficient for proper rehabilitation, resettlement, and proper ecosystem restoration (compensatory afforestation, if you may like it). But then, such a reversal is akin to a change in the paradigm of the Nation State and the way it exercises control over resources, over terrains where they govern (rule). This is also a source of marginalization of forest-dependent communities. The component of labour is not explicit but latent and thus also needs to be

considered.

To conclude, this perspective & insight on Marginalization and Historical injustices committed on forest dependent communities - or more specifically, forest dependent working people, tried to draw attention to two important aspects of locating the playing field of such marginalization:

I) Most of the forests we see in India today were regrown by the unpaid labour of the Taungya community - the economic, psychological, social marginalization and unspeakable injustices faced are humungous, to say the least

II) Cultural heritages are built on labour and value from the sale of non-timber seasonal forest produce is mostly lost at the village level; in other words, there is huge surplus value extraction from the labour of primary producers/ gatherers.

But beyond the perspectives and insights attempted to be laid out with regard to understanding the labour related marginalization and injustice perpetrated on FDCs, the process of "manufacture' of this set of slaves of the Forest Department of India and thus of the Empire and unfortunately also in independent India for more than three decades, set about a psychological decimation of once independent forest roaming communities in to timid slaves/bonded labour of the Empire/ the Imperial Forest Department, which needs attention and careful decoding - an exercise in socio-psychological healing, which needs very special attention.

I end this submission with the hope that the perspective and insight about the marginalization of forest-dependent communities and the historic injustices faced by them will gain more traction to reverse these injustices and marginalization.

REFERENCES

[1] Burman, B. K. R. (1982). *Report of Committee on Forests and Tribals in India*. Tribal Research & Training Institute; Himalaya Publishing House.

[2] *Denial of rights continues: How legislation for democratic governance was subverted in the implementation process of the FRA'06*. European Association of Development Research and Training (EADI).

[3] Gundimedda, H., Sanyal, S., Sinha, R., & Sukhdev, P. (2010). *The Green Indian States Report: An environmental performance index for the states of India*. Green Indian States Trust (GIST); Deutsche Bank; The Energy and Resources Institute (TERI).

[4] Mahagramsabha Korchi. (2020, September 14). *Letter to District Magistrate, Gadchiroli, Maharashtra - Tendu auction sale details village-wise*.

[5] Mahapatra, A., & Tiwari, D. D. (2005). Importance of non-timber forest products in the economic valuation of dry deciduous forests of India. *Forest Policy and Economics*, 7, 455–467.

[6] Murthy, I. K., Bhat, P. R., Ravindranath, N. H., & Sukumar, R. (Year). *Financial valuation of non-timber forest product flows in Uttar Kannada district, Western Ghats, Karnataka*. Center for Ecological Sciences & Center for Sustainable Technologies, Indian Institute of Science Bangalore.

[7] Scheduled Areas & Scheduled Tribes Commission, Government of India. (2004). *Bhuriya Committee report: Vol. 1*.

[8] Sharma, I. (2019). Insights from the forest villages in Assam: Discourses on the history, culture and communities. *International Journal of Social Science and Economic Research*, *4*(6), 4316–4325. UNDP & Ministry of Tribal Affairs, Government of India. (2014). *Forest Rights Act 2006: Act, rules, guidelines*.

Rethinking India's Labour Laws for Informal Work: Assessing The 'Inclusivity' Of Labour Codes

Jasoon Chelat*

Abstract— **The Second National Commission on Labour, which published its report in 2002, recommended a demarcation and simplification of labour laws into four distinct Codes: on Industrial Relations, Wages, Social Security and Occupational Health and Safety. After two decades of this recommendation, India is currently in the process of reworking and replacing the regime of labour laws in India, which came up to over 44 Central Legislations and over a hundred laws enacted by the States, with streamlined, and inclusive 'Codes' that are divided on the nature of their subject matter. The main crux of this exercise, in addition to rationalisation and ease of compliance, was the coverage of unorganised workers, who make up the significant majority of the workforce in India and have hitherto remained largely outside the ambit of labour law protections. Using this criterion of 'inclusivity' as the tool for analysis, this paper examines the four Labour Codes on two levels: first, on the conceptual framework that forms the foundation of the Codes and the process of their enactment, and second, issues of exclusion in specific provisions across the four Codes. The paper argues that many of the issues in the present Codes can be traced back to a reliance on a pre-existing framework of labour legislation designed for formal, industrial labour, and the retention and expansion of exclusionary provisions in such laws. An alternative framework to the current system of labour laws necessarily involves re-centering the discourse to informal workers, who remain uncovered by labour legislations, while safeguarding the protections that are provided for formal sector workers.**

Keywords- **Informal work, Formal Work, Inclusivity, Labour Codes, Unorganised labour**

*Jasoon Cheltat is a PhD scholar at the National Law School of India University, Bengaluru.
e-mail: jasun.chelat@gmail.com.

I. INTRODUCTION

In 2019-2020, a set of labour laws was introduced in India by the Central Government, with the stated aim to simplify the diverse legislations on labour at both the state and central levels, and to extend the protection of labour laws to both organised and unorganised workers. The previous regime of labour laws in India, which came up to over fourty-four Central Legislations and over a hundred laws enacted by the States, were to be replaced with streamlined, easy-to-follow, and inclusive 'Codes' that would be divided on the nature of their subject matter: on Industrial Relations, Wages, Social Security and Occupational Health and Safety. Originally, the Second National Commission on Labour, which published its report in 2002, had recommended a similar demarcation and simplification of labour laws into four distinct Codes. Currently, the process of enforcement of the Codes has reached its final stages, with the Central Government urging states to bring out rules in line with the Central Rules.

In the period from 2015-2020, the drafts of each Code went through several iterations.

During this period, there have been several critiques of specific legislative provisions within the Codes. As it stands now, the four labour Codes taken together repeal twenty-nine existing labour legislations, many of which relate to fundamental tenets of labour law. Once repealed, these labour legislations will no longer be enforceable, and the provisions in the four Labour Codes will need to ensure that there is no void in the implementation of these labour rights. Certain legislations, such as the state-level Shops and Establishments Acts, which are relevant for workers but not repealed by the Codes, will continue to be in force, but are expected to be gradually incorporated into the Codes.

This paper examines whether the structure of the Codes aligns with the stated purpose of the revamp of labour laws, which are: simplification of labour legislations for better compliance and, most importantly, the coverage and protection of both organized and unorganised workers. The new labour regime would have to show significant, positive changes in labour law that justify the repeal of existing labour legislations and regulatory and adjudicative mechanisms, to make way for better, inclusive, universal labour law protections for all workers.

Labour law and policy in India has been designed for formal labour, where work arrangements are characterised by a single, identifiable employer, an employer-employee relationship, and a designated workplace. However, with changes in demographics of workers, the proliferation of remote, independent and atypical employment relationships, these laws have not only been unable to protect workers in the informal sector, but several workers in the formal sector have also been gradually pushed out of their ambit (Singh, 2024). The question then becomes: how do we ensure that vulnerable workers are covered by labour law that is relevant to their own sectors and rapidly changing conditions of work, both in the formal and informal sectors? It is important to think through what labour law benefits would be most important to be extended to all workers, regardless of the nature of their work, such as minimum conditions of work, welfare, safety and social security and the right to collective bargaining. Several criteria for the application of laws in the formal sector rely on threshold levels, either in terms of the number of employees, number of days of work, processes used etc. Given the nature of heterogeneity and flexibility in informal work, which manifests in a lack of specific working hours or designated workspaces, extending these laws to the unorganised sector is a complicated exercise. The aim of this paper is to examine whether the four Labour Codes have been structured in such a way that they have the potential to achieve this purpose, given that this has been one of the important justifications for such an exercise.

This analysis will involve, firstly, an examination of some of fundamental conceptual issues in the design of the Labour Codes, and the manner which they were brought into force. The paper critically analyses 'threshold levels' for the application of labour laws, and the classification of 'worker' under the previous legislations that have been carried forward into the Codes. As such, a vast variety of workers and establishments in the 'unorganised' sector remain unprotected by the new labour regime. In addition, the paper also argues that the process of deliberations around the Codes also reveals a position that excludes informal workers and their organizations from contributing meaningfully to the drafting process. Secondly, the paper takes a closer look at the inclusivity of the Codes through the following axes: exclusion (workers who the code explicitly excludes), exemption (the extent of power to exempt establishments or kinds of work), and ambiguity (workers who may fall outside the ambit of law because of uncertainty). Finally, the paper looks at specific issues within the provisions of the Codes in order to examine whether the Codes bring in new entitlements for workers that were absent in earlier laws, or make existing provisions easier to enforce, or demonstrate potential to generate employment and investment.

For the purposes of this paper, the term

'informal worker' is used interchangeably with 'unorganised worker', in alignment with the definition provided by the National Commission for Enterprises in the Unorganised Sector. The NCEUS defines informal worker/employment as "unorganised workers who consist of those working in the unorganised sector or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment and social security benefits provided by the employers" (NCEUS, 2007).

II. Rethinking Labour Laws for Informal Work: The Conceptual Framework

A. The Exclusive Nature Of 'Threshold Levels' of Application

Labour laws in India typically work on the basis of threshold levels of application. Several legislations, such as the Industrial Disputes Act, 1947, the Employees' State Insurance Act, 1948, and the Contract Labour (Abolition and Regulation) Act, among many others, depend on numerical thresholds. If the establishment or activity has less than the number of workers that are specified by the law, then they are outside the ambit of regulation. In a country where smaller establishments are the norm, this means that much of the labour is unregulated. This is true for both the new Codes and the erstwhile labour laws, as they both rely on threshold levels of application. To put things in perspective, according to the census in 2014, the average number of workers in an establishment in India is 2.24. In the case of non-agricultural labour, a significant majority (the census puts this at 94.6% of establishments) hire 5 workers or fewer (Ministry of Statistics and Programme Implementation, 2014). The lowest number typically assigned as a threshold in labour laws is 10 workers. This is in case of the Factories Act, 1948, a legislation that talks about minimum standards of occupational health and safety. The number of establishments that crossed this lowest threshold is 1.37% (Ministry of Statistics and Programme Implementation, 2014). This excludes

more than 98% of the workers from the ambit of these provisions. For an exercise on the revamp of labour laws to be a useful exercise, it is also important to see how the vast majority of the workforce could be brought under the ambit of labour laws that are designed to work well for smaller establishments, as well as those that cover informal activities. However, the Codes retain a threshold level for application for most fundamental labour rights, and thus carry forward the fundamental issue of non-inclusion of informal and atypical work under labour law in India.

With reliance on threshold levels to determine application, one way for firms to avoid coming under the ambit of labour law is to limit the number of 'workers' employed in their establishment. With changes in the world of work, and the rise of short-term, contract-based employment, and the proliferation of gig work, one of the most important aspects of labour law is the identification of 'who is a worker?". The classification of a worker is not only important for ensuring protections to vulnerable parties, but also to disincentivise behaviour that leads to distortions in the labour market. When there are no equal or comparable protections to formal workers and those who are self-employed, or in atypical work arrangements (temporary or contract labour), then employers would prefer to hire more workers in the latter category. This creates a division of workers where those who are temporary or contract workers and those in more formal work arrangements. This also enables attempts to classify workers as those who are outside the ambit of labour law as 'self-employed' workers, or even 'independent contractors' (as we have seen in several areas of gig and platform work). Lowering the distinctions of workers who are self-employed, contract workers and formal workers would remove these issues and ensure protections to all. In order to do this, the definition of who a worker is would have to move away from the establishment of an employer-employee relationship that is similar to formal, industrial employment. However, the Codes retain the definitions of key terms such as 'worker', 'employee', from previous labour

legislations designed for the formal sector. The different definition of 'worker' and 'employee' under different Codes, and within the same Code, adds a layer of ambiguity. Due to the numerous different definitions, a good way to illustrate that the Codes do not move away from the formal sector design is through the definition of the term 'establishment'. As mentioned previously, threshold levels, depending on the number of workers in an 'establishment' determine whether labour law applies. Thus, the term 'establishment' has to be read with 'worker' and 'employee' for the purpose of determining whether a provision is applicable. The term 'establishment' has been defined across all four Codes as 'a place where any industry, trade, business, manufacture or occupation is carried on' (in addition to a factory, mine, or port, etc). Such a definition would likely mean that 'households' are outside the ambit of definition, since these terms have been used in relation to 'industry' in legislations, and interpreted in such manner in judicial decisions (Bhattacharjee, 2020). This puts home-based workers, domestic workers, self-employed workers, workers who depend on natural resources (such as fish workers, potters, forest workers) and a large swathe of the informal economy outside of its ambit.

This limited way of looking at labour law through the lens of formal labour is reflected in how discussions around reform of labour law have taken shape (Gupta, 2015). Discussions around labour law, which have so far been designed for the formal sector, are often centred around the 'rigid' nature of the law (Halder and Deakin, 2015), which ostensibly makes compliance difficult (Sharma, 2006). Empirically, despite the existence of numerous laws on labour, this categorization of Indian labour law has been contested before there were discussions on new Labour Codes for the country (Sharma, 2006). The discussions on labour law that are centred around whether labour laws are 'rigid' or 'flexible' result in a narrow way of looking at labour law, which overlooks the fact that most of the Indian workforce is outside of the ambit of any regulation to begin with. For

an exercise on the revamp of labour laws to be a useful exercise, it would be important also to see how the vast majority of the workforce could be brought under the ambit of labour laws that are designed to work well for smaller establishments as well as those that cover informal activities. Such a framework would need to look at different sectors of unorganised labour, and ensure protections that are relevant to those sectors, that look beyond those based on an employment relationship. This includes different approaches for different workers, such as wage workers, home-based workers, and workers who are dependent on natural resources (Sankaran, Madhav, 2013). For instance, for the latter category, right to social security and livelihood would necessarily include the right to access and use natural resources. For other workers such as home-based workers or gig and platform workers, recognition as 'workers' and inclusion under existing labour laws may be important. In addition to sector-specific provisions, general laws that are intended to cover many forms of informal work (with a list of scheduled employments), such as the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982. Either way, a revamp of labour law that is inclusive of informal labour requires thinking about labour law that is designed with the unorganised work as its central focus, and the development of a framework that works for all workers, including mechanisms for enforcement. Without a fundamental rethinking of how labour law works, an ostensible extension of formal sector legislation without rethinking the mechanisms that made it exclusionary in the first place will be ineffective.

B. The evolution of labour law: The importance of tripartism

Of course, the rationalisation of labour laws into codes is by itself not an unworthy exercise. Non-implementation has been a consistent criticism of several labour laws in India (Pandey, 2010), and an exercise with the objective of greater compliance does not necessarily mean a bad outcome for workers. Labour laws in India are

connected closely with labour movements that involved workers from the sectors in which they were implemented (Kotiswaran, 2019). As such, they are also reflective of a process that customises the law to the conditions of work that are unique to those particular sectors. India also has a long history of engaging with labour policy through mechanisms such as the Indian Labour Conference (which has consistently been held on an annual basis since the year 1946), reports of National Commissions on Labour (1929, 1969 and 2002). India, a founding member of the ILO, is also a signatory to ILO's Convention no 144, an instrument through which it is committed to the principle of tripartitism, an internationally recognised principle of labour law. Tripartitism ensures the involvement of the employers, the workers, as well as the government, in planning and making policy decisions, maintaining international labour standards, and contributing to industrial peace. A significant exercise like the revamp of labour legislations in the country should ideally have involved tripartite consultations, which involved workers, represented by trade unions, along with representatives from the government, and employers.

The exercise of revamping labour laws into four distinct Codes, however, did not involve a comparable consultative process. The Indian Labour Conference, which is the body of a tripartite nature and has been involved in labour law-related matters since before India's independence, has not been held since 2015. Although the Government called Central Trade Unions for consultations, they have consistently maintained a demand for a withdrawal of the four Labor Codes (Kumar, 2024), and maintained that they were excluded from the consultation process. Unorganised workers' organisations, with the notable exception of SEWA, were not present at consultations at all.

The participation of workers' organisations is particularly relevant in informal work. The enactment of several labour laws that were designed for the informal sector came at the end of labour movements (Kotiswaran, 2019). By

nature, these legislations were in response to sector-specific demands that took into consideration the different work arrangements that were characteristic of these areas of work (Agarwala, 2008). This includes legislations that governed the conditions of work related to plantation labour (the Plantations Labour Act 1951), building workers (Building & Other Construction Workers Act, 1996), dock workers (The Indian Dock Labourers Act 1934) , beedi workers (The Beedi Workers Welfare Cess Act 1976, amended in 1998; The Beedi Workers Welfare Fund Act 1976), cine- workers (The Cine Workers Welfare Fund Act 1981), dock workers (The Indian Dock Labourers Act 1934), and workers in mica mines (The Mica Mines Labour Welfare Fund Act 1946), to name a few. A departure from the outcomes of that process should then involve a dialogue that fulfils the role that these processes played in the making of labour law.

Even if we were to set aside this experience in law related to informal work, it is demonstrably true that when it comes to labour law, a collaborative exercise where there is contribution from workers, governments and employers is generally desirable. One of the criticisms that has been made against labour laws in India are that they are 'too old' and out of step with changing work arrangements (Sodhi, 2014). However, during the pandemic, and the resulted unprecedented changes in labour relationships, collective bargaining arrangements contributed greatly to ensure better outcomes in relations to issues such as wage inequality, continuity of economic activity, (International Labour Organization, 2022) and even better implementation of occupational health and safety measures (International Labour Organization, 2022).

Thus, when it comes to informal work, there are fundamental problems in how the revamp of labour laws took place. The Codes rely heavily on conceptual frameworks of work and labour legislations designed with formal, i n d u s t r i a l employment in mind. In addition, the process of

enactment had minimal involvement or representation of informal workers. These are foundational, structural issues that result in ineffectiveness in regulating informal work, even in cases where individual provisions are well-drafted. In the next section, we shall examine specific provisions of the Code to see the extent to which they have closed the flaws in this exercise. Particularly, we will look at the Codes from the lens of 'inclusivity': whether labour law protections are available both in formal and informal work.

III. EXAMINING THE LABOUR CODES THROUGH THE LENS OF 'INCLUSIVITY'

A. Exclusion of workers and establishments

In terms of applicability of the provisions, the Code on Occupational Health and Safety, 2020 (the OSH Code) increases the threshold level for the applicability of the provisions of the Code from 10 to 20 workers in the case of manufacturing processes using power, and from 20 to 40 in the case of premises that do not use power, as it originally stood in the Factories Act, 1948. In the case of contract labour also there has been a raising of thresholds for applicability: The Code will apply to establishments or contractors employing 50 or more workers (on any day in the last one year), which was previously set at 20, under the Contract Labour (Abolition and Regulation) Act, 1970.

In the case of contract labour, however, the exclusionary nature also comes from the way in which the Code defines contract labour. The Code prohibits contract labour in the case of a 'core activity' (in contrast with the previous definition, which focused on whether the work being performed was of a perennial nature, among other factors). The definition of a core activity is 'any activity for which the establishment is set up and includes any activity which is essential or necessary to such activity', followed by a list of non-core activities (including sanitation, housekeeping, security, and generally, any activity of an intermittent nature). This allows for contract labour to be hired for a variety of work, as long

as it falls into one of the 'non-core' activities. For instance, the permissibility of hiring contract labour for such work would be irrespective of whether the work performed is of a perennial nature, which would have been prohibited under the Contract Labour (Regulation and Abolition) Act, 1970. The Code also allows the hiring of contract labour for any core activity as well. The pre-conditions for hiring such workers are drafted widely: if the activity is 'ordinarily done through the contractor', or if they 'do not require full time workers for the major part of the working day', or even in cases where there is 'a sudden increase in the volume of work in the core activity' itself. The explicit inclusion of non-core activities and an expansive category of core activities for which there is no prohibition to hire contract labour, the new provisions under the Labour Code significantly reduce the ambit of the erstwhile prohibitions under the Contract Labour (Regulation and Abolition) Act, 1970.

The Code on Social Security, 2020 (the SS Code) Code retains a threshold limit on number of workers for the application of provisions on building workers (fixed at 10 workers), and the exemption for own house construction has been increased to fifty lakhs from ten lakhs under the repealed Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Thus, not only does the Code on Social Security, 2020, retain the numerical threshold for application that puts many unorganised workers outside of the ambit of protections, it also further expands this exclusion by eliminating construction projects that are below 50 lakhs.

B. Wide powers of exemption

Another point of concern in the Labour Codes from the point of view of inclusivity is the wide powers for exemption. The Factories Act, 1948, contained provisions for exempting factories/public institutions from the ambit of the provisions of the Act. However, they were limited to certain provisions within which the power to exempt was couched (specifications

regarding certifying surgeons, cleanliness, fencing of machinery and other specific welfare measures). The general power to exempt was specified in the case of 'public emergency', which was defined as 'a grave emergency whereby the security of India or of any part of the territory thereof is threatened, whether by war or external aggression or internal disturbance.' This general power to exempt has been retained in the Code for Occupational Health and Safety, 2020. In addition to this, however, there is also a separate general power to exempt under S. 127 (Power to exempt in 'special cases', which states that the appropriate government can, by notification, exempt any establishment or class of establishments from any of the provisions of the Code. The Code also states that the State Government can exempt any new factory from the ambit of the OSH Code if it is satisfied in the public interest that it is necessary to create more economic activities and employment opportunities.' Thus, the powers to exempt any factory or establishment at the discretion of the State have been considerably widened, with minimal restrictions on the ambit of such exemption. The Code also states that the Central Government shall have the power to exempt from the provisions of the Code in case of an emergency, but such an emergency is not defined. The only guidance in this matter comes through the marginal note of the section, which simply reads "Power to exempt in special cases".

Under the Code on Industrial Relations, 2020 (the IR Code), the Central Government is empowered to exclude 'any other activity' from the ambit of industry by issuing a notification. This is in addition to the express exclusion of charitable, social and philanthropic institutions, which already narrows down the existing jurisprudence on the definition of industry. Otherwise, the Code codifies the 'triple test' of determining whether an activity comes under the ambit of industry, laid down in the Bangalore Water Supply case (Bangalore Water Supply v Rajappa & Others, 1978) that of 'systematic activity, co-operation between employer and employee, and the production of goods and services.

C. Ambiguity in definitions and creation of new categories

Definitional ambiguities are present in important terms across the Codes, particularly in the different definitions of 'worker' and 'employee'. The Code on Industrial Relations, 2020, introduces the term 'employee' in addition to the term worker. Sec. 2(l) of the IR Code defines the term employee as persons engaged in all capacities including supervisory (above 18000/-), managerial and administrative work. Section 2 (zr) defines workers and explicitly excludes these categories. Section 91, which talks about the right to raise an industrial dispute, uses the term 'employee'. However, when we move to the definition of an industrial dispute (under Section 2(q)), the term used is 'worker' and not employee.

The OSH code retains, in the definition of the term 'worker', the requirement of the nature of work being 'manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward'. This definition is closer to the terminology in the Industrial Disputes Act, 1947, but not the Factories Act, 1948, which the Code explicitly repeals. The Factories Act, 1948 refers to a person who is 'employed directly or by any agency' and has a direct relationship with the manufacturing process as the factor that determines whether one is a worker or not. The OSH Code also defines 'employee' as including managerial and administrative employees in their ambit (in this respect, a definition closer to the definition of workmen in the Trade Unions Act, 1926, and the 'worker' Factories Act 1948). However, for threshold requirement for application of the provisions of the Code, the term 'worker' is used and not 'employee'. The Code also excludes from the ambit of the term 'worker' any person who is employed in a supervisory capacity drawing wages exceeding Rs. 18000, whereas no such exclusion is available in the definition of 'employee'. For registration purposes, the Code refers to the term 'employee'. Chapter III of the Code, which relates to duties, uses the terms 'employer' and 'employee'. This means that if

you are working in an establishment, you may be under the ambit of the Code when it comes to discharging duties as an 'employee', but excluded in the context of applicability of safety standards.

The OSH Code defines 'audio-visual worker', with no significant differences, except the salary cap that limits application has been left to be prescribed by the Central Government. The term 'building worker' has been defined to exclude those performing a supervisory role (Previously they were excluded only in case they went over the salary cap). Sales promotion employee is also defined similarly as in the previous legislation, except for a raise in the salary cap. The definition of working journalist is also retained, with the addition of electronic or digital media to the purview of the Code. The general definition of the term 'worker' in the Code specifically states that it includes working journalists and sales promotion employees, but makes no reference to other special legislations that have been subsumed under it. The Code on Social Security, 2020, also defines different categories of workers separately (dock worker, sales promotion worker, gig workers, etc).

The Wage Code, 2019, which otherwise removes the division of scheduled and unscheduled employments and extends minimum wages to all employments, also suffers from this kind of definitional ambiguity, where different terms have been used in provisions within the same Code (Bhattacharjee, 2020). It has been pointed out that 'worker' has been used in provisions for fixation of minimum wages (Code on Wages, Sections 6 (6) and 7, 2019), but 'employee' in the provision that prohibits an employer from paying less than minimum wages (Code on Wages, Section 5, 2019).

Although newer forms of employment such as gig and platform work have found definitions for the first time in Indian labour law (under the Code on Social Security, 2020), they have been defined as 'outside of the traditional employer-employee relationship', a term that has been criticized as vague (Srivastava, 2024). The Code provides no further elaboration as to what a 'traditional employer-employee' relationship means, or why gig and platform work fall outside its ambit, given that several aspects of gig and platform work resemble employment relationships (De Stefano, 2016).

The Code on Social Security, 2020, does not improve upon the definitions in the earlier Unorganised Workers' Social Security Act, 2008, and reproduces the definition of 'unorganised sector' in the Act. As such, it does little to circumvent the criticisms of the earlier definition (Binnuri, Ramaswamy, 2023). The numerical limit (of less than 10 workers) is retained, which arbitrarily puts several workers outside of the ambit of protections. Similar to the Act, the definition of 'unorganised sector' in the Code does not specify that it includes wage workers, although they are included under the definition of 'unorganised worker' under Section 1 (86) of the Code.

The Codes thus bring in numerous definitional clauses related to very basic terms related to labour law, but do not use these terms consistently across provisions even within the same Code. Terms such as 'worker', 'employee', 'industry' and 'industrial dispute' have been clarified through decades of labour jurisprudence. It is difficult to see how the introduction of ambiguities into these well settled laws could aid in simplifying labour laws in a way that favours their better implementation, a stated aim of the new labour Codes. The usage of these terms differently in different provisions of the same Code may also lead to further legal contestations of these terms. Where there is an explicit inclusion of unorganised workers, as in the Code on Social Security, 2020, the Code tends to retain the shortcomings of the previous definitions, rather than offering a useful demarcation of categories.

IV. Changes in the 'new' Labour Codes: Specific Entitlements and Improvements

A. Specific Entitlements and Significant Changes

Codes repeal well-established legislations in labour

law, and therefore, it is also important to verify whether they bring in new entitlements to workers, and bring into effect positive changes in labour law that justify this exercise. Out of the 29 enactments on labour that have been repealed by the labour Codes, the majority fall under the Code on Social Security, 2020 and the Code on Occupational Health and Safety, 2020. The Code on Social Security, 2020, repeals 9 enactments on social security and welfare, and the Code on Occupational Health and Safety, 2020, repeals 13 enactments. As such, this section focuses primarily on these two Codes.

The Code on Social Security, 2020, states that the goal of the legislation is to extend social security to 'all employees and workers either in the organized or unorganised sector' (Code on Social Security, 2020). However, the SS Code reproduces the same system of protections that were already available to the formal/organized sector, such as the Employee's State Insurance (ESI) and Employees Provident Fund (EPF), and there is no explicit extension of this mechanism for the unorganised sector. Section 109 (1) and S. 109 (2), which enable the Central and State Governments, respectively, to notify welfare schemes are enabling provisions. As such, the statute itself does not provide for or mandate welfare schemes, but rather leaves it open for governments to put them in place if they choose.

Another category of workers that has been specifically mentioned in discussions around the Code are gig and platform workers. The Code introduces definitions for gig and platform workers, aggregators, and platform work, for the very first time under any labour law. Under Section 114, the Code provides that there may be social security schemes for gig workers which may be notified by the Central Government. However, there are no specific details provided as to how social security shall be provided to these workers. The manner of administration of the scheme is left to be specified by the Central Government. In certain areas of work, such as the construction or mathadi (head- load workers), there are comparatively successful mechanisms through which social security is administered through Welfare Boards (Jatav and Jajoria, 2020). The legislation related to these boards, (Building and Other Construction Workers Welfare Cess Act 1996, or the state-level Maharashtra Mathadi, Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969) lays down how it will be administered, the nature of the fund and how it may be spent, and specific entitlements of workers. There are no such details in the Code with respect to gig workers. As they are defined as 'outside of the traditional employer-employee relationship', no other general entitlements that are available to 'workers' are available to gig and platform workers. As such, the provisions on gig workers in the Code can be described as enabling provisions, rather than as extending social security to those who had no access to it previously. Certain states have come out with legislations that provide welfare and social security for gig and platform workers, but retained this definitional position of the Code. This has partly led to the narrow focus of these legislations, and their lack of recognition of employment status have been criticised (Sarkar, 2024).

The extension of benefits without specifying the entitlements or mechanisms of administration is a feature that the Code on Social Security, 2020, reproduces in several areas: for example, Section 15 (d) enables the Central Government to notify provident fund schemes for self-employed workers or any other class of persons. S. 44 enables the Central Government to allow those outside of the coverage of ESI to also use ESI hospitals (but with the provision that such facilities are 'underutilized'). The Central Government can also extend the coverage of ESI and EPF to any kind of establishment via notification. This power is not there with State Governments.

This is especially relevant in the context of the repeal of the existing nine statutes which provide for welfare and social security, including the The Building and Other Construction Workers' Welfare Cess Act, 1996, The Cine-Workers Welfare Fund Act, 1981, and the The Unorganised

Workers' Social Security Act, 2008, by the Code on Social Security: the schemes under them also now have no legislative backing. As such, the Code on Social Security, 2020, effectively withdraws several provisions on social security and welfare that had well-established systems of disbursement of benefits, without providing adequately drafted alternative. The Rules, which provide for the constitution of the social security organizations/boards under the Code (Code on Social Security, Chapter II, 2020), and for registration of workers (Code on Social Security, Chapter VII, 2020), only partly resolve these issues. The boards constituted under the Code will enter a system that already has welfare boards and funds for different sectors of work (such as building and construction work, mica and dolomite mines, beedi, etc), increasing the number of administrative authorities (Mehrotra and Sarkar, 2021). Apart from existing mechanisms (such as the welfare funds for building and construction workers), there is no provision in the rules as to how different schemes under the Code will be funded (Mehrotra and Sarkar, 2021). Section 142 of the Code on Social Security, 2020, also requires unorganised workers to link their Aadhaar to their registration to avail of benefits. Previous experience with mandatory linking of Aadhar for disbursement of benefits has not been positive, and has led to exclusions (Khera, 2017). It is unclear how existing databases of workers (under the Building and Constructions Workers Welfare Board, for instance) shall be mapped on to the registration as specified under the Code (Bharadkar, 2021). The e-shram portal, which currently exists to register unorganised workers, required linking of aadhar, mobile number, and a bank account, which made it difficult for workers to register (Sinha, 2024), and also failed to include important categories of employment (such as home-based work) in its listing of occupations under which registration could be done.

In the case of Occupational Health and Safety as well, discussions around the extension of Occupational Health and Safety in India put emphasis on the extension of standards to the unorganised sector, which forms a majority of India's workforce. In 2017, the Directorate General Factory Advice and Labour Institutes (DGFASLI) and the International Labour Organisation (ILO) jointly undertook the task of analyzing the state of Occupational Health and Safety in India, characterizing the draft as a 'diagnostic document' for the situation of OSH standards. In its analysis of gaps in the OSH legislation, the document points out that the lack of coverage when it comes to application of OSH to employment where there is no specific legislation in existence (such as the Factories Act, 1948) as a significant area of oversight. In addition to this, the document also points out the lack of standards in the agricultural sector and the MSME industries.

Other attempts such as the 'Report of the Working Group on Occupational Health and Safety' in 2011 (for the Twelfth Five Year Plan, 2012-2017) also indicated the importance of the unorganised sector and the coverage of smaller units in the ambit of OSH regulations (Ministry of Labour and Employment, 2011). In particular, the report emphasised the importance of 'segment-specific occupational, safety and health guidelines', which were to be developed by an expert group. This would also take into consideration the regional differences in specific areas where these occupations may be taking place, including social and cultural differences.

However, the present Code goes in a different direction: not only has there been an increase in thresholds that push more units out of coverage of OSH standards, but it also does away with specific obligations that previously existed in sectoral legislations. For instance, the Central Rules under the repealed Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, contained detailed specifications on safety, (including barricades, scaffoldings, lifting appliances and safe demolitions) which finds no place under the Code on Occupational Health and Safety, 2020. Schedule II of the Factories Act, 1948, which laid down permissible threshold limits of chemicals and toxic substances in different industries has been removed under the Code on

Occupational Health and Safety, 2020. It is difficult to understand why the removal of specifics in sectoral legislations without an adequate replacement would be helpful, except in limited areas such as the registration of establishments. Occupational health and safety standards and welfare provisions have not been detailed under the Central Rules under the OSH Code for any kind of informal work. Apart from specific rules on mines, no sector- specific rules on occupational health and safety are present in the rules under the Code on Occupational Health and Safety, 2020.

a) Centralization of powers

The above issues related to lack of specific entitlements need to be read with the greater centralization of powers in the Codes. Labour is in the concurrent list: both the Centre and the states can make laws regulating labour. This division of power was also present in many labour laws in India. The new Labour Codes show a distinct tilt towards the Central Government when it comes to allocation of powers. This makes it harder for states to make up for the exclusions or gaps under the Central legislations though state-level legislations.

This is most evident in the Code on Social Security, 2020 and the Code on Occupational Health and Safety, 2020. In the Social Security Code, important provisions states that the applicability of EPF and Maternity Benefit can only be determined by the Central Government (Code on Social Security, Sections 16, 44 and 45, 2020). This means that even if a State Government wants to increase the applicability of these social security benefits to more workers in their own state, they may not be able to do so. In the case of the Social Security Code, only in the case of provisions related to Employee's Compensation does the state have significant leeway in terms of legislative power (Code on Occupational Health and Safety, Chapter VII, 2020). In most other matters, the Central Government is the relevant authority.

Every state in India has a varied workforce, and different sectors of work. The Code also does away with sector-specific social security schemes, which means that several workers will, in effect, be outside the ambit of any social security scheme, and this gap will have to be covered by state governments. This development should be read in conjunction with the withdrawal of several cesses on labour welfare from the years 2015 to the present. The rollout of the GST was accompanied by the removal of several cesses: by the Finance Bill (2016-17) (General Budget: 2016-17), and the Taxation Amendment Laws Act, 2017. This included cesses that were marked specifically for the purposes of development of certain industries and/or labour welfare. Apart from the Building and Other Construction Workers Welfare Cess, 1996, all labour-related cesses have now been discontinued. A significant majority of the responsibility for spending is still with the States (according to the XV Finance Commission, the percentage of expenditure responsibility is 62%) (XV Finance Commission, 2020). Withdrawing these cesses puts more pressure on states for welfare spending, while the design of the Codes reduces the power of the state governments to extend welfare and social security benefits to workers.

Under the Occupational Health and Safety Code, a significant portion of the State Government's rulemaking power in terms of Occupational Health and Safety Standards, Welfare and Safety provisions has been taken away. This is now vested with the Central Government (through Sections 18, 23 and 24). This means that there is very little leeway for the State to provide standards of Occupational Health and Safety or welfare provisions that are regionally and sectorally significant. The definition of 'appropriate government' states that even in Central Government PSUs where the holding of the Central Government is less than 50%, the appropriate government shall be the Central Government. The OSH code also defines "controlled industry" as 'any industry the control of which by the Central Government has been declared under any Central Act in the public

interest', and further provides that the Central Government shall be the appropriate government with respect to such industries: in addition to railways, mines, telecoms and banking. As mentioned previously, the standards and working conditions have not been spelt out in the Codes or the Central Rules. Limiting the rulemaking power of the states precludes their ability to make up for these gaps through regionally relevant, sector-specific rules.

b) Web-based Inspections

In the OHS Code, there is an important shift towards web-based inspections. Under Section 34 (3), the appropriate government may lay down an inspection scheme which may provide for web-based inspections. As such, inspections under the law will depend on the algorithms used in these inspection schemes, and can no longer be under the discretion of the labour inspector. There needs to be transparency in relation to how these algorithms that facilitate web-based inspections are designed, and what factors are considered while making these decisions. Neither the Code, nor the Central Rules spell these aspects out. At the very least, these mechanisms should avoid outcomes where firms of a certain size are left out of the ambit of inspections altogether, as smaller firms are more likely to have accidents than larger firms (Sinclair and Cunningham, 2014). In Haryana, the first state to move towards a 'Central Inspection System' based on a 'computerised risk assessment', firms with less than 50 workers have been exempted from physical inspections (Haryana Central Inspection System, 2024). Generally speaking, combined by the use of AI to predict or assist administrative decisions, these technologies work best when combined with measures that ensure transparency, accountability and rely on the administrative agency's own ability to learn the way in which decisions are made through such technologies (Engstrom, 2020).

c) New Labour Codes: Employment and Investment Generation

In addition to inclusivity, and simplification,

another stated aim of the Codes, 'ease of doing business', leading to employment and investment generation. It is difficult at this point to predict the changes that will be a result of the coming into force of the four labour codes, since they have not been implemented, as some states are yet to come out with rules for the same. As mentioned previously, changes to the law have been supported by arguments for 'simplifying' labour laws and introducing flexibility into the labour market, which would, in turn, result in enhancing economic growth and attract new industries. However, the link between greater flexibility in labour law and more jobs or productivity is yet to be supported by empirical evidence in India (Guha, 2009). In the years preceding the pandemic, several State Governments had already introduced reforms geared towards 'greater flexibility' of labour (Upadhyay and Kumar, 2017). Many of these followed similar patterns of increase in threshold levels of applicability of labour laws present in the Codes. In 2017, a study by the VV Giri National Labour Institute among these states has found that not only are claims about greater industrialization as a result of these measures uncontested, but also that they did not result in 'big investments, boost to industrialization or job creation' (Upadhyay and Kumar, 2017). These depend on many factors apart from the laws regarding labour. The Ease of Doing Business Index, illustratively, contains ten indices to calculate the rankings of different countries with respect to 'better regulations' for business, but none of them correspond to 'flexible' labour regulations. Even in studies related to how firms estimate constraints, labour regulation is categorized as a major issue by only 1 in ten firms (Sundar and Sapkal, 2020).

I. Conclusion

In this paper, the new labour Codes have been assessed primarily on inclusivity, specifically, whether they extend labour law protections to all workers, organised and unorganised. First, the foundational issues in the conceptualisation of the

framework for these laws was examined, before moving on to an analysis of specific provisions of the Codes. This has brought to light the gaps in the Codes as detailed above. However, this is not to say that the exercise of revamping labour law in India is an unworthy exercise. The rationalisation of labour laws into four, subject-based Codes has been part of the labour law discourse since it was first recommended by the Second National Commission on Labour in 2002. Many of the issues in the present Codes can be traced back to a reliance on a pre-existing framework of labour legislations designed for formal, industrial labour. This highlights the importance of rethinking what the essential elements of a way forward for labour regulations are, especially in the context of informal work. An important aspect would have to be social security for the informal sector, similar in scope to the ESI, as it exists in the formal sector, but tailored to be effective in informal work. It would also be important to identify regulations that are relevant for contract workers and temporary workers that give them parity with formal workers, disincentivizing the hiring of casual, contract labour and increasing job security. In the case of occupational health and safety, it has been identified that a great challenge for the same is the application of these standards in informal sector, and especially in smaller units (the come under the category of MSMEs). These crucial aspects need to be written into an alternative framework to the current system of labour laws that takes into account the perspective of informal workers, who remain uncovered by labour legislations, while safeguarding the protections that are provided for formal sector workers.

REFERENCES

Reports

[1] Haryana Central Inspection System. (2024). *Risk-based industries system*. Labour Department, Haryana. https://cisharyana.in/home/inspectio n_framework

[2] International Labour Organization. (2022). *Social dialogue report 2022: Collective bargaining for an inclusive, sustainable and resilient recovery*. https://webapps.ilo.org/digitalguides/en-gb/story/collective-bargaining- recovery#introduction

[3] International Labour Organisation. (2022). Enhancing social dialogue towards a culture of safety and health: What have we learned from the COVID-19 crisis? https://www.ilo.org/publications/enh ancing-social-dialogue-towards- culture-safety-and-health-what-have-we

[4] Ministry of Labour and Employment. (2011). Report of the working group on occupational health and safety. Government of India. https://www.ilo.org/ resource/policy/ report-working-group-occupational-safety-and-health-twelfth-five-year-plan#:~:text=The%20report%20is%20a%20document,National%20Polic y%20on%20Safety%2C%20Health

[5] Ministry of Statistics and Programme Implementation. (2014). All India report of the Sixth Economic Census (Central Statistics Office 2014). https://www.mospi.gov.in/all-india- report-sixth-economic-census

[6] National Commission for Enterprises in the Unorganised Sector. (2007, August). Report on conditions of work and promotion of livelihoods in the unorganised sector. https://dcmsme.gov.in/Condition_of_workers_sep_2007.pdf

[7] XV Finance Commission. (2020). Finance Commission in Covid times: Report for 2021-2026. Government of India. https://prsindia.org/policy/report- summaries/report-15th-finance-commission-2021-26#:~:text=The%20Commission%20observed%20that%20the,32.5%25%20by%202025%2D26.

[8] Sankaran, K., & Madhav, R. (2013). Legal and policy tools to meet informal workers' demands: Lessons from India. WIEGO Legal Brief. Available at: wiego. org/sites/wiego.org/files/publications/files/Sankaran-Legal-Policy-Tools-Workers-India- WIEGO-LB1. pdf (accessed 22nd January 2025).

Journal Articles

[9] Agarwala, R. (2008). Reshaping the social contract: Emerging relations between the state and informal labour in India. Theory and Society, 37(3), 375–396. https://doi.org/10.1007/s11186-008- 9087-7

[10] Bhattacharjee, S. (2020). Universalisation of minimum wages as a pipe dream. SLR, 16(2), 1–20.

[11] De Stefano, V. (2016). The rise of the 'just-in-time workforce': On- demand work, crowd work and labour protection in the 'gig- economy'. Comparative Labour Law and Policy Journal, 37(3), 471–505. https://doi.org/10.2139/ssrn.2765565

[12] Guha, A. (2009). Labour market flexibility: An empirical inquiry into neoliberal propositions.

Economic and Political Weekly, 44(19), 45–56. https://doi.org/10.2139/ssrn.2742422

[13] Gupta, D. (2015). Thresholds and bad faith. Seminar. https://www.india-seminar.com/2015/669/669_dipanka r_gupta.htm

[14] Freeman Engstrom, D. (2020). Government by algorithm: Artificial intelligence in federal administrative agencies. Administrative Conference of the United States. https://www.acus.gov/sites/default/fi les/documents/Government%20by%20Algorithm.pdf

[15] Halder, A., & Deakin, S. (2015). How should India reform its labour laws? Economic and Political Weekly, 50(12), 48–58.

[16] Khera, R. (2017). Impact of Aadhaar on welfare programmes. Economic and Political Weekly, 52 (51) 61-70.

[17] Kotiswaran, P. (2019). Trafficking: A development approach. Current Legal Problems, 72(1), 375–412. https://doi.org/10.1093/clp/cuy018

[18] Mehrotra, S., & Sarkar, K. (2021). Social Security Code, 2020 and rules: A critique. Economic and Political Weekly, 56(12). https://www.epw.in/journal/2021/12/ commentary/social-security-code-2020-and-rules.html

[19] Pandey, R. P. (2010). Globalisation and legal protection of labour in India. Indian Journal of Public Administration and Policy Studies, 133(2), 133–150.

[20] Prasad, S., & Pandey, R. P. (2010). Globalisation and legal protection of labour in India. IJPS, 133(2), 133–150.

[21] Ramaswamy, R., & Binnuri, D. A. (2023). An analysis of the impact of India's Labour Codes on its organized and unorganised sectors. Cogent Social Sciences, 9(1), 2238458.

[22] Sharma, A. N. (2006). Flexibility, employment and labour market reforms in India. Economic and Political Weekly, 41(18), 2078–2083.

[23] Sodhi, J. S. (2014). Labour law reform in India. Indian Journal of Industrial Relations, 49(2), 100–115.

[24] Sundar, S., & Sapkal, R. (2020). Changes to labour laws by state governments will lead to anarchy in the labour market. Economic and Political Weekly, 55(23), 24–28.

[25] Upadhyay, S., & Kumar, P. (2017). Amendments in labour laws and other labour reform initiatives undertaken by state governments of Rajasthan, Andhra Pradesh, Haryana and UP: An analytical impact assessment. VV Giri National Labour Institute. https://vvgnli.gov.in/sites/default/file s/122-2017%20-%20Sanjay%20Upadhyaya.pdf

[26] Srivastava, S. C. (2024). Employment status of digital platform workers. Economic and Political Weekly, 59(9). https://www.epw.in/journal/2024/9/s pecial-articles/employment-status-digital-platform-workers.html

An Interface between Menstrual Leaves and the Right to Health: Analysis of Domestic Labour Legislation

Solymosi-Szekeres Bernadett*

Abstract— Women persistently encounter considerable barriers in the labour market, including increased rates of non- participation, diminished wages, and constrained access to leadership positions. The job segregation has to be mentioned that exacerbates the gender pay gap and devalues female- dominated jobs. Despite commitments to gender equality, progress is often hindered by ineffective policies and a lack of political will. Women's disadvantages are often attributed to their biological and social roles, particularly child-rearing, but emerging issues like menstrual poverty underscore the need for reform.

Menstruation, an important aspect of women's health, is largely overlooked in labour law, contributing to indirect discrimination in the workplace. There is a need for the regulation of menstruation in labour law, particularly through menstrual leave, as a necessary step toward gender equality. Menstrual health should be recognised as a human rights issue, requiring policies that address menstruation in the workplace. Menstruation, often overlooked in labour law, significantly impacts women's productivity and well-being at work. While gender-neutral labour laws fail to address specific challenges faced by women, menstrual health, including dysmenorrhea and related symptoms, contributes to absenteeism and presenteeism. Studies show that menstrual pain affects up to 90% of women, leading to missed work or reduced performance. This issue, along with reproductive health concerns, has largely been ignored by occupational health policies. This paper advocates for the inclusion of menstrual health in labour law, proposing flexible working hours, menstrual leave, and improved workplace conditions to support women's health and reduce productivity losses. Recognising menstruation in labour law not only advances gender parity but also supports broader goals of reproductive health and social justice, improving women's rights and well-being in the workplace.

Keywords- **Menstruation, labour law, reproductive health, human rights, health rights**

*Bernadett Solymosi-Szekeres is Assistant Professor at University of Miskolc, Hungary.

Email: Bernadett.solymosi-szekeres@uni- miskolc.hu.

I. INTRODUCTION

The labour market participation of women is of interest to most national governments, but it is widely recognised that women do not participate in the labour market on equal terms or with the same results as men, which can be observed through several phenomena, for example, the glass ceiling theory. Despite gender equality being a

basic human right, women still experience significant disadvantages in employment, largely due to societal norms surrounding motherhood and traditional gender roles. On a global scale, research indicates that the burden of family care predominantly rests on women. These circumstances often result in women's professional aspirations being overshadowed by the additional responsibility they shoulder, particularly when balancing it with motherhood. In the following lines, the author will illustrate this difference, starting with employment policy, then labour law issues. Next, it is important to draw attention to a circumstance that is generally not regulated, is linked to being a woman and also affects work. This circumstance is the reproductive health of women, and in particular menstruation, which is not taken into account in EU Member States' labour law regulations, nor globally, apart from a few specific examples. Menstruation is a natural biological process, which may nevertheless cause discrimination or stigma for the persons concerned. The burden of menstruation on menstruating individuals is a problem that arises at several points, which requires scientific attention in order to justify appropriate legislation. These burdens are demonstrated by the relevant statistical surveys. For example, one survey of 2000 people in 2023 found that significant 79% of respondents have experienced symptoms related to menstruation, with the most frequent being abdominal cramps (60%), irritability (52%), fatigue (49%), bloating (49%), and low mood (47%). Among those who have dealt with these symptoms, 69% report that it has had a negative impact on their work. Additionally, more than half (53%) have had to take time off work due to their symptoms. Given these high rates, it makes one wonder how the law approaches this proven social phenomenon. A factor that affects society to such a large extent and has a serious impact on well-being cannot be ignored from the point of view of jurisprudence.

The study takes an unconventional approach to this issue, since the framework is not the usual gender equality as a fundamental right, which can be found mainly in the literature, but the right to health as a basic, fundamental, core human right. In view of this, we build on the doctrine of labour law based on equality and health rather than feminist labour law. A key focus is the regulation of menstruation in employment law, with special attention to menstrual leave as a progressive legal institution that remains largely underexplored. The research employs a multidisciplinary approach, integrating legal analysis, policy review, and comparative case studies. The study draws from international legal frameworks, national labour laws, and human rights instruments to assess the extent to which menstruation is acknowledged within employment regulations. The case of Indonesia, which has implemented menstrual leave policies, is examined to highlight legislative best practices and potential challenges. In the research we examine, to what extent is menstruation recognised as a labour rights issue in national and international legal frameworks, and how can the regulation of menstruation in employment law contribute to reproductive health rights? By addressing these questions, the study aims to contribute to ongoing legal and policy discussions on menstrual equity, gender-sensitive labour protections, and the recognition of menstruation as a workplace issue requiring legislative intervention.

II. CHALLENGES FOR WOMEN IN THE LABOUR MARKET

The labour market dynamics for women differ significantly from those for men. A notably high rate of inactivity among the women who are mothers of young children stands out by European standards. Additionally, those women, who are unskilled, retired, and increasingly, younger women, face considerable challenges in securing their labour relationship. Women often work longer hours while earning less than men, hold fewer managerial roles, and disproportionately shoulder the responsibility of balancing work and private life, a burden exacerbated by unequal domestic

labour distribution and rigid working hours. Job segregation is one of several issues shaping women's employment conditions. Such segregation not only reinforces the gender pay gap but also affects the perceived value of these jobs and their associated working conditions. Work dominated by women is frequently undervalued, seen as less significant or productive, which directly impacts wages and workplace standards. Although both global and national commitments and socio-economic interests dictate that the position of women (regarding the absolute and relative positions as well) in the labour market must be strengthened.

The disadvantages women face in the global and national labour market can be normalised in public discourse and policy. This problematic situation might be rooted in assumptions about their biological traits, such as the capacity for childbirth and breastfeeding, and their traditional social roles, including child- rearing and caregiving. These challenges are frequently viewed as inherent and unchangeable rather than issues to be addressed. However, growing social challenges, such as the feminisation of poverty and child poverty, are prompting policymakers to address these issues. The challenges women face are researched and proven, as can be seen in the following cite World Bank study, and the disparity is evident across multiple facets of women's employment. For instance, over 2.7 billion women globally do not have the granted right, as men do, to access the same labour relationships. A 2018 World Bank study of 189 countries revealed that 104 of them enforce laws barring women from certain jobs. Additionally, 59 countries lack legislation against workplace sexual harassment, and in 18 countries, husbands are legally permitted to prevent their wives from working. In addition to such employment policy factors, the structure of legislation, which is detached from them and thus able to pursue noble objectives, like equality and fair treatment, is particularly important, especially the impact of labour law on the situation of women, which has a major impact on women workers.

III. BASIC PRINCIPLES OF WOMEN'S LABOUR RIGHTS, WITH SPECIAL REFERENCE TO MENSTRUATION

As can be found above, while gender and cultural norms are important determinants of women's experiences in the labour market, the institutional system, and in particular labour law, has a significant impact on shaping women's position in the workplace. The regulation of the situation of women in employment law is therefore particularly important to avoid gender discrimination. In a large number of national legislations, labour law regulations concerning legal support and protection for women are largely centred around their role as mothers, such as measures preventing termination during maternity. This focus indicates that the decisions that are made by governments and impact women are more likely to be shaped by demographic concerns than by a broader commitment to gender equality. Demographic trends can be influenced by a range of policy instruments. If a nation's government continues to expand its family support system, it will have a positive impact on population decline. Therefore, the national legislation and other soft policies affecting the situation of women, especially their fertility, are in a very deep connection with the demographic problems and their possible solutions of one nation.

Women's reproductive process is also protected by social and labour law, thus contributing to the employment status security of the women concerned. Menstruation, however, is inextricably linked to women's fertility and is currently under- appreciated in the labour and social law context, and this is a non-negligible health issue. Labour law protection is also intended to ensure that work is not hazardous to health, so labour law must protect all aspects of the worker's health. The societal stigma surrounding menstruation, coupled with the lack of legal recognition, creates an environment ripe for unequal treatment, often manifesting as indirect discrimination.

The issue of the legal regulation of

menstruation is extremely important and is justified by fundamental rights considerations. It is a general social phenomenon that menstruation, and therefore the menstrual cycle, is a health circumstance that is ignored, taken for granted and considered taboo. The same applies to menopause, the final milestone of the reproductive life cycle, which is also a specifically female problem and is generally not considered in legal research. The concealment of menstruation and menopause is almost the norm, and a change is needed. An important initial step is to explore the research questions and social justice perspectives that become possible when menstrual health and policy are examined across the life course. What new understandings arise when menstruation is treated as a dynamic and evolving category of analysis?

The acknowledgement of menstruation-related challenges and health burdens is a relatively new concept among policymakers. It has never been a topic widely discussed either in private or in public spaces. Once menstruation becomes a subject of discourse, the frame term 'menstrual equality' refers to the pursuit of democratic credentials and civic, economic, and political participation, along with access to opportunities, which are integral to the broader concept of "menstrual equality and equity." This concept extends beyond the realms of hygiene, health, or public health, incorporating a human rights perspective that offers a concrete foundation for advocacy efforts.

A notable and unique provision in labour law regarding menstruation, present in certain countries and workplaces, is menstrual leave. Menstrual leave is one of the most progressive labour law provisions recognising menstruation, offering women a designated rest period. It also functions as a pro-natalist "safeguard clause," reinforcing the idea that women's biological uniqueness forms the basis of their social and professional engagement. Despite the crucial role of labour legislation in promoting gender equality, menstrual leave remains an underexplored and largely unregulated area. While the topic has

been gaining attention from both academia and the public sector, research on its implementation and impact is still limited. There are few interdisciplinary or comparative global studies on menstrual leave, and little is known about its actual use or its influence on gender dynamics in the workplace. This is despite the increasing attention the topic is receiving from both academic circles and the public sector. There are not many interdisciplinary and comparative global studies on menstrual leave, and little is said about its use or its impact on relations between the sexes in the workplace. There is also a paucity of research on menstruation and employment, menstruation in the workplace, and equal treatment of employees. For example, in Central and Eastern Europe, including Hungary, there are only a few scientific studies in the literature. In the grey literature, the topic has recently been re-examined, but from both the legislative and the scientific point of view, the examination and treatment of the relationship between menstruation and labour law is incomplete. However, menstrual leave is nowadays an increasingly recognised need, so its introduction into labour law can be seen as a progressive legislative development. As this is a relatively new field of research, it has faced significant challenges in related research, the most important of which are the lack of scientific analysis and the lack of empirical evidence on the use or impact of policies.

IV. CHANGES IN THE 'NEW' LABOUR CODES: SPECIFIC ENTITLEMENTS AND IMPROVEMENTS

One important area of fundamental rights is the issue of health rights. The right to health or the right to health protection is undeniably a social right in human rights instruments and national constitutions, which, together with other social rights, creates regulatory obligations for states. The scope of the international institutions in this context is noteworthy. Given that health is defined in the preamble to the Constitution of the World Health Organization (WHO) as a state of complete physical, mental, and social well-being, rather than

merely the absence of illness or infirmity, and serves as a fundamental reference point in defining the scope of protection of the right to health. This concept encompasses social security, along with the factors that influence an individual's physical and mental well-being, aiming to achieve overall well-being. The attainment of this broadly understood state of health is defined as a human right in the Preamble to the Constitution: the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being. Health is therefore a fundamental human right, in the broad conceptual framework of which menstruation is also a circumstance to be considered.

The main fundamental rights organisations and international coalitions mentioned below all value menstruation because of its enormous impact on society. The UN emphasises that the stigma and shame linked to stereotypes about menstruation significantly affect all areas of the human rights of women. This includes their basic rights to equality, health, but also the basic rights to education, proper and safe working conditions, and protection from discrimination. And the UN Human Rights Council calls for menstruation to be recognised as a health and human rights issue, not just a hygiene issue. In 2018, the UN Commission on the Status of Women recommended taking action to foster a culture where menstruation is considered to be a natural and healthy process. It was also highlighted that girls shall not be stigmatised because of it. Looking at further international efforts, we must highlight the findings of UNICEF. According to UNICEF, menstruating women should have access to clean menstrual products that can be changed as needed throughout their cycle, in private and out of public view. They should also have access to proper facilities for the disposal of used menstrual products.

Following the existing international examples, UNICEF also has a sharp definition for menstrual health, which is a state of overall physical, mental and social well-being, and not merely the absence of disease or illness associated with the menstrual cycle. Menstrual health is assessed along five dimensions:

1. The availability of correct, timely, and age-suitable information regarding the menstrual cycle, menstruation, life transitions, and the corresponding self-care and hygiene practices.

2. Ensuring women can manage their menstruation to align with their preferences, hygiene needs, comfort, privacy, and safety. This involves providing access to affordable and reliable menstrual products, as well as adequate facilities and services for washing, changing products, and disposing of used materials, including access to water, sanitation, and hygiene services.

3. Prompt diagnosis, cure, and care for discomforts that are in connection with the menstrual cycle, and conditions, which include access to suitable healthcare services, self-care strategies, and pain relief options.

4. To be in a supportive, stigma-free environment regarding menstruation, with access to resources that enable confident self-care and informed choices during the menstrual cycle.

5. The right to participate fully in all areas of life – civic, cultural, economic, social, and political – throughout all stages of the menstrual cycle, without facing exclusion, discrimination, coercion, or even violence.

Grassroots workers and activists have played a key role in bringing menstrual health to the forefront of global discussions on health, education, human rights, and gender equality. As a result, an increasing number of international organisations, including the WHO, are focusing on menstrual health. The WHO has also advocated for menstrual health to be seen as a matter of health and human rights, rather than just a hygiene concern. International organisations, like the mentioned WHO or the United Nations Population Fund, recognise menstrual health as a fundamental

issue tied to human rights, gender equality, and basic rights. The WHO emphasises that menstrual health should be viewed not only from a physical perspective but also through psychological and social lenses. This includes fostering an environment where menstruation is free from stigma and shame. Such an environment, referred to as a menstruation-friendly or period-friendly workplace, necessitates specific actions and initiatives from employers. King highlights that knowledge about the nature, frequency, and effective management of menstrual symptoms remains limited among the general population. This widespread lack of understanding is not coincidental, especially considering the availability of high-quality research, nor is it confined to a handful of East Asian countries. Instead, this global ignorance around menstrual health can be seen as strategic, reinforcing gender inequality by allowing entrenched myths to go unchallenged by empirical evidence. Consequently, effective menstrual health interventions must inherently include an educational element.

Legislators can affect promoting menstrual health in a number of ways, e.g. developing policies to combat menstrual poverty or, especially highlighted by this research, by regulating the connections and relationship of menstruation and labour. An example is the Indonesian legislature, which is trying to promote menstrual health through various policies. The country, highlighted below, has made significant progress in integrating menstrual health into policies on water, sanitation and hygiene (WASH), education and school health, and labour legislation in the workplace. Menstrual health is supported by the following policies, plans and guidelines. First of all, we have to mention Article 18 (Menstrual leave) of Labour Law No 13/2003, which allows female workers to take two days of paid leave during menstruation. Second is the Standard Regulation on the Design of Disposable Sanitary Pads in Indonesia (2000 and revised in 2015). This regulation sets standards for disposable sanitary pads. The National School Health Strategy is also worth highlighting, because this strategy includes three

menstrual health provisions, i.e., (i) health education by providing menstrual health knowledge and awareness; (ii) health services; and (iii) providing a healthy school environment for adolescent girls. Very exciting is the Water, Sanitation and Hygiene (WASH) programme, because this programme aims the schools, which include facilities that support menstrual health (for example, functional, clean, sex- segregated toilets and handwashing facilities with soap). They also address menstrual health knowledge and awareness in schools and communities, which is in connection with the educational goals. Regarding education, we have to mention other policies, like the Menstrual Hygiene Management Guide for Teachers and Parents (2017), the Menstrual Hygiene Management Communication Strategy (2019), and Sexual and Reproductive Health Guidelines (2021). These are all in connection with menstruation and education, communication in many forms.

This broad package of measures presents a comprehensive concept, approaching the problem from many directions. The present research focuses on the labour rights focus, which is the only one that the Indonesian government emphasises exclusively from the perspective of equal treatment, and the only one of its programmes that is linked to the principle of equal treatment.

In employment law, an important aspect of menstruation might be to ensure that menstruating persons do not have to fulfil their labour obligations if the painful menstrual symptoms persist and make it impossible to work. This may take the form of menstrual leave in employment law. The creation of this legal institution and the discussion on how to achieve it can be seen as an obligation on the state and the social partners, like trade unions, since it is motivated by the right to health. And the right to health must be understood as the right of access to the institutions, goods and services necessary for the highest attainable standard of health. It should therefore guarantee these actors access to the legal institution

of menstrual leave. Of course, because of the divisive nature of menstruation and related legal institutions, addressing menstrual issues across the life course raises wider social issues and tensions, including gender inequality.

In addition to the concept of menstrual health, the concept of reproductive health should be highlighted in the context of the human right to health. It is thus an integral aspect of the right to health, encompassing both freedoms and entitlements. Freedom encompasses the individual's right to control his or her own health and body, including reproductive health.

Optimal sexual and reproductive health is defined as a state of complete mental, physical, and social well-being in all aspects concerning the reproductive system. Reproductive health is, therefore, intertwined with sexual health and will be referred to together. We can find that many examples, like the 1994 International Conference on Population and Development (ICPD), recognised sexual and reproductive health as a fundamental human right. This definition was further reinforced by the landmark agreements reached at the ICPD in Cairo and the Fourth World Conference on Women in Beijing in 1995. Both governments and advocacy groups have been working to implement and extend global commitments to sexual and reproductive health. Over time, alongside efforts to tackle gender inequality, the safeguarding and advancement of sexual and reproductive health have been integrated into the UN agenda and are now part of the Sustainable Development Goals. In addition, the concept of reproductive health is also emerging in Europe, as the European Parliament stresses the importance of women's reproductive health.

Sexual and reproductive health outcomes are heavily influenced by gender inequalities. Global organisations highlight the importance of gender-sensitive approaches as a cornerstone of public health efforts. Recognising that men and women have unique sexual and reproductive health needs, gender-specific interventions are essential. Women, in particular, face numerous gynaecological conditions, and these definitely affect their reproductive health. These challenges are tied to the female reproductive cycle, such as menstruation and menopause, and are widespread, with conditions like dysmenorrhea (painful periods) and endometriosis being notably common. The issue of menstrual freedom, therefore, contributes to reproductive health. However, to support reproductive health, it is necessary to understand the extent of menstrual pain women experience, and it must also be managed by means that are effective and necessary.

Research into both menstrual health and reproductive health is in its infancy. MRS (menstrual-related symptoms) have a number of effects, most notably a reduction in productivity and an increase in the costs of the resulting absence or attendance at work. Yet, research in medicine or other disciplines on both the effects during attendance and the consequences during and associated with absence is very limited. Schoep et al. emphasise that studies on how menstrual symptoms affect quality of life should focus on a wide array of symptoms rather than just individual ones. This includes both common symptoms, such as heavy bleeding and cramps, as well as less common ones like nausea and cold sweats.

I. MENSTRUATION AT WORK - AND IN LABOUR LAW?

The right to health as a human right is described above in relation to menstrual health and reproductive health. The issue of women's health at work deserves further discussion. This is an issue that is receiving increasing attention in the modern labour market, as the proportion of women workers is increasing worldwide and more and more women are taking on positions of responsibility and leadership. While occupational health and safety is of fundamental importance for all workers, the specific health and safety risks for women workers, which arise from biological and social differences, like the MRS mentioned above or the challenges on the labour market shown above, deserve particular attention. The ergonomic, psychosocial and health challenges

that women face may be different from those faced by men, for example, reproductive health risks, the stress of balancing work and family life, and the psychological impact of gender discrimination or harassment. A comprehensive examination of this issue will not only improve women's well-being at work but will also contribute to more inclusive workplaces and the long-term success of companies. The importance of creating equal working conditions and of health protection measures tailored to women is therefore high on the agenda of modern labour law and social discourse.

Although women constitute more than half of the global workforce, they continue to grapple with distinct health challenges in professional settings. Reproductive health concerns, such as menstrual discomfort and pregnancy-related complications, can hinder their ability to work effectively and maintain a healthy lifestyle. Psychological health is another critical aspect, with stress being one of the most prevalent issues. Chronic stress can contribute to a range of health problems, including anxiety, depression, and cardiovascular diseases. Mental health concerns are further exacerbated by experiences of workplace discrimination and harassment. Studies reveal that women are disproportionately affected by stress and burnout in the workplace, often leading to significant mental health struggles.

Biological and physiological differences between men and women lead to distinct health challenges, which can influence women's participation in the workforce and public health overall. Over their lifetime, women experience significant changes, both within the menstrual cycle and across various life stages. While these changes are natural, they can also result in imbalances and health conditions. The monthly hormonal cycle, for instance, is often linked to issues like heavy bleeding and severe menstrual pain, which can persist throughout a woman's fertile years until menopause.

During perimenopause, symptoms such as hot flashes, excessive sweating, disrupted sleep, and depression may result in discomfort for years in connection with the last menstrual period. Focusing specifically on menstruation, it affects daily life, expenses, and workplace participation, making it essential to connect menstrual health to labour law. This perspective highlights various issues related to menstruation in the context of work. Legislators also have a responsibility to address this, as menstrual pain and discomfort cannot be equated with other health conditions. Even with the rising presence of women in the workforce and growing attention to workplace well-being in the 20th century, research on menstruation management remains largely concentrated in areas beyond the workplace. Whereas, menstruation has a clear impact on work, which not only affects the workplace, but can also negatively affect the school performance of young menstruating women. Danish researchers have investigated both school and workplace underperformance in relation to menstruation and its many symptoms. Schoep and colleagues conducted a medical study involving 26,438 women and found that 13.8% reported missing school or work during their menstrual period, with 3.4% experiencing absences during almost every cycle. On average, women missed 1.3 days per year due to menstruation. Additionally, 80.7% of respondents noted reduced productivity while present during their periods, amounting to an average of 23.2 days per year. The study concluded that Menstrual-Related Symptoms (MRS) lead to significant productivity losses, with reduced performance during attendance having a greater impact than absences. The findings highlight the need for more attention to the effects of these symptoms, particularly on women under 21, along with better treatment discussions for women of all ages and increased flexibility for students and workers. Similar research has been carried out in Australia. In a survey of 21,573 women in Australia, 90% reported experiencing debilitating menstrual pain, with 40% needing to take time off work or study to manage the discomfort. Many others chose to conceal their symptoms while at work or university, exacerbating their experience. A 2018 report by Public Health England found

that menstrual pain and menstruation rank as the third most significant reproductive health concern for women, following the issues of preventing unwanted pregnancies and managing their sex life. Cote and his colleagues, studying a group of menstruating women in the United States, showed that heavier menstrual bleeding is often associated with absenteeism, with significant negative financial consequences for women. The impact of menstrual health issues may be even more severe for individuals with additional gynaecological conditions. For instance, studies have shown that endometriosis leads to more frequent sick leave among Danish workers. The extended period between the onset of symptoms and diagnosis, along with delays in treatment, may contribute to reduced work capacity. And another study among Korean workers found that women with irregular menstruation had higher rates of part-time employment and unemployment. In the UK, Sang and colleagues conducted a survey of 627 individuals and found that a large number of respondents invested time and effort in managing menstrual symptoms at work. These included dealing with bleeding, frequent bathroom needs, and pain. Many reported continuing to work despite experiencing pain, even though they felt it negatively impacted their performance. Hungarian research has also looked at the extent to which women experience painful menstruation. The research involved a face-to-face test survey of more than 900 menstruating healthy women, which revealed that 20% of women surveyed reported that they subjectively experienced significant menstrual pain, 47% reported moderate menstrual pain and 24.4% of the sample reported moderate menstrual pain, that they have no pain, and when asked about the pain limiting their daily activities, 38% of respondents said that it was severe, 45% said that it had a slight effect on their daily activities and 20% said that their menstruation had no such effect.

The relationship between work conditions and menstruation emerges as a critical factor in the findings mentioned. While it is widely recognised that stress can exacerbate menstrual pain, the specific impact of workplace stress on severe dysmenorrhea remains underexplored. A study conducted in Hungary with over 400 participants examined how dysmenorrhea affects workplace performance. It found that 16.3% of the participants experienced severe menstrual pain that disrupted their daily activities. This group also indicated lower levels of workplace support and job security compared to a control group. Although this study was focused on Hungarian women, similar patterns have been observed in research from other countries. Additionally, while there is some association between the psychosocial work environment and menstrual pain, the number of studies on this topic is limited, and the results remain inconsistent. The results published by Thurston and colleagues in 2000 and by Christiani and colleagues in 1995 support the concern that high levels of psychosocial risks at the workplace increase the risk of dysmenorrhoea. This suggests that forward-thinking employers should aim to create period- friendly workplaces, as such environments may help alleviate the perception of menstrual pain for those affected.

The severe menstrual pain itself, dysmenorrhea, is closely linked to the ability to work productively. De Sanctis and colleagues reviewed studies on dysmenorrhoea in several countries, some of which included data on the absence of menstrual irregularity. The research noted that school absences caused by dysmenorrhea among adolescents range widely, from 7.7% to 57.8%. This data was collected from 41,140 women across 27 countries, and there were significant variations in how outcomes were measured. This makes it difficult to draw definitive conclusions from the findings. Another important survey of 706 Spanish-speaking teenage girls found that 38% had skipped school due to dysmenorrhea (with no information about its secondary or primary nature) in the previous three months, and 59% said it negatively affected their ability to concentrate in class. In addition, Hungarian researchers came to a similar conclusion in the 1990s, when they observed that 1-1.5% of work absenteeism was due to menstrual

difficulties.

Yet these phenomena are not addressed by labour law, but why? This question might have its answer in the field of gender issues. The largely gender-neutral stance in labour law is encapsulated in a 1964 ILO declaration, which asserts that the issues faced by women workers are largely similar to those of men, but that additional measures are required due to women's multiple responsibilities, particularly related to motherhood. Feminist labour researchers have also sharply criticised the lack of attention to gender-specific concerns.

Menstrual leave policies have been introduced in various countries with mixed success, aiming to support women experiencing painful periods while often facing resistance due to stigma and workplace discrimination. Japan pioneered menstrual leave in 1947, though social stigma has led to underuse, while Indonesia, South Korea, and Taiwan implemented similar policies with varying levels of paid or unpaid leave. Vietnam grants extra rest time, and Zambia allows one day of menstrual leave per month without requiring medical proof. Spain became the first EU country to introduce paid menstrual leave in 2023, covering severe cases like endometriosis. Other countries, such as Mexico and parts of China, have introduced policies with bureaucratic requirements that may discourage use. While menstrual leave is seen as a step toward gender-inclusive work environments, concerns remain about reinforcing stereotypes or discouraging employers from hiring women, making its implementation a balancing act between health rights and workplace equality.

If one looks at existing international examples, it can be observed that the justification given by governments and employers for menstrual leave in many respects mirrors the arguments used to develop policies on maternity and parental leave or even childcare, for which there is an extensive literature on the impact on gender equality. However, I am of the opinion that we are talking about a much more complex issue of menstrual regulation. From a labour law point of view, too, there are several arguments in favour of regulating menstruation, since menstruation is not just a "private health matter", and therefore it is not just a "private matter" for the woman suffering from dysmenorrhoea to deal with this problem. Moreover, since menstruation is essentially a female phenomenon, an inherent part of being female, its regulation in labour law is an integral part of the redefinition of the workplace in a way that takes account of women, since it concerns the specific needs of the female part of the workforce.

In support of this, the issue of regulation of working conditions, the well-being of workers, and expectations of a healthy and safe working environment should also be highlighted. In relation to the right working conditions, Article 23 of the Universal Declaration of Human Rights affirms that everyone has the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment. Thus, the human right to work is intended to guarantee, on the one hand, the right to choose or accept work freely and, on the other hand, to ensure the right to just and favourable working conditions.

It is striking that the management of menstruation is generally ignored by legislators and enforcers in relation to this issue, even though Baird, Hill and Colussi highlight the important role of menstrual leave in addressing the economic costs of poor hygiene and absenteeism. Cycle-specific working conditions can cover a wide range of areas, such as adequate hygiene, equipment at the workplace, rest facilities, flexible working hours and even leave. For example, if we look at the European Union level, it is noteworthy that in the European Agency for Safety and Health at work (OSHA-EU) Report "New risks and trends in the safety and health of women at work", published on January 20th, 2013, meant to examine "the specific challenges in terms of health and safety posed by the more extensive integration of women in the labour market", the word menstruation is used only once (page 48) in its 382 pages. There is a clear need to broaden the perspective on reproductive health, with a stronger emphasis on incorporating reproductive issues

within the context of overall occupational risks in research agendas. While some research exists on the new mothers and expecting women, much less attention has been given to other aspects of women's health, such as hormonal effects, menstrual disorders, and menopause.

It is clear that menstruation has not been taken into account either in labour legislation or in occupational risk prevention, and only very recently has it been given minimal attention in experiences that we can still define as almost anecdotal at the global level. However, there are already studies that prove that menstrual symptoms typically do not lead to higher absenteeism, but they do contribute to increased presenteeism, where individuals attend work despite being unwell or in pain due to fear of job loss.

Presenteeism resulting from menstruation can lead to a decline in productivity. Recognising this, potential solutions to address these challenges may involve providing individuals experiencing menstruation with increased flexibility during their period (such as the option to work from home or adopt flexible hours), free access to workplace facilities, and the implementation of period leave policies, among other innovative approaches.

II. CONCLUSION

Labour law must not lag behind in the development of gender equality, especially in light of recent labour law trends that aim to achieve the well-being of workers. Labour law scholars are increasingly advocating for the creation of a new framework called "Labour Quality Law," influenced by the Fourth Industrial Revolution. This approach prioritises the qualitative dimensions of employment, such as ensuring equal opportunities in the workplace and promoting personal flexibility and autonomy, and the mental and physical well-being of workers. It emphasises placing the worker at the forefront of socio-economic transitions and reimagining the principles of Labour law. These lines reinforce the view of Baird, Hill and Colussi that labour law and industrial relations were designed for

men, analysed from men's perspectives, which inherently limits the possibilities, scope and subject matter of academic research, and are subject to constant criticism for failing to respond adequately to the increase in women's participation in paid work. In addition, as long as male- dominated labour law standards prevail, menstruating women in uncompensated situations will be the victims of a performance- oriented organisational culture that does not take into account menstrual symptoms (and the difficulties caused by menopause). Because the workplace of the future is menstruation-friendly, and so is the labour legislation of the future. This is clearly a human right to health, as everyone has the right to work without pain. As it has been said, one of the approaches to menstrual-friendly working environments is menstrual leave, allowing individuals to take time off work due to menstruation-related challenges. A proper assessment of reproductive health, including menstruation, in labour law is essential to ensure that gender differences are properly addressed in health-protective labour law. This paper does not seek to systematically present the arguments against labour law regulation of menstruation, but instead focuses on the right to health, which is not an element of the list of arguments against, but a fundamental requirement that cannot be weighed. This needs to be decided when the rules are drafted, as does the precise way in which they are to be developed. As regards the specific regulation, it is worth examining national solutions from the point of view of the governments and social partners wishing to transpose the given regulation, while at the same time, due to the sensitivity of the subject, the way of regulation should be tailored to the national culture. This is the way to make legal development work.

REFERENCES

[1] Armour, M., Parry, K., Manohar, N., Holmes, K., Ferfolja, T., Curry, C., MacMillan, F., and Smith, C.A. (2019). The Prevalence and Academic Impact of Dysmenorrhea in 21,573 Young Women: A Systematic Review and Meta- Analysis. Journal of Women's Health, 28(8), 1161. https://doi.org/10.1089/

jwh.2018.76 15.

[2] Baird, M., Hill, E., & Colussi, S. (2020). Mapping Menstrual Leave Legislation and Policy Historically and Globally: A Labour Entitlement to Reinforce, Remedy, or Revolutionize Gender Equality at Work?. Comparative Labour Law & Policy Journal, 42(1), 187-225.

[3] Berde, É., & Drabancz, Á. (2022). Népesedési szcenáriók magyarországon a családtámogatási program részeredményei és a globális termékenység változásának tükrében. Köz-Gazdaság, 2022(1), 259–275.

[4] Becquet, V., Le Guen, M., Miani, C., Rozée, V., & Väisänen, H. (2024). 30 years on from the ICPD: The state of sexual and reproductive rights around the world. *Population and Societies*, 625, 1-4.

[5] Christiani, D. C., Niu, T., & Xu, X. (1995). Occupational stress and dysmenorrhoea in women working in cotton textile mills. International Journal of Occupational and Environmental Health, 1(1), 9–15.

[6] Cislaghi, B., & Heise, L. (2020). Gender norms and social norms: differences, similarities and why they matter in prevention science. Sociology of health & illness, 42(2), 407–422. https://doi.org/10.1111/1467-9566.13008.

[7] De Vos, M. (2018). Work 4.0 and the Future of Labour Law. : https://ssrn.com/abstract=3217834.

[8] EIGE (2021). *Gender Equality Index 2021: Health*. https://eige.europa.eu/publications-resources/toolkits-guides/gender-equality-index-2021-report/rights-access-and-outcomes-sexual-and- reproductive-health-focus.

[9] Erdey, L., & Várnagy, E. (2022). A menstruációs szegénység mint láthatatlan depriváció – nemzetközi és hazai tapasztalatok. Külgazdaság, 66(6), 45¬–81.

[10] Golding, G., & Hvala, T. (2021). Paid Period Leave for Australian Women: A Prerogative Not a Pain. [2021] Sydney Law Review, 43(3), 349.

[11] Gyulai, G., & Karácsony, P. (2023). Vélemények a munkahelyi menstruációs szabadságról: magyarországi felmérés tapasztalatai alapján. Partiumi Egyetemi Szemle, 22(1), 31-40.

[12] Human Rights Council. (2021). Menstrual Hygiene Management, Human Rights and Gender Equality, A/HCR/47/l.2. https://www.ohchr.org/en/statements/2022/06/high-commissioner- human-rights-statement-menstrual- health.

[13] Hunter, E., Palovick, K., Teni, M. T., & Kuhlmann, A. S. (2022). COVID-19 made it harder to access period products: The effects of the pandemic on period poverty. Front Reprod Health, 4(1003040). https://doi.org/10.3389/frph.2022.10 03040.

[14] Kálmán, J. (2018). Nõk foglalkozási helyzetére ható szakpolitikák Európában. In Á. Szabó-Morvai (Ed.), *Közelkép. Nõk a munkaerõpiacon* (pp. 79–87). MTA Közgazdaság- és Regionális Tudományi

Kutatóközpont Közgazdaságtudományi Intézet..

[15] King, S. (2020). Menstrual Leave: Good Intention, Poor Solution. In Hassard, J., & Torres, L.D. (Eds.). Aligning Perspectives in Gender Mainstreaming (151-176). Cham, Switzerland: Springer. DOI: 10.1007/978-3-030-53269-7_9.

[16] László, K., Gyõrffy, Zs., Salavecz, Gy., Ádám, Sz., and Kopp, M. (2007) Munkahelyi stressztényezõk kapcsolata a fájdalmas menstruációval. Mentálhigiéné és Pszichoszomatika, 8(3), 229–239.230–231.

[17] Neylon O'Brien, C. (1993). Employment law and the protection of reproductive health. Carroll Research Report, 10-12. https://dlib.bc.edu/islandora/object/bc-ir:101004/datastream/PDF/view.

[18] Nyitrai, E., & Takács, Sz. (2023). A menstruációs fájdalom megélését befolyásoló pszichológiai tényezõk – a fájdalomkatasztrofizálás szerepe. Orvosi Hetilap, 164(377), 1469-1475.https://doi.org/10.1556/650.2023.32 857.

[19] Parliament of the European Union (2024). A nõknek kell rendelkezniük szexuális és reproduktív jogaik felett. https://www.europarl.europa.eu/new s/hu/press-room/20240408IPR20314/ep-a- noknek-kell-rendelkezniuk-szexualis-es-reproduktiv-jogaik- felett.

[20] Price, H.H. (2022). Periodic Leave: An Analysis of Menstrual Leave as a Legal Workplace Benefit. Oklahoma Law Review, 2(74), 187-224.

[21] Ribes Moreno, M.I. (2023). Women's rights in the workplace – EU vs. Spanish legislation on co-responsibility rights. Stanovništvo, 61(2), 85–107. 86.

[22] Reljanoviæ, M., & Rajiæ Æaliæ, J.M. (2024). Menstrual Leave And Gender Equality. Strani pravni zivot, 68(1), 1-14.

[23] Ruggiero, F. (2022). Reform on Sexual and Reproductive Health and Rights: at the heart of women's life, 2022, 6. https:// commission.europa.eu/document/download/e55b96f1-b783-49b1-91b7-b11bcb78ab5a_en?filename=mlp_es_comments%20 paper_november_2022 pdf. Samuels, E. (2023). Protecting Reproductive Rights in the Workplace. https://onlabor.org/protecting-reproductive-rights-in-the- workplace/.

[24] Sang, K, Remnant, J., Calvard, T., and Myhill, K. (2021). Blood Work: Managing Menstruation, Menopause and Gynaecological Health Conditions in the Workplace. International Journal of Environmental Research and Public Health, 18(4), 1951. https://doi.org/10.3390/ijerph180419 51.

[25] Sanitation and Water for All Secretariat. (2021). Human Rights Council Adopts Resolution on Menstrual Health. https://www.sanitationandwater foral l.org/news/human-rights-council-adopts-resolution-menstrual-health.

[26] Schoepp, M. E., Adang, E. M. M., Maas, J. W.M., De Bie, B., Aarts, J. W. M., & Nieboer, T. E. (2019). Productivity loss due to menstruation-related

symptoms: A nationwide cross-sectional survey among 32,748 women. BMJ Open, 9(6), 1-10. https://doi.org/10.1136/bmjopen- 2018-026186.

[27] Seth, M. (2023). Why is it important to have a period-friendly workplace?. https://www.peoplematters.in/article/wellness/why-is-it-important-to- have-a-period-friendly-workplace-37083.

[28] Szekeres., B., & Mélypataki, G. (2022). A menstruációs szabadság bevezetésének jogelméleti és gyakorlati kérdései. Közjogi Szemle, 15(4), 49-55.

[29] Solymosi-Szekeres, B., (2024). Menstrual health, period leave and employment law - Legal considerations with a focus on Hungary (gL}n0eP·^0utO‡fÊSs0Ç–(uÕl^ÿĬ0ó0−0ê0ü0k0Í'¹p'0nnD0_0Õl,,v€ß[). Kikan rôdôhô / Quarterly Labour Law, 2024/286, 28-39.

[30] Solymosi-Szekeres, B. (2025). A Global Analysis of Menstruation-Friendly Working Practices Through an Evaluation of International Examples. Review of European and Comparative Law, 60(1), 65-85. https://doi.org/10.31743/recl.18086. In press.

[31] Strassmayr, B. (2022). Menstruation as a Human Right – Discrimination through Hygiene Products in Austria. Thesis.

[32] Tanzer, Z. (2024). Editor's Note: The Indistinguishable History Of Gender And Labour Law: From Special Measures To Structural Reform. Global Labour Rights Reporter,3(2), 4. : https://www.ilawnetwork.com/wp-content/uploads/2024/06/GLLR- Volume-3-Issue-2-English.pdf.

[33] The Chartered Institute of Personnel and Development. (2023). Menstruation and support at work. https://www.cipd.org/globalassets/m edia/knowledge/knowledge- hub/reports/2023-pdfs/8500-menstruation-support-report-nov- 23.pdf.

[34] The Labour Party. (2023). Reproductive Health Related Leave Bill. https://labour.ie/support-the- reproductive-leave-bill/.

[35] The Women's Organisation. (2023). World Health Day: Let's talk about Women's health in the workplace. : https://www.thewomensorganisation .org.uk/world-health-day-lets-talk- about-womens-health-in-the-workplace/.

[36] Thurston, S. W., Ryan, L., Christiani, D. C., Snow, R., Carlson, J., You, L., Cui, S., Ma, G., United Nations. (n.d.). Universal Declaration of Human Rights. https://www.un.org/en/about- us/universal-declaration-of-human- rights.

[37] United Nations. (2019). Women's menstrual health should no longer be a taboo, say UN human rights experts. https://www.ohchr.org/en/news/201 9/03/international-womens-day-8- march-2019.

[38] United Nations Population Fund. (2022). Menstruation and human rights - Frequently asked questions. https://www.unfpa.org/menstruation faq.

[39] Wang, L., Huang, Y., and Xu, X. (2000) Petrochemical exposure and menstrual disturbances. American Journal of Industrial Medicine, 38(5), 555–564.

[40] World Health Organisation. (2022). Statement on menstrual health and rights. https://www.who.int/news/item/22- 06-2022-who-statement-on- menstrual-health-and-rights.

[41] World Bank Group (2022). Menstrual Health and Hygiene. https://www.worldbank.org/en/topic/ water/brief/menstrual-health-and- hygiene.

[42] Zakariás, K. (2023). Az egészséghez való alapjog és az egészségügyi ellátáshoz való jog. Glossa Iuridica, 10(6), 9-23.

[43] Bill No. 276 of 2022 - The Right of Women to Menstrual Leave and Free Access to Menstrual Health Products Bill. https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/276%20of%202022%20as%20introduced8420 2375127PM.pdf?source=legislation.

[44] Menstrual Health in East Asia and the Pacific: Regional Progress Review–Indonesia. https://www.unicef.org/eap/media/1 3911/file/Indonesia-%20Country%20Profile.pdf.

[45] Zwysen, W. (2024, March 28). Women at work: doing different jobs, still unequal. https://www.socialeurope.eu/women-at-work-doing-different-jobs-still- unequal.

Socialisation through Work: Lived Experiences of Informal Sector Women Workers in the National Capital Region

Sudeshna Sengupta*

Abstract— **How are women socialised into gendered work, and how do they learn patriarchal values through work? This paper explores this question by examining the experiences of informal sector women workers, who were working in the National Capital Region including construction workers, paid domestic workers, self-employed workers, and home-based workers, were in gendered occupations. How were these women inducted into the world of work? There were commonalities and differences observed in the socialisation processes. As far as commonalities are concerned, firstly, within all contexts and processes, women were inducted into gendered division of work by mainly intimate women members of both natal and marital families; secondly, they learnt patriarchal values and subordination of women's work through these processes; thirdly, they learnt to provide unpaid labourin both productive and reproductive domains as per the needs of the families. However, the socialisation processes differed across geographical contexts and with the diversity of productive and reproductive tasks. The processes of socialisation into gendered work varied depending on the needs of families. There were outliers, too. Socialisation influenced their future choice of occupations that demanded cheap, flexible, informal labour.**

*Keywords—***Socialisation, gendering of work, productive work, reproductive work, informal workers**

*Sudeshna Sengupta is an Independent Researcher and Consultant, Email: sudeshna1562@gmail.com

I. INTRODUCTION

How are women socialised into gendered work? What are the processes involved? Who are the key actors in this socialisation? Are these processes uniform or diverse? How does socialisation shape women's future work lives? This paper intends to find answers to the above questions. It throws light on how women informal sector workers interviewed for the research were inducted into the world of work.

The findings presented in this paper are drawn from a PhD thesis that explored the social and policial economy of women's work using the life history method. This paper is located within the larger study and focuses on how women were inducted into the world of work. The observations based on women's recollections of their initiation into both productive and reproductive labour. For all of them, barring two women, work lives started when they were children. This paper focuses on how they were introduced to work. The objective of the paper is to understand the processes of socialisation that made gender through work and also the commonality and differences observed in the processes.

A total of 60 women informal sector workers were interviewed for the study. They belonged to 4 occupations, namely construction work (15), paid domestic work (15), home-based work (15) and self-employment (15). These occupations were selected for study due to their gendered nature. The women workers were selected using purposive

and snowball sampling techniques. The fieldwork was done in the National Capital Region of India.

The paper flows in the following way. Section 2 unfurls the profile of women workers. Section 3 argues that socialisation at work mainly happened within families, within and outside homes, through diverse learning by doing processes and through play. Section 4 highlights work relations shared with intimate family members during socialisation, who also facilitated their internalisation of patriarchal values and gender subordination through work. There were outliers, too! Section 5 discusses how socialisation influenced their future choice of occupations in the cities that were also undervalued and gendered. Section 6 is the conclusion, which synthesises the findings.

II. PROFILE OF WORKERS

At the outset, it is important to understand the profile of the women interviewed, particularly in terms of education, caste and migration. There were multiple forms of social deprivation observed among the women informal sector workers. Over half of them belonged to either Scheduled Caste (SC) or minority communities, approximately 82% were either illiterate or had dropped out before Class V. Fifty out of 60 women (83%) were migrants and 47 (78%) were married off before the legal age of marriage. Thirty-four out of 60 women (57%) suffered from all of the above forms of deprivation. They were all migrants. Belonging to socially marginalised groups, all of them were married before the legal age and had formal schooling till or below Class V. These observations corroborate the writings of scholars (Bhattacharya, 2017; Breman, 2013; Harris-White, 2004) who have highlighted that social and economic marginalisations are intertwined.

Expressions of hardship and poverty revealed the contexts in which these women groew up.

There were many women who spoke about making cow-dung cakes as indicators of extreme material deprivation through words like, "We have used our bare hands to lift cow dung (haath se

gobar uthaye thhey)" or, "I have never had to touch cow dung with my hands (maine kabhi gobar haath mein nahi lagaye)". A similar sense of deprivation was apparent in the words of Kusum, who spent her childhood in the hilly terrains of Uttarakhand.

She said, "I have carried heavy stones on my head (hum to patthar uthaye the sarpe) for money". However, Radha, another migrant   from Uttarakhand, had no history of "carrying stones", indicating that she was not materially deprived. Even though most of the women had school education below Class V, there were four women who grew up in urban areas and could complete their school education because their fathers supported them and motivated them to complete school. Both the women from Uttarakhand talked about taking part in fertilising their own and their neighbours' lands with cow dung, but intriguingly, they did not consider it to be of low dignity. Except for a few, there was a continuity of material deprivation observed since the beginning of the women's lives.

III. SOCIALISATION IN WORK

Most of the women interviewed for the study were introduced to physical work at a very early age. However, they were not introduced to the same form of work uniformly. There was diversity in how they were introduced to the world of work, as the requirements of the families were different, and the compositions of their families were different too!

They started learning work from the elders in their families. They worked alongside intimate family members, close relatives, and often took up independent work responsibilities. The processes involved 'learning by doing'. The family hierarchies in the natal and marital homes, which were working-class families (except two), decided how the women's labour was to be used. The control over women's labour shifted from the hierarchies of the natal to the marital families through marriage migration. In the natal homes, women mainly worked under parents, sisters, aunts, uncles, etc and in marital homes, women

worked under their triple hierarchical structures of fathers- in-law, mothers-in-law and their husbands. Scholars (Dube, 1988; Bhatty, 1988; Chanana, 1988). had pointed out that socialisation constructs future gender roles in accordance with the prevalent social norms and primarily takes place within the institution of the family through kinship and marriage. The findings of the study corroborated the observations of feminist scholars.

It is also important to point out that 50 out of 60 women were migrants, and of the 50 women, 34 migrated from rural to urban areas. Thus, their socialisation of work had happened mainly in the rural context in an agrarian set-up. They joined informal work in the cities later in their lives. The rest of the women (26) grew up in small towns, and few of them in Delhi itself. Their work lives started differently from their rural counterparts.

Learning housework from family members

Families of women were not uniform in composition. The natal families of most of the women interviewed comprised of their parents alone. Some had grown up in joint families, and three of them lost both their parents early and grew up without adult caregivers at home. Women who had lost their mothers in their childhood had mainly grown up in their paternal and maternal grandparents' homes. The marital families were similarly varied in composition; some were nuclear and some were joint families. Since 83% were migrants, their natal and marital families were located in different states and regions. The diversity of contexts led to diversity in the socialisation processes and relationships around work. Multiple patterns emerged regarding who they learnt from, what they learnt and how.

Most of the women started housework by "helping mummy". In case their mothers were absent, their work lives started under their grandmothers, aunts or elder sisters. They learnt work from their fathers too. The activity in which all the women participated in different phases of their lives was cooking. Generally, the mother was responsible for cooking, and their daughters

learnt from them. However, Dolly, who spent her school days with her aunt in Noida, had learnt cooking from her aunt, while Kanta had learnt it from her grandmother. Cutting vegetables was one activity many women said they started doing very young. Meera, a paid domestic worker, helped her mother by pasting spices and doing what her mother left unfinished. Others also mentioned how they learnt cooking by finishing the unfinished tasks. Sometimes mothers would tell their daughters to complete the vegetable dish that was being cooked or make rotis from the remaining dough.

There were other narratives, too. Ranja's father was afraid that his children might get burns or cuts, so they were not allowed to cut vegetables or cook. Mehmuda said she was married off at the age of nine, but the Gauna happened after three years. In her natal home, she would make 'roti sabzi' out of mud playfully as a little girl. After shifting to her marital home, she had to make actual 'roti sabzi'. Mina had declined to cook in her natal home. Within three to four days of her marriage, she was told to cook. She started crying, but declining to cook was not an option in her marital home. Her husband taught her, and sometimes she would help her father-in-law to cook vegetables in the evenings. Anjana, who helped her family sell vegetables in the market as the eldest child, learnt cooking from her mother-in-law. Veerbati did not learn housework in her natal home as she was the only daughter in the family from Rajasthan with seven brothers. However, she used to sew dresses for the whole family, which she did not consider work. Her marital home did not allow her to do any housework as she did not bring much dowry with her. She begged her mother-in- law to teach her how to cook vegetables and make the spices ("mirch-masale"). She gave up her dignity and made cow-dung cakes and cleaned houses with cow dung to please her mother-in- law. Even that was not allowed.

However, housework was not only restricted to cooking. The women learnt mopping and cleaning, washing clothes and utensils, and doing

other forms of household chores that were needed for the families. Savita said she started participating in housework for two reasons. First, she felt sorry for her mother, who had to work very hard as a factory worker. Second, she was told by her women neighbours that she was old enough to learn housework. Her words showed that women often pick up gendered work due to social pressures.

It is important to note that socialisation in housework did not follow any uniform process. Some learnt cooking, some childcare, some used to cut vegetables. The processes of cooking, making vegetables and spices varied from family to family based on their region of stay and culture. Gendering of work did not happen only through housework. It also included learning direct care work and helping with work for livelihoods.

Learning work raelated to livelihoods

Women (34 out of 50 migrant women) who migrated from villages had participated in agrarian work and animal husbandry, which were the primary livelihoods of their natal and marital families. Girls as young as nine or ten worked as unpaid helpers or paid agricultural labourers, but received very little wages for an entire day's work. Some reported earning as little as Rs 6 per day as child agricultural workers. Most of the women grew up in families doing subsistence agricultural work. They provided labour on their family farm land.

Learning work from elders involved participating in occupations that supported family livelihoods. Meera said she learnt from her mother how to clean the grass in the farmland and look after cows and buffaloes. Kajol grew up in a village in Uttar Pradesh. She said that she helped in cutting and drying wheat. She noted that her mother never imagined she would go to the city to work- a comment that hinted at her mother's regret for not preparing her daughter for urban employment. Mohina was a paid domestic worker in her late twenties from West Bengal. Her parents owned some land. She shared that she would help her

mother with the agricultural work and also carry food and tea to the men working in the field. This was a task that was shared by other women as well. Sunita, a construction worker from Chhattisgarh, said that her mother taught her housework and agricultural work. However, she learnt to plant seeds from her mother-in-law. She said, "Nobody learns from the womb of the mother. They get trained by someone."

Mina said that she later realised what her mother used to tell her before marriage was all true. She repented for not listening to her mother when she nudged her to learn housework and farm work. Her ordeal is well captured in her narrative:

"I had to go to the field to cut the raagis. Before marriage, I did not know what raagi is or how it is cut. It is about cleaning the shrubs. The first time, I cut the crops instead of the grass by mistake. My mother-in-law came and told me what was wrong. She slowly taught me how to do it, and I picked up."

The women learnt to use natural resources as cooking fuel. Zeenat said that a big tree would be cut and kept at home to provide firewood for cooking throughout the year. Feroza learnt from her mother how to store the residue of jute after harvesting and use the same for cooking. Namrata's mother taught her to make cow-dung cakes. Tasks such as collecting firewood from forests, making cow-dung cakes or preparing fuel from crop residue emerged as responsibilities of women.

Participating in agricultural work was not uniform. Not all women performed every task, and they didn't all learn the same activities. Their work lives depended on how their families distributed work. There were regional diversities observed. Some women said they had learnt to plant seeds, cut crops, dehusk and dry paddy; some participated in only drying or dehusking or storing paddy. This social division of labour was structured by gender norms. The women from West Bengal, Bihar and Chhattisgarh talked about participating in the process of paddy production. Even the hired hands for harvesting paddy comprised women, mainly from the tribal

communities. Women from the wheat-producing parts of Bihar and UP spoke about bringing out the grain from the machines, stuffing it in sacks and carrying those sacks home on their heads. Namrata was married in a village in UP and did farm work like cutting peas, pulses and wheat, and storing the harvest. The regional variations brought diversity in the socialisation processes of work, as the production processes varied.

There was diversity in the need for women's labour. However, they mainly learnt work that was divided on the basis of gender.

Animal husbandry was another livelihood area commonly undertaken by women as unpaid helpers in both urban and rural contexts. This included a range of activities like taking care of the cattle (goats, buffaloes and cows), and collecting and processing milk. The processing of milk included boiling milk for household consumption, turning it into curd or chaach (butter milk) that was sold outside as well as consumed by the household. The unpaid labour producing the same products was used to generate additional income.

Growing up in an urban area, Santoshi and Molly helped their parents as unpaid helpers on construction sites, and helped them with household chores. Bina's mother ran a tea shop, and she and her brothers would sit there after school so that their mother could finish her housework. After Meera's natal family migrated to cities, she would lend a hand to the home- based work of her mother. Anjana had helped her parents sell vegetables, and Savita helped her paralytic father to procure, arrange and sell groceries. Kulsum had grown up in Kanpur. She said that her childhood was spent mainly "indoors", which included a family "shoe factory" where the whole family "helped". Lakkhi, who had eloped from her village with her husband to a city,

started working with her husband on the construction sites. Her work life changed, but the poverty and hardship remained. Lakshmi and Mehmoona learnt to stitch at an early age to help their families earn. Lakshmi also went around in the neighbourhood to take orders or deliver orders made by their tailor parents.

Many family members, including close relations- functioned as co-workers and supervisors. Most of the women interviewed had migrated from rural areas. Their work relations overlapped with intimate family relations. Social and family relations with parents, siblings, parents-in-law, husbands, were labour relations too. There was a similarity between urban and rural areas in regard to the work relations shared by women with their intimate family members. Family relations were mostly observed to be entangled social and economic relationships.

Play and work

Work was interwoven with play, and they generally referred to the activities as 'play' rather than 'work'. Mina, a paid domestic worker in her early forties, recalled being responsible for fetching firewood from the mountains with other women and girls in her village. She said,

"Chachi (aunt) would go to fetch firewood, and sometimes we would also go with our friends. In case the load was too heavy for our heads, we would drop some of it. It was like a game. We would drop the twigs to lighten our burden, and our younger sisters would run after them."

Mohina shared that they would play "biye-biye" (marriage) with the babies. The baby siblings were in the custody of the young sisters who would treat them as dolls and marry off the "girl babies with girl babies". Chanana (1988) and Dube (1988) have written about socialisation through play, where girls are encouraged to engage in activities like house, marriage, babies, cooking and visiting neighbours. Mehmuda said that she had spent her childhood days taking care of the cattle, making "litti (a food item made of sattu) and roti" with mud, playing "house (ghar ghar)" and helping with the agricultural work. Rabina said she would play with her cousins at home while keeping an eye on the babies as part of the play. As Ferguson (Ferguson, 2017) pointed out, play is a creative time which denies the 'capitalist impulse' to separate play and work.

There were also narratives of joyful and outdoor fun with friends. Meera said they would run around playing hide-and-seek and other types of outdoor games. Santoshi said that till the age of five years, before her sister was born, she would be busy playing all the time ("main to khelai kudai mein busy ho gaye the"). Many women shared the fun of playing "chhuppan-chhupai (hide-and- seek)".

However, women like Anjana, Kusum and Lakkhi, who had spent their lives in dire poverty, said they never had any time to play. For them, the socialisation process was learning work through hardship. They never got an opportunity to explore their capacity as imaginative individuals through play.

Providing labour to the communities

Kinship played a significant role in shaping gendered roles. The narratives on providing labour to the community before and after marriage show that women's labour was treated as a community resource, especially in the villages. The villages were divided into caste-based habitations where women provided services to their own communities. Mina said,

"In the village, we used cow dung as fertiliser. We used to collect it in containers, take it on our heads to the fields, and fill the entire area with it. If today we fill your field, tomorrow we fill ours. That is how it was planned."

The collection of cow dung would go on for ten to fifteen days, and then the process of fertilising the fields began and would continue thereafter for weeks together. A number of women had said that they had provided collective labour in their neighbours' fields voluntarily during the harvesting or planting. The community's agricultural work was dependent on community labour, where work was divided on the basis of gender. Rabina had offered her labour to her neighbours in the village after marriage. She proudly mentioned that she had never provided her own labour for money." We would work only within the close circle of our own relatives," she

said. The narratives reveal that both the communities and the families were dependent on women's labour. There were also narratives where girls would help their mothers to make lassi (a milk product made by mixing curd and water) and share it with neighbours. Many women from both rural and urban areas shared that they had helped their neighbours finish their housework by keeping an eye on their babies.

Two main forms of community labour emerged from these narratives. The first was collective participation in agricultural work. This kind of work was done only by women as a group. Women were socialised into gendered work in the community spaces. The other kind of work was supporting neighbours by taking care of their children or helping during family functions. The socialisation process, especially in the villages, highlighted gendered divisions of labour were reinforced through community norms and expectations.

Learning to take care of children

Caregiving as a form of work that women took up from their childhood days. Feminists (Palriwala & Neetha, 2019; Dube, 1988) have pointed out how institutional behaviour is influenced by the perception that caregiving is a 'natural' attribute of women and not a social construct. Caregiving is mainly familialised and gendered and is based on this perception (Palriwala & Neetha, 2019). In their natal families, women had looked after their younger siblings, took their younger siblings to school with them, dropped out of school to do caregiving, and also combined play with care work. The responsibilities and work burden increased after their own children were born. It was a time when women felt they were responsible for their children's well-being. As children, they had taken care of their siblings, but the overall well- being of their siblings was the responsibility of their parents.

During pregnancy and childbirth, the women themselves needed care. They expected to get support from their mothers and sisters. Most of

the women spent the last few weeks of pregnancy in their mothers' homes. Feroza's sons were born in her natal home, which was near her marital village. Her mother helped care for the newborn, but she had to return to her marital home within one month of childbirth. Her mother came over with her for both her sons. She said both her mother and mother-in-law had helped to take care of the newborns. Her mother-in-law stayed nearby but separately. Sometimes she would keep her son with her mother-in-law so that she could devote time to the housework or farm work. Often her mother-in-law would voluntarily come over if she heard the child crying. She spoke of sleepless nights as the child would wake up time and again. During the day, too, she couldn't rest because of household responsibilities. She said she could not breastfeed her sons because within two months of childbirth, she had to sit at the chulah, which caused her breast milk to dry up. She also felt that she may have overexerted herself, and she frequently experienced dizziness as she was anaemic. She did not receive any medical intervention because both her husband and mother-in-law felt it was a waste of money.

Rabina's mother remarried when she was five years old, and Lakkhi's mother left home when she was only ten years old. Both Rabina and Lakkhi reconnected with their mothers after marriage and spent their last months of pregnancy in their mothers' houses. Lakkhi's mother had returned to the village by then. Childbirth usually meant a temporary shift in residence for most women, even if it was for a short period of time. The parental home was expected to provide the comfort and rest required after childbirth, as the hierarchies in the natal families were more supportive. Marital families were not considered as spaces where women could take rest. It was not only about their comfort levels in their natal families but also their mothers' hierarchy in families and their support that made women reach out to their natal families during childbirth. Even after recovering from childbirth, many women said that the proximity to their mother's home enabled them to take on or join back paid work or to do the housework. It is intriguing to note that even though women considered their marital homes to be their permanent residence, they usually did not turn to them for support when they were in need. The mothers emerged as the primary caregivers in such situations.

There were exceptions, too, where mothers or natal families declined to take the responsibility. In most cases, women managed on their own or took help from their husbands, other women in the marital home, young children and neighbours. Talking about the birth of her third daughter, Lakshmi said,

"I went to my mother's house so that I could get some rest and she could take care of my daughters. But my mother said, 'Who will help you here? You can stay if you like, but you will have to look for someone to do your delivery.' So, I thought that if I have to look for help, then let me go back home and do so there. I had no money. I asked for money from Mummy, but she turned me down. Finally, a midwife, who had worked at the hospital nearby, helped me. I suffered a lot. There was a lot of pain. But I started doing everything at home within two hours of my third child's birth. I washed the bedsheets and made aloo sabzi (vegetable dish with potatoes) for my husband. I did not get even a day's rest on the birth of any of my children (kisi bachche pe aram nahi kari, ek-din bhi)."

Some women, mostly belonging to joint families, spoke about receiving support from mothers-in-law and co-sisters. When they returned to their marital homes after childbirth, the additional care work led to rearrangement of work, with children or mothers-in-law pitching in. The women resumed their work continuum soon after childbirth. Husbands were also seen to be lending support, but only by keeping an eye on the baby. They did not participate in feeding or cleaning them.

The women interviewed did not have much say on when to have a child. Mohina did not want to have a child just after marriage, but had to give in to the pressure created by her in-laws. Babita faced familial pressure to bear a son. The

literature talks about marital families controlling sexual labour (Lerner, 1986). The women were not allowed to have ownership over their bodies. The preference for sons and the social pressure put on married women to prove their fertility shows how reproductive and sexual labour allowed little scope for individual choice. Malti said that before marriage, she learnt many forms of work, but nobody told her about the physical relationship she would have with her husband. Her words show how she considered having sex with her husband as a form of work.

Suniti's marriage took place because there was a care need within her marital family. Her husband's first wife had died, leaving a two-day-old son. As the father was unable to balance paid work and care responsibilities, his employers took the initiative to find a bride for him. The fact that an employer could intervene in the reproductive life of an employee shows how the market was dependent on reproductive work and the institution of marriage. Caregiving was socially accepted as a woman's duty; the father was not supposed to spend time at home and create problems in the workplace. The dividing lines between the family and market were blurred in the interest of profit. The woman, who was in paid employment, gave up her economic autonomy and embraced a reproductive role to free up the man for his paid work. Suniti left her paid employment as a live-in domestic worker and got married. As a stepmother, she was not eligible for any form of maternity benefits, even though she was fully responsible for the newborn. The law-making and regulating state has entitlements for biological mothers in the form of schemes, but none for a woman who took over the responsibility of a motherless infant.

IV. INTERNALISING PATRIARCHAL VALUES THROUGH WORK AND WORK RELATIONS

The socialisation process of inducting women into gendered work was backed by a common knowledge of gendered division of work as social norms. This system was rooted in patriarchal familial and social ideology that subordinated women's work. The family functioned as a vehicle to pass on the overarching social norms on gendered work in a decentralised manner. Bhattacharya (Bhattacharya, 2017) and Chanana (Chanana, 1988) pointed out that training in compliance happens within families, where values based on gender are passed on through generations. Bhatty (Bhatty, 1988) also pointed out how docility is taught as part of the socialisation of girls in Muslim families.

Sharma (Sharma, 1985) wrote about how most of the work in pre-capitalist subsistence economies was undertaken by the family unit. The sexual division of work usually relegated childcare, food processing and household maintenance (cleaning, sewing, washing) to women. The household functioned as the basic unit of production and cohabitation, which facilitated the gendering of work.

The women interviewed said that working as per the instructions of elders was a value taught to them by their parents. Anjana, a self-employed and home-based worker in her mid-thirties, defined "achcha sanskar" (high values) for women as respecting elders, not hurting elders, covering the head in front of elders in the marital home, keeping the eyes to the ground while talking to elders and obeying them unquestioningly. Women were taught that their behaviours should not bring any disrespect to their fathers. Ranja, a woman construction worker in Gurugram, said, "If you work hard, you save the honour of your parents." A man listening to the interview on a Gurugram construction site said that housework was taught at home before marriage. It was a social norm, which, if not adhered to, demanded penalisation in the form of abuse and sometimes abandonment by the husband or in-laws.

It emerged from the narratives that the eldest siblings in the families had more responsibilities and their work burden was more. This was true for both girls and boys. As discussed earlier, Anjana was chosen to help her parents sell vegetables in the market, while Mohina was

responsible for helping her mother do the housework. Both were the eldest children in their families and bore the responsibilities of the eldest daughter. Pritha's mother had an ailment for which she would stay mostly asleep or half-conscious for about six months a year. As the eldest sibling, Pritha would try to cook, do other household chores, and take care of her baby brother. The social norm was to put more responsibility on the elder children. However, the division of labour was gendered. When Najma was five, her father died, and her twelve-year-old brother had to migrate to Kolkata to earn money as the agricultural produce was not enough. Similarly, Vimla's brother joined his father in Mumbai to earn hard cash for the family when he was just twelve or thirteen years old. Thus, in a patriarchal family, the responsibility of earning fell upon the eldest boy child and mainly housework on the girl child. Anjana's brother was too young to help out his parents in selling vegetables. Suniti lamented that her eldest brother did not take care of her financial needs after the death of her father. She had to migrate to Delhi alone when she was in her teens to earn her living as a live-in domestic worker.

Ploughing, a work considered to be men's work, was learnt by only three women. All of them were from the SC community and faced deep poverty since childhood. Kamla and Pinki, home-based workers from Rajasthan, said they ploughed the field in the absence of men, which indicated that if required, women shouldered men's responsibilities and were even taught to do so from an early age. Significantly, all the women had learnt to use the plough from their fathers, and to do other forms of agricultural work from their women relatives. The narratives of women from both Hindu and Muslim communities described ploughing as men's work. Mina, an OBC woman, said that in their village, the plough represented a man's prestige in earning money and that the girls were not allowed to touch it, a perspective also shared by Palriwala (1991)

In spite of the huge volume and range of work they had participated in, women undervalued their contribution to their families. The market also undervalued women's work due to social reasons and paid women less than men and girls less than adult women. Mehmuda, a vegetable vendor in her late forties, emphasised that it was not possible for women to be on par with men, no matter how hard they tried. She also had doubts regarding a woman's capability to pick up job skills even after they were trained. This clearly underlines the internalisation of subordination and undermining of oneself. The undervaluation of women's work was found to be internalised by all women along with the division of work based on sex.

How socialisation played a role in opting for occupations

The majority of the non- migrants opted for occupations similar to their parents. Due to their participation as unpaid family helpers, they had already acquired job skills. Anjana's choice to run a shop was influenced by her childhood experience. During their childhood, both Bina and Savita had helped their parents in running the shops and thus opted for this occupation. Savita decided to run a shop different from the one which she had helped her father run. Her reason for opening a toiletries shop instead of a grocery shop was that her husband needed a space to keep furniture items, which he rented out as an occupation. The toiletries shop also helped cover the rent. Savita's prior experience had taught her that a "parchun ki dukan" or grocery shop needed continuous attention as people came to the shop throughout the day. But running a toiletries shop was easy and could be well balanced with other responsibilities. There were other women, too, who had picked up occupations on the basis of what they had learnt from their natal families. Lakshmi and Mehmoona had learnt cutting and stitching from their family members, who were tailors. For them, the skills they had learnt in childhood gave them the confidence to opt for those occupations. Many paid domestic workers said they had chosen their occupation as they had

participated in it since childhood. They also had been able to access paid domestic jobs not for any particular skill but mainly because they were women. Elson and Pearson (Elson & Pearson, 1982) highlighted how the market benefited from skills learnt within families. It exploited the labour by not recognising their skills as professional. In fact, the skills were undervalued by the market as they were women's work.

There were women who had migrated from rural to urban areas along with their parents in their childhood. Some of their parents joined construction. The young girls helped their parents by managing household work, taking care of younger siblings and also working on the construction sites as unpaid helpers of their parents. There were construction worker women who went from being unpaid to paid construction workers after their marriage. One of the women who worked as an unpaid helper of her parents on the construction sites decided to do paid domestic work after marriage, as it provided her with flexibility in working hours.

Najma was a self-employed woman who earned her living by selling milk. She chose the occupation because she had learnt the work in her childhood in the village. Najma said that she would have preferred to be an anganwadi worker, but she picked up the occupation of selling milk because she was illiterate and had learnt this work in the village from her mother during her childhood.

IV. Conclusion

The narratives on socialisation revealed that women who worked in urban NCR as informal sector workers were inducted into work that was divided on the basis of sex. They learnt various forms of labour, all perceived by their communities and families as 'women's work'. This work involved both reproductive responsibilities and participation in livelihood activities. The families looked at women's work comprehensively, even though farming or family trades were perceived as 'men's work' where the women helped, and

reproductive work as women's work where men helped. In both productive and reproductive domains, socialisation processes ensured that women were trained in tasks divided on the basis of sex.

Women underwent diverse socialisation processes. For instance, some learnt only care work, some learnt housework and caring for siblings, some learnt farmwork, some worked as unpaid helpers of their families in different forms of family trade. The processes of learning work depended on the strategies of families to use the available labour power within the families. Hence, both uniformity and diversity were observed in the socialisation processes in all forms of work.

Diversity was also visible in the ways tasks were performed. Both productive and reproductive work varied with the context, region and culture. Due to the diversity in the productive processes, the processes of socialisation were diverse. Similarly, diversity in the reproductive work resulted in diversity in the learning processes. The decentralised pattern of work division within families followed different broad regional and social patterns.

The method followed in socialisation at work was 'learning by doing', which happened through working alongside elders, helping elders in the family and also by taking up independent responsibilities for different tasks. Socialisation in work took place mainly under the elder women in both natal and marital families. There were some outliers too, where women had learnt work from their husbands, brothers helped with the household chores, and fathers-in-law lent a hand in the cooking.

Both natal and marital families played an important role in socialisation through work. Socialisation started in the natal homes and continued in the marital homes. New responsibilities under new hierarchies emerged after marriage, along with new relationships around work. In all narratives of women growing up in rural areas and most narratives of the women who grew up in urban areas show that natal and marital families functioned as integrated social and

economic units, which inducted women into a continuum of gendered productive and reproductive work. The two domains often overlapped with each other, and the socialisation processes blurred the lines between productive and reproductive work.

It was interesting to observe that in the rural areas, the entire domain of food uniformly depended on women's labour. Even though men were identified as farmers, women took part in the entire production process of food crops, except ploughing (barring a few cases). Storing food and processing it by dehusking or boiling were also the responsibilities of women. In addition to taking part in farm work, they made jaggery and milk products. Cooking, of course, was the constant domain of women. Taking care of animals and the collection of fuel and water, which were part of food production and consumption, were also seen as women's work.

Women participated in family trades as unpaid helpers. This was observed in both natal and marital families and in both urban and rural contexts. Women provided unpaid labour in agricultural production on their family farms and their neighbours' farms; they also provided unpaid labour in commercial spaces like construction sites, vegetable markets, and grocery shops run by their family members. The family hierarchy exercised full control over their labour.

The patriarchal value system internalised during socialisation reproduces patriarchal subjugation of women and also teaches them to remain flexible to respond to the needs of the families. Socialisation was thus a dual process where women took part in processes that socially reproduced gendered labour within working-class families. They simultaneously reproduced themselves as future workers to participate in gendered productive and reproductive work. The socialisation process also introduced the division of labour based on sex in their lives.

Most of the workers in the study were rural-urban migrants shifting from subsistence agricultural work to precarious informal work in the cities. The families responded to debts, decreasing income and lack of employment opportunities in rural India. Through migration from rural to urban areas. This process of proleterisation created a 'reserve army' of cheap workers (Breman, 2020; Breman, 2013). For women with a rural past, occupations changed from paid and/or unpaid agricultural work to informal wage work in the cities. The material base of their work shifted from kinship-bound agrarian systems under feudalism to urban production processes governed by capitalist ideologies of accumulation.

References

[1] Acevedo, L. d. (1995). Feminist Inroads in the Study of Women and Development. In E. A. Belen, C. Bose, & (ed), Women in the Latin American Development Process (pp. 65-98). Philadelphia: Teple University Press.

[2] Agarwal, B. (2020). Gendering for Livelihoods: Gender, Productivity and Collectivity. The Indian Journal of Labour Economics Volume 63, 21-37.

[3] Bhattacharya, T. (2017). How Not to Skip Class: Social Reproduction of Labour and the Global Working Class. In T. Bhattacharya (ed), Social Reproduction Theory (pp. 68- 93). London: Pluto Press.

[4] Bhattacharya, T. (2017). Introduction. In T. Bhattacharya (ed), Social Reproduction Theory: Remapping Class, Re-entering Oppression (pp. 1-20). London: Pluto Press.

[5] Bhatty, Z. (1988). Socialisation of the Female Muslim Child in Uttar Pradesh. In K. Chanana (ed), Socialisation, Education and Women (pp. 231-239). Delhi: Orient Longman.

[6] Breman, J. (2013). Circulation and Immobilisation of Labour. In J. Breman, At work in the Informal Economy of India (pp. 64-86). New Delhi: Oxford University Press.

[7] Breman, J. (2013). The Political Economy of Dualism. In J. Breman, At Work in the Informal Economy of India (pp. 12-25). New Delhi: Oxford University Press.

[8] Breman, J. (2020, November). The Pandemic in India and Its Impact on Footloose Labour. Retrieved December 2020, from The Indian Journal of Labour Economics: https://doi.org/10.1007/s41027-20- 00285-8

[9] Chanana, K. (1988). Introduction. In K. Chanana (ed), Socialisation, Education and Women (pp. 1-34). Delhi: Orient Longman.

[10] Dube, L. (1988). On the Construction of Gender: Hindu Girls in Patrilineal India. Economic and Political Weekly, WS11-WS18.

[11] Elson, D., & Pearson, R. (1982). 'Nimble Fingers make Cheap Workers': An Analysis of Women's Employment in Third World Export Manufacturing. Feminist Review, 87-107.

[12] Ferguson, S. (2017). Children, Childhood and Capitalism: A Social Reproduction Perspective. In T. Bhattacharya, & (ed), Mapping Social Reproduction Theory (pp. 112-130). London: Pluto Press.

[13] Harris-White, B. (2004). The Workforce and Its Social Structures. In B. Harris-White, India Working: Essays on Society and Economy (pp. 17-42). New Delhi: Cambridge University Press.

[14] Kabeer, N. (2000). The Power to Choose. New York: Verso.

[15] Lerner, G. (1986). The Creation of Patriarchy. In G. Lerner, Women and History Vol 1: The Creation of Patriarchy (p. 2112229). New York: Oxford University Press.

[16] Mezzadri, A. (2019). On the Value of Social Reproduction: Informal labour, the majority world and the need for inclusive theories and politics. Radical Philosophy 2.04(Spring), 33-41.

[17] Palriwala, R. (1991). Transitory Residence and Invisible Work: A Case Study of a Rajasthan Village. Economic and Political Weekly, November 30, 2763-77.

[18] Palriwala, R. (1993). Economics and Patriliny: Consumption and Authority within the Household. Social Scientist Vol 21 Nos 9-11, 47-73.

[19] Palriwala, R., & Kaur, R. (2018). Introduction. In R. Kaur, R. Palriwala, & (ed), Marrying in South Asia: Shifting Concepts, Changing Practices in a Globalising World (pp. 1-27). Hyderabad: Orient Blackswan.

[20] Palriwala, R., & Neetha, N. (2019). Family Policy in India: Contradictions, Continuities and Change. In G. B. Eydal, T. Rostgaard, & (ed), Handbook of Family Policy (pp. 274-288). Edward Elgar Publishing.

[21] Palriwala, R., & Uberoi, P. (2005). Marriage and Migration in Asia: Gender Issues. Indian Journal of Gender Studies Vol 12 Issues 2-3, 5-29.

[22] Sharma, M. (1985). Caste, Class and Gender: Women's Role in Agricultural Production in North India. The Journal of Peasant Studies, Vol 12 Issue 4, 57-88.

[23] Srivastava, R. (2019, December). Emerging Dynamics of Labour Market Inequality in India: Migration, Informality, Segmentation and Social Discrimination. The Indian Journal of Labour Economics Vol 62, 147-171.

The Scaffolding of Inequality:
Social Categories and Labour Mobility in Construction Market of Lucknow

Kapil Kumar Verma* and Prashant Kumar**

Abstract— **Caste as social capital plays an important role in one's access to opportunities; marginalised communities throughout India are forced to take up low-wage manual jobs. Construction labour is one of the well-known unskilled/skilled jobs in the unorganised sector in India, characterised by low pay and lack of social security. It is usually filled by members of marginalised communities who have inadequate access to any opportunities to break their cycle of poverty and institutional oppression. These also have certain geographies whereby the work is concentrated in the urban areas, and employment tends to be irregular, sometimes characterised by association with a particular intermediary or contractor. The job involves backbreaking work pertaining to carrying bricks, gravel, and cement, and there is a certain level of hazards. The occupation also involves persons from marginalised communities, especially Dalits and backwards Castes, because they are generally landless or have very little land holding, not enough to make ends meet and support the family. The State of Uttar Pradesh is the most populous State in India, and its capital, Lucknow, lies at the crossroads of migrant labour for people seeking employment in the city. At the same time, it is also a hub for people going to other locations for work. The occupation in construction labour is one of last resort and a desperate attempt at survival in lack of adequate means and opportunities, and this lies at the nexus of migration, marginality and lack of opportunities.**

*Keywords—***Labour, Caste, Construction, Wage labour, Lucknow, Discrimination**

*Kapil Kumar Verma is a PhD Scholar at Jawaharlal Nehru University, Delhi, Email: kapil.verma23@nludelhi.ac.in

**Prashant Kumar is a PhD Scholar at RMLNLU Lucknow.

I. INTRODUCTION

Construction in the year 2023 employed 7.1 crore people in India. The majority of them were unskilled workers (81 per cent). Those who seek employment in this sector tend to be those who neither have skills nor capital and are in poverty. Among those below the poverty line, the highest number is those of Scheduled Castes and Tribes. As per a Rajya Sabha Question reply, the poverty rate amongst SC in urban and rural scenarios is 21.7 and 31.5 per cent, respectively. For Other Backward Classes, the poverty rate is at 15.4 (urban) and 22.6 (rural). For ST, it is at 45.3 per cent (rural) and 24.1 (urban) compared with an Indian average of 25.7 (rural) and 13.7 (Urban). Considering these circumstances, SCs and OBCs tend to congregate in the lower rung of society and, lacking adequate access to resources and capital, end up in low-pay and low-skill jobs. In addition to ending up in that kind of job at such workplaces, the opportunities and access are also distributed on caste lines of graded inequality. In addition to caste, gender and religion also impact social and economic arrangements.

The Caste has been an important determinant

of occupations available to the individual in the Indian Subcontinent. In any complex society, division of labour and differentiation is bound to happen. In any subdivision, the unnatural aspect of caste is its loss of open- door character that is seen in other class systems. As Dr Ambedkar puts it, the market and industries are dynamic, and without the freedom to adjust oneself to changing circumstances, it would be impossible for one to gain a proper livelihood. The Marginalised castes have always had precarious access to economic opportunities, and they may be paid such wages as the oppressor castes may deem appropriate, along with a limitation on the choice of occupation coupled with ghettoised living.

Certain castes, because of their earlier privileges like land and accessibility, could take advantage of mobility opportunities. But marginalised castes had quite less of it, while most of the SCs were landless. Marginalised communities end up aggregating in construction and agriculture because they lack proper education and resources to gain educational opportunities. They either do not hold land, or the plots are too small for sustenance. Life in the village is centred around feudal relations; thus, they rush to cities for better pay and employment opportunities. The paper tracks the migration and employment opportunities in Lucknow's construction market, particularly locating the caste and gender intersectionality. It has an impact on the social welfare and upliftment of these communities.

The marginalised communities are stuck in poverty and discrimination that perpetuates their cycle of poverty, and they are bound to take up jobs in the construction labour market. For women, the construction workplace is a challenging scenario. They are less likely to be recruited for work, and there are concerns about adequate access to sanitation facilities and safety for women.

II. METHODOLOGY

The study aims to capture the marginalisation of Scheduled Castes and Other Backward Castes communities in the construction market in Lucknow. It also examines the gender and economic dimensions of discrimination and lack of access. The study begins with a pilot study of a few contract construction workers at an educational institute in Lucknow. The sample also tries to capture the diversity and intersectionality of labour and caste, gender and religion. The research examines their economic situation, migration, housing, education and wages. The interviews are conducted on a larger scale at the Telibag and Badnam Laddu construction labour markets, which are the main labour markets in Lucknow. The total number of labourers interviewed is fifteen, whose interviews are conducted to capture their circumstances as to work availability, financial situation, land ownership, accessibility to work and discrimination. The paper makes a subjective analysis of the intersectionality of caste, class and gender in the Lucknow Labour market. The interviewed participants were generally selected at random, the interviewer first tried to look into the demographic data of the participant. Then, the migration and history of work in the sector. The interview further looked into the family details as to land ownership, marriage and education or employment for children. The question of discrimination, when asked directly, could not be answered well; thus, alternative questions like access to work based on caste and workplace treatment were relied on. Further, certain questions about access to government schemes were also posed, specifically as to labour cards, Ayushman cards and ration cards. The labour market is a crowded area, but certain emphasis was placed on securing some privacy for the participant, especially when caste related questions were asked.

III. LABOUR AND CASTE RELATIONS IN INDIA

When Dr. Ambedkar said that 'Caste is not just a division of labour but also of labourers,' he meant that Caste not only separates the workers based on the profession but also based on graded

inequality of purity and pollution. This emerges in the relative depravity of labour and access to opportunities. Prof. Thorat has further proved that caste discrimination is significant in the private sector, especially regarding access and lack of equal opportunities. Caste relations have not remained stagnant, though their relationship with the feudal economies has weakened. Under the Capitalist model, these inequalities may not have been uprooted. The System of graded inequality has moved from explicit depravity to subtler forms. The efforts by the State to enhance economic opportunities for the marginalised communities have remained half-hearted and inadequate. The research on the effects of caste in formal and informal workplaces in North India has linked discrimination to having more impact on the denial of opportunities as compared to the discriminatory treatment on wage rate.

These inadequate access and power relations emerge in the study. Most of the contract labour jobs are generally done through contact and caste-based networks. When asked about contract jobs, upper caste participants had either worked in contract jobs or gained some work through the network. While the Scheduled Castes were most likely to come to the labour market to seek daily work. This gatekeeping of the contract work was also visible in interviews. Amit, who is an Upper Caste labourer (name changed), had his son in a contractual job at a mall, while no participant from OBC or SC had access to some sort of contractual work opportunities in the family. The region and gender categories also add a layer of vulnerability and exclusion in the market. One may be able to appreciate the systemic inequalities better by having a profile of the market.

IV. A PROFILE OF THE CONSTRUCTION MARKET IN LUCKNOW

The construction market is usually held every day, 365 days of the year, in open squares or on roads from where the workers are picked up by those requiring their services. In Lucknow, the

predominant ones are at Telibagh, Alambagh and near Badnam Laddu. The majority of labourers coming to look for work are men, while the number of women workers seeking daily wage work is quite limited. There is a seasonal variation in the market as well. During winters and monsoons, the opportunity for work reduces drastically. The availability of work and wage is optimum during the harvest season as a large number of labourers are usually tied up in agrarian work; thus, those in the market get more work due to less supply of labour. In the winter, the number of days for which labour can get work can range from 2-4, while this number is more abysmal for women workers.

Fifteen participants were interviewed for the study, of whom two were contract workers, rest were daily wagers. A majority (78%) of the migrant workers interviewed were men. The average age of participants was 38.4 years. Around 23% of the respondents had studied up to the 9th class, and 19% up to the lower primary. About 58% had received no formal education. The high rates of illiteracy and limited education, often just at the primary or middle school level, created significant obstacles for migrants trying to integrate into the formal labour market. This, in turn, perpetuated a cycle that forced many into the informal economy. 76% of participants were married, 24% were unmarried. The main reason for migration is to increase or supplement family income (93%), while 7% migrated for better medical services. The majority (75%) of the workers are intra-state migrants, 25% are from other states like Chhattisgarh and Bihar. Intra-state workers are mainly from eastern UP districts like Azamgarh, Ambedkar Nagar, Raebareli, Unnao, Varanasi, etc.

At the workplace 15% of the workers had adverse experiences based on caste identities, such as differences in work and dignity when it emerged that they were members of Scheduled castes (formerly untouchables). Workers also experience separation from their families, housing challenges, exploitative labour practices, caste discrimination, and psychological abuse. Alarmingly, a vast majority (70%) of migrant workers are unaware

of their legal rights, highlighting a critical gap in their knowledge and access to opportunities. When inquiring about affiliation with any labour union, most of the workers replied in negative. There is a lack of a formal or any kind of grouping amongst the labourers. The only point of their identity as construction workers that could be said to be more visibly present was the labour card, but no other forms of solidarity could be seen.

IV. SOCIOECONOMIC INEQUALITIES AND CHALLENGES

The labour market in India is segmented on caste, religion and gender lines. In such a market, Scheduled Castes and Scheduled Tribes are most vulnerable. The effect of discrimination hurts them in wages as well as in securing employment. They mostly lack any agricultural land, or whatever land they possess is not viable. The labour market has an angle of intersectionality where multiple social factors come together. The factors like caste, religion and gender together divide the labour market and fragment any solidarity that may arise. The labour market consists mainly of men, and employment and better pay are the main drivers of their migration. The Construction Labour market tends to be divided on caste, class, gender and religious lines, and this is essential to understand them individually and at the intersection of all of these.

Caste

Caste is one of the main sources of stratification in Indian society, defining one's life chances, opportunities, and outcomes as to health, education and employment. It has been proved that Scheduled Castes tend to be poorer, and in any set of parameters, they tend to be poor, and these issues are linked to their social categories. It has been systematically proved that caste is the source of a large number of privileges that are considered earned via merit. At the same time, it is also a source of disadvantage to the marginalised, especially SC and STs. Migration provides them with a certain degree of anonymity. Even after

migration, they may still encounter various forms of discrimination, direct or indirect. To evade Caste, some individuals display typical upper-caste features to evade detection. One labourer described, 'I am from a lower caste. I wear a tilak and have a 'shikha' (tailcut hair), which sometimes leads people to mistakenly believe I belong to an upper caste. However, once they inquire and learn about my true caste, their behaviour towards me at the workplace changes. Due to this caste-based discrimination, many labour workers from my community feel compelled to claim they are from upper castes falsely, says Bablu Kumar from Unnao. Trying to hide or Sanskritise is one coping mechanism that has evolved by some individuals to evade caste. In spite of many efforts for education and opening opportunities, they find themselves in low-paying and low-skill jobs. Chief amongst them are construction and agricultural labour. The progress that was made in the last few decades is having a setback due to a lack of investment and neglect.

Land

In India, social standing and financial stability have always been based on land ownership. Due to their highly unequal distribution and high rates of landlessness, Scheduled Castes (SCs) suffer greatly from a lack of land ownership. Effective land reforms, the allocation of surplus land, and the preservation of tenancy rights were all suggested by the National Commission for Scheduled Castes and Scheduled Tribes (NCSCST). Acknowledging that there is a shortage of land because of population increase. A large number of labourers who migrate to construction work tend to be landless or with very small holdings. In addition to their own field, they work in the fields of larger land-owning castes in their village. Some also complain of interference in water rights or the grabbing of land by upper/dominant castes. Mukesh (name changed) speaks of his agricultural holding rendered uncultivable because 'Thakurs' would not allow water to flow to his fields. Many labourer households from

marginalised communities lack land ownership. Around 40% of respondents do not own land, and among those who do possess land, the size is often insufficient to sustain their livelihoods. Around 70% of those who own land have less than 2.5 acres of land. The agricultural produce is not enough to meet the annual food requirements of 75% of the families. 90% per cent of families avail rations from the Public Distribution System.

Income disparities and Skill deficit

There are significant pay differences between the Upper Caste and the Scheduled caste employees, with 38% of the discrepancy being attributable to discrimination or unexplained reasons and 62% to differing characteristics, mainly educational background. The most important element was found to be graduate- level education, which accounted for 70–88% of the attribute-based salary differences between male Upper Castes and non-Upper Castes.

The disparity in incomes and opportunity persists in the Indian labour market; a lot of it is attributable to the endowment, but still, a lot of it remains unexplained even when the education and qualifications are the same, which can be attributed to discrimination. Educational qualifications are not present in the labour market, but the opportunities and wages add up. The wages tend to be uniform in the labour market, but SC labourers generally have fewer working days in a month in the labour market in Lucknow.

In the labour market, a distinct division exists between masons and labourers. Masons stand on the footpath with tools, while labourers generally stand on the road itself at the market near Badnam Laddu. This separation reflects the different roles and engagement methods within the construction work. An interview conducted among daily wage labourers revealed that their earnings typically fluctuate between Rs 400 to Rs 500 per day. However, during off-seasons, such as the rainy season and extreme winters, their daily earnings can drop to around Rs. 300. For masons, the earnings range from Rs 600 to Rs 700 per day.

Religion

In India, religion is another discrimination category that is highly visible in Indian life, from segregated localities to discrimination in public life. Muslims are one of the most deprived classes in India, victims of discrimination and marginalisation that includes violence and segregation. During the interview, a respondent, Rabina Khatoon from Azamgarh, stated, "There is less discrimination when it comes to finding work in Lucknow city, but the problem arises in the villages. Many people do not choose me because of my religion." She further adds that in the last few years, her situation has deteriorated; she was struck off government schemes because of her religious affinity.

Gender

Discrimination against women explains a lot many issues in labour markets, especially the unexplained gaps of income gaps. Women with similar levels of education are paid less than men, which is proof of wage discrimination. This trend applies to all women, but the differences between castes indicate that SC women may find it most difficult to escape this trend. While some Indians, both male and female, may argue that caste is irrelevant because it has no bearing on their lives or because they do not personally discriminate based on caste, Dalit women cannot enjoy this freedom because they face a combination of poverty and gender discrimination that keeps them uneducated, underpaid, malnourished, and ill. This pattern of discrimination and inadequate access is visible in data as well as the lived experiences documented in the study. The proportion of women in daily wage labour is low due to the social stigma associated with it. A male labourer named Mukesh Kumar from Mohanlalganj shared his perspective, stating, "If we send our wife to work in construction for daily wages, people in our village say, 'Look at him; he is living off his wife's earnings."

A female participant told us, "We face significantly lower chances of securing work opportunities compared to our male counterparts.

The concerns regarding safety lead many women to prefer working alongside a companion—be it male or female—or to decline job offers altogether," said Kamla Devi, a 34-year-old migrant worker from Chhattisgarh. Another perspective emerges when husband and wife both work in the industry. A couple from Chhattisgarh, Reema Devi, aged 25, and Pintu Sahu, aged 28, are both part of the labour market in Telibagh. Pintu works as a tiler, while Reema engages in labour work. Pintu shared, "When I receive a tile work assignment, and the owner allows me to bring a labourer, I choose to bring my wife. This arrangement allows her to earn and increases her chances of finding work, as opportunities for her can be quite limited." This highlights the couple's collaborative approach to navigating job opportunities.

The social network and caste location play an important role in gaining employment through references. The labourers who dealt with partially skilled jobs like fitting, painting were generally coming to the city with the help of contacts, and they would help them in negotiation and gaining contractual work. This tends to be localised, and sometimes mixed groups may come to the city, but amongst the mixed groups, caste hierarchy would still persist in their treatment with each other. The higher caste individual who had enabled others to come would not have to do chores, as others are dependent on his goodwill to remain in the job. The independent migrants have a hard time finding contractual jobs and are generally found in the free labour market.

Women are not just oppressed by gender. But caste together, the intersectionality as defined by Crenshaw can be an important tool of social justice, and a Dalit feminist perspective can help in having an honest conversation about oppression and discrimination against women. The study reveals a pervasive discrimination otherness of women. The important observation is the absence of Dalit women altogether from the market, deeming household help work is better than construction, and how a woman can be a breadwinner? These male gaze-centric ideas were

dominant in the construction market.

Disability and Workplace Injury

Disability is one of the statutorily recognised protected categories protected under the Persons with Disabilities Act, and now with the latest Right to Persons with Disabilities Act. But the issue lies twofold: first, as to the willingness of any employer to employ persons with disabilities and make reasonable accommodations, the second issue lies with the willingness of the State to enforce these protections. In addition to that, the disabilities arising out of work-related injuries are not addressed. One of the respondents suffered permanent injury due to work in a mill at Ludhiana, received no compensation, and rarely got any construction work. He sleeps on roads and in makeshift shelters in winter. He is a 26-year-old worker from Ambedkar Nagar who partially lost his hand in an accident. He says, "It is sad that there are no strict rules for providing workers' compensation who suffered permanent disability due to an accident while on the job. Many employers are hesitant to hire individuals with disabilities, and even when they are able to find work, it is frequently for limited tasks that offer low pay."

V. WORKING CONDITIONS AND CHALLENGES

When the labour demand in agriculture was reduced due to mechanisation, the labour tended to migrate to urban work environments. As the labourers were assetless and uneducated, they would end up in low-paying and low-skill jobs. This was a very significant factor for the Scheduled Castes. As per Prof. Jodhka, "against a mere 8 per cent from the so-called general category, while as many as 29 per cent of the SCs were part of the casual labour force in 2004—5" This is also visible in the category of self-employment as there is a lack of employment generating assets as well so the self-employment potential is also lesser.

The conditions in the Alambagh labour market are particularly dire, with approximately

30% of the labourers residing in extremely precarious situations. Many of these individuals are forced to live in "Rain Baseras," shelters designed to provide temporary refuge from the elements but often lacking basic amenities and safety. Others find themselves sleeping on the "dividers," the narrow strips of land between roads, exposing them to the risks of traffic and harsh weather. This environment highlights the urgent need for better living conditions and support for these vulnerable workers. The Scheduled Castes (SCs) workers are the groups most commonly found sleeping in Rain Baseras and on dividers.

The availability of daily work can often be uncertain, as there are instances where individuals may return home without any employment for the day. This situation affects women more frequently than men, highlighting a disparity in access to consistent work opportunities. Nearly all labourers engaged in contractual work were typically recruited based on verbal agreements. Additionally, subcontracting has led to the creation of a shadow economy, leaving many migrants outside of formal employment. According to the Factories Act of 1948, if workers exceed nine hours in a single day or 48 hours in a week, they are entitled to overtime pay, which should be twice their regular wage. However, in India, migrant labourers often work beyond these legal limits, with overtime becoming the norm, yet they are not always fairly compensated for the extra hours or additional work done.

Impact of the COVID-19 Pandemic

The COVID-!9 Pandemic disproportionately impacted the poor and marginalised. Due to poverty and landlessness, the marginalised tend to migrate most and thus were on the harshest receiving end of the pandemic. The lower caste labourers end up doing the hardest task while they are also the first to be fired. The marginalised children also suffered a setback in their mobility to the urban schooling opportunities. During the interview, some respondents said that their children live with them. "Before the pandemic, I was living with my wife and children. My children were studying in a government school, but due to the pandemic, things worsened. I decided to send my wife and children back to the village because we had no savings left while living here due to high prices," says Varun Kumar, a migrant from Azamgarh.

State Support Mechanisms

The state under parents' patria is bound to take care of the most marginalised and underprivileged sections of the society. To a large extent, the construction labourers were able to benefit from the government-run schemes; chief amongst them was getting rations from the public distribution system under the National Food Security Act (NFSA) of 2013; a significant number of them did complain of a lower threshold and lack of inclusion of all family members. There also exists power and marginality dynamics in these policies; the Muslim woman responded and complained of her name being excluded from all the schemes of the government by the local Sarpanch in her village. The trend is also visible where most upper caste respondents are able to benefit from most government schemes. The SCs can benefit, but they lack adequate information access, and going to any government office means a loss of workday and prospective income. In the interviews, 90% of workers have Aadhaar cards, 20% lack ration cards, and 61% do not possess e-Shram cards. If government schemes effectively reach labourers, they might have some reprieve from the uncertainty and risks associated with this sector.

VI. THE CYCLE OF POVERTY AND EXCLUSION

In labour markets, there is high congruence between caste and class. The high caste dominates white-collar and well-paying jobs. The caste tends to be a very good determinant of class outcomes. The empirical evidence shows that the higher castes tend to congregate towards service and white-collar jobs, while the reverse is true for lower castes. This flows from a lack of capital

(social, economic or political). The same is reflected in the interviews with the construction workers regarding the position of marginalised castes, specifically. The early findings about the construction where the work allocation in the construction labour was on caste lines have not undergone substantial change, the graded inequality based on purity whereby "Superior and clean jobs are mostly held by 'mistries' and 'munshis' who belong to higher castes, while a great majority of workers are Harijans." This was explained based on the marginalised communities' lack of land and education. The situation has substantially improved on a lot of indicators. The progress has stagnated in the last decade, the liberalisation (LPG) resulted in the loss of secured public sector jobs, while no mechanism was developed to compensate SC/ST communities to compensate them for this loss of potential capital formation. The difference in the household pattern is substantial. "Caste or religion significantly impacted a household's results regarding its place on the distributional ladder or its likelihood of being impoverished. Therefore, compared to Higher Caste households, SC, ST, and Muslim households were more likely to be in the lowest consumption quintile."

When Dr Ambedkar talked of mobilisation and liberation, the first step was 'To educate' in the process of 'to Organise and Agitate'. This first unit is not accessible to many marginalised workers. One participant was uneducated, and none of his children were pursuing education because they needed to labour to earn and sustain themselves. The loop/ vicious cycle of poverty is not breaking for so many, and this was most clearly seen for the Scheduled Caste workers. There was an absence of hope for the future as well in the workers, indicating a hapless situation for the workers.

The government support is inadequate, it is also unable to reach to the downtrodden and marginalised. Amongst the OBC participants, some individuals expressed the need for more government programs tailored to their specific needs, such as ration cards for those in a state

of migration. They also emphasised the importance of inclusive behaviour both in the workplace and in their communities. Thus, inequality and inaccessibility are indexed to caste and gender and religion as the dominant drivers of the Indian social setup that continues to oppress those at the bottom.

The cycle of poverty and exclusion for the marginalised castes persists because of their precarious access to opportunities for education, land and decent, secure employment. The higher castes have some access to all three, even if that is less or not very substantial that can help them in a crisis like COVID-19. The marginalised castes are at a great disadvantage when it comes to land; SC labourers tend to have none, or their access to water for the land has been impinged upon by the oppressor communities. Whereas reservation/ affirmative action helped some family members to get out of poverty through education, others who could not get a job are in much worse situations now, as opportunities for public employment have dried out. The public sector opportunities and governmental support have also remained insufficient. The cycle could only be broken by education, employment and social security; access to all of them is highly precarious for the construction workers.

VII. Conclusion

The research sheds light on the lived experiences of marginalised workers from a subjective viewpoint. It captures the demographic composition of the market, wage rate, seasonal changes in supply and demand, and the issues in the lives of labourers. In contrast to statistical models and economist's understanding, this paper tries to supplement econometric understandings with the field understanding of the market. The key findings that emerge from this research consist of the daily lives of the marginal workers. Their demographic profile consists largely of marginalised communities. Among those, the index of inequality and vulnerability follows the caste lines. It also places weight on the statistical

findings on discrimination, especially when awarding some work. The social capital of upper caste individuals still assists them in gaining public sector benefits as well as some secured employment for their children, at least, in addition to that, they tend to focus on education a lot. While the Scheduled Caste households tend to be much more vulnerable, deprived and unable to seek redressal of rights, generally without land, this further extends to a lack of education. One SC participant was neither educated nor seeking education for the children due to poverty.

Through a subjective understanding of the labour market, one can understand the indexation of inequality on Caste lines, which is supplemented by the lens of religion and gender. This affirms the works of Sukhdeo Thorat and Ashwini Deshpande, where they statistically assess the impact of discrimination and inequality based on caste.

REFERENCES

[1] Bhat, S. A., & Singh, S. (2020). Migration and livelihood sustainability: A case study of the migratory workers of Lucknow, Uttar Pradesh. In A. Omrane & K. Kassmi (Eds.), *Sustainable entrepreneurship, renewable energy- based projects, and digitalisation* (pp. 297). CRC Press.

[2] Borooah, V. K., Sabharwal, N. S., & others. (2015). *Caste, discrimination, and exclusion in modern India*. Sage Publications.

[3] Choolayil, A. C., & Putran, L. (2021, June). The COVID-19 pandemic and human dignity: The case of migrant labourers in India. *Journal of Human Rights and Social Work*.

[4] Crenshaw, K. (2019). 'Difference' through intersectionality 1. In *Routledge eBooks* (pp. 139–149). https://doi.org/10.4324/9780429298 110-15

[5] Deshpande, A. (2012). *The grammar of caste: Economic discrimination in contemporary India*. Oxford University Press.

[6] GOVERNMENT OF INDIA, MINISTRY OF PLANNING, MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION, & MINISTRY OF CORPORATE AFFAIRS. (2023). *UNSTARRED QUESTION No. 466*. In the RAJYA SABHA. https://sansad.in/getFile/annex/259/AU466.pdf?source=pqars

[7] Ito, T. (2009). Caste discrimination and transaction costs in the labour market: Evidence from rural North India. *Journal of Development Economics*, *88*, 298.

[8] Jodhka, S. S. (2012). *Oxford India Short Introductions: Caste*. OUP.

[9] Madheswaran, S., & Attewell, P. (2010). Wage and job discrimination in urban labour market. In S. Thorat & K. S. Newman (Eds.), *Blocked by caste: Economic discrimination in modern India* (pp. 123). Oxford University Press.

[10] PTI. (2023, August 3). India's construction sector is the second- largest employment generator: Report. *The Economic Times*. https://economictimes.indiatimes.com/industry/indl- goods/svs/construction/indias- construction-sector-second-largest- employment-generator- report/articleshow/102399804.cms?from=mdr

[11] *Discrimination Ravi Srivastava's Emerging Dynamics of Labour Market Inequality in India: Migration, Informality, Segmentation and Social*. (2019). *The Indian Journal of Labour Economics*.

[12] *The Rights of Persons with Disabilities (RPWD) Act*, 2016. (2016).

[13] Robinson, R. (2008). Religion, socio-economic backwardness & discrimination: The case of Indian Muslims. *Indian Journal of Industrial Relations*, *44*(2), 194–200. [suspicious link removed]

[14] Shah, G. (2007). Caste and untouchability: Theory and practice. In S. Thorat & A. (Eds.), *Ambedkar in retrospect: Essays on economics, politics and society*. Rawat Publications.

[15] Thorat, S. (2009). *Dalits in India: Search for a common destiny*. Sage.

[16] Vaid, K. N., & Singh, G. (1966). Contract labour in the construction industry: A study in Rajasthan. *Indian Journal of Industrial Relations*, *1*(3), 306–337. [suspicious link removed]

[17] *Why Caste Census? The Answer Lies in Wealth Disparities, Quality of Neighbourhoods*. (n.d.). The Wire. https://thewire.in/caste/why-caste- census-the-answer-lies-in-wealth- disparities-quality-of-neighbourhoods

Women in Daily Labour Markets:
A Study in Four Cities of Gujarat

James Regina C. Dabhi*, Kanchan Bharati** and Ayanendu Sanyal***

Abstract— **Informal employment continues to be the norm in most low- and middle-income countries, especially for women. India and the state of Gujarat are no exception. The Daily Labour Markets (DLMs), as an informal market (less researched and studied), provide spaces to bargain for better remuneration for labour. Still, they do not provide equal opportunities and access to women to capacitate themselves and enhance their employability. In this regard, the present paper provides insights into the status of women workers at 20 DLMs in the four major cities of Gujarat, India. It is found that the DLMs restrict their entry to women, as the markets are male-dominated. Moreover, the presence of female workers at the market is structured so that only women from the tribal and scheduled castes are visible. In contrast, upper-caste women are largely absent in the markets. Also, the women workers were associated-migrants with less negotiation and decision power about the choice of work, besides facing the challenges of access to basic amenities and safety and security issues. The markets also present gendered inequality in terms of wages.**

Keywords—**Daily labour markets, empowerment, gender, inequality, tribals, wages, women**

*James Regina C. Dabhi is Director, Centre for Culture and Development (CCD), Vadodara,
E-mail: jimmydabhi@gmail.com

**Kanchan Bharati is Assistant Professor, Centre for Culture and Development (CCD), Vadodara,
E-mail: kbharati82@gmail.com

***Ayanendu Sanyal is Independent Researcher Committed to Development Research.
Email: ayanendu1@gmail.com

I. INTRODUCTION

Women have made significant inroads in labour markets throughout the last century. The NSSO, 68th Round report (NSSO, 2011) puts women's participation in the formal and informal sectors in rural areas respectively as 3.8 percent and 14.4 percent and in urban areas as 4.3 percent and 12.5 percent respectively. However, the female labour force participation rate (FLFPR) was found to be much lower than that of their male counterparts. Also, studies have observed that FLFPR has been declining over various quinquennial surveys and have attributed the same to the development of

the Indian economy from agrarian to non-agrarian.

The unorganised sector lacks provisions entitled to workers in the formal sector, such as job contracts and social security. It is also characterized by multiple professions held by a single worker. Consequently, trade unions struggle to organize workers for better collective action. According to Muna (2015), women are generally disadvantaged in the labour market. In addition to their low share of overall employment, a greater proportion of them are engaged in low-productivity, low-income, and insecure jobs on farms and in the unorganized and informal sectors compared to men. Moreover, working women

typically have to fulfil dual roles as homemakers and breadwinners. However, the extent of the burden in managing these roles may vary between the formal and informal sectors.

Not everyone making a living in the informal economy is poor, but workers in this sector face a higher risk of poverty. Most people enter the informal economy not by choice but due to a lack of opportunities in the formal economy and the absence of other means of earning a living. Informality becomes a part of many workers' daily lives, indicating their exposure to precarious work conditions and vulnerability and reflecting their unprotected status (ILO 2018; OECD/ILO 2019).

Daily labour markets (DLMs) in India could be classified as an informal employment sector. These markets are typically situated near road crossings, where labourers (local or migrant) from nearby villages, towns, and cities gather in search of work. They offer their services for a wage, usually to contractors who supply workers to the construction sector. Typically, these contracts are oral, and the work lasts for a day.

Although women are part of the labour force, one cannot deny the persistence of significant gender differences in migration and employment processes (Global Migration Data Portal, 2024; Chowdhry, 1997). These differences include contacting and contracting, various levels and types of employment, access to opportunities for learning and upgrading new skills in the labour market, and pay structures (Srivastava, 2020). The complexity of such differences or discrimination proves to be challenging, as the debate centers on whether employers have a 'taste for discrimination' (Guryan & Charles, 2013), use gender as a criterion to assess unobserved components of productivity, or view gender considerations as detrimental to profits (Kübler et al., 2018). Moreover, gender differences in labour market outcomes highlight both demand-side explanations and constraints on the supply side. The differing social roles and stereotypes ascribed to men and women, whether stemming from nature, nurture, or the interaction of both, could lead to economic consequences that relate to labour market success in distinct ways. For instance, from a nature perspective, childbirth and physical strength may influence how well men and women perform in the labour market. On the nurture side, work preferences may have roots in the education system, the household, or society (Azmat & Petrongolo, 2014).

The Daily Labour Market has existed for centuries and continues even today. It provides employment opportunities to city dwellers and significantly contributes to the growth of the urban economy. However, its imbibed feature of informality and inequality has been an intriguing factor that requires further examination (Lama & Majumdar, 2018). Further, these markets are characterized by a large number of labourers and a few contractors, and the disproportionate difference between demand and supply gives rise to significant levels of exploitation.

The intake of the migrant population in various employment sectors and units in Gujarat is diverse, seasonal, and dependent on varied demands. Several major industries in the state owe their progress to these migrant workers. The state's employment sector also indicates an enormous demand for informal labour, which cannot be met locally. Thus, it can be stated that its cities and towns act like magnets, drawing in labour, both skilled and unskilled, in large numbers from different parts of Gujarat and other states, who work as informal labourers without any of the statutory benefits that are their rights (Das & Sahu, 2008).

In the four selected cities over the years, migrants from different states and the less developed parts of Gujarat have been associated with specific employment sectors. For instance, it has been observed that in Ahmedabad, tribal migrants from Madhya Pradesh and Rajasthan form the construction workforce; Biharis work as head loaders and cart pushers, while migrants from Uttar Pradesh are factory workers and drivers. Additionally, Oriyas are employed as plumbers. Rajasthani migrants are primarily found in skilled areas of construction, such as carpentry, stone laying, polishing, and fabrication (SSESK 2007).

In Gujarat, Daily Labour Markets are locally known as 'nakas' or, more precisely, 'kadiya nakas'. The jobs at these nakas are irregular, depending upon day-to-day contracts, needs of individual clients, and loosely contracted wages with semi- skilled and unskilled workers (BSC 2009; Sahu and Das 2008). Also, most of the migrant workers at these markets are seasonal migrants. Challenged by the shrinking of the rain-fed agrarian situation with only one crop per season, non-availability of regular work, burden of larger family size, and debt, they came into the city looking for extra work, following their social networks with their kin and families and village ties. They mostly get absorbed into the construction and allied-related works. Largely, such migrant labourers predominantly belonged to a similar socio-cultural background and came from one particular region, the tribal belt, of the bordering zone of Gujarat and its neighbouring states (Deshingkar and Start 2003; Mishra 2011).

As a space through which workers access employment in Gujarat, the DLMs are less documented. Not much is known about their conditions, types of migration, and reasons for migrating, struggles, and survival strategies in the city. Moreover, fewer insights are available regarding women workers in these markets. Hence, this paper attempts to shed light on the status of women workers by focusing on their working and living conditions in an expanding urban setting. Though specific to women workers, it also reflects the broader scenario and characteristics of DLMs and their workers.

II. METHODOLOGY

This study is based on a survey carried out from January 2020 to April 2020 in four cities in Gujarat: Ahmedabad, Surat, Vadodara and Mehsana. The workers' information was gathered by observing 20 DLMs (five from each city) in the morning hours when the market starts functioning.

The 20 DLMs were selected from the 182 listed markets provided by the Gujarat Building and Other Construction Workers Welfare Board (GB&OCWB), where over 500 daily labourers gathered daily to seek work. The selected DLMs were finalized based on their locations, considering the criteria of industrial clusters and large-scale construction activities. Before conducting the final survey, visits were made to a few DLMs in Vadodara to observe the behaviour, characteristics, and movement in and around the market. The objective was also to identify prospective questions and checklists to frame the questionnaire and operationalize interviews.

In addition to the market, the sites where these workers reside were also visited in the evening. Though the information was gathered from both genders, this paper focuses primarily on 482 women workers.

The study used a survey questionnaire, observation, focus group discussions at DLMs, and living sites. The purposive random sampling method was used to interview women. Those women who wished to participate in the survey and discussion were included. Notably, in some cases, women shared information once the male member with whom they had come asked them to do so, only after being confirmed about the purpose of the study and having no fears about sharing the information.

III. RESULTS AND FINDINGS: LOCATING WOMEN AT DAILY LABOUR MARKETS IN GUJARAT

Socio-Demographic Profile

There is no age barrier for entering the labour market. However, the data from the DLMs suggest that women coming here for work and daily wages are primarily in the age group of 26 to 50 years (67.3 percent), with a notable concentration in the 26 to 40 years range (49.5 percent). In all four study areas, the proportion of women in this age group was above 60 percent (Table 1).

Across the study areas, around 23 percent of women workers were in the 18-25 age group. This is the typical age at which many middle-class Indian women pursue their studies for

Table 1: Percentage Distribution of Age Profile of the Women-workers				
Age Groups	**Ahmedabad**	**Surat**	**Vadodara**	**Mehsana**	**Total**
Below 18 Years	2.0 (03)	1.9 (03)	2.5 (03)	-	**1.9 (9)**
18-20 Years	6.6 (10)	13.0 (21)	5.9 (07)	1.9 (01)	**8.1 (39)**
21-25 Years	13.9 (21)	18.0 (29)	14.4 (17)	9.6 (05)	**14.9 (72)**
26-30 Years	19.2 (29)	18.0 (29)	13.6 (16)	17.3 (09)	**17.2 (83)**
31-35 Years	21.2 (32)	16.1 (26)	16.9 (20)	15.4 (08)	**17.8 (86)**
36-40 Years	14.6 (22)	14.3 (23)	11.0 (13)	23.1 (12)	**14.5 (70)**
41-50 Years	17.9 (27)	15.5 (25)	22.9 (27)	13.5 (07)	**17.8 (86)**
51-60 Years	2.6 (04)	0.6 (01)	11.9 (14)	15.4 (8)	**5.6 (27)**
Above 60 years	2.0 (03)	2.5 (04)	0.8 (01)	3.8 (02)	**2.1 (10)**
Total	**31.3 (151)**	**33.4 (161)**	**24.5 (118)**	**10.8 (52)**	**100 (482)**
Parenthesis represents the total number of women workers.				
Source: Field Survey, January-April 2020				

better marriage proposals or employability. Therefore, regarding age, young and middle-aged women were the dominant group at the DLMs.

Married and unmarried women migrate to cities searching for jobs, although there were more married women workers in the studied DLMs (Table 2). Together, they constituted 91.7 percent of all women workers, while unmarried women, mainly aged 15 to 19, made up 9.7 percent. Widowed women accounted for eight percent, with more cases reported in Vadodara.

Table 2: Percentage Distribution of Marital Profile of the Women-workers				
Marital Details	**Ahmedabad**	**Surat**	**Vadodara**	**Mehsana**	**Total**
Married	82.1 (124)	83.2 (134)	78.8 (93)	86.5 (45)	**82.2 (396)**
Unmarried	10.6 (16)	12.4 (20)	5.9 (07)	5.8 (03)	**9.5 (46)**
Widowed	6.6 (10)	3.7 (06)	15.3 (18)	7.7 (04)	**7.9 (38)**
Divorced/Abandoned/Separated	0.7 (01)	0.6 (01)	-	-	**0.4 (2)**
Total	**31.3 (151)**	**33.4 (161)**	**24.5 (118)**	**10.8 (52)**	**100 (482)**
Parenthesis represents the total number of women workers.				
Source: Field Survey, January-April 2020				

Distribution across social categories indicates that Tribal women hold a significant share in these markets (Table 3). In Mehsana, the majority of women workers are from the Other Backward Caste (OBC) (76.9 percent), followed by Dalits. In Ahmedabad and Surat, Tribal women represent a larger share, again followed by Dalits. In Vadodara, Tribal women account for 76.3 percent, following OBCs for 15 percent.

Table 3: Percentage Distribution of Social Categories of the Women-workers				
Social Categories	**Ahmedabad**	**Surat**	**Vadodara**	**Mehsana**	**Total**
Caste					
Tribal (ST)	71.5 (108)	82.0 (132)	76.3 (90)	5.8 (03)	**69.1 (333)**
Dalit (SC)	19.9 (30)	11.2 (18)	5.1 (06)	13.5 (07)	**12.7 (61)**
Other Backward Caste (OBC)	5.3 (8)	4.3 (07)	15.3 (18)	76.9 (40)	**15.1 (73)**
General	3.3 (05)	2.5 (04)	3.4 (04)	3.8 (02)	**3.1 (15)**
Total	**31.3 (151)**	**33.4 (161)**	**24.5 (118)**	**10.8 (52)**	**100 (482)**
Religion					
Hindu	75.5 (114)	86.3 (139)	87.3 (103)	98.1 (51)	**84.4 (407)**
Muslim	1.3 (02)	-	-	1.9 (01)	**0.6 (03)**
'Adivasi'	23.2 (35)	13.7 (22)	12.7 (15)	-	**14.9 (72)**
Total	**31.3 (151)**	**33.4 (161)**	**24.5 (118)**	**10.8 (52)**	**100 (482)**
Parenthesis represents the total number of women workers.				
Source: Field Survey, January-April 2020				

Social and cultural factors strongly

influence decisions to migrate within India, particularly regarding women's migrations. In all four cities, women workers from the higher social group of the General caste had the least representation, at around three percent. Cultural barriers and gendered politics may restrict women's autonomy and movement, especially among women of the high and middle Varna castes (Abhinaya, 2018). However, there is greater freedom from gender and Varna-caste restrictions concerning women's migration to the deprived social groups (tribes, SCs). In South India, women of the lower Varna castes have greater work participation due to the increased demand for household income contributions (Mosse et al., 2002; Singh & De Souza, 1976).

The religious status revealed that 84.4 percent of women workers identified as Hindus, while 14.9 percent of the Tribals identified their religion as Adivasi (Table 4). Sanskritization has influenced the Tribals in Gujarat for the last two decades, prompting them to associate with Hindu identity rather than their indigenous religion. We encountered three Muslim women workers in Ahmedabad and Mehsana.

Marginalized social groups and classes predominantly frequent the DLMs. Most seasonal migrant workers reside in rural areas and are landless labourers, small and marginal farmers, scheduled castes, scheduled tribes, and other backward classes (Salve, 1990). Their migration to urban cities and the pull and push factors have been studied, and findings and recommendations have been published for several decades. Yet, their situation has not changed much, except that some of these migrants have settled in cities over time. The DLMs in the studied areas continue to be populated by seasonal migrant labourers.

The educational status indicates that most women were illiterate (72 percent), while about 28 percent were literate. The number of literate women was higher in Mehsana and the lowest in Vadodara (Table 4). Education did not extend beyond primary education or the 10th grade among the literate women. Eight women had studied up to the senior secondary level (11th or 12th grade),

and six reported completing Diploma courses.

Table 4: Percentage Distribution of Educational Status of the Women-workers					
Education Status	Ahmedabad	Surat	Vadodara	Mehsana	Total
Literacy level					
Illiterate	70.9 (107)	72.0 (116)	79.7 (94)	57.7 (30)	72.0 (347)
Literate	29.1 (44)	28.0 (45)	20.3 (24)	42.3 (22)	28.0 (135)
Total	31.3 (151)	33.4 (161)	24.5 (118)	10.8 (52)	100 (482)
Educational level					
Up to Primary School (1st to 5th Class)	27.3 (12)	28.9 (13)	45.8 (11)	36.4 (08)	32.6 (44)
Up to Secondary School (1st to 8th Class)	36.4 (16)	31.1 (14)	25.0 (06)	36.4 (8)	32.6 (44)
Up to Higher Secondary School (9th - 10th Class)	29.5 (13)	22.2 (10)	20.8 (05)	22.7 (05)	24.4 (33)
Up to Senior Secondary School (11th - 12th Class)	2.3 (01)	11.1 (05)	4.2 (01)	4.5 (01)	5.9 (08)
Diploma Courses	4.5 (02)	6.7 (03)	4.2 (01)	-	4.4 (06)
Total	100 (44)	100 (45)	100 (24)	100 (22)	100 (135)
Parenthesis represents the total number of women workers.					
Source: Field Survey, January-April 2020					

Minimum education up to primary school was common among all women workers, irrespective of their social category. The reason for only achieving primary education may be the non-availability of high schools in their own villages or nearby. The safety and security of girls are well-known factors that jeopardise schooling among women if educational facilities are located some distance from their village. This is evident for many of the interviewed women who mentioned the issues of accessibility to schools and social barriers that limited their educational opportunities.

Work profile of women-workers

Women workers were associational migrants, as their migration is attributed to the movements of their kin or peer groups (parents, husbands, siblings, or friends), indicating family or group migration. Their work profile shows that almost

half of them (46.5 percent) were engaged in whatever unskilled work was offered at the DLMs. Nearly 50 percent of women worked as helpers or labourers in masonry. Other women reported doing loading and unloading, cleaning, household, and digging work. In all cases, women generally assisted the male masters and helpers.

IV. DISCUSSION

Women-Workers in Informal Daily Markets and Their Identity

In a globalized and liberalized economy, informal employment remains a widespread norm, particularly for women in low- and middle-income countries such as India. Women's overrepresentation in the informal sector is primarily driven by their need for flexibility in managing multiple income-generating activities, unpaid domestic work, and reproductive responsibilities. This phenomenon is exacerbated by factors such as low education, lack of skills, vulnerability, and marginalization, all of which contribute to their depiction as cheap labour (Lama & Majumder, 2018; Chen, 2012; Heintz, 2006).

Participation in DLMs is notably gendered, with few women present; and those who do participate are typically accompanied by a male counterpart- spouse, father, father- in-law, son, brother, uncle, uncle- in-law, brother-in-law, etc.- reinforcing the perception of women's agency as subservient and supportive in nature. Single women who attend DLMs alone, often locals, widowed, separated, or sole earners, face stigma and moral judgment within their communities (Kandiyoti, 1988; Nussbaum, 2000). In our interactions, a few women shared their unpleasant experiences regarding their stigmatized identities for seeking employment at DLMs. Though these women remain adamant about their choices and reasons, such experiences prevent many others from participating in DLMs.

The women at the market stated that they do not enjoy a good reputation in the eyes of people in their locality. They were looked down upon with gender prejudice and moral judgments.

However, these women do not bow down to such behavioural and verbal attacks and continue to focus on feeding their families. Despite these challenges, they assert their economic agency and continue to seek employment to support their families. One widowed woman worker encapsulated the challenges and resilience of these women. She said, '…*Log bahut kuch bolte hain, mere kaam karneko lekar. Par agar main unki baton ko sunkar kaam nahi karungi aur ghar mein rahoongi toh ghar kaun chalayga? Mera aur mere bachho ka khyal kaun rakhega? Jo log bolte hain voh mere ghar mein roti nahin lakar dete. Jisko jo bolna hain bolne do. Mereko mera aur mere baccho ke bare mein sochna hain. Yahan jaise doosre log kaam ke liye aate hain mein bhi aati hoon. Paisa milega toh ghar chalega; log jo baat karte hain usko baat sunne se nahin!*' (..People say many things about my work. How do I manage the home if I remain confined because of their comments? What will happen to my children? Those who advised me to stay home did not provide me a meal. I have to worry about my children. Others are here like me in search of work. The house will function if I bring money. Why should I listen to others?) (also cited in Bharati et al., 2024).

The responses illustrate the complex interplay of gender, informal employment, and societal norms in India and Gujarat. They emphasize the resilience and economic agency of women who navigate these challenges and highlight the need for structural changes to support their empowerment and address entrenched gender biases.

Daily Labour Markets and Women's Empowerment

The study of daily labour markets (DLMs) offers valuable insights into the gender dynamics of economic opportunities and women's empowerment. Empowerment, broadly defined, is the capacity of an individual to autonomously decide how to live, adapt, and challenge the socio-economic and political environment in which they

reside. As a dynamic process, empowerment must be understood in relative terms, positioning individuals along a continuum of empowerment and disempowerment concerning various groups (Meintjes, 1997).

Empowerment is closely related to women's agency. It defines women not merely by their familial or social roles as wives, daughters, in-laws, or members of social or professional groups, but as individuals with inherent rights. It is rightly argued that "the questions of women's autonomy were historically subsumed within the question of religion, community, and personal laws and hardly ever treated as a matter of either individual right or justice" (Banerjee, 2005). In the context of DLMs, women frequently lack autonomy when negotiating job terms. Typically, men accompanying them negotiate job offers and wages, relegating women to the margins of market activity. Women are often found in separate corners or at a distance from the main market space, while men actively engage in job negotiations and wage-setting. Once the jobs and wages are fixed, men gesture to the accompanying women to join, and they leave for work. The decision-making behaviour of women is more consultative than causal.

The absence of leadership and decision-making power among women in DLMs further highlights their subordinate positions. In this context, leadership is crucial for initiating change and action within the group, particularly in negotiating labour contracts and wages (Banerjee, 2005). Despite the potential for DLMs to serve as spaces for leadership and negotiation, patriarchal social structures often place women in passive roles, limiting their opportunities for empowerment.

No doubt, most working women are caught in a double- edged sword, overburdened with reproductive roles and also serving as earning members of the family. However, migration can be a transformative experience for women, offering them opportunities to break free from the shackles of traditional patriarchal structures and exercise greater autonomy over their lives (Hugo, 2000).

There is a belief that when women become empowered, they not only benefit themselves but also the larger community. The expansion of women's capabilities enhances their freedom and well-being while also benefiting broader communities, contributing to societal progress (Sen, 2011).

Women play no role in denying or refusing jobs in the daily labour markets. This also indicates their lack of leadership. A lack of space for leadership action denotes a denial of initiative in the empowerment process. Leadership is not about position or role but rather about the function of change and decisive action. Exercising leadership involves taking decisive and change-oriented action for the group one represents. The DLMs were, in some ways, spaces for such leadership action and negotiation on behalf of a group for contracting labour for wages. However, women were deprived of leadership action, primarily due to the secondary social positions imposed by the patriarchal social psyche. In the DLMs, most interactions with the 'labour consumer/buyer' were with men and seldom with women. The interactions and behavioural observations at the marketplaces provide possible reasons for this behaviour, such as:

a) Women are not good at professional bargaining because they have no experience in labour market bargaining, which is due to a lack of experience in the nature of labour (including labour market language, rates, etc.).

b) Women lack the exposure to market behaviour and bargains,

c) Women are shy and, therefore, will not talk to a stranger—'labour consumer/buyer',

d) The strong patriarchy (this is a man's business, not a woman's) that exists in society and at the DLMs.

Regardless of the reason, the structure and behaviour at the DLMs indicate that women are on the margins and men occupy the centre. As a result of missed or denied opportunities, women

do not take the lead in exercising their leadership and showcasing their negotiation skills. Some single women (not accompanied by men) were observed engaging with the employer/contractor independently. However, even in these instances, the scope for negotiating wages and choosing work is minimal, as they are typically approached for household or catering work, which is traditionally gendered labour assigned to women. These women come alone but gather in groups at the market, yet remain distanced from the main area, which predominantly features men who spearhead job and wage negotiations.

The DLMs study here provides a limited understanding of women's leadership. Further explorations and research are required. However, with the observations from the field and study, the authors tend to believe that the DLMs have the potential to foster women's empowerment. However, they often fall short due to entrenched patriarchal norms and gender inequalities. To truly empower women in such contexts, addressing these structural barriers and promoting inclusive practices that enable women to participate actively in labour market negotiations and decision-making processes is imperative. This will also include skill upgradation, equal wages and the safety and security of women.

Daily Labour Markets and Gender Differentials

Women's participation in DLMs often involves men accompanying them, with exceptions for those who are single or live alone. As observed in the study, women primarily serve as helpers or supplementary labour to men, without being recognised as experts in trades such as masonry, carpentry, and plumbing. Although they acquire skills through assisting men over time, they are denied the title of expert and the corresponding wages. They are largely limited to head-loader positions, while men are given opportunities to advance to roles such as helper, mason, supervisor, labour agent, or contractor (Lingam, 1998).

Wage disparities persist across occupations, regions, sectors, and the nature of work, reflecting discrimination against women for the same work and skill level (Lama & Majumder, 2018). Unlike men, women are not upgraded from unskilled to skilled, regardless of their work tenure (Jhabvala & Kanbur, 2002; Baruah, 2008). Further, women workers face adverse conditions at work sites, such as sexual harassment, wage discrimination, insecurity, etc. Still, they continue working, remaining unskilled even after years in the labour market and lagging behind men (Devi & Kiran, 2013). Lack of women's leadership leads to some of these issues remaining unchallenged in the male-dominated workforce.

In DLMs, wages are negotiated based on work type and specialised skills, but women, lacking the 'expert' title, earn less than men. For example, in some DLMs in Surat and Vadodara, women helpers receive Rs. 400 per day while men earn Rs. 500, illustrating a wage disparity that favours men. Moreover, the 'Jodi' (pair) hiring system, which involves women working in pairs with their husbands or an accompanying male, further complicates matters. This hiring practice may leave some women unaware of their actual wages. Consequently, women's work is adversely affected by gender norms. Gender stereotypes assign women tasks such as carrying and lifting construction materials, echoing the unpaid domestic chores they perform at home, such as carrying water and firewood (Jayaram et al., 2019).

Besides wage disparity, women also bear a dual workload: one at the workplace and the other with daily household chores. Women come to the market only after completing tasks such as cleaning, washing clothes, and preparing food for their families. As they carry their meals to work, they cook before heading to the DLM. This requires early morning starts, as early as 4:00 or 5:00 a.m., to finish these responsibilities before arriving at the market, as reported by women from various DLMs. It was observed that while men arrive early, women typically join later, before the peak hours (8:00 a.m. to 10:00 a.m.), reflecting their dual workload. Men's involvement in household chores varies, with more assistance

noted among tribal seasonal migrants, particularly in the evening when they return home. In some living areas in open spaces, men were seen sharing responsibilities such as preparing the evening meal and babysitting.

Experience and expertise in the workplace result not only from interest and hard work but also from continuous employment. In the present study, 39 percent of women have worked for 10 to 20 years, and 14 percent for over 20 years. However, even after so many years of experience, they are paid less than men and are not recognized as skilled workers. Moreover, 90 percent of the women were 21 and older; more than 80 percent were married and had been 'associated migrant workers' for these years, compared to their male counterparts.

Regarding the gender employment difference, Raveendran (2016) argues that men benefit from continuous and consistent employment opportunities throughout their careers, which allow them to build experience, expertise, and seniority. This continuity often leads to higher wages and career advancement. In contrast, women face interruptions and lower participation rates, which delay their ability to reach career peaks and limit their potential for wage growth through experience and seniority. The lack of continuous employment opportunities primarily affects women, making it harder for them to achieve career stability and the associated financial benefits that come with it.

Living Sites and Gender Needs

The workers' living sites were visited in the evening in all four study areas. The usual scene at the living sites plays out the general gender stereotypes: men seated together smoking beedis and relaxing; children playing and talking; women preparing the evening meal. However, when the couple had no children, they cooked the evening meal together.

Women workers' lives begin early in the morning and end late in the evening. Their entire day's activities revolve around sunlight. They typically skip breakfast, opting for a complete meal before starting work around 6:30 or 7:00 a.m. Lunch is packed and brought to the DLMs, where they may wait one to two hours before securing employment through negotiations. After being hired, they proceed to their workplaces; if not, they return home. Regular working hours for these labour market workers span eight hours, with women generally returning slightly earlier (around 6:00 p.m.) than men to manage evening meal preparations and childcare duties for infants and young children.

Many workers live in huts in open spaces, while others reside in slums or small colonies, renting rooms for approximately Rs. 1500-2000 a month. However, some workers, who do not permanently reside in cities, live on footpaths with minimal belongings and travel back and forth to their village of origin as needed. Those who live in the open without adequate shelter face more hardships than others.

Workers living in open areas or on footpaths lack basic amenities such as water, toilet facilities, and electricity, which forces them to rely on public utilities. Consequently, many choose to reside closer to railway tracks, open spaces near school buildings, or 'pay & use' amenity blocks. They often strive to stay near the DLMs they frequent. This proximity reduces travel expenses and enables them to utilize available public facilities.

Besides living under the conditions explained above, women and their families residing in open spaces also face the fear and anxiety of being asked to vacate. For instance, in Chandlodia DLM (Ahmedabad), a group of girls living with their family members in huts on open government land mentioned that they had to pay some rent to stay there earlier. However, recently, no one has collected any rent from them. Consequently, they were wondering whether that was a sign of possible eviction. In Udhna Teen Rasta (Surat), residents lived in huts built on open government land. The women reported that the authorities periodically dismantled their shanty huts. They have to rebuild their temporary shelters by paying people from the municipal corporation.

Women from Harinagar and Jupiter Char Rasta (Vadodara) DLMs recounted a similar situation and how they had rebuilt their shelters. A woman said, '*Corporation vale aakar hamara ghar tod dete hain, par hum thode dino ke baad phir se bana dete hain. Rehne ke liye kuch toh chhat chahiye naa? Hum unko mana karte hain ki nahi todo toh voh bolte hain ki corporation land mein rehne ko mil raha hain reh lo magar ye jhopdi mat bandho!*' (The corporation breaks the shelters, but we rebuild. We need a roof to live. The corporation people told us you can stay in the open space, but not put up shanties.) (also cited in Bharati et al., 2024).

Water, Sanitation and Hygiene

In most living areas (especially those in open spaces), workers' access to water is limited, necessitating women to procure water from nearby localities or temple water taps, which may be half a kilometre or more away. Women from Akhbarnagar DLM (Ahmedabad) have been observed storing water in large drums or buckets for up to two days to conserve its use. Some girls from Ahmedabad DLMs reported fetching water from nearby temples or societies, but faced resistance due to unwelcoming neighbourhood attitudes. Moreover, collecting water is time-consuming for them, as it requires making three or four trips to meet their daily needs. In contrast, households near Ramnagar-Randhera DLM (Surat), living opposite the corporation park, have easy access to water from municipal taps (ibid).

The lack of toilet facilities is a significant issue for women. At some living sites, there are no public toilets nearby, forcing women to defecate openly. For instance, some of the adolescent girls in Chandlodia DLM (Ahmedabad) and women in Udhna Teen Rasta (Surat) reported using railway tracks in the early morning, going in groups of two or three for toilet calls. Similarly, women in Jupiter Char Rasta (Vadodara) resort to open spaces near their living places for the same reason. Visiting workers living in the open or in huts also revealed that they use makeshift facilities constructed from bricks and sticks, covered on all sides with old saris or tarpaulin for bathing. There are separate areas near huts where clothes and utensils are washed. The workers at Parvat Patia DLM (Surat) said that where there are 'pay and use' toilet facilities, they use them only for toilet purposes and prefer to bathe at their provisional bathing facility near their shelter, especially women. These living conditions force women to compromise their privacy (ibid).

Personal hygiene is an individual responsibility. However, it is hindered by gender differences and challenging living and working conditions. The places where workers stay almost always lack adequate facilities.

Difficulties in accessing drinking water, toilets, and bathing facilities make personal hygiene particularly challenging for women.

During menstruation, women face additional inconveniences, including the cost of sanitary napkins, which leads them to manage with 'cloth' that they dispose of by burning when worn out. It was observed that some girls and women adhered to their traditional practices during menstruation, often due to unfamiliarity with sanitary pads. For instance, a girl from Chandlodia DLM said, '*...Pata nahin kaise use karte hain; kisi ne bataya nahi. Agar uske bare mein maloom nahi toh kaise use karenge? Is liye kapda use karte hain!*' (I do not know how it is used; nobody has shown me. How would I use it if I did not know about it? That is why I use cloth.) Another girl said, '*...Hamare ghar mein sab kapda use karte hain is liye hum bhi wohi karte hain. Usko toh hum baar baar use bhi kar sakte hain ek-do mahine ke liye; voh aacha hain!*' (At home, women use cloth, hence we use the same. This is good as we can use it repeatedly for a few months.) Women also reported disposing of used clothes by burning rather than throwing them away. As a woman from Udhna Teen Rasta (Surat) expressed, '*...Mahina ke samay, istemaal ki hui cheez ko bahar nahin fenkna chahiye. Uske saath galat cheez kar sakte hain. Kyunki pads ko bahar fenkna padta hain, isliye nahi istemaal karte; kapda aacha hain. Jab kapde ka kaam poora ho jaye*

toh usko kachre mein nahin fenkte; usko poora jala dete hain!' (During menstruation, a used thing should not be thrown outside. It can be misused. Since pads are disposed of, we do not use them. Once the menstrual cloth exceeds its usability, it is not thrown away into a dustbin but is wholly burnt) (ibid).

The low presence of women in DLMs across the studied cities may also be attributed to the living conditions of migrants and inadequate health and hygiene conditions at their residences.

Safety and Security from Women's Experience

In our discussions with women about safety and security, incidents of sexual harassment and molestation in and around living spaces and workplaces were reported. These experiences included instances of men ogling, making sexual comments, displaying inappropriate or lurid gestures, and engaging in unwanted physical contact. Young girls and women are particularly vulnerable to such occurrences compared to older women. For example, a group of adolescent girls in Chandlodia DLM (Ahmedabad) described enduring lewd remarks and whistles from locals and bystanders while travelling to and from the labour market. Even within the market itself, they experience unwelcome stares and winks. These incidents compel them to remain silent and oblivious, avoiding travel alone and preferring to be accompanied. One girl expressed, *'...Hum ghar se kaam aur kaam se ghar par hi dhyaan dete hain. Iske ilava yahan kahin nahi jaate. Akela jaane ka sochte hi nahin hain. Akela jaane me dar lagta hai!'* (We focus on work and the house. We do not even think of going anywhere alone, as we fear going alone.) Another girl said, *'...Koi bhi log humse kuch bolte hain ya kuch kehte hain to hum chupke se jaldi se nikal jaate hain; un logon ke taraf dekhte bhi nahin hain; hamesha mummy papa ke saath rehte hain. Unke bina kahin nahi jaate!'* (If anyone makes any comment, we quietly walk away without looking at them. I always remain with my parents; without them,

I would not go anywhere. Similarly, adolescent girls in Udhna Teen Rasta (Surat) said, *"...Even when we face such situations, we do not narrate about them to anyone, not even to our friends*." Avoiding conflict and the risk of losing their employment is paramount in their minds when remaining silent about these incidents. However, some women who have not yet faced such harassment assert that they would confront and even physically retaliate against the perpetrator if targeted. Nonetheless, they also express caution and the need for companionship to avoid such situations (ibid).

Women employed in DLMs and other sectors similarly experience molestation and harassment in their workplaces and living environments. The shared incidents by women suggest that the perpetrators are often identified as men from the local community, fellow labourers, passersby, and even neighbours. Despite these challenges, women remain resilient and continue working, contributing to family income and caregiving responsibilities. As some women stated, when such incidents are reported, they do not result in police complaints; instead, they are resolved within their groups. They often rely on the intervention of employers to address grievances when the perpetrator is a supervisor, contractor, or coworker. In severe cases, incidents are sometimes resolved through physical retaliation by the victim's family members. When the employer is the culprit, the workers discontinue their working relationship.

Despite facing safety and security issues and being part of a hostile workplace, women continue to come to DLMs out of necessity for a livelihood. Specific past experiences, social factors, and fear of potential consequences contribute to women's continuing participation in the workplace, their contribution to family income, and caregiving. This also implies that many women lack viable alternatives and are compelled to work under unfavourable conditions (Devi & Kiran, 2013). The safety and security issues raise questions about whether their participation in work is a matter of choice or compulsion.

V. INTRODUCTION

Migrant workers in the Daily Labour Markets are essential to the city's growth, infrastructural development, and urban economy. Yet, they remain invisible, holding a secondary status and lacking identity. The state government has initiated various schemes for this group through the Gujarat Construction and Other Workers Welfare Board (GC&OWWB). The Shramik card is issued by the Gujarat Building and Other Construction Workers' Welfare Board, established under the Building and Other Construction Workers (Regulation of Employment and Conditions of Work) Act, 1996. This card is provided to individuals who have registered with the GC&OWWB. Cardholders are entitled to various welfare schemes, including financial social security in the event of death at the worksite, insurance and pension, health security in terms of medical aid through the Dhanvantari medical van, financial assistance for the treatment of occupation-related diseases, educational aid for the children of construction workers, women-specific aid (anganwadi support, delivery assistance, education), skill development, and housing schemes. Additionally, there are Annapurna food canteens (under the Shramik Annapurna Yojna) at the DLM sites where Shramik cardholders (now open to non-Shramik cardholders as well) can eat or pack food for five rupees. However, it was found that many women were unaware of several schemes intended for them. Moreover, not all interviewed DLM workers hold Shramik cards, meaning they are not registered with the GC&OWWB, thus being excluded from the welfare schemes.

The lives of women workers are challenging in many ways, mainly due to the dual role they are expected to play: production and reproduction. They toil alongside men in generating income for the family; however, bearing and rearing children, cooking, and caring for families remain their primary responsibilities. As argued, these women are unprotected and suffer because of their gender as well as from economic exploitation, compounded by the added woes of ignorance, illiteracy, and poverty (Singh, 2005). Moreover, women endure patriarchy, gender biases, and stereotypes to varying degrees. They have internalised these biases or are compelled to abide by them. These biases are evident in the treatment that women receive.

As observed, women primarily enter the labour market alongside men, often as a supplementary workforce. Only a few women participate in the labour market without relying on men's patronage and, challenging their assumed roles in leadership, negotiation, contracting, and employment pursuit. These women are often criticised as possessing weak character and face consequences for confronting gender stereotypes. Consequently, the lack of unionization and women's leadership and organizing perpetuates their oppression in DLMs. Varna-caste segregation also appears to be present in these DLMs, where the women entering the labour markets are predominantly Tribals or Scheduled Caste women. Women from upper castes are nearly absent in these markets. These data and observations are socially significant as they underscore the qualitative shift in countering and defying the traditional value system rooted in patriarchy, which defines women's life paths in society by the '3 Cs' - cooking, cleaning, and caring (Desai, 2020) rather than by the '3 Es' - earning, empowering, and emancipating.

The presence of some young girls below 18 years in the labour market suggests that from an early age, they contribute to the care and cash of the family. The implication is that they have no opportunity for education and higher studies, as the need to care for and feed the family takes priority. Their opportunities to develop and acquire varied skills, including professional skills and degrees, for better prospects for employment and life are jeopardised.

For women stuck in low-paid, informal employment, a lack of basic education and training can be a significant barrier to accessing better-quality employment. Working in this informal economy often leaves women without any

protection from labour laws or social benefits such as a pension, health insurance or paid sick leave. They routinely work for lower wages and in unsafe conditions, including the risk of sexual harassment (UN Women, 2015). Women do not have the financial or social means to voice their concerns and get due treatment and compensation as required by law (Bhattacharyya & Korinek, 2007).

The DLMS provides opportunities to negotiate for better wages, but does not offer equal chances for women to build skills and enhance employability. Women workers are often viewed as unskilled, despite their ability to perform the same skilled work as men. Consequently, women are supplementary labourers, commonly following their spouse, father, or relatives, and are engaged in repetitive, unskilled, and monotonous jobs. Over the years, a man may progress and improve his skills, advancing from labourer to helper to master skilled tradesman. In contrast, a woman often remains an assistant throughout her working life, even if she has developed some skills. This situation is also reflected in the wage disparities between men and women.

Gendered poverty affects the household as a whole and strengthens the gender division of labour and responsibilities for household welfare. Women bear a disproportionate burden, attempting to manage household consumption and production under conditions of increasing unemployment. Women's poverty is directly related to the absence of economic opportunities and autonomy, lack of access to education and support services and minimal participation in the decision-making process. Poverty can also force women into situations in which they are vulnerable to sexual exploitation (Dabhi, 2005).

Understanding inequality based solely on wages may not adequately represent the overall labour market unless we also examine other non-wage conditions of inequality, such as the safety and security of workers (Lama & Majumder, 2018). As found, women were vulnerable to various forms of sexual abuse in DLMs and urban residences. As they relocate to the city for work, they avoid anything that could jeopardize their safety. Fearful of sexual exploitation and dangerous situations, women prefer to remain in groups, accompanied by parents or male family members, and avoid travelling alone. Adequate safety and security, which are essential for women's empowerment, are lacking. Workplace hierarchies are often upheld through violent means, including sexual harassment, which reinforces male power and discourages women from pursuing 'non-traditional' jobs or advancing their careers (Desai, 2020). The UN Women (2015) report suggests that gender-based violence perpetuates occupational segregation. Pervasive sexual harassment and other forms of violence in the workplace serve to reinforce and maintain existing hierarchies and gender power dynamics. Labour markets are not proactively gender-sensitive, and the men that women accompany to access these markets often lack a significant understanding of gender issues at various times, spaces, and sites. As unskilled migrant workers, women end up working longer hours with no bargaining power, legal security, or protection. As stated by women in the studied areas, as well as mentioned by other studies (Srinivasan, 2000; Shaw, 1990; Banerjee, 1991; Saran & Sandhewar, 1990), women are also prone to experiencing discrimination, sexual assaults, abuse, and threats in the workplace.

The city corporation and other civil departments want the economy to flourish, but do not care about the workers contributing their labour to these economies. The basic amenities available at DLMs and living sites will significantly improve the well-being of these workers.

Migration is a process that has significant consequences for migrant women. The outcome would be more pronounced if they earned money independently of their husbands or other male family members, as it would instil the ability to make choices, decision-making, autonomy, and leadership. As part of the other economic markets, the DLMs are not gender-friendly; hence, they fail to impart such abilities. Why and how they

should be made gender-friendly, and how to enable the capabilities of women workers, is the question we need to reflect upon.

References

[1] Abhinaya V. (2018). 'Gender and Caste'. In Anurekha Chari Wagh, Sociology of Genders. INFLIBNET Centre. Retrieved from: https://ebooks.inflibnet.ac.in/socp10/ chapter/gender-and-caste/

[2] Azmat, G. & Petrongolo, B. (2014). Gender and the labour market: evidence from experiments. VOX, CEPR Policy Portal. Retrieved from: https://voxeu.org/article/gender-and- labour-market on 15 May 2020.

[3] Banerjee, N. (1991). Indian Women in a Changing Industrial Scenario. New Delhi: Sage Publications.

[4] Banerjee, P. (2005). Debates over Women's Autonomy. Mahanirban Calcutta Research Group. Retrieved from: http://www.mcrg.ac.in/pp4.pdf on 21 July 2021.

[5] Baruah, B. (2008). Gender and globalisation-opportunities and constraints faced by women in the construction industry in India. Labour Studies Journal. 35(2), 98–22.

[6] Behavioural Science Centre (BSC). (2009). 'Situational Analysis of Construction Labour Market of Ahmedabad City', Ahmedabad: St. Xavier's College Campus. Retrieved from http://www.clra.in/files/documents/ Construction-Workers-study- 2009.pdf.

[7] Bharati, K., Lobo, L., and Kumar, D. (2024). Urban Daily Labour Markets in Gujarat, Western India. Routledge- London & New York

[8] Bhattacharyya, S. K. & Korinek, K. (2007). Opportunities and Vulnerabilities of Female Migrants in Construction Work in India. Asian and Pacific Migration Journal, Vol. 16 (4), pp. 511–531.

[9] Chen, M. A. (2012). The Informal Economy: Definitions, Theories and Policies. WIEGO Working Paper No. 1.

[10] Dabhi, J. (2005). Gendered socialisation. Women's Link, 11(1), 24–31.

[11] Das, Biswaroop & G. B. Sahu. 2008. Income, Remittances and Urban Labour Markets: Oriya Migrant Workers in Surat City, Surat: Centre for Social Studies.

[12] Devi, K. & Kiran, U.V. (2013). Status of female workers in construction industry in India: a review. Journal of Humanities and Social Science, 14(4), 27-30.

[13] Desai, K. (2020). Exploitation and liberation: Case study of women workers in Surat's unorganised sector. Social Change, 50 (1), 12–27.

[14] Deshingkar, Priya and Start, Daniel. (2003). 'Seasonal Migration for Livelihoods in India: Coping, Accumulation and Exclusion'. Working Paper 220, Overseas Development Institute: London. Retrieved from https://www.odi.org/sites/odi.org.uk/ files/odi-assets/publications-opinion- files/74.pdf

[15] Heintz, J. (2006). Globalisation, Economic Policy and Employment: Poverty and Gender Implications. International Labour Office.

[16] Hugo, G. (2000). Migration and women's empowerment. In Pressler, HB, Sen, G (Eds.), Women's Empowerment and Demographic Processes (pp.299). Oxford: Oxford University Press.

[17] International Labour Organisation (ILO). (2002). Decent work and the informal Economy. International Labour Conference in Kenya on employment, incomes and equality: A strategy for increasing productive employment, pp.14. Geneva, ILO.

[18] International Labour Organisation (ILO). (2018). Women and men in the informal economy: a statistical picture. International Labour Office, 3rd Ed., Geneva: ILO.

[19] Kandiyoti, D. (1988). Bargaining with Patriarchy. Gender & Society, 2(3), 274-290.

[20] Jayaram, N., Jain, P. & Sugathan, S.S. (2019). No city for migrant women: construction workers' experiences of exclusion from urban governance and discrimination in labour markets in Ahmedabad. Gender and Development, 27 (1), 85–104.

[21] Jhabvala, R., & Kanbur, R. (2002). Globalization and economic reforms as seen from the ground: SEWA's experiences in India. Paper presented at the Indian economy conference, Cornell University, New York, 19-20 April 2002.

[22] Lama, S., & Majumder, R. (2018). Gender inequality in wages and employment in the Indian labour market. Journal of Academic Research in Economics, 10 (3), 482-500.

[23] Lingam, L. (1998). Migrant Women, Work Participation and Urban Experiences. The Indian Journal of Social Work, 59(3), 806–822.

[24] Meintjes, G. (1997). Human rights education as empowerment: Reflection on pedagogy. Blueprint for Social Justice, LI (3), November.

[25] Mishra, Ankit. (2011). 'Migrant Labour - A Detailed Study'. Labour and Service Law, Lawyers Club India Articles, 20 November. Retrieved from https://www.lawyersclubindia.com/articles/migrant-labour-a-detailed- study-4218.asp (01.06.20).

[26] Mosse, D., & Gupta, S., et al. (2002). Brokered livelihoods: Debt, labour migration and development in tribal western India. The Journal of Development Studies, 38(5), 59-88.

[27] Muna, Kalyani. (2015). Labour Market Situation in India: An Analysis. International Journal of New Technology and Research (IJNTR), Vol. 1, No. 8, pp. 44-52.

[28] NSSO. (2015). Employment and Unemployment Survey in India, 68th Round, June 2011-June 2012. National Sample Survey Office, Ministry of Statistics and Planning Implementation, Government of India.

[29] Nussbaum, M. C. (2000). Women and Human

Development: The Capabilities Approach. Cambridge University Press.

[30] OECD/ILO (2019). Tackling Vulnerability in the Informal Economy. Development Centre Studies, OECD Publishing, Paris. Available at : https://doi.org/10.1787/939b7bcd-en

[31] Raveendran, G. (2016). The Indian labour market: A gender perspective. Discussion Paper. UN Women. Pp-7 (2016). Retrieved from: https://www.ecoi.net/en/file/local/1119622/1930_1466499347_indianlabourforceanalysis.pdf on 21 August 2020.

[32] Sahu, Gagan B. and Biswaroop Das. 2008. Income, Remittances and Urban Labour Markets: Oriya Migrant Workers in Surat City, Bhubaneswar: ADHIKAR.

[33] Salve, W.N. (1990). A socio- economic study of seasonal migrants in co-operative sugar factories with special reference to Kolhapur district. Dissertation, Shivaji University, Kolhapur.

[34] Saran, A.B., & Sandhewar, A.N. (1990). Problems of Women Workers in Unorganised Sector (Brick Kilns, Quarries and Mines) of Bihar and West Bengal.

New Delhi: Northern Book Centre.

[35] Sen, A. (2001). Many faces of gender inequality. Frontline, 18 (22), 100.

[36] Shaw, A. (1990). Linkages of Large Scale Small Scale and Informal Sector Industries: A Study of Thana Belapur. Economic and Political Weekly, 25 (7-8), M17-M22.

[37] Shramik Sahayata Evam Sandarbha Kendra (SSESK). (2007). Migrant Construction Workers i n Ahmedabad: A Profile, Ahmedabad: Aajeevika Bureau.

[38] Singh, A., & De Souza, A. (1976). The Position of Women in Migrant Bastis in Delhi. New Delhi: Manohar Publication.

[39] Singh, D.P. (2005). Women Workers in Unorganised Sector. Delhi: Deep & Deep Publications.

[40] Srinivasan, M.V. (2000). Women workers in the unorganised sector. Women's Link, 6 (4), 9–13.

[41] UN Women. (2015). Progress of the World's Women 2015–2016: Transforming Economies, Realising Rights. UN Women: United States.

Bringing Back the Paternity Benefit Bill:
A Vital Legal Reform to Address India's Outdated Parental Leave Policies and Promote Workplace Equality Through Empirical Evidence

Mitali Srivastava* and Saibaa Ghazala**

Abstract— **India's parental leave framework is predominantly focused towards maternal benefits, with paternity leave receiving minimal attention. While the Maternity Benefit Act, 1961, mandates 26 weeks of paid leave for mothers, the Central Civil Services (Leave) Rules, 1972, provide only 15 days of paternity leave for government employees and no mandatory protections for private-sector workers. The Paternity Benefit Bill, 2017, aimed to address this imbalance by proposing paternity leave for fathers across all industries, including adoptive and surrogate parents. However, its dismissal left India without adequate safeguards for shared parenting responsibilities.**

This paper examines how the absence of comprehensive paternity leave laws violates Article 21 of the Indian Constitution, particularly the Right to Parenthood and a child's Right to Holistic Development. Judicial interpretations emphasize shared parenting's role in early childhood, yet the lack of legal protections perpetuates gender imbalances, forcing women to bear the dual burden of work and caregiving.

Drawing on global best practices from the ILO's Maternity and Paternity at Work report, this study analyses the societal and economic advantages of paternity leave. Empirical research conducted across private Indian companies evaluates the benefits of voluntary paternity leave policies, including improved workplace dynamics and employee satisfaction. By combining international standards with local data, this paper advocates for reinstating the Paternity Benefit Bill as a crucial step toward gender equity at home and in the workplace. Without these reforms, women will remain disproportionately burdened with caregiving, limiting their workforce participation and reinforcing systemic inequalities.

*Keywords—***Paternity leave, Paternity Benefit Bill, Central Civil Services, Child Development**

*Dr. Mitali Srivastava is Associate Professor at Amity University, Email: srivastava.mitali1509@gmail.com

**Saibaa Ghazala is Advocate at Delhi High Court, Email: saibaa.ghazala82@gmail.com

I. INTRODUCTION

We live in an era in which workplace equality and parental responsibility are essential components of discourse surrounding human rights and labour laws. As societal norms evolve to acknowledge the significance of both parents in child-rearing, legal frameworks globally are adapting to mirror this transformation. In India, although maternity benefits are well-established, the discourse on paternity leave is still in its early stages. The Paternity Benefit Bill of 2017 aimed to rectify these shortcomings and provided a significant chance to align India's employment laws with global standards of workplace equality (The Paternity Benefit Bill, 2019, n.d.).

Unfortunately, the bill was rejected, resulting in a substantial void in India's labour law framework (Kale, 2023).

The increasing significance of parental leave has been acknowledged worldwide, including prominent international entities like the International Labour Organization (ILO), which emphasizes the essential contributions of both parents to a child's development and the advancement of gender equality in the workplace. The existing paternity leave regulations in India, principally regulated by the Central Civil Services (Leave) Rules, 1972, are restricted to government employees and provide merely 15 days of paid leave. This is insignificant compared to the extensive maternal benefits afforded under the Maternity Benefit Act of 1961, which allocates 26 weeks of leave to mothers. The disparity in parental leave not only sustains gender norms but also limits men's capacity to engage in early childcare, consequently reinforcing traditional stereotypes. Research indicates that fathers who take paternity leave experience improved relationships with their partners and children, and their partners report that such support was critical to forging a stronger bond (Colantuoni et al., 2021). Additionally, studies have shown that fathers who take even a few days of paid paternity leave contribute to better outcomes for families, including higher life and job satisfaction for fathers and improved well-being for mothers (Henry, 2019). Moreover, extending caregiver leave for fathers has the power to disrupt traditional gender roles, promoting a more equitable division of labour and reducing gender biases (Savat, 2023). These findings underscore the importance of implementing comprehensive paternity leave policies to promote gender equality and support family well- being.

In the absence of a comprehensive legal framework for paternity leave, some private sector enterprises have initiated their own policies, exhibiting varied levels of success. These private-sector efforts, while commendable, lack consistency and legal guiding, making it vital for the government to step in with comprehensive legislation. The global scenario further demonstrates that when fathers take leave, women are more likely to remain in the workforce, which promotes a fairer work-life balance. For instance, research indicates that countries offering more than six weeks of paid paternity leave experience a 4% reduction in the gender wage gap and a 3.7% decrease in the labour force participation gap between men and women (New research uncovers economic and health benefits…, 2023). Additionally, a study analysing paternity leave mandates across OECD countries found a positive correlation between such policies and increased labour force participation rates among women (Bettelli, 2020).

This paper looks into the current condition of paternity leave in India, critically assessing the legislative void that has remained since the dismissal of the Paternity Benefit Bill, 2017. Through a comparative examination of global best practices, this research highlights the need of reintroducing paternity leave legislation in India. We will analyse research findings on paternity leave policies, particularly in the private sector, to understand both the advantages and drawbacks these policies have offered to employees and businesses alike. By merging data from ILO's Maternity and Paternity at Work and survey data from Indian companies, we hope to present a policy-oriented analysis that pushes for legal reform in this area (Addati et. al., 2014).

Ultimately, this paper argues that comprehensive paternity leave regulations are not only an employee benefit but a fundamental social justice issue. By offering legal safeguards for paternity leave, India may make great steps in fostering workplace equality, lowering gender-based job inequities, and assuring better results for children. A balanced approach to childcare obligations, backed by robust legal frameworks, is crucial to promoting India's goals of equality and social welfare.

Research Objectives

The paper aims to research on the following

objectives:

- To analyse the historical evolution and current state of parental leave policies in India, with a focus on identifying legislative gaps in paternity leave.

- To assess the societal and economic impact of the absence of comprehensive paternity leave laws on families and workplaces in India.

- To evaluate the benefits and challenges of existing paternity leave policies in private Indian companies through empirical data.

- To examine global standards and best practices for paternity leave, with specific reference to ILO recommendations and Nordic country models, and explore their adaptability to the Indian context.

- To propose actionable policy recommendations for implementing inclusive and equitable paternity leave laws that promote gender equality and enhance workforce participation.

- To advocate for a cultural shift that normalises shared caregiving responsibilities and challenges traditional gender roles in Indian society.

Evolution of Parental Leave Policies in India

Global maternity leave policies have largely been shaped by international labour standards, established by the International Labour Organization (ILO), particularly the Maternity Protection Convention, 2000 (No. 183). Article 4 of this convention sets a minimum standard of 14 weeks of maternity leave, with no fewer than six weeks to be taken post-childbirth (Maternity Protection Convention, 2000, Article 4). These provisions prioritize the health, economic stability, and employment security of mothers, while protecting them against discrimination. This convention has guided countries like India in developing maternity leave policies, including the

Maternity Benefit Act, 1961, which aligns with these global standards.

In contrast, the ILO has no legally binding instrument mandating paternity or parental leave. While the Workers with Family Responsibilities Convention, 1981 (No. 156), encourages policies to promote gender equality in caregiving, it stops short of prescribing specific parental or paternity leave measures (Workers with Family Responsibilities Convention, 1981, Article 6). The ILO has instead issued non-binding guidelines that emphasize shared parenting and gender equality but lack enforceability. This absence of a binding legal framework has resulted in significant disparities across nations, with paternity leave policies being inconsistent and largely dependent on national labour regulations. While the organization recognizes the importance of fathers' involvement in childcare, its lack of a concrete legal mandate perpetuates the unequal distribution of unpaid care work globally. In India, this has translated into a legislative vacuum for paternity leave, with policies like the Central Civil Services (Leave) Rules, 1972, offering minimal provisions that fall short of fostering gender-equitable caregiving. The absence of a binding international standard has limited global progress in achieving balanced parental leave policies, leaving countries like India lagging behind in addressing systemic gender inequalities in both the workplace and the home.

Before the enactment of the Maternity Benefit Act, 1961, maternity leave in India was largely unregulated, with no uniform safeguards to protect the rights of expecting women in the workforce. Most women depended on employer discretion, leaving others with minimal support, particularly in the private sector. Health concerns and challenges that mothers faced while returning back to work post-pregnancy were largely neglected. The Maternity Benefit Act institutionalized maternity leave, mandating 12 weeks of paid leave for women working at establishments with 10 or more employees—six weeks before childbirth and six weeks after (The Maternity Benefit Act, 1961, Section 4). This was

a historic move in recognizing women's reproductive health and defending their employment rights all through pregnancy. The 2017 amendment significantly expanded maternity leave to 26 weeks, placing India among countries with advanced maternity leave policies (The Maternity Benefit (Amendment) Act, 2017, Section 3(a)). The amendment additionally established rules for adoptive and surrogate mothers, allowing 12 weeks of leave, and mandated industries with more than 50 employees to provide crèche facilities, consequently addressing the demand for child care in addition to maternity leave (The Maternity Benefit (Amendment) Act, 2017, Section 3(b)).

On the other hand, India's efforts to establish paternity leave have been far less comprehensive. The introduction of paternity leave under the Central Civil Services (Leave) Rules, 1972 in 1999 was a modest but important step in acknowledging the role of fathers in early childcare (Central Civil Services (Leave) Rules, 1972,). The rule allows 15 days of paid leave for male government employees with fewer than two surviving children, which must be availed within six months of the child's birth or adoption (Central Civil Services (Leave) Rules, 1972, Rule 43-A, Rule 43-AA).

While this was a milestone for India's labour legislation, the duration and scope of paternity leave remain minimal, especially when compared to countries like Sweden and Norway. Globally, countries with successful paternity leave policies, such as Sweden, offer a more robust and inclusive framework. Sweden provides 480 days of shared parental leave, with 90 days reserved exclusively for fathers. This "use-it-or-lose-it" policy encourages fathers to actively participate in childcare while ensuring mothers are not disproportionately burdened. Similarly, Norway provides 49 weeks of fully paid leave (or 59 weeks at 80% pay), with a minimum quota reserved for fathers. These policies not only promote shared caregiving responsibilities but also normalize the idea of fathers as equal caregivers, leading to better child development outcomes and greater gender equality in workplaces.

India could adapt these global models by gradually increasing the duration of paternity leave, initially in the public sector, and introducing similar provisions in the private sector. Policies like reserving non-transferable leave for fathers (as seen in the Nordic model) could incentivize greater participation by fathers in caregiving, which would also help challenge traditional gender norms. Additionally, providing social insurance schemes or government subsidies to fund paternity leave in smaller firms could help address financial constraints while fostering workplace equality. By learning from these global examples, India can move beyond tokenistic paternity leave provisions and adopt a more holistic framework that supports shared caregiving, strengthens family bonds, and promotes inclusive growth.

India's current parental leave framework with a focus on the Maternity Benefit Act, 1961, and the Central Civil Services (Leave) Rules, 1972

India's parental leave framework remains deeply imbalanced, disproportionately prioritizing maternity benefits while neglecting paternity leave and shared caregiving responsibilities. The Maternity Benefit Act, 1961, and the Central Civil Services (Leave) Rules, 1972, constitute the foundation of India's parental leave policies, yet both remain insufficient in addressing the needs of a vast majority of the workforce.

The Maternity Benefit Act, 1961, initially provided 12 weeks of paid maternity leave, later extended to 26 weeks by the 2017 amendment—a significant legislative step that also included provisions for adoptive and surrogate mothers and mandated crèche facilities for establishments employing more than 50 workers. While these reforms reflect a progressive approach to maternal welfare, they fail to account for the staggering reality that nearly 95% of working women in India—particularly those in the informal sector, gig economy, and daily wage labour—are excluded from its ambit. The Act's application remains

confined to the organized sector, offering no statutory protections to women in precarious employment. Consequently, maternity protections in India remain a privilege rather than a universal right, reinforcing economic and gender inequalities in workforce participation. In contrast, paternity leave remains severely underdeveloped. The Central Civil Services (Leave) Rules, 1972, introduced 15 days of paternity leave for government employees in 1999, yet this provision does not extend to private-sector employees, leaving millions of fathers without any statutory entitlement. The failure to provide comprehensive parental leave policies for both mothers and fathers further entrenches traditional gender roles, disproportionately burdening women with caregiving responsibilities and compelling many to exit the workforce post- childbirth. A holistic, publicly funded parental leave policy, rather than a fragmented maternity- or paternity-specific approach, is imperative for fostering gender-equitable caregiving frameworks.

While India's paternity leave policies remain weak across all employment sectors, they are virtually non-existent for men in the unorganized sector, which constitutes the majority of the country's workforce. According to the Periodic Labour Force Survey (PLFS) 2022-23, nearly 90% of India's workforce is engaged in the unorganized sector, with an overwhelming number of male workers falling outside the purview of any formal labour protections (Periodic Labour Force Survey, 2023). Unorganized sector workers, including daily wage labourers, contractual employees, gig workers, and agricultural labourers, are not entitled to any statutory paternity leave benefits. Unlike government employees who receive 15 days of paternity leave under the Central Civil Services (Leave) Rules, 1972, and some private-sector employees benefiting from voluntary company policies, fathers in informal employment must forgo income entirely if they wish to take leave for childcare. This lack of legal safeguards further entrenches gendered caregiving norms, compelling women in informal employment—who are already

excluded from the Maternity Benefit Act—to bear the full burden of childcare responsibilities.

The absence of paternity leave in the unorganized sector has broader socio-economic consequences. Studies suggest that when paternity leave is universally accessible, it leads to higher female workforce participation and reduces wage disparities, as seen in Nordic countries (International Labour Organization, 2021). In contrast, in India, the dual exclusion of both men and women in informal work from parental leave protections perpetuates gendered labour market inequalities, reinforcing the cycle of poverty, job precarity, and workplace exclusion for families in the unorganized sector.

To bridge this gap, India must extend parental leave policies to informal workers, similar to Brazil's approach, where social security mechanisms fund paternity leave for unorganized workers (Work and Family, 2023). A nationally funded parental leave scheme, supported by contributions from employers, employees, and government, could ensure that both fathers and mothers—regardless of employment sector—receive adequate caregiving support. Without such reforms, paternity leave in India will remain an elite privilege, failing to address the realities of the majority of the country's workforce.

Problem Statement and Purpose of the Study

India's parental leave framework reveals a significant gap between the rights provided to mothers and fathers, particularly in legal protections and caregiving responsibilities. The Maternity Benefit Act, 1961, offers women substantial safeguards, including 26 weeks of paid leave post-2017, ensuring their health and economic stability. However, the lack of provisions for fathers reinforces traditional gender roles and an unequal division of caregiving labor. While the Central Civil Services (Leave) Rules, 1972, introduced 15 days of paternity leave for government employees, private-sector workers remain excluded. The failure to pass the Paternity

Benefit Bill, 2017, aimed at extending paternity leave to all fathers, including adoptive and surrogate parents, has left a significant legislative gap in paternity rights.

A comprehensive paternity leave framework is vital for dismantling gender stereotypes and enabling fathers to participate in early childcare. Such a policy would support gender equality, foster workplace equity, and enhance child development outcomes while boosting economic growth through improved workforce retention and reduced unemployment among women. This study evaluates current regulations and analyses empirical data from Indian companies offering voluntary paternity leave to demonstrate the positive impacts of such policies on employee satisfaction, productivity, and gender equality.

Incorporating global standards, such as recommendations from the ILO's Maternity and Paternity at Work report, provides valuable insights. For instance, Brazil offers five days of mandatory paternity leave, extendable by 15 days with tax incentives, while South Africa grants 10 days of paid parental leave. These models show how ILO guidelines can be tailored for resource-constrained economies. India can draw from these practices to reform its parental leave framework, addressing legislative gaps and fostering shared caregiving responsibilities. By integrating global best practices, empirical evidence, and legal analysis, this study makes a strong case for comprehensive paternity leave reforms that benefit families, workplaces, and society at large.

II. GLOBAL AND INDIAN CONTEXT FOR PATERNITY LEAVE

Paternity leave rules have undergone substantial changes globally, as governments acknowledge the significance of shared caregiving obligations and the necessity of gender equality in the family dynamic. Globally, paternity leave remains restricted compared to the more established maternity leave regulations. The global average for paternity leave duration is 1.98 weeks, with just 53.5% of nations implementing paternity leave. Furthermore, a substantial number of countries give minimal leave, with 15.1%

providing less than a week, while just 9.7% extend leave to four weeks or more, and just 4.9% offer six weeks or more (Global Maternity & Paternity Leave Statistics, 2024). These findings underscore the discrepancy in paternity leave laws, indicating that complete legal frameworks for fathers remain underdeveloped. In terms of compensation during paternity leave, around 39.5% of nations compel businesses to completely compensate employees, while others demand only partial pay, often below 90% of the average rate. This fragmented approach to remuneration adds extra challenges for fathers trying to take leave, discouraging shared parenting obligations.

In comparison, maternity leave rules are significantly more comprehensive and prevalent globally. The average duration of maternity leave is 16.3 weeks, with 78.9% of nations offering between 10 and 20 weeks of leave. A small but considerable percentage—9.2%—offers 26 weeks or more, and 4.3% of countries allow longer periods of up to 39 weeks. These findings indicate the universal understanding of maternity leave as a fundamental necessity for both maternal health and child development. While the ILO has set stringent requirements for maternity protection through the Maternity Protection Convention, 2000 (No. 183), there is no binding international regulation particularly addressing paternity leave. Although the ILO urges member states to adopt policies that enhance gender equality in caregiving, such as paternity and parental leave, these recommendations remain non-binding, leaving considerable leeway for policy diversity across nations. Thus, India's present parental leave legislation matches broader global trends, with a concentration on maternity leave and little provisions for men. However, global best practices, especially in countries with well-established paternity leave policies, offer a path forward for India to reform its legal approach to caregiving, promote gender equality, and ensure that both parents have the opportunity to contribute to their children's early development.

Global Perspectives on Paternity Leave: Insights from the Nordic Model

Paternity leave norms across the globe have

evolved dramatically in recent years, with certain countries setting milestones for others to follow. Nations like Sweden, Norway, and Iceland—often jointly referred to as the Nordic model— offer some of the most advanced parental leave policies, with a large percentage of time dedicated specifically for fathers. Germany and France have also modified their parental leave policies, motivating fathers to take more active roles in child-rearing through dedicated paternity leave quotas. Additionally, Canada and Japan give prolonged parental leave periods, allowing parents to share duties while fostering workforce engagement for both genders. These worldwide models serve as an inspiration for countries like India, which still encounters obstacles in developing comprehensive paternity leave legislation, particularly in the private sector.

Trends in parental leave in the Nordic countries

Originally, the goal that men and women should be equal in respect to family life and their children was underlined when the Nordic countries collectively changed their family legislation in the 1920s–1930s (Eydal et. al., 2015). The parental leave policies in the Nordic countries have moved dramatically from old gendered models to frameworks that stress caregiving parity and gender equality. Initially centred on the male breadwinner model, where women predominantly performed caregiving obligations, these countries gradually changed toward policies emphasizing shared responsibility (Eberl, 2020). By the 1970s, increased female employment involvement and the feminist movement spurred reforms, leading to "daddy leave" and quotas that designated a portion of leave for fathers, such Sweden's non-transferable 90-day leave for males. Nordic policies also stress flexibility, enabling parents to split leave or work part-time. These improvements have led to a fairer distribution of caregiving, promoting gender equality at home and in the workplace, and enhancing child development results.

Table 1: Azets/Parental Leave Policies in the Nordic Countries (Bekkåsen, 2024)

Country	Leave Period	Salary/ Compensation	Special Provisions
Sweden	Total of 480 days (90 days reserved for each parent). Can be taken until the child is 12 years old.	80% of salary for first 390 days, flat rate for remaining 90 days.	Additional 180 days for multiple births; parents can save 96 days post age 4. Option for partial leave to reduce working hours.
Denmark	Total of 52 weeks. 18 weeks for mothers (4 pre-birth, 14 post-birth). Fathers get 2 weeks. Remaining 32 weeks can be shared.	Paid by the state, based on earnings, up to a ceiling.	Leave can be extended by 14 weeks at reduced benefits. Adoptive and same-sex couples have the same rights.
Finland	40 working days pregnancy leave for mothers. After that, 320 working	Parental allowance paid during chosen times until the child is	Parents can transfer 63 days to another caregiver. Both parents can take up to 18

	days parental leave (160 days each parent).	2 years old.	days simultaneously.
Norway	12 months of leave, shared between parents. Mothers: 18 weeks (12 pre-birth, 6 post-birth). Fathers can take additional leave if shared or transferred.	Parents can choose 49 weeks with full pay or 59 weeks at 80% pay.	Parents can choose 49 weeks with full pay or 59 weeks at 80% pay.

The primary observations from the paternity and parental leave policies across Nordic nations highlight both their progressive approaches and variances in execution.

However, replicating Nordic- style policies in India presents unique challenges due to its socio-economic diversity, cultural norms, and labour market dynamics. Nordic countries are characterized by robust welfare systems, high GDP per capita, and progressive societal attitudes, which create an enabling environment for such policies. In contrast, India's fragmented labour market, with a large informal sector comprising 80% of the workforce, lacks the infrastructure to support extended paid leave universally. Additionally, deep-rooted cultural norms often assign caregiving roles predominantly to women, making paternity leave policies less likely to gain societal acceptance or widespread implementation without accompanying awareness campaigns.

To adapt Nordic-style paternity leave policies in India, a phased approach would be essential, starting with a modest duration of non-transferable paternity leave, such as 15-30 days, and gradually increasing it as societal acceptance and economic viability improve. Employers, especially in the private sector, could be incentivized through tax benefits or subsidies to voluntarily adopt these policies, encouraging wider implementation even among small and medium enterprises. For the informal sector, simplified schemes funded through public insurance or government grants could extend benefits to workers who otherwise lack access to formal parental leave policies. These measures, tailored to India's socio-economic framework, could lay the foundation for a more inclusive parental leave system while fostering workplace equality and improving family well-being.

Adapting Global Paternity Leave Models to the Indian Context: Challenges and Opportunities

Global paternity leave policies, such as those in Nordic countries like Sweden and Norway, have shown significant success in fostering shared caregiving, gender equality, and family well-being. However, adapting these models to India presents unique challenges due to cultural norms, economic constraints, and policy gaps. In India, traditional caregiving roles predominantly fall on women, driven by deeply ingrained societal expectations. This "male breadwinner" model poses a significant barrier to the acceptance of paternity leave. Public awareness campaigns and workplace policies, as seen in other nations, could play a vital role in reshaping societal perceptions.

Economic challenges also exist, particularly for small and medium enterprises (SMEs), which may view paid paternity leave as financially burdensome. Nordic countries address this issue through public funding and social insurance schemes, which India could adapt to ease the financial strain on businesses (Maternity Protection Convention, 2000). Despite these challenges,

growing recognition of gender equality and family-friendly workplace policies in India creates an opportunity for reform. Many companies now focus on employee wellness and retention, aligning with global trends. Policymakers can leverage these developments to introduce inclusive paternity leave frameworks, ensuring a balanced approach that benefits families, workplaces, and society.

III. PATERNITY BENEFIT BILL, 2017: A MISSED OPPORTUNITY?

"By drawing fathers into the daily realities of childcare, free of workplace constraints, extended time off provides the space necessary for fathers to develop the parenting skills and sense of responsibility that then allows them to be active co-parents rather than helpers to their female partners (Rehel, 2013)"

Overview of the Paternity Benefit Bill, 2017

The Paternity Benefit Bill, 2017 aimed to address shortcomings in India's labour laws by establishing a statutory framework for paternity leave applicable to government, private, and unorganized sectors. In contrast to the Central Civil Services (Leave) Rules, 1972, which allocated only 15 days of paternity leave to government employees, the proposed bill offered broader provisions. The initiative sought to include employees in both the organized and unorganized sectors, as well as self-employed individuals, thereby promoting more inclusive benefits. The bill offered 15 weeks of paternity leave thereby allowing fathers to engage more actively in early childcare responsibilities. It allowed men to take up to seven weeks prior to the expected delivery and ensured that the remaining leave could be availed within three months following the child's birth. In cases where a father passes away during the leave period, the bill ensured paternity benefits until the day of his death. If the father dies post-delivery, leaving the child behind, the employer is liable to provide paternity benefits for the entire eligible period. However, if the child dies during this time, the benefits would only extend to the date of the child's death (The Paternity Benefit Bill, 2019, Section 4(2)). The bill defined eligibility criteria requiring 80 working days (The Paternity Benefit Bill, 2019, Section 4(2)) within an establishment and suggested wage compensation based on the average daily wage earned, in contrast to the uniform provision outlined in the civil rules (The Paternity Benefit Bill, 2019, Section 4(1)). The bill also included provisions for adoptive fathers and commissioning mothers' spouses, allowing a 15- week leave from the day the child is handed over to the father or legal guardian. This focus on diverse caregiving scenarios— adoptions and surrogacy—was absent from the Civil Services Rules, further highlighting the bill's progressive outlook (The Paternity Benefit Bill, 2019, Section 4(4)).

The bill introduced a notable innovation through the establishment of a Parental Benefit Scheme Fund, which receives contributions from employees, employers, and the government to ensure its sustainability. This differs from the civil service scheme, which depends solely on government resources and excludes private- sector employees (The Paternity Benefit Bill, 2019, Section 5). However, the bill's failure to advance resulted in India missing an opportunity to align with global standards, thereby leaving paternity benefits fragmented and restricted to the public sector.

Analysis of Parliamentary Discussions and Rejection

The Paternity Benefit Bill, 2017, introduced by Congress M.P., Ms. S. Jothimani, intended to extend paternity leave benefits across sectors, including private and unorganized ones, supporting gender-equal caregiving roles. However, it was never passed, essentially due to concerns about practicalities and the resistance to legislative amendments demanding extended paternity leave. During parliamentary discussions, various reasons opposing the bill surfaced. Critics argued that

expanding paternity leave could result in financial difficulties on smaller businesses, especially in the unorganized sector, which already struggles to comply with existing labour standards. There was also concern that some workers may misuse extended leave as a "paid holiday," reflecting societal stereotypes about men's primary role as breadwinners rather than caregivers (Paternity Leave., 2020).

The government's approach was inclined towards voluntary adoption of paternity policies by companies rather than imposing mandatory provisions. While the Maternity Benefit (Amendment) Act, 2017 was expanded to allow 26 weeks of leave for women, similar enthusiasm for enforced paternity leave was absent, partly due to established social standards. During earlier debates, Women and Child Development Minister Ms. Maneka Gandhi had stated that legislation for paternity leave would emerge in a more "sophisticated" shape in the future, showing hesitation to enact significant reforms immediately (Paternity leave across all sectors…., 2017). Ultimately, the bill was rejected primarily because the government valued flexible corporate policy over statutory obligations.

Importance of Fathers in early Childcare

Studies have indicated that men who take leave, especially those taking two weeks or more immediately following the birth of a child, are more likely to be actively involved with their young children (Basu, 2024). Studies indicate that when fathers are more involved in infancy, their children are less likely to have signs of mental health issues around age 9 (Legal Specs, 2024).

The Role of Fathers in Emotional and Cognitive Development

Fathers play a vital impact in children's emotional and cognitive development. Research shows that father's participation boosts improved emotional regulation, social competence, and self-esteem in children. Early participation by fathers, such as reading to children or participating in interactive play, adds to language acquisition and cognitive skills like problem- solving (Rollè et. al., 2019). However, societal expectations and restricted paternity leave might restrict involvement, underlining the need for supporting policies to optimize these developmental benefits (Center for Holistic Initiatives for Learning and Development, 2024). Furthermore, the mental health and stress levels of dads are essential to this growth process. A study conducted by Michigan State University revealed that fathers facing parenting-related stress or depression can adversely affect their children's language and cognitive development over the long run, particularly in boys (Henion, Vallotton, 2016). This engagement influences not only language but also cultivates a child's capacity for socialisation and emotional regulation as they develop.

Gender Equality and Shared Caregiving Responsibilities

The subject of gender equality in caregiving is closely related to the broader discourse regarding cultural expectations and the disproportionate workload put on women, frequently referred to as the "Double Burden phenomenon." This concept relates to the dual responsibilities women bear in both paid employment and unpaid home- work, frequently leaving them overworked compared to their male colleagues. Fathers have a critical role in resolving this mismatch by sharing caregiving responsibilities. A study highlighted in Brain & Life magazine showcases families who distribute caregiving duties, resulting in better care for their loved ones and reduced individual stress levels (Avitzur, 2018). Additionally, a case study by DispatchHealth found that 96% of caregivers reported experiencing less stress when care was provided in-home, as opposed to traditional hospital settings, emphasizing the benefits of shared caregiving in familiar environments (Caregiver Case Study, 2025). These findings underscore the importance of shared caregiving in enhancing family dynamics and overall well-being.

IV. EMPIRICAL RESEARCH: IMPACT OF PATERNITY LEAVE POLICIES IN INDIAN PRIVATE SECTOR

Introduction

There is a pressing need for empirical research about paternity leave policies in the Indian private sector, given the scarcity of data and theoretical assertions indicating that these policies may mitigate gender inequalities in professional and household environments. While advancing the research aspect of this study, the authors intend to examine both the tangible effects of paternity leave policies at Indian companies on workplace gender norms and their influence on the wider socio- economic landscape. By integrating quantitative data from current corporate policies with insights from employee surveys, we will assess the impact of these policies on labour force participation, reduction of the gender pay gap, and enhancement of employer productivity. The empirical study will examine whether organisations providing more progressive paternity leave benefits experience higher retention rates, enhanced employee morale, and increased productivity. This empirical research will enhance scholarly debate on paternity leave and provide ideas for policy solutions that promote gender equality at home and in the workplace.

Methodology

The methodology employed in this research aims to comprehensively analyse the current state and impact of paternity leave policies in the Indian private sector, with a particular focus on SMEs and startups. Recognizing the importance of empirical data in substantiating legal arguments, this study adopts a dual approach:

- A primary, questionnaire- based survey assessing employee awareness, usage of paternity leave, perceived benefits, and its impact on workplace dynamics and gender equality in childcare.

- A secondary comparative analysis of publicly available data from larger corporations (e.g., Zomato, Wipro, TCS) to evaluate existing paternity leave policies in well-established firms.

A total of 77 respondents participated in the survey, which was conducted online via Google Forms and distributed through LinkedIn and publicly available company databases. The survey was designed as a structured questionnaire with pre-coded response options, supplemented by some open-ended questions for qualitative insights on recommendations. Given the structured nature of the questionnaire, this study employs a quantitative research approach rather than a qualitative one. The survey specifically targeted male employees working in the private sector. Unlike maternity leave policies that apply solely to women, paternity leave policies concern all working fathers and, by extension, all men who may become fathers in the future. Thus, the inclusion criteria were:

- Male employees in private-sector organisations (across startups, SMEs, and some large corporations).

- Employees from a range of industries, including IT, manufacturing, finance, audit, power consulting, and education, to ensure cross-sectoral representation.

- Employees from Tier 1 and Tier 2 cities, reflecting corporate hubs in India, though rural areas were not represented, marking a limitation of the study.

- Fathers and non-fathers were both included, ensuring that responses captured both actual paternity leave usage and broader workplace perceptions of paternity leave policies.

This diverse but targeted sample was chosen to examine the extent of paternity leave availability in India's private sector, particularly among SMEs and startups, which often lack formalised leave policies.

To complement the primary survey findings, publicly available data from larger firms (Zomato, Wipro, TCS) was analysed. These companies have well-documented paternity leave policies and

represent a contrast to SMEs/startups where formal parental leave policies are often absent or minimal. This comparison highlights the disparities in paternity leave provisions across different business scales, making a case for standardised national policies. By combining survey-based primary data with secondary corporate policy analysis, this research offers:

• On-ground insights from employees regarding the actual awareness, accessibility, and implementation of paternity leave;

• A comparative framework to demonstrate policy inconsistencies across different types of employers; and

• Empirical evidence to support legislative recommendations advocating for a standardised national paternity leave policy applicable to both large firms and SMEs/ startups.

Comparative Analysis of Paternity Leave Policies Across Private Companies in India

In recent years, paternity leave has attracted significant attention as a critical aspect in achieving workplace equality and supporting family welfare. However, in India, the provision of paternity leave remains variable across private sector enterprises, with major disparities in policy design, leave duration, and eligibility criteria. This gap is apparent when comparing the practice of various firms, some of which have embraced progressive policies, while others persist in neglecting the necessity for such measures. Analysing the paternity leave policies of several private enterprises operating in India helps demonstrate these disparities and highlights the need for a consistent approach. To provide a fuller picture, this report includes a comparison of the paternity leave policies among a few private companies. This comparative research will serve as a framework for arguing for a centralized and consistent paternity leave policy in India, which might help reduce the current gaps and build a more gender-equitable atmosphere in the workplace.

Company Name	Paternity Leave Duration	Pay Status	Additional Benefits
Zomato	26 weeks of paid leave to all new parents, birthing or non-birthing, including cases of adoption, surrogacy, and same-sex partnerships (Goyal, 2019)	Paid	Flexibility in Leave timing and an endowment of $1000 per child
Wipro	5 days within the first 90 days after childbirth 4 weeks of paid leave for parents going for Adoption and surrogacy (Wipro Annual Report FY23, 2023)	Paid	Option of extended parental leave (90 days on an unpaid basis)
Accenture	Primary Caregiver: 26 weeks (*applicable for adoption as well*) & Secondary Caregiver: 15	Paid	Fertility and adoption navigation support, as well as reimbursements for adoption and surrogacy fees & Flexible work arrangement

	working days (Accenture, n.d.)		s
SAP India	40 working days (8 weeks) (SAP, n.d.)	Paid	Extended leave up to 24 weeks unpaid, within one year
Meesho	Primary Caregiver : Up to 1 year & Secondary Caregiver : 30 days (Meesho, 2021)	Paid	Flexible leave structure, can be availed in parts. Covers adoptive, surrogacy, and biological parents
Flipkart	15 days before or after the baby's birth (within the first 9 months) (Flipkart, n.d.)	Paid	Job continuity assured, adoption allowance, flexible working hours for 4 months, unpaid leave up to 3 months. Availability of Maternity claim for both normal and C-section delivery One-time adoption allowance with 6 weeks of paid leave

In India's private sector, paternity leave policies are becoming increasingly inclusive and flexible, with a growing emphasis on gender equality and work-life balance. Leading companies have made significant strides in offering extended paid leave for fathers, alongside flexible working hours, job security during parental leave, and support for all forms of parenthood, including adoption and surrogacy. These initiatives highlight a broader shift towards recognizing fathers as equal caregivers and encouraging a shared responsibility for childcare. Nevertheless, the evidence suggests that paternity leave policies contribute positively to the workforce by enhancing retention rates, reducing turnover, and improving gender equity in both the household and workplace. As more companies recognize the benefits of paternity leave, there is a clear need for national-level legislation that ensures consistent and equitable parental leave provisions across all sectors. Such a move would not only benefit families but also create a more inclusive and productive work environment, contributing to overall economic growth and societal progress.

Survey Findings (Employee Awareness and Usage, Workplace Impact and Gender Equality in Childcare)

The survey, conducted with 77 respondents, comprised male employees from diverse industries such as IT, finance, manufacturing, audit, and education, primarily working in startups and SMEs across Tier 1 and Tier 2 cities. The age distribution—49 respondents (63.6%) aged 18-25 and 28 respondents (36.4%) aged 26- 35—reflects the younger workforce typically found in these organisations. Given that paternity leave policies are often inconsistent in smaller firms, this demographic focus provides crucial insights into how employees in underrepresented sectors experience parental leave policies.

Employee Awareness and Usage

The survey revealed that 63 out of 77 respondents (81.8%) were aware of their company's paternity leave policy, while 14 respondents (18.2%) were either unaware or uncertain. This indicates that while awareness is relatively high, a notable

percentage of employees remain uninformed, suggesting a need for better internal communication regarding paternity leave policies.

Regarding policy inclusivity, 35 respondents (45.5%) indicated that their company offered paternity leave to all employees, including adoptive and surrogate parents, while 14 respondents (18.2%) reported that their company did not provide such benefits. 28 respondents (36.4%) were unsure, indicating a lack of clear communication regarding eligibility for different types of fathers.

Table 2: Awareness of Company's Paternity Leave Policy
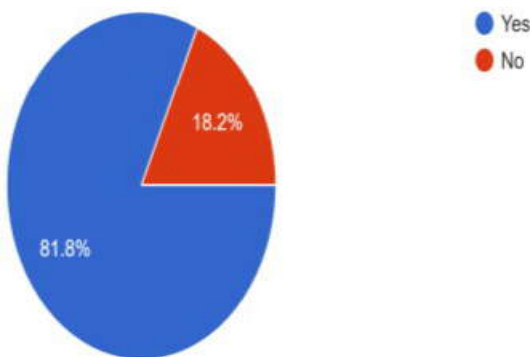
Table 3: Inclusivity of Paternity Leave for Adoptive or Surrogate Parents
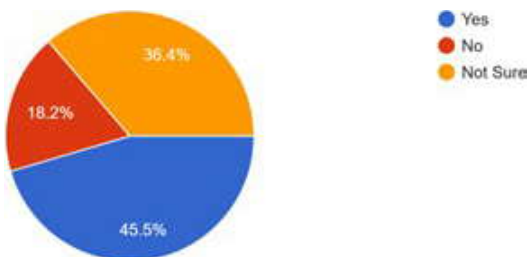
On the duration of paternity leave, responses varied significantly:

- 28 respondents (36.4%) reported receiving 10-20 days of leave.

- 21 respondents (27.3%) received more than 20 days of leave.

- 14 respondents (18.2%) reported having no paternity leave policy at all.

- 14 respondents (18.2%) received less than 10 days of leave.

This disparity in leave durations across companies, particularly in smaller firms, highlights the absence of a standardised approach to paternity leave in the private sector.

Table 4: Duration of Paternity Leave Offered by Employer
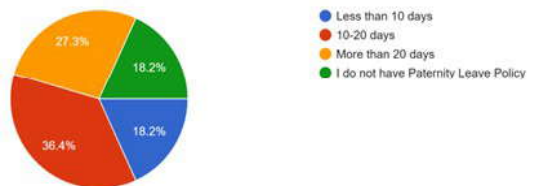
Impact on Work-Life Balance

While paternity leave is recognized as beneficial, its actual uptake remains low. A majority of respondents (63 out of 77; 81.8%) reported that they had not taken paternity leave. Among the 14 respondents who had taken leave, the impact was mixed:

- 7 respondents (9.1%) said paternity leave somewhat improved their work-life balance.

- 7 respondents (9.1%) stated that it created challenges at work, indicating that organizational support may not be adequate.

**Table 5: Managerial Support in Approving Paternity Leave**
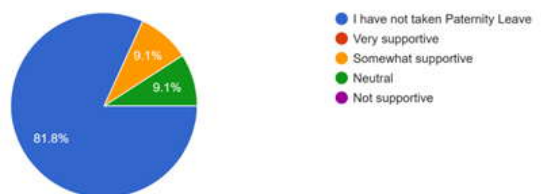
Managerial support was similarly varied:

- 7 of the 14 employees who took leave (50%) found their managers somewhat supportive.

- 7 of the 14 employees (50%) reported a neutral managerial stance.

These findings suggest that even when paternity leave is available, employees may face workplace challenges that limit its effectiveness. Encouraging

managerial training and corporate policies that support fathers taking leave could help improve work- life balance and reduce stigma associated with leave uptake.

Table 6: Impact of Paternity Leave on Work- Life Balance
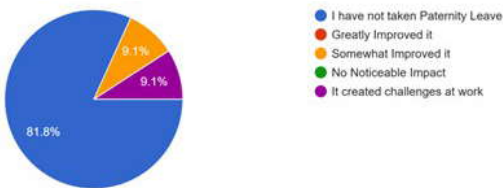
Gender Equality and Workplace Dynamics

The majority of respondents (70 out of 77; 90.9%) believed that paternity leave helps in equalizing childcare responsibilities between partners. This strong consensus underscores the need for policy reforms to promote shared caregiving roles.

Table 7: Contribution of Paternity Leave to Equal Sharing of Childcare Responsibilities
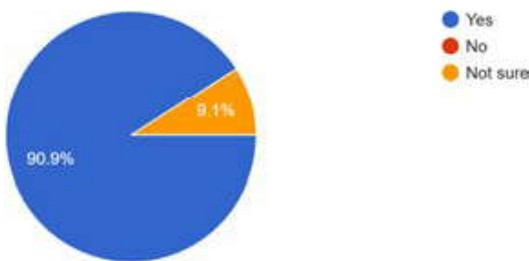
Similarly, 63 respondents (81.8%) felt that offering paternity leave promotes gender equality in the workplace, showing that employees recognize its potential to shift traditional caregiving roles. However, 14 respondents (18.2%) were uncertain, suggesting that workplace education and awareness campaigns could help strengthen support for paternity leave initiatives.

Regarding career progression, of the 14 employees who had taken paternity leave:

- 10 respondents (71.4%) reported no career-related setbacks.

- 4 respondents (28.6%) reported some form of professional challenge after taking leave.

While most employees did not experience career disadvantages, the minority who did highlights the need for workplace protections against bias or penalties associated with paternity leave usage.

Suggestions for Policy Improvements

Survey respondents provided several key recommendations for enhancing paternity leave policies, reflecting the challenges they face in balancing work and caregiving responsibilities. A primary suggestion was to increase the duration of paternity leave, allowing fathers adequate time to bond with their children and support their partners during the postnatal period. Some respondents highlighted that the current leave duration is insufficient, particularly in companies offering only a few days of leave or none at all. They recommended a minimum statutory requirement, ensuring uniformity across industries and company sizes.

Additionally, several respondents raised concerns about employer attitudes toward extended leave, particularly in startups and SMEs. Some noted that even when longer leave is granted, employers frequently check in and inquire about the employee's return date, creating implicit pressure to resume work earlier than planned. Addressing this issue requires clearer HR policies that define employee rights and employer obligations regarding communication during paternity leave. Another key recommendation was to introduce flexible leave structures, such as the option to spread out paternity leave rather than taking it in one continuous period. Respondents suggested that allowing fathers to take leave intermittently over several months could better accommodate workplace demands and childcare needs, particularly in industries with project-based workloads. In line with global best practices, respondents also advocated for greater workplace flexibility, including remote work options and staggered hours, to help fathers manage both professional and caregiving responsibilities. Given the increasing normalization of hybrid work models, companies could integrate flexible scheduling as a complementary policy to paternity leave, ensuring smoother transitions between work and

family life.

The survey findings underscore the gap between awareness and actual utilization of paternity leave in India's private sector. While some companies have adopted progressive leave policies, many employees remain unaware of their entitlements or hesitant to take leave due to workplace culture. These challenges point to the urgent need for standardization and legal backing for paternity leave in India.

To address these gaps, companies should:

• Extend their paternity leave policies to ensure inclusivity for all types of fathers, including those who adopt or use surrogacy;

• Create structured HR policies that prevent undue pressure on employees taking paternity leave;

• Incorporate flexibility in leave structures, allowing fathers to take leave in segments rather than all at once; and

• Introduce remote and hybrid work options to ease the transition between caregiving and work responsibilities.

At a policy level, the reinstatement and revision of the Paternity Benefit Bill is critical to ensuring all fathers have access to meaningful leave, particularly in the unorganized sector. Encouraging government-backed financial incentives for SMEs could help mitigate employer concerns about productivity losses, making paternity leave more accessible across industries. By implementing these changes, India can move toward a more equitable parental leave framework, ensuring that caregiving responsibilities are shared, not shouldered solely by mothers, and fostering a more inclusive and family-friendly workforce.

V. LEGAL IMPLICATIONS AND SOCIETAL IMPACT

Constitutional Perspective on Paternity Leave

Paternity leave, while traditionally viewed as a labour law benefit, is increasingly regarded as interconnected with fundamental constitutional rights, particularly the right to life under Article 21 of the Indian Constitution (B. Saravanan v. DIGP and Others, 2023). The Constitution emphasizes the protection and welfare of children, recognizing their right to grow up in conditions of dignity and security. Articles 14, 15(3), and 21 establish a comprehensive foundation for interpreting these rights, especially in the context of both prenatal and postnatal care, when the role of both parents is vital for the child's development. Article 39(f) of the Directive Principles of State Policy specifically requires the state to ensure that children have the opportunity to develop in a healthy environment, free from exploitation (Constitution of India, 1950, Art. 39, cl. (f)).

The right to life, guaranteed by Article 21, extends to a child's overall well-being, from prenatal care through childhood, strengthening the state's duty to ensure proper care during these vital stages. Recent judicial observations, such as in B. Saravanan vs. DIGP and others, have further stressed the need to legislate on paternity leave (B. Saravanan v. DIGP and Others, 2023). Justice Victoria Gowri of the Madras High Court underlined the constitutional significance of paternity leave, notably as a measure to safeguard the child's right to life and growth from birth (Devaiah, 2024). The verdict underscores how paternity leave is vital for building an equitable caregiving environment, integrating it with both parental rights and the child's constitutional guarantees. Another notable case is Chander Mohan Jain vs. N.K. Bagrodia Public School and Ors. where the petitioner, a school teacher, was denied paternity leave and had a salary deduction after taking 15 days off to care for his newborn child (Chander Mohan Jain vs. N.K. Bagrodia Public School and Ors., 2009). The Delhi High Court, ruling in favour of the petitioner, held that all male employees in unrecognized private schools are entitled to paternity leave, even in the absence of specific regulations. The decision reflects the court's interpretation of paternity leave as a right necessary for child welfare and underscores its extension beyond government employees, offering relief to private-sector

employees as well.

Economic Implications of Paternity Leave

Paternity leave has far- reaching economic implications that overlap with issues like labour force participation, gender wage equality, and national economic growth. Though critics claim that offering paid paternity leave can pose financial challenges on companies—particularly small businesses—the long-term advantages of such programs can boost overall economic productivity and societal justice. As observed in several industrialized countries, these benefits create a virtuous cycle that supports economic growth and social advancement.

Boosting Labour Force Participation

Paternity leave has a vital role in increasing women's participation in the workforce by addressing the dual burden of work and caregiving that often falls on them. Without proper parental leave policies, many women are forced to take career breaks, reduce their working hours, or even leave the workforce altogether, limiting their professional growth and economic contributions. Paternity leave helps balance this by encouraging fathers to take on caregiving responsibilities, allowing mothers to return to work sooner and continue their careers without prolonged interruptions. Countries like Sweden and Norway, where robust paternity leave policies exist, have seen women experience fewer career disruptions and maintain full-time employment after childbirth. By easing the load on women, paternity leave supports their active role in the economy and fosters a more equitable sharing of responsibilities at home.

Mitigating the Gender Pay Gap

The gender pays gap remains a chronic issue globally, and paternity leave can help reduce this inequality by encouraging shared parental duties. When caregiving chores are split more equally between parents, women are less likely to endure career setbacks that contribute to the wage disparity. For instance, in many countries where men are granted extensive paternity leave, women's salaries have grown since they are no longer perceived as the sole caretakers who must take extended time off for childcare. In the Nordic countries, where paternity leave policies have been implemented with effectiveness, the gender wage gap has reduced dramatically over time. This is because such regulations upset established gender conventions and create a fairer playing field for both men and women in the workplace. By minimizing the pay difference, paternity leave helps not only families but also advances gender equality in the labour market.

Employer Benefits and Productivity

For employers, the cost of offering paternity leave, particularly for small businesses, is often seen as a challenge due to cash flow constraints and potential short-term disruptions. However, the long-term benefits typically outweigh these initial costs. Companies with paternity leave policies report improved employee morale, job satisfaction, and reduced turnover, making them more competitive in attracting and retaining talent. These policies also promote workplace equality by challenging patriarchal norms and creating a more inclusive environment.

In India, the absence of mandated paternity leave, especially in the private sector, has significant economic and societal implications. A study by USAID's Engendering Utilities program highlighted that companies offering paternity leave, such as BSES Rajdhani Power Limited (BRPL), observed enhanced employee morale and efficiency. Alok Varma, Senior Executive Vice President and Head of HR at BRPL, noted that paternity leave "strengthens the family unit, allows the father to support his spouse, and encourages couples to share the burden of care for the newborn." This active participation by fathers not only promotes gender equality but also leads to a more satisfied and productive workforce (Paternity Leave 'Beneficial for Business', 2021). Furthermore, research indicates that providing equal parental leave benefits can help equalize

the care burden, as fathers spend more time at home with their children. This shift not only supports family well-being but also enhances workplace productivity and inclusivity. Implementing comprehensive paternity leave policies in India could therefore yield long-term economic benefits by fostering a more engaged and equitable workforce.

Paternity leave can thus promote gender equality in both the workplace and the home, help ameliorate the gender pay gap, enhance female labour force participation, and contribute to national economic growth. By investing in policies that support shared caring responsibilities, governments may create a more egalitarian and productive society that benefits everyone. The short- term expenses suffered by corporations are outweighed by the long-term gains in productivity, employee satisfaction, and national economic growth that result from a more inclusive workforce. Therefore, formalising paternity leave regulations is not merely a problem of social equality, but an economic need for sustained development.

I. Comprehensive Recommendations and Pathways to Effective Paternity Leave Policies in India

Insights from the ILO and Global Literature on Gender Parity Reforms

The ILO report on Maternity and Paternity at Work – Law and Practice Across the World provides a critical analysis of maternity and paternity leave frameworks across member states, offering valuable insights into global trends and best practices. With data derived from the ILO Working Conditions Laws Database and comments from the ILO Committee of Experts, the report examines the evolution of legal protections over the last two decades, revealing significant advancements, particularly in maternity leave policies. However, it highlights uneven progress in implementing paternity leave, which remains a key barrier to achieving gender equality in caregiving roles. For paternity leave, it stresses that recognizing fathers' caregiving roles not only

promotes workplace equality but also enhances family well-being and economic productivity. India's lack of a comprehensive legal framework for paternity leave is a glaring omission in its efforts toward workplace gender parity.

The report offers a detailed examination of paternity leave laws globally, highlighting their evolution and current status. In 1994, statutory paternity leave existed in only 40 of the 141 countries for which data were available. By 2013, this number increased significantly, with 79 of the 167 surveyed countries having implemented paternity leave legislation. Despite this progress, the distribution of paternity leave provisions remains uneven across regions. Developed economies, along with certain African and Eastern European nations, have adopted such policies more broadly than others.
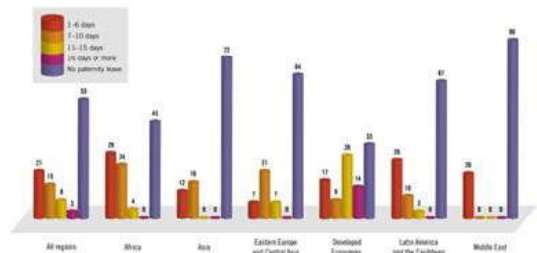

Figure 1 Provision of statutory paternity leave by duration, 2013 (167 countries) (%) (Addati, Cassirer, Gilchrist, 2014)

The report underscores that 71 countries offer paid paternity leave, though employer liability remains the predominant funding mechanism. To address potential discrimination against male employees with caregiving responsibilities, the report advocates for risk-pooling mechanisms such as social insurance. These systems can help normalize paternity leave and boost its utilization rates. Notably, countries in the Developed Economies group show higher adoption rates of paternity leave policies. Conversely, Asian nations and those in the Middle East lag behind, both in the number of countries with such policies and in the duration of leave provided. This data reinforces the argument for introducing paternity leave policies in regions like India, where such measures are either nonexistent

or inconsistent.

The ILO emphasizes the importance of governments creating laws and policies that support both work and family responsibilities.

These frameworks should include proper funding, open discussions between employers and workers, and collective bargaining to allow flexibility in managing caregiving and professional duties. Measures like giving leave to fathers for antenatal visits, non-transferable "father quotas," and well- compensated leave help shift societal norms and involve men as equal caregivers. These changes benefit families by improving children's development, supporting women's return to the workforce, and reducing workplace biases against women. To advance gender equality at home and in the workplace, governments, employers, and societies must work together. By normalizing caregiving for both men and women, these changes not only benefit families but also create fairer and more inclusive workplaces for everyone.

Overcoming Cultural, Financial, and Regulatory Barriers

India faces significant challenges in implementing comprehensive paternity leave policies, rooted in cultural, financial, and regulatory constraints. Deeply ingrained cultural norms often view caregiving as primarily a woman's responsibility, with fathers relegated to the role of financial providers. This mindset discourages men from taking paternity leave, even when available, for fear of societal judgment or workplace bias. To overcome this, targeted public awareness campaigns, corporate training programs, and leadership initiatives must normalize shared caregiving responsibilities. Promoting stories of male caregivers through media and workplace narratives can help shift perceptions. Financially, the cost of paternity leave remains a major concern, especially for small and medium-sized enterprises (SMEs). Governments can alleviate this burden by introducing tax rebates, subsidies, or pooled funding models, similar to those in Nordic countries, where employers, employees,

and the government collectively contribute to a social insurance system. This would ensure equitable implementation without disproportionately affecting small businesses.

From a regulatory standpoint, the lack of a centralized legal framework for paternity leave has resulted in inconsistent policies across sectors. Introducing a revised Paternity Benefit Bill with provisions for minimum paid leave, protections against discrimination, and flexible leave options for fathers would address these inconsistencies. Strengthened regulatory oversight, with transparent reporting and compliance mechanisms, would further ensure uniform adoption across industries. By addressing these barriers through a multi-stakeholder approach that includes governments, employers, and civil society, India can foster an inclusive environment where caregiving is a shared responsibility. Such reforms would not only promote gender equality at home and in the workplace but also contribute to economic growth by creating a more engaged and balanced workforce.

Key Recommendations for Drafting and Implementing the Paternity Benefit Bill

Addressing the glaring legislative gap in India's parental leave framework necessitates a practical, inclusive, and phased approach to drafting and implementing the Paternity Benefit Bill. The following recommendations are grounded in the Indian socio-economic and legal landscape, making them both feasible and aligned with international best practices:

- Comprehensive Coverage Across Sectors: The Bill must be designed to cover all sectors, including government, private, and unorganized labour. Currently, paternity leave provisions are limited to public sector employees under the Central Civil Services (Leave) Rules, 1972. To ensure inclusivity, the Bill should extend its benefits to private and unorganized sector workers, including gig workers, thereby addressing disparities across employment categories.

- Provisions for Diverse Family Structures: Recognizing the evolving dynamics of family structures, the Bill should explicitly include adoptive fathers, surrogate parents, and caregivers in same-sex partnerships. This ensures that the policy reflects India's commitment to non-discrimination and the progressive interpretation of Article 21 of the Constitution, which guarantees the right to life and dignity.

- Establishment of a Parental Benefit Fund: To address the financial burden often cited by small and medium enterprises (SMEs), a Parental Benefit Fund could be established. This fund could be jointly financed through contributions from employers, employees, and government subsidies, much like the Employees' State Insurance (ESI) framework. Such a model would ensure that smaller organisations are not disproportionately impacted while promoting widespread adoption.

- Phased Implementation Strategy: Considering India's diverse economic landscape, the Bill could be implemented in phases. Initial phases could target public sector organisations and large private companies with more structured compliance mechanisms. Subsequent phases could gradually incorporate SMEs and the unorganized sector, ensuring the policy's smooth rollout and adoption.

- Incentives for Employers: To encourage private sector participation, the government could offer tax benefits or reimbursements to employers implementing paternity leave policies. Highlighting the long-term advantages of paternity leave, such as improved employee retention and productivity, could further motivate corporate stakeholders to adopt these measures.

- Non-Transferable Father Quotas: Following successful global models like Sweden's "daddy quotas," the Bill should mandate a non-transferable portion of leave exclusively for fathers. This ensures that men actively utilize paternity leave rather than passing it on to their partners, thereby promoting shared caregiving responsibilities.

- Transparency and Compliance Measures: To ensure accountability, employers should be mandated to disclose their parental leave policies in annual compliance reports. A grievance redressal mechanism could also be instituted to address cases where employees face denial or discrimination for seeking paternity leave.

- Compassionate Provisions for Extraordinary Circumstances: In line with India's constitutional focus on family welfare, the Bill could include provisions for extraordinary situations. For instance, in the unfortunate event of the mother's death post-childbirth, fathers should be granted up to a year of paid leave to manage both caregiving and household responsibilities.

- Integration with Existing Schemes: The proposed Bill could integrate with existing labour and social welfare frameworks, such as the ESI scheme. Leveraging these established systems would reduce administrative overheads and streamline implementation.

By incorporating these measures, the Paternity Benefit Bill can serve as a transformative legislative step toward fostering gender equality, promoting shared caregiving, and aligning India with global labour standards. It represents not just a policy initiative but a societal commitment to empowering families, ensuring workplace inclusivity, and advancing India's socio-economic development goals.

Concluding Observations: Towards a Balanced Workforce and Inclusive Growth

"Inclusion and fairness in the workplace... is not simply the right thing to do; it's the smart thing to do."

—**Alexis Herman, Former United States Secretary of Labour**

India stands at a crucial juncture where enacting comprehensive paternity leave legislation is no longer a choice but a necessity. To foster gender equality at home and in the workplace, India must implement a legal framework extending beyond the public sector to include all types of employment. By incorporating paternity benefits into Employee State Insurance (ESI) provisions and reinstating the Paternity Benefit Bill with thoughtful amendments, the country can promote shared caregiving responsibilities and inclusive growth. Key reforms should include provisions for extraordinary circumstances, such as granting fathers extended leave in the event of a mother's demise post-childbirth. Encouraging fathers to take an active role in childcare challenges patriarchal norms and promotes a culture of shared parenting. Such changes would not only benefit families but also improve workplace morale, employee satisfaction, and productivity.

Drawing inspiration from global best practices, particularly the Nordic model, India can develop policies that integrate these principles into its unique socio-economic fabric. Gradual implementation, supported by public awareness campaigns and organizational initiatives, would be essential to address societal stigma surrounding male caregiving.

Companies must also create supportive environments where caregiving is normalized as a shared responsibility, enhancing workplace equity and reducing gender disparities. Embracing paternity leave is more than a policy reform—it is a step toward a more equitable society that balances family dynamics and drives sustainable economic growth. This shift would help bridge the gender gap in workforce participation and leadership roles, fostering a future where caregiving and professional growth coexist harmoniously for both men and women.

REFERENCES

[1] The Paternity Benefit Bill, 2019, Bill No. 305 (n.d.) (India). https://sansad.in/getFile/BillsTexts/ LSBillTexts/Asintroduced/305%20o

%202019%20as.pdf?source=legislati on

[2] Kale, S. M. (2023, December 2). Lack Of Paternity Leave Is Negating The Purpose Of Maternity Leave. Supreme Court news. https:// www.livelaw.in/lawschoolcol umn/lack-of-paternity-leave-is- negating-the-purpose-of-maternity- leave-24352.

[3] Colantuoni, F., Rajbhandari, S., Deer, W. D., & Moore, K. (2021, March 5). A fresh look at paternity leave: Why the benefits extend beyond the personal. McKinsey & Company. https://www.mckinsey.com/ capabilit ies/people-and-organizational- performance/our-insights/a-fresh- look-at-paternity-leave-why-the-b e n e f i t s - e x t e n d - b e y o n d - t h e - personal?utm_source=chatgpt.com.

[4] Henry, S. (2019, September 10). Study shows paid paternity leave gives fathers life, job satisfaction; mothers family relationship satisfaction | College of Agricultural, Consumer & Environmental Sciences | Illinois. ACES NEWS. https://aces.illinois.edu/news/ study- shows-paid-paternity-leave-gives- fathers-life-j o b - s a t i s f a c t i o n - m o t h e r s - family#:~:text=Specifically,%20the%20findings%20show%20higher,cr ossover%20effect%20from%20the% 20fathers.

[5] Savat, S. (2023, May 11). Research finds fathers' leave reduces sexist attitudes. N e w s r o o m . https://source.washu.edu/2023/05/re search-finds-fathers-leave-reduces- sexist- attitudes/#:~:text="Our%20results% 20show%20that%20direct,increasin gly%20common%20in%20develope d%20societies.

[6] New research uncovers economic and health benefits of boosting… (2023, June 15). CPP. https:/ /www.progressive- policy.net/publications/new- research-uncovers-economic-and- health-benefits-of- boosting-paternity- leave?utm_source=chatgpt.com.

[7] Malena Fernández Bettelli, The Impact of Paternity leave mandates on women's employment in the OECD countries (2020) (Master's thesis, Universidad de SanAndrés).

[8] Addati, L., Cassirer, N., & Gilchrist, K. (2014). Maternity and paternity at work : law and practice across the world. International Labour Office. https:/ /www.ilo.org/sites/default/file s/wcmsp5/groups/ public/@dgreports/@dcomm/@publ/documents/ public ation/wcms_242615.pdf.

[9] Maternity Protection Convention, 2000, opened for signature 15 June 2000, C183, Article 4 (entered into force 07 February 2002).

[10] Workers with Family Responsibilities Convention, 1981, opened for signature June 23, 1981, C156, Article 6 (entered into force 11 August 1983).

[11] The Maternity Benefit Act, 1961, § 4, No. 53 of 1961, India Code. (2017). Retrieved from https://labour.gov.in/sites/default/files/ the_maternity_benefit_act_1961_0.pdf.

[12] The Maternity Benefit (Amendment) Act, 2017, §

3(a), No. 6, Acts of Parliament, India. (2017). Amendment of § 5 of The Maternity Benefit Act, 1961. Retrieved from https://labour.gov.in/sites/default/file s/maternity_benefit_amendment_act 2017_.pdf.

[13] The Maternity Benefit (Amendment) Act, 2017, § 3(b), No. 6, Acts of Parliament, India. (2017). Amendment of § 5 of The Maternity Benefit Act, 1961. Retrieved from https://labour.gov.in/sites/default/file s/maternity_benefit_amendment_act 2017_.pdf.

[14] Central Civil Services (Leave) Rules, 1972, Rules. (1972, June 1). India. Retrieved from https://thc.nic.in/Central%20Govern mental%20Rules/Central%20Civil% 20Services%20(Leave)%20 Rules,% 201972.pdf.

[15] Central Civil Services (Leave) Rules, 1972, R. 43-A. (1972, June 1). DOPT Notification No. 13026/1/99-Estt. (L), dated April 18, 2002. India. Retrieved from https://thc.nic.in Central%20Govern mental%20Rules Central% 20Civil% 20Services%20(Leave)%20Rules,% 201972.pdf.

[16] Central Civil Services (Leave) Rules, 1972, R. 43-AA. (1972, June1). DOPT Notification No. 13026/1/99-Estt. (L), dated April 18, 2002. India. Retrieved from https://thc.nic.in/Central%20 Govern mental%20Rules/Central%20Civil% 20Services%20(Leave)%20 Rules,% 201972.pdf.

[17] NAT'L SAMPLE SURV. OFF., PERIODIC LABOUR FORCE SURVEY (PLFS) (JULY 2022 - JUNE 2023) (2023), https://www.mospi.gov.in/sites/defa ult/files/publication_reports/AR_PL FS_2022_23N.pdf?download=1.

[18] INT'L LABOUR ORG. (2021), https://www.ilo.org/sites/default/file s/wcmsp5/groups/public/@dgreports/@gender/documents/publication/wc ms_838655.pdf.

[19] INT'L LABOUR ORG., WORK AND FAMILY: CREATING A FAMILY-FRIENDLY WORKPLACE (2023).

[20] IRIS Global Workforce Management. (2024, February). Global Maternity & Paternity Leave Statistics | IRIS FMP. Global Workforce Management Solutions | IRIS FMP. https://fmpglobal.com/resources/gui des/maternity-paternity-leave- statistics-around-the- globe/#:~:text=Global%20Paternity %20Leave%20–%20Overview&text=Globally, %20the%20maximum%20amount% 20of,offering%206%20weeks%20or%20more.

[21] Eydal, G. B., Gíslason, I. V., Rostgaard, T., Brandth, B., Duvander, A.-Z., & Lammi-Taskula, J. (2015). Trends in parental leave in the Nordic countries: has the forward march of gender equality halted? Community, Work & Family, 18(2), 167–181. https://doi.org/10.1080/13668803.20 14.1002754.

[22] Eberl, M. (2020). Pathways to Gender-Equal Sharing of Family Leave: A Comparison of the Nordic Countries' Leave Models [Master's thesis, Johannes Kepler University]. JKU ePUB. https://epub.jku.at/obvulihs/content/pageview/6816896?query=Martin% 20Eberl.

[23] Erik Bekkåsen. (2024, June 14). Parental Leave Policies in the Nordic Countries. Payroll and HR. https://www.azets.com/blog/parental-leave-policies-in-the-nordic- countries/.

[24] Rehel, E. M. (2013). When Dad Stays Home Too. Gender & Society, 28(1),110–132. https://doi.org/10.1177/0891243213 503900.

[25] Paternity Leave. (2020, November 24). IASbaba. https://iasbaba.com/2020/11/paternit y-leave/.

[26] Paternity leave across all sectors, proposes private member's bill. (2017, September 17). The New Indian Express. https://www.newindianexpress.com/ nation/2017/Sep/17/paternity-leave- across-all-sectors-proposes-private-members-bill-1658592.html.

[27] Basu, S. (2024, May 18). India Inc embraces gender-neutral parental leave policies for inclusive work environment. Business News. https://economictimes.indiatimes.co m/news/company/corporate- trends/india-inc-embraces-gender- neutral-parental-leave-policies-for- inclusive-work-environment/articleshow/110237341 .cms?from=mdr.

[28] Legal Specs. (2024, February 1). Shattering Stereotypes: The Push For Paternity Leave Equality In India. LinkedIn. https://www.linkedin.com/pulse/shat tering-stereotypes-push-paternity- leave-equality-india-ueqyc/.

[29] Rollè, L., Gullotta, G., Trombetta, T., Curti, L., Gerino, E., Brustia, P., & Caldarera, A. M. (2019). Father Involvement and Cognitive Development in Early and Middle Childhood: A Systematic Review. Frontiers in Psychology, 10. https://doi.org/10.3389/fpsyg.2019.0 2405.

[30] Center for Holistic Initiatives for Learning and Development. (2024). The Role of Fathers in Early Child Development (EI007). CHILD. https://medicine.nus.edu.sg/wp- content/uploads/sites/25/2024/04/04 24-CHILD_Evidence-Insight-Role- of-Fathers_FAdigital_V2.pdf.

[31] Henion, A., & Vallotton, C. (2016, July 14). Dads play a key role in child development. Health | Life. https://msutoday.msu.edu/news/201 6/dads-play-key-role-in-child- development.

[32] Orly Avitzur, Families Benefit from Sharing Caregiving Duties, BRAIN AND LIFE MAGAZINE: FROM THE EDITOR (July 2018), https://www.brainandlife.org/articles/families-who-share-the-caregiving-load-provide-better-care- for?utm_source=chatgpt.com.

[33] Caregiver Case Study: Unveiling the impact, DISPATCHHEALTH, https://www.dispatchhealth.com/blo g/category/partner-resources- tips/caregiver-case-study-unveiling- the-

impact/?utm_source=chatgpt.com (last visited Jan. 18, 2025).

[34] Goyal, D. (2019, June 3). Introducing the new parental leave policy at Zomato. Zomato Blog. https://blog.zomato.com/parental- leave-policy.

[35] Wipro. (2023). Wipro Annual Report FY23 (Integrated Annual Report 22-23). https://www.wipro.com/content/dam/nexus/en/investor/annual- reports/2022-2023/integrated- annual-report-2022-23.pdf.

[36] Accenture. (n.d.). Employee Benefits at Accenture India. https://www.accenture.com/in- en/careers/local/benefits.

[37] SAP. (n.d.). India Benefits | SAP Careers. https://jobs.sap.com/content/Benefits—India—Infograph/?locale=en_US.

[38] Meesho. (2021, September 24). Meesho announces 30 weeks of paid gender neutral leaves! https://www.meesho.io/blog/30- weeks-of-paid-gender-neutral-leaves-meeshos-inclusive-parental- policy-is-shattering-gender-barriers.

[39] Flipkart. (n.d.). Benefits at Flipkart. Flipkart Careers. https://www.flipkartcareers.com/ass ets/benefits-handbook.pdf.

[40] B. Saravanan v. DIGP and Others, W.P.(MD) No. 19561 of 2023. (2023). India.

[41] Constitution of India, art. 39, cl. (f). (1950). India.

[42] Devaiah, K. (2024, May 6). Need For Paternity Leave Legislation. BCP Associates LLP. https://bcpassociates.com/need-for-paternity-leave-legislation/.

[43] Chander Mohan Jain vs. N.K. Bagrodia Public School and Ors., W.P. (C) No. 8104 of 2009. (2009). India.

[44] PATERNITY LEAVE 'BENEFICIAL FOR BUSINESS' AT INDIAN POWER UTILITY 04 (2021).

[45] Addati, L., Cassirer, N., & Gilchrist, K. (2014). Maternity and paternity at work : law and practice across the world. International Labour Office. https://www.ilo.org/sites/default/file s/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/public ation/wcms_242615.pdf.

From Margins to Brick Kilns:
Women's Labour and the Nexus of Migration and Poverty

Karabi Konch* and Kashmiri Saikia**

Abstract— **This paper explores how poverty and related issues have driven women to migrate for employment in brick-kiln industries, reflecting their personal narratives. A significant number of women working in brick kilns have migrated from distant places. Poverty remains a major factor in their migration, compelling many women to leave their homes in search of better livelihood opportunities. As brick-kilns fall under the unorganised sector, they can accommodate a large workforce by offering consistent employment opportunities. As a result, brick-kiln becomes a viable survival option for poor, marginalized women who lack formal educational qualifications. Beyond poverty, some women migrate to brick-kiln industries in pursuit of financial independence and escape from oppressive household environments. This paper draws data from both primary and secondary sources.**

Keywords- **Women Workers, Migration, Poverty, Labour, Brick- Kiln, Independent**

*Dr. Karabi Konch is Associate Professor & Head, Department of Sociology at Mahapurusha Srimanta Sankaradeva Viswavidyalaya. Email: karabikonch33@gmail.com

**Dr. Kashmiri Saikia is Assistant Professor, Department of Sociology, Dhemaji Commerce College. Email: saikiakashmiri2015@gmail.com

I. BACKGROUND

Migration is often perceived primarily as a male-dominated phenomenon, with women either being left behind or accompanying their male family members as dependents (Thapan, 2006). However, migration data suggests that the number of female migrants is nearly equal to that of male migrants. In the year 2000, there were 84 million female migrants as compared to the 90 million male migrants (Jolly et al., 2003). There has been a continuous increase in the percentage of female migrants across the globe, and India is no exception to this trend. According to the Periodic Labour Force Survey (2020-21), the female migration rate was 47.9%, which was 37.2% higher than the male migration rate. Bhattacharya (1998) argues that migration can be examined at three levels of spatial aggregation: a) movement away from birthplace (or place of previous residence) but within the same district. b) Movement from one district to another district within the same state, and c) movement from one state to another. Priyadarshani (2016) mentioned that Migration has been a historical phenomenon that involves movement between two cultures- that is, migrants' culture of origin and their culture at the destination- and this assimilation leads to the enrichment of culture, diversity, and emergence of vibrant cross-cultural landscapes. According to the International Organisation for Migration (2018), "Migration is the movement of a person or group of persons from their place of usual residence, either across an international border or within a state. Migration can also be categorised as temporary or permanent based on the duration of stay at the destination. The stages of the migration process include

departure, in some cases transit through one or more states, immigration into the state of destination, and return. According to article 2 of the UN Convention on the Rights of Migrant workers, a migrant worker is defined as – "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national" (IOM,2018).

Poverty, driven by the need for employment opportunities, has been the primary motivation for migration, enablin people to fulfil their basic needs. Women migrate either independently or with their families, often for marriage, employment or educational purposes. Thapan (2006) notes that women may migrate due to poor economic condition in search of work, or to oppressive marriages and traditional patriarchal norms. Most of the women who migrate in the low- skill category are domestic or care workers, in manufacturing, and to a lesser extent in agriculture (Sharma, 2011). Some are also employed in the entertainment industry (ibid). Migration can be a positive experience, for individuals and families, offering access to new opportunities, resources, and social networks. However, it can also be traumatic- particularly when individuals and families are forced to leave their homes due to conflict, environmental disasters, or other crises.structural factors, such as the demand for female labour in the industrial and agricultural sectors, also drive an increase in women's migration. Due to their subordinate position in society, migrant women often face limited access to resources, are more vulnerable to physical and sexual abuse, have low wages, and other forms of discrimination. Migration is often motivated by the hope of better employment and economic gains, or escape from societal constraints to gain autonomy for themselves and their dependents (Thapan,M, 2006). Deshingkar, Kumar et al. (2006) argues that economic conditions in a state can encourage migration. While educated migrants and industrial workers may benefit, poorer migrants often face financial and social risks, including poverty, exploitation, and hazardous work. Migration can shape women's

socio-economic opportunities, often offering them a chance to break away from restrictive environments. However, whether it enables complete freedom from patriarchy and traditional gender norms remains debatable. Farris (2010) notes that although women's participation in internal migration has increased, they remain confined to traditional, gendered roles within 'migratory chain'. Similarly, Banerjee and Raju (2009) observe and argue that migration often reduces women's workforce participation due to marriage and reproductive responsibilities, reinforcing gender norms. However, these studies focus broadly on gender and migration, but do not clearly discuss the specific experiences of women in low-skilled informal sectors. This study fills that gap by examining the lived experiences of brick-kiln women workers, whose poverty driven migration does not lead liberate them from patriarchy but exposes them to exploitative labour conditions.

II. METHODOLOGY

The present study is qualitative in nature, based on fieldwork conducted between February 2021 and March 2022 in brick-kiln industries of the Sivasagar District in Assam. The study focuses on migrant women workers employed in the brick-kiln industries. The migrant laborers are generally from different districts of Assam, such as Mangoldoi, Dhuburi, Nagaon, Morigaon, Barpeta, etc. For data collection, methods such as observation, focus group discussion, and in-depth interview methods were adopted. In-depth interviews, each lasting at least one hour, were used to gather primary data on women workers' every day livelihood, work, marriage, and migration. We also used recording as a method of data collection. However, not all interviews were recorded. We asked for consent before recording, but several women were uncomfortable while recording was on, and we then switched it off. The study employs a feminist methodology, which is rooted in feminist theory prioritising the voices and experiences of marginalised groups, especially women. It critiques the notion of

objective, value-neutral knowledge, and emphasises the importance of situated knowledge in research. Sandra Harding and Dorothy Smith are prominent figures in feminist methodology, known for their contributions to standpoint theory and institutional ethnography, respectively. Sandra Harding's standpoint theory highlights that knowledge produced from the perspective of marginalised groups offers a more complete understanding of social reality. On the other hand, Dorothy Smith's institutional ethnography explores how ruling institutions shape everyday experiences, advocating for knowledge grounded in women's lived realities. These approaches align with our research, which foregrounds the voices of brick- kiln women workers and highlights their struggles within patriarchal and exploitative labour structures. Our study is based on in-depth interactions with 25 women workers in the brick-kiln industry, focusing on their life stories, migration experiences, subordination, and negotiations with power structures. While sample size may seem small, this approach aligns with feminist epistemology, which emphasises voice, agency and subjectivity in understanding marginalized women's realities. Purposive sampling method was used for the selection of respondents, and their ages ranged from 20 to 50. Interviews were conducted in Bengali and Assamese, although talking in Bengali was a bit difficult for us. We took help from local workers in some interviews to understand their language. However, we have also used some of their local words to give the narratives a local vibe. The larger purpose of this paper is to examine whether poverty is the main reason for the migration of brick-kiln women workers. For this, we need to examine the circumstances that compel them to migrate. Moreover, we also need to understand whether their migration is forced or their individual decision, and why they migrate to work in brick-kilns. The data collected through narratives and unstructured in- depth interviews were analysed to understand how women describe their lived experiences, focusing on their struggles with migration, poverty and labour. In order to ensure the confidentiality and anonymity of the participants, pseudonyms have been used in place of their real names throughout this study. Thematic analysis was used to identify recurring patterns across their narratives, and to reveal key themes such as poverty and migration, labour, workplace exploitation, their life before and after migration, etc. This approach ensured that women's voices remained central while also uncovering broader structural inequalities in the brick-kiln industry. Having outlined the research methods, including data collection and analysis, it is important to contextualize the study by addressing the core issues faced by women in the brick-kiln industry. These women, largely from marginalised backgrounds, endure harsh working conditions, low wages, and socio-economic vulnerabilities exacerbated by migration. Their labour remains undervalued and invisible, further reinforcing patriarchal structures. Therefore, acknowledging these challenges highlights the need for this study, which aims to document the intersection of gender, labour, poverty and migration within the brick-kiln industry.

III. MIGRATION OF BRICK-KILN WOMEN WORKERS

Migration is a movement of people from one place to another. Migration can be both seasonal and permanent; at the same time, people migrate from rich and poor families, but their migration experiences differ. The unskilled and vulnerable migrants from rural areas remain poor because of a lack of decent jobs for them (Sengupta, 2013). This kind of rural-urban migration has raised urban poverty without reducing rural poverty (Breman, 1996). The process of migration has increased over the last few decades. While there has been an increase in long- distance permanent migration, the rate of increase in short-distance temporary and circular migration has also been remarkable (Sengupta, 2013). Internal migration has also increased significantly.

Internal migration is the movement of people from one area to another within the geographical

boundary of a particular country. One of the major destinations for internal migration in India is brick-kilns, which start production operations every October and continue up to the pre-monsoon season the next year (Majumder, 2015). Brick manufacturing has remained a labour-intensive, traditional, and informal industry in India. The female labourers who work in brick kilns are drawn from rural and economically backward areas. In the context of women in the informal sector, Goel et al. (2011) reveal that "women find jobs in the informal sector because it is easy to enter this field. In the context of construction workers, they found that the construction workers are generally migrants and they depend upon the contractors for their livelihood. There is no security in their job. They are even subjected to mistreatment and harassment at the hands of the contractors. There were indirect signs of sexual harassment in terms of language and gestures". They concluded that there is discrimination in wages, types of work and availability of work, based on gender. Bargaining power is mostly with the employers, so exploitation is naturally the destiny of these poor workers (Goel et al.,2011). Nadal and Kumar (2016) argue that- most of the brick-kiln women are illiterate, and 99% of women have no insurance policy and have no knowledge about any labour legislation or laws. Das and Devi (2018) mentioned that -the brick industry gives more opportunities to unemployed women and also helps them raise their income. However, in the name of earning, they neglect their health conditions. After being confined to the brick-making work, the unskilled migrant brick-kiln labourers get advanced payment from the local 'sardar', and the kiln owners ensure the job placement for the migrant workers at least for six months. The migrant women workers consider brick-kiln work and living arrangements inside the brick industry preferable to unemployment. The labourers get tied to a particular kiln for a production season and then get circular inter-kiln, including the possibility of coming back to the first kiln again (Majumder, 2015). However, our study reveals that some migrant women workers get tied to a particular brick industry for a year or more than a year as they are indebted to the owner. They take loans from the owner, and till they do not return the loan to the owner, they have to work in the same industry.

IV. SIVASAGAR DISTRICT AS A PLACE FOR MIGRATION OF BRICK-KILN WORKERS

Sivasagar District is one of the districts of the state of Assam. The district has a total area of 2,668 sq. km; of which 42.93 sq. km is urban and 2625.07 sq. km is rural. The population of this district in 2022 was estimated at 1263,560 (as per adhar.uidai.gov.in December 2020 data). According to the 2011 census of India, Sivasagar district has a population of 1,151,050, out of which 589,216 were male and 561,834 were female. The majority of the population depends on agriculture. Almost 70,255 cultivators depend on agricultural farming, out of which 59,184 were men and 11,071 were women. A total of 14,008 people work on agricultural land as labourers, out of which 9,654 are men and 4,354 are women. ONGC, a major public sector enterprise, contributes to Sivasagar's economy through large-scale industrial activities, providing formal employment with better wages and job security. On the other hand, informal sectors such as the brick- kiln industry, contribute by offering seasonal livelihood opportunities, though often with low wages and without a formal contract or social security. Moreover, the district's tea industry further strengthens its economic base. The district also provides space for poor, unskilled migrant women labourers at the bottom of the work hierarchy. The informal labour market of this district is crowded with many poor, unskilled seasonal migrant women workers from different parts of Assam. These poor migrant women workers mostly come to work in the informal sector of this district, such as brick kilns. The brick industries of this district employ 3 to 4 thousand labourers in one season. There are almost 40 brick industries in Sivasagar district, and 30

brick industries were found in operation. Women labourers from poor areas of Nagaon, Dhuburi, Mongoldoi district, and other parts of Assam migrate to work in brick-kilns in Sivasagar. However, they are not solely confined to Sivasagar district; their migration is temporary and seasonal in nature.

V. POVERTY AND BRICK-KILN MIGRATION

Women are often particularly affected by poverty and migration to brick kilns. In many cases, women may be forced to migrate along with their husbands and families, leaving behind their homes and communities. Once they arrive at the brick kilns, they may be subjected to exploitative working conditions and low wages, which can make it difficult to support their families. Women who migrate to brick kilns may also face additional challenges related to gender. There are a number of key factors that contribute to the decision to migrate. These may include economic factors such as unemployment, low wages, or limited job opportunities in rural or remote areas. In some cases, individuals and families may also face environmental or climate- related pressures, such as droughts or natural disasters, which make it difficult to sustain livelihoods in their home communities. In addition, social and political factors, such as discrimination, violence, or instability, may also drive migration. Generally, married women workers were found to be encouraged to migrate with their husbands and in-laws. For most married migrant women workers, their migration was a joint decision with their husbands. Unmarried or separated women workers said that individual circumstances (like family pressure, poor economic status, marital status breaking down, and separation) forced them to migrate to the Sivasagar district for work in the brick-kiln industry. All of them mentioned that they had received information about work-related migration from the 'sardar' and neighbours. The most frequently mentioned reason for the migration of brick-kiln women workers was poverty. This is illustrated by the narratives of two women workers, Sujata and Mira. Sujata and Mira are the primary earners in their family, and the financial condition of their families is very poor. They left their hometown and migrated to the Sivasagar district in order to help their families financially. In this context some women respondents describe their migration process.

Sujata (23 years old)

Sujata was quite open about sharing her personal experiences. She works as a 'nikash' in the brick-kiln industry and had been there for one year when we interviewed her. She found this 'nikashi' work in the brick-kiln industry through a local 'sardar'. This is her second job; earlier, she worked as a house cleaner. She lives with her mother and her disabled brother. Her father works as a daily wage labourer. As her brother is disabled and her mother is ill, she had to look after her family. Moreover, poverty had further worsened Sujata's family situation. She narrated-My father earned 200 rupees per day for work as a labourer in a stone queer. 200 rupees is not enough in today's time. Sometimes, rice and pluses are bought with this money, but vegetables do not come. My brother is not a normal person like us; he can neither walk nor eat anything by himself. My mother was carrying all the familial tension on her forehead, and now she has fallen ill. We do not even have enough money for the treatment of her illness. I could not get any work other than a housecleaner job, and I used to earn 100 rupees per day from that job. Even though we did not have our own land to do farming. I was looking for some other small work, meanwhile, I got an opportunity in the brick industry through our local sardar. Without any delay, I immediately said 'yes' to the 'sardar', because I needed money to save my family from death. I gave the money to my mother that I had received from the 'sardar' in advance. I feel sad for being far away from my family, but I also feel proud as I am doing something for my family.

Mira (38 years old)

Mira is a 38-year-old widow and works as a

'Pathera' in the brick-kiln industry. Mira grew up in a poor Muslim family in the Nagaon district. Due to the poor economic condition of her family, she got married at the age of 16 to a middle-aged man who was 18 years older than her. She narrated-It's been 5 years since my husband left this world. After his death, I came back to my mother's house because my in-laws did not want to keep me in that house after my husband's death. In a poor Muslim society like ours, it often happens that after the death of the husband, the wife is not allowed to live in her in-law's house. Our society considers widows like us as burdens. I had heard many bitter words in my in-law's house after my husband's death. My in-laws treated me like a maid at my own 'sasurbrai' (in-laws' house). My mother-in-law had quarrelled with me in all matters; she blamed me for her son's death. My husband used to drink alcohol regularly, due to which his body became weak. He used to drink alcohol instead of lunch and dinner. In my mother's house, I had to face a lot of difficulties. The economic condition of my mother's house was poor from the beginning. So, it was not possible for my mother to bring up so many people at the same time with poor economic conditions. That is why I took the decision to migrate to Sivasagar for brick- making work. So far, everything is going well in this industry.

'Malik' has given us a room to live, which is enough for the poor like us.

The narrative of these two women workers portrays the circumstances that shaped the process of their migration and their desire as well as their thoughts. The family background and their motive for migration are the same, as they are from poor economic strata, and at the same time, they are intersected by their gender identity and class position. Because of their gender and class position, they are subordinated by their owners as well as their husbands.

The Desire to Being 'Independent'

We use the word 'independent' as defined by brick-kiln women workers whom we interviewed. The women workers who gave this reason for migration for wage earning used very particular terms to express that they wanted to make a change in their lives and stand on their feet. However, single women workers were more likely to give such a reason in comparison to married women workers. They were not only motivated by the opportunity to escape from poverty, but they also wanted to make a change in their lives and be self-sufficient. The motivation of women workers for migration from rural daughters and mothers into industrial wage work is that they only left their villages when there were no jobs available in the village for them and when they were fighting poverty.

It is also important to note that none of the women workers who migrated to brick-kilns or their husbands interviewed expressed their desire to migrate in terms of being 'self-independent'. Instead, they talked of migration as a means for earning a living to support their husbands and their family. In this context, we would like to argue that wage earning in order to support a family is a totally gendered concept, and at the same time, the notion of what it means to be 'self-sufficient' is also gendered. We have chosen the narratives of Romila and Nagma. For these two women, migration to the brick-kiln industry was primarily motivated by a desire to make a change in their lives, to escape from poverty and family pressure, and to be independent women. Moreover, we asked them who decided that they should migrate to the Sivasagar district for work in a brick kiln and why. We also asked them whether they preferred the village or living inside the brick kiln, given that they had experienced living in both. In this section, we have discussed brick-kiln women workers' desire for independence, focusing mainly on economic autonomy. However, independence also includes emotional and social aspects. These women workers show emotional independence by resilience despite difficult circumstances, such as –enduring harsh working conditions, coping with family pressure. They gain social independence through bonds with other workers, and also create support networks that help them to overcome personal and societal challenges. By including these dimensions, our

research highlights that their independence is not just about wages, but also about finding strength and solidarity in their everyday lives.

Romila (28 years old)

Romila works as a 'nikashi' in the brick-kiln industry, and she was 28 years old at the time of the interview. She narrated-My parents have six children, and I am the second eldest among six. My parents got me married at an early age because it was difficult for them to raise all the children together. Now I am the mother of two daughters. I was unhappy when I was first married. My husband did not show any love to me; he used to be bad to me and beat me, too. He drinks alcohol every day. When he comes home after drinking alcohol, he scolds me without any reason. In fact, he never allowed me to do it on my own. Our relationship lasted for 7 years. I somehow wanted to maintain our marriage relationship. I thought his behaviour would change after having children, but what I thought did not happen. He started drinking too much. I felt helpless, and my mind was empty at that moment. For some years, I tolerated all his torture. Later, I also started speaking against him. That time, I did not think about what people I decided to leave him. I told my parents about it, and I decided to leave him. Although I came to my mother's house with my two kids, the sorrow of my life did not go away even then. I needed money to raise my kids. Even my family has been suffering from poverty for a long time. I did not want to give them more trouble. I started looking for work. I could not find any good work, but I worked as a cleaner for a few months. Although I want a good job, it is hard for me to get a better job. 'Ami Asiksitae, amar kono yogyata nei' (I am uneducated and I have no qualification).

One day, one of my neighbours introduced me to the brick-kiln 'sardar'. I made a deal with the 'sardar' and came with my two daughters to work here. I did not know whether I did good or badly by leaving my husband. Now I have no regrets about this. I feel independent today; I am not like what I was before. 8 years ago, I was like a slave to my husband, but now I am standing on my feet and fully fulfilling the needs of my children. For poor people like us, if we get a house to satisfy our hunger, then that is enough. I have spent a year working in this industry, and I wish to spend more years in the future. I do not want to see the future of both my daughters like me. I want to send both my daughters to school so that they do not have the hardship that I had when they grew up.

Nagma (32 years old)

Nagma was 32 years old at the time of the interview. She works as 'nikashi' in the brick-kiln industry, and she narrated:

At 17, I fell in love with a boy from our nearby village and got married soon. But even after marriage, there was no change in my life. My in-laws did not give much importance to me because I am from a poor family background. They used to make fun of me for all my things. Whatever work I do, even if I keep working throughout the day, they are not satisfied with my work. They tortured me in the name of 'yautuk' (dowry). They used to beat me by asking for the land and property of my mother's house. Our marital life lasted for two years. To say it was our love marriage, but my husband was more supportive of his 'amma (mother) and 'abba' (father). I felt very lonely in my in-laws' house. I could not bear the torture of them anytime, so one day I left my in-law's house and came back to my mother's house. I still do not want to go back to my in- laws' home, which was very harassing for me. I have seen many single women who have left their homes to work, make money, buy essential things for themselves, and make a change in their lives. I did not feel bad even after breaking my marital life. After coming back from 'sasural' (in-laws' house), I used to think day and night about how I earn money and how I run the house with empty hands. One day my destiny opened. I contacted a 'sardar' who promised me to find work at a brick kiln. Now I work as a 'nikashi' in the brick-kiln industry. This work is too difficult, but I have brought change in my

life by working here.

It is observed from their narratives that their gendered identity makes them subordinate and abuse their wives. Their notion of being an independent woman is not only one who stands on her feet but also a woman who fights for their life to get a safe place. They have transformed themselves and challenged patriarchal hegemony. By accepting the vulnerability, subordination, and circumstances in their life, the woman worker Romila is hoping that their daughters' lives will not be the same as hers.

Village Life or Brick-kiln:

Most women workers preferred to live inside brick-kilns instead of returning to their poverty-stricken villages. Single women workers and single mothers fully agreed on this point. On the other hand, the married women workers felt that they should follow their husbands' decision and come with their husbands in order to help them in the brick-making process. Only a few women workers interviewed preferred village life, and their cleaner job was better in comparison to brick-kiln work. Geeti, one of the migrant women workers, felt that it was good to do a low-paid job in their hometown, while another woman worker, Menati, said that the village life was better for raising kids, as they would never face a hazardous and unhealthy environment like a brick-kiln. They prefer to live in brick kilns because brick-kilns are the only income-generation source through which they live. Moreover, another woman worker, Fatima, whom we interviewed, narrated, "Brick-kiln is our only support to stay alive. Before working in a brick kiln, we had to face many difficulties.

By working here, my family and I have gotten some relief. Even though this work is hard, now this work is our only hope to stay alive."

Migrant brick-kiln women workers faced a lot of problems after returning to their village. The greatest problems faced by the many migrant women workers after returning to their village were short of money, as they were already suffering from a debt crisis. The money they earned by working in the brick-making industry and taking away to their home ultimately went to clear their debts. Most of the women workers reported this is a crucial problem they faced instantly after returning to their homeland. Moreover, few married migrant women workers reported that their husbands spend the hard-earned money in the name of drinking alcohol and gambling.

Brick-kiln Women's Workers Everyday Experiences

Women's work in the brick kiln sector depicts a prevalent system of exploitation where social invisibility, gender subordination, and economic need intersect. Because they do repetitive and physically hard work like moulding, drying, and brick transportation, women are essential to the production process. They are underpaid and undervalued since their labour is frequently written off as unskilled despite their significant contributions. Their labour has taken a heavy physical effect. Also, to work long hours, women have to deal with physically demanding tasks, extreme heat, and dust exposure. Long walks, shifting large items, and bending for extended periods of time can all lead to long-term health concerns like exhaustion, respiratory disorders, and joint pain. In this context, one woman worker, Naina, explained, "My back feels like it is cracking as the time I finish work. I can hardly raise my arms to prepare meals for my family."

Lack of access to healthcare exacerbates this physical strain because women frequently put their family's needs ahead of their own. The ongoing salary gap is an indicator of their marginalisation. In brick kilns, women are paid much less than men, even when they do just as much work or more. Despite working the same long hours under harsh conditions, many women earn only a fraction of what men make, creating a cycle of economic dependence. The women workers we interviewed expressed frustration at this disparity but felt powerless to challenge it, as they feared losing their job. Patriarchal standards that minimise the contributions of women are frequently used to justify this inequity.

"I get paid less even when I make more bricks than my husband," one woman worker", Minati, narrated. Another woman, Sarada, said- "We get 900 rupees after making 1000 raw bricks. It is not that easy for women like me to make 1000 bricks in a day. We cannot make more than 600 bricks in a day. That's why we never get the full Rs 900. We only get 500 rupees after making 600 bricks. At work, I have to be very innocent when dealing with 'muhari' for any matter, because my payment depends on it". Benu said that- "I carry raw bricks on my head all day under the hot sun. My whole-body hurts, but I keep working. Because I need money. At the end of the day, I get 150 rupees, and my husband earns 200 rupees for the same hour. We work the same hours, but our wages are never the same". These behaviours reinforce established gender hierarchies by limiting women's financial freedom and maintaining their reliance on male family members'. Their narratives reflect the harsh reality for many women in the brick-kiln industry. Their labour is essential but undervalued, keeping them in a cycle of inequality and economic dependence.

Gender inequality is strengthened by the division of labour in brick kilns. Usually, women are restricted to hard but unskilled labour, whereas men are given tasks that are deemed competent, such as managing production or running machines. Women are kept at the bottom of the labour hierarchy by this division, which limits their ability to advance their careers and acquire new skills. A supplementary layer of exploitation is introduced by the combined weight of labour and household duties. Furthermore, to work in kilns, most women are required to handle household duties, which leave little time for personal care or leisure. One of the interviewees, Rima, said, "I still have to cook, clean, and take care of my kids after working all day making bricks." Their difficulties are exacerbated by the fact that this unpaid household work is not recognised. Because brick kiln work is informal, women are not eligible for social benefits or labour rights. They are susceptible to poverty at times of illness or unemployment since they do not have access to maternity leave, childcare facilities, healthcare, or pensions. Access to local support networks and services is hampered by their nomadic lifestyle, which presents additional difficulties for migrant women. "No one assists us when we go from one kiln to another. We are invisible", Rebati said.

The overlapping identities of caste and class further impact the lives of women working in the brick kiln sector. Due to the intersectional nature of exploitation in this industry, women from marginalized groups like Dalits and Adivasis frequently hold the lowest-paying and riskiest occupations. In addition to limiting their chances, this compounded prejudice exposes them to further levels of social marginalisation and stigma. Renuka explained, "They give me the dirtiest jobs and treat me like I am less than human because of my caste."

VI. CONCLUSION

Brick-kiln women workers migrate for different reasons and under different circumstances. Their gender and poverty make them particularly vulnerable. Although migration is an important part of the loves of women in brick-kilns, the result of migration is not beneficial for them. Nitya Rao (2006) argues that "migration is neither a result of individual choice nor is it merely a response to deforestation and insufficient agricultural production, just as other relations of production, migration decisions, experiences, and outcomes too are mediated by ideologies of ethnicity and gender of power, status, and relative valuations of work in society."

However, in the context of migration, poverty, and labour in brick-kiln, our study highlights the complicated reality faced by women who work in brick-kilns, going through difficult conditions, unstable economies and persistent gender inequality. They work in the kilns and at home, but their efforts are not acknowledged in official documents or public discourse due to the invisibility of their dual burden. Not only gender, but also intersecting caste, class, migrant identities contribute to their invisibility, further restricting their access to resources, opportunities, keeping them socially and economically marginalised.

Women migrate to the brick kilns in search of a living, frequently motivated by economic desperation and the lack of local livelihoods. But economic advancement is rarely the result of this migration. The connection between poverty, labour, and migration draws attention to the systemic injustices that push women into and trap them within, brick kilns. Policies that address the socioeconomic circumstances that push women into such insecure jobs are necessary to address these interrelated challenges. Their lived experiences expose a cycle of exploitation and limited agency, highlighting the need for structural reforms and focused governmental measures to enhance their living and working conditions. A multifaceted strategy that incorporates social programs, legal protection, and opportunities for skill development is needed to address these problems. To stop wage exploitation and hazardous working conditions, policy makers must guarantee the rigorous implementation of labour laws through routine inspections. The well-being of female workers and their families would be greatly enhanced by the introduction of mandatory healthcare services at kiln sites. Establishing literacy and skill- building initiatives is equally crucial since it allows women to escape cyclical labour reliance and access alternate source of income. Also, workers voices can be amplified, and a support system that tackles both family and workplace challenges can be established by enhancing partnerships between NGOs and local governments. Campaigns for community-based awareness can oppose detrimental social norms, encouraging respect for women's labour contributions and their labour rights. Sustainable change can be achieved by giving brick-kiln women workers lived experiences a central place in the policy-making process.

This study contributes to the field of 'Sociology of Gender' and 'Industrial Sociology' by showing the lived experiences of brick-kiln women workers and how they deal with challenges in a male dominated structure. It also provides a base for future studies and promotes the inclusion of brick-kiln women workers in governmental welfare schemes.

REFERENCES

[1] Breman, J.(1996). Footloose Labour: Working in India's Informal Economy. Cambridge: Cambridge University Press.

[2] Bhattacharya, P.(1998). The Informal Sector and Rural to Urban Migration: Some Indian Evidence. Economic Political Weekly, 33(21), 1255-1262.

[3] Banerjee, A.& Raju,S.(2009).Gendered Mobility: Women Migrants and Work in Urban India. Economic and Political Weekly, 44(28), 115-123.

[4] Das,M.& Devi, M.(2018).Employment and Income Generation in Informal Brick Industries: A Study in Rangia and Hajo Block of Kamrup (R) District of Assam. Journal of Business and Management, 20(2), 08-12.

[5] Farris, Sara R.(2010).Interregional Migration: The Challenges for Gender and Development. Development, 53(1), 98-104.

[6] Goel, G., Singh, T.& Gupta,A.(2011). Women Deliver for Development. The Lancet,370(9595),1347-1357.DOI:10.1016/so 140-6736(06) 61577-3

[7] Harding,S.(1987). Feminism and Methodology: Social Science Issues .Indiana University Press.

[8] IOM.(2018) Key Migration Terms.https://www.iom.int/key- migration-terms

[9] Jolly, Susie, Emma, B., & Lata, N. S. (2003). Gender and Migration in Asia: Overview and Annotated Bibliography. Uk: Bridge, Institute of Development Studies.

[10] Majumder,B.(2015). Forced Migration of Labourers to Brick- Kilns in Uttar Pradesh: An Exploratory Analysis. Economic Political Weekly, 50(26/27), 19-26.

[11] Nadal,S.& Kumar, P.(2016). Women Workers Informal Economy: A Study of Brick-Kiln Haryana. Acme International Journal of Research in Management, Social Science and Technology, 15(15), 1-22.

[12] Priyadarshani, B.(2016. From Parivaar to Pathuria: A Study on Women Migration from Odisha to Brick Kilns of Hyderabad. https://dspace.uohyd.ac.in/items/a7c 13ebb-2a6b-41b5-be9a- a2840ffb85fb/full

[13] Rao, N (2006). Power, Culture, and Resources in Gendered Seasonal Migration from Santal Pargnas. Poverty, Gender, and Migration.In Sadhna Arya and Anupama Roy (eds). New Delhi: Sage Publication Pvt. Ltd.

[14] Sengupta, A.(2013). Migration, Poverty, and Vulnerability in the Informal Labour Market in India. Bangladesh Institute of Development Studies, 36(4). https://www.jstor.org/stable/447300 27

[15] Sharma ,R.(2011). Gender and International Migration: The Profile of Female Migrants from India. Social Scientist, vol. 39(.3/4), 37-63. https://www.jstor.org/stable/4163379 3

[16] Smith,D.(2005). Institutional Ethnography: A Sociology for People. US: AltaMira Press.

[17] Thapan, M.(2006). Series Introduction. Poverty, Gender, and Migration.In Sadhna Arya and Anupama Roy (eds). New Delhi: Sage Publication Pvt. Ltd.

Colonialism to Globalisation: Contouring Labour Discourse in India

Sreemoyee Sarkar* and Ananya Dungdung**

Abstract— **Last year, in a podcast, Infosys's founder, Mr. Narayana Murthy, expressed concern about India's low productivity and proposed a 'seventy-hour work week' for India. It sparked a national debate where some supported the need for seventy-hour work weeks to boost productivity, and others referred to ILO imperatives on exploitation, motivation and burnout. Meanwhile, International Labour Day completes a century in India, as in 1923, the colonial city of Madras saw the first May Day to be celebrated in this land. Globalisation's impact on Labour and development is equated with GDP and undermines workers' experience and the intersectional confluence of labouring lives.**

Indian labour legislation still suffers from patriarchal myopia, as the current development discourse does not address it. It neglects occupational health and safety parameters and ignores crucial roles played by the economy's structure and productive employment opportunities.

Nevertheless, glorifying a workaholic culture vilifies leisure and condones an unhealthy work-life balance. The present work uses a critical lens to appreciate workers' contributions historically and provides labour dynamic discourse in India. The intellectual and legal history of contemporary labour demobilisation and the workweek paradigm is essential for social progress, workers' rights, and the ongoing struggle for economic justice in India.

Key Words—**Labour History, Working Class Movement, Working Hours, Leisure, Neo- Slavery.**

*Dr Sreemoyee Sarkar is an Assistant Professor at Department of International Studies, Political Science and History (BGR), CHRIST University, Bangalore. e-mail: sreemoyee.sarkar@christuniversity.in

**Ananya Dungdung is pursuing her masters in arts from Museum & Gallery Studies, Kingston University, UK, e-mail: k2442221@kingston.ac.uk

I. INTRODUCTION

The contemporary Indian labour landscape is a complex interplay of historical legacies, global forces, and domestic policies. In recent years, a contentious debate has emerged around the ideal workweek, with prominent figures advocating for longer hours to boost economic growth. Notably, the recent statement by Narayana Murthy, founder of Infosys, advocating for a seventy-hour workweek in India to stimulate economic

development has ignited a national debate (Chaturvedi, 2023). Interestingly, his proposal was seconded by a few other prominent Indian entrepreneurs like Sajjan Jindal, the MD of JSW Steel, and Bhavish Aggarwal, the CEO of Ola Cabs, who believe longer hours are necessary for India to compete in the global market (Madhukalya, 2023). While such proposals suggest increased productivity, they raise critical questions about the balance between work and life, worker well-being, and the nature of work in the 21st

century. Furthermore, this perspective starkly contrasts the International Labour Organisation's (ILO) core principles, which advocate for a forty-hour workweek and prioritise worker well-being (ILO n.d.). This paper delves into the historical context of labour rights and working hours in India. By examining the long struggle for worker protection and the evolution of labour laws, we can critically evaluate the current debate surrounding workweek length.

Furthermore, to critically assess globalisation's impact on Labour and how development is equated with high Gross domestic product (GDP) growth, with the assumption that such growth benefits everyone, it is crucial to analyse both "working class experience" and redistributive policies in determining whether growth benefits reach a larger population (Scalmer, 1996). It neglects occupational health and safety parameters and ignores crucial roles played by the economy's structure and productive employment opportunities. Therefore, a lens through which we can appreciate workers' contributions and work toward a more equitable society provides discourse and a richer understanding of the labour dynamics in India today is necessary. The intellectual and legal history of contemporary labour demobilisation and the workweek paradigm calls for an essential context for understanding social progress, workers' rights, and the ongoing struggle for economic justice in India. It is also pertinent to gauge how forces of globalisation have played a role in glorifying a workaholic culture, vilifying leisure and condoning unhealthy work-life balance. Furthermore, Indian labour legislation still suffers from patriarchal myopia as the current development discourse does not address the intersectional confluence of labouring lives.

II. INDUSTRIAL REVOLUTION AND THE ADVENT OF MODERN LABOUR DISCOURSE

Since the 18th and 19th centuries, Britain underwent a series of large-scale socio-economic changes and developments in its industries. It was termed the first Industrial Revolution (Mathias & Davis, 1989), which marked the transition of Britain from an agrarian society to an industrial society. The development of machine tools during this period eased manual labour and made it less taxing. There was mass production in the textile industry, harnessing water and steam power, the development of the coal-fired steam engine, machine manufacturing of chemicals, and the mechanisation of iron production processes. The iron and textile industries played central roles in the Industrial Revolution (Ashton, 1948). After the 1850s, industrialisation spread to other European countries and the rest of the world.

During the Industrial Revolution, the social structure also experiences significant changes. One of the most significant changes was the rise of a new social group, the working class. As industrialisation developed, people started migrating from villages to work in the factories near the cities. This group of people came to be known as the working class. Though industrialisation increased the overall economic output and improved the standard of living for the bourgeoisie, the social upper-crust, urban poor and working-class enclaves were the worst recipients (history.com, 2023). The mechanisation of labour made working in factories increasingly perilous and monotonous. Workers, both men and women, including children, were paid meagre wages and forced to work longer hours.

Initially, the workers adhered to the demands of their employers and had to fulfil them without fail. Despite their employers setting exploitative terms, the workers had to carry on due to reasons such as money and fear of being replaced. However, they slowly realised that if many workers united and protested collectively against the exploitative terms of their employer, instead of having one worker do so, it would have more impact towards their employer lords. The term 'Union' was not initially used, and these groups were instead referred to as 'Combinations' (Shackleton, 2024, p. 23). Such ideations eventually led to the formation of Trade Unions.

The formation of unions also gave them the power to bargain for themselves collectively. The formation of Trade Unions encouraged the labourers to organise strikes. They protested and fought for their demands of lowering working hours and minimum basic wages (Sinha et al., 2017).

In the 1830s, the British Parliament, driven by socio- economic and legal imperatives, introduced strong regulations for factory conditions. British MPs Anthony Ashley-Cooper and Michael Sadler initiated a humanitarian campaign outside the British Parliament, supported by Lancashire and Yorkshire textile workers (UK Parliament, n.d.). This movement, known as the 'Ten-Hour Movement', aimed to reduce the daily working hours for children from sixteen hours to a more humane eight to ten hours. In 1831, the Labour in Cotton Mills Act 1831 (Hobhouse's Act) was passed, limiting the daily working hours to twelve hours for under-eighteen workers in the textile industry. However, ensuring effective enforcement of this law remained critical, as the urgency and gravity of the issues could not be overstated.

Further parliamentary inquiries and Royal Commission reports documented the appalling abuse and mistreatment faced by child factory workers(Thomas, 1945, pp. 12-14). In 1833, the British Parliament passed a new Factory Act (Althorp's Act). The 1833 Act, unlike the previous act, which was restricted to the cotton industry, was also applied to the older woollen-producing communities in and around Yorkshire (UK Parliament, n.d.). Under this Act, no child under nine was allowed to work in factories (Thomas, 1945, p. 16). Children aged nine to thirteen had a maximum working week of forty-eight hours, limited to eight hours daily (Wilding, 2023). On the other hand, the working hours were limited to twelve hours daily for children aged thirteen to eighteen. In addition to that, children under thirteen were required to receive elementary schooling for two hours each day (UK Parliament, n.d.). The 1847 Factory fixed the ten-hour daily working limit for women and young children. The 1850 Factory Act raised this limit to ten and a half hours.

Through numerous acts such as the 1853 Factory Act, the 1860 Bleach and Dye Works Act, the 1864 Factory Acts Extension Act, the 1867 Factory Acts Extension Act and the 1867 Workshops Regulation Act, the coverage of labour protections gradually expanded to additional industires including bleach and dye works and textiles ("Factory Legislation 1802-1878," n.d.). The 1878 Factory Act consolidated the provisions of the previous acts with the rectification of instruments and made them applicable to all trades. Accordingly, children under ten were prohibited from working in the bleach and dye industry and were entitled to compulsory education. Children aged ten to fourteen could only work half days, and women were given a weekly work limit of fifty-six hours (Factory Legislation 1802- 1878, n.d.).

The origin of Labour Day is associated with the May 1, 1886 labour strikes, which were part of an incident known as the Haymarket affair (Rothman, 2017). On May 1, 1886, a significant union demonstration supported the eight-hour workday in Chicago and various other cities. Industrial workers throughout the United States of America went on strike and demanded an eight-hour workday. On May 3, 1886, a clash occurred between the strikers and the police during a strike at McCormick Reaper Works in Chicago. In the clash, many of the strikers are wounded or killed. (Library of Congress n.d.) On May 4, 1886, a bomb was detonated near Haymarket Square in Chicago when the police were breaking up a meeting of labour activists (Library of Congress n.d.).

The Haymarket Affair bombing killed one police officer and resulted in the deaths of several others, both police and striking workers, amidst the ensuing chaos. Eight anarchists, all workers, were subsequently tried and convicted in connection with the bombing. Seven were sentenced to death, while the eighth, Oscar Neebe, received a fifteen-year prison sentence. The nature of their guilt remains debated, with questions

surrounding their direct involvement in the bombing itself. While the prosecution argued they incited the violence, the evidence was primarily based on their political beliefs and association with the labour movement. Were they guilty of murder, manslaughter, or simply inciting a riot? The legal proceedings at the time blurred these distinctions, reflecting the era's widespread fear and anti-labour sentiment. However, the Haymarket affair was a turning point in the fight for workers' rights. In 1889, the International Socialist Conference, the Second International, designated May 1 as International Workers' Day, commemorating the Haymarket affair and the significant strides made in the struggle for workers' rights (Rothman, 2017).

Rantanen (2008) observes that during the first International Labour Conference (ILC) in November 1919, the Maternity Protection Convention, 1919 (No.3) was adopted as one of the first international labour standards for gender equality. This Convention recognised the right to paid leave for childbirth and employment protection. It has been ratified by 34 countries (ILO, 2019), including India. Convention No.138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labour were adopted to abolish, regulate and prevent child labour. This Convention is designated as 'fundamental' by the ILO, and its status carries significant weight, meaning that these conventions address core labour rights that are considered universal. While ratification demonstrates a country's commitment, the ILO expects all member states to respect, promote, and strive to implement the principles enshrined in these fundamental conventions, even if they have not formally ratified them, underscoring the importance the ILO places on eliminating child labour as a basic human right.

Furthermore, under the ILO Declaration on Fundamental Principles and Rights at Work, all ILO member States must respect, promote and realise the abolition of child labour, even if they have yet to ratify the two Conventions. ILO Convention No. 182 was adopted in 1999 and is the first ILO Convention to achieve universal ratification. The Convention requires countries to take immediate and effective measures to eliminate the worst forms of child labour (ILO, 2018). It was also the most rapidly ratified Convention in the history of the ILO, with the majority of ratifications occurring within the first three years of adoption. Convention No. 138 was adopted in 1973 and has also been widely ratified by many ILO member States. The Convention requires countries to establish a minimum age for entry into work or employment and national policies for abolishing child labour (ILO, 2018).

The Occupational Safety and Health Convention, 1981 (No. 155), passed by the ILO in 1981, is a significant milestone in promoting a holistic approach to the national governance of occupational and safety hazards (OSH). It introduced the principles and framework for a national policy about OSH, stressing the need to consider OSH a national concern. It also comprehensively regulates substantive aspects of a national policy on OSH and defines the actions required at the national and enterprise levels to check OSH (ILO, 2023).

Similarly, the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), adopted in 2006, tries to promote a national preventative safety and health culture and progressively achieve a safe and healthy working environment (ILO, 2012). It calls for establishing a national framework for continuous improvement in the field of OSH, emphasising the interdependence and interactive nature of the different components, including a national OSH policy, a national OSH system and a national OSH programme (ILO, 2023).

International labour standards are an essential component in the international framework for ensuring that the growth of the global economy provides benefits and opportunities to all. (ILO, n.d.) However, these benefits have not been evenly distributed, leading to issues. Globally, today, 21% of workers live in poverty due to receiving inadequate wages for their work, and informal employment affects close to 61% or two billion, of the global workforce. Four billion people have

no social protection for work, and more than 28 million people are forced to work. Workers in developing economies are particularly exposed to precarious employment, leaving them vulnerable to economic shocks and instability. (Willige, 2024)

Even in the case of India, labour laws primarily consist of rights and benefits for the workers while excluding managerial-level employees. Despite that, the workers still face exploitation at the hands of the employers. Even though the Government passed four new labour codes, their implementation has been slow. (Kumar, 2024) In addition, issues such as invisible labour and gender inequality still pose a challenge. (Luthra & Singh, 2022)

Therefore, it is interesting to contour the long journey of labour law dynamics in terms of working hours and equitable working space shaping the current labour discourse.

III. TRAJECTORIES OF LABOUR RIGHTS IN INDIA

In India, the working-class struggle began with the advent of colonial capitalism. Early strikes were spontaneous, unorganised and small-scale. The earliest instance of such strikes dates back to 1862, when about 1,200 railway workers went on strike at Howrah Station (Shah, 2004). Buchanan (1934) observed that at least two strikes were held yearly in every factory across India, which were localised, short-lived, and centred around personal grievances. The leadership came from within the working class. However, textile worker strikes in Nagpur and Bombay in 1877 and 1882 were large-scale. The 1882 strike in Bombay is widely regarded as the beginning of the labour movement in India (Karnik, 1966). Since the closing of the 19th century, numerous strikes have been held by the textile, jute, plantation, mine and railway workers in Calcutta, Bombay, Madras, and Ahmedabad.

The Swadeshi movement (1903) is a watershed in the history of the labour movement in India. With the support of the nationalists, the Swadeshi entrepreneurs shifted their focus from purely political issues to the economic rebuilding of the state. Gradually, leadership was taken over by individuals outside the working class. These outsiders were sympathetic to the plight of the workers (Jha, 1970; Bose, 1979; Murphy, 1981). Eventually, it became a movement for the workers rather than by the workers (Ornati, 1955). Simultaneously, rather than agitating and struggling with purely economic questions, the working class of India started to involve themselves in broader political issues (Chandra, 2016). Thus, the plight of the working class complemented the Indian national movement—leaders like NM. Joshi, Lala Lajpat Rai, and V.V. Giri played pivotal roles.

Trade unions began in India in the early 20th century as the Swadeshi facilitated Indian industrialisation. The leadership came from Fabian socialist reformers like Anne Besant, Jawaharlal Nehru and Prashanta Chandra Mahalanobis. Shah (2017, p. 36) identifies that the Madras Labour Union was the first modern trade union that was formed in 1918 under the presidency of labour activist B.P. Wadia. Indian soldiers returning from overseas service during World War I had observed better labour conditions abroad. This experience and their understanding of industrial relations equipped them to lead labour movements in India.

Hence, trade unionism became more organised in India after World War I. The Russian Revolution of 1917, which held out hopes of emancipation for all oppressed people, also impacted the trade union movement. (Upadhyaya, 2022, p. 6) The main principles of Indian Trade Unions were inspired by the Russian Revolution, focusing on the status of the labourer in relation to different aspects such as his relation to his employer, and his effect on the economic and industrial life of the country, his position in the industrial world, and so on. (Mukherji, 1922) In 1918, the textile workers under the Madras Labour Union went on strike. At the same time, the textile workers of Ahmedabad also held a strike with assistance and leadership from M. K. Gandhi. This resulted in the formation of the Textile Labour Association in 1920 (Shah, 2004). It was followed by the All-India Trade Union Congress (AITUC)

formation in 1920 (Upadhyaya, 2022, p. 8). In 1923, Madras celebrated the first May Day in India (Shah, 2017, p. 36) with demonstrations and processions against British colonialism. The Indian labour force became sensitised to nationalism, identity, gender, and even the violence and communal strife that was going around them (Simeon, 2001). By World War II, the Communist Party of India (CPI) became instrumental in introducing radical trade unionism beyond economic demands and aimed to raise political consciousness among workers. While other anti-imperial and labour mobilisation forces were involved, the CPI's influence within the AITUC was a key factor in the union's participation in the founding of the World Federation of Trade Unions (WFTU). This broadened labour concerns to include national issues like imperialism and colonialism, enabling mass mobilisation to pressure employers and the government (Bandyopadhyay, 2004, pp. 372- 389). By the time India gained independence, the Indian National Trade Union Congress (INTUC) was formed under the presidentship of Acharya JB Kripalani with affiliation to the International Trade Union Confederation (ITUC).

Independent India witnessed a phased evolution of trade unionism and labour movements, often closely aligned with political ideologies. The nationalist INTUC, associated with the Indian National Congress, and the socialist AITUC, with ties to the communist parties, emerged as the two major forces in the organised labour sector. Bhattacharjee (2002) articulates that the period from 1950 to the mid-1960s saw state-driven industrialisation and a massive rise in public-sector employment and unionism. Unions were highly centralised and determined wages and working conditions, requiring the government to manage the labour movement. The mid-1960s to 1979 was marked by economic stagnation and political conflict. There were decreased employment rates, increased industrial conflict and inter-union rivalries. The conflict peaked with the May 1974 railway strike and the National Emergency of 1975-77 (Guha, 2017, pp. 543-

544).

From 1980 to 1991, though segmented and uneven economic development continued, there was a rise in decentralised and non- political trade unions (Bhattacharjee, 2002). These unions challenged the centralised and politically controlled labour regime, resulting in the 1980-81 Bangalore public-sector strike and the 1982 Mumbai textile workers' strike (Shah, 2017, p. 68). During this period, inter-state and inter-regional variations in labour management regimes grew significantly (Guha, 2017, pp. 550-501).

The unions in profitable economic sectors, like the automotive and electronics industries, often possessing greater bargaining power due to the industry's success and the relative ease of organising within larger, more structured firms, secured better wages and benefits for their members. Conversely, in unorganised and declining sectors, like traditional manufacturing or agriculture-based industries, characterised by precarious employment, smaller enterprises, and a lack of legal protection, workers faced wage stagnation, job insecurity, and diminished union influence. This stark contrast underscores the urgent need for innovative strategies. Finally, from the 1991 post- economic reform period onwards, a new labour-state-corporate era was heralded. Through stabilisation and structural adjustment programmes, there was a great demand for increased flexibility in the labour and employment market (Bhattacharjee, 2002). To address the existing challenges, unions adopted innovative strategies, such as focusing on worker empowerment through legal awareness campaigns, building coalitions with NGOs and community organisations, and advocating for stronger labour regulations and social safety nets.

The onset of globalisation highlighted the weakness of the trade union movement in India. Globalisation introduced many new workplace avenues incompatible with the seniority- and longevity-based pay and benefits structure. This contests the entire structure of the trade union movement. The changes in the nature of work made the labour unions obsolete. They did not

know how to handle emerging issues such as career transition support, childcare, absence of job security, etc. It also brought gender issues into focus. The trade union movement, historically male-dominated, has often failed to address the specific needs of women workers. (Roy, 2015).

IV. MANY INDUSTRIAL REVOLUTIONS AND SHIFTING LABOUR PARADIGMS

As subsequent waves of the Industrial Revolution followed, Schwab (2016) observed that electric power was developed to enable mass production in the second Industrial Revolution. In the third Industrial Revolution, electronics and information technology, which automated production process. The new technologies also led to new possibilities, such as space expeditions and biotechnology (IED, 2019). The fourth Industrial Revolution represents the digital era, emerging since the middle of the last century and is characterised by a technological fusion that has erased the physical, digital, and biological divides. There has been a shift in the labour paradigm across these industrial revolutions.

India's Information Technology (IT) industry is one of the most thriving industries that testifies to the fourth Industrial Revolution in India. The economic liberalisation process initiated in 1991 laid the groundwork for the IT industry's success. It is in its prime, providing many services related to software and information technology, business process outsourcing, engineering R&D, and technology start-ups, and contributes to exports and the domestic market (Sharma, 2022).

The IT industry's exponential growth in the last two decades has changed the global perception of India's knowledge, skills and emergent economic growth. The swift advancement within the IT industry and liberalisation policies, such as reducing trade barriers and eliminating import duties on technology products – played a pivotal role in this transformation (Jayswal, 2021).

However, much like its predecessors, the fourth Industrial 'Digital' Revolution, which was potent to raise global income levels and improve the quality of life for populations around the world, could only have developed new products and services through technology and benefitted the consumers who can afford and access the digital world (Schwab, 2016). Apart from increasing the efficiency and pleasure in our personal lives, it has broadened the 'digital divide' and vilified the idea of 'leisure' (Dattilo & Frias, 2020). Furthermore, economists Erik Brynjolfsson and Andrew McAfee (2015) have argued that this ongoing revolution yields greater inequality and potentially disrupts the labour market. As automation substitutes manual labour across economies, the networker displacement widens the gap between returns to capital and returns to labour (Schwab, 2016).

Under Rajiv Gandhi's leadership, the Indian government passed initiatives such as the Electronics Commission in 1971, the New Computer Policy in 1984, the New Electronics Policy in 1985, and the Indian Software Policy in 1986 to build a strong foundation for an outward- oriented and liberalised IT sector in India (Das and Sagara 2017). During the 1990s, through the efforts of Narasimha Rao and Manmohan Singh, the IT sector also benefited greatly from a series of state policies such as the dismantling of the Foreign Exchange Regulation Act (FERA) and other restrictive regulations, setting up of Software Technology Parks (STP) and Electronic Hardware Technology Parks (EHTP); introduction of single window clearance and, removal of physical controls on imports of most electronics equipment and components (Joseph, 2007). Moreover, implementing the New Industrial Policy of 1991 and subsequent state policies to facilitate the IT sector through tax-free and fiscally-incentivised SEZs and National Manufacturing Investment Zones provided further support to the industry (Das & Sagara, 2017). The changes rejected a highly regulated, autarchic development approach that was being followed in most of India's traditional work sectors and are considered essential for the rise of the software industry in India (Parthasarathy, 2004).– With the benefits from these economic reforms, India entered the

global IT market by capitalising on the demand for low-cost but high- quality programming skills (Das & Sagara, 2017). These reforms rejected the earlier heavily regulated development approach followed by many traditional sectors in India. Leveraging low- cost yet high-quality programming talent, India entered the global IT market and positioned itself as a top destination for business process outsourcing (BPO) and knowledge process outsourcing (KPO) (Parthasarathy, 2004). In the last decade, India has become the world's largest sourcing destination for the IT industry, and Indian software companies have taken prominent positions in the global IT sector (Jayswal, 2021).

As the opening of the Indian market to foreign investors and lucrative schemes introduced by the state attracted much foreign capital and investors and helped in the successful establishment of a conducive business environment, the Indian government has been lax in enforcing legislation aimed at protecting the interests of the IT workforce since its inception. Despite three decades of globalisation, there have been no attempts from the Indian government to intervene in the regulation of Labour in the ever-growing IT and Information Technology-Enabled Services (ITES) sectors (Sarkar, 2008) in India. One of the explanations often provided is that intervention in the workings of the industry would unsettle the clientele and disturb the wheel of industrial commerce (Stevens & Mosco, 2010). The IT, BPO, KPO, and ITES employees are white-collar workers. Neither the labour unions view them as 'workers' nor do those employees feel the need for trade unionism (Agarwal, 2015). Instead, they tend to create mitigating or bargaining devices to address the labour challenges in those sectors. However, in reality, the very nature of IT, BPO, KPO, and ITES workers often play down political consciousness, making it difficult for the Indian unions to decide whether they come under their area of operation and, if so, how to politically organise them (Stevens, & Mosco, 2010). Koçer (2018) rightly points out that this 'veil of ignorance' in the Weberian sense perpetuates the assumption that union membership is based on individual rational choice and divorced from any societal or institutional dimension! The MNCs and TNCs believe unionisation would drive potential customers away from offshoring their projects to Indian IT companies and call centres (Bisht, 2010, pp. 221-222).

Furthermore, it has been observed that the Indian Constitution provides the IT industry the right to assemble like all other industries. However, due to the cost-sensitive nature of this industry, this right has never been exercised. If the industry complies with labour laws, it will be seen as a burden (Stevens & Mosco 2010: 41).

V. PANDEMIC AND LABOUR PARADIGM

The recent pandemic has caused havoc on the economic development of many countries and labour markets worldwide. According to the World Bank (2022), temporary unemployment was at a high of seventy per cent in all countries in 2020 for workers who had completed only a primary education. World Bank (2023) also found that income losses were more considerable among youth, women, the self- employed, and casual workers with lower levels of formal education. Women were particularly affected by income and employment losses, as most were employed in sectors highly affected by lockdown and social distancing measures (World Bank, 2023). Small firms, informal businesses, and enterprises with limited access to formal credit were also severely affected by income losses stemming from the pandemic (World Bank 2022).

In India, the pandemic caused a massive economic disruption. Due to a sharp decline in domestic demand and exports, nearly all sectors were hit (Upadhyay, 2021). Agriculture was severely affected by broken supply chains, lack of market outlets, poor demand, and falling output prices. Micro and small industries were affected, with 35% having a probability of shutting down permanently (MSME, 2022). There was also a significant loss of employment, with at least 13 million people disappearing from the labour force

during the pandemic (Ramakumar & Kanitkar, 2020). Despite these setbacks, the Indian economy was resilient and rebounded quickly, showing favourable growth rates. Thangam (2023) articulates that in the fiscal year 2021-2022, India's GDP expanded by 9.5%, suggesting a solid recovery and outperformed most other major economies, which was possible due to government stimulus, a revival in consumer demand, and increased industrial production. However, the contrast between pre-pandemic and post-pandemic GDP is stark in terms of productivity (Chandrasekhar, 2023) as there is widespread optimism about India's robust growth prospect among domestic and foreign investors, juxtaposes a slowdown in business, investment, and trade due to the tightening of interest rates in the global North, driven by persistent inflation, impacting exports (Kundu, 2024).

At this juncture, the labour paradigm, dealing with the rights, obligations, and regulations governing the relationship between employers and employees, becomes of utmost importance as protecting the interests of employers and employees is called for in this exasperating world to ensure fair labour practices. Working hours constitute an essential variable to gauge labour law applications to workers, employers, and trade unions, as well as equitable treatment and the promotion of economic development, peace, democracy, and social progress.

In India, the Factories Act of 1948, alongside other relevant labour laws, has served as a cornerstone of the regulatory framework for industrial establishments. Section 51 mandates that every adult (above eighteen years of age) cannot work more than forty-eight hours a week and not more than nine hours a day. Sections 54-56 and 59 state that the spread of overtime hours should exceed ten and a half hours. On the other hand, the Mines Act 1952 only allows a person to work up to ten hours a day, apart from overtime work. The Beedi and Cigar Workers Act of 1966 fixes a maximum limit of ten hours of overtime per day and fifty-four hours a week (Ministry of Labour and Employment; Joseph, 2022). In 2019

and 2020, the Government of India passed four Labour Codes. There are the Code on Wages, 2019; the Industrial Relations Code, 2020; the Code on Social Security, 2020; and the Occupational Safety, Health and Working Conditions Code, 2020. These were formulated to strengthen protection available to workers, including unorganised workers, in terms of statutory minimum wage, social security and healthcare workers. (Ministry of Labour and Employment, 2024)

Labour Rights Index (2024) articulates that the general weekly work hours assigned to a worker are based upon the conventions of Hours of Work (Industry) Convention 1919 (No. 1), Hours of Work (Commerce and Offices) Convention 1930 (No. 30) and the Forty-Hour Week Convention, 1935 (No. 47). ILO's Articles 2 and 3 of Convention 1 and 30 respectively, state that the maximum working hours should not exceed eight in the day and forty-eight in the week. Article 1 of Convention 47 approves of a forty-hour week and can be applied in a way that does not reduce the living standard (Saul et al., 2014). Hence, such international regulatory standard requirements provided on the forty-eight hours threshold do not apply to supervisory, management, confidential positions, or whereby law, custom or agreement between employers' and workers' organisations or employers' and workers' representatives vary the daily hours limit, or where shift workers are employed more than eight hours in a day and forty- eight hours in a week if the average hours over three weeks do not exceed eight per day and forty-eight per week (Labour et al., 2024). – Hence, Indian workers are already working longer hours than in other democracies. ILO data shows that the average Indian works practically every day of the week, contrasting with the world labour scenario. Therefore, a 'seventy-hour work week' paradigm calls for a dangerous shift at the cost of physical and mental health, familial and social well-being and productivity over personal life.

VI. THE QUESTION OF WOMEN'S WORK FORCE

Since British colonialism, women labourers have been employed in plantations, factories and mines. The Factories Act of 1891 required work from early dawn to late night. It exposed women employees to harsh conditions and long absences from home. Concerns were raised within society about the impact on family structure, women's health, or moral implications, leading to negative perceptions of women working in factories. The societal pressure on women to conform to traditional roles was immense. Gradually, the work hours were fixed to thirteen hours, with a half-hour break, but the plight of women labourers remained miserable. They were subjected to social ostracism from their communities due to the long hours they spent in factories.

The Mines Act of 1930 reduced working hours from nine to eight hours. However, as Joseph (2022) highlights, women employees in India were considered less efficient than men for a long time, and having a daily limit of twelve hours for women was perceived to be reasonable enough to meet the work quality compared with men. This means women were made to work longer hours because their productivity was considered less than men.

Traditional gender roles, early marriage, childbirth, limited family support, societal expectations surrounding parenting, and the disproportionate burden of household chores have historically contributed to a 'glass ceiling' for working women. While women have made significant strides post-liberalisation, becoming prominent stakeholders in technical fields and professional careers and driving innovation, these advancements do not erase persistent challenges. Numerous legal cases, such as The State of Punjab vs Gurmit Singh & Ors (1996), Sri Rakesh B vs State of Karnataka (2020), Aparna Bhat v. State of Madhya Pradesh (2021), and Vikas Garg vs The State of Haryana and Another (2022), illustrate the discrimination and sexist remarks women employees continue to face, even within the legal system itself. These cases highlight how gender stereotypes can influence judgments and perpetuate inequalities. In 2023, the Supreme Court of India took a significant step towards addressing this issue by recognising the specific gender stereotypes confronting 'career women' and publishing a handbook designed to combat such marginalisation. This handbook aims to guide recognising and mitigating bias, promoting inclusive workplaces, and establishing effective grievance mechanisms. Consequently, the concept of a 'seventy-hour work week' not only fails to acknowledge the disproportionate burden of unpaid work that working women carry but also obscures the issues of the overcompensating wage gap and persistent inequality they face in the workforce (Chawla, 2023).

The recent labour discourse in India may be rooted in a more disciplined and productive workforce. Still, it completely discards the practicality of the women's question in the workforce and perpetuates the vicious cycle of patriarchal inequity, where most women are seen as secondary income earners. The implementation of seventy- hour work weeks will increase the gender disparity being faced by women in the workforce, as the pre-existing issues are yet to be solved (Chawla, 2023). ILO has highlighted how longer working hours prolong gender inequality in the workplace, making it harder for women to get career advancements and also worsening the gender pay gap (Jacob, 2023). The implications would be gender stereotypes, prejudiced reflection on women's work efficiency, discriminatory employment practices, and a lack of diversity and inclusivity, which will continue to hold back Indian women from progressing in their careers.

VII. THE DICHOTOMY OF THE IT 'LABOURS'

The fourth industrial revolution has ushered in a service-providing work culture for the Indian IT industry. The employees have an average of forty-five to fifty work hours per week, making them work about ten hours a day in the five-day

week. Many must work even longer to meet project deadlines (Parmar & Verma, 2023). On the other hand, the IT and communications industries do not have trade unionism to negotiate workers' rights. Previously, there have also been situations where the need for trade unionism was felt, but stakeholders refused such engagement (Economic Times, 2017). Mohandas Pai, former human resources head of Infosys, has stated that the Indian IT industry is unsuitable for trade union activities. He observed that trade unions are helpful to employees who want job security and long, stable tenure under a single employer. This contrasts with the IT work culture, where employee movement is frequent from company to company based on salary packages, schemes, and incentives (Agarwal, 2015). Hence, the mistreatment of entry-level employees, the short and unstable employment tenures, the mass layoff tendencies and overt competitiveness among peers make the employees vulnerable to exploitation without limited deterring opportunities. It is a neo-slavery where the employees are technically free, but low pay, irregular and unstable job market forces them to work (Lashley, 2018). Narayana Murthy, the co- founder of Infosys Limited, an Indian multinational IT company offering business consulting and outsourcing services, envisions long working hours. It is implied that his statement would have affirmation in the IT industry, ignoring the pressing issues already present. Many have found this unhealthy work culture for favorable revenue generation, ultimately hindering employee productivity and positive motivation. For example, CRED founder Kunal Shah has stated that 'China's 996 culture' clearly executes their progress, and Indians need to follow such schedules to grow their economy (Moneycontrol, 2023).

Therefore, IT 'labourers' are vulnerable to exploitation, and they have limited opportunities to prevent it. This can be observed in the IT sector, with the short and unstable employment tenures, the mistreatment of entry-level workers, and the mass layoffs resulting in significant unemployment rates. Murty's statement has a positive view towards the long working hours of the IT industry, ignoring the various issues and problems present in the industry that could hinder employee productivity.

Furthermore, such a 'glorified' attitude towards unhealthy work- life balance is detrimental to the women employees, overlooks their domestic chore responsibilities, juxtaposes their 'caregiving roles' and makes the appointments highly patriarchal. Such a double standard system is idealised, unattainable, and traps women employees in a vicious cycle of compromises. First Global founder Devina Mehra has stated that a seventy-hour work routine assumes that employees have no other responsibilities outside of work (Agarwal, 2023). Such a discriminatory measure pushes a lot of women employees out of the workforce or prevents them from marrying, having children and families! Does the Indian state truly prioritise national growth if willing to sacrifice the contributions and well-being of its female citizens?

VIII. CONCLUSION

Hard work and dedication are admirable qualities. However, long working hours raise legitimate concerns about the potential negative impact on individuals' physical and mental well-being. Overworking leads to burnout, decreased productivity, depression and suicidal tendencies (Rastogi, 2023). Nevertheless, overtime and workaholism have been acknowledged as severe problems, with karoshi, i.e. death by overwork, has been legally recognised as a cause of death, with an accumulation of lawsuits and limits placed to reduce overtime work (Underhill, 2015). Is the Indian state looking forward to the promotion of an 'overwork culture' like Japan, China or Korea?

Furthermore, it is important to remember that the international challenges on labour standards may not correspond to India or any other erstwhile colonised country. We must analyse India's labour policies and politics through a lens of coloniality, decoloniality and globalisation.

Today, India has one of the most enormous

youth populations suffering from high unemployment rates. Therefore, utmost priority should be given to generating new employment opportunities with good salaries instead of forcing existing workers to work longer for higher salaries. The idea of a seventy- hour work week appears disconnected from the reality of the lives of most Indians and favours only a tiny majority. It needs to account for commuting time, especially for public transport users. It also raises questions about the availability of leisure time for employees to spend with their families and concerns about women's safety during travel. It disregards that not everyone could have the same circumstances, responsibilities, or privileges, such as having staff to help with domestic duties.

On the other hand, flexible job schedules and supported responsibilities at the workplace promote greater job satisfaction and increased productivity. It caters to an egalitarian society, gender gender-inclusive, sensitive and diverse workspace and democratic domestic and professional spheres. No longer working hours but a welfare state plan of action and supportive labour law imperatives are enough to shape the labour discourse around the culture of productivity, efficiency, healthy work-life balance and development.

In conclusion, India's globalised labour culture, characterised by long hours and a relentless pursuit of productivity, raises serious concerns about the well-being of its workforce. Remarkably, the fourth industrial revolution, as the IT revolution unfolds, longer working hours, glorified as a symbol of success, are far from a healthy and sustainable work-life balance. While innovation and economic growth continue to reshape the global economy, it is imperative to reconsider the prevailing labour paradigm. The discourse around labour needs to focus on quality of life, fair wages, and safe working conditions rather than simply maximising profit as its neo-colonial pursuit. We can only anticipate that the government of India would herald a sustainable and equitable future for its labour market to harness its potential through a prosperous and inclusive society.

REFERENCES

[1] "Factory Legislation 1802-1878." n.d. A Web of English History. Accessed December 17. https://www.historyhome.co.uk/peel/factmine/factleg.htm.

[2] Agarwal, M. (2023). "'Silly to Say Seventy Hours of Work...': PMS Major First Global's Founder Devina Mehra Believes Long Working Hours Do not Improve productivity." Business Today, November 10. https://www.businesstoday.in/latest/ corporate/story/silly-to-say-seventy- hours-of-work-devina-mehra- believes-long-working-hours- doesnt-improve-productivity-405186-2023-11-09.

[3] Agarwal, S. (2015). "Why Trade Unions Are Unable to Breach IT Firms." Business Standard, February 3. https://www.business- standard.com/amp/article/companies/why-trade-unions-are-unable-to- breach-it-firms- 115020301455_1.html.

[4] Andrew Stevens, & Vincent Mosco. (2010). Prospects for trade unions and labour organisations in India's IT and ITES industries. Work Organisation, Labour & Globalisation, 4(2), 39–59.https://doi.org/10.13169/ workorgala boglob.4.2.0039

[5] Aparna Bhat vs The State Of Madhya Pradesh on 18 March 2021. https://indiankanoon.org/doc/130248 06/.

[6] Bandyopadhyay, S. (2004). From Plassey to Partition: A History of Modern India. Orient Longman.

[7] Bhattacharjee, D. (2002). "Organised Labour and Economic Liberalisation in India: Past, Present and Future." Organised Labour in the 21st century, pp. 307–45.

[8] Bisht, N. S. (2010). Trade Unions in Indian IT Industry? An Employee's Perspective. Indian Journal of Industrial Relations, 46(2), 220–228. http://www.jstor.org/stable/4114944 2

[9] Bose, S. (1979). 'Parties and Politics in Indian Trade Union Movement— Early Phase (1917–1924)'. Social Scientist, 7(12), July.

[10] Brynjolfsson, E., & McAfee, A. (2015). The second machine Age: Work, progress, and Prosperity in a time of brilliant technologies. Choice Reviews Online, 52(06), 52–3201. https://doi.org/10.5860/ choice.18483 4

[11] Buchanan, D.H. (1934). The Development of Capitalist Enterprise in India. New York: Macmillan Company.

[12] Business Today. (2023). "Bengaluru's Economy Suffering Huge Loss of Rs 20,000 Crore Annually Due to Traffic Congestion, Reveals Study." Business Today, August 7. https://www.businesstoday.in/latest/ economy/story/bengalurus- economy-suffering-huge-loss-of-rs- 20000-crore-anually-due-to-traffic-congestion-reveals-study-393138- 2023-08-07.

[13] Chandra, B. (2016). India's Struggle for Independence. Penguin.

[14] Chandrasekhar, C. (2023). "India's Post—covid

'Growth' Could Be a Statistical Mirage." Frontline, November 30. https://frontline.thehindu.com/econo my/capitalism-in-crisis-india- economic-growth-riding-on- speculative- bubbles/article67569197.ece.

[15] Chaturvedi, A. (2023). "Narayana Murthy Suggests Seventy-hour Work Week to Youngsters, Sparks Debate." NDTV, October 26. https://www.ndtv.com/ india- news/narayana-murthy-suggests- seventy-hour-work-week-to- youngsters-sparks-debate-4516739.

[16] Chawla, P. (2023). "What Male CEOs Like Narayana Murthy Do not Get About Working Women and the Youth." Indian Express, November 22. https:// indianexpress.com/article/opi nion/columns/what-male-ceos-like- narayana-murthy-dont-get-about-working-women-and-the-youth- 9037361/.

[17] Das, K., & Sagara, H. (2017). State and the IT Industry in India. Economic and Political Weekly, 52(41), 56–64.

[18] Das, Keshab, and Hastimal Sagara. (2017). "State and the IT Industry in India: An Overview." Economic & Political Weekly, LII, no. 41 (October 14).

[19] Dattilo, J., & Frias, F. J. L. (2020). A critical examination of leisure in modernity: Rejecting instrumentalism and embracing flourishing. Journal of Leisure Research, 52(5), 581–598. https://doi.org/ 10.1080/00222216.20 20.1789013

[20] Economic Times. (2017). "Layoffs in IT Companies: Is It Time for Trade Unions to Come Into Play?" Economic Times, May 11. https:// m.economictimes.com/tech/it es/layoffs-in-it-companies-is-it-time- for-trade-unions-to-come-into-play/amp_articleshow/58625194.cm s.

[21] Guha, R. (2017). India After Gandhi: The History of the World's Largest Democracy. Pan Macmillan.

[22] Handbook on Combating Gender Stereotypes. (2023). Supreme Court of India.

[23] History of the ILO. (n.d.). International Labour Organisation. https://www.ilo.org/about- ilo/history-ilo

[24] History.com. (2023). "Industrial Revolution: Definition, Inventions & Dates - HISTORY." History.com, March 27. https://www.history.com/ topics/indu strial-revolution/industrial- revolution.

[25] IED. (2019, June 19). A brief history of the 4 industrial revolutions that shaped the world. Institute of Entrepreneurship Development. https://ied.eu/ project-updates/the-4- industrial-revolutions/

[26] ILO. (2018). ILO Convention No. 138 at a Glance.

[27] ILO. (2018). ILO Convention No. 182 at a Glance.

[28] ILO. (2019). "100 Years of Maternity Protection: Transforming Leave and Care Policies for All." International Labour Organisation, November8, 2019. https://www.ilo.org/meetings-and- events/100-years-maternity- protection-transforming-leave-and-care-policies-all

[29] ILO. (2023). The Fundamental Conventions on Occupational Safety and Health: An Overview of the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), 2023. First published in 2023.

[30] ILO. (n.d.). International labour standards. International Labour Organisation. https:// www.ilo.org/international- labour-standards

[31] International Labour Organisation. (2012). Module 8: Health Protection at the Workplace (Part 2). In Maternity Protection Resource Package: From Aspiration to Reality for All. Retrieved September 25, 2024, from https://mprp.itcilo.org/allegati/en/ m8.pdf

[32] Jacob, C. (2023). "India Debate on seventy-Hour Workweek: Illegal or Road to Greatness?" CNBC, November 6. https://www.cnbc.com/2023/11/07/i ndia-debate-on-seventy-hour- workweek-illegal-or-road-to- greatness.html.

[33] Jayswal, Pankaj Jagannath. (2021). "How the IT Industry Is Shaping the Future of India?" Times of India, August 17. https://timesofindia.indiatimes.com/ r eadersblog/youth2020/how-the-it- industry-is-shaping-the-future-of- india-36519/.

[34] Jha, S.C. (1970). Indian Trade Union Movement— An Account and an Interpretation. Calcutta: Firma K.L. Mukhopadhyay.

[35] Joseph, K.J. (2007). "Electronics Industry," International Competitiveness and Knowledge- based Industries in India, Nagesh Kumar and K J Joseph (eds), New Delhi: Oxford University Press, pp 99–142.

[36] Joseph, S. (2022). "The New Indian Working Hour Policy: An Overview - Legally Flawless." Legally Flawless, October 27. https:// legallyflawless.in/the-new- indian-working-hour-policy-an- overview/.

[37] Karnik, V.B. (1966). Indian Trade Unions: A Survey. Bombay, Manaktalas.

[38] Koçer, R. G. (2018). Measuring the strength of trade unions and identifying the privileged groups: A two-dimensional approach and its implementation. Journal of Mathematical Sociology, 42(3),152–182. https:/ /doi.org/10.1080/0022250x.20 18.1449110

[39] Kumar, A. (2024, October 16). New labour codes set for rollout as 25 states finalise draft rules. Business Standard. https://www.business- standard.com/ industry/news/new- labour-codes-set-for-rollout-as-25- states-finalise-draft-rules-details-124101600376_1.html

[40] Kundu, R. (2024). "Debate on India's K-Shaped Recovery Post- Pandemic Is Flawed SBI." Mint, January 8. https://www.livemint.com/economy/ debate-on-indias-k-shaped-recovery- post-pandemic-is-flawed-sbi- 11seventy4722731949.html.

[41] Labour Rights Index. (2024). Decent Working Hours. Wageindicator.org. Retrieved August 25, 2024, from https://labourrightsindex.org/heatma p-2022/2022-

the-index-in-text- explanation/decent-working-hours

[42] Lane, E. (2017). "The Young Japanese Working Themselves to Death." BBC, June 2. https://www.bbc.com/news/business-39981997.

[43] Lashley, C. (2018). "Slavery, Neo- Slavery and Business Ethics." Research in Hospitality Management, p. 8, no. 1 (April 27): pp. 5–10. https://doi.org/10.1080/22243534.20 18.1501175.

[44] Library of Congress. (n.d.) "Haymarket Affair: Topics in Chronicling America: Introduction." Library of Congress. Accessed April 4, 2024. https://guides.loc.gov/chronicling- america-haymarket-affair.

[45] Luthra, A., & Singh, A. (2022, January 5). Emerging challenges in labour laws. Manupatra. https://articles.manupatra.com/articl e-details/Emerging-Challenges-in-Labour-Laws

[46] Madhukalya, A. (2023)."' What is Wrong With It?': Congress' Manish Tewari Says seventy-hr Work Week, 15 Vacation Days a Year Must Become Norm." Times of India, November 10. https://www.businesstoday.in/latest/ corporate/story/whats-wrong-with- it-congress-manish-tewari-says- seventy-hr-work-week-15-vacations- a-year-must-become-norm-405371- 2023-11-10.

[47] Mathias, P., & Davis, John A. (1989). The First Industrial Revolution. Oxford: Blackwells.

[48] Ministry of Labour & Employment. (2022). "New Labour Code." December 12. https://pib.gov.in/PressReleaseIfram ePage.aspx?PRID=1882845.

[49] Moneycontrol. (2023). "CRED's Kunal Shah Says, 'No Big Achievement Can Come With Work-Life Balance'." Moneycontrol, October 31. https://www.moneycontrol.com/new s/trends/creds-kunal-shah-says-no- big-achievement-can-come-with- work-life-balance-11632551.html.

[50] MSME. (2022). Annual Report 2021-22. In https://msme.gov.in/sites/default/files/AnnualReports.html. New Delhi. Retrieved August 25, 2024, from https://msme.gov.in/sites/default/file s/ MSMEENGLISHANNUALREPO RT2021-22.pdf

[51] Mukherji, A. (1922, September). Indian labour movement: A review of the situation. Marxists Internet Archive. https://www.marxists.org/history/int ernational/comintern/sections/britain/periodicals/communist_review/1922/05/indian_labour_mvt.htm

[52] Murphy, E. (1981). Unions in Conflict: A Comparative Study of Four South Indian Textile Centres, 1818– 1939. Delhi: Manohar.

[53] Ornati, Oscar A. (1955). Jobs and Workers in India. Ithaca, NY:Cornell University

[54] Parmar, Beena, and Prachi Verma. (2023) "IT Staff Forced to Work 50 Hours/Week to Meet Deadlines: Data." Economic Times, November 21. https://m.economictimes.com/tech/in formation-tech/it-staff-forced-to- work-50-hours/week-to-meet- deadlines-experts/amp_articleshow/10533seve nty11.cms.

[55] Parthasarathy, B. (2004). "India's Silicon Valley or Silicon Valley's India? Socially Embedding the Computer Software Industry in Bangalore," International Journal of Urban and Regional Research, Vol 28, No 3, pp 664–85

[56] Ramakumar, R., and Tejal Kanitkar. 2020: "Impact of Covid-19 Pandemic on the Indian Economy: A Critical Analysis." Investigación Económica, 80, no. 315 (December 29):3. https://doi.org/10.22201/fe.0185166 7p.2021.315.76845.

[57] Rantanen, J. (2008). Challenges to global governance in the changing world of work. In Topics in safety, risk, reliability and quality (pp. 17– 59). https://doi.org/10.1007/978-1- 4020-8289-4_2

[58] Rastogi, S. (2023). "No, Narayana Murthy. It is Not Okay to work seventy Hours a Week. Here Is Why." Indian Express, November 1. https://indianexpress.com/article/life style/workplace/narayana-murthy-seventy-hour-work-week-health-issues-mental-health-risks-9006084/.

[59] Rothman, L. (2017). "The Bloody Story of How May Day Became a Holiday for Workers." Time, May 1. https://time.com/3836834/may-day- labor-history/.

[60] Roy, P. (2015). Impact of globalisation on the trade union movement. Indian Journal of Public Administration, 61(3), 480–488. https://doi.org/10.1177/0019556120 150310

[61] Saul, B., Kinley, D., & Mowbray, J. (2014). The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases, and Materials. OUP Oxford.

[62] Scalmer, S. (1996). Experience and Discourse: A Map of Recent Theoretical Approaches to Labour and Social History. Labour History, seventy, pp. 156–168. https://doi.org/10.2307/27516414

[63] Schwab, K. (2016). "The Fourth Industrial Revolution: What It Means, How to Respond." World Economic Forum, January 14. https://www.weforum.org/agenda/20 16/01/the-fourth-industrial- revolution-what-it-means-and-how- to-respond/.

[64] Shackleton, J. R. (2024). Trade unions in Britain: From early years to the mid twentieth century. In Unions resurgent? The past, present and uncertain future of trade unions in Britain (pp. 23–37). The Institute of Economic Affairs.

[65] Shah, G. (2004). "Industrial Working Class Movements." In Social Movements in India: A Review of Literature, pp. 180–210. Sage Publications India Pvt Ltd.

[66] Shah, G. (2017). Social movements and the state: In Pluto Press eBooks. https://doi.org/10.2307/j.ctt18fs440. 10

[67] Sharma, D. C. (2022). "How India Became an IT Giant Read More At: https://www.deccanherald.com/india /independence-day-india-at-75-how- india-became-an-it-giant-1135466.html." Deccan Herald, August 15. https://www.deccanherald.com/india/independence-day-india-at-75-how- india-became-an-

it-giant- 1135466.html.

[68] Simeon, D. (2001). The Politics of the Labour Movement: An Essay on Differential Aspirations. Noida: V.V. Giri National Labour Institute.

[69] Sinha, P., Sinha, I. B., & Shekhar, S.P. (2017). Industrial relations, trade unions and labour legislation. Pearson Education India.

[70] Sri Rakesh B vs State Of Karnataka on 22 June, 2020. https://indiankanoon.org/doc/140236 942.

[71] Stevens, A., & Vincent Mosco. (2010). "Prospects for Trade Unions and Labour Organisations in India's IT and ITES Industries." Work Organisation, Labour & Globalisation 4 (2).

[72] Thangam, D. (2023). "The Resilience and Rebound of the Indian Economy: A Closer Look at Recent Performance." Times of India, May 27. https://timesofindia.indiatimes.com/readersblog/sustainablebusiness/the- resilience-and-rebound-of-the- indian-economy-a-closer-look-at- recent-performance-54278/.

[73] The State Of Punjab vs Gurmit Singh & Ors on 16 January, 1996. https://indiankanoon.org/doc/104654 5/.

[74] Thomas, M. W. (1945). Young People in Industry, 1750-1945. Thomas Nelson and Sons. Ltd. https://dspace.gipe.ac.in/xmlui/bitstr eam/handle/10973/41097/GIPE- 013132.pdf?isAllowed=y& sequence=3

[75] The Times of India. (2023). "Average to Poor Work-Life Balance: Indian IT Sector Employees Forced to Work 50 Hours a Week." Times of India, November 21. https://timesofindia.indiatimes.com/ business/india-business/average-to- poor-work-life-balance-indian-it-sector-employees-forced-to-work-50-hours-a-week/articleshow 105348271.cms.

[76] The Times of India. (2023). "Narayana Murthy's seventy-Hour Work Week Model: ILO Says Countries. Read More At: http://timesofindia.indiatimes.com/articleshow/104936162.cms?From=m dr&utm_source=contentofinterest&u tm_medium=text&utm_campaign=c ppst." Times of India, November 3. https://timesofindia.indiatimes.com/ business/india-business/

narayana- murthys-seventy-hour-work-week- model-ilo-says-countries- increasingly-shifting-to-40-hour-work- weeks/articleshow/104936162.cms?f rom=mdr

[77] UK Parliament. (n.d.). "The 1833 Factory Act." UK Parliament. https://www.parliament.uk/about/livi ng-heritage/transformingsociety/livingle arning/19thcentury/overview/factory act/.

[78] Underhill, J. (2015). "The 100-Hour Work Week in Japan." Yahoo Finance, August 20. https://finance.yahoo.com/news/wor king-towards-death-in-japan- 140758364.html.

[79] Upadhyay, A. (2021). "Impact of Covid-19 on Indian Economy." Times of India, July 24. https://timesofindia.indiatimes.com/r eadersblog/mymusiclife/impact-of- covid-19-on-indian-economy-4- 35585/.

[80] Upadhyaya, S. (2022). Evolution of trade unions in india. V.V. Giri National Labour Institute.

[81] Vikas Garg vs The State Of Haryana And Another on 29 November, 2022. https://indiankanoon.org/doc/106110 530/.

[82] Wilding, L. J. (2023, May 4). Ethics, Education and the Economy. A History of Life and Education between the 19th and early 20th century. Retrieved September 24, 2024, from https://historyoflifeandeducation.blo gspot.com/2023/04/ethics-education- and-economy.html

[83] Willige, A. (2024, September 13). What is 'inclusive trade', and how can trade policies improve workers' lives? World Economic Forum. https://www.weforum.org/stories/20 24/09/labour-standards-inclusive- global-trade/

[84] World Bank Group. (2023). Chapter 1. The economic impacts of the COVID-19 crisis. In the World Bank. https://www.worldbank.org/en/publi cation/wdr2022/brief/chapter-1- introduction-the-economic-impacts-of-the-covid-19-crisis.print

[85] World Bank. (2022). "WDR 2022 Chapter 1. Introduction." World Bank, February 15, 2022. https://www.worldbank.org/en/publication/wdr2022/brief/chapter-1-introduction-the-economic-impacts- of-the-covid-19-crisis.

Capital as a pre-requisite for entry into the beauty platform: A case of women's beauty platform service provider in Delhi NCR

Shipra* and Minaketan Behera**

Abstract— Digital labour platforms are often portrayed as open and accessible workplaces that on board anyone willing to work. However, this perception proves misleading, especially in the case of beauty service platforms. These platforms selectively on board individuals, specifically, women beauticians, who possess specific forms of social, economic, and cultural capital, drawing on Bourdieu's conceptualization. Platform companies portray themselves as neutral intermediaries that simply connect service providers with clients and charge commissions; however their influence extends beyond this transactional role.

This paper examines the exclusionary practices embedded in beauty service platforms, which claim to provide opportunities to all but, in reality, impose structural barriers to entry and subsistence. It further highlights how these platforms appropriate the social cultural, and economic capital for their own benefit. Economic capital becomes a prerequisite, as service providers are invest in products, uniforms, training, and travel. Platforms leverage cultural capital through expectations that service providers demonstrate familiarity with English, adopt prescribed mannerisms, and conform to specific appearance standards. Social capital is similarly appropriated, as platforms encourage service providers to rely on personal networks, including friends, family, and past clients, as unpaid models, sources of new service providers, and new customers. All these forms of capital are not readily available to all beauticians. This study draws on qualitative data collected in 2022 through snowball and purposive sampling of 60 women beauty service providers in Delhi NCR. The sample includes workers engaged with platforms such as Urban Company, Yes Madam, BeU Salon, and Zoylee. Unlike traditional employment models, platform-based beauty workers do not merely contribute labour in exchange for wages; they must also mobilize their capital to sustain their work. By unpacking these dynamics, this paper contributes to understanding of how digital labour intersects with gender, and precarity in platform economies.

Keywords—Platform economy, beauty workers, social capital, economic capital, cultural capital

*Dr. Shipra is Research Analyst at ISST, Email: shipra8291@gmail.com

**Prof. Minaketan Behara is Chairperson at CISLS (SSS), Jawaharlal Nehru University, Delhi.

I. INTRODUCTION

Digital labour platforms have become integral to contemporary society, facilitating services across various sectors such as food delivery, transportation, and even beauty services. According to NITI Aayog's report, India's Booming Gig and Platform Economy, the workforce in the gig and platform economy is projected to grow from approximately 68 lakh in 2019-20 and 77 lakh in 2020-21 to approximately 2.35 crore by 2029-30 (NITI Aayog, 2022).

This suggests that the platform economy is not only here to stay but is also poised for

significant growth, becoming a part of the lives of millions. Its introduction to India has been seen as a solution to the unemployment crisis, offering new income opportunities (Brailovskaya et al., 2025).

Digital platforms, including digital labour platforms, generate value by facilitating connections and transactions (Moazed & Johnson, 2016). The basic business model of any platform economy is that the platform, using advanced software applications (apps), functions as a digital intermediaryediary between service providers and service requesters (Stewart & Stanford, 2017; Prassl, 2018). In digital labour platforms, the process is streamlined, and services are expedited through digital intermediation that connects a large pool of service providers with customers (Prassl, 2018), thus creating a two-sided marketplace (Sanyal & Seth, 2023). The model chosen by platform companies depends on various factors such as labour oversupply or the skill level required from workers (Surie, 2023).

This study focuses on digital labour platforms providing beauty services, specifically those that exercise significant control over their service providers. One of the major digital labour platforms offering beauty services is Urban Company. Over the past decade, the influence of platforms like Urban Company has grown significantly, with increasing recognition from the government, enhancing their visibility in comparison to traditional service providers. During the COVID-19 lockdown, Urban Company was granted permission to operate by the government when only essential services were allowed (PTI, 2020). Alongside Urban Company, there are other beauty service platforms in Delhi that are included in this study. The business model adopted by these beauty platforms, unlike SaaS models- which offer lower levels of control by providing software to existing entrepreneurs, involves structuring both earnings and work through the platform (Surie, 2023). The work conditions, levels of precarity, and experiences differ across various types of platformised work (Surie, 2023). Payment on these platforms typically follows a piece-rate system,

giving service providers little control over their output, echoing earlier critiques of exploitative labour practices (Burawoy, 1979, as cited in Veen et al., 2019).

Digital labour platforms are generally perceived as having low entry barriers, making them attractive as a potential source of job creation in India (NITI Aayog, 2022). This paper examines the exclusionary practices of beauty service platforms, highlighting how these platforms exploit service providers' social, cultural, and economic capital, as conceptualised by Bourdieu, for their own benefit. Beyond labour, platforms also extract value from the capital that they are compelled to invest. Economic capital is extracted through mandatory investments in products, uniforms, training, and travel requirements that many service providers cannot afford. This shifts the financial burden of work onto the service providers themselves, making them both labourers and customers of the platform. Platforms profit not only from the labour of service providers but also from the capital that service providers are compelled to invest. Cultural capital is leveraged by expecting service providers to demonstrate familiarity with English or adapt to specific mannerisms and appearance standards during onboarding. Social capital is exploited through networks of friends, family, and past clients, who serve as unpaid models, sources of new service providers, and new customers.

II. RESEARCH METHODOLOGY

The study employed an exploratory design using qualitative research tools to examine the experiences of women beauty service providers on digital labour platforms. This research employed purposive and snowball sampling methods to select participants. The sample comprised 60 women platform- based beauticians: 30 from Urban Company, 21 from Yes Madam, and 9 from BeU Salon. Additionally, six service providers from Zoylee were included in the study. However, these individuals were already working with one or more of the aforementioned platforms, making Zoylee a secondary source of income for

them (As of 2025, BeU Salon and Zoylee do not provide home- based beauty services). These platforms were actively providing beauty services during the study period. The research focused on beauty workers performing low- paying services such as waxing, threading, pedicures, facials, and similar tasks. These workers engage in "body work," which is often perceived as inferior to higher-paying roles such as those of makeup artists and hairstylists within societal hierarchies. Data collection took place between January 2022 and November 2022 in Delhi NCR. Semi-structured interviews were conducted using interview schedules to gain detailed insights into participants' experiences. Pseudonyms were used throughout the study to protect participants' identities and ensure confidentiality. The collected data were analysed using narrative analysis, thematic coding, and interpretive phenomenological analysis. To strengthen the findings, secondary data were incorporated through a literature review of books, journal articles, and other scholarly sources.

III. FINDINGS & DISCUSSIONS

Beauty work has historically been performed by marginalised women in informal settings (Krishan and Graham, 2023). Grooming as a skill, in certain parts of the country, forms part of the community culture, passed down from mothers to daughters (Banerjee, 2023). Other beauty- related skills, such as hairstyling, require formal qualifications and exams (Banerjee, 2023), making these skills inaccessible to women with limited means.

The beauty service providers who work through digital labour platforms, though working on different platforms, experience similar working conditions and follow similar processes. This structure allows platforms to scale efficiently while externalising costs and risks to the service providers. Platform-based companies are asset-light, using the assets of service providers to get the work done (Kleiner, 2016; Daugherty & Wilson, 2018; Surie, 2023). For example, platforms like Urban Company, Yes Madam, BeU Salon, and Zoylee do not employ a single beautician or own beauty products, but instead

provide customers with beauty experiences. To enter the beauty segment of these platforms, service providers need not only access to economic capital but also social and cultural capital. This undermines the claims made by the government and labour platforms that the platform economy is open to all and serves as a solution to India's unemployment crisis.

Economic Capital

Each platform claims to charge a commission from the service provider for connecting them with service requesters. However, this paper will explore how the contributions of service providers to the platform go beyond commissions or penalties. Platforms expect service providers to make economic investments, starting with the requirement that all service providers own a smartphone and pay for mandatory training. Service providers must also buy beauty products from the platform and pay for travel costs. For women who are trapped in traditional family roles and patriarchal norms, gaining access to these digital technologies is often challenging.

Training Fee

Despite having work experience, service providers must undergo a mandatory, rigorous training process before joining a platform (Anwar, Pal & Hui, 2020; Chaudhary, 2020). No beauty service provider is onboarded without completing this training. The platforms claim that the training is designed to ensure uniform quality of services (NITI Aayog, 2022). However, most individuals who reach the training stage already possess basic beauty skills, which are tested during the initial stages. In the case of experienced service providers, they are either working in salons or already have their own clientele. The length and intensity of training vary from platform to platform, with larger platforms like Urban Company and Yes Madam requiring a minimum of 2 weeks - 45 days of training. Smaller platforms such as BeU Salon and Zoylee have shorter training periods.

Service providers often face additional costs during training, including travel and food, leading to a financial burden, especially for those from lower-income backgrounds. Furthermore, when service providers re-enter a platform after exiting, they are required to undergo training again, essentially starting from scratch. This not only involves additional costs but also means losing the opportunity to earn during the training period.

The service providers who join the platform at different times and with varying skill levels are required to undergo training of varying durations. The length of training differs depending on the size of the platform; larger platforms tend to have more extensive training programs than smaller platforms. There has never been a universal training period from the outset.

During the training, service providers must spend days at the training centre, which entails giving up the opportunity to earn an income. Not only do they lose the ability to earn, but they also have to pay for their travel and food expenses, among other costs. Not every female beauty service provider can afford this, which narrows the opportunity for potential workers to enrol in beauty platforms.

If service providers re-enter the platform after exiting, they are required to undergo training again, just like any other new entrant (Ravel & Pal, 2019). This applies both to service providers returning to their previous platform and to those entering a new beauty platform. According to DFS (2021), individuals who return to the platform after a gap of five months or more are supposed to undergo a 1-day refresher training, although no evidence of this was found in the field. The service providers in the sample shared that when rejoining the platform or entering a new one, they were expected to go through full-fledged training again, pay training fees, and purchase product kits. While some service providers may undergo a shorter refresher course of 2-3 days if they were previously trained, they are still required to purchase products and pay the full fees again, starting from the bottom. This again incurs the cost of opportunity loss for the service provider.

Service providers with low ratings or poor reviews either undergo retraining or are excluded from the platform (Anwar, Pal & Hui, 2020; DFS, 2021; Chaudhary, 2020). Retraining is often viewed as a means of 'fixing' the service provider (Anwar, Pal & Hui, 2020). Service providers go through short-term in-house training, but according to those who participated in these training sessions, the content is often repetitive and serves as a form of punishment rather than professional development. This practice has decreased in recent times as platforms onboard mass service providers, and 'faulty' service providers are excluded from the platform after being blocked.

Large platforms such as Yes Madam and Urban Company charge their service providers for training, while smaller platforms like BeU Salon and Zoylee provide training free of cost. Initially, Urban Company (formerly Urban Clap) used to train its service providers for free. However, after the lockdown, Urban Company began charging[1] 8,000 to ₹ 10,000 for training, which discouraged many financially weaker service providers from joining (DFS, 2021).

Richa, an Urban Company service provider, shared, "I took 25 days of training at Urban Company. I spent Rs. 45,000 on the company, of which Rs. 10,000 was for training, and the rest was for the kit." (Interview, 2022).

Similarly, Yes Madam service providers also pay substantial amounts for training. Sushma, a service provider with Yes Madam, shared, "Inexperienced beauticians who undergo one-month training must pay Rs. 10,000, and those who attend three months of training must pay Rs. 20,000 for the program. Experienced service providers undergo 10-20 days of training, and those who complete the training in 20 days or less must pay only Rs. 2,500 as an enrolment fee. If a service provider does not pass the test after 20 days, they must continue training and pay additional fees accordingly." (Interview, 2022).

Larger platforms like Urban Company and Yes Madam, if they extend the training period for service providers, also ask for additional fees.

These training fees have become another revenue source for the platforms, and aspiring service providers have effectively become a means of extracting money. Even before the service provider becomes 'live' on the platform, they have already invested thousands of rupees.

Platforms that insist on training service providers before they join should bear the costs themselves. According to PLFS, 2023-24 data, the average monthly income of self-employed people was Rs 13,279, while it was Rs 5,497 for women and Rs 16,007 for men. Median earnings in the country, as per PLFS 2023- 24, are near Rs. 9,000 per month (CPI(M), nd). This means women from major sections of our society cannot enter the platform at the entry level. This income disparity restricts access to the platform, particularly for women, who generally do not have the financial resources to afford the training costs. Beauty work in India, often involving manual skills, does not necessarily yield high fees, and women workers, lacking a financial safety net, are more vulnerable to this situation (Sanyal & Seth, 2023). Thus, it is difficult for these women to pay for entry into the platform.

In addition to training fees and opportunity costs, service providers must also cover travel expenses. Bourdieu (1986) discussed how expensive, fee-paying schools perpetuate inequality by imposing barriers for students from ordinary backgrounds. Similarly, training programs for poor beauticians on larger platforms are obstructed by their fees, making them accessible only to those with sufficient financial means. Service providers from wealthier families are more likely to be part of larger platforms.

BeU Salon and Zoylee do not charge service providers for training or conduct extensive training. However, in return, they do not guarantee regular work for the service providers. Consequently, service providers must decide whether they can afford to pay for additional training in exchange for more regular tasks. Thus, service providers must weigh the trade- off between investing in training and the prospect of stable work. This limits access to larger platforms to those service providers who have enough capital to invest in training. This clearly demonstrates the concept of "money begetting money."

Buying Beauty Products and Uniforms

After completing training and before being onboarded onto the platform, beauty service providers are required to purchase beauty products to be used in their services. The nature of the work requires the use of specific beauty products, and the platform determines the brand of products to be used. These decisions are made without consulting beauticians, as the platform predetermines the brands. Service providers must purchase these products with their own money. Large platforms like Urban Company and Yes Madam do not allow service providers to purchase products from the local market, citing the need to maintain uniformity and product quality. Service providers are expected to buy products from the platform itself, with penalties applied for buying products elsewhere. In the case of Yes Madam, they provide their own branded products, which service providers believe are not available in the open market.

Anisha, an Urban Company service provider, shared, "The company doesn't check whether the beautician can afford the products or what we think about the products. The electric tools, which cost Rs. 1,500 in the market, are sold by Urban Company for Rs. 3,200-3,500. Similarly, products like facial kits, which can be bought for Rs. 180 in the market, are sold by Urban Company for Rs. 240." (Interview, 2022).

Sanjana, a Yes Madam service provider, shared that the products are available at cheaper rates in the market compared to what Yes Madam charges. She noted, "Zara's facial is priced at Rs. 260 by the company but is available for Rs. 230 in the market. O3 facial costs Rs. 460 from the company, but the same product is available for Rs. 430 in the market. The service price may be reduced, but the product price remains the same (Interview, 2022)."

After selection, service providers are expected to purchase a kit for Rs. 25,000-30,000

from Urban Company, which includes products, appliances, and uniforms (Chaudhary, 2020). A Rs. 40,000 product kit comprises 84 items (DFS, 2021). Once enrolled, service providers are expected to replenish their products exclusively from the platform. The cost of the initial kit ranges from Rs. 20,000 to Rs. 70,000, depending on the platform. After the initial kit, service providers at larger platforms like Yes Madam and Urban Company are required to buy products exclusively from the platform. Occasionally, the price of these products is cheaper in the open market compared to the platform's price.

Smaller platforms, which allow service providers to buy products from the open market, conduct regular audits of the products used by their service providers. Chaudhary (2020) mentioned that Urban Company offers products at a discounted rate, a claim that some service providers support, while others refute, stating that Urban Company products are more expensive than products available in the open market (Barik, 2021). A similar trend is observed across other platforms, with service providers expressing mixed opinions about the pricing of platform-supplied products. This discrepancy may be due to socio-economic backgrounds, as service providers from lower-income communities are more likely to find similar products at lower prices in their local markets. Despite the higher costs, service providers tend to prefer larger platforms because these platforms are able to provide enough work to generate a reasonable income.

These platforms either deliver the products to the service providers' homes or require the service providers to pick them up from the platform's office. In the case of home delivery, if the total amount of products delivered is below a certain threshold, the service provider must pay additional delivery charges.

Shobha, an Urban Company service provider, shared, "The products the company provides are Rs. 5 more than the market price, plus they charge Rs. 100 for delivery. However, others say the cost is similar to the market price. I prefer buying products for over Rs. 500 at once so that I don't have to pay delivery charges. For products under Rs. 500, I have to pay a delivery fee (Interview, 2022)."

When a new service provider joins Urban Company or Yes Madam, even if they already have products, they are forced to repurchase the entire kit from the platform. This is not a one-time investment; the service provider is expected to buy products each month and replenish their kit when it runs out.

If platforms require service providers to purchase products to maintain authenticity, they should provide provisions allowing service providers with their own products to have them audited. In reality, these platforms treat service providers as sources of revenue- effectively, customers of the platform. The service providers become customers who have no bargaining power. They are coerced into buying products at the platform's predetermined rates, with no option to negotiate or choose alternative suppliers. They must purchase the prescribed products in the specified quantities at the set prices, leaving service providers with zero bargaining leverage.

Yes Madam has established its own brand and set up a factory to produce its products. As of FY 2023, Rs. 495.3 crore of Urban Company's revenue came from services provided across various sectors, while [1] 140.35 crore came from products sold mainly to service providers, and also to customers (Moneycontrol, 2023). These earnings from the sale of products have increased from Rs. 91.7 crore in FY 2022 (Moneycontrol, 2023), demonstrating that at least some revenue is directly derived from the workers. They manufacture their own branded products, which are not available in the open market. This forces service providers to purchase from them. This represents a form of strict control over the products used by service providers. Moreover, the platform's products are not always priced below market rates, thus offering a negligible advantage to service providers. By compelling service providers to buy products exclusively from the platform, the platform generates revenue through this forced transaction.

The requirement to purchase products from the platform is justified under the guise of ensuring standardisation and protecting service providers from any liability related to customer complaints (DFS, 2021). These products are often packaged in single-use sachets and are opened in front of customers to show there is no tampering. This further intimidates service providers into buying from the platform itself. The relationship between beauticians and clients, once based on trust, is now increasingly standardised with platform seals and certifications. Service providers are coerced with a paternalistic view, justified as being for their "own good."

Smaller platforms, like BeU Salon and Zoylee, adopt different approaches to managing their service providers. While they may determine the brand of products expected to be used, they do not force service providers to buy them from the platform.

BeU Salon service providers who buy their kits from the company must pay Rs. 30,000 to Rs. 40,000 for them. However, beauticians who already own their tools or products are not required to repurchase them from the platform.

Geeta, a BeU Salon service provider, shared her experience during onboarding: "While joining the platform, they said that if we have tools and products of our own, we could get them checked at the company. Only the missing products, which are specific to the company, need to be purchased from them..." (Interview, 2022).

If given flexibility, service providers could make purchasing products more economical. Himani, a BeU Salon service provider, shared, "I bought the kit from the company for Rs. 20,000-22,000. It didn't include machines, and the kit with machines was much more expensive. A pedicure tub costs Rs. 5,000 from the company, but when bought outside, it costs only Rs. 1,700. After buying the machine from outside, I got it approved by the company." (Interview, 2022).

In BeU Salon, service providers are expected to buy their products from the market. They conduct audits every six months to check the products and tools being used.

Zoylee allows beauticians to purchase products on their own from the market. They provide the names of the brands to be used but do not supply products themselves, offering some relief to service providers.

The high prices of products and the strict rule of purchasing only from the platform further marginalise the service provider. New platforms, aware that many service providers have previously worked with larger platforms like Yes Madam or Urban Company, understand that they may not have the resources to monitor service providers' product usage as strictly. These newer platforms allow service providers to either use their existing tools and products or buy them from the open market. This flexibility makes it easier for service providers, who have previously worked with bigger platforms, to transition to new platforms. Additionally, these newer platforms often attract skilled service providers who are ready to be deployed immediately, as they are already trained. By adapting to the changing market, these platforms have attracted many capable service providers with minimal investment.

Uniforms for beauticians have become standard in larger salons, and this practice has been replicated in the platform-based model. However, in most cases, service providers are expected to purchase their uniforms from the platform.

Richa, an Urban Company service provider, shared, "We need to buy everything from products to uniforms from the company. The uniform consists of a black t-shirt and black pants. The uniform is part of the kit and costs Rs. 400." (Interview, 2022).

Muskaan, a Yes Madam service provider, shared, "We are expected to buy uniforms from the company, which include a shirt and an overcoat. We even have to wear black socks." (Interview, 2022).

Ridhi, a BeU Salon service provider, shared, "We are supposed to buy the uniform. The t-shirt is an important part of the uniform. We can wear our own lowers, but wearing the company t-shirt is mandatory." (Interview, 2022).

Platforms require service providers to wear uniforms, but Yes Madam, Urban Company, and BeU Salon expect service providers to pay for the uniforms themselves. The expectation that service providers to purchase uniforms, in addition to other products, is unfair. Beauty platforms often promote the use of uniforms, but the burden of purchasing them is placed squarely on the service providers. Zoylee, however, provides uniforms free of cost.

Loans for Training and Product Purchases

Given the high training and kit charges, many service providers are unable to afford them. To address this, larger platforms like Urban Company and Yes Madam offer loan services to aspiring service providers. Urban Company began providing loans to service providers after March 2020.

This standardisation of service provision leads to continuous exploitation of service providers, bordering on extortionate practices.

Lipi, an Urban Company service provider, shared, "The company facilitates us with a loan. They deduct the loan repayment from the tasks we perform. If we perform tasks worth ₹ 1,500, ₹ 250 goes toward loan repayment, ₹ 250 goes to Urban Company as commission, and ₹ 1,000 reaches our account. The loan is for 6 months; the kit will belong to me after repayment." (Interview, 2022). Sometimes, loans are for 3 months and are repaid while working for the platform.

Many Urban Company service providers bought their initial kits with the help of a loan. Others used their savings. The loan system is not only exclusionary but also imposes a significant economic burden on service providers.

Those who do not have the upfront capital are offered loans from a bank, which can be repaid in two to three months with interest (Chaudhary, 2020). Urban Company service providers can repay their loan in four months at an interest rate of between 18.5% and 23.2% (DFS, 2021). Service providers must provide electricity bills, voter ID cards, and post- dated signed cheques to obtain loans.

Yes Madam initially did not provide loan services, but later introduced loan facilities for their beauticians. However, these loans are different from those offered by Urban Company. In Yes Madam, service providers must pay EMIs every month, which adds pressure as the loan amount is not automatically deducted from their earnings.

Savita, a Yes Madam service provider, shared, "The bank people came to my home for a proper check. It was like a formal loan process… I have to pay the loan from my own pocket, as I don't earn enough from Yes Madam to pay the 15-day EMI." (Interview, 2022).

Urban Company offers an internal loan repayment method,

whereas Yes Madam has an external one. Despite the availability of loan facilities, many service providers are wary of falling into a debt trap. This cycle of indebtedness makes it challenging for service providers to exit the platform easily (Ghosh, Zaidi & Ramachandran, 2022). Service providers who join under the burden of loan repayments are under additional pressure to perform tasks and comply with platform rules to pay off their debt. They live with the constant fear of falling further into debt.

This system of working with loans is not intuitive for many service providers and remains a painful experience. Platforms, while enabling loan schemes, also rely on this mechanism to maintain their compulsory training and product purchases. However, they do not seem to be as concerned about the burden loans place on service providers. Smaller platforms do not offer loan services to their service providers, nor do they expect them to purchase products compulsorily from the platform.

Travel Costs

In our patriarchal society, women typically do not own vehicles, as they are often seen as family assets. As a result, service providers rely on various modes of transport to get to work. For many, travel involves either driving their own vehicles,

relying on male family members to drop them off, or using two-wheeler taxis.

Richa, a Yes Madam service provider, shared, "My husband picks me up and drops me at the client's home. My husband is very supportive of my career, even though he doesn't have a full-time job." (Interview, 2022).

For many in the sample, the lack of personal transportation means relying on public transport or, more commonly, digitally mediated motorbike taxis. These rides are often expensive, and their fluctuating prices add to the financial burden on the service providers This dependency creates an exclusionary system, limiting access to certain classes of workers.

DFS (2021) found that 13.3% of service providers in their sample used auto rickshaws, but this did not align with the findings of this study. Many service providers could not afford auto rickshaws, nor could they use them to navigate the narrow lanes of clients' homes in Delhi NCR. While platforms may recommend services to facilitate task completion, they do not cover the cost of commuting. Thus, the travel cost remains an additional burden that service providers must bear.

Cultural Capital

The restriction on entry to beauty platforms is not only limited to economic capital but also includes a lack of cultural capital, which plays a significant role in limiting access. In this context, cultural capital refers to the embodied knowledge, mannerisms, and social cues that align with dominant class-based aesthetics and behaviours. Historically, after the 1970s US financial crisis, companies began competing for consumers by developing brand identities and lifestyles that appealed to niche consumer sensibilities (Mears, 2014). This meant workers were expected to present themselves in a particular way. Similarly, beauty platforms hire workers who they deem culturally fit—those who align with the platform's aesthetic standards (Mears, 2014). Service providers are thus expected to represent the brand not only through their technical skills but also

through their appearance and conduct. The "perceived attractiveness, dress sense, grooming, voice, affect, and the ability to relate well with people" are what Bourdieu (1984, cited in Mears, 2014) termed as embodied cultural capital. These 'feminine aesthetics' are expected to be embodied by women beauty workers (Banerjee, 2023). Through training and on boarding, platforms actively ensure that service providers meet these cultural expectations.

English Language

Though service providers in this study were based in Delhi NCR, their proficiency in English became an important criterion for securing entry to the platform.

Sidhi, an Urban Company service provider, recalled visiting the Green Park office of Urban Company in 2016. She shared, "Their skills were the most important. At that time, conversational skills didn't matter. The only thing that mattered was our technical knowledge (Interview, 2022)." However, later, some service providers from Urban Company shared stories of their friends who couldn't get enrolled because they were unable to clear the written test or speak simple English phrases.

Despite the importance of skills, one service provider from Urban Company noted an exception, "A beautician was very good at her work, but couldn't clear the theoretical part of the test because she wasn't very educated. Urban Company made an exception and hired her. I topped the test, so I didn't find it unfair, and I was happy about the work." (Neha, Interview, 2022).

This exception highlights that, despite being highly skilled in a profession that doesn't require frequent verbal interaction with clients, fluency in English has emerged as a gatekeeping tool. Platform work often relies on algorithms that can match workers with households speaking their regional language. As long as a beauty service provider possesses the required skills and a conceptual understanding of her work, language proficiency should not be a prerequisite for platform entry.

Chandrika, an Urban Company service provider, shared, "My friend Babita came for training with me. After taking the training and buying the kit, she wasn't enrolled because she didn't know English. Is this justified? It's not like we stay in England—everyone speaks Hindi here." (Interview, 2022).

In metropolitan cities, English has become a crucial aspect of work due to the globalisation of the workforce. Service providers often lose out on platform opportunities not because of a lack of skill, but due to a lack of English fluency. In Urban Company, service providers are introduced to basic technological terminology during training, such as "bank," "app," "leads," "credits," "ratings," and "reviews" (Komarraju, Arora & Raman, 2021). There have been instances where service providers dropped out during training because they were unable to understand the English terms used (Komarraju, Arora & Raman, 2021).

In India, English remains largely accessible to upper- middle-class urban populations, reproducing linguistic hierarchies rooted in class and caste divisions. This linguistic barrier reinforces exclusion, with platforms aiming to cater to a metropolitan clientele while unfairly demanding proficiency in English, even in non-English-speaking regions like Delhi.

Mannerisms

Mannerisms play a crucial role in forming the relationship between the client and the service provider. The physical appearance, communication style, and behaviour of beauty service providers are often used as selling points by employers (Karlsson, 2012, cited in Deori & Rajagopalan, 2018). Beauty industry employers seek workers who "appear good and sound right," making their physical attributes an extension of their professional identity (Macdonald & Merrill, 2009, cited in Deori & Rajagopalan, 2018; Chris Warhurst & Dennis Nickson, 2001, cited in Mears, 2014). In platform-based work, service providers are expected to maintain these performative mannerisms continuously, making them integral to the brand's appeal.

The beauty service providers change their way of communicating to adopt "polite, manufactured identities" (Sanders, 2005, cited in Sanders, Cohen & Hardy, 2013). This standardisation of service alienates the service provider from the process of providing their labour, as it reduces their personal input and subjectivity (Blauner, 1964, cited in Grint, 1991). In other words, they must perform an identity that is not entirely their own. The commodification of language and mannerisms leads to alienation, with the service provider feeling powerless, isolated, and estranged from their work (Rubin, 2008).

Shama, an Urban Company service provider, shared, "During training, we were taught things we hadn't learned at the salon. At the salon, if a client was younger than us, we'd address her as 'tu'; if older, we'd say 'tum'. But here, no matter how young the client is, we address her as 'ma'am.'" (Interview, 2022).

This reflects the embourgeoisement of service providers, not in private life but in how they present themselves at work. They are expected to adopt the service mannerisms of high- end salons, which are in line with the expectations of upper-class clientele. These mannerisms, which may differ from their natural social interactions, feel disconnected from the service providers' social context. The shift from informal greetings such as "didi" and "tum" to more formal "ma'am" and "aap" represents the move from traditional ways of greeting to those more in line with service economy norms.

Service providers are also trained to never refuse customers, always remain polite, and apologise even when they make a mistake. Jaya, an Urban Company service provider, shared, "During training, we were taught how to ask if clients wanted us to remove our shoes outside or wear them. We were taught how to ask clients for water in a polite manner. Even if the client is rude, we are told not to respond rudely, but to call customer care instead." (Interview, 2022).

Anuradha, also from Urban Company, shared that they were trained to "remain polite, apologise for mistakes, not be aggressive, and

never say 'no' to customers. If there's a problem, we're expected to explain it to the client politely." The training also involved sessions on work-related etiquette, customer relations, and mannerisms required to increase sales.

Service providers engage in both aesthetic labour (Mirchandani, 2012) and emotional labour (Hochschild, 1983). While emotional labour is a common practice in personal lives, in beauty jobs, it is performed in public, professional settings (Banerjee, 2023). Beauty workers often begin to view their work as a form of therapy (Banerjee, 2023).

Beauty service providers are expected to perform emotional labour, responding to clients' demands for emotional engagement. While performing their jobs, they must always sound pleasant, smile, and exhibit patience with customers. This emotional display is manipulated to align with what is culturally sensitive to the customers (Rajan- Rankin, 2017; Upadhya & Vasavi, 2008). As the face of the company, beauticians are tasked with calming customers and, according to their training, solving their problems. This process involves managing emotions, showing empathy, and being patient. Since there is no gain for customers in treating employees kindly, they often do not reciprocate the niceness with pleasantness (Terkel, 1972; Rajan-Rankin, 2017). Such abuses are normalised, and service providers must manage customer interactions without being rude (Rajan-Rankin, 2017).

Femininity, in this context, extends beyond physical expression to include temperaments such as care, patience, and intimacy (Banerjee, 2023).

These traits are institutionalised through the platform's expectations, requiring service providers to accept a management-approved personality type and engage in other professionally accepted behavioural changes, acting as an internal panopticon (Ogbor, 2001, cited in Upadhya, 2008). This requires service providers to participate in impression management, a concept coined by Erving Goffman, which refers to how individuals manage the impressions others form of them

(Ravenelle, 2017).

Service providers in beauty platforms use both "front stage" and "back stage" roles while performing their work.

There is a notable difference between working in a salon and at a client's home. At home, alongside technical skills, a service provider's mannerisms become more prominent (Komarraju, Arora, & Raman, 2021). While service providers must display appropriate mannerisms both in salons and at clients' homes, these mannerisms are more closely scrutinised in the home environment. Additionally, if anything goes wrong, there is no fellow worker to help diffuse the situation as there would be in a salon. The beauty platform work is repetitive and requires the service provider to adhere to scripted mannerisms.

Training provided by beauty platforms is not just skill-based but also covers interpersonal skills and soft skills, such as etiquette and customer relations (DFS, 2021; Anwar, Pal & Hui, 2020; Chaudhary, 2020). This system forces beauticians from lower socio-economic backgrounds to adopt mannerisms aligned with the habitus of middle-class clientele. Here, the service provider's embodied cultural capital, as defined by Bourdieu (1986), comes into play. During training, service providers acquire the cultural capital necessary for their work.

Aesthetic labour also involves not just looking good but sounding right (Chris Warhurst & Dennis Nickson, 2001, cited in Mears, 2014). This concept is often used to describe employees who must act as "brand enhancers" or "walking billboards" for their employers (Zeithaml & Bitner, 2003, cited in Mears, 2014). However, in this case, the workers are technically "self-employed," making the expectation for them to serve as flag-bearers for the platform company unreasonable. Why should a non-employee be required to adopt the company's mannerisms without receiving additional benefits in return?

Physical Appearance

The cultural image of femininity is often

constructed as a bourgeois ideal, associated with physical, social, and cultural features that working-class women do not possess (Banerjee, 2023). Female workers from lower socio-economic backgrounds often feel stigmatized, which forces them to "recast their gendered embodiments as gender capital" to succeed in the highly gendered labour markets of the beauty industry (Banerjee, 2023).

Across beauty platforms, service providers are expected to wear company uniforms, maintain well-groomed appearances, and apply light makeup, including eyeliner and lipstick. Their hair must be neatly tied, and their nails should be short and trimmed to avoid hurting customers during services like facials. Beauticians who wear bangles are expected to remove them while performing beauty services.

Some service providers take pride in their uniforms, associating their professional appearance with that of air hostesses. This internalisation of the platform's standards makes service providers look uniform, often erasing their individuality. Uniforms and makeup become part of the beautician's identity within beauty salons (Deori & Rajagopalan, 2018), and service providers glamourise this as comparable to professionals like flight attendants, who must look presentable to allow clients near their bodies (DFS, 2021).

Goffman's concept of the "mortification of self" explains this process, where individuals are denied a sense of self through uniformity, leading to the production of a compliant "new self" (Goffman, 1959).

Service providers are systematically made to believe that if they are not properly groomed or well-dressed, customers will not respect them (Ravel & Pal, 2019). The platform positions the reference group for service providers as large salon workers or air hostesses, expecting service providers to embody their social identity and behaviour. This emphasis on aesthetic labour gives service providers a sense of belonging to an aspirational world (Williams & Connell, 2010, cited in Mears, 2014).

The homogenization of service providers'

appearances leads customers to expect a particular sanitised look. The companies present the groomed bodies of beauty workers as "material signifiers" that customers can purchase (Mears, 2014), effectively judging beauticians based on their physical appearance. Gopi, an Urban Company service provider, shared, "Work is work. At times, clients judge us based on our looks. If we don't look pretty, it's because we don't have time to groom ourselves. We are here to clean them... (We are all) same people, same humans." (Interview, 2022)

Women beauticians' bodies serve as "class-based constructs of gender" that reinforce cultural norms associating femininity with class-based expectations of nurturance, deference, and sexual attractiveness (Otis, 2011, cited in Mears, 2014). This not only reduces women to their socially constructed images but also limits their ability to think more critically about the nature of their work and the autonomy they have in presenting themselves. The platform encourages the normalisation of using their bodies for aesthetic value, presenting them as mere display objects (Mears, 2014). Aesthetic labour denaturalises beauty, illustrating how attractiveness is produced and organised within the platform (Mears, 2014).

Social Capital

The expectations placed on service providers extend beyond cultural and economic capital. Service providers without appropriate social capital often struggle to enter or sustain work within these platforms. This results in the reinforcement of social ties.

Models for Training

The training before onboarding often includes daily trials and demonstrations of skills on models. These models act as clients, and service providers practice their beauty skills under the supervision of trainers. In larger platforms like Urban Company, trainees are expected to arrange their own models.

The models are required both during training and for the final examination, adding to the social

and economic burden of the trainees.

Sanjana, an Urban Company service provider, shared, "For training, I had to arrange a model for 15 days... Though Urban Company initially said they would provide a model, they never did. Finding a model was a tedious job. Models are usually friends or relatives. Since the training is long, on days when family or friends are unavailable, we even have to pay someone ₹ 300-400 for the day. Sometimes, all the trainees share models that are available in the training room due to the shortage." (Interview, 2022)

Arranging for a model who can forgo their own economic opportunity costs is difficult. Models, typically peers of service providers, come from similar socio-economic backgrounds and cannot afford to spend time and travel just to help a trainee. Only close friends or family, who share a social bond with the service provider, agree to assist. When unavailable, service providers must pay someone within their circle to be a model. This is viewed as an investment for future earnings. This burden was not present platforms like Yes Madam, BeU Salon, or Zoylee, where service providers practice on each other during training. However, they still must bring in models for their final exam.

Zoylee, on the other hand, trains its service providers for one day and onboard them after testing, allowing service providers to showcase their skills on each other without needing to arrange or pay for models.

Network Effects

The success of a digital labour platform heavily relies on its ability to add more service providers and customers.

Onboarding new Clients: Platforms often create schemes to encourage service providers to onboard their personal clients onto the platform, making them believe they are benefiting from the added clients, while in reality, they are just expanding the platform's client database.

A few service providers, to function smoothly, add their personal customers to the platform. Sudha, an Urban Company service provider, shared, "In June 2022, our company prepared visiting cards for us. We have the opportunity to share our information via WhatsApp. If customers call me after seeing my card, I get ₹ 300 per person." (Interview, 2022).

Simi, an Urban Company service provider, shared how she encouraged her personal clients to book her services through the platform app and asked them to leave positive reviews and ratings in return for extra services. She also enlisted the help of her friends to do the same. Service providers can share the link to their online platform-linked ID or visiting card with clients, asking them to book through this link to increase their ratings.

This strategy of onboarding personal clients and asking for favourable ratings ultimately benefits the platform in the long run, as it leads to more service requests. Through this method, the platform attracts clients that it may not have otherwise been able to access, thanks to the network effect.

Onboarding new Service Providers

Service providers on digital platforms are often those who have previously worked as beauticians. These individuals are introduced to the platform by other service providers already registered. These connections are typically made through friends or female family members. A small number of service providers mentioned learning about the platform either by seeing other beauty workers in uniform on the road or through advertisements on television, which prompted them to search for the platform online. This indicates that service providers are more likely to enter a platform when someone from their personal circle—be it a friend or family member—invites them. The peer-to-peer network effect plays a major role in this process, especially when referral bonuses are tied to these connections, although the rules regarding bonuses are often unclear.

Many service providers had heard of the referral program but shared that, despite being promised a referral bonus, they did not see any monetary benefits. Even without clear financial

incentives, beauticians onboarded their personal contacts, showcasing their work awareness and understanding of the platform's rules.

Vidhi, an Urban Company service provider, shared, "When I joined the platform, my friend got a referral bonus of ₹ 1,000. However, when I referred another friend, I didn't receive any monetary benefit." (Interview, 2022).

Most service providers rely on their informal network of friends for information about new platform enrolment opportunities. This social capital, coupled with the network effect, plays a critical role. The direct network effect is particularly strong in this system, where users beget more users (Evans & Gawer, 2016; Srnicek, 2017; McAfee & Brynjolfsson, 2017).

Other platforms similarly rely on their service providers to inform them about job openings. While these platforms have mechanisms in place to pay for each referral, many service providers do not receive the promised monetary benefits, despite referring multiple friends. This issue is rooted in limited knowledge, zero transparency on the part of the platform, and bureaucratic inefficiencies, preventing service providers from receiving proper referral bonuses.

IV. CONCLUSION

The participation of women as service providers in the platform economy intensifies their already precarious position in society. Many enter digital platforms hoping to earn an income while managing their unpaid domestic responsibilities. However, the platform's promise of accessibility is often misleading. In patriarchal societies like ours, where women often lack even basic resources, expecting them to possess the economic, social, and cultural capital is unrealistic. Within this structural inequality, digital platforms reinforce existing social hierarchies, granting entry primarily to women from certain socio-economic backgrounds, while those from the most marginalised communities remain excluded from the so-called digitalised economy.

Upon entering these platforms, service providers quickly realise that beauty service platforms impose multiple barriers to their access. Larger platforms promise greater work opportunities but demand substantial financial investment, effectively restricting participation to those who already possess economic capital. High training fees, ranging from Rs. 10,000 to Rs. 20,000, and additional costs for product kits disproportionately disadvantage service providers from the lowest economic backgrounds. Even smaller platforms, which waive training fees often fail to ensure consistent work, leaving service providers in precarious and unstable employment.

Large platforms favour service providers who are proficient in English, expecting them to adopt the platforms' cultural norms and maintain a polished, professional image. This requirement disproportionately excludes service providers from marginalised socio-economic backgrounds who lack access to English-medium education. The implicit costs associated with the expectation of pre-determined mannerisms and professional appearance further narrow the pool of eligible service providers. This situation privileges those with existing social, cultural, and economic capital, mirroring the broader inequalities found in platform economies.

Economic capital is extracted through mandatory investments in products, uniforms, and training. Social capital is exploited as service providers rely on personal networks for referrals and repeat clients, often without financial compensation. Cultural capital is leveraged through demands for professionalism, language proficiency, and adherence to specific behavioural norms, which exclude many potential workers from participation. This systematic exclusion contradicts the platforms' claims of inclusivity, revealing how they actively reinforce class-based inequalities.

Rather than bridging employment gaps, beauty service platforms entrench pre-existing social and economic disparities. Continuous investment in training and products keeps service providers financially bound, limiting their ability to negotiate better terms. If these workers are freelancers, they should have more independence. However, the autonomy initially promised by the

platform is often constrained by external forces, exercised by the platform at various points. Although digital labour platforms claim to democratise employment, they function as active agents shaping labour markets in ways that reinforce privilege and entrench gendered and economic disparities. By examining these exclusionary practices, this paper contributes to a broader understanding of how digital labour economies perpetuate systemic inequalities, rather than offering pathways to economic mobility.

REFERENCES

[1] Adhikary, M. (2019, July 15). UrbanClap joins Modi govt's Skill India mission, to train 30,000 new professionals. Business Today. https://www.businesstoday.in/latest/ corporate/story/urbanclap-joins- modi-govt-skill-india-mission-train-30000-professionals-214389-2019- 07-15

[2] Anwar, I. A., Pal, J. and Hui, J. (December, 2020). Watched, but Moving: Platformization of Beauty Work andIts Gendered Mechanisms of Control. Proc. ACM Hum.- Comput. Interact. 4, pp1-20. CSCW3, Article 250. Retrieved on 30 July 2021 from https://dl.acm.org/doi/10.1145/3432 949

[3] Banerjee, S. (2023). Laboring femininities: Skill, body, and class- making among beauty workers in India. International Labor and Working-Class History, 104, 77–102. Retrieved on 22 March 2025 from https://doi.org/10.1017/S014754792 3000236

[4] Barik, S. (2021, October 8). Exclusive: Urban Company's women workers strike against alleged exploitation. Entracker. Retrieved on 17 January 2022 from https://entrackr.com/2021/10/exclusi ve-urban-company-women-workers-protest-against-companys-exploitation/

[5] Borkenau, F. (1937). The Spanish cockpit: An eyewitness account of the political and social conflicts of the Spanish Civil War. Faber & Faber.

[6] Brailovskaya, V., Joshi, P., John, J. S., & Sharma, S. (2025). Economic lives of digital platform gig workers: Case of delivery drivers in India. IDinsight. Retrieved on 25 March 2025 from https://www.idinsight.org/publicatio n/economic-lives-of-digital- platform-gig-workers/

[7] Communist Party of India (Marxist). (n.d.). Retrieved on 30 March from https://cpim.org/a-note-on-income-distribution-in-india/

[8] Chaudhary, R. (2020). The Future of Work for Women Workers India's: Emerging Gig Economy. The Asia Foundation.Retrieved on 30 July 2021 from http://hdl.handle.net/11540/12346.

[9] Daugherty, P. R. & Wilson, H. J. (2018). Human+Machine: Reimagining work in the age of AI. Boston: Harvard Business Review Press

[10] Deori, B. & Rajagopalan, P. (2018). Northeastern Beauty-care Female Workers in South India: Experiencing the 'Body', Economic Inclusion and Social Exclusion as Migrants. In Indian Journal of Women and Social Change, 2(2), 180–201. Retrieved on 7 August 2020 from https://journals.sagepub.com/ doi/10.1177/2455632717735729

[11] Digital Future Society (DFS). (2021). Gendered practices on digital platforms: beauty workers and their customers in India. Barcelona, Spain.

[12] Evans, P. C. &Gawer, A. (2016). The rise of platform enterprise: A global survey. The center for Global enterprise.

[13] Gandini, A. (2016). The reputation economy: Understanding knowledge work in digital society. London: Palgrave Macmillian

[14] Gandini, A. (2019). Labour process theory and the gig economy. Human Relations, 72(6), 1039–1056. https://doi.org/10.1177/0018726718 790002

[15] Ghosh, A., Zaidi, M. & Ramachandran, R. (2022) Locating women workers in the platform economy in India – old wine in a new bottle?, Gender & Development, 30 (3), 765-784, DOI:10.1080/ 13552074.2022.21312 58

[16] Goffman, 1956—Goffman, E. (1959). The presentation of self in everyday life. Bantam Doubleday Dell Publishing Group.

[17] Grint, K. (1991). The sociology of work. Cambridge: Polity Press

[18] Hochschild, A. (1983). The Managed Heart: Commercialization of human feeling. Berkeley: University of California Press.

[19] Kleiner, D. (2016). Counter anti disintermediation. In T. Scholz & N. Schneider (Eds.), Ours to hack and to own (pp. 55-59). New York: OR Books

[20] Komarraju, S. A., Arora, P., and Raman, U. (2021). Agency and servitude in platform labour: A feminist analysis of blended cultures. In Special Issue by A. L. Guzman, & S. Natale (eds.) 'Reclaiming the Human in Machine Cultures.' Media, Culture & Society, 1-18.https://doi.org/10.1177/0163443721 1029890

[21] Krishan, A. and Graham, M. (2023, May). Does Digital Platform Work Empower Women and Gender Minorities? In S. Dewan & K. Sanyal (Eds.). Empowerment or Exploitation: Global Perspectives on Women's Work in the Platform Economy, pp 134-135. JustJobs Network. https://www.justjobsnetwork.org/file s/empowerment-orexploitation-global-perspectives-on- womenswork-in-the-platform- economy_may-2023.pdf

[22] McAfee, A. and Brynjolfsson, E. (2017). Machine platform crowd: Harnessing our digital future. London: W. W. Norton & Company

[23] Mears, A. (2014). Aesthetic labor for the sociologies of work, gender, and beauty. Sociology Compass, 8(12), 1330–1343. Retrieved on 29 March 2025 from

https://compass.onlinelibrary.wiley.c om/doi/10.1111/soc4.12211

[24] Mirchandani, K. (2012). Phones clones: Authenticity work in India's transnational service economy. New Delhi: Cambridge university press India Pvt. Ltd.

[25] Moazed, A. and Johnson, N. L. (2016). Modern monopolies: What it takes to dominate the 21st century economy. New York: St. Martin'sPress

[26] Moneycontrol. (2023, August 21). Urban Company's FY23 revenue rises 45%, loss down 39% to Rs 312.5 crore. Moneycontrol. Retrieved on 22 March 2025 from https://www.moneycontrol.com/new s/business/urban-companys-fy23- revenue-rises-45-loss-down-39-to- rs-312-5-crore-11231341.html

[27] Nair, G. (2023). The political economy of gig work in the pandemic: Social hierarchies and labour control of Indian platform workers. Journal of South Asian Development, 18(3), 409-430. Retrieved on 28 March 2025 from https://ideas.repec.org/a/sae/soudev/v18y2023i3p409-430.html

[28] NITI Aayog. (2022). India's Booming Gig and Platform Economy: Perspectives and Recommendations on the Future of Work. Retrieved on 12 February 2025 from https://www.niti.gov.in/sites/default/ files/2022- 06/25th_June_Final_Report_270620 22.pdf

[29] Prassl, J. (2018). Humans as a service: The promise and perils of work in the gig economy. Oxford: Oxford University Press

[30] PTI. (2020, November 1). Urban Company logs strong biz growth post lockdown, confident of doubling revenue in FY21. The Economic Times. https://economictimes.indiatimes.com/tech/startups/urban-company- logs-strong-biz-growth-post- lockdown-confident-of-doubling- revenue-in- fy21/articleshow/78981072.cms?fro m=mdr

[31] Rajan-Rankin, S (2017). Invisible bodies and disembodied voices? Identity work, the body and embodiment in transnational service work, Gender Work and Organization. Retreieved on 22 May 2022from https://onlinelibrary.wiley.com/doi/1 0.1111/gwao.12198

[32] Rani, U., Castel-Branco, R., Satija, S., & Nayar, M. (2022). Women, work, and the digital economy. Gender & Development, 30(3), 421-435. Retieved on 20 March 2025 from https://doi.org/10.1080/13552074.20 22.2151729

[33] Raval, N. and Pal, J. (November 2019). Making a "Pro": 'Professionalism' after Platforms in Beauty-work. Proc.ACM Hum.- Comput. Interact. 3, 1-17, CSCW, Article 175. Retrieved on 24 July 2021 from https://doi.org/10.1145/3359277

[34] Rubin, A. and Babbie, E.R. (2008) Research Methods for Social Work. Brooks/Cole, Belmont.

[35] Salamon, E. (2009, July 17). Digitizing freelance medialabor: A class of workersnegotiatesentrepreneurialism and activism. In New media & society, 1-18. Retrieved on 13 September 2019 from https:/ journals.sagepub.com/d o i / a b s / 1 0 . 1 1 7 7 / 1461444819861958?journalCode=nmsa

[36] Salamon, E. (2023). Freelance Journalists and Stringers. In The International Encyclopedia of Journalism Studies (eds T.P. Vos, F. Hanusch, D. Dimitrakopoulou, M. Geertsema-Sligh and A. Sehl). https://doi.org/10.1002/9781118841 570.iejs0228

[37] Sanders, T., Cohen, R. L. and Hardy,K. (2013). Hairdressing/ undressing: Comparing labour relations in self- employed body work. In C. Wolhowitz, R. L. Cohen, T. Sanders and K. Hardy (eds.), Intimate, embodied and sexualized labour, 110-125. Critical Perspectives on Work and Employment Series.

[38] Sanyal, K. & Seth, P. (2023, May). Regulating the Platform Economy: Examining Approaches Through a Gender Lens. In S. Dewan & K. Sanyal (Eds.). Empowerment or Exploitation: Global Perspectives on Women's Work in the Platform Economy, pp. 120-133. JustJobs Network. https://www.justjobsnetwork.org/file s/empowerment-orexploitation- global-perspectives-on- womenswork-in-the-platform- economy_may-2023.pdf

[39] Srnicek, N. (2017). Platform capitalism. Cambridge: Polity Press

[40] Stewart, A. & Stanford, J. (2017). Regulating work in the gig economy: What are the options?.The Economic and Labour Relations Review 2017, 28(3) 420– 437. Retrieved on January 3, 2019 from sagepub.co.uk/journalsPermissions.n av

[41] Surie, A. (2023, May). Marketplace Models and Business Strategies: Prioritising Women's Work in the Platform Economy. In S. Dewan & K. Sanyal (Eds.). Empowerment or Exploitation: Global Perspectives on Women's Work in the Platform Economy, pp. 82-95. JustJobs Network. https://www.justjobsnetwork.org/file s/empowerment-orexploitation- global-perspectives-on- womenswork-in-the-platform- economy_may-2023.pdf

[42] Terkel, S. (1972). Working. New York: Ballantine books.

[43] Ticona, J. &Mateescu, A. (2018). Trusted s t r a n g e r s : C a r e w o r k p l a t f o r m s ' culturalentrepreneurship in the on demand economy. New media & society, 1– 21. Retrieved on 10 January 2019 from sagepub.co.uk/journalsPermissions.n av

[44] Upadhya, C. & Vasavi, A. R. (2008). Outposts of the global information economy: Work and

[45] Veen, A., Barratt, T., and Goods, C. (2019). Platform-capital's 'app-etite' for control: A labour process analysis of food-delivery work in Australia. In Work, employment and society, 1-19. Retrieved on 23 August 2019 from https://journals.sagepub.com/doi/abs/10.1177/0950017019836911.

NLUD Journal on 'LABOUR'

CALL FOR PAPERS

Call for Papers:

Second edition of Journal on LABOUR, themed 'Labour, Capitalism and Unfree Labour'

SUB-THEMES

- Nature of work, work relationship and occupational style
- Political economy, informal sector and forms of exploitation
- Labour and Development discourse on forms of oppression of labour
- Feminist analysis of Labour, Migration and exploitation
- Intersectional analysis of Labour confluence
- Marginalized labour categories and historical injustices
- Structure of Labour Law and its exclusion of Laborers
- Just transition debates on labour
- New industries, new cities and new labour
- Urban development and labour
- Outcaste labour in India
- Socio-legal genealogy of Modern Slavery
- Global Capitalism, Global Supply Chains and forms of forced labour

SUBMISSION PROCESS

All the submissions must be made online at submission portal [cllra.com] or at jol@nludelhi.ac.in

TYPES OF SUBMISSIONS

- Special Articles [8000-10000 words]
- Short Articles [5000-8000 words]
- Insights/Perspectives [3500-4500 words]
- Book Reviews/ Case Notes [2500-3000 words]
- Field Notes/Pictorial Commentaries [1-2 Pages]

SUBMISSION GUIDELINES

- All submissions (except Book Reviews) should be accompanied by an abstract of not more than 300 words and 5 important keywords.
- All word limits are inclusive of footnotes.
- Referencing and citations must conform to the **APA Citation style**
- Student submission (UG/PG) will not be considered for the Journal

IMPORTANT DATE

15TH JULY 2025
Submission begins

30TH OCT 2025
Deadline for Final Paper Submission

1ST NOV 2025
Review Process begins

30TH MARCH 2026
Final Acceptance and Confirmation

15TH JUNE 2026
Publication Date

JOURNAL ON LABOUR

Journal on 'Labour' is the flagship double blind peer-reviewed annual journal of the National Law University, Delhi. It is run and published by the Centre for Labour Law Research and Advocacy, NLU Delhi, providing incisive legal scholarship on contemporary labour issues.

Instructions To Authors

All submissions must be accompanied by a cover letter indicating the author's name, affiliation, the submission's title, the author's email address/contact number and declaration of originality. The submissions will be reviewed and edited by the Editorial Board under the supervision of the Editor in Chief.

Co-Authorship is allowed (No restrictions on number of Authors) but Gift Authorship is strictly prohibited.

Types of Submission

NLUD Journal on 'Labour' accepts submissions in the following categories:

- *Special Articles: 8000 - 10000 words*

Special articles shall contribute to theoretical or empirical knowledge within the thematic area of the current Issue. Contributors are expected to engage deeply with the journal's overarching theme, offering innovative and reassessment perspectives.

- *Short Articles: 5,000 – 8000 words*

Authors are encouraged to choose themes of contemporary relevance to ensure the article's significance and impact. While empirical research is highly valued, purely theoretical pieces that provide new insights or challenge existing paradigms are also welcome.

- *Insights/Perspectives: 3500 – 4500 words*

Short theoretical discussion based on contemporary happenings or futuristic solutions on any deadlock around labour on specific areas are welcome under this section. This section would invite write-ups based on real issues which are seldom noticed in the literature.

- *Book Reviews/Case Notes: 2,500– 3,000 words*

The NLUD Journal on 'Labour' accepts only a limited number of book reviews and case notes for each of its issue. Authors are encouraged to review books published by nationally and internationally recognised publishers. Cases must be based on some landmark decision of the Supreme Court or the High Courts on labour issues. The case and book must be related to labour and may encompass interdisciplinary areas within the field of labour studies.

- *Field Notes/Pictorial Commentaries: 1-2 Pages*

This section looks forward to host any methodological material such as field notes or pictorial representation that provides ground narratives/experiences.

Style Guidelines

- All submissions (except Book Review)) should be accompanied by an abstract of not more than 300 words and 5 important Keywords.
- All word limits are inclusive of footnotes
- Referencing and citations must conform to the APA Citation style.

Formatting and Citation Guidelines

- The body of the manuscript should be in Times New Roman, font size 12, with 1.5 line spacing.
- The footnotes should be in Times New Roman, font size 10, with single line spacing.
- A one-line gap must be maintained between all paragraphs and headings.
- All paragraphs must begin with a one-inch indent.
- All hyperlinks must be in black colour and must not be underlined.
- The manuscript should contain only footnotes as a method of citation. Citations must conform to the APA style of citation.

Publisher's Information (To procure the copies of the Journal, please contact)

- Editor-in-Chief: Prof. (Dr.) Sophy KJ, Associate Professor NLU Delhi
- Editorial Office: National Law University Delhi, Dwarka Sector 14, Delhi, 110078
- Publisher: Centre for Labour Law Research and Advocacy
- Email-ID: jol@nludelhi.ac.in

NOTES

JOURNAL ON LABOUR

SUBSCRIPTION FORM

I would like to subscribe to **Journal on Labour** for _____ year(s).

     Individual: INR 400/- per year

     Institutional INR 1200/- per year

     Foreign: USD 100/- per year

(a sum of INR 100 should be included for postal charges in India and USD 10 for air mail for International postal charges)

Payment should be made through NEFT/RTGS to the following account.

     Bank Account Holder Name: **National Law University Delhi**

     Bank Account Number: **13381450000011**

     IFSC Code: **HDFC0001338**

     Bank Name: **HDFC Bank**

In case of Payment through Cheque/Demand Draft, kindly draw the Cheque/DD in favour of THE REGISTRAR, NATIONAL LAW UNIVERSITY DELHI, payable at New Delhi

Registered under GST (Yes/No)

If yes, please provide the GST number: _____

DETAILS OF SUBSCRIBER

Name:

Designation:

Institution:

Mobile/WhatsApp:

Email:

Mailing Address:

Payment Details:

RTGS/NEFT/UTR/Demand Draft No: _____

Signature