

Protection or Obstruction? Women and Precarious Work in India

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Abstract

The central question of this paper considers how India's economic liberalization policy directed under the New Economic Policy (NEP) have impacted the objectives of its labour

policies designed to protect women in precarious work. Particular attention is paid to the negative influence the NEP has had towards women's empowerment schemes from the 1990s onwards, as a decade of reforms have left women with greater wage inequalities, questionable work participation rates, and increased poverty levels. Although India's GDP has increased exponentially from \$267US billion in 1991 to \$691US billion in 2004, (World Bank, 2004) economic growth does not lead automatically to increased gender equity as women continue to have significantly higher levels of unemployment, illiteracy, and poverty levels than men.

Are women 'protected' by the very authorities that perpetuate the powerlessness marking many women workers experiences in India? It will be suggested that women are not 'protected' by the state, but rather, create a protection for themselves by approaching the various forms of state differently, taking into account their own experience, needs, and situation. To understand the relationship women in precarious work have with the Indian state, it is necessary to understand it as a hierarchically arranged array of power relations. Thus, this paper further suggests it is not solely the NEP that has limited women's protection in the workplace, but rather, India's status as a 'soft state' continues to have a significant impact on the implementation of labour policies for women.

I. Introduction

In his 1928 address to a women's college in British India, the future first Prime Minister of India, Jawaharlal Nehru, reflected on the backward status of Indian women when he said, "one could judge the degree of civilization of a country by the social and political position of women. The India that is built will be judged by the position of Indian women."¹ His view of the fundamental rights and duties of Indian citizens was incorporated in the Constitution of India that expounds the principles of equal status and opportunity regardless of religion, caste, creed or sex. Yet, while the notion of equality and the 'protection'² of rights are rooted in the Indian constitution, it is critical to question whether equality really exists among its citizens.³ Can women actualize equality with the same rights as men in the economic, political, and social

¹ S. Gopal, *Selected Works of Jawaharlal Nehru* (New Delhi: Orient Longman, 1982), Vol. 3, p. 361.

² Wendy Brown questions whether one can suggest women are 'protected' by the very power that perpetuates the specific modality of dependence and powerlessness marking many women's experiences across widely diverse cultures. Rai suggests women are not 'protected' by the state, but rather, create a protection for themselves by taking control of their lives by approaching the various forms of state differently taking into account their own experience, needs, and situation. Rai suggests we must understand the relationship that women construct with the state in which they live. This paper will use the term 'protect' loosely as the Indian government contends current labour legislations have evolved for the 'protection' of empowerment initiatives and women's rights in the workplace. See: Wendy Brown, "Finding the Man in the State" *Feminist Studies* Vol. 18, No. 1, (1992), p.9; Shirin Rai, "Women and the State in the Third World," in: H. Afshar, *Women and Politics in the Third World* (London: Routledge, 1998), 25-39.

³ Formal equality has been interpreted as 'treating likes alike'. In contrast however, substantive equality begins with the recognition that equality sometimes requires that individuals be treated differently. Thus, substantive equality is focused on the actual outcome and impact of the law whereas formal equality places attention to the legal and policy issues. Substantive equality is directed at eliminating individual, institutional and systemic discrimination against disadvantaged groups which effectively undermines their full and equal social, economic, political and cultural participation in society. The central inquiry of this approach is whether the rules and/or practices contribute to the subordination of the disadvantaged group. Substantive equality is interested in what has been actualized by the state. See: Ratna Kapur and B. Cossman "On Women, Equality and the Constitution: Through the Looking Glass of Feminism", in: Nivedita Menon (ed.), *Gender and Politics in India* (New Delhi: Oxford University Press, 1999), 197-261.

spheres of Indian society? Are women afforded the same rights in the workplace, and what role does the Central government play in ensuring that women are not subjected to oppressive conditions of exploitation because of their gender?

Since 1947, the Central government has formally recognized the various social constraints that have limited the inclusion of women in the workforce, and consequently, have implemented various labour policies to assist women in their struggle for empowerment. Policy initiatives such as the Minimum Wages Act (1948), the Maternity Benefits Act (1961), the Equal Remuneration Act (1976) etc., originated under India's Congress-led welfare model that were enacted to protect the most vulnerable members of society being members of the Scheduled Caste (SC), Scheduled Tribe (ST), Other Backward Caste (OBC) and women. Congress's welfare model adopted an approach of state intervention alongside a market economy to achieve development and empowerment for women based on social policy.⁴

In 1991, Prime Minister P. V. Narasimha Rao contended that the 'protection' of women's status must be rooted in a strong base of economic capabilities and practices. Rao's government shifted from the welfare economic model to a neo-liberal economic policy with the assumption that earnings are linked to the market, and if more women were employed there would be an improvement in their status. I.M. Young suggests women are exploited, as they are waged workers and undergo specific forms of gender exploitation in which their energies and powers are expended, unnoticed and unacknowledged to benefit men.⁵ Rao's government contended the existing gap between men and women in terms of wages and access to employment would decrease as more women enter the workforce. Rao's New Economic Policy (NEP) introduced the strategy of flexibility in the organization of industry and in labour markets which resulted in the generation of jobs for women. It is critical to consider, however, whether the NEP has been a useful tool for women's empowerment in India. While India's GDP has increased exponentially from \$267US billion in 1991 to \$599US billion in 2003,⁶ economic growth does not necessarily imply development as women still have significantly higher levels of unemployment, illiteracy, and poverty levels than men.⁷

The purpose of this paper is to offer a comparative discussion of India's labour policies designed to assist women in their pursuit for empowerment, and to explore the impact the neo-liberal model has had on women in precarious work. Empowerment is understood as expanding the range of decisions that are made through democratic processes.⁸ Anderson and Siim further expand this definition to understand empowerment as the process of awareness and capacity building, which increases the participation and decision-making power of citizens, and may potentially lead to transformative action that will change opportunity structures in an inclusive and equalizing direction.⁹ Thus, empowerment is linked to local autonomy and is a means by

⁴ The purpose of this paper is not to discuss Congress's welfare model, but rather, to highlight the shift from welfare to neoliberal model and the impact the neoliberal economic framework has had on women workers. For greater discussion of India's welfare model see: Amartya Sen, *Collective Choice and Social Welfare* (San Francisco: Holden-Day, 1970).

⁵ I.M Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), p. 51.

⁶ World Bank, *World Development Indicators 2003* (Washington: World Bank, 2003).

⁷ Government of India, Census of India 2001, *Provisional Population Totals*, (2001)
<http://www.censusindia.net/results/provindia1.html>

⁸ I.M. Young, p. 251.

⁹ John Anderson and Birte Siim, "Introduction: The Politics of Inclusion and Empowerment-Gender, Class and Citizenship", in: J. Anderson and Birte Siim (eds.), *The Politics of Inclusion and Empowerment: Gender Class and Citizenship* (New York: Palgrave Macmillan, 2004), p. 3.

which to include the participation of oppressed social groups in decision making at all levels of society.¹⁰ The employment of women, however, has not led to the empowerment of women in India, particularly after the NEP, as the feminization of labour in India is closely associated with the feminisation of poverty and an increase in exploitation.¹¹

In addition, patriarchy plays a critical role in policy initiatives and outcomes which is significant in the design and implementation of empowerment strategies. According to Sylvia Walby patriarchy is a system of social structures and practices in which men dominate, oppress and exploit women.¹² A complex of forms of patriarchal closure within waged labour exclude women from the better forms of work and segregate them into the worse jobs which are deemed to be less skilled.¹³ Walby also informs the state also has a systematic bias towards patriarchal interests in its policies and actions. Thus, women are hired for their characteristics as docile, obedient workers and are paid less for equivalent work produced by men.

The central question of this paper asks how has India's reforms in the 1990's directed under the NEP impacted the objectives of labour policies designed to protect and empower women workers? I will argue a decade of reforms has left women with greater wage inequalities, questionable work participation rates, and increased poverty levels. This is not to suggest women workers were successful in their quest for equal status in the workplace under the welfare model, rather, labour policies enacted to protect women's equality in the workplace have been undermined by India's NEP growth strategies. While the Central government is currently focused upon economic growth and progress, it has critically ignored women's rights to equality in the workplace. It is critical to question why women have been denied such rights as the Indian Constitution and many legislative policies assert the equal status of all Indian citizens, regardless of their sex, economic status, religious affiliation, etc. Patriarchy plays a critical role in denying women's rights to fair and equal treatment in the home and the workplace, and India's position as a soft state manifests the patriarchal nature of society to deny women their equal rights. India's maintenance of the soft state, politically, economically, and socially has led to it to fail Indian women in the protection that is needed. This paper will extend its discussion of the negative impact the NEP has had on the protection of women's rights in the workplace, to suggest it is not primarily the economic model that impacts the status of women workers, but India's status as a 'soft state' has had a significant impact on the implementation of its labour policies. The survival of patriarchal values and norms has allowed the state to remain soft thereby limiting women's rights in the workplace.

This paper will proceed in 4 main sections. The first section outlines the main characteristics of the soft state and will discuss why India remains in such a position even after its shift to a neo-liberal framework. In the second section, I will discuss India's liberalization policy under its current neo-liberal model, and will consider how the NEP has impacted women workers in India. In the third section, I will critically discuss the political, economic and social weaknesses of the Indian state after the NEP, as its attempt at economic growth has not led to equitable development for women. The final section explores alternative measures for the protection of women in the workplace and by suggesting the problem is a complexity that runs

¹⁰ *Ibid.*, p. 5.

¹¹ Chaya Degaonkar and Dong-Sook Gills, "The Economic Reform and Feminization of Labour in Agriculture: The Case of Rural Village Women in India" in: Dong-Sook Gills and N. Piper, *Women and Work in Globalising Asia* (London: Routledge, 2002, pg. 71).

¹² S. Walby, *Theorizing Patriarchy* (Oxford: Blackwell, 1990), p. 20.

¹³ The other structures she discusses are: the patriarchal mode of production, patriarchal relations in sexuality, male violence, and patriarchal relations in cultural institutions.

deeper than its economic system; As long as India remains soft in the economic, social, and political spheres, empowerment initiatives and labour protection policies enacted for women in the workforce continue to prove obstructive to their development. The failed belief that the NEP would assist women's position in India has further intensified the inequalities that exist between genders in India, as the lack of policy implementation, the increase in economic insecurity, and the state's support of patriarchally defined gender roles reinforces India's position as a soft state. By protecting the current patriarchal gender relations that define community practices, and by continuing to exploit and marginalize women at home and in the workplace, empowerment of women in precarious work is unable to be fully achieved.

II. The Soft State¹⁴

Before proceeding into an in-depth discussion of India as a soft state, it is important to distinguish the characteristics of the soft or weak state. Many scholars have considered the basis of weak versus strong state based on a state's level of corruption, administrative efficiency, coercive powers, and organizational capacity to maintain legitimacy accorded by the population to the state. Characteristics of the soft state include: weak ability to enforce decisions and policy implementation; a weak link between the state and peak interest groups in civil society; too huge of a bureaucracy to be controlled making it ineffective in practice; corruption by the state and its officials;¹⁵ a lack of state-society cooperation; and a lack of social control.¹⁶

A weak state leads to the infiltration by the dominant interests of civil society and the inability of the state to enforce its decisions. Rai contends with a soft state there exists no direct, linear co-relation between 'state autonomy' and 'state capacity' as the first will not automatically lead to the other.¹⁷ Weak states can only exercise despotic power that Michael Mann defines as the power of the state elites taking precedence. Strong states on the other hand exert infrastructural power that includes the subordination of people's inclinations of social behaviour in favour of the behaviour prescribed by state rules.¹⁸ The lack of infrastructural power causes laws to be ignored, as directives by the state can become hostage to factors outside the control of the state.

A strong state, has the capabilities to complete such tasks as penetrate and coordinate society, regulate social relationships, extract resources, and appropriate or use resources in determined ways.¹⁹ Weak states, on the other hand, may be capable in penetration and extraction, but weak in regulation and appropriation and is unable to insert itself into the

¹⁴ I will interchange between the terms 'soft' and 'weak' throughout the paper when discussing India's lack of state strength.

¹⁵ Myrdal points out that corruption emerges when laws formulated in such weak terms there is a considerable degree of discretionary power left with government officials. See: Gunnar Myrdal, *Asian Drama: An Inquiry into the Poverty of Nations* (Harmondsworth: Penguin, 1968).

¹⁶ According to Myrdal, attitudes towards life and work in the soft state have obstructed economic growth and development. See: John Martinussen, *Society, State & Market* (London: Zed Books Ltd., 1997), pp. 225-227.

¹⁷ Shirin Rai, "Women and the State in the Third World," in: H. Afshar, *Women and Politics in the Third World* (London: Routledge, 1998), 25-39.

¹⁸ M. Mann, "The Autonomous Power of the State", *Archives Europeennes de Sociologie*, Vol. 25, No. 2 (1984), pp. 185-212.

¹⁹ J. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (Princeton: Princeton University Press, 1988), pp. 22-23.

strategies of survival of its citizens.²⁰ Myrdal points out soft state's rulers are often unwilling to impose obligations of the governed, and there is a corresponding unwillingness on their part to obey rules laid down by democratic procedures. The soft state is unable to implement policies that go against the interests of the bureaucracies or powerful groups in society. Myrdal points out that government officials frequently cooperate with dominant (read: men) individuals and groups they are supposed to supervise and control thereby leaving women on the opposing side in which case they are unable to seek the gender justice they demand. Thus, state patriarchy has limited women's access to equality and rights, as Georgina Ashworth points out: "state machineries were constructed by men, for men, with a reward system from which women do not constitutionally benefit."²¹ If the state is controlled by men and constructed in terms of the existing patriarchally defined gender relations, then women's efforts to achieve their own empowerment is continually denied, regardless of any legislative measure put in place to equalize their position in society.

Women experience the power of a soft state differently as their demands and struggles develop. The state institutionalizes male interests, and thus, leads to uneven development and denying women their equal rights both in the home and in the workplace. Concerns of illiteracy (only 39.2 out of 100 females are literate) and social exclusion are also critical as women are limited in their accessibility of legislation and state processes as the lack of political will to disturb traditional family values is manifested in the weak state. Rai suggests women in Third World countries are more removed from the state in all its manifestations than are western women. This is because the state is unable to provide the kind of safety network that the western liberal state does with its welfare provisions. To understand the relationship women have with the Indian state, it is necessary to understand it as a hierarchically arranged multiplicity of power relations. Rai suggests we must understand the relationship that women construct with the state in which they live.²² India is soft not only because of its corruption, inefficiencies, and lack of social control, but rather, its patriarchal nature has limited women's equality and their right to be empowered members of society.

India is identified as a soft state for a number of reasons; one being its failure in implementing enacted labour policies to protect women in the workplace. Labour policies created to 'protect' women continue to be patriarchally driven and enforced by soft state apparatus that has little interest in the protection of women workers. This is not to suggest that a hard state does not have patriarchal forces within its own construction (consider South Korea, Singapore, Taiwan to name a few)²³ but rather, the build up of government inefficiency, corruptive practices, and the failure to correct existing patriarchal structures that limit women's status in India perpetuates oppressive conditions for women in home and in the workplace. The soft state thereby is not a protective mechanism, but rather, is obstructive to a women's development in India. The state's inability to reinforce women's equal status in India is a precursor to its status as a weak state.

As stated earlier, Rao anticipated that India's economy would grow with the inclusion of women's labour. India has indeed seen an increase of economic growth, from a steady 3% per annum prior to the reforms, to a 6-7% increase with the changed economic model. However, for

²⁰ Daniel Lambach, "State in Society: Joel Migdal and the Limits of State Authority" (Paper presented at the Conference). *Political Concepts beyond the Nation State*, Copenhagen, 28-30 October 2004.

²¹ Georgina Ashworth, "Introduction", in Georgina Ashworth (ed.), *A Diplomacy of the Oppressed: New Directions in International Feminism* (London: Zed Books, 1995), p. 11.

²² Shirin Rai, pp. 25-39.

²³ See: Hilton L. Root, "Do Strong Governments Produce Strong Economies?" *The Independent Review*, Vol. 5, No. 4, (2001).

women in the workplace, there has been an increase in poverty, a decrease in wages, a casualization of the labour force, and a lack of interest shown by the state to transcend traditional family values to redefine gender relations. The patriarchal structure of the Indian state fails to incorporate women's interests and continues to relegate them to oppressive gender social roles. It is only when states do away with patriarchy and create a more gender focused infrastructural state as defined by Mann a hard state will emerge. The hard state needs to maintain strong relations between the state bureaucracy and civil society, while maintaining a gender focus throughout. The NEP has proven it has not done so, but this failure does not solely lie at the feet of the inadequacies of the NEP; it is underscored by the patriarchal nature of the state that relegates women to a lower position within society.

III. The New Economic Policy and Empowerment

Until the 1970s, the Indian economy was seen as a classic case of postwar state-led economic development adopting a Nehruian welfare framework. It began with state ownership and control of the basic and core infrastructure industries as well as other strategic and economically significant industries, with state regulation of other aspects of activity even in the non-core areas.²⁴ By the 1960s, deep cracks appeared in India's economy in what experts realized their economic growth policies were not working as wealth and poverty both increased. The new government led by P. V. Narasimha Rao in 1991 brought forth new objectives under the NEP with the goal of increasing India's economic growth and including women's productive labour.²⁵

The economic reforms led to adoption of a neo-liberal model for economic growth.²⁶ It encompassed recommendations towards fiscal discipline, public expenditure priorities, tax reforms, economic liberalization, exchange rates, trade liberalization, foreign direct investment, privatization of state enterprises, deregulation, and property rights.²⁷ The neo-liberal model prescribes more market and less state at all levels of governance.²⁸ The NEP was launched following a balance of payment crisis generated by the withdrawal of international credit and non-resident Indian (NRI) deposits that caused Indian's foreign exchange reserves to collapse. The government opted for conditional credit from the IMF to deal with the situation necessitating policies of stabilization and accelerating structural reforms as outlined by the IMF.²⁹ India's program of economic policy reforms consisted of stabilization-cum-structural adjustment measures with a view to attain higher rates of economic growth. The most significant impact the shift has had on women workers has been the deregulation of labour protection, leading to the massive growth of contract labour and subcontracting.

Empowerment of women is tied to the introduction of the NEP in India, as it was believed employing more women would increase their participation and decision-making power,

²⁴ Mahbub ul Haq Human Development Centre, *Human Development in South Asia* (Oxford: Oxford University Press, 2002), p. 63.

²⁵ India had begun a process of 'quiet adjustment' that introduced the neo-liberal model to its economic policy planning since the beginning of the 1980s, as multinational corporations were encouraged to invest by the Indira Gandhi Government as well as under Rajiv Gandhi.

²⁶ Neo-liberalism began in the late 1960s opposing Keynesianism, structuralism, and development economics adopted by Thatcher and Reagan in Britain and the United States, respectively in the 1980s. There was a shift from welfare to economic growth through the privatization and liberalization of state-led economies.

²⁷ Richard Peet, *Theories of Development* (New York: The Guilford Press, 1999), p. 52.

²⁸ Neo-liberalism became the West's model for reshaping Eastern Europe in the post-communist 1990s.

²⁹ Mahbub ul Haq Human Development Centre, pp. 63-68.

creating a basis for gender equality. The principles of gender equality are enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Government programs for the protection of women workers began from the enactment of the Indian constitution with Congress's welfare approach claiming equal rights for all men and women and a planned, socialist economic approach. The importance of empowering women received attention from the first five-year plan (1951-1956) but was grouped together with the welfare of the disadvantaged groups such as the destitute, disabled, aged, etc. as women were not considered to need their own special status.

The shift from welfare to neo-liberal model began in the 6th five-year plan (1980-85) that adopted a multi-disciplinary approach with specific attention to women and work. Under Indira Gandhi, the 6th five-year plan targeted women with regards to poverty and alleviation. It was assumed that women's positions would improve with the increase in economic opportunities for both men and women. Proponents of the neo-liberal model argued the welfare model did not reach poor rural women who constitute to the bulk of the female population. And for the first time, the 6th five-year plan recognized that women's employment and income opportunities should be accelerated, shifting from Nehru's welfare approach that focused on nation building, national development, and community development. The 6th five-year plan espoused values of integrating women and development into India's economic growth through the growth of jobs and access for women. Through a shift to a neo-liberal model that adopted notions of greater female work participation, it was suggested women's empowerment would be greatly accelerated.³⁰ The 9th five-year plan (1997-2002) made a significant change in the conceptual strategy of planning for women that drew attention to the absence of training policies aimed to provide greater employment benefits, social security, and better work conditions.³¹ However, as will be discussed later, the benefits of the plans have been questionable, as the legislation has failed to have any impact on the lives of most poor women.

IV. The Obstructive Nature of the Soft State towards Women's Empowerment

Since India's economic reforms were officially launched in 1991, the Indian economy has sustained an annual average growth rate of over 6 percent with its GDP growth rate in 2003-04 around 7.5 percent.³² Further, Indian's foreign exchange reserves have crossed 100 billion and are currently repaying its foreign debt ahead of schedule.³³ Two of the main architects of the 1991 reforms, Finance Minister, Manmohan Singh and Commerce Minister, Palaniappan Chidambaram are the current Prime Minister and Finance Minister respectively in the Congress-led coalition government. Singh, Chidambaram, and other optimists of this approach envisaged

³⁰ The second to fifth plans (1956-79) continued to reflect the same welfare approach towards women and work. The 7th five-year plan (1985-90) continued the objective of raising women's economic and social status to bring them into the mainstream of national development with a focus on both skilled and unskilled employment with attention to proper education and vocational training.³⁰ The 8th five-year plan (1992-97) promised to ensure that benefits of development would not by-pass women and would enable women to function as equal partners and participants in the development process. Sudhir Varma, *Women's Development: Policy and Administration* (Jaipur: Aalekh Publishers, 1992), pp. 55-61.

³¹ Government of India, Planning Commission, *9th Five-Year Plan*, (1997) <http://planningcommission.nic.in/plans/planrel/fiveyr/welcome.html>

³² The Economist, *Can India Work? India's Economic Reforms*, Vol. 371, No. 8379, (June 12, 2004).

³³ *Ibid.*

an East Asian type experience in which the NEP would remove the rigidities and price distortions in the economy that would increase the demand for labour owing to a shift to labour intensive products and techniques based on comparative advantage. The demand for unskilled labour would increase in which women would find entry into the production process jobs in manufacturing easier serving to generate employment particularly for less skilled workers.³⁴ While India's economy has grown rapidly though the adoption of the neo-liberal model, it is critical to question how it has impacted the empowerment of women workers.

While many who favour the liberalization policy suggest there is a positive correlation between India's NEP and the improvement of women's livelihood, this paper will point out that there have been little improvement, and in fact, there has been a reduction in equality practices for women worker's through its adoption. This section will discuss the negative impact that economic liberalization has had on women workers with an increase in low wages, decline in job security, and an increase in poverty levels. The downfalls of the NEP are further exacerbated, as India remains weak in the enforcement of policies that were enacted to protect women from the exploitation and oppressive conditions of the workplace. Further, women's unemployment has actually increased with the implementation of the NEP as rural India's unemployment was 1.4 percent in 1983, but grew to 1.9 percent in 1998. Similarly, in urban India, unemployment grew for women from 6.9 percent in 1983 to over 8.3 percent in 1993-94.³⁵ Thus, Rao's contention of increasing women's productive labour has failed as the increase in wage inequalities, decrease in female participation rates, and higher levels of poverty suggests the NEP has not led to greater inclusion of women in the workplace. The inability of the state to implement legislative policy, its inability to provide economic security for women, and its upholding of patriarchally defined gender relations persist and dominate all facets of the Indian state.

i. Political Softness-Problems of Implementation

While there have been a number of policies created to represent state efforts to protect labour rights such as the Employees State Insurance Act (1948), the Industrial Disputes Act (1947), and the Bonus Act (1965), there are there are 4 major labour policies from the Central-level government that will be discussed that were enacted to protect the labour rights of women.³⁶ The Minimum Wages Act (1948) is relevant to workers in the self-employed and unorganized sectors of employment, in which women are the greatest proportion. It provides for fixing minimum rates of pay in certain jobs. This was initially done, however, with the wages of women workers based on two consumption units if those of the male workers were calculated on three.³⁷ The Minimum Wage Act has since been modified, however, to make the wages of both men and women determined by equal standards. Most women in India are employed in the

³⁴ Mahendra Dev, "Economic Liberalization and Employment in South Asia," *Economic and Political Weekly*, (January 2000), pp. 135-136.

³⁵ Government of India Central Statistics Organization, *Women and Men in India* (2002)
http://www.mospi.nic.in/mospi_cso_rept_pubn.htm

³⁶ India has been part of various international conventions such as: The Convention on Elimination of All Forms of Discrimination Against Women (1993); The Mexico Plan of Action (1975); The Nairobi Forward Looking Strategies (1985); the Beijing Declaration and the Platform for Action (1995); All of these conventions have been endorsed and adopted by India's political parties ranging from Congress, Janata, United Front, and the BJP.

³⁷ Padmini Swaminathan, "Legislation for the Improvement of the Socio-Economic Conditions of Women: The Indian Case," in: V. Kanesalingam, *Women in Development in South Asia* (New Delhi: MacMillan India Limited, 1989), p. 127.

informal sector, increasing from about 30 to 90 million since 1971.³⁸ According to the 1991 Census of India, as more than 90 percent of women work in the informal sector, with over 80 percent in cultivation and agriculture.³⁹ Thus, the Minimum Wages Act was enacted to protect the wages of women in the informal sector from exploitative work conditions, particularly in the agricultural sector. Yet, as will be discussed later, women have faced increased wage differences after the reforms, contrary to the stipulations of the Act.

The Equal Remuneration Act (1976) is similar to the previous policy, adopted during the International Women's Year and requires equal pay for same and similar work. No discrimination is permissible in recruitment and service conditions except where employment of women is prohibited or restricted under any law. There have been few cases brought under this Act, however, as women are reluctant to come to court to vindicate their rights.⁴⁰ It is clear that while the Act has been passed decades ago, many employers continue to pay lower wages to women, and in spite of the known prevalence of disparity in wages between men and women, there have not been many reports of violations of the Act. Thus, this has resulted in the State permitting voluntary organizations to file complaints on behalf of women in hopes to ensure better implementation of the Act. The Self Employed Women's Association (SEWA)⁴¹ is one of many voluntary organizations that currently advocate for women's rights supposedly protected by government legislation. SEWA has raised a critical concern with the Act, being it does not provide for any machinery to decide whether a work is of a similar nature or not. The impreciseness of legislation is a common characteristic of a soft state, and as objectives are left unclear in its conception and further in its implementation, it promotes the limitation of women's employment opportunities and decreases the relative cost of women workers.

The Maternity Benefit Act (1961) legislates maternity benefits are to be provided on completion of 80 days working and women are not required to work during six weeks immediately following the day of delivery or miscarriage.⁴² Since 2001, the Act requires the employer to provide expectant mothers Rs. 500 each for the first two live births.⁴³ While some

³⁸ Bharati Ray and Aparna Basu, *From Independence Towards Freedom* (New Delhi: Oxford University Press, 1999), pp. 57-62.

³⁹ According to the National Commission on Self-employed Women and Women in the Informal Sector, 'informal' workers fall into the categories of: home based producers including artisans and piece-rate workers, paid and unpaid family labourers; petty vendors and hawkers who do not hire labour but take the assistance of family members; contract labour and sub-contract labour; providers of services such as washerwomen, scavengers and domestic helpers; women engaged in processing work in traditional and non-traditional areas; and those doing manual work like construction labour and those working in agriculture and other primary sectors. The Report of the Committee on the Status of Women suggests that it is among these women we find the worst cases of poverty and malnutrition. See: Bharati Ray and Aparna Basu, *From Independence Towards Freedom* (New Delhi: Oxford University Press, 1999), p. 69.

⁴⁰ Lotika Sarkar, p. 102.

⁴¹ SEWA is a trade union that organizes self-employed women in the unorganized sector to achieve their goals of full employment and self-reliance through the strategy of struggle and development. The struggle is against the many constraints and limitations imposed on them by society and the economy, while development activities strengthen women's bargaining power and offers them new alternatives. SEWA members are workers who have no fixed employee-employer relationship and depend on their own labour for survival. They are poor, illiterate, and vulnerable. They barely have any assets or working capital, but are economically active, and contribute significantly to the economy and society with their labour. See: SEWA, *SEWA History*, (2004)

<http://www.sewa.org/index.htm>

⁴² Ajmal Edappagath, *Gender Sensitive Legislative Legislation and Policies in India* (2001)
www.unescap.org/esid/GAD/Events/EGMICT2001/edappagath.pdf

⁴³ *Ibid.*

suggest this Act is one of the most valued to women workers, few women can claim this benefit because most are female casual and contract labour.⁴⁴ Employers will break women's service on the slightest pretext to deny women the right to claim this benefit, as permanent status is required under the provision. Since employers are responsible for the expenditure for maternity benefits, the government is unconcerned in its enforcement. In a study during International Women Decade 1975-85, only 11 percent of women workers were paid this benefit.⁴⁵ This has further decreased as women's labour has become increasingly casualized through the NEP, in which case most employers keep women as seasonal or part-time workers to deny them their maternity benefits. The legislation is not created in a manner to protect women, and with the adoption of the NEP, it has had a significant impact as most women are categorized as casual workers. The patriarchal nature of such policies is obvious; this further raises the question of whether these laws were conceptualized with the intention to protect women's rights in the workplace, or rather, created to limit the flexibility and opportunities of women?

According to the Equal Remuneration Act, women are supposed to receive equal payment as men for same or similar nature of work. Yet with the adoption of the NEP alongside the weak implementation of labour policies protecting women workers, wage inequalities have increased under the neo-liberal model. While opportunities to enter the workforce have increased through the growth of part-time and contract employment, women continue to earn significantly less than men. One study shows many large companies are subcontracting work to small factories and to home-based workers in which women earn barely Rs. 500 a month whereas the Minimum Wage Act has set home based work at Rs. 1500, in which an average male worker is earning at least Rs. 3000.⁴⁶ Women are often seen in the lower categories of the job hierarchy, and thus, discrimination does not only exist in terms of wages, but also in access to employment in which women are found concentrated in occupations where the wage rates and working conditions are poor and substandard such as in the manufacturing and tea sectors. Low levels of skills on entry, lack of access to on the job training, and the assumption that men are the primary earners all contribute to the implicit assumption that women should be paid less than men in which the State has lacked the effort in enforcing the existing equality schemes.

The most current strategy for women workers is the National Empowerment of Women Policy (2001) offers various goals for the economic advancement of women in India. Its goals include poverty eradication in through mobilization of poor women to enhance their capabilities; micro credit mechanisms so to ensure adequate flow of credit through existing financial institutions is available to all women below the poverty line; reinterpretation and redefinition of work to reflect are women's contribution as producers and workers; extension of training women in agriculture; and support for women in industry as currently women cannot work in night shifts in factors if they wish.⁴⁷

⁴⁴ Lotika Sarkar, "Social and Economic Legislation Dealing with the Status of Women," in: V. Kanesalingam, *Women in Development in South Asia* (New Delhi: MacMillan India Limited, 1989), p. 101.

⁴⁵ *Ibid.*, p.101, 132.

⁴⁶ Renana Jhabvala and Shalini Sinha, "Liberalization and the Women Worker," *Economic Political Weekly* (May 2002).

⁴⁷ According to the National Policy for the Empowerment of Women, empowerment consists of 9 main features that include: creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential; the enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres; equal access to participation and decision making in social, political, and economic life; equal access to health care, quality education, career and vocation guidance, employment, equal remuneration, etc.; strengthening legal systems aimed at elimination of all forms of discrimination against women;

While many recommendations on the employment of women have been proposed, the fact that most women work in the informal sector seriously weakens the impact of these measures. While these various legislative policies have been enacted, few women have seen any benefit from them. Thus, it is critical to question the value of rights in these laws for women who are members of a society and culture that expects docility from women workers. It is unlikely that the poorest women feel they have any power to protect themselves from the inequalities and discriminatory power behaviours in the workplace. But it critical to note that power is a collective phenomenon where case weak states are open to organized interests by unions and feminist movements such as the advocacy work organizations such as SEWA, Kaki, Balika Mandal, among others, have been committed to in India. However, I would argue the role of the state is still necessary for change in society's patriarchal gender relations. The undervaluing of women's work and the discrimination women face in the workplace cannot only be tackled by civil society projects; a coordination of state and societal efforts is necessary if we hope to see any significant change in the status of women in India.

ii. Economic Softness-Increased Economic Insecurity

While the NEP has in some cases increased employment for women in urban areas, it has also had a negative effect on the quality of employment, as there has been an increased casualization of labour for both male and female workers in rural and urban areas. Outsourcing simple operations to women who work as home based workers is a common system of subcontracting production by multinational corporations in which pay is irregular and low and earnings are far below minimum wage. This practice clearly negates the labour laws that protect wage rates outlined by the Minimum Wages Act and the Equal Remuneration Act as the State has *allowed* this type of employment through the implementation of the NEP. The increased casualization of labour makes women unable to prove permanent status as piece rate workers, thus, disabling women's opportunities to benefit from the Maternity Benefits Act. An example in which subcontracted work has increased is in the craft sector that has grown from 48 lakh⁴⁸ persons in 1991-92 to over 81 lakh in 1997-98.⁴⁹ While women are increasingly employed in piece rate work, men are decreasing and as such, women are paid nearly half what is paid to male workers.⁵⁰ The NEP has not increased female participation in an equitable manner, but rather, job growth has only increased in the tertiary sector.

Economic softness has led to the casualization of women's labour as women are rarely taught skills considered 'male work.' In the unorganized sector, few women have been able to enter into 'non-traditional' areas. Casual workers with the highest incidence of poverty is the area in which self-employment is most likely to increase. Most available work confines women to piece rate such as stitching and typing instead of better paid waged work such as plumbing and masonry. This is emphasized by the fact that there has been an increase in casual labourers

changing social attitudes and community practices by active participation and involvement by both men and women; mainstreaming a gender perspective in the development process; elimination of discrimination and all forms of violence against women and the girl child; and building and strengthening partnerships with civil society, particularly women's organizations.

⁴⁸ Lakhs=One hundred thousand

⁴⁹ The craft sector includes work such as decoration of cloth, cane and bamboo craft, dying and bleaching of textiles, weaving and papier-mache, etc.

⁵⁰ Renana Jhabvala and Shalini Sihna, 2002.

since 1972-73 from 23.2 to over 32 percent in 1993-94.⁵¹ While NEP optimists suggest the neo-liberal model has created more jobs, Appendix A shows evidence to the contrary as there has been a declining trend in work participation rates for women. In rural and urban India, male work force participation rates have remained broadly stable from the early 1980s to the late 1990s, whereas female work participation in rural areas is on a declining trend as the participation rates were higher in the 1980s than in the 1990s when the NEP was put into effect. Female participation rates have decreased in the rural area in 1983 from 34 percent to 29 percent in 1999/2000; a similar trend is also found among urban women where the participation rate has decreased from 1983 from 15 percent to 13 percent in 1999/2000.

Thus, it is clear that female participation rates have not increased in a valuable sense, as the rising female participation rate of women falls within marginal workers who work less than 183 days in a year. The notion that more women are entering the workforce is also a false claim, as the government is attempting to engage in a definition of work that encompasses both the formal and informal sectors, in which women are more often seen. This points out that even with planning and development, women's economic vulnerability continues to be a major handicap to women's empowerment. As Rai and Myrdal point out, India's attitude towards the enforcement of policies obstructs its economic growth as low levels of accountability of current labour policies disables any empowerment strategy women may attempt in the workplace.

India is one of the largest developing countries of the world and is currently ranked 127 of 177 countries by the World Bank human development indicator.⁵² While poverty levels are supposed to have decreased through the implementation of the NEP, the individuals that are currently below the poverty line have in fact remained the same. Women are most of the poor in India as in 1993-94, over 50 percent of casual women workers were below the poverty line with 49.4 percent in rural areas and 57 percent in urban areas.⁵³ The problem with poverty, however, is more acute than just earning capacity. In a society where women are considered second-class citizens or part of the lower level of society, (also taking into consideration whether they also belong to the OBC, SC, ST, or are disabled), the politics of liberalization have impacted women workers in a overwhelming manner. Women's poverty in India is intensified by its socio-cultural dynamics, the casualization of labour, and the lack of access to skills and technology that has ultimately relegated women to falling increasingly below the poverty line.

After the initiation of the economic reforms, there was a rapid rate of growth in GDP per head, but only until recently, there have been few statistics on the 'reduction' of India's poverty.⁵⁴ Appendix B outlines various studies that have examined India's poverty that all point towards the increase in rural and urban poverty during the first two years of the reform period. Subsequently, there was a decline in the absolute number of poor in the 1980s but the post-1991 period evidence suggests an increase in the absolute number of poor. Estimates by the World Bank and S. Gupta's assessment of poverty shows poverty actually grew in the period of India's liberalization process.⁵⁵ These estimates disclose the gap between the rural and urban areas that had decreased during the 1970s and 1980s, but increased significantly during the 1990s as urban poverty has declined much faster than rural poverty in the post-reform period. Not only has

⁵¹ N. Shah, et. al. "Structural Adjustment, Feminization of Labour Force and Organizational Strategies," in: N. Menon, *Gender and Politics in India* (New York: Oxford University Press, 1999), pp. 145-77.

⁵² World Bank, *World Development Indicators 2002* (Washington: The World Bank, 2002).

⁵³ Mahendra Dev, p. 135.

⁵⁴ Official poverty estimates in India are based on large household surveys of consumption carried out by the NSS approximately every fifth year.

⁵⁵ See Appendix B.

poverty increased for casual women workers, but there is also a marked increase in inequality between rural and urban areas.⁵⁶ Agricultural wages increased slightly by 2.5 percent but public sector salaries have increased by over 50 percent.⁵⁷ Given that the public sector employees tend to be better off than agricultural labourers, this shows the rising inequalities among different occupational groups. Since agricultural labourers live in rural areas versus the public sector workers who live in urban areas, this exemplifies the growing inequality between rural to urban areas and the rising economic inequalities within a society itself.

There is a positive correlation between women's poverty and the decline in agricultural outputs, as over 80 percent of women workers are employed in the agricultural sector and there has been a decline in almost all agricultural outputs since the onset of the neo-liberal policy. Appendix C exemplifies the downward trend in agricultural outputs that has had a significant impact on the levels of poverty. In the agricultural sector, technology has been substituted for many manual jobs that were generally women's roles in which men run the machines. Men are now performing agricultural operations such as weeding, winnowing drying and applying organic manure with machines in occupations traditionally held by women. Thus technology has had a significant impact on the displacement of women's work. While women have been losing these jobs, new jobs are not growing at the same rate with little structural transformation in the economy in terms of the labour force to protect women workers.⁵⁸ Furthermore, the loss of employment has not been balanced by the creation of new employment as many Indian products are displaced by imports. Various examples include silk spinners in Bihar who have lost their jobs due to the import of cheaper China-Korean silk; women in Gujarat who collect gum from Baval trees have lost their employment due to the import of cheaper gum from Sudan.

It is critical to stress the point that labour policies have been ineffectual in protecting women's rights in the workplace. While there are laws that protect permanent employees, there are no current legislative policies to protect part-time or casual workers. While various NGOs and voluntary organizations have attempted to lobby the Central government over the poor working conditions and increased levels of poverty of women workers, they have been met with considerable resistance by the state as their vested interest seems to be more towards the employers than the poor, illiterate women workers. The patriarchal nature of the state, its administrative inefficiency, corruptive and exploitative practices, and lack of enforcement of labour policies continue to be barriers to women's rightful claims to empowerment, as the soft state's vested interest are with the dominant (read: men) members of society, and thereby, not with women workers.

iii. Social Softness-Reinforced Patriarchal Gender Relations

According to the World Bank Human Development Report, female workers earn less than male workers by about 23 percent in developing countries.⁵⁹ The difference is generally due to workers characteristics such as education, skill, and experience as well as occupational differences and gender wage discrimination. Economic liberalization is shown to have benefited skilled workers disproportionately as studies in Indonesia and Malaysia show wage gains between 1989 and 1994 occurring for workers holding diplomas and university degrees at an

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ Nerina Vecchio and Kartik Roy, *Poverty, Female-Headed Households, and Sustainable Economic Development* (Westport: Greenwood Press, 1998), p. 38.

⁵⁹ World Bank, *World Development Report 2000/2001* (New York: Oxford University Press, 2001).

average rate of 7 percent in contrast to a mere 3 percent gain for those with secondary education.⁶⁰

While women constitute at least one-third of India's total labour force with 90 percent in the unorganized sector, there is a statistical invisibility of women's work that impacts their participation in the labour market. Restrictive definitions of economic activity are generally equated with paid or marketed work and many types of unpaid or low paying activity, especially home based, community based, or piece rate work is excluded from national income accounting. Thus, the economic contribution of women remains unorganized and unrewarded, and what is accepted and recorded as "work" or economic activity does not include to women's multiple identities and roles as mothers, wives, sisters, workers, etc.

It has been argued that women have been oppressed, politically, social and economically for so long that they develop low 'aspiration' wages as well as low 'efficiency' wages.⁶¹ Many studies indicate that women are ready to work for lower wages and for longer hours under inhospitable conditions. The United Nations Human Development Report (2004) estimates earning incomes annually for women in India are \$1442US compared to male's annual income of \$3820US.⁶² Wage rates in the unorganized sector are low with no employment security, and no social security benefits as is seen in Tamil Nadu where the garment industry is female dominated, and unskilled jobs are specifically allocated to women. Further, while minimum wage laws exist to raise the cost of employment, the legislated minimum wages have been ineffective in influencing wage levels in unorganized sectors as they are determined more so by supply and demand. The question to consider is whether wages were more equitably distributed among men and women workers before the NEP? This paper is not attempting to argue wages have *ever* been equal in India's workforce among men and women, but there *has* been a significant increase in wage inequality since the adoption of the NEP. India's NEP has brought more low paying casual work for women in which they are treated in an unequal manner than men in substandard work conditions.

In a study published in 2004, when management was asked whether they have gender preferences for the recruitment of workers in the garment industry, they claimed women work more efficiently and have a characteristic docility in which it is less likely for women to be involved in demands from the employer.⁶³ In situations where women and men work for piece rate, men tend to make more than women because stringent labour laws do not permit women to work late in the night. The Contract Labour (Regulation and Abolition) Act (1970) specifies women are not to work beyond 9 hours a day and must work between the hours of 6am to 7pm, except for midwives and nurses. This is problematic as women cannot work night shifts even if they wish to, limiting women's rights in choosing which industry to work in. In many instances, companies find it more costly to employ women for day shifts and men for night shifts and therefore only employ male workers. Since women are not permitted to work at night there is a shortage of women workers, and thus, male workers demand a higher wage. As a result, it is not necessarily labour market discrimination that lends to lower earnings for female workers, but social constraints that prohibit women to work and earn at par with male counterparts.

⁶⁰ International Labour Office, *World Employment Report 1998-99* (Geneva: ILO, 1998).

⁶¹ G. Standing, "Global Feminization Through Flexible Labour," *World Development*, Vol. 17, No. 7 (1989), pp. 1077-95.

⁶² UNDP, *Human Development Report 2004* (New York: Oxford University Press, 2004). Note: The figures are listed in US dollars.

⁶³ Deepita Chakravarty, "Expansion of Markets and Women Workers: Case Study of Garment Manufacturing in India," *Economic and Political Weekly*, (November 2004), pp. 4912-4913.

Companies in Mumbai are attempting offer transportation facilities for women who wish to work late at night. It is found, however, that many women will decline as it imposes pressures if they work beyond usual hours; although their families and husbands permit their wives, daughters, sisters, etc., to work, they are only permitted but not at the cost of their own comfort.⁶⁴ Familial traditional values that are reinforced by the state as is seen with the Contract Labour Act that exemplifies the influence patriarchy has in the creation and implementation of legislation. Women were not treated in an equitable manner under the welfare model, and the treatment of women workers has continued to regress under the neo-liberal model, as gender characteristics of women as docile and obedient workers has contributed to the increase in wage inequality and exploitation of women in the workplace.

V. Is There an Alternative Approach?

The question thus arises as to whether the chief minister is compelled to resign because of adverse findings on some questions of fact by Supreme Court. The ministers are collectively responsible to the legislature. Therefore, the matter was one, which concerned the assembly. As a rule therefore, the question of removing a minister would not arise unless the legislature expressed its wish by a majority vote. -1st Prime Minister of India, Jawaharlal Nehru⁶⁵

This comment came from Nehru in 1963 on the memorandum of charges against Pratap Singh Karion submitted to the President of India by the non-Communist opposition in Punjab questioning Nehru's position on corruption.⁶⁶ W. H. Morris-Jones notes that corruption occupies a great place in Indian politics.⁶⁷ Prior to India's economic reforms, the Indian government has faced a number of corruptive situations. R. Kothari notes access to, and distribution of patronage was one of the four main factors of the early Congress system that Nehru developed.⁶⁸ In his article on political corruption in India, Gurhpal Singh notes the emergence of a grace and favour state in which politicians, bureaucrats, and businesspeople pursued predatory and clientelistic policies assured in the knowledge that the legal sanctions against the abuse of political power would be difficult to enforce.⁶⁹ While Nehru brought in the acceptance of political corruption as part of national political culture, it was further accelerated through Mrs. Gandhi and her son Rajiv during their terms in power and has carried on since then.⁷⁰ The point I make here is that corruption has become an accepted element within the political forum in India.

⁶⁴ *Ibid*, p. 4913.

⁶⁵ S.S. Gill, *The Pathology of Corruption* (New Delhi: HarperCollins Publishers) 1998.

⁶⁶ R. Upadhyay, "Political Corruption in India: An Analysis," *South Asia Analysis Group*, Paper 219, (March 2001).

⁶⁷ Transparency International is an international NGO that works both at the national and international level to curb the supply and demand of corruption. India's Corruption Perception Index (CPI) increased from 2.75/10 in 1997 to a score of 2.9/10 in 2005 [the CPI ranges from between 10 (highly clean) and 0 (highly corrupt)]. For more information see: Transparency International, *Transparency International Corruption Perceptions Index* (2005) http://www.transparency.org/pressreleases_archive/2004/2004.10.20.cpi.en.html

⁶⁸ The towering personality of Nehru who nurtured incremental political development; the Congress organization provided the 'steel frame' for linking the country; a progressive ideology that co-opt most significant shades of organized political opinion were the other three. See: Gurhpal Singh, "Understanding Political Corruption in Contemporary India", *Political Studies* Vol. 45, (1997), p. 629.

⁶⁹ *Ibid.*, 630.

⁷⁰ Complete control over party funds, accepting situations of black money, illegal currency transactions, and briefcase politics such as kickbacks are some of the many acts of corruption Mrs. Gandhi and her son are

State corruption has led to a lack of governmental transparency, accountability and implementation of policies afforded to citizens of the state. While corruption has not necessarily intensified over the years, it is clear that political corruption is widely accepted which hinders the state's reliability and credibility as an advocate of women's rights. Opponents of neo-liberal politics in India have highlighted how economic liberalization seems to have increased the demand and supply of corruption, providing new opportunities for corruption through deregulation and state disinvestments, and marketized politics for the poor.⁷¹ Further, notions of transparency, responsiveness, accountability, and probity in public life and good governance are mere slogans for political parties to espouse to maintain their image status as the 'least corrupt.' And yet, in the Indian context today, corruption is linked with power in which case politicians have adopted a cynical attitude to political morality.⁷²

India's political softness that has grown from Nehru's era to the current decade espouses a position in which formal equality is existent to all Indian citizens; substantive equality is lacking, as women cannot benefit from the legislative policies that currently exist. This paper has shown that patriarchal gender relations continue to manifest within state affairs, denying women access to their equal rights as Indian citizens. While the shift to the neo-liberal model further reduced women's status in the workplace, it is critical to emphasize that it was not even close to being achieved under the Nehruian welfare model. In addition, India's social softness enforces beliefs of docility and obedience of women in the workplace intensifying the exploitative and oppressive conditions women are forced to work in. Finally, India's economic softness has led to many women being paid far below the wage rate men are being paid for the exact work, to the contrary of the Equal Remuneration Act which contends women are to be paid at par with men. Thus, where are women to turn to in a state that is exploitative, oppressive, and marginalizes women as a group?

The intensification of exploitation has come about through casualisation, marginalisation, the withdrawal of subsidized food, and budgetary cuts in health and other social expenditures, implemented as part of the reforms.⁷³ It is critical that strategies and policies for women workers have to incorporate the various dimensions of women's multiple identities as wives, mothers, workers, etc that are supported by various government levels and civil society. The inability of the Indian state to enforce existing legislation has required women to turn to civil society initiatives for support and protection from the obstructive state. While society remains strong in weak states, the solution to the inequality that persists among men and women in the workforce cannot come solely from civil society measures. Policies for increasing women's employment by encompassing past empowerment initiatives have to support strategies for changing gender ideology both inside as well as outside the workplace. Notions of masculinity and femininity affect skill definitions, wage and working conditions and the location of women within the production process as well as within sectors of industry. The elimination of the earning gap between men and women is not about the economic framework of which India is adopts. Rather, it is about the dynamics of the social, political, and economic composition of India state that affects its command as a strong or weak state.

documented in participating in. Most recently, in December 2005, 11 MPs in the Lok Sabha were caught in the cash-for-query scam where they were caught on camera accepting bribes for asking questions in the Lok Sabha during a sting operation conducted by media networks in India. This led to the removal of 10 MPs on charges of 'unbecoming conduct' that came from various political parties.

⁷¹ Gurhpal Singh, 628.

⁷² R. Upadhyay.

⁷³ Degaonkar and Gills, p. 77.

According to the UNDP, two vital processes are necessary for women's empowerment. The first is social mobilization and collective agency, as gender needs often lack the basic capabilities and self-confidence to counter and challenge existing disparities and barriers against them. Often change agents are needed to catalyze social mobilization consciously.⁷⁴ Second, the process of social mobilization needs to be accompanied and complemented by economic security. As long as the disadvantaged suffer from economic deprivation and livelihood insecurity, they will not be in a position to mobilize.⁷⁵ It is clear the NEP has offered little to women's empowerment, and has in fact, reduced the quality of employment in the informal sector. As long as India remains soft in its protection towards women's rights, they will not be successful in gaining empowerment as the institutions, corruptive administrative practices, impreciseness in the labour and employment policies, and lack of government accountability sabotages their efforts towards development. Social change, political awareness, and economic success is past due for women; it is critical to question, however, what initiatives are needed to see a long-term change in the position of Indian women, both at home and in the workplace?

For long-term change in India, a collaborative effort of Central and State level governments as well as voluntary organizations is needed to introduce large-scale skill upgrade for women in order for them to break into areas traditionally reserved for men. Alongside upgraded skills however, employment opportunities and required and thus, schemes such as the Contract Labour Act that limit women's accessibility to work need to be abolished to give women greater decision making power. Greater accountability in legislative decisions is also needed when employers fail to uphold labour legislation enacted for positive gender discrimination. The National Empowerment of Women Policy has the potential of achieving its goals of equal access to participation to economic life only if the government reorganizes to commit to greater accountability and responsibility in the implementation of the labour policies directed for women workers. Women are unable to achieve equal status among men workers as long as the government remains soft in its enforcement of women's rights. The Indian state must also shed patriarchally driven gender relations to place greater emphasis on the substantive equality rights of women in the informal sector.

As long as India remains weak through policy implementation, by maintaining traditional gender roles, and by denying women economic security, the empowerment and equal inclusion of women in precarious work is unable to fully emerge. While the shift in Indian policy from a welfare model to the neoliberal model has clearly intensified the poor conditions of women in the workplace, the task of empowering women requires action by governments, both national and state level, non-governmental organizations, and women's grass-roots organizations. The collaboration of civil society and government action is necessary for the creation of sustainable employment opportunities that can enable women to gain economic security. Accountability of women's rights as well as mass social education programs to convince communities to enforce positive gender based discrimination policies for women are also needed. This is done through NGOs and grassroots organizations that play a critical role in improving the socio-economic status and lessening gender based discrimination.⁷⁶

⁷⁴ UNDP, "Participatory Governance, People's Empowerment and Poverty Reduction," *UNDP Conference Paper Series*, (2001).

⁷⁵ *Ibid.*

⁷⁶ The Dowry Prohibition Act (1961), The Commission of Sati (Prevention) Act (1987), The Reservation for Women in Local Self Government (1992), amendments to rape laws, etc., would not have been possible without grassroots organizations demanding such changes.

Notions of masculinity and femininity also need to be considered as they continue to affect skill definitions, wages, working conditions, and the location of women in employment regardless of which economic model India adopts. Thus, as work has become more casualized, labour laws need to be redefined to offer protective measures to part-time and casual workers. The fact that most women perform low skill, manual jobs gives them a weak position in the labour market, and thus, training women to develop new skills and enhance existing ones is necessary in order to accept women in other fields other than traditional ones already assumed. Further, there is a need to pressurize the state to hold greater accountability and responsibility to the empowerment strategies intended for women workers, and a need to develop organizational forms that can empower women within the household, in the market, and in relation to the state; The Indian state needs to reorganize and redefine its current practices to epitomize characteristics of accountability, efficiency, transparency, etc in its protection of rights and empowerment initiatives enacted for women in the workplace; otherwise, without the collaborative efforts of the state and civil society, the empowerment of women in India will fall short of success.

Appendix A⁷⁷

Work Participation Rates for Rural and Urban Men and Women (%)

Year	Rural Female	Rural Male	Urban Female	Urban Male
1972-73	31.8	54.5	13.4	50.1
1977-78	33.1	55.2	15.6	50.8
1983	34	54.7	15.1	51.2
1987-88	32.3	53.9	15.2	50.6

⁷⁷ Government of India Central Statistics Organization, *Women and Men in India* (2002)
http://www.mospi.nic.in/mospi_cso_rept_pubn.htm

1993-94	32.8	55.3	15.5	52.1
1994-95	31.7	56	13.6	51.9
1995-96	29.5	55.1	12.4	52.5
1996-97	29.1	55	13.1	52.1
1998	26.3	53.9	11.4	50.9
1999-2000	29.9	53.1	13.9	51.8

Appendix B⁷⁸

Estimates of Rural Head Count Poverty Ratios

NSS Round	Year	Rural Poverty Ratio	Rural Poverty Ratio	Gini Index
		World Bank	S. P. Gupta	
46	Jul 90-Jun 91	36.43	35	27.72
48	Jan 92-Dec92	43.47	41.7	29.88
50	Jul 93-Jun 94	36.66	37.3	28.58
51	Jul 94-Jun 95	41.02	38	30.17
52	Jul 95-Jun 96	37.15	38.3	28.43

Appendix C⁷⁹

Agricultural Output % All India

	1980-81 to 1989-90	1990-91 to 1997-98
Food Grains	2.85	1.41
Non-Food Grains	3.77	3.28
All Crops	3.19	2.35
Rice	3.62	1.69
Wheat	3.57	3.28
Coarse Cereals	0.39	0.19
Pulses	1.49	1.38
Total Food Grains	2.73	1.92
Oilseeds	5.46	3.74
Sugarcane	2.71	2.48
Cotton	2.79	3.52

⁷⁸ Mahbub ul Haq Human Development Centre, p. 73.

⁷⁹ Government of India Central Statistics Organization, *Women and Men in India* (2002)
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