

DAWN DISCUSSION PAPER #35

POLICY TRANSFORMATIONS



INDIA
PANDEMIC, PATRIARCHY AND PRECARIETY:
LABOUR, LIVELIHOOD & MOBILITY RIGHTS

RITU DEWAN
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DRAFT for discussion

POLICY
TRANSFORMATIONS

REGION:	POLICY AREA:
ASIA	● LABOUR POLICIES AND WORKERS' RIGHTS
	● MIGRATION AND HUMAN MOBILITIES

Using a feminist intersectional and interlinkages approach, this project closely examines policy changes that have taken place during the period of exceptionality produced by the pandemic, exploring how they may impact the future in four policy areas: macroeconomics; labour policies and workers' rights; migration and human mobilities, care and social protection.

DRAFT for discussion

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ABBREVIATIONS

AIDWA	All India Democratic Women's Association
APU	Azim Premji University
CII	Confederation of Indian Industry
CLIPS	COVID-19 Livelihood Phone Survey
CMIE	Centre for Monitoring Indian Economy
CPHS	Consumer Pyramids Household Survey
FLFP	Female Labour Force Participation
FWPR	Female Work Participation Rate
GST	Goods and Services Tax
HIV-AIDS	Human Immunodeficiency Virus-Acquired Immunodeficiency Syndrome
INR	Indian Rupee
ISST	Institute for Social Studies Trust
IWWAGE	Initiative for What Works to Advance Women and Girls in the Economy
LSE-CEP	London School of Economics Centre for Economic Performance
MGNREGS	Mahatma Gandhi National Rural Employment Guarantee Scheme
MSME	Medium, Small and Micro Enterprises
MWCD	Ministry of Women & Child Development
NGO	Non-Governmental Organisation
OSC	One Stop Centres
PDS	Public Distribution System
PLFS	Periodic Labour Force Survey
SDG	Sustainable Development Goals
SHGs	Self-Help Groups
SWAN	Stranded Workers' Action Network
UNFPA	United Nations Population Fund
USD	United States Dollar
WIEGO	Women in Informal Employment: Globalizing and Organizing

ABSTRACT

India is amongst the nations impacted most negatively by the on-going pandemic. The reasons are several, not the least being an already collapsing economy reflected additionally by fall in virtually all global rankings and human development indicators, as well as an uncaring, uncompassionate and gender-insensitive policy response. This study examines the impacts of State response on the morphology of rights of the labouring lives of the poor with a special focus on internal migrants, single women and transgender persons. Analysis is located within four major spheres that are simultaneously independent yet interconnected – labour policy and worker rights, mobility and migration, social rights, and macroeconomic structures and fundamentals.

The fallouts are extensive, encompassing all sectors and regions: massive decline in employment, wages, income, consumption, savings, nutrition, health status, education; huge rise in gender gaps, accompanied by increased poverty, food insecurity, indebtedness, sale of assets, deepening of inequalities. All these combine to reduce the quality of not only the present but also the future workforce, additionally in relation to the capacity to emerge from poverty. Several ‘collateral’ inequalities have deepened, including rise in child marriages, domestic violence, disability issues, COVID widows and orphans. The lens of Feminist Finance is used to analyse the pandemic policies of the macro-patriarchal State, contextually unravelling relevant ‘relief’ measures, as well as revenue-raising and expenditure allocations including subsidies targeted at the marginalised that affect both paid and unpaid work. Further, the State reinforced the process it had already embarked upon of the abdication and demissioning of rights and welfare by enacting policies and laws under the camouflage of COVID. These include Farm Acts, replacement of all labour laws by Labour Codes, and weakening of Forest Protection Laws. The consequences of a policy response far removed from the lived realities of the labouring population are long-term and generational, resulting in deepening the process of gendered de-equalisation. Urgent issues include destitution, intensification of precarity, reinforcement of patriarchal inequalities, deepening of divides between social groups and communities, and the postponement of goals and time commitments for attainment of all Sustainable Development Goals.

I. INTRODUCTION:

India is probably the one country impacted most negatively by the on-going pandemic. The reasons are several, not the least being an already collapsing economy and an uncaring and uncompassionate policy response. The fundamental purpose of this study is to examine the impact of the pandemic and State response, locating the analysis within four major spheres that are simultaneously independent yet interconnected; labour policy and worker rights, mobility and migration, social protection, and of course macroeconomic structures and fundamentals (Llavaneras Blanco and Cuervo, 2021). It needs to be emphasised that dealing with these four essentials in isolation from each other would result in an incomplete, partial and possibly truncated understanding of the issues and impacts involved across both the short and long term. I would like to point out at the outset that labour structures as examined in this paper contain the concept of livelihoods rather than only employment and ‘work’, extending further into sustainability, both that of production and reproduction as well as that related to environment and ecology. Additionally, ‘social protection’ has been perceived as ‘societal rights’: the term ‘protection’ is paternalistic, condescending and patronising, implying that the State ‘may’, if it feels charitable, grant some handouts rather than implementing its mandate by ensuring fulfilment of the economic and extra-economic rights of both the current and the future labour-force.

This evaluation of the Indian government’s response consequently amalgamates all components including a brutal lockdown on the gendered labour, livelihood and mobility rights of the working population. Also analysed are several policies enacted under the cover of the pandemic which impact the gendered labour and livelihood structures. The essence of this structural transformation cannot be understood in its entirety in isolation from macroeconomic fundamentals. Using the lens of what I term as Feminist Finance to analyse the policies of the macro-patriarchal State (Dewan, 2019), this paper therefore contextually incorporates gendered unravelling of relevant ‘relief’ measures, and of revenue-raising and expenditure allocations including subsidies targeted at the marginalised that affect both paid and unpaid work. The pandemic and the response of the State, both objectively and subjectively, have resulted in increased poverty, food insecurity and indebtedness, and also what I classify as ‘collateral’ inequalities: child marriage, domestic violence, COVID widows and orphans. In this context therefore all the four major hypotheses spelt out in the DAWN’s

analytical framework have been integrated (Llavaneras Blanco and Cuervo, 2021): it is not appropriate or correct to disassociate them, neither is it ethical to not interlink them: doing so would make the entire analysis irrelevant to the lived reality of those that these studies seek to empower. The title of this study specifies labour, mobility and societal rights, none of which however can be visualised or visibilised in isolation from their macroeconomic fundamentals.

This paper takes forward, both vertically and horizontally, the myriad forms of intersectionality relating specifically to the impact of pandemic policies – or the lack of them – on the gendered economic and extra-economic realities of the working poor, with a special focus on single women and transgender persons.

Little macroeconomic data – let alone sex-disaggregated statistical information – exists on the impact of the pandemic on especially informal workers and internal migrants. In order to fill this vacuum, information has been gleaned additionally from surveys and studies conducted by institutions and NGOs focusing on vulnerable sections who are being increasingly marginalised in the on-going struggles between profits and wages, and between an uncaring State and its citizens.

II. IMPACT OF PANDEMIC ON MORPHOLOGY OF LABOUR AND MOBILITY:

Analysis is presented in two subsections, the first dealing with the effects of the pandemic and the lack of a sensitive policy response on labour, livelihood and migration issues, the second focusing on the emergence of what I term as ‘collateral’ inequalities all of which have multiple and crucial bearings on all dimensions of gendered rights.

II: A. LABOUR, MIGRATION, AND LIVELIHOODS:

There was no State response to the pandemic for several weeks after the first COVID-19 case was reported in December 2019 in spite of repeated warnings. The first ‘policy’ response – if it can be called that – was the imposition of a brutal three-week nation-wide complete lockdown on 25 March 2020, with a mere four-hour notice. Millions of people were stranded, primarily workers and internal migrants who were compelled to walk thousands of kilometres with their families and whatever little they could carry. More than 300 persons died on the way back to villages and towns. No State support whatsoever was provided – no food, no shelter, no transport. While free flights were begun to fly back those stranded abroad, trains

for migrants were permitted only six weeks later, all of them having to pay their own fares. The images of these desperate citizens of the largest democracy in the world will haunt the nation for eternity. Numerous rights groups, unions, organisations, institutions, NGOs and individuals stepped in immediately to assist in whatever way possible but could only partially fill the huge vacuum.

Here is scrutinised the employment and migration scenario, combined with the related issues of wages, income, poverty, inequality, food insecurity and indebtedness as they are direct results of the collapse of labour and livelihood structures.

EMPLOYMENT & WAGES

In April 2020, the month immediately following the lockdown, at least 100 million men and nineteen million women lost their jobs (CII and APU, 2021; Deshpande, 2020). Subsequent recovery was tempered by a lack of preparedness for the second wave (APU, 2021). At the end of April 2021, All-India employment rates stood at ninety-four per cent for men and a much lower seventy-three per cent of the pre-pandemic levels for women (Abraham, 2021) and unemployment at eighteen per cent (TNN, 2021).

Although men lost more jobs in absolute terms (Deshpande, 2020), employment declined more sharply for women at forty-three per cent than for men at thirty per cent, with a lower share of gains from recovery. Women from all categories of employment (salaried, daily wage and self-employed) and all sectors (urban, rural, agriculture, non-agriculture) suffered job losses in higher proportions than men with rural, salaried and self-employed leading the way (CII and APU, 2021; APU, 2021). Alarming, fewer women reported actively looking for work than men (Actionaid, 2020; IWWAGE, 2020), and were seven times more likely than men to lose employment and eleven times more likely not to return to work (Abraham et al., 2020). The major reasons are severe contraction in women-friendly sectors – health (Abraham et al., 2021; and 2021a), education, garment and textiles, construction (APU, 2021), and Medium, Small and Micro Enterprises (MSME) (IWWAGE, 2020), as well as the loss of fall-back options.

Job loss was accompanied by decline in intensity of work and drop in wages due to increased informalisation and crowding, informal and migrant women being more severely impacted

and often forced to accept exploitative terms for fear of being unemployed (AIDWA, 2020; Mohan, et al., 2021). Home workers in Ahmedabad, for instance, were paid INR 10 to 15 (USD 0.14 to 0.20) for eight hours of work (Thomas and Sundaram, 2020); sex workers in Uttar Pradesh and Bihar charged INR 5 (USD 0.07) per encounter. Further, fifty-two per cent more women than men failed to receive their due wages (Actionaid, 2020). The relatively greater loss of wage employment amongst women will further widen the gender wage gap (Desai, et al., 2021).

REVERSE MIGRATION

A large proportion of those who lost employment were internal migrants, the lockdown triggering a huge wave of reverse migration from urban to rural areas (SWAN, 2020). There are no numbers for how many women migrated back, but census figures show a spurt in female migration for employment and business in response to agrarian distress, from around 4.1 million in 2001 to 8.5 million in 2011 (Mazumdar and Neetha, 2020). Most are short-term or 'circular' migrants (UNFPA, 2020) who move with the entire family to work in cities for part of the year when work is available. With poor education levels and mostly from socially and economically marginalised communities (Neetha, 2021; Mukerjee and Naryanan, 2020; Xavier, 2020), they work at the bottom of the informal labour pyramid, mostly as cane-cutters, brick-kiln workers, construction labour, street vendors, waste pickers, home based workers for textile and garment factories, and domestic workers. Facing disproportionate job losses (AIDWA, 2020; Agnihotri and Hans, 2021; ISST, 2021; Jan Sahas, 2020) and with no social protection, many were forced to migrate back to the villages.

In addition to the privations and risks faced by all migrants, women were prone to assault, rape and other types of violence including police brutality (Sen, A., 2020; Thapliyal, 2020). With priority given to the pandemic, no medical services were available on the way or at home for persons with disabilities, pregnant women, post-natal women and infants. Menstrual health and hygiene were ignored specifically because sanitary products are not defined as essential goods (Kakar, 2020). With babies born on the roads, in auto-rickshaws, at hospital gates, and in the Labour (*Shramik*) trains, deaths of mothers and newborn babies increased (AIDWA, 2020a). Women in returnee migrant households also faced domestic violence due to financial and mental stress (Kumar and Anand, 2020).

Migrant women who stayed back in cities suffered police high handedness, physical as well as sometimes sexual, while in search of jobs (ISST, 2020a). Others who had remained in villages were unable to sell their produce (MAKAAM, 2020a), nor withdraw money without *Aadhar* cards (individual identification number) or get jobs under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)ⁱ due to increased competition from returning migrants (Centre for Equity Studies et al., 2020; Sharma, 2020). A critical issue for migrants, especially for single women and transgender people, is that of conditionalities and lack of portability of documents that constrain access to relief, if and when it is given. A year on, changes in migration patterns are visible with fewer women migrating (Jan Sahas, 2021).

HOUSEHOLD INCOME, POVERTY & INEQUALITY

The sudden and adverse changes in the labour market translated into collapse of income, erosion of savings and ballooning of household debt. Per capita average monthly real income declined by thirty per cent compared to the pre-pandemic level and by forty-two per cent for the lowest decile (APU, 2021). The result is a massive rise in poverty, all the more problematic because of the pre-pandemic scenario of a collapsing economy characterised by unprecedented inequality. Population below the national minimum wage threshold of INR 375 (USD 5.1) per day for rural areas and INR 430 (USD 5.8) for urban areas rose by 230 million in the pandemic year – a rise of fifteen per cent in rural and twenty per cent in urban areas (APU, 2021). The Pew Research Centre has predicted the shrinking of the Indian middle class by thirty-two million and an addition to the poor of seventy-five million plus. The London School of Economics Centre for Economic Performance (LSE-CEP) and Dalberg Surveys also attest to increased poverty with even higher levels of inequality, the bottom twenty per cent of households reporting seventy-one per cent income loss compared to fifty-one per cent for the top quintile (Totapally et al., 2020). India now accounts for 57.3 per cent of the global rise in pandemic-induced poverty, and 59.3 per cent of the middle-income category.

FOOD INSECURITY

The immediate and most direct outcome of the collapse of livelihood structures given the utter inadequacy of State-sponsored cash and food transfers is the massive increase in food insecurity even though Right to Food is recognised as a Constitutional right. This fall needs

to be viewed in the context of the fact that seventy-six per cent of rural households could not afford a nutritious diet even in the pre-pandemic period (NFHS 5, 2019-20). Based on the Centre for Monitoring Indian Economy (CMIE) Consumer Pyramids Household Survey (CPHS) data (May to August 2020), Kumar and Kumar (2021) estimate that about seventy per cent of households in the lower income decile had to reduce consumption after the national lockdown with sixty per cent continuing to remain hungry even six months later. These conclusions are reinforced by other surveys such as APU's COVID-19 Livelihood Phone Survey (CLIPS) and the Right to Food Campaign Survey, WIEGO (2020; 2020a; and 2021) and ISST (2021).

Stress of inadequate food falls disproportionately on women especially during crises because of the 'Last and Least to Eat' syndrome. Gender gaps in access to nutrition are highest among socio-economically vulnerable groups, typically including families with migrants (Puskar and Mohan, 2020). Under-nutrition in children is also reported, given the suspension of food provision through childcare centres and school mid-day meals (Madhavan, 2020).

INDEBTEDNESS

The drastic fall in incomes has compelled the poor, especially single women, to cut consumption, draw upon their meagre savings, sell their assets and borrow just to meet their daily consumption and health needs. Households with some asset – land, livestock, bicycle, watch, mobile phone and even cooking vessels – sold or pawned them. The main items, usually belonging to women, were jewellery at thirty-five per cent and livestock at twenty-five per cent (APU, 2020). Borrowing was mostly from informal institutions and networks such as friends, relatives, self-help groups (SHGs) and local money lenders, with banking institutions and co-operatives providing little credit in both rural and urban areas (APU, 2020; and 2021). The median loan amount was high ranging from twice to six times the monthly income (APU, 2021). Not only were asset-less households more likely to borrow, the amount borrowed was a much higher multiple of their pre-pandemic incomes compared to better-off households (APU, 2020). ActionAid (2020) reports incidence of debt amongst migrants being more than for non-migrants, while the Gaon Connection Survey found around five per cent of their respondents sold or mortgaged their lands.

By the time the second wave of the pandemic hit, most households had depleted their resources and/or were in debt. This not only makes them extremely vulnerable with no protection against future shocks, but also delays their exit from poverty. Those who sold business assets like a sewing machine or specialised tools at distress rates face inhibition of business recovery, productivity and income in the future. Household debt ballooned and savings eroded at the macro level: between March 2020 and December 2020, from INR 68.9 lakh crore to INR 73.1 lakh crore (USD 9.3 to 9.9 trillion), a jump from 33.8 per cent to 37.9 per cent of Gross Domestic Product (GDP). Savings in the form of bank deposits crashed from INR 3.6 lakh crore (USD 4.9 trillion) in the July-September quarter of 2020 to INR 1.7 lakh crore (USD 2.3 trillion) in the following quarter (Varma, 2021).

II: B. 'COLLATERAL' INEQUALITIES:

There are several fallouts of the collapse of labour and livelihood structures that need to be urgently identified. These include but are not restricted to domestic violence, disability issues, age at marriage, 'COVID' widows and orphans.

DOMESTIC VIOLENCE

The National Commission for Women reported a 2.5-fold increase in cases of domestic violence registered between 27 February and 31 May 2020 (Chandra, 2020). Eighteen organisations reported an initial increase during full lockdown of fifty-five per cent, escalating even higher to 171 per cent post lockdown (Kapoor, 2021). Incidents rose in relation to domestic violence against married women by husbands and in-laws, including marital rape (Sen, A., 2020); against unmarried or single young women by father, brother, boyfriend, neighbours and others; and against physically challenged women by partners and personal attendants. Inability of caregivers to reach those who depend on them, as well as reduced access to medicine, groceries, therapy and rehabilitation emerge as major challenges (Bhandare, 2020). No State agency has collected data on domestic violence against women with disabilities (Sen, R., 2020).

Despite an early Delhi High Court Order (The Economic Times, 2020) to take appropriate measures to curb domestic violence, State response via designating One Stop Centres (OSC) and a national helpline failed to translate into real services on the ground: the OSC could not

marshal required personnel; the helpline was functional only in some states and even where it did exist, response was varied and limited (Kapoor, 2021). Although numerous NGOs including women's rights, transgender and sexuality rights organisations stepped in quickly, they were handicapped by restrictions to movement and lack of transport (Kumar and Kumar, 2021), and had to provide support only through telephone and email (Kapoor, 2021). The absence of a comprehensive policy has led to invisibilisation of domestic violence especially for women living with disabilities, those living with HIV-AIDS, sex workers, prisoners, and transgender persons forced to live within the home but detached from community.

TRANSGENDER PEOPLE

The transgender community is among the most exploited in India. Made up of multiple gender/sexual identities, they face high levels of stigma, discrimination, violence and transgression of rights even during normal times. Most are in informal jobs, and the lack of a transgender-sensitive pandemic policy response immensely exacerbated their extant marginalisation, precarity and susceptibility to violence (Vee and Salelkar, 2021).

Most became unemployed, with especially sex work being drastically affected by fear of infection and physical distancing requirements. Since existing laws directly and indirectly criminalise transgender people, policing during lockdown became a source of threat rather than of protection (Vee and Salelkar, 2021). Many transgenders in the corporate sector reported the use of the lockdown as an excuse to remove them (Kumar and Mukherjee, 2021). The loss of income robbed them of respect, increasing chances of domestic violence from fathers and brothers, and cut off their access to specialised health treatments like HIV/AIDS medication or hormone treatments as well as support groups. While some states announced some welfare packages, not only was disbursement delayed, access required some form of 'official' certification (Queer Relief, 2020). Only around fifteen per cent had voter's ID and Aadhar cards which reflected their transgender identity (Vee and Salelkar, 2021). The pandemic also took a toll on queer mobilising and reduced advocacy channels. In cities like Hyderabad, transphobic violence intensified, leaving them in fear for their life (Madhukalya, 2020; Nadkarni and Swarnim, 2021).

‘COVID’ WIDOWS AND ORPHANS

A new ‘collateral’ that has emerged and that should have been anticipated is that of women who have been widowed by the COVID death of their husbands and of children who have lost their parents. No official data has been collected on the numbers of these rather-derogatorily termed ‘COVID Widows’. The National Commission for Protection of Child Rights reported 30,071 ‘COVID Orphans’ between April 2020 and June 2021, a vast underestimation indeed. Testimonies reveal the manifold vulnerabilities of such women and their children: health problems arising out of COVID and other conditions; social isolation; ostracisation; homelessness due to eviction from marital/natal homes; job loss; financial stress; domestic violence; sexual and other kinds of harassment by family, neighbours or strangers; uncertainty regarding children’s education and future, and high levels of mental and emotional stress. A few states have announced financial help, but none support claims to natal and marital properties (Kad, 2021).

Girls especially face a host of problems including hunger, starvation, eviction, discontinuation of education, child labour, early marriage and trafficking (Gupta, 2021). Alerted by NGOs, the Ministry of Women & Child Development (MWCD) issued a public notice warning against messages on social media for adoption of these children, and also steps to track these children by district welfare committees and other organisations (Roy, E., 2021). Several states like Kerala, Delhi, Punjab, Madhya Pradesh, Uttarakhand, Karnataka and Andhra Pradesh announced a variety of schemes including financial assistance and free education, which hopefully will be converted to permanent policies.

CHILD MARRIAGE

Among the most disastrous consequences is the rise in child marriages. According to the United Nations International Child Emergency Fund, financial distress caused by COVID-19 is likely to push an additional ten million girls into child marriage. India was progressing towards achieving Sustainable Development Goal (SDG) Target 5.3 to end child marriage by 2030, the proportion declining over the last decade with twenty-seven per cent of females aged twenty to twenty-four years having married before the age of eighteen in 2015 and 2016 compared to forty-seven per cent in 2006 and 2007 (Jejeebhoy, 2021). The lack of a child and gender sensitive pandemic policy from the very outset has led to a spurt in child and teenage

marriage, which also heightens the risk of domestic slavery, spousal violence and poor health. Childline, a nodal agency for children in distress under the MWCD, received 5,584 calls relating to child marriage between May and July 2020, a thirty-three per cent increase over 2019 and 2020 (Bahl et al., 2021; Thomas, M., 2021). Several NGOs report increased initiation of child marriages with cases involving girls exceeding boys across states (Bahl et al., 2021; Chakraborty, 2021).

Contributing factors also include closure of schools; smaller dowries for younger girls; accepting dowry as a means to raise family income; minimisation of marriage costs due to limit on number of invitees (Jejeebhoy, 2021; Chakraborty, 2021; Nandy, 2021). The suspension of behavioural change public programs, lack of access to help lines and organisations, diversion of frontline workers to COVID prevention and care, reduced contact with teachers and isolation from peers also contribute by robbing girls of the support to resist social pressure to marry.

III: MACROECONOMIC FEMINIST FINANCE EVALUATION: STATE ABDICATION AND DEMISSIONING OF RIGHTS AND WELFARE

This section examines three interconnected aspects– analysis of State policy response from a gender perspective in the context of the economic and extra-economic situation prevailing when the pandemic struck, a Feminist Finance evaluation of State response, and the State’s utilisation of the COVID-19 cover to withdraw several rights of the people which they had attained after decades of struggle.

III A: CONTEXTUALISING GENDERED POLICY RESPONSE:

The pandemic struck in India at a time when the process of de-development and de-equalisation had gathered momentum in the last several years. Few if any serious rectification measures had been undertaken, with virtually all growth and development indicators declining sharply. GDP witnessed a secular decline since the third quarter of 2016-17, reaching a forty-two-year low of four per cent in Financial Year 2020. Per Capita GDP was already low before the pandemic at INR 99,694 (\$ 1,347). Other indicators too underwent a fall especially after the demonetisation of 2016 (Dewan and Sehgal, 2018), and the flawed

and hastily implemented Goods and Services Tax (GST). Combined with these was an unresponsive fiscal architecture; fifty-nine per cent rise in debt to GDP; reduced public provisioning; sharp rise in inflation to almost thirteen per cent; industries functioning at less than forty per cent capacity.

The most detrimental effects impacted the already marginalised the most, resulting in the reversal of whatever had been hitherto attained: massive rise in income inequality with the top one per cent holding more than four times the wealth held by the lowest seventy per cent, and the Gini coefficient rising from 35.7 per cent in 2011 to 47.9 per cent in 2018; unemployment at over seven percent at a forty-five-year high; the least monthly minimum wage in South Asia at INR 4,300 (USD 58). India's low Female Work Participation Rate (FWPR) impacts the most vulnerable sections especially Schedule Tribes, Schedule Castes Other Backward Castesⁱⁱ and minorities. This process of gender de-equalisation has been further exacerbated by a three percent rise in the Gender Wage Gap between 2011 and 2012 and 2017 and 2018. Over three-fourths of rural households could not afford a nutritious diet. Subsequently, the proportion of persons below the poverty line rose for the first time in forty-two years by over five per cent. India fell by twenty-eight places within the last year to stand at 140 out of 156 countries in gender parity on the World Economic Forum's Global Gender Gap Index, and an abysmal low of 151 in terms of economic participation and opportunities. India recorded one of the lowest women labour force participation rates in the world in 2018-19, with its Female Work Participation Rate being merely about twenty per cent, well below the global average of forty-eight per cent. It fell from 29.6 per cent in 1983 to 21.9 per cent in 2011-2012 as per the 38th and 68th rounds of National Sample Survey (NSS) and further to 16.5 per cent according to Periodic Labour Force Survey (PLFS 2017-2018). The fall has been in absolute terms too, from 148.59 million in 2004-2005 to 104.1 million in 2017-2018. The Urban FWPR too witnessed a gradual decline especially over the last two decades- from 15.6 per cent in 1977-1978, to 14.7 per cent in 2011-2012, and to an all-time low of 14.2 percent in 2018-2019. The Female Labour Force Participation (FLFP) is even less today at 9.7 per cent (Mazumdar and Neetha 2020; Mitra and Roy 2018), with the recently released Periodic Labour Force Survey (PLFS) quarterly report (April-June 2020) indicating a further decline by eight per cent.

A major reason for the massive decline in women's participation in the labour force of developing countries and especially so in India is the expansion and intensification of the

unpaid work burden subsequent to cuts in critical public investment and a development path that prioritises only growth. On an average, 35 percent to 50 percent of total work time is spent on unpaid work, most of it by women (Antonopoulos and Hirway 2010). In India the potential annual addition to GDP from raising women's employment is estimated between INR 518 trillion and INR 2146 trillion (USD 0.7 trillion and USD 2.9 trillion), about seventy per cent of the increase expected to come from a ten per cent rise in FLFP (Mckinsey Global Institute 2016).

This is not to say that the labour women perform is insignificant, but that much of it is invisible and also devalued, official data not recognising the huge burden of unpaid work. Globally India has among the highest and most unequal gender division of unpaid work. India's first Time Use Survey (2019) reveals that women spend on average, four hours and fifty-nine minutes per day on unpaid domestic work, men one hour and thirty-nine minutes - that is, on an average, women devote nearly three times more time than men on domestic work (Shaik, 2020). During crises, women's unpaid work intensifies sharply to ensure the very survival of households and communities, especially when the State defaults on its responsibilities such as provision of food security and public health (Dewan et al., 2017). The pandemic and lockdown increased the burden of unpaid work by increasing the number of members present in the house and by shifting the burden of public services such as schools, crèches, *anganwadis*ⁱⁱⁱ, clinics and hospitals to households and women (IMPRI, 2021). This is especially true of care for non-COVID ailments. Women especially amongst low-income groups in all surveys reported a significant increase in time spent on cooking for family (APU, 2021); cooking for returning migrants and poorer communities by women's groups (Haritas and Guerin, 2021). Women's responsibilities and time spent also rose due to debt work such as managing family budgets; finding new sources and negotiating the amounts, prices and terms both individually and collectively; political work including building and maintaining networks with officials; keeping ration shops functioning and monitoring the quality and quantity of supplies; accessing government schemes (ibid). Interestingly, although time spent by men on unpaid work increased during the lockdown, it subsequently declined but remained above the pre-pandemic level with the gradual lifting of restrictions (Deshpande, 2020a).

III: B. FEMINIST FINANCE EVALUATION OF STATE PANDEMIC POLICY:

This sub-section examines the State's financial response, via relevant illustrations relating to the last fiscal year, budget allocations, and 'relief' measures. One would have expected that given the desperate economic situation of the majority of India's citizens, budgetary allocations for Financial Year 2020-2021 would have not only been fully utilised but in fact would have expanded beyond the revised estimates. The twenty-five per cent fall in Central Government Revenue between April-September 2019 versus April-September 2020 cannot be used as an excuse as it is due primarily to slashing of corporate tax rates. Central expenditure, on the other hand, actually fell by one per cent, being less than forty-eight per cent of Financial Year 2021 target up to October 2020, compared to almost sixty per cent in year-ago period. Expenditure by states however rose by INR 0.20 trillion (USD 2.7 billion). In this context it is important to note that given the sharp decrease in disbursement of the due share of GST collections to the states especially at a time when they need it the most, which by itself is a crucial constitutional issue, the impact is on reduction in development expenditure especially relating to attainment of SDGs with long-term implications.

What is quite inexplicable if not disquieting is the fall in spending by crucial ministries and departments viewed from a year-on-year perspective: April-September 2019 versus April-September 2020. Major subsidies which benefit primarily the working poor fell by 26 percent and food subsidies by an astounding thirty-three per cent. Ministries and Departments crucial to ameliorating economic distress actually showed a huge decline: Statistics and Programme Implementation by seventy-two per cent; Law and Justice by sixty-two per cent; MSMEs by fifty-nine per cent; Textiles by fifty-eight per cent; Power by fifty-six per cent; Skill Development and Entrepreneurship by fifty-one per cent; Tribal Affairs by fifty-one per cent; Commerce and Industry by forty-seven per cent.

One of the major reasons for the huge rise in women's unpaid work has been the consistent withdrawal of subsidies on cooking energy, thereby increasing their hunt for household fuel. The gas subsidy opted for by especially poor women was stopped without notice in April 2020; the free gas cylinder scheme Ujjwala ceased to function on 30 September 2020 although the 2021-22 Budget assures its extension to ten million households. Meanwhile the refill price has more than doubled during the pandemic year, making clean cooking energy unaffordable for even the lower middle class especially when viewed in the context of the

huge fall in income levels. Direct Benefit Transfer Kerosene was withdrawn in February 2020: kerosene used to be earlier sold at subsidised rates through the Public Distribution System (PDS) to those who did not have a gas connection. In the last Budget this subsidy allocation had already been halved: simultaneously fuel retailers have been permitted to raise the price every single fortnight over the last eighteen months.

Of the five institutions that impact women's work, especially that which is unpaid – households, community and caste structures, non-government actors, markets, and the State – only the State, with its political and financial strength, is in a prime position to wield a critical influence over the other institutions in moderating gender roles and relations. Macroeconomic policies governing social protection, public provision of basic infrastructure, taxes and subsidies have a significant enabling or disabling impact on the unpaid and unrecognised economy. The role of the State is especially critical in developing countries, more so in the case of women in poor and vulnerable households. This is precisely why it was expected that the State response to the devastation caused by the pandemic would take these factors into account.

The current budget of April 2021 to March 2022 does not hold out much promise for either economic recovery or meeting people's urgent needs. Agriculture and allied activities – where the majority of women source a livelihood – witnessed a fall from 5.1 per cent to 4.3 per cent of the budget, apart from withdrawal of import subsidies. Allocation to PM Kisan Saman Nidhi (Farmer Fund) was reduced by thirteen per cent; Nutrition by sixteen per cent; Midday Meal Scheme by INR 500 crores (USD 67.6 million); Education by INR 6000 crores (USD 810 million) in a situation where twenty-two per cent of tribal and eighteen per cent of Schedule Caste children have dropped out due to lack of money for fees. MSMEs account for forty-five per cent of manufacturing output and employ 120 million, and had undergone supply disruption, domestic demand shock, and external demand decline: this crucial sector witnessed an unprecedented fall from INR 69,800 crores (USD 9432 million) to a shocking low of INR 15,699 crores (USD 2121 million).

At a time when the single major issue confronting people is livelihood opportunities, allocation to the largest employment guarantee scheme in India –MGNREGS– was reduced by INR 38,500 crores (USD 5203 million) from the previous year: hence only 2.7 to 2.8

million individual workdays will be possible in the coming fiscal year, compared to 3.4 million in 2020-2021. This is not taking into account payment of back wage arrears.

The focus of the several ‘relief’ packages has been on the supply-side and relates to ‘credit’-easing rather than demand-creation which is essential if the massive unemployment and falling wage crisis has to be addressed. On 26 March 2020, a day after the national lockdown, the first set of relief measures announced consisted of a INR 170,000 crore package (USD 22973 million) followed on 12 May 2020 by Atmanirbhar Bharat Package estimated at INR 20 lakh crore (USD 307.6 billion), more than sixty per cent of which was in the form of expansion of credit to business rather than consumption-orientation. Five kilograms of free grains and one kilogram of pulses were made available on production of the ration card^{iv} foreach of three months of April to June 2020, now extended to November 2021. Accessibility however is linked to digital card conditionalities, thereby denying even basic food items to migrants and especially single women who often do not possess independent cards. Exclusion due to lack of a ration card foreach or its non-portability remains a serious barrier especially for migrants who are not covered under the National Food Security Act (Bhat, 2021). Seventy million poor women were excluded from free food support due to lack of a ration card (IWWAGE, 2020). Whatever support has been effectively provided is due to three factors: the decade-long struggle for the National Food Security Act (NFSA); existence of the time-tested PDS infrastructure; the immense work done by non-State groups (Totapally et al., 2020; MAKAAAM, 2020a; AIDWA, 2020a).

Under the Pradhan Mantri Jan Dhan Yojana, INR 500 (USD 6.8) per month was to be given to women account holders for three months, April to June 2020. Penetration of Jan Dhan is much less than the Public Distribution System (PDS): for instance, forty-eight per cent of rural and sixty-three per cent of urban households in the CLIPS survey did not have an account. While surveys like the APU CLIPS and Dalberg reported a high proportion of around seventy-five per cent of the eligible receiving transfers, those who received all three tranches accounted for merely thirty-two per cent. The proportion of women respondents having an active account ranged from forty-five per cent (MAKAAAM, 2020a) to nearly ninety per cent (Kejriwal, 2020); women who received the transfer ranged from thirty-three per cent (Kesar, et al., 2020; MAKAAAM, 2020a) to sixty-six percent (Kejriwal, 2020; Patel et al., 2020). Apart from constraints such as distance to banks in accessing these meagre amounts, the main problem is inherent in the scheme design itself, the beneficiary having to

travel thrice and that too when public transport was banned in order to access the INR 500 (USD 6.8) per month, when it would have been more rational to transfer the total amount of Rs 1500 (USD 20.3) at one go.

III: C. DEMISSIONING DEMOCRATIC RIGHTS:

Three majorly fundamental legal and policy changes – among several others out of the purview of this study – have been brought in under the cover of COVID, all of them in a rather authoritarian manner with little democratic space for discussion and debate: replacement of all existing labour laws by Labour Codes; promulgation of Farm Acts; reduction of access to Common Property Resources thereby curtailing tribal and forest rights.

In a situation which calls urgently for protection if not extension of labour, livelihood and mobility rights, the State has in fact gone to the other extreme of repealing all existing labour laws totalling thirty-five and replacing them by Labour Codes, proclaiming that labour ‘reforms’ need to be introduced for the purpose of ‘ease of doing business’. The Code on Wages, officially announced in the Gazette on 7 July 2020, replaces four laws; the Code on Occupational Safety, Health and Working Conditions was promulgated outside of the Parliament on 29 September 2020 and repeals thirteen acts; Code on Social Security which replaces fifteen laws was finalised in December 2020; Code on Industrial Relations was circulated in December 2020 and withdraws three acts.

The negation of labour rights include restrictions of definition of employee/worker to establishment/industry; de-recognition of home based workers, domestic workers and apprentices by precluding work in private households; extension of the workday from eight to twelve hours; delinking of sexual harassment from safe conditions of work; reinforcement and creation of new gender stereotypes; invisibilisation of female- and child headed households; self-certification of compliance by employer; reduction of women’s representation on Boards and Committees; extension of ban on strikes and other forms of democratic protest to each and every sector whether primary, secondary or tertiary, and all sub-sectors in including construction, agriculture, forestry, fishery, health, education etc. (Dewan, 2020).

Three Farm Acts were passed in a rush in late September 2020: Farmers (Empowerment and Protection) Agreement on Price Assurance, Farmers’ Produce and Trade and Commerce

(Promotion and Facilitation) Act, and Essential Commodities (Amendment) Bill 2020. The provisions as well as the undemocratic haste in which they were passed have come in for severe criticism nationally and internationally. The farmers' agitation against these laws – with at least twenty million participating across the country. At the time of writing, it has entered its twelfth month and has attained the status of being the longest ever agitation in world history (PARI, 2021).

The provisions of these laws are against the interests and lived realities of especially small and marginal farmers including women: virtually compelling farmers to directly trade with large corporations; impetus to contract farming associated with large companies dictating crop choices and cultivation practices that ignore agro-climatic concerns; emphasis on on-line trading; bypassing State-run and regulated Agricultural Produce Market Committees; denying fixed Minimum Selling Prices; deregulation of prices of products of mass consumption; impact on PDS availability; reducing government oversight; transfer of powers of arbitration and redressal from the judiciary to the executive (MAKAAM, 2020; Premkumar, 2020).

The draft Environment Impact Assessment policy issued in 2020 significantly waters down the 2006 rules, making it easier for the government and private sector to implement projects without environmental scrutiny. The dilution of The Forest Rights Act (2006) and the State's interest in eviction of forest dwellers, coupled with the latest dilution of powers of the State in forest matters under The Forest Conservation Act (1980), as well as recent mining reforms including privatisation of coal violates and undermines the provisions of the 1996 Panchayats (Extension to Scheduled Areas) Act^v: the result is the denial of the historical and constitutional rights guaranteed to protect tribal communities and natural resources.

IV: CONCLUSIONS

The impacts of an unethical, confused, non-compassionate, people-insensitive and gender-blind pandemic policy have long-term generational consequences, resulting in a process of de-equalisation of gendered labour, livelihood and mobility rights. These include loss of potential for increasing employment and employability; intensification of precarity of labour and migration movements both horizontal and vertical; reinforcement of patriarchal divides; widening gender wage gap; expansion of poverty; intensification of economic and extra-

economic inequalities; decline in nutritional, health and educational access thereby negatively affecting the quality of not only the present but also the future workforce.

These consequences have to be viewed within the context of three essential processes that have gained ascendancy in the last few years: rapidly increasing centralisation of political power; concentration of capital as well as appropriation of the nation's public assets, and a massive shrinking of democratic space for economic and political dissent. India's ranking in the Global Democracy Index has fallen from twenty-seven in 2014 to fifty-one within a matter of five years due to significant 'democratic backsliding': it is now categorised as a 'flawed democracy' and has been downgraded from 'free' to 'partly free'. India's global rankings today across innumerable indicators are the lowest in its entire history, and cover almost all SDGs: ninety-four among 107 countries in the Global Hunger Index; Gender Gap 140/156; Oxfam Inequality Index 129/157; Healthcare 145/195; Environment 168/180; Water Quality: 120/122; Air Quality 179/180; Internet Quality 79/85; Peace 139/163.

However, a few state governments, often at the behest of NGOs especially women's and civil rights organisations, have taken several gender-sensitive measures which can be refined and replicated, especially those relating to food availability, identity proof, digitalisation, cash transfers to families where the main earner has died, financial support to sex workers and transgender persons. Kerala stands out as a best practice from which much can be learnt, the key pillars being gender-sensitivity, effective public health system, strong database, welfare orientation, combined with a decentralised system of governance and a culture of mass participation. Its relief package of 19 March 2020 was prompt, generous, pro-poor and pro-migrant: nearly 400,000 ready cooked meals were distributed every day from community kitchens; every family received a food kit; 5.5 million elderly/disadvantaged persons were given INR 8,500 (USD 115) as welfare payments; an equal number of workers were paid INR 1,000 to INR 3,000 (USD 13.5 to 41) each. Local governments, strengthened by devolution of administrative and financial powers, set up camps for migrant workers, ensuring provision of food and medicine (Isaac, 2020). Also playing crucial roles were the approximately 600,000 SHGs, state-institutionalised and financially supported women neighbourhood groups (*Kudumbashree*), and civil society organisations (Roy and Dave, 2020).

What is also quite inspiring is that there are several sparks of feminist progressive practices which offer learning experiences for transformative policy, advocacy and action. Every corner of the country has witnessed the coming together of a large number of women's groups, human and civil rights groups, trade unions, NGOs, donor organisations, housing societies, teachers and students' organisations, etc, very often under the leadership of women, in order to provide support especially to the labouring poor as well as to create a data base. Although these efforts cannot fill the vast vacuum left by an uncaring State, they have led to greater awareness of democratic, constitutional and human rights, and new forms of solidarity, association and organising cutting across class, community and often political divides. And all this despite mobility and other constraints, including a deep and extensive reduction of democratic freedom and rights of dissent and protest, as well as attacks on funding opportunities. The struggle is long and difficult, but the sparks are many and multiple.

DRAFT for discussion

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ENDNOTES

ⁱThe MGNREGS is a nation-wide rural workforce programme where each registered family is assured, on demand, 100 days of unskilled wage work in a year at wage rates fixed by the Government.

ⁱⁱThe Scheduled Tribes (ST), Scheduled Castes (SC) and Other Backward Classes (OBC) are officially designated groups of people in India recognised by the Constitution of India as deserving positive discrimination and given Reservation status in education and increasingly in public sector employment. ST and SC constitute respectively 9 percent and 17 percent of the population (2011 Census). While no precise numbers are available for OBC, they comprise a sizable section of the population.

ⁱⁱⁱAnganwadi, meaning ‘courtyard shelter’, is a type of rural childcare centre in India. They were started by the Indian government in 1975 as part of the Integrated Child Development Services program to combat child hunger and malnutrition. They are part of India’s public health system and provide a diverse bundle of basic health services to a village.

^{iv}The ration card is an official document issued by State Governments to households fulfilling specific eligibility criteria set by each State. It entitles them to purchase essentials such as wheat, rice, sugar, oil at subsidised prices from the Public Distribution System (PDS) under the National Food Security Act 2013 (NFSA). Issued to the head of the household and tied to residential location, it was hitherto non-portable. The entire ration also had to be purchased at one go. Launched on a pilot basis in 2019, the One Nation One Ration (ONOR) Card Scheme seeks to enable individual beneficiaries to buy their own share of the household entitlement from any fair price shop across the nation (Sharma, H., 2021). A migrant worker can thus obtain his share of food in his migrant destination location while his family can obtain their share in their source/native home location. As of November 2021, implementation is patchy across States.

^vPanchayats, the local self-government bodies for rural areas are the basic components of the Panchayati Raj or system of local self-government mandated under the 73rd Constitutional Amendment (the Panchayati Raj Act, 1992). This act exempted from its provisions certain predominantly tribal areas identified as Scheduled Areas. The Panchayats (Extension to Scheduled Areas) Act or PESA, 1996, seeks to provide these areas with a system that takes into consideration issues such as customary resources, minor forest produce, minor minerals, minor water bodies, selection of beneficiaries, sanction of projects, and control over local institutions. The PESA has been viewed as a panacea for tribal populations which have suffered tremendously from rampant land acquisition and displacement due to a combination of modern development processes and statutes unfair to these communities.

DAWN DISCUSSION PAPER #35

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