

## **Undermining the Role of Women in the Economy: The Interplay Between Paid Work and Unpaid Care Work in India**

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### **Abstract**

Women are overrepresented in informal employment in the Indian labour market. They also devote more time to unpaid care work than men do. The poor working conditions of women are attributable to this double burden of work. Due to the lack of regulatory measures to protect the interest of informal women workers along with rigid gender norms, women's participation in paid work is drastically reduced. As far as unpaid care work is concerned, feminist economists have been striving to make such work visible for a long time now. There have been some developments in labour statistics, with time use surveys quantifying women's paid and unpaid contributions to the economy. This article delves into the examination of unpaid care work in India with the help of the Indian government's recent Time-use Survey. It attempts to study the connection between paid work and unpaid care work and its implications for the working conditions of women in India. Finally, it evaluates the 'right to work' as a possible solution by using the example of employment guarantee schemes in India.

### **1. Introduction**

The female workforce in India is largely concentrated in informal employment<sup>1</sup> due to the traditional social structures. Since informality is associated with insecure employment

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<sup>1</sup> According to the National Commission for Enterprises in the Unorganised Sector (NCEUS) – 'Informal workers consist of those working in the informal sector or households, excluding regular workers with social security benefits provided by the employers and the workers in the formal sector without any employment and social security benefits provided by the employers.' National Commission for Enterprises in the Unorganised Sector, *Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector* (Delhi: NCEUS, 2007)

conditions and inadequate social protection, women's position in the labour market is vulnerable and economically weak. Due to the deeply entrenched gender norms, women perform the majority of the unpaid work. The gendered division of labour in paid and unpaid work creates a double burden of work for women in India. While labour and employment laws broadly cover the issues pertaining to 'paid work', the component of 'care work' remains unaddressed. There are legislative measures for women but the coverage is limited and redistributive strategies are deficient.

In the world of economics and labour statistics, there have been recurrent debates regarding the acknowledgement of unpaid care work as 'work'<sup>2</sup> so as to foster transparent labour force surveys in order to make well-informed policy decisions.<sup>3</sup> Feminist economists have also gone beyond the recognition of unpaid care to suggest including the same in a nation's Gross Domestic Product (GDP).<sup>4</sup>

There is also a conundrum with respect to the declining female labour force participation in India, despite the increase in their enrolment in higher education. This negative correlation is attributable to the 'income effect', that is, the increase in household income results in the withdrawal of women from the labour market since the cultural and patriarchal

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<sup>1, 2.</sup> See also, Santosh Mehrotra, 'Informal Employment Trends in the Indian Economy: Persistent Informality, but Growing Positive Development' (Geneva: ILO, 2019) 1,16. Informal employment can exist in both the formal and the informal sector. For the purpose of this article, the component of informal employment is relevant to the extent of displaying the impact of unpaid work on the paid work of women. For a detailed discussion on informalisation of the workforce, informality and formal and informal work in India See Simon Deakin, Shelley Marshall and Sanjay Pinto, ' Labour Laws, Informality, and Development: Comparing India and China', in Diamond Ashiagbor (ed.) *Re-imagining Labour Law for Development: Informal Work in the Global North and South* (Oxford: Hart, 2020).

<sup>2</sup> See Luke Messac, 'Outside the Economy: Women's Work and Feminist Economics in the Construction and Critique of National Income Accounting' (2018) 46 *Journal of Imperial and Commonwealth History* 552.

<sup>3</sup> 20th International Conference of Labour Statisticians: Landmark ILO Conference sets standards to measure new and invisible forms of work, (International Labour Organization: Geneva, 19 October 2018).  
<[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_647540/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_647540/lang--en/index.htm)>

<sup>4</sup> Diva Dhar, 'Women's unpaid care work has been unmeasured and undervalued for too long' (King's College London, 14 January 2020) <<https://www.kcl.ac.uk/news/womens-unpaid-care-work-has-been-unmeasured-and-undervalued-for-too-long>> accessed 8 October 2021. See generally, Cynthia Wood, 'The First World/Third Party Criterion: A Feminist Critique of Production Boundaries in Economics' (1997) 3(3) *Feminist Economics* 47.

mindset is such in India.<sup>5</sup> This is problematic because regardless of women's employment in the labour market, their role in undertaking household work remains unchanged. At all levels of education in India, the time spent on unpaid care work is nearly the same. Behaviours and patriarchal attitudes remain strong and widespread regardless of the fluctuation in the literacy rate.<sup>6</sup> According to the human capital theory,<sup>7</sup> an increase in the level of education or skills ostensibly elevates the potential to earn higher wages or acquire gainful employment. While this is true for most developed countries, the same narrative does not resonate with the labour market trends in lower and middle-income countries especially, in South Asia the correlation is negative. There are socioeconomic factors resulting in such discrepancies. Usually, it stems from 'the disincentives from other family income, restrictive gender norms, greater emphasis on domestic duties and child-rearing in a newly competitive educational system, and the lack of 'suitable' work for educated women'.<sup>8</sup>

In the neoliberal empowerment narrative, women are often associated with their socially ascribed gender roles. In that, they are merely catalysts for enhancing 'human capital' and family well-being. Women's empowerment, in that sense, is to maintain the status quo of the traditional family model insofar as undertaking the care work and to compensate for the shortcomings of men who fail to fulfil their part as the provider. Therefore, women are burdened with the responsibility of 'generating resources to educate and feed their children, as well as doing the bulk of the work of social reproduction'.<sup>9</sup>.

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<sup>5</sup> Maitreyi B. Das and Ieva Žumbytė, 'The Motherhood Penalty and Female Employment in Urban India', Policy Research Working Paper; No. 8004, World Bank (Washington DC: World Bank Group, 2017).

<sup>6</sup> Jacques Charmes, 'The Unpaid Care Work and the Labour Market. An Analysis of Time Use data based on the latest World Compilation of Time-use Surveys' (Geneva: ILO, 2019), 97.

<sup>7</sup> Gary S. Becker, 'A Theory of the Allocation of Time'(1965) 75 *Economic Journal* 493, 493-494. See also Pedro Nuno Teixeria, ' Gary Becker's Early Work on Human Capital – Collaborations and Disincentives' (2014) 3 *IZA Journal of Labour Economics*.

<sup>8</sup> Esha Chatterjee, Sonalde Desai & Reeve Vanneman, 'Indian Paradox: Rising Education, Declining Women's Employment' (2018) 31 *Demographic Research* 855, 858.

<sup>9</sup> Andrea Cornwall, 'Beyond "Empowerment Lite": Women's Empowerment, Neoliberal Development and Global Justice' (2018) 53 *Cad. Pagu*.

The purpose of this article is to assess the paid work-unpaid care work connection with regard to women in the Indian labour market. This will be accomplished by studying the labour statistics concerning time spent by women on paid-unpaid work and thereafter evaluating the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA),2005 as a possible tool to resolve the paid work - unpaid care work conflict.

This article is divided into three parts. Section 2 below deals with the unpaid care work with respect to women in India and provides a detailed overview of women's decreasing labour force participation owing to such work. This is further substantiated with the recent Time Use Survey (TUS) statistics in India. Section 3 looks at the paid work/unpaid care work connection and its impact on the women in the labour market in India. It also briefly recounts the problematic neoliberal perspective inciting gender inequality in the labour market, paid work – unpaid care work conflict and an interdisciplinary policy overview. The vulnerable position of women and their high concentration in precarious work is discussed in section 4, which also examines the possibility of proposing a 'right to work' through employment guarantee schemes as a solution to redeem women from the double burden of work, promoting the idea of shared responsibility and achieving transformative equality<sup>10</sup>.

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<[https://www.scielo.br/scielo.php?pid=S0104-83332018000100202&script=sci\\_arttext&tlang=en](https://www.scielo.br/scielo.php?pid=S0104-83332018000100202&script=sci_arttext&tlang=en).> accessed 8 October 2021.

<sup>10</sup> The four-dimensional model of transformative equality proposed by Sandra Fredman consists of redistributive, recognition, transformative and participative dimensionss. It aims to : 1) to break the cycle of disadvantage, 2) promote respect for dignity and worth, 3) accommodate difference by achieving structural change, and 4) promote political and social inclusion. Sandra Fredman, Jaakko Kuosmanenand and Meghan Campbell, 'Transformative equality: Making the Sustainable Development Goals Work for Women' (2016) 30 *Ethics & International Affairs* 177, 180.

## **2. Unpaid care work and women in India**

The conventional Indian household usually presumes that certain tasks should be carried out by women. Such work includes cooking, cleaning, childcare, and domestic upkeep. However, it also implicitly involves hours of relentless emotional labour spent in holding the families together and tolerating the expectations derived from the unwritten rules of patriarchy. Despite such effort and time spent on household chores, they are neither accounted for in the GDP nor the employment metrics.<sup>11</sup> These countless hours are dismissed due to the lack of economic component, thereby rendering women's contributions invisible. Economists exclude the work performed at home since it doesn't essentially result in generating products or services for the market. Since a massive portion of such work is undertaken by women in India, it is excluded from the labour statistics and regarded as a duty rather than labour.<sup>12</sup>

Unpaid care work refers to all unpaid services provided within a household for its members, including care of persons, housework and voluntary community work. These activities are considered work because theoretically, one could pay a third person to perform them.<sup>13</sup>

Unpaid = the individual performing this activity is not remunerated.

Care = the activity provides what is necessary for the health, well-being, maintenance, and protection of someone or something.

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<sup>11</sup> Vineet John Samuel, 'Unpaid work: women and the burden of unpaid labour' (*DownToEarth*, 31 January 2019).

<<https://www.downtoearth.org.in/blog/economy/unpaid-work-women-and-the-burden-of-unpaid-labour-63035>> 8 October 2021

<sup>12</sup> Ibid.

<sup>13</sup> Veerle Miranda, 'Cooking, Caring and Volunteering: Unpaid Work Around the World' OECD Working Paper 116 (Paris: OECD, 2011) 1, 7.

Work = the activity involves mental or physical effort and is costly in terms of time resources.<sup>14</sup>

The concept of work in modern industrial societies is confined to activities undertaken while ‘at work’ either as an employee or self-employed involving monetary elements. This sort of work is included while counting labour force participation and considered as a contribution to the economy.<sup>15</sup> However, unpaid domestic work, which includes the work of caring for family members and housework is ignored or discarded. It is not counted as work while calculating the GDP of a nation, thereby resulting in the misrepresentation of labour statistics. In fact, feminist economists have questioned certain neoclassical assumptions like the ‘separative self’, the primacy of competition over cooperation, the ubiquity of self-interest, and the primacy of efficiency concerns over equity concerns. They strive to relate economics to the real-world challenges concerning women, men and children, rather than as merely the scrutiny of choice under the situation of scarcity.<sup>16</sup> They have also demonstrated that excluding unpaid household services from official statistics displays grave bias in policy and economic analysis and attribute such oversight to institutionalized gender bias.<sup>17</sup> Feminist economists, since the late 1960s, have been attempting to include the domestic labour of women in the domain of economics and examine it as a form of work comparable to paid work. The rationale behind such endeavour is to acknowledge and value the domestic activities carried out by women. Also, to realize that the absence of women from the labour market is due to the low opportunity

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<sup>14</sup> Gaëlle Ferrant, Luca Maria Pesando and Keiko Nowacka, ‘Unpaid Care Work: The Missing Link in the Analysis of Gender Gaps in Labour Outcomes’ (Paris: OECD Development Centre, 2014).

<sup>15</sup> Jane Whittle, ‘A Critique of Approaches to “Domestic Work”: Women, Work and the Pre-Industrial Economy’ (2019) 243 *Past & Present* 35,35-36.

<sup>16</sup> Marianne A. Ferber & Julie A. Nelson, *Feminist Economics Today: Beyond Economic Man* (Chicago: University of Chicago Press 2003) 8.

<sup>17</sup> Daniel DeRock, ‘Hidden in Plain Sight: Unpaid Household Services and the Politics of GDP Measurement’(2019) 26 *New Political Economy* 20.

cost and economic disadvantage rather than a personal choice. The purpose of such attempts is to make the work of women visible and to value their contribution to the economy.<sup>18</sup>

Housework is not considered work due to the absence of an economic element. However, this interpretation of ‘housework not being work’ is not just limited to unpaid care work and housework. This interpretation leads to the presumption that any work apart from such housework is not ‘work’. It is considered secondary or sometimes consequential to housework.<sup>19</sup> The reason behind such exclusion has been attributed by economic statisticians to the difficulty in quantification and the non-market nature of household activities which renders no purpose in calculating the GDP.<sup>20</sup> Even the Indian Central Statistical Organization exclude the processing of primary goods and collection of free goods in the calculation of India’s GDP. Therefore, the workers engaged, primarily women, in such activities, are eliminated from the estimated workforce of the National Sample Survey Organization (NSSO) and the Population Census.<sup>21</sup> The NSSO has paired domestic duties and allied activities under Code 92 and 93.<sup>22</sup> Therefore, even the women who fall under the production boundary of the System of National Accounts (SNA)<sup>23</sup> are denied recognition. Overall, excluding unpaid domestic work in itself makes women’s contribution invisible and eventually get ignored in the development policy of India.<sup>24</sup>

The discussion regarding the unpaid work of women is particularly relevant in the Indian context due to the declining trend of labour force participation rate, as discussed above,

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<sup>18</sup> Pushpendra Singh and Falguni Pattanaik, ‘Unfolding unpaid domestic work in India: women’s constraints, choices, and career’ (2020) 6 *Palgrave Communications* 1,2.

<sup>19</sup> Marilyn Waring, *If Women Counted* (San Francisco: Harper & Row 1988) 87.

<sup>20</sup> DeRock (n.17).

<sup>21</sup> Singh & Pattanaik (n.18), at 4.

<sup>22</sup> Ibid., at 4.

<sup>23</sup> The system of national accounts (SNA) is the internationally agreed standard set of recommendations on how to compile measures of economic activity in accordance with established accounting conventions based on economic principles. United Nations, ‘System of National Accounts’ (2008) 1.

<sup>24</sup> Singh & Pattanaik (n.18), at 4-5.

and their excessive shift towards ‘domestic duties’.<sup>25</sup> This puts women in a vulnerable position because their unpaid care work is deemed invisible, informal and unrecognized in the economy. Since gender segregation and the unequal division of labour are not even acknowledged in macroeconomic policies, the burden on the economy is intensified.<sup>26</sup> This has also induced the poor quality of work women to undertake in the paid labour market. Their increased involvement in employment leaves them with low economic remuneration, difficulty in progressing their career and lack of access to social protection.

The reason women are apparently missing from the Indian labour market is not because they do not participate in it; rather it is because their contribution to the economy does not fall under the definition of ‘work’ during the computation of SNA and due to the methodological challenges in interpreting the trends of the workforce participation rate.<sup>27</sup> However, the Time Use Survey (TUS)<sup>28</sup> method makes it possible to calculate the participation of men and women in paid and unpaid activities.<sup>29</sup> The purpose of a TUS is to provide information on the activities performed by people during a given time period. It charts the time consumption of people on specified activities.<sup>30</sup> The utilization of time-use statistics is not limited to issues related to

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<sup>25</sup> Singh & Pattanaik (n.18), at 2.

<sup>26</sup> Ibid., at 2.

<sup>27</sup> Sonalde Desai and Omkar Joshi, ‘The Paradox of Declining Female Work Participation in an Era of Economic Growth’(2019) 62 *Indian Journal of Labour Economics* 56.

<sup>28</sup> ‘Time-use statistics are quantitative summaries of how individuals “spend” or allocate their time over a specified period— typically over the 24 hours of a day or over the 7 days of a week. Time-use statistics shed light on: – What individuals in the reference population do or the activities they engage in. – How much time is spent doing each of these activities.’ United Nations, ‘Guide to Producing Statistics on Time Use: Measuring Paid and Unpaid Work’ (2005) 5.

<sup>29</sup> ‘TUS is an important source of information on the time spent in unpaid caregiving activities, volunteer work, unpaid domestic service producing activities of the household members. It also provides information on time spent on learning, socializing, leisure activities, self-care activities, etc., by the household members.’ NSS Report (Ministry of Statistics & Programme Implementation), ‘Time Use in India- 2019 (January – December 2019)’ <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1660028>> accessed 8 October 2021.

<sup>30</sup> Maragaret Ross Mohammed , ‘Making Invisible Work More Visible: Gender and Time Use Surveys with a Focus on the Pacific and Unpaid Care Work’ (Geneva: UNDP, 2008), 3.

gender. They are also helpful for gauging the ‘quality of life concerns, social accounting, and care of the elderly, estimates of the workforce and total work accounts’.<sup>31</sup>

After 2000, the Indian Government conducted a TUS in 2019 covering 1.38.799 households (rural: 82.897 and urban: 55,902).<sup>32</sup> According to the TUS in 2019, 57.3% of men were engaged in employment-related activities in contrast to 18.4% of women.<sup>33</sup> The survey delineates the percentage of men and women engaging in paid and unpaid activities in urban and rural areas. It shows the disparity existing in the paid activities of men and women in the age group of 15-59 years. Only 20.6% of women are engaged in paid activities in comparison to 68.5% of men.<sup>34</sup> The stark contrast in the labour force participation rate indicates a severe gender employment gap which adversely affects the economic independence of women. Furthermore, the unpaid work undertaken by women is 93.8% and for men, it’s 48.6%.<sup>35</sup> This indicates the glaring gender disparity in the distribution of unpaid care work. The time spent by women and men for paid, unpaid and leisure activities is again indicative of the persistent gender inequality. Women, on average, spend almost 6.5 hours (388 minutes)<sup>36</sup> undertaking unpaid activity in comparison to men who merely contribute just about 2.5 hours (151 minutes) in a day towards unpaid work. Moreover, the residual time for other activities is also less for women in comparison to men.<sup>37</sup> In conclusion, the participation of men in paid work is over three times that of women. However, if both paid and unpaid work is combined, women’s participation rises to 85 per cent and for men, it is 73 per cent. Therefore, while the paid work component is being recognised, most of the work carried out by women remains invisible.

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<sup>31</sup> United Nations (Department of Economic and Social Affairs) ‘Guide to Producing Statistics on Time Use: Measuring Paid and Unpaid Work’ (New York: United Nations, 2005) iii.

<sup>32</sup> See (n.29).

<sup>33</sup> National Statistical Office (Ministry of Statistics and Programme Implementation), ‘Time Use in India - 2019’ (2020). 49.

<sup>34</sup> Ibid., at 63.

<sup>35</sup> Ibid., at 63.

<sup>36</sup> Ibid., at 49.

<sup>37</sup> Ibid., 63.

Consequently, the bargaining power of women is compromised and the traditional gender roles are reinforced.<sup>38</sup> This further pushes women into informal work and the vicious circle of inequality recommences.<sup>39</sup>

The abovementioned findings of the TUS not only show the strong gender dimension to time use but also points out the aspect of ‘time poverty’ which is frequently disregarded by policymakers. Time poverty affects the quality of life, and women in India are more likely to be subjected to it since the socio-economic dice are stacked against them. Time poverty affects women’s health by inducing stress and fatigue.<sup>40</sup> Additionally, it leads to abject material poverty since it ‘reduces the quality of goods and services that are delivered through unpaid activities’.<sup>41</sup>

Even though collecting data through TUS has been a great feat for India, the results are alarming. Moreover, this TUS is not without criticism. It was undertaken to fulfil Sustainable Development Goal (SDG) commitments, especially SDG 5.4.<sup>42</sup> The TUS has not been conducted in accordance with the International Labour Organization’s resolution<sup>43</sup> on collecting and analysing data to understand ‘women’s and men’s participation in labour markets and their contributions, through unpaid work, to their households, communities and

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<sup>38</sup>Diya Dutta, ‘Women and Work: How Unpaid Labour by Women Subsidises the Indian eEconomy’ *The Indian Express* (16 October 2020).

<sup>39</sup> Bina Agarwal, ‘ “Bargaining” and Gender Relations: Within and Beyond the Household’ (1997) 3 *Feminist Economics* 1,11.

<sup>40</sup> CP Chandrasekhar and Jayati Ghosh, ‘It’s All Work and No Pay for Most Women in India’ *Business Line*, 5 October 2020. <<https://www.thehindubusinessline.com/opinion/columns/c-p-chandrasekhar/an-urban-job-guarantee-scheme-is-the-need-of-the-hour/article35822195.ece>> accessed 8 October 2021.

<sup>41</sup> Ibid.

<sup>42</sup> ‘Target 5.4 - Value Unpaid care and promote shared domestic responsibilities; UN definition: “Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.” Sustainable Development Goal Tracker, ‘Sustainable Development Goal 5: Achieve gender equality and empower all women and girls’ <<https://sdg-tracker.org/gender-equality>> accessed 8 October 2021.

<sup>43</sup> Indira Hirway, ‘The “Time Use Survey” as an Opportunity Lost’ *The Hindu* (21 November 2020), <https://www.thehindu.com/opinion/op-ed/the-time-use-survey-as-an-opportunity-lost/article33145986.ece>.

the economy'.<sup>44</sup> Despite the shortcomings of the TUS, it has at least attempted to quantify grave gender inequalities prevalent in the paid as well as unpaid work in India.

### **3. Paid work – unpaid care work connection and women in India**

The labour law perspective on the working lives of women and men is limited to paid work, leaving out the discussion surrounding unpaid work. ‘The demarcation between social policy and law dictates the influence of labour law as a catalyst for change in this respect is confined to the regulation of workplace relationship.’<sup>45</sup> However, rarely any attempt is made to reconcile the paid/unpaid work conflict from a legal perspective in India. An interplay of varied social and economic factors at the household and macro-level determine the ability and decision of women to partake in the labour force. Such factors, according to economic literature, include household income, education, religion, fertility rates, degree of urbanization, cast, and cyclical effects. Hence, women’s labour force participation outcomes are highly influenced by socio-cultural norms.<sup>46</sup>

The burden of a carer is not always ‘transferable due to the inalienable nature of certain aspects of care which comprise a non-negotiable component of an individual’s working life’.<sup>47</sup> While in developed countries there is a chance to outsource the care work, it’s not the case for other countries. In a developing country like India, where a majority of women are involved in the informal with inadequate social protection, outsourcing care-related activities such as

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<sup>44</sup> Rafael Diez de Medina, ‘Main findings from the ILO LFS pilot studies’ International Labour Organization. <[https://www.ilo.org/stat/Areasofwork/Standards/lfs/WCMS\\_627815/lang--en/index.htm](https://www.ilo.org/stat/Areasofwork/Standards/lfs/WCMS_627815/lang--en/index.htm)> accessed 8 October 2021.

<sup>45</sup> Nicole Busby, *A Right to Care? Unpaid Care Work in European Employment Law* (Oxford: OUP 2011) 40.

<sup>46</sup> Chitvan S. Dhillon and Navdeep Singh, ‘Disappearing through the Cracks’ *The Telegraph* (7 April 2020).

<sup>47</sup> Busby (n.45), at 41.

cooking, cleaning or fetching water is not an affordable choice. These chores are integral to the daily well-being of their household and need to be carried out by them for survival. The unequal distribution of caring responsibilities within the household results in unequal opportunities in paid activities due to lack of time.<sup>48</sup> Women are put in such a vulnerable position because of ‘time poverty’. As already discussed above, the TUS makes it abundantly clear that women in India are disproportionately engaged in unpaid care work in comparison to men. Furthermore, it also shows their involvement in the labour market, which is lower than that of men. The residual time, which could be considered as ‘leisure time’ is also limited for women. This leaves women with limited time to participate in paid economic activities. Therefore, ‘Women are more likely to than men to be found in atypical forms of employment.’<sup>49</sup> It helps them to engage in the labour market while simultaneously taking care of their ‘household duties’. However, such increased involvement of women workers in informal employment in India puts women in a precarious position due to the lack of proper social protection, which has been discussed in this article.

Decent Work Agenda<sup>50</sup> laid down by the International Labour Organization lay emphasis on expanding the framework of regulation and moving beyond the narrowly constructed standard employment relationship. It includes substantive elements like creating employment opportunities; providing stability and security of work; equal opportunity and treatment in employment extends towards capturing the aspirations of people in their working lives and incorporating ‘opportunity and income; rights; voice and recognition; family stability

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<sup>48</sup> Ferrant, Pesando and Nowacka (n.10).

<sup>49</sup> Atypical work employment, European Institute for Gender equality <<https://eige.europa.eu/thesaurus/terms/1044>> accessed 8 October 2021.

<sup>50</sup>‘Decent work embodies the integration of social and economic goals including the promotion of rights, employment, security and social dialogue within a framework that supports both investment and economic growth. Embracing this concept, the ILO and its constituents – governments, and employers’ and workers’ organizations, formulated the Decent Work Agenda to effect positive change within the world of work. Central to this Agenda is the recognition of gender equality as a prerequisite to progress. It is incorporated as a crosscutting objective within ILO’s goals.’ Juan Somavia, ‘Facts on Investing in Decent Work for Women’ (2008) International Labour Organization.

and personal development; and fairness and gender equality'.<sup>51</sup> These elements should be incorporated in Indian Labour Laws by broadening the regulatory focus and acknowledging the relationship between paid and unpaid work.

Across developing economies, women perform the majority of unpaid care work and thus tend to hold more precarious jobs than men, with inadequate social protection.<sup>52</sup> The energy and time-consuming nature of unpaid care activities limit women's access to the labour market thereby leaving them with insecure and low-income employment options. Women face difficulty to reconciling care responsibilities with paid employment which eventually lead to 'occupational downgrading' wherein women are forced to accept employment below their skill level and accept poor conditions. Ultimately the only other alternative for women is to engage in informal work although it has negative long-term implications in terms of retirement benefits.<sup>53</sup> Such gender inequalities in unpaid care work, therefore, translate into higher gender gaps in the labour market.<sup>54</sup>

Unpaid care work is a vital component in deciding whether women enter into and stay in employment as well as the quality of jobs they perform. Care work can be rewarding however when done excessively and involving a high degree of drudgery, it impedes the economic opportunities and well-being of unpaid carers and lessens their overall enjoyment of human rights.<sup>55</sup> The 2013 UN Rapporteur's report identified unpaid care as a barrier to women's and girls' access to a variety of human rights, specifically the right to social security, rights at work, the right to work, the right to health and so on.<sup>56</sup>

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<sup>51</sup> Busby (n.40), at 83.

<sup>52</sup> Fredman et al. (n.10), 177, 179.

<sup>53</sup> Ferrant, Pesando and Nowacka (n.10).

<sup>54</sup> Ibid., at 7.

<sup>55</sup> International Labour Organization, 'Care Work and Care Jobs and Care Jobs for the Future of Decent Work' (Geneva: ILO, 2018) 1.

<sup>56</sup> The right to education and training is also relevant, as girls are often taken out of school to perform unpaid care work or have less time to study or socialize due to their care responsibilities;

The neoliberal fixation on the need for increased flexibility in the labour market has developed a perturbing trend towards the commodification of dependent labour, which needs to be countered as a matter of urgency.<sup>57</sup> ‘This depends on recognition of the vulnerability of labour law to political manipulation and, subsequently, on a strategic separation of policy from principle only possible at macro-level.’<sup>58</sup> The neoliberal perspective of the labour market is problematic for women. Especially, in India, the policy shift from a welfare model to a neoliberal model has led to disempowerment of women and declining conditions of women in the workplace.<sup>59</sup> ‘In 1991, Prime Minister P.V. Narsimha Rao’s government justified the shift with the assumption that earnings are linked to the market, and if more women are employed there would be an improvement in their status.’<sup>60</sup> As discussed in this article, the labour force participation rate of women has declined and there has been a significant increase in the

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- The right to work, as women’s unpaid care burden prevents them from joining the labour force, restricts them to informal and insecure employment, leads to lower wages and precludes opportunities for advancement;
  - Rights at work, including remuneration and working conditions, such as the right to minimum wage, equal pay for equal work, safe working conditions, rest and periodic holidays with pay;
  - The right to social security, as women’s employment trajectories leave them with less access to social insurance;
  - The right to health, as women and girls are overburdened with care at the expense of their own physical and mental health;
  - The right to enjoy the benefits of scientific progress, such as water and sanitation infrastructure and technology, including electricity and domestic appliances – particularly in deprived and remote areas;
  - The right to participate, as caregivers isolated in the private sphere are unable to participate in social, cultural and political life.

Emma Samman et.al, ‘Women’s work, Mothers, children and the global childcare crisis’ (2016) Overseas Development Institute 47.

<sup>57</sup>For instance, despite the declarations of making efforts towards formalisation and promoting equity the recent labour reforms has aimed for increasing flexibility and conferred greater autonomy to the employers with the aim to fair well on the ease of doing business index. Akanksha Arora, Mahima and Asheerwad Dwivedi, ‘New labour laws will improve India’s ease of doing business ranking’ (*The Economic Times*, 20 January 2021). <<https://economictimes.indiatimes.com/news/economy/policy/view-new-labour-laws-will-improve-indias-ease-of-doing-business-ranking/articleshow/80340847.cms?from=mdr>> accessed 11 October 2021.

The suspension of key labour laws during the pandemic confirms the stance of favouring lax labour laws or deregulation. Vasudha Venugopal, ‘Women to bear brunt of new labour laws: Experts’ (*The Economic Times*, 18 May 2020). <<https://economictimes.indiatimes.com/news/politics-and-nation/women-to-bear-brunt-of-new-labour-laws-experts/articleshow/75794353.cms?from=mdr>> accessed 11 October 2021.

These actions are in line with the ‘core tenet of neoliberalism i.e. labour law is antithetical to economic efficiency.’ Simon Deakin, ‘The Contribution of Labour Law to Economic Development and Growth’ (2016) WP 478 Centre for Business Research, University of Cambridge 1, 1-2.

<sup>58</sup> Busby (n.45), at 82.

<sup>59</sup> Rajeni Chagar, ‘Protection or Obstruction? Women and precarious work in India’ (Annual meeting of the Canadian Political Science Association, Toronto, June 2006).

<sup>60</sup> Ibid., 3.

unorganized sector after the shift to ‘neoliberal economic policy’.<sup>61</sup> Therefore, the scope of labour law needs to be expanded to include ‘full range of individual’s activities to incorporate unpaid as well as paid work in its widest incarnation’.<sup>62</sup>

With respect to the paid work-unpaid care work nexus, National Policy of Women, 2016 mentions certain points for raising the visibility of women<sup>63</sup> like mainstreaming and engendering the macro-economic policies by way of increasing female labour force participation, improving the quality of work and acknowledging their contribution to the GDP. It further specifies the need to ensure pay parity, fair working conditions and adequate social security for women engaged in informal employment in light of the casualization of women’s work. It also emphasises the urgency to assess the embedded gender inequality with regard to unpaid care work and ultimately float strategies to alleviate time poverty to efficiently integrate women in the paid labour force.<sup>64</sup>

However, the National Policy for Women is fledgling and would take a long time before it is executed. The points covered in the policy relay the issues pertaining to women and aim towards building a robust mechanism but unfortunately, the implementation is lacking.<sup>65</sup> There was an opportunity for the Government to incorporate the ‘priority areas’ mentioned in the National Policy for women ,but the recent ‘labour reforms’, fails to protect the interest of women or bring any changes to address the double burden of work or gender mainstreaming of the labour laws. The lack of an interdisciplinary approach and the divide of law and policy limits the potential of effective reforms. The compartmentalized regulation of different aspects

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<sup>61</sup> Rohini Hensman, ‘Women Workers and Neoliberalism’ (2008) 43 *Economic and Political Weekly* 25, 26. See also Indraneel Dasgupta and Saibal Kar, ‘The Labour Market in India Since the 1990s’ (2018) IZA.

<sup>62</sup> Busby (n.45), at 81.

<sup>63</sup> Ministry of Women and Child Development, ‘National Policy Women 2016: Articulating a Vision for Empowerment of Women’ (2016) 7-8.

<sup>64</sup> Ibid.

<sup>65</sup> Manvendra Singh Jadon & Ankit Bhandari, ‘Analysis of the Maternity Benefits Amendment Act and its Implications on the Modern Industrial Discourse’ (2019) 8(2) *Christ University Law Journal* 63, 67-68.

of a person's life by the current divisions of law and policy should be reconfigured to include a full range of human activities.<sup>66</sup> Furthermore, the 'role of the State in the regulation of the private as well as public domains and over aspects of the uncommodifiable as well as the commodifiable contributions of individuals, needs to be reconsidered.'<sup>67</sup>

To examine the reason behind the vulnerable position of women the current delineation of labour focused on the 'dichotomous distinctions between public and private, paid and unpaid, and formal and informal should be removed to make way for a new 'boundaryless' approach to labour market regulation which echoes the reformulation of working practices occurring within the labour market.'<sup>68</sup>

#### **4. Assessing the paid work-unpaid work connection through the employment guarantee schemes**

The paid work- unpaid care work connection and its impact on women in India as discussed above now pose a dilemma to effectively reconcile both. This section briefly delves into the magnitude and nature of informal employment and women's share in it to gauge the gravity of challenges encountered by such vulnerable women workers. Thereafter, the role of employment guarantee schemes is discussed as one of the solutions to reconcile paid work-unpaid care work. There are certain proposals to assist women in gaining equal footing while entering the labour market or boosting their bargaining power. For instance, wages for housework or universal basic income. These solutions are not without limitations, but this

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<sup>66</sup> Busby (n.45), at 40.

<sup>67</sup> Ibid., at 41.

<sup>68</sup> Ibid., at 82.

article is limited to the discourse on the ‘right to work’ and its role in ensuring transformative equality.

### a) Precarious nature of women’s work in India

The casualization of the workforce in India, the use of contract labour and the highly informal nature of employment, has been in debate for some time now. The reason for the use of contract labour and significant informalisation has been questioned in such debate, especially to understand whether the cause is the flexible and cheaper labour access to the employers due to the needs of global production or the rigid labour laws in India. The impact of these factors on the conditions of labour and employment growth has also been widely debated.<sup>69</sup>

In India, the informal work comprises of temporary employment, apprenticeships, *badlis* (also known as substitute employment), casual employment, fixed-term employment, agency work, self-employment (agricultural and non-agricultural) and probationary employment.<sup>70</sup> Due to the excessive burden of unpaid care work, women ultimately engage in paid forms of work that are compatible with their caring responsibilities. This means that women are more likely to engage in non-standard forms of employment with minimal legal rights and social protection benefits.<sup>71</sup> This situation is worrying, given that 94% of women are employed in the unorganized sector.<sup>72</sup>

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<sup>69</sup> Ravi Srivastava, ‘Structural change and non-standard forms of employment in India’ (2016) International Labour Organization 2.

<sup>70</sup> Ingrid Landau, Petra Mahy and Richard Mitchell, ‘The Regulation of Non-standard Forms of Employment in India, Indonesia and Viet Nam’ (Geneva: International Labour Organization, 2015) 16.

<sup>71</sup> Anita Abraham, Devika Singh and Poulomi Pal, ‘Critical Assessment of Labour Laws, Policies and Practices through a Gender Lens’ (2014) National Mission for Empowerment of Women, Ministry of Women and Child Development 3.

<sup>72</sup> Monika Banerjee, ‘What Work Choices are Indian Women Making and Why’ *The Wire* (7 June 2019) <https://thewire.in/women-indian-women-work-care-informal-sector>.

Informal work provides ready insights into the mutual dynamics of capitalism and patriarchy over time. It ‘enables workers to simultaneously fulfil productive and reproductive work (at the expense of self-exploitation) in spaces that lie between the public and private spheres.’<sup>73</sup> Although it is ‘empowering’ to include women in the labour market; the purpose is defeated since they are often pushed into ‘insecure, low-paid and irregular’ jobs while men take up ones that are ‘regular, unionized, stable, manual or craft-based, etc’.<sup>74</sup>

Even in the formal sector, the existing laws do not sufficiently cover the legal rights of women in the labour force. Furthermore, women workers employed in the formal sector as contract labourers, do not benefit from all the labour protection laws to which their counterparts i.e. regularized employees are entitled.<sup>75</sup>

Women form an integral part of the Indian workforce.<sup>76</sup> According to the 2011 census, the total number of female workers in India is 149.8 million with 121.8 in urban areas and the remaining 28 million in rural areas. Furthermore, out of the total 149.8 million female workers, 61.5 million are agricultural labourers, 35.9 million work as cultivators, 8.5 million in the household industry and the remaining 43.7 million are classified as other workers.<sup>77</sup> As per Census 2011, the work participation rate for women is 25.51 per cent as compared to 25.63 per cent in 2001. It further declined to around 20% in 2020,<sup>78</sup> women now form merely 19.9% of

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<sup>73</sup> Rina Agarwala, ‘From Theory to Praxis and Back to Theory: Informal Workers’ Struggles against Capitalism and Patriarchy in India’ in Rina Agarwala and Jennifer Jihye Chun, In Gendering Struggles against Informal and Precarious Work (London: Emerald Publishing, 2018) 31.

<sup>74</sup> Shreya Nambiar, ‘Does India’s Gender Budget Need a Rethink?’( *Developing Economics: A Critical Perspective on Development Economics*, 26 November 2020) <<https://developingeconomics.org/2020/11/26/does-indias-gender-budget-need-a-rethink/#content>> accessed 8 October 2021.

<sup>75</sup> Abraham, Singh and Pal (n.71).

<sup>76</sup> Ministry of Labour and Employment, ‘Annual Report 2019-2020’ (2020) Government of India 82.

<sup>77</sup>Ministry of labour and employment, ‘About Women Labour’. <<https://labour.gov.in/womenlabour/about-women-labour>> accessed 8 October 2021.

<sup>78</sup> International Labour Organization (ILOSTAT – modelled ILO estimate), ‘Labor force participation rate, female (% of female population ages 15+)’ (2020). <<https://data.worldbank.org/indicator/sl.tlf.cact.fe.zs?locations=IN>> accessed 8 October 2021.

the labour force in India.<sup>79</sup> According to World Bank (2017), ‘India has amongst the lowest Female labour force participation globally, with only parts of the Arab world being lesser’.<sup>80</sup>

### **b) The role of employment guarantee schemes in achieving transformative equality**

To assess the efforts made through legislative measures in India towards reconciling or minimising the paid work/unpaid care work conflict, this section analyses the MGNREGA, 2005. The aim is to evaluate whether the ‘right to work’ as guaranteed by employment schemes like MGNREGA contribute to gender equity at home and in the labour market.

MGNREGA is a remedial measure for increasing female labour force participation. Whether it has the potential to attain transformative equality by reducing the burden of unpaid care work is analysed in this section. It is a right-based programme<sup>81</sup> and in line with the ‘right to work’ under Article 41 of the Directive Principle of State Policy.<sup>82</sup> This Act ensures a legal guarantee for at least 100 days of wage employment to do unskilled manual labour.<sup>83</sup> The reason behind this scheme is to ensure livelihood security and social inclusion.<sup>84</sup>

It is especially empowering for women because it has several mandates in their favour. For instance, the Act specifies that at least one-third of the beneficiaries should be women and puts special emphasis on encouraging the participation of single women.<sup>85</sup> It also provides guidelines for creche facilities for children below 6 years of age, in case of more than five

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<sup>79</sup> Ibid.

<sup>80</sup> Mitali Nikore, ‘Where are India’s Working Women? The Fall and Fall of India’s Female Labour Participation Rate’ (LSE, 22 October 2019) <<https://blogs.lse.ac.uk/southasia/2019/10/22/where-are-indias-working-women-the-fall-and-fall-of-indias-female-labour-participation-rate/>> accessed 8 October 2021.

<sup>81</sup> Anna McCord and Meekha Hannah Paul, ‘An Introduction to MGNREGA Innovations and their Potential for India-Africa Linkages on Public Employment Programming’ (2019) *German Cooperation and GIZ* 13.

<sup>82</sup> Article 41 read with Article 21, 38 and 39 of the Constitution of India.

<sup>83</sup> Section 3(1) - Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

<sup>84</sup> Schedule 1, Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

<sup>85</sup> Schedule 1- Para 15, Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

children on the worksite.<sup>86</sup> The Act specifies that there should be no discrimination on the ground of gender and that the provisions of the Equal Remuneration Act, 1976 shall apply.<sup>87</sup>

Therefore, the stark gender wage gap widely prevalent in most rural India is not reflected in the wage policies of MGNREGA. This also serves as an attraction to women workers.<sup>88</sup>

Given the concentration of women in informal employment with unequal wages, this Act provides a proper governing structure to promote women's interest amongst other socio-economically disadvantaged people. The working conditions and wage rates are better in comparison to casual work offered by private employers and contractors.

According to the existing literature, women prefer jobs near their residence because of safety concerns, mobility restrictions and the need to balance the unpaid care responsibilities with paid labour.<sup>89</sup> Under MGNREGA, women are given preferential treatment to work in areas closer to their homes within the village precincts.<sup>90</sup> Therefore, the infrastructural and safety elements of this scheme make it more accessible to women in rural areas. Compulsory social audit to be conducted every month by the village monitoring committee which shall consist of women workers under MGNREGA or Self-help group women.<sup>91</sup> At least 50 per cent of the worksite supervisors (mates) should be women.<sup>92</sup>

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<sup>86</sup>Master Circular – A guide for programme implementation FY 2018-19, Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

<sup>87</sup> Schedule 1- Para 31, Mahatma Gandhi National Rural Employment Guarantee Act, 2005.

<sup>88</sup> Jayati Ghosh, ‘The Role of Labour Market and Sectoral Policies in Promoting More and Better Jobs in Low and Middle Income Countries: Issues, Evidence and Policy Options: The case of India’ (Geneva: International Labour Organisation, 2016), 13.

<sup>89</sup> Farzana Afridi, Kanika Mahajan and Nikita Sangwan, ‘Employment Guaranteed? Social Protection During a Pandemic’ (2021) *IZA* 13.

<sup>90</sup> Deepa Chopra, ‘Gendering the Design and Implementation of MGNREGA’ (Geneva: UNICEF, 2019). See also: Entitlement V- Right to obtain work within a radius of 5 km., Master Circular – A guide for programme implementation FY 2018-19, MGNREGA, 2005.

<sup>91</sup> Concurrent Social Audits – Para 10.2, Master Circular – A guide for programme implementation FY 2018-19, MGNREGA, 2005.

<sup>92</sup> Provision of Core Staff for Ensuring Quality of Works – Para 7.11.5 (b), Master Circular – A guide for programme implementation FY 2018-19, MGNREGA, 2005

Paid employment enables economic empowerment which ultimately has the possibility to ensure transformative equality.<sup>93</sup> MGNREGA has played a crucial role in the economic empowerment of women. The wages are directly deposited in the individual bank account of women.<sup>94</sup> The income levels of the household increase and ultimately the bargaining power of women rises. It strengthens their role in intra-household decision making. It has also increased women's participation in the community.<sup>95</sup>

This scheme provides women easier access to the labour market but there is no certainty of decreasing their domestic responsibilities. According to a study conducted to assess the implementation of MGNREGA, there were some inherent gender biases with respect to flexible timings and childcare facilities at the worksites.<sup>96</sup> It also revealed that the unpaid care responsibilities were primarily undertaken by women, despite their active involvement in the jobs obtained through MGNREGA. Even when men were involved it was 'more sporadic than fixed'.<sup>97</sup> It is the responsibility of the State to not just guarantee the right to work but the 'right to productive work' which entails supporting the unpaid work within the family and ending female subjugation by breaking down the sexual division of labour.<sup>98</sup>

It is also important to note that the jobs under MGNREGA schemes are designed as the employment of last resort and defined by the characteristics of physically demanding manual work,<sup>99</sup> low-skill, low-pay, and limited in terms of days.<sup>100</sup> This ultimately leads to non-

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<sup>93</sup> Fernanda Bárcia de Mattos and Suktı Dasgupta, 'MGNREGA, Paid Work and Women's Empowerment' (Geneva: International Labour Organization, 2017), 6.

<sup>94</sup> Erica Field, Rohini Pande, et al., 'On Her Own Account: How Strengthening Women's Financial Control Impacts Labor Supply and Gender Norms' (2019) 111 *American Economic Review* 2342.

<sup>95</sup> Mattos and Dasgupta (n.86) at 8.

<sup>96</sup> Chopra (n.83).

<sup>97</sup> Mubashira Zaidi, Shraddha Chigateri, et al., 'My Work Never Ends : Women's Experiences of Balancing Unpaid Care Work and Paid Work through WEE Programming in India' (2017) IDS Working Paper 494,33 <<https://opendocs.ids.ac.uk/opendocs/handle/20.500.12413/13203>> accessed 8 October 2021.

<sup>98</sup> Simon Deakin and Frank Wilkinson, 'Labour Law, Social Security and Economic Inequality' (1991) 15 *Camb. J. Econ.* 125, 145.

<sup>99</sup> Mattos and Dasgupta (n.93) at 1.

<sup>100</sup> Ibid.

participation by women who are better educated with an aspiration to undertake service-oriented work or women with ‘higher care responsibilities and physical capacities’.<sup>101</sup> This could be remedied through investing in the upskilling of women or employing women in the social sector activities.<sup>102</sup>

During the pandemic, the importance of MGNREGA has increased stemming essentially from the job losses and abrupt lockdown during the first wave. The Ministry of Rural Development reported that ‘as many as 1.85 crore people have been given work in May so far, which is 52 per cent higher compared to 1.22 crores in 2019 in the same period’<sup>103</sup>. Some states have even increased the number of workdays to 150 due to the increase in demand for jobs<sup>104</sup> and increased the daily wages as well.<sup>105</sup>

The parliamentary standing committee on Labour has recommended the Union government to introduce an urban national job guarantee scheme<sup>106</sup> to mitigate the job losses and high unemployment.<sup>107</sup> Some states have already launched such urban guarantee schemes to tackle the pandemic induced job losses. Since women lost more jobs than men owing to their

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<sup>101</sup> Zaidi and Chigateri (n.97).

<sup>102</sup> Rituparna Sanyal, ‘Making India’s Social Protection Gender Responsive: Opportunities for a post COVID-19 world’ (*Social Protection Blog*, 4 April 2021) <<https://socialprotection.org/discover/blog/making-india%E2%80%99s-social-protection-gender-responsive-opportunities-post-covid-19-world>> accessed 8 October 2021.

<sup>103</sup> ‘Covid-19: Demand for MGNREGA work rises as urban unemployment grows’ *India Today* (New Delhi, 18 May 2021).

<sup>104</sup> ‘Uttarakhand increases number of working days from 100 to 150 under MGNREGA’ *Business Standard* (Uttarakhand, 19 January 2021).

<[https://www.business-standard.com/article/current-affairs/uttarakhand-increases-number-of-working-days-from-100-to-150-under-mgnrega-121011900586\\_1.html](https://www.business-standard.com/article/current-affairs/uttarakhand-increases-number-of-working-days-from-100-to-150-under-mgnrega-121011900586_1.html)> accessed 8 October 2021.

<sup>105</sup> ‘MGNREGA wages now revised to ₹289 per day’ *The Hindu* (3 April 2021).

<<https://www.thehindu.com/news/national/karnataka/MGNREGA-wages-now-revised-to-289-per-day/article34227618.ece>> accessed 8 October 2021.

<sup>106</sup> Prashant Nanda, ‘Parl Panel recommends MNREGS-like job scheme for urban poor’ *Live Mint* (5 August 2021).

<<https://www.livemint.com/economy/parl-panel-recommends-mnregs-like-job-scheme-for-urban-poor-11628108280192.html>> accessed 8 October 2021.

<sup>107</sup> See (n.40).

excessive concentration in informal employment, such a scheme would work in their favour if they are given priority.<sup>108</sup> It would increase the labour force participation of women.

The government has introduced various schemes to encourage entrepreneurship and self-employment amongst women. For example, the National Urban Livelihood Mission aims to alleviate ‘poverty and vulnerability of the urban households by enabling them to access gainful self-employment and skilled wage opportunities’<sup>109</sup>. It also contains provisions in favour of women and other vulnerable groups.<sup>110</sup> However, these forms of work are not demand-driven and can only be accessed by identified beneficiaries,<sup>111</sup> unlike the employment guarantee schemes which are self-targeting. Therefore, an urban job guarantee scheme might be more effective in comparison especially to overcome livelihood insecurity following the pandemic.<sup>112</sup> It would need careful consideration in the long run after assessing the impact of such schemes on women. Whether it leads to the increase in the concentration of women in informal employment or amplifies the gender segregation in the labour market would ultimately determine its feasibility.

Economist Jean Drèze proposed ‘decentralised urban employment and training’ (DUET) as a step towards urban employment guarantee.<sup>113</sup> He has put forward this scheme to combat two-fold issues i.e. alleviating poverty and gender inequality.<sup>114</sup> Under this scheme,

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<sup>108</sup> Shreehari Paliath, ‘How urban job guarantee schemes can provide equal opportunity to women’ *Business Standard* (17 August 2021). <[https://www.business-standard.com/article/economy-policy/how-urban-job-guarantee-schemes-can-provide-equal-opportunity-to-women-121081700193\\_1.html](https://www.business-standard.com/article/economy-policy/how-urban-job-guarantee-schemes-can-provide-equal-opportunity-to-women-121081700193_1.html)> accessed 8 October 2021.

<sup>109</sup> DAY-NULM, Ministry of Housing and Urban Affairs, Government of India

<sup>110</sup> See generally Ministry of Housing and Urban Affairs, ‘Mission Document: Deendayal Antyodaya Yojna – National Urban Livelihoods Mission.’

<[https://nulm.gov.in/PDF/NULM\\_Mission/NULM\\_mission\\_document.pdf](https://nulm.gov.in/PDF/NULM_Mission/NULM_mission_document.pdf)> accessed 8 October 2021.

<sup>111</sup> Amit Basole, ‘State of Working India: Strengthening Towns through Sustainable Employment: A Job Guarantee Programme for Urban India’ (2019) Centre for sustainable employment, Azim Premji university 4.

<sup>112</sup> Paliath (n.108).

<sup>113</sup> Jean Drèze, ‘DUET: A Proposal for an Urban Work Programme’ (*Ideas for India*, 9 September 2020).

<<https://www.ideasforindia.in/topics/poverty-inequality/duet-a-proposal-for-an-urban-work-programme.html>> accessed 8 October 2021.

<sup>114</sup> ‘Launch urban employment guarantee scheme: Jean Drèze’ *The Economic Times* (Kozhikode, 12 February 2021).

the Government will allocate job stamps to approved institutions and each job stamp can be converted into one person-day of work. The responsibility to arrange the work will be of the approved institution and the obligation to pay wages lies on the government. The predetermined statutory minimum pay would be directly transferred to the worker's bank account. The employees will be selected from a pool of registered workers by an independent placement agency.<sup>115</sup> Such agency can adorn other roles like securing workers' rights, certifying workers' skills and so on.<sup>116</sup> This scheme provides for the universal right to work and tackles the problems encountered by the urban poor by multiplying the jobs and reducing the administrative burden on the Government to some extent.

Recently, however, he revised this proposal to prioritize women and rather use this as a tool to increase female labour force participation. According to 'women's DUET', instead of quotas under MGNREGA, women would be given absolute priority for the work. It further suggests the possibility of organising such work on a part-time basis instead of full-time<sup>117</sup> to make it convenient for women who are unable to partake in the labour market due to unpaid care responsibilities. There is also a recommendation of putting women in charge of running the placement agency since it would lessen the likelihood of corruption. It also mentions various aspects relating to upskilling, improving the work conditions and providing other such infrastructural facilities for the benefit of women.<sup>118</sup> This scheme sounds promising especially since women lost more jobs in the urban areas than men during the first wave of lockdown.<sup>119</sup>

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<https://economictimes.indiatimes.com/news/economy/policy/launch-urban-employment-guarantee-scheme-jean-dreze-to-govt/articleshow/80876655.cms>

<sup>115</sup> Drèze (n.113).

<sup>116</sup> Ibid.

<sup>117</sup> Jean Drèze, 'DUET Re-examined' (*Ideas for India*, 9 March 2021).

<<https://www.ideasforindia.in/topics/poverty-inequality/duet-re-examined.html>> accessed 8 October 2021.

<sup>118</sup> See (n.117).

<sup>119</sup> Paliath (n.108).

In the long run, this scheme can prove beneficial since the on-the-job skill acquisition might lead to the transition of women from informal to formal employment. Also, the possibility of women being in charge of making work arrangements at will would lead to economic and social empowerment.

## 5. Conclusion

Women spend an inordinate amount of time performing care-related activities, including childcare and domestic work, which restricts their potential to secure economic independence and perpetuates income inequalities between men and women.<sup>120</sup> The sexual division of labour is one of the most important features of gender regimes. Women are held responsible for the reproduction of labour-power and household work; they cook, clean, look after the children and elderly. On the other hand, men are labelled as the head of the household, an authoritarian figure in the family dynamics and the ‘breadwinner’. <sup>121</sup> Public policies which overlook unpaid care work or undervalue them add to the double burden of women in unsustainable ways.<sup>122</sup>

The COVID-19 crisis has been affecting some workers more than others. It has amplified the perennial inequalities which cannot be disregarded. Women and young people have been at greater risk of joblessness and poverty.<sup>123</sup> ‘In many countries, women’s participation in the labour market is often in the form of temporary employment. Across the world, women represent less than 40% of total employment but make-up 57% of those working on

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<sup>120</sup> United Nations (Department of Economic and Social Affairs), ‘Men in Families and Family Policy in Changing World’ (Geneva: United Nations Department of Economic and Social Affairs, 2011), 14.

<sup>121</sup> Govind Kelkar, ‘At the Threshold of Economic Empowerment: Women, Work and Gender Regimes in Asia’ (Geneva: International Labour Organization, 2013), 3.

<sup>122</sup> Jayati Ghosh, ‘Unseen Workers: Women in Indian Agriculture’ *Frontline* (17 April 2015) 2.

<sup>123</sup> OECD, ‘Young People and Women Hit Hard by Jobs Crisis’ <<http://www.oecd.org/about/civil-society/youth/>> accessed 8 October 2021.

a part-time basis, according to the International Labour Organization.<sup>124</sup> ‘As the effects of the pandemic roll through economies, reducing employment opportunities and triggering layoffs, temporary workers, the majority of whom are women, are expected to bear the heaviest brunt of job losses.’<sup>125</sup> In India, since most of the women are employed in informal work, their paid work has suffered immensely. Additionally, their unpaid care work has increased during the lockdown. This puts them in an economically weaker position. Therefore, a gender-responsive policy is the need of the hour.

Establishing a connection between paid work and unpaid care work is essential for the formulation of an inclusive labour policy in India. The declining labour force participation rate along with the informalisation of the female workforce shows the insufficiency of the existing regulatory framework in India to guarantee gender equality. Concomitantly, the unpaid care work of women remains invisible in the labour statistics and the GDP. The disregard of work, paid or unpaid, in legal and economic domains fails to ensure decent work for women. Hence, a holistic approach to reconcile paid work and unpaid care work through labour laws and policy would induce transformative equality in the Indian labour market. MGNREGA and possibly, DUET are examples of this approach as discussed in this article.

Before considering MGNREGA or any other employment guarantee schemes as a tool to reduce the care burden obtruded on women it is necessary to make sure that the traditional perception of an ‘ideal worker’ is not replicated in such schemes. It guarantees employment to women and therefore, their participation in the labour force is encouraged. But this is just one facet of the paid work -unpaid care work conflict. It is a bi-directional dynamic.<sup>126</sup> Therefore,

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<sup>124</sup> UNCTAD, ‘COVID-19 Requires Gender-Equal Responses to Save Economies’ (1 April 2020).

<<https://unctad.org/news/covid-19-requires-gender-equal-responses-save-economies>> accessed 8 October 2021.

<sup>125</sup> Ibid.

<sup>126</sup> Deepa Chopra and Elena Zambelli, ‘No Time to Rest: Women’s Lived Experiences of Balancing Paid Work and Unpaid Care Work. Global Synthesis Report for Women’s Economic Empowerment Policy and Programming’ (Brighton: IDS, 2017), 29.

as long as it fails to induce the concept of shared responsibility, transformative equality will still be a far-fetched dream.

In conclusion, the following, antiquated yet befitting, excerpt sums up the plight of women in India:

....when we Home are come,  
Alas! We find our work but just begun;  
So many Things for our Attendance call,  
Has we ten Hands we could employ them all.  
....Our toil and labour daily so extreme,  
That we have hardly ever Time to dream.<sup>127</sup>

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<sup>127</sup> Mary Collier, Washer-woman from Petersfield, Hampshire in *The Woman's Labour; an epistle to Mr Stephen Duck in answer to his late poem The Thresher's Labour* (1739, 10-11), reproduced in E.P.Thompson, *Customs in Common* (Harmondsworth: Penguin Books,1991) 381.