

A Long History of Mobilization

UNDERSTANDING GENDER-EGALITARIAN POLICY CHANGE IN INDIA

India has a long history of mobilization for women's rights and a very diverse set of women's movements that, paradoxically, can hamper claims-making processes. This brief outlines the progress, or lack of it, on the issues of violence against women and domestic work, highlighting factors that facilitate policy change, such as consensus across different women's movements and open policy-making processes, and those that militate against it, like the perception that such claims pose fundamental challenges to state power, and to hegemonic conceptions of community, family and sexuality.

Making Claims for Policy Change

Policy change is often the outcome of claims-making processes, which entail continuous and complex negotiations among multiple actors over the definition of the problem and the articulation of demands. In the case of gender-egalitarian policy change, actors include various women's organizations, other civil society organizations and a range of state bodies. India has a long history of women's activism but the organizations involved are highly diverse, with different

communal, religious, caste, ideological and class identities, often making it difficult to find consensus on which claims are prioritized and how they are articulated.

Violence against Women: Decades of Effective Claims-Making

The brutal rape of a young woman in New Delhi on 16 December 2012 resulted in massive mobilization of civil society, bringing not only women's groups onto the streets but also organizations representing many other issues and using discourses other than feminism. In response, the Indian government set up the Justice Verma Committee to review sexual assault laws. The committee initiated an open public consultation, accepting contributions from civil society in the form of letters and via a website. This process led to the enactment of the Criminal Law Amendment Act, 2013, which adopted some important recommendations from the Committee such as (i) broader definition of rape; (ii) recognition of stalking, voyeurism, stripping and acid attacks as sexual assaults; and (iii) recognition of the dereliction of duty by police and public servants as a punishable offence.

This contemporary women's mobilization for reform of anti-rape laws is rooted in the events that followed a similarly dramatic case in 1978. Four law professors wrote an Open Letter to the Chief Justice of India exposing injustices in the judgement on the rape of a tribal girl named Mathura when

The Research Project: When and Why Do States Respond to Women's Claims?

The project seeks to understand how policy change to strengthen women's rights occurs. It explores the conditions under which (i) claims by and on behalf of women are made, (ii) states respond to such claims, and (iii) non-state actors effectively trigger and influence policy change.

The research focuses on two key issues for gender equality: violence against women and the labour rights of female domestic workers. The choice of issues reflects the hypothesis that the nature of the issue—for example whether gender-based or class-based—in part determines both whether claims are made, and how the state responds to them. Violence against women is largely seen as a gender-based issue; while paid domestic work is usually seen as a class-based issue. Research is being conducted in China, India and Indonesia.

For further details, see the concept note at www.unrisd.org/gender-claims-conceptnote



Long-term mobilization by women's organizations for reform of anti-rape laws has led to many progressive policy changes.

in police custody. The letter triggered the mass mobilization of women's organizations across ideological, class, caste and religious divisions. Through a series of national workshops and meetings, a consensus was reached, forcing policy makers to begin a review of anti-rape laws. Eventually in 1983, the government agreed to incorporate some of their demands, including shifting the burden of proof in custodial cases to the perpetrator, and distinguishing between categories of rape (custodial, gang and individual).

Consensus or Division?

While there are similarities between the cases in 1978 and in 2012, a key difference lies in the degree of consensus that it was possible to achieve among women's organizations. The purported commonalities of 1978 across caste, class and communities have fractured as women's groups have grown in numbers and diversity in the intervening decades. Particularly notable are the growth of *dalit* (lower caste) women's groups and the emergence of LGBT (lesbian, gay, bisexual and transexual) groups since the 1990s. Similarly, recurring episodes of communal conflict involving sexual violence have increased divisions between women's groups.

Studying Women's Claims-Making Processes in India: Methodological Approach

The project methodology assesses women's mobilization at both the national and the subnational levels, with studies in Karnataka and Gujarat. This allows the research to grasp the varied processes of women's mobilization within the Indian federal system.

The research employs the qualitative methods of semi-structured interviews and archival research. The interviews involve key individuals in organizations and networks working on anti-rape mobilizations and/or with domestic workers. The research also employs a timeline analysis in order to:

- i. map critical moments in the process of gender-egalitarian policy change;
- ii. explore the interface between particular configurations of actors and structures that either made such change possible or not; and
- iii. analyse the changes of the nature and contents of claims over time.

Many progressive changes have resulted from this long-term mobilization by women's organizations, including:

- the recognition of custodial rape;
- the exclusion of victims' sexual history as evidence; and
- a broader definition of rape.

Yet, importantly, some of the claims that pose fundamental challenges to state power, and to conceptions of community, family and sexuality, fail to find easy acceptance by the state. The continued refusal to recognize marital rape, the lack of new laws on sexual violence in communal contexts, the lack of recognition of sexual violence against transgender communities and sex workers, and immunity from prosecution for members of the armed forces granted by the Special Powers Act of 1958 provide some examples.

Domestic Workers' Rights: A Recent Movement Fighting for Recognition

By contrast, women's mobilization for the recognition of domestic workers' labour rights has overall been less effective than mobilization for change of anti-rape laws, for a number of reasons. Under Indian law, domestic work is generally not recognized as work; it also lacks visibility. As a result, domestic workers often work in exploitative conditions with abysmal levels of pay and no formalized leave or other labour rights. Estimates of the number of domestic workers in India range from 2.5 million to 9 million. Some of the reasons for the continued lack of recognition are:

- the composition of the labour force: domestic workers are mostly *dalit* and tribal migrant women;
- the conception of such work as an extension of women's "natural" reproductive or domestic role; and
- its performance within the private space of the household.

Mobilizing domestic workers is challenging because either they live in with their employers with very limited free time, or they live out and work part-time for multiple employers and therefore have little opportunity to engage in other activities. In addition, many domestic workers bear the acute double burden of undertaking their own as well as their employers' domestic work. Moreover, the fact that domestic work tends to fall between the cracks—between the women's movement and the labour movement—seriously weakens mobilization.

India: Case Studies Map

Case studies: New Delhi for the national level; Gujarat and Karnataka for the subnational level



Initial efforts in the 1980s to organize domestic workers, or mobilize on their behalf, were undertaken at subnational level by trade unions and cooperatives, such as some local sections of the National Domestic Workers Movement (NDWM), the All India Democratic Women's Association (AIDWA) in Maharashtra, Self Employed Women's Association (SEWA) in Kerala and Women's Voice in Karnataka. Their main claims were the recognition of domestic work in local labour legislation and the improvement of working conditions with better wages, leave and other benefits.

In the 1990s and early 2000s, other regional groups such as Nirmala Niketan in New Delhi, Parichiti in Kolkata, YUVA in Maharashtra and Stree Jagruti Samiti in Karnataka took up these claims. More recently, mobilization has advanced to the national level through networks and federations such as the Domestic Workers Rights Campaign and the National Platform for Domestic Workers. Two factors contributing to increased mobilization on domestic work are:

- the increasing number of domestic workers; and
- the feminization of the sector, with an increasing proportion of women in paid domestic service.

From Mobilization to Policy Change?

At the subnational level, some sporadic policy changes occurred in the early and mid-2000s, particularly in states where domestic workers' organizations had already been active for several years. For example, Karnataka included domestic workers in its minimum wage legislation, and Maharashtra formed

separate welfare boards for domestic workers to provide social security benefits.

At the national level, attempts to include domestic workers in labour legislation have so far had limited success. In 2008, based on a process of consultation that had taken place in 2006, the National Commission of Women drafted a Domestic Workers (Registration, Social Security and Welfare) Bill demanding:

- compulsory registration of domestic workers and placement agencies;
- establishment of a welfare fund; and
- regulation of working conditions.

While the draft Bill served to revitalize debates and mobilization across the country, the Indian parliament never enacted the legislation. Consequently, there is currently no national law that comprehensively regulates domestic work in India, and while domestic workers can benefit from the terms of the Unorganized Sector Workers Social Security Act, 2008, and the Sexual Harassment of Women at Workplace Act, 2013, neither of these Acts adequately addresses the particular context of domestic work.

International Impacts

International mobilization on domestic work has provided an additional impetus to national efforts. In the run-up to the adoption of International Labour Organization (ILO) Convention no. 189 concerning Decent Work for Domestic Workers in 2011, national consultations were held and facilitated by the ILO in collaboration with international networks such as Women in Informal Employment: Globalizing and Organizing (WIEGO), reinforcing the mobilization of existing Indian domestic workers' organizations. While they were present in the national consultations, women's organizations were excluded from the International Labour Conference where the Convention was adopted because only trade unions can register as workers' representatives at the ILO. Based on this experience, many Indian women's groups are now directing their efforts toward the unionization of domestic workers.

A major and crucial response by the Indian government to the international mobilization around the ILO Convention was to create a Task Force on Domestic Work in 2010 in which several women's organizations participated. The Task Force drafted a

In contrast to anti-rape mobilization, domestic workers' mobilization has not easily translated into policy change.

fairly comprehensive National Policy on Domestic Work, addressing issues such as working conditions, minimum wages, social security and the right to organize. It called on federal states to register domestic workers, employers and agencies and to enact appropriate legislation. However, the current status of the draft is unknown.

Currently, groups across the country have coalesced around the National Platform for Domestic Workers and maintain their demands for comprehensive national legislation and the ratification of the ILO Convention by the Indian government. They are also engaged in wage and leave negotiations directly with employers and have recently begun to mobilize on wider issues such as sexual harassment and caste discrimination.

Initial Findings and Comparisons

In contrast to anti-rape mobilization, domestic workers' mobilization has not easily translated into policy change. Preliminary research findings indicate that the following factors have influenced the outcomes, in terms of policy change, of these two claims-making processes.

- Anti-rape mobilization has a much **longer history** and has had a **national character** since the end of the 1970s with great effect on policy processes; while domestic worker mobilization has a long history at subnational level, it has only taken on a national character since the late 2000s, resulting in important but nevertheless limited gains.
- A **strong and broad consensus** among women's groups built on the basis of a strong national movement in the case of violence against women has effectively

- Claims concerning anti-rape laws **apply to all women** beyond ideological, class, caste and religious identities; domestic workers' labour rights, on the other hand, **apply only to a specific subgroup of women**, usually coming from low-caste and tribal communities. The nature of the issue influences the level of support that a claim can gain.
- The **mass mobilization** around specific and very visible rape cases raised awareness and forced policy makers to take action, while injustices against domestic workers remain invisible because they take place in private homes and the victims are largely from disadvantaged groups.
- In the case of violence against women, an **open policy process**, such as the one initiated by the Justice Verma Committee in 2012–2013, has enabled women's organizations to put some claims onto the policy agenda.
- In the case of domestic work, **international political momentum** such as the adoption of ILO Convention no. 189/2011 concerning Decent Work for Domestic Workers helped women's organizations working in this area to grow in size and strength.

Project Information

Research Team

The country research is conducted by Shraddha Chigateri, Anweshaa Ghosh and Mubashira Zaidi, all researchers at the Institute of Social Studies Trust (ISST). Nitya Rao and Paola Cagna coordinate the project at UNRISD.

Funding

The research is funded by Ford Foundation.

The United Nations Research Institute for Social Development (UNRISD) is an autonomous research institute within the UN system that undertakes multidisciplinary research and policy analysis on the social dimensions of contemporary development issues.

Through our work, we aim to ensure that social equity, inclusion and justice are central to development thinking, policy and practice.

UNRISD is grateful to the governments of Finland, Sweden and Switzerland for providing institutional funding in 2014. Our work would not be possible without their support.



预览已结束，完整报告链接和二维码如下：

https://www.yunbaogao.cn/report/index/report?reportId=5_20838

