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Research Report

Locating the Processes of Policy Change in the Context of Anti-Rape and Domestic Worker Mobilisations in India

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When and Why do States Respond to Women's Claims Making?

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Acronyms

ACTRAV	Bureau for Workers' Activities (ILO)
ADWN	Asian Domestic Workers Network
AFSPA	Armed Forces Special Powers Act
AIDMAM	All India Dalit Mahila Adhikar Manch
AIDWA	All India Democratic Women's Association
AIPWA	All India Progressive Women's Association
AITUC	All India Trade Union Congress
ALF	Alternative Law Forum
AMUL	Anand Milk Udyog Ltd.
APSA	Association for Promoting Social Action
AWAG	Ahmedabad Women' Action Group
BJP	Bhartiya Janata Party
BMS	Bharatiya Mazdoor Sangh
BMTC	Bangalore Metropolitan Transport Corporation
BPL	Below the Poverty Line
BSC	Behavioural Sciences Centre
BSF	Border Security Force
BZDWU	Bangalore Zilla Domestic Workers Union
CBCI	Catholics Bishops' Conference of India
CBI	Central Bureau of Investigation
CBO	Community-based organisations
CCSA	Citizen's Collective against Sexual Assault
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CHRI	Commonwealth Human Rights Initiative
CIEDS	Centre for Informal Development Studies
CITU	Centre of Indian Trade Unions
CLA	Criminal Law Amendment Act
CPI	Communist Party of India
CPI-M	Communist Party of India (Marxist)
CRPF	Central Reserve Police Force
CSJ	Centre for Social Justice
CSMR	Campaign for Sexuality Minority Rights
CTU	Central Trade Union
CWDR	Centre for Women's Development and Research
CWDS	Centre for Women's Development Studies
DGKS	Delhi Gharelu Kaamgaar Sanghathan
DMSC	Durbar Mahila Samanwaya Committee
DSS	Dalit Sangharsh Samithi
DV	Domestic Violence Act
DWRC	Domestic Workers' Rights Campaign
DWRU	Domestic Workers Rights Union
ECCE	Early Childhood Care and Education
FAOW, Forum	Forum against the Oppression of Women
FEDINA	Foundation for Educational Innovation in Asia
FICCI	Federation of Indian Chambers of Commerce and Industry
FIR	First Information Report
FORCES	Forum for Crèches and Childcare Services
GSK	Gharelu Kaamgar Sanghathan
HHS	Hengasara Hakkina Sangha
HRLN	Human Rights Law Network
IAWS	Indian Association of Women's Studies

ICDS	Integrated Child Development Scheme
IDSN	International Dalit Solidarity Network
IDWF	International Domestic Workers Federation
IDWN	International Domestic Workers Network
IFSHA	Interventions for Support, Healing and Awareness
IGMSY	Indira Gandhi Matritva Sahayog Yojana
IJJ	International Initiative for Justice
IIM	Indian Institute of Management
ILC	International Labour Conference
ILO	International Labour Organisation
INC	Indian National Congress
INTUC	Indian National Trade Union Congress
IPC	Indian Penal Code
IPS	Indian Police Service
ISCO	International Standard Classification of Occupations
ISST	Institute of Social Studies Trust
ITPA	Immoral Trafficking of Persons Act
ITUC	International Trade Union Confederation
IUF	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations
JVC	Justice Verma Committee
KDWC	Karnataka Domestic Workers Congress
KDWM	Karnataka Domestic Workers Movement
KDWU	Karnataka Domestic Workers Union
KGKS	Karnataka Gruha Karmikara Sangha
KSWU	Karnataka Sex Workers Union
LGBT	Lesbian, gay, bisexual and transgender
LGBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
MoLE	Ministry of Labour and Employment
MP	Member of Parliament
MRHS	Madiga Reservation Horatta Samiti
MWN	Minimum wage notification
NAC	National Advisory Council
NAWO	National Alliance of Women's Organisations
NCC	National Coordination Committee
NCC-USW	National Campaign Committee for Unionising Sector Workers
NCDHR	National Campaign on Dalit Human Rights
NCL	National Centre for Labour
NCR	National Capital Region
NCRB	National Crimes Record Bureau
NCW	National Commission for Women
NDA	National Democratic Alliance
NDMJ	National Dalit Movement for Justice
NDWM	National Domestic Workers Movement
NDWP	National Domestic Workers Platform
NFDW	National Federation of Dalit Women
NFCL	National Federation of Construction Workers
NFF	National Fish Workers Federation
NGO	Non-government organisation
NHRC	National Human Rights Commission
NIC	National Industrial Classification
NMDW	National Movement for Domestic Workers
NNAWGS	National Network of Autonomous Women's Groups
NNSW	National Network of Sex Workers

NPDW	National Platform for Domestic Workers
NREGA	National Rural Employment Guarantee Act
NSDC	National Skills Development Corporation
NSSO	National Sample Survey Organisation
NTU-DW	National Level Trade Union of Domestic Workers
NTUI	New Trade Union Initiative
OBC	Other Backward Classes
PLD	Partners for Law in Development
PMO	Prime Minister's Office
POA	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
POCSO	Protection of Children from Sexual Offence Act 2012
POW	Progressive Organisation for Women
PRAN	Permanent Retirement Account Number
PUC	Pre-university course
PUCL-K	Peoples Union for Civil Liberties-Karnataka
PWDVA	Protection of Women from Domestic Violence Act 2005
RSBY	Rashtriya Swasthya Bima Yojna
RTI	Right to Information applications
RWA	Resident Welfare Association
SC	Scheduled Caste
SDTT	Sir Dorabji Tata Trust
SEWA	Self Employed Women's Association
SHRC	State Human Rights Commission
SJS	Stree Jagriti Samithi
SP	Superintendent of Police
ST	Schedules Tribe
UNICEF	United Nations Children's Fund
UNRISD	United Nations Research Institute on Social Development
UP	Uttar Pradesh
UPA	United Progressive Alliance
VDA	Variable dearness allowance
WHAQ	We are Here and Queer
WIEGO	Women in Informal Employment Globalizing and Organising
WSF	World Social Forum
WSS	Women against Sexual Assault and State
YCS	Young Christian Students
YSM	Young Students Movement
YSMD	Young Students Movement for Development
YUVA	Youth for Unity and Voluntary Action

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Summary

This research seeks to address the question of when and why the state in India responds to women's claims making by foregrounding the mobilisations of women's groups on two issues: anti-rape laws and domestic work. In particular, it analyses the relationship between women's claims making and laws and policies, especially focusing on the issues around which mobilisations take place, the processes and strategies of claims making by women's groups, and the processes through which the changes in laws and policies occur. The research addresses these concerns at both a national level, as well as two subnational levels, Gujarat and Karnataka. It also compares the differences and similarities in mobilisations, structural configurations, actors and coalitions between the two issue areas, and across the levels (national and subnational).

The research draws on Mala Htun and Laura Weldon's framework for analysing gender-egalitarian policy change as well as Nancy Fraser's analysis of needs interpretation, multiple publics and representation (Htun and Weldon 2007, 2010; Fraser 1989, 2009). It is a qualitative research study drawing on 62 interviews with key actors at both national and subnational levels, and an extensive resource of secondary material, which is particularly abundant on anti-rape mobilisations in India.

The report argues that state responses to women's claims making provide a complex and variegated picture of a non-linear, slow, sporadic and contingent process of policy change, with iterations and reiterations by women's groups met over a period of time by non-responses, intermittent gains, reversals and wars of attrition by the state. Domestic worker mobilisations have not had as long and consolidated a history as anti-rape mobilisations, which is reflected in the nature of state responses—with policy change and law reform in domestic work remaining sporadic and scattered, whereas there have been widespread reforms in anti-rape laws, albeit with as many reversals as gains. Apart from mobilisations by groups on issues, which have been a key factor for policy change, other factors such as champions in government, mass demonstrations and protests, the openness (or lack thereof) of the policy process, strength of networks are some of the other factors that determine when and why states respond to women's claims making.

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Chapter One: Introduction

The brutal gang rape of a 23-year-old paramedic student by a group of six men in a bus on 16 December 2012 in Delhi, which resulted in her subsequent death, evoked a firestorm of discourse on violence against women in India. Along with wide media coverage, there were widespread public protests, vigils, demonstrations and debates on violence against women in Delhi and other parts of the country. This combination of events propelled the issue of sexual assault to the centre stage of public discourse, forcing the state to re-examine the rape laws of the country. Christened “Nirbhaya” or Fearless by the media for her will to survive in the face of the egregious violence inflicted on her, Nirbhaya’s case marked a watershed, with wide-ranging changes to rape laws ensuing on the back of recommendations made by the Justice Verma Committee (JVC), constituted in the aftermath of the events surrounding Nirbhaya.

Over 30 years ago, another series of cases, but coalescing in particular around the infamous Supreme Court judgement on the “Mathura case”, had similarly shaken the political firmament and brought the issue of rape to the centre stage of public discourse. Mathura too had brought about large-scale legal reforms, through the 1983 amendments to the law on rape. While Mathura and Nirbhaya are significant landmarks, these are by no means singular events in the feminist struggle against sexual assault and rape.

In the intervening 30 years, fuelled by other incidents of violence, including those involving Bhanwari Devi, Bilkis Bano, Thangjam Manorama and Khairlanji, to name but a few, women’s groups have persistently sought to shape public discourse and influence law reform on sexual assault and rape (Kannabiran and Menon 2007). However, feminists have also not always spoken in one voice in making claims on sexual assault and rape, even from the early days of Mathura, with issues such as whether to shift the burden of proof in all cases of rape dividing feminists (Kumar, 1993; Menon 1999, 2004). More recent feminist claims making on sexual assault and rape have also been shaped by conversations and debates within and with those on the margins of feminist politics such as queer and dalit feminists.

While anti-rape mobilisations in India have had a robust history, domestic worker mobilisations from the 1980s remained sporadic and scattered until recently, when they gained momentum from the global mobilisations around the ILO Domestic Workers Convention no. 189/2011 (C189). Even so, domestic worker groups have made gains through important, if sporadic, laws to regulate the conditions of domestic work in a few states such as Kerala, Tamil Nadu and Karnataka.

This report seeks to address the question of when and why the state in India responds to women’s claims making by foregrounding mobilisations of women’s groups on these two issues: domestic work and anti-rape laws. In particular, it analyses the relationship between women’s claims making and laws and policies, especially focusing on the issues around which mobilisations take place, the processes and strategies of claims making by women’s groups, and the processes through which the changes in laws and policies occur. The report addresses these concerns at both a national level, as well as two subnational levels, Gujarat and Karnataka. The report also compares the differences and similarities in mobilisations, structural configurations, actors and coalitions between the two issue areas, and across the levels (national and subnational).

The report begins by laying out the conceptual framework and methodology to explain the processes of production of the research, as well as to locate the “field” of research. The conceptual framework draws on Mala Htun and Laura Weldon’s framework for analysing gender-egalitarian policy change as well as Nancy Fraser’s analysis of needs interpretation, multiple publics and representation (Htun and Weldon 2007, 2010; Fraser 1989, 2009). It is a qualitative research study based on both primary and secondary methods. Drawing on 62 interviews with key actors at both national and subnational levels, the research also relies extensively on the use of secondary material, which is particularly abundant on anti-rape mobilisations in India.

The first chapter documents and analyses around 30 years of mobilisations focused on violence against women, particularly engaging with mobilisations on sexual assault and rape laws and policies. It begins with the Mathura case, locating the changes both in the anti-rape mobilisations, and law and policies from then to the more recent mobilisations around the Criminal Law Amendment Act 2013. It also locates the particularities of the two subnational levels, documenting both differences and similarities between the national and subnational levels on claims making, highlighting issues that have consistently engaged feminist groups across the levels over the last few decades.

The second chapter examines mobilisations focused on domestic work in India. It locates the setting up of domestic worker–focused groups in the 1980s to the more recent proliferation of domestic worker groups as well as the interventions by domestic worker groups on C189, as well as mobilisations around a national law regulating domestic work. This chapter also examines the subnational level focused mobilisations, particularly those that target the machineries of subnational level implementation, whether these are “welfare” boards or minimum wage committees.

The third chapter compares and contrasts mobilisations between levels and between issues. Given the focus on the research on addressing the question of when and why states respond to women’s claims making on policy change, this chapter analyses whether the nature of mobilisations, and structural configurations influence the processes of policy change. There is also a small section outlining the question of unpaid care, and whether there are any mobilisations among the groups we have spoken to on unpaid care.

The overall argument that the report makes is that state responses to women’s claims making provide a complex and variegated picture of a non-linear, slow, sporadic and contingent process of policy change, with iterations and reiterations by women’s groups met over a period of time by non-responses, intermittent gains, reversals and wars of attrition by the state. Even so, there are differences in the relationship between claims making on domestic work and anti-rape and state responses on these issues. Domestic worker mobilisations have not had as long and consolidated a history as anti-rape mobilisations which is reflected in the nature of state responses—with policy change and law reform in domestic work remaining sporadic and scattered, whereas there have been widespread reforms in anti-rape laws, albeit with reversals as much part of the story as gains. Apart from mobilisations by groups on issues, which have been a key factor for policy change, other factors such as champions in government, mass demonstrations and protests, the openness (or lack thereof) of the policy process, the strength of networks are some of the other factors that determine when and why states respond to women’s claims making.

Chapter Two: Conceptual Framework and Methodology

This is a comparative research project. It compares women's mobilisations on domestic work and anti-rape laws, at the national level and the two subnational levels of Karnataka and Gujarat. The research is also mainly a qualitative research study, which uses both primary and secondary methods of data collection. It employs a timeline analysis to "map critical moments in the process of gender-egalitarian policy change" (UNRISD 2013). It also explores the interface between particular configurations of actors and structures that contribute to the processes of change, as well as the nature and content of the claims made.

2.1 Conceptual Framework of the Research

The conceptual framework has evolved over the course of the study, based on both the field of research as well as conversations with partners at the United Nations Research Institute for Social Development (UNRISD) and the Indonesia and China teams. The conceptual framework draws on and modifies Mala Htun and Laura Weldon's framework for analysing cross-national variation in gender equality policy (Htun and Weldon 2007, 2010). Further, it incorporates Nancy Fraser's understanding of multiple publics, needs interpretation and representation (Fraser 1989, 2008, 2009).

2.1.1 Htun and Weldon's framework for analysing gender-egalitarian policy change

In laying down a global framework for a cross-issue comparative analysis of gender-egalitarian policies, Htun and Weldon (2007, 2010) critically engage with both traditional comparative explanatory frameworks that advance a proportional relationship with democratization, modernization, and economic growth and state policies on gender issues, as well as those that are more variegated in their approach to the relationship between the state and gender equality policies. Based on this evaluation, they conclude that there is in fact "little evidence of policy convergence as a result of societal modernization, economic growth or democratization" (Htun and Weldon 2007: 209).

In their formulation of a framework for analysing cross-national variation in gender equality policy Htun and Weldon (2007, 2010) propose a framework that accounts for both the differences within national contexts as well as differences in policy type. In relation to policy type, they argue for a typology of policies that disaggregate gender policies into issue types. The argument they make is that without such disaggregation, the variations within countries (for instance, a state may have a progressive policy on violence against women, but not on abortion laws; or a state may have progressive policies on parental leave and care, but not on violence against women) will be obscured. Disaggregation, they argue, also allows for understanding "why and how the diverse processes of policy change vary across issues" (Htun and Weldon 2010: 209).

On the question of national contexts, and how these may be understood, Htun and Weldon (2007) note that the type of issue determines the actors involved in the struggle for policy change. However, they note that features of the national polity also shape the power of actors to promote change. These include state capacity, political legacies, international vulnerability and the degree of democracy, which Htun and Weldon argue, also shape the priorities, strategies and effectiveness of the advocates (as well as their opponents) for gender-egalitarian policies (Htun and Weldon 2007).

The issue types: Gender status versus class-based issues and doctrinal versus non-doctrinal issues

In their call for a disaggregation of policy types, Htun and Weldon (2010) offer a typology of gender issues based on gender status versus class-based issues and doctrinal versus non-doctrinal issues. The first, gender status and class-based issues, echoes Fraser's (1997) analytical categorisations of cultural or symbolic injustice and socio-economic injustice respectively (the remedies for these aspects of injustice, are recognition—for cultural or symbolic injustice—and redistribution—for socio-economic injustice/justice claims). The distinction Htun and Weldon make is that there are some issues that affect women as women because of their status as women (cultural or symbolic injustice), and there are some issues that affect women because of the gender division of labour (socio-economic injustice). So, for instance, violence against women would be a gender status issue and parental leave would be a class issue.

The second typology that Htun and Weldon offer is doctrinal versus non-doctrinal issues. They argue that doctrinal issues are those that are based on the “codified tradition or sacred discourse of the dominant religion or cultural group” (Htun and Weldon 2010: 210). This, they argue helps to distinguish issues and policies based on the kind of conflicts they generate between the state and other religious, traditional and tribal authorities over jurisdiction. Whether an issue is doctrinal or non-doctrinal would, they argue, be determined by the particular national context. So, for instance, abortion is doctrinal in Ireland, but non-doctrinal in China or India.

Applying Htun and Weldon's typology to our issue areas, violence against women in the context of gender just anti-rape laws and policies is largely a gender status and non-doctrinal issue—with some sub-issues possibly being doctrinal, such as marital rape. Domestic work would largely be a class-based and non-doctrinal issue. However, this categorisation presents limitations. For instance, demarcating domestic work as an always and already class-based issue (when questions of status, whether it be about the recognition of women's work as work, or of the nature of caste-based divisions within domestic work, do animate debates on domestic work) is one such limitation. Moreover, the understanding of “doctrinal” as being only about the conflict between the state and “religious” or “traditional” authorities for jurisdiction, provides limitations for capturing the intransigence of policy on certain issues. The recognition that not all issues are based on a conflict between the state and religious doctrine and traditional authorities, but are nevertheless difficult to dislodge in policy terms because of entrenched norms and values (such as the recognition by the state of marital rape) led us to read down the meaning of “doctrinal” to meaning “entrenched norms and values in society”.

Interaction between actors and issue types

Htun and Weldon (2007) note that the type of issue determines the actors involved in the struggle for policy change. They make the argument that women's movements are more important actors for gender status policies than for class-based policies. Other actors, such as labour unions or left-based parties, are less likely to make gender status issues a priority. They further argue that women's movements (which may still have an impact) are less critical for class-based gender equality policies. They also identify institutions and actors involved with organised religion as important actors for their typology of doctrinal policy issues. While it is largely true that not all the actors involved in gender status claims making are involved in claims making on domestic work and vice versa (bifurcation and specialisation of claims making is to be expected, given the depth and specificity of the issues around which claims are made), there are

exceptions. Organisations such as the All India Democratic Women's Association (AIDWA), the women's wing of the Communist Party of India (Marxist) (CPI-M), have been at the forefront of both claims making on rape laws and mobilisations on domestic work in some states. Further, the nature of groups working on domestic workers has changed character over the years, with more organisations now employing the language of women's rights and feminist concerns (Neetha 2013c).

While this research recognises that there are more "labour" groups involved in domestic workers' claims making, it also analyses whether or not these are also "women's groups", namely, that they address the concerns of domestic workers as *women workers*. It also analyses whether groups characterised as women's groups are largely engaged with the issue of violence against women, and not as much with questions of unpaid care, or paid domestic work. On this question, Htun and Weldon's analysis of actors and the links with policy type forms a working hypothesis tested by the research.

The national context

Htun and Weldon (2010: 212) argue that the features of the national polity also shape the power of actors to promote change as well as the priorities, strategies and effectiveness of the advocates (and their opponents) for gender-egalitarian policies. These features include:

- i. *State capacity* which refers to the "effectiveness of national political institutions and their ability (not willingness) to enforce the law and to challenge dominant social groups";
- ii. *Institutional legacy* which is about the ways in which states have historically dealt with foundational conflicts, which Htun and Weldon note, affects policy development in later years. For instance, countries that have resolved religious conflict through a process of accommodation maybe more amenable to gender status policies;
- iii. *Vulnerability to international pressure*: poor countries, autocracies and emerging democracies, they argue, are more amenable to external pressure (through international advocacy networks and global agreements on women's rights) than wealthier nations or established democracies;
- iv. *Degree of democracy*: Htun and Weldon argue that "the more democratic a country is, the more developed its civil society and the more open the government to autonomous organising" (2010: 212). However, they also note that it "may also strengthen religious institutions opposed to change" (2010: 212).

Two of the above factors, vulnerability to international pressures and degree of democracy, inform the research, although not quite in the same terms that Htun and Weldon identify. A working hypothesis of the research is that the influences of international and transnational networks and frameworks may be more significant on issues associated with little or limited traction with policy change or with a more recent collectivisation and mobilisation process, rather than where there are more established mobilisations. The further working hypothesis is that even within the broad categorisation of issues (such as anti-rape and domestic work), there are some issues that are on the margins (for example, dalit women) where international and transnational networks and frameworks may be more influential in claims making by groups. In this sense, international pressure and degree of democracy are understood to refer to a "degree of openness in policy space" (on which more below).

2.1.2 Nature of claims making and policy change

This research works with the understanding that claims making is a continuous, responsive, contingent and iterative process, which entails a process of negotiation, articulation and re-articulation with a range of actors, including the state. In this sense, while some issues may persist (for instance, marital rape in the context of anti-rape laws, or wage fixing in domestic work), the claims making around these issues entails a continuous process of negotiation. Moreover, claims are neither static nor fixed. The research works with an understanding of claims making as contested, with questions of representation, access, voice and influence paramount in locating those claims that are eventually heard by policy makers.

The contested nature of claims making, multiple publics and questions of representation

Fraser's analysis of the politics of needs interpretation—particularly her understanding of the contested interpretations of needs, the oppositional discourse on needs interpretation, as well as her understanding of multiple publics—informs the understanding of the contested nature of claims making in this research, as well as whose voices are heard, and whose are not (Fraser 1989, 2008; UNRISD 2013).

In her proposal for a more politically critical understanding of needs interpretation, Fraser (1989: 164) notes that there are three major analytically distinct but interrelated moments:

- i. The struggle to establish or deny the political status of a given need or the struggle to validate the need as a legitimate political concern;
- ii. The struggle over the interpretation or the definition of the need; and
- iii. The struggle over the satisfaction of the need, to secure or withhold provisions.

Fraser argues that groups entering “the social” to interpret needs make use of discursive resources such as officially recognised idioms, vocabularies, paradigms of argumentation accepted as authoritative in adjudicating conflicting claims, etc. Groups with unequal discursive resources assert authority over their interpretation of the need. The dominant groups intend to “exclude, defuse and/ or co-opt counter interpretations”, and those from the subordinate groups intend to “challenge, displace, and/ or modify dominant ones” (Fraser 1989: 165-166).

A politicised need is discussed and contested across a range of different discursive arenas and different publics. And these publics can be distinguished variedly based on their ideology, by stratification principles such as gender, class or by profession, or by a central mobilising issue. Publics could also be differentiated in terms of their relative power to set the terms of debate over a certain politicised need or a “runaway need”. Large and authoritative publics usually have a heavy hand in politicising an issue and taking the lead in the discourse (Fraser 1989: 167).

Fraser further identifies three major kinds of needs discourses, namely, the oppositional form of needs talk, the reprivatisation discourses, and the expert needs discourses. By speaking on the heretofore depoliticised needs, the oppositional discourses politicise needs and represent an alternative version of interpreting them, challenging the heretofore established boundaries of politics and economics. New interpretations of needs are disseminated by forming new publics and in the process are modified, and/or displace, the hegemonic elements of interpretation. In oppositional discourses, Fraser regards needs

talk as a moment in the “self-constitution of new collectives or social movements” (1989: 171), and provides the example of feminists who coined terms such as sexism, sexual harassment, marital, date and acquaintance rape, wife battering and so on.

Fraser suggests a method by which better interpretations of people’s needs can be distinguished. In her view, there are at least two distinct considerations that need to be taken into account. One is the “procedural consideration concerning the social processes by which various competing need interpretations are generated” (Fraser 1989: 182). By that she means how inclusive or exclusive, or how egalitarian or hierarchical, the group discourse has been. According to Fraser, the best means of arriving at a particular need interpretation are communicative, closely approximating the ideals of democracy, equality and fairness. The other set of important considerations is related to the consequences of a particular interpretation in comparison to rival interpretations of the same need. According to Fraser, the best interpretations are those that do not disadvantage a section of people vis à vis others. Hence, “justifying some interpretations of social needs as better than others involves balancing procedural and consequentialist considerations” (Fraser 1989: 182).

The research works with this framework for interpretation of needs in analysing the various discourses on claims making within social movements and the ways in which they get translated in policy change (if at all) to understand the basis of the legitimacy of needs (UNRISD 2013; Fraser 1989). Further, the research works with the understanding that the discursive space available to different actors is by no means equal, whether it be in terms of access, voice or influence, and that the contestation engendered by this discursive space is important to how issues are framed and how issues are adopted and implemented in policy, as well as how far a policy satisfactorily addresses needs (UNRISD 2013).

Moreover, representational justice is an important means of analysing the hierarchies and inequalities prevalent in translating claims making to policy (Fraser 2009; UNRISD 2013). It helps to analyse as the concept note puts it, “who sets and shapes the agenda, who participates in negotiations and takes on leadership roles, and the mechanisms through which different voices are heard or represented” (UNRISD 2013).

2.1.3 Actors and factors influencing policy change

There are several agents, actors that are involved in the process of policy change: women’s movements, groups, networks, alliances, epistemic communities, and transnational networks, bilateral and international agencies, governmental task forces as well as champions in bureaucracy and government, the media and the judiciary (UNRISD 2013). In this research, we have located the role of this range of actors through secondary research, while the fieldwork focused on three sets of actors: women’s organisations, labour organisations and international actors. International actors were only interviewed in the context of domestic work (to analyse what effect international pressure had on an issue with little policy traction), particularly through the work of the International Labour Organisation (ILO) and international networks such as the International Domestic Workers Network.

The question of women’s groups and what constitutes “feminist” and “women’s issues” is a difficult one (Khanna and Pradhan 2012), and while we work with Htun and Weldon’s understanding that the actors may change across issue types, we are also mindful of the argument that the nature of organisations working on domestic work has

also changed (Neetha 2013c). Moreover, the research identifies a range of women's groups, as well as the contested nature of the claims among these groups, constituting a diverse and dynamic field of feminist politics. The research also locates whether there has been a change in actors and a subsequent change in the discourse of claims making and counter-claims making.

There are several factors that this research takes into account in locating the processes of claims making and policy change, including the following:

Structural configurations

Questions of caste, religion, disability, etc. play a key role in our analysis, particularly in locating whose voices get heard in the policy arena. In the case of anti-rape laws, whether or not the voices of dalit or disabled women are heard in anti-rape claims making forms a key component of the research. Similarly, with domestic work, apart from the redistributive claims on domestic work, we also examine whether claims making on caste and sexual discrimination, as well as the claims of the more marginalised migrant workers, are voiced and heard within the wider claims making by groups.

Degree of openness in policy space

Htun and Weldon (2010) list the “degree of democracy” as one of the national contextual factors that influence policy change. However, we argue that this factor, while important, needs to be differentiated further, because the degree of democracy, particularly in terms of the degree of openness of the state to policy change, or of groups to access this space or even to mobilise on issues, may not be homogenous across issues and regions in the same country. For instance, domestic workers have been able to form unions in states such as Rajasthan and in Karnataka, but they have had great difficulty in unionising in West Bengal (ISST 2013). Therefore, we examine the degree of openness of policy space in terms of freedom to mobilise/organise, the degree of participation of civil society in policy space and the transparency of policy space and policy-making processes. The degree of openness of policy space is an important factor in analysing whether or not claims get heard by policy makers.

Nature of strategy used by groups in claims making

The research examines the wide range of strategies deployed by groups to have their voices heard—such as network building, lobbying, marches, Jan Sunways/public hearings—and their effectiveness. It also examines the nature of strategy in terms of how actors find access to policy space, how they build alliances/networks and how they shape discourse around a claim.

2.1.4 Context of federalism and implications for research

In order to contextualise the laws and policies on rape as well as domestic work at national and subnational levels, it is necessary to briefly introduce the bifurcation of regulatory and legislative power between the Centre (national level) and the States (subnational levels) in India.

India has a complex and mixed federal structure with Article 246 of the Constitution of India distributing the legislative powers between the Parliament at the centre and the Legislative Assemblies in the states. Article 246 specifies the three lists in the Seventh Schedule of the Constitution: (i) the Union List with subjects over which the centre has sole power to legislate; (ii) the State List with subjects over which the states have sole

power to legislate; (iii) the Concurrent List with subjects on which both the Parliament and the state legislatures have concurrent legislative power.

Within this structure, laws dealing with violence against women are largely a set of unified criminal and civil laws applicable across the country. The laws dealing with rape in particular are a set of criminal laws valid for the whole country found in three legislations, namely, the Indian Penal Code, the Indian Evidence Act and the Criminal Procedure Code. Although there are a set of unified criminal laws across the country, criminal law and criminal procedure are both in the concurrent list of the Seventh Schedule to the Constitution of India, which means that state governments also enact, administer/implement criminal laws. Further, there are special laws such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), which name and proscribe crimes of sexual violence against dalit women. Such special laws can be enacted by both the states and the centre. Therefore, while there are national-level criminal laws, the implementation of laws and the delivery of justice are far more intricate and complicated.

A multi-pronged focus on the delivery of justice for survivors of sexual violence for instance, implicates the judiciary, the legal aid board, the police and the health sector, apart from other agencies such as the Ministry of Women and Child Development that provide shelters for survivors and schemes through the Rape Victims Compensation Board (CEHAT 2012). While the Constitution of India provides for a single integrated judicial system of courts to administer both Central and State laws, the regulation of the police is a State subject with each State having the power to organise and frame rules and regulations.¹ The health sector comes into play in the context of the delivery of justice for survivors of sexual violence, as Section 164 A of the Criminal Procedure Code vests all registered medical practitioners with the responsibility of documenting particulars of the survivors of violence, including the history of assault, marks of injuries and collection of medico-legal evidence. Moreover, survivors require medical support not just for gender-sensitive forensic examination and evidence collection, but also for holistic treatment of the physical and psychological consequences of sexual assault (CEHAT 2012). Just as with public order and the police, public health and hospitals are listed as state subjects under the Seventh Schedule.

Laws on domestic work are similarly subject to a complex federal structure. Under the Constitution of India, “labour” is in the concurrent list of the Seventh Schedule to the Constitution, so both the states and the central government are competent to legislate on the subject, resulting in a diverse array of both Central and State legislations. The Working Group for the 12th Five-Year Plan on Labour Laws and other Regulations lists 44 legislations enacted by the Centre, some of which are enforced by the central government only, others by both central and state governments, and still others by the state governments alone.² Given that labour is in the concurrent list, there are also laws that are enacted and enforced by various state governments.

In this intricate terrain of distribution of power for legislating and implementing laws and policies on sexual violence and domestic work, the research examines the focus of

¹ “Public order” and the “Police” are entries in the State List of the Seventh Schedule of the Constitution. Even so, the Indian Police Service (IPS) is an All India Service recruited, trained and managed by the Central government and which provides the bulk of senior officers to the State Police Forces. Moreover, the Constitution also allows the Centre to play a coordinating and counselling role in police matters (see Commonwealth Human Rights Initiative/CHRI document on the Police Organisation in India).

² For our purposes, it is interesting to note that the Minimum Wages Act 1948 is enforced by both central and state governments, while the Unorganised Sector Social Security Act, 2008 is enforced by the state governments.

mobilisations on domestic work and sexual violence, not just in terms of the content of and strategies used by groups, but also in terms of whom the mobilisations are directed at.

2.2 Methodology of the Research

This research is conceived of as a comparative research project. It seeks to compare women's mobilisations on domestic work and on anti-rape laws as well as between the two subnational levels of Karnataka and Gujarat. It is a qualitative research study, which uses both primary and secondary methods of data collection. It uses library research and semi-structured interviews.

2.2.1 National and subnational levels: choice of sites for research

This research is focused on analysing the mobilisations on two issues in two Indian states (subnational levels): namely, anti-rape and domestic work in Gujarat and Karnataka. The choice of sites was based on two imperatives: the first was practical (composition of the team and their knowledge of local context and language) and the second was based on the context of the two subnational levels.

Context of the two states in relation to the two issues

Based on our initial research on the nature of mobilisations in the two states, there were more specifically domestic worker-focused groups/unions in Karnataka than in Gujarat. While Gujarat has a long history of mobilising unorganised women workers since the formation of the Self Employed Women's Association (SEWA) in Ahmedabad in the 1970s (Bhatt 1998), which counted domestic workers among its members, there did not seem to be many other organisations in Gujarat mobilising domestic workers, apart from Saath, a non-governmental organisation (NGO) based on an entrepreneurship model of social action.

On the other hand, Karnataka seemed to have several groups working with domestic workers and, unlike in Gujarat, it seemed that these mobilisations were more sector-specific with several groups focused on domestic workers as a separate category of workers (see G. Menon 2013). Moreover, there has also been a strong dalit mobilisation in Karnataka since the 1970s with the formation of the Dalit Sangharsh Samithi, and the proliferation of several dalit groups.³ It was our understanding that this had possibly influenced the nature of the mobilisation on domestic work in Karnataka, with at least one of the domestic worker groups in Karnataka, the Karnataka Gruha Karmikara Sangha (KGKS), being formed out of a strong dalit feminist ethos.

Similarly on violence against women, although both states have a long history of mobilisation on violence (see Kumar 1989, 1993; Mazumdar 2000), our presumption was that the particular context of the communal violence in Gujarat would provide interesting insights into the nature of mobilisations and claims making against the State. In Karnataka, on the other hand, there was a proliferation of several organisations working with sexuality minorities, including lesbian, gay, bisexual and transgender (LGBT) communities and with sex workers. These specific contexts offer interesting contrasts and comparisons between the two states on the tenor and nature of claims making and for analysing how gender-egalitarian policy change occurs.

³ See Nair 1993; Nagaraj 1993; Japhet 1997; Chigateri 2004.

Choice of Delhi for the national picture

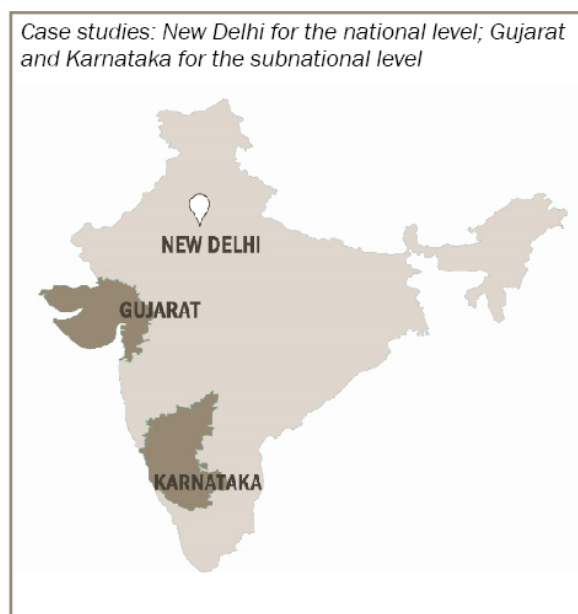
Apart from the two states, we chose New Delhi to represent claims-making processes at the national level directed at the central government. The city, however, presents a conceptual dilemma as it is both a state—separate subnational level—and the capital of India, housing the headquarters of the key national policy-making agencies. So not all of the organisations we met were always only engaged in national-level mobilisations, given that—like any other state—there were context-specific mobilisations too. The research has tried to parse out from the mobilisations in Delhi those that were focused on national level changes in laws and policies.

2.2.2 Research methods

The research relies on secondary data through a review of literature, including “grey” literature such as newsletters and pamphlets, as well as on primary data based on semi-structured interviews. The research followed a snowball sampling method to identify participants. A list of possible respondents—representatives of organisations as well as individuals—was initially prepared and through them further contacts were established in Gujarat, Karnataka and in Delhi.

In total, 62 interviews were completed in Delhi, Gujarat and Karnataka on both domestic work and violence against women, with the average length of each interview being over one hour. We conducted 8 interviews focused on domestic worker mobilisations and 10 on anti-rape mobilisations in Karnataka, 6 interviews on domestic worker mobilisations and 14 on anti-rape mobilisations in Gujarat, and 13 interviews on domestic worker mobilisations in Delhi (and elsewhere, such as Mumbai and Geneva) and 11 on anti-rape mobilisations in Delhi (and elsewhere). For the details of the dates and the names of interviewees, please see Appendix II.

Figure 1: India: Case studies map



Organisations and networks interviewed on anti-rape mobilisations

ORGANISATIONS AND NETWORKS INTERVIEWED IN DELHI

In Delhi, we interviewed individuals from the following organisations and networks: AIDWA, the All India Progressive Women’s Association (AIPWA), Centre for

Women's Development Studies (CWDS), Citizen's Collective against Sexual Assault (CCSA), HAQ, Jagori, the National Alliance of Women's Organisations (NAWO), the National Federation of Dalit Women (NFDW), Saheli, Women against Sexual Assault and State Repression (WSS). We also conducted one interview in Bangalore of an ex-member of the Forum against the Oppression of Women, Mumbai (FAOW, or Forum). The groups interviewed are autonomous women's groups (not affiliated to any political party) (Saheli, Jagori, Forum, HAQ), as well as national-level networks (NAWO, NFDW, WSS) and mass-based party-affiliated organisations (AIPWA, AIDWA). CWDS is a long-standing and well-established gender research organisation, and CCSA is a Delhi-based collective.

ORGANISATIONS INTERVIEWED IN GUJARAT

In Gujarat, we interviewed individuals from the following organisations: Ahmedabad Women's Action Group (AWAG), AIDWA, ANANDI, the Behavioural Sciences Centre (BSC), the Centre for Social Justice (CSJ), Lakshya, Navsarjan Trust, Sahaj, Sahiyar (Stree Sangathan), Sahr Waru, Swati and Utthan.

Some of these organisations are autonomous women's organisations working on violence against women (AWAG, Sahr Waru), autonomous women's organisations working on various other gender issues including violence against women (ANANDI, Sahiyar (Stree Sangathan) Utthan, Swati, Sahaj), identity-based organisations (Navsarjan Trust, Lakshya), socio-legal organisations which also work on violence against women (CSJ), NGOs working more broadly with marginalised communities that also work on violence against women (Sanchetana and BSC) and mass-based party-affiliated organisations (AIDWA).

ORGANISATIONS INTERVIEWED IN KARNATAKA

In Karnataka, we interviewed individuals from the following organisations: AIDWA, Alternative Law Forum (ALF), Aneka, Hengasara Hakkina Sangha (HHS), LesBit, Sangama, Sex Workers Union, Stree Jagriti Samithi (SJS), Vimochana and Women's Voice. Some of these organisations are autonomous women's groups working largely on violence against women (Vimochana, HHS) and some others are women's organisations working with the unorganised sectors of women workers (particularly domestic workers) on issues of redistributive justice, but also on violence against women (Women's Voice and SJS). There are also a large number of groups working with sexuality rights (Aneka, Sangama, LesBit, Sex Workers Union) which come to the question of violence against women from that perspective, and there are groups such as ALF that are mainly human rights organisations (dealing with litigation, research and advocacy) which work on a broad range of issues including domestic work, sexuality and violence against women. AIDWA, as has been mentioned earlier, is a mass-based organisation which works with marginalised women on a range of issues including violence against women.

Organisations and networks interviewed on domestic worker mobilisations

ORGANISATIONS AND NETWORKS INTERVIEWED IN DELHI AND ELSEWHERE

In Delhi, we interviewed individuals from the following organisations: AIDWA, Delhi Shramik Sangathan, the Domestic Workers Forum (part of Chetanalaya), Institute of Social Studies Trust (ISST)-Saathi Centre, Jagori, the National Domestic Workers Movement and Nirman. We also interviewed individuals from Women in Informal Employment Globalising and Organising (WIEGO) in Delhi and through skype. We interviewed a founding member of the National Platform for Domestic Workers (NPDW) in Delhi and the founder of the National Domestic Workers Movement in

Mumbai. We also interviewed a member of the International Labour Organisation in Delhi.

ORGANISATIONS INTERVIEWED IN GUJARAT

In Gujarat, we interviewed members of the Bharatiya Mazdoor Sangh (BMS), the Domestic Workers' Rights Campaign (DWRC) the New Trade Union Initiative (NTUI), Saath and SEWA. One of these is a federation of trade unions (NTUI), and another is a central trade union (BMS). SEWA is a women-focused trade union of poor, self-employed women workers, and DWRC is a national-level campaign group of domestic workers. Saath is a non-governmental organisation based on an entrepreneurship model.

ORGANISATIONS INTERVIEWED IN KARNATAKA

In Karnataka, we interviewed two central trade union-affiliated domestic worker organisations (Centre of Indian Trade Unions/CITU, Indian National Trade Union Congress/INTUC), five domestic worker-trade unions affiliated to different NGOs: Association for Promoting Social Action (APSA), Foundation for Educational Innovation in Asia (FEDINA), National Movement for Domestic Workers (NMDW), SJS and Women's Voice. We also interviewed one independent domestic worker union (Karnataka Domestic Workers Union/KDWU).

2.2.3 Limitations of the research

This report is not to be read as a comprehensive account of claims-making processes across the country, but rather as providing a glimpse into the nature of claims-making and claims-making processes that groups are engaged in. Moreover, given that the primary research is limited to cities of two states (Bangalore in Karnataka, and Baroda and Ahmedabad in Gujarat) and a third city state (Delhi) (owing to the lack of resources), the picture of claims-making is at best partial at both national and subnational levels. We have however done our best to supplement primary materials with secondary research where available. Further, although the respondents working on a wide range of issues—especially those at the margins of claims-making processes such as dalits, minorities, LGBT, state repression and disability—were carefully chosen, others were not included due to lack of time and/or availability.

2.2.4 Ethics of the research

This research follows the ethical guidelines laid down by the American Anthropological Association for conducting research (AAA 2012). The consent of research participants has been an important task for the research team, with approval sought from respondents at various stages. At the time of the interview, a formal written consent document—describing the research purpose and goals as well as the researchers' rights and responsibilities—was presented to the respondent. It states that, if the participant so desires, full confidentiality of his/her identity will be ensured during and after the research process. The document also includes permission to record the interview and gives the participant the right to not answer any question that he/she may not be comfortable with as well as the right to end the interview at any time (see appendix III).

Chapter Three: Anti-Rape Mobilisations in India— 35 Years and Ongoing

In this chapter, we analyse the history of anti-rape mobilisations at the national level and the subnational levels of Gujarat and Karnataka, exploring the key events and policy windows at the national, subnational and international levels that have propelled and enabled the mobilisation. We identify the key actors, particularly organisations and networks working on violence against women, that have emerged at both national and sub-national levels, and the key claims-making processes.

3. 1 Locating Anti-Rape Mobilisations at the National Level

This section examines the mobilisations and claims making on anti-rape laws and policies that took on a national character, in terms of the breadth of mobilisations, starting with those around the Mathura rape case leading up to the recent Criminal Law Amendment Act of 2013. It locates a timeline of key events, including key policy and law reform moments, but particularly focusing on the processes leading up to these events. It also locates key actors (including women’s groups, feminist epistemic communities, law commissions, joint review committees), claims (including the nature of claims, who makes claims, the contested nature of some of the claims, and how they have changed if at all), strategies of mobilisations of groups (whether these have changed), as well as whether claims making is reflected in policy and legal change, and if so to what extent, as well as how these policies and legal changes have been understood by women’s groups and feminist commentators.

3.1.1 Contextualising the anti-rape campaigns: The contemporary women’s movement in India

Writing on the women’s movement in India begin with an acknowledgement of the complexity and diversity of voices and mobilisations that form the “Indian Women’s Movement”.⁴ Feminist scholar Nivedita Menon, for instance, locates the “rich, complex and contentious debates” that rage within the women’s movement while noting their shared concerns over the “ways in which gender gets defined, institutionalized and mobilised in perpetuating inequality and injustice” (Menon 1999: 32). Literature on the women’s movement in India also notes the ebbs and flows of women’s mass mobilisation from the 19th century onwards, as well as the diversity of the nature and purpose that drew groups of women together (see Kumar 1993). Drawing on Nandita Gandhi and Nandita Shah’s work, Menon identifies three waves of the women’s movement: the first, the mass mobilisation of women during the national movement; the second, from the late 60s onwards when there were mass uprisings in Gujarat and Bihar; and the third, in the late 70s. This last wave had a specifically feminist focus and was based on the growth of “autonomous” women’s groups in urban areas and centred on the nationwide campaigns on dowry and rape (Menon 1999: 18-20; also see Kumar 1993).⁵

The various waves of the women’s movement were influenced by previous mobilisations, such as the sharecropper- and peasant-based Telengana movement in Andhra Pradesh and the Tebhaga movement in Bengal in the 1940s. Women were involved in large numbers in these movements, even though they did not specifically address women’s rights beyond a benevolent paternalism (Kumar 1993). The women’s movement was also influenced by the various socialist and communist movements of

⁴ Calman 1989; Kumar 1993; Menon 1999; Khanna and Pradhan 2012.

⁵ Autonomous Women’s Groups are groups that are not affiliated with the state, or any political party or religious group and are therefore independent in nature.

the 1970s wherein, women actively participated but “larger and more important” issues dominated, including land rights, peasant agitations and workers’ rights.⁶ Radha Kumar, in her landmark book on the women’s movement, *The History of Doing*, for instance, describes in detail how the movements in the 1970s, but more specifically the Shahada movement—a landless labourers movement in Maharashtra and the subsequent anti-alcohol movement in the same region—facilitated, for the first time, women’s mobilisation on the issue of wife beating. The strategies of women activists were initially indirect in that they attacked liquor vendors and suppliers, but progressively it became more direct in punishing and chastising the perpetrators themselves (Kumar 1993). Similarly, although some of the movements of the 1970s (such as the anti-price agitations in Bombay in 1973, the Nav Nirman movement in Gujarat in 1974, the birth of SEWA in Gujarat in 1972 and the Chipko movement in 1974) did not directly deal with the problem of discrimination against women, they were important in terms of large-scale mobilisation of women. Moreover, they initiated the questioning of patriarchy among women and thus sowed the seeds for an autonomous women’s movement in India (Kumar 1993).

The 1970s was also the decade when groups focusing specifically on women’s issues were formed. The Progressive Organisation for Women (POW) was formed in Hyderabad in 1974, comprising women with a Maoist orientation. It is one of the first organisations of the contemporary women’s movement with a manifesto that stressed the sexual oppression of women (Kumar 1993). Influenced by the formation of POW, Maoist women also formed organisations in Pune and Bombay, the Purogami Stree Sangathana and the Stree Mukti Sanghatana respectively (Kumar 1993: 105). Kumar also points to the formation of a dalit women’s group in Maharashtra—the Mahila Samta Sainik Dal (League of Women Soldiers for Equality) which spoke of not just women’s oppression but its relationship with caste oppression (Kumar 1993: 105-106).

The 1970s also saw the release of the landmark report, *Towards Equality* (1974) by the Committee on the Status of Women in India. This 480-page document significantly re-conceptualised the prevalent discourses on gender and spurred on the pursuit of the agenda of improving the appalling conditions of women.⁷ It called for government action and urged movement activities, as the government could not possibly alter all regressive cultural practices (Calman 1989). However, both the *Towards Equality* report and two key conferences on gender in 1975 paid little attention to the problem of violence against women (Katzenstein 1989: 61).⁸

At a global level, 1975 was also the time when the UN’s First World Conference on Women was held in Mexico, and the year was declared International Women’s Year. Further, the decade 1975–1985 was declared the International Decade for Women. These events heralded a women’s movement worldwide, and Indian feminists described their participation at the Mexico conference as personally momentous, while recognising the hierarchies that existed between women from the North and the South (Jain 2011). In the same year, the International Women’s Day on March 8 was celebrated for the first time in India by autonomous women’s organisations as well as those affiliated with political parties (Kumar 1993).

⁶ Calman 1989, Kumar 1993, Desai 1997.

⁷ Calman 1989; Katzenstein 1989; Kumar 1993; Agnes 1994; Agnihotri and Mazumdar 1995; Phadke 2003.

⁸ The first conference was in Pune and sponsored by the left parties, and the second was in Trivandrum and organised by the Indian School of Social Sciences (see Katzenstein 1989).

However, no sooner were women in different regions of India beginning to network and plan actions, an internal emergency was declared by the Indira Gandhi government in 1975. The Emergency allowed the state to suspend civil liberties and freedom of the press. There were large-scale arrests of political opponents, and the thwarting of any social activities perceived as against the state. As the Emergency was lifted in 1977, there were already reports of large-scale violations of civil and political liberties by the state, including reports of sexual assaults, rapes and brutality against women by the police and security and paramilitary personnel (Kumar 1993). Feminist commentators have located the excesses and violence of the Emergency as one of the reasons for the emergence of the new phase of the women's movement, particularly in terms of the focus and shape it took through the anti-rape campaign (Patel 2012).

3.1.2 *The anti-rape movement, 1978–1983*

During the latter half of the 1970s, the experience of police brutalities was still fresh, and further reports of rapes by police, landlords and the army resulted in outrage and anger among the locals, and rape—especially under custody of state authorities—became an important rallying point for women's groups. In many cases, courts acquitted the perpetrators, often on the basis of the presumed immoral behaviour of the victims, causing mass protests and agitations.⁹ However, these protests and rallies remained isolated from each other until the Mathura case (Kumar 1993).

The Mathura case and the ensuing mobilisations

In 1972, Mathura, a 16-year-old tribal girl was gang raped by policemen while she was in their custody in Chandrapur, Maharashtra. The conviction of the police by the High Court was reversed by the Supreme Court in September 1978 on the appalling grounds that the girl was “habituated to sex”, that she did not “raise an alarm for help” and there was an “absence of injuries on her body or signs of struggle” (Murthy 2013:1; *Tukaram v. State of Maharashtra* (1979) 2 SCC 143). When the case was reported the following year, the acquittal of the policemen by the Supreme Court on such weak and moralistic grounds was met with outrage. Four law professors—Upendra Baxi, Lotika Sarkar, Vasudha Dhagamwar and Raghunath Kelkar—wrote an Open Letter to the Chief Justice of India questioning the rightness and conscience of the judgement.¹⁰ The Open Letter displayed shock at the “extraordinary decision sacrificing human rights of women under law and the Constitution” (Baxi et al. 1979: 2). It drew attention to the double standards of the judgement in acquitting the policemen while proclaiming Mathura to be habituated to sex. The letter reminded the Chief Justice that there is a wide distinction between submission and consent. The four professors also charged the Court of giving “no consideration whatsoever to the socio-economic status, the lack of knowledge of legal rights, the age of victim, lack of access to legal services, and the fear complex which haunts the poor and the exploited in Indian police stations” (Baxi et al. 1979: 4). Most importantly the letter held the court responsible for violating the dignity and rights

⁹ An important landmark in these early mobilisations was the case of Rameeza Bee, a poor woman in Hyderabad. In 1978, she was raped by several policemen and her husband killed for protesting the rape. This led to a mass protest in the twin cities of Hyderabad and Secunderabad. The protest ended through the establishment of the Justice Mukhtadar Commission with the mandate to investigate the case. However, the defendant police officers, instead of providing evidence against the rape, built the case on the presumed immoral character of the victim proving that “she was a prostitute caught by the police while she was soliciting” (Kannabiran and Menon 2007: 13). Other cases of rapes by police, landlords spurred protests during the late 1970s including those in Sadammar, Patiala and Malur village, Karnataka, and in Guhawati (Kumar 1993: 128-129).

¹⁰ The Open Letter was initially taken up by the Gandhian organisation Jyoti Sangh in Ahmedabad after a public address to them by Upendra Baxi. The ensuing reportage attracted the attention of women's groups. Further, the choice of protest in the form of the open letter, as well as the journey of the open letter itself, garnered wide publicity have now gained legendary status in feminist and legal communities. However, the process was far from being smooth or without ramifications. To read about the events around the Open Letter, read Upendra Baxi's account (U. Baxi 2014).

of the raped women, and demanded “liberation from the colonial and male-dominated notions of what may constitute the element of consent, and the burden of proof, for rape which affect many Mathuras on the Indian countryside” (Baxi et al. 1979: 5).

The Open Letter acted as a catalyst for the nationwide mobilisation of women’s groups on rape and violence against women. Based on the nature of judicial proceedings in the Rameeza Bi and Mathura cases, “feminists and human rights activists realised with a shock that what seemed to determine whether a woman had been raped was not the ‘objective’ assessment of evidence before the court, but her past sexual history” (Kannabiran and Menon 2007: 13). Indeed, roused by the letter, the Forum against Rape in Bombay (later renamed the Forum against the Oppression of Women) successfully invited other organisations across the country to coordinate protests, demanding a retrial of the Mathura case on the occasion of International Women’s Day in 1980. Coordinated demonstrations were held in Bombay, Delhi, Nagpur, Pune, Ahmedabad, Bangalore and Hyderabad. Joint Action Committees were formed in Delhi and Bombay mainly comprising of students from feminist groups, and socialist and communist parties to coordinate the campaign (Kumar 1993: 129-130).

Over a period of three years from the time of the judgement, autonomous women’s organisations and collectives were formed. These were largely urban, such as Saheli and Stree Sangharsh in New Delhi, Forum Against Rape and Women’s Centre in Bombay, Chingari Nari Sanghatan in Ahmedabad, Vimochana and SJS in Bangalore, among many others.¹¹ Autonomous women’s research organisations were also established, such as the Centre for Women’s Development Studies in 1980 in New Delhi. A small group of women started a women’s magazine, *Manushi*, in New Delhi, which reached a circulation of several thousand (Katzenstein 1989:53). The contemporary women’s movement drew activists from the previously existing women’s organisations and from the newly formed autonomous organisations that mainly included urban middle-class educated women, legal professionals, academics and women from parties on the left.¹²

After the coordinated action by women’s groups in early March 1980, there were several protests against incidents of police rape in several parts of the country where women’s groups were not active, suggesting that these were propelled instead by wide media coverage (Kumar 1993: 130). By the time of June 1980 when Maya Tyagi, a woman on her way to attending a wedding, was paraded naked and brutally raped and her husband and two others murdered by policemen in Bhagpat, Uttar Pradesh, incidents of police rape provoked not just women’s groups and local communities into action, but also political parties (Kumar 1993: 131). By then debates on “the large-scale increase of rape and atrocities against women” had made it to the Lok Sabha.¹³ In 1980, the Law Commission—which had been requested to review substantive rape laws, including the laws of evidence and procedure—consulted with women’s groups and came up with recommendations (Law Commission Report 1980).

Importantly, the Law Commission Report included the demands of women groups to shift the onus of proving consent from the prosecution onto the accused, and for the woman’s past sexual history not to be used as evidence. The Law Commission’s recommendations also included some additional points such as treating refusal to register a crime by the police as an offence, and the statements of a woman to be recorded in the presence of a relative, a friend or a representative from a woman’s

¹¹ Katzenstein 1989; Gangoli 1996; Desai 1997; Patel 2010

¹² Patel 2012; Desai 1997; Kumar 1993.

¹³ The Lok Sabha, or House of the People, is the lower house of the Indian Parliament.

organisation (Agnes 1992). However, the Bill presented to the Parliament in August 1980 only partially accepted the recommendations made by the Law Commission. The Bill “codified distinctions between different categories of rape in a fairly radical way” by defining the category of custodial rape, mass and gang rape, apart from individual rape (Kumar 1993: 133). However, the crucial recommendations on not using a woman’s past sexual history and conduct as evidence was not accepted by the Bill, and the recommendation on shifting the burden of proof was accepted only in the context of custodial rapes (Agnes 1992). Moreover, the Bill incorporated elements that were not suggested by the Law Commission. It proposed to make the publication of anything related to the rape trial a non-bailable offence, which “meant a virtual censorship of rape trials” (Agnes 1992: WS-20, also see Baxi 2000: 1199).

The question of the consensus among women’s groups on the issue of burden of proof, and on in camera trials, was to be severely tested in the ensuing debates on the Bill.¹⁴ In the national conference on Perspective for Women’s Liberation Movement in India, held in Bombay in November 1980, the proposed changes to the rape laws dominated the discussions (Patel 2012). Particularly controversial was the clause on burden of proof. Some of the Delhi groups, Lawyers Collective and Stri Sangharsh in particular, demanded that the burden of proof be extended to all cases and not be limited to custodial cases alone. This experience was similar to other rape trials (Kumar 1993: 134). However, groups such as Stri Shakti Sanghatana opposed this suggestion because they feared the clause could be used by the state to harass male activists by implicating them in fake cases (Kumar 1993: 134). Moreover, for those feminists who were opposed to extending the burden of proof beyond custodial rape, the memories of the Emergency and the consequences of excessive state power were all too strong (Mazumdar 2000). After a few rounds of charged discussion on the issue, participants at the conference decided, based on a simple majority, in favour of limiting the clause of burden of proof to custodial rapes (Kumar 1993: 134).¹⁵

In spite of differences, feminists at the Bombay conference were able to come to a consensus on other issues and pass a number of resolutions (Patel 2012: 2-3):

- the past history of a woman should not be used as evidence in a rape trial;
- the provision on consent in Section 375 of the Indian Penal Code (which defines the offence of rape) should be modified in light of the Mathura rape case;
- the burden of proof should be shifted to the accused in cases of custodial rape;
- a woman should be interrogated only in her dwelling place; and
- during interrogation by a police officer, a woman should be allowed to have the presence of a male relative, friend or social workers.

Given the wide range of disagreements, the government sent the Bill (drawn up in August 1980) to a Joint Parliamentary Committee for review in December 1980. This Joint Parliamentary Committee, however, took a further two years to publish its report. And it took another year for the revised Bill to reach the Lok Sabha. In the end, as Pratiksha Baxi has argued, after three years of the anti-rape campaign, a Law Commission report, a Bill, and a Joint Parliamentary Committee report, the proposed changes to the criminal law were eventually debated over only three short days by as

¹⁴ In camera trials are meant to protect the identity and privacy of the victim, by restricting access to the trial.

¹⁵ So charged was the issue that the participants at the conference agreed to have a second vote. On the second vote, the “anti-estentionists”, as Radha Kumar calls them, namely, those who did not want to extend the reversal of the burden of proof beyond custodial rape, won again, but this time with a much narrower margin. Even after this, many wished to open the debate again, but could not do so owing to time constraints (Kumar 1993: 134).

many as 15 members of Parliament (Baxi 2000: 1199; also see Agnes 1992). This three-year process took the wind out of the sails of the anti-rape campaign (Agnes 1992; Kumar 1993). In Agnes's words, "the delaying tactics of setting up committees by the state had succeeded in robbing the campaign of its initial fervor". She further notes that "by the time the amendment was passed, the campaign had virtually died down" (Agnes 1992: WS-20).

Analysing the anti-rape campaign of the early 1980s

The Mathura case and the ensuing mobilisations were watershed events signalling a new phase in the contemporary women's movement.¹⁶ Although the women's movement "was never centrally planned by any organisation—but spread spontaneously from one place to another, first Ahmedabad, then Nagpur, then Bombay and then Delhi" (Mazumdar 2000:15), there was coordination for the first time in feminist activism, and the women's rights movement gained a national character (Kumar 1993: 129-130; Patel 2012).

Reflecting on the anti-rape campaign, Flavia Agnes echoes what several commentators have to say about the campaign: "the principal gain [was] that rape which was hitherto a taboo subject came to be discussed openly" (Agnes 1992: WS 20). Moreover, while this was not the first protest in the country against the use of rape by the state, with this campaign, rape by the state now emerged as a civil rights and a women's issue (Gangoli 1996). Further, among all the groups, there was a common perception of women as victims of violence, and that the way to resolve it was to hold the state accountable for the violence (Butalia 2005: 341- 343). There were however analytical differences in the approaches of the various groups, particularly between groups affiliated to the left parties and between the autonomous women's organisations with the former placing violence against women largely within the framework of class and capitalist relations of production, while the latter primarily saw patriarchy and power relations as the main reason for violence against women (Butalia 2005). Despite this, there was "an overarching solidarity among women was maintained based on the assumption of commonality of women's experience that cut cross caste, class, and religion" (Butalia 2005: 341-343). Vina Mazumdar (2000) suggests that what defined as well as unified feminists in the campaign was ideology, the understanding that the struggles for equality could no longer proceed without an analysis of relations of unequal power, and that rape was not only about sexual violence but about dominance and subordination, and power—whether of the state, or dominant castes or classes.

In terms of strategies adopted by women's organisations to address the problem of violence against women, most groups adopted a two pronged strategy: first, they campaigned to galvanise support from the wider public through methods such as street plays, theatre, distribution of posters and handouts, singing of songs to invite people to join the struggle, and protest marches.¹⁷ Second, the groups networked among themselves to consult with each other, to debate different methods of approaching the problem, and generally, to emerge with a consensus to lobby with the State on the changes required within the legal system.¹⁸

Although there was coordination among the various groups, this was by no means easy, and as Kumar suggests, "it was not to last long" (1993: 130). The groups felt the

¹⁶ Agnes 1992, 2002; Patel 1980; Baxi 2000; Das 1996; Agnihotri and Mazumdar 1995; Gangoli 1996, 2007; Kumar 1993; Murthy 2013.

¹⁷ Kumar 1993; Desai 1997; Gangoli 1996. This is reflected in our interviews with those engaged in the early days of the campaign (see interview with Celine, 23 July 2014; also see section on Karnataka below).

¹⁸ Patel 2012; Desai 1997; Gangoli 1996.

pressures of developing a campaign with limited resources, especially the difficulties of efficient and speedy communication between cities. Moreover, a source of frustration for those within the joint action committees was that many organisations also individually petitioned the state despite being part of the joint action committees (Kumar 1993: 130-131).

In substantive terms, apart from the attritional nature of the reform process taking the wind out of the sails of the movement, the debates on rape and sexual violence also came to be co-opted by centre and right-wing parties with the nature of the discourse changing from one of class and gender-based power to a discourse on the protection of women (Kumar 1993). This tension between competing discourses on rape sexual violence continues to play out in the public domain.

3.1.3 *The law reforms of the 1980s*

When the Criminal Law Amendment Act was eventually passed in 1983, many of the changes sought for by women's groups did not make it into the eventual law, particularly those the exclusion of the woman's sexual history and conduct as evidence in a rape trial, and the curtailment of police powers (Patel 2012). Importantly however, the demand by women's groups to reverse the burden of proof on to the accused in cases of custodial rape was accepted (Agnes 1992). Further, there was a recognition by the law that certain kinds of rapes constituted aggravated crimes.¹⁹ Moreover, "for the first time, a minimum punishment for rape was laid down—10 years in cases of custodial rape, gang rapes, rape of pregnant women and girls under 12 years of age and 7 years in all other cases". As Agnes argues, "even though this was not the major demand, it turned out to be the most important ingredient of the amendment" (Agnes 1992: WS 20).

Although some of these changes were indeed laudable, their journey into the legislative realm was anything but. Instead, as Pratiksha Baxi has argued the parliamentary debates on the reforms suggested "a central concern with discourses of shame, stigma, death and defilement as the defining features of the rape experiences of the victim" (Baxi 2000: 1197). Baxi locates her analysis of these discourses within a broader critique of what she terms "heterosexual rape", namely, a conception of rape that centres penile-vaginal rape, where penile violation of a woman's vagina is considered the most egregious form of violation, a conception which allows for discourses of shame, stigma, death and defilement to circulate. In this conception, women are not rights bearers with rights of bodily integrity, but are considered the repositories of the honour of the family, community or even the nation—and the way in which to uphold honour is to control the sexual behaviour of women. Three categories of women emerge from the parliamentary debates: "the raped woman as the 'bearer of stigma' versus the 'normal woman', the 'chaste woman' versus the 'unchaste' woman and the 'married' versus the 'unmarried' woman" (Baxi 2000: 1197; also see Gangoli 1996).

The legal reforms had an ambivalent impact on judicial practice. For a start, the fears within the movement and outside that more stringent punishment would result in fewer convictions, proved to be true (Agnes 1992: WS 20). Moreover, in several cases, the courts continued to pass judgements in line with the patriarchal notions of virginity, chastity, the importance of marriage and control of female sexuality, rather than the

¹⁹ These include those by policemen in a police station, by a person on the management or staff of a remand home, jail or hospital in these places, or by a public servant in his custody and gang rape.

bodily integrity of the woman²⁰ (Agnes 1992). However, in making the case for the limited impact of the amendments, but the *positive impact of the anti-rape campaign*, Agnes (1992) points to several progressive judgements at the height of the anti-rape movement from 1980-1983.

In terms of women's groups engagement with law reform during and immediately after the 1983 amendment, their demands to change the law on rape were only partially accepted. However, this small success was seen as the first step towards more protective laws and procedures from the state. Moreover, the fact that women's groups, academics, the media and the public at large could come out undivided on an important issue of rape was also seen as a major success.

Apart from changes in rape law, other laws were also amended in the 1980s. The Criminal Law Amendment Act inserted a cognisable, non-compoundable, non-bailable provision on cruelty, Section 498a, into the Indian Penal Code (IPC), which sought to tackle domestic violence. The Dowry Prohibition Act of 1961 was amended and made more stringent, and "dowry death" was included as a new category of offence. Further, the 1956 Suppression of Immoral Traffic in Women and Girls Act was replaced by the Immoral Traffic (Prevention) Act 1988, which recognised that children and men could also be sexually abused for commercial purposes. The Act did nothing to change the purported immorality associated with prostitution, but sex workers benefited from a couple of amendments: the recognition of harassment faced by them from the police, especially during raids and interrogation; and the concept of rehabilitation and gainful employment for the sex workers and their children. The decade also saw the introduction of the Indecent Representation of Women Act 1986, and sustained campaigns against sex-selective abortions, which began in the state of Maharashtra and were later being taken up by the Parliament at the national level.

Importantly, by the end of the decade, another landmark legislation—the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989 (PoA)—was also enacted. This Act criminalised several acts of injustice against dalit men and women as atrocities, including assaults or use of force on any woman belonging to a Scheduled Caste or a Scheduled Tribe with "the intent to dishonour or outrage her modesty". While these provisions have also been heavily critiqued by dalit and feminist commentators, especially given the added requirement of proving intent, as Vina Mazumdar said, even if the 1983 Amendments did not incorporate the concept of "power rape", the PoA recognised the relationship between power and hierarchy in the context of caste relations and the infliction of sexual violence (Mazumdar 2000).

3.1.4 Further mobilisations on sexual assault law reform (1990s – 2012)

By the end of the 1980s, it was clear that the amendments to the law were insufficient to bring justice to the increasing number of rape victims in the country. Agnes's (1992) scepticism on the effect of law reform was echoed by other feminists in the movement.²¹ Writing in 1995, Lotika Sarkar argued that there were many lessons to be learned from the relationship of the women's movement with the legal process. Noting the relative ease with which it was possible to get laws enacted in the early years, she argued that the movement had continued to "exercise its influence sometimes wisely, but sometimes hastily". While acknowledging that women's groups were far more

²⁰ For example, the Suman Rani case and other similar judgments did not present a rosy picture of changed attitudes and progressive case law in the post-amendment period (Agnes 1992: WS 20).

²¹ Sarkar 1995; Mazumdar 2000; Gothoskar et al. 1994; Gangoli 2007.

knowledgeable about the law when compared to the situation prior to 1975, she was also encouraged by the engagement of women's groups with "the enforcement or implementation" of the law, rather than just its substantive content. However, she noted that the movement had not shed what she termed "its excessive dependence on the law" (Sarkar 1995: 24).

The understanding that law reform was relatively easy to achieve was to shift in the coming years, with some feminists expressing scepticism at the turn of the century. Indeed, Agnes argued that not only were legal reforms slow to achieve, but when they were achieved, "they may be injurious to women and other marginalised sections or they may simply hide or relocate the fundamental problems" (Agnes 2002: 844).

In terms of the conceptual focus of feminist mobilisations in the 1990s, there was a concerted effort to "expand the socially and legally accepted definition of rape as exclusively penetrative coercive sex" and "to redefine it on the basis of the experiences of women" (Gangoli 2007: 77). Agnes notes that "newer unaddressed issues" began to surface, central among which was the "patriarchal presumption that vaginal penetration by the penis amounts to ultimate violation 'a state worse than death'" (2002: 844). Further, the myth that "rape occurs only in dark alleys", outside the intimate embrace of the home, was gradually shattered with several cases of abuse by family members entering the public domain. Moreover, the question of the sexual abuse of male children also began to emerge. These cases, as Agnes suggests, could not always be brought under the traditional definition of rape which focused rather narrowly on peno-vaginal violations. Instead, an archaic law, dealing with unnatural sexual offences targeting homosexual communities (Section 377 of the IPC) was brought into play to deal with the injustice of these crimes (Agnes 2002: 844, 845).

In 1992, the then recently formed National Commission for Women (NCW) proposed a new Sexual Assault Bill.²² The process began when a sub-committee was formed by the NCW following a seminar on child sexual abuse. A number of child rights and women's groups were represented on this sub-committee.²³ The sub-committee proposed the Sexual Violence against Women and Children Bill 1993 after a process of review of the law on rape, molestation and sexual harassment in the IPC over a six-month period.²⁴

One of the key recommendations of this sub-committee was to re-categorise the offence of rape to a graded set of offences on sexual assault. It was felt that the all too narrow focus on penile-vaginal penetration in the offence of rape did not capture the gamut of women's and children's experiences of sexual violations. Moreover, the term rape itself was thought of as "inappropriate and loaded with a certain baggage". Instead of the existing offences of rape and of the Victorian "outraging the modesty of women", it was proposed that the law provide for the offence of "penetrative sexual assault" defined as "penetration by the penis into the vagina, mouth and anal cavity and...included inserting parts of the body and objects into such orifices". The committee also proposed the offence of sexual assault that "was said to have been committed by any person who

²² The NCW is the apex, national level body constituted through an Act of Parliament with the mandate of protecting and promoting the rights of women. It was formed as a result of the recommendations of the Committee on the Status of Women in India. However, the NCW has been criticised by feminists in recent years. They have demanded a review of the selection process of NCW members and of its functioning (Press Release signed by 92 organizations and 546 individuals, 23 July 2012, <http://feministlawarchives.pldindia.org/wp-content/uploads/press-release-on-clab-20121.pdf?> last accessed 2 January 2016).

²³ The subcommittee which formulated the Bill included members of organizations such as Jagori, Sakshi, AIDWA, HAQ, among others (Menon 2004: 157).

²⁴ Rajalaksmi 2010; interview with Kirti Singh, 21 August 2014; Agnes 1998, 2002.

touches directly or indirectly, or with an object, any part of the body of a person”. Further, it also recommended the inclusion of a category of “aggravated sexual assault” that included sexual assault which causes grievous bodily harm, as well as protracted sexual assault. It was further recommended that “sexual assault committed by armed forces and paramilitary forces personnel should also come under aggravated forms of sexual assault, and punishment prescribed accordingly”.²⁵

This conception of a continuum of sexual assault offences was an important contribution of the sub-committee. By doing away with the offence of rape altogether, the sting of the offence of rape—and the discourses of death, stigma, defilement and shame that accompany it— were sought to be emptied of meaning. However, by recognising a continuum of sexual violations, the committee also sought to recognise that there were differences in degrees of violations. These were not centred on how shameful an act was, but on a conception of rights to bodily integrity. Menon talks of the “razor’s edge occupied by feminist understandings of rape”—which aim to “desexualise rape—in law and in everyday life” and to deem it as “merely another kind of physical violence” while holding onto an understanding that “sexual violence has a distinctive character [which] is more humiliating, more paralyzing than physically less harmful actions” (Menon 2014). The sub-committee through their Bill made one of the first fuller attempts to articulate this razor’s edge of feminist understandings of rape in the law.²⁶

The other significant recommendations of the sub-committee were:²⁷

- the repeal of Section 377 of the Indian Penal Code that criminalises homosexuality;
- a gender-neutral provision to be applied to same sex penetrative sexual assault;
- consent to be explicitly defined to mean unequivocal, voluntary agreement to the act to ensure that a woman who remained passive for a variety of reasons could not be said to have consented to the act;
- the inclusion of marital rape in the definition of rape;
- change to the evidence and criminal procedure to exclude the conduct and character of the woman as evidence; and
- the shift of the burden of proof onto the accused in all cases of sexual assault and on the recording of evidence and guidelines for medical examination.

The recommendations by the sub-committee proposed seismic shifts in the way in which rape and sexual assault were conceived of by the law. While some recommendations, such as the one to change evidentiary law to exclude the character and sexual history of victims of sexual violence in trials, were long-standing but nevertheless important demands of the women’s movement from the 1980s, there were other issues such as making rape and sexual assault gender-neutral offences that were introduced for the first time, but with far reaching consequences, with debates on the appropriateness of the proposed changes continuing to rage within the women’s movement to this day.

Agnes, reflecting on this Bill, noted two important things: first, that the Bill continued to retain an understanding of “aggressive male sexuality” in its redefinition of sexual assault. Second, while welcoming the move to repeal Section 377, which would

²⁵ Rajalakshmi 2010; also see interview with Kirti Singh, 21 August 2014; Kapur et al., 2000; Agnes 1998.

²⁶ The more recent, albeit differently articulated, attempt was made by the Justice Verma Committee recommendations (see the next section).

²⁷ Kapur et al., 2000; Menon 2004; interview with Kirti Singh, 21 August 2014; also see Agnes 2002.

legitimize same sex relationships, she notes that gay rights groups were excluded from the debates on the Bill (Agnes 2002: 845). Although the Bill generated some debate, it was to lie dormant for nearly a decade. In this period, the conflict between child rights groups—which invoked Section 377 to include cases of child sexual abuse outside the purview of rape laws—and sexuality minority groups—which challenged notions of conventional morality by also challenging Section 377—intensified (Agnes 2002: 845).

Section 377, child sexual abuse and the recognition in law of homosexuality

In 1996, a case of incest came before the Delhi High Court. A high-ranking government official was charged with sexually assaulting his six-year-old daughter mainly through finger penetration and oral sex. The accused was charged for outraging modesty (section 354, IPC) and for unnatural sexual offence (section 377, IPC) instead of rape (section 375, IPC). The mother filed a revision petition with the support of the women’s organisation Sakshi, seeking that the complaint be registered under section 375 instead (see *Smt. Sudesh Jhaku vs K.C.J. and Others* on 23 May 1996; Sen 2010).²⁸ The petition sought to expand the interpretation of “penetration” under Section 375 to include the penetration of any bodily orifice (vagina, anus or mouth) by a penis as well as with any object. However, the Delhi High Court speaking through J. Singh disallowed the wider interpretation of rape, arguing that the insertion of a bottle into the vagina would amount to only a violation of modesty. The argument the learned Justice made was that the boundaries of the forbidden sexual conduct that constituted rape were well known and changing this would risk obscuring the meaning, indignity and harm of rape. Moreover, the court suggested that if there was to be a change in definition, it was a matter for the legislature (*Sudesh Jhaku vs K.C.J.*). Flavia Agnes argued that in the end nothing much came of this regressive judgement, but that it “did pave the way for the advancing the argument of gender neutrality”, which she saw as a “concept devoid of all social reality of sexual abuse in our country”. This was also because, as part of the obiter dictum of the judgement, the conservative judge spoke encouragingly about a law on gender-neutral sexual offences, commenting, “what about defining the offence in gender-neutral terms? I think the law reform community would have no objection to it” (Agnes 2002: 846).

Post this judgement, in 1997, Sakshi approached the Supreme Court through a writ petition asking for directions concerning the definition of rape in the IPC. The aggrieved mother Sudesh Jhaku was also a petitioner in this case. The petition sought a declaration from the Court that the sexual intercourse as contained in Section 375 of the IPC should include all forms of penetration such as penile/vaginal, penile/oral, penile/anal, finger/vaginal, finger/anal, and object/vaginal penetration. But the Supreme Court declined to pronounce on the widening of the definition of rape and instead referred the matter to the Law Commission (see *Sakshi v Union of India and others* AIR 2004 SC 3566, S. Narrain 2003; and interview with Kirti Singh, 21 August 2014). The immediate response of the Law Commission, under the chairmanship of Justice P. Jeevan Reddy, was to suggest that the 156th Law Commission Report had already dealt with these issues. However, the Supreme Court, agreed with Sakshi that the aforementioned report did not deal with the precise issues raised in the writ petition. In August 1999, it directed the Law Commission to look into these issues afresh (S. Narrain 2003).

²⁸ Sakshi was one of the organisations that had been on the sub-committee of the NCW proposing the new bill.

The Law Commission Report 2000, the AIDWA Bill and a further slew of bills

After consulting with mainly three groups—Sakshi, Interventions for Support, Healing and Awareness (IFSHA), and the AIDWA—as well as the National Commission for Women over a period of ten days in September 2000, the Law Commission released its 172nd report (see Law Commission Report 2000). The groups had used the previous draft bill they had prepared for the discussions. Kirti Singh from AIDWA points out that there were many organisations involved in the discussions at the sub-committee level (interview, 21 August 2014). Based on these discussions, the Law Commission proposed several wide-ranging changes to the law on rape including the substantive law, as well as evidentiary and procedural law. It proposed that the law replace the term “rape” with sexual assault, and include within its fold penetration of the vagina or anus or urethra with any object and not just the penis. Further, by introducing the term “any person”, it proposed that sexual assault should be a gender-neutral offence, for both the victim as well as the offender. Therefore, sexual assault could be a crime against a man, woman or a child. The Law Commission also recommended the deletion of Section 377, thereby seeking to decriminalize homosexuality. Further, it introduced a new section to deal with a new offence of sexual harassment at the workplace. One of the major omissions of the report was that it did not criminalise marital rape. It only recommended raising the age of consent of the wife from 15 to 16 years, after which a woman was not protected from rape by her husband.²⁹

In terms of evidentiary and procedural law, the report recommended the deletion of section 155(4) of the Indian Evidence Act, which would prevent a victim of rape from being cross-examined about her “general immoral character” and sexual history. Further, the commission recommended shifting the burden of proof of consent to the accused. It included specific provisions that would deal more sensitively with the medical examination of the victim as well as the accused by a registered medical practitioner. On the evidence gathering procedures especially on child sexual abuse, it proposed that girls who are victims of rape should be questioned only by a female police officer, failing which the girl could be questioned by a qualified woman from a recognised social organisation. On sentencing, the report proposed graded sentences with higher punishment for rape committed by people in a fiduciary relationship with the victim such as public servants, relatives and person in trust or authority, management and staff of hospitals. However, it continued to provide discretionary powers to judges to reduce the sentence in case of convictions below the minimum sentence specified (Law Commission Report 2000; also see Kapur et al. 2000).

The report was neither unanimously nor wholeheartedly welcomed by women’s rights, child rights or sexuality minority groups (Saheli Women’s Resource Centre 2002; Agnes 2002). In December 2001, over 30 groups with diverse concerns came together to discuss how to respond to the report in a three-day national-level meeting in Mumbai (Agnes 2002: 846). Although the expansion of the “definition of sexual assault, the recognition of child sexual abuse and the modifications to the Indian Evidence Act” were welcomed, there were several counts on which many groups were unhappy. They felt that “the processes was not consultative enough, and that making rape laws gender neutral would lead to the misuse of the law, as rape was a gender-based crime” (S. Narrain 2003). Further, the participants were unhappy that the report, while extending gender neutrality to all forms of sexual assault continued to decriminalize marital rape (S. Narrain 2003; also see Agnes 2002). The meeting concluded with the publication of a report and a letter. The latter was sent in January 2002 to the Law Ministry,

²⁹ Law Commission Report 2000; Kapur et al 2000; also see Narrain 2003.

expressing opposition to parts of the Commission's report (Agnes 2002: 846). The signatory organisations were mainly from Maharashtra, with a few from Delhi and others from other regions such as Sangama from Karnataka and Lakshya from Gujarat (Saheli Women's Resource Centre 2002).³⁰

The report of the Mumbai meeting is particularly scathing on the process of consultation by the Law Commission as well as on the lack of representation of LGBT concerns. It calls the exclusion of sexuality minority groups the "biggest oversight" and notes that "any law reform that does not take into open consultation the sections of society it seeks to represent is highly undesirable and cannot elicit the trust of those it represents" (Saheli Women's Resource Centre 2002). Further, the report categorically opposed gender neutrality, arguing that it negated the "sustained struggle of the women's movement against all forms and levels of patriarchal violence we women face in this society". It also notes the recommendations of women's groups that the issues of child sexual abuse and violence against women needed to be decoupled, as the reasons for the gender neutrality provisions were that male victims of sexual abuse should also be protected by the law. The report called for the repeal of Section 377 and for a separate law on child sexual abuse. Similarly, Saheli, another Delhi-based autonomous organisation, recounts that during their meetings to discuss the Commission's report there "was strong opposition to [gender neutrality] from all groups present except for two groups who felt that the provision of gender neutrality ought to be retained". The report states that what was needed instead was "the recognition of sexual identities by the state and society through introducing anti-discriminatory laws based on sexual orientation by amending Article 15 of the constitution". Moreover, "it was strongly felt that there should be separate legal provisions to deal with child sexual abuse keeping in mind the different types of sexual offences, gender, age-groups and procedures required in the case of children" (see Saheli Women's Resource Centre 2002).

After these consultative meetings, and based on extensive discussions among women's groups in Delhi, Kirti Singh (AIDWA) drafted an alternative Bill which was then circulated among women's groups (Narain 2003; also see Saheli Women's Resource Centre 2002). On the 30 January 2002, women's groups in Delhi met to finalise the AIDWA draft Bill on Sexual Assault. Partners for Law in Development's (PLD) records (based on a letter circulated by Kirti Singh) indicate that this draft Bill made sexual assault gender specific, and included provisions on child sexual abuse as well as marital rape. It also recommended the deletion of Section 377. However, there were areas where women's groups could not arrive at a consensus. This was on how to deal with same sex non-consensual intercourse. Kirti Singh's letter indicates that there was a clause in the Bill that recognised non-consensual same sex intercourse as sexual assault. Ms Singh prevailed on the groups to lend their support to the other parts of the Bill even if they did not agree with this one.³¹ In the following months, the Bill underwent further changes after discussions with women's rights and queer rights groups, after which it was sent to the Home Ministry through the NCW.

³⁰ Partners for Law in Development (PLD), a Delhi-based gender and law research and advocacy group has collated an interesting, albeit sporadic set of documents (a background note to the discussions by women's groups on sexual assault amendments) over this period of activism beginning with the responses to the Law Commission report and ending with an open letter to the Law Minister by women's groups in 2010 (see <http://feministlawarchives.pldindia.org>, last accessed 20 March 2016). Recalling the smaller meetings organized by Saheli in Delhi and by FAOW in Mumbai where the issue of gender neutrality was discussed, the background paper also discusses at some length the responses by the LGBT group PRISM in Delhi, the report of the national consultation in Mumbai in December, as well as the letter sent to the law minister in January 2002 (also see Saheli Women's Resource Centre 2002).

³¹ See <http://feministlawarchives.pldindia.org> (last accessed 19 March 2016).

In the meantime, the government enacted an amendment based on the Law Commission's recommendations during the winter session of Parliament, which deleted section 155(4) and inserted a proviso to section 146 of the Indian Evidence Act, which meant that a victim of rape could no longer be questioned about her past sexual conduct and her "general immoral character" (S. Narrain 2003).³²

After intense mobilisations between 2001 and 2002, things seem to have gone cold on the overall question of sexual assault amendments for a while. However, AIDWA and other groups continued to follow up with the government and with various law ministers over the years to make the recommended changes into law (Rajalakshmi 2010; interview with Kirti Singh, 21 August 2014).³³ Mobilisations continued around sexual assault law reform in 2006 when a meeting was held in the Lawyer's Collective Office in New Delhi in July to discuss *Voices* against 377. The meeting was attended by CREA, PLD, PRISM, Nirantar, Naz and PUCL.³⁴

The records of the *Voices* meeting in 2006 note that although both the NCW and the Home Ministry were keeping quiet about the issue, there were reports that the Home Ministry was planning to introduce a Bill intending to make rape laws gender neutral with no concomitant plans to revoke Section 377. It is clear from the minutes that even though members of the coalition were not certain about the shape of the proposed Bill, they were worried about any provision that sought to criminalise non-consensual same sex relations without Section 377 being simultaneously revoked. The plan within the coalition was to stall proceedings with the Bill until more clarity could be got through meetings with Kirti Singh, Shivraj Patil (the Law Minister), Girija Vyas (the NCW chairperson) and Brinda Karat (AIDWA). Moreover, the coalition recognised the importance of a coalition consisting of groups working with women's rights, civil liberties, child rights, gay and lesbian rights and law at a national level and to take the discussions beyond Delhi.³⁵

In 2010, in response to the Rathore case, which involved the sexual assault of a minor girl by a police officer, resulting in her suicide, the government proposed a Bill, which women's groups saw as badly drafted and a knee-jerk reaction to the case (interview with Kirti Singh, 21 August 2014). The proposed Bill, the Sexual Offences (Special Courts) Bill 2010, did not address any of the issues brought up by the 2002 Bill, but instead focused on a medley of reform, largely dealing with procedural law. Moreover, it did not incorporate any changes in the "definitional, substantive and procedural laws relating to child sexual abuse (including molestation and rape) and the sexual abuse of women that were demanded by the women's groups" (Rajalakshmi 2010).

The Department of Home Affairs recounts its own version of events following the Law Commission report. It notes that the legislative department had proposed a new

³² Section 155 (4) of the Indian Evidence Act 1872 permitted the person accused of rape or attempt to rape to prove that the prosecutrix was of generally immoral character.

³³ Moreover, this was also the time that several other cases of sexual violence, such as the brutal sexual assault and murder of Thangjam Manorama by the Assam rifles in Manipur, and the Khairlanji massacre in which two dalit women were stripped, paraded naked, raped and murdered, mobilized women's groups to action (Saheli Women's Resource Centre 2004; Kannabiran 2010; Kannabiran and Menon 2007). Further, mobilisations on Section 377, domestic violence laws, AFSPA and communal violence also galvanised women's groups across the country at this time (on which see more below. Also see interviews with Kalyani Menon-Sen, 31 July 2014 and Arvind Narrain, 23 July 2014).

³⁴ *Voices* against 377, a coalition of NGOs and progressive groups (including women's groups, child rights groups, human rights groups and groups working for sexual rights including gay and lesbian rights) based in Delhi had been set up in 2004 to mobilise efforts to decriminalize homosexuality. A petition had already been filed in 2001 in the Delhi High Court to read down section 377 by Naz Foundation.

³⁵ See <http://feministlawarchives.pldindia.org> (last accessed 19 March 2016).

Criminal Law Amendment Bill based on the Law Commission report. This and the Bill proposed by the NCW were discussed by the then Home Minister, the then Law Minister as well as the then Chairperson of the National Commission for Women (see background note, 167th report of the Standing Committee on Home Affairs 2013). Based on these discussions, the legislative department was asked to redraft the Bill, taking into account the argument that “the various sexual offences specifically relating to males and females should be differentiated and the crime should remain gender specific” (167th report of the Standing Committee on Home Affairs 2013: 10). The work of re-drafting, consultation with the states (which did not result in agreement) and further “in-depth consultations with all concerned” were carried out over a long period of time. It was to be 10 years after the Law Commission produced its report that a new Criminal Law Amendment Bill 2010 was proposed by a High Powered Committee in March 2010. This Bill was sent to the states for consultation and was also posted on the Home Affairs website for comments by the general public (167th report of the Standing Committee on Home Affairs 2013).

This Bill changed the terminology of rape to sexual assault and widened the offence beyond peno-vaginal penetration (while continuing to centre penetration in defining the offence). However, it continued with its understanding that sexual assault was a crime that could only be committed by men against women. It also provided for an enhanced punishment for sexual assault and for instances of custodial sexual assault and for instances such as gang rape (Criminal Law Amendment Bill 2010).³⁶

The Bill once again generated a lot of debates by women’s groups (see Kannabiran 2010). Groups met across the country and submissions were made to the Home Ministry.³⁷ One of the main criticisms of the Bill was its narrow focus. Kalpana Kannabiran (2010) locates the changing focus of the feminist engagements to elaborate on why the Bill was inadequate. She argues that while feminists continued to engage with the questions of expanding the definitions of rape, recognising a continuum of sexual assault offences, better procedural and evidentiary laws, and resolving the purported conflict within the law between child rights and gay rights, there were also several other issues screaming for attention. Along with long-standing concerns of custodial rape, and conceptions of power rape, feminist engagements with sexual violence were also focusing on the hurdles of bringing justice to survivors without laws to prosecute perpetrators in several contexts.

Impunity for armed forces personnel accused of assault...(Manipur and Kashmir), sexual assault during episodes of collective violence (Gujarat and Kandhamal) or as part of caste atrocity (Rajasthan and Khairlanji); custodial sexual assault on intellectually challenged women (Chandigarh); on transgenders (Karnataka); on children—girls and boys; and sexual assault on and/or humiliation of men in custody and situations of collective/targeted violence (Kannabiran 2010).

Although the 2010 Bill was not passed, within two years, in July 2012, the Union Cabinet approved the introduction of the Criminal Law (Amendment) Bill 2012. This Bill was based on the report of the Law Commission, as well as the recommendations of the NCW. It replaced the term rape with sexual assault and widened the scope of what constituted sexual assault to include non-penile penetration. However, it continued to centre penetration in its understanding of sexual assault. Also, it controversially made

³⁶ Available at <http://www.prsindia.org>, last accessed 20 March 2016.

³⁷ One of the submissions was made by LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) groups, after consultations held in Chennai and Bangalore. This called for a gender-neutral provision on sexual assault. See the section below for more details.

the offence of sexual assault gender neutral and increased the age of statutory consent. It also introduced a new offence, acid attack, and prescribed punishment for the failure of public servant to perform his duties.

In the debates that followed, the contentious issue of gender neutrality was to rear its head again among feminist groups, with groups not always speaking in one voice (Narain 2012). When a delegation of women's groups and individuals from across the country met the President of the Congress Party Sonia Gandhi in July 2012, they demanded that the proposed amendment define rape as a gender-specific crime in recognition of the fact that rape is primarily a crime perpetrated by men against women, and is accompanied by specific consequences for women. In light of this, they opposed transforming rape into a gender-neutral offence. Furthermore, the need for introducing a gradation in sexual assault offences was also highlighted as necessary to enable law to respond appropriately to aggravated assault such as public stripping and parading to less severe forms of molestation. The delegation also demanded that the age of statutory consent be 16 years and not 18 years as was being proposed (press release, 23 July 2012).³⁸ In September 2012, groups such as the Alternative Law Forum in Bangalore were still calling for the Bill to be temporarily shelved till further discussions could take place, particularly on contentious issues such as gender neutrality (Narain 2012). However, the Bill was introduced to the Lok Sabha on 4 December 2012 by Law Minister Sushil Kumar Shinde.

3.1.5 Mass protests against the December gang rape 2012

The brutal gang rape of a 23-year-old paramedic student by a group of six men in a bus on 16 December 2012 in Delhi, which resulted in her subsequent death, evoked a firestorm of discourse on violence against women in India.³⁹ Along with wide media coverage, there were widespread public protests, vigils, demonstrations and debates in Delhi as well as in several other parts of the country. This combination of events propelled the issue of sexual assault and violence against women to the centre stage of political discourse.

The mass protests, involving thousands of people out on the streets of Delhi continued for a month and were largely composed of youth groups—students, as well as young men and women in their twenties, many of whom were protesting for the first time (Roy 2012; Sengupta 2012). Nandini Rao, a feminist activist based in Delhi, describes her impressions of the immediate aftermath when crowds filled the streets of Delhi,

I will never forget at India Gate when we were walking around....They had blocked the road, everything was under 144 [IPC section on unlawful assembly] so no transport was allowed. So we were literally walking kilometres and kilometres and we see these young kids from school, college kids walking with us, marching. Nobody is connected to anybody, nobody said, we are with this school...they were not connected. It was amazing, how people got there after what happened. ... Nobody knew at that point, who she [the victim of the gang rape] was; it was the horror of what had happened which hit people. I am not talking about activists ... it was *junta* [public]; it has hit them in a way never before or after actually (interview, 24 March 2014).

Although the 16 December events brought protesters together, they were by no means speaking in one voice. Demands for chemical castration and death penalties vied for space along with demands for change in male behaviour, women's rights of bodily

³⁸ Available at <http://www.prsindia.org> (accessed on 19 March 2016).

³⁹ Indian law does not allow the publication of the names of victims of rape. The woman victim of the 16 December gang rape in Delhi was christened Nirbhaya (meaning fearless) by the media for her remarkably courageous response in the face of the egregious violence faced by her. Her case came to be known as the Nirbhaya case.

integrity, their rights over public spaces and the city, as well as anger over the policing of women's behaviour for their "safety".

The mass protests also generated reflections on the relationship of the mass mobilisation with feminism, with feminist academics such as Mary John arguing that it was difficult to claim the mobilisations as a feminist mobilisation (public lecture by Mary John, December 2013). Even so, Nandini Rao sees the mass protests as making a difference to feminist politics. Contrasting the differences in reception between public engagements on sexual violence by the CCSA in Delhi she notes,

December 2012 really switched [things for] people—the way they looked at what they could do and that was very interesting for us because you could see actually the change. We would go out on the streets, talk to people ...either you do a little skit or start singing, take out our placards and people come to check out what you are doing Pre Dec 16th and post Dec 16th were very different. On 15th Dec 2012, we were in a very crowded market in Saket at the PVR cinema ... and we were heckled by these two guys who were drunk who had no idea what we were talking about It was a large crowd but people were not willing to do anything. Nobody did anything This was on 15th. 16th was when she was attacked, 17th it was when people found out. 18th [onwards] we were on the streets. And on 31st of Dec we decided we will do a Take Back the Night. That Take Back the Night, I can't tell you... it was *zameen aasman ka farak* [difference between heaven and earth]! The way people were reacting to us. It was incredible! (interview, 24 March 2014).

Whether or not the mass protests reflected feminist concerns, feminist voices, as is clear from Rao's account, sought to shape public discourse. In newspapers, blogs and during the protests, Take Back the Night campaigns, articles in public forums, discussions on television, they urged the public to make the wider political connections to understand the cultures of rape that sustained incidents such as this one, namely, rape in the context of transgression of caste and gender boundaries or in the assertion of communal and state power (see Baxi 2012; as well as postings on Kafila in December 2012). Moreover, they sought to make visible the contexts within which most sexual assaults occur—within the home, at work places, by acquaintances and within intimate relationships. They challenged the demands for chemical castration and death penalties, cautioning against seeking more rigorous punishments, which they argued, invariably results in no justice at all for women (Baxi 2012; as well as postings on Kafila in December 2012).

During a protest in front of the Chief Minister's residence, Kavita Krishnan (Secretary, AIPWA) challenged and indicted the state and society's patronizing attitude to protect women by controlling their behaviour and sexuality:

We are here to tell her that women have every right to be adventurous. We will be adventurous. We will be reckless. We will be rash. We will do nothing for our safety. Don't tell us how to dress, when to go out at night [or] in the day, or how to walk or how many escorts we need...Even if women walk out on the streets alone, whatever the time at night, if she simply wants to go out at night, if she wants to go out and buy a cigarette or go for a walk on the road—is this a crime for women? We do not want to hear this defensive argument that women only leave their homes for work, poor things, what can they do, they are compelled to go out of the house. We believe that regardless of whether she is at home or outside, whether it is day or night, for whatever reason, however she may be dressed—women have a right to freedom. And that freedom without fear is what we need to protect, to guard and respect...The word safety is an abused word, we hear it everywhere....We women, we know the meaning of safety. It means, you behave yourself, you get back into the house....⁴⁰

⁴⁰ See AIPWA blog, available at http://aipwa-aipwa.blogspot.in/2012/12/aipwa-national-secretary-kavita_20.html, for the video and translation of the speech (the original speech is in Hindi) (last accessed 19 March 2016).

This public indictment of the state's and society's patronizing attitude of protecting women by controlling their behaviour and sexuality, and Krishnan's demands for the right to live fearlessly, the freedom to loiter aimlessly, and the freedom from patriarchal questioning, inspired a wider campaign based on these ideas. The Bekhauf Azadi (Freedom without Fear) Campaign mobilised students in large numbers and organised street rallies and protests. Participants used posters to explain the stand against death penalty to the public, and public speeches often provocatively challenged entrenched notions about gender roles (interview with Kavita Krishnan, 15 May 2014). Moreover, several Delhi-level meetings were held between different individual activists and students that delved into the idea of extending the claim of *bekauf azaadi* for various kinds of issues. LGBT persons in the meetings raised their right to practice their sexuality and live freely, the northeast region and Kashmir raised their right to live freely from state domination and from Armed Forces Special Powers Act (AFSPA) (interview with Kavita Krishnan, AIPWA, 15 May 2014).

In her interview, Kavita Krishnan reflects on the resonances of this speech with other feminist writings on women's access to public spaces, particularly the book, *Why Loiter*, by Shilpa Ranade, Shilpa Phadke and Sameera Khan. She says, "I realised that my speech would have fitted perfectly with that book, because it is exactly the same thing. Why cannot we be allowed to loiter, and do nothing without explaining the respectability of our purpose?" (interview with Kavita Krishnan, 15 May 2014).

Apart from similar feminist interventions seeking to shape public discourse, there were other discourses seeking to inform public opinion in the immediate aftermath of the Delhi rape—by politicians, "god men", bureaucrats—discourses that talked the language of "dented and painted ladies" (characterising rape victims as loose women), of the lack of existence of rape in rural India, of rape survivors as "*zinda laash*" (walking dead), and echoing some populist demands for more stringent punishment including death penalty.

Reflecting on the nature of the mass movement a year on from the December events, Krishnan (2013) cautions against seeing the December mobilisation as a singular movement, but as reflective of "tensions and debates" that themselves reflect different political visions and possibilities. She argues that these tensions between discourses seeking Bekhauf Azadi for women and those calling for patriarchal protection and vengeance continue to inform political discourse on sexual assault. She notes that "as long as the idea of patriarchal control over women in the name of their protection remains 'available' as a 'hospitable space', violence against women will continue to be justified by victim-blaming, and communal fascist and casteist politics will keep breeding there". She further notes that in order to contend with this, it is absolutely imperative that "*azaadi* [freedom] for women from the patriarchal structures of the household, caste, and community—including financial, social and sexual autonomy—has to become a priority political agenda for the left and for all democratic, progressive movements".

3.1.6 Responses by the government to the mass protests

On 23 December 2012, the then government quickly appointed a three-member judicial committee under the Chairmanship of Justice J.S. Verma to review the laws on rape, taking cognisance of the widespread protests and debates in the media and in the public.⁴¹ The government also sought to renew its energies for the implementation of

⁴¹ Justices Leila Seth and Gopal Subramaniam were the other two members appointed to the Committee.

the long-standing Financial Assistance and Support Services to Victims of Rape Scheme. The Ministry of Women and Child Development announced a pilot of one-stop crisis centres in 100 districts across the country and received an additional sum of Rs. 200 crore⁴² to design schemes for women belonging to vulnerable groups (see the reports in the Hindustan Times and the Times of India). In his 2013-2014 Union Budget speech in February 2013, the Finance Minister announced the establishment of the “Nirbhaya Fund” of Rs. 1,000 crore for women’s safety and empowerment in tribute to the gang rape victim and with a commitment to spend the fund in the same year.

The Justice Verma Committee

The JVC undertook to perform the task of reviewing the laws on sexual assault within a short period of 30 days to enable a speedy response by the government before the next session of the Parliament. Upon its appointment, the committee issued a Public Notice inviting suggestions from the public and asked public legal functionaries, women’s rights groups, legal academics to send their proposals for amending sexual assault laws. Around 80,000 submissions were received from groups, institutions, legal experts, activists, academics and individuals from across the country and elsewhere. An oral consultation was also held with various stakeholders, particularly with women’s groups and experts in the field. Based on these submissions, the committee prepared and submitted its report to the government on 23 January 2013 (see Preface to the JVC report, January 2013).

Compared to the consultations of the previous commissions, the process of consultation initiated by the committee was considered a democratic and inclusive process by many interviewees. Kavita Krishnan notes,

The Verma Committee hearing was a much much wider thing where there were dalit groups, groups from the North-east, from Kashmir, groups representing sex workers, representing LGBT groups, representing child rights groups,...people who had worked with sexual harassment, there were student groups, trade union groups, dealing with women workers and their rights...I mean Verma Committee process was very, very, very, very inclusive that way (interview with Kavita Krishnan, 15 May 2014).

She attributes the inclusiveness to “people like Vrinda Grover⁴³ [who] helped to call activist groups from across the country, very varied kinds of activist groups doing work on violence against women and in a variety of circumstances and contexts” (interview with Kavita Krishnan, 15 May 2014). Similarly, Arvind Narrain, founder member of ALF in Bangalore notes, “she [Vrinda Grover] orchestrated the whole thing. She was Gopal Subramaniam’s contact person and she contacted people around the country and can you imagine, what a marvellous representation” (interview with Arvind Narrain, 23 July 2014).

Narrain suggests that we should think of the consultative process of the Verma Committee in comparable terms to the process of the Constituent Assembly of India. He says the question is not whether there was representation of membership alone, but representation of ideas.

The majority of members [of the Constituent Assembly were] represented by 2% or 3% franchise, a lot of them [were] selected by the people at the very top. Dr. Ambedkar got in and they ensured that in some sense [the Constitution] reflects a range of issues...every section was represented in

⁴² USD 1 = Rs. 66.9 approximately. 1 crore = 10,000,000.

⁴³ Vrinda Grover is a human rights lawyer and advocate for women’s rights.

terms of the issues. Once again to the critics of who was there [at the JVC], the question we need to ask is what issue is left out (interview with Arvind Narrain, 23 July 2014).

Moreover, the LGBT community could be represented by activists such as Akkai Padmashali (Sangama, Bangalore) because of the openness within the Committee (interview with Arvind Narrain, 23 July 2014).

Due to their long engagement with the question of violence against women and negotiations with the state for gender just laws, women's organisations and human rights groups were already well-equipped to send their expert recommendations to the JVC, in spite of the fact that they were given barely any time. Kalyani Menon-Sen, feminist activist, researcher and national coordinator of the Women against State Repression and Sexual Assault notes, "most of the material that went into the submissions to the JVC were really compilations of what we have been saying and asking. Hundreds of reports and hundreds of demands and campaigns" (interview, 31 July 2014). Vani Subramanian, member of the autonomous women's group Saheli, based in Delhi, also agrees with the usefulness of this long history of engagement in submitting appropriate recommendations and in knowing the potentially contentious issues requiring further consultation, "By the time December 16th happened and JVC happened, we pretty much knew what people were going to say, we knew what we had to negotiate and damn lucky we were because there was not time to think right?...we could arrive at non-negotiables and fine tune what is to be [tabled]. So, we were already on top of it" (interview, 23 August 2014).

As feminist lawyer, Vrinda Grover puts it in her submission to the JVC, "This issue has been the subject of rigorous debate, research, analysis and study, spearheaded by the women's movement for over 25 years. The problems are therefore known, the issues formulated and the range of potential answers, solutions and way forward have on many occasions been presented to the government and Parliament" (Grover 2013:1).

The JVC submitted its report as promised, a month from when it was constituted. The JVC recommendations were noted for their sensitivity to the problem of violence against women in India and were generally well received by women's groups, civil society and the media. As Nivedita Menon notes, the JVC report "was widely recognised as a paradigm shift in understanding sexual violence, reflecting the inputs of the women's movement and queer movement among others" (Menon 2014; also see Narrain 2013). This included the understanding that it was "the duty of the State as well as civil society to deconstruct the paradigm of shame-honour in connection with a rape victim" and to recognise that "rape is a form of sexual assault just like any other crime against the human body under the IPC" (JVC report 2013: 83). As the Bekhauf Azadi Campaign said of the report: "it firmly upholds the principle that violence on women should be understood from the perspective of women's autonomy, bodily integrity and dignity, rather from patriarchal notions of honour and shame. From that perspective, it recommends an overhaul, not only in the existing laws against sexual violence, but also in the systems of investigation, prosecution, and trial" (Bekhauf Azadi Campaign 2013).

The committee decided not to replace the offence of rape with a continuum of sexual offences. Although the committee saw it as the state's duty to deconstruct the shame-honour paradigm, it opined that doing away with the offence of rape altogether would not convey the social opprobrium associated with the offence. Moreover, "in the current context, there is a risk that a move to a generic crime of sexual assault' might signal a dilution of the political and social commitment to respecting, protecting and promoting

women’s right to integrity, agency and autonomy” (JVC 2013: 111). While retaining the term “rape”, the Committee however, recommended an expansion of rape beyond penile-vaginal penetration to include all forms of non-consensual penetrative sexual assault, including penetration by any object into the vagina, anus or urethra, and oral sex (JVC 2013: 439-440). Further, the committee retained gender specificity in terms of the perpetrator of the crime of rape but recommended gender neutrality with respect to the victims of rape, acknowledging that a person of any gender can be sexually assaulted and raped. In the context of certain relations of power, namely, aggravated rape or gang rape, however, this principle of gender specificity of perpetrator was overturned and the offences were constructed as gender neutral in relation to both perpetrator and victim. This nuanced approach to gender neutrality was an “important breakthrough in the debates on gender neutrality so far” (Baxi 2013). Baxi notes that “this definition not only recognises the bodily autonomy of women but also the bodily integrity of men (irrespective of sexual orientation or gendered identity) and transgendered persons”. “Given the heated debates on gender neutrality” Baxi argues, “the JVC managed to define rape as a crime of patriarchy, which is not limited to women as victims, although women have predominantly been the target of sexual violence” (Baxi 2013).

The committee also recommended the criminalisation of marital rape. Further, the committee replaced the offence of “outraging the modesty of a woman” and widened the spectrum of sexual offences to include intent to disrobe a woman, acid attacks to disfigure and maim, stalking and voyeurism with appropriate punishment for the range of sexual assaults. On the age of consent, the committee recommended that the age of consent be 16 years, and not 18 years as was proposed by the Criminal Law Amendment Bill 2012. It recommended a protocol for medical examination of victims and banned the “two-finger test”.⁴⁴ In holding the state accountable for the failure to protect women, the report suggested punitive measures for the non-registration of First Information Reports (FIRs) and extensive reforms to make the police accountable. It urged judicial reforms to accelerate trials. Moreover, the committee proposed a new offence of “breach of command responsibility” for public servants to be applied in the context of mass sexual atrocities, such as during communal violence.⁴⁵

Although welcomed on several counts by women’s groups for the paradigm shift that the report signalled, there were also voices of caution and critique. P. Baxi (2013) and Kotiswaran (2013) point out the errors in relation to trafficking that clubbed together and criminalised all forms of sex work:

The JVC possibly forgot to add the words ‘exploitation of’ prostitution, while mistakenly dictating the UN protocol 2000, going against the UN Protocol signed in 2011. The trafficking clause, due to exhausted dictating, criminalises all forms of sex work, including in trafficking voluntary and consenting sex workers who are now unionised and been fighting for right to live with dignity. This provision has been enacted in the name of fighting sexual assault—and is totally unacceptable (Baxi 2013).

Moreover, the committee omitted to repeal Section 377 in spite of the recommendations from LGBT and women’s groups. At the time of the submission of the report, however, the judgement of the Delhi High Court that read down Section 377 to decriminalize homosexuality, was still in force, but things were to change by the end of the very same year. In December 2013, the Supreme Court of India reversed the Delhi High Court judgement, thereby reinstating the criminalisation of homosexuality in India, dealing a

⁴⁴ JVC report 2013; Mehra 2013a; Bekhauf Azadi Campaign 2013.

⁴⁵ JVC report 2013; Mehra 2013a; Bekhauf Azadi Campaign 2013.

huge blow to the struggle for LGBT rights (Suresh Kumar Koushal and another v Naz Foundation and others SC 11 December 2013).

The Criminal Law Amendment Ordinance 2013

In February 2013, the government hurriedly passed an ordinance that was supposed to be based on the JVC recommendations, but which excluded many of its important recommendations. The JVC in their report had in fact recommended that an ordinance be passed immediately while waiting for the reconvening of the Parliament (JVC report 2013). Newspaper reports in the first week of February talked of the government bringing together the “non-controversial” recommendations of the JVC report and of the Criminal Law Amendment Bill 2012 through an ordinance. The Ordinance itself was received scathingly by women’s groups, as was the process through which it was passed.⁴⁶

The Ordinance reverted to the Criminal Law Amendment Bill 2012 in providing for an across-the-board gender-neutral offence of sexual assault, namely, gender neutral for both the victim and perpetrator. Simultaneously, the recommendation by the JVC to criminalise marital rape was not included. In her critique of the Ordinance, Pratiksha Baxi (2013) writes, “wives, we are told cannot prosecute husbands for sexually assaulting them. But since sexual assault is gender neutral without any exceptions and the marital rape exemption is not extended to husbands, now husbands can accuse wives of sexual assault but wives can never prosecute husbands for sexual assault!”.

The Ordinance did not repeal Section 377 as this was not recommended by the JVC, even though it was recommended by the 172nd Law Commission report. This resulted in the absurd situation where same sex non-consensual sex is both an unnatural offence and an assault, deeming the requirement of Section 377 unnecessary (Baxi 2013). If the idea of sexual violence is to be based on bodily integrity and consent, this confused basis for the classification of an offence “is illogical, if not ideologically violent” (Baxi 2013). Baxi is also scathing of the Ordinance’s classification of various sexual offences, noting that the sentencing structure in the Ordinance did not reflect the varying degrees of seriousness of the offences. Moreover, the Ordinance did not do away with the two-finger test, nor did it include the important recommendations of command responsibility, of aggravated sexual assault in the context of caste and communal violence, or of not requiring prior sanction to prosecute the army over sexual offences. Further, it raised the age of consent to 18 and introduced the death penalty in “the rarest of rare” rape cases—those in which the victim dies or is in a permanent vegetative state (Bekhauf Azadi Campaign 2013).

The Criminal Law Amendment Act 2013

On 19 March 2013, 16 days before the Ordinance was due to lapse, the government withdrew the Criminal Law Amendment Bill 2012 and introduced the Criminal Law (Amendment) Bill 2013 in the Lok Sabha. It was passed by the Lok Sabha on the very same day, by the Rajya Sabha⁴⁷ a couple of days later, and received Presidential assent a day before the Ordinance was to lapse.⁴⁸ Newspaper reports at the time documented that some members of Parliament recognised that there were several loopholes, which the government promised to discuss thoroughly at a later date (Balchand 2013).

⁴⁶ See Baxi 2013; Bekhauf Azadi Campaign 2013; other Kafila publications, Feb 2013.

⁴⁷ The Rajya Sabha, or Council of States, is the upper house of the Indian Parliament.

⁴⁸ See PRS website, <http://www.prsindia.org/> (last accessed 19 March 2016), on the progress of the Bill.

In the immediate aftermath of the Amendment Act, the new law was welcomed as historic by feminist groups who also voiced reservations both on some of the substantive aspects of the new law as well as the process through which the Bill became law. They noted especially the troubling aspects of the general tenor of the debates, wherein many Members of Parliament (MPs) “freely expressed sentiments that undermined the dignity of all women, unmindful of the gravity of issues of rape and violence” (Press release accessed from Feminists India, 23 March 2014).⁴⁹ Acknowledging the decades-long struggle for reform of laws on rape and sexual assault, they noted that the new law was even more welcome because women’s rights groups, lawyers and activists from across the country had managed to wrest significant gains for women in the new Act, despite the discourses of the MPs (Press release accessed from Feminists India, 23 March 2014).

The Criminal Law (Amendment) Act 2013 made significant changes to the law on rape and sexual assault. While retaining the category of rape as an offence, it expanded the definition of rape beyond penile-vaginal penetration, including non-consensual penile penetration of the anus and mouth, penetration by objects into the vagina, urethra and anus, as well as unwelcome oral sex (new Section 375, Indian Penal Code). The new Act recognised several new offences such as forced disrobing, voyeurism, acid attacks and stalking. No prior sanction was required for public servants to be charged with sexual offences. The Act also provided for a minimum mandatory sentence for dereliction of duty by the police and public servants.

There were, however, several omissions, in spite of clear JVC recommendations. In the face of all evidence, the new Act retained the idea of rape as a gender-specific crime in relation to the victim, thereby ignoring calls by women’s groups, LGBT groups as well as the JVC recommendations that gay men and transpeople could also be victims of rape by men (Narain 2013). The Act did not repeal the section on “outraging the modesty of a woman” and continued to provide an exception to marital rape, and also increased the age of consent to 18 years. Although prior sanction was removed for the police, this was not extended to the army, which continues to enjoy impunity. Moreover, systemic sexual violence against dalit and tribal women was not acknowledged as aggravated rape in the Act (S. Narain 2013). Quite regressively, it called for the death penalty for the “rarest of rare” rape cases (Section 376A, Criminal Law Amendment Act 2013).

Reflecting on the Act as well as a year of feminist activism on rape and sexual assault, Menon argues that the Act was a “strange mishmash of a piece of legislation ... marked by an arrogant blindness towards the entire charged debate that preceded it, and deliberately ignoring the JVC Report” (Menon 2014). Kalyani Menon-Sen, however, points to a wider ambivalence towards the Act based on the feminist relationship with law reform—a sense of ambivalence that encapsulates both the hope at the opportunity provided by the JVC and the disappointment with the response of the state:

[The JVC] was a watershed in terms of having a space ... it was like you have your finger right there on the policy and you can influence [it]. Now looking back, ... many of us even back then thought it was incredibly naïve...After the Verma Report came out, and the government’s [response was] to keep all the citadels of impunity intact, it seemed strange to me that we invested so heavily in the idea of legal reform, and we kind of overlooked the limitation of [reform] (interview, 31 July 2014).

⁴⁹ Available at <http://feministsindia.com/tag/anti-rape-bill/>, last accessed 20 March 2016.

3.1.7 Claims making by women's groups: The issues at stake

Several issues recur in women's claims making throughout the three decades of feminist mobilisation on sexual assault and rape, but particularly since the 1990s. While some of the claims have translated into changes in the law (including burden of proof in the limited context of custodial rape), there are others that took a while to come onto the statute books (for example, use of past sexual conduct and character as evidence in rape). Even so, there are still issues such as marital rape, where there has barely been any traction in actual policy change (apart from the recognition in law of rape in the context of legal separation). There are other issues such as the issue of gender neutrality (and whether this ought to be extended to both victims and perpetrators, only victims, or neither) in sexual assault laws, where although there is an uneasy consensus among women's groups, the law as it stands has not been cognizant of the voices of feminist groups. Entwined with the issue of gender neutrality are issues of justice for survivors of child sexual abuse as well as the rights of the LGBT community. Here, policy change, particularly on the recognition of sexual violence, has not been sensitive to the human rights of sexuality minority communities. Moreover, issues such as whether it is useful to retain the offence of rape and/or have a continuum of sexual assault laws have not completely been resolved by the new Amendment Act.

In the next section, we turn to some of the issues that have either not always been at the forefront of feminist mobilisation (disabled women, dalit women) or those issues that have proved to be far more contentious within women's groups but also with other groups such as sexuality minority groups, child rights groups (gender neutrality, age of consent) to better understand the questions at stake. This will allow us to make some reflections on the diversity of women's claims making over key issues, whether and if so how these claims have changed over a period of time, whether the processes of policy change have been cognizant to these claims making, and if so, whose voices get heard and why.

Expanding the definition of rape and/or a continuum of sexual assault laws

Since the early 1990s, the feminist movement has grappled with the question of whether to replace the offence of rape with a wider conception of sexual assault (that goes beyond peno-vaginal penetration) in order to empty the offence of its meaning and associations with discourses of shame and honour, or to retain and expand the offence of rape. Moreover, feminists have been critical of the narrow range of sexual offences (either rape or outraging the modesty) available under the Indian criminal law and have consistently argued for widening the of the range to "truly" reflect women's experiences of sexual violence. In their submissions to the JVC, most feminist groups recommended several things: (i) changing the terminology from rape to sexual assault with a broadening of what constituted sexual assault; (ii) expanding what constituted sexual violence through the introduction of new offences; and (iii) recognising differences between offences through a graded hierarchy of sexual offences. The submission by WSS sums up this position: "We believe that sexual crimes form a continuum, and that the graded nature of sexual assault should be recognised, based on concepts of harm, injury, humiliation and degradation, and by using the well-established categories of sexual assault, aggravated sexual assault, and sexual offences" (WSS 2013).

The Criminal Law Amendment Act 2013 dealt with these concerns by introducing new offences while simultaneously retaining the offences of rape and outraging the modesty

of women.⁵⁰ This confused solution (now enshrined in the law) does two things: it draws on women's claims making on the multifarious nature of the women's experiences by recognising new offences. However, by retaining the offence of "outraging the modesty", it continues to retain the shame-honour paradigm in sexual assault law.

On the offence of rape itself, the 2013 Amendment Act did follow the JVC recommendations in expanding the definition of rape beyond peno-vaginal rape to include penile penetration of the anus, urethra and the mouth as well as penetration of the vagina, urethra and anus by any object in the definition of rape. It also included non-consensual oral sex—including non-consensual touching by the mouth of the anus, urethra and vagina—in the definition of rape (see amended Section 375, IPC). However, it did not make it gender neutral in relation to the victim, as recommended by the JVC.

A widened definition of rape/sexual assault (that is not restricted to penile-vaginal penetrative sexual assault) has consistently featured in feminist claims making over the last couple of decades. However, the case of Tarun Tejpal that ensued soon after the enactment of the new laws was to throw the re-categorised offence of rape into sharp relief. In November 2013, Tarun Tejpal, the Editor-in-Chief of the magazine *Tehelka*, was accused by a colleague of sexual assault by digital penetration which fell into the newly re-categorised offence of rape under CLA (Criminal Law Amendment) 2013 (the new Section 375 of the Indian Penal Code). CLA 2013 had also amended the IPC to remove judicial discretion in sentencing for cases of rape. Moreover, the law had expanded the category of aggravated rape to include rape by a "person in position of control or dominance" (Section 376 (2) (k), IPC), which stipulated a mandatory minimum sentence of 10 years.

In the heat of the media glare that consumed the case, there were many voices that declared the new laws as "draconian" (Joseph 2014; also see Baxi 2014). The complainant herself initially saw the offence as a case of sexual harassment in the workplace (Menon 2014). However, in a statement soon thereafter, the complainant explained her assessment of the re-categorised offence of rape in the light of her experience:

Perhaps the hardest part of this unrelentingly painful experience has been my struggle with taxonomy. I don't know if I am ready to see myself as a 'rape victim', for my colleagues, friends, supporters and critics to see me thus. It is not the victim that categorises crimes: it is the law. And in this case, the law is clear: what Mr. Tejpal did to me falls within the legal definition of rape. Now that we have a new law that broadens the definition of rape, we should stand by what we fought for. We have spoken, time and again, about how rape is not about lust or sex, but about power, privilege and entitlement. (Statement of survivor, 29 November 2013).⁵¹

Feminist commentators once again sought to make sense of the gaps between the social, legal and feminist definitions of rape and victimhood, the concomitant sentencing structures and the place of judicial discretion within the context of the new definitions. Their responses were complex and varied, reflecting diverse concerns from how the law ought to deal with a transformative conception of women's agency, to an engagement with feminist realpolitik in the light of the conception of the new laws as draconian, as well as feminism's own difficult relationship with state power.

⁵⁰ Stalking, sexual harassment, voyeurism, acid attacks, disrobing are some of the new offences that the Act recognized.

⁵¹ Available at <http://www.firstpost.com/india/full-text-tarun-tejpal-raped-me-says-victim-in-new-statement-1257311.html> (last accessed 6 January 2016).

Menon (2014) locates her assessment of the changes to the law within a framework of women's agency asserted through the "desexualisation of rape, in law and in everyday life". In the context of the complainant's statement, she notes that "the term 'rape' is extremely fraught" and that "in the new law, what would previously have been understood by even feminists as 'sexual assault', is now 'rape'". She argues that the expansion of the category of sexual assault is meaningless without a simultaneous removal of the term "rape" from legal lexicon. Moreover, because "the expanded definition of rape in the new law [was] not accompanied by any gradation of different offences in terms of severity or nature of violence", "every offence in that list [could] potentially be awarded the maximum sentence". The solution, Menon suggests, is an amendment to the law to replace the term "rape" with "criminal misconduct of varying degrees" with a graded sentencing structure (Menon 2014).

Baxi's (2014) assessment of the new law, targeted at those calling the changes "draconian", focuses on its discursive underpinnings. She argues that the new law does not grade the indignity, humiliation and heinousness of rape based on "which part of the body is used as a weapon"; rather rape is seen as "a violation of the personhood of the survivor". Further, she argues that what makes a rape an aggravated rape is not always the "evidence of aggravated violence" but the position of power that the accused person holds over the victim, whether through custody, trust or a fiduciary relationship. She asks us to reflect on how we conceive of the "real" victims of rape: "must every case of sexual violence entail the horrifying violence witnessed in 2013 Delhi?", she asks. Similarly, on sentencing, she suggests that the severity of the punishment for rape should be contextualised by the public clamour for the death penalty, especially when such severity "is seen as signalling that the state will not tolerate an intolerable offence".

While the two responses are seemingly different, one explaining the context of the changed law, and the other being far more critical of it, the discursive underpinnings of both are based on two related ideas that have informed long years of feminist claims making: removing the sting associated with rape, and moving beyond conceptions of rape centred on penile-vaginal penetration.

Other concerns such as the importance of the process of conducting investigations in cases of sexual assault have also animated feminist responses to the Tejpal case. Apoorva Kaiwar, a former member of the autonomous women's group Forum in Mumbai, reflects on the gradation of offences under the 2013 Act and its implications for the Tejpal case. She argues that solutions also lie in understanding the overall framework of how the law functions, not just in substantive terms, but also in investigative terms,

I think what is also needed to be changed is this whole notion of investigation itself, which cannot be done through law, because it is basically protocols—investigative protocols, police manuals and stuff like that....I mean the one thing was the two-finger test, and there was a judgement on that. But they did a potency test on Tejpal...so when there is a rape accusation, apparently they do a potency test!...When your definition is expanded and the allegation against Tejpal is digital rape, what potency test will you do? So this expansion has only been in definition. Nobody has understood what it means. I think what is needed is a complete revamp of the investigative protocols (interview, 22 July 2014).

Apart from the re-categorisation of rape and the protocols for investigation, feminist voices have also been critical of other aspects of the changed law, particularly the law's

translation of the feminist understanding of aggravated rape (rooted in conceptions of the power of the perpetrator), into the blanket provision of aggravated rape by a “person in authority” (Section 376 (2) (f), IPC) (Naqvi 2015). Naqvi’s criticism is targeted at the “exceptionalism carved out for sexual assault laws”, particularly when it strengthens the power of the state to criminalise and severely sentence in cases of sexual assault.⁵² While feminists have spoken in one voice against the clamour for chemical castration and the death penalty, there are also voices against other forms of legislative overreach such as the removal of judicial discretion (Satish 2015).

Similarly, there have also been critiques of the inclusion of some additional offences without proper differentiation. Apoorva Kaiwar, for instance, argues that the law has not properly differentiated between offences such as sexual harassment and sexual assault in the desire to incorporate new offences, making the new law “more confused than before” (interview, 22 July 2014). Moreover, feminist voices have also been critical of the implications of the inclusion of sexual harassment as a *criminal* offence in the new laws (the new Section 354 A in the Indian Penal Code) (Menon 2014; Naqvi 2015). The civil remedy for sexual harassment at the workplace that women’s groups had wrested from the government now stands alongside the crime of sexual harassment, which is now without the context of the workplace, which had defined the wrong in the first place. As Arvind Narrain says,

[The new law] says a man committing any of the following acts, which includes the demand or request for sexual favours, shall be guilty of the offence of sexual harassment. ... You just do that [and] you are guilty of sexual harassment. ... They have taken it from Vishaka but Vishaka is in the context of the workplace ... you kind of take the new offence from Vishaka but you construct a different kind of offence. So, the fact that this is a hotchpotch, there is no ambiguity on that, so nobody is happy with this I think (interview, 23 July 2014).⁵³

The re-categorisation of the offence of rape in CLA 2013 and the responses from feminists about what it means for “women’s experiences of rape” throws into the sharp relief the difficulty of analysing the question of state responses to women’s claims making when the law has seemingly acquiesced to feminist demands. When law reforms do not come from the same ideological frameworks as women’s claims making, and when states only partially take on board women’s claims, the interpretation of state responses too becomes the subject of politicisation. Although women’s groups largely agree about how the state should proceed in the recategorisation of the offence of rape, actual state “responses” throw up new grounds for interpretation and claims making by women’s groups.

Gender neutrality, gender inclusivity, sexual assault and Section 377 IPC

The question of gender-neutral rape and sexual assault laws has been the subject of intense debate over many decades of claims making by women’s, children’s and LGBT groups. The issue of simultaneously recognising the gendered nature of the crime of rape while upholding the bodily integrity of children, men, transgender people (and lesbian women) who have been victims of sexual violence is complicated by a homophobic culture that has not recognised the human rights of the queer community (Narrain 2012). Since December 2013, things have been further vitiated by the Supreme Court judgement which reinstated Section 377, thereby recriminalising homosexuality (Suresh Kumar Koushal and another v Naz Foundation and others SC 11 December 2013).

⁵² This critique would hold true for rape by a person in a “position of control or dominance” too (Section 376 (2) (k), IPC).

⁵³ Vishaka is a famous judgement of the Supreme Court that laid down guidelines for dealing with sexual harassment in the workplace (Vishaka and others v State of Rajasthan SC1997)

Discussions and debates around the Criminal Law Amendment Bill 2012 (which called for a gender-neutral provision for both perpetrator and victim) proved an important turning point in crystallising a consensus among groups on gender neutrality. Laying down the terms of the debate, Narrain (2012) breaks down what the term “gender neutrality” signifies by differentiating between “neutrality for the victim”, “neutrality for both the perpetrator and the victim in custodial situations” and “neutrality for the perpetrator”. In making the case for gender neutrality for the victim, he draws on the experiences of sexual violence by the transgender community to argue that the law needs to provide justice for these experiences too. Addressing critics who suggest that rape is gender specific crime—that it is conceptually a crime committed by men against women—he argues that what the transgender community experience is because of gendered norms, namely, it is a gendered crime too. In the context of custodial situations, he draws on the evidence of women as perpetrators of sexual violence to make the case for gender neutrality for both perpetrator and victim. On gender neutrality of the perpetrator per se, which is “perhaps the most controversial”, he suggests that there is no empirical evidence of sexual violence perpetrated by women and “as such there is a deep suspicion of the logic and rationale of making women liable to criminal sanctions as perpetrators in non-custodial situations, especially when there is no evidence of sexual assault”.

By the time of the JVC recommendations, it seems that women’s groups and LGBT groups had arrived at a consensus on proposals for gender neutrality by recognising the need to have gender neutrality for the victims of rape, but not for the perpetrators of rape.⁵⁴ However, this consensus was both hard fought for and somewhat uneasily held together, as we shall see below.

For a start, not all LGBT groups have spoken in one voice over the last decade about gender neutrality in sexual assault laws. For instance, early on, in 2001, PRISM, an LGBT rights group based in Delhi, was extremely critical of the gender-neutral provisions of the Bill, which was proposed soon after the Law Commission report in 2000. In its response to a meeting to review the Bill,⁵⁵ PRISM argued that the gender neutrality provision (for both perpetrator and victim) in the Bill was based on the faulty assumption that “we live in a truly equal society with systems completely blind to gender”. Moreover, they noted that “Indian women are extremely disempowered in relation to legal systems” and that the Bill “would be abused to disempower women even further”. They further argued that “lesbian relationships will become particularly vulnerable in the heterosexist, patriarchal society we live in”. The understanding that they brought to the debate was that while gender neutrality provisions recognised same sex relationships, this was in fact a “negative articulation”, which could be “seriously detrimental” to the cause of LGBT groups. Agnes (2002: 847) in her response to the same proposals also argued that such a law would inflict “even greater trauma and humiliation to an already marginalised section” and “could not be introduced on the pretext of safeguarding the rights of other marginalised segments”.

However, not all LGBT groups have been so steadfastly opposed to gender neutrality in sexual assault laws either. By the time of the 2010 Criminal Law Amendment Bill, a number of LGBT groups proposed that the law be gender neutral, for both perpetrator as

⁵⁴ For instance, see WSS 2013; Jagori 2012; Lawyer’s Collective 2012; also see N. Menon 2013.

⁵⁵ See PLD website, <http://pldindia.org/>, last accessed 20 May 2015.

well as victim. In their recommendation to the Home Ministry,⁵⁶ the groups commended the Bill's effort at widening the definition of sexual assault to include forms of violence beyond penile-vaginal penetration. It suggested that the Bill could take its own reasoning to its logical conclusion, namely, if sexual assault is about more than just penile-vaginal penetration, then it could be committed by any man or any other person. While acknowledging that women have been victims of sexual assault, the letter draws on the People's Union for Civil Liberties (PUCL)-Karnataka report (2003) to note that "sexual assault is not limited to the category of those born as women" (PUCL-K 2003: 29). Based on this, the recommendation argues,

If this is indeed the lived experience of both male and female born transgender persons, then the Sexual Assault Bill 2010 creates an opportunity to respond to these concerns. To take on board these concerns it is proposed that one makes a small change in the law such that the perpetrator can be any person and the victim can also be any person. In short, one substitutes the word person for the word man and similarly substitutes the word person for the word woman (letter to the Home Ministry, 4 July 2010, on file).⁵⁷

Among women's groups too, the uneasy consensus on gender neutrality, particularly the uneasiness with the loss of the hard-fought specificity in law of women's experiences, continues to find expression. For instance, although the WSS did, in its submission to the JVC, argue for gender neutrality for the victim, Kalyani Menon-Sen also talks of the difficulty with this claim. She says:

I have this kind of strange sense of a split world because...the notion of things changing because you have person instead of women in the law is so remote [and] even with the term women,...things are sort of invisibilised and marginalised. I do not know whether just with changing it to person it proves the point it makes. I mean it establishes a claim in that sense. But in terms of legal edge that it gives to the law, I am not sure. ...Also I do not think one can assume that the category of women as a biological and gender category is irrelevant, in terms that it is still the category which is on the front line, it is the major target of assault and all (interview, 31 July 2014).

LGBT groups too travelled some distance in arriving at the compromise of gender specificity for perpetrator by the time of the JVC recommendations. In a talk in Mumbai in 2010, Narrain's proposal for gender neutrality across the board was not received kindly by other women's groups, including LGBT groups (interview, 23 July 2014). The dialogues at the Mumbai meeting led to two sets of proposals. The first, gender neutrality for the victim and gender specificity for the perpetrator, which has now become the position that many groups accept. The second, introducing two sets of offences—one against a woman, and the second, an offence against "a person other than a woman". Narrain is sceptical of this second proposition in terms of it standing the scrutiny of legal jurisprudence. He asks, "what is this classification? How do you classify person other than woman?" Moreover, he argues that if the two offences are the same in terms of what constitutes a sexual assault, and the only thing that distinguishes the second provision is the classification of "person other than a woman", which is not legally sound, then how could we propose this to law makers? (interview with Narrain, 23 July 2014).

⁵⁶ The letter was drafted after consultations held in Chennai and Bangalore, and was also endorsed by other LGBT groups across the country. Many of the organisations that were signatory to the letter were from Bangalore, including ALF, Sangama, LesBit and Sexual Minorities Forum. See the Karnataka section below for more on these groups.

⁵⁷ The differences between LGBT groups maybe indicative of the different contexts within which these groups themselves have emerged. Groups from Karnataka, which has had a very strong base of LGBT groups, have been one of the more vocal.

Further, the introduction of a separate law would create an initial barrier for accessing justice, as victims would have to prove the category they belong to,

For you to be entitled to protection from sexual violence, first you have to prove that you are transgender....Then we come to the complicated question of who is a transgender? The other part is the question of violence on men who are not transgender in the context of custody. The further question is *kothis* who might not be considered as transgender and there could be a gay man who might be just merely effeminate and not transgender...There are a range of categories which will not get covered under this formulation so it will do injustice to this community. That is the first thing. Second thing of course is that it will do injustice. [As] Pratiksha [Baxi] puts it, you had a medicalisation in terms of the two-finger test. Now you have to medicalise it again. You see you have to prove that you are a woman and how are you going to prove that? There is going to be stripping, there is going to be what? (interview with Narrain, 23 July 2014).

Kaiwar too argues that a separate provision or law that accounts for sexual assaults by and against gay and transgender communities does not make sense. She however argues that separate provisions for women and “others” would make sense “if and only if we want to retain ‘rape’ with all its connotations as a specific offence that men commit against women and not move to using the term ‘sexual assault’ across the board. If we use the term sexual assault instead of rape, and with the understanding that we are expanding the definition of rape, then separate provisions for women and others does not make sense” (interview, 22 July 2014).

The argument she makes is that a separate law makes sense when both the categorisation of the offence and the victim are clearly defined. She says that this is what distinguishes crimes against dalits and against minorities in general, which is why having a separate law such as the Atrocities Act makes sense in law. A similar such provision for sexuality minorities would be to propose a law on hate crimes (interview, 22 July 2014).

On the other hand, some feminist groups continue to find value in having a separate section or law so that the provisions dealing with sexual assaults on women can be wholly and solely used by women. Menon-Sen argues,

I would even say a separate law is the way to go rather than seeing each law as framed in a way that encompasses everybody’s issues. I use that same logic that we used when we said we need a separate law for children. You cannot package children and women together just because it is sexual abuse. Similarly, categories like transgender, you cannot package them with women because even though it is sexual abuse the politics of that abuse, the kind of abuse, all of it is very specific and in many ways, they are subjected to abuse precisely because they are challenging the binary of gender. So I think [the group that] is challenging the binary and the group that is oppressed because of the binary cannot be packaged together into one person (interview, 31 July 2014).

Similarly, AIDWA in its recommendation to the JVC argues that, along with the deletion of Section 377, the IPC should include a new section to address penetrative sexual assault in same sex relationships. This would mean that there is “no justification for a gender-neutral provision in Section 375 of the IPC” (AIDWA 2013). Partners for Law in Development proposes a different alternative for inclusion of sexual assaults against the LGBT community. It argues that the law should retain the gender specificity of sexual assaults and, in order to account for same sex sexual assault, Section 377 should be amended accordingly to remove the “shadow of criminality” but to penalize “same sex sexual assault” by drafting the provision in gender-neutral language (PLD 2013). Interestingly, these proposals purportedly deal with a wider gamut of offences (including same sex assaults by women) than those suggesting gender neutrality for victims and gender specificity for perpetrators.

There are further nuances that LGBT groups have to offer to the debates on gender neutrality and gender specificity. Shubha Chacko, Director of Aneka,⁵⁸ argues that sexuality minority groups such as hers prefer to talk in terms of “gender inclusivity” rather than gender neutrality or specificity (interview, 24 July 2014). In fact, this is the language used by sexuality minorities groups (largely from Karnataka) in their recommendations on the Criminal Law Amendment Bill 2012. The understanding of inclusivity that LGBT groups bring to the table acknowledges the problems of neutrality from a feminist perspective, namely, that neutrality invariably means an erasure and invisibilisation of women from the law. However, the “solution to this erasure”—“gender specificity”—is not *inclusive* of the violations that LGBT persons face. In a sense, LGBT groups use the logic of feminism, of making visible and including women’s voices and experiences, to make the same case for the LGBT community. However, the law incorporates this understanding by recognising the figure of the LGBT person in the term, “person”,

We welcome the suggested recommendations of J. Verma with respect to the Criminal Law (Amendment) Bill, 2012 and in particular would like to endorse the proposal to make the offence of rape gender inclusive. We think it is historic that for the first time all LGBTI [Lesbian, Gay, Bisexual, Transgender, Intersex] persons have come within the protection of the criminal law through the usage of the word “person” (rather than the gender specific word “woman”) to describe all victims of sexual assault under the proposed Section 375 and Section 376 ... The use of the word “person” implicitly recognises the unacknowledged history of sexual assault to which LGBTI persons have been subjected to (letter to the Standing Committee of the Rajya Sabha, dated 27 Jan, 2013, on file).

However, while the law may be able to include sexuality minority groups, such inclusion does not necessarily translate into an understanding of the diversity of experiences of violence faced by sexuality minority communities. Sumathi Murthy, founder member of the lesbian, bisexual and transgender group, LesBit in Bangalore argues,

You have to complicate the entire debate and then try and make provisions. [I do] not have an answer [whether] should we have a separate law—we do not know. Should we have sub clauses—we do not know, but what we are trying to make you [reflect on] are that these are the problems [with gender specificity]. Sex workers do not get covered, F to Ms [Female to Male Transsexuals] do not get covered, trans-women do not get covered, and intersex people do not get covered. Plus, you also have to understand that all these four categories, they do not undergo the same kind of sexual assault as it is with women. ...When we spoke about this with LesBit Group, the first response [by transmen] was “we are men, we will not get raped”. Second thing even if I undergo something like that because I am a man I cannot tell you, I will not tell you. Third thing, I am already doing this work [sex work], so who will recognise what is my violence? ... I am saying we have to think [in a more] nuanced [fashion]. Person is definitely any day better because whether it is a trans-person or a woman or whomever, female body, male body [they are included]. But still experiences are not the same. Just by changing a word, I do not know if you are going to capture the experience of all. Just by changing a word I do not know if you are going to be inclusive, I have my doubts there. (interview, 24 July 2014).

The various interventions by feminist and sexuality minority groups illustrate the complicated and contested terrain of claims making on rape and sexual assault that seeks to account for a diversity of experiences. If we ask the question in Fraser’s (1989) terms, “What is the better or worse interpretation of people’s needs?”, then we may need to consider both the “procedural” as well as the “consequential” aspects of claims making on gender neutrality. From this perspective, it would seem that the fragile consensus that has been arrived at might best represent both of these considerations.

⁵⁸ An organisation based in Bangalore that works with sexuality minorities.

However, the fragility of the consensus also illustrates the need for a constant and iterative process of democratic deliberation and reinterpretation of claims making among feminist publics too. At the moment, this fragile consensus on gender neutrality for the victim remains to be tested as the Criminal Law Amendment Act 2013 has now reverted to the old provision of gender specificity for both victim and perpetrator.

Age of consent and juvenile justice

Another of the issues that proved contentious in the recent mobilisations for law reform was the question of the age of consent. This issue was notable for being fiercely contested in the public domain by conservative discourses on young adult sexuality pitted against most women's and child rights groups. The Protection of Children from Sexual Offences Act (POCSO) 2012 had, in November of that year, raised the age of consent to 18 from 16. When the Criminal Law Amendment Bill 2012 came up for debate in the aftermath of the events of December 2012, several women's and child rights groups called for the new law to reverse this change. The assumption behind the raising of the age of consent to 18 in POCSO is that a person below the age of 18 is sexually inactive and that their sexual encounters amounts to the harmful violation of sexual autonomy of a person (Arora and Singh 2012). In other words, the Act considers persons below 18 years of age as children and incapable of giving consent to a sexual act. However, the argument made by child rights and women's rights groups was that by criminalising sexual acts between consenting young adults, the Act in fact places them in a vulnerable position, particularly if they do not have consent from their family and society. Moreover, as women's groups had been arguing for several years, the age of consent provisions have in fact been abused by being used not to prevent non-consensual sexual intercourse with a child, but to police transgressive relations between consenting young adults, especially those that transgress boundaries of caste and religion. Increasing the age of consent only brought more such relationships under the ambit of the law (Baxi 2009; Agnes 2013).

In their submissions to the Justice Verma Committee, women's and child rights groups sought to reverse the age of consent from 18 to 16.59 As Vrinda Grover (2013) notes, increasing the age of consent to 18 years only creates further conditions for the misuse of the provision, "particularly in the context of inter-caste/inter-religious relationships that attract social disapproval". She argues, "It is well borne out from court cases that criminal cases of rape, abduction and kidnapping are frequently foisted upon young boys/men in situations, where the young boy and girl have exercised their right to choice, often against parental sanction" (Grover 2013).

Krishnan too echoes this argument,

Raising the age of consent has actually been disastrous. We have seen this in Haryana and Muzaffarnagar in cases of consensual relationships between teenagers especially where the boys are from a dalit caste or Muslim community respectively. In Haryana every Jat whose daughter falls in love with a dalit boy will always say that the dalit boy is a rapist. It has always been the case. In Muzaffarnagar every Muslim who befriends a Hindu girl is a rapist. So it is really quite disastrous (interview, 15 May 2014).

Although the JVC was persuaded with the arguments put forth by women's groups and child rights groups and recommended a lowering of the age of consent to 16, and despite the pressure from most of the women's groups across the country, the Criminal

⁵⁹ See PLD 2013; WSS 2013; Jagori 2012; Grover 2013; Saheli Women's Resource Centre 2013; interview with Bharti Ali, 19 May 2014.

Law Amendment Act 2013 did not heed the recommendations of women's and children's groups to lower the age of consent to the previously stipulated age of 16.

A further claim that was raised by child rights groups and supported by the women's groups was for the proper implementation of Juvenile Justice Act. In the wake of the December 16 events, in which one of those convicted of rape was a juvenile offender, there was a clamour for a harsher punishment to be meted out to juveniles by reducing the age of criminal responsibility. Based on the Child Rights Convention 1989, the Juvenile Justice Act makes special provision for the protection and care of children who are in state custody, as well as prevention and rehabilitation in cases of juvenile delinquency. Bharti Ali from HAQ notes: "Our engagement after the [Dec 16] case was with both women's groups and within child rights' groups. As child rights' groups, we were defending the Juvenile Justice Act. We did not want any dilution in the Juvenile Justice Act and that is a stand which even the Justice Verma Committee took. That is a stand many women's rights groups were also taking" (interview, 19 May 2014). Bharti Ali explains the impact of adult jails on young offenders:

I am talking about 16 to 18, so there is always a tendency in the police to treat them as adults and send them to Tihar [jail]. Once you have been to an adult jail and then if you are shifted to an institution which is meant for children, it does not work. It does not help because the way you have been treated [in Tihar jail], what you have seen there is what you bring to the other institution which is meant for children. You have already been hardened [during the] months when they languish in Tihar till they get transferred to the appropriate institution. As a result there is a lot of violence in the observation homes. The names that keep coming up for those who create violence are all those boys who have been transferred from adult jail to the observation homes and we need to understand this (interview, 19 May 2014).

While, as Bharti Ali mentions, this recommendation by women's groups was taken seriously by the JVC, the new National Democratic Alliance (NDA) government that has come into power since the general elections of May 2014, as well as the preceding one, persisted with proposals to try juvenile offenders as adults.

The tightrope that women's and child rights groups walk when asking for a reduction in the age of consent, while keeping the age of adult criminal responsibility is also one that is walked by conservative claims making (except in reverse). Over the last year, the battle lines were tipped in favour of claims favouring the status quo with the NDA government drawing up the new Juvenile Justice (Care and Protection of Children) Bill, 2015 which has a provision that allows juvenile aged between 16 and 18 years who are accused of heinous crimes like rape and murder to be tried under the Indian Penal Code, that is, under the adult criminal justice system (interview with Kavita Krishnan, 15 May 2015). In December 2015—with the prospect of the release of the juvenile offender in the Nirbhaya case—the Bill was passed by both houses of Parliament, in spite of the left parties in the Rajya Sabha staging a walkout and calling for the Bill to be sent to a Select Committee.

Marital rape

From the early days of the anti-rape campaign, there has seemingly been a consensus among women's groups in their calls for the criminalisation of marital rape through the removal of the exception to marital rape contained in Section 375 of the IPC. This is reflected in the calls for its criminalisation in the slew of Bills drawn up by women's groups, including the NCW Bill, AIDWA Bill as well as in the representations made by women's groups to the Law Commission in 2000. Moreover, in their representations to

the JVC in December 2012/January 2013, most women's groups included the demand for the criminalisation of marital rape.⁶⁰

The Justice Verma Committee, after taking cognisance of the various recommendations, and surveying laws across the world, recommended the removal of the exception to rape within marriage, thereby criminalising marital rape (JVC 2013: 113-118). However this recommendation was not accepted by the CLA 2013 in its entirety. However, it did criminalise (through the new Section 367B, IPC) marital rape against a wife who is above 15 years in cases when the spouses are living separately, whether or not under a judicial order (the courts had previously recognised marital rape in the context of spouses living separately under a judicial decree). Moreover, where the wife is below 15 years of age, marital rape was criminalised regardless of whether the spouses were cohabiting. Further, the sentence for marital rape (in these limited contexts) was increased from a maximum of two years in 2013, to that of two to seven years (CLA 2013; Mehra 2013b, 2015).

Feminists have theorised on the reasons for the intractability that the issue of marital rape has had with the law. Veena Das has argued that it is because of the conceptualisations of male desire as “natural” and “normal” and the “female body as the natural site on which this desire is to be enacted”. She argues therefore that “women are not seen as desiring subjects in the rape law [and] as wives they do not have the right to withhold consent from their husbands” (Das 1996: 242).

Supporters of the government's refusal to criminalise marital rape point to the difficulties of prosecuting marital rape and the risks of its misuse. Some activists acknowledge that it is hard to prove rape among married women, but argue this is not a good enough reason to deny women a legal framework to fight sexual abuse. “A murder is also hard to prove”, says Vrinda Grover. “But that doesn't deny victims from seeking legal recourse” (Grover 2013). Even so, the question of how to deal with the entrenched position of the state against the criminalisation of marital rape continues to vex feminists. Vani Subramanian asks, “I mean since the 2013 Act does not say yes to marital rape, then, for instance, can we use DV [the Domestic Violence Act] to get that in? I think there is a lot more strategising and thinking that needs to be done” (interview, 23 August 2014).

This interest in examining the various remedies offered by the law comes from a desire to recognise and name the wrong of marital rape as a wrong against the bodily integrity and autonomy of women, and to provide justice to victims of rape within marriage. Amid this landscape of a seeming consensus on the criminalisation of marital rape however, there have a growing number of voices expressing concerns over the “singular focus” on the *criminalisation* of marital rape by women's groups (Mehra 2015; N. Menon 2013). Nivedita Menon (2013) asks, “if a marriage is violent, that must be grounds for divorce, but what are we saying when we insist it be treated as a crime? Is it preferable for a woman to have a husband in prison than be divorced? Does the idea of marital rape as a crime in fact protect the institution of marriage?” Menon draws on the arguments of Rohini Hensman, who suggests that we examine what we mean when we say “recognition of marital rape”—does this entail asking the state to ensure that all marriages in India are consensual, and if so, how? Based on this argument, Menon suggests that in a context of the “inherent violence of compulsory marriage”,

⁶⁰ See, for instance, WSS 2013; ALF 2013; Grover 2013; Jagori 2013; PLD 2013; also interview with Kavita Krishnan, 15 May 2014.

criminalising marital rape “rather than treating it as grounds for divorce may still leave ‘the impunity of the citadel’ of marriage intact” (N. Menon 2013).

In their responses to Menon, Apoorva Kaiwar and Kavita Krishnan argue that criminalising marital rape does not preclude the option of civil remedies to rape (such as divorce). Further, they bring the focus back from the nature of marriage (and whether or not it is compulsory) to the nature of the act and whether it violates the bodily integrity of women. In this sense, they argue that criminalising marital rape recognises the wrong that it is in law, whether or not it is in the context of compulsory marriage (N. Menon 2013).

To this, Menon comes back to feminist praxis: “if we [feminists] politically and theoretically confront head-on the institution of compulsory (heterosexual) marriage, within which precisely, consent of the woman for everything is taken for granted, then... can we demand that all marriages have to be decided with the consent of the two people concerned?” The understanding that the battleground lies in the heteronormative conception of compulsory marriage, rather than the “singular focus” on the criminal law of rape, is echoed by feminists such as Madhu Mehra. Mehra (2015) draws on her work with grassroots level social workers, lawyers and service providers to argue that the a priori frame of marital rape may not be useful to understand the experiences of women in marriage,

To understand how patriarchy controls sexuality within marriage, and its impact on women, it was important to broaden the question to include all kinds of problems women raise with social workers in relation to sexuality within marriage. Only through a broader dialogue, can we hope to understand ways by which heteropatriarchy shapes sexuality, desire within marriage, and which aspects of these are oppressive to women....The campaign [on marital rape] must embrace all aspects that control and stigmatise sexuality, without being limited to select types of sexual violence. It must treat sexual discontent, lack of sexual agency and revulsion towards non-normative sexual acts as concerns significant enough to engage with. More importantly, with sex being a necessary condition of marriage, and with women’s sexuality framed primarily in relation to marriage, the law cannot be the starting point of this conversation. We must seek to prioritise sexuality in our work in relation to gender, equality and on sexual violence, exploring strategies outside of the law to dialogue, challenge, raise consciousness on these issues (Mehra 2015: 10 -11).

However, while there is much ground for feminist praxis to cover, particularly in terms of analysing the relationship between sexuality and marriage in its myriad complexities, as Nivedita Menon (2013) suggests, through and in conversation with other feminists on the criminalisation of marital rape, “we are in fact opening up and denaturalizing the institution of marriage as a public one, subject to the public demands of our Constitution and the norms of democratic functioning—which can go a far way in exposing its naturalized compulsory character” (N. Menon 2013).

The conversations and debates among feminists on marital rape are indicative of the complex terrain that feminist claims making has to navigate, even in what is seemingly a claim on which there has been a long-standing feminist consensus.

State impunity and immunity: Armed Forces Special Powers Act

Allegations of sexual violence against security personnel including the Indian army, the Border Security Force (BSF), and the Central Reserve Police Force (CRPF) frequently surface in the states of northeast, Jammu and Kashmir, and even Chhattisgarh, where there is the presence of the Central Armed Police Force. However, these forces enjoy immunity from prosecution in civilian courts due to the special powers awarded to them under the Armed Forces Special Powers Act. Indeed, the Act provides for special

powers such as the right to shoot with the aim to kill, and the requirement of prior sanction from the central government to institute any legal proceedings.

Women's and human rights activists have demanded the removal of these special powers on account of mass misuse in terrorizing citizens in troubled areas. There have been grave allegations of mass rape and sexual assault against the armed forces, to name a few: Kunan-Poshpara, Kashmir in February 1991, rape and murder in Shopian in Kashmir in May 2009, and the brutal sexual assault and killing of Thangjam Manorama in Manipur in July 2004. It highlights the irony and enduring contradiction between the state's attempts to "secure" territories that have become synonymous with bodily insecurity for women of the same region (Kazi 2009; Singh and Butalia 2012). Bhasin (2013:13) observes that despite grave human rights violations, such special powers are legitimized in the name of "national interest", "in the line of duty" and "upholding the morale of the security forces". The state's unwillingness to acknowledge the high incidence of rape by security forces reflects the deliberate connivance and callousness of the state towards the violence perpetuated by their security forces (Bhasin 2013:14). Justice for victims and survivors of rapes is only possible if the immunities provided in the Act are abolished. Grover (2013) states that: "this discretionary power has been exercised by the Central Government to block all prosecution of any human rights violations, including rape, torture, enforced disappearances and extra judicial killings of civilians. This is reinforced by the ordinary law under The Code of Criminal Procedure, 1973, through Ss. 197 (2), 132 and 45. Section 197 Cr. P.C".

Autonomous women's groups and human rights groups—AIPWA, CCSA, Saheli, and ALF—have been unanimously demanding the repeal of the Act to control the excesses of the Armed Forces and to make them accountable. In 2009, a nation-wide network called Women against State Repression and Sexual Assault was created in Bhopal by women's groups, human rights groups, mass organisations and youth groups. As Menon-Sen, national coordinator of WSS recounts, "We started in 2009 after the Thangjam Manorama incident when a lot of us felt ... there really is not a strong voice and a total condemnation [of state violence]. So everybody who was at that meeting said 'okay we will form a platform called WSS'" (interview, 31 July 2014).

The network condemns the violence against women committed by the police, the military, paramilitary and other security forces in regions demarcated by the state as being "insurgency affected". It mobilises efforts to bring to light atrocities against women from the understanding of state repression and has taken up several cases. One of them is the case of Soni Sori, a school teacher from Datewada, Chhattisgarh, who was arrested in 2011 on the charges of being a messenger for Maoists in Delhi. She was raped and tortured by the police under custody, to the extent that stones were found in her private parts during the medical examination (Safvi 2013). Similar other cases from conflict regions affected by Naxalism, from the northeast and from Kashmir have strengthened the resolve of the women's movement against the state's draconian laws. Irom Sharmila, known as the Iron lady of Manipur, undertook an unprecedented protest against AFSPA with an indefinite fast on 3 November 2000, a day after 10 persons were killed by the Assam Rifles (one of the Indian Paramilitary forces operating in Manipur). Since then she is being force-fed by the police to keep her alive. Now in her 15th year of fast, Sharmila has managed to shake the world but has failed to sensitise the state. She has instead been charged with the crime of "attempt to commit suicide" (Teltumbde 2013).

Although the JVC recommended the repeal of AFSPA, the Criminal Law Amendment Act 2013 refused to renegotiate the terms of immunity. This was another issue, like the

issue of marital rape that received short shrift by the state. As Nilanju from Jagori recalls, “We tried very much to repeal AFSPA. And that was one of the issues [that] everybody agreed with but we just could not—like marital rape again, we just could not push it across” (interview 12 Aug 2014).

Women with disabilities and sexual violence

Disability increases the vulnerability and the risk of women and children to sexual assault. Women with disabilities—with limited mobility, hearing, speech or visual impairments or limited intellectual capabilities—may be dependent on their caregivers, making them easy targets for the caregivers themselves, family members and even strangers. Perpetrators sexually exploit women with cognitive disabilities because of their inability to understand, communicate, or due to the low credibility attached to their accounts (Elman 2005). Further, disabled women represent soft targets as it is often easy for perpetrators to get away with the sexual crime (Salelkar 2013; CREA, n.d.).

Indeed, sexual violence against disabled women is rampant but highly unreported (Sengupta and Mandal 2013; Raha 2009). However, there is no national-level data to prove the high incidence of violence against disabled women; the National Crimes Record Bureau (NCRB) does not have a separate category for the disabled (unlike with SC/ST communities). But the magnitude of the problem can be gauged from several cases reported in 2012 in the state of West Bengal alone (JVC submission by the disability groups, 2013).

Women with disabilities who experience sexual violence face all the systemic discriminations that women in general face from the society and state structures, but they also face additional issues as a result of their physical and mental limitations—the compounded vulnerability due to their dependency on others, as well as the prejudices and the discriminations due to their disabilities. Renu Addlakha, researcher, feminist and disability rights activist at CWDS, describes the stereotypes associated with disabled people and the external limitations that work against their rights,

She is disabled so who would be interested in her sexuality, since her primary identity is that of a disabled person. So breaking that stereotype is very important and secondly, when a disabled woman goes to a police station, the credibility of her statement is doubted and [she is] often disadvantaged with the fact that there are no hearing, sign language interpreters. If she is deaf, how does she act without assistance? If she is blind, who takes her to the police station? If she is a wheelchair bound, how can she get into the police station which are often inaccessible areas? So I think the issue needs to be brought forth. Some of the provisions are there and some of the strategies available to assist women who have been molested to come out are there but they need to be given greater prominence (interview, 9 July 2014).

Mandal (2013) also examine the ways in which evidentiary value is accorded to a disabled woman’s testimony by examining court judgements on rape cases. Most notably, a disabled victim’s testimony was normally not recorded during the trial or, if recorded, proper procedures were not followed, consequently weakening the prosecution case and resulting in acquittal. The perceptions of the authorities are also prejudiced against disabled women, who are seen as promiscuous with uncontrolled sexual desire and who falsely charge men with sexual assault (Mandal 2013).

The Supreme Court of India expressed anguish at the repeated rape of a mentally ill woman in the case of *Tulshidas Kanolkar v State of Goa*. The judge drew attention to the aggravated nature of sexual violence especially when the victim is mentally challenged, as the mental age of the victim may even be less than a 12-year-old child

(Raha 2009). Similarly, disability groups and women's groups have demanded designating sexual violence against disabled women as "aggravated violence". However, even if sexual violence against disabled women is designated as "aggravated violence", it will have no meaning unless importance is given to the disabled women's testimony by police and in courts (Mandal 2013). Taking cognisance of the aggravated nature of violence against disabled women, the government has specifically included women with mental or physical disability under section 376 of the IPC through the Criminal Law Amendment Act 2013.⁶¹ New provisions have also been drawn up under the Code of Criminal Procedure 1973 for the assistance of an interpreter or a special educator in recording the statements of a mentally challenged or a physically disabled person, and these statements are to be video-graphed.

In terms of the relationship of the women's movement with disability rights, although many of the interviewees reflected on the importance of the issue, the mobilisation on the question of sexual violence and disability have been limited. There are, however, some feminists who have engaged with the question of disability. Nandini Rao of WSS and CCSA says,

Another area which I am working on, which I have been working for a while, is gender and disability. For women with disabilities, violence is like all-pervasive, it is there in every aspect of their lives, so again [working with disabled women]—training women to become trainers. I have done some work with deaf women, training them to be gender trainers in sign languages on issues of gender, patriarchy, violence against women, sexuality and so now that work continues with people with various kinds of multiple disabilities (interview, 24 March 2014).

Renu Addlakha puts the onus of carrying forward the claims associated with the particular forms of violence faced by disabled women on the disability rights movement, rather than on the women's movement. She however observes that the disability rights movement is a fractured movement still dominated by patriarchal notions, "This needs to be made an issue by the disability rights movement. Women's movement has mentioned it. It has come in the Verma Report but now it is not the women's movement call any more. It is the disability women's call and that still is largely patriarchally bound" (interview, 9 July 2014).

Communal violence and related mobilisations

Incidents of communal violence, especially the 1984 Sikh riots in Delhi and the violence in 1992-1993 in major cities of India after the demolition of Babri Mosque, brought to light the sexual atrocities on women during such violence. The 2002 communal violence in Gujarat presented a further assault on the women belonging to the minority community. Rapes during collective violence are carried out with the intention of shaming and dishonouring an entire community (Sarkar 2002). However, the Indian law and criminal procedures have been silent on making any special effort to bring justice to victims, who live in a situation of terror and intimidation. After the communal violence in Gujarat in 2002, women's groups got together to push through legislations to deal with sexual violence during communal violence. As Menon-Sen says, "Immediately after Gujarat, there was a huge mobilisation around violence as a tool of communal hatred. Apart from [dealing with] all the cases of sexual violence, looking at the Communal Violence Bill was one big activity" (interview, 31 July 2014).

⁶¹ Section 376 deals with punishment for rape. The Criminal Law Amendment Act 2013 included Section 376 (2) (l) which reads, "whoever commits rape on a woman suffering from mental or physical disability shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine."

In May 2004, the National Common Minimum Programme issued by the United Progressive Alliance (UPA) government had promised a comprehensive legislation on communal violence. The first draft of the bill was introduced in 2005, then named the Communal Violence (Suppression) Bill 2005.⁶² However, due to widespread criticism of the Bill of being weak and toothless, it was referred to the Parliamentary Standing Committee on Home Affairs for its review and recommendations. The committee took suggestions from its chosen civil society representatives and did not make the process transparent and participatory enough to allow other members of the civil society to suggest changes. It finally submitted its report in December 2006 with only cosmetic changes to the draft Bill and did not consider the serious concerns expressed against the Bill.

Civil society organisations in Delhi responded by organising two national consultations in 2007 and in 2009, whereby specific changes were suggested to the Bill (Anhad 2010). Some of the organisations who participated in the consultations were Anhad (Delhi and Gujarat), PUCL, Jagori, Saheli, Human Rights Law Network, Centre for Social Justice (Gujarat) and the Bharatiya Muslim Mahila Andolan (Mumbai). Individual human rights activists such as Vrinda Grover, Usha Ramanathan and Kavita Srivastava also attended the meetings (SACW 2012). Civil society groups were formed to directly engage with the government, while other groups organised mass campaigns, such as public meetings and signature campaigns, in their respective states (SACW 2012).

The UPA government redrafted the bill, and proposed the new Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill 2013, to cover hate propaganda, funding of communal violence, torture and dereliction of duty by a public servant as offences. Accountability of bureaucrats and public servants had also been introduced for acts of omission and commission, before, during and after the riots. The concept of command responsibility for senior officials failing to control their subordinates is also an important feature of the Bill. This Bill was fiercely debated in Parliament in February 2014 on the grounds that it went against the principles of the federalism, with claims that it allowed the centre to usurp the power to legislate on “law and order” which is the legislative domain of states (see newspaper reports, *The Hindu*, 5-6 February 2014). However, the criticism from women’s groups was that the Bill actually gave too much power to the state, by creating “communally disturbed areas” much like the AFSPA and “giving more power to the same state machinery which has been found to be institutionally biased and complicit” (Vrinda Grover talk, November 2013). With the change in the ruling political party at the central level on May 2014, the Communal Violence Bill has run into more obstacles as the current party of government has consistently opposed the Bill since 2005.

Dalit women’s movement and sexual violence

We would share the agony and pain of dalit women at the national women’s movement’s platform. But that voice was never heard. We used to feel very hurt that there is a section of women who as a result of the age old caste practices do not get respect, they do not have better livelihood options, and this impacts their lives. But you do not want to listen to their voices! It was then, in 1990-91 that we decided we need a separate platform for dalit women (interview with Vimal Thorat, 1 September 2014, translated from Hindi).

The early 1990s saw the emergence of dalit women’s organisations locally as well as nationally (Rege 1998). The factors that led to this emergence were both external and internal (Guru 1995). Among the internal reasons for the emergence of dalit women’s groups was the alienation that they felt within the dalit movement itself, particularly

⁶² See WRAG India website, <http://www.wragindia.org/>, last accessed 20 March 2016.

within the Dalit Panther movement which began in the 1970s but where the gendered role of women as “mothers” and “victimised sexual being” dominated the discourse.⁶³

Among the external reasons were feelings of alienation of dalit women from the autonomous women’s movement (Guru 1995). Rege explains this in terms of dalit women’s need to assert their “otherness” or “difference” from the homogenizing discourses of the mainstream women’s movement, wherein issues of sexuality were defined largely within an individualistic and lifestyle framework (Rege 1998: WS-43). Taking the example of rape, Guru explains this difference in experience from a caste perspective: “The question of rape cannot be grasped merely in terms of class, criminality, or as a psychological aberration or an illustration of the male violence. The caste factor also has to be taken into account which makes sexual violence against dalit or tribal women much more severe in terms of intensity and magnitude” (Guru 1995: 2548).

Sharmila Rege (2000) also makes a distinction between “addressing the issues” of women belonging to dalit, tribal, or minority community as in the cases of Mathura, a tribal girl, or Bhanwari, a woman worker belonging to dalit community, and the “reversioning of politics” based on the issues of marginalised women.⁶⁴ Vani Subramanian, a long-standing member of Saheli, an autonomous women’s group in Delhi, recognises this failing in the engagement with dalit women’s issues,

There has been a critique of how in Mathura we never looked at her as being tribal, as being dalit The framework is state repression...and there are a slew of such cases, like Manorama⁶⁵. ...Bhanwari we never talked of as a caste victim, we talked about Bhanwari as caste violence but we never talked of her as caste victim, being a distinction. Again, we talked about Bhanwari as being an employee of the state (interview, 23 August 2014).

During the 1980s, the principal analytical framework to understand violence against women was patriarchy (Vijayalakshmi 2005).⁶⁶ Emphasis was laid on the *commonness of women’s experience* due to the all-pervasive system of patriarchy cutting across caste, religion and identity. Thus, women’s identity was constructed in the singular under the overarching framework of patriarchy and class; however, caste and religion were taken as categories to be transcended. Vijayalakshmi (2005) calls this position the anti-essentialist position by which the autonomous women’s movement found it difficult to accept plurality of women’s experiences and positions emanating from several other identities.⁶⁷ The underlying sentiment among autonomous women’s organisations was that violence against women had to be fought autonomously from other oppressions. This is reflected in the report of the National Conference on Women’s Liberation held in Bombay in 1988: “We started with the basic insight that violence is inherent in all social structures of society like class, caste, religion, ethnicity, etc., and in the way the state controls people. However, within all those general structures of violence, women suffer violence in a gender specific way and patriarchal violence permeates and promotes other forms of violence” (quoted in Desai 1997: 114-116).

However, class as a framework of analysis had not been entirely ignored. Rege (1998) highlights that the autonomous women’s organisations challenged the emphasis of the

⁶³ Rege 1998; Chigateri 2004; interview with Vimal Thorat, 1 September 2014.

⁶⁴ Bhanwari Devi was a dalit social-worker employed under the Rajasthan state’s Mahila Samakhya Programme. She was gang raped in 1992 by higher-caste men angered by her efforts to prevent a child marriage in their family.

⁶⁵ Thangjam Manorama was a Manipuri woman who on 10 July 2004, was picked up from her home by the paramilitary unit, 17th Assam Rifles on uncertain allegations. The next morning, she was found brutally raped and murdered.

⁶⁶ Also see section above on the claims making of the 1980s.

⁶⁷ Desai 1997; Rege 1998; Agnes 1994.

left on class, but at the same time also accepted the materialistic framework as imperative for the analysis of women's oppression in the Indian context. This combination of patriarchy and class within the feminist analytical framework is noted by Phadke: "It was assumed that affiliations with the women's movement were based on gender and positions of difference were articulately largely on grounds of class rather than caste or religious community" (2003: 4571).

National-level meetings of dalit women were held in Bangalore, Delhi and Pune during the late 1980s and early 1990s in order to address the lack of voice and representation of dalit women in feminist politics and within the dalit movement (interview with Vimal Thorat, 01 September 2014). This culminated in the first independent and autonomous dalit women's mobilisation in the form of National Federation of Dalit Women at Delhi in 1995. Subsequently, many other dalit women's organisations were formed during the 1990s at national and state levels: the All India Dalit Women's Forum, the Bahujan Mahila Parishad in 1994, the Maharashtra Dalit Mahila Sanghatana in 1995, and Vikas Vanchit Dalit Mahila Parishad in 1996 (Rege 1998). The NFDW in the meanwhile was spreading its network across the country and included in its fold all small and large dalit women's organisations, and individual activists.

Box 1: UN Conference against Racism and other Related Discrimination, 2001, Durban

The United Nations Conference Against Racism and Other Related Discrimination, held in 2001 in Durban, was a major event around which mobilisations on dalit identity occurred. The conference elicited debates about the relationship between race and caste but were situated in the realpolitik of focussing international attention on the condition of dalit communities in India.^a

Vimal Thorat describes the importance of the Durban conference in her interview,

It was the first time that the caste issue was heard. Three hundred of us had reached Durban with a lot of efforts, and UN also helped us a lot. And when on reaching there we organized seminars and workshops on our issues, many people attended them and understood what untouchability was and the impact of untouchability on people's representation, and the discrimination, humiliations and atrocities that they have to face. The world media highlighted our case. This event still reassures us that thousands of activists from different nations and different places belonging to different groups, races and communities understood our problem and even shouted slogans with us 'down down caste system'. So the impact of all this was that the Indian government began to listen to us, the women's organisations also began to show some sensitivity. They realized that if at the Durban conference we were heard, then there is some meaning to it, something to be heard. Then gradually we began to receive strong support here (translated from Hindi, 1 September 2014).

The Durban conference was a turning point for dalit politics in India. Dalit groups claimed the space provided by an international conference to bring pressure on the government and on civil society to recognize their issues, claims and efforts. However, the fallout for taking their claims to international platforms for dalit women's groups, especially the NFDW, were heavy. Vimal Thorat notes that the sources of funding for the NFDW dried up after the Durban conference, leading to a slowing down of its work with dalit women (Feedback meeting, ISST, 22 October 2014).

a. See the December 2001 volume of the journal Seminar; Omvedt 2001a, 2001b; Chigateri 2004.

The NAWO is a forum that has been presenting the voices of the dalit women at international platforms such as the Beijing conferences and as alternative reports for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) committee. According to Laxmi Vivek from NAWO, dalit organisations and other organisations working with the marginalised deal directly with dalit communities and bring their issues forward to the network. Vrinda Grover, a human rights advocate, who is also an active part of NAWO, drew JVC's attention to the specific issues of dalit women, especially concerning the non-implementation of the SC/ST Atrocities Act, the

changes needed in the criminal proceedings in the method of investigations by the police, and the protection of evidence to ensure that dalit women who are victims of sexual assaults are able to see justice (interview with Laxmi Vivek, 4 August 2014).

In 2014, Women against Sexual Violence and State Repression produced a report on the links between land, caste and sexual violence against dalit girls and women in Haryana (WSS 2014). The report sought to “expose and understand the ongoing onslaught of sexual violence against dalit girls and women in the state of Haryana” (WSS 2014: 2) through interviews with survivors of sexual violence and their families who are fighting for justice in different districts (Rohtak, Hisar, Jind, Karnal and Kurukshetra). It locates the responses to violence against dalit women in Haryana against the uproar that accompanied the brutal rape in December 2012 in Delhi. It is worth quoting this in full:

In October 2012, dalit activists from media watch groups created a map of Haryana with the title ‘30 Days in a Rape State’ with locations and basic information on the rape of 19 Dalit girls that had been perpetrated in several districts during that month. This was followed by a list of 101 cases from across the country, gleaned from English newspapers and circulated on 30 August 2013. An updated version of this list was circulated two months later, with the number of cases at 180—an increase by 80 percent in just two months. The day that this updated list was published—16 December 2013—marked the first anniversary of the fatal gang rape in Delhi that shocked the nation and created ripples across the world. In sharp contrast to the anger and outrage over the Delhi tragedy, public and media reactions to the equally horrifying ordeals of Dalit girls and women have been muted. Their stories receive only a cursory mention in the media and are seldom followed up with any seriousness. The wider public has not shown any serious concern. Even women’s movements across the country have not been able to respond to this explosion of sexual violence in Haryana in any sustained manner (WSS 2014: 2).

The WSS report also locates the Prevention of Atrocities Act, 1989 (POA) and the ways in which the Act defines crimes against dalit communities, including sexual violence against dalit women. With reference to “sexual assault of women from SC/ST communities”, the report suggests that the Act distinguishes between “rape” and “rape as atrocity”. An atrocity under this Act is one that is committed by non-dalits against dalits. However, the ways in which the law has been implemented by the court has not always reflected the principles with which the law was enacted. As the report suggests, courts “have dismissed charges of rape under the PoA Act on the grounds that the assaulters did not know that the raped woman was a Dalit; that the assaulters were acting out of lust or sexual desire, and therefore the case was of ‘mere’ rape and not a deliberate atrocity; or by refusing to acknowledge the experiential social context of the aggrieved woman” (WSS 2014: 20).

In their submissions to the JVC, dalit women’s groups, as well as other women’s and human rights groups, focused on the poor implementation of the PoA and made recommendations in the proposed criminal law to deal with sexual violence against dalit women. One of the recommendations made by Asha Kowtal, General Secretary of the All India Dalit Mahila Adhikar Manch, was for the new law to provide guidelines to file cases immediately under POA. She also recommended that the new legislation should ensure proper protection and full rehabilitation of the victims and their families. Groups such as WSS proposed categorising sexual violence against dalit women as aggravated sexual assault. However, neither the JVC nor the Criminal Law Amendment Act that followed took these recommendations on board.

3.1.8 Processes of mobilisation

As seen in the previous sections, an integral component of claim makings is the process of mobilisation by civil society organisations in terms of their engagement with the

state, among themselves, and in terms of mobilising public opinion. Women's groups have strategised in various ways to draw attention to the issue of violence against women, whether through conferences after key events (such as the national conference in Mumbai for the Mathura case), rallies, street plays, or submitting recommendations to legislative bodies (for example, the Justice Verma Committee). In this section, some of these processes will be explored to describe the range of methods used by women's groups, but also to indicate the shifting terrain of women's engagements, particularly in terms of spaces available to women's groups to engage with each other.

Spaces for consensus building among women's groups

AUTONOMOUS WOMEN'S CONFERENCES

The national conferences of autonomous women's groups have been an inextricable part of the history of the contemporary women's movement in India. They have provided an important occasion to deliberate, clarify and negotiate positions and have offered an exhilarating space for activists to come back to their work inspired with new ideas (see interviews with Sheba George, 28 May 2014 and Trupti Shah, 29 May 2014). The first autonomous women's conference was held in Bombay in 1980 in the backdrop of the Mathura judgement. Subsequently, other conferences were held in Bombay (1985), Patna (1987), Calicut (1990), Tirupati (1994), Ranchi (1997) and the last one in Kolkata (2006).⁶⁸ Autonomous women's organisations such as Saheli, Forum, Jagori and Vimochana have been involved in the planning and organising of the conferences since the beginning through the National Coordination Committee (NCC).⁶⁹

Many of the interviewees recalled these spaces as important in not only shaping their perspectives, but also in bringing attention to the issues at the margins of feminist politics.⁷⁰ Kalyani Menon-Sen of WSS who has also been a part of Jagori, comments on the importance of the space of these national conferences. She notes that "it was only the women's conferences that were inclusive of a large number of women" (interview, 31 July 2014). The Kolkata conference in 2006, which Jagori and Saheli were involved in organising, was the last conference. According to some activists, another autonomous women's national conference may not be held for some time to come because of the problems related to logistics, the vastness in the number of issues and their complexities, as well as the burgeoning field of women's organisations. Bringing everyone together on a single platform in such circumstances is difficult (interviews with Kalyani Menon-Sen, 31 July 2014 and Vani Subramanian, 23 August 2014). However, as reflected in Kalyani Menon-Sen's observation, this space will be missed as an important forum for deliberations open to all issues concerning women, including violence.

ISSUE-BASED COLLECTIVES OR NETWORKS OF AUTONOMOUS WOMEN'S ORGANISATIONS

Subramanian notes that women's mobilisations in the more recent past have been focused on issue-based networks such as health, right to information, and so on. (interview, 23 August 2014). Women's groups align and build interest-based networks; these networks include WSS, NFDW, National Network of Autonomous Women's Groups (NNAWGS) and NAWO. WSS was built out of the need to collaborate on issues of violence from a broader perspective—including class and caste dimensions of violence—and to bring a sharp focus on violence against women in the particular

⁶⁸ See Saheli website, <https://sites.google.com/site/saheliorgsite/>, last accessed 20 March 2016.

⁶⁹ See interview with Celine, 23 July 2014; see also Vimochana website, <http://www.vimochana.net.in/home.html>, last accessed 20 March 2016.

⁷⁰ Interviews with Trupti Shah, 29 May 2014; Sheba George, 28 May 2014; Celine, 23 July 2014; Geeta Menon, 26 July 2014; Ruth Manorama, 16 August 2014; Vimal Thorat 1 September 2014; and Apoorva Kaiwar 22 July 2014; (Appendix II).

context of state repression. WSS also works on the lack of gender-sensitive policies in the fields of urbanization, migration and land rights. Somewhat similar to the WSS in its claims, the NFDW was the result of the need to highlight and voice the claims of dalit women and specific forms of caste violence. Created in Bangalore, the NFDW has a presence in about 22 states of India (interview with Vimal Thorat, 1 September 2014). NAWO was created as a national advisory group for the Beijing Conference in 1995, and it continued to engage with national and transnational platforms on the review of the Beijing Declaration. It also submitted the shadow report from India to CEDAW in 2014 (interview with Lakshmi Vivek, 4 August 2014). Finally, the NNAWGS was established in 2003 prior to the World Social Forum held at Bombay. Closely linked with the World Social Forum (WSF), the network functions as a platform to decide on the input of women's movement in to the WSF process.⁷¹ It is not clear however how active this network continues to be.

Nilanju from Jagori gives a flavour of the kinds of networks that groups are a part of. Speaking particularly of Jagori, she says,

We are part of various networks. For example, there's this network called Aman Network at the national level. We are a group of about 84 organisations all over the country. We meet once a year. And this network is basically for better implementation of the Domestic Violence Act. So we meet once a year, we talk about our challenges that we face in the last one year and what are the strategies that we have developed to overcome these challenges. And so this is for experience sharing, learning, sharing information. So that is one network we are a part of. We are part of a helpline network in Delhi, organisation, organisations that run a helpline, we have come together and formed a small network where we talk about principles and we talk about how to deal with a call, a distress call and things like that (interview, 12 August 2014).

There are similar such issue-based networks at the subnational levels as we shall see in the next few sections.

CONSULTATIONS

Since the Mathura case, conferences and workshops have been organised to discuss different positions on a certain issue or on policy advocacy. This is to enhance understanding and present a common front to the state and society. After the December event, a consultation was called by the National Law University in Delhi. Women rights' activists, advocates, legal consultants, field practitioners, researchers and LGBT groups came together to discuss the Criminal Law Amendment Bill and to propose recommendations to the JVC. Kavita Krishnan describes it as an important space to negotiate and clear the air, particularly on contentious issues,

That was one of the places where there was a no-holds barred discussion without having to worry about the media presence for example. It was an informed audience of persons already engaged and involved and fighting and everyone was on same side in that sense but there were differences in terms of different perspectives and different positions. ...At that time one of the things that we had discussed was how do we approach the question of death penalty? We had all agreed we do not want the death penalty. So one of the ideas that came up was well then we have to give the Justice Verma Committee something. So somebody suggested life sentence without parole. But there were some civil libertarian lawyers who were deeply opposed to this, so this suggestion was not accepted (interview with Kavita Krishnan, 15 May 2014).

Thus, national or subnational conferences, regular meetings within issue-based networks, and special consultations over a particular issue are discursive spaces wherein women's groups come together to discuss, enhance their understanding, explain their

⁷¹ See Vimochana website, <http://www.vimochana.net.in/home.html>, last accessed 20 March 2016.

positions and try to build consensus. Once consensus is arrived on a certain issue, discussions are further held over effective strategies to influence policy change. Consensus is therefore built to have a common strategy and a stronger voice to push the required change. Discussion over issues and strategies is also important for commitment among groups to a certain understanding. The discursive spaces of women's groups thus facilitate voluntary processes for mutually acceptable decisions: "As part of the Aman Network we come together, we discuss, we brainstorm and then we form a common recommendation. Instead of all organisations sending individually their recommendations, we send it as a network" (interview with Nilanju, 12 August 2014).

Strategies of mobilisation targeting the state

FACT-FINDING MISSIONS AND REPORTS

Fact finding is a common strategy used by women's groups to collect evidence and visibilise, vocalize and draw attention to an issue. This strategy is as an important mode of engagement with substantive issues. Menon-Sen talks of the use of fact-finding reports at WSS,

Basically, we are doing fact findings and trying to present cases in a way that shows the patterns. We have just finished the study of violence against dalit girls in Haryana and what we have tried to do is to use our fact finding on 15-20 cases to show the pattern that links neoliberal policies of a strange form of urbanisation that has happened in Haryana, and the existing operations of the caste system with the cash economy. When private developers are called in and land is transferred in this way, it is not done in ignorance of the fact there is going to be huge turmoil with social relations in these communities and that violence against women will happen because it is a tool of enforcing class, it is a tool of enforcing caste and it has actually strengthened and concretised the existing caste hierarchy (interview, 31 July 2014).

Fact-finding missions are meant not simply for ascertaining facts and for elucidating a specific human rights concern. Their purpose is to expose the patterns of violence and pressurise the state to adopt progressive policies and laws. There are other fact-finding reports too that have been used as an effective strategy to bring attention to issues in a state, for instance the PUCL-K report on transgender violence and the fact-finding reports on communal violence in Gujarat in 2002 (both of these are discussed further below).

APPROACHING UN PLATFORMS

The UN Convention on the Elimination of Discrimination against Women was ratified by India in 1994. It obliges the state signatories to report

"on the legislative, judicial, administrative or other measures that they have adopted to implement the Convention within a year after its entry into force and then at least every four years thereafter or whenever the Committee on the Elimination of Discrimination against Women... so requests. These reports, which may indicate factors and difficulties in implementation, are forwarded to the CEDAW for its consideration".⁷²

Civil society organisations, including women's groups, can participate in this process by submitting shadow reports. This is one important engagement of women's groups at the international level, which in turn pressures the state at the national level. Women's groups in India have been submitting their alternative reports to the CEDAW committee for information and on the status of its implementation in India. Organisations send these reports either individually or as a combined report by many organisations. NAWO, for instance, prepares shadow reports based on country wide consultations with women's

⁷² CEDAW website, <http://www.un.org/womenwatch/daw/cedaw/reporting.htm>, last accessed 20 March 2016.

organisations at the subnational level as well as at the community level. Lakshmi Vivek, who has been compiling the alternate reports for CEDAW from NAWO, explained the process of consultation for the recent 58th session of CEDAW in July 2014, “[We] started having regional and state level consultations on CEDAW so every area was kind of divided. [We] started with the first consultation in 2011 in Hyderabad and which was followed by Madhya Pradesh and then Maharashtra, Goa, Chandigarh, so various other places too including the northeast” (interview, 4 August 2014).

The people involved were divided into various groups to deliberate specific recommendations on different topics over a period of three days. These recommendations were further worked upon in preparation for the national consultation held in 2012. Once all groups had submitted their draft papers, the recommendations were fine-tuned during a lobbying training conducted by UN Women and NAWO in Delhi in 2014. Of the 29 individuals who attended the CEDAW session in New York, 16 were NAWO representatives and the rest were from other civil society organisations (interview with Lakshmi Vivek, 4 August 2014). Renu Addlakha (CWDS) participated at the CEDAW committee and shared the situation of violence against disabled women in India (interview with Lakshmi Vivek, 9 July 2014). Similarly, Ruth Manorama, the President of NAWO, ensured that a chapter on dalit women was included in the shadow report (interview, 16 Aug 2014; also see NAWO report 2014).

However, not all organisations neither are engaged with the above process nor are engaged with UN institutions. Vani Subramanian says,

See the difference is for us historically in Saheli is I think somewhere after Cairo or by Cairo we had stopped going to these UN processes We had a huge critique of the way NAWO was formed and the way in which they mobilised ... Therefore NAWO and all are not our networks We have a huge issue with this UN framing over lot of things and we seem to just organically have an issue with it. (interview, 23 August 2014)

On the other hand, for dalit organisations such as the NFDW, international platforms, particularly those provided by the UN, are useful to highlight and visibilise issues concerning dalit women. As mentioned earlier, dalit women’s groups took the problem of violence against dalit communities to the UN world conference on racism at Durban in 2001, bringing sharp focus to the issue with the recognition of dalit women being the worst affected. Since then, NFDW and other organisations have been consistently engaging with international UN conferences (interview with Vimal Thorat, 1 Sept 2014). Recently, a delegation also presented their report on the situation of dalit women to the CEDAW review committee (see Ruth Manorama interview, 16 August 2014). Apart from NAWO, other dalit organisations such as Navsarjan Trust and the All India Dalit Mahila Adhikar Manch (AIDMAM) also submitted reports to the committee.⁷³ In response, the committee acknowledged the violence against dalit women and urged the Indian government to act in order to prevent such violence (NAWO 2014). Delegations of dalit women have also presented their views on violence against dalit women during a side event organised during the 26th session of the UN Human Rights Council in 2014. The UN High Commissioner for Human Rights, Ms. Navi Pillay, in her opening statement at the event highlighted her own commitment to the issue of violence against dalit women.⁷⁴

⁷³ See International Dalit Solidarity Network (IDSN) website, <http://idsn.org/>, last accessed 20 March 2016.

⁷⁴ See IDSN website, <http://idsn.org/>, last accessed 20 March 2016.

INTERNATIONAL CAMPAIGNS

Indian civil society organisations including women's groups across the country had signed up for the "One Billion Rising" global campaign initiated by Eve Ensler and her organisation, V-Day, to end violence against women, rise for justice and promote gender equality. Many women's groups across the country took part and organised events across the country, gearing up to the final one-day event on the 14 February 2014. Sangat and Jagori were actively involved in the campaign in Delhi. Rallies, songs, dances and plays were set up across Delhi by various organisations and college students. Similarly, most of the women's groups in Gujarat got together for a public programme on the same date, which received an encouraging response from the public (interview with Manisha Tiwari, 2 April 2014). Groups in Bangalore, such as Vimochana, also participated in the campaign.

RECOMMENDATIONS UPON INVITATION BY THE STATE

State bodies sometimes look upon women's groups for recommendations at various levels, from policy design to implementation procedures. Nilanju at Jagori talked about their engagement with the state's recent proposal to have one-stop crisis centres,

Right now the government is planning to come up with one-stop crisis centres all over the country. So the Ministry of Women and Child actually called for a consultation. It was a very small group of people, six of us, meeting together and brainstorming. They actually had prepared the proposal but now they want a recommendation. We had sent our recommendations. Then they wanted us to prepare a set of guidelines for them as to how to run these crisis centres (interview, 12 Aug 2014).

Similarly, Bharti Ali shares her observations on government processes of consultation pointing out some challenging aspects,

Now at least some processes are in place, for instance if there is a bill that is coming up for discussion and it is before [presented in front of] a Standing Committee, then the Standing Committee looks for people who they can call and you know discuss it with, they do look for people and there have been times when If they somehow come to us, then we have suggested other names to consult groups that are also working on issues and so that has happened. At least that process is in place but with the bureaucracy it is very, very personality driven (interview, 19 May 2014).

As recounted earlier, after the 1983 amendments in the law, the next phase of engagement with the state for changes in rape law started in 1992. The NCW set up a sub-committee with Kirti Singh from AIDWA as the Convenor. The committee examined the sexual assault laws and engaged with a number of child rights and women's groups. Although Kirti Singh argued that the process was made as consultative as possible (interview with Kirti Singh, 21 August 2014), organisations not actively involved with the NCW subcommittee or the AIDWA-led consultations felt that it was not consultative enough (Agnes 2002). While Law Commissions, subcommittees and the NCW have had consultative processes, as we have indicated earlier, the JVC process was one of the first processes of consultation where several groups understood the process to be truly inclusive and democratic.

LOBBYING WITH STATE REPRESENTATIVES

Sometimes lobbying with influential state representatives successfully works to push the process of policy change forward. As Kirti Singh argues: "The reason why the 2010 Bill was introduced was because we went to the Law Minister Veerappa Moily and we asked him to please look at it. We have been to each of the law ministers...to ask them to change these laws and these procedures" (interview with Kirti Singh, 21 Aug 2014).

Bharti Ali also makes the argument that often policy change is based on individual leaders:

if you have a receptive Joint Secretary or a Secretary level person then you will get more opportunities to be heard. But if there is someone who has already made up [his/her] mind and is basically just having a consultative process because it is a formality then there is not much that you can achieve. There may be some who will not have any consultative process who would not believe in it at all so it is very individual personality driven (interview, 19 May 2014).

Strategies of mobilisation targeting society

Organisations like NAWO, Jagori, NFDW, AIPWA and AIDWA are deeply involved in organising local communities at the urban as well as in the rural setting, providing gender training, facilitating a conception of human rights and women's rights, training and building their capacities in leadership and political participation. For instance, Jagori provides direct support to the women victims of violence, runs a helpline for the victims, mobilises them to form support groups in the local communities, and trains them to check violence against women in their own communities and to intervene in cases of violence. It also works with the youth by providing gender-sensitive trainings. Nilanju gives a glimpse of this work:

We have door-to-door visits in the communities. We have campaigns—various sort of campaigns on International Women's Day. Just before International Women's Day, maybe we would visit the entire community. And another thing that we do is *gali* (street) meetings. We go to the *galis* of a selected block and conduct many meetings. So *gali* meeting is one way of interacting with the women and youth and men of the community talking about any issue, whatever we feel at that point of time needs to be discussed. It could be related to public toilets or the public distribution system, or violence (interview, 12 Aug 2014).

Street-level engagement with people is also a common strategy to challenge entrenched notions on the roles of men and women. CCSA, Saheli, Jagori and AIPWA use street plays and public programmes, including dances and songs, to introduce people to a different way of thinking and of analysing social situations. Nandini Rao of CCSA talks about this strategy: “We work in Delhi and NCR [National Capital Region] trying to raise awareness about the issue, but also at the same time talking to people on the street literally about what they can do to stop violence or actually illicit responses from them what they can do to stop violence if they feel they can” (interview, 24 March 2014).

3.1.9 Conclusion

The 35-year -long period of anti-rape mobilisations in India captures the myriad highs and lows for the women's movement in India. Denial of justice by the state to victims merely based on entrenched biases against women or communities have marked the lows in mobilisations on anti-rape laws, but these very lows have resulted in renewed claims making and actions on the part of women's groups. Some of these mobilisations have also led to incremental changes in laws, policies and attitudes. A roll call of brutal cases of violence against women in this period—Mathura, Bhanwari Devi, Maya Tyagi, Rameeza Bee, Thangjam Manorama, Khairlanji, Nirbhaya and several others—have propelled mobilisations by women's groups across the country over the last several decades. It is the interventions and the countrywide mobilisations by women's groups that have enabled the re-articulation of some of these cases from stories of “denial of justice” to “symbols of change”.

Through these 35 years, women's groups have engaged with the state and society in various ways to shape public discourse in favour of gender-egalitarian policy change.

The two significant moments in this period include the 1983 amendments to the rape laws and the recent Criminal Law Amendment Act 2013, which brought in wide-ranging changes to sexual assault and anti-rape laws. However, the overall story of the relationship between mobilisations by women's groups and policy change has been one of a very gradual and painstaking process. For instance, the demand from the women's groups to broaden the definition of rape has been made consistently since the early 1990s; however, it was to find acceptance in the law only recently in the Criminal Amendment Act 2013 with mixed results.

Many times, the state has taken a conservative approach to the claims of women's groups and sometimes has even taken regressive steps, for instance, in the case of raising the age of consent from the earlier 16 to 18 in the recent 2013 amendments. Similarly, a claim such as the recognition of marital rape that goes completely against the traditional conception of women's place in marriage has not found any acceptance by the state. Further, the key claim of women's groups to repeal laws that provide immunity to the army from being prosecuted for sexual crimes has also fallen on deaf ears. The "citadels of impunity", as Vrinda Grover phrased it in the context of the Criminal Law Amendment Ordinance 2013, of family, marriage and state seem to prove the most difficult to shift of in terms of policy change (see N. Menon 2013).

Moreover, there have also been changes in the discourses of claims making from the early days of the anti-rape campaigns. While the conception of "power rape" was at the heart of women's groups claims making from the early days, and some groups brought in the question of state power, as well as caste and class early on in the debates within the women's movement, the depth and breadth of the engagement of women's groups on anti-rape laws have expanded from claims calling for shifting of the burden of proof, the sexual history of women survivors of violence not to be used as evidence, and the recognition of the forms of power rape such as custodial rape. While claims making by women's groups on AFSPA and state impunity have direct antecedents in critiques of custodial rape that recognise the importance of checking the exercise of state power, more recent feminist mobilisations on AFSPA also recognise the dangers of the use of extraordinary powers by the state in the name of peace and security in vulnerable regions of the country.

There are also several other issues that have gradually come to the fore in the claims making on anti-rape laws. These include an understanding of the aggravated nature of sexual assaults in the context of communal and caste-based violence, and the recognition of forms of sexual violence against other vulnerable groups such as disabled women and transgender communities. This has also entailed a deeper engagement with the decoupling of women's rights from children's rights in the claims making on law reforms. There has also been a deeper engagement with women's groups on the procedural aspects of claims making on anti-rape laws, with mobilisations against the increasing medicalisation of evidence gathering, particularly against the notorious two-finger test. Moreover, questions of punishment and sentencing have also come to take centre stage with women's groups treading the difficult ground of protecting juveniles from the strong arm of criminal law sentencing and the recognition of the lack of humanity and futility of sentences such as death penalties and chemical castration, even for purposes of "prevention".

The women's movement in India comprises multiple forms of organisations ranging from advocacy groups and networks to local community-based organisations (CBOs),

autonomous non-funded groups to political party-affiliated mass level organisations, identity-based groups to national-level networks that bring together different voices on a particular issue. The women's movement in India is a complex interplay of different kinds of groups and voices coming together on issues of importance through consultative processes. These consultative processes include national level discussions and conferences. In more recent times, these consultative processes have been more "specific issue" focused, rather than the more broad-based discussions and negotiations that found articulation in spaces such as the national conferences on women.

Given the diversity of forms of women's groups, the strategies employed by these organisations are also multifarious, ranging from organisational- or individual-level engagement with the state which takes the form of lobbying, petitions in the courts, critiquing of bills and sending recommendations to state commissions or special committees. Further, women's groups also network with other groups across regions and issues to clarify claims, build consensus and strategise together to have a wider and greater impact on the state.

3.2 Mapping Anti-Rape Mobilisations in Gujarat: From Recognition to Implementation

Contemporary mobilisations in Gujarat on violence against women can be traced to the beginnings of the anti-rape campaigns of the 1980s in India. In this section, we locate the Gujarat specific anti-rape mobilisations, both focusing on the specific context of Gujarat, but also reflecting on where these mobilisations have influenced processes at the national level. Apart from secondary materials, we have relied on interviews with groups working Gujarat on violence against women (see appendix II).

3.2.1 Key events that propelled mobilisations in Gujarat

Cases of sexual violence

Incidents of rape, particularly those where the victim was denied justice and/or when she faced hostility from the system and attempts to silence her, were precipitating factors that resulted in action from civil society organisations, especially women's groups. In 1979, Ahmedabad was among the first few cities to demonstrate against the Supreme Court verdict on the Mathura case (Mazumdar 2000). Women activists in Ahmedabad and Vadodara networked with activists from other cities to shape the nation-wide anti-rape movement in the 1980s.⁷⁵ Similarly, the gang rape of Bhanwari Devi, a grassroots worker for a state-run programme in Rajasthan in the year 1992 also resulted in mobilisation of women's groups in Gujarat. Some women activists working with the state-run Mahila Samakhya Programme in Gujarat also took steps to organise against such incidences in their own state (interview with Angharia, 27 May 2014).

At the state level, several cases of sexual violence galvanised and shaped the women's groups. One of the early cases was the custodial gang rape of a tribal woman by policemen in 1984 in the Sagbara taluka⁷⁶ of Bharuch district. The woman faced hostility and a refusal from the medical authorities to examine her medically for sexual assault and treatment. The case was registered at the local police station but she was medically examined only after interventions from three legal personnel, one from Delhi and two others from Ahmedabad (Kalathil 1986). Moreover, she and her husband continued to face abuse at the hands of the accused, the police and the medical

⁷⁵ See previous section for details.

⁷⁶ An administrative district.

practitioners. Newly formed organisations at the time such as Sahiyar, Lok Adhikar Manch and Chingari documented her plight in an exhaustive fact-finding report that received publicity in the vernacular and English newspapers of Gujarat. The campaign resulted in the punishment of the policemen and compensation to the victim (Patel n.d.). The Sagbara gang rape case was a key moment that brought women's groups to the fore and prepared them for action on similar incidents of sexual abuse.

Another incident of custodial rape that propelled women's groups and activists in Gujarat to action was when Harivallabh Parikh was accused of raping a 20-year-old tribal woman in 1996. Harivallabh Parikh was a well-respected Gandhian social worker who had worked for the upliftment of tribals in Rangpur for about five decades at the time. He had also earned distinction for establishing *lok adalats*⁷⁷ in the area. In 1996, a tribal woman who was a vocational skill trainee at Harivallabh Parikh's Ashram gave birth to a still-born baby on her way back after attending a wedding. She alleged that she had conceived the baby after she was raped by Parikh. She also narrated that other tribal girls who took training in the same ashram were also sexually abused and often raped. What followed was a long legal battle of claims and counter claims. Women's groups, including Sahiyar and PUCL, supported the tribal women through their social campaigns and by pushing the legal process in favour of the victim. However, Parikh was acquitted by the sessions court, and amid the legal battle in the higher courts, Parikh died of old age and the cases did not reach any conclusion (interviews with Trupti Shah, 29 May and 24 July 2014).

A more recent case was that of a 17-year-old dalit girl who, in 2008, was raped for several years in a primary teacher's certificate college by five of her teachers. Since the victim belonged to the dalit community, the dalit groups led the protests supported by other women's groups. As two of the perpetrators were dalit men, women's groups found it appropriate that a dalit group take the lead. The women's groups, especially the dalit group called Navsarjan Trust, were able to get an able prosecutor appointed for the case. The case was considered a success as all the accused were convicted and punished. The groups used the media to sustain the social support in favour of the victim, and provided all the needed support to the victim to keep her going. The Patan case, as it was called, was key in redefining the role of the dalit group Navsarjan Trust in seeking justice for women survivors of sexual assault, particularly for dalit women. Manjula Pradeep, as the director of the organisation played a prominent role within the organisation and succeeded in bringing the gender perspective into the analysis of violence against dalit women and against people belonging to the low castes (interview, 31 March 2014).

Communal violence

The communally motivated, widespread violence in Gujarat also impacted women's groups in important ways. Groups were not only concerned by violence against a particular community, but also outraged by the sexual targeting of women from minority communities and the silence on mass rapes. For instance, Trupti Shah, the founder of Sahiyar (Stree Sanghatan), expressed her indignation about the Nari Gaurav Neeti Programme (Women's Equity Policy)⁷⁸ introduced by the state in the aftermath of the communal violence in 2002: There was "nothing about sexual violence on woman during communal violence, not a single word about how they will rehabilitate because

⁷⁷ Lok Adalat, or People's Court, is a system of alternative dispute resolution.

⁷⁸ The programme was meant to make legal and policy change more gender inclusive.

in fact they were not accepting that something like this has happened” (interview with Trupti Shah, 29 May 2014).

Prior to 2002, like many other states, Gujarat experienced communal violence during the *rath yatras* in the build-up to the demolition of Babri masjid (mosque) in 1991. Baroda and even Surat, considered a peaceful city, also experienced the most brutal kind of communal violence. Women were especially targeted with a vengeance. They were not only brutally gang raped but this brutality was filmed by the perpetrators and screened for jeering crowds (Lobo and Dsouza 1993; Patel n.d.). Lobo and Dsouza (1993) document cases of gang rape, murder and burning of victims in an environment of state complacency and inaction during the Surat riots of 1993. About a decade later in 2002, violence against the minorities in Gujarat reached mammoth levels. Sarkar (2002) observes that women were raped to humiliate their entire community and that the violent nature of the rapes was to prove the superior masculinity of Hindus against the assumed virility of Muslim men. Finally, children—including unborn children—were targeted to destroy the next generation of Muslims. Such large-scale violence led to polarization within civil society groups of Ahmedabad and more widely in Gujarat. A few women’s groups emerged as anti-state while helping the victims; many others were either intimidated by the communal tensions or found that action was not appropriate at that moment. However, all the organisations interviewed for this study did take a stand and acted for the victims despite the communal threats. On this, Prasad Chacko, the Director of the Human Development Research Centre observes, “The radical feminist and secular women’s organisations, many of them, were kind of peeved by the fact that most other NGOs which talked about women’s rights never took a stand or came out in the open in 2002” (interview, 30 May 2014).

Trupti Shah reiterates this understanding of a studied silence by groups: “Most of the NGOs in Gujarat...kept quiet. Even if they were not happy, they would say why confront? There are very few who would confront. Even 2002, you will not find many organisations that stood up and talked about these issues” (interview, 29 May 2014).

Sahr Waru, ANHAD, ANANDI, Centre for Social Justice, Olakh, Sahiyar, Sahaj and PUCL were a few of the organisations that struggled to support the victims, many of whom were brutally raped and sexually assaulted.⁷⁹ As Renu Khanna recounts, there were very few groups, and they had to work in difficult conditions of blockades; some affected areas were remote and difficult to reach (interview, 9 September 2014). However, she also points out that this experience brought these groups together, providing relief. They were supported by civil society and women’s groups from outside Gujarat. Khanna highlights that local groups were able to “only respond there on the ground” and were not able produce the fact-finding reports and other documentations, which was done by Delhi- and Bombay-based organisations. A women’s panel of six organisations and activists from Delhi, Bangalore, Tamil Nadu and Ahmedabad called the Citizen’s Initiative released the report *Gujarat Riots: The Impact on Women* describing the physical, economic and psychological impact of the riots on women after visiting seven relief camps over five days in March 2002 (interview with Renu Khanna, 9 September 2014; Hameed et al. 2002). They found evidence of state and police complicity in perpetuating the crimes against women. The state did not establish institutional mechanisms through which these women could seek justice (Hameed et al. 2002). Disturbingly, despite widespread and gruesome sexual violence against women, there was complete invisibilisation of the issue of sexual

⁷⁹ Interviews with Renu Khanna, 9 September 2014; Prasad Chacko, 30 May 2014; Trupti Shah, 29 May 2014.

violence in the mass media, compounded by the apathy of law enforcement agencies and the indifference of political representatives (Hameed et al. 2002).⁸⁰

An international group, the International Initiative for Justice (IIJ), was also formed in Gujarat in response to the horrific violence. The initiative comprised members of women's groups from India and nine women from Sri Lanka, Algeria/ France, Israel/ UK, Germany and USA (International Initiative for Justice in Gujarat 2002). The group met with survivors of violence as well as with representatives of women's groups, human rights and other citizen groups from Gujarat. The findings of the group were similar to those reported by the fact-finding team's report on Gujarat riots, *The Impact on Women*.

The communal violence further defined the approaches and strategies of the organisations. It led to new alliances at local, national and international levels with women's groups. New organisations were formed overnight as it was felt that it was safer to work under the name of a registered organisation than individually. Additionally, communal violence was also key in broadening the mandates of some organisations, and issues related to communal politics were included more fundamentally in their analytical framework of violence against women and in the strategies for mobilisation.

Role of meetings and conferences in mobilisations

Some Gurajati organisations were inspired after participating in the Indian autonomous women's groups' conferences, which provided a discursive space for debates and consultations on issues, negotiations and strategising. These conferences also served as a space to introduce new activists to the movement. Trupti Shah, who was still a student at the time, attended the first conference in Bombay in 1980. The conference was held in the context of protests around the Mathura rape case to debate the required changes to the then law and to achieve a consensus among activists. Shah was motivated by the liveliness and the dedication of the autonomous women's groups from other parts of the country and founded a group in Baroda to work on violence against women and for a society free of inequality, injustice and atrocities (interviews with Trupti Shah 29 May and 24 July 2014). Similarly, Sheba George, the founder of Sahr Waru, an organisation advocating for women from minority communities, recalls how her involvement in one of these conferences resulted in her realising the importance of a separate space to work on concerns of violence against women,

So it was in the early 1990s and just around 1990 that with the Calicut conference I sort of ... entered the whole thing of what is the National Women's Movement and [became] part of the women's groups who were working. I started doing a lot of self-appraisal about equality. I mean the point is that the personal is political so to understand if you know as an activist, as a person who is trying to change women's lives how much of those rights that I was advocating was part of my life So it was an internal process as well as external process and through that entire process I started realizing that we needed a different space (interview, 28 May 2014).

The last conference of the autonomous women's organisation took place at Kolkata in the year 2006. Renu Khanna reflects on the loss of the autonomous women's conference, but she suggests that the continued existence of spaces such as the Indian Association of Women's Studies (IAWS) provides hope. She suggests that these spaces are not just academic, but also engage in "activist theory building" (interview, 9 September 2014).

⁸⁰ Other organizations that supported the local groups included Forum Against Oppression of Women and Awaaz-e-Niswan from Mumbai, and Saheli from Delhi (Trupti Shah, personal communication, 15 November 2014).

The United Nations convened its Fourth World Conference on Women on 4–15 September 1995 in Beijing, China. Some organisations in Gujarat found the conference to be an important event that inspired the formation of new initiatives and networks among women’s groups in the state. The Beijing conference was followed by consultations among women activists and organisations to identify new areas of work and networking opportunities in Gujarat. For instance, Andharia (ANANDI) had not personally attended the conference, but she was an active part of the post-conference consultations. “In Bhavnagar we started working in the post-Beijing and the post 73rd amendment context so we had done a lot of mobilisation of elected women representatives from 1995 onwards” (interview, 27 May 2014).

In these consultations, women’s groups identified the work and action needed in Gujarat. The Mahila Swaraj Abhiyan (Women’s Freedom Movement) network was created for further consultations. Kutch Mahila Vikas Sangathan, Uthaan, Marag and Swati were some of the other groups that participated in these consultations. The network also organised training and capacity building on women, governance and political participation, especially in the Panchayati Raj system. Some of the organisations were conceived after the Beijing conference. Sahr Waru, which was until then a programme of its mother organisation Sanchetna, became a separate organisation after its founding member Sheba George actively participated in the preparatory phase as well as during the conference in Beijing. Poonam Kathuria, a founding member of Swati, also assigns the Beijing conference as one of the reasons for instituting the organisation (interview with Poonam Kathuria, 27 May 2014).

New legislations or review of existing legislations propelling action

The enactment of new legislation or the review of existing legislations in the area of gender justice are a result of a combination of different factors, one of the most important being the advocacy and lobbying by women’s groups at different stages and at different levels. But once the state initiates the process of enacting or reviewing laws, as we have seen in the section above, this moment generates a heightened and a more visible activity among women’s groups to build a consensus and push their interpretation of the law. Thus since the 1980s, when for instance rape laws were reviewed by the state, or laws related to violence against women were to be reviewed or enacted by the state—such as the review of Dowry Act 1961, and the Sati Prevention Act 1987, enactment of the new Domestic Violence Act 2005, the Sexual Harassment at Workplace Act 2012—they became key moments for further collaborative activities and mobilisation within the women’s movement.

The review or enactment of new laws relating to violence against women led to a discursive engagement in the women’s movement where individuals and groups congregated to deliberate on common matters and advance their stands and interpretations with the aim of creating a consensus on related matters and to reach a common judgement. However, while there is consensus on many issues, some matters remain disputed. Sheba George comments on this discursive space:

So there is a discourse, it is not like there is a large mass women’s movement in this country but there are leaders, women activists, feminists, lawyers, women’s rights activists across this country that come together for these kind of legislative inputs and all of that and that really worked and that is reasonably consultative. [At] that time ... those who were steering these processes are as inclusive as they can be I think (Interview 28 May 2014).

3.2.2 Claims making on anti-rape laws: State accountability and implementation

Most of the claims by the women's groups at the national level are reflected in the claims making by the groups in Gujarat. However, the interviewees placed a lot of importance on the issue of non-implementation or improper implementation of the laws and policies already passed by the state. One of the reasons for this emphasis on implementation was that all the organisations interviewed for the study were crucially involved in providing support of victims of sexual assault. Therefore, their advocacy emerged from the daily challenges associated with the implementation of laws.

Gendered nature of violence, special mechanisms and state accountability

The primary claim by women's organisations was simply the recognition of the gendered nature of the crimes and in so doing making special provisions for dealing with such crimes (see interviews with Sheba George, 28 May 2014 and Nupur, 26 May 2014). These special mechanisms are needed at all stages, beginning with the recording of statements to investigations, enquiry and punishment. Moreover, they should also take into account the threats, vulnerabilities and violations that the victim may face during this long legal process and their consequences. For instance, a woman may sometimes change her statement or fall ill for a long time; in other words, she may not be able to stay consistent throughout the process. Legal mechanisms need to recognise these vulnerabilities and be conscious and sensitive in favour of the victim and survivor of a sexual assault.

An essential goal of the women's groups in Gujarat has been to make the state responsible for not only its own direct actions, but also to be accountable for the prevention of gendered crimes against women. This accountability by the state necessitates the adoption of laws and policies that would consider such crimes as heinous and inexcusable, which in turn will result in proper prosecution and punishment of the perpetrators. This includes accountability at various levels. As Nupur Sinha argues, "there has to be accountability of higher authorities ... Higher authorities should be investigating all forms [of accountability] not only at the lower levels of the police, judiciary, bureaucracy" (interview, 26 May 2014). Women's claims for accountability by the state are derived from the need to break the silence around the problem of violence against women and to bring it forcefully from the private to the public sphere of the state.

However, some groups point to the levels of non-recognition of their specific contexts. The claims made by the LGBT groups, for instance, were of a more basic kind. Their claim was for the recognition of their different gender and to make provisions for these differences in various systems. So for instance, Sylvester from the LGBT group Lakshya says, "to get a bank account from banks they will tell thousand and one *nakhras*⁸¹ ... the entry point itself is denied" (interview, 29 May 2014).

Implementation of existing laws

Organisations working in Gujarat concentrate their efforts on ensuring the proper implementation of existing laws and policies by the state. There are numerous issues that organisations have to deal with at the ground level: the ignorance of state agents about new laws or directives by the state, a generally hostile attitude of state agents

⁸¹ This can be roughly translated as "they make a lot of fuss".

towards gender specific reforms, the regular transfers of police officers, lengthy and difficult processes for victims/survivors of sexual assault when registering their complaint, vulnerabilities and threats from the community or state agents towards the victims and their families, and so on. More than the enactment of new laws and policies, the main concern for women's groups in Gujarat is the proper implementation of laws and policies and creation of an enabling environment for the survivors of violence to seek justice: "If the implementation is not functional, if the implementation is faulty then how do you go about it? ... [The] main core that we [hit against is] the implementation of it. We did a study on shelter homes [to see] whether [they] are functional. ... Everywhere we found that the situations of these shelter homes were very deplorable" (interview with Johanna, 26 May 2014).

Trupti Shah also comments, "All these issues have remained throughout 30 years...but...we started with rape and even today, we are talking about rape. We started with female foeticide, and we are still talking about sex selective abortions or sex selection in fact...after passing of law, [the emphasis is] more for implementation. Earlier it was for passing of law, now implementation of law" (interview, 29 May 2014).

In other words, she implies that earlier the role of the women's groups was to advocate and lobby for passing of laws, but now the need is to focus on their implementation too. In the same vein, Sheba George asserts, "We have to get behind this government to see that the Sexual Harassment of Women at Workplace Act 2013, the Criminal Amendment Act 2013, the Domestic Violence Act, all of these should have full implementation and we should ensure that [when] we give our recommendations, can we put the infrastructure, put the money where the mouth is, to get the staff going, do monitoring?" (interview, 28 May 2014).

By saying this, she also emphasizes the importance of the role of women's groups in ensuring effective implementation of laws and policies, including the monitoring of the process, namely, to provide recommendations to the state based on the situation on ground. Moreover, she argues that if the state at the subnational level does not respond, then the state at the national level needs to be approached for the implementation of laws and procedures.

For the proper implementation of laws, one of the important demands reflected in the interviews pertains to the training of state personnel, especially the police, with respect to new laws and more importantly to make them gender conscious. Nalini Jadeja, the Secretary of AIDWA in Gujarat says, "All police personnel, up to class I officers need to be trained,...firstly their language, secondly their behaviour and body language should reflect support, such that these support centres should not in turn become unsupportive centres" (interview with Nalini Jadeja, 26 May 2014, translated from Hindi).

Women's groups are not just perturbed by the attitude of the police but of the other private and state authorities as well, including hospitals and medical professionals, universities and school establishments, and the judiciary. It is a constant struggle to see that proper and full implementation of statutes, especially those relating to sexual offences, is carried out in these institutions.

Another claim related to implementation is the time-bound handling of cases,

The local women's *sanghatans* (groups) have seen that when it comes to criminal cases, or sexual violence, First Information Report (at the police stations) is to be done immediately, but the system is so unresponsive [you have to] sit for the whole day and only then is the FIR registered...it is not only a matter of police complaint, our whole recommendation was to have a more comprehensive systemic response to a woman who has faced violence....This recommendation was a contribution of the local *Mahila sanghatans* (the community women's groups) (Interview with Jahnvi Andharia, 27 May 2014, partially translated from Hindi).

The problem of delays from the state agents is a frustrating experience, especially for women activists who directly support the victims of sexual violence. The importance of timely registration of the crime and medical examination and treatment are prerequisites for legally pursuing sexual violence cases. Often in such cases the delaying practices by the state agents is usually not out of ignorance, but often a conscious effort to discourage the victim from registering the case, and to spoil investigations and the evidence for the case. Nupur Sinha stresses this point, "Having special mechanisms like fast track court or special courts does not necessarily lead to justice. As is seen in the SC ST Prevention of Atrocities Act, the cases tried by designated special courts take more time for disposal than 'regular' cases. What is important to ensure is time bound disposal of the case, prioritising it over other cases of less severity" (interview, 26 May 2014).

Support to the survivor during the legal process

Victims of sexual assaults are extremely vulnerable during the legal process as they often also incur economic loss in terms of wages as a result of visits to the police station, or loss of job if the perpetrator is associated with her employer, not to mention social ostracism, and so on. Based on this experience, women activists claim economic support for victims. Andharia argues,

One of the biggest reasons why women victims of violence compromise [is] the problem of loss of their livelihood. They do not have money for survival [let] alone the expenses that they have to incur on the legal process. They even lose their daily wage because of running around for their case. Hence, compensation has to be seen from the point of livelihood support as well. Based on our experience, we need to make this demand loud and clear so that there is support for the victims to continue their fight for justice against in circumstances where there is little social support and financial back up (interview, 27 May 2014).

These claims emerging from the lived experiences of women activists were also put forth in the discussions leading up to the submission from the groups in Gujarat to the Justice Verma Committee in 2013.

Sexual violence during mass crimes

Having witnessed sexual atrocities against women in the communal violence in Gujarat, groups such as Sahr Waru, which focus their work on the minority communities, brought in the whole question of sexual violence in situations of mass crimes. They argue that a mass crime is distinct from individual rape cases in terms of circumstances and vulnerabilities involved. Hence, these organisations make a claim for a separate focus and special provisions exclusively for sexual violence in situations of mass crimes. Centre for Social Justice, a legal organisation that has worked extensively with the victims of communal violence in Gujarat, also brought forth the concern of rape victims among the internally displaced persons due to conflict situations. "How should they [victims] be compensated? They are also doubly vulnerable, so which is the nodal agency which looks at this whole issue of displacement and hence if you have been raped and you are displaced to another place so what happens to that. So these were some of the things that we had raised" (interview with Johanna, 26 May 2014).

Gender neutrality

Local women activists related to ANANDI had faced a situation of a woman activist wrongly indicted for facilitating a sexual crime on a girl. The woman activist in fact was helping the girl who had eloped willingly with a boy she wanted to marry. But the family of the girl accused the woman activist of facilitating rape of the girl by the boy whom she eloped with. According to Andharia, “that became a point of discussion on how a woman’s name can be included as the perpetrator, and the implications of gender neutrality at the level of the perpetrator.” However, all women’s groups agreed that gender neutrality can be proposed at the level of a victim but not at the level of the perpetrator as that may further victimise women (see interviews with Sheba George, 28 May 2014; Nupur Sinha, 26 May 2014; and Trupti Shah, 29 May 2014).

Recognition of identity-based claims

Some of the women’s groups, especially those with a focus on particular communities (such as Dalits and Muslims), shared their grievance about the lack of recognition of the differences in the forms of violence faced by women belonging to dalit, Muslim or tribal communities. Manjula Pradeep notes that the “vulnerability is more” in case of women belonging to marginalised communities,

in 2002 when there was genocide here, communal genocide, I saw the vulnerability of Muslim women. [...Only] one lady was ready to fight for justice in that case I know her because she was supported by one of [our] sister organisations Janvikas (CSJ) but apart from that, I was in a relief camp as a camp leader helping them to get access to relief and supplies and also helping them to file complaints. So at that time there were lots of women who were there but they never said that they were being raped. ... A woman from a tribal or dalit community is more vulnerable than a woman from other community just because of her identity which is much different than women from other communities [...Three groups of women]—Muslim, dalit and tribal—their identities apart from the biological identity, is more prominent when you talk about sexual violence (interview, 31 March 2014).

Sheba George also felt aggrieved that although everyone agrees that there are multiple identities of women, “it was a lonely battle We were sidelined and people started whispering that these people will only raise these issues” (interview, 28 May 2014). When these specific groups felt that the women’s organisations at large do not recognise that some women, especially those belonging to dalit, tribal and Muslim communities face distinct forms of violence, they raised these claims in smaller but more sensitive networks and alliances such as NAWO. Sheba George explains: “We wanted that our voices get heard. So while we were talking about violence against women in the home, we [also] wanted to talk about social violence, political violence, violence based on identity, violence based on caste, violence based on religion. We started bringing [these dimensions] into the larger domain of discourse, the mainstream discourse” (interview, 28 May 2014).

On the other hand, Nupur disagrees with “valuing vulnerability or pain of one person more than the other”. According to her, “the suffering, irrespective of the social strata of the victim is the same” (personal communication, 16 November 2014). She explains,

Rape is an act of power, whether it is between an upper caste and a dalit, whether it is between a non-tribal or a tribal, whether it is between a Hindu or a Muslim. For the women, it is the same. To say that this exists and that does not exist, I do not know how one can say that, I mean all three and many more forms are existing.... I would not want to grade the vulnerability. How would you grade the vulnerability? I mean if I am upper-caste woman travelling in a train compartment with 10 dalit men who raped me, how is my situation any different from the reverse? I would not want to grade that. Not to undermine the fact that some groups by virtue of their social cultural strata are more

vulnerable...yes. Having said that, also saying that the fact that my social cultural strata determine my position in the society and therefore [I am] much more liable [to being] attacked or that much more are my chance of being attacked [by the dominant group] (interview, 26 May 2014).

The debate on the difference between the experience of violence and the vulnerability to aggravated forms of violence and whether consequently, the violence faced by women belonging to particular communities is to be recognised separately from the violence faced by women not belonging to these communities will continue for some time to come.

Lakshya, an LGBT group, argues that LGBT concerns need to be seen separately from women's issues and should not be mixed with women's claims. Sylvester, the co-founder of Lakshya, argues, "Already with woman it is complicated. ... When they say that 'okay fine put them under the category of woman', we said no! Already these people [women] have so many issues ... why should we be included in those claims?" (interview with Sylvester Merchant, 29 May 2014, partially translated from Hindi).

Broadening the understanding of violence against women

Autonomous women's organisations working on wider issues concerning women (such as livelihoods and access to resources) felt that the focus of feminist discourse was confined to women's bodies, and the important links to be drawn between violence and economic and social issues were not adequately addressed. This, they argue, results in a discourse that is disconnected with the actual lived experiences of women, especially of those in vulnerable situations on account of their social and economic status. Angharia explains,

The understanding of sexual violence in the context of livelihood comes from the people who are living completely on the economic margins and cultural margins. Whereas we feel that a lot of the times the feminist debates have been very highly centralized around just 'body' and the violence of...women's body and not link it and see the natural linkages that also exist with the struggles for livelihood. Bringing that voice into the feminist movement we thought was very important (interview, 27 May, 2014, partially translated from Hindi).

This understanding of the interconnectedness between class and gender, and how violence, including sexual violence, against women should be understood informs the perspectives of domestic workers groups too (see chapter on domestic work). Moreover, it also informs the work of organisations that work primarily with poor, working class women such as AIDWA, WSS (see interviews with KS Lakshmi, 18 June 2014; Kalyani Menon-Sen, 31 July 2014).

3.2.3 Processes of mobilisation

Engagement of groups within public space: The case of the women's justice committees

The women's *nyaya samitis* (justice committees) are community-level groups promoted in Gujarat by the state's Mahila Samakhya Programme. Gujarat was one of the three states where the Mahila Samakhya Programme was launched in 1989. The *nyaya samitis* under the programme are organised and trained to support women in dealing with their experiences of violence, and to check violence against women in the community. These groups provide counselling (largely feminist counselling) and social support to victims of violence and, when necessary, they provide legal support. Many women's organisations such as Utthan, ANANDI, Sahr Waru, AIDWA and Sanchetana learned from this model and saw the potential of change at the community level. They

organised and trained women's groups from their communities in a similar way. Once a nyaya samiti starts functioning on its own, it registers as a separate entity and identifies as an independent organisation. There are many nyaya samitis in different regions of Gujarat that meet as a bigger federation to consult and share their experiences.

As independent entities, the committees work together with other women's organisations by sharing the lived experiences and nuances of dealing with cases of sexual violence within their communities. For example, some of these samitis, like the Devgarh Mahila Samiti, were also part of the subnational consultations in Gujarat before a combined submission was sent to the JVC for changes in the Criminal Amendment bill, 2012. The consultations first took place at the community level and then scaled up to higher levels within Gujarat and at the national level.

Alliance formation among groups within Gujarat

Independent organisations and individuals may come together and collaborate to pursue common goals and objectives. The underlying hope is that an alliance will build on the energy and expertise of individual organisations and will be more impactful compared to individual efforts. Alliances are formed out of the voluntary cooperation of organisations and individuals that have common concerns around a particular issue or related issues.

In Gujarat also, alliances were formed between separate organisations to share common concerns, consult and to act in cooperation with each other. Some of the instances captured during the interviews with the participants in this research are as follows.

ALLIANCES ON SPECIFIC CASES OF SEXUAL VIOLENCE

In the late 1980s, newly formed Sahiyar and other two organisations, namely Lok Adhikar Manch and Chingari, collaborated on a fact-finding mission during the Sagbara gang rape case of a tribal girl in 1984. The report released by the organisations was disseminated widely and helped to turn the case in favour of the victim. Similarly, organisations such as Sahiyar and PUCL allied together to investigate the Harivallabh Parikh rape case (interviews with Trupti Shah, 29 May and 24 July 2014). Organisations align to investigate on some cases of sexual violence when the perpetrators belong to a dominant or influential group with a political clout, or if the perpetrator himself is highly influential both politically and socially (for example, the Harivallabh Parikh case).

ALLIANCES FOR NEW AREAS OF INTERVENTION

When a new area of intervention was identified, alliances between organisations were formed to consult, learn and support each other. During the post-Beijing discussions and the post-73rd amendment in the constitution, many organisations agreed that there was little intervention for the promotion of women's political participation in the village councils called Panchayats. Discussions were held to clarify whether promoting women's political role would fall within the domain of women's organisations, given that these organisations were themselves not involved in political structures. Finally, an alliance was created by those organisations that agreed on the importance to support women's political participation.

We were part of the post-Beijing consultations in Gujarat when the women's groups came back [from Beijing] and it was felt that 73rd amendment is an opening because till then most NGOs believed that we don't work on political spaces, we are non-party political spaces so [the question was whether] this [was] political or not political. A lot of debate and intense and clarifying discussion took place within the women's groups in Gujarat, and we felt that this is an issue that

all of us are grappling with and a good case for us to become a new network. A new network was formed of which we were a part (interview with Andharia, 27 May 2014).

The need for collective efforts was also felt by women's organisations when new and threatening initiatives were to be worked on. Poonam Kathuria recalls,

In the 90s, we could not talk of the issue of violence against women. I remember having a meeting in maybe 1999 with a group of 23 organisations ... this was in the Saurashtra region. Of these, I think 10 of them said [violence against women] is not an issue in our area, it doesn't happen. [The] underlying thing was that it was a threatening area [with] all male-headed organisations who found it difficult to take up the issue of violence against women. ... 13 organisations ... joined that group (interview, 29 May 2014).

Women's groups derived strength from numbers and from working together in order to more effectively face the challenges that the initiative may throw up.

ISSUE-BASED OR REGION-BASED NETWORKING

Organisations have also worked together on single and similar issues. Groups in the Saurashtra-Kutch region in Gujarat have formed an alliance to work on the issue of violence against women in the region. The alliance has been built to provide support to each other in handling of cases, in sharing and improving knowledge and skills required to work effectively against violence. The Saurashtra Kutch Network for Violence against Women is also an important advocacy group from the state, which contributed significantly during the consultations for submission to the JVC on the anti-rape laws in India.

The issue of dalit rights is often also discussed separately in smaller groups for more focused consultations with people who work specifically with and for dalit communities. Navsarjan Trust, Human Development and Research Centre, Janvikas and other such organisations meet in Gujarat to deliberate on laws, policies and the situation of implementation.

Engagement of groups within the public sphere at the national level

ENGAGEMENT DURING SITUATIONS OF CRISIS

Organisations have felt the need to align with other groups and networks across the country and even internationally in situations of crisis. Such a crisis emerged during the 2002 communal violence in Gujarat. All the participants in the research were actively reaching out to the victims of violence and providing relief and support. In the aftermath of the violence, help was received by organisations from outside the state of Gujarat in the form of relief, support in investigations, and support in advocacy. The alliances, Citizen's Initiative and the International Initiative for Justice in Gujarat, were formed with the crucial goal of bringing to light the impact of communal violence on the targeted communities in Gujarat in the year 2002. This initiative had a wider network of support from international activists and groups. The groups in Gujarat at the time were more engaged with relief work and were limited in their capacity to document and disseminate the impact of violence due to threatening political circumstances.

ISSUE-BASED NETWORKING

Specific issues which need to be discussed within specialised groups or with groups with similar concerns is one of the reasons for networking with organisations beyond the subnational level. For example, Navsarjan Trust, which mainly caters to the rights of dalit communities, is an important member of the Coalition on Amendment of Atrocity Act. The National Dalit Movement for Justice (NDMJ) in Delhi created this coalition to

consult with other organisations in India on the amendments needed in the SC/ST Prevention of Atrocities Act, 1989, an Act of the Indian state designed to prevent atrocities against dalit and tribal communities. NDMJ is connected with the National Campaign on Dalit Human Rights (NCDHR), which is a platform created to deliberate on the new challenges and new opportunities that present themselves with changing times.

Sometimes organisations also network with groups or join alliances to express claims that do not find full expression and acceptance at the subnational level. Sheba George reflects this aspect of alliance formation,

[The] women's movement was not recognising, acknowledging or wanting to acknowledge that poor women faced particular kinds or forms of violence, dalit women faced particular forms of violence, Muslim women faced [particular forms of violence at national and sub national levels]. Everybody was talking about violence in the domestic arena only. An NGO advisory committee formed for the Beijing conference in the 1990s later became the National Alliance of Women, which is basically for women who are working at the grassroots or with marginalised communities like dalits, tribals and Muslims. We wanted our voices to get heard. So while we were talking about violence against women in the home, we wanted to talk about social violence, political violence, violence based on identity, violence based on caste, violence based on religion. So these dimensions we started bringing into the mainstream discourse (interview, 28 May 2014).

The organisations at the subnational level join or build alliances to bring the issues of concern in the mainstream discourse of the women's movement both at the national and subnational levels and to find a better acceptance.

Arriving at a consensus

Meetings, conferences and workshops between groups and activists are meant for consultations, deliberations, clarifications and negotiations for the purpose of understanding each other's positions and ultimately building a consensus. Consensus may not always be found on every issue and is normally not easy to achieve where there are a range of related issues with many complexities. If the focus is narrow, there is a fear of excluding issues that are intricately related. Thus the debated issues discussed earlier arise from the basic question of what is to be included from the domain of the women's movement's analytical framework. So, for example, whether identity issues or livelihood concerns of women and communities are to be included in the framework for analysing violence against women becomes a central question.

REPRESENTATION OF VOICES

Some of the interviewees wondered if civil society members or the public sphere has provided adequate space for all to voice their views, especially if they are different from the dominant discourse of the public sphere. This emotion is captured well by Chacko's statement, "Yes, as humans we are equal, but I do not know whether we have given adequate space to the people with whom we are working. So we are democratic, we are secular, we believe in equality, liberty, fraternity, everything, but political space and the space for expression and the freedom to debate—even say the unsaid—suppose some of them were given opportunity, they might have" (interview, 30 May 2014).

Andharia is also of the opinion that not enough attention is being paid to the women's movements at the local community level. They tend to become invisible in the mainstream domain of the women's movement. Andharia comments on the large mobilisation of women's groups in Shehor in Gujarat on the issue of rape and violence against women, "I think these are also part of women's movements which are very invisible, what remains visible is urban people like us, you know who get privileged in

whom we are speaking to. ... it is a fault of the way our society and knowledge structures [function], you know, how knowledge is built, these are our shortcomings that we do not see them” (interview, 27 May 2014).

However, Sheba George pointed out that consultations for the JVC were first held at the level of Gujarat, and many of these meetings were with grassroots workers and conducted in the regional language. Recommendations from these smaller meetings were then included in the state-level consultation in Vadodara and a combined submission was sent.

Strategies of mobilisation

The strategies of the women’s groups include actions aimed at raising the public consciousness on a particular issue. The idea is to push the issues as defined by the women’s group in the public discourse such that it becomes a part of public consciousness and in turn also results in the desired changes at the level of society, as well as at the level of policy changes and implementation. Trupti Shah, for instance, refuses to call her campaign as an advocacy campaign calling it an awareness campaign instead. “All these things we publicise in newspapers and media, raising the kind of things that we have always done whether it is Patan case, wherever we send any letter, it is well publicised and so it is not just a simple advocacy, we make it an awareness issue, we do not call it advocacy. It is awareness campaign. Advocacy is a small part of it.” (interview, 29 May 2014)

Strategies of the women’s groups begin with clearly defining their claims for the public, and the use of terminologies which may lead to confusion is avoided. The main challenge that the women’s groups have faced is from the right-wing political parties or organisations that use similar terminologies as that of the women’s movement. To reveal that their claims are different from the right-wing groups, the women’s groups have had to coin terminologies which are different and which more clearly define their stand. So for example, the demand for the Uniform Civil Code, which is also a demand from the right-wing Hindutva organisations to have uniform personal laws for all, was called a secular civil code for gender justice. The renaming of the claim renders clarity in the eyes of the public as different from a similar claim from others.

The strategies adopted by women’s groups in Gujarat could be broadly divided into two kinds: (i) strategies specifically targeted towards the state and (ii) strategies targeted towards the society. Organisations, however, use a mix of these strategies rather than a single strategy.

STRATEGIES TARGETED AT THE STATE

Women’s groups have engaged in various kinds of strategies at different points of time. One set of strategies that the interviewees shared was related to collection of evidence and data for further advocacy with the state. Fact-finding missions have been carried out for individual cases of rape or in gang rapes, especially when the state agents played a hostile role against the victim. As noted earlier, fact-finding missions were carried out in the Sagbara gang rape case of a tribal girl, in the Harivallabh rape case, and for gang rapes of Muslim girls during the communal violence in the year 2002. These reports are published for wider dissemination and for advocacy with the state.

Another form of evidence gathering is through the Right to Information applications (RTIs) addressed to the concerned state bodies. For example, in January 2012 the Gujarat government issued a resolution that the scheme for compensation to rape

victims under the Criminal Injuries Compensation Boards is to be made operational in all districts under the Ministry of Department of Woman and Child Welfare. Under the scheme it was required that a board for this purpose ought to be set up in each district with members from the city hospital, representation from a NGO and government officials. Centre for Social Justice took the initiative of finding out whether such boards were appointed in all districts and whether compensation to the rape victims was being made. CSJ filed RTIs across the state to know how many of these boards had been constituted. Only four to five boards had been constituted by then. However, after the public outcry against the Nirbhaya rape case in December 2012, boards were set up in almost all the districts. The next RTI was to know if compensations were actually disbursed or not. From the information received, it was known that initially the funds were not made available, but later with constant pressurising by CSJ, funds arrived, but the process of compensation continued to be very slow (interview with Johanna, 26 May 2014). Thus women's groups first collect enough evidence to strengthen their case, before making claims from the state or related bodies.

One method is approaching the national and subnational commissions, which only have recommendatory powers, but have credibility and influence over the public and over the state. Women's organisations have often approached the National Human Rights Commission (NHRC) and State Human Rights Commission (SHRC) and the National Commission for Minorities. According to Navsarjan Trust, more than the SHRC, the NHRC has been quite responsive when cases of sexual violence where action was not being taken by the state were brought to its notice with an appeal to take action.

Special commissions are also set up by the state for specific matters relating to the masses where submissions are also invited by civil society organisations. One such commission is the Nanavati-Shah commission instituted for the purpose of inquiry into the Godhra Train burning incident which subsequently led to the communal violence in the state of Gujarat. Sahr Waru as part of the citizen's initiative that had collected a number of sexual violence cases from the violence in Gujarat, had compiled it together and submitted it to the commission.

Another strategy is to use public pressure through rallies, hearings, demands for public apologies, sit-ins, hunger strikes, press conferences, and so on. Organisations have also widely used signature campaigns to put pressure on the state. For example, after the Nirbhaya rape case, approximately 40,000 signatures from thirteen districts of Gujarat were submitted to the Minister of Women and Child Development to demand changes in the rape laws as well as changes in the legal procedures and proper implementation of laws to prevent sexual violence against women in March 2013 (Trupti Shah, personal communication, 14 November 2014). Trupti Shah had also used a signature campaign to pressurise the Collector of Baroda to make it mandatory for government offices to follow the Sexual Harassment at Work Place Act properly. Due to the pressure, he ceded to the demands of Sahiyar, which resulted in the formation of sexual harassment committees in about 40 to 45 government offices in Baroda (interview with Trupti Shah, 29 May 2014).

It is usually the case that progressive laws and policies may be passed at the national and subnational levels, but the state personnel are either not aware of the new laws or have not brought them into practice. Women's groups often take the initiative to undertake training for the police to make them gender conscious and to educate them about the new laws. In this manner, organisations also build a rapport with the police which is helpful when registering cases of sexual violence. Training modules, resource

materials and guidelines are developed for use by police personnel. In some cases, cells in police stations that receive cases of violence against women are operated by women's organisations or by the local women's justice committees.

Women's groups have also successfully used the courts for direction in procedures to be followed in a certain law, policy or an act of the state. The Protection of Women from Domestic Violence Act, 2005, made provisions for full-time protection officers in police stations but what was being provided at the police stations was either part-time or ad hoc protection officers. So CSJ had filed a petition in the High Court to direct the subnational police stations to appoint full-time protection officers and give the Act the due attention that it calls for (interview with Nupur, 26 May 2014).

Sometimes women's groups who hold expertise in certain matters are invited officially by the state bodies to give their recommendations on policy and legal matters. For instance, around 1998, the Women and Child Development Commissioner invited CSJ to give its recommendations on child sexual abuse and gender neutrality. However, since 2002, the government's initiative to engage with civil society groups has decreased, particularly with those that are now considered anti due to their stand during the communal violence of 2002. As Trupti Shah suggests, "the government's engagement with our kind of NGO is very low and I don't think they are consulting anybody. They are working through consultants" (interview, 29 May 2014). However, sometimes sensitive state personnel seek guidance from women's groups in their personal capacity,

Post-2002, there has been a reduction in this [in consultation from the state], so I have had the Commissioner for Women and Children very angry about something that the Gujarat government was proposing but she could not call me to her office on a working day. She said 'I want you to help me'. She opened the office on a Sunday and she made me draft her submission on why she is opposing that (anonymous respondent, interview, 2014).

Reviewing, critiquing of existing legislations, submission of new draft bills for amendments in existing laws or for passing of new laws is also carried out widely by the women's groups. International Women's Day on 8 March is another occasion when women groups from across the state come together to submit collective demands to the state.

In terms of its engagement with the state, AWAG undertook a study on domestic violence in Gujarat in 1985 and lobbied with the state to re-evaluate the criminal justice system in Gujarat from the perspective of women. AWAG also conducted regular police trainings to sensitise them about the conditions of women victims of violence and to use the laws effectively to curb further violence. It also organises public marches and rallies against incidents of violence to demand justice and to put pressure on the state. As a result of AWAG's hard work, the Gujarat government appointed a committee to examine the portrayal of gender stereotypes and subordinate status of women in school textbooks (Patel, on feministindia.org).

STRATEGIES TARGETING SOCIETY

An important strategy to influence society has been to gradually develop the agency and leadership of women belonging to the marginalised communities. The organisations form women's groups in the community and train them to critically analyse their situation and create a realisation that situations can indeed change for the better if they take action. ANANDI, Utthan, Swati and Sahr Waru are some of the organisations that

have successfully used this strategy to sensitise women themselves and help to bring a progressive change in their communities.

Another strategy used by organisations like Navsarjan Trust and Lakshya is to have the marginalised community themselves run the organisation. The community members are trained and recruited to run the organisation. This strategy results in better acceptance of its mandates and activities, as it is more representative of the voices of the marginalised group. Besides recruiting staff members, creating a network of paid or unpaid volunteers also aids in commitment from the community to bring about the desired changes in the society.

Educational programmes and trainings are also conducted for children of various ages in schools and with youth in the communities to sensitise them about gender, and other societal discriminations.

Lakshya, Swati, ANANDI and some other organisations, after building rapport with the police, often collaborate with them to conduct public awareness programmes. This collaboration helps the community to feel that the organisation is effective, reliable and has a certain influence on the police.

Public awareness programmes are carried out on different occasions, sometimes to garner support on a controversial case of violence against women, and sometimes to generate general public awareness on occasions such as Women's Day and during religious or community festivals. These programmes include street plays, public hearings, public poster exhibitions, competitions, gender-sensitive songs and information flyers.

AWAG also undertakes awareness-raising programmes with their women clients, such as workshops on health and social issues. Most of the participants in these workshops are victims of domestic violence who had approached AWAG for help. Public programmes includes street plays to highlight the pervasive nature of violence against women in communities and the importance of raising voices against all its forms. These street plays have inspired other women to become activists. Thus although the central area of work for AWAG is violence against women, they do see linkages with health and livelihood, and provide training to enhance the capabilities of women around livelihood, and to enhance their understanding and importance of their health.

3.2.4 Conclusion

Women's groups in Gujarat have been shaped and influenced by local, national and transnational forces, events and discourses. At the local level, women's groups in Gujarat have responded to individual cases of sexual violence since the early days of the contemporary women's movement in India, and in this process they have highlighted the complexities and the vulnerabilities of rape victims in seeking justice. The rape cases described above are only a few of the innumerable cases that encapsulate the kind of struggles that women's groups in Gujarat have endured to seek justice. Some of the struggles around the cases have led to successes, but most resulted in limited success or outright failure in bringing justice to the victim. Further, women's groups have been repeatedly rocked and distressed by communal violence, the most disturbing of which was the 2002 communal carnage against the minorities carried out with state complicity. The response of women's groups in these challenging circumstances has been to continuously modify their relationship with the state and their strategies to influence policy change.

Nationally, the women's groups in Gujarat have been influenced by the discourses within the wider women's movement in India. The national-level conferences, consultations and networking have led to new initiatives in Gujarat with a multiplying effect and a spreading of work against violence at the subnational level. Transnational platforms, especially at the UN level, have also led to enthusiasm and flourishing of new ideas as well as alliances and networks both sub nationally and nationally. Women's groups in Gujarat have also been articulating their claims emerging from their local conditions at these national and international platforms and often find greater expression in these forums compared to the ones at subnational level. Some of the claims that were brought forth effectively are related to violence against women in mass crime situations, state repression and the essential linkages of violence against women with economic and social conditions of women and communities.

The women's groups in Gujarat, like anywhere else, are not a monolithic group. The groups interviewed for this study comprised identity groups, organisations that facilitate formation of community-based women's groups in rural and urban settings, crisis centres for violence against women, groups comprising legal professionals that provide legal aid and support. Besides their varying experiences, all these organisations advocate and lobby the state for gender-sensitive laws and policies, and their implementation at the local level. Public pressure tactics are also used to stress the urgency of changes or actions needed on the part of the state. These strategies include public protests, public hearings, and signature campaigns; these tactics therefore mobilise a wider public to engage with the state. The women's groups in Gujarat, thus use various kinds of strategies and techniques to advocate the required changes depending on their areas of expertise and strengths.

In doing so, they have developed and continue to develop a wide range of strategies from the collection of evidence to the direct collaboration with state bodies; from public demonstrations to the provision of information on violence against women.

Women's organisations in Gujarat are strongly influenced by the features of their state, where the trauma of the communal violence and the strong marginalisation of Muslim, dalits and tribal communities impact their ways to articulate claims.

3.3 Anti-Rape Mobilisations in Karnataka: Alternate Conceptions of Equality and Justice

Karnataka has a vibrant culture of autonomous women's groups that focus on violence against women. One of the first organisations in the contemporary history of the women's movement in Karnataka is Vimochana (Liberation), which was established in 1979 in Bangalore. It emerged out of the Centre for Informal Development Studies collective (CIEDS).⁸² Other organisations such as Stree Jagriti Samithi emerged out of the "angst and frustration" in the aftermath of the Mathura rape case in the early 1980s, but also with a clear understanding of the economic oppression of women. Starting life in 1980 in Bombay "working in the unorganised sector and in the Bombay slums", SJS moved to Bangalore with its founder member Geeta Menon in 1984, setting up the Stree Jagriti Samithi in the slums of south Bangalore in 1986 (interview with Geeta Menon, 17 June 2014). Similarly, other women's organisations such as Women's Voice also

⁸² The CIEDS collective came together in 1976 in the context of the political emergency of 1975 from a Trotskyite tradition in left politics (see Vimochana website, <http://www.vimochana.net.in/home.html>, last accessed 20 March 2016).

took shape in the 1980s with a clear focus on women's economic exploitation and locating their interventions in the framework of caste injustice (interview with Ruth Manorama, 19 June 2014). Organisations such as Hengasara Hakkinna Sangha (Women's Rights Group), focusing on women's human rights through an engagement with legal literacy, emerged in the 1990s (interview with Indhu, 20 June 2014).

More recently, Karnataka, and particularly Bangalore, have seen a proliferation of groups focusing on LGBT rights since the early 2000s: Sangama, Samuha, Aneka, LesBit, Karnataka Sexual Minorities Forum, Karnataka Sex Workers Forum and several others. Two organisations—Good as You and Sabrang—began in the 1990s.⁸³

Further, Karnataka has a long history of dalit mobilisation, particularly since the 1970s with the emergence of the Dalit Sangharsh Samithi (DSS) (Nagaraj 1993; Japhet 1997). Although DSS had a women's wing (the Dalit Women's Federation) at its inception, dalit feminist politics in Karnataka has itself taken longer to emerge as a political force (Chigateri 2004). Over the last decade or more, the DSS has splintered into several groups, and several other dalit groups such as the Madiga Reservation Horatta Samiti (MRHS) were formed, providing a diverse and dynamic dalit political field in Karnataka. Groups such as Women's Voice, the National Federation of Dalit Women as well as the Dalit Mahila Okoota (Dalit Women's Federation) have emerged as significant actors representing dalit feminist politics in Karnataka. Other human rights groups such as Peoples Union for Civil Liberties-Karnataka (PUCL-K) and the Alternative Law Forum have also intervened significantly in anti-rape mobilisations.

The engagement of groups from Bangalore on the question of violence, particularly through the work of older groups such as Vimochana, began from the start of mobilisations against the Mathura judgement (Kumar 1993; Gangoli 2007). When women's groups got together in Mumbai to debate the recommendations for changes to the law on sexual violence, Vimochana was an active participant (interview with Celine, 23 July 2014). Vimochana was also closely involved with mobilisations with other cases that took on a national character, the Rameeza Bi case in Hyderabad as well as the mobilisations against the Maya Tyagi case.⁸⁴ Celine, who is the Coordinator of the Crisis Intervention Centre at Vimochana, locates the difficulties not just of mobilising on violence against women, but the lack of a vocabulary to talk of the issue. She also locates how this began to change with the charged and transformatory context of the early mobilisations energising women's groups, with discussions moving well beyond the particular context of these cases,

These rape cases really brought us together and there were lots of discussions, where for the first time we were talking about something happening on our being, which was never spoken. And second was, 'can that be done by somebody who is married to you?' I mean these were very very radical issues at that time. Nobody was talking. They used to look at us as if we were mad and we spoke about that kind of intrusion whether by police whether in the name of the law, whoever does it (interview, 23 July 2014).

Moreover, apart from the transformations within groups, the early mobilisations had an impact on public discourse too. "Very few writings or questionings were there. And then when this Mathura thing came, and people started talking in our words. What is the role of the police, what is the role of judges, how does the court engage with these kind

⁸³ PUCL-K 2001; Manohar 2005; Chandran 2011.

⁸⁴ See national section for details.

of things? And the entire country vocalized, [started] talking, discussing” (interview with Celine, 23 July 2014).

Since those early mobilisations, groups from Karnataka, particularly from Bangalore, have continued to be involved in national level mobilisations on anti-rape laws through the 1990s and up to the recent mobilisations on the enactment of the Criminal Law Amendment Act 2013. In the broader context of women’s groups’ interventions on violence against women, groups in Karnataka have also mobilised on dowry prohibition and domestic violence laws and policies, as well as sexual harassment laws post the Bhanwari Devi case, the communal violence bill, and sex workers rights.⁸⁵ Vimochana’s own work on violence against women post its inception for instance, focused on dowry deaths and “personal” violence. In 1993, the organisation established the women’s crisis intervention centre Angala (Courtyard) in order to “systematically reach out, respond and offer moral, social and legal support to women who [were] victims of violence and abuse both within marriage and outside”.⁸⁶ Similarly, in 1997, the Campaign to Protect the Right of a Woman to Live was initiated. The campaign focused on studying the “increasing violence and deaths (from suicides or murders) of women within the first few months/years of marriage due to harassment for dowry”. This campaign led to the setting up of a unit at the government-run Victoria Hospital with the purposes of monitoring the police investigation of admitted cases of burning and to offer support to the survivors and their families.⁸⁷

In this section, we locate the more subnational mobilisations that groups have engaged in, and reflect on how these may have influenced engagements at the national level.

3.3.1 Claims making by groups on anti-rape laws in Karnataka

Relationship with the law

The question of the relationship of women’s groups with the state and the law have animated feminist engagements on violence against women in Karnataka, as well as nationally.⁸⁸ Geeta Menon of Stree Jagriti Samithi talks of this in terms of whether feminist groups conceive of the state as a “friend or an enemy”. She argues that early on, although women’s groups called upon the state for special mechanisms to deal with violence against women, an institutional critique of the state and its mechanisms were necessary.

[At that time] we were seeing that a lot of the women’s movement had fought for family courts and for women judges. ...But ... even though there is a family court headed by a woman judge, finally it is the laws that are the same and regressive laws that are being followed. ... So these were the questions we were raising all the time in the women’s movement, because if you are clear that the state is not our ally, then the state has to be looked at in terms of [serving] vested interests of patriarchy, caste and class (interview, 26 July 2014).

Corrine Kumar, a founder member of Vimochana nuances this critique by talking of a schizoid relationship in their engagements with law,

⁸⁵ See interviews with Indhu, HHS, 20 June 2014 and Vimochana website, <http://www.vimochana.net.in/home.html>, last accessed 20 March 2016.

⁸⁶ See Vimochana website, <http://www.vimochana.net.in/home.html>, last accessed 20 March 2016. This intervention centre continues to offer support to survivors of violence with Vimochana, responding to about 400-450 women and families at any given point of time. This case-based intervention through counselling and direct intervention, providing medical, social and legal support has become a core part of Vimochana’s work (interview with Celine, 23 July 2014; also Ghadially 2007).

⁸⁷ See Vimochana website, <http://www.vimochana.net.in/home.html>, last accessed 20 March 2016.

⁸⁸ See the national section for details.

For 35 years we have used the laws. We have asked for a dowry law, worked so hard on the Dowry Prohibition Act, worked hard on getting even the family courts as an institution of justice. And realised more and more that if the paradigm does not change, the shift does not happen, if patriarchy is still embedded in the laws, the laws which are so gendered, which lens are we looking through and why are we so shocked that the laws do not see the women?...Seemingly on issues of violence against women there are these huge loopholes in the law and huge gaps which the women just fall through...I say we are schizoid in Vimochana because we are using the law, we are using the police, we are using the institutions of justice, we do go to the mediation centre, we do go to the family courts, civil and criminal courts. Yes, but where are we getting in all this? The delays in the justice system are horrendous...I mean people do not live sometimes—most of the times—and through all this, the delays, the loopholes, the corruption within (interview, 23 July 2014).

IMPLEMENTATION OF LAWS AND POLICIES

At the razor's edge of women's schizoid relationship with the law, women's groups in Karnataka work with the state to make it accountable, while simultaneously critiquing the processes through which the law is implemented. According to Donna Fernandez (Vimochana), the law is one recourse among many for women's groups in their quest for justice because "for women victims of violence, it is such an unfriendly process" (interview, 23 July, 2014). Moreover, even with changed laws, the practice does not necessarily keep up. For instance, although the protocols on medical examination have changed after the Supreme Court judgement on the two-finger test and the new protocols of the Ministry of Health in 2014,⁸⁹ they are not applied in practice. As Donna Fernandez recounts, a mentally challenged woman victim of rape was kept nude for three/four hours for a medical examination in a Mysore hospital in contrast with the new rules. "How does the law address a question like that?" she asks (interview with Donna Fernandez, 23 July, 2014).

Further, the way implementers interpret the law may not always be consistent with the purport of the newly reformed laws. For instance, in a recent case of a gang rape in Fraser town,⁹⁰ the inspector downgraded the offence against the accused to molestation because it did not involve penile penetration. Donna Fernandez reflects on this case,

What was very revealing was that the inspector said ... that he was not aware of the law. So this gap between the law which was passed more than a year ago ... Therefore what he did was, when this woman talked of rape which is not in the usual way of penile penetration, he thought it is molestation because that is how it was all this while till the new law [2013 Act] came. But the new law seems to remain only on the paper and it does not get translated on to people who are enforcing the law (interview with Donna Fernandez, 23 July, 2014).

She also asks the larger question of accountability—who is accountable for his lack of knowledge? Donna also suggests that the police may not be the "best people to deal with cases of rape" because these are very gender specific laws, but we have the same "flawed legal system" for implementation. Her argument is that the "[the substantive

⁸⁹ A Committee was set up by the Health Department after the Justice Verma Committee recommendations to design protocols for the medical examinations of victims of sexual assaults. Renu Khanna (Sahaj), who was a member of this committee, talks of the gamut of issues that the committee had to consider: "how do you do the exam in a woman-centered, non-invasive way, how do you collect evidence and then what do you do, ...counseling ... that was what that committee did for the health department". In March 2014, based on these discussions, a report was released on the protocols to be followed by dealing with sexual assault victims. Renu Khanna argues, however, that there was a conflict at the heart of the report, "one of the things in the health committee protocol which people were not happy with was this whole thing of mandatory reporting. The argument by [women's groups in the committee] was that if the woman does not want to report than you should respect her autonomy. However, the health system, the legal system and the justice system say that if you know that there has been a sexual assault you have to report it. So there is a conflict between a woman's autonomy and the system requirements" (interview, 9 September 2014).

⁹⁰ This case was one of the first cases where a policeman was charged with the new offence of dereliction of duty (Section 166A) inserted by the Criminal Law Amendment Act 2013 (see newspaper reports on 15 July 2014, particularly Swamy, Bangalore Mirror, for details of the case).

part of] laws themselves maybe good but we are using the same old structures, the same old systems to translate these laws and it does not work”. Talking about a recent child abuse case in a popular school in Bangalore, she asks “how do you expect a bloody rough policeman in his suit and boot and khaki to come and talk to a child who is six-year-old? Does [he know] that baby language even to talk to her to find out something so traumatizing?” She suggests that what we need “are psychologists, women’s rights activists, multiple things” (interview with Donna Fernandez, 23 July, 2014)⁹¹.

Feminist responses to the arduous process of implementation in a flawed system has also been to work with the system itself to bring about change. For instance, Hengasara Hakkina Sangha set about dealing with the problem of implementation through a fellowship programme for lawyers.⁹² Indhu, the Executive Director of HHS recounts the reasons for the programme and what they did:

I mean the system almost seems indestructible and set in stone. ...We realised women were finding difficulties in the court processes, not having gender sensitive lawyers and judges....I mean not just talking about Bangalore, we are also talking about all over Karnataka. People want someone gender sensitive to be able to give them some advice....So we ran two rounds of lawyers fellowship programme, selecting lawyers from the small towns and taking them through a year of capacity building, paying them a stipend so that they are able to work (interview, 20 June 2014).

They successfully trained around 20 lawyers in 14 districts of Karnataka. HHS connected them with the women’s organisations across the state, so they could provide gender-sensitive services. She says that the refrain is always, “we want law, law, law. Law came, and there was not much focus on how it is going to get implemented.” (interview, 20 June 2014).

HHS also monitors the implementation of the Protection of Women from Domestic Violence Act 2005 (PWDVA) by understanding the rules that have been made, and tracking who are appointed as protection officers, how much training they have received, and whether they have become involved with the training. Some of HHS’s other monitoring work revolves around Santwana centres, which are run by the Government of Karnataka since 2002 for any woman who faces violence. Based on what Indhu terms the “outsourcing model of the government”, it funds NGOs to run these centres (augmented with additional resources). However, the government has not set out any clear guidelines on how these are to be set up. HHS carried out a study on the Santwana centres through which it became clear that a lot of women used the facilities, but the quality of the centres was poor. HHS then conducted a study “which looked at the quality and accessibility of these services”. Using the findings of this report, it got various state agencies involved, such as the Department of Women and Child Development, Legal Services Authority and the police, to “impress upon state agencies the need for certain uniformity across the board and certain benchmarks for quality” (interview with Indhu, 20 June 2014).

⁹¹ This understanding that an alternate system of justice is better equipped to hear and deal with the violence that women face runs through the work of Vimochana. It is behind its World Courts of Women, and also behind its interest in offering to test the government’s proposal on Nirbhaya centres for dealing with victims of violence, to which we will return below.

⁹² HHS is a women’s organisation set up in the 1990s to deal with the issues of women’s rights through legal literacy, training and advocacy.

Similarly, AIDWA Karnataka critically engages with the Karnataka government on a current sensitisation programme for students in around 65,000 schools and colleges.⁹³ The programme mainly focuses on the Indian legal framework to eradicate violence against women. AIDWA welcomed the programme but raised some concerns on its contents. It advocated for a more gender-sensitive approach to change mind-sets on gender, instead of instilling fear through the knowledge of law (interview with KS Lakshmi, 18 June 2014).

AIDWA, and other groups such as Vimochana, also use case-specific interventions. Based on the programmatic priorities set by their state level committees for three years, AIDWA intervenes on cases of violence against women whether this is on sex selective abortions, cases of violence related to inter-caste marriage, domestic violence, or dowry deaths.

A recent case where AIDWA was able to mobilise at the state level was the case of a PUC (pre-university course) student who was raped and murdered on her way home from college in Dharmasthala near Mangalore in October 2012 (for details, see Raghuram 2012). When after a year, there were still no arrests, mobilisations were taken up at the state level by AIDWA and other organisations. Apart from several agitations at the local level, KS Lakshmi recounts that in Bangalore, an indefinite strike was held in front of Town Hall where nearly 60 organisations came together, after which a Central Bureau of Investigation (CBI) inquiry was finally ordered into the case, which KS Lakshmi suggests is the first instituted for a case of violence against women. Now AIDWA is demanding a CBI inquiry into 492 cases of unnatural deaths of women in Dharmasthala (interview, 18 June 2014).

CLAIMING AN ALTERNATE SYSTEM OF JUSTICE: WORLD COURTS OF WOMEN AND WOMEN-FRIENDLY NIRBHAYA CENTRES

Among their claims making on women's rights, Vimochana demands and advocates for a women-centred system of justice. Their daily work with the nitty gritty of the existing system of justice has fuelled their alternate visions for the Nirbhaya Centres proposed by the government. As Corrine Kumar, founder member of Vimochana puts it, "Now women who are victims of crime need to heal in another way. And the healing will not come through the police, will not come through the law courts, will not come through the hospital. Can the alternative justice that we are talking about, can it bring in a whole dimension of healing?" interview, 23 July 2014).

According to her, setting up Nirbhaya Centres in safe spaces for women would offer a better possibility of healing: "where you have a kind of an ambience and a kind of a space where the woman can feel that this is a safe place". Arguing against the "adjust maadi"⁹⁴ kind of attitude that penetrates our legal institutions where women are expected to conform to the system and get by, she says:

What happens in our institutions of justice, law and order, medical ..., it is very easy to put women into categories and into objects so that you have to separate them from the feelings. How many times a woman has been told 'if you are going to be good witness do not cry, if you are going to be a good witness forget your trauma, if you are going to be a good witness, you do not have a memory so you just answer what I as a prosecutor am going to ask you, I as a lawyer am going to ask you'. Now this has erased a way of knowing that can take us into a deeper layer of knowledge, that will bring us other insights. And this is what we are preventing ourselves by continuing in this kind of dominant way to knowledge, the dominant cosmology that says the way to knowledge is

⁹³ AIDWA Karnataka has a large state presence with about 7,000 members in Bangalore and about 72,000 members across Karnataka, most of whom are from disadvantaged communities including 40% dalits. They work on issues of violence at various levels.

⁹⁴ This is a colloquial Kannada expression which means "accommodate/adjust to circumstances".

scientific, it must be proved, it must be logical, it must be objective. And I say to you, no, when we are talking in terms of violence against women, that is the person who has been subjected to that violence. You must listen to her voice (interview, 23 July 2014).

Based on this alternate form of knowing which centres women's voices, Vimochana developed a programme called World Courts of Women in collaboration with the international NGO El Taller. Since 1992, the courts of women have been held in several parts of Asia and the Pacific on various issues, including violence against women, war crimes, dowry, HIV-AIDS and trafficking. The purpose of these courts is to make the case for an alternative vision of justice that is open to voices of women and the emotional dimension of their traumas,

What we have found in the courts is that we are using all our old paradigms and old frameworks to understand what is this violence. How do we understand violence against woman? When it comes through the police, it is the FIR. When it goes to the courts, the court case that goes on the evidence that it has called for at the trial. All of these processes are further victimising the women. Even how we know what we say we know and bring into these kind of public institutions of justice is a way to knowledge that is always seen as something that is objective, distanced, linear, logical—that is the kind of knowledge that we use to bring justice in the law court. There is no place for tears, no place for trauma, no place for emotions, no place for memory, no place for history, no place for the woman, no place for the world views and the life stories of the women. There is just the crime and she is the object of the crime (interview with Corinne Kumar, 18 June 2014).⁹⁵

This alternate understanding of justice runs through the kind of campaigns and modes of strategising that Vimochana do as well (on which more below).

Claims Making by Sexuality Minorities: Transforming Debates on Violence against Women

Karnataka has a number of organisations focused on the rights of sexuality minorities. One hypothesis for the growth of sexuality minorities' organisations is related to the specific context of the rich history of political movements in Karnataka, particularly since the 1970s. According to Rajesh, an activist from Sangama, the emergence of groups such as the DSS and the CIEDS collective provided the foundation for collectivisation among sexuality minorities groups (interview, 15 August 2014). The cases of sexual violence against sex workers and the transgender community—often perpetuated by the police—were another propelling factor of the mobilisation on sexuality minorities' rights.

The history of the mobilisation on LGBT rights in the state is usually traced to the setting up of Good as You—a support group for the gay community in Bangalore – in 1994 (Chandran 2011). Many other sexuality minority organisations started working in late 1990s, but officially registered themselves only in early 2000s. One of them, Sangama, initially worked exclusively with sexuality minorities, but expanded its focus to include sex workers and people living with HIV in the mid-2000s. The group's primary focus was the establishment of a documentation centre, after which it supported the creation of other organisations such as Samara, Sadhane, LesBit and the Karnataka Sex Workers Union (Interview with Gurukiran Shetty, 15 August 2014). Samara and Sadhane are organisations of sex workers and people from sexuality minorities. They deliver services for the HIV prevention and organise support groups for HIV positive

⁹⁵ The Courts of Women as an alternate system of justice resonates to some extent with the *nari adalats* (women's courts) under the Mahila Samakhya programme. In Karnataka, *nari adalats* came to the notice of the *sanghas* (women's organisations), through an exposure trip to Gujarat, where they witnessed the working of this non-formal dispute mechanism. The first Nari Adalat was set up in 2000 in Gulbarga in response to (Purushothaman 2010; also see interview with Corinne Kumar, 23 July 2014).

people in Bangalore respectively. LesBit, which specifically focuses on lesbian, bisexual and trans women, separated from Sangama due to differences of opinion (interview, Gurukiran Shetty, 15 August 2014; see also interview with Sumathi Murthy, 24 July 2014). The Karnataka Sex Workers Union is a membership-based union that addresses specific rights of sex workers in the state. In 2008, a fifth organisation called the Karnataka Sexual Minorities Forum started as an advocacy platform for sexuality minority rights (interview with Gurukiran Shetty, 15 August 2014). Apart from this family of organisations, another closely affiliated organisations is Aneka, which works to promote the rights of marginalised communities especially sexuality minorities, sex workers, women, and people living with HIV by supporting community organisations, and engaging in policy advocacy and in research (interview with Shubha Chacko, Aneka, 24 July 2014).

At the state level, there is an active campaign group called Campaign for Sexuality Minority Rights (CSMR), constituted by many of these groups, as well as others such as the Alternate Law Forum, PUCL, Good as You, We are Here and Queer (WHAQ) and Swabhava.

CASES THAT PROPELLED SEXUALITY MINORITIES' MOBILISATION

In 2002, four kothi sex workers were picked up, harassed and severely beaten up by the police in a police station in Bangalore (PUCL-K 2003). They were later released, without charges, but with a warning to not appear again on the streets of the city. This case was one in a spate of recurring violence against the transgender community by the police which led to a group of organisations instituting a joint fact-finding mission to investigate the human rights violations and suggest measures for redressal of grievances and securing justice (PUCL-K 2003).⁹⁶ The significance of the report was to echo beyond the particular context of Karnataka. Indeed, the report was used by the Delhi High Court in the landmark judgement in *Naz Foundation v. NCR Delhi*⁹⁷ to link the violence suffered by the transgender community to Section 377 which criminalises homosexuality. Moreover, the PUCL-K report was employed extensively to make the case for “gender neutrality” in relation to the victim of sexual assault around which most feminist organisations coalesced prior to the Criminal Law Amendment Act 2013 (interview with Narrain, 23 July 2014; Mundkur and Narrain 2013).

There were other significant cases that mobilised groups in Karnataka, particularly in the context of police brutality. In 2004, a transgender woman, Kokila, was raped by 10 men and further harassed and tortured by the police when she went to register a complaint (interview with Gurukiran Shetty, 15 August 2014; Mundkur and Narrain 2013). Furthermore, between 2005 and 2006, four sex workers were arrested by the police in the town of Channapatna (Ramnagar district) with the false accusation of running a brothel. The media covered this incident without protecting the privacy of the women. Sangama called for a protest that was brutally repressed by the police. A wider protest with over 40 groups in Bangalore resulted in complaints being registered with the Bangalore rural Superintendent of Police (SP), Ramnagar SP, the States Human Rights Commission and the National Human Rights Commission. Further, a fact-finding mission uncovered the details of the incident. This rapid mobilisation propelled the government to action: the police officer was transferred and the local offices of

⁹⁶ The organisations included People's Union for Civil Liberties (Karnataka), Alternative Law Forum, People's Democratic Forum, Sangama and Vimochana.

⁹⁷ *Naz Foundation v. Govt. of NCT of Delhi*, 160 Delhi Law Times 277 (Delhi High Court 2009). This judgement read down Section 377 of the Indian Penal Code, decriminalizing homosexuality. However, it was later overturned by the judgement of the Supreme Court in December 2013 in *Suresh Kumar Koushal and Another v Naz Foundation*, making “unnatural sexual offences” a crime again.

Sangama were reopened after being closed by the police during the protest. If the Kokila case was a significant moment for the mobilisation of sexuality minorities because it brought groups together to focus specifically on sexual violence and the requirement of gender neutrality in sexual assault laws (interview with Rajesh, 15 August 2014), the second case channelled the mobilisation of sex workers through the establishment of the Karnataka Sex Workers Union (interview with Gurukiran Shetty, 15 August 2014).

After few years, in 2008, the new Commissioner of Police appointed by the Bhartiya Janata Party (BJP) government approved a circular that authorised the arrest of transgender people for causing nuisance at the traffic lights. Five transgender women were arrested thereafter, and when Sangama staff intervened, they were arrested too, and were stripped naked, physically assaulted and harassed (interview with Gurukiran Shetty, 15 August 2014). The ensuing mobilisation was not only supported by sexuality minorities' organisations, but also by other groups including the Dalit Women's Forum and the Garment and Textile Workers Union. A further arrest of other five people intensified the protest. The escalation of tension between protesters and police resulted in more arrests (some were later released on bail). A notice by the police to homeowners left many transgender people and individuals from other sexuality minorities homeless.⁹⁸ The organisations responded with a series of actions to increase the awareness and the knowledge of transgender issues among the police personnel and wider society. They proposed a week of action, in which Vimochana organised the Women in Black protest, and Sangama themselves employed "gandhigiri".⁹⁹ This entailed going to police stations and offering flowers to the police entreating them to understand transgenders. They also distributed leaflets. Gurukiran estimates that they distributed about one lakh (100,000) leaflets during that time. Further, they also used a helpline to educate the public about the context of the transgender community (interview with Gurukiran Shetty, 15 August 2014).

The actions taken on these cases proved to be significant, although they did not always lead to positive results. However, thanks to these mobilisations, sexuality minority groups managed to establish a clear presence in Karnataka. The initial actions propelled further mobilisations on claims such as social security for sexuality minority communities as well as a strong intervention in debates on sexual assault laws (particularly on gender neutrality and sexuality minority related issues) at the national level.

THE KARNATAKA SEX WORKERS UNION

After the Channapatna case, in 2007, a group of sex workers established the Karnataka Sex Workers Union (KSWU) in order to better intervene in case of crises, to engage with each other about the nature of their work, to disseminate information on the Immoral Trafficking of Persons Act (ITPA) and discuss strategies on how to negotiate the law and the police. The Union works with female sex workers, transgender sex workers and male sex workers in seven districts of Karnataka¹⁰⁰ (interview with Nisha Gulur, 11 August 2014).

⁹⁸ Gurukiran recalls that while their usual number of weekly crisis cases were about 8-10, in the period following the arrests, the cases went up to 40.

⁹⁹ Gandhigiri refers to an interpretation of Mahatma Gandhi's non-violent protest, popularised by the Hindi film, *Lage Raho Munnabhai*.

¹⁰⁰ The seven districts are Bangalore, Ramnagar, Bangalore rural, Bangalore urban, Ramnagar, Kolar, Chikkaballapur, Tumkur and Hassan. At the moment, there are 2,500 members in the union, with an elected board of 11 members.

Although the Karnataka Health Department recognises sex workers as workers in its programmes, they are not yet recognised as such by the Labour Department. Since 2009, the trade union has tried in vain to register the union. The requests were rejected because of the arguments made by the state that sex work was not legal and that the employer/employee relationship does not subsist in this context (Interview with Gurukiran Shetty, 15 August 2014).¹⁰¹ However, the New Trade Union Initiative, which is a national federation of various unorganised workers unions, have given the KSWU membership.

The president Nisha Gulur of KSWU describes the kinds of violence faced by sex workers, including violence by intimate partners, brothel owners and police (interview, 11 August 2014). Apart from these types of violence, she points to the complete lack of recognition of the fact that sex workers can actually experience violence.

In their recommendations to the Home Affairs Select Committee on the Criminal Law Amendment Bill 2012, the National Network of Sex Workers (NNSW), of which the KSWU is a member, also located the sexual violence within sex work and state violence against sex workers (draft submission, on file courtesy Aneka). In its letter, the NNSW recommends that the state recognise the aggravated nature of the sexual assault against sex workers by people in authority. They also recommend that the law include a new clause under Section 375 recognising that sex workers can also be sexually assaulted. Moreover, they recommend that the victim of sexual assault ought to be gender neutral, as these experiences of sex workers are not restricted by gender. The letter also recommends certain protocols to be followed in dealing with cases of sexual assault against sex workers (interview with Nisha Gulur, 11 August 2014).

As we have seen in the national-level section above, the JVC recommendations did not make any distinction between sex work and trafficking. While this was rectified in the Criminal Law Amendment Act, the other recommendations made by groups such as NNSW did not make it to the Criminal Law Amendment Act, leaving sex workers unprotected by the criminal law.

The recommendations on the amendments to the criminal law, as we have seen in this section, have emerged from the experiences of sex workers in Karnataka (as elsewhere). Groups such as Sangama, Aneka and the Karnataka Sex Workers Forum have been instrumental in seeking these changes to the law at the national level. Moreover, as we have seen in the national-level section above, groups such as LesBit and Aneka have also been part of efforts to broaden understanding of gender neutrality to gender inclusivity, based on their experiences with sexuality minority groups in Karnataka.

Dalit women and sexual violence

The question of the marginality and invisibilisation of dalit women's claims is reflected in the mobilisations in Karnataka (just as they are at the national level and in Gujarat). Groups working with dalit women in Karnataka point out that despite the many incidents of violence against dalit women, they do not get attention at either local level or at state and national levels. As Ruth Manorama of Women's Voice puts it, "dalit women are very very upset by it. They say that look when there is an issue of rape, the Nirbhaya case has got so much [publicity]. One after another, in about 40 days, there were 22-24 cases of rape [of dalit women] and nobody really raised their voice" (interview with Ruth Manorama, 16 August 2014).

¹⁰¹ The trade union is working with Lawyers Collective and ALF to take the case forward.

Even so, there are groups mobilising and supporting the claims making on and by dalit women at both the state and national levels. Ruth Manorama, who has been an integral part of the formation of the NFDW and has also been integral to the mobilisations on dalit women at the national and international levels, argues that “dalit women’s issue and the [question of] violence has been taken up the National Federation of Dalit Women to a very great extent to the CEDAW committee in 1998, 2000 itself”. Moreover, through her work with the National Alliance of Women’s Organisations, of which she is President, she ensures that the question of dalit women finds a place in the shadow reports to CEDAW (interview, 16 Aug 2014).

In Karnataka, there are organisations such as the Dalit Women’s Federation that mobilise specifically on claims from dalit women.¹⁰² Moreover, dalit women are supported by other organisations. AIDWA Karnataka organised a campaign on devadasi women urging the state to provide livelihood alternatives and pension scheme for these women (interview with Lakshmi, 18 June 2014).

PUCL Karnataka have also documented sexual assaults against dalit women. In its submission to the JVC, the organisation made particular mention of the case of Budhihalli in Chitradurga district where the organisation found “a tragic tale of continued and large-scale sexual exploitation of Madiga women (dalit women) at the hands of Gollas and Nayakas—the land holding communities”. Further, the state machinery was insensitive to “the great psychological and social barriers that Madiga women faced to openly acknowledge, let alone file FIRs and register cases of sexual exploitation against males from dominant communities” (PUCL-K 2013). In their submission to the JVC, PUCL-K recommends that the Criminal Law Amendment Act should provide better accessibility to medical centres and police stations for dalit women, and the presence of a woman constable at all police stations (see submission to the JVC).

Although groups such as Women’s Voice also target their mobilisations at the national level, there are significant mobilisations at the subnational level as evidenced by the PUCL-K report.

3.3.2 *Processes of mobilisation*

As mentioned above, there are many ways in which groups in Karnataka engage with each other and with the state. The autonomous women’s conferences provided valuable spaces for women’s groups to engage with issues of particular significance to them. Geeta Menon remembers the Calicut conference, where the issue of religious fundamentalism was taken up, and Ruth Manorama remembers the Tirupati conference where dalit women stormed the conference (interviews, Geeta Menon, 26 July 2014 and Ruth Manorama, 16 August 2014). Vimochana has been closely involved with these conferences as well through their involvement in the National Coordination Committee.

Apart from these autonomous women’s conferences, groups have also used networks such as the Campaign on Sexuality Minorities Rights at the state level to raise issues pertaining to sexuality minority rights groups. Groups are also part of several national level campaign groups such as the National Network of Sex Workers (NNSW) which provide a forum for debates and consensus formation.

¹⁰² However, owing to an inability to interview them, we are unable to document their interventions at the subnational and national level.

Groups also note the changes in the modes of communication since the early days of the movement to more recent mobilisations. Celine (Vimochana) recalls the difficulties of communicating in the early days, “everything was taking time, and to get the phone line was not so easy, you know you have to make a trunk call and all that. Really, you can’t imagine, we used to send cyclostyle papers” (interview, 23 July 2014). Gurukiran Shetty (Sangama), on the other hand points to the role of the social media in mobilising more than 40 groups during the Channapatna case: “Many groups came together, because we are very good in [using] open space. There is a Google group where more than 2,000 NGOs are connected” (interview, 15 August 2014).

To mobilise the wider public and raise awareness, organisations have used a wide range of strategies such as handbills, leaflets, phone lines and press briefings (Interviews with Sangama, 15 August 2014 and AIDWA, 18 June 2014). Celine talks of Vimochana’s early campaigns in the 1980s:

“[The] first campaign was go on the streets, wall writings, street theatre, talking to students ..., go to...the bus stop and sing lots of songs. ... We used to take ladders and climb up [and] attack the hoardings [which portrayed women in a derogatory manner]. Some hoardings were 200 feet high, and we would take one ladder, two ladder, three ladders, [tie it] tight like that ... and climb up and paint it” (interview, 23 July 2014).

Since 1993, Vimochana has organised Women in Black protests which is “formal, silent, featuring black clothing, black placards, black banners” (Cockburn 2007). The first one was held in the aftermath of the demolition of the Babri Masjid to protest against the communal violence. In the 2000s, Vimochana used this form of protest to draw attention to, among other things, war crimes and the violence against the transgender community. Other strategies that groups employ are one-to-one meetings with sexuality minority communities, interventions for specific cases (Vimochana, Sangama, KSWU, LesBit and AIDWA) and training and capacity building of women’s groups (HHS).

Groups have also engaged in innovative strategies targeted at the state. Fact-finding missions and reports are one way in which groups have sought to make governments accountable for state violence and for its apathy towards the violence committed against individuals from sexuality minorities, dalit women, and minority women (see for instance PUCL-K 2003). Other ways in which groups have sought to influence the state have been through methods such as Gandhigiri which was recently adopted by Sangama in entreating the state to directly engage with them. Apart from this, groups use strikes, protests and rallies against the state to good effect.

However, in her response to the question of what strategies work against the state, KS Lakshmi of AIDWA responded that there is no substitute to community mobilisation. As she puts it, “Instead of strategy, strength of a struggle is most important. If the struggle is weak, symbolic and based on token intervention it will have no effect. You need to have long-term intervention. It has to involve the community. If the state has to take it seriously, it is only people’s struggle and mobilisations that work” (interview, 18 June 2018).

Box 2: The Marmara Campaign

A recent strategy that Vimochana has employed to reach the wider public has been through the “Marmara” campaign. Corrine Kumar (Vimochana) says that the idea gripped them in the context of Modi’s Chai pe Charcha campaigns in the run up to the recent general election in May 2014.

This is what we have to do, we have to sip tea but we have to sit under trees. The mara in Kannada means a tree, and the mara it is a very wonderful space, if you sit around the tree it is very non-hierarchical green bean on patriarchy. You could not be standing up and talking down to us. It could be a place of shelter, a place of shade, a place of nourishment, a place of nurturing. So we began to think of all these positive things and then I thought of people who are displaced, people who are uprooted, so the idea of the marmara, marmara means the murmuring which could be the trembling of leaves and trees, it could be the breaking of new grounds, it could be from a murmur to a hubbub one day (interview, 23 July 2014).

Once the idea germinated, Vimochana were quick to seize on it and conduct marmaras on various issues around Karnataka. Such was the energising nature of the marmaras that they managed to do 50 marmaras in about three months, examining various local issues, including water consumption, democracy, widowhood, dalit issues and violence against women.

3.3.3 Conclusion

Groups in Karnataka have been engaged with the mobilisations at the national level from the early days of the Mathura campaign. From the late 1990s onwards, Karnataka has also seen a growth in the number of sexuality minorities’ groups, which have emerged in response to police brutality, state apathy and other forms of societal violence. Their mobilisations have influenced the nature of claims making at both the subnational and the national levels, as evidenced by the strength of sexuality minority voices from Karnataka during the JVC hearings as well as in public discourse. The claims by sexuality minority groups from Karnataka to expand notions of equality to *include* sexuality minority experiences, especially those of the transgender community have resonated among women’s groups in Karnataka as well as at the national level. Overall, the proliferation of a diverse and dynamic group of organisations in Karnataka is also reflective of the rich history of dalit and feminist mobilisations in the state since the 1970s. Dalit feminist voices from Karnataka have also influenced the debates on the relationship between dalit women and sexual violence at a national level, particularly through the work of Women’s Voice and NFDW. Other groups such as PUCL and AIDWA intervene on cases of violence against dalit women at the local level.

At the subnational level, groups have engaged with the implementation of law, whether through lawyers’ training, improvement of government schemes or critiquing the existing interpretation and consequent implementation of the law. These engagements have led them to envisage alternative systems of justice to be applied to the government-run support centres or through initiatives run by civil society organisations (i.e., the World Courts of Justice for Women). Further, almost all of the groups intervene in supporting victims after violence in intimate relations, violence by the state or community-based violence.

Chapter Four: Domestic Worker Mobilisations in India— Work Like Any Other, Work Like No Other¹⁰³

This chapter analyses the history of domestic workers' mobilisations at the national level and at the subnational levels of Gujarat and Karnataka. Similar to the chapter on anti-rape mobilisations, key moments at the national, subnational and international levels, key events and policy windows around which mobilisation has occurred will be explored. Further, the chapter will identify some of the principle actors involved in the mobilisations, particularly focusing on organisations and networks that have emerged at the national and subnational levels. Finally, the main claims raised by these actors and the processes to build consensus will be analysed. But first, we turn to the context of domestic workers to understand the numbers and profiles of domestic workers in India.

4.1 *Setting the Scene: Overview of Domestic Work in India*

Domestic work in India is a highly feminised sector of work, and there has been a phenomenal increase in the number and proportion of women in paid domestic service over the decades. This was particularly the case between 1999-2000 and 2004-2005, although more recent estimates have seen a downward trend (Neetha 2009, 2013c). Domestic work is also a highly invisibilised and undervalued sector of work because of the associations between domestic work and reproductive labour and its performance by poor women (see for instance Gothoskar 2013; Neetha 2013b).

Domestic work is one of the largest sectors of work in urban areas (Task Force on Domestic Work 2011; Palriwala and Neetha 2011: 102). The socio-demographic profiles of domestic workers indicate that the majority are illiterate, and that dalits form a large proportion (about one-third) of these workers (Palriwala and Neetha 2011: 103), although this second trend is changing (Neetha 2013c). Moreover, over the last few years, the numbers of inter-state migrant female domestic workers in the cities have increased.¹⁰⁴ As Neetha Pillai notes, domestic work is increasingly becoming an all-migrant occupation, albeit with some workers being second-generation workers living in the cities since birth (Neetha 2013c). Domestic work in India, as elsewhere, is characterised by informality, precarity, poor working conditions including poor pay, lack of minimum wages, long working hours, lack of rest periods and adequate leave, lack of job security, poor or non-existent maternity and other work benefits (such as child care, pensions, medical insurance), arbitrary dismissals without notice or compensation, acute lack of social security and protection, and caste, class and gendered discrimination.¹⁰⁵ This is all the more acute in the case of migrant domestic workers (Mehrotra 2010). In the following sections, we locate the context of domestic work in India by examining the details of the numbers and socioeconomic profiles of domestic workers, as well as the situation with migrant domestic workers. We also locate the abysmal non-recognition of domestic work as work in law. Before we turn to these issues however, we examine the problems with categorising and defining domestic work.

¹⁰³ The title is taken from Peggie Smith's 2011 article in *Employee Rights and Employment Policy Journal*, Vol. 51, No. 157, 2011; and Washington University in St. Louis Legal Studies Research Paper No. 12-05-30, to capture the nature of domestic work, which although it is work like any other, it is also complicated by its invisibilised nature, and the difficulties of conceptualising the kind of work that constitutes domestic work (see the chapter for details).

¹⁰⁴ Neetha 2004, 2009; Mehrotra 2010; Rao 2011.

¹⁰⁵ ILO 2013; WIEGO website, <http://wiego.org/>, last accessed 20 March 2016; Bhattacharya and Sinha 2009; Palriwala and Neetha 2011.

4.1.1 Definitional issues

Domestic work is difficult to define. This is not only because domestic workers are not a homogenous group, but also because of the nature of domestic work itself (ILO 2013). Definitions are usually unable to capture either the multiplicity of tasks performed, the place or even the duration for which the work is performed, especially when seen from the perspective of the worker.¹⁰⁶ Neetha (2009) identifies some of the key definitions in circulation, nationally and internationally. At the international level, the ILO's International Standard Classification of Occupations (ISCO) recognises domestic work under two classification groupings, 5 and 9:

- Classification 5 (service and sales workers) covers both commercial establishments and private households and includes cooks and domestic housekeepers, home-based personal care workers, and other jobs associated with caring for children and the aged.
- Classification 9 (elementary workers) also covers both private households and commercial establishments and includes domestic and related helpers, cleaners and launderers. This again covers both private households as well as commercial establishments (ISCO 2008; Neetha 2009).

As a recent ILO report (2013) recognises, both classifications are task-based classifications and the “place of work” is subsumed within the classifications. However, what makes domestic work unique and difficult to regulate, among many other things is that it is carried out in private households. This calls for a place of work-based definition.

The India specific bases of classification are also beset by flaws.¹⁰⁷ Under the National Industrial Classification, domestic workers are usually included under Division 95, “private households with employed persons” (Raveendran, n.d). There are further sub-categorisations such as cooks and governess/baby sitters, housemaid/servant and others (Neetha 2009: 490).¹⁰⁸ This definition as Neetha argues, clearly takes account of the place of work as well as attempts to account for a task-based definition. Seemingly, the omnibus categories of housemaid/servants would include those doing the cleaning tasks, and not those doing the cooking and childcare work (through a process of exclusion), but as Neetha says, “all those who are familiar with domestic workers would be aware of the multitude of tasks that many workers perform, and also about the growing number of workers who perform only cleaning tasks” (Neetha 2009: 490). The tasks involved in domestic work usually includes all household tasks such as cleaning of clothes, utensils and the house, cooking, child care, nursing, care of the elderly, and the purchase of provisions and vegetables. Any categorisation system needs to capture the degree of specialisation and the multiplicity of tasks in domestic work as well as the location at which the work is performed (Neetha 2004, 2009).

¹⁰⁶ Neetha 2009; also see Bhattacharya and Sinha 2009; Task Force on Domestic Work 2011.

¹⁰⁷ The National Sample Survey Organisation (NSSO) employs several data elements to categorise domestic workers to estimate their numbers, including industry, occupation, activity status, and location of work (Raveendran n.d).

¹⁰⁸ Since the 2007-2008 round, the revised National Industrial Classification (NIC) (2004) has been followed. However, this has created problems for the categorisation and counting of female domestic workers by merging some of the previous gender differentiated sub-categorisations. As Mazumdar and Neetha (2011: 11) argue, now “we can no longer make any clear distinctions, for example, between security guards in private households—a rapidly expanding segment of male employment in urban areas—and domestic workers—an increasingly feminized occupation”.

The National Classification of Occupations (2004),¹⁰⁹ identifies domestic workers in several groups of occupations including: Service Workers and Shop and Market Sales Workers (Division 5) and Elementary Occupations (Division 9)¹¹⁰. Division 5 includes housekeepers and related workers, cooks, personal care and related workers distinguished at both institutional and domestic levels. Division 9 includes domestic and related helpers, cleaners and launderers again at both domestic and institutional levels. The omnibus category of domestic servant finds a place in the occupational categorisation as well. Moreover, domestic workers continue to be spread across occupational categorisations. The problems with both the National Industrial Classification and the National Classification of Occupations are summarised by Raveendran (n.d). He argues that although the industrial classification is based on those who work for a household,

[in] practice, those who work for multiple households for fixed time periods are often not classified as domestic workers. Further, in many cases, the industry codes of the persons employed by households are recorded as that of the specific work performed instead of domestic work. For example, a person tutoring children in the household for wages is given the industry code of primary teacher or secondary teacher instead of domestic worker. Similarly, a driver employed by a private household is given the industry code of non-scheduled passenger land transport. Thus there is a lack of consistency between industry classification and occupational classification and it leads to under estimation of domestic workers.¹¹¹

Organisations such as WIEGO bring to focus further dimensions of domestic work. They classify domestic workers based on their hours of work and the nature of their employment into part-time, full-time and live-in workers.

A part-time worker is a worker who works for one or more employers for a specified number of hours per day or performs specific tasks for each of the multiple employers every day

A full time worker is a worker who works for a single employer every day for a specified number of hours (normal full day work) and who returns back to her/his home every day after work.

A live-in worker is a worker who works full time for a single employer and also stays on the premises of the employer or in a dwelling provided by the employer (which is close or next to the house of the employer) and does not return back to her/his home every day after work.¹¹²

The problem, however, with distinguishing between part-time and full-time workers is that these distinctions are from the perspective of the employer, rather than the worker, as a part-time worker maybe a full-time worker in terms of the number of part-time jobs she does in a day (Neetha 2009).

It is clear that defining domestic work is no easy task. However, the urgency of defining it in terms of the place of employment runs through most of the commentaries and critiques on domestic work (Neetha 2009; Nimushakavi 2011). This is because so much of the legislation in India, particularly labour laws, cannot be applied to domestic workers working in private households owing to the “nature of their place of work”

¹⁰⁹ The National Classification of Occupations (2004) follows ISCO 88. Until the 2004-2005 round, NSSO used the previous version of the National Classification of Occupations (1968) for its compilation of data.

¹¹⁰ There are other occupational classifications that are used to estimate the numbers of domestic workers (see Chen and Raveendran 2011).

¹¹¹ Although the industrial classification is preferred by scholars in estimating numbers of domestic workers (Mazumdar and Neetha 2011), Raveendran proposes a combination of codes including industrial, occupational, employment status and location of work codes. He estimates the numbers of domestic workers based on NIC (industry) Code 950 and informal wage workers with place of work codes 13 or 23 (employer's dwelling) and one of the following NCO (occupation) codes: 159, 510, 520, 521, 529, 530, 531, 539, 540, 541, 542, 549, 574, 652, 986, or 999. In the 66th Round [of NSSO] the occupational codes were 233, 512, 513, 611, 832, 913, 914, 915, 916 and 931 (Chen and Raveendran, 2011: 11).

¹¹² See WIEGO website, <http://wiego.org/>, last accessed 20 March 2016.

which falls in the private sphere. It is equally important to understand that the place of work in case of domestic workers also contributes to their (lack of) ability to bargain for better wages, their right to organise and access to social security measures and a redressal mechanism.

The recent ILO Domestic Workers Convention, 2011 (No. 189), reflects this when it defines “domestic workers” in Article 1:

- (a) the term “domestic work” means work performed in or for a household or households;
- (b) the term “domestic worker” means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

This is clearly not a task-based definition, but it acknowledges the importance of bringing into purview work done in the household, namely, within the private sphere.¹¹³ However, as Bhattacharya and Sinha (2009) point out, a classification that only looks at employer or household automatically includes both male and female domestic workers, whereas the issues of women domestic workers are different from male domestic workers. Women have much less bargaining power owing to their gender and the fact that they work inside the house, whereas many male domestic workers work as drivers or gardeners. Moreover, certain tasks in particular such as cleaning, dusting and washing utensils are devalued and not considered as “work” and need to be singled out for policy attention (Bhattacharya and Sinha 2009).

Nalini Nayak of SEWA Kerala reflects on the issues of definition by suggesting that “domestic work is difficult to classify but not so difficult to define”. She argues that the ILO Convention defines domestic workers as “those who work *for* the household, whereas in India, [domestic worker groups] would prefer domestic work to be defined as those who work *in* the household” (personal communication, 20 November 2014).

Apart from the definition of domestic work, the question of the appropriate terminology for “domestic work” is also significant.¹¹⁴ The report of the 99th session of the International Labour Conference (ILO 2010:15) notes that the “language surrounding this occupation has varied greatly over time and according to geographical and cultural context”. Drawing attention to the ways in which domestic work has been designated over the years, through terms such as “maid”, “servant”, “household aide”, “household helper”, or through concepts such as “home care”, “private household” the report affirms the importance of the language of work as opposed to care, or aide or helper, which usually mask the broad range of work carried out by carers, as well as obfuscates the work involved in care giving. Moreover, the use of the terms “maid” and “servant” imply a relationship of servitude. In India too, the effort by domestic worker groups has been to shift the discourse on domestic work from a relationship of status and servitude to a relationship of contract and work. The behemoth nature of the task is laid bare in Ray and Qayum’s book on the cultures of servitude where they locate the “persistence of forms of dependency and submission” in relations of paid domestic work and note the ubiquitous use of the terms “servants” and “maidservants” (2009: 4).

¹¹³ The ILO excluded a task-based definition because this could vary across space and time, and instead left it for the countries adopting the Convention to further refine the definition in terms of classifications and terms of employment (ILO 2013).

¹¹⁴ We shall return to the issue with defining domestic work when we examine the attempts in law to deal with domestic work below. We shall also examine the issue of terminology in more detail in organising strategies below.

4.1.2 Numbers of domestic workers and socioeconomic profiles

There is a vast disparity in various accounts of the numbers of domestic workers. As an ILO policy brief on domestic work remarks, “although it is not unusual to find discrepancies between official estimates and estimates from other sources, the case of India is particularly striking given the magnitude of the difference” (ILO 2011: 4). The policy brief’s estimates for numbers of domestic workers in India range from 90 million to 2.5 million, a vast disparity indeed. The recurring figure of 90 million domestic workers is attributed to the media and non-governmental organisations, though, as the policy brief notes, there is no explanation of how this figure is arrived at. The other figure of 2.5 million domestic workers is attributed to a study by Palriwala and Neetha (2009). This data excludes several categories of domestic workers such as gardeners, gate keepers and watchmen, given that these are largely male professions, and the authors’ interest was in accounting for the number of female domestic workers (Palriwala and Neetha 2009).

The National Domestic Workers Movement (NDWM), one of the older mobilisations of domestic workers in the country, also provides an estimate of the numbers of domestic workers in India. It suggests that there are 20 million domestic workers in the country, although it is unclear how they arrive at this figure.¹¹⁵ Another source for recent data on domestic work is the Employment and Unemployment Survey 2009-2010 by the Labour Bureau, which indicates that domestic workers constitute 2.7 percent of total employed persons in India, amounting to more than 10 million domestic workers (Eluri and Singh 2013).

The most commonly cited numbers for domestic workers, however, are based on data analysis of the employment and unemployment figures published by the national Sample Survey Organisation (NSSO), which (as we have seen above) are also beset by categorisation and enumeration issues. Estimates from the 61st Round (2004-2005) reveal a total of 4.75 million domestic workers (based on the category of “private household with employed persons”) of which 3.05 million were women workers in urban areas.¹¹⁶ More recent rounds of NSSO data for employment and unemployment (the 66th and 68th rounds in 2009-2010 and 2011-2012 respectively) show a downward trend in the numbers of domestic workers, with the latest figures (2011-2012) indicating a total of 3.9 million, with women domestic workers constituting 2.6 million (Eluri, S. and A. Singh 2013). As Chen and Raveendran note, “in 2009/2010, 9 per cent of female informal wage workers were hired by households as domestic workers: down from a high of 12 per cent in 2004-2005 but up from 6 per cent in 1999/2000” (2011: 7). Overall, however, there has been a feminisation of domestic work over the decades, and it is to this that we now turn.

Feminisation of domestic work

Domestic work in India has been characterised by increasing feminisation, particularly in the last few decades. The literature on domestic work notes the phenomenal increase in the number and proportion of women in paid domestic service over the decades.¹¹⁷

¹¹⁵ See NDWM website, <http://www.ndwm.org/>, last accessed 20 March 2016.

¹¹⁶ Neetha 2009; Bhattacharya and Sinha 2009; Eluri and Singh 2013. This data (until 2004-2005) also shows a clear distinction between the types of domestic tasks carried out by each gender: most female domestic workers were employed as housemaids/servants, while men dominated in sub-categories such as gardeners, gatekeepers and in the residual category of other occupations (which includes, for example, butlers and chauffeurs) (ILO 2011). Some studies, (for instance, ILO 2011) attribute another figure of 4.2 million domestic workers to the same NSSO data (2004-2005), revealing discrepancies in the categories employed to count domestic workers (Chen and Raveendran 2011).

¹¹⁷ Neetha 2009; Palriwala and Neetha 2011; Chen and Raveendran 2011; Ghosh 2014.

As Neetha has argued, this was particularly the case between 1999-2000 and 2004-2005. In 2004-2005, of the total domestic workers (4.75 million) estimated by the NSSO, 71.6 percent (3.05 million) were women in urban areas, “making the sector the most prominent in female employment in urban areas” (Neetha 2009: 492; also see Bhattacharya and Sinha 2009). The particular category of housemaid/servant within the overall category of “private household with employed persons” showed a high degree of feminisation, with women constituting 87.4 percent of this category (Neetha 2009). In terms of the share of domestic work in female employment overall, this increased from 11.8 in 1999-2000 to 27.1 percent in 2004-2005 (Neetha 2009).

Neetha (2009) draws a more variegated picture of the numbers of domestic workers in the 1980s. In 1981, the survey conducted by the Labour Bureau found that neither sex had a monopoly of the occupation among full-time domestic workers. On the other hand, however, other studies done in the same period indicate a preponderance of women domestic workers. For instance, the Shramshakti report of 1988 found that 1.68 million out of an estimated 2.3 million domestic workers were female workers. Similarly, the Catholics Bishops Conference study in 1980 estimated that 78 per cent of domestic workers in 12 cities were female and in Bombay, 90 per cent were female (Neetha 2009: 491-492). Moreover, whatever the differences in numbers between male and female domestic workers, the Catholic Bishops Conference study found that there was gender stratification with the men concentrated in better paying jobs (Neetha 2009).

From 1983 to 1999, there was an increase in the number of women domestic workers. A Jagori study based on NSSO data notes, “In sharp contrast to the number of male domestic workers remaining static at 0.3 million between 1983 and 1999, the numbers of female domestic workers have increased from 1.2 million to 2 million in the same period” (Mehrotra 2008: 2).

According to Palriwala and Neetha (2009), the sharper increase was to come during the early years of the 21st century with a phenomenal jump in the number of women domestic workers by about 2.25 million in five years from 1999-2000 to 2004-2005. Nevertheless, the data reported by the NSSO in 2004-2005 have since been disputed because of anomalies (Neetha 2013c).

In 2009-2010, the number of women domestic workers was estimated at 1.83 million. Although this number is also beset by faulty and limited methods of data collection by the NSSO, if one takes the long view and looks at the figures at the distance of a decade, this still constitutes a growth in the sector from a female share of 63.4 percent (1999-2000) to 68 percent (2009-10) in the wider category of total domestic workers. The housemaid/servant category shows the highest increase over the decade, accounting for 92 percent of all female domestic workers (Neetha 2013c). Feminist economist Jayati Ghosh (2014) argues that this is because the high rates of economic growth have not translated into an adequate increase in the formal sector. Instead, rising inequalities have meant on the one hand, an increase in self-employment with more and more people desperate to supplement incomes, and on the other, a rising middle class that can afford to hire domestic work. Moreover, she argues, “inequality in India permits lower wages for domestic work” (Ghosh 2014).

The relationship with domestic work and women has also been analysed from the perspective of a gender-based division of labour and from a conception of the perceived “natural role” of women in reproduction, to a devaluation and invisibilisation of

domestic work because it is performed by women.¹¹⁸ This critique of the conception of domestic work as naturally associated with women also informs the claims making by domestic workers groups—namely, to shift the discourse from one of unskilled and unvalued labour to one that recognises both their skills and value as workers.

Age and marital status of domestic workers

Neetha (2013c) analyses the data from NSSO for 2009-2010 to make the case that a large proportion of domestic workers are between the ages of 31-40 (33.3 percent) and 41-50 (22.6 percent), while the share of those above 50 years also stood high at 17 percent. This statistic is echoed by a Jagori study (Mehrotra 2010) of domestic workers in Madanpur Khadar J.J. Colony in Delhi, where they found that most women domestic workers were in the age group of 30-40 years, followed by the age group of 40-50 years. Another Jagori report (Mehrotra 2008) based on a survey conducted in Jaipur from October 2005 to September 2006, also found a significant number of women domestic workers in the age group of 31-40 years (27.3 percent), but with the second highest age category between 19-25 years (21.2 percent).

A survey of women domestic workers in Ahmedabad by the Institute of Social Studies Trust (ISST) in 2008 found that 41 percent of the women were between the ages of 26–35 years. A household survey of 100 domestic workers in three settlements of Bangalore revealed that the maximum number of women (78.5 percent) were in the age group of 20-45 years. Despite the variations in terms of migrant status and location (Mehrotra 2008), the patterns that emerge indicate that it is older women who are largely employed as domestic workers. However, interestingly, an AIDWA study on paid domestic work in Pune reveals that more “younger women are joining as domestic workers” (cited in Moghe 2013).

Along with age, the marital status of women is also a key determinant to understand who performs domestic work. As per a 2009 survey conducted by ISST of live-out domestic workers in Delhi, nearly 76 percent reported being currently married. Nearly 11 percent of the workers sampled in East Delhi were single women (ISST 2009). Neetha’s analysis of NSSO data (2009-2010) indicates a variance with ISST’s figures; however, it also indicates that currently married women were the largest proportion of domestic workers (55 percent), followed by widowed or divorced/separated women (30.4 percent). Neetha makes the argument that both the age and marital status of domestic workers are indicative of two things: “the naturalization of housework in a woman’s work by marriage” and that “it is older women (for whom possibly other employment opportunities are few) who take up domestic work” (2013c: 35).

Educational qualifications

Neetha’s analysis (2013c) based on the NSSO data of 2009-10 shows that 54 percent of domestic workers were illiterate, while about 83 percent had less than middle level schooling. The ISST study (2009) is even more discouraging. It found that 72 percent of domestic workers were non-literates and only 11 percent could sign their names. A small percentage (8 percent) had completed primary schooling. Moreover, only 1.4 percent of the sample reported having undergone any type of training prior to joining work. The Jagori study of domestic workers in Delhi (Mehrotra 2010) also reveals a similarly disappointing picture. Only a relatively small percent domestic workers (as per the sample) had ever attended school. Of these, 43 percent had only attended school for

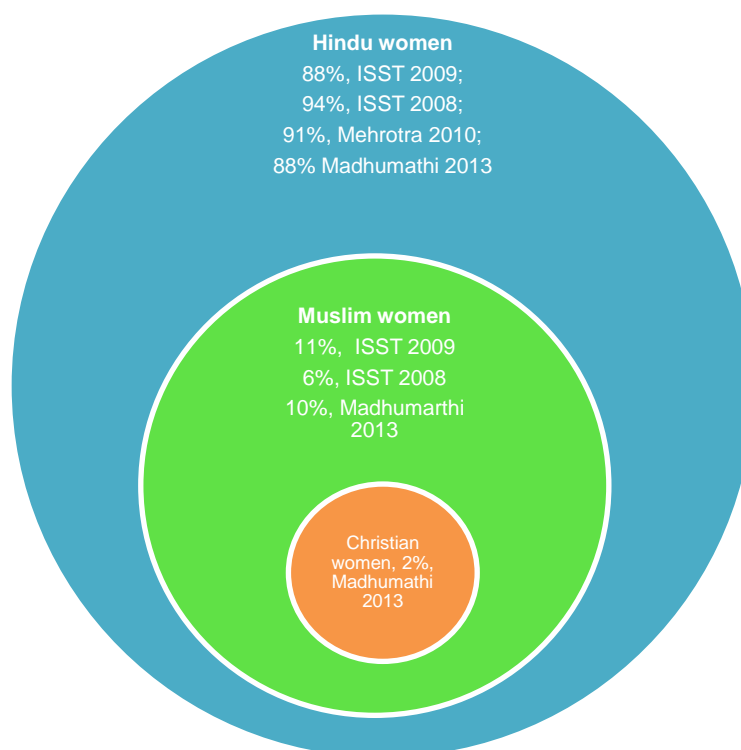
¹¹⁸ Srinivas 1995; Parliwala and Neetha 2009; Gothoskar 2013; Neetha 2013b; Nimushakavi 2011; Raghuram 2001; Ray and Qayum 2009.

3-5 years and 26 percent had attended it for 5–8 years. In the SEWA study of domestic workers in Ahmedabad (ISST 2008), around 40 percent of the women surveyed were non-literates, followed by 28 percent of women who had studied until class 7th-9th. Only 8 percent of the women had studied between classes 10-12.

Religion and caste

ISST's study on domestic workers in Delhi (2009) found that 88 percent of women domestic workers were Hindus as against 11 percent of Muslim women. ISST's 2008 report in Ahmedabad also states that a majority of domestic workers are Hindu women (93.58 percent) (the rest being Muslim). The Jagori study in Delhi (Mehrotra 2010) similarly reveals that 91 percent of domestic workers are Hindus, followed by Muslims, Christians and the remaining belonged to other religions like Buddhism. In the Bangalore study, 88 percent of the women domestic workers belonged to the Hindu community, 10 percent of them belonged to Muslims and the rest were Christians (Madhumathi 2013). Neetha (2004) has argued that the smaller presence of Muslim women, particularly given that a larger proportion of them are below the poverty line, possibly can be explained by sociocultural reasons.

Figure 2: Religious affiliation of domestic workers in India across various studies

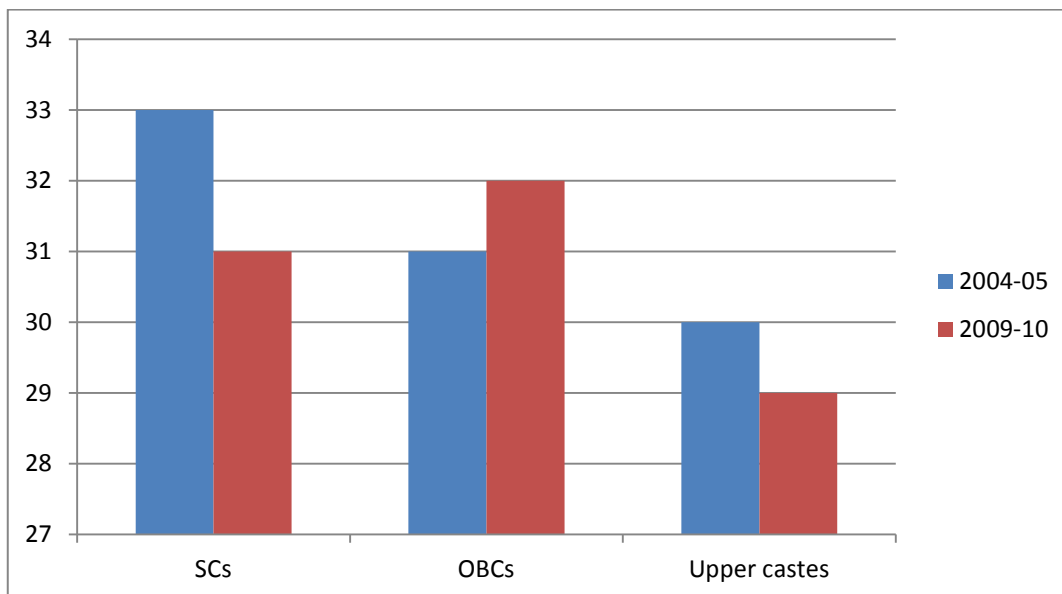


In terms of caste, there are some interesting statistics. The general perception about domestic work has been that is a dalit (Scheduled Caste)-heavy occupation. For instance, a study conducted by Women's Voices and the Bangalore Gruha Karmikara Sangha which covered 1000 women domestic workers across 12 slums across the city, estimated that over 89 percent belonged to the Scheduled Castes (cited in Chigateri 2007). Another Bangalore-based study revealed that women from Scheduled Castes form 75 percent of the domestic workers, whereas 15 percent of the women came from Other Backward Classes (OBCs), 8 percent women came from Schedules Tribes and the rest came from the general category of dominant castes (Madhumathi 2013).

The Jagori study (Mehrotra 2010) also reveals that a high 61 percent of the domestic workers belong to Scheduled Castes. Interestingly, in this study, 31 percent of the domestic workers belonged to general category compared to only 5 percent from OBCs. Traditionally, dominant caste Hindu families would not allow “lower caste” Hindus or Muslims to work in their homes. However, this trend has begun to break down, reflected by the number of women belonging to “lower castes” entering domestic work (Neetha 2009; Sengupta and Sen 2013). Some domestic workers do not enter domestic work in their place of origin due to their “higher” caste status but do so elsewhere. Similarly, “low caste” women would not find employment in their place of origin but less strict caste norms in bigger cities would provide them with employment opportunities.¹¹⁹

At the national level, NSSO data for 2004-2005 reveals that SC women constituted 33.4 percent of domestic workers, with OBCs constituting 30.7 percent and interesting upper castes constituting 30.3 percent (Neetha 2009). These sets of figures had already complicated our understandings of who performs domestic work; that while domestic work was disproportionately performed by dalit women, there was a sizeable proportion of dominant castes and other backward castes performing domestic work. NSSO data for 2009-2010 indicate a shift in these numbers, with women from the OBCs category accounted for the highest proportion (32.4 percent) followed by SC workers (31.2 percent) and upper castes (28.4 percent) (Neetha 2013c). While the shift from the numbers in 2004-2005 is not large, interestingly, there has been a small decline in SC numbers (and in dominant caste numbers too).

Figure 3: Caste composition of domestic workers (NSSO data) 2004-2005 and 2009-2010



Neetha, writing in 2004, and using smaller qualitative studies had made the argument that over time, there had been a decline in the numbers of SC women in domestic work. Although she attributed it at the time to the increase in the number of dominant caste domestic workers, this second trend has not borne out. However, the argument that over time, there seems to have been a decline in the number of dalit women in domestic work has borne out. With more and more women of different castes entering domestic work,

¹¹⁹ Kasturi 1990; Raghuram 2001; Neetha 2003.

other dimensions of education and poverty have come into the picture, making domestic work a concrete option for poor women because of its lack of rigid entry requirements. Despite a change in the caste composition of domestic work, however, caste discrimination has not been entirely done away with (Neetha 2009; Nimushakavi 2011).¹²⁰

4.1.3 Migration status and domestic work

Migration of women has mostly been studied in connection with male migration (Neetha 2004). Implicit in such gender-blind analyses of migration is the assumption that patterns of female migration are likely to mirror those of male migration (Thadani and Todaro 1984). Consequently, migration of women has been conceptualised as domestic and private and not related to the sphere of production (Neetha 2004: 1681). It has only been recently that female migration, especially from rural to urban centres, is being recognised as separate and distinct category of migration. This is particularly important because as we shall see below, there is a preponderance of migrant women in both live-in and live-out domestic work.

Numbers of migrant domestic workers

Analysis of the NSSO data (2009-2010) suggests that across all castes, migrants accounted for the largest share of domestic workers, “with the supply of workers maintained through a regular flow of distress migrants from varied and shifting rural origins” (Neetha 2013a). This finding is echoed by several micro-studies. The ISST survey data (2009) which was restricted to only live-out domestic workers in Delhi finds that nearly 80 percent of the samples were migrants, of which nearly 41 percent came to Delhi specifically for paid domestic work. The largest number of migrants (39 percent) came from Uttar Pradesh, with 15 percent from West Bengal and 10 percent from Bihar. The rest came from Rajasthan, Tamil Nadu, Madhya Pradesh, Tripura, Uttarakhand and Jharkhand (ISST 2009).

Mehrotra (2010) also found that 86 percent of the women domestic workers in Delhi were first-generation migrants and only 14 percent were born in Delhi. Of these, again, a high number (48 percent) were from Uttar Pradesh, followed by 16 percent from West Bengal. The rest came from states including Bihar, Madhya Pradesh, Rajasthan, Orissa, Assam, Tamil Nadu, Jharkhand and Chhattisgarh. The preponderance of migrants from West Bengal is reflected in Rajasthan as well, where nearly half of the live-out domestic workers surveyed belonged to West Bengal (49 percent) (Mehrotra 2008). A further 48 percent of the domestic workers were internal migrants from Rajasthan (rural-urban migration) and the rest came from states of Bihar, Andhra Pradesh, Madhya Pradesh and Uttar Pradesh.

In other states, while migrants dominated domestic work, they were not necessarily external migrants. For instance, Moghe’s study in Pune notes that domestic workers migrate from “different and more underdeveloped parts of Maharashtra, particularly the drought and agrarian crisis-stricken areas of Marathawada and Vidharba” (Moghe 2013:64).

In Kolkata, interestingly, many live-out women domestic workers, although not quite migrants, are commuter domestic workers; they commute to the city from the smaller suburbs and villages around Kolkata by local trains. As Sengupta and Sen note, the

¹²⁰ We discuss this in some detail in the section on caste below.

“supply of labour is more in localities, which are close to local train route ... commuter workers have less to choose from (like new migrants workers), greater financial compulsions (which force them to take arduous journeys everyday), and thus are willing to work at lower wages” (Sengupta and Sen 2013: 58).

In sharp contrast to data from the other states, however, in Ahmedabad, close to 97 percent domestic workers reported Ahmedabad as their domicile and only 3 percent reported their area of origin to be Madhya Pradesh¹²¹ (ISST 2008).

Live-in workers

Much of the growth in domestic work in recent years has been with that of live-out, part-time domestic workers, although there is now a growing demand for live-in workers (Neetha 2004). If domestic workers are beset by the invisibilisation of work resulting in a paucity of information particularly in official statistics, the problem is even more acute with live-in domestic workers, with most of the available information based on qualitative studies. Neetha (2004) has found that in Delhi, first and foremost, almost all the live-in domestic workers are migrants. Further, of these migrant women, a large majority (90 percent) were Christian tribal women. Kujur and Jha have further noted that over 50 percent of such tribal women workers belong to Jharkhand (Kujur and Jha 2006). The Census 2001 data also confirms the presence of 38,364 female in-migrants from Jharkhand in urban Delhi, more than double the number over the previous decade (Rao 2011).

In explaining the preponderance of Christian tribal women as live-in domestic workers in Delhi, Nitya Rao argues,

Feminisation premised on the availability of cheap and trustworthy female labour, is accompanied by increasing recruitment of poor and ethnic minority of women as domestics, especially from the tribal areas of eastern India. ...They are preferred as live-ins due to the stereotypes of them being simple, honest, obedient and hard-working; all positively valued attributes in domestic service, and hence easier to control than their non-tribal counterparts (Rao 2011:763).

This understanding of the need to have a pliable live-in domestic worker is also echoed by an ISST study on domestic workers in Delhi, in which child domestic labour emerged as a significant issue. Nearly 33 percent of live-in workers started work as domestic workers below the age of 15 years (ISST 2009). This is further borne out by the study on domestic workers in Bangalore, although the sample size of live-in domestic workers is quite small (see Madhumathi 2013). What also emerges in the Bangalore study is that a majority of the live-in domestic workers are not married (Madhumathi 2013). This is in sharp contrast to the larger picture of women domestic workers (see above). In the ISST study, other significant issues that emerge for live-in domestic workers are the withholding of salaries, harassment due to long hours of work (many reported working for nearly 12 hours a day), as well as issues of isolation, due to the restrictions on their mobility and the inability to maintain relationships beyond the communications with the employer and the agencies employing them.

Unlike the case of Delhi, in her study of domestic workers in Pune, Moghe (2013: 64) observes that employers prefer maids who hail from their native place as “this offers continuity for those who relocate time to time for professional reasons, and is also convenient from a cultural (language, cuisine, etc.) point of view”.

¹²¹ The migrant workers were found to be working only in the Chandkheda area of Ahmedabad. There were no migrant women in the other three areas surveyed (ISST 2008).

Processes of and reasons for migration

Sex—specific cultural constraints combined with practices of employment and wage discrimination all imply differences in the outlook and expectations of female migrants. Due to the gendered labour market, women are also demanded and have the incentives to move in the same way as men. The role of agency and social networks as facilitators in migration has been recognised in the recent literature on migration theory (Neetha 2004:1681).

Women form a crucial part in the decision to migrate, in the case of both live-in and live-out domestic workers (Neetha 2004; Madhumathi 2013). In fact, the “availability of employment for women was found not only central to the family’s decisions to migrate but also gave women considerable role in the decisions” (Neetha 2004: 1684). Moreover, women migrating to urban centres are aware of the availability of domestic jobs in the city, and are informed of the higher wages and conditions of work. Further, other women such as single women (abandoned, separated or divorced) who have children to support also migrate and take up domestic work (Neetha 2004). Neetha further argues that interestingly,

Though poverty and unemployment (89.1%) were the most important reasons for migration, it was not found as strong as in the case of live out workers...migration was also seen as a rite of passage that provided status, independence, trainings and savings ... Personal freedom, rejection of traditional gender roles, increase in status and dignity, ability to earn money and support ones family along with the charm of living in a big city were other reasons that prompted female migration for domestic work (Neetha 2004: 1684).

Social networks also play an important role in the process of migration of women for domestic work (Neetha 2004: 1685). In the ISST study (2009), a large proportion of domestic workers had specifically migrated for domestic work (41 percent). The presence of friends and families in Delhi, the study found, was reassuring for the majority of live-out domestic workers to move and work in Delhi. Sixty-five percent of the migrant domestic workers received help in finding work in the city from these networks (Neetha 2004). Further, agencies and networks assist migration by providing income support, information about the destination, first residence and access. Neetha argues that “social networks and agencies based on regional, religious, caste and kinship identities are found to be central in the transplantation of these workers’ lives from rural to urban settings” (Neetha 2004: 1685).

However, even among the migrant domestic workers, there are differences in the type of migrations for live-out and live-in domestic workers. Largely live-out or part-time domestic workers migrate with their families whereas live-in workers are usually autonomous of peer group migrants (Bhattacharya and Sinha 2009: 7). The implications of the differences in types of migrations is that live in workers have limited access to larger social networks whereas live-out migrants do have access to social networks based on family, neighbourhood or kinship which helps in understanding work-related information and social support (Bhattacharya and Sinha 2009). Moreover, usually, live-out female domestic workers live with their families in squatter settlements and work in nearby private homes belonging to middle and upper middle classes (Neetha 2004). Neetha (2003) recounts a case study of migrant women domestic in Delhi where only 4.2 percent women domestics migrated on their own and the rest migrated with their families. Some of these women had worked in other regional cities like Kolkata, Patna, Chennai and Jamshedpur, before moving to Delhi. She explains that the “decision to migrate was taken mostly in the context of the household, as for many it is part of the family survival strategies. Poverty, lack of food and scarce job opportunities at the place of origin were found (about 98%) to be the most important reasons for migrating to

Delhi” (Neetha 2003: 1684). As per the study, lack of employment for the male members forces women to migrate and support the family and children.

Similarly, Madhumathi (2013) argues that in her study of domestic workers in Bangalore, lack of employment constituted the recurrent reason (46 percent) for women domestic workers to migrate, followed by marriage, poverty and children’s education. In most cases, husbands’ unemployment is also one of the major reasons for women taking up domestic work (also see Neetha 2004; Madhumathi 2013). The Bangalore study reveals almost 42.27 percent of husbands of domestic workers were found to be unemployed (Madhumathi 2013).

4.1.4 The sporadic and piecemeal recognition of domestic workers in law

Domestic workers have largely been left out of the purview of existing national level labour laws. As a consequence, they are not entitled to work-related benefits such as maternity leave or other social security as workers; nor are their working conditions or hours of work regulated. The fundamental reason for their exclusion is the lack of recognition of domestic work as work by the law. Moreover, the law is reluctant to consider the employer’s home as a workplace to which labour laws apply. Legislation pertaining to workers such as the Industrial Disputes Act, 1947, the Employee’s Provident Fund Act, 1952 and Factories Act, 1948 bypass domestic workers because of the interpretation of terms such as worker, establishment and factories excludes any work done in private homes (Nimushakavi 2011). Other legislations such as the Trade Union Act 1926, the Workmen’s Act 1923 and the Industrial Disputes Act 1947 could in principle be applied to domestic workers, but in practice, owing to interpretation of these laws, they are excluded from the application of these legislations too. As Nimushakavi argues, this “could change with a change in public policy towards domestic workers” (2011: 91). Interestingly, all labour laws become applicable to workers conducting the same domestic duties of cleaning, cooking, etc., if they change their workplace from a private residence to an office or factory because of what the law considers a workplace (Nimushakavi 2011).

An important point is that domestic workers are also implicitly excluded from the National Minimum Wages Act 1948. Although the benefits of the Act can be extended to domestic workers through state legislations, there are very few states where notifications have included domestic workers. Sustained efforts by domestic worker groups have resulted in minimum wage notifications in 10 states and one union territory: Karnataka (2004), Kerala (2005), Andhra Pradesh (2007), Tamil Nadu (2007), Rajasthan (2007), Bihar (2009), Odisha (2009), Assam (2013), Meghalaya (2013), Jharkhand (2014) and the Union Territory of Dadra and Nagar Haveli (2007).

A few states have also attempted to regulate domestic work through the setting up of welfare boards for domestic workers (Madhav 2010; John 2013). Laws to enable domestic workers to avail of social security provisions through welfare boards have been amended or passed on the back of mobilisations by domestic workers in Kerala (Kerala Artisan and Skilled Workers’ Welfare Fund), Maharashtra (Maharashtra Domestic Workers Welfare Board Act, 2008), and Tamil Nadu: (Manual Workers Act (Regulation and Employment and Conditions of Work), 1982).¹²² However, as John argues, “the gaps

¹²² Rupa Kulkarni locates the long history of struggle that led to the Maharashtra Domestic Workers Welfare Board Act which was passed in 2008 (Kulkarni 2010). However, Moghe in her analysis of the law also points out that this is a weak law (Moghe 2013). She notes that the Act has a restricted provision to create tripartite welfare board for domestic workers vested with powers to frame and implement welfare schemes for domestic workers. However, Moghe points out that there is no clear source of funds for this welfare board, and it is entirely dependent on the

between the existence of a law or welfare programme, knowledge of it among potential beneficiaries, and the actual operation and coverage have to be noted” (John 2013: 9).¹²³

There have been sporadic attempts to regulate domestic work as a whole through specific legislation on domestic work at the national level since independence, but these were to no avail (Palriwala and Neetha 2011).¹²⁴ Other recommendations for a national-level law and welfare fund for domestic workers by the Committee on the Status of Women in India 1974 and the National Commission on Self Employed Women and Women in the Informal Sector 1988 also fell on deaf ears (Palriwala and Neetha 2011).

This picture has slowly begun to change with a few important national-level legislations including domestic workers as workers. The inclusion of domestic work in the Child Law (Prohibition and Regulation Act) 1986 (through an amendment in 2006), the Unorganised Social Security Act 2008 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 have been landmark moments in the regulation of domestic work in India, and all of them have resulted from mobilisations by domestic workers.¹²⁵ However, there is still no comprehensive legislation dealing with domestic work, and while domestic workers in some states are recognised by the law as workers for some purposes, overall, domestic workers in India remain unrecognised and unprotected by the law.

4.2 Locating domestic worker mobilisations at the national level

If anti-rape mobilisations began in earnest in the late 1970s, claims making on domestic work emerged later, in the 1980s. Moreover, unlike the anti-rape mobilisations, which took on a truly national character, mobilisations on domestic work have been more sporadic and based on subnational-level mobilisations.¹²⁶ More recently, there have been efforts to bring together mobilisations across the country through networks and campaign groups such as the National Domestic Workers Platform (NDWP) and the

state's funding. Among its many problematic issues, “its biggest flaw is that it has no provision to regulate the working conditions of paid domestic workers and does not mention any legislation for minimum wages and other worker rights” (Moghe 2013: 67).

¹²³ A further attempt at the state level has been the Kerala Domestic Workers (Livelihood Rights, Regulation of Employment, Conditions of Service, Social Security and Welfare) Bill 2009 proposed by the Kerala Law Commission. Roopa Madhav argues that this “is distinctive because it attempts to regulate the entire sector in a more comprehensive manner, not merely in terms of wages, social security or placement agencies” (Madhav 2010). However, this too has not seen the light of day.

¹²⁴ The first such attempt was through a private member's Bill introduced by PN Rajabhoja (from Maharashtra) who introduced The Domestic Workers (Conditions of Service) Bill 1959 in the Rajya Sabha (Palriwala and Neetha 2011). The parliamentary debates on the Bill reveal that there were several loopholes and the member was asked to conduct more research on the subject matter. After this, in the same year, the All India Domestic Servants Bill 1959 was drafted. However, as Palriwala and Neetha (2011: 98) note, “both the Bills included clauses for minimum wages, maximum hours of work, a weekly day of rest, fifteen days paid annual leave, casual leave and a maintenance of a register of domestic workers by the local police. Again, in 1972 and 1977, two private members bill, the Domestic Workers (Conditions of Service) Bill 1972 and 1977 were introduced in the Lok Sabha. The aim of these bills was to bring domestic workers under the purview of the Industrial Disputes Act, but these too were allowed to lapse”.

¹²⁵ See Madhav 2010. Details of the mobilisations are in the following sections. The other legislation that includes domestic workers is the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 which provides the regulation of women and children being procured for employment in cities from rural areas

¹²⁶ Moreover, unlike the abundant literature on anti-rape laws and mobilisations, the literature on claims-making on domestic work in India and its relationship with the processes of policy making is also sparse. In recent years, a small but growing body of work is emerging (Labour File issue 2010; G. Menon 2013; George 2013). Much of the rich literature on domestic work in India instead examines the context of domestic work, the characteristics and conditions of domestic work (including migrant domestic work) the push and pull factors for entry into domestic work, as well as the meanings of servitude and hierarchy in domestic work from a gender lens, and also from a caste lens (see Neetha 2004, 2009, 2010, 2013a, 2013c; Nimushakavi 2011; Ray and Qayyum 2009; Srinivasan 1995; Rao 2011). There is also literature that locates the gendered aspects of domestic work, including the links that are made with reproductive labour and the reasons for its invisible, purportedly unskilled and undervalued character (see Nimushakavi 2011; Palriwala and Neetha 2009; Gothoskar 2013).

Domestic Workers Rights Campaign . Further, in the lead up to the ILO Convention 1989, there have been efforts to coalesce mobilisation efforts around the draft National Policy on Domestic Work and on a couple of key legislative proposals in the form of Bills on Domestic Work.

In this section, we locate the national picture on domestic work by also focusing on the mobilisations on domestic work at the subnational levels for two purposes: to show the growth of mobilisations focusing on domestic work across the country and to indicate the key issues that have animated the claims making of domestic worker groups. This section also locates a timeline of key events, including key policy and law reform moments, but particularly focusing on the processes leading up to these events. It locates key actors (including domestic worker groups, domestic worker unions, broader labour unions, the Task Force on Domestic Work and organisations such as the ILO), claims (including who makes what claims, the contested nature of some of the claims, and how the nature of claims have changed if at all), strategies of mobilisations of groups (whether these have changed), as well as whether and if so to what extent the claims making is reflected in policy and legal change, as well as how these policies and legal changes have been understood by domestic worker groups.

4.2.1 Domestic worker organisations and networks

Mobilising and collectivising domestic workers is no easy task, because of “the fragmented nature of the work, the multiplicity of employers, and the dependence of domestic workers on their employers in times of crisis, as well as the time constraints on domestic workers” (Palriwala and Neetha 2009: 108). Participation in mobilisation activities is also difficult due to hours and nature of domestic work and the domestic workers’ social and political vulnerabilities along with the double burden of work and the almost blanket invisibility of live-in workers.¹²⁷ Only a small fraction of domestic workers in the country are in touch with associations (Neetha 2013c). As John argues, “The lack of unionization is a critical factor in their exclusion from labour laws, the violation of national, legal norms in their wage fixation and the absence of entitlements to various social security benefits “(John 2013:11).

Even so, India has had a history of collectivisation efforts in this area. One of the earliest collective actions was a 26-day hunger strike called by the All India Democratic Worker’s Union in 1959 in Delhi, which received support in a few urban centres. A call for a one-day solidarity strike led to the introduction of two private member’s bills in Parliament¹²⁸ (Neetha 2013c; John 2013).

Emergence of domestic worker groups in the 1980s

Since the 1980s, and more so in recent years, there has been an increase in the mobilisation and collectivisation efforts targeting domestic workers. Some of the early attempts to mobilise domestic workers were through the setting up of domestic worker specific organisations such as the Vidharbha Molarkin Sangha in 1980 in Nagpur, Maharashtra (Kulkarni 2010), Pune District Molarkin Sanghatana (Thatte 2010), and the Karnataka Gruha Karmikara Sangha in Bangalore in 1986 (Anthony 2001). The KGKS was the first domestic worker union in the country (Anthony 2001; and interview with Ruth Manorama, 19 June 2014).

¹²⁷ Moghe 2013; Menon 2010; Palriwala and Neetha 2009.

¹²⁸ A private member’s bill in a parliamentary system of government is a bill (proposed law) introduced into a legislature by a legislator who is not acting on behalf of the executive branch.

Another of the early attempts at organising domestic workers as a separate category of workers came from church-related organisations, which worked mostly with dalit and tribal communities to which a bulk of domestic workers belong. The National Domestic Workers Movement, a non-government organisation with strong links to the Catholics Bishops' Conference of India (CBCI), was formed in 1985 in Mumbai, Maharashtra. This organisation has campaigned for the rights of domestic workers in around 23 states and claims to have reached over 2million domestic workers across the country. Its stated objectives are the empowerment and dignity of domestic workers, including supporting them in the “fight for just wages and human rights conditions”.¹²⁹ The NDWM has played an active role along with other organisations in bringing in minimum wages legislation in Karnataka and a state Welfare Board Act for Domestic Workers in Maharashtra (John 2013).

Apart from the NDWM, which was focused entirely on mobilising domestic workers, other mobilisations of domestic workers in the mid-1980s came from two large women's organisations with a national base: the AIDWA and the SEWA. Interestingly, both of these organisations have an ethos of organising marginalised and unorganised women workers^{130, 131}. However, the mobilisations of both of these organisations in the 1980s were limited to subnational mobilisations: AIDWA's mobilisation was focused on Maharashtra and SEWA's on Kerala (interviews with Archana Prasad, 16 July 2014 and Nalini Nayak, 4 September 2014). The latter started to mobilise in Kerala in 1980s, resulting in the inclusion of domestic workers in the minimum wages legislation of the state and in the Kerala Artisan and Skilled Workers' Welfare Fund, enabling them to avail of social security schemes (Neetha 2009). Over the years, both of these organisations were to become more active in the mobilisations of domestic workers (across more subnational levels as well as at the national level, as we shall see below). Moreover, SEWA registered itself as a Central Trade Union (CTU) of its own in February 2005, becoming the first all women-focused central trade union in the country (personal communication, Nalini Nayak, 20 November 2014).

Box 3: Formation of the National Domestic Workers Movement

The formation of the NDWM was pre-dated by “a survey conducted by the Catholic Bishops Conference in India (CBCI) [which] threw light on the slavery like conditions of domestic workers in India” (interview with Sr. Jeanne Devos, Mumbai, 25th July 2014). The Belgian missionary, Sr. Jeanne Devos (Congregation of the Immaculate Heart of Mary) had been living in India since 1963. Confronted with the plight of the domestic workers, she assisted in the formation of small groups of domestic workers with the objective of helping them in whatever way she could. In 1966, she started the Indian Young Christian Students (YCS) and Young Student Movement (YSM) of India and later the Young Student Movement for Development (YSMD) and action groups. After that, she became the Asian coordinator of YCS/YSM. In 1985, she started the National Domestic Workers Movement.

From 1985 to the mid-2000s, Sr. Jeanne Devos, organised domestic workers into small groups with the collaboration of like-minded people, and the movement took shape in Mumbai and extended its activities to Patna (Bihar), Chennai (Tamil Nadu) and Varanasi (Uttar Pradesh) initially. This was followed branches in Andhra Pradesh, Karnataka, Kerala, Jharkhand Madhya Pradesh, Odisha, Goa and the North East (see NDWM website, <http://www.ndwm.org/>). Over the last 25 years, the NDWM has spread to 17 states. It began its Delhi chapter in mid-2013.

¹²⁹ See NDWM website, <http://www.ndwm.org/>, last accessed 20 March 2016.

¹³⁰ AIDWA is the women's wing of the CPI-M and SEWA is a women focused trade union of poor, self-employed women workers started in Ahmedabad in the 1970s.

¹³¹ Hill 2014; Bhatt 1998; also see interviews with Archana Prasad, 16 July 2014 and Nalini Nayak, 4 September 2014.

Growth of domestic worker organisations and networks in the late 1990s and 2000s

The number of organisations working on domestic work across the country have grown over the last couple of decades. These include organisations such as Parichiti and Durbar Mahila Samanwaya Committee (DMSC) in Kolkata, Mahila Kamgar Union in Jaipur, Astitva in Dehradun, Centre for Women's Development and Rights in Chennai, Domestic Workers' Federation and Youth for Unity and Voluntary Action (YUVA) in Mumbai to name a few (see Labour File 2010; ISST 2013). Not all of the organisations working with domestic workers work solely with domestic workers, though there are a few organisations that do (such as NDWM). Many of the organisations also work with other groups of unorganised workers (such as DMSC) and yet others have a longer history of working in communities than their engagement with domestic workers specifically (for instance, Centre for Women's Development and Research/CWDR and YUVA). There are some organisations that work with domestic workers that have emerged out of working with women (Parichiti), though these are fewer in number.

Apart from SEWA, other national-level trade unions such as the Bharatiya Mazdoor Sangh (BMS), All India Trade Union Congress (AITUC), Indian National Trade Union Congress and the Centre of Indian Trade Unions have also been organising domestic workers in recent years.¹³²

In her analysis of the growth of domestic worker mobilisations, Neetha (2013c) recognises the variety of perspectives and styles of organisation that have sought to mobilise and unionise domestic workers in recent decades. The important argument that she makes is that this phase "is marked by the presence of the women's movement or by unions with a feminist politics" (Neetha 2013c: 37). The question of whether feminist politics informs domestic worker mobilisations is something that is at the heart of this report, and we explore this in some detail in this chapter. Moreover, whether or not groups mobilising domestic workers identify themselves as women's groups is also something that we explore in this chapter. Nevertheless, Neetha's argument that the mobilisations of domestic workers have tended to be regional and sporadic rings true, as not all states have seen the same growth of organisations working with domestic workers. States like Maharashtra, Karnataka, Rajasthan and Tamil Nadu have seen stronger mobilisations.

DOMESTIC WORKER GROUPS IN DELHI

If we look at the nature of organisations mobilising domestic workers in Delhi, the picture of organisations working with a wider group of workers and/or communities and then turning their attention to include domestic workers is also true of groups here. The NGO Nirman started working with construction workers in the late 1980s, and began working with domestic workers from 1999 onwards. It initially focused on live-in domestic workers, who largely consisted of teenage girls from the tribal regions of Chhattisgarh, Jharkhand, Orissa and West Bengal. Subhash Bhatnagar, the head of Nirman and a member of the NPDW, notes that his work on domestic work began with the setting up of a placement agency for girls from Jharkhand which has now taken the shape of a cooperative (interview with Subhash Bhatnagar, 15 May 2014). Similarly the Delhi Shramik Sanghathan began working with migrant unorganised workers in 1997 in West

¹³² Gothoskar 2013; Kaur 2010; Shamim 2010; also see interview with Archana Prasad, 16 July 2014. These trade unions are affiliated to political parties. The BMS is affiliated to the right-wing BJP, the AITUC is affiliated to the Communist Party of India (CPI), CITU is affiliated with the Communist Party of India (Marxist) (CPI-M) and INTUC is affiliated with the Indian National Congress (INC). The mobilisations by these unions have not been uniformly strong across the years, as we shall see in this chapter.

Delhi. In 2006, they formally registered the Delhi Gharelu Kaamgaar Sanghatan (DGKS), the first formal domestic workers union in Delhi. Other groups such as Domestic Workers Forum also emerged in the early 2000s out of the work of the social action wing of the Catholic Church in Delhi-Chetanalaya. The SAATHI centre (coordinated by ISST), which had been working with slum communities in East Delhi since 2000, also began working on domestic workers in 2011 after a study on domestic workers in 2008.

In Delhi, there are two organisations, Jagori and AIDWA that are primarily women's organisations that have begun mobilising domestic workers. Jagori is a feminist organisation established in 1984, which began working with domestic workers from 2005-06 after the completion of a study on part-time domestic workers in Delhi (interview with Chaitali Haldar, 12 May 2014). AIDWA, which is the women's wing of the CPI-M began working with home-based workers in 2009. They found that domestic workers constituted the second highest category of workers among their membership in Delhi, and they have begun organising domestic workers in Delhi since 2014 (interview with Archana Prasad 16 July 2014).

The NDWM, which had been organising domestic workers since the 1980s elsewhere, opened its office in Delhi 2013 because of the strategic importance of the city for policy change.

NETWORKS AND FEDERATIONS

Several networks and federations specifically focused on domestic work have also developed over the years. Some of these have been focused on subnational levels alone, such as the Maharashtra Rajya Ghar Kamgar Kriti Samiti, which is a joint platform of domestic workers' unions affiliated to AITUC, BMS, CITU, HMS, INTUC, NTUI and Sarva Shramik Mahasangh formed in 2001 to "raise issues of wages, conditions of work and access to social security" (Gothoskar 2013:74). Recently, a new National-Level Trade Union of Domestic Workers (NTU-DW) was launched as an initiative of the KGKS. The Union is affiliated to the National Centre for Labour (NCL)¹³³ (Deccan Herald, 16 June 2013; also see interview with Ruth Manorama 19 June 2014). The two most prominent networks of domestic workers nationally are the NPDW and the DWRC.

The National Platform for Domestic Workers

After the Domestic Workers Convention, (No 189) was adopted by the ILO in 2011, SEWA organised a workshop in Chennai of domestic workers' organisations with the financial support of what was then the International Domestic Workers Network (IDWN).¹³⁴ The meeting focused on developing strategies to get Convention 189 ratified by the Government of India. The need for a Comprehensive Legislation for domestic workers was also expressed. A temporary Coordination Committee was formed to call a further meeting in Hyderabad in which around 48 domestic worker groups across the country participated. A Campaign Committee for a Comprehensive Legislation for Domestic Workers was also formed at this meeting.¹³⁵

¹³³ The NCL is a national federation of labour organisations from the unorganised/informal sector of India. It was the outcome of a study of informal sector organisations that concluded that the absence of a collective voice for the informal sector workers / labour at the national level resulted in their concerns not being effectively addressed at the national level. NCL was constituted by its founding organisations, namely National Federation of Construction Labour (NFCL), SEWA, National Fish Workers Forum (NFF), Sarva Shramik Sangh, Van Mazdoor Mandal, Kamani Employees Union and other independent trade unions.

¹³⁴ The IDWN was to later become the International Domestic Workers Federation (for details, see the following section). At the meeting organised by SEWA in Chennai, largely domestic worker groups from South India were present.

¹³⁵ Interviews with Nalini Nayak, 4 September 2014; Sr. Celia, 12 August 2014; Subhash Bhatnagar, 15 May 2014; Sr. Jeanne Devos, 25 July 2014.

In July 2013, there was a public meeting in Delhi where signatures for a petition proposing a national law for domestic workers were handed over to the then Ministry of Labour and Employment. At this meeting, it was also decided to create state level platforms (interview with Nalini Nayak, 4 September 2014). In the second half of 2014, state-level consultations were organised to inform a national-level public hearing to persuade the new government about the need to protect domestic workers' rights (interviews with Sr. Celia, 12 August 2014 and Nalini Nayak, 4 September 2014).¹³⁶

Domestic Workers Rights Campaign

Another important network of significant domestic worker groups at the national level is the DWRC. This group emerged during the consultation process for the Domestic Workers Bill proposed by the NCW. This group developed a different proposal for the Bill. The reasons for the emergence for the group were the debates generated during the consultation process around two issues: the functions of the Welfare/Tripartite Board proposed for domestic workers, and the ethics of domestic worker unions working as placement agencies.¹³⁷

Box 4: The International Domestic Workers Federation

The beginnings of the International Domestic Workers Federation lie in an international conference on domestic workers organised in the Netherlands in 2006 by Dutch organisations, IRENE and FNV Trade Union, and other organisations (WIEGO). The conference was attended by many international unions from across the world, such as the International Trade Union Congress. Chris Bonner, Programme Director at WIEGO, recounts that the conference adopted two resolutions: "one was that domestic workers needed to work for an ILO Convention for Domestic Work. The second was that they should set up a group to explore the setting up of a global network of domestic workers organisations" (Interview, 1 September 2014).

Karin Pape, the IDWN representative to the ILO from 2009-2011, recalls that the decision by the ILO to initiate the standard setting process on domestic work in 2008 shaped events after the international conference. WIEGO and other affiliated groups began discussions about training leaders of workers groups around the world in preparation for the ILO process soon thereafter (Interview, 16 October 2014). In 2008, there was a meeting with the representatives of domestic worker organisations from different regions of the world, which was facilitated by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and WIEGO. One of the decisions of this meeting was to set up a Steering Committee composed of representatives from domestic worker organisations. This led to the formation of the International Domestic Workers Network, which in October 2013 became formalised as the International Domestic Workers Federation (IDWF) (interview with Chris Bonner, 1 September 2014; also interview with Karin Pape, 16 October 2014).

The IDWF is a democratic federation of membership-based organisations representing around 300,000 domestic workers globally. It has 47 affiliates from 43 countries, a majority of whom are trade unions. The purpose of the Federation is to "ensure that the Convention is not forgotten and that the struggle for 'decent work for domestic workers' continues in a coordinated and sustained manner" (see websites of IDWF, <http://idwfed.org/en>, and WIEGO, <http://wiego.org/>).

Currently, there are four groups from India who are affiliated to IDWF: SEWA, NDWM, NDWF and Gharelu Kaamgaar Sanghathan (GSK) in Haryana. Being affiliated to IDWF, these organizations are part of trainings and federation meetings organized by IDWF. It leads to greater collaboration internationally which further helps in lobbying with local governments for policy change for domestic workers' rights.

¹³⁶ Some of the key members of the NPDW are Nalini Nayak of SEWA Kerala, Subhash Bhatnagar of Nirmana (Delhi), Ramender and Anita Juneja of Delhi Shramik Sanghatan and Delhi Domestic Workers Union, Medha Thatte from Pune Sahar Molkarni Sanghatana, Geeta Ramakrishna from Unorganised Workers Federation (Chennai), Sr. Celia from the Karnataka Domestic Workers Union and Father Chetan from National Domestic Workers Movement.

¹³⁷ More on these issues below. The Convener of this group is Meena Patel and the other members of the group are Bharti Sharma (ILO), Sr. Jeanne Devos (NDWM), Surabhi Tandon Mehrotra (Jagori), Geeta Menon (SJS), Sr. Leona (Chetanalaya Domestic Workers Forum) and Sr. P Clara (NDWM-Tamil Nadu) (Interview with Meena Patel, 2 April 2014).

4.2.2 Recognition of domestic work as work: Claims making by domestic worker groups

One of the fundamental issues at stake in domestic worker mobilisations is the lack of recognition of domestic work as work by both the state and society. The perception of domestic work as an extension of women's natural role as carers, its invisibilised and undervalued nature, as well as its history in patronage relationships pose serious problems for the recognition of domestic work as work. As Moghe (2013) has argued, “[It is] partly due to the socially isolated and invisible workplaces (within domestic spheres) and partly due to the social as well as personal perception that paid work is actually an extension of unpaid domestic labour that domestic work does not count as ‘gainful work’” (Moghe 2013: 64).

However, as we shall see below, one of the first interventions made by most domestic worker groups mobilising domestic workers is to instill worker consciousness and a sense of pride in domestic work, involving a transition from perceptions of domestic work as unskilled to valuing domestic work as essential and necessary work.

Domestic worker mobilisations have also focused on promulgation of new laws, and policies, as many of the issues faced by domestic workers have to do with the lack of recognition in the law of domestic workers as workers. While groups work outside the law too, because so much of this sector is unregulated, domestic worker groups have been coalescing around claims for the regulation of this sector. Moreover, these groups have also been making claims for the inclusion of domestic workers in state-provided social security benefits. Both these sets of claims are largely directed at the state (see Madhav 2010; Neetha 2009). However, as we shall see below, the questions of how to regulate domestic work and what kind of laws to bring in, are not straightforward. Questions around how minimum wages should be fixed, whether there should be a central law or a state specific legislation, how to account for the rights of part-time workers who may have a multiplicity of employers, who has responsibility for the social security rights of domestic workers—all of these pose real problems for the regulation of domestic work in India.

A large part of the focus of the claims making by domestic worker groups, which also flows from a call to recognise domestic work as work, has been for better working conditions and wages.¹³⁸ Claims making on domestic work has been focused on improving the conditions of domestic workers, whether this be through minimum wage notifications (directed at the state) or wage and leave negotiation with employers.

What is also interesting about claims making by domestic worker groups is the persistent focus on mobilising domestic workers, whether this be through *sangathans* (organisations) or unions. What comes through clearly in the interviews is that this is what allows change in the working lives of domestic workers: bargaining power and negotiating capacity, with or without the law, is clearly crucial. Therefore, the right to organise and unionise have been central to the claims making of domestic workers.

Recognition of domestic workers' rights in law: Slow, incremental change

As we have seen above, apart from a few scattered provisions that deal with domestic work, domestic workers have largely been left out of the purview of existing labour laws.

¹³⁸ See Labourfile 2010; G. Menon 2013; George 2013.

One of the first successful attempt to regulate domestic work at a national level was through an amendment in 2006 to the Child Labour (Prohibition and Regulation Act) 1986 which extended legal protection to domestic workers by banning children below the age of 14 years from being employed as domestic workers (Madhav 2010).¹³⁹ This amendment was seen as a significant victory by domestic worker groups across the country. Sr. Jeanne Devos, the founder of the National Domestic Workers Movement sees the death of a child domestic worker, Sonu, in Andheri (Mumbai) in 2006 as the key event that propelled the initiation and enactment of the amendment,

Here in Andheri, a little girl of 10 [working as a domestic worker] was killed and she was hanged on the ceiling to make it look as a suicide case. That happened at 5 am. Next door [to] the apartment where the child was killed was one of our leaders. She heard in the morning at 5 o'clock people saying "they have killed that girl and she is hanging on the ceiling". They wanted to show it as a suicide. She heard her employer saying that. She phoned us and told us to come immediately, otherwise the child would be cremated By 6 am [we] had a demonstration of 5,000 women in Andheri. At noon, they were 50,000 women. This spontaneous demonstration so early in the morning got the newspaper, the media [interested]. And NDTV [a national television channel] took it up as an issue of debate on one of its programmes—[A survey asked], is society responsible for the death of a child like Sonu—yes or no? And the answer was in the beginning 70% no and 30% yes. At one point, myself and I think Flavia [Agnes] responded and said, 'look the closed doors can be broken open, but the life of a child cannot return and any child in the world today is somewhere our child, otherwise we have to jump off from the world' Within an hour, the opinion changed to 72% yes and 28% no (Sr. Jeanne Devos, interview, 25 July 2014).

After the media related publicity events, the NDWM also galvanised its membership in the 14 states where it had a presence at the time, asking for state units to mobilise on the amendment to bring domestic work into the purview of child labour legislation. "So, all over India, they went to see politicians to bring it into the assembly and within three days the bill that we had presented, not worked on, was just floated— Ban on child labour in domestic work, in houses, hotels ... that was the bill of 10 October 2006" (interview with Sr. Jeanne Devos, 25 July 2014).

The effects of the amendment were to have far reaching effects, including galvanising the efforts of other domestic worker groups. As Subhash Bhatnagar (Nirman) recounts, "In 2006, on 10th October, they amended the Child Labour Act and domestic work was included as a hazardous industry. That was the day we called our first meeting, a public meeting to celebrate it. [However, we also recognised that this ban on child labour in domestic work] will not be sufficient. We will have to regulate the entire sector" (interview Subash Bhatnagar, 15 May 2014).

Apart from the inclusion of domestic work in the Child Labour Act, there have been several mobilisations for regulating domestic workers at both national and subnational levels.¹⁴⁰ Since the mid-2000s, however, the mobilisation efforts of domestic worker groups at the national level have focused on two initiatives seeking to regulate the domestic worker sector:

¹³⁹ The other legislations are the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979 which provides the regulation of women and children being procured for employment in cities from rural areas (Madhav 2010; also see Nimushakavi 2011). More recent inclusions of domestic workers have been through the Unorganised Social Security Act 2008 and the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act 2013. We return to mobilisations on the latter two legislations in later sections.

¹⁴⁰ We examine one of these subnational level mobilisations in the section on Karnataka. Here, we examine the more recent mobilisations for a national level policy/law on domestic workers.

- i. A national Bill on domestic work drawn up by the NCW, which has since coalesced around demands for certain key non-negotiables in any legislation on domestic work, and
- ii. A Draft Policy on Domestic Work drawn up by the Task Force on Domestic Work under the Ministry of Labour and Employment.

Further, the processes leading up to the adoption of the ILO Convention on Domestic Workers, and its subsequent non-ratification by India, have energised the claims making by domestic workers on regulating the sector.

PROPOSALS FOR A NATIONAL LEVEL LEGISLATION ON DOMESTIC WORKERS

Almost a decade ago, press coverage on the vulnerability of tribal domestic workers and prevalence of child labour and trafficking for domestic work led to a broad-based initiative by the National Commission of Women (NCW) in 2008 to draft a Bill for the protection of domestic workers. The draft Domestic Workers (Registration, Social Security and Welfare) Bill was a result of this initiative. This Bill proposed several things to protect domestic workers' rights:

- the regulation of working conditions;
- the establishment of a registration procedure for all domestic workers, including part-time and full-time workers;
- the setting up of a Domestic Workers Welfare Fund to which workers and employers would be required to contribute;
- the compulsory registration of placement agencies; and
- the imposition of fines and imprisonment for violation of the provisions of the bill.¹⁴¹

Although the Bill was proposed at about the same time that the ILO initiated a standard-setting process on decent work for domestic workers, the consultation process on the NCW Bill predated the ILO standard setting by a couple of years. After three stakeholder meetings with domestic worker groups between December 2006 and October 2007, a subcommittee was formed by the NCW which drew up a draft of the Bill.¹⁴² This draft legislation was then circulated among further domestic worker groups, and a national consultation was organised by the NCW in Delhi in March 2008. After this process, the subcommittee met again to consolidate the recommendations received during the consultation, and the Domestic Workers (Registration, Social Security and Welfare) Bill 2008 was drafted.¹⁴³

During the national consultation on 14 March 2008, the Bill was endorsed by many domestic worker organisations. One of the key recommendations that emerged from the conference was to set up a tripartite board for domestic workers, consisting of domestic workers, employers, and the officials of the state. In terms of how the funds for the tripartite board would be raised, and what it would do, Subhash Bhatnagar of Nirmana shares that the Bill proposed the following: "Employers would be required to pay one month's salary of the domestic worker to the tripartite board. [The] tripartite board would provide shelters in different areas, to provide counselling places." (interview, 15 May 2014).

¹⁴¹ See the Bill available on the NCW website, <http://ncw.nic.in/>; Madhav 2010; John 2013.

¹⁴² Malini Bhattacharya, who was a member of the NCW, chaired this committee and Bharti Sharma from ILO, Sister Leona from Domestic Workers Forum, Ramender from Delhi Shramik Sanghatan, Subhash Bhatnagar from Nirmana and others drafted the law in the name of NCW. AIDWA was also a part of the consultations on this Bill.

¹⁴³ See interviews with Subhash Bhatnagar, 15 May 2014; and Archana Prasad, 16 July 2014; and the Nirmana Niketan proposal, available on Nirmana website, <http://www.nirmana.org/>.

The issue of the tripartite board and its purpose in the regulation of domestic work, was to become a bone of contention between various domestic worker organisations (on which more below). Moreover, objections were also raised about some domestic worker groups working as placement agencies (interviews with Meena Patel, 2 April 2014, and Nalini Nayak, 4 September 2014). Owing to these differences, a group of organisations broke away from the wider group to form the Domestic Workers Rights Campaign with their own proposals for a Bill to regulate domestic work. However, Ramendra of DSS maintains, “The structure of a tripartite board to provide short term and long-term social security and design decent working conditions got the unanimous support of about 100 delegates from over 16 states in the national consultation organised by the NCW in March 2008” (interview, 4 June 2014).

Around the same time, the ILO initiated the standard-setting process on decent work for domestic workers, and many domestic worker groups focused their attentions on the process of adopting the ILO Convention and Recommendations. As such, Nirmana and the National Campaign Committee for Unorganised Sector Workers (NCC-USW) pursued the cause and organised several regional meetings to refine some sections of the NCW proposal, which they resubmitted to the NCW. This bill was called the Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill, 2008. Apart from regulating domestic work, the Bill seeks to regulate the payment of contributions to a welfare fund by employers and workers, and proposes setting up a social security and welfare board at central and state levels to administer the law and its enforcement through inspections at domestic premises (see Madhav 2010).

However, the problem of drafting a law in the complex context of domestic work proved to be no easy task, and both Bills generated a lot of debate. As John elaborates, “The debates and discussions around these two bills include the definition of domestic worker, an employer, and wages, the mode of delivery of welfare benefits and the criteria for determining minimum wages, which neither bill expressly addresses” (2013: 9).

Nimushakavi (2011) gives us a glimpse into how difficult the exercise of regulating domestic work is. She analyses the draft proposed by the National Campaign Committee for Unorganised Sector Workers—that is, the Domestic Workers (Regulation of Employment, Conditions of Work, Social Security and Welfare) Bill 2008—from the perspective of the definition of domestic workers. She notes that according to this bill, domestic worker means, “A person between the age of 15 and 60 years working in any domestic employment, directly or through any agency or contractor whether exclusively for one employer or in a group or otherwise, one or more employers whether simultaneously or otherwise and includes a casual or temporary domestic worker; migrant worker; but does not include any member of the family of an employer” (Nimushakavi 2011:88).

However, this definition is not pegged to the place of work, or to any classification of domestic work (Nimushakavi 2011).

Since 2008, support for a central law dealing with domestic workers has been getting stronger. However, there have also been criticisms about the focus for a central law and what this would achieve (see Neetha 2013c). Even so, the National Domestic Workers Platform, which represents a large number of domestic worker groups, though by no means all domestic worker groups, has coalesced around a one point agenda—a demand for a comprehensive legislation. Nalini Nayak explains, “any group that is asking for a comprehensive legislation is welcome to be on the Platform”. The comprehensive

legislation itself, according to the Platform has certain non-negotiables. In a petition to the government in April 2013, the platform list their specific demand for a separate central legislation on domestic work that will “regulate employment, the conditions of work and provide social security simultaneously. This includes the includes fixation of wages and other conditions of work, resolution of disputes and protection of employment besides provision of social security, child care facilities, housing, training and skill formation” .¹⁴⁴ Nalini Nayak contrasts these demands from the Unorganised Sector Workers Act, which she says has become a “shabby welfare Act without any rights to workers” (interview, 4 September 2014).

In August 2013, a mass rally was organised by the NP DW in New Delhi to urge the government to adopt a central law on domestic workers guaranteeing their rights.¹⁴⁵ After this, state-level platforms of the NFDW met to prepare for a national-level meeting in November 2014 where they would renew their demands with the new government that came to power in May 2014 (interview with Sr. Celia, 12 August 2014).

Disagreements over a Tripartite Welfare Board

One of the key demands that emerged out of the NCW consultation process was the creation of a tripartite welfare board. However, this is also one of the issues that has also become a bone of contention between the two national level network/campaign groups (the NPDW and the DWRC). The question of the role of the tripartite board, particularly in terms of whether this ought to be the body responsible for the registration of domestic workers and the protection of their rights under a new legislation, continues to fuel discord between these groups, who otherwise agree on the content of domestic worker rights.

Nalini Nayak explains the demand of the NPDW for a multi-functional tripartite board specific to domestic workers that focuses on domestic worker rights, rather than domestic worker welfare, “The tripartite board should regulate work and deliver social security. That is what we are saying but the structure as it exists now in the country, it works like a welfare board. We are saying we do not want welfare because these are our [domestic workers] rights and we are working for our rights” (interview, 4 September 2014).

The NPDW envisages a tripartite board that is constituted of employer, employee and state representatives. The worker representatives would be inclusive of women’s domestic worker unions and women domestic workers. The employer representatives would comprise “people who employ domestic workers and not just industrial institutions” for which the NPDW proposes the possibility of resident welfare associations functioning as employer representatives (interview with Nalini Nayak, 4 September 2014). The duties of the Board would include the following:

- regulation of conditions of work, including monitoring of payment of minimum wages;
- the provision of a help line and a complaints committee at all levels to handle sexual harassment complaints of domestic workers;
- registration of workers and employers and collection of their contributions for social security;

¹⁴⁴ See Nirmana website, <http://www.nirmana.org/>, last accessed 20 March 2016; also interviews with Nalini Nayak, 4 September 2014; and Sr. Celia, 12 August 2014.

¹⁴⁵ See Nirmana website, <http://www.nirmana.org/>, last accessed 20 March 2016; also interviews with Sr. Celia, 12 August 2014; Nalini Nayak, 4 September 2014; and Subhash Bhatnagar, 15 May 2014.

- provision of smart cards that are recognised across the country, enabling domestic workers to collect benefits in case of migration;
- registration of placement agencies who would be responsible for supplying information to the Board on domestic workers in their employment, as well as the services they provide such domestic workers; and
- a mechanism for dispute and grievance redressal (interview with Nalini Nayak, 4 September 2014).

Nalini Nayak expands on how the contributions from both employer and employee can be collected for the board to function. She argues that using the same smart cards that are provided to Rashtriya Swasthya BimaYojna (RSBY) beneficiaries (which includes domestic workers), both the registration of the domestic workers (and their employers) and the contributions of both can be tracked (interview, 4 September 2014).¹⁴⁶

The other campaign group, DWRC disagrees with this proposal on both the characteristics and functioning of the Board. Meena Patel, the DWRC Coordinator, argues that the proposals shift the responsibility for implementing the core principles of the legislation from the Labour Department to the tripartite board. This, she argues, is bad policy,

We do not want the legislation to be implemented through the Tripartite Board...since the third Five-Year Plan, ever since the labour policy was included in the Plan, the key to implementation has been the Labour Department's responsibility. There is a whole machinery which was set up under the Plan, the labour policy which was adopted by the country to implement labour laws. So, I do not see the need for trade unions or NGOs to implement labour policies through the Board. As a trade union, my work is to negotiate and protest if there is shoddy implementation. It cannot be implementing machinery (interview, 2 April 2014).

This argument that the tripartite board cannot be the arbiter and protector of the rights of domestic workers is also the reason given by other groups such as Stree Jagriti Samithi and FEDINA in Karnataka for their discomfort with a tripartite board playing the role of guarantor of domestic worker rights. Geeta Menon of SJS argues,

What we are saying through our campaign is that registration and regulation of domestic workers legally should be with the Labour Department. Only social security should be taken up by the tripartite body. While this is concerning law and legal framework, why should we exempt the Labour Department from it? If the Labour Department is not doing its job, that is also our responsibility. We [domestic worker groups] also have to fight for it but by leaving them out of this whole responsibility, there is a problem. Because then who is the actual authority? Why should we make [the Labour Department] a weak authority? Then they said that 'no, no, that anyway the tripartite board will be taking up [matters], so there the Labour Department will come into the picture and all that'. We still were not very convinced so actually there has been not much debate on that (interview, 17 June 2014).

Similarly, Usha Ravikumar and others at FEDINA in Bangalore argue that the Labour Department has to be the repository of rights, rather than the tripartite welfare board, because that is what ensures that domestic workers will be identified and treated as workers (interview with 24 July 2014).

¹⁴⁶ Apart from registering of both domestic workers and their employers, through the smart cards, Nayak addresses the issue of the kind of contribution employer/s of domestic workers make. She says that the employer should make a direct contribution for a year; the amount will be pre-determined by the Board, depending on whether the domestic worker is employed on an hourly, daily or full-time basis. The benefits would accrue to the worker directly from the Board: "so if I as a worker then need to get leave because I am sick or need to get a benefit because I am going on maternity leave, it is all paid by the board. I do not need to trouble my employer any more. Employer has paid a one-time payment and should not bother about it. So it is not difficult. Now that everything is online, it is not difficult to handle it is a system that has to be put in place" (interview with Nalini Nayak, 4 September 2014).

Eventually, members of the DWRC redrafted the 2008 NCW Bill as the Domestic Workers Welfare and Social Security Bill, 2010. This Bill asks for all domestic workers, employers or service providers to be registered, within one month of the commencement of the employment of the domestic worker in the household with the “District Domestic Labour Welfare Board” (under the supervision of the Labour Commissioner). It also has provisions for registering part-time and migrant domestic workers. Apart from this, it clearly mandates that no child shall be employed as domestic worker or for any such incidental or ancillary work.

Nalini Nayak counterposes that many domestic worker groups do not understand the concept of the tripartite board that the NPDW is asking for. She says that groups get confused between “the tripartite board and the welfare board”,

They will say things like welfare board should come under Labour Department. They do not understand that the tripartite board will deal with labour issues and so will come under the ambit of the Labour Department. This is reason why the Platform does not get that much of a push because the smaller unions do not deal with these issues and then they want to break away on small differences which of course are not really correct (interview, 4 September, 2014).

The debate between the two national level network/campaign groups on the question of who is responsible for the registration of domestic workers and the protection of their rights under a new legislation continues to fuel discord between domestic workers groups, who otherwise agree on the content of domestic worker rights.

THE TASK FORCE ON DOMESTIC WORK AND THE DRAFT NATIONAL POLICY ON DOMESTIC WORKERS

In June 2011, at the 100th session of the International Labour Conference (ILC) of the International Labour Organisation (ILO), the historic Domestic Workers Convention, 2011 (No. 189) and its supplementing Recommendation (No. 201) were adopted. This was the first time that the ILO formulated international labour standards dedicated to this particular group of workers.

Prior to the formulation of the Convention, in preparation for the 99th session of the ILC in December 2009, the Ministry of Labour and Employment, Government of India, under the office of the Director General of Labour Welfare, set up a Task Force to “evolve a policy framework on domestic workers (regulatory mechanism, providing welfare measures) and generate info for India Paper for consideration during 99th Session of the ILC in Geneva, June 2010” (see Task Force on Domestic Work 2011). The task force was initially set up for three months, and produced its first report on the 8 March 2010. Reiko Tsushima, Senior Gender Specialist at the ILO Delhi office, talks the process through which the Task Force was set up. She says,

[When] the convention work came about, a lot of activists and unions approached me because this issue went on the standard setting agenda ...—it was the unions and also SEWA and National Domestic Workers Movement They wanted to have more information on how the standard setting process was moving and how they could influence it. And what we did first was to try to understand the situation and basically analyse the labour laws and various laws for unorganised sector workers and see where they were applicable to domestic workers. ... The turning point came when we discussed this issue with the Ministry of Labour, Director General Labour Welfare. Also, you know, India needed a position to speak on at the International Labour Conference. And that is why we then started assisting the Labour Ministry in presenting background information on how many domestic workers, how they are covered And this then led to the whole establishment of a taskforce. And one of the taskforce objectives was to evolve India’s position on this issue (interview, 28 August 2014).

When the Task Force was initially set up, invitations were sent out to key stakeholders among domestic worker groups, including SEWA and NDWM. Sr. Jeanne Devos recounts how members were invited to be part of the Task Force,

The first meeting of the Task Force where I was invited—there was the Ministry of Labour, the Ministry of Women and Child Welfare, Ministry of Social Justice, then there were four-five other ministries... So they called me and I said, “look why don’t you call different representatives of the Movement?” And that is how they called someone from Andhra Pradesh, someone from SEWA...it started with calling me because of the large number of members we had in our movement’ (interview, 25 July 2014).

Working groups were set up by members of the Task Force to delve into specific issues. Geeta Menon of the Stree Jagriti Samithi (Bangalore) was a part of one of the working groups: “They had already decided that the working group should be set up, there were certain drafts ... on how the policy would look ... They called us to get inputs about what more can be added and especially in terms of the definitions, like the definition of workers, definition of child, definition of employer” (interview, 17 June 2014).

On the process through which the working groups and the Task Force were set up, Geeta Menon says that although the “consultation and discussion and all that was fine, there were not many mass-based organisations”. This exclusion from the start determined the ultimate fate of the Draft Policy, “This is something that raised a lot of questions and that is why the labour, the central trade unions ... when the policy came about they did not heed much attention or they were little bit reluctant ... because they said we were not included at all, which is true” (interview, 17 June 2014).

Even so, after the initial three months, the Task Force produced its first report on 8 March 2010. The government adopted the report in April 2010 after which it extended the period of the Task Force from April 2010 to August 2011 for further deliberations. Further, based on the recommendations of the report, the government included domestic workers in the RSBY scheme.¹⁴⁷ In September 2011, the members of the Task Force drafted a comprehensive Draft Policy on Domestic Workers, which the Task Force urged the government to adopt. This Draft Policy was further endorsed by the Working Committee on Domestic Workers under the National Advisory Council headed by Sonia Gandhi during the UPA government¹⁴⁸ (see interviews with Sr. Jeanne Devos, 25 July 2014; and Nalini Nayak, 4 September 2014).

On the process through which the Draft Policy was developed Nalini Nayak (SEWA Kerala), who was on the Task Force notes that it involved employee groups, employer groups and government representation, mirroring the tripartite process usually employed by the ILO. Moreover, according to her, the ILO took a leading role in taking down the minutes of the discussion which led to a “fairly good draft national policy” (interview, 4 September 2014). Sr. Jeanne Devos (NDWM) concurs and suggests that the “process was quite positive” (Interview, 25 July 2014). Interestingly, the employers’ group was represented by placement agencies and FICCI [Federation of Indian

¹⁴⁷ In the meantime, the 99th session of the International Labour Conference was held in June 2010, and the Government of India attended. In June 2011, the Indian government voted in favour of the ILO Convention 189 on Domestic Workers and Recommendation 201, which were adopted at the 100th session of the ILC (see Task Force on Domestic Work 2011)

¹⁴⁸ The National Advisory Council (NAC) of India was an advisory body set up in June 2004 by the first United Progressive Alliance (UPA) government to advise the Prime Minister of India. Sonia Gandhi (leader of the All India Congress Party) served as its Chairperson for much of the tenure of the UPA. The NAC was dissolved in May 2014 after a new government was elected at the centre.

Chambers of Commerce and Industry] (interview with Shalini Sinha, WIEGO 27 August 2014).

The Draft Policy itself adopts a labour rights framework for domestic workers, and obliges the central and state governments to take effective measures to protect domestic workers' rights by bringing domestic workers into the ambit of other labour laws and schemes, amending state and central laws where possible, and setting up legislative mechanisms to address those issues that existing legislations do not address. It also obliges the state to set up an institutional mechanism which provides for social security, fair terms of employment, grievance redressal and dispute resolution. It further expects the state to facilitate the process of registering workers, to promote their right to organise and their skill development, and to professionalise domestic work by enhancing employability, as well as by dealing with wages and living conditions—by recognising the right to fair terms of employment, minimum wages, normal hours of work, rest periods, paid leave, access to social security and work in safe environment (see the Task Force Final Report 2011).

Although the Draft Policy itself was considered as providing a good framework for domestic worker rights, its fate languishes in uncertainty. Until the early part of 2014, groups were still calling for the adoption of the Policy (see *The Hindu*, 20 February 2014). Moreover, while the early version of the Draft Policy was circulated among groups, its final contents remain a mystery. As Subhash Bhatnagar puts it, “no one knows what the final Policy looks like and what the fate of the Policy is as such” (interview, 15 May 2014). Reiko Tsushima, Senior Gender Specialist, reiterates, “all I know from my last interaction with the person concerned was that they had done their best. That the final structure of the Policy would be a much watered-down structure of the original, more comprehensive draft form” (interview, 28 August 2014).

The Processes Leading up to the ILO Convention No 189/2011

From the mid-2000s, there has been an increased momentum across groups to mobilise around domestic workers issues in India as well as around the world. Karin Pape of WIEGO argues that although at the ILO itself, conversations on the regulation of domestic work itself date back to the 1960s, it was in the mid-2000s that this issue began to gain traction (Interview, 16 October 2014). In 2006, an international conference on domestic work organised primarily by IRENE, Mondiaal FNV (Netherlands), WEIGO, Asian Domestic Workers Network (ADWN) and supported by International Trade Union Confederation (ITUC) and the IUF was held in Amsterdam. This generated a lot of interest on the topic, and moreover, as Pape suggests, there were also several departments of the ILO as well as workers' groups engaged with the organisation that were pushing for regulation of this sector (Interview, 16 October 2014). Further, the ITUC, together with the Bureau for Workers' Activities (ACTRAV) of the ILO, was at the forefront of promoting the inclusion of Decent Work for Domestic Workers on the ILC's agenda.

In March 2008, the ILO decided to initiate the standard setting process for domestic workers by proposing to the General Body that they “place the item of promoting decent work for domestic workers on the agenda of the International Labour Conference in 2010 with a view to developing ILO instruments, possibly in the form of a

Convention supplemented by a Recommendation, to provide badly-needed protection for this category of workers” (Yovel et al. 2010: 25).¹⁴⁹

In India, the initiation of the standard setting process meant that domestic worker unions and organisations began to approach the ILO to both understand the process as well as to contribute to it (Reiko Tsushima, Interview, 28 August 2014). The ILO office in Delhi set about the standard-setting process by mapping out the context and existing regulation of domestic work in India. There were already organisations and networks carrying out research on domestic work at the time, such as WIEGO and ISST, who the ILO collaborated with (interview with Tsushima, 28 August 2014).

WIEGO had in fact initiated a pilot law project in 2008 on domestic work (among other sectors), coordinated by Shalini Sinha, Home-Based Worker Sector Specialist at WIEGO. She recounts the reasons why domestic work had been chosen for the law project: first, because of WIEGO’s interest in women’s informal employment, and second, because the discussions for the ILO convention were coming up, and they “wanted to strengthen the workers’ movement” (interview, 27 August 2014; also see Sankaran and Madhav 2012). WIEGO organised a series of consultations, of which two smaller consultations were held in 2008-2009 in Delhi and in Bangalore. A third national consultation in 2010 was organised in collaboration with the ILO Delhi office. The purpose of these consultations was to talk to domestic worker groups to identify the issues of domestic workers, and several groups participated¹⁵⁰ (interview with Shalini Sinha, 27 August 2014; also interview with Nalini Nayak, 4 September 2014). Shalini Sinha notes that several important issues came to the fore during these consultations—on how to calculate wages (task-based, hourly rate, size of the house, number of household members); issues around migration and the networking of migrant groups; the notion of servitude and how to break it; occupational health; childcare; and so on. One of the main points of discussion was to understand who could represent the employers in the tripartite meetings to follow. Many participants suggested that the Resident Welfare Association (RWA) groups could play this role. However, the RWA groups themselves, “insisted on police verification of domestic workers and they were generally suspicious of domestic workers which was defeating to the cause at hand” (interview with Shalini Sinha, 27 August 2014).

Further, the thorny issue of the role of placement agencies in domestic work (particularly as representatives of domestic workers) was to rear its head again in these consultations, with fierce debates and divisions between groups on this issue. Shalini Sinha explains,

This whole issue of placement agencies was completely unresolved, and the government was also talking about ... registering them under the Shops and Establishment Act. Nobody knew how it would be done. It was absolutely useless because given the circumstances and the way the Act is, it would not be able to cover or regulate the placement agencies in any way. Yet we had more and

¹⁴⁹ Developing international labour standards at the ILO is a unique legislative process involving representatives of governments, workers and employers from around the world. As a first step, the Governing Body agrees to put an issue on the agenda of a future International Labour Conference. The International Labour Office prepares a report that analyses the laws and practices of member states with regard to the issue at stake. The report is circulated to member states and to workers’ and employers’ organizations for comments and is discussed at the International Labour Conference. A second report is then prepared by the Office with a draft instrument for comments and submitted for discussion at the following conference, where the draft is amended as necessary and proposed for adoption. This “double discussion” gives conference participants sufficient time to examine the draft instrument and make comments on it. A two-thirds majority of votes is required for a standard to be adopted. For more, please see <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/international-labour-standards-creation/lang--en/index.htm>, last accessed 20 March 2016.

¹⁵⁰ In Bangalore for instance, groups such as Stree Jagriti Samithi, ALF and Women’s Voice were represented at the consultation.

more evidence of all these placement agencies, or organisations who were placing domestic workers and also working for their issues... so, some organisations, which had promoted employment for domestic workers, were written off during the consultation by others, [domestic worker unions] saying that you are a placement agency and we cannot come together with you. As such, it isolated a few organisations (interview, 27 August 2014).

These debates were already circulating from the consultations that had been held during the drafting of the NCW Bill on Domestic Workers, which led to the formation of the splinter campaign group, the DWRC. The debates continued during the ILO consultations as well and continues to be a bone of contention among the two groups.

Karin Pape locates the wider mobilisation efforts of international organisations such as WIEGO to ensure domestic workers' participation in the ILO process. She says that at every stage of the standard setting process (reporting, questionnaire, tripartite feedback, and so on), the IUF tried to involve domestic worker groups.¹⁵¹ On the questionnaires, the IUF used its knowledge of the ILO process to facilitate domestic worker engagement through model answers (interview, 16 October 2014). Chris Bonner of WIEGO recounts that “the number of responses from trade unions (and governments) to the questionnaire circulated by the ILO as part of the preparation for the ILC discussion was unprecedented, with the trade unions almost unanimous in their support for the demands of domestic workers and their quest for a binding convention with supporting recommendation (ILO 2010)” (Bonner 2010: 5). Similarly, WIEGO also facilitated the inclusion of domestic worker representatives in the trade union delegation, and Pape reckons that they were “more or less successful in that” (interview, 16 October 2014).

Given that only representatives from central trade unions (CTUs) could participate in the International Labour Conferences, in terms of specifically domestic worker groups from India, only SEWA could participate as it fell under the category of a central trade union. Nalini Nayak from SEWA Kerala was part of the official delegation that participated from India. Representatives of various other Central Trade Unions such as BMS, AITUC, INTUC, CITU, also represented domestic workers groups from India at the conference (Interview with Nalini Nayak, 4 September 2014; also interview with senior functionary, INTUC Karnataka, 19 June 2014).

Nevertheless, having only CTU representatives as part of the Indian government delegation was harmful for the discussions at the conference as “the unions have nothing to say because they are all male-dominated except for SEWA” (interview with Nalini Nayak, 4 September 2014). The domestic workers groups who were not part of trade unions, could only participate as “observers”. Sr. Jeanne Devos could not participate as a delegate because NDWM was not a trade union at the time. However, given her long years of experience in organising domestic workers and owing to the Belgian government's intervention and the IDWN's insistence, she was able to join as part of the delegation of the Confederation of Christian Trade Unions (Belgium) and World Solidarity (Belgium) (Yovel et al. 2010). Sr. Jeanne Devos explains the close connection between the Belgian and Indian domestic workers' movements and their interest in the ILO process, “The Indian movement and the Belgium movement for domestic workers started opening up to the ILO because the President of the Belgium movement [on domestic work] became the Vice-President of the ILO—Luc Cortebeek, and he pushed very strongly at the ILO for a Convention on domestic workers” (Interview, 25 July 2014).

¹⁵¹ Karin Pape was seconded to the IUF as the IDWN representative during the ILO process.

Apart from the ILC, groups from India also got involved in the process of feedback and dialogue on the Convention. As Nalini Nayak recounts,

The ILO had its own process with the central trade unions everywhere. This process of the workers getting aware and intervening on drafts ...was also very important because many things went into making the draft Convention document so substantial. Unusually there was much comment on drafts. ...So the final draft itself...was a fairly good one because it went through so much of a process and people contributed to it. And finally of course Jennifer Fish [Asia Regional Coordinator of the IDWN] who defended the workers at the ILO Convention herself was extremely good and articulate. She carried the day because she was able to defend every single issue in keeping with what the workers were suggesting (interview, 4 September 2014).

Indian government's role in the ILO process

The Task Force report (2011) credits the Indian government for the “leadership role” it played for the adoption of the Convention and Recommendation at Geneva. It suggests that the Indian government's support for the Convention and Recommendation played a key role in garnering the unanimous support of all of the South Asian governments (Task Force Report, 2011). However, this argument belies the prior role played by the Indian government in the long round of negotiations leading up to the adoption of the Convention and Recommendation.

At the 99th session of the ILC, a decision was made to include an item, “Decent Work for Domestic Workers” on the agenda of the next session of the conference with a view to adopting a Convention and a recommendation on domestic work (see Labour File 2010: editorial). However, this decision was made after defeating an amendment moved by the government of India, which sought instead a non-binding Recommendation rather than a Convention on domestic work (see Labour File 2010: editorial).¹⁵² This amendment, unsurprisingly, was seconded by employers' groups. The Labour File editorial (2010) recounts the argument of the Indian government representative,

Since many countries have no laws regulating and safeguarding the working conditions of domestic workers, a Convention might be difficult to ratify and will not have the desired impact. A Recommendation will, however, enable member states to develop feasible and practical standards and policies, and the ILO could assist member states in developing strategies (Provisional Record no. 12, Fourth Item on the Agenda: Decent Work for Domestic Workers, 99th session of the International Labour Conference, as cited in the editorial in Labour File 2010: 2).

Nalini Nayak recalls her shock at the Indian government's position at the 2010 International Labour Conference. Although she was a part of the official delegation as a workers' delegate, she had no idea about the government's stand on the issue,

At the ILO, before the actual official dialogue, the first objections are taken and the only objection [to the adoption of a Convention supplemented by a Recommendation] came from the Indian government, and so it was put on the table. It was a shock to everybody because nobody knew the Indian government was going to come up with this first objection. Then the house was so divided that unusually they had to go in for a vote. See very rarely does ILO go in for a vote on things ... And all of us who were there, we got a shock because the Indian government had not told us that they were going to object When we came back from the first round of the ILC we made a lot of noise and wrote to the newspapers and involved the media and a delegation went and met Sonia

¹⁵² The difference between a Convention and a Recommendation as Coen Kompier (2010) explains is that ratification of a Convention imposes an obligation on states under international law to ensure that its provisions are implemented at a national level. Moreover, a Convention sets in motion certain obligations under the ILO supervisory machinery, which means that ratifying countries have to report on the implementation of the Convention, which other stakeholders such as trade unions and employers' organisations have a right to send comments on through shadow reports. Further, it also provides a mechanism for complaints on non-compliance. These obligations do not flow out of Recommendations, which “are nothing but an advisory international instrument” (Kompier 2010: 19-20).

Gandhi who was then heading the NAC [National Advisory Council]. She promised to look into the matter ... At the Conference the next year [100th session of the ILC], the official Indian delegation did change its stand, and eventually they were voted out. It was shameful for India, which has millions of women as domestic workers, and everyone was totally upset. ...So it is only understandable that they are not going to ratify [the Convention] that easily' (interview, 4 September 2014).

After the Convention was adopted at the ILO, having faced opposition from the Indian government, domestic worker groups renewed their commitment to demand a national legislation on domestic work. The adoption of C189 has had a powerful symbolic effect on the mobilisation efforts of domestic worker groups. Although, domestic worker mobilisation predate C189 by three decades, and the Convention does not always directly inform mobilisation efforts, the fact of its adoption resonates among domestic worker groups. As Ashim Roy, formerly with NTUI, puts it, "the most important part of the ILO Convention is that they actually recognise that domestic work is work. ... The Convention lends dignity to the idea of domestic work" (interview, 28 June 2014).

Mobilisations on conditions of work

Domestic work is structured by informality, and a "culture of servitude" (Ray and Qayum 2009). Its performance in private households makes a domestic worker vulnerable to abuse and exploitation. WIEGO lists a set of conditions that characterise domestic work in India:

- a lack of formal contracts to ensure an employer-employee relationship;
- lack of organisation and poor bargaining power (owing to the nature of the work);
- no legislative protection; and
- inadequate welfare measures with no provision for weekly holidays, maternity leave and health benefits.¹⁵³

Consequently, domestic work is characterised by poor pay, long and unregulated working hours, undefined nature of employment, and precarity and insecurity of employment. Further, domestic workers do not enjoy any of the regular benefits that other workers enjoy. There is no concept of weekly off, annual leave, paid leave or sick leave¹⁵⁴ and as such women domestic workers suffer from poor health and nutrition and long working hours of hazardous tasks. In addition and in spite of such poor working conditions and occupational health hazards, domestic workers do not receive any sickness benefits.¹⁵⁵ Moreover, the place and conditions of work make domestic workers vulnerable to violence, sexual abuse and caste-based discrimination. Often, the ways in which domestic workers themselves cope with some of these issues is by having a multiplicity of employers. However, this comes at the cost of their health and well-being (Gothoskar 2013: 71).

In response to these conditions, domestic worker mobilisations have targeted the state and employers seeking a transformation in the condition of work. These mobilisations have included demands for minimum wages, and fair conditions of work directed at the state at the subnational level, wage and leave negotiations with employers, as well as mobilisations focused on securing social security benefits from the state.

¹⁵³ See WIEGO website, <http://wiego.org/>, last accessed 20 March 2016.

¹⁵⁴ Neetha 2004; Bhattacharya and Sinha 2009; Nimushakavi 2011; Gothoskar 2013.

¹⁵⁵ Gothoskar 2013; Neetha 2010.

MOBILISING FOR WAGES

There are on-going debates over the norms for setting wages. These debates include several tricky issues such as whether the wage ought to be time rated or piece rated, in kind, hourly or weekly, part-time or full time; based on house size or persons per household, over time; adjusted for boarding, include medical care and other necessities and multiplicity of employers (WIEGO website).

Negotiating wages is one of the most acute problems faced by domestic workers, especially in a context where there is a lack of value attached to domestic work, along with a lack of organising and bargaining power, and of legislative stipulations for minimum wages. The low levels of wages and the lack of increment in a context of rising inflation exacerbate workers' condition of poverty (Gothoskar 2013). Arbitrary cuts in wages, deceit in calculation of wages, no pay for extra workload are other issues related to wages that domestic workers face. Moreover, in almost all cases, the employer is often the main source of interest-free credit for the domestic worker weakening even more the bargaining capacity to negotiate a higher wage (Neetha 2004, 2009; Sengupta and Sen 2013). Furthermore, wages vary across employers irrespective of the quantum of work and hours of work, as the minimum wage for domestic workers is not fixed by labour legislation in many states, and where it is, it is grossly inadequate.

However, setting wages for domestic work is no easy task, not just in terms of how little domestic work is valued, but also in terms of determining how it ought to be valued and guaranteed. As Neetha (2004) argues, it is difficult to arrive at a uniform wage rate even for a specified locality wages since wages vary across geographical areas and depending upon the economic and social characteristics of employers and employees.

Moreover, the hierarchies and divisions in wage setting maybe hard to shift. A domestic worker under the category of “cleaner” may only perform house cleaning or can take up other cleaning jobs such as washing clothes, etc. A cleaner cannot take up the task of a cook, for which the wages are higher.¹⁵⁶ Sengupta and Sen (2013:56) explain that the reason for such differential in wages lies in the “perception of skills and the social dynamics of caste”. Although over time, the overall growth in the sector has weakened caste preferences, nonetheless, cooking continues to demand a higher wage as it is still considered more skilled work than other kinds of domestic work such as cleaning (Sengupta and Sen 2013).

A WIEGO paper sums up the complexity of fixing wages—“wages for the domestic workers are determined by factors such as tasks performed, hours of work, their social status, skills (or the lack of it), the need for flexibility and other labour market conditions” (see WIEGO website).

The difficult process of tediously negotiating wages in each locality based on context, and a set of agreed norms was recounted by almost all of our interviewees, made all the more difficult by different categories of workers. Leeza of NDWM encapsulates this when she says, “Even the Labour Commissioner asked me how you would want to calculate the wages because domestic workers work in different neighbourhoods with varied wage structure and not everyone calculates wages on an hourly basis ... part-time domestic workers prefer task-based calculation of wages while full time domestic workers prefer hourly wage system” (interview, 25 March 2014).

¹⁵⁶ Neetha 2004; Palriwala and Neetha 2009; Sengupta and Sen 2013.

Even so, wage negotiations and collective bargaining on wages was a crucial component of the claims making of every domestic worker organisation. While task-based wages, along with the size of the household, seemed to be the preferred norm among many domestic worker groups (with rates varying across location), other difficulties particularly that of domestic workers undercutting the efforts of the collective agreement because of necessity were also highlighted by almost all of our interviewees (also see ISST 2014). Archana Prasad locates the context within which the difficulties of maintaining solidarity on wages arise:

In a situation where one woman can be replaced by five others, you obviously would have depressed wages. This is what we call the reserve army of labour that it is almost being treated like an unskilled casual labour so that is what you are getting. I think our preliminary findings, I mean we are still to write up the report and publish it, are showing that the average hourly wage was something like Rs. 18 in UP [Uttar Pradesh]. So it is not as if the average hourly wage is going up. I think it is coming down. Because there are more and more women who are ready to work. [It is] simple demand and supply logic (interview, 16 July 2014).

This depression of wages leading to difficulties with wage bargaining is particularly acute in the context of newer migrants to cities (on this, see more in Karnataka section below).

In some contexts, however, the negotiations for wages by groups was made easier by the context of the state as well as the nature of mobilisation of the organisation, and the links it makes to other issues such as skill development of its workers. Nalini Nayak recounts the early experience of SEWA Kerala:

Our mobilisation among domestic workers, since we started in Kerala, was slightly different to the way that NDWM started because in Kerala, the idea was to straightaway attack the way women were treated and [negotiate for better] wages because anyway they have always been in union so what we did was to organise the service... We trained women in nursing, post-natal care, child care and elderly care, to meet a particular need and then we set the standards on wages, working time, treatment of workers, what workers would get. So for Kerala initially, because there was a workers consciousness, a working class consciousness, the employers then were obliged...an agreement was entered with the employers and terms of wages, working conditions were discussed beforehand. From the very beginning, the employers were also required to contribute towards their welfare (interview, 4 September 2014).

Minimum wages: To mobilise or not to mobilise

Domestic workers in India are generally excluded from the purview of the Minimum Wages Act 1948 at the national level. The central government has fixed minimum wages for 45 occupations and domestic work is excluded. However, since both the central (national) and state (subnational) governments are allowed to make rules and fix minimum wages for other occupations, domestic worker mobilisations over the last two decades have targeted their mobilisations at the subnational level.

Sustained efforts by domestic worker groups has resulted in minimum wage notifications in the several states including Karnataka (2004), Kerala (2005), Tamil Nadu (2007) (interview with Leeza, 25 March 2014). Currently there are 10 states and one union territory that have included domestic workers in their minimum wage notifications: apart from Karnataka, Kerala and Tamil Nadu, these include Rajasthan (2007), Bihar (2009), Odisha (2009), Assam (2013), Meghalaya (2013), Jharkhand (2014) and the union territory of Dadra and Haveli (2007).

Table 1: Minimum wages (Rs.) for domestic workers as on 31.12.2013

States	Basic	Dearness Allowance	Total
1. Andhra Pradesh	173.88	40.50	214.38
2. Assam	Yet to be notified		
3. Bihar	155.00	11.00	166.00
4. Jharkhand	127.00	40.17	167.17
5. Karnataka	139.20	84.73	223.93
6. Kerala	130.00	104.00	234.00
7. Meghalaya	100.00	-	100.00
8. Odisha	Fixed Separately		
9. Rajasthan	186.00	-	186.00
10. Tamil Nadu		NA*	
11. Union Territory of Dadra and Nagar Haveli		NA*	

Note: *NA- Not available. **Source:** Report on the working of the Minimum Wages Act, 1948 for the year 2013 (6 January 2015). Government of India, Ministry of Labour and Employment, Labour Bureau Chandigarh.

However, although mobilisations on minimum wages have a long history with domestic worker groups (which we explore in detail in the section on Karnataka below), mobilising for minimum wages have been fraught with difficulties. The first issue is in terms of the tasks that are taken into account in defining domestic work for notification purposes. As Gudibande and Jacob (2015) in their assessment of the impact of minimum wage notifications for domestic workers note,

All these states define domestic work in terms of tasks undertaken and the tasks are listed in their respective minimum wage notification. This might be an easy route but this risks the exclusion of many tasks that are carried out by domestic workers from the list and hence will be underpaid when compared to the notified minimum wages. The tasks listed in the notification vary from state to state. None of the tasks thus classified in the minimum wage notification (MWN) in any of the states we are considering in our analysis were termed as skilled. Hence there was no real impact in reversing the deskilling and devaluation of domestic workers by the society at large across the treated states (2015:6).

Moreover, organisations and commentators have been extremely critical of the ways in which minimum wages have been calculated. Chamaraj (2007) argues that “states have brushed aside the five norms for fixing minimum wages which were evolved by the 15th Indian Labour Conference in 1957—that minimum wages should be high enough to meet all basic needs of a worker’s family, including food, clothing, shelter and amenities”. Further, Neetha locates the problems of fixing wages either on an hourly or daily rate. She argues,

Though, on the one hand, wage differentiations across duration do take into account the part-time nature of domestic work, on the other, it allows employers to pay workers on an hourly basis, leading to increased work intensity. Thus, part-time workers who work in multiple houses are at the risk of both self-exploitation and exploitation by their employers. As the payment is on an hourly or daily basis, employers could also conveniently deny weekly rest days. Further, in defining the wage rate in terms of eight hours of work, there is a lack of appreciation of the existence of live-in workers and their work specificities. Over-time wages are either ignored or casually provided for (Neetha 2013b: 79).

The end result is that even where minimum wages have been notified, the wages specified are very low. In Kerala, the minimum wages stipulated for domestic workers is the lowest in the minimum wages schedule for any trade/profession (Neetha 2013b). Consequently, the arguments for using minimum wage notifications vary across

contexts and among organisations. In Karnataka, as we shall see in more detail below, some organisations have been critical of the minimum wages notification claiming for fair wages instead, while others see its utility in mobilising domestic workers, particularly in the smaller towns of Karnataka.¹⁵⁷ Similarly, organisations such as the Mahila Kamgar Union in Rajasthan do not in fact mobilise its workers around the minimum wages notification, as the minimum wages suggested by the state are worse than what the women actually make (ISST 2014). As such, these groups feel that claiming for a minimum wage will cheat domestic workers of their present salaries which are much higher. The domestic workers in the union would rather concentrate on mobilising for social security benefits from the government. However, there are those who continue to concentrate their efforts on transforming what constitutes a minimum wage. As Anita Juneja of Dalit Sangharsh Samithi–Delhi Gharelu Kaamgaar Sanghatan (DSS-DGKS) suggests, efforts have to be concentrated not just to achieve minimum wages but “a decent standard of minimum wages for domestic workers” (translated from original) (interview, 4 June, 2014).

This depression of wages leading to difficulties with wage bargaining is particularly acute in the context of newer migrants to cities (on this, see more in Karnataka section below).

LEAVE FOR DOMESTIC WORKERS

There is a concerted effort by domestic workers’ groups to mobilise around the issue of leave (weekly, medical, on public holidays for festivals). At present, groups in Delhi have managed to get four days a week of leave in the month for their workers, while in Gujarat, domestic workers are able to take two days of leave in a month. Again in Rajasthan, the Mahila Kaamgaar union, through negotiations with employers as a group, has secured for its workers in Jaipur four days of paid leave in a month and a bonus during the festival of Diwali. In Calcutta on the other hand, the groups are mobilising around six days of leave in a month (ISST 2014). However, the claims on the rights of domestic workers to avail of public holidays, sick leave and other forms of leave besides the four days of monthly leave, seem a long way off; even securing the weekly day off is considered an achievement by domestic worker groups. In fact, several domestic workers groups interviewed indicated the difficulty of negotiating with the employers for time off during festivals, as this is the time when the employers felt the need for domestic workers. Due to the employers’ resistance, most domestic worker organisations are negotiating for the payment of a festival bonus instead of leave days.

SOCIAL SECURITY FOR DOMESTIC WORKERS

Given the conditions of work for domestic workers, as well as the socioeconomic context in which domestic wage is undervalued and perceived as unskilled, one the major areas of mobilisation for domestic workers, as with much of the unorganised labour organisations, has been to secure social security/protection for domestic workers. The idea that the state is responsible for measures to ensure that the basic needs of citizens (adequate nutrition, shelter, education, health care, clean water and food supplies) and for their protection from contingencies (such as illness, disability, accidents, death, unemployment, medical care, childbirth, child care, widowhood, and old age) (Darooka 2008) has animated the mobilisation efforts of domestic worker groups. Moreover, domestic worker groups understand social security as a right and not a welfare handout. As Archana Prasad puts it, “We look at social protection not as a benefit. We look at it as an enlargement of the space of resistance. So I do not look at

¹⁵⁷ Interviews with Geeta Menon 17 June 2014; Sr. Nisha Mathew, 17 June 2014; also see Neetha 2013b; G. Menon 2013

social protection as an end in itself but ... as a tool of resistance and organization” (interview, 16 July 2014).

However, debates rage on how to secure these benefits for domestic workers (on which more below). The inclusion of domestic workers in the Unorganised Workers Social Security Act, 2008 was considered a major achievement for domestic worker groups. However, there are those who consider that except for the recognition of domestic workers as “workers”, nothing significant was achieved through the Act. As K John (2013) has argued:

The law does not provide for any enforceable or justiciable social security entitlement for the unorganised worker ... it does not guarantee anything other than the formation of advisory boards at the central and state levels. There are no provisions for penalizing employees or bureaucrats who violate the provisions of the Act. It is a statement of pious hope, rather than intent, which is in keeping with the foot-dragging of earlier governments (2013: 9).

Even so, the very fact of its enactment and inclusion of domestic workers is seen by many groups as a significant tool for mobilising domestic workers. As Archana Prasad puts it:

Today, if we have a law, howsoever bad it is, it is a piece of paper that becomes a tool for organisation. In fact, Verma Committee is also like that, nothing has been implemented. We win something, then we have to fight to protect it. But first you have to win something. ... Now, obviously social protection is important because unorganised sector is growing at an alarming rate but we want the unorganised sector to be organised because the bargaining power of the worker increases. That means that the worker should get a dignified life, but this is not all (interview, 16 July 2014).

Apart from the Act, domestic workers were included in the RSBY (a national health insurance scheme) through the recommendations of the Task Force on Domestic Work (2011). Based on a nominal insurance contribution, participants of the Scheme are provided medical treatment of up to Rs. 30,000 for any member of a family of five, across a list of public and private hospitals. By the extension of the scheme to all domestic workers, they are now considered to be part of the Below the Poverty Line (BPL) category and are able to avail the benefits of the scheme upon payment of the insurance amount. In some states like Jharkhand, the RSBY scheme has been able to take off fairly well. However, domestic worker groups in Delhi and elsewhere have been completely dissatisfied with the way the RSBY programme has been implemented. To begin with, enrolment of domestic workers in this scheme is a difficult proposition. Ramendra of DSS-DGKS explains,

Domestic workers need to have a recommendation letter from either two of the four categories of persons/bodies: (a) the Residential Welfare Associations (b) the employer (c) the unions of which they are a member (which should ideally also be the employer of the domestic worker); and (d) the police. Now in Delhi, the Labour Department refuses to entertain any recommendation letter from the union and it is very difficult for domestic workers to receive recommendation letters from the other three parties. As unions, we have written appeal letters to around 5,000 employers of which around 1,000 employers got in touch with us. However, many of the employers in Delhi are young people who have migrated to Delhi on work and do not have any residential proof and their office address will not suffice. So, the entire process is very problematic and challenging and hence does not really benefit anyone (interview, 4 June 2014; translated from original).

Further, the amount of a maximum of Rs. 30,000 was felt to be completely inadequate as were the number of hospitals registered under RSBY. As Ramendra elaborates:

In 2012, there were 103 hospitals listed in Delhi for the RSBY scheme. In 2013, only 3 hospitals were providing service under RSBY and all three of these were private hospitals where treatment of Rs. 30,000 would entail nothing...in 2011-12, we enrolled around 7,000 construction workers through this office, by setting up camps, etc., However, none of them were able to access the RSBY benefits. Everyone still goes to private nursing homes and pays on their own for their medical treatment (interview, 4 June 2014).

These sentiments were similarly echoed by all other groups of Delhi such as NDWM and ISST-SAATHI Centre. “I have heard that approximately around 7,000 domestic workers have been registered but none of them have got any benefit”, says Leeza of NDWM, Delhi (interview, 25 March 2014).

Apart from seemingly dead-end mobilisations on RSBY, recent domestic worker mobilisations, at the national level, as we have recounted in the section on Domestic Workers’ Rights, have centred on calls for a national legislation that provides for a separate domestic welfare/tripartite board. Other mobilisation efforts of domestic workers on social security have been at the state (subnational) levels (on which more below).

Claims making on violence and sexual harassment

In recent times, the media has reported several cases of abuse against domestic workers by their employers. There have been several instances when women and young girls have been verbally abused, beaten and sexually assaulted and even murdered (Gothoskar 2013). Violence against domestic workers gets invisibilised owing to the devalued nature of their work as well as their work being performed in a “private” sphere (Gothoskar 2013; Santhi 2006).¹⁵⁸ In response to the sexual violence experienced by domestic workers, domestic workers’ groups such as NDWM, Jagori, SEWA, AIDWA and several others in Bangalore that work on women’s issues lobbied intensely for domestic workers to be included in the Sexual Harassment at Workplace Act, 2013. This was no easy process as the question of the “home” as a workplace once again reared its ugly head. Sr. Jeanne Devos of NDWM recollects,

When the first draft of the Sexual Harassment at Workplace Bill came out, it said that this is valid for any worker, full time, part-time even one who works for one hour a week, for exposure groups, for students, for interviews, for anything but not for domestic workers, because the home was not a recognised ‘workplace’. This was proposed by Women and Child Welfare Ministry, unbelievable! It took the movement a year-and-a-half to get domestic workers included because we had to have a long discussion with the government bodies that the home was in fact a workplace for the domestic worker because she worked at the homes, behind closed doors and hence was most vulnerable to being sexually abused (interview, 25 July 2014).

Apart from lobbying for the Sexual Harassment Act at the national level, mobilisations by domestic worker groups on sexual harassment and violence have focused on the subnational level, particularly through direct negotiations with employers during incidents of violence. However, claims making, particularly on sexual violence, has not been given the same primacy as mobilisations on improving the conditions of domestic work and accessing social security benefits, namely, the redistributive aspects of domestic work (see more in section below on Karnataka). However, organisations have insights to offer on conceptualising violence in broader terms, by locating the interconnections between class and gender. As Archana Prasad puts it,

¹⁵⁸ Data released by the Ministry of Women and Child Development in February 2014 track reports of violence against domestic helpers between 2010 and 2012. The data suggest that overall, in India’s 28 states and 7 union territories, there were 3,564 cases of alleged violence against domestic workers reported in 2012, up slightly from 3,517 in 2011 and 3,422 in 2010.

Since we are a class-based organisation, a self-confessed leftist organisation, we are looking at women's issues not only from the feminist perspective but from the perspective of working classes ... So in our perspective, violence is related to the labour issue because working class women face different forms of violence and for them it is not only a question of honour and inheritance and all, it is a question of livelihood also. So though one part of our work was on that, I think very early on we realised that we have to look at the basic necessities that are important for all working class families if you want to meet the needs of these working class women ... (interview, 16 July 2014).

Further Archana Prasad links women's economic conditions with the various forms of violence that they face,

We find that violence is the other side of the labour issue actually. So it is also the new way in which we have started looking at the relationship between neoliberalism and violence that has got us to this ... So we do not look at violence as something that is basically something generic to being a subordinate to a male patriarchal system. The forms of violence differ with the kind of work that you do and therefore you have to take into account the work even if you want to treat the violence (interview, 16 July 2014).

This broader understanding of violence informs the work of other domestic worker groups such as SJS (interviews with Geeta Menon, 17 June 2014) and Women's Voice as well as some organisations which focus on sexual violence such as WSS (interview with Kalyani Menon-Sen, 31 July 2014). Such an understanding allows groups to focus on the underlying reasons for women's vulnerability to sexual violence, for instance as Kalyani Menon-Sen has argued about migrant construction women workers, the fact that there is no housing policy for migrant labourers makes them dependent on and vulnerable to builder contractors and landlords (interview with Kalyani Menon-Sen, 31 July 2014).

Apart from the experience of sexual harassment, an acute form of harassment that domestic workers face is allegations and false complaints of theft (see ISST 2013, also reflected in many interviews). As Hamid puts it, "there is a deep lack of dignity that the women workers associate with themselves and their work. Even today, a sizeable chunk of employers are suspicious of domestic workers and regard them as cheats and thieves" (2006: 1236). Allegations of theft are particularly made against those that seek to secure their rights of payment of wages, leave etc. against their employers. Mobilising against these false complaints is also a part of the work that domestic worker unions and organisations perform for their members (on which see more in Karnataka section below).

Claims on caste-based discrimination

The question of the relationship between caste and domestic work is a complex one. There continues to be caste-based work segregation, although the composition of domestic workers in terms of caste has changed over the years and the boundaries between castes have been broken with domestic workers employed in households outside their community.¹⁵⁹

In an ISST study (2009) on live-out domestic workers in the NCR of Delhi, most women, irrespective of caste said that many of the problems (for example, not being allowed to drink water or use toilets at their employer's home) was perceived to be due to the low status given to domestic workers. However, the fact remains that caste operates in an insidious manner, even if there are not as many direct instances of caste

¹⁵⁹ Neetha 2004, 2013c; Bhattacharya and Sinha 2009; Moghe 2013.

discrimination: “for example, cleaning toilets is largely done by dalit women, while cooking appears to be the preserve of upper-caste women” (Moghe 2013: 66). The vestiges of pollution and purity, which inform caste-based discrimination, continue to operate in the context of domestic work (Srinivas 1995): serving food and drink in separate utensils, seating “servants” on the floor, not allowing them use of toilets, and so on. Even though the social composition of domestic workers has been shifting over the years, what remains is the association of domestic work with dalit women. Domestic work is perceived as an extension of women’s work, but what is even more stark is that it continues to be perceived as an extension of *dalit* women’s work (Chigateri 2007).

Chigateri (2007), in her study of dalit women domestic workers, notes that the dalit women domestic workers she interviewed felt that their association with domestic work was demeaning. The women interviewed sought to dissociate themselves (and their community) from domestic work, as work that was not traditional to their communities, by talking of their links with more “productive” and “valuable” work, such as agricultural labour, prior to migration to the city. This resonates with Vijay Prasad’s study of the social history of the balmiki community in Delhi who work as sweepers for the Delhi Municipality. The community was involved in various other occupations before some of them migrated to Delhi, where they became known a community of sweepers (Chigateri 2007: 7). The argument that Prashad makes is that the ascriptive nature of the work of cleaning, as belonging to certain communities, has to be historicized (2000: 27).

Many of our interviewees reiterated that domestic workers face various forms of caste discrimination. Anita Juneja of DSS-DGKS says, “even now domestic workers are forbidden from using toilets at the homes in which they work. There is no place for them to rest or to eat their food. They do they have any access to proper toilets or safe drinking water. They have to rely on the mercy of their employers for all these facilities” (translated from original) (interview, 4 June 2014). Sr. Jeanne Devos calls it a question of “dignity and rights” to be able to use toilets and have better working conditions (interview, 25 July 2014). Increasingly, groups, like Parichiti in Kolkata, are working with resident welfare associations (RWAs) to provide domestic workers a space to rest, eat food, and also be used to conduct union meetings, for example (ISST 2013). However, as with sexual violence, the question of caste discrimination, while important to domestic workers, seems to have the status of a secondary claim.

Claims making on migrant workers

Jagori’s study (Mehrotra 2008) of migrant domestic workers, while recognising the difficulties that domestic workers face in terms of wages and conditions of work, also argues that these difficulties are compounded for migrant domestic workers who are further disempowered. They are unable to access social security benefits because of the difficulties of procuring identity papers. Moreover, differences in language and the lack of social networks exacerbate their isolation and social exclusion. The Jagori study points out that in the case of Bengali migrant domestic workers, “most of their children do not go to school due to language differences and that the young girls start accompanying their mothers to work from the age of ten” (Mehrotra 2008: 4).

The situation is further amplified in the case of live-in domestic workers, who pose a challenge for domestic worker organisations to mobilise because of their isolation. In terms of the conditions of live-in migrant domestic workers, Rao (2011) notes, “It is a common factor for the agents to collect the monthly wages from the employer and pay

only a small fraction of the same to her. It is next to impossible for these girls to take an annual leave to visit their villages and many girls lose track of the other girls with whom they travelled to the city” (2011:763).

Rao (2011) argues that live-in workers from the tribal belt undergo a series of changes in their lives, attitudes and behaviour owing to their migration from the villages to urban centres. She points out that these women are respected as long as they send back remittances and bring gifts to their families—“there is a fear of marginalisation the moment they are unable to do so” (2011: 769). On the other hand, Rao describes some of the positive changes. She notes that “while marriage is expected as a normal life-course transition within the local context, this often does not occur due to the changing aspirations of the migrant women workers and their desire for equality alongside the structural constraints to marriages faced by somewhat older women” (Rao 2011:769).

Domestic workers groups also work on the issues surrounding migration. Groups like NDWM, DWF-Chetanalaya and Nirmana are known to work both at the source and the destination areas. Most domestic workers are migrant workers and as such do not have any ID proof in the cities to which they migrate. They are also unable to avail any government schemes. Many domestic worker groups in fact begin mobilising domestic workers by addressing their migration-related issues such as housing, water, school admissions and enrolling them in social security benefit schemes. Providing union identity cards is a crucial tool in organising and forming unions. Amita Joshi of ISST-SAATHI Centre explains, “since most of the domestic workers are migrants, it is important to address their issues of identification and problems they face at the community level such as water, unauthorized structures, etc.” (interview, 23 March 2014). Mobilising domestic workers from different regions is also a problem that domestic worker groups face. Leeza of NDWM-Delhi explains, “we would say may be 70 to 80% are migrant workers but they are working here since many years and some of them, among the 75%, may be 40-45% people are those who are staying here since 20-25 years and some are like new, staying here for the last 5-6 years. The problem is that we do not have people from one community and that makes forming groups very difficult” (interview, 25 March 2014).

Migrant domestic workers, for example, may initially seek assistance around their problems as migrant workers, or come together for language, social and solidarity reasons; local domestic workers may form interest groups on the basis of their religious affiliation. Often organising with or through NGOs, CBOs or religious institutions they develop a form of organisation which may be member based, but without a formal membership mechanism and dues collection system, or may be more akin to a community-based, multi- purpose organisation or a non-worker controlled NGO.

Placement agencies and other agents

There has been a sudden spurt in the growth of placement agencies managed by private entrepreneurs and voluntary associations, especially in metropolitan cities. These agencies play an important role of an intermediary between the worker and the employer. “Most discussions on placement agencies are in context of Delhi, partly due to the availability of studies/interventions but largely due to the vast spread of these agencies in the city” (Neetha 2009: 498). Most of these placement agencies are usually not registered and are run purely on profit motives. On the other hand, “a ‘formalised’ agency is generally backed by some legal or social structure/institution, which guides its existence and working in the sphere of placement of domestics”. Neetha describes them

as agencies either “registered under and/or backed by a trade union (e.g. SEWA), a cooperative society (e.g., Nirmala Niketan in Delhi), voluntary organisation (e.g., the Tribal Development Society in Delhi) or a Church (e.g., the Yuvati Seva Sadan in Delhi)” (2009:499). Moreover, these organisations also provide other services to domestic workers such as the provision of hostel facilities, or the provision of soft skills and vocational training or even the facilitation of weekly meetings (Neetha 2009). In India, most women come from the tribal belts of eastern India to cities such as Delhi to work as live-in domestic workers. Rao (2011) speaks of “aunts” from the tribal belts of Jharkhand, usually middle-aged women from ethnic communities, who act as agents and ensure a steady supply of young girls for domestic workers agencies in Delhi, run by local men.

Subhash Bhatnagar of Nirmana locates the broader context of migration for domestic work. He argues that:

[domestic work] has such a demand, so much of money is involved. At present, there is so much of crisis in Jharkhand, Chhattisgarh, Odisha and now it has shifted to the tea gardens of West Bengal and Assam. One needs to understand that you cannot stop migration [for domestic work]. So we must plan something to make it a healthy route and regulate it and control it and safeguard our girls and make domestic work decent work (interview, 15 May 2014).

In order to tackle this issue, Nirmana runs a parallel organisation, Nirmala Niketan where several programmes are being run for rehabilitation of migrant domestic workers from Jharkhand at the source areas. While there are organisations that seek to provide a safe context for migrant domestic workers, overall the unregulated nature of the placement industry has made it ripe for abuse, with no guidelines for the registration of workers, ensuring payment and good conditions of work, or for tackling exploitation.

Box 5 - The Regulation of Placement Agencies

Currently there are no national laws to regulate placement agencies, despite their sharp growth across the country. Discussions have focused on the possibilities of a number of existing laws being expanded or new legislation pertaining to informal workers, including domestic workers, in its ambit (Neetha 2009). At the subnational level, the Delhi government has drafted the Delhi Private Placement Agencies (Regulation) Bill, 2012, which requires compulsory registration of all placement agencies and at least one kin of the domestic worker. No placement agency will be allowed to place domestic workers without a license. An officer will be appointed to monitor the implementation of this regulation. In Delhi, groups have rejected the Bill outright and demanded its revision. As Subhash Bhatnagar puts it,

This bill was drafted from the view of employers and placement agencies owners. It only talked of registration of domestic workers and is silent on the subject of registration of employers. It also talks of inspection by the labour department but does not mention who and how the inspection would take place. It is basically a toothless bill. Hence, we are rejecting this draft completely and asking for a new bill (Interview, 15 May 2014).

Professionalising domestic work: Domestic work and skill development

One of the ways in which domestic worker organisations have sought to improve the conditions of domestic workers since the early days of the mobilisation of domestic workers in the 1980s has been through skill development. SEWA Kerala, as we have seen, saw the advantages of skills training for their workers early on, pegging training with improved wages (interview with Nalini Nayak, 4 September 2014). Similarly, organisations such as YUVA in Mumbai, CWDR in Chennai, ISST-SAATHI Centre in Delhi, and Saath in Ahmedabad have focused on skill provision for domestic workers

either through skill enhancement within the domestic worker sector or through skill development in other sectors of employment (ISST 2014). There is now also a growth of professional organisations focused on skill development of domestic work combined with placement of domestic workers (for instance, BeAble and Domesteq in Delhi).

Although there have been several domestic worker organisations that have focused on skill development as part of their engagement with domestic workers, this issue has not animated the mobilisations of domestic worker groups across the board. This is because of the close links between skills training and placement agencies, which many groups believe dilutes the function of organisations mobilising for the rights of domestic workers (ISST 2014).

However, the draft National Policy on Domestic Work recognises the need for skills training of domestic workers with a view to increasing their employability and wages (Task Force 2011). In 2009, the Ministry of Labour and Employment (MoLE), Government of India, the Delhi government (Department of Training and Technical Education and Higher Education), and the ILO joined hands to kickstart a pilot training programme titled Skill Development Initiative Programme for Domestic Workers to skill and re-skill domestic workers/household assistants across the Delhi and Noida region. As part of this process, ILO conducted a skill-mapping survey in Delhi and the Noida region and “developed the career path and curriculum for training the domestic workers” which set out various levels of skills and the concomitant learning required to achieve those skills. For instance, Level 1 training was on General Household Care and Level 2 trainings included Elderly Care and Child Care and Cooking and Level 3 training was on Banking and Household Management (Task Force on Domestic Work 2011; interview with Reiko Tsushima, ILO, 28 August 2014). A further initiative of the programme was the establishment of the Skill Card System, the objective of which was to promote the employability and marketability of trained domestic workers (Final Report of the Task Force on Domestic Workers 2011: 55; interview with Reiko Tsushima, 28 August 2014).

Talking about the effect of the Skills Development Scheme, Tsushima explained that the scheme was rolled out for implementation by states, and praised its conceptualisation saying that a National Certificate of Vocational Training was issued at the end, and trainees also got a Smart Card at the end with their details.

The hope was that they could then use this [smart card] to continue to load the trainings in their CV and things like that. And the trainings were provided by approved vocational training providers. ... But you know the sourcing became a problem. And another big problem was that ... the payment became an issue because there were a lot of people who then became certified to be a vocational trainee. And then they claimed to have trained. But they had not. You know the whole corruption and leakages things started. And then the Ministry stopped paying, including those who were legitimately [providing training]. So then it went into a bad [situation] and then it stopped (interview, 28 August 2014).

One of the routes through which ILO is trying to promote the scheme is state welfare boards. She says that the Maharashtra Welfare Board is keen to receive the modules (interview with Reiko Tsushima, 28 August 2014).

A recent development on the question of skill training for domestic workers has been the push for a Sector Skills Council for Domestic Workers. Skill development organisations such as BeAble and Saath have been involved in this process for a few years now (ISST 2013). On 20 August 2014, a National Consultation on Domestic

Workers Sector Skills Council was organised by the ILO in Delhi. The consultation was attended by representatives of domestic workers groups, central trade unions, NGOs, CBOs and placement agencies. There was concern about the structure of the Sector Skills Council and how it would contribute towards domestic workers' employability and a rise in their income. Further, issues were raised about whether concentrating on skills training and professionalising the sector would devalue the rights-based movement. At the meeting, Paul Comyn, Vocational Skill Training Specialist, ILO, stressed the importance of groups continuing to fight for legislation, minimum wages and rights of domestic workers. "The idea of skills training would only be secondary to the continuous struggle for the rights of domestic work", he noted.

Reiko Tsushima of the ILO also notes the interest shown by the National Skills Development Corporation (NSDC) to develop a curriculum for skills training for domestic workers. She contextualises the need for skill development for domestic workers but also cautions that this cannot be done without also simultaneously focusing on domestic workers' rights,

In the last five years or something, the profile of demand is changing. There are a lot more sort of specialised skills that are in demand, maybe because more women are out to work and things like that. I also think that a study by KPMG (which has not yet been published) also talks of the change in profile of demand and an increased demand for skilled domestic workers from the second tier cities like Patna where the children have migrated and require elderly care for their parents left behind and on their own. So, there is an increasing demand for domestic workers in elder care and specific tasks. So that should then be, you know a skilled requirement. So I think the Sector Skills Council (by the NSDC) is trying to set up the system. However, our argument is that unless we have like minimum wages for domestic work, skills training will not work, as it would not attract the downtrodden women who do not have a bargaining power (interview, 28 August 2014).

Tsushima argues that the NSDC would be a good conduit for skill development,

If the training is imparted through the Sector Skills Council, it will standardize the work. This would help in regulating placement agencies as well. Employers may demand only certified skilled domestic workers and this would help in curbing the exploitation that the women face at the hands of the placement agencies. It would also mean that the salaries are being paid directly to the domestic workers rather than through the placement agency (interview, 28 August 2014).

Although skill development for domestic workers has not animated the mobilisations of many domestic worker groups, it is not without support among these groups. Anita Juneja of DGKS argues that "skills development for domestic workers is important and necessary. Most domestic workers are migrants and they are unable to operate electrical gadgets or make good food. Skills training will help them in boosting their confidence and in turn they will be able to demand better wages" (translated from original) (Interview, 4 June 2014). Organisations that have focused on women's livelihoods, such as SEWA, have been at the forefront of linking skill development with improvement in wages. SEWA Kerala's engagement with domestic workers is based on specialised skill training and professionalisation of the work. Nalini Nayak also locates the importance of skill development and professionalisation in breaking down the traditional hierarchies associated with domestic work,

Demand for better services has allowed our women to demand better wages ... We in Kerala have been able to break the caste barriers associated with domestic work. We all clean toilets because we are proud of our work and that is what we do. We want our rights for wages and we do not make the distinction. Like for instance, the same woman who cleans the toilet cooks the food in our unit and there is no problem about this. If any employer comes looking for a worker of a

certain caste, we turn them away. However, there is such a demand for our professional workers, the caste distinction falls apart (interview, 4 September 2014).

4.2.3 Processes of mobilisation of domestic workers

As we have seen, domestic workers' groups have been mobilising and building networks and coalitions around key demands at the national level since the 1980s, but particularly since the mid-2000s. These mobilisations have been both at the national with groups such as the NPDW and the DWRC providing platforms for domestic workers, and at the international level with groups such as International Domestic Workers Federation providing international platforms. There have also been subnational specific mobilisations, which, as we shall see, differ from state to state (see sections on Gujarat and Karnataka below). In Delhi for instance, over the last year six domestic workers groups have come together to form the Domestic Workers Coalition: Delhi-NCR. One of the major demands of this coalition has been the notification of minimum wages for domestic workers in Delhi state.

At the national level, much of the mobilisation has centred around the Draft Policy on Domestic Work, a central legislation on domestic work, and the ILO standard-setting processes leading up to C189. Groups have engaged in these processes through consultations, participation in subcommittees, working groups and the Task Force, as well as by responding to the various stages of the standard-setting process including participation at the ILCs. They have also held rallies, conducted signature campaigns and *Jan Sunwais* to have their voices heard in the public forum and by the government.

Moreover, several organisations also contributed to the discourse on domestic workers' rights by conducting several studies on the issues of domestic work. The Jagori study on part-time domestic workers in Delhi in 2008, the WIEGO Law Project in 2009-2010, the ISST-SDTT study on domestic work in Delhi in 2009, the National Labour Commission's Report on Women Workers and Child Labourers (one of the sections was on domestic workers), the SEWA survey in 2007 on domestic workers in Ahmedabad, among others have all created a favourable environment for raising domestic workers' issues.

The modalities of the mobilisation of domestic workers have differed among the groups, with some groups unionising domestic workers, and others eschewing the unionisation route. Domestic worker groups also differ in terms of how they work with domestic workers. Similarly, the depth of organising, the levels at which issues have been taken up, the modalities through which issues are sought to be addressed at the level of the government diverge across states.

We now turn to some of these strategies of mobilisation directed at the state and at domestic workers themselves.

Strategies of mobilisation of domestic worker groups

Worker identity: nomenclature, identity cards and uniforms

Engendering worker identity is a key part of the mobilisation efforts of domestic worker groups. The transition from "servant" to "domestic worker" is seen as key to instilling a sense of worker consciousness. Moghe (2013) locates the reasons for the lack of worker consciousness among domestic worker as "partly due to the socially isolated and invisible workplaces (within domestic spheres) and partly due to the social as well as personal

perception that paid work is actually an extension of unpaid domestic labour because of which domestic work is not perceived to count as ‘gainful work’” (Moghe 2013: 64).

Nomenclature plays a key role in the efforts of mobilisation by groups. The use of nomenclatures such as *gharelu kaamgaar*, *griha karmikara*, *khastakari kaamgaar* (domestic worker) instead of the “servant” and “maidservant” and other local expressions is seen as key in making this transition towards a worker identity. One of the major efforts of the Domestic Workers Rights Union, as Geeta Menon (2013) recounts, was to break the association of domestic workers as *kelasadaru* (servants) rather than *kaarmikaru* (workers), which connotes a more political sense of the worker with rights (G. Menon 2013: 182-183). As Sr. Jeanne Devos argues, “employers view domestic workers as private possessions and so the shift in name is extremely important” (interview, 25 July 2014). AIDWA also supports this strategy of changing the nomenclature from the locally used traditional and derogatory term of *molkarin* (servant) to a relatively modern and empowering term of *ghar-kaamgaar* (domestic worker) in order to strengthen domestic workers. This change in nomenclature to denote worker status was helpful in instilling “a sense of self-consciousness that was in conformity with the character of the organisation then in the making, to further specific demands; minimum wages, paid leave, maternity benefits, and retirement benefits such as gratuity and pension. There was also a conscious attempt to break the gender stereotype associated with the occupation” (Moghe 2013: 64).

Even in a context where class and worker consciousness thrives, instilling pride in domestic work is no easy process. As Sonia George from SEWA Kerala, argues, “in a state where class was already identified as an important political category in the social development of society, it was not that easy to reiterate the importance of gender” (George 2013: 75).

There are other similar efforts with social entrepreneur organisations such as Saath in Ahmedabad who use the term “home manager” to construct a different kind of identity around domestic work. But this language evokes the entrepreneurship of domestic workers, rather than the language of labour rights.

Identity cards are another important strategy for cultivating worker identity. “It gives domestic workers a sense of being one group,” says Sr. Jeanne Devos (Interview, 25 July 2014). Across the organisations interviewed during this research, the use of identity cards is a key strategy to instill a sense of belonging in workers. All organisations, and not just the registered unions, provide identity cards to their members. Identity cards not only instill pride among workers and a sense of shared identity, but they also allow workers to gain access to benefits, as in the case of the Maharashtra Domestic Workers Welfare Board (Moghe 2013; also ISST 2014). The worker identity cards also help in dealing with other issues such as police harassment, according to Mewa Bharati of the Mahila Kaamgaar Union in Rajasthan (ISST 2014; also interview with Chaitali, 12 May 2014). As Subash Bhatnagar notes, “most domestic workers are migrants and they do not have any document proof, owing to which they face more harassment” (interview, 15 May 2014). One of the recommendations of the Task Force is to facilitate the process of issuing identity cards.

The use of aprons is another symbolic means employed to reinforce worker identity and the professionalisation of domestic work (see ISST-SAATHI Centre Report 2013). Domestic workers at SEWA Kerala are expected to wear uniforms at work: “the off-

white saree, (which is regarded respectable in the Malayalee context)". They are "also fined if they are found not wearing it during 'duty time'" (George 2013). This, along with the use of identity cards, says George, helps domestic women workers to distinguish themselves from sex workers, and to maintain a semblance of social respectability. Leaving aside the divisions between women workers that such a distinction entails, the use of uniforms and the provision of skill training in performing domestic work are also indicative of the difficult terrains domestic worker groups have to navigate to instill pride and worker consciousness while retaining the dignity of the domestic workers in an occupation that has a long history of social denigration. Professionalisation and dignity in work are first steps to the creation of "good workers".

COLLECTIVISING DOMESTIC WORKERS FOR THEIR RIGHTS: LEADERSHIP BUILDING, PROTEST MARCHES, JAN SUNWAIS, POSTCARDS...

Instilling a sense of shared exploitative working conditions as well as shared benefits of collectivisation have been key to domestic worker mobilisation strategies. Nevertheless, an obstacle to collectivisation efforts is the lack of solidarity among domestic workers in a context of acute necessity and competition. As Sr. Jeanne Devos of NDWM notes,

One of biggest challenges in mobilising domestic workers is to break the competition between them. The lack of solidarity between the women hinders mobilisation. For example, we have the difficulty with someone who earns Rs. 500 a month not going on a strike or joining an action for the girls who were paid only 200. The person thinks that if I take the risk to go for the demonstration, I might lose my employer. So one of the milestones is the first *morchas* [rallies] that one organises where you get domestic workers of all varieties coming together for the basic rights of one another because there is no uniform form of exploitation (interview, 25 July 2014).

Wage undercutting and job insecurity propel suspicion among domestic workers. Moreover, the problems of collectivisation are further complicated when mobilising the more vulnerable recent migrant domestic workers because of issues of language and difference (see interview with FEDINA, 24 July 2014).

There are several ways in which domestic worker groups seek to collectivise disparate domestic worker groups. Some of these are directed at domestic workers themselves. Others serve the dual purpose of both collectivising domestic workers and bringing public and state attention to the claims making of domestic workers. For instance, many groups such as NDWM, AIDWA, DGKS and FEDINA provide training on leadership and capacity building to workers to supplement the process of unionising. Further, collectivising on workers' disputes with employers is a key strategy to instill a sense of solidarity among workers (see the section on Karnataka).

Most groups organise rallies and protest marches as a means to both organise domestic workers as well as to get attention from society and the state. Many such protest rallies and marches have been conducted, whether it was the large national rally in Delhi in August 2013 which ended with the leaders of domestic worker groups petitioning the government of the more recent silent protest march of the Domestic Workers Coalition; or the one in Delhi-NCR on 22 August 2014 where around 1,000 women domestic workers from different parts of Delhi and Gurgaon presented a charter of their demands to the Labour Commissioner, the Lieutenant-Governor's Office and the Prime Minister's Office (PMO).

Groups also use international commemorative days such as Labour Day, International Women's Day and now International Domestic Workers Day (November 16, the day

when C189 was adopted) to bring attention to their cause. These are used as a focal point for groups to join forces to petition the government to ratify the convention.

There is also an interesting ongoing campaign by NDWM of sending postcards to the PMO demanding a comprehensive legislation for domestic workers and the ratification of the ILO convention. Sr. Devos explains, “PM Narendra Modi’s mother was a domestic worker herself and so we are sending postcards with the two demands hoping for some positive response. From Mumbai, we have sent out 5,000 postcards and from the rest of Maharashtra, around 25,000 postcards have been sent. All states under NDWM are sending similar postcards to the PMO” (interview, 25 July 2014).

Amita Joshi of the ISST-SAATHI Centre, which organised a jan-sunwai with around 200 domestic workers and other community members, says, “jan-sunwais are a major point of mobilisations for domestic workers and are direct platforms for the group to interact with the bureaucrats and vice versa” (interview, 25 March 2014). Leeza of NDWM, Delhi also mentions that “press conferences are a good strategy to reach out to the media and the government and draw their attention to the issue” (interview, 25 March 2014).

In Delhi, activists including Subhash Bhatnagar from Nirmana and Leeza from NDWM pointed out that they approached different government officials from the Chief Minister to the Labour Commissioner, but although they listened patiently, they do not support the cause because they are employers themselves. However, this attitude is changing. Subhash Bhatnagar explains that there are parliamentarians who join the platform based on their own personal family histories either with domestic work or with poverty. He says, “although they never took the initiative for starting it nor did other MPs who came from poor families; but when the campaign is started, they extended their support and we feel this support will help in the long run” (interview, 15 May 2014).

In locating the effectiveness of these strategies, groups argue that each of the mobilisations have incremental value, and that together they form an effective composite. As Subhash Bhatnagar says, “a mix of strategies, culture of movements, strength and length of the domestic workers movement at the subnational level and sympathetic bureaucrats and government officials help create changes at the state and national level” (interview, 15 May 2014).

Consensus building among domestic worker groups

With regards to the processes through which consensus around claims making among different groups is arrived at, as we have seen, groups have used consultations, subcommittees, working groups and so on to come together on issues of importance. The divisions between groups on the question of placement agencies and the function of tripartite boards, however, remains a sticking point. The proliferation of domestic worker groups also hinders them coming together at a national level. However, as Nalini Nayak puts it,

There is no problem in having more than one group. This is such a huge issue you cannot have one single body anywhere. The more people who agitate for it the better. We do not pretend that in this large country you can have one single platform Since we work in the field, we know how difficult it is to get these things moving. My position is the more the merrier but share material, see what we are proposing, please if you disagree say why you are disagree but let us focus and try to go ahead and let us not end up like how the Unorganised Social Security Act ended up. We learned a bad lesson so let us try to move together (interview, 4 September 2014).

Subhash Bhatnagar argues that problems within the groups or networks are often resolved by “much more experienced people in the national movement such as Nalini Nayak whose voices are heard” (interview, 15 May 2014).

4.2.4 Challenges for the domestic workers movement in India

One of the issues that came to the fore in almost all interviews was the divide between the women’s movement and the labour movement, with domestic worker mobilisations falling through the cracks of this division. According to many of the groups we spoke with, domestic work is largely seen as a labour issue by the women’s movement and is also sidelined by the mainstream labour movement, which is dominated by men who refuse to examine gender in the struggle for class equality. As Nalini Nayak of SEWA argues,

The labour movement does not take domestic work seriously. All the central trade unions because they are dominated by men, do not take women’s work seriously whether it is work outside the home or inside home. In fact, leave alone the labour movement, even the women’s movement did not celebrate the fact that the domestic workers’ got a Convention...I think the women’s movement does not support the cause because women do not want to call themselves the ‘employers of domestic workers’ (interview, 4 September 2014).

Meena Patel of the DWRC echoes the understanding that the women’s movement has not taken seriously the concerns of domestic workers. She argues, “domestic workers movement is for economic rights and if that is not a feminist claim then what is?” (Interview, 2 April 2014). Geeta Menon of SJS also makes the argument that women’s groups have not taken enough ownership of the issues of women workers. She argues that the reasons for this lack of engagement with issues of women workers lie in the early days of the women’s movement, when “working class issues” such as housing and ration cards were not considered women’s issues (Interview, 17 June 2014). Many of the feminist groups working with domestic workers agree that “the women’s movement will eventually have to take up this issue in the future” (interview with Meena Patel, 2 April 2014). Archana Prasad of AIDWA Delhi argues that at the very least, there ought to be more coordination between labour and the women’s movements (Interview, 16 July 2014). The fallout that domestic worker groups see in this lack of ownership of domestic work issues as a feminist concern is in terms of a holistic coming together of various dimensions of women’s lives. As a consequence, many domestic worker groups see their natural allies as other groups of unorganised sector workers, and not necessarily women’s groups, even if they offer solidarity for each other’s campaigns (interviews with FEDINA, 24 July 2014 and Geeta Menon, 17 June 2014).

Apart from the critiques of the labour and women’s movements on the question of domestic workers, there are internal critiques of domestic worker mobilisations as well. Meena Patel targets the *nature* of many of the groups working with domestic workers and argues against the idea of the same organisation working with multiple groups of workers in the unorganised sector: “One cannot be an expert on all sectors of the unorganised sector. If you have been working with construction workers then your expertise lies there. You then cannot also be an expert on the issue of domestic work which is contextually different [from construction workers] and is a women-oriented occupation. This duality is harmful for mobilisation and policy change” (Interview, 2 April 2014).

The differences on how to deal with the twin pulls of solidarity and specialisation are not easy to resolve, especially when there are not many organisations mobilising domestic workers in the country. What is important though, as Archana Prasad argues, is for domestic work mobilisations to be linked to larger movements of transformation,

because “otherwise the domestic worker [issue] will just simply become a material thing. The domestic workers’ union should be an agent of transformation of the women themselves and their families. So we want domestic workers [to] not only to fight with the state but [also] against social structures” (interview, 16 July 2014).

However, the larger political context, she argues, does not augur well for the domestic workers’ movement,

Spaces are getting more and more closed. ... The left has anyway suffered but all the progressive movements have suffered hugely in this election. [in May 2014] You had Task Forces, you had Planning Commissions because the earlier governments were not so ideological in character So you have no option but to organise and mobilise the poor. ... We have a huge challenge in front of us and in that situation to make new unions and all I do not know how easy it is going to be because after all people need to work. Their economic situation is so bad that they cannot afford to even protest anymore. ... Unity among non-obscurantist forces is essential (interview, 16 July 2014).

4.2.5 Conclusion

The mobilisation of domestic workers began in earnest in the mid-1980s. However, these were individual efforts spread across the country, with only the National Domestic Workers Movement having a presence in more than one state. By the late 1990s onwards, several more groups working with domestic workers began to grow across the country. This growth of domestic worker groups has followed the growth in numbers of domestic workers and its increasing feminisation.

By the mid-2000s, especially where domestic worker groups had a presence, there were changes in laws at the subnational level with the enactment of minimum wage legislations and the setting up of welfare boards. This was also the time that groups began to come together for joint action at the national level with proposals for a national level law on domestic work. Globally too, through the work of WIEGO and other international labour organisations, momentum gathered to bring together domestic worker groups. The initiation of the standard-setting process at the ILO for a Convention on domestic work propelled further mobilisations internationally as well as in India. In the run up to the Convention, several groups mobilised to discuss it. The Indian government also set up the Task Force for Domestic Workers and drafted the National Policy on Domestic Workers.

These developments also led to renewed network and coalition building between groups at the national and subnational level for the regulation of domestic work. In 2013, several domestic worker groups got together and formed the National Platform for Domestic Workers with the demand for a comprehensive national-level legislation and the ratification of the ILO Convention by the Indian government. There has been some friction between various groups on the issue of whether only membership-based groups should be allowed to speak on issues of domestic workers. The other contentious issue is the demand by some groups for a Tripartite Board that performs the functions of registration, dispute resolution and social security, while other groups feel that it should be the Labour Department, which as a government functionary should perform these responsibilities.

Claims making among almost all domestic worker groups have been on the recognition of domestic work as work, and the conditions of work (wages, leave and bonus), and social security (pension, housing and health). Issues such as sexual harassment, caste discrimination and migration are now being taken up by more domestic worker groups.

However, these mobilisations remain secondary with many domestic worker groups to mobilisations on wages, leave and other more “traditional” issues of workers. Skill development and training for domestic work is increasingly gaining prominence at both a policy level and among domestic worker groups. The professionalisation of domestic work, and the implications this has for mobilisations on domestic worker rights is still being worked out by domestic worker groups. While some groups have been engaged with skills training for domestic workers from the beginning, there are many organisations for which this, particularly when it is paired with placement services, is not the traditional purpose of domestic worker mobilisation and unionisation. The differences between organisations on this matter is far more pronounced between domestic worker groups at different subnational levels, as we shall see below.

In terms of voice and representation, there is a concern that in coalitions and at the national consultations, smaller grassroots-level domestic groups often do not get invited to or are unable to articulate their demands as much. Moreover, there is a perception that too many diverse groups with no consensus would also slow down the momentum of the movement.

There are several challenges faced by domestic workers groups, one of which is the need for the movement to be critical not just of structures of the economy and work, but also other social structures such as the family. Further, in the last couple of years, there has been no action by the government on either the bills or the National Policy. This is perceived by some groups to only worsen in the coming years with the change in government. Changes at the subnational level have also been sporadic and inconsistent. Mobilising at more subnational levels poses serious challenges for the domestic workers movement. Moreover, domestic worker groups, some of whom come from a feminist ethos, and many of whom have links with the wider labour movement, need more support from both the women’s movement and the labour movement. There is a perception among many groups that the domestic workers movement has been short-changed by both the labour and the women’s movement. Domestic worker groups need to educate both these movements on the importance of organising and mobilising domestic workers because women form the largest chunk of domestic workers in a fast-growing industry.

4.3 Mobilisation of Domestic Workers in Gujarat: A Nascent Beginning

Around the 1970s, Gujarat saw some vibrant movements in the form of the SEWA unorganised women workers movement which began in 1972, the Gujarat Co-operative Milk Marketing Federation Ltd. or Anand Milk Udyog Ltd. (AMUL; a cooperative society for women dairy farmers) in 1973, and the Navnirman movement in 1974. However, mobilisations specifically targeting domestic workers never really took off in Gujarat until recently. Even now, the mobilisation of domestic workers in the state remains limited; of the six organisations that mobilise domestic workers in Gujarat, only two of them directly mobilise women domestic workers. In this section, we map this nascent history, including an account of the early mobilisations on domestic workers, and the perceived difficulties in mobilising women domestic workers. We also locate the data (and lack thereof) on domestic workers in the state, and the context of mobilising domestic workers in the city of Ahmedabad. We also analyse the claims making by the domestic worker groups working with women.

4.3.1. Organisations and groups mobilising domestic workers in Gujarat

In her assessment of domestic worker mobilisations in Gujarat, Meena Patel of the Domestic Workers Rights Campaign argues that “there has never been any movement for domestic workers. The labour movement here has not given much importance to the cause of domestic workers” (interview, 2 April 2014). While there have been some sporadic efforts to mobilise domestic workers, mostly targeting male domestic workers, even these have never really been sufficiently sustained to build into a movement. In the last two decades, various trade unions such as the New Trade Union Initiative under Ashim Roy (of Chemical Mazdoor Panchayat and Vice-President of NTUI), Indian National Trade Union Congress and SEWA have mobilised domestic workers. While the first two central trade unions were more involved in mobilising male domestic workers, SEWA began mobilising women domestic workers in Gujarat from 2007 (interview with Shalini Trivedi, 30 May 2014).

In the early 1990s, NTUI, under Ashim Roy, focused on mobilising male domestic workers in Ahmedabad, largely targeting the issue of police harassment. As Ashim Roy notes, “just [as in the] case of women domestic workers, sexual harassment is a serious issue, we found harassment by police to be a very crucial and repetitive issue [for male domestic workers]” (interview, 28 May 2014). The mobilisations initiated by NTUI continued for five years and then dissipated, mainly due to a lack of motivated individuals. “Our main mobiliser, who was also an influential community leader from where these domestic workers were coming, decided to move back to his village and take up farming. That was a big blow to the mobilisations. And eventually, I also moved out of Gujarat and the movement could not sustain itself and eventually died” (interview with Ashim Roy, 28 May 2014).

Interestingly, INTUC also started organising both construction workers and domestic workers in 2004-2005. However, this remained limited to male workers. INTUC’s mobilisations were also on the issue of police harassment, indicating the resonance that the issue had among male domestic workers. The President Ashok Punjabi notes, “Some of our mobilisers found that domestic workers were regularly harassed by the police on the false complaint of theft. At one point, the situation was so bad that if 15-20 domestic workers were sitting and chatting and if they saw a police van, they would get up and run” (interview, 27 May 2014, translated from the original).

In response, the union decided to call a big *sammelan* (public gathering) with the domestic workers where they “gave an open challenge” to the police and told them that the union would help them if complaints had any truth in them, but they would definitely *gherao* (besiege, surround) the police station and shout slogans if any domestic worker was harassed on the basis of a false complaint (interview with Ashok Punjabi, 27 May 2014). This public gathering proved to be a big success. “The very next day, the Police Commissioner gave orders that, if any theft complaint against a domestic worker comes, then first the Police Sub-Inspector or the Head Constable will make preliminary enquiries to check if there is any truth in it. Only if he is satisfied, further enquiries will be made. Under no circumstance will the domestic worker be arrested and harassed on the basis on a phone call complaint” (interview with Ashok Punjabi, 27 May 2014). This *sammelan* gave confidence to domestic workers and helped in increasing the membership numbers of the Union. More mobilisations are taking place, with INTUC’s recent mobilisations on claims for social security (interview with Ashok Punjabi, 27 May 2014).

Mobilisations on women domestic workers

SEWA is the only organisation mobilising women domestic workers in Gujarat as part of its broader initiative on women in the unorganised sector. However, SEWA only started mobilising on women domestic workers in Gujarat in 2007, unlike in other parts of the country where mobilisations of domestic workers had already been underway, including SEWA's own mobilisation in Kerala.¹⁶⁰

SEWA's mobilisation of women domestic workers in Ahmedabad district, Gujarat, followed a socioeconomic study to look into the possibility of working with them. The study was conducted jointly in 2006 by SEWA and the Institute of Social Studies Trust as part of the WIEGO Law Project (interview with Shalini Sinha, 27 August 2014; ISST 2008). Given the acute lack of data on domestic work, the ISST study (2008), which was conducted in three neighbourhoods in Ahmedabad, proved a useful resource in understanding the socioeconomic profiles and conditions of domestic workers (interviews with Shalini Sinha, 27 August 2014, and Meena Patel, 2 April 2014). Shalini Trivedi of SEWA talks of how the study helped shape their mobilisation efforts. For a start, "the study findings indicated that there was an increase in the demand for domestic workers in Ahmedabad. Many women who were earlier involved in construction work, were now moving into domestic work as an alternative form of employment" (interview, 30 May 2014). The ISST report also located some of the acute socioeconomic conditions of domestic workers in Ahmedabad, including the lack of childcare, inability to save, accompanying occupational health hazards and lack of compensation for injury at workplace, as well as varied calculations of wages based on clusters and tasks performed. The findings of this study were also used by SEWA as a resource for their mobilisations on the ILO Domestic Worker's Convention at the international level.

Previously, domestic work was part of the "small trades and activities" section of the union. However, once the number of domestic workers who were registered members of SEWA increased to 1,000, a separate entity of *dhandra samiti* (employment cooperative) on domestic work was created. Currently, SEWA in Gujarat is involved in the mobilisation of part-time and full-time, live-out domestic workers in Ahmedabad district, and there are now "around 17,200 domestic workers who have registered with SEWA Gujarat as members" (interview with Shalini Trivedi, 30 May 2014). SEWA Gujarat follows a cooperative model and has been involved in forming membership-based domestic workers groups in Ahmedabad district of Gujarat.

The question of the mobilisation of domestic workers in Gujarat is also located in the formation of domestic worker organisations whose primary purpose is not domestic workers' rights, but their entrepreneurship. Saath in Ahmedabad is one such organisation. It works towards the professionalisation of women domestic workers by training "home managers", which is seen as an important path to obtaining better wages and social security benefits for women involved in domestic work. Saath began its work in Ahmedabad in 1989 in urban slum communities, where it worked on issues related to community development. In the course of this work, it formed a group for women (Sakhi Mahila Mandal) and found that many women were either working as domestic workers or wanted to work to augment their family salaries. Chinmayi Shah, who runs the Urmila Home Managers Programme at Saath, says,

¹⁶⁰ Nalini Nayak described the work of SEWA Kerala: "We began providing training and organising domestic workers in 1986. We provided training in nursing, child care, elderly care and neo-natal care." (interview, 4 September 2014; also see sections on the national picture and Karnataka).

One of our trustees, who is an IIM [Indian Institute of Management] graduate, suggested that we should mobilise women, give them training about using electric gadgets, health and hygiene child care, elderly care, life skills and time management... basically to professionalise them. So we put our heads together and came up with a training protocol with inputs from our community leaders. Thus, we began training women from the community for domestic work from 1995 (interview, 3 April 2014).

Since 2008, around 700 women have been trained and placed by Saath as home managers. At one point, due to internal problems and with an aim to scale up, the Urmila Home Managers Programme was floated as a Section 25 company, especially concerning placements. However, this was discontinued owing to the kinds of placements the company was doing (on which more below). Currently, Saath runs the home managers programme under a charitable trust (interview with Chinmayi Shah, 3 April 2014).¹⁶¹ In terms of the profiles of the women that Saath works with, Chinmayi notes that although there is now a recent influx of migrants from Orissa and Bihar, “90 percent of those living in the urban slums of Ahmedabad are intra-state migrants (mostly Gujaratis from villages across Gujarat)”, and therefore, it is largely Gujarati home managers that Saath works with. Moreover, “most of [their] clients want Gujarati home managers as it makes communication easier” (interview with Chinmayi Shah, 3 April 2014).

Apart from these two organisations, a key personality of the domestic workers movement based in Gujarat is Meena Patel, the Coordinator of the Domestic Workers Rights Campaign. An eminent labour activist and trade unionist from Gujarat, she was initially part of the Executive Committee of SEWA and later managed the South Asian activities of IUF (of which SEWA is an affiliate) before becoming an independent activist. She has a lot of experience in unionising women and workers thanks to her previous activism with home-based workers and vendors in the 1990s. As an independent, she collaborates with unions across the country. However, in Gujarat, she has not been involved with any groups mobilising around domestic work because she says that “there has been no mobilisation in Gujarat as far as domestic work is concerned. The fact that Gujarat still does not cover Domestic Work under the Minimum Wages is sufficient proof” (interview, 2 April 2014). Even so, because of her experience, Meena Patel has been instrumental in providing inputs into various labour policies at the national level through the DWRC. “I got involved with domestic workers when the legislation [NCW Bill] was being formulated and then the disillusionment with the Delhi groups led us to form this Domestic Workers Rights Campaign” (interview, 2 April 2014).

4.3.2 Claims making by groups in Gujarat

Although the mobilisations on domestic work in Gujarat are relatively young, some of the issues around which SEWA, Saath and others have mobilised reflect many of the issues and concerns of domestic worker groups around the country, particularly on working conditions. But not every organisation strategises on the issues in a similar manner.

Mobilising on wages and leave

The state of Gujarat has not notified minimum wages for domestic workers. Even so, domestic worker groups target their mobilisations for better wages at employers, rather than at the state.

¹⁶¹ We return to the implications of this, and the training imparted to professionalise domestic workers in the section on skill development below.

SEWA Gujarat negotiates wages for workers through their *dhandra samiti* (enterprise cooperative) which links member domestic workers to potential employers. Shalini Trivedi argues that the samiti offers a good platform for both employer and employee to negotiate conditions of work, “Owing to the SEWA stamp, employers have trust on these domestic workers. Domestic workers who are interested to perform childcare, home care, etc. register with the cooperative. Employers usually leave their visiting cards with us and when we find a suitable worker, we call both parties and try and get them fair wages” (interview, 30 May 2014).

Apart from the stamp of credibility that SEWA offers for both employer and employee, she credits unionising processes with the increased bargaining powers of domestic workers, with “domestic workers [now being] able to demand extra pay for extra work as well” (interview with Shalini Trivedi, 30 May 2014).

In order to understand the “scope, need and salary structure of domestic workers”, Saath undertook a field survey in Ahmedabad, based on which it developed a wage structure that would be adequate for its home managers and affordable for the employers (interview with Chinmayi Shah, 3 April 2014). The wage structure of Saath includes a combination of both time and task wages. In arriving at the wage structure, Chinmayi Shah says, “We considered the minimum wages in Gujarat for semi-skilled workers as the baseline for structuring the wages for our domestic worker. Hence, for an 8-hour day work, we arrived at the figure of Rs. 6,800 per month and an extra Rs. 500 for conveyance. So, a total of Rs. 7,300 per month for 8 hours’ work” (interview, 3 April 2014).¹⁶² While there is some support to domestic workers in negotiating wages with employers through both Saath and SEWA, there is barely any mobilisation regarding leave for domestic workers in Gujarat. For the domestic workers that they place with employers, Saath provides two days of leave in a month (on any date of their choice, with prior intimation) and 12 public holidays. This is solidified by being mentioned in the contract (Letter of Agreement) which the employers sign with the organisation. Given the woeful inadequacy of this leave provision, Saath are now deliberating whether to negotiate four days of weekly leave in a month and how to include medical leave.

Social security

Mobilisation on access to social security, and in terms of visibilising and drawing public attention to the issue, has come from the central trade unions in Gujarat. Ashok Punjabi shared INTUC’s plans to demand social security rights like pension, medical insurance as well as demands for a Welfare Board for domestic workers similar to the Board for construction workers (interview, 27 May 2014). However, INTUC does not work with women domestic workers.

Domestic workers in Gujarat, as elsewhere do not benefit from state schemes for unorganised workers (as they are not included in the list of unorganised workers). RSBY is the one medical insurance scheme which has been made available to domestic workers; however, as elsewhere, it “has been a big failure in Gujarat” (interview with Shalini Trivedi, 30 May 2014). Organisations such as Saath and SEWA bridge the gap by providing social security services to their members. SEWA’s domestic workers “have access to health care, insurance, low cost housing, etc. through the SEWA cooperatives and the SEWA Bank” (interview with Shalini Trivedi, 30 May 2014).

¹⁶² As per the Minimum Wage Notification in Gujarat dated 25 February, 2014, rates payable per day for semi-skilled workers vary from Rs. 276 to Rs. 284 (depending on the zones). For more details http://www.labour.gujarat.gov.in/Portal/News/84_1_KHR-2014-LVD-10-MINIMUM-WAGE.pdf

Apart from its efforts to provide social security for domestic workers, Saath also supports domestic workers and other urban poor with other social security and livelihood concerns thrown up by displacement. The growing incidence of internal displacement of the urban poor to the fringes of the city have adversely affected their livelihoods. Chinmayi elaborates, “earlier, many slums used to be near certain residential areas. Now, because of the riverfront project, many of them have been shifted. So now many of the domestic workers have been moved away from their original place of residence, which means that most of them are out of work because now they are five to seven kilometres away from areas where they worked. So now most of them are at home” (interview, 3 April 2014). She argues that this is because of the Sabarmati Riverfront Project, which led to the demolition of almost 14 kilometres of developments on both sides of the river, resulted in more than 50,000 families being displaced. According to her, “very few were shifted according to the rehabilitation policy of within 2-5 kilometres. Most were shifted very far, which makes commuting difficult, time-consuming and expensive. Right now, we are working there just to get them settled first. We cannot talk about livelihood issues right now. We are dealing with something as basic as basic infrastructure, setting up a housing committee in those areas”. Chinmayi Shah also explains how the entire neighbourhood system has been uprooted, owing to which old social networks have collapsed, leading to mistrust.

Rehabilitation was done using the chit-picking system, a lottery system which meant one person got a house in one area whereas his neighbour of many years and whom he could trust was rehabilitated in another area. Now because I am living next to someone I do not know, I do not trust, I have to start building that trust and as a result, 90% children dropped out of school and almost 99% women have stopped coming to work. They had to be the ones who stay back to take care of the children (interview, 3 April 2014).

Neoliberal policies often lead to internal displacement of urban poor, making it even more difficult to organise workers. Spaces of intervention and claim making shrink as neighbourhoods and social networks of urban poor are uprooted, and this affects women more because they rely on each other for childcare and commuting, and to be able to go out and earn their daily wages.

Sexual harassment at the workplace

SEWA was one of the key actors for initiating the process for including domestic workers in the Sexual Harassment at Workplace Act 2013. As Shalini Trivedi recounts,

The government asked for our comments on the draft bill. We gave our suggestions and we were called before the Standing Parliamentary Committee to present our views on the Sexual Harassment Act. Manaliben from here went to that Standing Parliamentary Committee and she suggested two things, that the informal economy should be included and that domestic workers should be included, which were incorporated in the final Act (interview, 30 May 2014).

Interestingly, with regards to intervention in cases of sexual harassment faced by domestic workers at their workplace, Shalini Trivedi observes that, although SEWA provides “training on sexual harassment at workplace, and some of the women share some of these incidences that they may have faced”, what usually happens is that women do not approach them for such cases. Rather, “she will approach us only to get her dues cleared from such a home. ...In a way, then, we only intervene in the labour part of the issue” (translated from original) (Interview, 30 May 2014).

That domestic worker groups are not at the forefront of the struggle to deal with sexual harassment that domestic workers face at the workplace at case level (even if they have

been involved in policy level advocacy) resonates in our interviews with other groups too, at both the national level and in Karnataka. At the level of mobilising workers, domestic worker groups it seems (with the odd exceptions) are primarily organisations dealing with economic injustice and issues of redistribution (class), with gender status issues such as sexual harassment being relegated to a secondary order of claims making.

Skills training, placement services and the professionalisation of domestic work

In Gujarat, both domestic worker organisations (SEWA and Saath) offer skills training and placement services for domestic workers. While Saath focuses almost exclusively on skills training and placements, the major thrust of SEWA's work is the creation of membership-based *dhandra samitis* to work as a link between the employer and the workers. SEWA also provides skills training through its Home Care and Child Care Co-operatives; this training is largely on leadership skills, building capacities, legal knowledge, gender sensitisations etc. They also provide training on upgradation of skills (interview with Shalini Trivedi, 30 May 2014).

On the other hand, through its Urmila Home Manager's Programme, Saath sees itself as primarily as professionalising domestic work. Its work with domestic workers hinges on the belief that such professionalisation brings "dignity to the work and with it the women can demand higher wages and social security benefits" (interview with Chinmayi Shah, 3 April 2014).

The Urmila Programme focuses on skills training for domestic workers, including training on housekeeping, cooking, childcare, elderly care with the objective of placing their home managers with employers. At the heart of Saath's focus on training is the reconceptualisation of domestic work as home management and a resulting shift in the understanding of domestic workers as home managers. This shift, Saath argues, allowed for a conception of the professional and dignified nature of domestic work along with attendant recognition of the requirement of skills in performing domestic work. Chinmayi Shah elaborates:

While developing the training module, we were focusing on the overall home management by the woman in the absence of family members who are out to work. We also wanted the women who came in for the training to understand that what they were doing was dignified and professional work. For example, childcare is not an easy work—it requires some skills. Nowadays, parents want even their nannies to know some English so that the child is able to begin conversing in English. As such, when we interacted with our home managers prior to the training, they would always consider themselves uneducated and unskilled. During training, we inculcated a sense of dignity and professionalism in them with regards to the work. The term 'home manager' also added to that dignity. It was considered far superior than being called a *kaamwali* or maid who is a harassed or a poor woman who works in ten houses for bad wages (translated from original) (interview, 3 April 2014).

The shift in terminology from "maids" to "home managers" that Saath brings to discourses on domestic work differs from the shift in terminology to "workers" that most other domestic worker organisations strive to achieve. The terminology of home manager reflects an ethos of entrepreneurship. While most domestic worker organisations focus on domestic workers' rights, whether this be on minimum wages, the requirement of holidays and other conditions of work as the means of empowering domestic workers, Saath's engagement is premised on an understanding that professionalisation through training (and subsequent placement with contracts) is the means to achieve an improvement in working conditions.

Ashim Roy locates the impetus behind professionalisation by noting that professionalisation commands respect from employers “because then it would entail entering into a professional commitment on both sides” (interview, 28 May 2014). The placement component of professionalisation of domestic work, however, is fraught with difficulties, especially when done with a profit motive. Saath experienced this when it changed the structure of functioning from a non-profit organisation to a company,

Owing to some internal problems, our founder-trustee decided to convert the programme into a private limited company and all the home managers became employees of the company and the company gave them salaries. However, the Company eventually started looking only at bottom line profit and the relationship building between the women and the company was not being focused on. [When] we were a company, we decided to do training and mobilisations for the company and let the company place women. However, we soon had problems with the kind of placements the company was doing and we decided to discontinue placements for some time. Eventually, we shifted the entire programme under the Charitable Trust and discontinued being a company. We have now started placements and some 55 women have been placed as home managers (interview with Chinmayi Shah, 3 April 2014).

Mobilising domestic workers and placing them have been seen as distinct and not necessarily compatible activities by domestic worker groups (ISST 2013). In fact, it has proved a flashpoint among domestic worker groups (as we have seen in the national level mobilisations). Here, Saath makes an interesting distinction between functioning as a placement agency (through a charitable trust) and functioning as a placement agency through a company. However, what is interesting to note that while most domestic worker groups see their primary function as mobilising and collectivising domestic workers, Saath stands apart through its focus on training and placement. Its intervention in advocacy efforts has only been in the realm of the push for the creation of a Sector Skills Council on Domestic Work (see above), rather than on mobilising for workers’ rights. Recently, however, through its interaction with other domestic worker groups, it is slowly turning its attention to workers’ rights (ISST 2014).

4.3.3 Reflections on the (lack of) mobilisations on domestic work in Gujarat

As we can see from the sections above, the claims making by and for women domestic workers in Gujarat is fairly limited. There are barely any women’s groups mobilising domestic workers in Gujarat; the only women’s group mobilising domestic workers is SEWA Gujarat. However, even SEWA Gujarat is not as active in making claims with the state as SEWA at the central level has been, particularly through the work of SEWA Kerala. Shalini Trivedi locates the ways in which SEWA Gujarat engages at the level of the state: “SEWA has been active at the national level and has a long-standing relationship with the government. Government officials often ask us for case studies, policy briefs, etc. and we help the government to develop these However, at the Gujarat state level, we have not engaged much with the government with regards to issues related to domestic workers” (translated from original) (interview, 30 May 2014).

SEWA’s mobilisation efforts seem therefore to be more geared towards the national level than the state level, given that SEWA has been a key member for drafting the National Policy for Domestic Workers, and was the representative union during the ILO Convention. Further, it has been playing a leading role in organising consultations across different domestic worker groups in the country. However, in Gujarat itself, its mobilisations are still at a nascent stage.

Other organisations such as Saath, who do work with domestic workers, come to working with vulnerable communities from the perspective of entrepreneurship,

ownership and skill development. While Saath plays a crucial role in professionalising domestic work in Gujarat, without a rights-based approach to domestic work, the extent of its mobilisations on domestic work remain limited.

Further, there has been negligible mobilisation of women domestic workers in Gujarat by traditional central trade unions such as the *Bhartiya Mazdoor Sangh* or *INTUC*. Meena Patel of *DWRC* points out that “women are lacking in trade unions across Gujarat because there are very few women in industries” (interview, 2 April 2014). Hiranmay Pandya, President of Gujarat *BMS* echoes these arguments, but in the context of domestic work. Speaking of Baroda, he says that they “have not really women mobilised domestic workers mainly because we hardly have any women to mobilise from that community” (interview, 28 May 2014). Ashok Punjabi of *INTUC* reiterates this claim, but in the context of Ahmedabad, “it is mostly the men from Rajasthan who are involved as *Ghar Ghaghatis* or full-time live-in domestic workers ... there are very few women who are involved in domestic work” (interview, 27 May 2014). Almost all representatives of the Central Trade Unions involved mostly mobilised men; they said that they found very few women domestic workers. While this is belied by the general picture of domestic work across India, and even the studies done by *SEWA*, what rings true and echoes across the central trade unions are Ashim Roy’s sentiments that “because of the cultural orientation, it is difficult to bypass men and speak to the women”. His argument that “many women domestic workers come from the Rabadi and Vaghri communities (OBCs) and for an outsider to talk to their women was almost impossible” (interview, 28 May 2014). However, this makes the needs of mobilisation of domestic workers even more acute, and especially for central trade unions to work with a gender-sensitive perspective on domestic work.

4.3.4 Processes of mobilisation

Collectivising workers and advocacy

Domestic worker groups adopt a range of strategies to mobilise domestic workers. Forming membership-based collectives, particularly unions and cooperatives, have been at the heart of *SEWA*’s mobilisation strategies. Shalini Trivedi explains how *SEWA Gujarat* goes about recruiting members through short and long-term campaigns,

In the short-term campaign, a campaign team is created of women who are domestic workers themselves and belong to the same community as the other workers. This campaign team is trained about *SEWA*’s various cooperatives, importance and benefits of becoming a *SEWA* member, etc. This team then goes to the respective areas and speaks to around 10-15 women domestic worker and informs them about the benefits that they can avail of by becoming *SEWA* members This team also often helps domestic workers in distress such as in cases of non-payment of wages, negotiation with employers, etc. (translated from original) (interview, 30 May 2014).

Interested domestic workers become members of the *SEWA Home Care Women’s Cooperatives* which are run by a democratically elected executive committee of workers.¹⁶³ Shalini Trivedi comments that owing to the different tasks of domestic work, *SEWA* has formed separate cooperatives for home care, childcare and catering. From the perspective of working conditions, one of the key advantage of the membership is that it “increase[s] their chances of employability with decent wages” (interview with Shalini Trivedi, 30 May 2014, translated from the original). Moreover, “women who are members of the various unions and cooperatives are also able to take

¹⁶³ This cooperative is part of the larger Gujarat State Women’s Co-Op Federation Ltd.

advantage of other SEWA facilities like credit, housing, health insurance, education, etc.” (interview, Shalini Trivedi, 30 May 2014).

SEWA’s long-term campaign, on the other hand, consists of “negotiating with the government, at the central level, for the rights and welfare of domestic workers”. Shalini Trivedi notes that “SEWA enjoys a long-term standing with the government” and that they believed “in negotiating with the government rather than any form of confrontation” (Interview, 30 May 2014, translated from the original).

Issue of identity cards

As we have seen in the national section, domestic worker groups use identity cards to mobilise domestic workers. SEWA and other central trade unions such as INTUC also provide their workers with identity cards with the understanding that they provide them with a sense of belonging, which in turn gives them a sense of dignity and respect. Moreover, as Shalini Trivedi says, “the SEWA identity card also helps employees to put their trust in these women. It gives recognition to the women and as such they are not harassed by the police and are able to use their IDs as an identity proof to avail different benefits arising from various government schemes and programmes” (interview, 30 May 2014, translated from the original). Identity cards are especially useful for migrant domestic workers and to deal with police harassment (interview, Ashok Punjabi, 27 May 2014, translated from original).

Rallies, dharnas, marches

As with most organisations, rallies, dharnas, and marches are used by domestic worker groups in Gujarat. For instance, every year, the Construction Workers and Domestic Workers Union takes out a 4,000-5,000-person-strong rally, “to talk about the issues surrounding these two groups”, which generates wide media coverage” (interview with Ashok Punjabi, 27 May 2014). Groups have also used fasts for attracting attention to their cause. Ashok Punjabi talks of the *Amaran Andolan* (Fast unto death) against police harassment of domestic workers, which drew the attention of the Police Commissioner, “following [which], letters were written to all police stations informing them to not harass any union member on false charges and without substantial evidence” (interview with Ashok Punjabi, 27 May 2014).

Networking with other groups

Joining forces through networking with other groups is another strategy to strengthen claims and to share experiences and knowledge. Among others, Saath has been one of the partners of the Sir Dorabji Tata Trust (SDTT) project on domestic workers, which ran for approximately three years from 2011 to 2014. Saath was able to meet domestic worker groups from across the country during the annual workshops called by the project. This led to a widening of Saath’s perspectives on domestic work. “Earlier, we were not aware of other domestic worker groups other than SEWA. It was only through the consultations across the country under the SDTT project that we came to know the various issues surrounding domestic work as well as different forms of organising, various policies and laws, advocacy, etc.” (interview with Chinmayi Shah, 3 April 2014, translated from the original).

As a consequence of this, Saath approached the Gujarat State Labour Commissioner with regards to the draft National Policy but were surprised to hear that “the Labour Commissioner had no idea about it”, reflecting both the lack of interest of the state in domestic work, as well as the nascent stages of domestic worker mobilisations. As a

result of the workshops, Saath also found out that in Gujarat, domestic workers are not registered nor recognised by the state as workers. Chinmayi Shah says that Saath now understands that “it is necessary to engage with policy makers as well and that they plan to do so in the future” (interview, 3 April 2014, translated from original).

Research and field surveys

Several research and field surveys have also helped to shape the mobilisation strategies of domestic worker groups in Gujarat. The study by ISST (2008) was conducted with the aim of looking in to the possibility of working with and organising domestic workers in Ahmedabad. Similarly, Saath conducted a survey to develop an effective wage structure for its members (interview with Chinmayi Shah, 3 April 2014, translated from original).

4.3.5 Conclusion

There has been very limited mobilisation of domestic workers, especially of women domestic workers in Gujarat. In spite of the presence of SEWA, there has been negligible activity concerning claims making at the subnational level. Mobilisation of women domestic workers has been membership-based and an extension of the larger ideology of SEWA to develop cooperatives for sustainable livelihood, capacity building and self-sustenance of women in the informal sector. Women domestic workers who are members of SEWA have definitely benefited from SEWA’s other activities such as credit, health care and housing, but there has been limited movement around their rights as workers.

On the other end of the spectrum is Saath, which works on professionalising domestic work. They call their workers ‘home managers’ and the training provided is based on management principles where the home managers provide skilled services to their clients. Saath believes that by developing their skills, the women grow in confidence and there is a more professional approach to work which leads to their dignity and empowerment. It has been only recently that Saath, having networked with other domestic worker groups through the SDTT project, that it feels it should also begin advocacy for the National Policy on Domestic Workers.

What seems to unite groups in Gujarat is the focus on skill development and increased employability of domestic workers. Though SEWA Gujarat and Saath are ideologically different, their claims making has been focused on increased employability of domestic workers. Even if the two organisations differ in their forms, functions, levels of advocacy (SEWA is key a player in mobilisations for policy change at the national level), in Gujarat, there seems to be a sharper focus on livelihoods issues rather than mobilisations for policy change targeting the rights of domestic workers.

The central trade unions and federations of trade unions in Gujarat have only focused on men domestic workers and have no gender perspective in mobilising domestic workers. Most claim that there are very few women domestic workers and that mobilisation of these women is not possible due to cultural barriers. However, there is a vibrant *anganwadi*¹⁶⁴ women workers union in Gujarat, which belies the understanding that it is cultural barriers that prevent the mobilisation of domestic workers. The traditional trade unions have always been male-centric, and it seems that this infects the nature of mobilisations of domestic workers in Gujarat.

¹⁶⁴ Childcare centres.

Neoliberal policies, such as the Sabarmati riverside project leading to displacement of the urban poor to the fringes of the city, further highlight the newer challenges in organising vulnerable sections such as domestic workers.

Engagement with policy makers is sporadic and restricted to the very specific issues. INTUC's engagement with the police because of police harassment of male domestic workers has been a rallying point for the trade union. However, there has been almost negligible claims making on issues such as wages, leave and legislation, which are crucial for worker recognition and rights. Advocacy, networking with other domestic groups and coalition have been limited and more often than not, non-existent. In conclusion, the domestic workers movement in Gujarat is very much still in its infancy.

4.4 Mobilisations of Domestic Workers in Karnataka: Many Voices, Many Claims

Karnataka has had a comparatively long history of mobilisations on domestic workers, with the first union in India specifically meant for them, the Karnataka Gruha Karmikara Sangha, established in 1987 in Bangalore (see John 2013; interview with Ruth Manorama, 19 June 2014). After this initial collectivisation, from the 2000s onwards, Karnataka has seen the emergence of many organisations mobilising domestic workers resulting in a spate of sector-specific domestic worker unions. Currently, Karnataka has six sector-specific unions (the Karnataka Gruha Karmikara Sangha, the Karnataka Domestic Workers Union, The Akila Karnataka Domestic Workers Union, the Domestic Workers Rights Union, Mane Kelasa Karmikara Union and the Bruhat Bangalore Domestic Workers Union), all of them based in Bangalore, with some having a wider reach in the state. There are also two other unions affiliated with central trade unions—Karnataka Domestic Workers Congress (affiliated with INTUC) and the Bangalore Zilla Domestic Workers Union (affiliated with CITU) (see interviews with domestic worker groups in Karnataka, Appendix II).

Interestingly, of the six sector-specific domestic worker unions in Karnataka, four of them (apart from the KGKS and the Karnataka Domestic Workers Movement) started life as part of the Karnataka Domestic Workers Union, which itself was registered in 2003, after a protracted battle with the Labour Department in Karnataka. The split in the Karnataka Domestic Workers Union occurred over a gradual period of five to six years, with the Domestic Workers Rights Union being registered in 2009, and the rest following suit more recently from 2012 onwards. Interestingly, after the first union was registered in 1987, it was to take a further 17 years for the next domestic workers union to be registered in Karnataka. In the next section, we track the processes through which unionisation of groups occurred over the last three decades in Karnataka.

4.4.1 Unionisation of domestic workers in Karnataka

The Women's Voice experience

One of the first organisations to mobilise women domestic workers in Karnataka was Women's Voice, which was established in 1982 to work with women in the unorganised sectors of labour such as rolling *beedis*, making *agarbattis* and working as street vendors.¹⁶⁵ The founder, Ruth Manorama, says that they recognised early on that a large number of women were working as domestic workers, and that their working conditions were very poor—"I really felt that domestic workers were one group of

¹⁶⁵ A beedi is a thin cigarette; an agarbati is an incense stick.

people that needed to be grouped together”. After scoping other organisations to see how they were collectivising domestic workers, she realised that there no other *unions* of domestic workers, although there were groups such as the Pune Molkari Sanghatana that were mobilising domestic workers through sanghatans. She says,

So there was no model [for unionisation]. So how do we do it? Around that time we drafted the demands of the people ..., the problems that we must address and all that. First of all, I thought that they should be considered workers. So I found out what are the means of considering them as workers. That means they must be scheduled, the workers must be scheduled in order to get any benefits [scheduled employment refers to an employment specified in the schedule to the Minimum Wages Act, either centrally or through a notification by the state government]. So first of all, the consciousness that I must raise is that they must come from serf hood or slave hood and organise [as] workers. So that is the time we have [decided to] organise the domestic workers union. In 1987 we had it registered (interview, 19 June 2014).

However, registering a domestic workers trade union was by no means an easy process. The idea of a women’s trade union was still a novelty at the time and a trade union of informal workers such as domestic workers even more so. Moreover, as Ruth Manorama recounts, “the women themselves were suspicious because of the association of unions with strikes and policy brutality”. The process of organising domestic workers into a union started in 1985, and it took a further two years to register the union.

It took a lot of time because first of all the government itself said, ‘how can women form a union’? and then, ‘you must have some experienced trade union workers along with you, or you become a part of a larger trade union’. By then, I had organised 2,000-3,000 workers everywhere. So we very boldly launched that, and we put our demands in the newspaper There was a lot of resistance in Bangalore to this organisation. To tell you at the government level also, [they said], ‘why should we recognise you as workers’ and I said, ‘we have 2,000 workers’. They have also seen that the newspapers have written about it. So, yes in the early stages it was difficult. There was not even a trade union model that I could copy the memorandum of association (interview, 19 June 2014).

Currently 4,000-5,000 women are members of the KGKS. Apart from some parts of Bangalore, the union also works in Mysore, Mandya and Shimoga districts of Karnataka, albeit at a much smaller scale.

The Karnataka Domestic Workers Union

The National Domestic Workers Movement began mobilising domestic workers in Karnataka in the mid-1990s when Sr. Celia moved to Bangalore as the State Coordinator.¹⁶⁶ From the early years of mobilisation Sr. Celia supported the idea of organising women domestic workers into a union, which in her opinion was the best method of securing the rights of workers. At the time, however, the NDWM as a group did not see unionisation as an appropriate mode of organising domestic workers. Sr. Celia remembers that she informed Jeanne Devos (National Coordinator of NDWM) early on of her interest in registering a union. Not receiving a response, she continued with her efforts, but in 2002, when she began the process of registering the union, she was asked to leave the NDWM (interview, 12 August 2014). Sr. Nisha Mathew, the current state coordinator of the Karnataka Domestic Workers Movement (KDWM) recalls that at the time, “NDWM were dead against unionisation, [but two-three state chapters] went against that and registered” (interview, 17 July 2014). According to Sr.

¹⁶⁶ As with the National Domestic Workers Movement and Sr. Jeanne Devos (from the Congregation of the Immaculate Heart of Mary), the Karnataka Domestic Workers Movement (KDWM) too has had a history of recruiting members of various congregations to support the work of the movement. Sr. Celia is affiliated to the Ursulines of Mary Immaculate congregation, and Sr. Nisha Mathew who took her place in 2002 is from the Franciscan Servants of Mary congregation.

Celia, the reasons why the NDWM did not support the unionisation route was because a “union cannot receive foreign money”. She locates the change in heart of the NDWM position (many states in which the NDWM is now active have unionised, including Karnataka) in the ILO’s position on the unions representing worker interests in their tripartite process.

Under the then leadership of Sr. Celia, the KDWM began organising women domestic workers in the slums of East Bangalore (see Chigateri 2007). However, the process of registering the workers into a union was to begin in earnest only in 2002 due to Sr. Celia’s health problems. Although she fulfilled the other requirements for registering the union, the first obstacle that she ran into was that she did not have a physical address from which to register the union, which was required for the application. This was resolved when an old trade union comrade allowed the use of his office address. Although the Alternate Law Forum (which also played an integral role in the registration of the many unions to follow) provided legal support in the process of registration, this was by no means easy. Long waits in bureaucratic offices followed. Sr. Celia suggests that the he arduousness of the process was not because of any issues with their submission, legally or otherwise, it was “because we did not give money”. During one of the days she was being given the runabout, she refused to leave the office. She recalls, “I was so angry and upset. I said to all of the office people, please go and lock the door. I will not get up from here unless you give me the certificate”. This obstinacy is what she says finally got the union registered (interview, 12 August 2014).

After the process of registration in 2003, the union was to grow from strength to strength. It started to mobilise workers not just in Bangalore, but also in other districts of Karnataka: Kolar, Ramnagar, Tumkur, Gulbarga and Chitradurga. Other groups also joined to register their workers with the union. FEDINA, which began working with domestic workers in 2004, joined hands with the Karnataka Domestic Workers Union by registering women into the union early on¹⁶⁷ (interview with FEDINA, 24 July 2014).

Similarly, Stree Jagriti Samithi , which had begun working with domestic workers in 2005 through a United Nations Children’s Fund (UNICEF) project on child domestic workers, also registered their members with KDWU¹⁶⁸ (interview with Geeta Menon, 17 June 2014). Similarly, the Association for Promoting Social Action , which is another long-standing NGO working in Bangalore since 1976, joined KDWU in 2011 when it began mobilising domestic workers. Chitravarthy, Coordinator at APSA, recounts that KDWU was able to provide APSA with mentorship on the context and processes of mobilising domestic workers (interview, 13 August 2014).

Although several groups came together to form the KDWU, this was not to last long. Even before APSA had joined the KDWU, fissures began to appear (interview with Sr. Celia, 12 August 2014).

¹⁶⁷ FEDINA started work in Karnataka (as well as other southern states) in 1983 as an organisation working on the empowerment of the marginalised.

¹⁶⁸ SJS started working with domestic work well after it had begun its work with unorganized women in the slum communities of South Bangalore in the 1980s. Geeta Menon, the founder of SJS, recalls that this UNICEF project allowed them to focus their energies from working with a wider group of unorganized workers in the slums to domestic work in particular, including adult women domestic workers.

The fissures within KDWU and the growth of other unions

In 2009, in the first of several fissures to come, SJS decided to form its own union, the Domestic Workers Rights Union (DWRU), mainly due to disagreements on the role of NGOs such as SJS in providing the union with mentorship and funding support.

See when you first start I do not think we can completely eradicate our role. I agree that we should not be too much in forefront, we should not take too much responsibility I agree with that completely but I also feel that at that time and even today, there are certain aspects of the Union for which you have to give leadership. You may not take over the leadership but you have to give that leadership and you cannot stay away from that because it is like [that in] this sector. ... They [the union members] have become leaders, they are strong enough to move but still funding is a problem. We cannot function with membership funds like other unions ...—we are not the big unions. So it is important that at the level of finances, at the level of leadership support, at the level of policy, at the level of all these things, we [support NGOs] need to be there. But there was a thinking in the other group that everything they [union members] should do, you do not interfere, you do not take any planning ... But there are certain things that we had to plan. First of all, they are burdened with so many things- lack of time (interview with Geeta Menon, 17 June 2014).

Moreover, rather than widening the union, they also wanted to deepen the work they were doing with domestic workers. While rights talk and awareness was very important, SJS felt the need to have a “concentrated group” to work on other issues of the community such as ration cards, as well as to concentrate on local level concerns that may arise on a case by case basis. This would build up the groups, as well as allow the union to highlight issues to generate sufficient publicity (interview with Geeta Menon, 17 June 2014).¹⁶⁹

FEDINA, which was the first group to join the KDWU, also stayed the longest. Usha of FEDINA recounts the benefits that gained through its association with KDWU. FEDINA members underwent a lot of training on unionisation and working with domestic workers as well as in collaboration with others such as ALF and the Human Rights Law Network (HRLN) on issues such as women’s rights, sexual harassment and legal literacy. This helped the group at FEDINA to engage with domestic workers. Further, they were involved in many campaigns and demonstrations as part of the KDWU (interview with FEDINA, 24 July 2014). However, a recurring point of contention was that the KDWU directed all its demands at the state and policy making, with barely any demands directed at employers and collective bargaining. This led to a difference of opinion because the response of just [going] somewhere and protesting did not sit right with the workers at FEDINA, especially “when there are burning issues with the employer” (interview with FEDINA, 24 July 2014). Moreover, there was no “collective functioning” in terms of decision making. While FEDINA was able to agree with KDWU to expand its work to include collective bargaining with the employers, it was “always a difficult negotiation with the executive committee”. Eventually, the members associated with FEDINA decided to form their own union for purposes of having a distinct identity but also to focus on working with their members. In 2013, the Mane Kelasa Karmikara Union (Makaayu) (Domestic Workers Union) was registered. The process of registration was not difficult. Usha puts this down to having a few sensitive persons in the Labour Department. She says that the union had the prescribed requirements, and when the labour inspector came to visit, “the workers challenged him and spoke very freely”.¹⁷⁰ Similarly, in order to retain their identity, in 2013, APSA too

¹⁶⁹ Currently, the strength of the DWRU is about 3,000 members in Bangalore. It has also initiated work in other districts of Karnataka in 2013, increasing its membership to about 4,000.

¹⁷⁰ This replicates the experience they had in registering two other unions on construction work and garment work. At the time of the interview, Makaayu had mobilised 200 active domestic workers to join the unions (interview with FEDINA, 24 July 2015).

followed suit in forming its own union, the Bruhat Bangalore Domestic Workers Union (interview with Chitravathy, 13 August 2014)¹⁷¹.

Sr. Celia reflects on the fissures in the union by suggesting that the problem lay with NGOs mobilising domestic workers, as they were not fully tuned into the difficulties of union work. She illustrates this by pointing to payment of bus fares and the costs of attending the meetings to the union members by the NGOs. As she puts it, “NGOs character will not change. NGOs registering a union is a mistake ... because they are not able to overcome their character of NGO” (interview, 12 August 2014). She also suggests that the differences between the unions are so reflective of the broader differences between the National Platform and the Domestic Workers Rights Union on the role of the tripartite board and the Labour Department in regulating the rights of domestic workers (interview with Sr. Cecilia, 12 August 2014).

After Sr Celia left the Karnataka Domestic Workers Movement in 2002 to form the KDWU, the group was led by Sr. Nisha Mathew. She had to start the mobilisation of workers from scratch as the previous members were now with the KDWU. Sr. Nisha Mathew, as with the rest of the NDWM at the time, was suspicious of unionising domestic workers: there were already so many unions that she did not see the benefit to unionising (interview with Sr. Nisha Mathew, 17 June 2014). However, in time, she and the NDWM more broadly changed this perspective: “Earlier, I did not want to [unionise either] but then I thought ... now people are prepared and there is also a need. [Moreover] we did not know that there were some extra benefits for the union [if] we want to get some benefits means we have to be registered” (interview, 17 June 2014).

Consequently, the Akila Karnataka Domestic Workers Union was registered in 2012 after a long process of preparing the domestic workers for unionisation for 2-3 years (interview with Sr. Nisha Mathew, 17 June 2014).¹⁷² The KDWM also formed a trust, the Karuna Domestic Workers Welfare Trust (formed in 2005/6), which allows it to route the benefits offered by the Karnataka government. The KDWM also provides a shelter home for children who have been “traumatized in domestic work”, and for domestic workers’ children. Currently, this shelter home houses 40 children, although its capacity is for 20-25 children (interview with Sr. Nisha Mathew, 17 June 2014).

Central Trade Union–affiliated unions of domestic workers

In this milieu of several independent domestic workers unions, two more unions affiliated to central trade unions also mobilise domestic workers: the Bangalore Zilla Domestic Workers Union (BZDWU) (affiliated to the CITU) and the Karnataka Domestic Workers Congress (affiliated to INTUC).

In 2009, staff at AIDWA Karnataka came to the realisation that many of the disadvantaged women they worked with were domestic workers. Although AIDWA supported these women when it came to their “social issues”, whether this was in terms of the violence they faced or social security concerns such as rent or ration cards, they

¹⁷¹ Currently, there are about 500 members registered with the union since its registration in December 2013. The aim was to mobilise 500 more domestic workers to join the union by the end of the first year.

¹⁷² Apart from Bangalore, the KDWM mobilises domestic workers in Kolar, Mysore, Mandya, Shimoga and Chikmagalur with varying strengths in the districts. Overall in Karnataka, the KDWM claims to have mobilized 15,000 domestic workers, of which about 8,000-10,000 domestic workers are from Bangalore. However, when it comes to those who have joined the union, in Bangalore, this number is about 2,700-2,800 members.

felt that many of the issues domestic workers raised had “trade union characteristics”. So, in the same year, AIDWA Karnataka passed a resolution at the state-level conference that domestic workers needed to be organised through a trade union. After the conference, in 2011, AIDWA came together with the CITU, the CPI (M) affiliated central trade union, to form the BZDWU. In spite of the proliferation of domestic worker unions, the registration of this union was not easy, and AIDWA had to organise a couple of protests before being registered (interview with KS Lakshmi, 18 June 2014; also see interview with Selvi, CITU, 11 August 2014).

In 2009, in the context of the initiation of the standard-setting process by ILO, INTUC in collaboration with ILO-ACTRAV undertook a pilot project, Decent work for domestic workers: Organising, skills upgrading and advocacy (Phase1). This pilot project was carried out by the INTUC leadership in Bangalore from 2009-2010 with the aim of unionising domestic workers, upgrading their work-related skills, and educating them about labour laws and trade union functioning (Eluri, S. and A. Singh 2013; interview with senior functionary, INTUC, 19 June 2014). As a part of this pilot project, KDWC was set up with provisional affiliation to INTUC. Through a process of mapping of localities, identification and education of trainees, and reaching out to domestic workers, several domestic workers were mobilised to join the union.¹⁷³

The landscape of unionisation in Karnataka, particularly in Bangalore, is reflective of the growth of several unions, especially in the last four to five years. Each of the older unions and central trade affiliated unions has a strength of about 2,500-7,000 members each, constituting a sizeable number of domestic workers registered with a union in Bangalore. However, whether this has always translated into depth of mobilisation is a question. As Geeta Menon suggests, “registering members is easy, maintaining them is difficult” (interview, 17 June 2014). Moreover, whether this growth has been at the cost of solidarity is difficult to gauge at this early stage. However, as Nisha Mathew observes, “there is ... high competition between the unions, between the NGOs in Bangalore” (interview, 17 June 2014).

On the other hand, Ruth Manorama is more sanguine about this spurt in unions: “It is good See once you have benefits coming then always a lot of unions will come up. Even construction workers, when we started, when we demanded that a tripartite board be set up ... it is always a practice, once minimum wages comes, some benefits are extended, a lot of people will organise” (interview, 19 June 2014).

What is interesting to note about the separate domestic worker unions is their close connection with the NGOs with which they are affiliated. The support offered by NGOs, financially and in terms of mentorship, is recognised as important for the unions to function, with many of the NGO leaders functioning as advisors to the unions (interviews with Geeta Menon, 17 June 2014; Usha Ravikumar, 24 July 2014; Sr. Nisha Mathew, 17 June 2014; and Chitravathy, 13 August 2014). Although there is only one union that is not affiliated to an NGO, the support offered by Sr. Celia continues to fuel the mobilisations of both the union as well as the networks at the national and state level.

¹⁷³ By the end of the pilot period, 2,500 members had joined KDWC. The pilot was extended, and the union were given permanent affiliation with INTUC. By 2013, the union had recruited 7,000 members (Eluri and Singh 2013).

Networks at the national and state level

Domestic worker organisations in Karnataka are affiliated to the national-level National Platform for Domestic Workers and the Domestic Workers Rights Campaign, some more actively so than others. Geeta Menon of SJS was integral to the formation of the DWRC. Most of the other unions are affiliated to the National Platform for Domestic Workers, though some of their views are closer to the views of the DWRC, as we shall see below. The organisations affiliated with the NPDW are also part of the state-level platforms that have been set up by the NPDW to devolve processes of claims making and mobilisation.¹⁷⁴ Apart from these two national-level networks, another network is of the All India Federation of Domestic Workers, which was formed in 2013. This network is comprised of unions of domestic workers from 14 states, with the KGKS (affiliated to Women’s Voice) as a founder member (interview with Ruth Manorama 19 June 2014).

Efforts to bring together the unions under one umbrella at the state/subnational level have been underway over the last five years or so. The first such initiative was through the Joint Action Committee set up in the context of the Task Force’s discussions on a draft policy in Delhi. The purpose of the committee was to debate the contours of the Draft Policy on Domestic Work (interview with Usha Ravikumar, 24 July 2014). However, this Joint Action Committee has not provided the space expected for building solidarity among the groups, and it has been difficult to keep this joint action going with organisations such as the KDWU not fully engaged in the process.

Further, while there is an interest to bring groups together, the recent splintering of the unions makes this difficult. As Usha Ravikumar of FEDINA puts it, “it would be better if all the unions were together because it gives strength, but when there are differences, better to separate and come together for certain issues” (interview, 24 July 2014). Nevertheless, the unions coordinate activities on international commemorative days such as Labour Day, International Women’s Day and Domestic Workers’ Day. But even these provide only sporadic occasions for joint action. As Nisha Mathew says, “last year we networked on the 16th of June for Domestic Workers’ Day ... one will call one, another will call another—to collaborate together is not possible” (interview, 17 June 2014). Moreover, in the last year, FEDINA did a separate action altogether for Domestic Workers Day as did SJS.

4.4.2 Claims making on domestic work in Karnataka: Issues at stake

The claims making on domestic work in Karnataka replicates the national picture, with the devalued nature of work and the abysmal conditions of domestic work framing the discourses of domestic worker organisations, even as they fuel domestic worker mobilisations. Moreover, domestic worker groups are largely attuned to the issues facing migrant domestic workers, although mobilising migrant domestic workers is challenging. Further, while some organisations are more attuned to questions of sexual harassment and caste discrimination, these do not always translate to, as Archana Prasad puts it, “a critique and transformation of social structures” (interview, 16 July 2014). Further, as with national level organisations mobilising domestic workers, several unions in Karnataka mainly work with live-out domestic workers, although some of them have also rescued and rehabilitated live-in child domestic workers (APSA, KDWM and DWRC). In this section we give a brief overview of these mobilisations,

¹⁷⁴ In the run up to the national-level meeting that had been called by the NPDW in November 2014 to press the recently inaugurated government for a new law, the state-level platform in Karnataka met at the end of August 2014 to clarify and share its demands with the NPDW.

particularly focusing on what has been unique to domestic worker mobilisations in Karnataka, namely, the introduction of a minimum wages notification, and the effect this has had on mobilisations in the state.

Conditions of work

WAGES

Wage negotiations form a key component of the mobilisation work of all domestic worker unions, although the strategies, the amounts charged, and whether or not they mobilise around the minimum wages vary from context and group.

Each organisation has its own prescription for what is an acceptable wage. In Bangalore, KDWM has set the amount as 7,000 minimum (per month) for a workday of eight hours (for a full-time live-out worker). Alternatively, workers negotiate for about Rs. 2,000 a month for an hour's work a day. Since they usually work in about five houses a day, their monthly salary works out to Rs. 10,000. Similarly, the Domestic Workers Rights has now brought out a rate card that categorises wages based on tasks performed (cooking, cleaning, washing clothes, and so on). These rates are set for an hour's work in Bangalore for tasks performed and are based on the cost of living in Bangalore for one person.

Despite these calculations, Geeta Menon (SJS) also locates how notoriously difficult it is to set wages for domestic workers as they are based on so many contextual factors, such as the size of the house, the number of people, the average time taken for tasks performed, or even the culture of the house.¹⁷⁵ Therefore, the SJS recommend the rate card as a minimum standard, but suggest that their workers finalise their wages “depending on your area, depending on your voice, depending on how much you can negotiate” (interview, 17 June 2014).

The struggle for minimum wages in Karnataka

In January 1992, in a historic move, the Government of Karnataka included domestic work in the list of scheduled employments under the Minimum Wages Act (Labour File 2005; Chamaraj 2007). This notification came on the back of campaigns by Women's Voice and the KGKS. Ruth Manorama (Women's Voice) argues that her involvement with the construction workers' mobilisation helped her understand the process through which minimum wages were notified (interview, 19 June 2014). In order to have a say on whether or not domestic work could be included in the schedule, she successfully lobbied to be nominated as a member of the Minimum Wages Board.¹⁷⁶ The Board however, was surprised at the idea of seeking minimum wages for domestic workers. She argued that “wages have to be fixed. Look at the way they work, and they do not even get Rs. 30-40 a month”. The other central trade unions did not support her either. She recounts that “at that time, the BJP union [Bharatiya Mazdoor Sangh] were [the only ones] keen to support us”. Eventually, after the union pushed for the notification, it was finally issued (interview with Ruth Manorama, 19 June 2014).

However, the notification was not to stay on the statute books for long. Domestic work was arbitrarily removed in 1993, and it was to take a further eight years for it to get back on the statute books and another three years for the board to actually set minimum wages

¹⁷⁵ For instance, whether different utensils are used for different things, for example, in a Brahmin house where fresh utensils have to be used each time (interview with Geeta Menon, 17 June 2014).

¹⁷⁶ The Labour Commissioner nominates the members and receives the approval of the Labour Department.

for domestic workers (see Labour File 2005; also Chamaraj 2007). Ruth Manorama recalls, “That was a very sad process. I asked them what is the reason for descheduling, and they said that since no women came and registered case with us, we felt that ... no problems exist, so we descheduled. We protested. I told them just because there is no case, how can you deschedule? Scheduling or descheduling is a process [through which] women are going to get the benefit or not” (interview, 19 June 2014).

Domestic worker groups were to renew their efforts to get the minimum wage notification back on the statute books in the early 2000s. Sr. Celia recalls, “of course [it was a huge struggle]. Every woman’s day, every worker’s day, we were on the streets”. Apart from the efforts of groups such as hers, the Labour Commissioner of the time, a dalit commissioner, was sympathetic to the demands of domestic workers. He called a meeting of all domestic worker organisations, and established a committee to study and report on minimum wages for domestic workers.¹⁷⁷ This committee had other trade union members who were not as supportive, replicating the experience that Ruth Manorama had earlier. The question they repeatedly asked Sr. Celia was, “who is the employer of domestic workers: wife, mother, grandmother, grandfather”?, bringing up once again the faulty reasoning that if there is no fixed employer, there is nobody to make accountable, and therefore, no requirement of fixing minimum wages. But the Labour Commissioner, she says, was instrumental in passing the notification in 2001 (interview with Sr. Celia, 12 August 2014).

Since then, the wages have been set for domestic workers in Karnataka. The most recent notification came into effect from April 2010 (see table below).

¹⁷⁷ Sr. Celia was made part of this committee.

22. Domestic Workers

Notification No. KAE 17 LMW 2010, dated 25-1-2011

Published in Gazette dated 3-3-2011

Minimum Wages with effect from 01-04-2010

Cost of Living Allowance to be paid over and above 3944 point

Cost of Living Index: 5780 – 3944 = 1836 points

Minimum wages and variable dearness allowance (VDA) from 01-04-2014 to 31-03-2015.

SCHEDULE

Sl. No.	Class of employment	Minimum rates of wages payable per day (Rs.)		
		Basic	VDA	Total
1	2	4	5	6
1	Washing the utensils:	139-20	84-73	223-93
	Washing the clothes/ House keeping and looking after children			
2	Washing the clothes/ Washing the utensils/ House keeping and cleaning of house	134-20	84-73	218-93

VDA: In addition to the basic wages, all Category of Employees in the state shall be paid V.D.A. at the rate of 4 Paise per point over and above 3944 points.

Instructions:

Employers are exempted from maintenance of registers and records and Inspectors are prohibited from entry to any residential location; But the Commissioner of Labour can direct any Inspector to inspect any domestic premises under any of the Labour Enactments and Rules thereunder;

If the wages already paid are higher, the same should be continued;

Prohibits the employment of children below the age of 14 years;

A day's work can be construed as 8 hours work and wages to be calculated accordingly; if appointed for fewer hours in a day, wages should be in proportion and be calculated either daily or monthly basis for that category of work;

Daily wages should be calculated by dividing the monthly rate by 26 and rounding off to the nearest 10 paise;

Double the ordinary wages should be paid for over-time work.

Paise to be rounded off to nearest 50 paise or to a rupee.

As cited on Karnataka Labour Department website, available at <http://labour.kar.nic.in/labour/cur%20mw%202011-12.pdf>, last accessed 20 March 2016.

The notification provides for minimum wages, calculated on an 8-hour daily rate, based on tasks performed. As is evident, the tasks listed are minimal, and the wages listed do not reflect the actual wage negotiation process of domestic workers. Moreover, as Neetha has argued, minimum wage notifications include task-based classification of work, but they do not also list whether domestic work is skilled, semi-skilled or unskilled.¹⁷⁸ The wages reflect the social understanding of domestic work as unskilled labour across the notifications. Further, unlike most other employments, the rate is not fixed on a monthly calculation but an hourly or daily one (Neetha 2013b).

¹⁷⁸ This is true of most states except for Bihar, where it is listed as unskilled.

In her analysis of the various minimum wage notifications across states, Neetha also argues,

Though, on the one hand, wage differentiations across duration do take into account the part-time nature of domestic work, on the other, it allows employers to pay workers on an hourly basis, leading to increased work intensity. Thus, part-time workers who work in multiple houses are at the risk of both self-exploitation and exploitation by their employers. As the payment is on an hourly or daily basis, employers could also conveniently deny weekly rest days. Further, in defining the wage rate in terms of eight hours of work, there is a lack of appreciation of the existence of live-in workers and their work specificities. Over-time wages are either ignored or casually provided for (Neetha 2013b: 79).

Other criticisms of minimum wage notifications have come from groups such as SJS which did a study in 2005 where it clearly demonstrated that the minimum wages stipulated in Karnataka do not amount to a “living wage”. In 2004, the minimum wage notification had been set out for 45 minutes of work (rather than an hour or daily wages). Moreover, the wages set were also abysmally low (interview with Geeta Menon, 17 June 2014). Working on the understanding that the Consumer Price Index upon which the minimum wages are based does not accurately reflect what ought to be the “living wages” of domestic workers, the DWRU developed a rate card (see above).

Unlike in Rajasthan, where groups such as the Mahila Kamgar Union do not use the minimum wages notification to mobilise domestic workers, the picture in Karnataka is more complex. Sr. Nisha Mathew says that while in some parts of Bangalore, women are able to negotiate their wages to above minimum wage scales, this is not always the case, especially in the rest of the state: “In other districts, domestic workers are in a very very poor condition. They do not have proper money. They do not have proper house. They also do not have good quality educational facilities for their children” (interview, 17 June 2014).

She argues that the workers in these districts barely make “Rs. 400, 500, 1000 as monthly wages” (interview, 17 June 2014). This argument is also replicated by Selvi (CITU) who locates the extremely low wages in the context of Bangalore itself. The argument that organisations make is that the purpose of the minimum wage notification is to deal with these abysmally poor and exploitative conditions. As a senior functionary of INTUC puts it,

What is the benchmark? ...The benchmark is minimum wages. Now [when you are fixing] minimum wages ...let us say about 5000 Indian rupees per month making whatever calculation, if that lady is getting 6,500 where does the question of minimum wages come? If it comes less than that only the minimum wages [come into play]. Now many of the people are well above. But yes there is problem with the rural area (interview, 19 June 2014).

LEAVE DAYS

Integrally linked to the issue of wages is the issue of leave days that domestic worker groups mobilise their workers on. Ruth Manorama talks of this in terms of impressing upon their workers that wages to be negotiated are for 26 days of work per month, with 4 days to either be paid extra or taken off as leave (interview, 19 June 2014). Notoriously, it is normal practice for domestic workers to not be given a single day of weekly leave by their employers. In Karnataka too, stories abound among domestic worker groups that leave is not provided even for illness. As with wages, leave is usually negotiated between employer and employee, and this is one area where all domestic worker groups have sought to intervene.

For its workers, KDWM negotiates one day's weekly leave, and then 21 days a year over and above that (interview with Sr. Nisha Mathew, 17 June 2014). On the other hand, the Bruhat Bangalore Domestic Workers Union negotiate a day's weekly leave at the minimum for their workers. However, as with wages, it is also felt by groups that the worker needs to have flexibility to negotiate with the employer when these days of leave are taken. The Domestic Workers Rights Campaign mobilise their workers to negotiate with their employers for four days off in a month. Having started with campaigning for a weekly day off, they have since changed this to four days a month. "We are saying four days a month at least because it is a flexible thing. What happens is our workers go off to the village and they also say they do not want the Sunday off. They do not want the Saturday off because they want to accumulate the leave" (interview with Geeta Menon, 17 June 2014).

Longer periods of leave such as maternity and sick leave are far harder to negotiate, and on the issue of longer leave, domestic worker groups seem to shift their focus from direct negotiations with the employer to making claims from the state, particularly through laws regulating domestic work and social security provision.

Social security

As with the national-level mobilisations, social security forms a firm plank of mobilisation for domestic worker groups. The understanding that the state has to set up a mechanism to deal with the particular vulnerabilities of domestic workers, given the multiplicity of employers (which makes it difficult to claim many rights against them) as well as the socioeconomic context of the workers, has animated the mobilisations of domestic worker groups. Almost all domestic worker groups in Bangalore have mobilised over the last several years on pension, health, education for their children.

Organisations such as Bruhat Bangalore Domestic Workers Union (affiliated to APSA), BZDWU and the KDWM have registered their workers for social security schemes at the state level. The Aam Aadmi Bima Yojana is an insurance scheme based on contributions from the participants that covers cases of death and accidents. It also provides a small scholarship of Rs. 100 per month for a maximum of two children of the beneficiary studying between the Standard 9-12. Apart from this, domestic worker organisations have also applied for pension schemes provided by the PRAN (Permanent Retirement Account Number) card through Canara Bank (see interviews with Chitravathy, 13 August 2014; Selvi (CITU), 11 August 2014; and Sr. Nisha Mathews, 17 June 2014). However, the process of accessing social security schemes is by no means easy. As Selvi (CITU) recounts, the government would prefer to receive the applications "in bulk" rather than as and when CITU mobilises the workers, slowing the process of accessing the schemes (interview, 11 August 2014).

Also, as has been the case with the experience of RSBY across several states nationally, in spite of organisations managing to enrol several thousands of domestic workers, the benefits have not reached workers. Geeta Menon recounts the failed experiment with RSBY. In spite of having worked with the government on the details of the scheme at the state level, it did not work in favour of domestic workers.

We framed the design, everything and so close we were with this. We submitted 7,000 forms, and then they changed the whole thing again. They brought a new thing—they said tenders have been given, insurance companies [will provide] from 2011. So now our workers are fed up, we are fed up and the areas where it was given because of BPL, they did not know which hospital to go to. They had heart attacks, but they could not get admitted, all this nonsense I mean. That is why I am

arguing today and I am trying to make these unions also understand that let us forget RSBY, let us not even talk about it (interview, 17 June 2014).

The argument that governments do not conceive of social security as a right for workers/citizens, but as a benevolent welfare measure is also critiqued by groups. As Geeta Menon says, “What we are saying is that RSBY is not social security, RSBY is one government scheme. If a government changes, that scheme will change but social security is a whole package [of rights]” (interview, 17 June 2014).

Similarly, Usha Ravikumar (FEDINA) observes that although FEDINA supports its workers in registering for RSBY, this does not offer a right to health, unlike the Employees’ State Insurance Scheme which provides a right-based framework for health.

In order to access these rights, the SJS has set up a “worker facilitation centre” which functions as a database, an information centre and a single window redressal mechanism. This centre is in its early stages.

Migrant domestic workers

Many of the unions working with domestic workers in Karnataka recognise the particular problem that migrant domestic workers face. Many of the organisations also link the influx of migrants to agrarian distress, large construction projects such as the Bangalore metro rail project and displacement due to natural disasters (such as the tsunami). According to Usha Ravikumar, migrant workers were brought to Bangalore from Orissa, Jharkhand and Andhra Pradesh for the metro construction work, with no provision for repatriation of workers once the work was done. Moreover, in some cases, the workers were not paid for the last few months of work. Because migrants could not always go back to their home states, they worked on other construction sites, and some of the women from these families also turned to domestic work. Selvi, the President of Makaayu, says that there are migrants from other regions of the country including Bihar, Tamil Nadu and Gujarat, as well as tsunami-affected workers from Tamil Nadu. The more long-standing migrant communities have historically been from Tamil Nadu and Andhra Pradesh. Another category of migrant worker, according to Usha, are migrants from the northeast, who tend to work mainly as live-in domestic workers. There are also internal state migrants from the poorer regions of the state such as Gulbarga, but also from regions close to Bangalore such as Nelamangala and Maddur fleeing agricultural distress.¹⁷⁹

Especially for newer migrants to the city, the conditions of work are far worse than for the more-established migrants, and those of other domestic workers. The one issue that was consistently brought up was that newer migrant women work for much lower wages. Sometimes, they work for as little as Rs. 300 per month for an hour’s work every day, or an hourly wage of Rs. 10 (interview with Selvi, Makaayu, 24 July 2014). This undercutting of wages is a primary reason that makes mobilising migrant domestic workers very difficult. As Geeta Menon puts it,

In some areas, there are new migrants who have come in but they do not come into the union. What happens is unfortunately is that the older members are very cheased off with the new migrants because they work for less. So the members will always refer to the fact that these migrants have come in and taken away our jobs. There is this constant undercurrent but we address them [migrants] but not many are part of the union as such (interview, 17 June 2014).

¹⁷⁹ See interviews with Usha Ravikumar, 24 July 2014; Selvi, Makaayu, 24 July 2014; Geeta Menon, 17 June 2014; and Selvi, CITU, 11 August 2014.

Even so, through consistent efforts, some migrant women do join unions, which leads to a recognition of the economic distress that migrants face because of which they work for such low wages (See interview with Selvi, Makaayu, 24 July 2014).

Another reason given for the difficulty of mobilising domestic workers is the difference in language and the lack of knowledge of migrant workers of the locality and the community. However, efforts to reach out to migrant domestic workers have been made by organisations such as Makaayu, which have sought to include migrant workers in their monthly meetings by speaking to them informally and asking them to join with the assurance that the union will support them. They urge them to “ask for better wages, which is better for you and better for us” (interview with FEDINA, 24 July 2014).

Sexual harassment

Sexual harassment and violence against women, as indicated in the national-level section above, has remained on the margins of traditional trade union mobilisations. However, given that several domestic worker groups in Karnataka come from an ethos of feminist mobilisation (Women’s Voice, SJS and AIDWA), the issue of sexual harassment against domestic workers is taken up by some of the groups. Moreover, Women’s Voice, AIDWA, SJS, FEDINA and KDWM have been involved in the mobilisations to include domestic workers in the Sexual Harassment Act 2013. These organisations were engaged at various levels of mobilisation, with as FEDINA and KDWM engaged more in the state-level mobilisations through representations to the Labour Department asking for the government to form sexual harassment committees and to send inspectors to inspect homes (interview with Usha Ravikumar, 24 July 2014). Similarly, some organisations were involved in sending representatives to the central government to seek the enactment of the Sexual Harassment Bill at the national level through a postcard campaign (interview with Sr. Nisha Mathew, 17 July 2014). Others such as Ruth Manorama of Women’s Voice were involved in the national committee that recommended the inclusion of domestic workers in the Sexual Harassment Act 2013 (interview, 19 June 2014).

However, although domestic worker groups do take up cases of sexual harassment against employers, many women do not come forward to report sexual violence because of the discourses of shame and honour associated with such violence. Moreover, even when cases are reported, especially for the newer unions, the action seems to be limited to the level of negotiation with the employer through warnings rather than through the legal mechanism.¹⁸⁰

Theft and other forms of harassment

There are several other forms of harassment that domestic workers face. A couple of the interviewees indicated that some of the cases of theft against their members have also been in response to allegations of sexual harassment or for demand for payment of wages, or other rights (interviews with Nirmala, 24 July 2014; and Selvi CITU, 11 August 2014). The ways in which domestic worker groups handle these cases is to mobilise as a group and confront the employers to withdraw the cases of theft. However, in some instances, domestic worker groups have also had to file counter cases of, for example, non-payment of wages.

Nirmala (Makaayu) recounts an interesting method with which the union countered an allegation of theft. Nirmala had taken leave of two days because of her daughter’s

¹⁸⁰ See interviews with Geeta Menon 17 June 2014; FEDINA, 24 July 2014; CITU, 11 August 2014.

operation. Upon her return, her employer accused her of stealing a pair of sandals, cut her pay based on the cost of the sandals and dismissed her from employment. Makaayu and FEDINA mobilised a group of women who donated old sandals to the employer. She was paid the balance but not the severance pay of three months as demanded. The union applied to the labour court and won the case. But as Nirmala says, this was “after agitating for so long. This is everywhere. Theft, theft, theft” (interview, 24 July 2014).

Caste and domestic work

The question of caste, as with the question of gender, has not always sat easily with labour-based mobilisations. While an intersectional approach informed the ethos of work of some unions, particularly organisations such as Stree Jagriti Samithi and Women’s Voice,

[Such] identities are subdued. Unions have a habit of saying that they are all workers, so [their attention is not on the] problems of workers coming from the margins. ... I know that many of the women cooks [are] not dalit women. A division of labour, a hierarchy of labour is [maintained]. So [dalit women perform] cleaning, bathroom washing ... they maintain a different tumbler for dalit women. So even in the cities [things] have not changed much. Untouchability practices have not been really highlighted. If you really see the domestic worker constituency, you see a lot of tribal, dalit, Muslim women are working as domestic labour (interview with Ruth Manorama, 19 June 2014).

Her organisation, Women’s Voice, is one that has always focused on issues wider than labour issues, including caste and gender:

When we started the National Centre for Labour, we said that as an unorganised sector, we could not just look at only economic issues. We have to look at what are social issues. That is why the dalit perspectives [comes in], that is why we look at questions related to untouchability and atrocities ... similarly, gender, we look at women workers not as workers alone, we have also looked at them from the gender point of view. So, it is a class, caste, gender [perspective] (interview, Ruth Manorama, 19 June 2014).

Members of other unions also recognise the various forms of caste-based discrimination that domestic workers face. Nirmala (Makaayu) recounts, “it happened to me too, someone asked me to come to work. But she said that she won’t let me into the kitchen. When I asked for the pay, she asked me what is my caste?” Similarly, Selvi argues that “they don’t let us enter through the entrance, won’t let us come in when there are guests. They sprinkle water over cleaned vessels” (interview with FEDINA, 24 July 2014).

However, unlike the mobilisations on wage negotiations, leave and social security, caste discrimination does not animate the mobilisations of many domestic worker groups. As Usha Ravikumar of FEDINA puts it, “we do not take up dalit issues and agitate. But we support them for their cause” (interview, 24 July 2014).

Skill development and placement agencies

Although some of the older groups have experimented with skill development and sought to function as placement agencies (interviews with Ruth Manorama, 19 June 2014 and Geeta Menon, 17 June 2014), organisations in Karnataka overall have not worked consistently on these issues as a means of improving the conditions of work (unlike in Gujarat). Training for domestic worker groups have been more on issues such as consciousness raising, legal literacy, gender awareness rather than on skill development.

Geeta Menon reflects on the difficulties of providing skill development in the particular context of domestic work. A few years ago, she collaborated with Taj Hotels, a five star hotel group in India, for training on cooking and housekeeping. The first difficulty the workers faced was staying on. Of 15 women taken for the training, only 5 managed to stay to the end of the course. However, the question of where to place the women then became the issue which was not easily resolved, because these were not skills that would be required in a middle-class home. So efforts were made to place the women in hospitality. Geeta Menon recounts that she also managed to strike a deal with Apollo Hospital, but in spite of the training, the women were intimidated by the atmosphere of the five-star hospital. “So I was under this great illusion that it will work because these facilities are much more than what is there in domestic work. But then when [the domestic workers] came out of [visiting the hospital], there was only one lady who was promptly eager, the rest said ‘we will go home, we will decide later, we have to ask’” (interview, 17 June 2014).

Talking about her experiences with placement services, Geeta Menon locates the difficulty of performing such as function with the role of her organisation as a social organisation.

I realised that after doing it for a year and after trying to do this matching between the employer through a contract—the main thing was to establish legally something for the domestic worker. It is all part of the process of finding out what works best Then, I realised that one cannot do it as a social work organisation. If you have to do a placement service, you have to set it up as an economic unit. It has to be properly run like a business unit (interview with Geeta Menon, 17 June 2014).

Regulation of domestic work

As we have already seen in the national level section, mobilisations on the regulation of domestic work has moved apace over the last seven to eight years with the various Bills floated at the centre on domestic work, the Draft Policy on Domestic Work, the ILO Convention on Domestic Work, the Sexual Harassment Act and the Unorganised Sector Workers Act (of which the last two included domestic work in the scope of their legislation).

Groups from Karnataka, particularly the KDWU, SJS and Women’s Voice, have taken part in some of the negotiations at the national level. Groups such as the KDWM also managed to take part in the ILC in 2010 (interview with Sr. Nisha Mathew, 17 July 2014). Of course, central trade unions such as INTUC were at the front table of negotiations at the ILC with the President of INTUC Karnataka (also Vice-President for INTUC) representing the worker delegation (interview with Senior Functionary, INTUC Karnataka, 19 June 2014).

Mobilisations at the state level also contributed to the processes at the national and international levels with organisations such as the KDWM being part of a signature campaign in Karnataka, which collected 60,000 signatures urging the Indian government to support the Convention at the International Labour Conference (interview with Sr. Nisha Mathew, 17 July 2014).

While most groups echo the need for a central legislation, the divisions at the national level on the role of the tripartite/welfare board have also percolated to the state-level mobilisations. Most groups are aligned with the NPDW, but even among them,

organisations such as FEDINA argue that the Labour Department should be the repository of the rights of domestic workers.

In terms of accessing and contributing to negotiations at the central level, although organisations such as Women's Voice have been on the national coordinating committee on the Sexual Assault Bill, they have not been able to take part in either the Task Force or the subcommittee meetings on the NCW Bills. Ruth Manorama mentioned the strategies to counter the Delhi bias of the policy process, such as getting people to come to Bangalore to discuss the Bills, or seeking to influence people going to the ILC and thus engaging with wider policy making.

Further, at the state level, organisations also seek to influence policy-making processes by being a part of the state-level unorganised sector welfare board (interviews with Geeta Menon, 17 June 2014; and Sr. Nisha Mathew, 17 June 2014) though with limited success. As Sr. Nisha Mathew notes, the Board does not function well and it has not been able to meet the minister concerned. The Board's participation in the minimum wages board and committees set up under the Act, however, has proved to be more successful.

Groups in Karnataka have also used the International Domestic Workers Day to mobilise public opinion and to pressurise the state to adopt C189. However, as Geeta Menon reflects, governments at the state level feel one step removed from this, because the power to ratify the Convention rests with the central government. Even so, groups use the occasion to spread awareness of the conditions of domestic workers and also to locate the historicity of the adoption of the Convention (for example, an event organised by SJS on 16 June 2014).

4.4.3 Processes of mobilisation

In this section, we briefly locate the processes through which groups mobilise with communities, with each other and with the state in pushing for their claims. As we have already seen, the splintering of groups over the last few years has meant that coming together to agitate against the state has not been an easy process. However, all of the groups suggest that at moments of crisis, in relation to interventions of egregious violence against domestic workers, they do come together to claim justice for victims.

In relation to mobilisation of domestic workers, groups engage them through skits, folk songs, films and short documentaries that reflect the women's own experiences. Moreover, they foster a participatory approach as much as possible through the creation of smaller units at the local level.¹⁸¹

As we have already seen, groups engage with the state, and policy-making processes at different levels and with varying degrees of engagement. However, one of the difficulties with engaging government is the change in government and personnel. As Sr. Nisha Mathew says, "I do not know how many labour commissioners come and go. There is no stable department that we can rely on" (interview, 17 July 2014). She also reflects on the fact that policy change is slow to come to the sector because "[there are] a lot of privacy issues, because every minister, every high [class] person will have hundreds of domestic workers at their disposal. If any policy comes in, inspection

¹⁸¹ See interviews with Sr. Nisha Mathew, 17 June 2014; Chitravathy, 13 August 2014; and Selvi, Makaayu, 24 July 2014.

comes in; they do not like [that]. They do not want inspection in their private premises” (interview with Sr. Nisha Mathew, 17 June 2014).

Allies in mobilisation

Apart from other domestic worker groups, many of the organisations (FEDINA, SJS and KDWM) see other unorganised sector worker groups as their natural allies in offering support to mobilisations. FEDINA suggests that most of their campaigns are supported by groups of unorganized workers such as construction workers, agarbatti workers and beedi workers. They also collaborate with these groups on broader campaigns, including fixing of wages, and improving conditions of work. Moreover, FEDINA works with its own sister unions of garment and construction workers. This view of unorganised sector worker groups as primary allies also resonated with groups such as SJS and KDWM.

Groups also ally with dalit and women’s organisations, especially when there are instances of violence. In co-organised campaigns (for instance, the campaign on safety and fares on Bangalore’s BMTC buses), domestic worker groups have allied with a wide range of organisations including human rights groups, dalit groups, women’s groups, as well as groups seeking communal harmony. They also work with women’s groups on other labour issues such as sex work (interview with FEDINA 24 July 2014).

For groups such as SJS which have also been involved in mobilisations on the rights to food, and the right to health, unorganised sector worker groups and others working on class issues seem to be the ones they turn to for mutual support. On the collaboration with women’s groups, Geeta Menon says,

Although [women’s groups] talk about gendered housework, whenever I have called them as part of the unorganised workers struggle, there has been very little response. I mean I am not seeing any allies also. I do not know what their perspective is but practically speaking I do not see involvement as women’s organisations when it is very important to be involved as women’s organisations in the work with women workers. Unless this twain can meet, we will not be strong and why I am saying this is also because as a domestic workers’ organisation, dealing with women as majority members, we also take up women’s issues. We do not leave that out. We are handling rape, we are handling domestic violence, we are handling sexual harassment so how does it become a class issue, how does it not become a women’s issue? (interview, 17 June 2014).

Ruth Manorama talks of it in broader terms to suggest that “unions do not have a gender perspective and women’s organisations do not have union experience”, reflecting the broader debates on the relationship between the labour and the women’s movement.

4.4.4 Conclusion

It is clear that having had a long history of mobilising domestic workers in Karnataka, there have been several gains that domestic workers have achieved at the subnational level, particularly on minimum wages. Moreover, there is a sense of dynamism about domestic worker mobilisations in the state because of the number of organisations seeking to engage and mobilise domestic workers. The issue of domestic work, its recognition and regulation is definitely on the map in Karnataka.

Having said this, the current strength of domestic worker mobilisations at the subnational level lies in the issues that they are able to tackle on conditions of work, which largely involve supporting domestic workers in their employment relationship. This has meant a robust mobilisation by several groups on issues of wage negotiations, leave, social security, cases of theft at work, and so on. The development of worker

facilitation centres for collating information and securing social protection for domestic workers by the SJS, as well as the broader mobilisation on social security by other domestic worker groups, are also indicative of the focus of groups in Karnataka on securing a broad set of labour rights for domestic workers.

On non-traditional labour issues such as sexual harassment at the workplace, while many groups have been involved in mobilisations at the national level for the inclusion of domestic workers in the Sexual Harassment Act 2013, these have not easily translated into ground-level mobilisations in cases of sexual harassment. On caste discrimination, some groups such as Women's Voice in Bangalore have emerged from an intersectional perspective of the links between caste, class and gender, so their mobilisations with domestic workers have encompassed this understanding. With the broader set of domestic groups however, while there is a recognition and articulation of the links between caste-based discrimination and domestic work, these have not necessarily translated into claims making on caste and domestic work, beyond providing solidarity to dalit groups in their campaigns and moments of crisis.

On the question of mobilising and engaging the state in Karnataka after the minimum wage mobilisations in the early 2000s, recent efforts seem to be targeted more at national- and international-level mobilisations calling for the regulation of domestic work. The engagement at the subnational level with the state have been based on individual and sporadic efforts, largely through interventions on the unorganised sector workers welfare board. The instances of solidarity and alliance building between domestic worker groups currently seem to be at a fragile juncture with groups coming together occasionally during crisis interventions or during International Domestic Workers' Day. However, it is early days yet to determine how domestic worker mobilisations will pan out at the subnational level, given that the growth in the number of domestic worker groups has been fairly recent.

The strength of engagement with the subnational-level government machinery in Karnataka will depend on how well domestic worker groups are able to come together in spite of their recent differences. This will also determine the strength of their inputs into national level mobilisations on the regulation of domestic work.

Overall, the mobilisations in Karnataka provide a stark contrast with the mobilisations of domestic workers in Gujarat. In Karnataka, the growth of domestic worker groups, including the mobilisation of groups into unions, can be traced back to the 1980s, when domestic worker mobilisations began with a clear intent of claiming their rights as workers. In Gujarat however, mobilisations of women domestic workers is very much still in its infancy, with mobilisations beginning only in the late 2000s.

Further, there is a clear divide between groups in Karnataka and Gujarat on the question of skill development for domestic workers. While some domestic worker groups such as the DWRU have not been averse to the provision of training for domestic workers in Karnataka, they see the difficulties and contradictions of a domestic workers' union performing the functions of a labour rights organisation as well as a training and placement facility; the function of a placement agency in particular poses difficulties for their efforts to secure domestic workers' rights as workers. In Gujarat, where groups such as SAATH in particular promote an entrepreneurship model of securing rights, skill development, training and placement, which take precedence over discourses on workers' rights. While organisations such as SEWA Kerala, YUVA in Mumbai and

CWDR in Chennai provide instances of organisations that manage to hold onto the difficult task of performing the function of unions securing workers' rights, along with the provision of skill development and placement services (interview with Nalini Nayak, 4 September 2014; ISST 2013), there is some way to go yet before the professionalisation of domestic work through skill development becomes part of the mobilisation work of unions in Karnataka.

Chapter Five: Comparative Analysis

In order to address the question of when and why states respond to women's claims making, in this chapter, we compare the processes of claims making by groups on domestic work and anti-rape laws at two levels: between the subnational and national levels on a particular issue, and between issues.

5.1 The Research Hypotheses

Based on Htun and Weldon's framework (2007) as well as the context of our own research, we had set out a series of hypotheses on when and why states respond to women's claims making (see chapter two).

- i. The relationship of actors and the links with certain policy types. Women's movements are more important actors for promoting gender status policies than for class-based policies. Other actors, such as labour unions or left-based parties, are less likely to make gender status issues a priority. Women's movements (which may still have an impact) are less critical for class-based gender equality policies.
- ii. The relationship of state responses and policy types. State responses have tended to focus on specific policy types (violence against women, for instance) but other issues such as women's labour rights and the unpaid care economy, have failed to achieve serious policy traction.
- iii. Influence of international and transnational networks. The influences of international and transnational networks is more likely to be significant in case of issues with little or limited traction with policy change or with more recent mobilisations (such as domestic work) rather than where there are more established mobilisations (violence against women).
- iv. Even within the broad categorisations of issues (violence against women and domestic work), there are some issues that are on the margins (for example, dalit women) where international and transnational networks maybe more influential.

These hypotheses will be addressed in the following sections through the overall comparison between mobilisations at various levels and between issues.

5.2 Comparison between the Claims-Making Processes on Anti-Rape Laws and Domestic Work

Anti-rape mobilisations have had a long history, with the mobilisations taking on a national character in the early days of the Mathura campaign. This has not been the case with domestic worker groups, which have since the 1980s functioned in a more sporadic manner directing their efforts at the subnational rather than the national level. While there has been a growth of domestic worker organisations since the late 1990s, corresponding largely with the growth of the sector and its increasing feminisation, domestic worker mobilisations have gained a national character only in the last six to seven years, a much younger history than the anti-rape mobilisations.

Although there have been persistent and long-standing mobilisations on anti-rape laws over 35 years, changes in anti-rape policies have not always followed the trajectory of the mobilisations in any neat fashion. However, where changes have occurred, these have been on the back of key moments in the history of women's mobilisations. The two most notable and wide-ranging changes in policy have centred on the mobilisations

around the Mathura case and the resulting amendments in the year 1983; and the mobilisations around the Nirbhaya case in December 2012 and the ensuing changes in law with the enactment of the Criminal Amendment Act 2013. However, in the years in between too, there have also been more small scale, but important, changes brought about by persistent mobilisations by women's groups, both through amendments to the law, as well as through judicial pronouncements (for instance, on the use of past sexual history of survivors of violence as evidence in criminal cases, or on the use of the two-finger test to gather evidence in cases of sexual violence).

In the case of domestic work at the national level, domestic worker organisations have come together only in more recent years to demand legislative measures such as a ban on child labour in domestic work. Changes in child labour laws, as well as the inclusion of domestic workers in the Unorganised Sector Workers Act and the Sexual Harassment Act 2013 have been some of the limited, albeit important, gains made by domestic worker groups. At the subnational levels, mobilisations of domestic workers as well as changes to policies have a longer, more sporadic history. Consequently, while gains have been made at subnational levels (for instance, on the inclusion of domestic workers in minimum wage notifications and the establishment of domestic workers welfare boards in some states), both at the national and the subnational levels, claims making by domestic worker groups have not necessarily translated into wholesale changes of policy on domestic work. Currently, the National Platform for Domestic Workers is mobilising for a comprehensive legislation at the national level. The ILO Convention on Domestic Work has also provided the impetus for mobilisations of domestic workers at the international, national and subnational levels.

On the first hypothesis of the relationship between actors and policy type, while it is the case that it is largely women's groups that have mobilised on violence against women (gender status policy type), this does not capture the complexity of the landscape. There are several women's groups such as AIDWA, AIPWA, ANANDI, Women's Voice, SJS, WSS, Jagori and others that straddle the divide between violence against women and redistributive justice, including domestic work. In fact, these are often the groups that have also broadened the question of violence against women from its narrow focus on bodily integrity to include questions of vulnerability to violence based on social and economic disempowerment. Simultaneously, they have also brought in gender-sensitive perspectives in their work on redistributive justice. Moreover, women's organisations themselves have seen calls for inclusion of a different kind, be they from women's groups on the margins (dalit and Muslim women's groups) or sexuality minority rights groups. Similarly, while many domestic worker organisations come from a perspective of labour rights, and do not always seek to transform wider social structures, there are several domestic worker groups that come from an ethos of feminist politics (evidenced by the mobilisations to include domestic workers in the Sexual Harassment Act 2013). However, among most domestic worker groups, violence against women and caste discrimination, even when faced by domestic workers (gender status policy types) are relegated to claims of a second order in comparison with their primary focus on improving the working conditions of domestic workers (class-based policy). In this sense, the hypothesis that certain actors are linked with certain policy types holds water, to a point. Mobilisations on domestic work also destabilise the neat categorisations of actors into women's movement and labour unions, and policies into gender status and class-based policies, given that they straddle both. Moreover, there is a clear sense among domestic worker groups that the issue of domestic work has in fact fallen through the cracks of the divisions between the labour and women's movements: it belongs to neither when it ought to belong to both.

On the second hypothesis—uneven progress across policy types—namely, that policy responses have tended to focus on specific issues types (violence against women, for instance) but other issues such as women’s labour rights have failed to achieve serious policy traction, the research finds that this is largely true, but with caveats. While it is the case that there has been far longer and stronger mobilisation by women’s groups on anti-rape laws, and while policy responses have paid far more attention to questions of violence against women, the outcomes of this attention have been variegated and non-linear. The recent law reform which raised the age of consent indicates that state responses have not been consistently positive. Moreover, issues such as marital rape, recognition of violence against sex workers and the LGBT community, as well as a more robust framework to deal with sexual violence against dalit, minority and disabled women, have not received traction through many years of campaigning. Further, state impunity, particularly in cases of crimes committed by the army and special forces continue to exist as the law of the land.

With domestic work, it is the case that the issue has received far less visibility, attention and even less policy traction. However, even here, sporadic gains have been made over many years of mobilisations, particularly at subnational levels, and more recently at national and international levels. Overall though domestic work is clearly not as firmly on the map of issues to be tackled by policy makers, indicating a difference in policy responses across issue types.

Moreover, using Htun and Weldon’s other classification of policy types—doctrinal and non-doctrinal—while the understanding of doctrinal in terms of a conflict between religious or traditional authorities with the state does not necessarily translate to our context, there seem to be some “citadels of impunity” centred around family, sexuality, community and the state that have been more difficult to shift in policy terms. This is true of both anti-rape mobilisations and domestic worker mobilisations. Marital relations, sexuality (within a heteronormative framework), the gendered and caste-based division of labour and state authority seem to be some of these citadels. Drawing comparisons between the two issues, the domain of the “private”, it could be argued, corresponds to what may be classified (with modifications) as doctrinal issues. In other words, women’s claims, which demand the state’s entry into those spaces that are considered private such as the family, are not easily entertained by the state. So, the claims that challenge the institution of marriage such as the legal recognition of marital rape and the legal acceptance of same sex marriages find an unshifting response from the state. Similarly, claims by the domestic workers movement requiring the regulation of a work environment, which is usually a household—private space—have not always received a positive response from the state.

On the third hypothesis—the influence of international organisations, networks and frameworks—while domestic worker mobilisations have received an impetus by international institutions and networks such as the ILO, WIEGO and IDWN, and international frameworks such as the ILO convention no. 189/2011, there is no neat fit between international influences, local mobilisations and state pressure. The adoption of the Convention and the mobilisations preceding it have definitely spurred and provided an impetus to the mobilisations of domestic worker groups at the national and subnational level. Further, the state has been compelled to initiate the process of producing a Draft Policy on Domestic Work. However, it is also the case that the mobilisations at the national level for a central law on domestic work predate the initiation of the standard setting process at the ILO. Moreover, the Draft Policy remains

a draft, and the Indian state is yet to ratify C189. Even so, the adoption of the Convention have provided a rallying point for domestic worker groups, particularly for more recent mobilisations that have coalesced around a new national level law on domestic work. On the other hand, with anti-rape laws, while women's groups, particularly those affiliated with NAWO, do use international instruments such as CEDAW, women's groups also align with, influence and contribute to international campaigns such as the One Billion Rising campaign and the World Courts of Women. In comparative terms, therefore, international organisations, networks and frameworks have influenced local mobilisations and state responses far more on domestic work, an issue that has received less traction.

On the relationship between international organisations/normative frameworks and organisations working on the margins of claims making on violence, it is the case that dalit women's organisations, for instance, have for publicising violence against them at international forums (such as CERD, CEDAW and the UN Human Rights Council) to visibilise their concerns and to pressurise the Indian state to take these concerns seriously. In this sense, international platforms are perceived by groups as an additional opportunity to highlight the issues concerning the marginalised. However, while this has helped raise awareness of the issue at both a national and international level, at times, the use of international forums have proved costly for marginalised groups, as has been the case with NFDW's participation at the Durban conference. Again, while in contexts of crisis such as the communal violence in Gujarat, groups have relied on mobilisations from outside the state coordinated by both international/transnational organisations and by groups in other Indian state.

5.3 Comparison between Subnational Levels by Policy Type

5.3.1 Comparing mobilisations of domestic workers at the subnational levels

It is clearly the case that domestic worker mobilisations have a far longer history in Karnataka than in Gujarat. These differences are also reflected in the nature and depth of mobilisations at the national and subnational levels with far more organisations in and from Karnataka engaging with a more robust set of claims making with both the employer as well as the state.

In Gujarat, the domestic workers' movement is still in its infancy. There are only a handful of groups that work directly with women domestic workers. As such, mobilisations are largely restricted to skill building for greater employability. In fact, skills training seems to be a prominent focus for groups in Gujarat which are otherwise ideologically very different (SEWA and Saath). There is barely any advocacy in Gujarat targeting policy change and domestic work does not feature in the schedule of employment/work under the state Labour Department. One of the reasons for the lack of claims making directed at the state could be that organisations such as SEWA have only started mobilising domestic workers since the late 2000s, and organisations like Saath, that have been working in this sector for much longer, do not necessarily mobilise domestic workers with a rights framework. Instead, they have engaged with domestic workers from a perspective of entrepreneurship, where skill development, training and placement take precedence over discourses on workers' rights. Further, the issue of domestic work has fallen through the cracks of both the labour movement and the women's movement. The more established trade unions have mobilised only male domestic workers. Moreover, while there are several women's groups in Gujarat that

have a strong ethos in redistributive claims making,¹⁸² the issues of women domestic workers have not been taken up by women's groups in Gujarat. SEWA, which has had a strong ethos of mobilising women workers in the informal economy since the 1970s, and which has emerged from the context of Gujarat—much before many other women's groups sprang up around the country—was also one of the early players to mobilise women domestic workers in other states such as Kerala since the 1980s. However, this organisation has not provided the same solid base for mobilising women domestic workers in its home state till recently. Moreover, the NDWM, which began mobilising domestic workers in the neighbouring state of Maharashtra does not have a presence in Gujarat.

In stark contrast, in Karnataka, there are six sector-specific domestic worker unions and a further two domestic worker unions affiliated to central trade unions. These groups have emerged from a rights framework, and there is a vibrant movement that has resulted in modest gains for Karnataka through the Minimum Wages Act, as well as more significant levels of engagement with wage negotiations and conditions of work. The scene for domestic worker mobilisations in Karnataka was set early on through the establishment of groups such as Women's Voice, which came from a clear perspective of the need for an intersectional caste, class and gender analysis in its work with women in the slums of Bangalore. The involvement of at least a few women's groups in mobilising domestic workers from the early days mark the mobilisations in Karnataka as distinct from Gujarat. The establishment of the first domestic workers union by Women's Voice in the 1980s also provided the framework and template for domestic worker mobilisations that followed in Karnataka: a strong labour rights focus through unionisation. Further, the entry of the NDWM in Karnataka in the late 1990s also provided a strong “national” level organisational focus for domestic worker mobilisations.

Further, owing to the nature of groups, as well as the length of mobilisations, there is also a clear divide between groups in Karnataka and Gujarat on the depth of claims making on domestic work directed at both the state and employers. While in Gujarat, wage negotiations with domestic workers are largely done through the dhanda samitis (SEWA) and placements (Saath), in Karnataka, claims making on wages have been directed at both the state as well as employers. The inclusion of domestic workers in the minimum wage notifications in the state is a result of these efforts. Wage negotiations directed at employers are also rich in their depth, through issues such as fair wages and rate cards (SJS) informing the mobilisations of groups. Moreover, on questions of leave and social security, groups in Karnataka have targeted the state at both national and subnational levels.

There are also interesting distinctions between the two subnational levels on the issue of skill development and placement. While some domestic worker groups such as the DWRU have not been averse to the provision of training for domestic workers in Karnataka, they see the difficulties and contradictions of a domestic workers' union performing the functions of a labour rights organisation as well as a training and placement facility; these groups see the function of a placement agency in particular posing difficulties for their efforts to secure domestic workers' rights as workers. In Gujarat, on the other hand, where Saath promotes an entrepreneurship model of

¹⁸² See the anti-rape mobilisations in Gujarat for details. Moreover, this is the state where one of the few networks on land rights for women—the Working Group for Women and Land Ownership—is active; and there is a strong anganwadi workers mobilisation.

securing rights, skill development, training and placement take precedence over discourses on workers' rights.

A point of similarity between Gujarat and Karnataka is that some issues, such as sexual harassment and caste-based discrimination, are of a secondary order for most domestic worker groups (with exceptions such as Women's Voice and SJS, which clearly come from an ethos of feminist politics). Moreover, many domestic worker groups see their natural allies as other unorganised sector worker groups, and not necessarily women's groups. This poses problems for a more robust and holistic understanding of women's rights that transcend the divisions between redistributive and recognition claims making.

Further, in spite of the proliferation of a dynamic and diverse set of domestic worker groups in Karnataka (or possibly because of), there has been no robust and consolidated set of claims making directed at the subnational-level state after the minimum wages notifications, apart from claims making on social security. While it is early days yet, it is clear that the centre of gravity has shifted to national-level mobilisations in the last several years centred on claims making for a national law regulating domestic work, which may prove to be at the cost of the subnational level engagements..

5.3.2 Comparing anti-rape mobilisations at the subnational levels

The one clear difference when comparing anti-rape mobilisations between subnational levels is on mobilisations by LGBT groups. In Karnataka there has been a far stronger mobilisation on sexuality minority rights with the proliferation of LGBT and sex worker groups since the mid-1990s. This has influenced the nature of claims making in Karnataka at both subnational and national levels. At the subnational level, it has resulted in robust campaigns, particularly on violence against the transgender and sex worker communities. At the national level, strong claims for the "gender neutrality" and "gender inclusivity" of sexual assault and rape laws has come from groups in Bangalore (though not all groups speak in one voice). Moreover, groups have also called for the inclusion of sex workers in sexual assault and rape laws.

On the other hand, the communal violence in Gujarat in 2002 has framed the modes of engagement within women's groups as well as their engagements with the state in Gujarat. For a start, communal violence led to polarization within civil society groups in Gujarat, with a few women's groups emerging as anti-state while many others were either intimidated by the communal tensions or did not find action appropriate at the time. It was also key in broadening the mandates of some organisations, with an understanding of communal politics informing the analytical frameworks of groups working on violence against women. Moreover, claims for the recognition of sexual violence in situations of mass crimes animated claims making by groups from Gujarat at the national level.

There is a lot that is common between the anti-rape mobilisations in Gujarat and Karnataka. For a start, groups from both Gujarat and Karnataka have had a long history of mobilising on the issue, with groups involved at the national level in both states since Mathura. Moreover, groups in both Karnataka and Gujarat focus their energies on monitoring the implementation of laws and policies as a means of holding the state accountable at the subnational level. One of the reasons for their emphasis on implementation was their direct involvement in providing support to the victims of violence and their experience of obstacles at multiple levels in seeking justice for

women survivors of violence. Very often, their claims on state accountability emerged from existing practices of state agents and communities in addressing cases of sexual violence against women. In both states, groups were also sceptical of the clamour for legal reform, without the concomitant attention to the effects of reforms, with several groups engaging the state machinery to inculcate a more gender-sensitive understanding of policy. Moreover, in both states, groups work with alternate forms of justice for women survivors of violence through the nyaya samitis in Gujarat and the World Courts of Women initiated by Vimochana.

Another commonality between some of the groups from Gujarat and Karnataka is in terms of their wider conception of violence against women. Women's groups that also work on livelihoods and access to resources felt the need to broaden feminist discourses on violence from an exclusive focus on women's bodies to include the violence related to economic, social and political issues. It was felt that such a wider definition that is cognizant of women's lived experiences and would also be more responsive and sensitive to the sexual violence faced by women arising out of her social and economic conditions.

Taken together, at the national level, the whole of the anti-rape mobilisation is indeed greater than the sum of its parts; the cumulative efforts of many groups across the country make for robust anti-rape mobilisation. Over the last 35 years, there have been several shifts in the discourse of women's groups' mobilisation, making them far more inclusive of the concerns of issues at the margins (dalit women, disability, sexuality minority issues, communalism, state violence/ AFSPA). However, it seems that many of these are also issues at the margins of policy-making processes, reflecting on the long arduous relationship between claims making and policy change.

Chapter Six: Claiming against the Grain—Mobilisations on Unpaid Care?

6.1 An Overview of Policies on Care in India

In previous research carried out for UNRISD on the care economy in India, Palriwala and Neetha (2011) argue that care work in India is framed through an ideology of gendered familialism, namely, an ideology “which reiterates care as a familial and female responsibility and works to devalue and diminish the dimensions of care” (2011: 1049). Moreover, they note that “the care regime is an ad hoc summation of informal, stratified practices...shaped by the institutional context, in particular the economic and social inequalities of work and livelihoods, as well as trends and absences in state economic and social policy” (Palriwala and Neetha 2011: 1049).

Historically, state policy in India has dealt with unpaid care work through piecemeal legislation on maternity benefits and leave, through various child care programmes for childcare, and minimal provisions for health care. The last two have not necessarily helped ameliorate women’s double burdens. Largely, however, the purpose of state intervention has been to facilitate mothers in employment to care for their children through such provisions, thereby enabling women to perform childcare responsibilities, but by no means shifting the burdens of care from women (see Swaminathan 1985).

For the vast majority of women who work in the informal economy (and who are not eligible for maternity benefits), the only means by which to get support during maternity are through various government schemes:

- The Integrated Child Development Scheme (ICDS), one of the world’s largest government programmes aimed at children under six years of age, which, among other things, targets maternal and child nutrition and health,
- The Janani Suraksha Yojana under the National Rural Health Mission, a conditional cash transfer targeted at improving maternal survival.

The Indira Gandhi Matritva Sahayog Yojana (IGMSY), also a conditional cash transfer aimed at compensating for wage loss under certain conditions (Atmavilas 2013).

Another modality of state provision of care has been through a wider policy focus on “Early Childhood Care and Education” (ECCE) which has primarily been routed through the ICDS, one of the world’s largest government programmes targeted at children under six years. The focus of the programme is on providing care for children, rather than on alleviating the burdens that women disproportionately bear, let alone enabling women to work.

Apart from maternity benefits and social protection during the first few months of pregnancy and maternity, there are several other schemes, which purportedly work with the recognition of the double burdens that women, particularly poor working women, bear in performing both productive and reproductive work. The provision of crèche facilities at National Rural Employment Guarantee Act (NREGA) worksites and the Rajiv Gandhi National Crèche Scheme for Children of Working Mothers are examples of programmes that seek to cater to the needs of working mothers. These however, have been woefully inadequate in both reach and implementation.¹⁸³

¹⁸³ See FORCES 2009; FORCES-CWDS report (Sharma et al. 2012).

6.2 Mobilisations on Unpaid Care Work

There has been a longer history of mobilisations on the care burden that women disproportionately bear. In 1988, the *Shram Shakti* report prepared by the National Commission on Self Employed Women and Women in the Informal Sector examined women's work in the informal sector in both urban and rural India. It included a key recommendation on recognising the right of working women to childcare. In response to the findings of the report, in 1989, the Forum for Crèches and Childcare Services (FORCES), a national network of organisations and individuals concerned with issues relating to women working in the unorganised sector and care of their children, was formed to act as a pressure group.¹⁸⁴ It has several members comprising trade unions, women's organisations, NGOs and academics, lawyers, medical doctors and individual members. Organisations such as CWDS and SEWA are founding members of FORCES. SEWA has been, and continues to be involved in the provision of childcare through its childcare cooperatives in several parts of Gujarat (see SEWA website; Balakrishnan 2012), along with several other organisations such as Mobile Crèches, Urmul and Jan Swasthya Sahyog (Chigateri, ISST-UNICEF project 2013). These organisations have also been involved in advocacy efforts in relation to childcare, especially from the perspective of women's well-being and to enable their participation in the labour force.

Recently, the efforts of campaign networks, such as Social Security Now as well as the Alliance for ECCE, have focused on a right to social security.

6.3 Mobilisations on Unpaid Care by Groups Mobilising on Domestic Work and Sexual Assault and Rape

One of our working hypotheses was that policy responses have been uneven across issues. More specifically, we understood that policy responses have tended to focus on some issues (violence against women), with other issues such as women's labour rights and the demands of the unpaid care economy failing to achieve serious policy traction (UNRISD concept note, September 2013: 3). The research locates the advocacy and claims making on unpaid care work in this context, as well as the reasons for the relative absence of policies on the issue.

Recognition of unpaid care as an issue

Most of the groups interviewed for this research recognise the significance of the gendered division of labour and the disproportionate impact this has on women's lives. While there are the groups such as KDWM that do not see unpaid care as an issue, most groups recognise that the unpaid care work that women perform disadvantages them in many ways. Moreover, organisations also invariably begin their consciousness-raising activities with women based on the double burdens that they bear. The understanding that women's unpaid care work subsidises productive relations resonates among some of our interviewees (interview with Kavita Krishnan, 15 May 2014). There are also those who see it as really important to categorise unpaid work not just in terms of unpaid work at home, but also in terms of unpaid work in sectors such as agriculture (interview with Jahnavi Andharia, 27 May 2014). Some interviewees offer a critique of how the unpaid care debate is framed. Nalini Nayak, for instance, argues that it is because unpaid care work is categorised as reproductive rather than productive that the battle is lost even before it is begun. She asks, "so which part of the women's movement talks about care work as being productive work? The minute you call it reproductive work or care, which means [caring for those] below five years and over 70 years, you lose out" (interview, 4 September 2014).

¹⁸⁴ FORCES is a member of the recent alliance that has been formed on Childhood Care and Development.

Most groups recognise the lack of mobilisations on unpaid care work both in terms of their own mobilisations, as well as their knowledge of other mobilisations in the country. An explanation for the difficulties of mobilising on this issue is that the gendered division of labour is deeply internalized and strikes at the heart of familial relationships (see, for instance, interviews with Renu Khanna, 9 September 2014 and Arvind Narrain, 23 July 2014). Vani Subramaniam analyses this in terms of the “moral reluctance” to monetize intimate relationships (interview, 23 August 2014). For the most part, groups try to accommodate the double burdens of women in their own mobilisation efforts by being sensitive to the times at which women were available, and accommodating children during their meetings and other initiatives like rallies and demonstrations.

Social security and unpaid care work

Our hypothesis on claims making on unpaid care work was that mobilisations on social security, (on ICDS, the right to food campaigns and the right to health campaigns) were the means through which claims on unpaid care could be indirectly met. However, the responses by our interviewees on the relationship between claims making on social security and unpaid care work were mixed. First, while social security forms a core part of mobilisations (particularly those by domestic worker groups), these claims are usually directed at the state in order to deal with “multiple employment relationships” in the context of unorganised work. The idea is to secure workers’ rights in the context of a complex employment relationship, and the claims for social security are not necessarily targeted at alleviating women’s care burdens. However, Jahnavi Andharia argues that ANANDI’s mobilisations on social security (for instance, obtaining ration cards in women’s names), are aimed at visibilising women in the eyes of the state as equal citizens, whether they be single women or women with unpaid care responsibilities (homemakers) (interview, 27 May 2014). Others are more sceptical of arguments that interventions on ICDS, health and the right to food are indirect means of targeting the unpaid care burdens of women. As Vani Subramaniam suggests, “This argument [works] at a stretch, maybe. I am not so sure. I am not sure because I think the mid-day meal definitely has some impact but I do not think it is to do so much with women’s labour” (interview, 23 August 2014).

The possibility of using the right to social security to alleviate unpaid care burdens rang true among some of the interviewees. For instance, while acknowledging the lack of mobilisations on unpaid care work, Renu Khanna suggests, “As life expectancy increases obviously care giving increases and that [will] come on women and so the state has to provide. Obviously you need to factor that into the national health accounts, ... and secondly if you are talking about universal access to health then for ageing older populations you have to provide care” (interview, 9 September 2014).

This argument that social security as a right can and should be used to alleviate women’s unpaid care burdens informs campaign groups such as Social Security Now and Alliance for ECCE that have recently revived their mobilisation efforts. More recent interventions on social security by transgender groups may also complicate how social security in familial relations is itself conceived (interview with Sangama, 15 August 2014).

Other interventions on unpaid care

Apart from direct or indirect mobilisations on social security as a means to address women’s unpaid care burdens, there are a few instances of direct mobilisations on unpaid care. Mobilisations against the state to implement the crèche provisions

mandated at NREGA sites is one such instance (see interviews with Kavita Krishnan, 15 May 2014; and Jahnvi Andharia, 27 May 2014). In her assessment, Kalyani Menon-Sen argues that although unpaid care has been addressed in an extremely limited way across groups, there was an attempt to articulate a political statement on unpaid care in the early days of Mahila Samakhya: “Originally [it] was the only place where a strong political statement was made. The original project document [recognises] women’s unpaid work and how (a) it supports the economy and (b) it supports the environment and is essential pillar of women’s support” (interview, 31 July 2014).

Moreover, Mahila Samakhya also campaigned on the issue at the household level:

[Our mobilisers would literally go] from house to house ... persuading their members’ husbands saying ... *she works her entire life, you perform the work for 15 days*. Some of the husbands would come along saying ‘we will look after the kids’ but also saying ‘we will to get to look at what the hell they are doing [all day]’. But I remember that it used to be convincing at the level of each household, convincing the *sasurs* [fathers-in-law] and the *saas* [mothers-in-law], their husbands (Kalyani Menon-Sen, interview, 31 July 2014).

Apart from direct interventions at the level of the household, there are other groups too such as AIPWA and SEWA who account for the double burden of women by setting up community kitchens and crèches for workers. However, as Kavita Krishnan notes, “Eventually I think the answer is to build up a movement against the state, I mean, asking the state to provide because it is impossible for persons to provide it on the scale on an organisational or individual level” (interview, 15 May 2014).

On the redistribution of unpaid care work within the family, and not just from women to the state, Gita Menon says that such work is being undertaken more by pro-feminist men, even if their numbers are small “but a big thing has been this issue of sharing uncared work”. But she suggests that the question of how to understand it as “a political demand remains” (interview, 26 July 2014). Others such as Vani Subramaniam also suggest that the difficulty is with how women in “traditional equations look at men only as providers of wealth. He has to earn and he has to [provide]. I think it is a crap way for men to live. I do not think we have engaged with that also enough. I do not think we have dismantled that part of patriarchy at all” (interview, 23 August 2014).

6.4 Conclusion

As is evident, mobilisation on the unpaid care work of women is sparse. While organisations have accommodated the double burden of women in their mobilisations, and engage with the idea of women’s double burdens in their consciousness-raising activities, they have not necessarily mobilised or campaigned on the issue.

Further, while many of them mobilise on the provision of, and access to, social security for women as workers and as citizens, the only direct mobilisation on unpaid care was through their efforts on NREGA.

The question of how to mobilise on unpaid care remains a vexed issue. Childcare provision and community health kitchens seem to provide a way forward for specific mobilisations targeted at the state. Further, mobilisations by pro-feminist men’s groups advocating work-life balance policies for both men and women provide another route for mobilisation on unpaid care targeted at sharing the burden of care among household members, but with the support of the state and employers.

Chapter Seven: Conclusion—When and Why Do States Respond to Women’s Claims?

India has a long and rich history of a vibrant autonomous women’s movement. The pre-history of the contemporary women’s movement, which coalesced around anti-rape and anti-dowry campaigns in the 1980s, lie in previous mobilisations such as the sharecropper- and peasant-based Telengana movement in Andhra Pradesh, the Tebhaga movement in Bengal in the 1940s, and the Shahada movement of the 1970s. These and other movements, such as the anti-price rise agitations in Bombay in 1973 and the Chipko movement in Uttarakhand in 1974, laid the foundation for the rise of the autonomous women’s movement in the 1980s.

Other events of the 1970s at the national and international levels also provided an impetus for the growth of the autonomous women’s movement in India. The release of the *Toward Equality* report in May 1974, the declaration of the Emergency in 1975, the first International Women’s Conference in the same year, and the declaration of the International Decade for Women from 1975-1985—all of these played their part in bringing attention to the conditions of women’s lives.

The cases of Rameeza Bi, Mathura and Maya Tyagi provided the focus for mobilisations in the early days of the anti-rape campaign. The mass protests, the growth of several autonomous women’s groups across the country and the coordinated nature of the campaigns for reform of anti-rape laws provided the movement with a “national character”.

At the time of the emergence of autonomous women’s groups in the early 1980s, several groups focusing on women’s economic disempowerment emerged. Some of these organisations such as Women’s Voice (and previously formed groups such as SEWA) began to focus on the issues of women in the informal economy, and in particular, the conditions of domestic workers. Other groups focusing on domestic workers such as the National Domestic Workers Movement were also established in the 1980s. However, these remained sporadic and state-specific without any national coordination or collaboration. It was only from the late 1990s onwards, when there a phenomenal growth in the sector, along with its increasing feminisation, that there was a growth in the number of groups mobilising domestic workers. These mobilisations were to gain a “national” character, with more coordination taking place only in the last six to seven years.

In Karnataka and Gujarat, the trajectories of mobilisations on anti-rape laws and domestic work have been different, based on the diverse contexts and histories of the two states. While organisations from both states were at the forefront of the anti-rape campaigns in the early days, the specific context of communal violence in Gujarat has shaped the more recent engagements of women’s organisations with the state. Karnataka, based on its history of a strong sexuality minorities mobilisation since the 1990s, has also taken a different trajectory in terms of its claims making on anti-rape laws. Despite these differences, organisations from the two states share a lot of similarities, particularly their focus on the implementation of laws.

On domestic work, the proliferation of organisations working on domestic work in Karnataka since the 1980s has shaped the nature and breadth of mobilisations on domestic work. In Gujarat, domestic worker mobilisations are still in their nascent

stages. Within this broad context of mobilisations on the two issues, we examine the relationship between women's claims making and policy change in India.

7.1 The Relationship between Claims Making by Women's Organisations and Policy Change

All the changes that we have tracked in terms of policy have emerged from long years of mobilisation by civil society. Women's organisations have persistently strategised to make visible concerns that require legal recognition and state intervention. However, as our research shows, the process of policy change have been slow and gradual, based on iterative claims. Moreover, policy change has been incremental, but also non-linear with setbacks. There is no neat correlation between the mobilisations by women's organisations and policy change, indicating that there are other factors that also determine when policy change occurs. Having said that, women's claims making has formed the essential backdrop for almost all of the policy changes that we have tracked, indicating that it comprises a key element in persuading governments to engage with issues affecting women's lives.

Within the anti-rape movement, two significant moments include the 1983 amendments to the rape laws and the recent Criminal Law Amendment Act 2013, which brought in wide-ranging changes to sexual assault and anti-rape laws. Both of these were on the back of strong mobilisations by women's groups. However, the overall story of the relationship between mobilisations by women's groups and policy change has been one of a very gradual and painstaking process. For instance, broadening the definition of rape beyond the narrow focus on penile-vaginal penetration has been a strong consensual claim by women's groups since the early 1990s, but women's groups had to persistently make this claim for a further 25 years before it was finally accepted by the state through the enactment of the Criminal Law Amendment Act 2013.

Often, the state has taken a conservative approach to the claims of women's groups. Sometimes, this conservative approach has also resulted in setbacks to claims making by women's groups with progressive changes based on years of campaigning by women's groups being reversed. The story of Section 377 provides a sorry example of the state's conservative approach to women's rights and the rights of LGBT communities. Having decriminalized homosexuality through a ground-breaking judgement of the High Court of Delhi in 2009, which read down the archaic Section 377, the state recriminalised homosexuality in 2013 through a Supreme Court judgement, which opined that reading down Section 377, was beyond its jurisdiction. Similarly, the age of consent, which had previously been at 16, was raised to 18 by the Protection of Children from Sexual Offence Act 2013. This stands in sharp contrast to the recent efforts by the state to reduce the age of criminal responsibility for juvenile offenders. Similarly, a claim such as the recognition of marital rape that goes completely against the conception of women's place in marriage has not found any acceptance by the state. Further, the key claim of women's groups to repeal laws that provide immunity to the army from being prosecuted for sexual crimes has also fallen on deaf ears. The "citadels of impunity" of family, state and community seem to prove the most difficult to shift of in terms of policy change, in spite of strong and persistent mobilisations by women's groups.

In terms of the relationship between domestic worker mobilisations and policy change, it was only by the mid-2000s, and especially where domestic worker organisations had a presence, that there were changes in laws at the subnational levels with the enactment

of minimum wage legislations and the setting up of welfare boards. This was also the time that groups began to come together for joint action at the national level with proposals for a national-level legislation on domestic work. Limited gains were also made at the national level through the inclusion of domestic workers in the Unorganised Sector Workers Act 2008 and the Sexual Harassment at the Workplace Act 2013, again as a result of mobilisations by domestic worker groups.

Globally too, from the mid-2000s, through the work of IRENE, WIEGO and the ILO, momentum gathered to bring together domestic worker groups. The initiation of the standard-setting process at the ILO for an international instrument on domestic work in 2008 propelled further mobilisations internationally as well as in India. In the run up to the adoption of ILO Convention 189/ 2011, several groups mobilised to discuss the proposed convention. The Indian government set up the Task Force for Domestic Workers and drafted the National Policy on Domestic Workers. These developments also led to renewed network and coalition building between groups at the national and subnational levels for the regulation of domestic work. The setting up of the National Platform for Domestic Workers in 2012, with the demand for a comprehensive central legislation on domestic work and the ratification of the ILO Convention 189/2011 by the Indian government, has provided renewed energy and focus for the mobilisations of domestic worker groups. However, compared to the anti-rape movement, the domestic workers movement in India is still young and not as widespread and strong.

While it is clearly the case that domestic worker mobilisations are nascent when compared to anti-rape mobilisations, resulting in a lack of traction on the issue of domestic work at the policy level, it is also the case that apart from the strength of mobilisations, the ways in which the issue itself is conceived and framed provide the state with ostensible obstacles for policy change. The invisibilised nature of domestic work, its conception as an extension of women's natural roles as carers, its performance by marginalised women, the nature of the employment (with multiple employers), as well as the place where the work is performed provide the state with several "difficulties" for the regulation of domestic work.

7.2 The Domain of the Private

If we were to draw comparisons across the three issues (violence against women, domestic work and unpaid care work), it seems that what unites the lack of policy traction across several aspects of the three issues is the domain of the private. Marital rape, domestic work and unpaid care have all been issues where the mobilisations have received very little policy traction, and the domain of the private provides the unshakeable common ground. In this sense, the domain of the private corresponds to what may be classified (with modifications) as doctrinal issues in Htun and Weldon's classification (2007). In other words, women's claims, which demand the state's entry into those spaces that are considered private such as the family, are not easily entertained by the state. So, the claims that challenge the institution of marriage such as the legal recognition of marital rape and the legal acceptance of same sex relationships find an uncompromising response from the state. Similarly, claims by the domestic workers movement requiring the regulation of a work environment—usually a household and therefore a private space for the employer (but not for the domestic worker)—have not received a positive response from the state.

The "private" also functions to invisibilise those issues that fall within its domain. In the case of domestic work, the workplace being performed in the private domain of the

home makes the work invisible. This invisibilisation also leads to its undervaluation, making it more difficult for groups to mobilise, negotiate and advocate with policy makers on issues regarding conditions of work, social security, sexual harassment at workplace or violence against women. With unpaid care work, as with domestic work, the issue of recognising and redistributing unpaid care work entails the rewriting of the rules of the gendered division of labour and the reorganisation of familial relationships. Similarly, with marital rape, it has been only when the husband and wife have begun living separately, that is, when the domain of the private home has already been torn asunder, that the law is willing to concede the possibility of marital rape.

7.3 Relationship between the Women's Movement and the Labour Movement

As we have noted in this report, particularly in Gujarat, but also at the national level, domestic work has fallen through the cracks of both the women's movement and the labour movement. While organisations such as AIDWA, AIPWA, Women's Voice and SJS seek to bridge this divide, it is clearly the case that the domestic workers' movement in India is largely seen as a labour issue by the women's movement and is sidelined by the mainstream labour movement, which is dominated by men who refuse to look at gender issues in the struggle for class equality. In order for the issue of domestic work to find wider acceptance and ownership within both the women's and the labour movement, it is essential for the issue to be more holistically addressed, viz., for domestic worker mobilisations to address the transformation of social structures and not just piecemeal changes in work relationships. The fallouts for the domestic workers movement without a more serious engagement by women's groups is not just in terms of whether the issue receives more visibility and policy traction, but also in terms of how the question of the transformation of domestic work is conceptualised and framed.

7.4 What Are the other Factors behind Gender-Egalitarian Policy Change?

Apart from mobilisations by women's groups, which are counteracted by conservative forces and the lack of coordination and alliance building, there are several other factors that have emerged through the research as important for addressing the question of when and why states respond to women's claims making.

7.4.1 Champions in government

At the national and the subnational levels, particularly in the context of domestic work, the role of champions in policy corridors have been crucial in propelling policy changes. The 2001 minimum wage notification in Karnataka had one crucial champion in the form of a Labour Commissioner who pushed for the inclusion of domestic workers, in spite of pressures against it. While the mobilisations by domestic worker groups were key to bringing the issue to the table, its inclusion was enabled by the impetus he provided in pushing the notification through. At the national level, the role of Sonia Gandhi, as the head of erstwhile National Advisory Council in providing support to domestic worker groups in the face of a hostile Indian delegation to the ILO has also been noted by some of our interviewees. This is also the case with the formation of the Task Force and Working Groups for domestic workers, which as interviewees suggest was based on the initiative taken by key government functionaries.

7.4.2 Mass demonstrations and protests

Mass demonstrations and large-scale public protests, as in the case of the early days of the anti-rape campaigns or in the case of Nirbhaya in December 2012, have been key factors in forcing the attention of the state to the issue of violence against women. In December 2012, mobilisations, particularly by youth groups across the country, and also by vast numbers of people in Delhi, forced the state to take notice. Wanting to be seen to be taking action, the state set up the Justice Verma Committee. The fact that mobilisations by women's groups had already been in motion for several decades previously allowed them to not only shape public discourse but also to engage seriously with the JVC process of consultation.

7.4.3 Open policy process

Unlike with previous law commissions, which have also called for comments or recommendations on proposed law reforms, the process of consultation set up by the JVC was considered a truly democratic and open policy space. By widely publicising its call for recommendations for reform of the sexual assault and rape laws, the committee kept the door wide open for serious public consultation and received 80,000 responses. The wide range of voices that were heard created further pressure on the state to take seriously the recommendations that were proposed by the JVC. Although the recommendations were only partially accepted, the Criminal Law Amendment Act 2013 went much further than many previous legislations in incorporating women's claims.

7.4.4 Strong networks and consensus

Another facilitating factor for policy change was the presence of strong networks and coalitions among women's organisations with consensus-building mechanisms. In other words, when women's groups network and consult widely to build consensus and speak in one strong voice, there is a higher possibility of these claims being included in policies. The autonomous women's conferences after the Mathura rape case was one such mechanism, which brought together women's groups from across the country to build consensus on the changes required in the country's rape laws. However, it is difficult for some claims that fall in the domain of the private—such as the criminalisation of marital rape, legislation for domestic workers and the recognition of unpaid care work—to gain policy traction despite having a consensus. Some other issues, that challenge core societal norms, as well as those that are contentious or debated among women's groups may also face difficulties in gaining policy traction, such as in the case of the acceptance of gender neutrality in rape laws.

7.5 Conclusion

It is clear that long years of women's claims making have been central to the changes in policies on anti-rape and domestic work, even if these have been slow, sporadic and sometimes, non-linear. There are other factors that pose counterpoints to the mobilisations by women's groups, whether this be in terms of how issues have been framed or in terms of how certain citadels of impunity of the family, state and community, have been protected from policy reforms. The issue of framing has sometimes resulted in setbacks to policy reforms. For example, the framing of rape as an issue of honour and shame by conservative groups have resulted in calls for chemical castration of offenders, which has meant that the sentencing policy of the most recent law reforms have included the death penalty for offenders in cases of violent aggravated rape. Similarly, the issue of domestic work, when it is framed as an extension of women's natural roles, or as "difficult to regulate" because of the multiplicity of employers, pose obstacles for serious policy change.

Moreover, the domain of the private has been protected from serious intrusion by the state—this has been the case with the intractability of the recognition of marital rape, and the regulation of domestic work and unpaid care work. The question of how claims making ought to deal with the “intractable” nature of policy change in these domains is an issue for women’s groups. On marital rape for instance, whether other avenues are to be explored—the domestic violence legislation, or the laws on divorce—are some of the issues being explored by women’s groups, albeit not without contention. Domestic worker groups too have provided robust counterpoints to the question of the domain of the private, by both reframing and visibilising domestic work as *work* and by locating the private space of the family as a public space of work for domestic workers. Moreover, by engaging with mechanisms such as welfare boards, the “difficulties” of regulating informal work with multiple employers are also reframed as within the realms of the possibility of regulation.

The long and vibrant history of mobilisations on anti-rape laws as well as the emerging mobilisations at the national level on domestic work have provided strong foundations for building the blocks for policy change focused on transforming social structures for women.

Appendix I: Interview Guides

Interview Guide—Women’s Claims Making on Anti Rape Laws

A. Background Information

- Personal history

1. How did you get involved in working with the issue of violence against women (campaigning on anti-rape laws)?
2. What organisations/networks have you been/are you a part of?
3. Designation in the organisation/network? What is/has been your role in the organisations/networks?
4. When did you join? How long have you been involved in these organisations/networks?

- Organisational history

1. When was the organisation/network that you are a current part of established?
2. How did the group/organisation/network come together? How and why was it formed? Was there any particular incident or individual that influenced the coming together of the group/ the development of the organisation/network?
3. What is the vision/purpose of the organisation?
4. What is the nature of work?
5. How many members do you have in the organisation/network? What is the background of the members?

B. Women’s Claim Making on Anti-Rape Laws and Policies in India

1. What in your opinion have been some of the key moments in agitations for gender just anti-rape laws post-Mathura?
2. How have you or your organisation/network contributed to/been part of the anti-rape movement in India? What have been some of the key claims making you have been involved in? (incidents around which you have mobilised, but also interventions during policy windows- the various drafts of the Criminal Law Amendment Bills, interventions to influence Law Commission reports, Justice Verma Committee.)
3. What do you make of the changes in laws/policies that have happened over the years? (1983 Amendment Act, Criminal Law Amendment Act 2013, etc.)
4. What do you think are the more contentious issues within the anti-rape movement in India?
5. What in your opinion are the issues that are on the margins of claims making on anti-rape laws and policies? What are the issues on which there has been little advocacy by the anti-rape movement in India?
6. How has the scope of women’s claims making changed over the years (since Mathura)?

C. Actors Involved

1. Who are the different actors and key players in the anti-rape movement in India? Who in your view are the prominent groups and networks working on this issue?
2. How and why did they get to prominence?
3. Whose voices get heard and whose don't within the movement and why?
4. Whose voices get heard at the state level?
5. How have the actors changed over a period of time?
6. Which groups/individuals have opposed your claims and in what ways?
7. Has there been an international/ transnational influence on the claims making on anti-rape laws and policies in India? If so, when was this and who was involved?

D. Organising for Advocacy and Strategies Used in Claims Making

• Claims making at the level of society

1. What are your techniques, strategies to mobilise groups and individuals around the issue of rape? What is the rationale behind these strategies and techniques of mobilisation?
2. Give examples of the most effective techniques/ strategies in the past?

• Negotiations within publics

1. What kind of alliances and coalitions (with different groups, individuals, movements, political parties, etc.) are you involved in order to influence the State? How are these alliances/networks built?
2. Are there other issues (besides your organisation's core issue) for which your network/organisation has come together/ joined hands/stood in solidarity with other organisations? If so, can you give a couple of instances?
3. What are the processes through which these alliances/networks work with each other?
4. Is there the space to hear a diversity of opinions amongst these alliance/networks?
5. What are the issues around which groups and individuals find it relatively easy to organise for policy advocacy?
6. How is consensus arrived at?

• Claims making at the level of the state

1. What are the strategies used by you to articulate your demands and influence the State on anti-rape laws and policies?
2. Give examples of the most effective strategies used in the past?
3. What did not work?
4. What do you think are the broader strategies used by groups to articulate their demands and influence the State on anti-rape laws and policies?
5. With respect to the anti-rape movement, what are the issues around which groups and individuals find it relatively easy to organise for policy advocacy?

6. What makes some issues more difficult to address to policy makers?

E. Degree of Openness in Policy Space

1. Is there a process within policy making whereby women's claims making can be heard by policy makers? Is there space for women's groups to participate in policy making?
2. Is there transparency in the policy making process?
3. How does the State interpret women's claims making on anti-rape laws, and how is this different from the interpretation by the women's groups and other key players?
4. Even when policies have been changed, what in your opinion is the reason for the wide gaps in implementation?
5. How do you shape discourse around a claim, especially after receiving a negative reply from policy makers?

F. Women's Claims Making: Overview

1. What has changed over time in the anti-rape movement in terms of: issues, actors, strategies, spaces, any other changes you have noted and why?
2. How strongly are women's organisations able to influence the public sphere amidst competing views and interests from other players (other groups—child rights, religious organisations, social groups, political parties, etc.)? Or how small or big is the political space that women's claim making has in the public sphere amidst competing claims?
3. What kinds of issues (typology) have better traction in the public sphere or given more weight than others? Does this typology work?
4. What is the combination of issues, actors or players or conditions that make a strategy most influential?
5. In your opinion has gender equality policy by the state been uneven across issue areas? If so, why?
6. Is NGOization, multiplicity of identities and voices, leading to a loss of effectiveness of the movement in terms of policy influence?

G. State/Subnational Specific Questions

A. Gujarat

1. What are the local and other factors that have shaped the anti-rape movement in Gujarat?
2. Have communal violence and polarization based on religion shaped the demands of the anti-rape movement in Karnataka? If so, how?
3. Have caste/dalit mobilisations in Gujarat influenced the content and nature of claims making in Gujarat? If so, how?
4. Have mobilisations based on sexuality influenced the content and nature of the claims making in Gujarat? If so, how?
5. What are the claims on anti-rape laws and policies that have been strongly backed by women's groups in Gujarat?

6. At whom are the claims making processes directed at? Central, state levels, including police, health departments?
7. What are the changes, if any, that you see post policy/legal changes at the central and state levels? How effective are the laws/policies?

B. Karnataka

1. What are the local and other factors that have shaped the anti-rape movement in Karnataka?
2. Has communal violence and polarization based on religion shaped the demands of the anti-rape movement in Karnataka? If so, how?
3. Have caste/dalit mobilisations in Karnataka influenced the content and nature of claims making in Gujarat? If so, how?
4. Has mobilisations based on sexuality influenced the content and nature of the claims making in Karnataka? If so, how?
5. What are some of the claims making on anti-rape laws and policies that have been strongly backed by women's groups in Karnataka?
6. At whom are the claims making processes directed at? Central, state levels, including police, health departments?
7. What are the changes that you see post policy/legal changes at the central and state levels? How effective are the laws/policies?

Interview Guide—Women's Claims Making on Domestic Work

A. Background Information

• Personal history

1. How did you get involved in working with the issue of domestic work?
2. What organisations/networks have you been/are you a part of?
3. Designation in the organisation/network? What is/has been your role in the organisation/network?
4. When did you join? How long have you been involved in these organisations/networks?

• Organisational history

1. When was the organisation/network that you are a current part of established?
2. How did the group/organisation/network come together? How and why was it formed? Was there any particular incident or individual that influenced the coming together of the group/ the development of the organisation/network?
3. What is the vision/purpose of the organisation?
4. What is the nature of work?
5. How many members do you have in the organisation/network? What is the background of the members? How are they recruited/what is the process for members to join?

B. Women's Claim Making on Domestic Work

1. What in your opinion have been some of the key moments in the history of mobilisation on domestic work in India, particularly since the 1980s? What have been some of the key claims making by groups on domestic work in India?
2. How have you or your organisation contributed to/been part of the domestic workers' movement in India?
3. What have been some of the key claims making you have been involved in? (Incidents around which you have mobilised? Task Force on Domestic Work, ILO Convention—conference prior to—Bills?)
 - a. What has been the claims your organisation/network makes on conditions of domestic work (leaves, wages, social security, etc.)?
 - b. According to your organisation/network, what will be a feasible/practical/workable method for calculation of wages for all domestic workers (live-in and live-out)?
4. What is your opinion on the draft National Policy on Domestic Work? Do you feel it is adequate/ inadequate? Should there be a national policy, central law on domestic work or state specific laws?
5. What do you think are the more contentious issues within domestic worker groups in India? (Methods of fixing wages, conditions of work, professionalisation of domestic work, recognition of caste with domestic work?)
6. What in your opinion are the issues that are on the margins of claims making on domestic work? What are the issues on which there has been little advocacy by domestic worker groups? Does the unpaid care work that domestic workers perform inform your claims making?
7. Are issues of migrant domestic workers part of the claims making of domestic worker groups? How has your organisation tackled the question of migrant domestic workers?
8. How does your organisation/network understand the relationship between housework and domestic work? Do you think housework has an implication on domestic work and how would one question the same?
9. How has the scope of women's claim making (with regards to domestic workers) changed over the years?

C. Actors Involved

1. Who are the different actors and key players in the domestic worker movement in India?
2. Who are the prominent autonomous domestic worker individuals/groups/organisations? How and why did they get to prominence?
3. Which other actors/institutions/ agencies influence or play an important role in women's claims making (with regards to domestic work)?
4. Whose voices get heard (and why) within the movement? Whose voices get heard at the state level?
5. How have the actors changed over a period of time?
6. Which groups/individuals have opposed your claims making on domestic workers and in what ways?

7. Has there been an international/transnational influence on the claims making on domestic work in India? If so, who is involved, and in what way?

D. Organising for Advocacy and Strategies Used in Claims Making

- Claims making at the level of society

1. What are your techniques, strategies to improve the conditions of domestic workers? What is the rationale behind these strategies and techniques of mobilisation? (professionalisation, unionisation, live-in workers)?
2. Give examples of the most effective techniques/strategies used in the past.

- Negotiations within publics

1. What kind of alliances and coalitions (with different groups, individuals, movements, political parties, etc.) are you involved in order to influence the State? How are these alliances/networks built?
2. Are there other issues (besides your organisation's core issue) for which your network/organisation has come together/ joined hands/stood in solidarity with other organisations? If so, can you give a couple of instances?
3. What are the processes through which these alliances/networks work with each other?
4. Is there the space to hear a diversity of opinions amongst these alliance/networks?
5. What are the issues around which groups and individuals find it relatively easy to organise for policy advocacy?
6. How is consensus arrived at?

- Claims making at the level of the state

1. What are the strategies, techniques of advocacy used by you to articulate your demands and influence the State at both state and central levels?
2. Give examples of the most effective strategies used in the past?
3. What did not work?
4. What do you think are the broader strategies used by groups to articulate their demands and influence the State on domestic work?
5. With respect to the anti-rape movement, what are the issues around which groups and individuals find it relatively easy to organise for policy advocacy?
6. What makes some issues more difficult to address to policy makers?

E. Degree of Openness in Policy Space

1. Have you been able to mobilise as a group? Have you been able to form a union? If so, how easy has this process been? If not, what have been the difficulties with unionising, mobilising?
2. Is there a process within policy making whereby women's claims making can be heard by policy makers? Is there space for women's groups to participate in policy making?
3. Is there transparency in the policy making process?

4. Why do you think there is a hesitation at the central and state (barring few) level for pushing for any reforms or legislation related to domestic work?
5. Do you think external factors (at the international level) have influenced policy changes locally (ILO convention for instance)? How do you think these changes will help shape the domestic workers' movement?
6. How does the State interpret women's claims making on domestic work, and how is this different from the interpretation by the women's groups and other key players?
7. Even when policies have been changed, what in your opinion is the reason for the wide gaps in implementation?
8. How do you shape discourse around a claim, especially after receiving a negative reply from policymakers?

F. Women's Claim Making: Overview

1. What has changed over time in the amongst domestic worker groups in terms of: issues, actors, strategies, spaces, any other changes you have noted and why?
2. How strongly are domestic worker organisations able to influence the public sphere amidst competing views and interests from other players? Or how small or big is the political space that domestic workers' claim making has in the public sphere amidst competing claims?
3. What kinds of issues (typology) have better traction in the public sphere or given more weight than others? Does this typology work? What issues or demands have been challenging or contentious in terms of mobilisation and organisation, and advocacy?
4. What is the combination of issues, actors or players or conditions that make a strategy most influential?
5. In your opinion has gender equality policy by the state been uneven across issue areas? If so, why?
6. Is NGOization, multiplicity of identities and voices, leading to a loss of effectiveness of the movement in terms of policy influence?

3. State-Specific Questions

A. Gujarat

1. What is the socioeconomic context of domestic work in Gujarat (numbers, profiles of domestic workers) any available data/materials on this?
2. What has been the history of domestic workers mobilisation/ movement in Gujarat? Are there any local and other factors that have shaped domestic workers mobilisation? Has there been any particular event/s that has led to groups mobilising for domestic workers?
3. Is the domestic workers' mobilisation/movement restricted to urban centres?
4. What have been the major policy changes in Gujarat with regards to domestic workers?
5. How responsive is the state government to the concerns of the domestic workers? If not, why do you think that is the case?

6. How have groups/ organisations sensitised the general public to the problems and conditions of domestic workers in general?
7. How distinct is the domestic workers groups/movement from the larger workers' rights movement in Gujarat? (are claims making on domestic work made within the rubric of other workers' rights?) Has the mobilisation of women into trade unions in Gujarat (for e.g. SEWA) helped the women's claim making in the domestic workers movement?
8. How deep are the links between women's groups and claims making on domestic work? Are your immediate allies unions, and workers' groups and/or women's rights groups?
9. Are there links between domestic worker groups and dalit groups in the state?

B. Karnataka

1. What is the socio-economic context of domestic work in Karnataka (numbers, profiles of domestic workers)? Any available data/materials on this?
2. What has been the history of domestic workers movement in Karnataka? Are there any local and other factors that have shaped the domestic workers movement? Has there been any particular event/s that has led to groups mobilising for domestic workers?
3. Is the domestic workers' movement restricted to urban centres only or has it spread to the whole of the State?
4. Was there involvement from domestic worker groups in bringing about the state notification for minimum wages for domestic workers in 2004? Were you involved? Can you elaborate?
5. How adequate is this law in empowering domestic workers? Are there any discrepancies/ loopholes in this law? If yes, what have been the groups/organisations responses to it?
6. What are the other issues for which the groups/organisations mobilising for? What is the state government's response to these issues?
7. Has there been a shift in attitude in the general public towards domestic work since the notification of the minimum wages for domestic workers in Karnataka?
8. How have groups/ organisations sensitised the general public to the problems and conditions of domestic workers in general?
9. How distinct is the domestic workers groups/movement from the larger workers' rights movement in Karnataka? (are claims making on domestic work made within the rubric of other workers' rights?) Has the mobilisation of women into trade unions in Gujarat (for e.g. SEWA) helped the women's claim making in the domestic workers movement?
10. How deep are the links between women's groups and claims making on domestic work? Are your immediate allies unions, and workers' groups and/or women's rights groups?
11. Are there links between domestic worker groups and dalit groups in the state?

Interview Guide—Women’s Claims Making on Unpaid Care Work

1. What do you understand by unpaid care work, and how do you think it plays into the lives of women you work with?
2. Do the women you work with express concerns around their unpaid care work responsibilities?
3. Has the issue of unpaid care work acted as barriers in your own mobilisation work?
4. Does your organisation make provision for women’s unpaid care work responsibilities to be taken care of while women are at collective events? (temporary crèches, travel and stay arrangements etc.)?
5. What do you think the links are between unpaid care work and the issues around which you mobilise (violence against women, domestic work?)
6. Have you considered this issue to be important enough to mobilise around? Has your organisation mobilised on this issue in the past? If yes, details; if not, why not?
7. What have policy makers that they have approached about unpaid care work said in response?
8. What do they think the response from policy makers would be if the activists raised this as a critical issue? What do you think are some of the barriers to mobilising around unpaid care work?
9. Who in your opinion are some of the prominent actors that have been raising claims on the issue of unpaid care work?
10. Are their voices heard within the women’s movement? Why or why not?

Appendix II—Table of Interviews

A. Anti-Rape Mobilisations

	Karnataka	
1.	Indhu—Executive Director, Hengasira Hakina Sangha	20 June 2014
2.	KS Lakshmi—General Secretary, All India Democratic Women's Association, Karnataka	18 June 2014
3.	Arvind Narrain—Co-founder, Alternative Law Forum	23 July 2014
4.	Corrine Kumar (Founder), Celine, Donna Fernandez and others—Vimochana	23 July 2014
5.	Gurukiran Shetty, Executive Director and Rajesh—Sangama	15 August 2014
6.	Nisha Guler—President, Sex Workers' Union	11 August 2014
7.	Shubha Chacko—Director, Aneka	24 July 2014
8.	Ruth Manorama—Founder Director, Women's Voice	16 August 2014
9.	Geeta Menon—Founder, Stree Jagriti Samithi	26 July 2014
10.	Sumathi Murthy—Founder member, LesBit	24 July 2014

	Gujarat	
11.	Manjula Pradeep— Director, Navsarjan Trust	31 March 2014
12.	Sara Ben and team— AWAG	1 April 2014
13.	Haneef Lakhdawala— Sanchetna	1 April 2014
14.	Manisha Tiwari—ANHAD	2 April 2014
15.	Nafisa Barot—Uthan	3 April 2014
16.	Johanna and Nupur Sinha—Centre for Social Justice	26 May 2014
17.	Nalini Jadeja—AIDWA	26 May 2014
18.	Jahnvi Andharia—ANANDI	27 May 2014
19.	Poonam—Swati	27 May 2014
20.	Sheba George—Founder, Sahr Waru	28 May 2014
21.	Sylvester Merchant— Lakshya	29 May 2014
22.	Trupti Shah— Sahiyar (Stree Sangathan)	29 May 2014 & 24 July 2014
23.	Prasad Chacko—Human Development and Research Centre	30 May 2014
24.	Renu Khanna—Sahaj (interviewed in Delhi)	9 September 2014

	Delhi/National	
25.	Nandini Rao, feminist activist, Women against State Repression and Sexual Assault (WSS) and Citizen's Campaign against Sexual Assault (CCSA)	24 March 2014
26.	Kavita Krishnan—Secretary, All India Progressive Women's Association (AIPWA) and Bekhauf Azadi Campaign	15 May 2014
27.	Bharti Ali, HAQ	19 May 2014
28.	Kalyani Menon-Sen—National Coordinator, Women against State Repression and Sexual Assault (WSS)	31 July 2014
29.	Kirti Singh—Vice-President, All India Democratic Women's Association (AIDWA)	21 August 2014
30.	Vani Subramanian—member, Saheli	23 August 2014
31.	Apoorva Kaiwar—former member, FAOW	22 July 2014
32.	Vimal Thorat—NDWF	1 September 2014
33.	Renu Addlakha— CWDS	9 July 2014
34.	Nilanju—Jagori	12 August 2014
35.	Lakshmi Vivek— NAWO	4 August 2014

B. Domestic Workers Mobilisation

Karnataka		
36.	Geeta Menon—Founder- member, Stree Jagriti Samithi	17 June 2014
37.	Sr. Nisha Mathew—State Coordinator, Karnataka Domestic Workers Movement	17 June 2014
38.	Senior Functionary (anonymous)—INTUC Karnataka	19 June 2014
39.	Ruth Manorama—Founder member, Women's Voice; President, National Association of Women's Organisations (NAWO)	19 June 2014
40.	Sr. Celia—Founder, Karnataka Domestic Workers Union	12 August 2014
41.	Usha Ravikumar and Muthu—FEDINA; Selvi and Nirmala—MAKAAYU	24 July 2014
42.	Chitravathy—Coordinator, APSA	13 August 2014
43.	Selvi—CITU	11 August 2014

Gujarat		
44.	Meena Patel—Domestic Workers Rights Campaign	1 April 2014 & 2 April 2014
45.	Chinmayi Shah—Saath	3 April 2014
46.	Ashok Punjabi—Indian National Trade Union Congress	27 May 2014
47.	Hiranmay Pandya—Bhartiya Mazdoor Sangh	28 May 2014
48.	Ashim Roy—NTUI, CMP	28 May 2014
49.	Shalini Trivedi—SEWA	30 May 2014

Delhi		
50.	Amita Joshi—ISST	23 March 2014
51.	Leeza—NDWM	25 March, 2014
52.	Chaitali Haldar and Shruti—Jagori	12 May, 2014
53.	Subhash Bhatnagar—Nirman, and Nirmala Niketan Cooperative for Tribal Domestic Workers	15 May 2014
54.	Ramendra Kumar, General Secretary and Joint Founder – Delhi Shramik Sanghathan and Anita Juneja – Delhi Shramik Sanghathan	4 June, 2014
55.	Archana Prasad—AIDWA	16 July 2014
56.	Sr. Leona and Maxima—Domestic Worker's Forum, Chetanalaya	8 August 2014

Other Organisations		
57.	Sr. Jeanne Devos—Founder and National Coordinator, NDWM (interviewed in Mumbai)	25 July 2014
58.	Nalini Nayak—NPDW, NFDW, SEWA Kerala (interviewed in Delhi)	4 September 2014

International Organisations		
59.	Reiko Tsushima—Senior Gender Specialist, ILO (interviewed in Delhi)	28 August 2014
60.	Chris Bonner—Programme Director, WIEGO (interviewed over Skype)	1 September 2014
61.	Karin Pape- Regional Advisor, WIEGO (interviewed over Skype)	16 October 2014
62.	Shalini Sinha—Home-Based Worker Sector Specialist, WIEGO (interviewed in Delhi)	27 August 2014

Appendix III: Consent Form

The study ‘When and Why do States Respond to Women’s Claims? Understanding Gender-Egalitarian Policy Change in Asia’ is being conducted by Institute of Social Studies Trust (ISST), New Delhi. It is an inter-country comparative research study funded by the United Nations Research Institute on Social Development (UNRISD), which focuses on the processes of gender-egalitarian policy change in three countries—India, Indonesia and China. The overall project is coordinated by Prof Nitya Rao, University of East Anglia, UK. The focus of the research in India is primarily on understanding the processes of policy change on two issues, anti-rape laws and women domestic workers, in the two states of Gujarat and Karnataka. The research study will interview a range of actors, particularly individuals, women’s groups and civil society groups actively involved in advocating gender-sensitive laws and policies in the focus areas.

You are invited to participate in an interview with us to share your experience and knowledge in your respective field and enrich our research. Your participation is voluntary, and you can choose not to participate in the study in part or in whole, and you may withdraw from this study at any time, but not after (date). You may also refuse to answer any questions you do not wish to answer.

The interview will take more or less two hours of your time, and will be conducted at a time and place of your convenience. The interview will be tape recorded unless otherwise stated by you. The tape-recorded interviews will be subsequently transcribed. Later, a copy of the interview transcript will be sent to you for any changes or additions you would like to be made to your interview transcript.

You may choose to stay anonymous, share information anonymously, or specify what information is to be kept confidential. The information provided will be included in the research report and subsequent publications based on the study.

If you have any questions and concerns you may contact any of the following:

Dr Shraddha Chigateri at shraddha@feministevaluation.org

Ms Mubashira Zaidi at mubashira.isst@gmail.com

Ms Anweshaa Ghosh at anweshaa.isst@gmail.com

INFORMED CONSENT FORM

Title of the Research: When and Why do States Respond to Women’s Claims? Understanding Gender-Egalitarian Policy Change in Asia

Name, Position, Address of the Interviewer:

Name of the Interviewee:

Name of the Organisation:

Please circle the appropriate –

I wish/do not wish to remain anonymous

You may/ may not audio record the interview

I understand the information described above in a language known to me. My questions have been answered to my satisfaction, and I agree to participate in this study. I understand that my participation in this interview is voluntary and that I am free to withdraw at any time, without giving reason. I understand that I can withdraw permission to use the information provided by me at this interview at any time till the 30th of June, 2014. I have been given a signed copy of this form.

Signature of the Interviewee:

Date:

Signature of the Interviewer:

Date:

References

- AAA (American Anthropological Association) 2012. *Principles of Professional Responsibility*. AAA Blog, 1 November 2012. Available at <http://ethics.aaanet.org/category/statement/>, last accessed 6 January 2016.
- Agnes, F. 2013. "Controversy over age of consent." *Economic and Political Weekly*, 10-13.
- . 2002. "Law, ideology and female sexuality: Gender neutrality in rape law." *Economic and Political Weekly*, pp. 844–847.
- . 1998. "Violence against women: Review of recent enactments." In S. Mukhopadhyay (ed.), *In the Name of Justice: Women and Law in Society*, Manohar Publishers and Distributors, New Delhi.
- . 1994. "Women's movement within a secular framework: Redefining the agenda." *Economic and Political Weekly*, 1123–1128.
- . 1992. "Protecting women against violence? Review of a decade of legislation, 1980-89." *Economic and Political Weekly*, WS19–WS33.
- Agnihotri, I. & V. Mazumdar 1995. "Changing terms of political discourse: Women's movement in India, 1970s-1990s." *Economic and Political Weekly*, pp. 1869–1878.
- AIDWA (All India Democratic Women's Association). 2013. *Submission to Justice Verma Committee from National Women's Organisations*. Available at http://aidwaonline.org/issues_of_concern/submission-justice-verma-committee-national-womens-organisations-5th-jan2013 , last accessed 28 March 2016
- ALF (Alternative Law Forum) 2013. *Suggestions to the Justice Verma Committee*, available at <http://feministsindia.com/women-and-law/justice-verma-submissions/alternative-law-forum/>, last accessed 6 January 2016.
- Anhad. 2010. *National Consultation on The Communal Violence Bill*. February 11, 2010, New Delhi, available at <http://www.anhadin.net/article96.html>, last accessed 6 January 2016.
- Anthony, P. 2001. *Towards Empowerment: Experiences of Organising Women Workers*, International Labour Organisation, New Delhi.
- Arora, S. and C.D. Singh. 2012. *The Protection of Children from the Sexual Offences Act, 2012: A Critique of the Decision to Raise the Age of Consent for Sexual Relations*. Manushi. 1-13, available at <http://www.manushi.in/articles.php?articleId=1653#.UtaSgfsI8So>, last accessed 6 January 2016.
- Asian Centre for Human Rights. 2013. *India's Hell Holes: Child Sexual Assault in Juvenile Justice Homes*, Asian Centre for Human Rights, available at <http://www.achrweb.org/reports/india/IndiasHellHoles2013.pdf>, last accessed 20 March 2016.
- Bajpai, A. 2003. *Child Rights in India: Law, Policy, and Practice*, Oxford University Press, New Delhi.

- Balchand, K. 2013. “Anti-rape bill passed.” *The Hindu*, 21 March.
- Baxi, P. 2014. “Tabloid Law: Framing Sexual Violence.” *Kafila*, April 5, 2014, available at <http://kafila.org/2014/04/05/tabloid-law-framing-sexual-violence-pratiksha-baxi/>, last accessed 6 January 2016.
- . 2013. “The Criminal Law Ordinance 2013 on Sexual Assault—Cut, Paste and Shock!” *Kafila*, February 5, 2013 available at <http://kafila.org/2013/02/05/the-criminal-law-ordinance-2013-on-sexual-assault-cut-paste-and-shock-pratiksha-baxi/>, last accessed 6 January 2016.
- . 2012. “Rape cultures in India.” *Kafila*, December 23, 2012 available at <http://kafila.org/2012/12/23/rape-cultures-in-india-pratiksha-baxi/>, last accessed 6 January 2016.
- . 2009. *Habeus Corpus: Juridical Narratives of Sexual Governance*. Working Paper Series, Centre for the Study of Law and Governance, CLSG/WP/09, Jawaharlal Nehru University, New Delhi, available at [http://www.jnu.ac.in/cslg/workingPaper/09-Habeus%20\(Pratiksha%20Baxi\).pdf](http://www.jnu.ac.in/cslg/workingPaper/09-Habeus%20(Pratiksha%20Baxi).pdf), last accessed 6 January 2016.
- . 2000. “Rape, retribution, state: On whose bodies?” *Economic and Political Weekly*, pp. 1196–1200.
- Baxi, U. 2014. “Unlearning the law with Lotika Sarkar”, First Lokita Sarkar Memorial Lecture, 22 February 2014, Campus Law Centre, University of Delhi.
- . 2002. “The second Gujarat catastrophe.” *Economic and Political Weekly*, 3519–3531.
- Baxi, U., V. Dhagamwar, R. Kelkar and L. Sarkar. 1979. An Open Letter to Chief Justice of India, available at <http://pldindia.org/wp-content/uploads/2013/03/Open-Letter-to-CJI-in-the-Mathura-Rape-Case.pdf>, last accessed 6 January 2016.
- Bekhauf Azadi Campaign. 2013. *Why the Government’s Ordinance is Fraud and Mockery of the Justice Verma Committee Recommendations: Bekhauf Azaadi Campaign*, 3 February, available at <http://kafila.org/2013/02/03/why-the-govts-ordnance-is-fraud-mockery-of-the-justice-verma-committe-recommendations-bekhauf-azaadi-campaign/>, last accessed 6 January 2016.
- Bhasin, A. J. 2013. “Rapists in uniform.” *Economic and Political Weekly*, Vol - XLVIII No. 08, 23 February.
- Bhatt, E. 1998. “‘Doosri Azadi’: SEWA’s Perspectives on Early Years of Independence.” *Economic and Political Weekly*, WS25-WS27.
- Bhattacharyya, R. 2013. “Criminal Law (Amendment) Act, 2013: Will it ensure women’s safety in public spaces?” *Space and Culture, India*, 1(1), 13–27.
- Bhattacharya, S. and S. Sinha 2009. “Domestic workers in India: Background and Issues.” Paper submitted to International Labour Organisation.

- Bonner, C. 2010. *Domestic Workers Around the World, Organising for Empowerment*. Paper prepared for the Social Law Project Conference: Exploited, Undervalued—and Essential: The Plight of Domestic Workers, 7-8 May 2010, Cape Town, available at <http://wiego.org/sites/wiego.org/files/publications/files/Bonner-Organising-for-empowerment-2010.pdf>, last accessed 6 January 2016.
- Butalia, U. 2005. “Confrontation and negotiation: The women’s movement’s responses to violence against women.” In *Writing the Women’s Movement: A Reader*, Zubaan, New Delhi.
- . 1993. “Community, state and gender: On women’s agency during Partition.” *Economic and Political Weekly*, WS12–WS24.
- Calman, L. J. 1989. “Women and movement politics in India.” *Asian Survey*, 29 (10): 940–958.
- CEHAT (Centre for Enquiry Into Health and Allied Themes) 2012. *Establishing a Comprehensive Health Sector Response to Sexual Assault*, CEHAT, Mumbai.
- Chamaraj, K. 2007. “The domestic workers of Silicon City.” *Inforchangeindia.org*, available at <http://infochangeindia.org/agenda/women-a-work/the-domestic-workers-of-silicon-city.html>, last accessed 6 January 2016.
- Chandran, V. 2011. “As good as it can get.” *The Hindu*, 12 April.
- Chen, M. and G. Raveendran 2011. *Urban Employment in India, Recent Trends and Patterns*, WIEGO Working Paper (Statistics) no. 7, available at <http://wiego.org/sites/wiego.org/files/publications/files/Chen-Urban-Employment-India-WIEGO-WP7.pdf>, last accessed 6 January 2016.
- Chigateri, S. 2013. “Synthesis of case studies.” UNICEF project on Quality Child Care for Children Under Three project, Institute of Social Studies Trust, New Delhi.
- . 2007. “Articulations of injustice and the recognition-redistribution debate: Locating class, caste and gender in paid domestic work in India.” *Law, Social Justice and Global Development*, available at http://www2.warwick.ac.uk/fac/soc/law/elj/lgd/2007_1/chigateri/, last accessed 6 January 2016.
- . 2004. “Uncovering injustice: Towards a Dalit feminist politics in Bangalore” (Doctoral dissertation, University of Warwick).
- CLA (Criminal Law Amendment Act) 2013. Available at <http://indiacode.nic.in/acts-in-pdf/132013.pdf>, last accessed 28 March 2016.
- Cockburn, C. 2007. *From Where We Stand: War, Women’s Activism and Feminist Analysis*, Zed Books, London.
- Committee on the Status of Women in India. 1974. *Towards Equality*. Ministry of Education and Social Welfare, Government of India, New Delhi. Available at <http://pldindia.org/wp-content/uploads/2013/04/Towards-Equality-1974-Part-1.pdf>, last accessed 28 March 2016.

- Commonwealth Human Rights Initiative (n.d.). *Police Organisation in India*, available at http://www.humanrightsinitiative.org/publications/police/police_organisations.pdf, last accessed 6 January 2016.
- CREA (n.d.) *Count me IN! Research Report on Violence Against Disabled, Lesbian, and Sex-working Women in Bangladesh, India, and Nepal*, available at <http://web.creaworld.org/files/cmir.pdf>, last accessed 6 January 2016.
- Darooka, P. 2008. *Social Security: A Woman's Human Right*. Discussion Paper No. 2, PWESCR, available at http://www.pwescr.org/Social_Sercuity_Paper.pdf on 21 July 2014, last accessed 6 January 2016.
- Das, V. 1996. "Sexual violence, discursive formations and the state." *Economic and Political Weekly*, pp. 2411–2423.
- Desai, M. 1997. "Reflections from contemporary women's movements in India." In J. Dean (ed.) *Feminism and the New Democracy*. Sage, London.
- Elman, A., 2005. *Confronting the sexual abuse of women with disabilities*. Available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.495.8541&rep=rep1&type=pdf>, last accessed 28 March 2016.
- Eluri, S. and A. Singh 2013. *Unionizing Domestic Workers: Case Study of the INTUC-Karnataka Domestic Workers Congress*. ILO, New Delhi.
- EPW Editorial 2013. "The Politics of Rape." *Economic and Political Weekly*, 8.
- FORCES (Forum for Crèche and Child Care Services). 2009. *Undoing Our Future: A Report on the Status of the Young Child in India*. FORCES, New Delhi.
- Fraser, N. 2009. *Scales of Justice: Reimagining Political Space in a Globalizing World*, Columbia University Press, New York.
- . 2008. "Abnormal justice." *Critical Inquiry*, 34 (3), 393-422.
- . 1997. *Justice Interruptus: Critical Reflections on the "Postsocialist" Condition*, Routledge, New York.
- . 1989. *Unruly Practices: Power, Discourse, and Gender in Contemporary Social Theory*, University of Minnesota Press, Minneapolis.
- Gangoli, G. 2007. *Indian Feminisms. Campaign against Violence and Multiple Patriarchies*, Ashgate, Aldershot.
- . 1996. "The right to protection from sexual assault: The Indian antirape campaign." *Development in Practice*, 6 (4), 334–351.
- George, S. 2013. "Towards recognition through professionalisation: Organising domestic workers in Kerala." *Economic and Political Weekly*, pp. 69 – 76
- Ghadially, R. (ed.). 2007. *Urban Women in Contemporary India: A Reader*, Sage, London.

- Ghosh, J. 2014. *The Invisible Workers: Rights, Justice and Dignity for Domestic Workers*. Second United Nations Public Lecture, 1 March 2014, SCOPE Convention Centre, New Delhi.
- Gothoskar, S. 2013. "The Plight of Domestic Workers: Confluence of Gender, Class and Caste Hierarchies." *Economic and Political Weekly*, 63-75.
- Gothoskar, S., N. Gandhi and N. Shah. 1994. "Maharashtra's policy for women." *Economic and Political Weekly*, 3019-3022.
- Grover, V. 2013. *Submission to Justice Verma Committee on Law, Policing and Related Matters to Ensure Justice and Curb Impunity for Sexual Violence against Women*, 5 January, available at <http://feministsindia.com/women-and-law/justice-verma-submissions/vrinda-grover/>, last accessed 6 January 2016.
- Gudibande, R. and A. Jacob 2015. *Minimum Wage Law for Domestic Workers: Impact Evaluation of the Indian Experience*. Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2591395, last accessed 28 March 2016.
- Guru, G. 1995. "Dalit women talk differently." *Economic and Political Weekly*, 2548–2550.
- Hameed, S., R. Manorama, M. Ghose, S. George, F. Naqvi and M. Thekaekara. 2002. *Gujarat Riots: The impact on women*, available at <http://infochangeindia.org/human-rights/books-a-reports/gujarat-riots-the-impact-on-women/print.html>, last accessed 6 January 2016.
- Hamid, A. 2006. "Domestic workers: Harsh, everyday realities." *Economic and Political Weekly*, Vol - XLI No. 13.
- Htun, M. and S. Weldon. 2012. "The civic origins of progressive policy change: Combating violence against women in global perspective, 1975–2005." *American Political Science Review*, 106 (03), 548-569.
- . 2010. "When do governments promote women's rights? A framework for the comparative analysis of sex equality policy." *Perspectives on Politics*, 8 (01), 207-216.
- . 2007. "When and why do governments promote women's rights? Toward a comparative politics of states and sex equality." Presented at the American Political Science Association Annual Meeting, Chicago.
- ILO (International Labour Organisation). 2013. *Domestic Workers across the World: Global and Regional Statistics and Extent of Legal Protection*, ILO, Geneva, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_173363.pdf, last accessed 6 January 2016.
- . 2011. *Global and Regional Estimates of Domestic Workers*, Domestic Work–Policy Brief 4, available at http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_155951.pdf, last accessed 6 January 2016.

- . 2010. *Decent Work for Domestic Workers*, Report IV (I), International Labour Conference, 99th session, available at http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@relconf/documents/meetingdocument/wcms_104700.pdf, last accessed 6 January 2016.
- ISCO (International Standard Classification of Occupations). 2008. International Labour Organisation. Available at http://www.ilo.org/wcmsp5/groups/public/dgreports/---dcomm/---publ/documents/publication/wcms_172572.pdf, last accessed 28 March 2016.
- ISST (Institute of Social Studies Trust). 2014. *Report of the SDTT Partners Workshop on Domestic Workers*, Institute of Social Studies Trust, New Delhi.
- . 2013. *Report of the SDTT Partners Workshop on Domestic Workers*, Institute of Social Studies Trust, New Delhi.
- . 2009. *Report on Urban Poor Livelihoods: Domestic Workers in Delhi*, Institute of Social Studies Trust, New Delhi.
- . 2008. *Socio-Economic Conditions of Domestic Workers in Ahmedabad*, FES, New Delhi, available at <http://182.71.188.10:8080/jspui/bitstream/123456789/309/1/DOMESTIC%20WORKERS%20IN%20AHMEDABAD.pdf>, last accessed 20 March 2016.
- ISST-SAATHI Centre. 2013. *Annual Report*, Institute of Social Studies Trust, New Delhi.
- Jagori 2013. *Submission to the Justice Verma Commission*, 4 January 2013 available at <http://feministsindia.com/women-and-law/justice-verma-submissions/jagori/>, last accessed 6 January 2016.
- Jain, D. 2011. "Once were warriors." In R. Menon, (ed.), *Making a Difference: Memoirs from the Women's Movement in India*. Women Unlimited, New Delhi.
- Japhet 1997. "The Dalit Movement in Karnataka." Doctoral dissertation, Bangalore University. Mimeo.
- John, K. 2013. "Domestic women workers in urban informal sector." *Abhinav Journal of Research in Arts and Education*, 2(2) 1-16, February, available at http://www.abhinavjournal.com/images/Arts_&_Education/Feb13/1.pdf, last accessed 29 March 2016.
- Joseph, M. 2014. "What the elevator saw." *Outlook*, 7 April, available at <http://www.outlookindia.com/magazine/story/what-the-elevator-saw/289993>, last accessed 6 January 2016.
- Justice Verma Committee 2013. *Report of the Committee on Amendments to Criminal Law*, available at <http://www.prsindia.org/uploads/media/Justice%20verma%20committee/js%20verma%20committe%20report.pdf>, last accessed 6 January 2016.
- Kalathil, M. 1986. "Cover-up of gang rape by policemen." *Economic and Political Weekly*, 329-330.

- Kannabirān, K. 2010. "Rethinking the law on sexual assault," *The Hindu*, 3 June, available at <http://www.thehindu.com/todays-paper/tp-opinion/rethinking-the-law-on-sexual-assault/article480312.ece>, last accessed 6 January 2016.
- Kannabiran, K. and R. Menon 2007. *From Mathura to Manorama: Resisting Violence against Women in India*, Women Unlimited, New Delhi.
- Kapur, N., J. Purewal and K. Singh 2000. "Sexual Assault Law Reforms: A Process Document, Part I, available at <http://feministlawarchives.pldindia.org/wp-content/uploads/SA-Bill-Pocess-Document.pdf> last accessed 2 January 2016.
- Kasturi, L. 1990. "Poverty, migration and women's status." In Vina Mazumdar (ed.), *Women Workers in India: Studies on Employment Status*, Chanakya Publications, New Delhi.
- Katzenstein, M. F. 1989. "Organising against violence: Strategies of the Indian women's movement," *Pacific Affairs*, 53–71.
- Kazi, S. 2009. "Shopian: War, gender and democracy in Kashmir." *Economic and Political Weekly*, 13–15.
- Khanna, R. and A. Pradhan 2012. *Women's Organizations in the Asia Region and the Post-MDG Process*, UNRISD, Geneva.
- Kompier, C. 2010. "Normative Aspects of Domestic Work: Convention or Recommendation." *Labour File*, In Defense of the Rights of Domestic Workers, 8(1-3): 19-21, January-June 2010.
- Kothari, U. 1997. "Women's paid domestic work and rural transformation: A study in South Gujarat." *Economic & Political Weekly*, 26 April, 5-12.
- Kotiswaran, P. 2013. "Unintended consequences of feminist action." *Kafila*, 18 February 2013, available at <http://kafila.org/2013/02/18/unintended-consequences-of-feminist-action-prabha-kotiswaran/>, last accessed 6 January 2016.
- Krishan, K. 2013. "The anti-rape movement -The political vision of Naari Mukti/Sabki Mukti" *Kafila*, 15 December 2013, available at <http://kafila.org/2013/12/15/the-anti-rape-movement-the-political-vision-of-naari-muktisabki-mukti-kavita-krishnan/>, last accessed 6 January 2016.
- Kujur, J. and Jha, V., 2006. *Women Tribal Domestic Workers: A Study of Deprivation and Migration*. Indian Social Institute, New Delhi , p.200.
- Kulkarni, R. 2010. "Relentless struggle and a bill: Vidharba molkarni Sanghathan." *Labour File–In Defense of the Rights of Domestic Workers*, 8(1-3), January-June.
- Kumar, R. 1993. *The History of Doing*. Kali for Women, New Delhi.
- . 1989. "Contemporary Indian feminism." *Feminist Review*, 20-29.
- Labour File. 2010. *In Defense of the Rights of Domestic Workers*. 8(3), January-June.
- . 2005. Volume 3, No. 3, May-June.

- Law Commission of India 2000. *172nd Report on Review of Rape Laws*, 25 March 2000, available at <http://www.lawcommissionofindia.nic.in/rapelaws.htm>, last accessed 6 January 2016.
- . 1980. *84th Report on Rape and Allied Offences: Some Questions of Substantive Law, Procedure and Evidence*, available at <http://lawcommissionofindia.nic.in/51-100/report84.pdf>, last accessed 6 January 2016.
- Lawyer's Collective and CEHAT 2013. *Recommendations for Amendments to the IPC and Allied Laws by Lawyers Collective and Recommendations for Public Health Facilities in Case of Sexual Assault by CEHAT*, available at <http://feministsindia.com/women-and-law/justice-verma-submissions/lawyers-collective/>, last accessed 6 January 2016.
- Lobo, L. and P. D'Souza 1993. "Images of violence." *Economic and Political Weekly*, 152–154.
- Madhav, R. 2010. "Legal recognition of domestic work." *Frontier*, 43(17), 7-13 November.
- Madhumathi, M. 2013. *Women in Urban Informal Sector, A Study of Domestic Workers*, Abhijeet Publications, New Delhi.
- Mandal, S. 2013. "The burden of intelligibility: Disabled women's testimony in rape trials." *Indian Journal of Gender Studies* 20 (1).
- Manohar, E. 2005. "Many people, many sexualities: A personal journey." In A. Narrain and G. Bhan (eds.), *Because I Have a Voice: Queer Politics in India*. Yoda Press, New Delhi.
- Mazumdar, I. and N. Neetha 2011. *Gender Dimensions: Employment Trends in India 1993-94 to 2009-10*, Occasional Paper no 56, Centre for Women's Development Studies, New Delhi, available at http://www.cwds.ac.in/ocpaper/ocasionalpaper_56.pdf, last accessed 6 January 2016.
- Mazumdar, V. 2000. *Political Ideology of the Women's Movement's Engagement with Law*. Centre for Women's Development Studies, New Delhi.
- Mazumdar, V. and I. Agnihotri 1999. *The Women's Movement in India, Emergence of a New Perspective: From Independence Towards Freedom*. Oxford University Press, New Delhi.
- Mehra, M. 2015. Presentation at PLD's Roundtable on Exploring the Continuum between Sexuality and Sexual Violence, 28 April, available at <http://pldindia.org/wp-content/uploads/2015/11/1-Marriage-sexuality-and-the-law.pdf>, last accessed 6 January 2016.
- . 2013a. "Why the law on sexual offences must be changed." *Kafila*, 4 February 2013, available at <http://kafila.org/2013/02/04/why-the-law-on-sexual-offences-must-be-changedmadhu-mehra/>, last accessed 6 January 2016.
- . 2013b. "Taking stock of the new anti-rape law." *Kafila*, 5 May, available at <http://kafila.org/2013/05/05/taking-stock-of-the-new-anti-rape-law-madhu-mehra/>, last accessed 6 January 2016.

- Mehrotra, T.S. 2010. *Domestic Workers: Conditions, Rights and Responsibilities—A Study of Part-Time Domestic Workers in Delhi*. Jagori, New Delhi.
- . 2008. *Rights and Dignity: Women Domestic Workers in Jaipur*. Jagori, New Delhi.
- Menon, G. 2013. “The challenge of organising domestic workers in Bangalore: Caste, gender and employer—Employee relations in the informal economy.” In N. Kabeer, R. Sudarshan and K. Milward (eds.), *Organising Women Workers in Informal Economy: Beyond the Weapons of the Weak*. Routledge, New Delhi.
- Menon, N. 2014. “The conundrum of agency.” *Seminar*, 30 January, available at <http://india-seminar.com/semsearch.htm>, last accessed 6 January 2016.
- . 2013. “The impunity of every citadel is intact—The taming of the Verma Committee Report and some troubling doubts.” *Kafila*, 3 February, available at <http://kafila.org/2013/02/03/the-impunity-of-every-citadel-is-intact-the-taming-of-the-verma-committee-report-and-some-troubling-doubts/>, last accessed 6 January 2016.
- . 2012. *Seeing Like a Feminist*. Penguin, London.
- . 2004. *Recovering Subversion: Feminist Politics beyond the Law*. University of Illinois Press, Champaign.
- . (ed.) 1999. *Gender and Politics in India*. Oxford University Press, New Delhi.
- Moghe, K. 2013. “Organising domestic workers in Pune city.” *Economic and Political Weekly*, 48(43): 63-68, 26 October.
- Mundkur, A. and A. Narrain 2013. “Betraying the Third Way.” *The Hindu*, 19 April.
- Murthy, L. 2013. “From Mathura to Bhanwari.” *Economic and Political Weekly*, 16-18.
- Nagaraj, D. 1993. *The Flaming Feet: A Study of the Dalit Movement in Karnataka*. South Forum Press, Bangalore
- Nainar, V. and S. Uma. 2003. *Combating Impunity: A Compilation of Articles on the International Criminal Court and Its Relevance to India*. Mumbai, pp. 1-138. Women’s Research & Action Group. Available at <http://works.bepress.com/saumyauma/8/>, last accessed 29 March 2016.
- Nair, J. 1993. “Badanavala killings: Signs for the dalit movement of Karnataka.” *Economic and Political Weekly*, 911-912.
- Naqvi, F. 2015. Presentation at PLD’s Roundtable on Exploring the Continuum between Sexuality and Sexual Violence, 28 April, available at <http://pldindia.org/wp-content/uploads/2015/11/4-Feminist-Praxis-and-dialogue.pdf>, last accessed 6 January 2016.
- Narrain, A. 2013. “Alchemizing anger to hope.” *The Hindu*, 25 January.
- . 2012. “The Criminal Law (Amendment) Bill 2012: Sexual assault as a gender neutral offence.” *Economic and Political Weekly*.
- Narrain, S. 2003. “For an effective law on rape.” *Frontline*, 20(23), 8-21 November.

- National Commission on Self-Employed Women and Women in the Informal Sector. 1988. *Shram Shakti Report*, Government of India, New Delhi.
- National Platform for the Rights of the Disabled. 2013. *Suggestions to the Committee from the Perspective of Women with Disabilities*, 4 January, available at <http://feministsindia.com/women-and-law/justice-verma-submissions/women-with-disabilities/>, last accessed 6 January 2016.
- NAWO (National Alliance of Women's Organisations). 2014. *India 4th and 5th NGO Alternative Report on CEDAW*. NAWO. July.
- NCW (National Commission for Women). 2007. *Annual Report 2006-07*, available at last <http://ncw.nic.in/frmAnnualReports.aspx>, last accessed on 15 November 2013.
- Neetha, N. 2013a. "Migration and gender in India." *Economic and Political Weekly*, 48(10).
- . 2013b. "Minimum wages for domestic work: Mirror in devalued housework." *Economic and Political Weekly*, 48(43): 35-38.
- . 2013c. "Paid domestic work: Making sense of the jigsaw puzzle." *Economic and Political Weekly*, 48(43): 35-38.
- . 2010. "Self-employment of women: Preference or compulsion?" *Social Change*, 40(2): 139-156.
- . 2009. "Contours of domestic service: Characteristics, work relations and regulation." *The Indian Journal of Labour Economics*, 52(3): 489-506.
- . 2004. "Migration of female bread winners: Migration and social networking of female domestics in Delhi." *Economic and Political Weekly*, 1681-1688.
- . 2003. "Migration, social networking and employment: A study of domestic workers in Delhi." *NLI Research Studies*, No.37. V.V. Giri National Labour Institute, Noida.
- . (n.d.) "Domestic workers: Profile and emerging concerns." *Labour File*, available at <http://www.labourfile.org/CurrentArticleDetails.aspx?id=521>, last accessed 11 November 2013.
- Nimushakavi., V. 2011. "Addressing paid domestic work: A public policy concern." *Economic and Political Weekly*, 46(43): 85-93.
- Omvedt, G. 2001a. "Ambedkar and after: the Dalit movement in India." In G. Shah (ed.), *Dalit Identity and Politics*, pp.143-159. Sage Publications, New Delhi.
- . 2001b. "The UN, racism and caste." *The Hindu*, 10 April.
- Pai, S. 2013. "Maharashtra domestic workers battle for their rights." *The Hindu*, 18 June.
- Palriwala, R. and N. Neetha. 2009. *Paid Care Workers in India: Domestic Workers and Anganwadi Workers*. UNRISD, Geneva.

- Palriwala, R. and N. Neetha. 2011. "The absence of state law: Domestic workers in India." *Canadian Journal of Women and Law*, 23: 97-119.
- Parliamentary Standing Committee on Home Affairs. 2013. *167th Report on the Criminal Law (Amendment) Bill, 2012*. March, available at <http://www.prsindia.org/uploads/media/Criminal%20Law/SCR%20Criminal%20Law%20Bill.pdf>, last accessed 6 January 2016.
- PLD (Partners for Law in Development). 2013. *Submission to the Committee headed by Justice J.S. Verma on Amendment of Laws Relating to Rape and Sexual Assault*, 5 January, available at <http://pldindia.org/wp-content/uploads/2013/04/Submission-by-PLD-to-Justice-Verma-Committee.pdf>, last accessed 6 January 2016.
- Patel, V. 2012. "Campaign against rape by women's movement in India." *Feminist Network* 4(3): 1-16.
- . 2010. "Human rights movements in India." *Social Change*, 40(4): 459-477.
- . 1980. "Law on rape." *Economic and Political Weekly*, 15(51): 21-38.
- . (n.d.). *Women, Equality and the Republic: HERstory of Gujarat (1810-2010)*, available at https://www.academia.edu/567455/HERSTORY_of_Gujarat_by_vibhuti_Patel, last accessed 6 January 2016.
- People's Union for Civil Liberties (PUCL) 2013. *PUCL Submission to the JVC*, available at <http://feministsindia.com/women-and-law/justice-verma-submissions/>, last accessed 6 January 2016.
- PUCL-K (Peoples' Union for Civil Liberties–Karnataka). 2003. *Human Rights Violations against the Transgender Community: A PUCL Report. A Study of Kothi and Hijra Sex Workers in Bangalore*, September. Available at <http://www.pucl.org/Topics/Gender/2004/transgender.htm>, last accessed 6 January 2016.
- . 2001. *Human Rights Violations against Sexuality Minorities in India, A PUCL-K Fact Finding Report about Bangalore*, available at <http://www.pucl.org/Topics/Gender/2003/sexual-minorities.pdf>, last accessed 28 March 2016.
- Phadke, S. 2003. "Thirty years on: Women's studies reflect on the women's movement." *Economic and Political Weekly*, 4567–4576.
- Prakash, A. 2003. "Re-imagination of the state and Gujarat's electoral verdict." *Economic and Political Weekly*, 1601–1610.
- Purushothaman, S. (ed.). 2010. *Innovations towards Education for Empowerment: Grassroots Women's Movement*. Best Practices Foundation, Bangalore.
- Raghuram, M. 2012. "Why No One Talks about Ujjire Rape-Murder?" DNA, 24 December, available at <http://www.dnaindia.com/bangalore/report-why-no-one-talks-about-ujire-rape-murder-1781207>, last accessed in March 2016.

- Raghuram, P. 2001. "Caste and gender in the organisation of paid domestic work in India." *Work, Employment and Society*, available at <http://wes.sagepub.com/content/15/3/607> on 22 December 2012, last accessed 6 January 2016.
- Raha, S. 2009. *Protecting Women with Disabilities from Violence*, available at <http://infochangeindia.org/disabilities/backgrounder/protecting-women-with-disabilities-from-violence.html>, last accessed 6 January 2016.
- Rajalakshmi, T.K. 2010. "Bill is not comprehensive: Interview with Kirti Singh." *Frontline*, 27(13). 17 June-2 July, available at <http://www.frontline.in/static/html/fl2713/stories/20100702271311400.htm>, last accessed 6 January 2016.
- Rao, N. 2011. "Respect, Status and domestic work: Female migrants at home and work." *European Journal of Development Research*, 23: 758-773.
- Raveendran. (n.d.) *Estimating Domestic Workers, Home-Based Workers, Street Vendors and Waste Pickers in India*. WIEGO, available at http://wiego.org/sites/wiego.org/files/publications/files/Reveendran_Methodology_Estimating_Workers_India_%2016_12_2011.pdf, last accessed 6 January 2016.
- Ray, R. and Qayum, S., 2009. *Cultures of Servitude: Modernity, Domesticity, and Class in India*. Stanford University Press, Redwood City, CA.
- Rege, S. 1998. "Dalit women talk differently: A critique of 'difference' and towards a dalit feminist standpoint position." *Economic and Political Weekly*, WS39–WS46.
- Rege, S. 2000. "'Real feminism' and dalit women: Scripts of denial and accusation." *Economic and Political Weekly*, 492–495.
- Roy, N. 2012. "A day at Raisina Hill." *Kafila*, 23 December 2012, available at <http://kafila.org/2012/12/23/a-day-at-raisina-hill-nilanjana-roy/>, last accessed 6 January 2016.
- SACW (South Asia's Citizen's Web). 2012. *India: Civil Society Groups Reject NAC Communal Violence Bill Draft, Lay Down Key Features For A New Bill*. 21 April. <http://www.sacw.net/article2648.html>, last accessed 28 March 2016.
- Safvi, S. 2013. "Understanding rape as a tool of war." *Tehelka*, 19 March, 2013, available at <http://www.tehelka.com/when-war-comes-home-understanding-rape-as-a-tool-of-war/>, last accessed 6 January 2016.
- Saheli Women's Resource Centre. 2013. *Submission to the Justice Verma Committee*. Available at <http://feministsindia.com/women-and-law/justice-verma-submissions/saheli/>, last accessed 6 January 2016.
- . 2004. "Rage against rape and the killing of Thangjam Manorama." *Saheli Newsletter*, May-August. Saheli, New Delhi.
- . 2002. "Amendments to rape laws—Problems and possibilities." *Saheli Newsletter*, January-April. Available at

<https://sites.google.com/site/saheliorgsite/violence/sexual-assault/amendments-to-rape-laws>, last accessed 6 January 2016.

- Salekar, A. 2013. *Response from Persons with Disabilities to the Call for Input on Issues Relating to Sexual Assault on Women*. Submission to the Justice Verma Committee, Inclusive Planet Centre for Disability Law and Policy, Chennai.
- Sankaran, K. and R. Madhav 2012. *Informal Economy: Law and Policy Demands: Lessons from WIEGO India Pilot Project*, available at http://wiego.org/sites/wiego.org/files/publications/files/Sankaran_Madhav_Law%20and%20Policy%20Demands_%20Final_February%202012.pdf last accessed 16 August 2014.
- Sankaran, K., S. Sinha and R. Madhav 2010. *Background Note on Domestic Workers: WIEGO Law Pilot Project on the Informal Economy*, available at http://wiego.org/sites/wiego.org/files/resources/files/dw_background_note.pdf last accessed 4 May 2014.
- Santhi, K. 2006. *Female Labour Migration in India: Insights from NSSO Data*, Working Paper 4/2006, Madras University, available at http://www.mse.ac.in/pub/santhi_wp.pdf, last accessed 5 November 2013.
- Sarkar, L. 1995. *Women's Movement and the Legal Process* (No. 24). Centre for Women's Development Studies, New Delhi.
- Sarkar, T. 2002. "Semiotics of terror: Muslim children and women in Hindu Rashtra." *Economic and Political Weekly*, 2872-2876.
- . 1991. "The woman as communal subject: Rashtrasevika Samiti and Ram Janmabhoomi movement." *Economic and Political Weekly*, 2057–2062.
- Satish, M. 2015. Presentation at PLD's Roundtable on Exploring the Continuum between Sexuality and Sexual Violence, 28 April, available at <http://pldindia.org/wp-content/uploads/2015/11/3-Criminalization-and-sexuality.pdf>, last accessed 6 January 2016.
- Seminar 2001. *Exclusion: A Symposium on Caste, Race and the Dalit Question*. December. Seminar, New Delhi. Available at http://www.india-seminar.com/cd8899/cd_frame8899.html, last accessed 29 March 2016.
- Sen, R. 2010. "Law Commission Reports on Rape." *Economic and Political Weekly*, 14(44), 81–7.
- Sengupta, S. 2012. "To the young women and men of Delhi: Thinking about rape from India Gate." *Kafila*, 23 December 2012 available at <http://kafila.org/2012/12/23/to-the-young-women-and-men-of-delhi-thinking-about-rape-in-delhi/>, last accessed 6 January 2016.
- Sengupta, N. and S. Sen 2013. "Bargaining over wages." *Economic and Political Weekly*, 48(43):55.
- Sharma, K., V. Raman and P. Dhawan. 2012. *Need Assessment for Crèches and Childcare Services*. Forum for Crèche and Child Care Services (FORCES) and

- Centre for Women and Development Studies (CWDS). Available at <http://www.cwds.ac.in/Publications/ChildCareReport.pdf>, last accessed in March 2016.
- Srinivas, L. 1995. "Master-servant relationship in cross-cultural perspective." *Economic and Political Weekly*, 4 February.
- Swaminathan, M., 1985. *Who Cares: A Study of Child Care Facilities for Low-Income Women in India*. Centre for Women's Development Studies, New Delhi.
- Task Force on Domestic Work 2011. *Final Report of the Task Force on Domestic Work: Realising Decent Work*. 12 September. Director, General Labour Welfare, Ministry of Labour and Employment, Government of India. Available at http://nirmana.org/pdf/national_policy_on_domestic_work_2011.pdf, last accessed 28 March 2016.
- Teltumbde, A. 2013. "Criminalising people's protests." *Economic and Political Weekly*, 48(14): 10-11, 6 April.
- Thadani, V. and M. Todaro 1984. "Female migration: A conceptual framework" in J.T. Fawcett, S.-E. Khoo and P.C. Smith (eds.), *Women in the Cities of Asia—Migration and Urban Adaptation*. Westview Press, Boulder, CO.
- Thatte, M. 2010. "Pune domestic workers on the march." *LabourFile*, (In Defense of the Rights of Domestic Workers), 8(3), January-June.
- UNRISD (United Nations Research Institute for Social Development). 2013. *When and Why do States Respond to Women's Claims Making? Understanding Gender-Egalitarian Policy Change in Asia*. Concept Note, available at <http://www.unrisd.org/gender-claims-conceptnote>, last accessed 6 January 2016.
- Vijayalakshmi, V. 2005. *Feminist Politics in India: Women and Civil Society Activism*, Institute for Social and Economic Change, Bangalore, available at <http://203.200.22.246/WP%20-%20161.pdf>, last accessed 6 January 2016.
- WSS (Women against Sexual Violence and State Repression). 2014. *Land, Caste and Sexual Violence Against Dalit Girls and Women in Haryana—A Report by WSS*, 18 July, available at <http://wssnet.org/2014/07/18/land-caste-and-sexual-violence-against-dalit-girls-and-women-in-haryana-a-report-by-wss/>, last accessed 6 January 2016.
- . 2013. *Representation to the Justice Verma Commission*, 5 January, available at <http://wssnet.org/2013/01/05/representation-to-the-justice-verma-commission/>, last accessed 6 January 2016.
- Yovel, T.I., Bart Verstraten, with contributions from A. De Jonghe, F. Habimana, J. Van Hecken, E. Verryt, P. Stalpaert and E. Gutierrez . 2010. *Respect, Rights and Recognition: Domestic Work and the ILO Standard Setting Process 2010-2011*. World Solidarity and ACV-CSC Food and Services, available at http://www.idwfed.org/en/resources/respect-rights-and-recognition-domestic-work-and-the-ilo-standard-setting-process-2010-2011-1/@@display-file/attachment_1, last accessed 6 January 2016.