

for various positions Chacko 2019, Chatterji, Hansen, Jaffrelot 2019, Wilson 2018, Kaul 2017, Vanaik 2018, Gopalkrishnan 2006, 2008).

In exploring the links between the two hegemonic projects of neoliberalism and Hindutva and the reinforcement/reconstruction of patriarchal gender relations in relation to welfare, the article focuses on some key social policies and specific legal interventions in relation to the family, gender and labour in the contemporary period in India. In the first section after a discussion on central components of neoliberalism, Hindutva and patriarchy, a brief background is provided of the shift from the Nehruvian model towards neoliberalism and the policies of the UPA government and then moves onto the acceleration of neoliberalism from 2014 onwards under the ruling BJP government. The second section analyses some specific social policies and legislative interventions from 2014 till 2020. The final section discusses the convergence and contradictions within and between these two political projects in relation to gender and welfare. Understanding the present alignment of right-wing authoritarian populism and neoliberalism from a feminist perspective has to be a collective political endeavour. This is an exploratory analysis, drawing on previous scholarship and adding further reflections, inviting further debate and discussion.

Neoliberalism is a specific form of capitalist accumulation and a political project with an ideology of 'political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade' (Harvey, 2007, 22). Critical to this process is the role of the neoliberal state which creates 'an institutional framework to facilitate the functioning of markets extending the market logic even to areas where markets may not exist 'such as land, water, education, health care, social

security, or environmental pollution..... But beyond these tasks the state should not venture' (Ibid., 23).

The conventional understanding of neoliberalism gets expressed in the statement that 'the state withdraws', however this is a fiction since 'neoliberalism has always been about the *reconceptualization* not the amputation of the state' (Bruff, 2014, 4). In the twentieth century particularly in post-world war capitalist economies, the neoliberal project primarily focused on the erosion of *substantive rights* for example the reversal of social and economic gains achieved by trade unions by pushing for liberalization from the shackles of the state. However, in the 21st century the scope of neoliberalization began to expand to include *formal rights*. Bruff and others argue that the War on Terror post 9/11 and the economic crisis ushered in authoritarian neoliberalism - an ideology that actively promotes the coercive, non-democratic and unequal reorganization of society by eroding substantive and formal political and social rights. This is reflected in a 'much more visible and extensive intertwining of commercial and security forms of power, leading to considerably greater possibilities for state control over populations. Two key aspects can be drawn out: (1) the explicit promotion of public-private partnerships (PPPs) within areas of the state such as defense and policing that are normally seen as beyond the reach of neoliberalization, at least regarding the role of private companies; and (2) the corporatization of everyday life by these PPPs in the name of security' (Bruff, 2019, 3). These are key features of authoritarian neoliberalism.

Neoliberalism simultaneously involves the spread of neoliberal rationality in all spheres of life. Foucault's idea of neoliberal governmentality provides insights into ways in which technologies of power for governing populations 'relies on calculative choices and techniques in the domain of citizenship and of governing'. It subjects citizens to act in accordance with the 'market principles of discipline, efficiency and competitiveness'

(Ong, 2006, 4). The construction of neoliberal subjectivities whereby individuals become responsible economic entrepreneurial subjects then aligns with the logic of neoliberal governmentality as the state furthers its neoliberal politico-economic project. Hence 'the originality of neoliberalism is precisely its creation of a new set of rules defining not only a different "regime of accumulation", but, more broadly, a different society' (Dardot and Laval 2013, in Fine and Saad-Filho, 2017, 686).

It is important to distinguish between Neoliberalism with a big 'N' as a 'fixed set of attributes with predetermined outcomes' from neoliberalism with a small 'n' that highlights the 'logic of governing that migrates and is selectively taken up in diverse political contexts' and is 'recontextualized in constellations of mutually constitutive and contingent relations' (A. Ong, 2007, 4). Indian neoliberalism has taken a distinctive form with deviations and contradictions as it interacts with local economic, political and cultural forces, aligning explicitly with authoritarian populism since the Bhartiya Janata Party (BJP) came to power in 2014 epitomized in the ideology of Hindutva.

The political project of Hindutva - a modern political ideology which constructs a nation state fusing a pure singular (Hindu) identity with being Indian and seeks to establish an exclusivist majoritarian nation (Menon 2019), also involves contradictory processes in practise. For instance, a key element of the ideology of Hindutva, *swadeshi* (promoting domestic production and boycotting foreign goods), is antithetical to globalisation. However, neoliberalism opens up the economy to foreign investment and import of goods from outside the country. In 1991 an organisation affiliated to the RSS (Bhatt 2001, Hansen 1999, Jaffrelot 1993, Sahgal this issue), the Swadeshi Jagran Manch was formed which opposed and campaigned against the initial liberalisation of the economy. Subsequently, the meaning of *swadeshi* shifted - by 1994 'it was including "the establishment of Indian companies and Indian brands in the world

market" in the definition of swadeshi, and by 1995 it was contrasting the Congress government's "faulty and half- hearted implementation of the reforms programme" with the BJP approach, for whom "reforms are a matter of conviction" [BJP 1994. 1995]. In 1998, the BJP subtitled the swadeshi section of its election manifesto "Making India a Global Economic Power" [BJP 1998]' (Chacko, 2019, Gopalkrishnan 2006). In 2014 when the BJP came to power and till today it has accelerated the process of opening up the economy. In 2018 the BJP farmers union Bharatiya Kisan Sabha (BKS) supported the farmer's protests demanding loan waivers (for massive indebtedness which has led to farmers suicides) and for raising the minimum support price, revealing the tension between the government neoliberal policies and farmer's interest. However, it has not joined the current protests in 2020 over the three farm bills despite the fact that these will lead to the corporatisation of agriculture including the entry of multinational agribusiness firms.

Hindutva as a political project is neither monolith nor homogenous in practice- a chameleon in its parliamentary face and an octopus in its reach across the body politic via the organisations of the Sangh Parivar - contradictory stands are taken, even as its core remains fascist nationalism. For let us remember, that the eyes of a Chameleon are independently mobile, but in aiming at prey, they focus forward in coordination, affording the creature stereoscopic vision. Further, colour change in chameleons functions as camouflage, but manifests most commonly in social signalling and in reactions to temperature and other conditions!

Seemingly contradictory messages surface when exploring the ways in which the entanglement of economic and social policies with the political project of Hindutva affects gender relations and ways in which it reinforces or changes patriarchal structures. One of the key components of Hindutva is the principle of 'brahmanical patriarchy' (Chakravarti, 1993), a world

view and structuring of the social order which is based on upper caste notions of purity and impurity (see Sahgal for elaboration). This places lower castes and women in subservient positions.¹ Gender is central to the political project of constructing the Hindu nation: through symbolic representations, specific constructions of femininity and masculinity and via the institution of controls and regulations over women's mobility, sexuality and labour to create and solidify borders and boundaries of the family, community and nation (Yuval Davis, 1989, Basu, 1993, Sarkar & Butalia, 1995, Bacchetta 2004, Banerjee 2006).²

At the same time, we need to keep in mind that in India there are multiple and overlapping patriarchies co-existing in India (Sangari, 1995). New forms of neo-liberal patriarchy emerge alongside the persistence of traditional patriarchy concurrent with attempts to restore the undermining of patriarchal structures as a result of capitalist development and the spread of a consciousness of gender equality (Chhachhi, 1991).

From the developmental state, the promise of redistribution to neoliberalism: Congress and UPA

This section gives a synoptic account of the Nehruvian model of early post-independence India, the onset of neoliberal reforms since late 1980s under Congress rule and the acceleration of neoliberalization under the BJP from 2014 – 2020, to provide a contextual background. The key features of the Nehruvian model were the Nehru- Mahalanobis plan for India's economic development which promoted self-reliant import substitution industrialization through planning rather than depending on the market alone, combined with a commitment to secularism, federalism, democracy and the promise of development and redistribution. The Planning Commission which rolled out 5-year plans enabled calibrated state intervention: support given to the public sector combined with private enterprise, along with price controls etc. which has been characterised as a form of state capitalism with a dominant coalition of three proprietary

classes: industrial capitalist, rich landowners and white collar workers. As Kaviraj (1988, 2012) and others have argued the Indian state was constructed through a 'passive revolution' that led to a reliance on the rural elite and the bureaucracy to carry out the welfare agenda. Although there was steady growth and a structural change in the Indian economy from 1947-1960s, the developmental objectives were not achieved. There were limited investments in health and education, no major redistributive land reform and no universal system of social protection with the exception of the public distribution system which provided subsidized food and fuel. The next prime minister Indira Gandhi adopted an agrarian populist strategy which included nationalization of banks, expansion of the public sector, and various policies for the rural sector, that led to a shift in state – society relations reducing the power of the landed elite. Secularism and socialism were inserted via an amendment into the Indian Constitution. Various economic and political factors in the late 1970s led to the suspension of democratic rights with the imposition of the Emergency 1975-1977 and the initiation of a process of 'creeping liberalisation'. Reforms were initiated which allowed private capital into areas reserved for public sector accompanied by controls over labour with strikes labelled as anti-national. The subsequent Congress governments continued the liberalisation of the economy which were further intensified after the 1991 balance of payments crisis which necessitated a structural adjustment loan from the IMF. There was a strong articulation of a pro-market and pro-business narrative which stated that earlier sluggish growth was due to the highly interventionist state and a 'misguided' import substitution trading regime. This period led to the strengthening of export-oriented and corporate capital that supported economic liberalisation (Kohli, 2006 a,b, Ghosh and Chandrasekhar, 2017).

However, the Congress was losing its legitimacy and the first BJP government was installed in 1998 which ruled till 2004. Neoliberal reforms continued to be bolstered through the slogan 'India Shining' (see Chacko

2019 for the shifts in BJP positions from swadeshi and calibrated globalisation to a more pro-neoliberal discourse). This strategy did not work and in 2004 a coalition of the Congress and left parties formed the United Progressive Alliance (UPA) which was in government till 2014. Through this period the liberalisation of the Indian economy continued, though at a slower pace. The state remained interventionist: part pro-business (indigenous capital) part pro-market, and 'corporate-led' growth to a large extent was 'determined by the use of state power (not just central government but also state and local levels) to extract resources and surpluses. This was critical in the handing over of natural resources to private players: land, of course, as the recent controversies about land transfers and land use changes make all too evident; mineral resources; spectrum; water; and so on' (Ghosh, 2012). During this period public expenditure was maintained. India weathered the global economic crisis because financial liberalization was limited.

The UPA period has been characterized as one of 'inclusive liberalisation' due to the provision of welfare through rights-based laws. The laws were a response to strong pressure from social movements and campaigns for the right to work, food security, information etc. In response to pressure from social movements the following laws were passed between 2005 and 2013: Right to Information Act (2005), Mahatma Gandhi National Rural Employment Guarantee Act (2005), The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (2006), Right of Children to Free and Compulsory Education Act (2009) and the National Food Security Act (2013). These were drafted and pushed through, despite the resistance of the neoliberal establishment, by the National Advisory Council, which included a number of civil society activists.³

Although minimalist (the demand for universal access was truncated and many of these were targeted or limited to certain areas), what is most significant is that socio- economic entitlements were now legally

enforceable rights establishing what Ruparelia (2013) has called 'new standards for social citizenship'. A. Nielsen has argued that this new welfare paradigm should not be seen only as a form of democratic accountability by the Indian state nor only as a strategy of co-option and deflection. Rather inclusive neoliberalism provided a legitimization for the neoliberal accumulation strategies of the Congress and enabled the forging of a new hegemonic project which tried to mitigate the detrimental consequences of commodification in order to deflect oppositional collective action (Nielsen, 2019, 3).

Despite the mitigating effects of social policies, and consistently high growth rates- 8% from 2004-2009 and 7% from 2009-2014, the detrimental effects of neoliberal policies were leading to an increase in social, sectoral and spatial inequalities and new forms of social exclusion which were reflected in the many struggles and protests by adivasis, workers, farmers and the strengthening of the Maoist insurgency. Already in this period there is a shift towards state authoritarianism with the UPA government introducing legislation to restrict foreign funding to NGOs (the license of 4000 NGOS were cancelled), as a way to curtail people's resistance to the selling of natural resources, land grab for special economic zones, and the dangerous consequences of setting up nuclear energy plants, etc. From 2006 growth slowed down, there was a rise in unemployment with growth not translating into job creation, food price inflation, an agrarian crisis, plus major corruption scandals which undermined the legitimacy of the Congress/UPA.

Neoliberalism and Authoritarian Populism: Modi 1.0 and Modi 2.0

In 2014 the BJP won the elections and returned again to power in 2019. The 2014 campaign was Modi-centric and tapped the prevailing discontent, fusing together a discourse of anti-corruption, anti- elitism and development. One of the first actions the new government took was to

abolish the Planning Commission and replace it with the National Institution for Transforming India Aayog (NITI Aayog), which not only undid decades of planned development but also led to centralisation of power. A new narrative of development promising industrial development and urbanisation driven by the market/private sector and foreign investment facilitated by business-friendly policies, was fostered by projecting Modi as a *Vikas Purush* (Man of Development), architect of the Gujarat model when he was Chief Minister of the state from 2001-2014 who would bring *acche din* (good days).⁴ As many have pointed out the Gujarat model did not lead to development, only high growth rates backed by the corporate sector who received tax breaks and facilitated access for land acquisition, while spending on health and education was lower than other states and the casualties of the model were Adivasis, Dalit and Muslims (Sud 2012; Jaffrelot 2015). On the other hand 'the beneficiaries of this 'model' were not only the middle class, but also a 'neo-middle class' made up of those who had begun to be part of the urban economy or who hoped to benefit from it..' (Jaffrelot, 2015, 837). In his promise to fulfil aspirations Modi specifically mentions the poor, middle class and the neo middle class. Sections of Indian capital (in particular the corporate houses of Adani and Ambani) played a crucial role in the campaign and they have maintained power and profited hugely under BJP rule. The Modi government was seen by free market advocates as a regime which would provide greater business investment opportunities, higher rates of privatisation and less corruption embodied in Modi's slogan of 'Minimum government and Maximum governance'. However, the government failed to deliver on its promise of job creation and investment. To distract attention from this Modi's led a highly personalised campaign in 2019, with a massive infusion of money, discarding the message of growth and development in favour of the politics of Hindutva, focused on war talk and security issues related to India – Pakistan, skilfully deploying mass media messages to instil fear and polarisation (Jaffrelot 2019).

The centralization of power has been accompanied with the centralization of the state. In the BJP abrogated Article 370 which gave a special status to Kashmir- a muslim majority state, incorporating it under central governance.⁵ In the same year the Citizenship Amendment Act (CAA) was passed which allows Indian nationality for non-Muslim minorities from neighbouring Pakistan, Bangladesh and Afghanistan but excludes Muslims along with implementation of the National Register of Citizens (NRC) which was to identify and deport 'illegal migrants' said to be infiltrators from Bangladesh. The redrawing of the boundaries of the nation- through expansion and homogenization is a core component of Hindutva and a theme that is continually deployed. As Aiyar (2020, 117) succinctly puts it: Modi drew on the 'one nation' slogan to herald 'one nation, one tax', 'one nation, one grid,' 'one nation, one mobility card,' and 'one nation, one election'. This use of the slogan 'One Nation' is a central pillar of the BJP's ideological vision and its approach to governance. The 'One Nation' project fuses a more unitary, Hindu nationalist conception of Indian identity (that forms the ideological core of the BJP) with a policy agenda that seeks to strengthen national coordination in a number of realms, including those in which states have previously taken the lead'. The fusing of Hindutva with the 'nation' is then deployed to label any dissent as anti-national, targeting NGOs, university students, journalists, civil society activists, many of whom have been incarcerated.

Since 2014 the government has rolled out various economic policies, some of the most significant being - Make in India, Start Ups/Skills India/Smart Cities, the Goods and Services Tax to create a common market, along with promoting financial inclusion via the Pradhan Mantri Jan Dhan Yojana (PMJDY), the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act which links provision of government services to possession of a basic identity card. One of the most dramatic policies was the overnight promulgation of an ordinance for demonetisation in November 2016. All 500 and 1000 rupee notes were withdrawn from

circulation, and had to be exchanged for new 500 and 2,000 rupee banknotes. The measure was ostensibly to clampdown on black money which was then linked to funding terrorism and then morphed into the need to move to a cashless society by using credit cards and digital transactions (See Chandrasekhar and Ghosh, 2018 on the difficulties of this in India). Demonetisation had a drastic effect particularly on the livelihoods of informal economy workers, the agricultural sector, small firms/traders and women, with many reported deaths and huge indebtedness as people scrambled to survive. While the gains were minor, this policy played a role in the contraction of the Indian economy, which slowed down to a 4 year low in 2018.

In the first two years the only welfare measures were the Swachh Bharat (Clean India) toilet-building campaign and a new pension scheme. From 2016 onwards, various other schemes were announced to provide housing, health insurance, roads, subsidized liquefied petroleum gas (LPG) connections. In 2019 analysts have pointed out that Modi repositioned himself as leader of the poor and number of welfare schemes were put into place (Aiyar, 2019, Jaffrelot, 2019). Creating a distinction between the deserving and the non-deserving poor, the 2019 campaign of the BJP claimed that welfare distribution under the Congress regime was expensive and undeserving sections of society had appropriated the benefits. Second, the Congress had favoured particular sections of society and did not treat all citizens equitably. The party consequently argued that the welfare conception and distribution of welfare had to be reworked to something that approaches near-universality so that 'everybody' benefits from the development. The party campaign slogan of *sab ka sath, sab ka vikas* (everyone's support, everyone's development) revolves around this idea (Deshpande, Tillin, and Kailash, 2019). To distinguish his governments approach to welfare Modi stressed 'empowerment' versus the 'entitlement' approach of the previous regime. Entitlements were

dismissed as ‘doles and handouts’ while empowerment was projected as a vibrant link to opportunities and aspirations.

The following sections assess some of these schemes and legal interventions specifically targeted at women, to explore the ways in which neoliberalism and Hindutva are simultaneously mobilized to shift away from social citizenship and employment-based entitlements towards a commodified market-based model of welfare embodied in the notion of ‘empowerment’ (Aiyar, 2019, 83). Legal interventions, particularly in relation to the nation and the family, were either preceded or accompanied by campaigns such as ‘love-jihad’, ‘cow protection’, accompanied by violence (lynching, and intimidation, particularly of muslims and Dalits) led by Hindutva ‘vigilante’ groups (Jaffrelot, 2019a, Banaji, 2018). It is this combination of consent and coercion that knits together the authoritarian populism of Hindutva even in the domain of welfare.

Social policies: appropriation, rebranding, reconstructing

Social policies for welfare (ranging from healthcare, education and social protection through non- contributory or contributory support and labour regulations) have always been double edged: extending social provisioning for the poor and vulnerable as well as creating exclusionary and disciplinary categories from the time of the Victorian New Poor law of 1834 (which instituted the punitive distinction between the deserving and the non- deserving poor) to many contemporary anti-poverty interventions. Social policies have been used to garner political support as well as used by right wing authoritarian states to refashion society in line with the ideological construction of the nation based on ethnicity, religion or race.

In assessing social policies instituted between 2014 and 2019 in India the first question is how far do they depart from or reinforce neoliberalism? This requires assessment of whether welfare measures further a process of decommodification towards universalistic social citizenship-based entitlements as well as employment-based entitlements or whether they promote stratified market-based entitlements. The second question is how far they further the project of forging an exclusionary nationalist solidarity, specifically the political project of Hindutva, that flattens out solidarities of class and caste. The following sections explore these through a discussion on the construction of the family/nation/gender in the interventions related to population regulation, governance of populations, the forging of a paternal contract, the move from welfare to financialization and the undermining of labour rights through regulatory and disciplinary labour codes.

Population control, the family, nation and patriotism

In August 2019 the PM Modi declared that India was facing a ‘population explosion’ and this was setting back development. He referred to small families as ‘patriotic’ and ‘responsible citizens’. Preceding this statement in July 2019, a private member introduced the ‘Population Regulation Bill’ in Parliament which called for punitive action to be taken against people with more than two children wherein they would not be allowed to access to benefits and public services such as the public distribution system, could not stand for electoral office and government employees would have to sign an undertaking not to have more than two children. In February 2020, a proposal was made to amend Article 47A of the Indian Constitution to provide more incentives to a two-child family stating:

The State shall promote small family norms by offering incentives in taxes, employment, education etc. to its people who keep their family limited to two children and shall withdraw every concession

from and deprive such incentives to those not adhering to small family norm, to keep the growing population under control.⁶

The first bill was introduced by a founding member of the India Policy Foundation, an RSS-affiliated non-profit think tank and the second proposal to amend the constitution was made by a Shiv Sena⁷ member of the Rajya Sabha. The amendment to the Constitution implies a major shift in the role of the state which would make the commitment to improve the health and well-being of its citizens subject to conditionalities backed by punitive measures.

Any discussion of population control in India immediately triggers the Hindutva discourse on the exceptional high fertility of muslims attributed to polygamy as well as perceptions of the ultra-virility of the muslim male and the over fertile muslim female (Sarkar 2002, Chhachhi 1991). In 2002 Modi used this in his election speech: 'The Muslim philosophy is: *'hum paanch, hamare pachchees'* (We are five—allusion to Muslim polygamy—we will have twenty-five children) (Jaffrelot, 2016, 196). This discourse resurfaced again in 2015 with various BJP members demanding action by the government: 'in August 2015, Yogi Adityanath, requested Prime Minister Modi to implement a population control 'law' specifically for Muslims (Express News Service, 2015); in October of the same year, Mohan Bhagwat, the leader of the Rashtriya Swayamsevak Sangh, the cadre-based organisation at the heart of the network of Hindu right-wing groups in India, stated that India needed to address population 'imbalances' between communities (PTI, 2015); these followed BJP MP Sakshi Maharaj's statement that 'Hindu women should have at least four children' (Ali, 2015 in Wilson 2018, 99).

The hysteria built up in public discourse about the demographic imbalance between hindus and muslims is repeated endlessly despite the fact that that the latest data shows that there is no population explosion in India, in

fact there has been a decline in the overall fertility rate, and this has happened across communities with the overall fertility rate declining more rapidly for muslims compared to hindus.⁸

As Kalpana Wilson (2015, 2018) has shown population control in India has long been cast in neo- Malthusianism terms with coercive sterilizations being central to control the fertility of poor, Dalit and Adivasi women who are constructed as disposable bodies whose 'excessive' fertility threatens the interests of the nation state. She points to the way Indian eugenic thinking mobilised Hindu nationalist arguments that promoted caste endogamy (intra-caste marriage) and 'these caste-supremacist eugenic approaches, which defined Dalits, Adivasis and oppressed castes as unfit to reproduce, were therefore arguably embedded from the outset in post-Independence 'Family Planning' policies in India' (Wilson, 2018, 92). If the Population Regulation Bill is passed it will have serious consequences especially given the link between reduction in fertility and socio-economic status for women from poor, minority and Dalit households and can be selectively targeted at minority groups.⁹

Governance of populations: what kind of family, nation, citizen?

While the Population Regulation Bill has the potential to be used against women and minorities, particularly muslims, other laws have been passed alongside which also construct what kind of family and what kind of citizen would qualify to be an Indian.

In 2020 the Commercial Surrogacy Bill was passed which banned commercial surrogacy in India. Since 2002 India became a major hub for international commercial surrogacy facilitated by neoliberal policies that fostered a growing private health sector promoting medical tourism which now included cheap reproductive labour provided by poor women. Numerous fertility clinics sprang up all over India with Gujarat having the

largest number. It is estimated that this industry made a yearly profit of \$400 million. Although the Indian Council of Medical Research had laid down guidelines for surrogacy clinics, these were not legally enforceable, and the sector remained unregulated and exploitative. A number of proposals were made to regulate the sector (see P. Kotiswaran 2018), foreign nationals were banned from availing the service in 2015 and in 2016 the Surrogacy (Regulation) Bill was introduced which banned commercial surrogacy while allowing 'altruistic surrogacy'. The bill was passed by the lower house of parliament in August 2019 and was reintroduced after incorporating suggestions from a Select Committee (which had characterized the original bill as moralistic and paternalistic and suggested changes recommended by women activists) and was approved by the Cabinet in February 2020 (see Sarojini et al., 2016).

The original bill aimed to end exploitation of women but significant clauses which restrict the categories of people who can access and provide this service reflect clearly the construction and projection of Hindutva's conception of the family and gender relations.

The bill only allowed Indian married heterosexual couples, within a narrow age range with certificates proving that they were infertile for five years to avail of surrogacy, the surrogate had to be married, get the consent of her husband, with a child of her own and a close relative of the couple. It devalued the reproductive labour of the surrogate who was not to be compensated in any way apart from a 16-month health insurance cover.

Announcing the bill in 2016 Sushma Swaraj stated:

'We do not recognize live-in and homosexual relationships...this is against our ethos.'¹⁰

She also condemned 'the celebrity culture of having surrogate babies', a clear reference to Bollywood actors Shah Rukh Khan and Amir Khan, feeding the discourse about excessive breeding of the muslims.

The revised bill is awaiting approval of the Upper House in Parliament. Some modifications have been made to the original by extending the eligible category to include Indian-origin married couples and Indian single women (only widows or divorcees between the age of 35 and 45 years), allowing any willing woman to be a surrogate, increasing the insurance cover to 36 months, with the ban on commercial surrogacy also extending 'to sale and purchase of human embryo and gametes', a demand by women activists for regulation of the ART industry as well. The bill remains discriminatory against queer and live-in couples and reinforces the centrality of heterosexual marriage and the patriarchal family. This was endorsed with Supreme Court in Sept 2020 stating that marriage between same-sex couples was 'not permissible' as it is not recognized by 'our laws, legal system, society and our values' in response to a PIL which argued that although homosexuality had been decriminalized, same sex marriage was still not possible.¹¹

The construction of a particular family form as 'Indian' can be seen in the way The Muslim Women (Protection of Rights on Marriage) Bill 2019 was passed, appropriating the demands and struggle of muslim women's organisations who had asked for reform, while furthering the process of homogenisation and uniformity- a key component of Hindutva - it also institutionalised state intervention into the muslim community by criminalising triple talaq at the same time adding to the discourse projecting the PM as the protector of Kashmiri women for being denied their rights and all muslim women from the evils of polygamy practiced by muslim men (Naqvi, 2019, 2020).¹²

The father as protector: forging the paternalist contract

Other policies and campaigns initiated by the BJP government in relation to the family however project an image of gender equality with a focus on empowering women and the girl child. The campaign Beti Bachao Beti

Padhao [Save the daughter, educate the daughter] launched in 2015, aims to prevent gender biased sex selective elimination, ensure survival and protection of the girl child and ensure education and participation of the girl child. The Ministry of Women and Child Development explicitly states that through this campaign it focuses on 'challenging mindsets and deep rooted patriarchy in the societal system'.¹³ In the same year Modi strongly endorsed a small grassroots campaign started in Haryana called #SelfieWithDaughter where fathers were asked to tweet photos with their daughters and subsequently asked to upload these to the Foundation website. This received widespread media coverage nationally and internationally. The Foundation proclaims that 'As we know SELFIE WITH DAUGHTER is a world wide revolution after promoted by Hon'ble Prime Minister of India Shri. Narendra Modi'.¹⁴

These campaigns present a progressive modernity which strategically feeds into the Hindutva project of India being recognised as a global player and garners acceptability and recognition by international development organisations. Modi mentioned the campaign when he addressed the CEOs in Silicon Valley and in Wembley and the Times Magazine reported this as a personal crusade for gender equality the PM had started since he came to power. Hussain (2015) notes that this functions as 'face work' in 'impression management' which creates a social image 'that aligns with the Indian's aspirational economic image of a neoliberal powerhouse'.¹⁵

In addition, the personalized alignment of Modi with these campaigns and other social policies fosters a new 'paternalist' contract. Not only does this campaign reinforce the role of the father as protector, which then segues into a gendered discourse of safety, surveillance and restriction (Phadke, 2007, 1511f in Titzmaan, 2020), but more significantly it constructs and reinforces Modi as the 'father figure' - a benevolent patriarch - a role he plays out in many arenas.¹⁶ This trope is deployed as well in the welfare programs instituted specifically for women.

Numerous welfare schemes inaugurated by Modi were linked to the festival of Raksha Bandhan (a ritual where sisters tie strings on their brother's wrist symbolising the brother's responsibility for their safety and protection). In 2016 Modi appealed to his 'sisters' to join the accident insurance scheme Pradhan Mantri Suraksha Bandhan Yojana which is linked to the Pradhan Mantri Jan Dhan Yojana (PMJDY) financial inclusion program. Similarly, when the Pradhan Mantri Ujjwala Yojana (PMUY) was launched to provide free gas connections to 50 million women in families living below the poverty line, the PM mentioned Raksha Bandhan and actually inaugurated the scheme in Tripura on Raksha Bandhan day itself.¹⁷

The discourse of protection has been a constant leitmotif in relation to women's rights and resurfaces in the Maternity Benefit (Amendment) Act 2017. It is interesting that in the Bombay legislative assembly debates on maternity benefits in the 1920s, supporters of the Bill couched their arguments partly in the language of rights but mainly in terms of humanitarianism and protection of vulnerable women and children¹⁸, while those opposing the Bill deployed a variety of arguments from counterposing the strength of Indian women versus the delicacy of western women who required maternity benefits, to the promiscuous nature of working class women who would abuse the benefit to have more and more children. The arguments that swung the debate and got the bill passed reconfigured the working woman as 'mother of the nation' obliterating her identity as a productive industrial worker, expressed clearly in the following statement: 'So Sir, it is in the interests of the nation and not in the interests of the poor mother that she ought to be looked after at this critical stage. After all Sir, if we are unfaithful or disloyal to our mothers are we worthy son?' (Bechar, BLC, 1928363-364) with the final argument from 'a medical expert, P G Solanki, who combined medical authority with hindu nationalism stating that the Hindu shastras, which had laid down that a pregnant woman should not walk on uneven ground, not do manual work, climb steps. even that the mind should not be

disturbed' has already recognised the need for maternity benefits. (Chhachhi, 1998, L24). Despite the passing of the Maternity Benefit Act in 1961, the benefit continued to be seen as a form of protection rather than a right. In 2013 the National Food security Act was passed which explicitly incorporated maternity benefits along with the right to food into a rights based legal entitlement. It laid down a universal right for pregnant women and lactating mothers to receive maternity benefit of not less than Rs. 6,000.

In 2016 on New Years Eve, just after demonetization, Modi announce new programs as part of his promise of *sabka saath – sabka vikaas* announcing maternity benefits as a new scheme.

We are introducing a nation-wide scheme for financial assistance to pregnant women. 6000 rupees will be transferred directly to the bank accounts of pregnant women who undergo institutional delivery and vaccinate their children. This scheme will help reduce the maternal mortality rate, in a big way. This will help ensure nutrition before and after delivery, and improve the health of mother and child. So far, pregnant women in 53 districts were being given financial assistance of 4000 rupees, under a pilot project PM Modi.¹⁹

This was a blatant rebranding and appropriation of the earlier provision in the Food Security Act. The personalized announcement once again shifted maternity benefits away from a rights based legal entitlement to one gifted by Modi. The Food Security Act is not being implemented even as there are huge food stocks available. Implementing the Act and releasing the food stock would have been critical to stave off hunger during the pandemic.²⁰

A similar process has occurred with MNREGA - the rural employment guarantee program which was initiated in 2005 by grassroots social movements, driven by civil society activists who also campaigned for Right to Food and the Right to Information. Well known economists such as Jean Dreze and activists designed the program to be a universal entitlement to the Right to Work. The final law restricted the purview to rural areas and 100 days of work. Unlike other public works programs, this was a legislatively-backed guarantee which asserted the principle of a 'social contract' between the state and its citizens, to enhance livelihood security in rural areas; create productive assets, protect the environment, empower rural women and foster social equity. Safeguards for accountability of the public service delivery system was ensured via social audits. There are varied assessments of the success of the scheme but the overall conclusion of numerous studies has been that it has worked best where civil society activists were able to use the Right to Information to hold the state accountable. The scheme has led to a reduction in poverty, provided work and has improved income and consumption particularly of nutrition in rural areas. The World Bank and other development agencies have lauded this as an innovative model. The BJP ridiculed this scheme during the elections with Modi stating 'The MNREGA is a living epitome of your (the Congress's) failures. After 60 years, the people of this country are being compelled to dig ditches'²¹. However, once in power the program was not repealed, budget allocations continued though were never enough to meet demand and it was appropriated as a BJP welfare scheme. Given the increase in demand during the Covid pandemic, particularly with migrant workers forced to return to their villages, additional funds have been allocated to the scheme though now it is incorporated under the Atmanirbhar Bharat Abhiyan package (Self-Reliant India Campaign) announced in May 2020 as an economic stimulus package with the 'aim of making the country independent against the tough competition in the global supply chain and to help in empowering

the poor, labourers, migrants who have been adversely affected by COVID'.²²

Shift from welfare to financialization

So far around 13 welfare schemes specifically targeted to women have been instituted. Assessment of these programs are limited and vary but the crux is that every scheme requires linkage to the financial inclusion program via bank accounts, a unique identification number linked to a person's biometric and demographic data stored in a national database and a mobile phone account. This JAM (Jan Dhan-Aadhaar-Mobile) triad was institutionalised by 2016 through the passing of the Aadhaar (Targeted Delivery of Financial and Other Subsidies) Bill 2016 which made Aadhaar mandatory to access most government services, including welfare. Though the Supreme Court struck down the provision allowing private companies to use Aadhar verification, the government went on to amend the Act in 2019 allowing mobile phone companies and banks to use it for verification, albeit with the agreement of customers.

All the schemes for women with the addition of JAM are an integral part of the 'financial inclusion' agenda, which inserts new forms of finance into areas where there was no earlier need or demand. This agenda has been pushed globally by the World Bank and other international development agencies backed by some of the most powerful global banking, financial services, credit card and digital payment technology institutions (Bateman, 2017). This approach aligns with the shift in focus in the World Bank and other international development agencies towards Smart Economics – an instrumentalist, business case, efficiency approach to gender equality which calls for 'investing' in girls and women empowering them in the service of economic liberalization. Digital India (which includes the objective of providing government services digitally) launched in 2015 has received major investments from major corporates including Reliance

Industries owned by Ambani. This has led to a major shift from rights-based welfare (social citizenship and employment-based entitlements), to the institutionalization of a process of market based entitlements. The application of the JAM triad to provision of welfare has multiple objectives which have very serious implications. Far from the rhetoric of 'empowerment' of the poor and women, financialization of welfare sets up conditions for indebtedness, increasing burdens on women given their continuing responsibility for domestic labour and digital financialization in particular allows for absolute control and surveillance by the state.

For instance, the much-lauded clean energy fuel PMUY subsidized gas connection scheme for women has the potential to reduce domestic labour time, particularly for rural poor households and the shift away from biomass (firewood, agricultural waste, cow dung, etc.), coal and kerosene, has health and environmental benefits. The scheme is explicitly publicized as a women's empowerment program with slogans such as:

'Time for Family and Education' and 'Every woman will get her dignity and due respect'. The scheme has been implemented widely and in March 2020 the government claimed that 97.4% of households in India had LPG connections and was the 'biggest catalyst of socio-economic change in the status of women in the country'.²³

The number of households with access to LPG (liquefied petroleum gas) connections says little about the design of the scheme and its long term sustainability. The scheme provides financial assistance of Rs.1,600. The government paid half the money for the connection while the beneficiary paid the other half to buy a cooking stove and an LPG cylinder with a loan from an Oil Marketing Company. The government subsidy was supposed to cover the cost of the first allotment and the loan via monthly payments. Studies have shown that enrolment in the scheme did not translate to

actual LPG use; beneficiaries could not afford to pay for the refills plus they had to deal with paying back the loan from the OMCs.²⁴

The potential for indebtedness in these schemes is clearest in the microcredit programs for women's entrepreneurship which have been boosted by the BJP as a major initiative for women's empowerment within the broader programs of Stand Up India and Prime Minister's Employment Generation Program (PMEGP) Scheme. There are nine such programs (Mudra Yojana Scheme, Mahila Udyam Nidhi Scheme, Annapurna Scheme, Stree Shakti Package for Women Entrepreneurs, Bhartiya Mahila Business Bank Loan, Dena Shakti Scheme, Cent Kalyani Scheme, Udyogini Scheme, TREAD (Trade-Related Entrepreneurship Assistance and Development) Scheme) which provide financial and training support for women to set up or expand small and medium scale enterprises in sectors ranging from beauty parlours, tailoring, catering etc. The loans are provided by public sector banks, commercial banks, regional rural banks, small finance banks, microfinance institutions and non-banking financial companies. The interest on these loans ranges from 8% to 11% (and in some cases even 20%) and the loan must be paid back within 3 to 10 years depending on the particular scheme. Specific categories of women- widows, destitute, etc. - are given a subsidy via a concessional reduced interest rate.

So far, few projects have been set up by women entrepreneurs stated to be about 30% of total projects set up under PMEGP and only 13.7% under Startup India. The push however continues with new financial support being offered and projects established for micro women entrepreneurs with development agencies.²⁵ Numerous studies globally and in India on microcredit and micro enterprises have established that it financialises poverty, leading to a 'bankisation of the poor', spiralling into a debt trap,²⁶ can reinforce patriarchal controls, and even where it benefits the household, it does not necessarily lead to a transformation in intrahousehold power relations. A number of such anti – poverty programs

(conditional cash transfers, microcredit) lead to additional care work and the 'feminisation of responsibility and obligation' (Molyneaux, 2006).

The promotion of entrepreneurship as the route to women's empowerment creates neoliberal subjectivities, oriented to competitive individual self-advancement. As Karim sums up - 'The out-of-the-home entrepreneur links seamlessly with the ideology of neoliberalism. She is an owner of petty capital. This production of the ownership ethic is against wage labor, overtime pay, retirement benefits and worker's compensation, i.e. against the very foundations of a welfare state. Failure to succeed now rests solely with the individual and not with the corporation/NGO/state. In this scenario, the state withdraws from the welfare of its citizens to the welfare of capital' (Karim, 2008, 14). When such schemes are tightly linked to digital financialisation, by making access subject to JAM, there is a further reconfiguring of the relationship between the state and citizens. The control over populations through data is a central feature of neoliberalism²⁷ which assumes dangerous possibilities when aligned with authoritarianism.²⁸

The promotion of medium and small-scale enterprises which is a key plank of Modi's economic policy (that ignores the saturated markets for the goods and services produced by microenterprises) is a substitution for promotive social protection through creating secure jobs and long-term employment opportunities. This is evident in the Make in India policy and the dismantling of labour rights in 2020.

Make in India with flexible labour: labour rights into regulatory Labour Codes

In 2014 Modi announced the Make in India policy to foster export-oriented growth, inviting foreign inventors to manufacture in India and sell globally. This policy did not really work- though foreign investment did increase between 2013 and 2016, it has plateaued since then and has not been in

the manufacturing sector. India's share in global exports remains 2 per cent compared to China's share of around 18 percent (Chalapati Rao, K.S. and B. Dhar, 2016). To placate big business and invite foreign capital, the government has moved aggressively on labour rights and environmental regulations. India's rank in the 'Ease of Doing Business' index actually slipped from 140 to 142 in 2014-15 (out of 189 countries).

The first step was taken in 2014 when the Ministry of Labour and Employment announced major legislative reforms based on a review of 150 labour laws. At the launch of five schemes under the '*Shramyev Jayate*' (hard work will win) program the measures were presented as the 'triumph of labour'. They were justified under Modi's election slogan 'minimum government and maximum governance' and as an integral part of the vision of Make in India. At the inauguration Modi again overlaid these measures with nationalist tropes saying they would elevate ordinary workers, 'Shram Yogi' (worker), to become 'Rashtra Yogi' ('nationalists') and 'Rashtra Nirmaata' ('nation builders'). The measures established a centralised online portal for businesses to file self-certified online forms on compliance with labour laws, a Random Inspection Scheme, designed to identify businesses to be inspected through a computerised programme using pre-determined criteria. This effectively laid the ground for the end of factory inspections but was euphemized by the Prime Minister as reflecting trust in its citizens.²⁹ The provision of benefits which were public-private partnerships for health insurance etc. were linked with the JAM triad (Aadhar, bank account, digital payment). While the corporates applauded the proposed changes, all trade unions including the BJP Bharatiya Mazdoor Sangh (BMS) denounced these measures as anti-worker and pro corporate. Under cover of Covid in 2020, BJP state governments promulgated ordinances suspending most labour laws for three years- a push back to the 19th century. Finally, in October 2020, again by stealth under Covid, the new labour codes were passed without consultation and without incorporating the recommendations made in

2019 to the Standing Committee. 44 Central labour laws were consolidated into four Labour Codes: Labour Code on Industrial Relations, Labour Code on Wages, Labour Code on Social Security and Labour Code on Occupational Health Safety and Working Conditions.

The Codes have significantly reformulated the labour laws which will lead to an increase in labour flexibilization, informalization and labour market vulnerability. Through the creation of a category of 'fixed term worker' it institutionalizes contract labour and also limits its regulation to establishments employing more than 50 workers as compared to the provision of 20 workers earlier. The restrictions on arbitrary retrenchment which applied to establishments of 100 or more workers now only applies to establishments employing 300 workers. Exemptions from many provisions of the codes have been made easier and industrial action by trade unions will be more difficult. Finally, various consultation committees have been proposed which would undermine the role of trade unions.³⁰

The ostensible rationale is that labour laws are rigidities, and the high cost of labour prevents private investment, an argument that has been made since the 1990s. The Indian labour market has always been flexible with the formal sector informalizing since the 1990s- 90.7 percent of workers are in the informal economy of which 36 percent are contract workers (Lerche, 2015). Between 2004-5 and 2017-18, the number of workers in the non -agricultural sector without regular employment contracts increased from 60per cent to 71 percent. (Srivastava, R. 2020a, b). Nothing illustrates the scale of informality and vulnerability of the vast majority of workers better than the migrant crisis during the Covid pandemic. The sudden announcement of the lockdown led to an immediate loss of livelihoods for thousands of migrant workers all over the country. With no money, food, housing or any system of social protection and restrictions on transport they began the long march back to their native villages

(Breman 2020). The government treated this exodus as a law and order problem and support came mainly from civil society groups. Given the scale and public visibility of this crisis it is shocking that the labour codes provide only nominal provisions for migrant workers and the key provision of inter- state migration has been diluted.

Women migrants were particularly affected given their concentration in the informal economy and work as domestic workers, sex workers, beauty parlour workers etc. was no longer possible. The labour codes also have some specific clauses related to women workers – they can now be employed for all types of work and can also work – with their consent- from 6:00 am and after 7:00 pm.³¹ This paves the way for extended working hours particularly in export industries.³² It is not clear if these extended working hours will be counted as overtime and what ‘consent’ means in a context of limited job options, is of course the critical issue.

The overall rate of labour force participation in India has declined with the most drastic reduction in the female labour force participation (FLFP) which declined to 22 percent in 2011-12 and then went down further to 18 percent in 2017-18. Various studies have shown that despite the rise in female education, there were very few jobs available, particularly in urban areas. The combination of limited investment and the Covid pandemic have pushed the economy into contraction (-24 per cent GDP growth), with a continuing agrarian crisis and high unemployment. The farm laws and labour code bills are aimed at creating the ideal environment for corporatizing agricultural and a pool of cheap flexible labour for global supply chains. Given the pandemic and rise of protectionism globally there is little prospect of exports reviving the economy in the immediate future.

The Labour codes have in one stroke done away with decades of labour regulations, furthering labour precarity and presents a perfect neoliberal package for private investment, couched again in the language of the

nation. This nationalist overlaying of a pro- corporate, anti-worker policy was recast in May 2020 with the announcement of the 'Aatma Nirbhar Bharat Abhiyan', an inducement package to move the country to economic recovery post Covid on a path of self-reliance. The language shifted to Made *by* India and has been welcomed by the Swadeshi Jagran Manch resolving the contradiction between swadeshi and globalization mentioned earlier. The BJP affiliated trade union and farmers union have not joined the ongoing protest actions launched by other trade union and farmers association against the Labour Codes and the three Farm bills.

Conclusion

The BJP's approach shifts the welfare mix from the state to the market fostering individual entrepreneurialism. Rather than rights-based entitlements all the welfare programs lead to further commodification – a process moving away from the previous decades of attempts towards building a welfare state. The schemes create and reproduce stratification by being targeted, for instance with differential policies applied to women as housewives, as entrepreneurs and as working-class women. This is the classic neoliberal model of women's empowerment. What is dangerous firstly is the entanglement of neoliberal patriarchy with Hindutva and the creation of a hindutvatised neoliberal subjectivity through welfare programs that project Modi as the benevolent patriarch and protector. At best this offers women the 'controlled emancipation' that Hansen (1994) elaborated in his analysis of the RSS, extended now to smart economics investment in girls and women. The discourse taps into deeply embedded archetypes with the 'individualism' of neoliberal rationality transformed into a group collectivity/identity as a hindutvatised Indian. Analysis of vote patterns in the 2019 elections have shown that larger number of women voted for Modi and he has cultivated this vote bank through a skilful crafting of his persona. The chameleon-like many faces of the BJP are not opportunist. Secondly when seen in conjunction with other interventions

such as the CAA and NRC, and the compulsory JAM triad required for welfare benefits it redefines citizens into 'statizens', where a state issued document becomes the basis of all life, a shift institutionalizing authoritarianism, as noted by Appadurai (2019). A new political formation has been forged which combines aspirations to be a global leader, with the reconstitution of the Hindu nation, representing a regressive authoritarian alternative modernity. So far, the BJP has been able to forge a new hegemony with consent constantly enforced through coercion and fear. Despite that there are internal tensions: between the centralized state and federalism, between the project of swadeshi and globalisation, between sections of capital, between the aspirations of subaltern groups and non - delivery of quality secure jobs and universal welfare entitlements. One can only draw hope from ongoing social movements led by coalitions against the CAA, environmental issues as well as ongoing protests by Dalits, students, women, workers and farmers.

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