

**WOMEN ARTISTS OF MITHILA: A QUEST FOR LEGAL EQUALITY**

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**ABSTRACT**

The region of Mithila is associated with the beautiful Madhubani paintings which have mesmerized everyone and are sought after by connoisseurs of art all over the world. As Madhubani paintings increasingly acquired prominence, it raised an art form, created and nurtured by women, to national and international recognition and turned some of these women artists into international celebrities. Madhubani painting is no longer confined to being a folk art but has rather transformed itself into becoming a fine art. However, commercialisation and modernisation of the traditional art form have eroded the essence and purity of this ancient art form. However, the women painters, despite being the repositories of this traditional art form, unfortunately, face economic deprivation as they do not get their due share in the whole enterprise. Thus, except for a few well-known artists, most women artists face acute financial hardship. The paper will take into account the experiences of these women painters, identify their problems, and highlight the lacunae in labour laws so that remedial measures can be looked into.

*Keywords: Mithila, women, painting, labour, employment, GI tag*

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## I. Introduction

“I have seen years of struggle when we painted on cow-dung-smearred walls and hours of our work washed out by rain. But we didn’t think there was any option. Then came paper, it changed our lives. What more can one ask for?<sup>1</sup>”

– Mahasundari Devi

INDIA IS a conglomeration of ethnic traditions and variegated cultures and has an extensive repository of handicrafts representing its vibrant culture, multi-faceted artistic expressions, and diverse history. Handicraft plays an instrumental role in the country’s economy and is a source of employment for about 7.3 million people.<sup>2</sup> However, craft production mostly takes place in the unorganized sector since the artisans mostly practice their crafts in their homes.

Art has had a powerful bearing in sustaining the country’s variegated cultural traditions and it has been used by the womenfolk as a channel to articulate their artistic perceptions and cultural sensibilities. Women all over the world also utilise their skills and expertise in the realm of arts and crafts to gain economic independence and contribute to their national economies. The art produced by them acts as a catalyst for their economic advancement as well as social and financial independence.

The women of Mithila practicing the art of painting have been able to carve out a niche for themselves in the world of art at the national as well as the international level. These women artists have enriched the art and contributed to creating new opportunities for women. The remarkable feature of these paintings is that they reflect the vibrant socio-cultural milieu of the region and its people.

The tradition of the art of Madhubani paintings has continued over the years and has evolved with the times. The art of Madhubani painting is believed to have had an ancient past when King Janaka commissioned artists to draw paintings during his daughter Sita’s marriage to Rama. The tradition persisted and later continued during the period under the dynasties of

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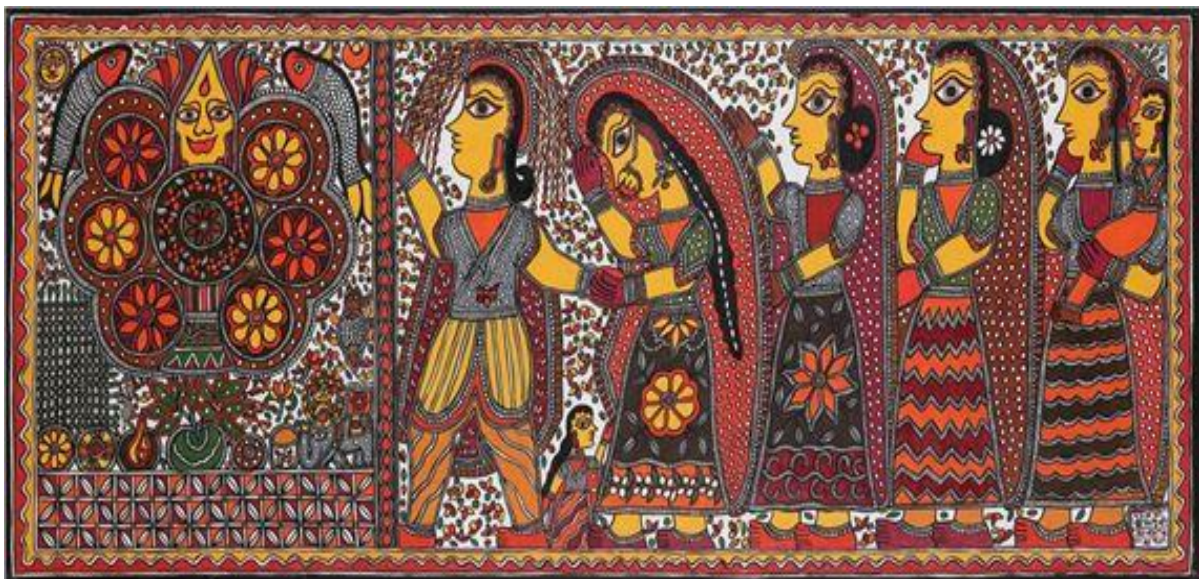
<sup>1</sup> David L. Szanton and Malini Bakshi, *Mithila Painting: The Evolution of An Art Form* 35 (Ethnic Arts Foundation, 2007).

<sup>2</sup> Development Commissioner (Handicrafts), Ministry of Textiles, Government of India, 2023, *available at*: <https://www.handicrafts.nic.in/Page.aspx?MID=BOII5FUynjpl5RZJJ8nW1g==> (last visited on April 20, 2023).

Karnatas and Oinavaras from 1097 to 1550 AD which subsequently extended under the Khandavala dynasty (Darbhanga Raj)<sup>3</sup>.

The paper will be looking into Reports by the Government, Sewa Bharat as well as other sources to investigate the socio-economic condition of women workers in Bihar. The objective of this paper is to highlight the need to make the invisible women artists of Mithila “visible” in their key role as workers and entrepreneurs who are contributing substantially to the growth of the country’s GDP. This paper will also attempt to outline how the Government and civil society may take initiatives and required measures in diverse ways to recognise the efforts and contributions made by women and to strengthen their role as intrepid entrepreneurs.

Simultaneously, the primary focus area of this paper will be to suggest ways to bring about improvement and upliftment in the socio-economic status of women artists, which could thereby also contribute to their empowerment. This paper will also highlight the lacunae existing in the labour laws and the anomalous situation whereby certain vital and mitigating aspects of these laws are applied to the organised sector but not to the unorganised sector and to individual working women.



Painting by Padma Shri Baua Devi

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<sup>3</sup> Upendra Thakur, *Madhubani Paintings*, 35 (Abhinav Publications, New Delhi, 1981).

## II. Women and Work

Women constituting about 662 million represent a crucial segment of India's total population of 1363 million in 2021.<sup>4</sup> According to federal government data, India's female work participation rate was just 25% for 2021, which is among the lowest for emerging economies.<sup>5</sup> However, even though women engaged in the informal sector in India contribute immensely to the society and economy, it is ironic that the policymakers have largely remained oblivious and indifferent to them. In the state of Bihar, about 1.3 million women are an important part of the informal economy,<sup>6</sup> they contribute enormously to the economy of the state, but their contribution is not adequately recognised.

The term “work” has been defined in several and diverse ways; hence it is difficult to arrive at a consensus about its definition. Work can be calculated according to its capacity to generate income; or it may be described as a measure of being engaged in productive work, through which goods and services are produced that contribute to a country's gross domestic product (GDP), or in terms of time spent for various activities, productive and others.<sup>7</sup>

Up to 1961, a worker was defined as the one who earned an income, but this description was not found to be appropriate. In 1971, workers were categorized and classified as “main” and “secondary”. The concept of the basis of the work done is used in the census as well as National Sample Survey Organisation (*hereinafter* referred as ‘NSSO’), which also differentiate between “main” and “secondary” workers according to the time spent on work; however, work associated with taking care of the individuals is excluded.<sup>8</sup> Women give a substantial amount of time in activities associated with caring, such as looking after children, elderly, the sick etc. as well as performing household chores, such as cooking, cleaning etc. Though women contribute a substantial part of their time and energy on household chores and undertaking tasks and activities relating to child-care as also taking care of others in the family, especially the

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<sup>4</sup> Government of India, Report of the Technical Group on Population Projections, July 2020, National Commission on Population, MoHFW, Women and Men in India, National Statistical Office (Ministry of Statistics and Programme Implementation, 2021).

<sup>5</sup> “Women's participation in Indian workforce low due to gender discrimination – Oxfam” *Reuters*, September 15, 2022, *available at*: <https://www.reuters.com/world/india/womens-participation-indian-workforce-low-due-gender-discrimination-oxfam-2022-09-14/> (last visited on April 27, 2023).

<sup>6</sup> Sewa Bharat, Shram Jeevani: Women in the Informal Economy in Bihar (September, 2021).

<sup>7</sup> *Ibid.*

<sup>8</sup> *Supra* note 6.

elderly, the same is not considered or accounted for while determining the degree and extent of work done.<sup>9</sup> Gauging and assessing women's contribution to economic activities is a challenging task and necessitates comprehensive investigation, especially in the informal sector where there exists no employer-employee relationship, no written contracts, no fixed hours of work, no regular workplace as the work is done in the home itself.

### III. Features of Madhubani Paintings

Madhubani paintings are a predominantly women-oriented folk-art form of the Mithila region, situated in Northern Bihar and a portion of southern Nepal. Mithila encompasses the districts of Madhubani, Darbhanga, Bhagalpur, Saharsa and Purnea, as well as some of the districts carved out of them in North Bihar and some districts in the Terai region of Nepal. The paintings are so-called as they originated in the region around Madhubani in northern Bihar. Madhubani means "forests of honey." The paintings are made on the floors and walls on ritualistic occasions such as birth, marriage, upanayana ceremony etc. The elaborate wall paintings called *kohbar* are made for marriage ceremonies.

The paintings have tremendous depth and diversity extending from traditional religious themes to contemporary issues. The paintings depict events from religious texts, such as that of the *Ramayana* and *Mahabharata*. The marriage of Rama and Sita, Lord Shiva with his wife Parvati, *Ardhanarisvara* (half male and half female figure), Goddess Durga, *Dasavataras* of Lord Vishnu are some of the popular representations of Hindu mythology in the paintings.

The tradition of Madhubani paintings has continued and evolved with the times. In the present-day context, the images of the popular Hindu deities are juxtaposed with other contemporary themes like scenes from nature, global warming, feminist movements, popular local deities etc. The chief characteristics of Madhubani paintings are -the use of bright natural and artificial colours, borders with double-line along with geometric designs or floral patterns, symbols and patterns to support the main theme, abstract figures of deities and humans, faces having big bulging eyes and a protruding nose. The skill of this painting has been passed on over generations and the women artists have learnt it from their mothers or mother-in-law and continued it as a tradition. Only a handful of them have undergone some formal training.

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<sup>9</sup> *Supra* note 6.

Usually, women start painting from a young age as painting constitutes an integral aspect of their lives, moving from one generation to the next. An example to illustrate this would be *Padmashree* awardee Sita Devi whose tradition was continued by her family after her death. Her grandson Mithilesh Kumar says *ye humara parivarik kaam hai....hum sab mil ke chitr banate hain aur isi kaam ko aage karna chahte hain*. ('It is a family business... We all paint together and plan to do so in the future too.')<sup>10</sup>

The evolution of the paintings over the years has led to artists from different social backgrounds developing their distinctive styles reflecting their individual preferences and predilections. These styles can broadly be categorized as *geru*, *bharni*, *kachni*, *gobar* and *godna*. The women artists can be categorised into two: "the Artists" and "the Artisans". The Artists include women who have received prestige and awards from the Government like *Padmashree* Mahasundari Devi, Sita Devi, Jagdamba Devi etc. whose paintings get very high prices in the international market. These women have evolved to become icons of Madhubani painting and women's empowerment. However, the other side of the story presents an altogether different and contrasting picture, representing women artisans leading a life of penury and hardship who do not get a fair and reasonable price for their painting despite putting in hours of dedicated work and who are callously exploited by the middlemen.

It is only the artist and not the artisan who can get a good price for their paintings. It has always been vital for his art to be affiliated with marketing; it could be a Government exhibition, an emporium or a brand. Any artist working outside the purview of this marketing association network has not been able to get the benefits of being a Madhubani artist. For instance, a renowned artist would get about a lakh for a painting while an ordinary artisan would be able to get only about Rs. 2000 for the same effort.

#### **IV. Discovery of Madhubani Paintings**

It was due to the efforts of a British Indian Civil Service officer, that W. G. Archer's Madhubani paintings caught the attention of the outside world. He wrote an article on Madhubani paintings in 1949 which was published in the journal *Marg*. The photographs taken by Archer in 1940

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<sup>10</sup> *Supra* note 6.

are the oldest available Madhubani paintings<sup>11</sup> and about 200 of them are to be found in the British Library, London. However, the commercial value of the paintings could only be assessed after the drought of 1966-68 in Bihar when the All-India Handicrafts Board encouraged the women to paint on paper rather than on floors and walls to enhance their economic viability.

As a part of the relief measures launched by the Bihar Government, the Government gave Bhaskar Kulkarni, a Bombay-based artist Rs. 50,000 for taking stock of the grim situation. While travelling through the villages of Bihar, he noticed in Jitwarpur village of Madhubani district beautiful wall paintings being made by women using cow dung and mud. Many of these paintings depicted religious deities, festivals, and folklore. Realising the beauty and charm of these paintings, he too encouraged the women to draw their paintings on paper. He also utilised the funds to provide the women artists with synthetic colours, brushes etc.

The transition from wall to paper led to a change in the milieu in which women paint. There was a transformation from an individual to a community activity. The women while painting in groups simultaneously also share their ideas and experiences which generate a community feeling. The popularisation of this art has had tremendous repercussions for the women of this area. It proved to be instrumental in providing the women with a source of income, it elevated the paintings to the status of being considered as works of art at the national and international levels. Simultaneously it became a means of empowerment and elevation in the status of women in a patriarchal society. There was an elevation in the status of some women as national and international artists.

## **V. Recognition**

Madhubani paintings have received recognition only in the 20<sup>th</sup> century even though they have a long tradition. It is pertinent to mention that the transition from wall to paper has had a tremendous ramification for these women. Apart from generating a means of income for them, it has led to them gaining recognition at the national and international levels. Now, women artists are not merely looked upon as folk artists but are being increasingly regarded as contemporary artists. We find the growth of eminent women artists such as Ganga Devi,

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<sup>11</sup> Carolyn Brown Heinz, "Documenting the Image in Mithila Art", 22(2) *Visual Anthropology Review* 25 (2006).

Jagdamba Devi, Baua Devi etc developing their individualistic styles.<sup>12</sup> Baua Devi has attained international recognition over the past 20 years or so and she had the distinction of her work being displayed in the Berkeley Gallery.

Thus, the horizons for these women have widened and perspectives have changed from mere subsistence to recognition and appreciation leading to the empowerment of these women as artists, though not to the extent desirable. However, there is no doubt that despite being often looked upon as a 'women's art', Madhubani has become an important tool for women artists to raise their voices against strict patriarchal norms.

Apart from the Government, several eminent personalities have also contributed to the development and popularisation of these paintings, notable among them being Pupul Jayakar, Upendra Maharathi, Bhaskar Kulkarni, Lalit Narayan Mishra etc. The Upendra Maharathi Handicrafts Institute of Patna has been carrying on a six-month course on Madhubani painting to train artists. Some rare collections of the paintings are preserved in this Institute.<sup>13</sup>

Some foreign scholars have also contributed immensely to the popularisation of these paintings. Yves Vequad, a French novelist and journalist visited Mithila in the 1970s, researched the paintings and produced a book and film *The Women Painters of Mithila*. A German anthropologist Erika Moser and an American, Raymond Lee Owens researched Mithila paintings and set up the Master Craftswomen's Association of Mithila in 1977 along with Gauri Mishra.<sup>14</sup> This association is still active and plays a key role in providing the artists of the region a source of income using exhibitions and sales to art galleries and has been instrumental in motivating the women artists to negotiate better prices for their work. In Japan, a Mithila Museum was set up due to the effort of Tokyo Hasegawa where numerous Mithila paintings are exhibited.<sup>15</sup>

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<sup>12</sup> M.R. Anand, *Madhubani Painting* (Publications Division, Ministry of Information and Broadcasting, Govt. of India, New Delhi, 1984).

<sup>13</sup> Nibedita Das, "Madhubani Paintings: Its Existence and Possibility", 3(2) *International Journal of Scientific and Research Publications* 3 (2013), available at: <https://www.ijsrp.org/research-paper-0213/ijsrp-p1428.pdf> (last visited on April 22, 2023).

<sup>14</sup> *Supra* note 11.

<sup>15</sup> Tokio Hasegawa, *Cosmology of Prayer*, In Japanese, 42 illustrations in colour 43 in black and white of paintings in the collection of Mithila Museum, Japan.



## VI. GI Registration of Madhubani Paintings

The Geographical indication tag usually abbreviated as the ‘GI Tag’ of India is an authentication of a product and its uniqueness based on its definite geographical territory. Madhubani Paintings have got a GI tag in 2007 under Intellectual Property Rights (IPR).<sup>16</sup> It is registered under handicraft goods and its registration is valid till August 21, 2025.<sup>17</sup> Since 2007 Madhubani Paintings has had the status of an exclusive brand as it has been registered under the provisions of the GI Act for patenting. Madhubani painting is the first item from Bihar to be registered under the GI Act for patenting.

The protection of GIs has, over the years, emerged as one of the most contentious IPR issues in the world. However, the enforcement of GIs with traditional arts like Madhubani paintings is an extremely challenging endeavour in India as well as outside. Handicrafts and paintings are sold from an assortment of formal and informal outlets in India making it a Herculean task to keep a check on imitations. Moreover, the enforcement of GIs in foreign jurisdictions is a great challenge for a developing country like India. Monitoring the foreign markets requires the services of a watchdog agency which is a very expensive endeavour.<sup>18</sup>



Madhubani Painting on Bihar Sampark Kranti Express

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<sup>16</sup> Geographical Indications Registry, Government of India, National Portal of India, *available at*: <https://ipindia.gov.in/gi.htm> (last visited on April 29, 2023).

<sup>17</sup> *Supra* note 16.

<sup>18</sup> Kasturi Das, Socio-economic Implications of Protecting Geographical Indications in India, Centre for WTO Studies, August, 2009, *available at* [https://wtocentre.iift.ac.in/Papers/GI\\_Paper\\_CWS\\_August%2009\\_Revised.pdf](https://wtocentre.iift.ac.in/Papers/GI_Paper_CWS_August%2009_Revised.pdf) (last visited on April 29, 2023).



Tussar Madhubani Painting Sari From Okhai (handcrafted by artisans)

## VII. Problems

Madhubani paintings reflect the empowerment of women. Moreover, this beautiful art form has received appreciation and acclaim at the national as well as international level. However, a vast majority of these women artisans have not got their due share of reward and recognition and have not been able to achieve the status of an artist.<sup>19</sup> It is a pity that a woman's work, despite its merit and excellence, is mostly regarded as auxiliary and subsidiary in nature. For most women artists, it is a difficult proposition to look upon the paintings for their means of livelihood due to the meagre returns they receive as well as the uncertainty of the market

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<sup>19</sup> Sheetal Sharma, Vibhuti Gupta, *et.al.* (eds.), *Proceedings of National Research Conference on The Next Normal: Building Agile, Sustainable, Tech-enabled Organizations (TNN-BASTO-2022)* 6 (Bharti Publications, New Delhi), available at: <https://www.iilmko.ac.in/publications/TNN-BASTO-2022.pdf> (last visited on April 29, 2023).

conditions. Indeed, the women artisans of Mithila are confronted with several problems and constraints as outlined below:

Most of the artisans work independently and are not organized collectively in any formal structure which reduces their efficiency and production capacity. This also adversely impacts their cost of raw materials, transportation etc. The market value of paintings in the international market made by artists varies also depending on whether the artist is an independent one or a contract artist.

Most of these women artists are still illiterate. Most of them remain anonymous as they do not consider themselves as makers of “works of art” and only a few of them sign the paintings with their names. Another difficulty faced is ascertaining the price of a painting which is never a simple task since establishing the value of an artwork is certainly not easy. Only a very few celebrated artists have been able to get a good income from their paintings. The renowned artists can fetch a good price for their works, going up to even a lakh of rupees whereas, the ordinary artisans who work individually and are not associated with any institution get much lesser amount for the same effort.

There are four types of agencies involved in the marketing of the paintings- a) NGOs b) co-operatives c) private contractors/ middlemen d) individual artisans. The co-operatives and the NGOs are yet to lay strong foundations amongst the artisans; hence most of them are heavily dependent on the middlemen for the sale of their work. The middlemen are private individuals /contractors who collect the paintings from the women and sell them in markets outside. Though the demand for the paintings is high, the artisans have not been able to make use of this opportunity and are restricted to the local markets. As a consequence of this, the artisans have to depend on the middlemen and traders to sell their products in the markets outside. This in turn makes them prey to the manipulations of the middlemen who exploit the hapless artists. Thus, the major profit is expropriated by the middlemen only while the artists get meagre returns. However, there exists a paradox as the commercialization and recognition of this art has been, to a large extent, brought about by the middlemen who, ironically, have also been largely responsible for the exploitation of the artists.

Another problem is that there also exists competition amongst the sellers, like in any other market, in the wake of which an oversupply may result in the artist getting a lower price.

Regrettably, the market is highly unregulated in the absence of a consistent support from the Government which gives rise to ample scope for the exploitation of the artists.

The root cause behind the general indifference to recognizing the role and contribution of women is the fact that women have traditionally been subjugated by society and are forced to play a secondary and constricted role in society. Patriarchy has been a dominant feature of the social structure with women being accorded, in practice, a lower socio-economic status. It is not strange, therefore, that even though a vast number of women contribute to the nation's income and its economic growth, they are largely looked upon merely as beneficiaries of growth rather than as contributors to the course of achieving growth and development.

The women artisans being illiterate or less educated are not aware of their rights as well as the operation of market forces. Due to the existence of an informal and unorganized structure in this sector, the artisans are highly dependent on external factors like middlemen for their requirements who in turn exploit them. As the women artists generally belong to the economically weaker sections of society, they face economic constraints like insufficient capital and there exists a deficit between their daily financial requirement and earnings. They face issues like inadequate loan and subsidy facilities from the Government, difficulties and bottlenecks in loan sanctioning, insufficient help from NGOs and the Government etc. To meet the deficit, they are compelled to take loans from money lenders and traders who charge high rates of interest.

The working conditions for women artists are very difficult and harsh. Most of them continue to live in decrepit houses made of mud and straw. In the villages, there is limited availability of electricity because of this the women are often forced to work in kerosene lamps at night. They also do not have access to proper health and sanitation facilities, which reduces their overall productivity. The entire gamut of basic requirements in terms of infrastructure facilities, transport, communication, markets etc. is not well developed.

Many women artisans have to confront various personal problems and difficulties, like lack of education, dual responsibility of home and work, lack of self-confidence, mobility issues etc. The problems being faced by the women artists are indeed manifold. Household chores and child-care responsibilities take up most of their time because of which they get very limited time to devote to painting; most of them can paint for only about 3 to 5 hours a day. To add to

all this, they often face social and psychological problems like want of support from family, no exposure of dealing with banks, officials, organizations etc. Caste also plays a crucial role in the selection of paintings for sale. For instance, if the middleman belongs to an upper caste, he usually selects and sells the paintings made by upper-caste women. Even if he selects the paintings of lower caste women, he pays them much less even if their paintings get a better price in the market outside. The women from the upper castes also get more opportunities, vis a vis the women of lower castes, to display their work at international fairs and exhibitions.

### **VIII. Labour Laws**

Labour laws are a potent instrument for achieving the objective of social justice as well as for providing social protection. The provision for social protection is enshrined in Articles 38, 39, 41, 42 and 43 of the Constitution as a part of the Directive Principles of State Policy. The right of workers to social security has been recognised as inalienable and should be made available to all workers under the entire gamut of labour law or policy.

Though women actively participate in various spheres of the economy of the country, they do not benefit much from the labour laws. Many labour laws exist but they are mostly applicable to the organised sector and unfortunately, they do not benefit the women in the informal sector. This holds for the women painters of Mithila too.

#### **Implementation of Laws for Unorganised Sector Workers**

It is difficult to implement labour laws in the case of unorganised workers due to many reasons. The labour laws are meant to be applied in cases where there exist employer-employee relationships, which do not apply in the case of the women painters of Mithila as they are individual artists. Secondly, labour laws are usually implemented in factories where many workers work together whereas in the case of women painters, the workplace is usually their homes. Also, labour laws can be implemented if the workers are organised which again does not hold good in the case of these women who mostly work individually and are organized in a close-knit bond.

#### **Unorganised Workers Social Security Act 2008**

The most recent, and most inclusive Act dealing with the unorganised sector so far has been the Unorganised Workers Social Security Act, of 2008. This Act is the first endeavour to

legislate for the unorganised workforce and provides for social security and welfare measures for workers in this sector. It also makes provisions for the constituting a National Social Security Board at the Central level and a State Social Security Board at the State level. However, the National Social Security Board for Unorganised Workers, constituted in August 2009 has only an advisory role and does not have effective powers to implement or enforce social security.

Unfortunately, the Unorganised Workers Social Security Act, 2008 is not comprehensive enough for it divides unorganised workers into those below the poverty line and those above it and is silent on national minimum wage. It has been criticized for not making social security enforceable by law and not making provisions for institutional powers for its effective implementation. It is further criticized as it does not address several relevant issues of women workers like means to ensure fair prices, providing safeguards against unequal pay, sexual harassment at the workplace etc.<sup>20</sup>

### **New Labour Codes and the Unorganized Sector**

Many women in India are employed in the informal sector. They do not have well-defined employer-employee relationships (or no employer-employee relationship at all), no fixed place of work, limited or no bargaining power, no work and income security, as well as limited access to social security benefits such as healthcare, pension, disability benefits, unemployment benefits, due compensation for workplace injuries, maternity and childcare benefits that are in consonance with their needs and hours of work.

In this context, the attempt at labour law reform provided a unique and singular opportunity to revamp labour laws to formalise the informality of women's work by ensuring employment/livelihood security, income security and social security for women workers, and by providing feasible work options for women. However, the Codes have continued with the piecemeal inclusion of informal workers generally and of informal women workers.<sup>21</sup>

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<sup>20</sup> Paromita Goswami, "A Critique of the Unorganised Workers' Social Security Act", 44(11) *Economic and Political Weekly* 17 (2009).

<sup>21</sup> Shraddha Chigateri, "Labour Law Reforms and Women's Work in India: Assessing the New Labour Codes From a Gender Lens" (Institute of Social Studies Trust, New Delhi, 2021), available at: [https://www.researchgate.net/publication/348729385\\_Labour\\_Law\\_Reforms\\_and\\_Women's\\_Work\\_in\\_India\\_Assessing\\_the\\_New\\_Labour\\_Codes\\_from\\_a\\_Gender\\_Lens](https://www.researchgate.net/publication/348729385_Labour_Law_Reforms_and_Women's_Work_in_India_Assessing_the_New_Labour_Codes_from_a_Gender_Lens) (last visited on April 29, 2023).

The Preamble to the Code on Social Security 2020 declared its goal of extending social security to all employees and workers in both the organised and unorganised sectors. However, the final Code that was enacted was mostly an amalgamation of previous legislation dealing with social security. The Code has provided a range of schemes, without establishing a mechanism to ensure that they are registered and covered by each scheme.<sup>22</sup>

The Code on Occupational Safety, Health and Working Conditions perhaps best exemplifies the issues about the law reform process – it seeks to integrate a range of diverse laws that serve different purposes and does not adequately deal with the issues of occupational safety, health and working conditions of the vast number of informal women workers.<sup>23</sup>

Overall, the labour law reform process has failed to address the needs of informal workers, and of informal women workers. Now groups of informal women workers will have to push for their rights as workers as there is uncertainty since the reforms are so recent. There are some broad issues that any law reform process in the future will have to engage with to address the concerns of informal women workers and to realise the rights of women as workers:<sup>24</sup>

Recognise women's work in all its complexity: Women engage in multiple economic activities, both paid and unpaid, and as self-employed and home-based women workers.

Recognise the gendered discrimination faced by women workers. There exists gendered occupational segregation and wage discrimination in the economy. A push needs to be given to measures such as as-non-discrimination in employment, and payment of wages, which must constitute the foundation of any reform in the unorganised sector.

Recognise other women's collectives, such as women's cooperatives, especially for self-employed women.

Recognise a justifiable right to social security for women in the unorganised sector.

Providing a voice and representation for informal women workers is critical to addressing the complexities of women's work to be properly tackled by law. There is a need for representation and dialogue between the institutions created by the law and women's collectives and cooperatives.<sup>25</sup>

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<sup>22</sup> *Supra* note 21

<sup>23</sup> *Ibid.*

<sup>24</sup> *Ibid.*

<sup>25</sup> *Supra* note 21

## IX. Non-Governmental Organisations (NGO)s and Women

There have been some remarkable non-governmental initiatives to provide assistance to the women artisans and improve their conditions. Such initiatives by these organizations/NGOs, need to be promoted and expanded to cover the entire region so that the much-needed help and benefits can be accrue to all women artisans. Some notable bodies/NGOs which have made commendable contributions in this sphere are as mentioned below:

### **Self-Employed Women's Association (SEWA) Model**

It was initiated by Smt. Ela Bhatt in 1972, SEWA is a network of organizations that has developed into a movement. This movement in the informal sector of women workers is the convergence of three kinds of movements: the cooperative movement, the women's movement and the labour movement.<sup>26</sup> SEWA is inspired by Gandhian ideology and principles, and the twin objectives of 'full employment' (at the level of home) and 'self-reliance' constitute its foundation stones. Here, the concept of 'full employment' denotes security of work, adequate monetary returns, and security of food and moves further to include the concept of social security. 'Self-reliance' here denotes individual and cooperative power at all levels: socio-economic, political as well as ideological.

### **Sewa Mithila**

Sewa Mithila was the first NGO set up in Madhubani by Gauri Mishra in 1983, a branch of the Self-Employed Women's Association (SEWA). The objective was to promote Madhubani paintings at the global level and simultaneously empower the women of Madhubani. It concentrates on ensuring rightful income generation for the women painters of Mithila. It has about 5000 members who have transferred their paintings from walls to paper and cloth. Most of their sales in India are done by means of their networking with the Dastkari Bazar. Sewa Madhubani has been instrumental in advocating other issues related to women along with Madhubani art such as women's education, health and nutrition, prenatal care, campaign against dowry and religious tolerance. Similar kinds of NGOs are required to be set up in other places in Bihar to help the women artisans.

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<sup>26</sup> *Supra* note 6.



**Bihar Mahila Udyog Sangha (BMUS)**

This is an organization of women entrepreneurs associated with home-based and small-scale production. It was registered as a society under the Societies Registration Act in 1995. The BMUS is actively associated with numerous women entrepreneurs throughout Bihar. It gives the women opportunities to exhibit and market their products by means of Udyog Melas organised twice a year. This is very significant as women entrepreneurs, being mostly based in their homes, face a lot of problems in marketing their product.

**Organisation Adithi**

The organisation Adithi has focussed on the economic rights of women as well as the practice of female infanticide. It was instrumental in organising women artisans who made beautiful Sujani quilts but had limited access to the market. It was due to its efforts that Sujani is a well-known name all over the country.

**X. Suggestions**

To give a boost to the women artisans, various positive and proactive measures are required to be undertaken on a priority basis, such as:

Some of the Governmental agencies are playing an important role in providing various facilities and support to these women artisans. Notable among them are the Office of the Development Commissioner (Handicrafts), the Ministry of Textile, and the Government of India. However, it is a fact that the Government has not been able to fully or satisfactorily address the problems faced by the women artists. The benefits of the schemes launched by the Government have only partially reached these women.

The Government, therefore, needs to take various initiatives to ameliorate the problems of the women artisans. Adequate loan facilities and subsidies must be made available to them, and improved marketing facilities are extended to them. There is also a pressing need for the provision of suitable special training to budding artists to enhance capacity building and enable them to make better and more sophisticated products.

The Department of Rural Development, Department of Urban Development and District Industry Centre (DIC) should, besides providing help in resolving their various problems and

difficulties, organize capacity building programme among these artisans and provide a working shed to them so that they can work collectively at a place.

There exist a few bodies and organizations, albeit in a minuscule number, which boosts the efforts of these artisans. The Gram Vikas Parishad located at Ranti, Madhubani for instance, gives training on Madhubani painting to the artisans, provides raw materials to artisans, collects their products and facilitates sales at their outlet at GVP, Ranti, Madhubani. Such measures need to be made available to all the artisans at all places and the Government should set up or support such organizations so that the efforts to improve the condition of these artisans percolate, widen and reach them.

Villages or towns inhabited by a sizable population of artisans should be announced as Shilpi Gram or Shilpi Nagar and the required facilities and infrastructure should be put in place at these locations to provide the much-needed facilities to the artisans for developing their craft. Adequate marketing facilities, like Common Facility Centres/Emporium/ Marketing Union/Growth Centres and Rural Haats, should be put in place at the district & state level.

The women artisans in the informal sector may also organise themselves into groups like self-help groups or cooperatives where women could put their resources together as this would help them get the funds and the credit facility, facilitate marketing of their products at the right price and help improve their overall condition. The formation of the cooperatives will not only help them get better returns in the markets but also ensure that they get higher opportunities to avail the various benefits accruing from the schemes launched by the Government for their betterment. NGOs should also be roped in and vigorously involved in facilitating the formation of Cooperative Societies and enhancing the capacity building of their members. However, there are not many Co-operative societies functioning in Bihar and especially women's Co-operatives are not active and prominent at all. As such, fillip may be given to the formation of cooperatives and Unions among the artisans. Such organisations can be created under various Acts such as the Bihar Co-operative Societies Act, 1935 and the Bihar Self-Supporting Co-operatives Act, 1996.

The Government or the banks should also provide loans with subsidies/at a nominal rate of interest to the artisans and issue Artisan Credit Cards to them as it would help tackle the capital crisis faced by these poor artisans.

Improved infrastructure, by way of measures like regular electricity supply, improved roads, equipping them with information technology skills and providing IT-related facilities, better education, health, and sanitation facilities, are essential prerequisites for improving the condition of these artisans. With education, women can earn more, and become better equipped to deal with the problems and harassment confronting them, which in turn would lead to their empowerment. They could even approach the authorities concerned directly regarding the problems and hurdles which they face. The women can develop their skills and seek support in finance, marketing etc to get better returns.

The Office of Development Commissioner (Handicrafts) Ministry of Textile, Government of India, has a scheme under which all the women artists are given identity cards which ensures the provision of various benefits such as skill training, health insurance etc to them.<sup>27</sup> However, it is pertinent to mention that very few women artisans possess these cards. Hence, it is necessary to provide identity cards to all the women artisans so that they can avail the various benefits envisaged for them.

Artisan clusters could be formed in each area along with a card which would prove to be beneficial for women as it would provide them with protection from the middlemen who sell their paintings but deprive them of their rightful profits. In these adverse circumstances, women artists are often forced to work at meagre rates or even leave the profession. The clusters would facilitate the provision of raw materials and access to market facilities as well as infrastructure. The National Institute of Fashion Technology (NIFT, Patna) should be entrusted with the responsibility of the development of the artisan clusters.

The women artisans need to be provided training in dealing with financial issues and effective management. They also need to be aware of the various schemes launched by the Government, the functioning of banks, issues related to the loans etc. The role of the middlemen in marketing the paintings need to be monitored closely. They need to be regulated to prevent the exploitation of the hapless artisans and to ensure that they get the right price for their products. Ensuring payment of proper prices to the women artisans, most of whom get very low earnings in comparison to their work and effort, is an ameliorating measure and will go a long way in

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<sup>27</sup> *Ibid.*

relieving their poverty. Hence, if they get a proper monetary return for their labour, their position will improve economically.

There is doubtless a lot of scope for generating higher levels of employment opportunities by taking measures to encourage and facilitate more and more people learn the art of Madhubani painting and adopt it as their vocation and means of income.

As the home is the workplace for the women artists, subsidies should be provided to them to upgrade their houses and working place with arrangements for proper lighting, and ventilation which will have a positive impact on their health and productivity.

There is also an urgent need to provide the umbrella of social security for the artisans because they belong to the unorganized sector but still lack social security programmes. The Government should also carry out a Census of artisans as it would provide baseline information regarding them and facilitate the initiation and execution of appropriate planning for the advancement of artisans. The difficulties and constraints faced in general by the handicrafts sector can accordingly be tackled through suitable policy measures as well as developmental activities.

The skills of the women artisans should be enhanced by providing them with training facilities. Simultaneously the women should be made aware of the contemporary designs in the market and be trained in the same. The women artisans need to be provided training in dealing with financial issues and effective management. They also need to be aware of the functioning of banks, loans, and other schemes launched by the Government.

Empowerment is a dynamic process that can alter the awareness and perceptions of women and provide opportunities for the development of the self in all domains of life. It facilitates women to have greater access to and control over resources, scope for autonomy and decision-making capacity as well as control over all aspects of their lives. Women are usually found to be lacking in respect of these parameters as they are often discriminated against by society which often acts as an obstacle to their socio-economic development. Hence, besides changing social norms and perceptions and the societal attitude towards women in general and women artists, it is imperative to make women realise their creative and productive potential so that they can play a more dynamic and meaningful role in the public sphere.

Recognition and appreciation for the work of women artists is equally vital as it would give a boost to their confidence and self-esteem and facilitate their empowerment. Their efforts and achievements need to be acknowledged by their families, community, the Government as well as at the national and international level.

### **XI. Conclusion**

The handicraft sector occupies a pivotal position in the Indian economy as it provides the largest source of employment next to agriculture. Though handicrafts have contributed immensely to the economy of the country, India's share in the world handicraft export is only about 2%, which needs to be enhanced.

The production of a work of art is a means of generating income for women who are currently largely constricted in their sphere of activity and lack mobility as they are burdened with household responsibilities and do not enjoy full rights and freedom. The role and effect of art forms, when looked at about economic aspects, has given rise to diverse opinions being articulated. Some have opined that women's art production has had a positive outcome as it has led to a revival of traditional designs and art forms. Another viewpoint put forth is that producing works of art for the market has led to a loss of tradition as the artists often take recourse to mass production of the works of art, which has inevitably led to commercialization and commodification of the traditional art forms.

The production of arts and crafts has an inherent advantage for women artisans as it is easily accessible to women. It incorporates and is based on the traditional skills that these women artists possess. It provides women flexibility in their working hours. The greatest advantage of art production is that it increases a woman's belief in their artistic talent and overall worth as an important segment of society. Art production elevates the woman artist's sense of self-esteem and independence; it provides them with creative avenues, autonomy, and expression. Simultaneously it also elevates the woman artist's status in their community and society and further also leads to generation of income.

The problems and issues faced by women need to be addressed at multifarious levels for their effective redressal. These talented women artists need to be appreciated for their talent and labour and they should be given the due price for it. There is also an urgent need to extend the

scope of the labour laws in the unorganised sector to ameliorate the condition of these women. It is also important to effectively modify the loopholes in the new Labour Codes and take measures for their effective implementation. All the required measures indicated above, if taken properly and comprehensively, would elevate the status of the women artists of Mithila in their community as well as the larger society and would also empower them in a big way.