CHAPTER ONE

Introduction

"All history attests that man has subjugated woman to his will, used her as a means to promote his self gratification, to minister to his sensual pleasures, to be instrumental in promoting his comfort; but never has he desired to elevate her to that rank she was created to fill. He has done all he could to debase and enslave her mind; and now he looks triumphantly on the ruin he has wrought, and says, the being he has thus deeply injured is his inferior .... But I ask no favour for my sex .... All I ask our brethren is, that they will take their feet off from our necks and permit us to stand upright on that ground which God designed us to occupy."

Sarah Grimke

According to Confucius, the subordination of woman to man was one of the supreme principles of government. Aristotle deemed the dominion of the male over the female, in our organization of the family, to be natural and necessary. He believed that the Head of the household is unmistakably man who

rules it, woman may be said to be an inferior man. The Hindu sage, Manu, condemned woman to eternal bondage. The German philosopher Nietzsche said, when you go to meet a woman, take your whip along. Under the Common law, women were treated as chattels. The Greeks, in their period of highest culture imprisoned their women within their houses and denied them all rights. The Spartans often destroyed women who could not give birth to healthy children. Even the most magnificent and civilized empire of Rome grated its women no legal rights. In Rome, husbands had absolutely control over their wives and treated them as their slaves. In the end it can be said that women everywhere suffered subordination and were assigned a purely functional role. Aristotle and Rousseau branded qualities like modesty, feminist and meekness as womanly and natural for the female sex. Plato did concede them an equal status in his Republic but that is a stray example.

From time immemorial, the women in this land of ours were treated as a sort of thing. Her placing in the society was not at par with other human being. She had no rights. She could not move nor could do anything at her will. In Hindu Shastras, she has been branded just like animals. From the verses of Ramayana as written by Mr. Tulsi Das, "Dhol, ganwar, shudra, pashu, naari- Ye sab tadan ke adhikari," one may easily draw inferences as to what status has been granted to the women. Similarly, we can understand that Dropadi in Mahabharata she was put at stake in gambling by none else than her husband Dharmraj

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3 Jain Devika, Indian Women, p.47.
4 Cobbold, Evelyn, Pilgrimage to Mecca, p.193.
Yudhishthar. In 'Manusmrati' also, the ancient Hindu Code-book, status granted to women is quite visible and she was put to the lowest rug of humanity as she was treated at par with the animals and slave by the proprietors of Hindu Dharma. Such was the placement earmarked to the women that the head of humanity bend upon down with shame.

That is why Dr. Ambedkar was of the firm opinion that until or unless, by applying dynamite, the Hindu Dharma-shastras are not blown up, nothing is going to happen for the upliftment of the women. In the name sanskaras, the Hindu women are tied up with the bondage of superstitions, which they carry till their death. They are also responsible for inculcating these wrong notions learnt by them through baseless traditions and preaching of the Shastras in the budding minds of their offspring.

Otherwise also the women in India have remained a matter of joy and a source of amusement as such she was used and misused by men just to serve their evil ends. She has been used just like a machine for procreation. It has also been mentioned in Hindu Shastras that the woman is the bond slave of her father when she was young, to her husband when she is middle aged and to her son when she is a mother. Of course, all the epigrams, aphorisms, proverbs, platitudes and truisms bear necked truth about the stature of women in India.

Though the necessity of reviewing Indian women's status across the historical phases is non-controversial, the task is fraught with innumerable difficulties. As historian Romilla Thapar remarks:
"Within the Indian subcontinent there have been infinite variations on the status of women diverging according to cultural milieu, family structure, class, caste, property rights and morals."6

One important point in understanding the value structure in Indian society is the dual concept of the female in Hindu Philosophy. On one hand woman is fertile, benevolent bestowal of property; on the other hand she is considered aggressive, malevolent and destructive. This dual character manifests in the goodness also, as there are dangerous, aggressive, malevolent goddesses like Kali and Durga; there are equally important goddesses like Laxmi, Saraswati, Mariamman who are benevolent.

According to Susan Wadley, there is logic in this concept. She says, "The female is first of all Shakti, (energy or power), the energizing principle of the Universe. The female is also Prakriti (Nature), the undifferentiated matter of the universe.". She further observes, " Uniting these two facets of femaleness, women are both energy/power and nature, and nature is uncultured ...... uncultured is dangerous."7

Veena Das says that in Shakti form the goddess usually stands alone and is not encompassed within a higher male principle. "The principle of power finds expression in the goddesses who represent 'shakti' who come to the aid of man

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and the gods in periods of cosmic darkness, by killing the demon who threatens the cosmic order."  

It does not mean that no efforts have been made in the past to bring dignity to women. As in Europe, Christianity inaugurated the Era of equality, liberty and fraternity by preaching that a prince and pauper are equal in the eyes of God. There is also a very long tradition of social reforms by our saints and other social reformers. But the proprietors of the orthodoxy thwarted these efforts. In the absence of any legal sanction or authority, these efforts could not sustain.

In this direction Dr. B.R. Ambedkar had tried to break down the barriers in the way of advancement and upliftment of women in India. He laid down the foundation of concrete and sincere efforts by codifying the common Civil Code for the Hindus and the principle is capable of extension to other sections of the Indian society. Prior to these efforts of Dr. Ambedkar, the destiny of the Indian women depended upon the wrong notions and perceptions chalked out by the proprietors of orthodoxy.

The prevailing two schools of Hindu Law viz. 'Mitakshara' and 'Dayabhag, created and sustained inequality. According to 'Mitakshara' the property of a Hindu is not his individual property. It belongs to what is called coparceners, which consists of father, son, grandsons and great grandsons by reason of birth. The property passed under Mitakshara by survivorship to the members of  

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8 Veena das, the Mythological Film & its Framework of Meaning, in India International Centre, Quarterly, Vol. 8, No. 1, 1981.
coparceners who remain behind, and does not pass to the heirs of the deceased. Whereas Dayabhag recognised the property held by the heir as his personal property with an absolute right to dispose it of either by gift or by will or any other manner that he chooses. The chaotic conditions of the Hindu law were reduced to eat propositions in the form of judicial pronouncements and codification was the legislative recognition of the judge made law. Dr. Ambedkar himself had explained lucidly the reasons for consolidation and codification.

Article 25 of the Indian Constitution permits all the freedom. The reforms introduced by Dr. Ambedkar through "Hindu Code-bill" have been adhered to and have been accepted by and large. He, by codifying Hindu Law in respect of marriage, divorce and succession, rationalized and restored the dignity to women. Prior to the Hindu Succession Act, 1956 and Hindu Marriage Act, 1955, the Hindu Law was uncodified in a large measure, though Hindu Women's Right to Property Act, 1937 was the subject legislative intervention. The Sharda Act is also worth mentioning. It has set the seal of authority upon that piece of social reforms, which the heads of orthodoxy were, imposing and impending.

In Hindu Code Bill, the principles of codification covered:

(i) Right to property,
(ii) Order of succession to property,
(iii) Maintenance, marriage, divorce, adoption, minority and guardianship.

Needless to say, the Bill was a part of social engineering via law. It was by any standard of any time a revolutionary measure. It was really a first step towards the recognition and empowerment of women in India. Under these revolutionary measures, a woman will have property in her own right and be able to dispose of her property.

Dr. B. R. Ambedkar in the Constituent Assembly introduced the Hindu Code Bill on 11th April 1947. A debate on this bill continued for more than four years and still remains inconclusive. Here once again, the orthodoxy prevailed upon the reforms. In the words of Dr. Ambedkar, it was killed and died unset and unsung. He felt that the then government was not eager to clear the Hindu Code Bill. He, therefore, tendered his resignation but continued to participate in the Parliamentary debates on the request of the Prime Minister. The Times of India on 26th December 1950 carried a statement of Dr. Ambedkar in which he said that the Bill aimed at removing the legal obstacles in the social advancement of women. Justice P.B. Gajendra-gadkar while congratulating Dr. Ambedkar for the role he had played in drafting and piloting the Bill said, "If Dr. Ambedkar gives us Hindus our Code, his achievement would go down in history as a very eloquent piece of poetic justice indeed."

In recent past, a lot hue and cry is being made over 'Women's Reservation Bill' by the different sections of the Indian society, different political or apolitical
organizations but nobody seems to be honest in its perspectives. The political empowerment is a must for the all round development of the women, but as in the case of dalit politicians and legislators, our efforts may prove futile. We must concentrate on imparting social education before giving any concrete shape to their political empowerment to the women. Without academic and social education, the political empowerment of women in certain parts of the country had proved futile. In Panchayati Raj set up in U.P. and elsewhere in the country, the uneducated women are subjected to exploitation at the hands of government machinery. It will not be prudent on our part to restore the rights of the women belonging to the affluent section of the society only. Therefore, our efforts should be directed towards all round development of each and every section of Indian women by giving their due share. It is a must to maintain and protect chastity, dignity and modesty of women. It is the need of the hour to give due share to each and every section of the Indian women. One thing is for sure that without removing social stigma, no progress or development could be achieved.

Now the question arises as what sort of empowerment our women needed prior to restarting their equal property rights? There are lots of nodal agencies including the National Commission for Women said to have been working for the welfare of the women apart from governmental efforts. Where does they reach in this direction? Leaving a meager number of urban and suburban women, the Indian women are still crying for simple justice. Which is not even allowed to
have been accessed to them. With their age, no bar, they have been kicked, 
killed, subdued & humiliated almost daily. Why? Because of our indifferent 
attitude towards them. This indifferent attitude and approach of our crops up at 
the time of the birth of female child. They are subjected to rebuke and ignored so 
far as their education and other facilities are concerned which are required for 
their proper and healthy growth/development. The male child is given preference 
over the female child? With this attitude of our own, we use to suppress and 
remained unfair towards the fair sex.

Pursuant to the request by the United Nations General Assembly to 
prepare a report on status of women in the country, a Committee on the Status of 
Women in India (CSWI) was constituted in 1971. The terms of reference of the 
Committee were:

(a) To examine the Constitutional, legal and administrative 
provisions that have a bearing on the social status of women, their 
education and employment.

(b) To assess the impact of these provisions during the last two 
decades on the status of women in the country, particularly in the 
rural sector, and to suggest more effective measures.
(c) To consider the development of education among women and determine the factors responsible for the slow progress in some areas and suggest remedial measures.

(d) To survey the problems of working women, including discrimination in employment and remuneration.

(e) To examine the status of women as housewives and mothers in the changing social pattern and their problems in the sphere of further education and employment.

(f) To undertake survey or case studies on the implications of the population policies and family planning programmes on the status of women.

(g) To suggest any other measure which would enable women to play their full and proper role in building up the nation.

The Committee submitted its report entitled 'Towards Equality' in December 1974. The report has been a landmark in the social history of India heralding a conscious change in attitudes, behaviour, law establishment of special institutions and creating both infrastructure and environment for equality for women.
The report served as an eye-opener for the government, lawmakers, experts and activists in the field and the community as a whole on the low status of women on many counts and on the wide gulf between what was intended in the Constitution of India and what prevailed on ground in terms of laws, conventions and practices. Equality seemed a distant goal. The Committee observed:

"The review of the disabilities and constraints on women, which stem from socio-cultural situations, indicates that the majority of women are still very far from enjoying the rights and opportunities guaranteed to them by the Constitution ....... The social laws, that sought to mitigate the problems of women in their family life, have remained unknown to a large mass of women in this country, who are as ignorant of their legal rights today as they were before Independence."9

The CSWI's report, Towards Equality, became the 'Founding Text', a landmark in the women's movement in the country, as did the Feminine Mystique of Betty Friedan in the USA. The paradigm of women's development did undergo a sea change since the report. The approach of mainstreaming and empowering

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women in a holistic manner through an overall and comprehensive perspective was clearly a development after the report, especially since the eighties.

The National Commission for Women was established, which undertook another detailed mission to find out the status of women after the CSWI's report, Towards Equality. In its report, Towards Equality – The Unfinished Agenda – Status of Women in India, 2001, the Commission has made detailed recommendations.

Nowadays empowerment of women is a widely popular and so far unquestionably accepted concept amongst the Third World feminists, including Indian ones and has to take the mind out of the sails of the momentum of the ideology and practice of social movements - been promptly cooped by the Indian establishments. So, we have calls for, and attempts at, the "empowerment of women - political, social, economic and cultural" by the Indian Women's Movements, if the goings on of a multitude of desperate, autonomous groups without sufficiently coordinated voices and uniform practices congregating only occasionally on certain issues, can be called a movement at all. Magnanimous, paternalistic assurances by the Indian Government of such empowerments of the country's womankind who, due to lack of deeper enquiry and insight, have been sweepingly proclaimed as unexceptionally powerless by Indian feminists and the academic authors of the at-present market flooding "women's studies".
A persistent, pressuring competition for greater assimilation of power had been unleashed so much so that the desired balance of power, in fact, became a 'balance of terror'. It can, therefore, perhaps in all surety be assured, that the abrasive power game would also not cease between the two genders even if a balance of power does somehow come to pass between the two men and women. It also seems quite evident that as long as power is allowed to mediate relationships, conflict and one-upmanship will not cease. But feminists will turn around and say power exists and is to be found to be playing a role in the construction of all social relationships. It is in this non-understanding of the social construction of reality that the root cause of the Third World feminist's misconstruction of their concept and goal of 'empowerment of women' lays.

Since power has been proclaimed and propagated as a given, attempts have been made by some, who wish for a more egalitarian state of affairs, to demise strategies that would distribute power evenly in such a way that peace and harmony will prevail. Power generates crass competition and power game amongst the powerful. In the firm belief that power cannot be done away with, it is not even thought of to devise strategies that aim at banishing power as a reality from human conduct and the absolescentising of the concept from the corpus of human knowledge to strike a death blow at the very roots of the causes that give birth to the ability to dominate, overwhelm and subjugate to power, which is very much given to human beings to do and is a definite possibility if they so will to.
Power has been allowed to gain ascendancy by human machinations but human efforts can lead to its diminution and to the creation of abilities that help in generating aptitude to tolerate differences lead to co-operation, kindness, understanding and love. These abilities can also be made to ascend by human beings in human conduct and power made to decimate. As long as power and its concomitant competition are allowed to be the bricklayers of human relationships can never be conflict free, imbued, with gracious give and take and a richer way to love and be loved. This is true of gender relationships as well in which power struggle should be made to disintegrate completely and replaced by more humane, constructive and enriching dispositions. This will certainly not happen by the ‘empowerment of women’ which one feels is a mis-construct having its genesis in a patriarchal mind-set and lexicon, which apparently have such deep roots that they orientated even the thinking and actions of those who genuinely want to change the subordinating and super subordinating order.

The Third World women’s movement and Indian women’s liberation groups need to develop in the place of ‘empowerment’, which implicitly contain within its conflict generating competition hierarchical and one-upmanship. That is because this will thus not bring about the cessation of gender power-play, more integrating and cementing concepts that emphasise caring and sharing, a living with plurality and a multi level enrichment and dignified co-existence of both the genders and ensure the demise of gender politics once and for all.
CONTEMPORARY INDIAN WOMEN MOVEMENT

The women's movement has its roots in the pre-independence era in the social reform and independence movements of the late eighteenth and early nineteenth century. Reformers such as Raja Ram Mohan Roy, Jyotiba Phule and Savitri Bai Phule played a pivotal role in addressing the issues such as sati, child marriage, widow remarriage, and women's education. In 1920, the All India Women's Conference was set up, which was involved in the struggle for independence and addressed issues of women's education and the right to vote.

Having been closely linked to the nationalist movement, the women's movement also stagnated in the period after independence. A sense of complacency set in as women's organisations were closely linked to political parties, particularly the Congress Party which came into power after gaining independence.

Only in the mid-seventies was there a renewed interest in issues related to women's status. The document Towards Equality brought out in 1974 by the Committee on the Status of Women revealed that contrary to expectations women's position had not changed significantly since independence. Once again...
various movements raised concerned voices regarding the position and rights of women in Indian society.

The contemporary women's movement is a wide and varied field consisting of organisations and forums of different types, and functions through creating different networks. The issues taken up have ranged from rape and sexual assault, domestic violence, impact of health policies, hazardous contraceptive technologies, impact of structural adjustment policies, rise of right wing politics, sexuality and many other issues.

The seventies consisted of various scattered movements that addressed issues ranging from the creation of the Self Employed Women's Association and their struggle for equal wages to the Chipko Movement's effort to raise the issue of a woman's right to land to campaigns against price rise in Maharashtra and other states. Towards the end of the 1970s and the beginning of 1980s various women's groups and organisations were set up in several cities across the country. Women's organisations were active on a whole range of issues, which they saw were inter-linked to control over women's bodies. They took up the issues of rape, domestic violence, dowry, personal law, sati and fought for the creation of new women-sensitive laws or amendments to existing laws. This
period was also significant for bringing into the public sphere issues, which had hitherto been seen as private issues. Various strategies were used including public campaigns, demonstrations and street theatre, consciousness raising workshops, study circles, advocating for legislative changes etc.

The eighties began with the first National Conference of the Women's Movement that addressed the issue of rape and abuse of women. The Mathura Rape Case in 1980 ended the silence on violence against women. Finally, in 1983 an amendment was made in laws pertaining to rape. Among the provisions was a minimum seven years imprisonment. However, these laws still remain steeped in patriarchal notions of women's sexuality and are ineffective and sustained advocacy efforts to amend and implement these further continue.

When it came to domestic violence, women's groups were successful in their struggle to introduce a legal provision which established this as a crime which the police were obliged to register and act upon -Section 498 A under the Indian Penal Code (IPC). Under this violence inflicted on a woman by her husband or his family was declared a non-bailable, non-cognizable offence.

Dowry as an issue was taken up by women's groups in the 1980s and it brought to light the extent of dowry giving and receiving and the amount of violence women faced as a result of dowry negotiations between families. Women's groups brought to light the phenomenon, which has come to be known
as dowry deaths women who are murdered by their marital family for not bringing in enough dowry. In 1984 and 1986 the Dowry Prohibition Act of 1961 was amended partly in response to the demands of the womens movement. One significant amendment stated that an official inquiry would be conducted if the wife died within seven years of marriage. If found guilty of dowry harassment the husband (and co-accused) faced seven years in jail as well as fines. Some of the other important decisions taken were those surrounding stree dhan (the gifts given to the bride by her parents, husband and in-laws).

Personal law was addressed in 1985 with the Shahbano case. It raised the issue of divorce (talaaq) and maintenance of Muslim women. Despite official roadblocks the Supreme Court gave a landmark ruling. It established the right of a Muslim woman to maintenance. In 1988, the issue of sati came to the forefront with a case in Rajasthan, which was highlighted in the media and was taken up by womens movements. Both these issues also led to confrontation between womens movements and right wing forces, which continue.

Womens reproductive rights were addressed in the campaigns against the introduction of hazardous contraceptives. Womens groups raised questions on the safety of hormonal contraceptive technologies, of the way in which clinical trials were carried out, on notions of informed consent and on general issues of womens health, especially poor women who were being addressed by the family planning programme. Further, womens health activists critiqued the fact that
women were only addressed by the health care system as reproductive beings, and their other health needs were not given importance. The eighties was a time of great energy and ferment within women's movements and brought into the public domain many issues, which had hitherto not been seen as political issues.

If the slogan of the eighties was the personal is political, in the nineties it was all issues are women's issues. The imposition of Structural Adjustment Programmes under the regime of the IMF and the integration of India into the global economy resulted in an upheaval of the economy. These had repercussions on people's lives in many ways. This process has continued into the new century and we are facing the impact of this in all sectors agriculture, industry, health, education etc. The conjunction of these forces with patriarchy worked to further oppress women and other marginalised groups. This opposition has gained in momentum and has it been globalised.

There was also internationalisation of the issues of women's rights, which was further strengthened by the different World conferences of the United Nations. The Conference on Human Rights held in Vienna in 1992 was a significant landmark for the recognition of women's rights as human rights. The politics of population growth and control was further brought out at the international level in the 1994 UN International Conference on Population and Development. And in 1995 the World Conference on Women in Beijing further strengthened women's networking around the world.
The nineties was also a period of the rise of the right the world over and India was no exception. We saw the coming to power of a right wing party led coalition government in 1998. But the politics of the right wing had already spread its influence far by then. In 1992, India witnessed the demolition of the Babri Masjid, a mosque purportedly built upon a Ram temple. This event marked a watershed in the rise of belligerent religious communalism in contemporary India. This trend of religious fundamentalism has serious implications on women's lives as we have seen throughout history that women's bodies are the battlegrounds of communal wars. The communal carnage in Gujarat in 2001 only highlighted the way these wars are fought upon women's bodies.

Today the women's movements in India are linked together through networks on different issues and campaigns. While older methods of protest and advocacy are still used, new methods of resistance and mobilization for change are being evolved, with new movements on sustainable development, regional peace movements, sex workers movements and environmental movements joining hands and continuing and strengthening our struggles for a just society.

(B) EMPOWERMENT OF WOMEN AND LAW
Social Change is an inevitable phenomenon of every society because social conditions never remain static. Social Change whether it comes through legislation or through judicial interpretation indicates the change in accepted modes of life, or perhaps a better life. The changing pattern does have an impact on the law and the life of a given society and law must keep pace with the changing socio-economic trends and political movements of the society, while at the same time preserving necessary balance between individual rights and duties. Thus, law and justice provide as potential force for the attainment of a progressive social change.

The exalted status of Indian women in ancient days suffered a setback in the medieval period. Social, economic and political factors played a major role in their suppression. Social inhibitions and discriminatory practices against them continued to exist during the 'enlightened and civilised' imperial rule. The leadership of independent movement was, however, committed to accord an equal status to women and give them a place of honour, and dignity in the society. Accordingly, the Constitution- the Fundamental law- as emerged out of the Constituent Assembly, treated both men and women equally and also provided for protective discrimination for women in view of their peculiar position in the human society.

The most important event after Independence has been the drafting of the Constitution of this country enshrining the principles of equality, liberty and social
justice. The framers of the Constitution were aware of the sociology of the problem of emancipation of the female sex. They realized that equality was important for the development of the nation. It was evident that in order to eliminate inequality and to provide opportunities for the exercise of human rights it was necessary to promote education and economic interests of women. It became the objective of the State to protect women from exploitation and provide social justice. All these ideals were enshrined in the Preamble of the Constitution. Under the leadership of Jawaharlal Nehru, it was directed to take a path of social change by guaranteeing formal equality, economic justice and making the State a welfare State.

The preamble of the Constitution of India resolved to secure to all its citizens justice — social, economic and political; liberty of thought, expression, belief, faith and worship, equality of status and opportunity; and to promote among them fraternity assuring the dignity of an individual and the Unity of the Nation. To attain these objectives, the Constitution guarantees certain fundamental rights and freedom, such as freedom of speech and expression, protection of life and personal liberty. Indian women are beneficiaries of these rights in the same manner as men. Articles 14, 15 and 16 ensure equality and prohibit discrimination on the basis, inter alia, of sex.

The Directive Principles of State Policy though are non-justifiable, are considered by the State in formulating policies and laws. Some of the directives
are providing free and compulsory education to children (now recognized as a fundamental right), providing adequate means of livelihood for men and women, equal pay for equal work, maternity reliefs. In short, Fundamental Rights and Directive Principles provide the framework to achieve the ideals of the Preamble. Fundamental Duties, too, recognize upholding the dignity of women as one of the duties.

Though the Constitution has provided equality of both the sexes men and women but biological condition of the female and developed sense of subordination demand extra protection for them. The reason is that women's physical structure and the performance of certain functions place her at a disadvantage in the struggle for subsistence and her physical well-being becomes an object of public interest and care in order to preserve the strength and rigor of the race. Thus, the law and justice demands additional privileges and safeguards for maintaining proper socio-legal status of women in the society.

(C) PROBLEM OF IMPLEMENTATION OF THE LAWS

After the independence many Acts have been passed for empowering and improving the conditions of women but these Acts remain only on the paper. The ineffectiveness of those laws can be attributed firstly to the fact that these laws have been framed more as a token gesture than from any genuine concern to
change the status quo of women. In some cases there have been wide disparity between the initial demands of the women campaigners, the recommendations of the law Commissions and the final enactment. Also while one organ of the state, the legislature has been over anxious to pass laws, the other organs, the executive and judiciary did not reflect this gesture in the implementation and interpretation respectively.

Thus there is a big gap in availability of legal rights of women and their actual enjoyment or implementation. Educational constraints and social backwardness of the majority of Indian women accounts for the great hiatus between their legal status and their actual position in life and society, and their failure to utilize legal rights available to them for improving their social status. Though the orthodox sections of Hindus and Muslims want to keep them in old convictions and conservative practices, but it is the duty of Government to provide protection against unhealthy and unsuited conditions by enacting and amending new law. Really there is a lacuna at least on the part of Government and also in implementing machinery.

Therefore, it is submitted that our laws enacted for the empowerment of women are bold but the machineries implementing them are poor. We can take the example of Child Marriage Restraint Act, 1929 and the Dowry Prohibition Act, 1961. Due to lack of implementing machinery both types of crimes i.e., child marriage, dowry offences and dowry death are increasing day by day.
Economic inequality and oppressive social division like caste, class, communal or religious separation have always effected women more adversely then men. Instead of reducing such inequalities and the power of these divisive institutions, some policies contribute to their expansion either deliberately or inadvertently. Such measures also have a negative impact on women's lives and freedom to exercise their democratic rights.

Apart from the contradictions, the centralising strategy ignores the current debates in Center- State relations, and the growing recognition of the need for great decentralisation and democratisation of the planning process, with coordination of investment and services at levels even below the district. In case of women's development, the situational diversity calls for far greater flexibility then centralised, streamlined programmes can provide.

The NPP (National Perspective Plan for women 1988 - 2000) acknowledged the need to increase women participation and representation in the political process and recommends 30 % reservation in “Legislatures and other administrative bodies and positions of power as a transitionally measures".
The second reason why the women's organisations recommended reservations in Panchayati Raj Institutions was to break the first barrier of fear, and resistance which have prevented rural women of different classes from entering the formal political process. The Prime Minister's speech at the National Conference on Panchayati Raj and Women, clearly conveyed the Government's acceptance of:

(i) 30% reservation for women;

(ii) Additional reservation for women within the reservation for SC & ST.

It is evident however that categorical imperatives constitutionalised by the Founding Fathers are not self acting but require appropriate State action in the form of laws. The State fulfilling its constitutional direction has enacted laws pertaining to various crimes in the fields of personal laws, labour laws and welfare provisions. Family courts have been established for speedy matrimonial disputes' settlement. A special Commission for women has also been established to monitor the status of women and laws pertaining to them.

Despite the progress, the war on inequality, discrimination, violence and unempowerment continues. The road to achievement and satisfaction is long and women have to continue their fight.