discriminated by the use of that term, whereas a Hindu husband, who lost his wife is not termed as a ‘widower’. Language is part of a culture and it also becomes a tool of oppression. Similarly agnates are preferred over cognates. Nevertheless, mother is made as a Class I legal heir, but father is only a Class II legal heir. Similarly, widow is a Class I legal heir.

III. LAW OF ADOPTION AND MAINTENANCE

The traditional Hindu law recognized the practice of adoption. For Hindus, marriage is considered as a sacramental one. The primary objective of marriage is to beget children, more particularly sons. It is believed that son or a ‘puthra’ is the person who is capable of redeeming his father from ‘puth’ or hell. A man is said to be a complete person only after marriage which entitles him to perform rituals along with his consort. The birth of a son makes a married man a complete Hindu. Since marriage, family and begetting a son are having religious connotations, the object of marriage is fulfilled when his spouse begets a son. In case a couple are unable to beget a son, the Hindu law provides an alternative remedy of adopting a male child as son. In the traditional Hindu law, adoption of a male child is more in vogue than the adoption of a female child.

There are several exclusionary practices that impose restrictions on Hindu women from adopting since the Hindu social system which is patriarchal recognizes and accords importance to males. Earlier Hindu females were not allowed to adopt. The Hindu Adoption and Maintenance Act, 1956, amended and codified the law relating to adoption. This Act removed some of the exclusionary practices which discriminated Hindu women. The 2010 Amendment removed some more discriminations attached to women. This Act deals with the capacities of a male Hindu and female Hindu respectively to take in adoption. They run as follows:

any male Hindu who is of sound mind and is not a minor has the capacity to take a son or a daughter in adoption. Provided that, if he has a wife living, he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind. Explanation-“If a person has more than one wife living at the time of adoption, the consent of all the wives is necessary unless the consent of any one of them is unnecessary for any of the reasons specified in the preceding proviso.87

87 Section 7 of the Hindu Adoption and Maintenance Act.
Section 8 of the Act deals with the capacity of a female Hindu to take in adoption. Accordingly,

Any female Hindu-
(a) who is of sound mind,
(b) who is not a minor, and
(c) who is not married, or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind, has the capacity to take a son or daughter in adoption.88

The new section 8 replaced the old section 8, which had prescribed the discriminatory exclusionary practice in the original Hindu Law of Adoption, 1956. The amended section is entitled as “the adoption by unmarried Hindu women.” Those women whose marriage was in sustenance were earlier not entitled to adopt on their own, except in giving their consent to their husbands for such adoption. The 2010 Amendment Act removed this exclusionary practice and entitled a married Hindu woman to adopt on par with her husband subject to the consent of her husband vis-à-vis. Thus the traditional exclusionary practice in adoption was removed enabling Hindu wives equal rights to adopt like their counterparts.

Giving off children for adoption by women was also not permissible under traditional Hindu law of adoption. The Act of 1956 removed this exclusionary practice to some extent by enabling a Hindu mother to give her consent to her husband for giving their child or children in adoption. The 2010 Amendment removed this disability too, thereby enabling a Hindu mother to give her children in adoption subject to the condition of her husband’s assent.

A critical and comprehensive reading of these provisions on adoption, highlight that as far as adoption is concerned, it is a matter to be dealt not by a single person, but by both, namely, the husband and wife in case of taking in adoption and father and mother in case of giving in adoption. The traditional patriarchal system discriminated Hindu women. However, these discriminatory exclusionary practices have been gradually removed by inclusive legislative measures and thereby the spirit of Articles 14 and 15 have been incorporated even in matters related to law and adoption.

88 Section 8, Ibid.
a. Maintenance

A Hindu woman as per the earlier Hindu laws was always a subordinate to male members of the family. As a daughter, a Hindu girl comes under her father’s control and guardianship, after marriage, she comes under the control of her husband. A widow comes under the control of her son and in his absence, under the eldest male head of the family. Women did not have an independent source of income. It was the responsibility of the family and the male members of the family to maintain the women, irrespective of their age. Except stridhana, women normally did not own property. The doctrine of women’s estate was in practice, which enabled Hindu women only to enjoy the fruits of property, but restrained them from alienating the property like absolute owners. Generally Hindu law deprived Hindu women to have economic power either by a regular income or through obtaining benefits from property on a regular scale. Women were economically kept weak and they remained at the mercy of the male members of the family.

The Hindu Adoption and Maintenance Act, 1956, declares that certain persons are to be maintained. Section 18 prescribes norms for the maintenance of wife. Section 19 regulates the maintenance of widowed daughter-in-law. Section 22 prescribes norms for the maintenance of dependants as listed in section 21. Section 18 entitles a Hindu wife to be maintained by her husband during her lifetime. This section also prescribes conditions under which a Hindu wife is entitled to have the right to live separately from her husband without forfeiting her claim to maintenance. Under section 125 of the Code of Criminal Procedure, a common code for people of all religions, a woman is also eligible to be maintained. That right given under section 125 cannot foreclose a Hindu wife’s right under section 18 of the Hindu Maintenance Act. However, the Act imposes a condition that, “a Hindu wife shall not be entitled to separate residence and maintenance from her husband if she is unchaste.” This condition is used as a weapon to deny Hindu women, the right to maintenance, since the term ‘unchaste’ has neither been defined nor explained.

90 Section 18 of the Hindu Adoption and Maintenance Act, 1956
91 Section 18(3), *ibid.*, 
The duty to maintain a widowed daughter-in-law, who is unable to maintain herself out of her own earnings or through other property, has been enjoined upon the father-in-law.92 A son is considered as a dependant as long as he is a minor, as per the definition for dependant son. A daughter on the other hand has to be maintained till she is married.93 An unmarried daughter whatever her age is a dependant, as per this section. It is obvious that it is a discriminatory provision differentiating a daughter from a son for the purpose of maintenance. Such protective discriminations are justified under Article 15(3).

The Hindu Adoption and Maintenance Act, 1956, originally removed some of the exclusionary practices prevailing against Hindu women. However, the patriarchal residues discriminating Hindu wives and Hindu mother in taking and in giving adoption was removed by the Amendment Act, 2010. As far as maintenance is concerned, right to be maintained is made as a legal right both under the Hindu Adoption and Maintenance Act as well as under the Code of Criminal Procedure. No Hindu husband is entitled to be maintained under these Acts. Of course under section 25 of the Hindu Marriage Act of 1955, both parties of the marriage namely husband and wife are liable to be maintained by the other party.94 The law relating to maintenance discriminates women positively and thereby entitles them to be maintained.

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92 Section 19, Ibid.,
93 Section 21, Ibid.
94 Section 25 of the Hindu Marriage Act, 1955, Permanent alimony and maintenance. (1) Any court exercising jurisdiction under this Act may, at the time of passing any decree or at any time subsequent thereto, on application made to it for the purposes by either the wife or the husband, as the case may be, order that the respondent shall pay to the applicant for her or his maintenance and support such gross sum or such monthly or periodical sum for a term not exceeding the life of the applicant as, having regard to the respondent’s own income and other property of the applicant, the conduct of the parties and other circumstances of the case, it may seem to the Court to be just, and any such payment may be secured, if necessary, by a charge on the immoveable property of the respondent.

(2) If the Court is satisfied that there is a change in the circumstances of either party at any time after it has made an order under sub-section (1), it may at the instance of either party, vary, modify or rescind any such order in such manner as the court may deem just.

(3) If the Court is satisfied that the party in whose favour an order has been made under this Section has re-married or, if such party is the wife, that she has not remained chaste or if such party is the husband, that he has had sexual intercourse with any woman outside wedlock, it may at the instance of the other party vary, modify or rescind any such order in such manner as the court may deem just.
IV. MINORITY AND GUARDIANSHIP

Prior to the introduction of the Hindu Minority and Guardianship Act, 1956, the Hindus and others were governed by the Indian Majority Act, 1875, for the purpose of marriage and adoption. Before the introduction of this Act, Hindus were governed by the traditional Hindu laws. The Guardians and Wards Act, 1890 was also in existence. It was in addition to the Hindu Minority and Guardianship Act. There are three types of guardians namely (a) Natural guardians; (b) Testamentary guardians and (c) guardians appointed under the Guardians and Wards Act, 1890. The law of guardianship regulates the provisions related to minor’s person as well as minor’s property. The natural guardians of a Hindu minor, in respect of the minor's person as well as in respect of the minor's property (excluding his or her undivided interest in joint family property),

are- (a) in the case of a boy or an unmarried girl-the father, and after him, the mother: provided that the custody of a minor who has not completed the age of five years shall ordinarily be with the mother; (b) in the case of an illegitimate boy or an illegitimate unmarried girl-the mother, and after her, the father; (c) in the case of a married girl-the husband; Provided that no person shall be entitled to act as the natural guardian of a minor under the provisions of this section- (a) if he has ceased to be a Hindu, or (b) if he has completely and finally renounced the world by becoming a hermit (vanaprastha) or an ascetic (yati or sanyasi) Explanation.- In this section, the expressions 'father' and 'mother' do not include a stepfather and a step-mother.\footnote{The Guardians and Wards Act, 1890.}

From the above section, the existence of the following discriminatory provisions can be observed. The father is the natural guardian for his children, whether a boy or a girl. Mother can be a natural guardian only ‘and after him’. In the case of a married minor girl, her husband is considered as the natural guardian. These are the exclusionary discriminatory practices that prevail to this day. No doubt the Minority and Guardianship Act removed some other discriminatory practices that prevailed in the Hindu society. Nevertheless, the exclusionary discriminatory practices discussed above, the leftovers of a patriarchal tradition are still legally in vogue.
In the case of an illegitimate boy or an illegitimate unmarried girl, mother is made as a natural guardian. Father is made as the natural guardian only ‘and after her’. This is a case of unfavourable inclusion of women and favourable exclusion of men as far as begetting illegitimate children is concerned and being branded as the wayward parent. Mother is given the custody of a child till it completes 5 years. The exclusionary discriminatory provision related to taking in and giving in adoption was removed by the 2010 Amendment to the Adoption and Maintenance Act. Similar provisions ought to have been introduced in the Minority and Guardianship Act also. The patriarchal hegemony still looms large in this domain as neither law nor society has reached a stage of providing absolute equality to Hindu women with reference to the guardianship rights.

The Preamble of the Indian Constitution declares to secure to all citizens justice, liberty, equality and dignity. Part III enumerated certain rights based on these goals like equality, freedom, right against exploitation, right to freedom of religion, cultural and educational rights of minorities and right to constitutional remedies. Superficially seen, it conveys that absolute gender equality and liberty is guaranteed. Consequent to the Preamblary declaration of liberty of ‘belief, faith and worship’, right to freedom of religion is guaranteed from Articles 25 to 28. Accordingly, “All persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.” The State is conferred with the power to regulate those religious practices which are related to economic, financial and political or other secular activity. Hindu religious traditions have deep rooted matrimonial practices, such as those related to marriage, minority and guardianship, maintenance and succession which are consequent to the matrimonial relations. Hindu marriages are considered as sacraments to this day.

The rights conferred by Article 25 related to religious practices are guaranteed. Accordingly, this right confers essential religious practices as a fundamental right. Hence, notwithstanding the right to equality and freedom, discriminatory matrimonial laws relating to marriage and divorce, adoption and maintenance, minority and guardianship and succession were allowed to continue. The legislative enactments

96 Section 6 of Minority and Guardianship Act, 1956.
discussed earlier revolutionized the traditional Hindu religious practices that are exclusionary and discriminatory against women and attempted to mitigate them. As and when need arose the Parliament and the Tamil Nadu legislature enacted laws to root out the existing discriminatory practices. There are two types of discriminations - one negatively depriving Hindu women and two positively protecting and promoting the interest of women in general and Hindu women in particular. Protective discrimination is guaranteed under Article 15(3). Article 25 of the Constitution on the other hand allows the negative exclusionary practices to be perpetrated in the name of religious freedom. The pattern of socialization and internationalization are the sustaining forces in the exclusions in socio-religious and economic domains.

V. FAMILY COURTS ACT, 1984

The republican Constitution of India and the subsequent legislative enactments introduced both by the Parliament and the Tamil Nadu legislative assembly were amended to include policies that exclude those exclusionary and discriminative social practices depriving women of their rights. More and more powers are conferred on women through legislations. Some discriminations have been removed, yet many more persist due to the patriarchal mindset. When such blatant violations of laws are brought to the regular courts, due to the pendency of a large number of cases, there is inevitable delay in getting justice. So the situation was that exclusionary legal practices were legally removed, but the benefits could not reach women and hence they are redundant.

Matters relating to law of marriage and divorce, adoption and maintenance, minority and guardianship are highly sensitive and time factor plays a vital role in gender justice. The Family Courts Act, 1984 was enacted to secure speedy settlement of disputes relating to marriage and family affairs. These courts have exclusive jurisdiction in the following matters.\(^{98}\) This Act attempts to resolve the matrimonial

\(^{98}\) 1) matrimonial relief, including nullity of marriage, judicial separation, divorce, restitution of conjugal rights, or declaration as to the validity of marriage or as to the matrimonial status of any person;
2) the property of the spouses or of either of them;
3) declaration as to the legitimacy of any person;
4) guardianship of a person or the custody of any person;
5) maintenance, including proceedings under chapter IX of the Code of Criminal Procedure.
issues through conciliation and settlement. Section 7 of the Act deals with the jurisdiction and section 8 deals with exclusion of jurisdiction and pending proceedings.

The legislatures both at the centre and the state of Tamil Nadu, are sensitive to the matrimonial rights of Hindu women. Having understood the sanctity of the family and the complexity of matrimonial relations, the Family Courts Act has provisions for in camera proceedings. In matters related to custody of children and maintenance, gender equality is still a long way to go. A positive change in the patriarchal attitude can bring in the change with so many protective laws.

6. PROTECTIVE CRIMINAL ENACTMENTS

The Constitution of India prescribes equality. But due to the secular nature of the Indian Constitution, in civil matters uniform and absolute equality remains an illusive goal. Uniform criminal law has been put into practice to deal with

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99 (1) Subject to the other provisions of this Act, a Family Court shall
   a. have and exercise all the jurisdiction exercisable by any district Court or any subordinate Civil Court under any law for the time being in force in respect of suits and proceedings of the nature referred to in the Explanation; and
   b. be deemed, for the purposes of exercising such jurisdiction under such law, to be a district Court or, as the case may be, such subordinate Civil Court for the area to which the jurisdiction of the Family Court extends.

(2) Subject to the other provisions of this Act a Family Court shall also have and exercise;
   a. the jurisdiction exercisable by a Magistrate of the first class under Chapter IX (relating to order for maintenance of wife, children and parents) of the Code of Criminal Procedure, 1973 (2 of 1974); and
   b. such other jurisdiction as may be conferred on it by any other enactment

100 Where a Family Court has been established for any area:
   a. no district Court or any subordinate Civil Court referred to in sub-section (1) of Sec. 7 shall, in relation to such area, have or exercise any jurisdiction in respect of any suit or proceeding of the nature referred to in the Explanation to that sub-section;
   b. no Magistrate shall, in relation to such area, have or exercise any jurisdiction or powers under Chapter IX of the Code of Criminal Procedure, 1973 (2 of 1974);

101 Section 8(c) of The Family Courts Act, 1984: Every suit or proceeding of the nature referred to in the Explanation to sub-section (1) of Sec. 7 and every proceeding under Chapter IX of the Code of Criminal Procedure, 1973(2 of 1974)
   (i) which is pending immediately before the establishment of such Family Court before district Court or subordinate Court referred to in that sub-section or, as the case may be, before any Magistrate under the said Code; and
   (ii) which would have been required to be instituted or taken before or by such Family Court if, before the date on which such suit or proceeding was instituted or taken, this Act has come into force and such Family Court had been established, shall stand transferred to such Family Court on the date on which it is established;

102 1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect to any of the matters
substantive and procedural criminal laws including preventive detention laws and the corresponding provisions relating to prisoners under preventive detention. Both the Indian Parliament and the State Legislatures are vested with the power to enact laws under these entries.

The Indian Penal Code was enacted under the British rule in India. By virtue of Article 372, all the pre-constitutional legislations are allowed to continue subject to certain conditions. Indian Penal Code continued to be the basic substantive law dealing with the criminal laws. Corresponding to the substantive law, the Code of Criminal Procedure of 1898, also continued to regulate the criminal procedure. To satisfy the needs of the changing times and to be in tune with the constitutional provisions, substantive criminal laws as prescribed in the Indian Penal Code have been amended periodically. The Code of Criminal Procedure of 1898 was repealed by the Code of Criminal Procedure of 1973. This procedural law too has been amended from time to time to fulfill the changing needs.

Both the Indian Penal Code and the Code of Criminal Procedure are uniform codes and treat persons of all religions equally unlike that of matrimonial laws. Nevertheless, these Codes are gender sensitive, wherein while providing equal provisions for persons of all religions, in certain matters they discriminate women positively in order to protect and promote their interest.

Offences related to dowry deaths and rapes are some of the offences dealt exclusively by according special protection. Punishment specifically for dowry death was introduced by way of an amendment in 1986 as section 304B and it runs as follows:

where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to

specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.
2. Criminal procedure, including all matters included in the Code of Criminal Procedure at the commencement of this Constitution.
3. Preventive detention for reasons connected with the security of a State, the maintenance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.
4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in Entry 3 of this list.
cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called ‘dowry death’, and such husband or relative shall be deemed to have caused her death.

In this section, the term ‘dowry’ is defined to have the same meaning as is provided in the Dowry Prohibition Act, 1961. The death of a woman within 7 years of her marriage is deemed to be dowry death, provided such death is due to the causes enumerated in section 304B. A minimum punishment of 7 years is prescribed for this offence. Generally an appropriate Judge of the criminal court is vested with the power to award punishment, which is not more than a particular period. But in case of dowry deaths, it is certain that the punishment shall not be less than 7 years. Corresponding to section 304B, section 113B was inserted in the Indian Evidence Act, by way of amendment. This section runs as follows:

when the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry; the court shall presume that such person had caused the dowry death.

It falls under Chapter VII of Burden of Proof. The basic presumption is that the onus of proof is always on the prosecution. But in the case of dowry death, “The court shall presume that such person had caused the dowry death.”

The practice of dowry has been an exclusionary discriminatory practice prevalent in the Hindu social system. In marriages a pivotal role it plays in fleecing the girl's family and enriching the boy’s family. The Dowry Prohibition Act, 1961 prohibits the giving or taking of dowry. The term dowry is defined to mean,

any property or valuable security given or agreed to be given either directly or indirectly- (a) by one party to a marriage to the other party to the marriage; or (b) by the parent of either party of a marriage by any other person, to either party to the marriage or to any other person, at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

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103 Section 304B(2), Ibid.,
104 Section 12 of the Dowry Prohibition (Amendment) Act, 1986.
105 Section 2 of Dowry Prohibition Act, 1961.
The Act appears to be gender neutral, but in a patriarchal social background, its implication is profound. Section 4 deals with the penalty for demanding dowry. However, section 6 deals with dowry as an asset benefitting the wife and her heirs. It is analogous to stridhana and is a protective section. It runs as follows:

(1) Where any dowry is received by any person other than the woman in connection with whose marriage it is given, that person shall transfer it to the woman— (a) if the dowry was received before marriage, within three months after the date of marriage; or (b) if the dowry was received at the time of or after the marriage, within three months after the date of its receipt; or (c) if the dowry was received when the woman was a minor, within three months after she has attained the age of eighteen years, and pending such transfer, shall hold it in trust for the benefit of the woman. (2) If any person fails to transfer any property as required by sub-section (1) within the time limit specified therefore, or as required by sub-section (3), he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to two years or with fine which shall not be less than five thousand rupees, but which may extend to ten thousand rupees or with both. (3) Where the woman entitled to any property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being: Provided that where such woman dies within seven years of her marriage, otherwise than due to natural causes, such property shall,— (a) if she has no children, be transferred to her parents; or (b) if she has children, be transferred to such children and pending such transfer, be held in trust for such children. (3A) Where a person convicted under sub-section (2) for failure to transfer any property as required by sub-section (1) or sub-section (3) has not, before his conviction under that sub-section, transferred such property to the woman entitled thereto or, as the case may be, her heirs, parents or children the Court shall, in addition to awarding punishment under that sub-section, direct, by order in writing, that such person shall transfer the property to such woman or, as the case may be, her heirs, parents or children within such period as may be specified in the order, and if such person fails to comply with the direction within the period so specified, an amount equal to the value of the property may be recovered from him as if it were a fine imposed by such Court and paid to such woman or, as the case may be, her heirs, parents or children. (4) Nothing contained in this section shall affect the provisions of section 3 or section 4.

Notwithstanding the view in section 6, the exclusionary discriminative social practice of dowry is a problem persisting to this day that could neither be wiped out through criminal legislation, nor by the Dowry Prohibition Act.

Another heinous offence committed against women is the crime of rape, which is defined thus:
A man is said to commit ‘rape’ who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the six following descriptions:— First — Against her will. Secondly — Without her consent. Thirdly — With her consent, when her consent has been obtained by putting her or any person in whom she is interested in fear of death or of hurt. Fourthly — With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married. Fifthly — With her consent, when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent. Sixthly — With or without her consent, when she is under sixteen years of age.\textsuperscript{106}

The punishment for such an offence was originally stipulated in section 376, which was subsequently replaced by an amendment in the year 1983, which runs as follows:

(1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the woman raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both: Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

(2) Whoever, (a) being a police officer commits rape (i) within the limits of the police station to which he is appointed; or (ii) in the premises of any station house whether or not situated in the police station to which he is appointed; or (iii) on a woman in his custody or in the custody of a police officer subordinate to him; or (b) being a public servant, takes advantage of his official position and commits rape on a woman in his custody as such public servant or in the custody of a public servant subordinate to him; or (c) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a woman’s or children’s institution takes advantage of his official position and commits rape on any inmate of such jail, remand home, place or institution; or (d) being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital; or (e) commits rape on a woman knowing her to be pregnant; or (f) commits gang rape, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine: Provided that the court may, for adequate and special reasons to be

\textsuperscript{106} Section 375 of the Indian Penal Code, 1860.
mentioned in the judgment, impose a sentence of imprisonment of either
description for a term of less than ten years.

It is relevant to note that sections 376A, 376B, 376C and 376 D of the Indian
Penal Code were also introduced in 1983 by way of amendment. These sections
imposed severe punishment for those public servants and others who committed such
heinous offences.

As per the General Principles of Evidence Act, the onus of proof is on the
prosecution. But when a heinous crime is committed against women, the burden of
proof is shifted from the prosecution to the accused. The vulnerability of women and
the gravity of offences committed on them sensitized the legislators. Taking cue from
the constitutional safeguards given to women, they enacted strict provisions of law
both in its substantive as well as in evidentiary aspects. Corresponding amendments
have been made from the procedural aspects too.

The Code of Criminal Procedure was amended in the year 2005 to incorporate
section 164 A that deals with medical examination of the victims of rape in these
words.

(1) Where, during the stage when an offence of committing rape or attempt to
commit rape is under investigation, it is proposed to get the person of the
woman with whom rape is alleged or attempted to have been committed or
attempted, examined by a medical expert, such examination shall be
conducted by a registered medical practitioner employed in a hospital run by
the Government or a local authority and in the absence of such a practitioner,
by any other registered medical practitioner, with the consent of such woman
or of a person competent to give such consent on her behalf and such woman
shall be sent to such registered medical practitioner within twenty four hours
from the time of receiving the information relating to commission of such
offence.

(2) The registered medical practitioner, to whom such woman is sent, shall,
without delay, examine her person and prepare a report of his examination
giving the following particulars, namely-

(i) the name and address of the woman and of the person by whom she was
brought;
(ii) the age of the woman;
(iii) the description of material taken from the person of the woman for DNA
profiling;
(iv) marks of injury, if any, on the person of the woman;
(v) general mental condition of the woman; and
(vi) other material particulars in reasonable detail.

(3) The report shall state precisely the reasons for each conclusion arrived at.
(4) The report shall specifically record that the consent of the woman or of the person competent to give such consent on her behalf to such examination had been obtained.

(5) The exact time of commencement of completion of the examination shall also be noted in the report.

(6) The registered medical practitioner shall, without delay forward the report to the investigation officer who shall forward it to the Magistrate referred to in Section 173 as part of the documents referred to in clause (a) of sub-section [5] of that section.

(7) Nothing in this section shall be construed as rendering lawful any examination without the consent of the woman or of any person competent to give such consent on her behalf.

It is an innovative section which stipulates that even a registered medical practitioner of a private hospital or a clinic is liable to conduct medical examination of the victim failing which he is liable to be punished. Thus legislatures have taken effective measures to protect women against this heinous crime.

Yet another gender protective amendment was inserted to the Indian Penal Code in the year 1983. It deals with husband or relatives of the woman’s husband subjecting her to cruelty and the punishments to be accorded in these words, “Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

A woman’s vulnerability is not only in the public domain. She is equally if not more vulnerable in the private domain especially since the perpetrators are known and trusted persons. The four walls of her home can at times imprison her and subject her to untold misery and suffering unknown to the outside world. This exploitation in the private sphere is more dangerous to women. To tackle that menace, this Amendment Act defined the term ‘cruelty’ and included all her relatives including the husband as offenders and made such offences punishable by imposing imprisonment for not more than 3 years.

Notwithstanding the legislative provisions against such heinous crimes, occurrence of events like Nirbhaya’s could not be prevented. One of the rapists

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107 Chapter XXA, with one provision Section 498 A was introduced.
108 Section 498A of the Indian Penal Code.
reported that they behaved so cruelly on the victim because instead of begging them to leave her, she defiantly shouted at them.\textsuperscript{109}

The Code of Criminal Procedure was amended once again in 2005 through which provisions for plea bargaining was introduced in Chapter - XXI A. This chapter has sections 265 A to 265 I. In a bid to protect the interest of affected women, the legislators framed it in such a manner that plea bargaining provisions available in this chapter do not “apply where such offence … has been committed against a woman.” While speedy justice and speedy disposal of cases happen to be the objective and intention of the justice delivery system, legislative enactments do not compromise on the quality of justice contemplated against offences committed on women.

It is obvious from the analysis made that the major criminal laws like Code of Criminal Procedure, Indian Penal Code and the Indian Evidence Act provide strict provisions so as to nullify the effects of the age old gender exclusionary practices existing in the criminal justice system. It is pertinent to observe that some minor criminal legislations have also been enacted to prevent offences against women like Eve Teasing Act 1994,\textsuperscript{110} Prevention of Sexual Harassment Act,\textsuperscript{111} etc.

I. THE PRE-NATAL DIAGNOSTIC TECHNIQUES ACT, 1994

Science and technology has deeply impacted the development of human civilization both positively and negatively. The pre-natal diagnostic test that facilitates the medical fraternity to detect sex of the unborn child inside the mother’s womb while detecting any disorder or complications of the foetus, has proved to be a death trap for the unborn child. In this male chauvinistic patriarchal society, with a deep rooted son preference and daughter abhorrence, this scientific development is used as a safe weapon to terminate the female foetus with the consent of the parents and with the connivance of doctors. The life of the female foetus is snuffed out in its mother’s womb, where it ought to have been protected and nourished. It goes to show that even

\textsuperscript{109} “Death sentence for all four convicts”, \textit{The Times of India}, 13 September 2013.

\textsuperscript{110} “eve-teasing” means any indecent conduct or act by a man which cause intimidation, fear, shame or embarrassment to a woman, including abusing or causing hurt or nuisance to, or assault, use of force on a woman.

\textsuperscript{111} sexual harassment includes such unwelcome sexually determined behaviour (Whether directly or by implication) as : a) Physical contact and advances; b) a demand or request for sexual favours; c) sexually coloured remarks; d) showing pornography; e) any other unwelcome physical, verbal or non - verbal conduct of sexual nature.
the so called safe haven’s can turn out to be dangerous for the females. To protect the unborn girl children from such hazards, this Act has been enacted by the Parliament in 1994.\textsuperscript{112}

The Preamble of the Act declares as follows,

An Act to provide for the prohibition of sex selection, before or after conception, and for regulation of pre-natal diagnostic techniques for the purposes of detecting genetic abnormalities or metabolic disorders or chromosomal abnormalities or certain congenital malformations or sex-linked disorders and for the prevention of their misuse for sex determination leading to female foeticide.\textsuperscript{113}

The techniques and procedures of conducting the test have been defined in this Act, along with definitions related to pre-diagnostic techniques thus,

pre-natal diagnostic test" means ultrasonography or any test or analysis of amniotic fluid, chionic villi, blood or any tissue or fluid of a pregnant woman or conceptus conducted to detect genetic or metabolic disorders or chromosomal abnormalities or congenital anomalies or haemoglobinopathies or sex-linked diseases.\textsuperscript{114}

Chapter II of the Act regulates Genetic Counselling Centres, Genetic Laboratories and Genetic clinics. Chapter III is on regulation of pre-natal diagnostic techniques. Section 4 of the Act runs as follows,

(1) no place including a registered Genetic Counselling Centre or Genetic Laboratory or Genetic clinic shall be used or caused to be used by any person conducting pre-natal diagnostic techniques except for the purposes specified in clause (2) and after satisfying any of the conditions specified in clause (3).\textsuperscript{115}

Section 4(2) stipulates the conduct of this test for the purpose of finding out certain abnormalities in the foetus.\textsuperscript{116} Section 4(3) also stipulates certain conditions regarding the person conducting the test and reasons for conducting the test.\textsuperscript{117}

The Act also stipulates that the consent of the pregnant women should be taken in writing and sex of the foetus shall not be revealed.

(1) No person referred to in clause (2) of section 3 shall conduct the pre-natal diagnostic procedures unless-

\textsuperscript{112} The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
\textsuperscript{113} Preamble, The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
\textsuperscript{114} Section 2(k), Ibid.
\textsuperscript{115} Section 4, Ibid.,
\textsuperscript{116} Section 4(2), Ibid.,
\textsuperscript{117} Section 4(3), Ibid.,
(a) he has explained all known side and after effects of such procedures to the pregnant woman concerned;
(b) he has obtained in the prescribed form her written consent to undergo such procedures in the language which she understands; and
(c) a copy of her written consent obtained under clause (b) is given to the pregnant woman.

2. No person including the person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives or any other person the sex of the foetus by words, signs or in any other manner.118

The Act prohibits Genetic Centres, clinics or laboratories from conducting tests to determine the sex of the foetus thus;

(a) no Genetic Counselling Centre or Genetic Laboratory or Genetic Clinic shall conduct or cause to be conducted in its Centre, Laboratory or Clinic, pre-natal diagnostic techniques including ultrasonography, for the purpose of determining the sex of a foetus;
(b) no person shall conduct or cause to be conducted any pre-natal diagnostic techniques including ultrasonography for the purpose of determining the sex of a foetus;
(c) no person shall, by whatever means, cause or allow to be caused selection of sex before or after conception.119

Chapter VII of the Act deals with offences and penalties. It prohibits advertisements relating to pre-conception and pre-natal determination of sex and punishment for contravention in these words:

“...No person, organization, Genetic Counselling Centre, Genetic Laboratory or Genetic Clinic, including clinic, laboratory or centre having ultrasound machine or imaging machine or scanner or any other technology capable of undertaking determination of sex of foetus or sex selection shall issue, publish, distribute, communicate or cause to be issued, published, distributed or communicated any advertisement, in any form, including internet, regarding facilities of pre-natal determination of sex or sex selection before conception available at such centre, laboratory, clinic or at any other place. ”120

The Act prescribes penalties for those persons who violate the provisions of the Act in these words-

Any medical geneticist, gynaecologist, registered medical practitioner or any person who owns a Genetic Counselling Centre, a Genetic Laboratory or a Genetic Clinic or is employed in such a Centre, Laboratory or Clinic and renders his professional or technical services to or at such a Centre,

118 Section 5, Ibid.,
119 Section 6, Ibid.,
120 Section 22(1), Ibid.,
Laboratory or Clinic, whether on an honorary basis or otherwise, and who contravenes any of the provisions of this Act or rules made there under shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to ten thousand rupees and on any subsequent conviction, with imprisonment which may extend to five years and with fine which may extend to fifty thousand rupees.\textsuperscript{121}

It is commonly believed that knowledge and scientific advancement would make human beings more humane and law abiding. But when it is related to females, this knowledge and technology adversely affects them by facilitating the perpetration of a ghastly crime in an organized manner. Law has to keep pace with the scientific advancement in order to protect and save the affected persons. This Act is one such legislative enactment that, while aiming at protecting the lives of the unborn female foetus ends in protecting the human civilization.

II. TAMIL NADU PROHIBITION OF EVE TEASING ACT, 1998.

Eve-teasing, is an offence that affects the lives of girls and women. Every girl and every woman would have undergone such an experience in her lifetime. It is quite rampant and also accepted as part of life. But in many places it goes beyond limits and hurts the girls and women who are teased. To protect them, the legislature of Tamil Nadu enacted the prohibition of Eve-Teasing Act in 1998.\textsuperscript{122} Eve-teasing is defined in this Act to mean, any indecent conduct or act by a man which causes or is likely to cause intimidation, fear, shame or embarrassment to a woman, including abusing or causing hurt or nuisance, to or assault or use of force on a woman.\textsuperscript{123}

The scope of this definition is very wide and includes any indecent conduct with a woman including a girl. The jurisdiction of the act is very wide and is applicable to all places whether public or private, including any premises whether public or private. It proclaims that, “Eve teasing at any place is prohibited.”\textsuperscript{124}

The penalty for indulging in Eve-teasing is prescribed as following:

“Whoever commits or participates in or abets eve-teasing in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theatre, park, beach, place of festival,
A careful perusal of this section reveals that the word ‘whoever’ is used which implies that whether the person is known or unknown, whether relative or an outsider, he is brought under the ambit of this section. Likewise the usage of terms in this section namely, ‘participates in’, or ‘abets eve-teasing’, implies that even silent member of a group is liable to be punished. Corresponding to section 3 which uses the term ‘any place’, section 4 has a wide connotation regarding the territorial extent of this Act.

Section 5 of the Act fixes responsibility on the management of any precinct to take steps to prevent eve-teasing and to act on the complaint of an aggrieved person by informing police. If eve-teasing occurs in public transportation, the Act imposes responsibility on the crew in preventing or in initiating appropriate criminal action against the offender. The driver of the vehicle in which an offence is reported is deemed to have abetted the offence and the vehicle is liable to be confiscated.

Section 8 of the Act stipulates that those provisions are in addition to and not in derogation of any other law for the time being in force. This Act is yet another effective legislative measure of the State of Tamil Nadu, which aims at protecting women from eve-teasing and ensuring the rights and dignity of women. Though this legislation is discriminatory, it accords protective discrimination and has a positive connotation.

III. THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013

This Act enacted by the Indian Parliament was the result of a sequence of events at the global as well as at the national level. At the global level, CEDAW was signed by many countries including India. This Convention requires State Parties to take all appropriate measures to eliminate discriminations against women. Consequent to this Convention, the Supreme Court of India in Vishakha v. State of Rajasthan,

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125 Section 4, Ibid.,
126 Section 5, Ibid.,
127 Visaka and others v. State of Rajasthan, AIR 1997 SC 3011
held that sexual harassment at workplace is a form of discrimination against women that violates the constitutional rights conferred on women. While deciding that case, the Supreme Court of India issued guidelines to ensure that such sexual harassments are prevented. Based on the provisions of CEDAW Convention as well as the Vishakha Guidelines, the Union Parliament enacted this legislation in 2013. This Act explicitly states that it is applicable to those harassments faced by women in working places. Its objectives are to prevent, prohibit and provide measures for redressal and the objectives of the Act are stated in the Preamble in these words.

“It is an Act to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.”

The Preamble further stipulates as follows:

WHEREAS sexual harassment results in violation of the fundamental rights of a woman to equality under articles 14 and 15 of the Constitution of India and her right to life and to live with dignity under article 21 of the Constitution and right to practice any profession or to carry on any occupation, trade or business which includes a right to a safe environment free from sexual harassment;

AND WHEREAS the protection against sexual harassment and the right to work with dignity are universally recognised human rights by international conventions and instruments such as Convention on the Elimination of all forms of Discrimination against Women, which has been ratified on the 25th June, 1993 by the Government of India.

In this Act, the terms ‘sexual harassment’, ‘aggrieved woman’, ‘employer’ and ‘workplace’ are some of the important concepts used that require proper understanding.

The term ‘Sexual harassment’ includes any one or more of the following unwelcome acts or behaviour (whether directly or by implication) namely:-

(i) physical contact and advances; or
(ii) a demand or request for sexual favours; or
(iii) making sexually coloured remarks; or
(iv) showing pornography; or
(v) any other unwelcome physical, verbal or non-verbal conduct of sexual nature.\(^\text{128}\)

\(^{128}\) Section 2(n) of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
From this definition it is obvious that any direct or indirect acts which are deemed to be unwelcome acts or behaviour in terms of issues mentioned from (i) to (v) amount to sexual harassment.

The term ‘Workplace’ is defined to include the following

(i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

(ii) any private sector organisation or a private venture, undertaking, enterprise, institution, establishment, society, trust, non-governmental organisation, unit or service provider carrying on commercial, professional, vocational, educational, entertainmental, industrial, health services or financial activities including production, supply, sale, distribution or service;

(iii) hospitals or nursing homes;

(iv) any sports institute, stadium, sports complex or competition or games venue whether residential or not used for training, sports or other activities relating thereto;

(v) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;

(vi) a dwelling place or a house.\(^{129}\)

The term workplace is given a wide connotation and is not confined to the four walls of an office rooms. It extends to places as well as dwelling houses even beyond departments.

‘Aggrieved women’ is defined to mean,

(i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;

(ii) in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house.\(^{130}\)

The most important point to be noted is that this definition does not confine only to working women of a particular employment, but extends to any other woman irrespective of the employment if such an incident occurred in the said place of employment. It extends to dwelling houses also.

\(^{129}\) Section 2(o), Ibid.,

\(^{130}\) Section 2(a), Ibid.,
Moreover, the employer is defined to mean,

(i) in relation to any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit of the appropriate Government or a local authority, the head of that department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit or such other officer as the appropriate Government or the local authority, as the case may be, may by an order specify in this behalf;

(ii) in any workplace not covered under sub-clause (i), any person responsible for the management, supervision and control of the workplace.

(iii) in relation to workplace covered under sub-clauses (i) and (ii), the person discharging contractual obligations with respect to his or her employees;

(iv) in relation to a dwelling place or house, a person or a household who employs or benefits from the employment of domestic worker, irrespective of the number, time period or type of such worker employed, or the nature of the employment or activities performed by the domestic worker.\textsuperscript{131}

Consequent to the term ‘employer’, the term ‘employee’ also has a wide connotation. According to Section 2(f), ‘employee’ means a person employed at a workplace for any work on regular, temporary, \textit{ad hoc} or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether, for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name;

Section 3 of the Act prescribes different modes of prevention of sexual harassment and prescribes that, ‘\textit{no woman shall be subjected to sexual harassment at any workplace.}’\textsuperscript{132} It is widely inclusive to mean that any woman irrespective of her employment anywhere shall not be subjected to this. The term ‘any workplace’ implies that it is not confined to the premises of a particular place of employment. Analogous to the provisions of the Factories Act, ‘Workplace’ implies ‘\textit{in the course of employment}’. Accordingly, if sexual harassment occurs in transit like in a bus or other mode of transportation provided by the employer, that place also constitutes any workplace. Therefore this provision has a wide connotation.

\textsuperscript{131} Section 2(g), \textit{Ibid.},
\textsuperscript{132} Section 3(1), \textit{Ibid.},
Section 3(2) provides deemed provisions that constitute sexual harassment. From the provisions discussed above, it is understood that this Act has given a broader meaning to the term sexual harassment and has a wider jurisdiction for the term ‘place of work’.133

Another interesting feature of this Act is the provision for a detailed inquiry into complaints. Chapter V from sections 12 to 18 deal with various provisions in this regard. Chapter VI imposes different duties on the employer to prevent, protect and ensure remedy to the aggrieved women.134

Chapter VII imposes duties and powers on district officers to enforce this Act in all workplaces. Further, it imposes liabilities on the Government to monitor and supervise such places of employment where sexual harassment is reported. The Government is vested with the power to supervise the implementation of this Act. Non-compliance invites penalty.135 Every offence under this Act is a non-cognizable offence.136 The constitution of internal committee or Local Committee has been made mandatory.137

The objectives of the Act are commendable. But in a situation where top level administrators are mostly men, affected women are still vulnerable. The prospect of losing job and being shamed victimizes the victims further. It seems to be a strong measure, but in a male chauvinistic society, it remains a paper tiger. In the days to come with rapid social transformation, women may be able to use this weapon to protect themselves in workplace.

**Penalty for non-compliance with the Provisions of this Act**

As per section 27, every offence under this Act is a non-cognizable offence. However, it is prescribed that, “no court shall take cognizance of any offence punishable under this Act or any rules made there under, save on a complaint made by the aggrieved woman or any person authorized by the Internal committee or Local

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133 Section 3(2), Ibid.,  
134 Section 19, Ibid.,  
135 Section 26, Ibid.,  
136 Section 27, Ibid.,  
137 Section 4(2), Ibid.,
Internal committee is to be constituted as per section 4 by the Employer accordingly

“The Internal Committee shall consist of the following members to be nominated by the employer, namely:

(a) a Presiding officer who shall be a woman employed at a senior level at workplace from amongst the employees:

Provided that in case a senior level woman employee is not available, the Presiding Officer shall be nominated from other offices or administrative units of the workplace referred to in sub-section(1):

Provided further that in case the other offices or administrative units of the workplace do not have a senior level woman employee, the Presiding Officer shall be nominated from other workplace of the same employer or other department or organization;

(b) not less than two Members from amongst employees preferably committed to the cause of women or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment.”

The Local Committee is constituted as per section 6. Its composition, tenure and conditions are prescribed under section 7. The objectives of the Act appear to be good and appropriate. But when it is put into practice, innumerable problems cropped up, which prevented the proper implementation of this Act. In a male chauvinistic world, women are entering into employment only from the recent part. Most of the appointees and top level administrators still happen to be men and in this scenario a woman worker would not normally have the strength, confidence and courage to make a complaint against the male authorities or officials at the cost of affecting her continuance in the same employment and losing her future livelihood. Like any other protective legislation, this legislation though it appears to be strong, is like a toothless tiger unable to bite the wrongdoer. However the process of social transformation is positive and rapid, educated and empowered women in days to come would use this weapon to protect themselves and their feeble sisters.

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138 Section 27(1), Ibid.,
139 Section 4(2), Ibid.,
140 Section 7, Ibid.,
Enacting criminal legislations prohibiting commission of offences against women is one dimension. As far as laws are concerned, there are plenty of them prohibiting the commission of offences against women. Enforceability of such laws is of paramount importance, which remains lacking and woefully inadequate most of the time. This victimizes the victims further and emboldens the offenders. Enforcement machinery has to be strengthened and this work has to be carried out systematically. Women’s organizations have a major role in acting as watchdogs of the enforcement agencies. National Women’s Commission and the State Women’s Commissions are the competent Governmental bodies that also work at ensuring the proper implementation of the enactments. The scope and ambit of some minor protective criminal legislations are discussed in this chapter.

Section 498 A of Indian Penal Code deals with cruelty towards women by husband and relatives. It is a criminal legislation which is narrow in its scope and the onus of proof is on the part of prosecution which requires that such offences are to be proved beyond reasonable doubt “Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.”

The Domestic Violence Act contemplates broadly as a civil legislation and attempts to secure the protection of women from domestic violence. This Act gives effect to the rights guaranteed under Articles 14, 15, and 21 of the Constitution to provide for remedy under the civil law which is intended to protect women from domestic violence. At the time of introduction of the bill, the urgency of such an act and the existing international instruments on that issue was pointed out in these words.

“The Vienna accord of 1994 and the Beijing declaration and the Platform for Action (1995) have acknowledged that domestic violence is undoubtedly a human rights issue. The United Nations committee on Convention on the Elimination of All Forms of Discrimination Against Women in its general Recommendation has recommended that state parties should act to protect women against violence of any kind, especially that occurring within family.”

The statement of objects and reasons of the Act declares that domestic violence is a human rights issue and a serious deterrent to development. It is widely prevalent, but remains largely invicible in the public domain. The Act defines the expression, ‘domestic violence’ to include, “actual abuse or threat or abuse that is

\[141\] Section 498A of Indian Penal Code, 1860.
physical, sexual, verbal, emotional or economic. Harassment by way of unlawful dowry demands to the women or her relatives would also be covered under this definition.\textsuperscript{142}

The scope of the term ‘domestic relationship’ has been widened. Accordingly, “it covers those women who have been in a relationship with the abuser whether both parties have lived together in a shared household and are related by consanguinity, marriage or through a relationship in the nature of marriage or adoption.” This definition includes all the family members of the joint family system, like widows, mother, single women and others. This Act provides for the rights of women to a secure housing. It also provides for the right of a women to reside in her matrimonial home or shared household, whether or not she has any title, or rights in such home or household.

\textsuperscript{142} Section 3 of the Protection of Women from Domestic Violence Act, 2005: Definition of domestic violence.-"For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it – (a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or (b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or (c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or (d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. Explanation I.-For the purposes of this section,- (i) "physical abuse" means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force; (ii) "sexual abuse" includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman; (iii) "verbal and emotional abuse" includes- (a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and (b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested. (iv) "economic abuse" includes- (a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household necessities for the aggrieved person and her children, if any, stridhana, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance; (b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and (c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household."
Protection officers have been created for the enforcement of the provisions of the Act and to ensure that the objectives are carried out. The Domestic Violence Act empowers the magistrate
to pass protection orders in favour of the aggrieved person to prevent the respondent from aiding or committing an act of domestic violence or any other specified act, entering a workplace or any other place frequented by the aggrieved person, attempting to communicate with her, isolating any assets used by both parties and causing violence to the aggrieved person, her relatives or others who provide her assistance from the domestic violence.\(^{143}\)

The Domestic Violence Act was introduced in accordance with the norms of CEDAW and is the result of the emergence of human rights movement both at the global as well as at the national level. It is intended to be a protective shield given to women to safeguard them in the private sphere. Human rights are conferred on persons not only against the state or other authorities, but also against persons. As far as this Act is concerned, protective rights are conferred on women even against their close relatives. It is a very important piece of legislation that will be a protective shield for women and will help them to mitigate the hardships endured by them in a patriarchal system. It breaks the invincibility of the sanctity of homes as areas beyond the reach of law. It penetrates through the thick walls of the homes if women are more vulnerable there. It is obvious that the number of litigations seeking remedies and protections under this Act has been increasing tremendously since the Act came into force.

The atrocities and discriminations a woman is subjected to, begin from her mother’s womb. If a woman is carrying a female foetus, which the parents and society consider as unwanted, its life is snuffed out in the same womb that is supposed to protect and nourish it. The birth of a girl child in the land of ‘son worshippers’, is not an occasion to rejoice. That pent up anger of the near and dear including parents on the birth of a girl lead to many discriminations and exclusions. Just like the womb, home is normally a safe haven to its inmates, but for many girls their tryst with hell begins here within the four walls of their homes. That intensifies after marriage.

\(^{143}\) The Protection of Women from Domestic Violence Act, 2005.
A married woman is shorn of her individual identity and has to forego whatever little rights, interests and privileges she had in her natal house. Uprooted to a new hostile atmosphere, she is vulnerable to discrimination and violence, both spousal and non-spousal. A woman who begets only girls and no boys is faulted and criticized life long. A woman who is unable to bear children is looked down upon. They are excluded from participating in many social events and considered as inauspicious. Likewise as widows they are ostracized and excluded from many aspects of social life. Their very presence is abhorred. Old women too suffer from a number of social exclusionary practices due to dependence on others including economically.

The Constitution has several provisions for the creation of various national commissions for Scheduled Castes, Scheduled Tribes, Backward Classes and for others. But no such explicit provision is found for the creation of a national commission for women in the Constitution. In the year 1990, the Parliament enacted the National Commission for Women Act and thereby created a statutory commission in order to provide protection to women. This Act envisaged the creation of a National Commission for Women in order to exercise the functions enumerated under Section 10 of the Act.\(^{144}\)

\(^{144}\) \textbf{Section 10 of the National Commission for Women Act, 1990:} 1. The commission shall perform all or any of the following functions, namely:- a. Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws; b. present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguard; c. make in such reports recommendations for the effective implementation of those safeguards for the improving the conditions of women by the Union or any state; d. review, from time to time, the exiting provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations; e. take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities; f. look into complaints and take suo moto notice of matters relating to:- i. deprivation of women's rights; ii. non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development; iii. non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities; g. call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal; h. undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity; i. participate and advice on the planning process of socio-economic development of women; j. evaluate the progress of
There is a view that women have never been treated well at home or outside. In order to look into this deplorable state of affairs, the National Commission for Women [NCW] has been vested with the power,

to study and monitor all methods relating to the Constitutional and legal safeguards provided for women, to review the existing legislations and suggest amendments, whenever necessary. It will also look into the complaints and take notice of all the cases involving deprivation of the life of women in order to provide support, legal or otherwise to helpless women. The Commission shall monitor the proper implementation of all the legislations made to protect the rights of women so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation.

After forty years of introduction of the Constitution, the need was felt to have a statutory national commission for women to investigate, analyse, study and to monitor the implementation of various legislations that attempt to protect the rights of women.

The National Women’s Commission (NWC) has its own structure and function, including the function to act as a quasi judicial authority. It was vested with the power to vigilantly monitor happenings of events that affect the interest of women. It is a competent body to advice the appropriate authorities in recommending either to legislate or implement laws which intend to protect and promote the status of women.

the development of women under the Union and any State; k. inspect or cause to inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary; l. fund litigation involving issues affecting a large body of women; m. make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil; n. any other matter which may be referred to it by Central Government. 2. The Central Government shall cause all the reports referred to in clause (b) of sub-section (1) to be laid before each House of Parliament along with memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non acceptance, if any, of any such recommendations. 3. Where any such report or any part thereof relates to any matter with which any State Government is concerned, the Commission shall forward an copy of such report or part to such State Government who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendations. 4. The Commission shall, while investigating any matter referred to in clause (a) or sub-clause (j) of clause (f) of sub-section (1), have all the powers of a civil court trying a suit and, in particular in respect of the following matters, namely :- a. summoning and enforcing the attendance of any person from any part of India and examining him on oath; b. requiring the discovery and production of any document; c. receiving evidence on affidavits; d. requisitioning any public record or copy thereof from any court or office; e. issuing commissions for the examination of witnesses and documents; and f. any other matter which may be prescribed.
The Commission is also given the power to evaluate the progress on the development of women and to fund the litigation involving issues affecting the status of women. It is a proactive enactment in enabling a statutory organization for the purpose of promoting women’s interest.

Laws can impose punishments and penalty, but unless social and cultural transformation occurs, the situation of women will not change for the better. Post Nirbhaya, the views of some politicians and important persons revealed their insensitive attitude due to inbuilt patriarchal mindset that is still heavily judgemental of women. What women should do and should not do, how they ought to behave and ought not to behave, is all screwed up in the mindset of the people, both men and women due to conditioned upbringing in a patriarchal environment that sustains male chauvinism as the ideal or the norm. All along women were treated as objects to be possessed, enjoyed or abused depending on the attitude of the people around them. The growth of human rights and acceptance of gender rights as human rights makes it clear that women are not to be used or abused according to the whims and fancies of men or other women. Legal inclusions and protections mostly remain as paper tigers, attitudinal change along with laws can bring in the desired change in gender equality.
CHAPTER – V

EXECUTIVE MEASURES
CHAPTER V
EXECUTIVE MEASURES

Indian Constitution confers on women certain fundamental rights including right against exploitation and right to freedom of religion. Under Articles 32\(^1\) and 226 these rights are made as enforceable rights. Besides those rights some constitutional rights like right to contest in the elections, right to cast vote etc. are also conferred on women. It also empowers the Union Parliament and State Legislatures to make laws under the entries enumerated in the Union, State and Concurrent lists. Accordingly, Parliament and State Legislatures have enacted several legislative enactments in order to remove the exclusionary practices prevailing against women. Besides these constitutional provisions and legislative enactments, both the central and state executives are vested with the power to take various measures to remove the exclusionary and discriminatory practices prevailing against Hindu women. They are also empowered to facilitate Hindu women to improve their status and position through the implementation of policy measures. Innumerable policies, schemes and programmes have been introduced by the Union and State Governments in order to empower women. This is to ensure that Hindu women can realize their equality and potentiality on par with their men folk by overcoming the millennium old exclusionary as well as discriminatory practices and disabilities attached to them on account of their gender. Such measures are the means through which the constitutional provisions and the legislative enactments reach Hindu women at the ground level. But for these executive measures, constitutional provisions and legislative enactments would remain as paper tigers.

In this part, the executive measures of the Union and State Government are analysed in detail and are arranged in a chronological order. Centuries of social exclusion

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\(^1\) **Article 32, The Constitution of India:** (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed. (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part. (3) Without prejudice to the powers conferred on the Supreme Court by clauses [1] and [2], Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause [2]. (4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.
and gender discrimination have had a huge negative impact on the nation’s development. The status and position of women have also been seriously affected due to the conditioned upbringing which reiterates male superiority and inferiority of women in the Hindu society. The gender structure imbalance has its repercussions on all walks of life. The makers of the Indian Constitution, well aware of the gender inequality and its negative fallouts have included in the Constitution several protective and proactive provisions for women. Part–IV of the Constitution lists out many suggestions in the form of directives to bring in the needed social transformation. Based on the directive principles, the Central and the State Governments have brought in many legislative enactments. Policy inclusion implies that government brings in initiatives to ensure that social exclusionary practices are abolished and inclusive development is achieved. From the time of independence, the Government of India started working towards bringing in social change from three perspectives, namely, (i) through constitutional amendments and legislative enactments, (ii) through planned economic development and (iii) through the support of the States to social welfare activities. This was the three-pronged move that was followed to develop the nation holistically. Along with the constitutional and legal provisions, many schemes and programmes have been periodically implemented by the governments, both Central and State, with the aim of empowering women and bringing in gender equality.

1. CENTRAL GOVERNMENT AND INCLUSIVE POLICIES

The Constitution of India envisaged India as a welfare state allowing women to exercise their rights on an equal footing with men. New social order is aimed to be achieved where all citizens are given equal opportunities for growth and development and where no discrimination takes place on the basis of race, religion, caste, sex etc. To solve a multitude of problems caused by various imbalances and discriminations affecting the lives of the majority of the people, planned development was considered to be the most effective strategy. Inspired by the Russian model of development, Jawaharlal Nehru, the

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first Prime Minister of India initiated the ‘Five Year Plans’ for holistic development of the nation.4 The concept of welfare state was taken forward in the five year plans which stressed on welfare of women, children and the tribal people in the country, among other things. While introducing the first five year plan, the Planning Commission outlined the fact that these plans are for providing social welfare services to cater to the special needs of persons and groups who are traditionally denied the amenities and services provided by the society in the socio-economic and political spheres.

In its report ‘Towards Equality’, the Committee on the Status of Women said that, “women are considered to be handicapped by social customs and social values and, therefore, social welfare services have been specially endowed to rehabilitate them.”5 From the first five year plan, a planned approach to provide special thrust to the welfare of women was adopted.

A. FIVE YEAR PLANS AND POLICY INCLUSIONS

In this part, the major welfare policies initiated by the Government of India for protecting and promoting the cause of women from the year 1951 to 2015 are highlighted. At the outset, the broad inclusive policies envisaged in the first to twelfth five year plans are briefly discussed. Following this, the special policies, schemes and programmes initiated by the Central Government and the State Government of Tamil Nadu have been listed and analysed.

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4 The Planning Commission was set up by a Resolution of the Government of India in March 1950 in pursuance of declared objectives of the Government to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production and offering opportunities to all for employment in the service of the community. The Planning Commission was charged with the responsibility of making assessment of all resources of the country, augmenting deficient resources, formulating plans for the most effective and balanced utilization of resources and determining priorities. Jawaharlal Nehru was the first Chairman of the Planning Commission.

I. THE FIRST FIVE YEAR PLAN (1951-1956)

In this plan period, the Government of India aimed at providing various welfare measures for women and for that purpose the Central Social Welfare Board (CSWB) was established. The Board’s priority was to understand the issues affecting women and to suggest solutions for solving the same. The CSWB proposed the organization of Mahila Mandals or women’s club to bring in community development.

II. THE SECOND FIVE YEAR PLAN (1956-1961)

The Government’s concentration was on providing food security to the people during this plan period. Hence, more importance was given to intensive agricultural development. At the same time, women welfare measures were also given importance like recognizing women as workers, suggesting implementation of ‘equal pay for equal work’, provision of training to be given to women competing for higher posts, protection against injuries at work, maternity benefits and provision for day care centres for their children.

III. THE THIRD FIVE YEAR PLAN (1961-1966)

This plan allocated a huge amount for social welfare services. The young nation realised that one of the greatest impediment was illiteracy among the masses. Women’s lack of development and continuance of multi-dimensional social exclusions were also attributed to high rate of illiteracy among them. Hence, reducing female illiteracy was taken up with great zeal in the third plan. Many maternal and child welfare programmes were envisaged to secure their welfare and to provide health education on nutrition and family planning. The five year plan for development which was successful in USSR in achieving the targets was not so successful in the Indian context despite the lofty aims with which it was conceived and the government declared ‘plan holidays’ in the years 1966–67, 1967–68, and 1968–69.

6 http://www.cswb.gov.in/index1.asp?linkid=230&langid=1
7 http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html
8 http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html
9 http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html
10 http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html

In 1969 the Government of India commenced the fourth five year plan after a break of three years. The promotion of women’s welfare was the core policy in this plan. The need to reduce the phenomenal population explosion was intensely felt during this period. The government popularized welfare measures through education like family planning, immunization of pre-school children, providing supplemental feeding, paying more attention to nursing mothers so as to reduce maternal and infant mortality rates, etc.\(^\text{11}\)

V. THE FIFTH FIVE YEAR PLAN (1974-1978)

The International Women’s Conference (1975)\(^\text{12}\) and International Women’s Decade (1975-1985), coincided with the fifth five year plan. From this period, the Government of India had to coordinate policies and programmes and initiate women welfare measures in tandem with global environment on women welfare. The Committee on Status on Women in India (CSWI) submitted a report ‘Towards Equality’, to the Committee on Status of Women (CSW), the international body of the United Nation (UN). CSWI examined in depth the rights and status of women in India in the context of changing social and economic conditions and identified the problems hampering women’s advancement. Welfare activities for women regarding measures relating to income generation through a strategy on functional literacy which equips women with the necessary skills and knowledge was proposed during this plan period. The National Plan of Action (NPA) came into force in 1976,\(^\text{13}\) and it provided the guidelines based on ‘United Nations’ World Plan of Action for Women’. Women’s Development Bureau was established in 1976 to coordinate as a nodal agency with the Government of India in order to initiate policies and programmes for women’s development. The National Plan

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\(^{11}\) [http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html](http://www.planningcommission.nic.in/plans/planrel/fiveyr/welcome.html)


of Action identified that the areas of health, family planning, nutrition, education, employment, legislation and social welfare were the main areas to be strengthened. This five year plan was scrapped by the Janata Government in 1978, one year before the plan completion. The Janata Party government rejected the fifth five-year plan and introduced a new sixth five-year plan (1978–1980). This plan was again rejected by the Indian National Congress led Government in 1980 and a new sixth plan was introduced.14

VI. THE SIXTH FIVE YEAR PLAN (1980-1985)

There was a prudent shift in the sixth five year plan from ‘welfare’ to ‘development’ of women. This change in the approach made the planners and policy makers recognize women not only as partners but also as stake holders in the development of the country. This plan adopted a multi-disciplinary approach. Priority was given to programmes for women in handlooms, handicrafts, small scale industries, agricultural and allied activities of dairy, poultry, animal husbandry, etc. The need for economic independence was stressed and special thrust was on the three core sectors of health, education and employment.15

VII. THE SEVENTH FIVE YEAR PLAN (1985-1990)

Women’s right to development by raising their economic and social status and bringing them into the mainstream of the national development was continued in the seventh plan with renewed zeal. Long term developmental objectives were initiated to bring women into the mainstream through socio-economic and political advancement. Economic empowerment of women was sought to be strengthened in various ways and for that increasing the strength of women workers and unionization of women workers were encouraged. During this plan period, ‘Women’s Development Corporation’ was initiated for promoting employment generating activities for women workers at the lower rungs of the society. To collect data and monitor the plan programmes, a Women’s Development Planning and Monitoring Cell was set up. This Cell had to identify and to

14 https://en.wikipedia.org/wiki/Five-Year_Plans_of_India
promote ‘beneficiaries oriented programmes’ for women in the development sector which extended direct benefits to them. The stress on proper education and vocational training for both skilled and unskilled employment continued in this plan period also. Yet another, major pro-women development in the year 1986 was the passing of the National Policy on Education,\(^\text{16}\) which included a chapter on “Education for Women’s Equality”.\(^\text{17}\)


The main focus in this plan period was on ‘Human Development’, which included the development of women. There was a shift from ‘development’ to ‘empowerment’ of women. By extending the reach of services for women both qualitatively and quantitatively, the budgetary allocation for the empowerment of women increased phenomenally in the eighth plan. It was proposed to ensure that benefits of development from different sectors do not bypass women, to implement special programmes exclusively for women to complement the general development programmes and to monitor the flow of benefits to women in the three core sectors of education, health and employment.

A multitude of policy programme initiatives were undertaken for empowering women during the eighth plan period which had the following objectives:

1) setting up of a National Commission for Women in 1992, to safeguard the interests of women;

2) setting up of Rashtriya Mahila Kosh in 1993 for women to meet the credit needs of poor and asset less women;

3) adoption of the National Nutrition Policy in 1993 to fulfill the constitutional commitment to ensure adequate nutritional standards to its people;

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\(^{16}\) The National Policy on Education (NPE) is a policy formulated by the Government of India to promote education amongst India’s people. The policy covers elementary education to colleges in both rural and urban India. The first NPE was promulgated in 1968 by the government of Prime Minister Indira Gandhi, and the second by Prime Minister Rajiv Gandhi in 1986.

4) launching of the scheme of Mahila Samriddhi Yojana in 1993 which seeks to empower women by institutionalizing their savings so that they can have greater control over household resources (It was later merged with Integrated Women's Empowerment Programme [IWEP]);

5) setting up of National Creche Fund in 1994 so as to meet the growing demand for crèche services which is a support service for working mothers;

6) launching of Indira Mahila Yojana in 1995-96 (renamed as Integrated Women's Empowerment Programme [IWEP] in 1999) and

7) formulation of a National Policy for Empowerment of Women.18

IX. THE NINTH FIVE YEAR PLAN (1997-2002)

The ninth five year plan initiated many women-specific and women related activities for “Empowering Women as Agents of Socio-Economic Change and Development”. This plan envisaged a wider scope and reach covering various aspects of exclusions by ushering in unconventional policy inclusions for bringing women into the gender mainstream. The following strategies were adopted.

1) to create an enabling environment for women to exercise their rights, both within and outside home, as equal partners along with men, through early adoption of ‘National Policy for Empowerment of Women’.

2) to legislate on providing reservation of not less than 1/3 seats for women in the Lok Sabha and in the State Legislative Assemblies and thus ensure adequate representation of women in decision making.

3) to adopt an integrated approach towards empowering women through effective convergence of existing services, resources, infrastructure and manpower in both women-specific and women-related sectors.

4) to adopt a special strategy of ‘Women's Component Plan’ to ensure that not less than 30 per cent of funds/benefits flow to women from other developmental sectors.

5) to organize women into Self-Help Groups and thus mark the beginning of a major process of empowering women.
6) to accord high priority to reproductive child health services and thus ensure easy access to maternal and child health services.
7) to universalize the on-going supplementary feeding programme - Special Nutrition Programme (SNP) and Mid-Day Meals (MDM).
8) to ensure easy and equal access to education for women and girls through the commitments of the ‘Special Action Plan’ of 1998.
9) to initiate steps to eliminate gender bias in all educational programmes.
10) to institute plans for free education for girls upto college level, including professional courses.
11) to equip women with necessary skills in the modern upcoming trades which could keep them gainfully engaged besides making them economically independent and self-reliant, and
12) to increase access to credit through setting up of a ‘Development Bank for Women Entrepreneurs’ in small and tiny sectors.  

X. THE TENTH FIVE YEAR PLAN (2002-2007)

The tenth five year plan called for advancement of gender equality goals by eliminating all forms of discrimination and by creating and enabling an environment of positive economic and social policies. To achieve these goals, a three pronged strategy of social empowerment, economic empowerment and providing gender justice was proposed. 

a. Social Empowerment: It attempted to create an enabling environment through adopting various policies and programmes for development of women, besides providing them easy and equal access to all the basic minimum services so as to enable them to realize their full potential.

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19 http://planningcommission.nic.in/plans/planrel/fiveyr/9th/vol2/welcome.html
b. **Economic Empowerment:** It had to ensure provision for training, employment and income generation activities with both forward and backward linkages with the ultimate objective of making all women economically independent and self reliant.

c. **Gender Justice:** Its goal was to eliminate all forms of gender discrimination so as to enable women to enjoy not only de jure but also de facto rights and fundamental freedoms on par with men in all spheres of political, economic, social, civil and cultural activities.\(^1\)

**XI. THE ELEVENTH FIVE YEAR PLAN (2007-2012)**

Inclusive development was the core concept of this plan with an aim to help women in the development of their full potential and to share the benefits of economic growth and prosperity. The policies motivated women to be partners in their own development. New schemes and programmes targeted at specific groups and specific issues were introduced like Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (SABLA), the Indira Gandhi Matritva Sahyog Yojana (IGMSY), Mahila Kisan Sashaktikaran Yojana, Dhanalakshmi, Ujjawala, launching of National Mission for Empowerment of Women, etc.,

The economic empowerment of women was strengthened with the financial inclusion of more than 2 lakh women through Rashtriya Mahila Kosh. During this plan period, the Charter on ‘Gender Budget Cells’, for institutionalizing ‘Gender Budgeting’ and ‘Gender Auditing’ within government was initiated. Apart from the gender specific policies and schemes, many other schemes were brought during this period to help the empowerment of women.\(^2\)


In the twelfth five year plan, the key element of gender equity was sought to be achieved through economic empowerment, social and physical infrastructure, enabling legislations, women’s participation in governance, inclusiveness of all categories of vulnerable women, engendering the national policies and programmes and mainstreaming gender through gender budgeting. The strategy of inclusion envisages the engendering of the development planning and to bring in structural transformation so as to ensure that all the policies and programmes including those specific for women shall have an impact upon women’s development especially the most vulnerable category of women. Since most of the women friendly policies and programmes reach them through the Panchayat Raj institutions and urban local bodies, 50 percent reservation of seats for women in these bodies would strengthen democracy at the grass root level. The twelfth plan strategy for women addresses the inter generational cycle of multiple deprivation and violence faced by girls and women. To tackle that, the plan envisages the provision of a safe and protective environment for women which would ensure their protection in the public spaces. The plan also aims at providing security for all especially the most vulnerable groups which includes adolescent girls and women.\textsuperscript{23}

Government of India through the five year plans have included schemes and policies for the development of women including the setting up of national bodies to oversee gender development and bring them into the mainstream. The Ministry of Women and Child Development is the nodal agency for all matters related to empowerment of women, their welfare and development. The schemes and polices for women development are initiated by this ministry. Despite the fact that there was a thrust on policy inclusion of women from the first plan in 1951, till the sixth plan period it was clubbed with other weaker and handicapped sections. Separate focus was missing. This lacuna was rectified in the sixth plan, wherein a separate chapter was documented on women and development. This document proposed four strategies. They are,

a) Economic Independence;  
b) Educational Advancement;  
c) Access to Health Care and Family Planning; and  
d) Income Supplementing for Women.  

New thrust areas were brought out in the eighth five year plan. They included areas such as, improving women’s education, enumeration of women workers, provision of supporting services, encouraging women’s organizations, stepping up social security measures etc. Wide range programmes were also initiated for women. The subsequent plans from the ninth to twelfth contributed more towards women’s development and empowerment.

B. PROGRAMMES AND POLICY INCLUSIONS

Women welfare schemes and policies were initiated by the Government of India after 1950. The proposals given in the Five Year Plans for women were brought into force during that plan period and at times at a later stage.

I. CENTRAL BOARDS AND COMMISSIONS

The Government of India established Central Boards and Commissions to work towards women empowerment by initiating and also taking forward welfare schemes and inclusive policies of the government to benefit women.

a) Central Social Welfare Board (CSWD)

The Ministry of Women and Child Development (MWCD) established the Central Social Welfare Board as an autonomous body in 1953, with the objective of promoting social welfare activities for women, children and the physically challenged through voluntary organizations under its control. The Ministry of Women and Child Development allocates funds for this organization. In the twelfth plan, the funds allocated for the Central Boards, 33 State Boards and field office establishments was Rs.250

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crores. Financial assistance to various organizations providing assistance to the needy, destitute and disadvantaged women is provided on the recommendation of the concerned State Board. Both the boards have the dual responsibility of firstly taking welfare services to women and other disadvantaged groups and secondly developing a nationwide infrastructure of voluntary agencies through which these services are to be made available. In the initial years of establishment, the emphasis was on providing welfare. Later on development of women was stressed, which has now shifted to empowerment of women. ²⁶

The CSWD initiates several developmental projects for women and some of them are briefly discussed below.

i) Condensed Courses of Education for Women (CSWB)

This scheme implemented by the CSWD complements the programmes of the Ministry of Human Resource Development in imparting literacy to those girls and women who have dropped out of school or do not posses formal education. Certificates are issued for the primary, middle and metric level courses to increase the employment opportunities of the beneficiaries. The Budget allotment for the XII plan is Rs.45 lakhs and there was a proposal to revise it to Rs.200 crores.

ii) Awareness Generation Projects for Rural and Poor Women

This scheme envisages the organization of camps for the rural and poor women for creating awareness relating to their status, legal rights, problems and other social issues. The main objective of this scheme is to create an enabling environment for the effective participation of women in decision making processes in the social, economic and political fields.

iii) Family Counselling Centres (FCC)

Family Counselling Centres (FCC) were introduced in 1983 with the objective of providing counselling, referral and rehabilitative services to women and children who are victims of atrocities, family maladjustments, social ostracism, natural disasters etc. Free-marital counselling is given in these centres. Under the *Protection of Women Against Domestic Violence Act*, several States have recognised Family Counselling Centres as ‘Service Providers’. The Counsellors have been designated as ‘Protection Officers’ (PO). There are 787 FCCs at present throughout India and the XII Plan seeks to increase their number so as to cover all the districts in India.27

b) National Commission for Women (NCW)

The National Commission for Women was set up as a statutory and autonomous body under the Ministry of Women and Child Development in 1992. It was created with the main objective of protecting and safeguarding the rights of women.28 The duties of NCW include coordinating and strengthening the State Commission for Women and to spread awareness of women’s laws and rights through various communication strategies. Programmes have to be organized periodically for gender sensitization and capacity building of judicial and police officials for proper implementation of women related laws. The activities of the Commission include receiving complaints, undertaking suo-moto enquires in cases of deprivation of rights of women, conducting Parivarik Lok Adalats and legal awareness programmes and organizing public hearings. The National Commission for Women being the nodal agency for protection of the rights of women needs to be strengthened.


28 [http://ncw.nic.in/](http://ncw.nic.in/)
c) National Mission for Empowerment of Women (NMEW)

The Ministry of Women and Child Welfare launched the National Mission for Empowerment of Women (NMEW) on March 8, 2010. The Mission’s aim is to work for strengthening inter-sectoral convergence at the Central, State, District and lower levels of governance making it possible for women to get information and access to all Government schemes and programmes. The National Mission Authority, supporting Committees and the National Resource Centre for Women have been established and have started functioning. The Mission’s objectives are to strengthen the processes that promote holistic development of women through a coordinated approach for proper implementation of schemes of various ministries and departments. It includes creating awareness, building strategies to question prevalent ‘patriarchal’ beliefs, creation of gender resource centres, formation of women collectives, improving their capacity to access the benefits of government’s schemes, programmes, laws, policies and developing empowerment indicators relating to freedom and equality of women. Yet another objective of NMEW is to look at the inclusive development of women, including mapping vulnerabilities of women living in difficult circumstances – taking into view their age, caste, different abilities, ethnicities, education, income, minority status, region, marital status, women headed households etc,. It attempts to bridge the gap between the demand and supply of the services or schemes related to women and connecting them with the service providers which are the existing government machineries across the different departments and ministries through a new model of delivery called ‘The Convergence Model’. It has identified a three pronged strategy to achieve its objective of holistic empowerment of women through policy intervention by,

a) reviewing studies or evaluation of impact assessment of programmes or schemes for gender equity;

b) strengthening the implementation and delivery mechanism and

c) empowering women to demand their entitlements.

http://www.nmew.gov.in/
d) National Policy for Empowerment of Women

The year 2001 was declared as Women’s Empowerment Year by the Government of India and to coincide with that, the ‘National Policy for Empowerment of Women’ was implemented with certain objectives. It was particularly aimed at empowerment of rural women.  

The major goals of this policy include:

a) Bringing in positive economic and social policies for full development of women, to help them realize their full potential;
b) Ensuring equal enjoyment of all human rights and freedom by women on par with men in the socio-cultural, economic and political spheres;
c) Equal access to women to participate in decision making at all levels of national life;
d) Equal access to women to healthcare, quality education, employment, equal remuneration, social life, etc.;
e) Strengthening the legal system so as to eliminate all forms of discrimination against women;
f) Sensitization programmes to be organized to bring in attitudinal change on traditional roles assigned to men and women;
g) To bring in a gender perspective in the developmental process;
h) To work against discrimination and violence against women and girl children;
i) To strengthen women’s organizations and connect them with the civil society; and
j) To insist on gender perspective in budgetary plans.


The Department of Women and Child Development, Ministry of Human Resource Development introduced the National Perspective for Women, to give a fillip to
women’s development programmes.\textsuperscript{31} This plan targeting the rural women who suffer from double discrimination, gives a new thrust and responsiveness to developmental programmes at all levels. Many suggestions were offered in this plan to promote a holistic perspective for the development of women. Some of the major recommendations of the plan are:

1) To build a strong inter-ministerial coordination and monitoring body in the Department of Women and Child Welfare so as to coordinate with other ministries that are doling out welfare policies for women;

2) Priority to be given for girl’s education and to create awareness among the educated girls on their effective contribution to socio-economic life of the country;

3) Eliminate differences in employment and in wages for men and women;

4) Establishment of women cells in planning commissions, in all ministries and in all government departments;

5) To use the National Media and Information and Communication Technologies (ICT) for bringing in an attitudinal change in the mind set of the people on issues related to gender status;

6) Gender Sensitization programmes to be organized periodically for the legislative members, the executive officials, including those in the police departments and those in judicial service;

7) The government should take special measures to ensure effective participation of women in decision making processes at the national, state and local levels;

8) Political empowerment of women at the grass root level should be promoted by the government by providing for 30 percent of reservation of seats for women;

9) To involve the voluntary groups and organizations in the empowerment of women.

II. INCLUSIVE POLICIES FOR ECONOMIC EMPOWERMENT

Many welfare schemes were launched to ensure the implementation of directive principles. Some of the important Central Government inclusive policies and schemes that are exclusively meant for women are discussed below.

a) Swashakti

This centrally sponsored project was funded by ‘The International Fund for Agricultural Development (IFAD)’, World Bank and Government of India. Launched in October 1999, it culminated on 13th June 2005. This programme aimed to usher in socio-economic development and empowerment of women through Self Help Groups, micro credit and other income generation activities. It was implemented in 57 districts in nine States wherein 17,647 Self Help Groups (SHGs) consisting of 2,44,000 women benefitted. Swashakti was merged with Swayamsidha in the eleventh plan.

b) Swayamsidha

It was launched in February 2011. This was an integrated scheme for women empowerment through formation of Self Help Groups. The long term objective of this scheme is to empower women holistically through a sustained process of mobilization and convergence of all the ongoing sectoral programmes by improving access to micro credit and economic resources for women. It was launched in 650 blocks across the country through the formation of SHGs in 2000-2001. The first stage of Swayamsidha ended in March 2007. This scheme was very successful in building the capacity of women SHGs. Phase II of this scheme not only aimed at mobilization of income generation activities, but also envisages a holistic development in a sustainable manner. In the twelfth plan a sum of Rs 1700 crores was set aside for this project.


http://wcd.nic.in/sites/default/files/AR2008-09.pdf
c) Swawlamban

The *Swawlamban* programme was launched in 1982-83 with assistance from the Norwegian Agency for Development Corporation (NORAD). It was earlier known as Women’s Economic Programme. Till 1996-97, financial assistance was given by NORAD for this scheme, after which the Government of India started funding it. Under this scheme training and skill development was provided for women to help them gain employment or self employment on a sustained basis. It was to mainly uplift economically vulnerable women belonging to the Scheduled Caste and Scheduled Tribes. With the approval of the Planning Commission, the Central Government transferred this programme to the State Governments in 2006 for effective implementation and better monitoring and evaluation.34

*d) Support to Training and Employment Programme (STEP)*

This self help scheme has been in existence since 1986-87. The Ministry of Women and Child Development implements this scheme mostly through Non-Governmental Organizations (NGOs).35 The aim of this scheme is to provide sustainable employment and income generation for marginalized and asset less rural and urban women. Its guidelines were revised in 2009 and programme implementation manual has been issued. Its goal is to provide livelihood opportunities for women especially SCs and STs and economically poor women by giving them training for skill upgradation, helping women to form cooperative groups, strengthening the backward and forward linkages and providing access to credit. Support services like health check-up, legal and health literacy, elementary education, gender sensitization, mobile crèches etc. were provided. The end objective of this holistic development was to enable these groups to thrive on a self-sustaining basis in the market place with minimal governmental support and intervention even after the completion of the project period. Agriculture, animal husbandry, dairying, fisheries, handlooms, handicrafts, Khadi and Village Industries, sericulture, waste land development and social forestry were the 10 sectors identified for

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project funding under STEP. Later, more locally appropriate sectors were identified and incorporated in consultation with the State and Union Territories. The success of this scheme made the Government to strengthen it further after the 2009 revision to include training in accordance with market demand, enhancement of beneficiaries’ norms and establishment of credit link with financial institutions like NABARD, CAPART, Rastriya Mahila Kosh (RMK) etc. In 2011, the programme implementation manual of STEP was uploaded in the ministry’s website which gave the guidelines of the project. There was a proposal to gradually increase employability of trained SHG members under STEP. In the eleventh plan 1,60,560 women benefited under STEP’s schemes and Rs.240 crores was spent for it, while Rs.260 crores has been allocated for these schemes in the twelfth plan period.

e) Rashtriya Mahila Kosh (RMK)

Under the Ministry of Women and Child Development, the Rashtriya Mahila Kosh was created in 1993 as an autonomous organization. This society was registered under the Societies Registration Act, 1860. It acts as the National Credit Fund for Women to extend micro-credit to poor and marginalized women on easy terms. Initially, Rs.31 crores was allotted as a corpus fund and in 2009-10 it was raised to Rs.100 crores. Realizing the vital role of RMK as an instrument of socio-economic change and development, the Finance Minister based on the recommendation of the Committee of Governor and Group of Ministers announced that its corpus fund would be raised to Rs.500 crores over the next few years. Restructuring and expansion of RMK that commenced in the eleventh plan was continued in the twelfth plan.

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38 http://rmk.nic.in
f) Gender Budgeting Scheme

‘Gender Responsive Budgeting’ is recognized as a tool for enabling gender mainstreaming, which is a continuous and dynamic process of integrating a gender perspective into each stage of the development process to bring in equality and equity between men and women. Mainstreaming gender into the development planning process essentially means viewing each activity that uses public resources through a gender lens so as to ensure that it reduces existing gender disparities.

‘Gender Budgeting’ has been adopted by Government as a tool for ensuring that adequate budgetary commitments are made for women. The Ministry of Finance in the financial year 2004-05 mandated the setting up of Gender Budgeting Cells (GBC) in all Ministries and Departments as focal points for mainstreaming gender. A ‘Gender Budgeting Charter’ was issued by the Ministry of Finance in 2007, coinciding with International Women’s Year. This Charter specifies the composition of GBC and their function which includes undertaking a gender scan of all existing and new policies, programmes and schemes of the respective ministries and departments. In the IX plan, a ‘Gender Budget Scheme’ was launched by the Ministry for Women and Child Development (MWCD). ‘Gender Budgeting’ includes a ‘Gender Outcome Assessment’ with mandatory General Audits of public expenditure, programmes and policies at the national, state and district levels.

The Ministry for Women and Child Development, as the nodal agency, sponsored training programmes and workshops at the Centre and in the States, initiated direct interactive sessions with identified Ministries and developed training material, provided technical support on Gender Budgeting to other organisations and issued checklists for implementing Gender Budgeting by the other ministries. The XII plan introduced initiatives to further ‘Gender Budgeting Plans’ and suggested placing officers to take steps for ‘Gender Mainstreaming’ and ‘Gender Responsive Budgeting’ within the Ministry of Women and Child Development. The GBCs should be further activated and

strengthened by making it mandatory in each department. Its work must be reported in the annual reports and the GBC’s should be supported by a gender expert or gender resource person.

A ‘Gender Task Force’ was planned to be constituted by the Ministry of Women and Child Development (MWCD), with representatives from the National Mission for Empowerment of Women (NMEW), Ministry of Finance as well as the Planning Commission to review GBC’s working. It has to ensure that all new laws, policies and programmes are gender inclusive. Suggestions have been given to create such mechanisms at the State and district levels also. The GBC of the Ministry has to examine the scheme proposals of the GBC’s of all departments. In future the ministries or departments at the Union level and at the State level must include an assessment of gender concerns or impact of each and every scheme, as is stipulated for environment clearance. The XII plan envisaged a comprehensive gender responsive budget with commitment and efforts at all levels within the Government. It was proposed to sensitise officials at the higher levels of decision making on the issue and to take strategic efforts for the capacity building of policy makers, programme planners, budgeting and implementing officials on the tools and techniques of Gender Budgeting and Gender auditing. It includes monitoring and analyzing the actual expenditure and benefits accruing to women which needs greater technical expertise. The XII plan proposed integrating it as part of the Gender Budgeting training programmes.\textsuperscript{41} The other important recommendations of the XII plan are:

a) Mandatory collection of sex disaggregated data and to build up a national level data base of Management Information System (MIS) data;

b) Gender budgeting trainings should be institutionalized with greater visibility through national and state level training institutions of repute;

c) To bring all the officials at the district level under the purview of gender sensitization processes in all States including District Collectors,

\textsuperscript{41} XII Five Year Plan Report of the Working Group on Women’s Agency and Empowerment, Ministry of Women and Child Development, Government of India.
Commissioners, Block Development Officers (BDOs), District Social Welfare Officers, Panchayat functionaries and Urban Local Bodies;

d) To take forward gender budgeting into the mainstream and ensure existing accountability mechanisms of the Government.

Thus the XII plan envisaged mainstreaming gender budget into the annual gender budget so as to promote purposive gender planning.

III. FLAGSHIP PROGRAMMES

The Government of India is implementing a number of programmes with a thrust on faster, sustainable and inclusive growth benefitting both men and women. Gender concerns are addressed and included at levels of policy especially in the operation of special programmes. Many programmes seem to be gender neutral but they have a differential impact on women in view of their different life experiences, requirements and socio-cultural priority. Of the programmes and policies introduced to improve access to employment, education, health, infrastructure development, urban and rural development etc., some are flagship programmes. The Ministry of Women and Child Development and the Ministry of Statistics and Programme Implementation monitor the gender dimension of the flagship programmes. A gender analysis is undertaken at the design stage of all flagship programmes, for which experts are consulted from the initial stage of the programme till its working stage. Some of the major flagship programmes are discussed below.

a) The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)

It is a nationwide employment programme guaranteeing 100 days of unskilled work for people in rural areas every year. Since 1960, the Government of India has been experimenting with employment schemes in rural areas, like ‘Rural Man Power Programme’ on financial management, ‘The Crash Scheme for Rural Employment’,

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planning for outcomes, ‘A Pilot Intensive Rural Employment Programme’ for labour intensive works, ‘Drought Area Prone Programme’ for integrated rural development, ‘Marginalized Farmer’s and Agricultural Labour Schemes’ for rural economic development, ‘Food For Work Programme (FWP)’ for holistic development and better coordination with the State, ‘The National Rural Employment Programme (NREP)’ for community development, ‘Rural Landless Employment Guarantee Programme’ focusing on landless households etc. The schemes with similar objectives were merged at different points of time. Later on major employment schemes like Jahawar Rozgar Yojana (1977), National Rural Employment Programme (1980), Employment Assurance Scheme (1993), National Food for Work Programme (2004), Jawahar Gram Samirithi Yojana (JGSY) and Sampoorana Gramin Rozgar Yojana (SGRY) were launched.

In April 1989 a significant change was the involvement of Panchayat Raj institutions as the nodal agency for these schemes thereby effectively decentralizing their implementation. In 2001, the local self government in the villages, namely the village panchayats were made as the sole implementing authority. In 2005, The National Rural Employment Guarantee Act was passed and in 2006 all the major employment guarantee schemes were merged with Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS). It mandates that while providing employment, one third of the beneficiaries shall be women. It heralded a new beginning in solving the issue of unemployment. It provides for day care centres for women with children below 6 years and parity of wages between men and women. It also ensures that the day care facilities are available within 5 kilometres of their residence. Every month one day is considered as sensitization day, where sessions on awareness about the various components and rights for women under MGNREGS, Protection of Women under Domestic Violence Act, The

43 http://planningcommission.nic.in/reports/peoreport/cmpdmpeo/volume1/147.pdf
46 http://planningcommission.nic.in/reports/sereport/ser/maker/mak_cht3a.pdf
48 http://nrega.nic.in/rajaswa.pdf
49 http://www.nrega.nic.in/netnrega/home.aspx
Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Dowry Prohibition Act etc. are conducted to enlighten the women. The list of works under the scheme is catered to the local needs. Women groups are included as implementing agencies of MGNREGS, to set up creches and tie up with anganwadis. The scheme aims to ensure active participation of women through its policies:

1) Women made instrumental in selection of work which at present is normally heavy work unsuitable for a woman worker;
2) It has been suggested that 33% women should be part of the meetings of the Gram Sabha;
3) Payment to be made directly to the women and part payment should be made in kind;
4) The focus on providing work to single women should be increased by defining a household as a nuclear family.

b) Programmes for Agricultural Development

A large number of the agricultural work force is comprised of women who play a vital role as agricultural labourers, co-farmers, farm labourers, farm managers and farm entrepreneurs in the rural areas where 20 percent of the households are headed by women. There is an increasing ‘feminization of agricultural labour’. The Mahila Kisan Shashtikaran Yojana under NRLM allocates 33 percent of funds to women agriculturists as part of its gender budgeting initiative. The Ministry of Agriculture under the National Policy of Farmers, 2007, brought in many measures to empower women in farming and allied areas to improve their access to land, credit and other services. Issuing of joint Pattas for both lands and agricultural farms, Kisan Credit Cards, accreditation of farming skills for women etc., is taken up by the government.50

c) National Rural Health Mission

This Central Government scheme launched in April 2005, has been concentrating on providing accessible, affordable and effective primary health care facilities to the rural population.

people. This initiative of the Government of India was mainly to address the health needs of under-served rural areas. In May 2013, ‘The National Urban Health Mission’ (NUHM)\textsuperscript{51} was launched. NUHM and NRHM are sub missions of the bigger ‘National Health Mission’ (NHM).\textsuperscript{52} Its target is to take medical facilities to women in the rural areas including the very vulnerable among them especially the Scheduled Caste, Scheduled Tribes, notified and primitive tribal groups. The Mission is working to establish a fully functional, community owned, decentralized health delivery system with inter-sectoral convergence at all levels to ensure simultaneous action on a wide range of determinants of health such as workers, sanitation, education, nutrition, social and gender equality.\textsuperscript{53}

The NRHM has implemented many schemes or reforms under its control like Reproductive and Child Health Programme (RCH), Janani Suraksha Yojana (JSY) an integrated cash with delivery and post delivery care to the pregnant women as well as to the link Accredited Social Health Activists (ASHAs). Yet another project linked with NRHM is the conditional Maternity Benefit Scheme called ‘Indira Gandhi Matritva Sahayog Yojana’ (IGMSY). The other initiatives and policies clubbed under the scheme are ‘Rajiv Gandhi Scheme for Empowerment of Adolescent Girls’ (SABLA), National Ambulance Services, Janani Shishu Suraksha Karyakram (JSSK), Rashtriya Bal Swasthya Karyakram (RBSK), Mother and Child Health Wings (MCH Wings), Free Drugs and Free Diagnostic Service, District Hospital and Knowledge Center (DHKC) and National Iron Initiative.\textsuperscript{54}

d) Total Sanitation Campaign (TSC)

Rural sanitation came into focus in the Government of India plans in 1980’s during the observance of the World Water Decade. The Central Rural Sanitation Programme (CRSP) was started in 1986 to provide sanitation facilities in rural areas.\textsuperscript{55} It

\textsuperscript{51} \url{http://nrhm.gov.in/nhm/nuhm.html}
\textsuperscript{52} \url{http://nrhm.gov.in/nhm}
\textsuperscript{53} \url{http://nrhm.gov.in/}
\textsuperscript{54} \url{http://nrhm.gov.in}
\textsuperscript{55} \url{http://rural.nic.in/sites/TSC.asp}
was a supply driven, high subsidy and infrastructure oriented programme. But due to low financial allocations, the CRSP had little impact on the gargantuan problem. The success of community-driven, awareness-generating campaign based programmes in some States and the results of evaluation of CRSP, led to the formulation of the Total Sanitation Campaign (TSC) approach in 1999.56

Lack of toilets in rural areas negatively impacts women and girls. This is a comprehensive programme to ensure sanitation facilities in rural areas with the broader outlook reducing women’s work load, providing security, improving hygiene and reproductive health of women, decreasing school dropout rate of girls, etc. The plan covers construction of toilets for individual households, School Sanitation and Hygiene Education (SSHE), Community Sanitary Complex (CSC), Anganwadi Toilets supported by Rural Sanitary Marts (RSMs) and Production Centres (PCs). This scheme has to ensure the provision of toilets with water in all schools and anganwadi centers and the active involvement of women in determining the location of such toilets.

VI. INCLUSIVE POLICIES FOR SOCIAL EMPOWERMENT

The Government of India has been introducing many social welfare measures from time to time in its efforts at gender mainstreaming. Women face many problems in public life as well as in the privacy of their families, both physically and emotionally. The problems of destitute women increase manifold. India being a welfare State seeks to protect women and also give succour to the affected women. To that end many inclusive policies have been introduced and the major central policies are discussed below.

a). One Stop Crisis centre

Gender Based Violence (GBV) is a universal phenomenon. Recognizing the need for ending violence against women, the United Nation’s “Declaration on the Elimination of Violence” was passed in 1993. It defines gender based violence to mean, “any act of gender-based violence that results in or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or

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56 http://rural.nic.in/sites/downloads/our-schemes-glance/SalientFeaturesTSC.pdf
arbitrary deprivation of liberty, whether occurring in public or private life.” The twelfth plan working group on Women’s Agency Empowerment recommended this policy measure and it was implemented by the Ministry of Women and Child Development (MWCD). This centrally sponsored scheme is a sub-scheme of the umbrella scheme for National Mission for Empowerment of Women including *Indira Gandhi Mattritav Sahyog Yojana*. These centres established across the country serve as integrated facilities where the myriad needs of women victims of violence like medico-legal assistance, assistance in filing police case, counselling and emotional support, temporary shelter for herself and her children and basic necessities required for the period of stay can be met in one place as shown below.58

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Type of Service</th>
<th>Service Provider</th>
</tr>
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</table>
| 1       | Medical assistance:  
• Referral to hospital through helpline/Centre.  
• If required, provide ambulance. |  
• Centre Administrator through empanelled hospital/medical practitioner/paramedical staff  
• Public and private ambulance providers |
| 2       | Police assistance:  
• Facilitate/Assisting in filing First Information Report (FIR/NCR) |  
• A Police Officer to facilitate the process. |
| 3       | Psycho-social support/ counselling |  
• Empanelled counsellors on pro-bono basis or for honorarium. |
| 4       | Legal aid/counselling |  
• Lawyers empanelled with District Legal Services Authority (DLSA/SLSA) or empanelled on pro-bono basis or for honorarium |
| 5       | Shelter:  
• Short stay with food and clothing  
• Referral to shelter homes for prolonged stay |  
• One Stop Centre for short stay  
• Swadhar Homes / Short Stay Homes / other Shelter Homes for long stay |
| 6       | Video Conferencing Facility |  
• To facilitate police and court proceedings |

57 Article 1 of *UN Declaration of Elimination of Violence*, 1993.
The twelfth plan proposed the setting up of such centres where women in distress can receive immediate assistance from where they can be sent to the shelter homes. In case the age of victims was below 18 years, the centres have to coordinate with the authorities of juvenile homes and accommodate them in that place. It was proposed to link hospitals and health care centres with law enforcement authorities and support services for offering effective and timely service to the victims of violence, including the victims of rape and sexual harassment. These one stop crisis centres are established in cities having a population of more than 2.5 million with 24 hours helplines. The plan outlay for this scheme was Rs. 1.50 Crores

b) Women’s Help Line

The right to lead a violent free life is a basic human right for men and women. Violence or force is used by men to bring women under their control and its roots can be traced to the patriarchal system that vigorously fosters man’s superiority and women’s inferiority. India ratified CEDAW in 1993 and committed itself to abolish gender discrimination and bring in equality. Many laws were passed to address the issue of violence against women like Criminal Law Amendment Act, 2013,59 Sexual Harassment of Women at Workplace Act, 2013.60 Protection of Women from Domestic Violence Act, 200561 etc. Despite the constitutional protections and existing laws, including policies, a sizeable number of women affected by violence still hesitate to approach the police or the judiciary and go from one place to another seeking protection from violent attacks by known or unknown persons. In such a scenario, the urgent need for a universalized women’s helpline was felt by the planners to reach out to women in distress and in difficult circumstances. Presently, such outreach programmes are operating under the ‘Swadhar’ scheme. Many NGOs and women’s organizations have come forward to act as link between the affected victims and the government, by providing such information and referral service to women, facing violence within their houses and also outside their homes. Swadhar scheme is actively working with NGO’s and other organizations dedicated to the cause of women welfare. In the 12th Plan, the Committee on

60 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
Empowerment on Women in its review of *Swadhar* scheme, suggested that it has to be strengthened and standardized with a provision for documentation, advocacy and capacity building as systematically as possible. It suggested setting up of 24 Hour Women Helplines with one Toll Free Single Number throughout India and with an effective back office providing socio-legal support system that can offer assistance to victims of domestic violence, rape and other atrocious crimes against women. Presently, these distress calls are being attended by NGOs and the police.\(^6^2\)

Telecom Access to Emergency Services are provided by Telecom Service Providers (TSPs). The Toll Free number given for women in distress is 181, which has been defined as unrestricted under Category-I services which implies that this number shall be accessible from anywhere both within the nation and outside the nation. Women can also register themselves for emergency help with the police through a software led application known as the ‘Help Emergency Assistance Rescue Terminal’ (HEART). HEART has been assigned a toll free number 1091 to which women in need of police assistance can call either from their mobile or landline numbers. Once the call is connected, HEART immediately searches the location and sends the police van to the spot immediately without the affected women on the other side of the call speaking a word.\(^6^3\) Registration forms are also available in regional languages in which a maximum of ten contact numbers can be noted down by any person and police will send messages simultaneously to all the contact numbers. All calls received are documented and caller’s identity is not revealed to protect them.

c) Ujjawala

Trafficking of women and children for commercial sexual exploitation is an organized crime that violates basic human rights. It is one of the worst forms of crime against women and children as they are exposed to a degrading life of humiliation, sexual and physical abuse. There are many reasons for the continuance and wide reach of this


\(^6^3\) http://policeheart.com/
menace. Poverty, illiteracy, lack of social and family support, disasters, migration etc., are some of the major contributing factors. A study undertaken by the MWCD between 2002 and 2004 estimated that three fourths of women and children who join this trade is through trafficking. Cross-border trafficking is also rampant in India. India is a signatory to international instrument on preventing trafficking. A multi-sectoral approach was thought to be useful in combating this problem. Keeping these issues and gaps in mind the ministry introduced the scheme **Ujjawala**\(^{64}\) to prevent trafficking and also to rescue and rehabilitate the affected women and girls. This is a comprehensive scheme for prevention of trafficking and also for the rescue, rehabilitation and reintegration of victims of trafficking back into their families and society. The Ministry of Women and Child Development is in charge of implementing this scheme.

**Objectives of the Scheme**

1) To create awareness generation programmes, conduct workshops and seminars through social mobilization and involvement of local communities to sensitize people to prevent trafficking of women and children for commercial sexual exploitation;

2) Victims to be rescued from their place of exploitation and to be kept in safe custody away from the proprietor;

3) Immediate rehabilitation services and long term services to be given to the victims by offering shelter, food, clothing, medical treatment, counselling, legal aid, guidance and vocational and skills training;

4) Re-integration of the victims into the family and society to be facilitated; and

5) Repatriation of cross border victims to the country of origin to be facilitated.\(^{65}\)

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\(^{64}\) *Ujjawala*, a comprehensive scheme to combat trafficking was launched by the Ministry on 4th December, 2007 and is being implemented mainly through NGOs. The Scheme has five components-Prevention, Rescue, Rehabilitation, Re-Integration and Repatriation of trafficked victims for commercial sexual exploitation.

d) Swadhar Greh Scheme

The Department of Women and Child Development in the year 2001-02 introduced Swadhar, a scheme for women in difficult circumstances. It was launched with the aim of providing temporary accommodation, maintenance and rehabilitative services to women and girls rendered homeless due to difficult circumstances and are being forced into prostitution. A similar scheme introduced by the Central Social Welfare Board known as Short Stay Homes (SSH) was also functioning. Hence, the feasibility of continuing these two homes with similar objectives was evaluated by the Centre of Market Research and Social Development, New Delhi in the year 2007. Based on its recommendation, both were merged and it is called as ‘Swadhar Greh Scheme’. Financial norms were also revised to reach out to more women in need of institutional support. This scheme covers all the districts in the country. A proposal was mooted to convert the existing 600 shelter homes into ‘Swadhar Greh’ during the twelfth plan period and to establish 300 more Swadhar Grehs.66

e) Compensation to Rape Victims

The Supreme Court of India in Delhi Domestic Women’s Forum case directed the National Commission for Women to evolve a scheme “so as to wipe out the tears of unfortunate victims of rape.”67 The Court also strongly reiterated the necessity of setting up Criminal Injuries Compensation Board as envisaged by Article 38(1) of the Directive Principles of the State Policy. Rape victims undergo not only mental trauma but also incur financial loss and at times may be too scared to continue in their jobs. This suggestion was accepted by the Government and a scheme for providing restorative justice to victims of rape through financial assistance as well as support services was implemented at the fag end of the eleventh plan period. In the twelfth plan, a sum of

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67 Delhi Domestic Working Women’s Forum Vs. Union of India and others writ petition (CRL) No. 362/93
Rs.1300 crores has been earmarked for providing compensation and for rehabilitation of the victims.\(^{68}\)

\textbf{f) Indira Gandhi Matritav Sahyog Yojana}

This central scheme launched in October 2010 is a conditional cash transfer scheme for Pregnant and Lactating (P&L) women for improve their health and nutrition. It is a short term income support scheme aiming at a long term objective of behavior and attitudinal change of the mother and the child. It attempts to partially compensate for wage loss to women before and after delivery of the child. More than 12.5 lakh women in 52 selected districts throughout the country are covered under this scheme where the beneficiaries are paid Rs.4000 in three installments.\(^{69}\)

\textbf{g) Rajiv Gandhi National Creche Scheme for the Children of Working Mothers}

More and more women are entering the job market due to increased employment opportunities and the need to supplement household income. With the breaking up of the joint family system and the increasing number of nuclear families, working women need support in terms of quality, facilities, support and care for their young children while they are at work. But there has been a very slow growth of Creche or Daycare facilities, resulting in failure to meet the needs of working mothers. These support services are not only required by working mothers, but also by women belonging to poor families, who require support and relief from childcare as they struggle to cope with a number of activities, within and outside the home. Effective day care for young children is essential and a cost effective investment as it provides support to both the mothers and young children. It is also a protective measure as it addresses issues such as child labour, school drop outs, child prostitution, outreach for medical and health programmes, female literacy etc., Under this scheme, children from BPL families would be charged Rs.20 per month and Rs.60 per child per month from other families. This nominal amount was proposed


to ensure participation with the community and also increase the centres’ resources which can be utilized as rent or for better facilities at the creche. It has to be ensured that 50% of the children coming to these day care centres are from BPL families, so that women and children in the lower rungs of the society are benefitted through this scheme.  

**h) Beti Bachao Beti Padhao Scheme**

The trend in decline of Child Sex Ratio (CSR), taken as number of girls for 1000 boys between 0-6 years of age has shown a decline consistently. This is a major indicator of dis-empowerment of women. CSR includes both pre-birth discrimination manifested through gender biased sex selection, and post-birth discrimination against girls. ‘Save the Girl’ and ‘Educate the Girls’ initiative is a nationwide central scheme with the focus on multi-sectoral action in selected districts low in CSR covering all States and union territories. Realizing the need for coordinated efforts to ensure survival, protection and empowerment of the girl child, the government introduced ‘Beti Bacho Beti Padhao Scheme’, which is a joint initiative of the Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development. The main objectives of this initiative are prevention of gender biased sex selective elimination or foeticide, to ensure the survival and protection of the girl child, preventing infanticide, ensuring education and holistic participation of the girl child in the socio-economic, cultural and political spheres.

**i) Construction of Working Women’s Hostel**

This central scheme provides financial assistance to NGOs, cooperative bodies and other agencies for construction of working women’s hostels. It was introduced in the year 1972-73. The main objective of this scheme is to provide safe and convenient accommodation for working women with day care facilities for their children in urban, semi-urban and in rural areas depending on the existence of employment opportunities for women. The Standing Committee of Parliament for Empowerment of Women evaluated the working of this along with other schemes and suggested certain measures.

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71 [http://wcd.nic.in/BBBPScheme/main.htm](http://wcd.nic.in/BBBPScheme/main.htm)
Revised guidelines were issued for the scheme in November 2010, according to which financial assistance can be availed by the State Government agencies like Women Finance Corporation, Women Development Corporation, Urban Municipal Bodies including Cantonment Boards, Panchayati Raj Institutions, Self Help Groups, recognised Colleges and Universities, Cooperative Institutions and Civil Society Organizations. The State Governments and the Union Territories have to assess the requirements of working women’s hostels and send proposals to the center both for construction of hostel buildings and for renting it out for accommodation in order to benefit a large number of working women. Under this scheme grant-in-aid is provided for construction of new hostels and also for expansion of existing hostel buildings for working women. In the twelfth five year plan, Rs.100 crores has been set aside for this scheme. Since its inception, 891 hostels have been sanctioned under the scheme with a sanctioned strength of 66,299 women and 8,532 children in 232 day care centres.\textsuperscript{72}

j) Distance Learning Programme on Rights of Women

The twelfth plan proposed a Distance Learning Programme on women’s rights to develop a sizeable number of volunteers and activists with in-depth knowledge on the rights of women and the existing Government schemes and policies brought out for their welfare. These knowledgeable activists armed with the degree can act as liaison officers between the Government and the women, so that awareness about their rights can reach the needy women. A sum of Rs.50 lakhs has been allocated for this scheme under the twelfth plan.\textsuperscript{73}

k) General Grant-In-Aid (GIA) Scheme

The Planning, Research, Evaluation and Monitoring (PREM) division of the Ministry of Women and Child Development is operating the GIA Scheme since 1986-87 for conducting research and evaluate the performance of the schemes. It provides


\textsuperscript{73} Ibid., p.94.
financial support for research and evaluation on issues relating to women and children to those academic institutions, research organizations and NGOs which satisfy the eligibility criteria prescribed for receiving such grants. The main objective of this scheme is to support innovative voluntary action and initiative to render services for women and children. It supplements existing schemes of the ministry and the Central Social Welfare Board and so financial assistance is provided for services not covered by the structures and schemes of the ministry of CSWB. In the twelfth plan period certain areas have been listed as priorities for research and evaluation. Some of the major areas on which the research grants can be availed are listed below;

1) Research on female foeticide, infanticide, dynamics behind sex ratio, effectiveness of ban on sex selective abortion;
2) Traditional gender role identification including gender neutral language;
3) Study of prostitution, communities traditionally involved in it, trafficking in girls and women, effectiveness of schemes like UJJAWALA and Swadhar, cross border and cross city trafficking and rehabilitation and sensitization of police;
4) Impact of Domestic Violence Act and its implementation;
5) Economic empowerment of women through schemes like STEP, MNREGS, SHGs, study on women staying in hostels, social security to women including migrated women and their vulnerability;
6) Study on women in the unorganized sector and as domestic helpers and the impact of schemes on them;
7) Study relating to Gender Budgeting and Gender Auditing;
8) Quick documentation of media initiatives in learning;
9) Surrogate Motherhood - Ethical or Commercial;
10) Study on the effectiveness of basic services like education, health, nutrition and work, in enabling women, including those belonging to SC/ST communities to meet their rights and entitlements.

http://wcd.nic.in/sites/default/files/cswb.pdf
I) Media Initiatives

The Ministry of Women and Child Welfare through its media division takes care of media and publicity affairs through other departments of the Government. The schemes and initiatives of the Government are taken to the people through advertisements in the print media, by telecasting of video sports, broadcasting of audio sports, scroll messages and important schemes, organization of annual events called ‘Vatsalya Mela’ etc., The new schemes and existing schemes are constantly aired to the people both in print and audio visual fields. Priority is given to raising awareness on women’s issues, their rights and entitlements in the media campaign. The budget estimation for this scheme in the twelfth plan period is Rs.500 crores.75

Since the time of independence, more particularly after 1950, the Government of India has consistently worked towards an inclusive growth. The new republic was saddled with many problems affecting the growth and development of the nation. Women who constituted around 50 percent of the population were lagging behind in all aspects. They faced many forms of exclusions in the social, economic, political and legal arenas. The exclusions and discriminations faced by women differs from region to region, caste to caste and amongst different classes. The framers of the Constitution were well aware of the existence of a multitude of discriminations affecting women. For the development of the nation, women’s development is also an important criteria. Hence, the policy makers studied the existing discriminatory practices that affected a large number of women so as to bring in inclusive policies for their betterment and the nations development. The five year plans proposed the initiation of a number of women welfare policies based on the directive principles of the state policy.

To empower women the Central Government introduced economic policies and social welfare schemes. It also brought into existence the Central Social Welfare Board, the National Commission for Women and other commissions to work towards women empowerment. Economic empowerment of women is the first step towards gender

equality. Understanding the implication of economic empowerment, the Central Government introduced many schemes and policies especially benefitting the rural women. Policies like STEP, MGNREGS, and Gender Budgeting etc have proved to be effective. It is found that MGNREGS though a gender neutral scheme is very beneficial to the rural women. Likewise the reach of SHGs has been phenomenal in India.

The social welfare measures initiated by the Central Government taking into cognizance the international instruments for women try to reach the affected women and give protection to them. Schemes like One Stop Crisis Center, UJJAWALA, Total Sanitation Campaign, Day Care Centers, financial help for pregnant and lactating women etc., are being done systematically. These schemes are intended to reach out to women throughout India. It is found that budget allocation for socio-economic inclusive policies by the Central Government is increasing with every passing year. It is in keeping with the spirit of the directive principles of state policies and the international instruments.

2. STATE GOVERNMENT AND INCLUSIVE POLICIES

The Government of Tamil Nadu has brought in a large number of welfare schemes to benefit, protect and empower women socially, economically and politically. Some schemes cater to the needs of the local population and some are applicable to all the women and girls in the State. There are some State schemes like Cradle Baby Scheme and provision of sanitary napkins to girls and women that are clearly novel and cater to the basic needs of women. The Central schemes are also implemented along with the State schemes. Some of the important schemes and programmes brought in by the Government of Tamil Nadu for the welfare of girls and women towards their development are briefly discussed here.

I. STATE WELFARE BOARDS AND COMMISSIONS

Commissions and Boards have been constituted by the Government of Tamil Nadu to protect and moderate the interests and lives of women. The nature and reach of these statutory bodies are discussed herewith.
a) Tamil Nadu Social Welfare Board

In the year 1954, Social Welfare Board was constituted in the State of Tamil Nadu with the main purpose of facilitating and strengthening the voluntary organizations working towards the empowerment of women. The Board provides support through education and training, collecting mobilization, awareness creation, income generating activities for their livelihood and provision of support services. The main objective of this Board includes:

1) To encourage voluntary efforts by Non-Governmental Organizations in the field of women and child development.
2) To render technical and financial assistance to the voluntary institutions for improving quality and standard of services.
3) To monitor the programmes aided by Central Social Welfare Board and the programmes allotted by the State Government for effective implementation.

The composition of this Board includes a non-official Chair Person, 30 non-official members and 15 members nominated by the Government of Tamil Nadu and Central Social Welfare Board (CSWB). Under this scheme, an amount of Rs. 5000 is being given as one time grant on 50:50 matching basis to 200 registered voluntary organizations working for the welfare of women and children, for taking up activities like creche, balwadi, recreational centres etc.

b) Women Co-operative Societies

For the welfare of women below poverty line, the Commission of Social Welfare is implementing many socio-economic schemes through Women Industrial Co-Operative Societies. To join as members, women below poverty line should have completed 18 years of age. They are taught tailoring and to manufacture baby weaning food, coir, crayon, chalk etc. Employment opportunities are given throughout the year. In Tamil Nadu, there are 98 Women Industrial Co-operative Societies, out of which 80 societies are engaged in stitching and supplying uniform to the school children benefited under the

76 http://www.tn.gov.in/department/30
*Puratchi Thalaivar MGR Nutritious Meal Programme* and to the school children of Adi Dravidar Welfare and Backward Class, Most Backward Class and Minority Welfare Departments and other welfare schools. There are 25 societies where the women manufacture weaning supplementary food under the control of Mission Director of the Integrated Child Development Scheme. There are 16 training centres in 12 districts where training is provided to 285 women every year. Two tailoring training centres at Salem and Thiruvannamalai provide training to 35 tribal women exclusively in each centre. In Tuticorin district, there is one doll making training centre. The Government provides these societies with advanced type of sewing machines for a subsidy of 5.40 crores. The Tamil Nadu Skill Development Mission has allotted Rs.56.16 crores to impart skill upgradation training to 54,000 women members of the Industrial Co-operative Societies through the Apparel Training Design Centre, at Chennai.77

**c) Tamil Nadu State Commission for Women**

The Human Rights Act was passed in the year 1993. It recommended the establishment of National and State Commissions for women. The same year National Commission for Women (NCW) came into being. The Tamil Nadu State Commission for Women was also constituted mainly to deal with complaints relating to crimes against women and harassment at work place.78 It is a statutory body with a Chair Person and nine members. The objectives of the Commission are:

1) To provide protection and ensure welfare of women.
2) To address the gender issues.
3) To recommend to the Government on various issues related to women.

The Commission is vested with powers to safeguard women’s rights, ensure equality, ensure protection for women against all forms of harassment and problems faced within the family and in the community. It can also investigate specific problems of


women and take up studies related to women issues. The following are the activities of the Women’s Commission:

1) Adherence to the provisions and protections provided under the Constitution and the legislations for women are taken care of by the Commission.
2) Report to Government when the protective measures for women are not effectively implemented by various agencies.
3) Recommend amendments in the provisions of law when it fails to impart justice to women.
4) Takes up issues related to violation of rights of women and follow-up action with the concerned authorities.

Women who have complaints regarding violation of their rights and non-implementation of their protective measures guaranteed under the Constitution of India can directly approach Women’s Commission for redressal.

d) Family Counselling Centres

To counsel the affected couples, NGO run family counselling centres have been organized by the Government. Qualified counsellors are appointed in such centres by the non-governmental organizations to offer counselling, referral and rehabilitation services to those women and children with grievances relating to dowry harassment, abuse by alcoholic husbands and issues relating to AIDS. The Government of Tamil Nadu provides financial assistance of Rs.80,000/- for each centre, which is disbursed through the Tamil Nadu Social Welfare Board. The State Government provides an annual honorarium of Rs.3,500/- per month for six counsellors attached to each centre. These centres are functioning in Chennai, Thiruvallur, Thiruvarur, Villupuram, Theni and Sivagangai districts.

e) State Resource Centre for Women [SRCW]

The National Mission for Empowerment of Women constituted the State Resource Centre for Women to assist and work with the existing institutions and structures for monitoring and reviewing the flagship programmes and schemes of Central
and State Governments and for collecting the required information that has to be placed before the State Mission Authority. The Commissioner of Social Welfare is nominated as Nodal Officer for Government of India for matters relating to State Mission Authority and State Resource Centres. The main objectives of SRCW is to work for the holistic empowerment of women in the State by facilitating the Government and other stakeholders to implement the gender sensitive programmes, laws and schemes through effective coordination.

f) Tamil Nadu Corporation for Development of Women (TNCDW)

The Government of Tamil Nadu established Tamil Nadu Corporation for Development of Women (TNCDW) with the objective of social and economic empowerment of women. There are two major schemes under it.

1. Mahalir Thittam, a State Government funded scheme and
2. Tamil Nadu State Rural Livelihoods Mission, a scheme funded by the Government of India and the Government of Tamil Nadu in the ratio of 75:25.

II. INCLUSIVE POLICIES FOR ECONOMIC EMPOWERMENT

a) Sathiyavanimuthu Ammaiyyar Ninaivu Free Supply of Sewing Machine Scheme

The Social Welfare and Nutritious Meal Programme Department supplies free sewing machines to enhance the income of widows, deserted women, women from economically weaker sections, differently abled men and women and socially affected women.

b) Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (RGSEAG) – SABLA

This scheme shortly referred to as SABLA brought in the year 2011-2012 on a pilot basis in 9 districts - Chennai, Coimbatore, Cuddalore, Kanyakumari, Madurai,

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79 http://www.tamilnadumahalir.org
Tiruchirapalli, Tiruvannamalai, Ramanathapuram and Salem, has two components namely Supplementary Nutrition Component and Non-Supplementary Nutrition Component. Supplementary Nutrition Component ensures that food in the take home ration at a cost of Rs. 6.50 per day for 300 days in a year is supplied to all school going adolescent girls aged between 11 to 18 years and for school going adolescent girls of age 15 to 18 years who are registered in Anganwadi Centres.\(^81\)

In the second part of the scheme that is non-supplementary component, adolescent girls are given IFA tablets, life skill education, nutrition and health education, counselling, health check-up and vocational training. For girls aged between 16 and 18, the SABLA offers vocational training through government ITI and registered Vocational Training Providers (VTPs). Training is offered in courses like tailoring, basic computers, repairing of home appliances, basic electrical work and handicrafts and in beautician courses.\(^82\) The State Government contributes 50 percent financial assistance towards the supplementary nutrition component, while the Central Government gives the remaining 50 percent financial assistance.

c) Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS)

The State introduced MGNREGS in the financial year 2013-14. It implemented the scheme in six districts in the first phase and later extended it to four other districts. It currently implements it in 9000 village panchayats in 31 of its 32 districts. Tamil Nadu has the credit of having the largest number of women employed under the scheme, with women holding 86 percent of MGNREGS job cards. Other States now follow the three sub-schemes under MGNREGS that Tamil Nadu first introduced. The State was the first to introduce an arrangement for disabled people to get full wages under the scheme by working for only half a day and a system wherein MGNREGS workers clean villages and plant saplings.\(^83\)

\(^81\) [http://icds.tn.nic.in/sabla.html](http://icds.tn.nic.in/sabla.html)
d) Mahalir Thittam

Self Help Groups were formed initially in 1991 among women who were involved in agriculture based activities in Dharmapuri district by the TNCDW through International Fund for Agricultural Development (IFAD) assisted Women Development Project.\(^{84}\) It was later extended in a phased manner upto 1994 to Salem, South Arcot (Cuddalore and Villupuram), Madurai and Ramanathapuram districts. The phenomenal success of this Women Development Project led the State Government to implement ‘Mahalir Thittam’ in all districts.\(^{85}\) From then on, TNCDW spearheaded the SHG movement in the State. It plays a major role in organizing women into self help groups, in building their capacities, networking them to federation and ensuring bank tie ups for taking up income generation activities for their social and economic development.

e) Self Help Groups

The origin of Self Help Groups (SHGs) can be traced from the Gramin Bank of Bangladesh, which was founded by Prof. Mohammed Younus of Chittagong University in the year 1975 for the weaker sections of the community. In India, Self Help Groups was introduced in the 1980s. In Tamil Nadu, it was introduced in 1989. The Reserve Bank of India advised the Banks in July 1991 to actively finance SHGs. Such assistance was launched by the national banks in 1992-93 throughout India.\(^{86}\) The SHGs are also getting financial assistance from NABARD.

Self Help Group can be organized by a group of 12 – 20 poor women in the age group of 18-60 years and they should be residing in the same area.\(^{87}\) Its main objective is to promote savings and internal lending among its members. SHGs are playing a vital and productive role in the economy of Tamil Nadu and most importantly in the lives of lakhs of poor women. In India including in Tamil Nadu, SHGs are emerging as a major sector

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\(^{87}\) [http://www.tamilnadumahalir.org/sample-sites/mahalir.html](http://www.tamilnadumahalir.org/sample-sites/mahalir.html)
in rural development. It equips women to be economically independent and self reliant, which are vital factors for women empowerment.

To join SHGs, the women should belong to Below Poverty Line (BPL) families. The members in the group should attend the meetings regularly and they have to pay a subscription fee for getting membership, which becomes the corpus fund of the group. The leader of the group is called the animator, who saves a minimum amount every month. Two other members of the group are appointed as representatives. It is the responsibility of the animator and the representatives to maintain the account books. Loans are given to the members at specified interest rates. The success of the SHGs throughout India including in Tamil Nadu is due to the timely repayment of loan amount, which is recycled to another needy member. These groups not only engage in productive economic activities but also function as important sustainable rural structures for dissemination of knowledge about health, nutrition, literacy, education, adoption of new agricultural practices, and preparing women for political empowerment among other things. SHGs are widely accepted by women seeking self employment and many SHGs have mushroomed in the State of Tamil Nadu, the details of which are given below.

### Details of Self Help Groups in Tamil Nadu

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No. of SHGs</td>
<td>6.08 lakh</td>
</tr>
<tr>
<td></td>
<td>No. of SHG Members</td>
<td>92.09 lakh</td>
</tr>
<tr>
<td>2</td>
<td>No. of Rural SHGs</td>
<td>4.23 lakh</td>
</tr>
<tr>
<td></td>
<td>No. of Members</td>
<td>63.76 lakh</td>
</tr>
<tr>
<td>3</td>
<td>No. of Urban SHGs</td>
<td>1.84 lakh</td>
</tr>
<tr>
<td></td>
<td>No. of Members</td>
<td>28.33 lakh</td>
</tr>
<tr>
<td>4</td>
<td>Total Savings of SHGs</td>
<td>Rs. 5,991 crore</td>
</tr>
<tr>
<td>5</td>
<td>No. of SHGs given Revolving Fund / Seed Money</td>
<td>5.14 lakh</td>
</tr>
<tr>
<td>6</td>
<td>Total credit availed by SHGs</td>
<td>Rs. 31,873.07 Crore</td>
</tr>
</tbody>
</table>


89 Demand No. 42, Policy Note 2015-2016, Rural Development and Panchayat Raj Department, Government of Tamil Nadu, 2015, p.250.
The Government and the Banks are constructively encouraging SHGs and monitoring their progress and support is extended at every step including marketing. Self Help Group members registered with Tamil Nadu Women Development Corporation alone are engaged to work in *Amma Unavagam* run by the Government of Tamil Nadu.  

**f) Community Based Organization (CBOS)**

The Tamil Nadu State Rural Livelihood Mission (TNSRLM) imparts training programmes for the SHGs and Panchayat Level Federations (PLFs).

**i) Financial Inclusion**

Seed money of Rs.50,000 is given to SHGs which amount is utilized for internal lending among its members. The State of Tamil Nadu provides bank linkages to SHGs and it is the pioneer State to do that in India. The SHGs after passing the credit rating with a history of continuous savings, proper maintenance of books of accounts, internal lending among its members and prompt repayment, become eligible for credit from banks. This helps women of self help groups to attain economic empowerment and helps them to break free from the clutches of usurious money lenders. By increasing investment and livelihood activities these women get more income. To help the poor women of SHGs further, ‘*Interest Subvention Scheme*’ has been introduced wherein the interest charged by the banks over and above 7 percent subject to a maximum of 5.5 percent on SHG loans upto Rs.3 lakh will be reimbursed to the SHGs by TNSRLM. The Government of India is directly implementing the scheme in Dharmapuri, Vellore, Villupuram and Thiruvannamalai districts. In the remaining 27 districts, the Tamil Nadu State Rural Livelihood Mission implements the scheme for all credits upto Rs.3 lakhs per SHG availed by them from public sector commercial banks, RRBs and cooperative banks. The Government of Tamil Nadu shares the data with private banks to benefit SHG members to avail the interest subsidy. The panchayat level federations obtain bulk loans from banks and lend it to their member SHGs, as an additional source of finance.

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*The Times of India*, Chennai, 3 April 2013, “127 More Eateries Opened, Employee More Than 1,500 Women”
Likewise cooperatives too extend financial help to SHGs to meet their credit requirements.

**ii) Loans to Women Entrepreneurs**

To promote women entrepreneurs, central cooperative banks and urban cooperative banks disburse loans upto 10 lakh to start small scale industries and to undertake service activities. Loans totalling Rs.47.42 crores was disbursed during 2014-2015, benefitting 12,329 women entrepreneurs.

**g) Amma Unavagam**

*Amma Unavagam* is a Scheme in which the Municipal Corporation of the State run canteens are serving subsidized food at low prices, to ensure food security for the poorest of the poor and also ensure that right to food is respected. Initially Amma canteens were opened only in the city of Chennai and it was later extended to other cities like Coimbatore, Madurai, Trichy, Tirunelveli, Tuticorin, Salem, Erode, Vellore and Tiruppur. These canteens are run by women from Self-Help Groups (SHGs), and each women worker is paid Rs.300 per day. Sanitary Inspectors check the quality of food, water and hygiene in the premises and take away is banned. In all the government hospitals in Tamil Nadu, Amma Canteens have been established. Delegates from outside India and from other States within India are visiting Amma canteens to study how it is able to provide quality food at such low prices so that they can start such ventures in their countries.

**h). Women Police and All Women Police Stations**

In 1992, the Government of Tamil Nadu was the pioneer State in setting up All Women Police Stations. It was done to curtail gender bias in investigation and in dealing

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91 [http://www.tamilnadumahalir.org/sample-sites/mahalir/credit-linkage-to-shg-s.html](http://www.tamilnadumahalir.org/sample-sites/mahalir/credit-linkage-to-shg-s.html)

92 *[The Hindu]*, Chennai, September 14, 2013

93 *[The Hindu]*, Chennai, September 16, 2013


95 “Tasting the Tamil Nadu model: Gujarat officials visit Amma canteen in Chennai”, *[The Times of India]*, Jun 12, 2014
with sexual crimes against women. Presently, there are 199 All Women Police Stations (AWPS) in the State of Tamil Nadu according to the National Crime Records Bureau (NCRB). There is one such station in each sub-division to help the affected women. Around 40 percent of the All Women Police Stations in the country are in Tamil Nadu. Apart from that, every police station should have one women Sub-Inspector and 2 women constables. There are 4 zones, 11 Ranges, 33 Police Districts, 7 Commissionerates, 1 Railway Police Range and 2 Railway Police Districts with head quarters at Chennai and Trichy. There are 544 urban Police Stations in Tamil Nadu. In 8 districts, women are heading the district police force, which amounts to having one fourth women as Superintendents of Police. There are 112 women officers out of 424 officers in the rank of Sub-Inspector to Additional Superintendent of Police. It accounts for 1/7th of all women police personnel and 1/4th of all women Sub-Inspectors in India. Moreover, 34 percent of the finger print staff in Tamil Nadu Police are women. The Government of Tamil Nadu has also introduced 30 percent reservation for women in all employment including in the Department of Police.

III. INCLUSIVE POLICIES FOR SOCIAL EMPOWERMENT

The Government of Tamil Nadu brings in a number of policy inclusions to ensure gender mainstreaming. The Central Government policies are implemented by the State Government. Apart from that, measures to cater to the specific needs of women in Tamil Nadu are periodically introduced and implemented. The major social inclusive policies have been analysed hereunder.

a) Cradle Baby scheme

The evil practice of female infanticide is one of the causes for low female to male child sex ratio. Son preference and daughter abhorrence is a universal phenomenon in India. It is an obsession due to cultural and socio-economic practices. After a girl is

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96 The Times of India, Chennai, Aug 17, 2014
98 http://www.thenewsminute.com/lives/92
married off, she shifts to her husband’s house and in the case of son’s marriage, the
daughter-in-law comes to their house. It is easy for parents to stay with their son or sons,
who perform their last rites. Son preference is also due to other factors including dowry
system, spiralling marriage expenses along with the lower status of the girl’s parents at
the time of marriage. Dowry may look like a onetime marriage payment, but apart from
that, the girl’s parents have an obligation to spend huge amounts at the time of marriage.
They have to take care of expenses related to their daughter’s child birth. For any
occasion or every occasion, good or bad in the daughter’s family, the girl’s parents are
expected to give presents. If they fail to attend the function or bring the desired presents,
their daughter will have to endure sufferings and her well being in the husband’s home
depends on her parent’s financial status. Sex selection is one of the most overt form of
son preference and gender biased discrimination in India. Foeticide is the medical
termination of pregnancy with the help of doctors and it is widely practiced throughout
India. In the northern parts it is more blatant and widespread. In South India, especially in
Tamil Nadu, along with foeticide, infanticide is also a deeply entrenched practice in
certain interior districts of Salem, Dharmapuri, Nammakkal, Madurai and Theni.

To save the girl child and to curb this menace, the Government of Tamil Nadu
inaugurated the ‘Cradle Baby Scheme’ in the year 1992, in Salem district. It is the first of
its kind in the entire world. By the introduction of this policy measure the Government of
Tamil Nadu has boldly accepted the existence of this evil practice. Under this scheme,
cradles are placed in important places where those parents who do not want to bring up
their girl children can safely leave the children in the cradles. From that moment,
bringing up the child is the responsibility of the Government. These Reception Centres
save the lives of many abandoned girls and stop the parents from killing their own
offsprings. The Government appoints staff for the Reception Centres and also provides
adequate equipments and groceries. The children under the cradle baby scheme are well
nurtured and receive higher education including professional education. Not only that, the

99 Kirti Singh, Laws and Son Preference in India: A Reality Check, United Nations Population Fund
(UNFPA), New Delhi, August 2013, p.55.
Reception Centres hand over the children to Specialized Adoption Agencies that are licensed to provide family environment to these children through adoption.  

Sensing the need of the people for more such centres, the Government of Tamil Nadu in 2001 revised and expanded the scheme. Full fledged Reception Centres were started at Madurai, Theni, Dindugal and Dharmapuri. In 2011, this scheme was extended to Cuddalore, Ariyalur, Villupuram and Thiruvannamalai Districts in Tamil Nadu.

The success of the Cradle Baby Scheme, a very unique and humane policy was introduced mainly due to the government’s positive inclination to protect and care for the girl child and to stop the barbarous practice of killing the child because of its gender. The Child Sex Ratio, which is a critical indicator of gender inequality, declined in 27 States and Union Territories including in Delhi as per the 2011 census. Due to the introduction of the Cradle Baby Scheme, there has been an upward trend in Tamil Nadu, where from 942 girls for every 1000 boys in 2001, it rose to to 943/1000 in 2011. This is proof that timely and thoughtful introduction of such forerunner schemes have helped the State in bringing under control gender inequality.

b) Chief Minister’s Girl Child Protection Scheme

The Chief Minister of Tamil Nadu introduced this scheme for the protection of the girl children in 1992, the same year the cradle baby scheme was inaugurated. Initially christened as ‘Thiru Kamarajar Scheme’, it was later renamed as ‘Sivagami Ammaiya Ninaivu Girl Child Protection Scheme’ in the year 2006. This policy inclusion was also intended to stop infanticide. It is wider in reach than the cradle baby scheme, and it remains a forerunner of all girl child schemes in Tamil Nadu and India. This path breaking initiative attempts to instill confidence in the minds of parents towards the

100 Demand No: 45, Policy Note 2011-2012, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, 2011, p.35.

101 The Hindu, Chennai, July 24, 2011.


103 Demand No: 45, Policy Note 2015-2016, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, 2015, p.37.

104 http://womenchildwelfareschemes.blogspot.in/2014/01/sivagami-ammaiyar-ninaivu-girl-child.html
upbringing of their girl children and also provide them education. The scheme has the twin objectives of preventing female infanticide as well as promoting formal education of girls. As per the scheme, financial incentive is provided for both short term and long term needs for those girls hailing from poor families. Deposits are made directly in the name of each eligible girl child. Mode of deposits under the scheme varies from scheme-I to scheme-II. Scheme-I is intended for those poor families with one girl child provided they have satisfied other eligibility criteria.

Under Scheme I, Rs.50,000 is deposited as fixed deposit with the Tamil Nadu Power Finance and Infrastructure Development Corporation Limited in the name of those girl children, who were born after August 2011. Scheme II is intended for poor families with two girl children and Rs.25,000 is deposited as fixed deposit with the Tamil Nadu Power Finance and Infrastructure Development Corporation Limited in the name of each girl child born on or after August 2011. It is renewed at the end of every five years. The matured amount along with the interest is given to the girl child once she completes 18 years. For availing this, the girls should have appeared for the tenth standard public examination, so that the amount given will help them to pursue higher education. From the sixth year of deposit, an annual incentive of Rs.1800 is given to the girl children. During the year 2014-2015, 97,173 girl children were benefitted in Tamil Nadu under this scheme. Benefits available under the Marriage Assistance Scheme have also been extended to the beneficiaries under the Girl Child Protection Scheme who were enrolled from 1992-1995. The annual income ceiling criteria under the Chief Minister’s Girl Child Protection Scheme which was Rs. 50,000/- for Scheme-I and Rs. 25,000/ for Scheme-II was increased to Rs. 72,000/- with effect from 14.10.2014 for both Schemes. Rs. 992.43 crore has been deposited with Tamil Nadu Power Finance and Infrastructure Development Corporation Limited to benefit 5,90,019 girl children from 31.12.2001 to 31.03.2015. This positive protective policy inclusive measure is hailed even by the critics of the Government. This scheme has led to a reduction in the school dropout rate.

105 The Times of India, Chennai, Apr 17, 2013
107 Demand No:45, Policy Note 2015-2016, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, 2015, p.37.
of girl children. The rate of female literacy of Tamil Nadu increased from 63.43 percent in 2001 to 73.86 percent in 2011. The combination of Midday Meal Scheme and this scheme are cited as the main reasons for increasing female literacy.

c) Amma Baby Care Kit Scheme

Amma Baby Care Kit Scheme costing Rs.67 crores and expected to benefit 6.7 lakh infants born in government hospitals in the State of Tamil Nadu was launched in September 2015.\(^{108}\) The scheme was announced in the Assembly in August 2014.\(^{109}\) The kit costing Rs.1000 each contains 16 items namely, towels, napkins, an infant dress, bed, baby protective mosquito net, oil (100ml), baby Shampoo (60ml), nail cutter, soap, soap box, toys, rattle, hand sanitizer, and Sowbhagya Leghiyan.\(^{110}\) This policy inclusion is to promote hygiene and sanitation among mothers and new born children so as to bring down neo-natal mortality and also help the mother and the family to tide over the first few days after child birth.\(^{111}\) It is also intended to make the mother feel protected and being cared for.

d) Creches

The Ministry of Child Development runs a scheme of creches to cater to the children of poor working women and ailing mothers. As per the instructions of the ministry, the Government of Tamil Nadu have established creches. There are 10 creches run by voluntary organizations with the grants given by the State Government. A sum of Rs.25,410 is given as grant per annum to each creche to take care of 25 children hailing from poor background. Children in the age group of 0 to 5 years can be admitted in the creche where supplementary food and education are provided.\(^{112}\) Medical facilities are

\(^{108}\) The Times of India, Chennai, 9\(^{th}\) September 2015.
\(^{109}\) The Hindu, e-paper, 13\(^{th}\) August 2014
http://www.thehindu.com/opinion/blogs/blog-laissez-faire/article5018479.ece
\(^{111}\) The Hindu, Chennai, November 9, 2015
\(^{112}\) Annual Report, 2015-16, Ibid.,
available in day care centres. By providing this service, the Government aims to reduce child labour and enhance female literacy by enrolling young girl children in schools.

e) Mother feeding rooms in public places

To coincide with the World Breastfeeding Week, (August 1-7), and its theme of “Breastfeeding and Work- Let’s Make it Work”, the Government of Tamil Nadu inaugurated 352 rooms in bus terminals in all parts of the State to help women feed their children. Along with that, the Government inaugurated Mother’s Milk Banks in seven Government Hospitals at Tiruchirappalli, Madurai, Coimbatore, Theni, Salem and Thanjavur, besides the over 160-year old Government Institute of Obstetrics and Gynaecology and Hospital at Egmore. Each Bank has equipment worth Rs. 10 Lakh to preserve the milk donated by mothers for three months, which can be given to babies who are unable to get milk from their mothers. Since 1990 the World Breast Feeding Week has been observed to ensure and safeguard the health of infants. This policy implementation ensures and supports women to continue breast feeding. It is a laudable and novel initiative of the Government of Tamil Nadu.

f) The Menstrual Hygiene Programme

In March 2012, a very sensitive policy was introduced for promoting menstrual hygiene among adolescent girls and women inmates of the prison and the Institute of the Mental Health. This menstrual hygiene programme is a highly commendable initiative of the Government of Tamil Nadu keeping in mind the problems faced by adolescent girls and also to contain dropout rates of girls from schools due to this issue. Under this scheme, 18 packs of sanitary napkins (six pads per pack) in a year, at the rate of three packs for two months for each adolescent girl (10-19 years) is provided in rural areas for both school going and non-school going girls. In the rural areas, the designated teacher in every school is given the responsibility of distributing the sanitary napkins to the school students. Those girls not going to the schools are also covered under the scheme, for whom village health nurses along with Anganwadi workers are responsible for

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113 The Hindu, Chennai, August 3, 2015
114 The Times of India, Chennai, Jul 3, 2015
distributing the napkins. Post natal mothers in government hospitals are given seven packs each (six pads per pack). Likewise, women prison inmates and female inpatients in the Institute of Mental Health, Chennai are also given 18 packs (six pads per pack) of sanitary napkins per year. This programme is intended to increase awareness among adolescent girls on menstrual hygiene, to build self-esteem, empower girls for greater socialization, to increase access to and usage of high quality sanitary napkins. Every year free sanitary napkins are distributed to more than 32.79 lakh adolescent girls, women prison inmates and inpatients in the Government Mental Hospital under the Menstrual Hygiene Programme. From 2012 to 2015, Rs.208.45 crores has been spent by the Government of Tamil Nadu for this programme. ¹¹⁵

**g) Dr. Muthulakshmi Reddy Maternity Benefit Scheme (MRMBS)**

This scheme is implemented with the noble aim of assisting poor pregnant women and lactating mothers to meet expenses on nutritious diet and also to compensate the loss of income in the months immediately after pregnancy for working women. Initially Rs.6000 was given in two installments and the amount has been increased to Rs.12,000 for beneficiaries with effect from June 2011. The amount is given in three installments and is restricted to the first two deliveries. The first installment is given before delivery for those availing the required anti-natal care services during pregnancy in government medical institutions, second installment for those delivering in government medical institutions and the third installment after proper immunization of the child. This scheme has been extended to Sri Lankan refugees also. Since October 2012 the amount is directly deposited in the bank accounts of the beneficiaries through electronic clearing system. ¹¹⁶

**h) IGMSY (Indira Gandhi Matritva Sahyog Yojana)**

Maternity benefits for pregnant women and lactating mothers has been introduced through this scheme on a pilot basis in two districts of Tamil Nadu (Erode and Cuddalore) during the year 2011-2012, by providing cash incentive of Rs.4000/- per

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¹¹⁵ Demand No.19, Policy Note 2015-16, Health and Family Welfare Department, Government of Tamil Nadu, 2015, p.73.

¹¹⁶ The Times of India, Chennai, 9th September 2015.
beneficiary. This central scheme works in tandem with Dr. Muthulakshmi Maternity Benefit Scheme of Health and Family Welfare Department offered by the Government of Tamil Nadu.\textsuperscript{117} Initially Rs.4000 was given to each beneficiary, which amount was enhanced to Rs.6000 in accordance with National Food Security Act (NFSA), 2013. This amount was given in two installments from July 2013 onwards and 41,521 mothers benefitted through the first installment and 30,695 mothers benefitted from the second installment. The State’s contribution was Rs.2997.68 lakh in the year 2013-2014. In the year 2014-2015, 43,203 mothers benefitted from the first installment and 30,371 mothers were the second installment beneficiaries. The state and district IGNSY cells were established under the centrally sponsored schemes with effect from August 2014.

\textbf{i) Working Women’s Hostel}

To help girls and women from poor and middle class families to stay in a safe and secure place with their meager income, the Government runs 28 working women’s hostels in Tamil Nadu. In the year 2014-2015 Government gave approval to start 14 more working women’s hostels. Women who earn a maximum of Rs.25,000 per month at Chennai, and Rs.15,000 per month at other places of Tamil Nadu are eligible to get admission to these hostels.\textsuperscript{118} The inmates of such hostels in Chennai have to pay Rs.300 as monthly rent and Rs.200 in other places. Sharing system is followed for food expenses, electricity and other charges, while the Government pays salary to the staff.\textsuperscript{119}

\textbf{j) Service Homes}

To take care of destitute women and girls like widows, deserted wives, poor women, girls rescued from child marriages and those who are neglected by their families, the Government has set up nine service homes in the State at Chennai, Salem, Cuddalore, Thanjavur, Tirunelveli, Sivagangai, Madurai, Krishnagiri and Perambalur. The destitute widows and deserted women are allowed to bring in a maximum of three children along

\textsuperscript{117} PHRN. (2010). Towards Universalisation of Maternity Entitlements: An Exploratory Case Study of the Dr. Muthulakshmi Maternity Assistance Scheme, Tamil Nadu.

\textsuperscript{118} The Hindu, Chennai, June 26, 2014

\textsuperscript{119} Policy Note 2015-2016, Ibid.,
with them, for whom education is also provided. The inmates can also pursue their studies. Suitable accommodation, food, health and medical facilities are provided in the service homes for all inmates including their children.

**k) Protecting Women from Domestic Violence**

To ensure the proper implementation of the Domestic Violence Act, the Government appointed certain officers to help the victims. **Protection officers** have to help the aggrieved women to file a case against her husband or against any male adult person, alleged to have committed domestic violence who is in a domestic relationship with the petitioner. Their role is to facilitate the women to approach the court, provide legal aid, execute the orders of the court whenever necessary with the help of police and file a petition before the judicial magistrate’s court or with the service provider or in the nearby police station or to get appropriate relief from the concerned courts.

This Act brought in ‘service providers’, who are members from notified Non-Governmental Organizations (NGOs). They help the aggrieved women in filing the Domestic Incidence Report, provide accommodation in the ‘Short Stay Homes’ with their children, counsel them and help the aggrieved women to get medical treatment if needed. Vocational training is also imparted to them for their economic empowerment.

As per the stipulation of this Act, 98 shelter homes are functioning in the State, and 1849 medical institutions including government hospitals, primary health centres, Government medical college hospitals and ESI dispensaries have been notified as ‘medical facilities’, to provide medical assistance to the victims of violence.

The District Social Welfare Officers are designated as ‘Dowry Prohibition Officers’ as per the Dowry Prohibition Rules 2004. They are given necessary training for the effective implementation of the Act. Complaints filed with the district social welfare officers and referred by the police are enquired into by the Dowry Prohibition Officers. The genuineness of the case is verified by the District Social Welfare Officer after which it is filed with the police or the court for taking necessary action under Dowry Prohibition

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120 *The Protection of Women from Domestic Violence Act, 2005*
Act 1961. Awareness of dowry prohibition is created by the District Social Welfare Officer in coordination with the district administration on 26th November, which is observed as ‘Dowry Prohibition Day’.

IV. INCLUSIVE POLICIES FOR GIRL STUDENTS

The Government of Tamil Nadu has introduced many inclusive welfare policies from time to time to ensure access to education from the primary to the higher level for all the girls as education is accepted as the key to development and empowerment. The inclusive policies aim to reduce illiteracy rate and school dropouts among the girls. By retaining the girls in the school, early marriage and early motherhood is stalled, health and hygiene is encouraged. A good educational background helps the girls to get better work opportunities with higher pay. All these factors contribute positively towards the overall development of the girls. There are schemes specifically for the girl students and there are some schemes benefiting all the students. It is found that both the gender specific schemes and gender neutral schemes are vital for retaining the girls in school. In this part the welfare policies introduced by the Government of Tamil Nadu, some specifically for girl children and other gender neutral schemes for students in general are discussed.

While analyzing the alarming dropout rates of school children, the policy makers understood that poverty was the major impediment standing between the girl children and their access to education. It was difficult for poor parents to provide education and food to their children. So they were employed from their tender age. In Tamil Nadu, former Chief Minister M.G.Ramachandiran revived the “mid-day meal programme” on a wider scale than what was envisaged by another former Chief Minister Kamaraj in his mid-day meal programme. “The Puratchi Thalaivar MGR Nutritious Meal Programme” launched in 1982 aimed at providing hot nutritious lunch to school children so as to not only retain the enrolled children, but also to attract the others who have not been enrolled. Initially only the primary school children were included and later it was extended to the high school students and disabled children upto 15 years. Besides combating malnutrition, the programme acts as an incentive for increasing enrolment in schools and
for reducing dropouts. Every year around 50 lakh students are benefitted in Tamil Nadu. Though gender neutral, this scheme is of immense importance for retaining girls in schools and for ensuring their physical and mental development through the intake of nutritious food. Following the success of this laudable scheme, many States in India have introduced it.

Distance to school is yet another factor indentified as the reason for girl students dropping out from schools. Eve-teasing is a social evil which is quite rampant in India. Many school going girls dread this harassment. It is considered to be the norm for boys and men to tease girls and women. Considering their safety, parents also discourage daughters who have attained puberty from attending schools if they have to travel long distances. To curtail the dropout rate and help the girl students to complete their schooling, the Government of Tamil Nadu, launched the “Supply of Bi-Cycle Scheme” from the academic year 2001-2002. Initially it was given only to Scheduled Caste and Scheduled Tribes girls studying in class XI and XII. Encouraged by the success in retaining the girl students in schools, this scheme was expanded during 2005-06, to cover students belonging to all sections and now it is being implemented in all Government and State-aided schools. Annually 6.5 lakhs students studying in XI and XII standards are given bicycles free of cost by the Government of Tamil Nadu.

To cater to students belonging to economically disadvantaged sections of the societies, the Government of Tamil Nadu launched “Free Bus Scheme” to school and college students on July 5, 2011. This is also one measure aimed at cutting the dropout rate. In the very first year of its inception, around 27.2 lakhs school and college students benefitted. This scheme covers all the schools in the State from the first to twelfth standard, students studying in government and government aided colleges, including polytechnics and industrial training institutes. This gender neutral welfare measure benefits girl students from the primary to the higher education level. In a way, the government is sharing the family’s burden making for a truly welfare democracy.

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121 Policy Note, 2015-2016, School Education Department, Government of Tamil Nadu, 2015, p.20.
122 Policy Note, 2015-2016, School Education Department, Government of Tamil Nadu, 2015, p.19.
123 The Hindu, Chennai, July 5, 2011
“Laptops” are supplied free of cost to the XII standard students from the academic year 2011-12. so as to enable them to make optimum utilization of digital technology, web-resources and audio-video educational CDs in their pursuit of professional courses or higher education. This policy being gender neutral, benefits girls also.\textsuperscript{124}

The Mid-day Meal Scheme alone could not ensure a slowdown in dropout rates of school students. The policy makers realized that there were other factors which have to be taken care of if students have to continue with their studies. Of these, uniforms, books, notebooks, footwear and educational kits were equally important, but many parents could not afford them. So one by one the government brought welfare schemes which could satisfy the requirements of the students. In the academic year 2011-12 the government started supplying \textit{“uniforms”} to students studying in government and aided schools in Tamil Nadu. Initially one set was given to all the students in 2012-13 two sets of uniforms were given in 2013-14 and presently \textit{“four sets of uniforms”} are given.\textsuperscript{125} From the academic year 2013-14 \textit{“wollen sweaters”} are being provided to students in hilly areas and for those who are enrolled in the Noon Meal Programme.\textsuperscript{126} The Government of Tamil Nadu started the supply of \textit{“footwear”} free of cost in order to prevent infection to barefooted students from the year 2012-13.

\textit{“Text books”} free of cost are distributed to all the students studying in I to XII standards in Government Schools, Government Aided schools, Adi Dravidar Welfare Schools and Government Tribal Residential Schools on the opening day of each academic year or term.\textsuperscript{127} This scheme was initiated in 2011-12. From the year 2012-13, the Government of Tamil Nadu started supplying \textit{“note books”} free of cost to all the students.\textsuperscript{128} Apart from text books and note books, educational kits consisting of \textit{“Atlas”},

\begin{footnotesize}
\begin{enumerate}
\item[\textsuperscript{124}]\textit{Policy Note, 2015-2016, Ibid., 2015, p.12.}
\item[\textsuperscript{125}]\textit{Policy Note, 2015-2016, Ibid., 2015, p.14.}
\item[\textsuperscript{126}]\textit{Policy Note, 2015-2016, Ibid., 2015, p.15.}
\item[\textsuperscript{127}]\textit{Policy Note, 2015-2016, School Education Department, Government of Tamil Nadu, 2015, p.15.}
\item[\textsuperscript{128}]\textit{Policy Note, 2015-2016, Ibid., 2015, p.16.}
\end{enumerate}
\end{footnotesize}
“School bags”, “Colour Pencils/Crayons” and “Geometry boxes” are supplied free of cost to students of Government and Government-aided schools in the State.\textsuperscript{129}

Despite the fact that the Government was keen on providing many concessions to help the poor students to continue in their education, yet lack of money in their hands led them to abandon their educational pursuits and take up jobs. In order to retain them, especially the girls, the government started “\textit{Special Incentives for Adi-Dravidar And Tribal Girls Scheme}”, in the year 2011-2012. Tribal girls studying from third to fifth standard are given an incentive of Rs.50 per month per student for ten months in a year. Sixth standard students are given Rs.100 per month and girls studying in Seventh and Eighth standards are given Rs.150 per month for ten months in a year respectively.\textsuperscript{130}

Yet another “\textit{Special Cash Incentive Scheme}” was introduced by the Government of Tamil Nadu to help the students from poor economic background from the academic year 2011-12. This is a gender neutral policy wherein Rs.1500 is given to students studying in Tenth and Eleventh standards and Rs.2000 is given to students studying in Twelfth standards in Government and Government aided schools. It is deposited in the Tamil Nadu Power Finance Corporation and the same is handed over to the students on completion of their higher secondary education.\textsuperscript{131}

The death of bread-winning parents also comes in the way of continuance of education. Under the “\textit{Financial Assistance to Students Who Have Lost Their Bread-Winning Parents Scheme}”, the Government provides financial assistance to students whose parents have passed away or are incapacitated. Initially Rs.50,000/- was given, later it was increased to Rs.75,000/-, which amount is deposited in the name of the student in a public sector undertaking.\textsuperscript{132}

\textsuperscript{129} \textit{Policy Note, 2015-2016, Ibid.,} 2015, p.17.
\textsuperscript{130} \textit{Policy Note 2015 – 2016, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu, Government of Tamil Nadu,} 2015, p.16
\textsuperscript{131} \textit{Policy Note, 2015-2016, School Education Department, Government of Tamil Nadu,} 2015.
\textsuperscript{132} \textit{Policy Note, 2015-2016, School Education Department, Government of Tamil Nadu,} 2015, p.21.
The Government of Tamil Nadu’s endeavour to successfully educate the girl children has not only reduced the dropout rate of school girls, it also stopped child marriage to a very large extent. But to have more women especially highly educated women from all strata of the society in the decision making posts, it had to support higher education of girls. With that objective, the government introduced. “First Generation Graduate Tuition Fee Concession” to benefit those who wanted to join professional courses from the academic year 2011-12. Though gender neutral, this scheme benefits the girls also. Financial assistance of Rs.50,000 for pursuing professional courses and Rs.30,000 for pursuing Degree or Diploma Courses is provided to the ex-inmates of Government Children Homes who have successfully completed their higher education. The girl children who stay with their mothers in the Service Homes are provided education upto 12th standard. Life skills like, computer training, spoken English and future career guidance is also given for the girl inmates of the Service Homes. Skills relating to repair of electronic and electrical consumer appliances, plumbing etc, are given under Tamil Nadu Skill Development Mission, to children including those benefitted under the Girl Child Protection Scheme.

Every year forty girls, ex-inmates of government service homes and government children homes who have successfully completed their higher secondary course are given admission to a two year B.Ed Course conducted by the Secondary Grade Teacher Training Institute, functioning at Service Home campus in Tambaram.

The girl students who pursue their Post Graduate courses in Government or Government aided arts and science colleges and who are not eligible for the post matric scholarship, since their parents’ or guardian’s annual income do not exceed the limit as prescribed by the Government of India or State Government are exempted from the payment of special fees and examination fees.

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133 Demand No.20, Policy Note, 2015-2016, Higher Education Department, Government of Tamil Nadu, 2015, p.31

134 Demand no. 45, Policy note 2015-2016, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, p.15.
Free coaching classes are regularly conducted by the Government of Tamil Nadu at Queen Mary’s College, Chennai and Sri Meenakshi Government College for Women, Madurai, for helping the girl students interested in appearing for the All India Civil Services Examination. Every year Rs.10 lakhs is set aside for this scheme.

The Government of Tamil Nadu with the noble objective of providing free and compulsory school education that not only increases literacy rates, but also improves the quality of life of the girls has introduced many novel inclusive policies towards that purpose, as discussed above. Some policies are exclusively for girls, and others are gender neutral. Yet the policies discussed above have positively impacted the lives of the girl students.

V. POLICIES FOR MARRIAGE ASSISTANCE

Marriage as a social institution is considered to be vital for the sustenance of a civilized life both in patriarchal and in matriarchal societies. This institution has many favourable aspects and an equal number of unfavourable aspects. Looking at one angle, it positively regulates man’s need to have the comforts of family life, which is the basis or foundation of the social life. Viewed from another angle, this institution is the main tool for fostering legitimate oppression and suppression of women in the society. This is especially true in a society which follows the patriarchal, patri-local, and patri-lineal way of life. In India, marriage is considered to be the central point of a person’s life and for a women the purpose of her life hinges on her marriage. Moreover, marriage is for continuing the lineage of the man’s family and from this fertile area the son obsession germinates. Parents with unmarried daughter or daughters of marriageable age face criticism in the society. This fact has remained the same from the Vedic Age. A woman’s life is supposed to begin only as a wife, which culminates favourably when she becomes the mother of a son or sons. From the time a girl is born, the parents are worried about their daughter’s marriage, dowry, safety, security and other related things. In most of the Hindu families, marriage expenses apart from Stridhana or dowry have to be met by the girl’s families. The inferior status of a girl and her family in the marriage market vis-à-vis the boy and his family may also be the reason for the practice of foeticide and infanticide.
Despite the existence of law on dowry being an offence, yet, it is the norm practiced by the people to this day. Marriages are conducted according to the customs and cultural background followed by the families and it varies from community to community. Inspite of the varying customs, one common factor is the tying of the sacred thread called as ‘Thali’ or ‘Thirumangalyam’ made of gold, symbolically signifying the union of the couple.

The Government of Tamil Nadu understands the predicament of the poor parents of daughters, who are struggling to marry them off and has introduced many marriage assistance schemes to relieve them from their agony. These schemes are implemented to help the marriage of girls from economically poor background, orphan girls, widow’s re-marriage, marriage of widow’s daughters and inter-caste marriages. These schemes are for benefitting the parents of the economically weaker sections to cope with the burden of marriage expenses of their daughters. To avail the benefits under this scheme, basic educational qualification is prescribed for the girls so as to encourage parents to educate them. The percentage of graduate beneficiaries increased from 28 percent in 2011-12 to 49 percent in 2014-15, in which year 1,35,180 beneficiaries availed the benefits under the five Marriage Assistance schemes offered by the State.135

Marriage assistance is provided under \textit{Moovalur Ramamirtham Ammaiyyar Ninaivu Marriage Assistance Scheme} for poor girls, who have attained the age of 18 years at the time of marriage. Educational qualification is prescribed for availing benefit under this scheme so as to encourage parents to educate their daughters. Cash assistance of Rs. 25,000 for marriage expenses and a 22 carat gold coin weighing 4 grams for making ‘Thirumagalyam’ is provided under this scheme for girls who have completed X\textsuperscript{th} standard and in case of girls belonging to Scheduled Tribes, if they have studied upto 5\textsuperscript{th} standard. Graduates and Diploma holders are given Rs. 50,000 for marriage expenses along with a 4 Gram Gold coin of 22 carat purity for making the ‘Thirumagalyam’. This assistance is given directly to the daughters whose parents have died.136 Apart from the

\begin{itemize}
\item [135] Demand no. 45, Policy note 2015-2016, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, pp.10-12
\item [136] The Hindu, Chennai, September 7, 2013
\end{itemize}
age and educational criteria, to avail benefit under this scheme, the family’s annual income should not exceed Rs.72,000/-.  

Widow re-marriage, though legalized in 1856, is still not accepted in the society. Young widows are motivated by various social reformers to remarry. But they need social acceptance and financial assistance to improve their social status. With that laudable objective, **Dr. Dharmambal Ammaiayar Ninaivu Widow Remarriage Assistance Scheme** was launched. Income ceiling and educational qualifications are not made mandatory for benefitting from this scheme, but Degree/Diploma holders are given Rs.50,000/-. It is given by way of cheque for Rs.30,000/- and a National Savings Certificate for Rs.20,000/-. For the other widows, financial assistance of Rs.25,000/- is given, of which Rs. 15,000/- is given as a cheque and Rs. 10,000/- is deposited in National Savings Certificate. All the widows benefitting from the scheme are also given a 4 Gram Gold coin of 22 Carat purity for making ‘Thirumagalyam’.  

To benefit the daughters of poor widows, **E.V.R. Maniammaiayar Ninaivu Marriage Assistance Scheme** was launched. Under this scheme, Non-graduate daughters of widowed mothers can avail financial assistance of Rs.25,000, whereas Degree or Diploma holders are given Rs.50,000. All the beneficiaries of this scheme are also given a 4 Gram Gold coin of 22 Carat purity for making ‘Thirumagalyam’.  

The Government of Tamil Nadu introduced **Annai Theresa Ninaivu Marriage Assistance Scheme for Orphan Girls** to help them to have a decent marriage and also to bring them into the mainstream. Financial assistance is provided to the tune of Rs.25,000/- to non-graduates and Rs.50,000/- to degree or diploma holders. All the beneficiaries of this scheme are also given a 4 Gram Gold coin of 22 Carat purity for making ‘Thirumagalyam’. 

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137 [http://agridr.in/govt_schemes_services/govt_schemes_Welfare%20schemes.pdf](http://agridr.in/govt_schemes_services/govt_schemes_Welfare%20schemes.pdf)

138 Demand no. 45, Policy note 2015-2016, Social Welfare and Nutritious Meal Programme Department, Government of Tamil Nadu, pp.10-12

making ‘Thirumagalyam’. Since, they are orphans, no income ceiling has been fixed for availing benefit under this scheme.\textsuperscript{140}

Inter-caste marriages are accepted in the Dravidan ideology and condoned by the Vedic ideology that protects and sustains a water tight varna based society. Caste based discrimination stands in the way of the growth and development of the society. The Government of Tamil Nadu implemented \textit{Dr. Muthulakshmi Reddy Ninaivu Inter-Caste Marriage Assistance Scheme}, with the aim of bringing in social equality. This scheme recognizes two categories of inter-caste marriages. To avail benefit from category-I, either of the spouses should be from Scheduled Caste or Scheduled Tribes, while the other spouse may be from any other community. To avail benefit under category II, either of the spouses should be from forward or other community and the other spouse from Backward Class or Most Backward Class. Apart from the 4 gram gold coin of 22 carat purity for making ‘Thirumagalyam’, the eligible non-graduates can avail Rs.25,000/-, of which Rs.15,000/- is given in the form of cheque and Rs.10,000/- in the form of National Savings Certificate. Graduates and Diploma holders receive Rs.50,000. Out of this amount, a cheque is given for Rs.30,000/- and Rs.20,000/- is deposited in the National Savings Certificate. There is no income ceiling or educational qualification stipulated to avail this benefit.\textsuperscript{141}

\textbf{VI. AWARDS}

The Government encourages and recognizes women social workers by giving them awards. On International Women’s Day, which is observed on 8\textsuperscript{th} March, ‘Avvaiyar’ awards are given by the Government of Tamil Nadu to eminent women who have rendered excellent service in the fields of social reform and women development. The awardees are given a cheque for Rs.1,00,000, a 22 carat gold coin weighing 8 grams, a shawl and a citation. Likewise every year on the eve of Independence Day, the ‘Independence Day Award’ for best social worker is given, who is honoured with a 22

\textsuperscript{140} Demand no. 45, Policy note 2015-2016, \textit{Ibid.}, pp.10-12

\textsuperscript{141} Demand no. 45, Policy note 2015-2016, \textit{Ibid.}, pp.10-12
carat gold coin weighing 10 grams, a shawl and a citation. The best institution is given a cash award of Rs.50,000.

The policy makers realized that for the development of India, empowerment of women was one important factor. Indian freedom fighters understood the socio-cultural issues obstructing development. Gender equality was mooted prior to independence and the framers of the Constitution too shared that ideology and they structured the Constitution to be gender sensitive and protective. In Part III, Fundamental Rights were given to all equally. Part IV lays down directions for the State to ensure the implementation of welfare policies depending on the need and availability of resources.

Commissions and Welfare Boards for women have been constituted by the Central Government and the State Governments. Their role is to monitor the needs and development of women, to understand the pressing gender issues, to give concrete suggestions to the ministries and to execute the policies of the Governments.

Since 1950, the Central Government and the Government of Tamil Nadu have been bringing in inclusive policies for women. Economic empowerment was envisaged through a number of policies like Swashakthi, Swalamban, STEP, Self Help Groups, MGNREGS etc which have touched the lives of millions of women. Without displacing women from their places these schemes ensure economic independence of women. SHGs are only for women, whereas MGNREGS is gender neutral. But both these schemes have enabled the Governments to reach them directly through the Panchayats. At the State level also the economic initiatives including tie up with banks, provision of loan facilities, engaging the services of women SHGs in the Statewide Amma canteens etc. are some noteworthy measures that ensures economic independence of women, with the backing of the Government.

Economic empowerment alone is not enough for the holistic empowerment of women. They have to be freed from socio-cultural disabilities and discriminations. Both the Central and the State Governments introduced many measures and schemes to protect women and girls within the four walls of their homes, in the society and in the work place. To protect girls and women in difficult circumstances and to rehabilitate them,
welfare measures have been brought in by the government. It is pertinent to mention that the Government of Tamil Nadu has brought in policies like Cradle Baby Scheme, Feeding Rooms for Mothers etc., which are highly beneficial. The existence of the evil of infanticide was accepted by the Government through the introduction of this scheme. Unperturbed by the criticism the Government opened many such centres thereby saving the lives of a number of girls.

Education is the key to success and both the Governments concentrated on ensuring admission of girls to schools and in retaining them, so that early marriage and early motherhood can be avoided. It will also ensure a proper and holistic development of the girls. The Government of Tamil Nadu has introduced schemes like mid-day meals, supply of uniforms, books, footwear, bicycles etc, to ensure that female literacy improves. These policies go a long way in reducing parents’ burden and more importantly in lowering the male-female ratio gap. Marriage assistance schemes to help parents and girls of marriageable age have been introduced to share their burden. The welfare state concept based on the directions given in Part-IV of the Constitution, are being diligently followed by the Central Government and the Government of Tamil Nadu.

All the inclusive executive policies discussed above have reduced the gender gap to a large extent. Yet the gaps remain to this day and that is the reason for the exclusions and discriminations to continue. This is one reason for the backwardness of the nation. When a nation is not able to utilize the capabilities of nearly half its population, it reflects negatively on its development. Thus gender discrimination can no longer be construed as affecting women alone and their empowerment. It also drastically affects the growth of a nation by stalling and slowing down the pace of its progress.