CHAPTER-I
STATUS OF WOMEN IN HIMACHAL PRADESH:
AN INTRODUCTION

1.1 CONCEPT OF STATUS VIS-À-VIS WOMEN

The status of women in any civilization shows the stage of evolution at which, the civilization has arrived. The term ‘status’ includes not only personal and proprietary rights but also duties, liabilities and disabilities. In the case of an Indian woman it means her personal rights, proprietary right, her duties, liabilities and disabilities vis-a-vis the society and her family members.¹

Right from 19th century the English evolutionist, Sir Henry Maine, and later American sociologists, Robert E. Park and Furmost W. Burgess have contributed to the concept of status as either from status to contract (Mains), or as relevant contrast between status and completion (Park and Burgess). With the development of modern sociology and social anthropology, all culturally prescribed rights and duties inherent in social positions have been encompassed in the term status. In the beginning the status referred only to the ‘ascribed ‘status. But, of late, it has been widened to ‘achieved’ status too. The status was distinguished as ascribed and achieved by Ralph Linton, the eminent American anthropologists. Broadly speaking, the ascribed status refers to the inherited one. But the status resulting from personal attainment of goals, set forth by the culture, is treated as achieved one.²

Status is a very ambiguous word. It has both subjective and objective components. One might mean by status, “esteem” or the subjective feeling of being respected. It may include many symbolic contents veneration may however coexist with denial,

¹ Raj, Maithreyi Krishana, Women’s Studies in India Some Perspectives, Bombay Popular Parkashan, 1986, p.35.
deprivation of various sorts. A great deal of the contents of ‘status’ today is evaluated in terms of development indicators – income, property or opportunities and use of training in skill that open up chances of employment, health levels, etc. These are what have come to be known as quality of life indicators. There are in most countries status reports that document how women have lower incomes, lower employment, lower education, lower health, etc. Status may also include custom and practices that are restrictive, oppressive and damaging to the physical and Psychological well-being of women–practices that control and restrict movement, that restrict free choice in matters of everyday life, that mutilate their bodies or even destroy their lives.3 “Status” is correlated to the participatory right and obligations of women in the managing of society; there studies examine the “role” assigned to them by tradition, religion, ideology and the stage of economic development. As the enhancement of status is essentially the enlargement of scope of participatory rights in the running of society, a review has been made of the trends “emancipation” in different countries: the removal of constraints, historical or constitutional, which impeded a more forth–coming role on the part of the women.4

The concept of status is related to the concept of role. Linton, treats role as the more dynamic aspect of status. Generally, the status assumes a problematic form when roles are vaguely or ambiguously defined. The status is a collection of rights and duties. The individual may occupy a status. For Znamiecki, status chiefly refers to social status where stress remains on social aspect of role. The actual treatment obtained, legal status, opportunities for social participations and character. As per Malinowaski, the status is included in equal opportunity for

3 Raj, op. cit., p. 35.
work, types of taboos, contribution in the house economy for tribal women.

The above explanations convince that various ideas conceived in the explanation of status. When pooled together, can be more used and use of single concept may not make the position clear in the case of women. Another significant dimension, with the above, is to take note of three important stages, that is, of maidenhood, wifehood and motherhood, while analyzing the status of women. Status has been like to the moving equilibrium at various times and in the various parts of the globe.

Thus, it is clear that the terms status refers to a position of women as an individual in the social structure defined by her designated rights and obligations. Each status or position is explained in terms of a role, or the pattern of behavior expected of the occupants of a status; role is, thus, the dynamic aspect of status. In as much as the former can-notes a behavioral pattern, the latter refers to the location in a system of social relationships.

1.1.1 Status of Women during the Ancient Period in India

In ancient times women were an object of superstitions taboo, feared for supposed magical powers, and blamed as the source of dark and evil forces in the world. Similar attitudes were carried into more enlightened cultures. According to the code of many people were taught that ‘The source of dishonor is women; the source of strife is women…..’ In Judaic and Christian traditions women was held accountable for man’s descent into sin. For this reason, while the birth of a son was greeted with rejoicing, while the birth of a daughter was looked upon as a calamity and in innumerable instances the unfortunate girl child was allowed no more than a few moments or days of life.  

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5 Dube, M.P. and Neeta Bora, Social Justice and Women in India. Published by Swaraj Prakashan, Sec 7 Rohini, Delhi, 1998, p. 84.
Status of women during the ancient period is presented under four broad sub-periods listed below. These, however, do not follow a chronological sequence. Ancient Indians are charged with a lack of historic sense. They did not write history as it is written today.

1.1.2 The Vedic Period

The earliest known source of information available about ancient India is the Rig Veda. The period 1500-1000 B.C. is identified as the early Vedic or the Rig Vedic period. Though we cannot clearly state that the age was characterized by total equality between men and women, it is evident from available data sources that many liberal attitudes and practices pertaining to women existed during this period. Women took part in religious and social activities and they had some freedom to choose their partner in marriage. Marriage was not compulsory for women. The daughter was not considered a liability or an unwelcome guest in her parental household. Girls would also be initiated into Vedic studies.

The Rig Vedic Aryans were patriarchal. The position of a husband was considered superior that of his wife. Polygamy was permissible. A widow was permitted to marry as is demonstrated by the prevalent practice of a widow marriage the younger brother of her deceased husband. The status of Hindu women during the Vedic period was honorable respectable. The marriage was regarded as sacrosanct and the family ideal was high. The women on marriage acquired an honorable reference, which indicate that, equal social and religious status was allowed to boys and girls in Vedic society. Boys and girls had equal opportunity for advanced education. The girls also spent early years of their life in brahmacharya ashram after observing Upanyana Sanskara for study of Vedas. It was thought necessary for girls otherwise automatically they would be reduced to status of Shudras. They could quit before recommended period of brahmacharya ashram
as they were married at 16/17 years of age. They were then called Sadyovahas. If she continued her studies, she was called Brahmavadini.  

Attainment of women in intellectual field is to be inferred from the fact that some of the hymns are attributed to female Rishis. They were on the same footing as men. They learnt the Vedas, were entitled to recite the Vedas and they were teachers as well as learners. They were poetesses, teachers and intellectuals of the day. In Vedic era, women had sufficient freedom of going to attend fairs, festivals, and assemblies. They were not confined to four walls of their family houses. There is no mention of purdah system.

In the last century BC the Manuismriti served as the basic Hindu social code as it would, for many centuries until the modern legislation under the British and independent India demised its validities. Marriages were settled soon after puberty. The institution of caste becomes very rigid with strict hierarchical gradations. Brahmanical order was firmly established. Manu did not favour inter-caste marriages. Polygamy and Monogamy was prevalent, Brahmans could possess 3 wives, kshatriyas-2, vaishyas – 1 besides 1 shudra wife for all, only for pleasure and not for religious rites. Evidences of widow re-marriage during this period are conflicting; there are cases of permission as well as of prohibition. A widow was generally not allowed to re-marry. Women were incapable of possessing property.

1.1.3 Mahabharta Times

According to the Mahabharata (Shanty Parva) the following categories of persons are to be excluded from the place where a king holds any consultations; “dwarfs, humpbacked person, lean man, lame and blind men, idiots, and ewers women”. Women thus

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6 Prakash, Nirupama. Status of Women In India Society Issues & Challenges In Processes of Empowerment, Institute of Technology & Science, India <rupa@bits-Pilani.ac.in> p.-282.
7 Ibid. p.-283.
were lumped together with the retarded and the deformed (This, when treated as at all human-most after women were treated as objects and lumped together with other items of property-villages, gold and cows!) Manu, shukra and chanakya, the ancient law givers, confirm this barring of women from any responsibilities.9

The two great epics, Ramayana and Mahabharata have played key roles in moulding (shaping) the ideology (beliefs) of Hindus as well as their attitude to words women. It thus becomes important to discuss the portrayal of women in the two epics when we are discussing the status of women. The two great epics Ramayana and Mahabharata have a strong influence on Indian society. Even today girls are being brought up to follow in the footsteps of Sita, the wife of Rama; Sita is considered the ideal Hindu women because she surrendered all her personal/desires and followed Rama to the forest. On the other hand, Draupadi the central female character of Mahabharata is a woman who exhibits a greater sense of independence and courage. Sita of Ramayana and Draupadi of Mahabharata are well known today. In spite of their subjugated status vis-a-vis their husband, they are universally respected and have become role-models. The self imposed blindness of Gandhari as a mark of respect to her blind husband did not lower her status as a queen. In fact, she gives out the message that a respectable wife is one who humbles herself vis-a-vis her husband. Ancient India's march to civilization was accompanied by the growth of social discriminations.10

In the Vedic age education was mostly centered in the family; brothers, sisters and cousins probably studied together under the family elders, subsequently, when specialization become the order of the day, students had to leave their homes and often to go to distant places to study under celebrated teachers. When there were competent lady teachers (acharyas)

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9 Jain, Devaki, Indian Women, Publications Division, Ministry of Information and Broadcasting, Govt. of India, A Journal Report, 1896, p. 43.
10 Wikipedia, Status of Women (Sociology) In Indian Society; A Socio-Historical Perspective, p. 3.
available, parents must have naturally preferred to send their daughter to read under them. The custom of child marriage had also not yet become common. We may therefore conclude that most of the girls in the well-to-do families used to be given a fair amount of education down to (300 B.C.) grown up and education girls naturally played an important part in the management of their parent’s households. The important duty of receiving guests and looking after their comforts was usually entrusted to them. The widow could not inherit the properly of her husband after his death; it passed on to her sons.  

Thus, a widowed grandmother or aunt was well looked after in the family and it may not be correct to take too dark view about their condition though. It is inconceivable that a son would normally regard the presence of his widowed mother or sister inauspicious. Widow re-marriage was not unusual among the lower casts.

1.1.4 The Period of Jainism and Buddhism

Jainism and Buddhism took roots around the 6th century B.C. both the religions emerged as potent religious reform movements. The post-Vedic Varna divided society and ritualistic domination of the priestly class of the Brahmans led to the emergence of Jainism and Buddhism as protest movements. Jainism emerged as a religion distinct from Hinduism. Though it recognized the existence of the Gods, it placed them lower than the Mahavira (Jina). Jainism made the first serious attempt to mitigate the evils of the Varnaorder and the ritualistic Vedic religion. Women were admitted to the evils of the Varnaorder and could give up Mahavira; a large number of women drawn from different backgrounds joined the monastic order. In Jaina literature there are references to women who had achieved remarkable success as ascetics. Buddhism did not recognize the

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existence of God and soul (atma). This was a kind of revolution in the history of Indian religions. It appealed to the common people. It particularly won the support of the lower order as it attacked the Varna system. Buddhism permitted women to participate in religious discourses and seek membership in sangha. Many women monks’ composed verses, which came to be known as therigatha.

The high status, women enjoyed during the early Rig Vedic period, gradually started deteriorating in the late Vedic period between 1000 and 500 B.C. women began to be confined to the household. Because of the importance given to values such as purity (ritual cleanliness) and pollution (ritual impurity or contamination) women began to be considered impure during certain periods of their life. They were kept away from many religious and social occasions. Lineage began to be traced in the male line and sons were the sole heirs to family property. As the economic and social status of sons began to rise, the position of women saw a steep decline.

Many educated women used to follow carrier either out of love or out of necessity. Sanskrit language found it necessary to coin a special word in order to distinguish them from wives of teachers. The latter, who were not necessarily scholars, were called Upadhyayas. Women teachers must have been family members in society; otherwise a new term world not have been coined to designate them. It may be pointed out that the tradition of lady scholars is known to Puranas as well; the Bhagavata, for instance, refers to two daughters of Dakshayana as experts in theology and philosophy. Female education therefore received no helping hand from Buddhism during the period 300 B.C. to 800 A.D. Girls in ruling families used to receive same military and administrator training also.12

Thus, the important part played by women in the country’s politics’ administration and the higher professions stands out in stark contrast to the poor estimate that has always been made of women’s capabilities in these matters.

Buddhism began to admit women into religious order. This practice gave an impetus to the cause of female education in commercial and aristocratic families. Several daughters of Buddhist families followed lives of celibacy with the aim of fully concentrating on religion and truth. Another religion contesting Vedic rituals and rites, Jainism also mentions a number of women devoted to religion.

Throughout Indian history there has been a stream of social consciousness urging and encouraging a liberalization of attitudes to the status of women, the two major heterodox religions, Buddhism and Jainism, both supported greater freedom for women than did Brahmanism. The Buddha initially objected to instituting an order of nuns but was finally persuaded by his disciple Ananda. The order of nuns is Buddhism and Jainism provided an alternate nature vocation to those women who wished to disassociate themselves from the usual functions of women in society.

1.1.5 The Age of Dharashastras

During the age of Dharmashastras codes of conduct, which served as the base for prescribing behavior Norms also for women were evolved. These belonged to a large body of secular literature, compiled in 500-200 B.C. This period saw the exclusion of women from both economic and religious sphere. Since education was virtually denied to women they had to be dependent on men for their survival and maintenance. The concept that women were inferior to men gained ground and women were pushed to a state of utter despair and ignorance. This period was also characterized by consolidation of religious
customs and caste system as using rigid proportions. The Dharmashastras prescribed codes of conduct, which regulated not only family life but also life in society at large. They also prescribed punishments for violation of these codes of conduct. The two most important authoritative law codes of this period were Manu Smriti and Yagnavalkya Smriti. Manu Smriti upheld the view that a woman did not deserve freedom at any point of time in her life (Nastree Swatantraamarhati). This view of Manu was not just a theoretical idea but also a practice followed into by the society of that period. The same Manu also said that ‘where women are respected, there the Gods delight’. This is a statement, which is in clear contradiction of his pronouncements about women not deserving any freedom.

According to Manu, the children of the second marriage are legal heirs to the parents. A husband could be a moral wreck, but a wife could not even contemplates a divorce. In the writings of the Dharmashastras (religious texts) from A.D. 200 to about A.D. 1200 society subjected women to unfair treatment. A man was practically permitted to divorce his first wife by contracting a second marriage. He could even avoid the payment of any maintenance to the first wife if she refused to stay with him. ¹³

The writers of the Dharamasutras, reject the right of widows to inherit husband’s property in the Vedic period. The ideas of the Dharmasutras were followed by the earliest Smriti writer Manu, who writes down that the property of a sonless father, goes to his father, brother, a Sapinda and a Sakulya in accordance with the closeness of relation. If none of these was forth coming, then a preceptor or a disciple and finally the state could take away the property of the dead in that order with yajnavalkya, there arose a school of liberal thinkers who started raising their voice for the

cause of widows, granting them some limited rights in the property of their husband.\textsuperscript{14}

The Mitaksara is the earliest of all such commentaries on the Smiriti of yajnavalkya and it respected all over India except Bengal and parts of Assam. As understanding of the concept of Stridhana is a prequisite to the consideration of the legal rights of women to landed wealth. According to yajnavalkya what was given (to a woman) by her father, the mother, the husband or a brother or received by her before the nuptial fire or presented to her on her husband’s marriage to another wife or any other is denominated stridhana, Manu the earliest among our law-givers to treat the topic systematically and to attempt a definition lays down, “what was given before the nuptial fires, what was given in token of love and what was received from a brother, a mother or a father are considered as the six fold separate properties of a married women.\textsuperscript{15}

Thus, here we have clear endorsement of cash combined with ornaments or land combined with ornaments as items of property covered by the concept stridhana. In the legal text, however, in the dharma- sastra and similar literature, the blanket term woman is used, irrespective of the social origins or status of any woman.

1.2 MEDIEVAL PERIOD

The Indian woman’s position in the society further deteriorated during the medieval Period. The 11\textsuperscript{th} century saw the emergence of Islam, which creates hopes of promoting the interests of the oppressed groups, but it also introduced certain values and practices, which did not help to enhance the status of women or emancipate them from their bondage. The system of purdah, Sati, child marriage and a ban on widow remarriages

\textsuperscript{14} Pawar, Kiran, \textit{Women in Indian History}, Vision & Venture Patala, New Delhi, 1996, p. 62.

\textsuperscript{15} Ibid, pp. 69-71.
became a part of social life in India. Among the Rajputs of Rajastan, the Jauhar was practiced. In some parts of India, the Devadasis or the temple women were sexually exploited. Polygamy was widely practiced esp. among Hindu Kshatriya rulers. In many Muslim families, women were restricted to zenana areas. This strict observance of purdah resulted in the seclusion of women from men who did not belong to their family and also the world outside.

In spite of these conditions, some women excelled in the field of politics, literature, education and religion.

Marriage was a contract among the Muslims and it was a man’s prerogative to divorce his wife. In a system, where there was no provision for payment of alimony (maintenance after divorce), the wife was left to send for herself. Among the Muslims marriage, divorce or inheritance questions are decided as per the provisions contained in the Muslim personal law. Widow Remarriage was far too common and was never questioned.\(^16\)

In the age of general illiteracy higher education was confined to the upper classes. The majority of Indian Muslim girls were taught the rudiments of religion. They were also taught to read the Quran. They received primary education and studied with boys up to the age of nine. After that they were shut up within the four walls of the house and married off as soon as they attained the age of puberty. Some were taught by women teachers at home.\(^17\)

The Muslim law provides the distribution of Muslim marriage Act of 1939, for instance, a Muslim woman can claim divorce in case her husband takes another wife, on the ground that “there is inequality of treatment either psychologically or economically”. The Muslim law of succession and inheritance is equally humane. “A woman is as much an heir as a man under Muslim law, and the

\(^{16}\) Devi, op. cit., p. 6.  
\(^{17}\) Jain, op. cit., p. 193.
son does not exclude a daughter from a share of the father's property.” A marriage does not give the husband any rights over the property of his wife during her life-time, which she can administrator in her own right and even alienate without the permission of the husband. Thus the position of medieval Muslim women, in law, had been, in certain respects, better than that of contemporary Hindu women.\(^\text{18}\)

Members belonging to different communities are ruled by different standards. The disparities and anomalies of the Hindu law were done away with by its codification in 1955 and 1956. The marriage Act of 1955 adopted monogamy as the rule and did away with the different systems of Dayabhaga and Mitakshara. Compulsory registration of marriages, the grant of divorce under certain conditions. The change was not so much in Hindu society in medieval period as regards their property right as the Muslim rulers from the beginning allowed Hindu personal law to operate in cases where both the parties to the litigation were Hindus. According to Dayabhag and Kryta Kalpataru, women's exclusive right was confined to “only a part of Stridhan comprising free gifts of affection”. It was observed that there were elaborate provisions for protecting the honor of women without protection or in helpless conditions. It will be noted that in all other matters women had the same rights as men.

1.3 STATUS OF WOMEN IN MODERN PERIOD

The modern period began with the onset of the 19th Century. The British came to India in 1600 A.D. For nearly 200 years in their East India Company incarnation there was no real effort made to address questions of social inequality or social oppression. Social evils such as sati, suppression of widows, denial of the right to education for women, and child marriage flourished unchecked. With the down of the 19th century an era of change began and it was during this period that many efforts

\(^{18}\) Thomas, P., *Women through the Ages*, 1963 pp. 243-244.
were made both by the British rulers and progressive sections of Indian society to put an end to social evils.

Women enjoyed high status where they were given equal opportunities with men in all spheres of human activity. Many provisions have been incorporated in the Constitution to give equal rights and opportunities to both men and women. Besides many legislative measures have been initiated for the upliftment of women. Despite such measurers the purpose of integration of women in the mainstream of development is very low and therefore much more needs to be done in that direction.\textsuperscript{19}

1.4 THE BRITISH PERIOD (1800-1947)

The British set in motion an era of social reform when they imposed a ban on the inhuman practice of Sati in the year 1829. The famous social reformer Raja Ram Mohan Roy's fight against sati received a positive response from the Governor General Lord William Bentick who took the lead in enacting the sati prohibition Act. Religious fundamentalists and traditionalists put up a stiff resistance to this Act by claiming that the British government refused to withdraw the Act. However, a distinction was made between voluntary sati and forced sati. Also, the passage of this Act did not put on end to the practice of sati. Because of the ban on widow marriage and lack of opportunities for education, women who were rescued from the practice of sati had to undergo a great deal of suffering. Many widows preferred to die, because life held no meaning for them. It was this plight of the young and tortured widows that moved West Bengal, great reformer Ishwar Chandra Vidyasagar, who led the movement for lifting the ban on widow marriage. Due to his efforts the 'Widow Remarriage Act of 1856' was passed.

The social reform movement, which started in West Bengal, spread to other parts of India too. Jyotiba Phule the great reformer from Maharashtra dedicated his life for the cause of women. He started a school for girls in 1848 and in 1852 established the first school for Dalit girls. This period saw immense philanthropic (humanitarian) activity by many Indians in different parts of the country.

In Modern times, the problem of women received the attention of social reformers right from the beginning of the nineteenth Century. Gandhi gave a new momentum to this movement. He was totally against the dowry system which defiled the pure character of the marriage institutions.\(^{20}\)

During the British rule in India, legislation was used to bring about significant modifications in the structure of society. Various reforms were initiated with respect to the status of women.

In 1917, the first women's delegation met the secretary of state to demand women's political rights, supported by the Indian National Congress. The All India Women's Education Conference was held in Pune in 1927. In 1929, the Child Marriage Restraint Act was passed, stipulating fourteen as the minimum age of marriage for a girl through the efforts of Mohamed Ali Jinnah. Women played an important part in India's independence struggle. Some of the famous freedom fighters include Bhikaji Cama, Dr. Annie Besant, Pritilata Waddekar Vijayalakshmi Pandit, Rajkumari, Amrit Kaur, Aruna Asaf Ali, Sucheta Kriplani and names include Muthulakshmi Reddy, Durgabai Deshmukh etc. The Rani of Jhansi Regiment of Subbhash Chandra Bose's Indian National Army consisted entirely of women including Captain Lakshmi Sahgal. Sarojini Naidu, a poet and a freedom fighter, was the first Indian women to become the president of the Indian

\(^{20}\) Devi, op.cit., pp. 55-56.
National Congress and the first women to become the governor of a state in India.²¹

The British period saw the rise of social reform movements which took up the issue of gender inequality, primarily by passing law that removed barriers to women's emancipation. Though widespread changes did not take place, the stage was definitely set for launching a struggle for creation of a gender just society [a society in, which law gives equal treatment to men and women. In cases relating to women courts must give judgements in such a way that the interests of women are protected]. Independence brought new hopes and launching of schemes, meant exclusively for improvement in the status of women.

1.5 THE PERIOD AFTER INDEPENDENCE

After independence, the feminist activism picked up the momentum during later 1970s and women participated in all activities such as education, politics, media, art and culture, service sectors, science and technology etc. The educational status of women is gradually rising in India. The life expectancy of women has improved at a faster rate than that of men. The Hindu personal laws of mid 1956s applied equally to Hindus, Buddhists, Sikhs and Jains which gave women rights of inheritance. Women's representation and participation in various decision-making levels has been increasing in the services. Through the Panchayat Raj Institutions, over a million of women have actively entered into political life in India.²²

After independence Indian constitution has made a lot of effective steps and laws to secure the position of women in society. One of the directive principles of state policy prescribes that the state should direct its policy towards securing equal pay for both men and women and state shall not discriminate against any citizen on the ground of sex. So there is a constitutional

provision in India presenting the state to discriminate in favour of women, if such discrimination is found necessary. The constitution of India guarantees to all Indian women equality (Article 14), no discrimination by the state (Article 15 (1)), equality of opportunity (Article 16), equal pay for equal work (Article 39 (1)). In addition, it allows special provisions to be made by the state in favour of women and children (Article 15 (3)) renounces practice derogatory to the dignity of women (Article 51) and also allows for provisions to be made by the state for securing just and humane conditions of work and for maternity relief (Article 42).

1.6 TODAY THE STATUS OF WOMEN

The status of women in modern India is sort of a paradox. If on one hand she is at the peak of ladder of success, on the other hand she is mutely suffering the violence effect on her by her own family members. As compared with past women in modern times have achieved a lot but in reality they have to still travel a long way. Their path is full of roadblocks. The women have left the secured domain of their home and are now in the battlefield of life, fully armed with their talent. They had proven themselves. But in India they are yet to get their dues. There are many problems which women in India have to go through daily. These problems have become the part and parcel of life of Indian women and some of them have accepted them as their fate.

The status of women in India has been subjected to great many changes over the past few Millenia. Women in India now participate in all activities such as education, science and technology, etc. Our constitution guarantees equal rights for men and women. The constitution is firmly grounded in the principles of liberty, fraternity, equality and justice. It contains a number of provisions for the empowerment of women. Women right to equality and non/discrimination are defined as justiciable fundamental rights. The constitution explicitly clarifies that
affirmative action programmes for women are not incompatible with the principle of non/discrimination on the grounds of sex. The Government of India has always attached great importance to the protection and promotion of the human rights of women and is committed to achieving it. National plans and policies have consistently reflected a vision of progress that is not narrowly confined to expanding incomes, but gives a central place to the achievement of human rights, freedom and well-being for all.

In India, women constitute slightly less than 50 percent of the country’s population. Despite some favourable traditional values and customs and emergence of powerful women personalities down the ages, the position of women is not very rosy. Their social and economic status is, however, relatively low and they are discriminated against in practically all walks of life. For centuries, women have been confined to home and suppressed and deprived of their rights to get a fair treatment from the male dominated society. Women’s development is, therefore, been one of the major issues in India, right from independence, gender discrimination has been identified as one of the most serious and contentious issues. After independence, it was realized that India’s potentials cannot be harnessed unless women became equal partners in development. Indian constitution has made special provisions to ensure women’s rights.

To safeguard various constitutional rights of women, the government has enacted women specific and women-related legislations. In addition to constitutional provisions and social legislations, various women specific policies meant to promote their development have also been initiated. All the five year plans have been given importance to the development of women, with a major objective of raising their economic and social status.23

Today, the women's concern in all sectors—education and literacy, health and nutrition, training and income generation, legislative and Judicial reforms have been flagged. The empowering strategies would need to be further sharpened to make them effective and result oriented. The vision for the future should be built on the achievement to date and fully reflect a gender perspective. There is, therefore, a need for comprehensive and holistic policy on women. This would enable the country to fulfil the constitutional mandate of women's equality and objective of women's total involvement in national development.

1.7 STATUS OF WOMEN IN HIMACHAL PRADESH

The Himalayas is one of the youngest mountain regions of the world. The land mass has not found its final form and its ecosystem is one of the most fragile in India. Himachal Pradesh is a small hill state located in the western Himalayas, bordered by the state of Jammu and Kashmir in the north, Uttar Pradesh in the southwest Haryana on the south and Punjab on the west. The population of 68,56,509 persons is spread over 55,673 sq km and 1,600 villages, which are mostly rural. According to the census of 2011, the total population of the state is 68,56,509 persons (34,73,892 males and 33,82,617 female). Over 60 percent of the state's villages have a population of less than 200 people which often means that the total number of women in any given village is small. The sex ratio in the state is 950 females per 1000 males. The villages are scattered throughout the hills often making access difficult. The distance from the village to the head of the road or to markets varies from 5 to 26 km. The area under forest cover in the state is far below the National Forest Policy requirements of two-thirds. These life supporting mountain systems are under great stress due to the impact of economic development and the growth in human and cattle population.
The inception of Himachal Pradesh dates back to March 1948 when the princes of 30 independent states of Shimla and the Punjab hills decided to merge territories. They signed a document surrounding their small princely states in order to form a state of the Union. On April 15, 1948 Himachal Pradesh finally acquired statehood. On November 1, 1966 the districts of Kangra, Kullu, Lahaulspiti and Shimla, which earlier formed part of the Punjab hills states, were integrated with Himachal Pradesh. It was only in January 25, 1971 that complete statehood was granted. In January 1980 Himachal Pradesh was divided into 12 districts, namely- Chamba, Mandi, Kullu, Hamirpur, Bilaspur, Una, Kangra, Sirmour, Lahaulspiti, Kinnour, Solan and Shimla. Hindi, Punjabi and Pahari languages are spoken here. Himachal Pradesh is considered a multicultural state as there is no religious divide.

There was very little capitalist development in Himachal Pradesh before 1966 when the Punjab hills areas became part of the region. Today, the economy of Himachal Pradesh is based mainly on agriculture, horticulture and forestry.

People who have access to land, especially in horticultural activities such as apple orchards, are the ones benefitting from capitalist development. Agricultural production in the state tends to serve the basic needs of the people, that is food. In the hill state agriculture remains labour intensive rather than capital intensive. The development and success of horticulture has effected changes in the social structure of Himachal Pradesh, particularly in the districts of Shimla, Kullu, Kinnour, Mandi, Lahaulspiti and Chamba. In some districts the process of class formation has been accelerated and the lifestyle of the people increasingly modernized or ‘Westernized’. The transition from collective to individual use of the forest changed rural life in Himachal Pradesh. The production of apple-packing crates from coniferous wood has become an established cottage and medium
scale industry. Social forestry programmes in Himachal Pradesh, as well as in many other areas of India, established to protect the forest and improve the living conditions of the millions of people living in poverty have instead contributed to the destruction of the natural environment and substantially increased the work loads of poor, rural women.

Gender relations have also been affected by the ecological crisis. Many men are migrating to the towns to find work, therefore placing the entire responsibility for the maintenance of the household on women. Women are more committed to using the environment to meet their subsistence needs as they carry full responsibility for feeding and caring for the family. Men are more interested in becoming part of the money ordered economy and have therefore, supported cash crops, such as potatoes, at the expense of the indigenous forests. Men do not receive a lot of money for their work in the plantations. As a result of this, women are placed in even greater needs as the means for their subsistence have disappeared and they are not given money to fulfill their needs.

Women’s lives in rural Himachal Pradesh are shaped by capitalist transformation, and by focusing specifically in the details of their everyday life.

1.7.1 Role of Women

A hill women’s life is extremely busy from early morning to late evening and sometimes even till late at night. They work side by side with men in agriculture and their role is as important in the field as well as at home. Women are constantly at work, breaking earth, transplanting, weeding, reaping, pounding or carrying head loads of fodder, firewood, manure, water, grain, flour and in the building season when men build terrace walls and terrace the fields, they break earth-clods and excavate stones and carry them.
The Himachal experiences as described by Subhash Mendhapurkar point to the utter insensitivity of the development programmes formulation processes to the needs of the poor, the poor women in hilly areas; the programmes are designed in such a way that they suit the requirements of the funding/implementing agencies, who have to show results and answer to the providers of the funds, forestry, agriculture, etc. In the midst of all this aiming for targets, the needs of the poorest and most exploited sectors of society invariably get by-passed.” How does an NGO respond to such a situation? There are quite a few options. (i) availability of the funds and services by providing the same to the poor women and encourage them to become dependence-prone beneficiaries, (ii) availability of the funds and services are stated above and yet make them conscious of the constraints in the development programmers, and (iii) create a cadre of local workers who will mobilize poor women to demand development conducive to their needs and situations. There could probably be other options as well. Yet the third option is a long and pains-taking process; some NGO feel that it does manage to create local organized groups in favour of development of the poor.24

Women are responsible for most of the work on the small terraced fields. The men do the ploughing -it is still considered shameful for a woman to plough, and it is only in the direst necessity that they will do so. The remainder of the work, sowing the seed, weeding and watering, hoeing, harvesting and threshing and processing the grain is almost exclusively done by women.

After household chores of looking after the children and cooking, women are usually away from their homes most of the day collecting grass, leaves or firewood or tending animals in the forests. On moonlit night at harvest time they often work in fields.

after meals past midnight. Besides carrying the produce to her home, she has to spread it for drying on the roof or the yard to protect it from early decomposition. In horticulture, besides the pruning and plucking she is also mainly responsible for grading and packing of apples. The rearing of animals, milking of cows and buffaloes, preparing butter milk and butter and later ghee are all performed by women. Collection of the dung of cattle, dumping it and later carrying it to the field to be used as manure is the women’s job.\textsuperscript{25}

In rural areas of hills region, women equally share the bread earning responsibility of the family and work shoulder to shoulder with their men folk in various agricultural and animal husbandry operations in day-to-day life. Women’s participation is found in almost all the rural occupations. Their role in agricultural operations is very significant and their contribution works out to be more than three-fourth of the labour required for agricultural operations. Household activities are solely the concern of females. In the case of hill region, the participation of women in household and non-household activities is comparatively higher than male workers.\textsuperscript{26}

1.7.2 Tradition and Culture

There is considerable cultural diversity throughout the 12 districts of Himachal Pradesh. Because of the rough, mountainous terrain and poor communication between areas, there has been little exposure to ‘mainstream’ culture in some areas, resulting in the development of a strong Pahari culture. The Pahari culture is defined by strong patriarchal norms for the most part but is flexible in some areas. Virginity is guarded until marriage; with the exception of certain more isolated areas where sex before marriage is acceptable. Capitalist transformation or Modernity has contributed to changes in the traditional cultural


\textsuperscript{26} Pande, P.N., Drudgery of the Hill Women, Indus Publishing Company, New Delhi, 1996, p.83.
values of the Pahari people in respect to virginity. A feature of Pahari culture as well as many other cultures in India is the ‘pollution’ taboos related to childbirth and menstruation. Although women’s menstruation is considered polluting not only in the Indian context but in other cultures as well, some feel that there is also a degree of magic and mystery surroundings women’s monthly cycle.

Traditionally women gave birth in the cowshed as they were considered dirty. Women are also considered dirty during menstruation and are not allowed to enter the kitchen, cook food, enter temples or touch men. This practice is called ‘sitting out’ and varies from district to district. In some villages women do not sit out if they have given birth to a son. In most areas women still do outside work during menstruation but there are a few villages where no work is performed and the women sit outside for the entire three days, winter or summer.

Issues of purity and pollution are based on religious tradition and well entrenched in the people’s psyche. Modernization has led to some women questioning religious traditions based on purity and pollution. While some women accept the old customs, others openly refuse to abide by old traditions.27

1.7.3 Marital Status

The married women in the area are fond of dressing up and bedecking themselves with ornaments of all kinds. The married women braid their hair and wear numerous pieces of jewellery denoting their married status. They must wear a ring (koka) in their noses and their cloths are colourful and often trimmed with Gota. They cover their faces in front of the elders and may not speak directly to older relatives like the father-in-law, the uncle-in-law or the husband’s older brothers. They must not sit on a

sit higher than the one occupied by the elders of the family. Serving the in-laws, massaging and rubbing them with oil are all parts of her daily routine. If a woman forgoes any of her duties, she is heavily criticized.28

M.G. Singh has stated that ‘the sturdy and self-reliant woman of the Pradesh enjoys a greater degree of freedom than her counterparts elsewhere in India. She rules her husband and she likes to rule alone’. As in any patriarchal culture, the man and male-centered values are in control in Himachal Pradesh. To be married is, for most women, an economic, cultural and social necessity. No woman in Himachal would choose to remain unmarried. Men want wives who are strong workers. Obviously, marriages are based on economic need. Courtship and romance are not a part of marriage. This is not to say that love and respect do not develop in a marriage, but that the marriage is not based on romantic love. Women are clear that there are expectations of them they move to their in-laws house. “In your in-laws house you should do all the work properly, the way that your in-laws tell you to and you must take good care of them.”29

The widow’s life is totally colourless. She must live like a nun and she cannot wear colourful clothes or jewellary or participate in the singing and dancing on feast days and festivals. The women in Himachal are bound strictly by traditions. They must not Utter the first name of an older relative but imply it symbolically or by pointing at an article with a similar name. On feast day and festivals all of them barring widow’s dress up in all their finery with colorful skirts and scarves and waistcoats and rows of jewellary all over their bodies.30

<table>
<thead>
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<th></th>
<th></th>
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<th>Rural</th>
<th></th>
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<th>Urban</th>
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<tr>
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<td>23.7</td>
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<td>22.2</td>
<td>17.0</td>
<td>19.8</td>
<td>25.1</td>
<td>24.3</td>
</tr>
</tbody>
</table>

Source: Health and Family Welfare Department H.P.
1.7.4 Educational status and Literacy

Being a part of the Indian government’s general plan for social development and an area where capitalism is hoped to be developed, Himachal Pradesh falls into the project of modernization through education. This has had an important impact on people, creating expectations of employment and upward mobility. It has shown some potential for education of girls and minimum changes in gender relations. Education is seen as the most effective agent of change in socio-economic, political and cultural development. Historically the educational profile of Himachal Pradesh has not been good due to the rough physical terrain, lack of transportation and lack of trained teachers. Increasing educational facilities in the state has been a focus for the past 10 years. Formal education through primary, middle and secondary schools is available in most areas now. Some of the more isolated areas to 15 km. in some instances. Primary schools may be up to 5 km. away. The gender bias in school attendance increases as the girls get older. The first reason is to the reluctance of parents to send girls to high schools because of the distance and second is that a 10 km. walk through the hills for a girl on her own is risky as parents worry about rape and sexual molestation.31

Literacy is very important indicator of development of a particular country on state. The literacy rate increases either due to the increase in number of literates or due to the decrease in population. Literacy rates among women in the state risen dramatically from only 4.8 percent in 1951 (males 7.5 percent and female 2 percent) to 83.87 percent in 2011 (male 90.83 percent and female 76.6 percent).

The above analysis highlights a negative co-relationship between education of women in the rural areas of hill region and there is a big gap between male and female education as discovered in the study of the villages. But now for the new generation both primary and secondary education enrolment must continue.

1.7.5 Health Status

There is no doubt that women’s health is affected in gender specific ways by environmental degradation and poverty. The depletion of environment leads to a scarcity of natural resources, which means women’s workload is increased as they spend more time searching for fodder and fuel wood to meet their family’s daily needs. Other health issues, such as, poor nutrition, anemia, chronic fatigue and urinary infections, are directly linked to environmental degradation and increased poverty, the burden of poverty does not fall on male and female members of the household equally. This means that women in poor rural

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Table 1.2
District wise Number of Literates and Literacy Rate 2011 census

<table>
<thead>
<tr>
<th>District</th>
<th>No. of Literates</th>
<th>Literacy Rate</th>
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<tbody>
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<tr>
<td>Bilaspur</td>
<td>291647</td>
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<tr>
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<td>189641</td>
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<td>Kinnaur</td>
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<td>Kullu</td>
<td>310487</td>
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<tr>
<td>Lahual &amp; Spiti</td>
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<td>215575</td>
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<tr>
<td>H.P.</td>
<td>5104506</td>
<td>2791542</td>
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households are more likely to suffer from ill health and malnutrition than men, as they eat only after the husbands and children have been fed and their workload is also much heavier than that of men’s.

Another consequence of the increase in poverty levels is that women cannot allow themselves to bear more women are anemic because of their poor diet. They are even more anemic after giving birth. The added stress on their body of breast feeding usually worsens their condition. This anemia combined with care of other children, house work and fuel and fodder collection, takes its toll on women. Furthermore, women do not take time to rest after giving birth.33

Women and men have somewhat different kind of health risks throughout their life span. Women were expected to be a peculiar and major health risk due to child bearing. Good health and family planning services are important for the general well-being of the women, children and the entire family- giving women, in particular, an opportunity to decide when and how many children do they want. Reduced infant mortality would give women better chance to have the desired size of the family with few numbers of pregnancies. Discrimination against a female child is evident from the fact that girls experience higher rate of mortality in younger age- groups as compared to the boys. In 2009, the female infant mortality rate was observed to be 45 as compared to male infant mortality rate of 44. Health of women is an important factor in determining the overall health of the society. If pregnant women are not well nourished they are more likely to give birth to weaker babies leading to higher infant mortality rate. It is also observed that where ever the infant and child mortality is higher, the birth rate are also higher. Women are exposed to a high risk of death due to pregnancy.34

33 Cranney, op.cit, pp. 197-199.
Table 1.3
Sex-Wise Infant Mortality Rates (SRS)

<table>
<thead>
<tr>
<th>Year</th>
<th>Males</th>
<th>Females</th>
<th>Combined</th>
</tr>
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<tr>
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<td>47</td>
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<tr>
<td>2011</td>
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</tr>
<tr>
<td>2012</td>
<td>35</td>
<td>38</td>
<td>36</td>
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</table>

Source: Health and Family Welfare: Department of H.P.

The government had planned to open 600 sub-centers by the end of year 1995. The health sub-centers are staffed by multipurpose health workers who are non-medical staff trained through the family welfare programmes. The Himachal Pradesh government planned to open primary health centers by the end of 1995. These centers have good doctors and trained nurses as staff.
1.7.6 Political Status

After having discussed health status of women of hill area it is necessary to discuss the level of political consciousness among women and level of their participation in political activities. The low proportion of such women affiliation of political parties in the rural areas of hill region is not difficult to understand. It is a cumulative result of over burden of daily work, low level of education, lack of awareness and lack of independent status in the family, but cases of interference in their political activities by male members also came to the notice.

The political activities of women folk get influenced by awareness among them and availability of time for participating in such activities. According to new Panchayati Raj Act, there is a provision for reservation of seats (50 percent) for women in village panchayats.35

A good number of women have been elected to Panchayati Raj institution in Himachal Pradesh for the term 2011-2016. In Himachal Preadesh there are 3243 Gram Panchyats, out of which 1639. (50.54 percent) seats have been occupied by women in 2011 panchyat elections. Out of total seats occupied by women 987 (60.21 percent) occupied by general women, 421 (25.68 percent) scheduled cast women, 104 (6.34 percent) scheduled tribes women and 127 (7.74 percent) by OBC women.

35 Pande, op.cit, p.120.
Table 1.4
Number of Electors and Percentage Voting in Various
General Election of the State

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<th>Year</th>
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<td>-</td>
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<td>-</td>
</tr>
<tr>
<td>Fourth</td>
<td>1967</td>
<td>-</td>
</tr>
<tr>
<td>Fifth</td>
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<td>-</td>
</tr>
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</table>

Source: Election Department, H.P.

1.7.7 Work Participation of Women

Women’s time is divided between the tasks of the household preparing food, tending to the children and chores outside the home like feeding animals, collecting wood for fuel and folder, weeding, etc. Milk from the cows is used in the home as well as sold to other households by women, not only has the degradation of the environment made it more difficult for the women to grow their own crops, but the level of difficulty involved in some of the tasks they are responsible for has increased...
substantially as they have to walk farther and their family’s needs daily.\textsuperscript{36}

Women’s role in agricultural operations is very significant in the hill economy. These women participate in almost all the agricultural operations, viz. land preparation, manuring, sowing, transplanting, weeding, hoeing, applying fertilizers, taking care of crops from farm to home, storage of food grains and soon. The success or failure of agricultural production depends largely on the contribution made by womenfolk as far as human labour is concerned since the participation of men folk in agriculture is confined mainly to plunging of land, irrigation and harvesting. The extent to participation of women at the form is also governed by social and cultural variables. A hill woman devoted towards about 16.49 hours in day for performing all such type of activities.\textsuperscript{37}

The female work participation rate on an average in 991 was 38.75 percent which has increased to 46.34 percent in 2001. There has been remarkable improvement in the work force participation rate of women as evident from various censuses. Similarly the male work force participation rate on an average in 1991 was 53.20 percent which has increased to 56.95 percent in 2001.

\textsuperscript{36} Cranney, op.cit, p.173.
\textsuperscript{37} Pande, op.cit, pp. 83-84.
Table 1.5
District-Wise Female Work Participation Rate
2001-2011 Census

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<td></td>
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<td>2011</td>
<td>2001</td>
<td>2011</td>
<td></td>
</tr>
<tr>
<td>Bilaspur</td>
<td>45.56</td>
<td>49.86</td>
<td>7</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Chamba</td>
<td>45.97</td>
<td>52.47</td>
<td>6</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Hamirpur</td>
<td>48.74</td>
<td>51.83</td>
<td>4</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Kangra</td>
<td>37.41</td>
<td>35.74</td>
<td>11</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Kinnaur</td>
<td>54.67</td>
<td>59.17</td>
<td>2</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Kullu</td>
<td>52.91</td>
<td>56.60</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Lahaul &amp; Spiti</td>
<td>57.39</td>
<td>56.97</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mandi</td>
<td>48.19</td>
<td>54.85</td>
<td>5</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Shimla</td>
<td>44.24</td>
<td>44.30</td>
<td>8</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Sirmour</td>
<td>41.35</td>
<td>43.65</td>
<td>10</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>Solan</td>
<td>42.63</td>
<td>40.04</td>
<td>9</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Una</td>
<td>37.05</td>
<td>28.64</td>
<td>12</td>
<td>12</td>
<td></td>
</tr>
</tbody>
</table>

Source: Censuses of India, 2001 & 2002

1.7.8 Women Employment

A women cell was established in the ministry of labour and employment in 1975. The women’s Welfare and Development Bureau was established in the ministry of social welfare to serve the national committee on women and to act as the modal agency within the government to coordinate policies and advisory Committee on the status of women’s development. The working group on Employment of Women set up under the Planning Commission pointed out the inability of women to seek services and assistance programmes offered by the government and semi-government institutions. Lack of awareness among institutions about the need to promote employment of women, tendency of
economically powerful organizations to sabotage resources of several industries in expanding employment opportunities for women.\textsuperscript{38}

The Ministry of Agriculture and Rural Development set up a working group of Village Level Organization of Rural Women. It identified the needs of rural women, objectives of Mahila Mandal and their involvement of youth organization for participation in rural development programmes and role of the block, district and state level functionaries for programmes and their training. The National Committee on Self-Employed Women (1987) in its report ‘Shram Shakti’ pointed towards the invisible representation of women in governmental programmes at all levels and to understand the needs and problems of working women.

In respect of women employment in the government services it reveals from the Census of Himachal Pradesh Government Employees 2009-10 that only 19.7 percent of total government employees were women. However, this share of women Government Employees during 2010 has moderately improved from 19.5 percent in 2009. It is also revealed that women employed in the class II and IV non-gazetted category of government services shared the major share of (95.8 percent) among the women in Himachal Government services only 4.2 percent were in gazetted category.\textsuperscript{39}

\textsuperscript{38} Ibid, p. 18.
Table 1.6  
Female Employees in the State Government

<table>
<thead>
<tr>
<th>Years as 31st March</th>
<th>State Government Employees</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Female</td>
<td>Total</td>
<td>Female (Percent)</td>
<td></td>
</tr>
<tr>
<td>2000</td>
<td>29218</td>
<td>136085</td>
<td>21.47</td>
<td></td>
</tr>
<tr>
<td>2001</td>
<td>30422</td>
<td>139882</td>
<td>21.75</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>31193</td>
<td>144446</td>
<td>21.59</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>31649</td>
<td>147039</td>
<td>21.52</td>
<td></td>
</tr>
<tr>
<td>2004</td>
<td>32001</td>
<td>146933</td>
<td>21.78</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>31836</td>
<td>145556</td>
<td>21.87</td>
<td></td>
</tr>
<tr>
<td>2006</td>
<td>33087</td>
<td>161803</td>
<td>20.45</td>
<td></td>
</tr>
<tr>
<td>2007</td>
<td>34197</td>
<td>174388</td>
<td>19.61</td>
<td></td>
</tr>
<tr>
<td>2008</td>
<td>36026</td>
<td>182746</td>
<td>19.71</td>
<td></td>
</tr>
<tr>
<td>2009</td>
<td>36848</td>
<td>189065</td>
<td>19.49</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>37555</td>
<td>190560</td>
<td>19.71</td>
<td></td>
</tr>
<tr>
<td>2011</td>
<td>37638</td>
<td>187604</td>
<td>20.06</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>38221</td>
<td>187419</td>
<td>20.39</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>39143</td>
<td>184761</td>
<td>21.19</td>
<td></td>
</tr>
</tbody>
</table>

Source: Economics & Statistics Department, H.P.

1.7.9 Crimes and Domestic Violence

Within the village homes, it is usually the men who control the money. The women are usually without money and property because of the lack of decision-making. Violence against women in terms of rape or dowry deaths is uncommon, but many women face harsh physical exploitation within the home. Many are beaten by their husbands, particularly when the men come to home at night drunk, and physical relationships are often forced upon them, with the women unable to resist. People are ready to limit the family size, but when it comes to family planning. It is usually the women who have the operation.

Violence against women seems to be increasing in Himachal Pradesh. There is no hard evidence for this statement,

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40 Bhatia, op.cit, p. 4.
but local women’s groups state that whenever their mahila mandal groups get together, or at a women mela, the issue of violence against women and of alcohol is raised again and again. The issue that women bring to the group is the impact of commercial distribution of alcohol on the lives of women and children.

The people who drink usually beat their wives. Many women in Himachal Pradesh are fighting back by trying to stop liquor vends from operating in their villages. Groups of women sit in dharna (protest) outside vends to prevent them from opening.41

The prevailing social customs and tradition offer a secondary role to women folk in society and thus independent status and economic freedom are denied to them. Discrimination made among by the social customs and traditions. The women are not given equal opportunities in education freedom and employment. Illiteracy and ignorance are the root causes for low status of women in society. The female are assigned secondary role in the society, as a result discriminations are made against them and therefore, they are denied equal opportunities in education, employment and economic activities.42

Crime against women is a universal phenomenon prevalent in every society irrespective of social or economic class to which the women belong. Crime and violence committed against women in the society is the prime obstacle for women to go forward and achieve the goal or success in her life. Gender violence is the greatest manifestation of gender bias and gender inequality. It is difficult to acquire accurate data on violence against women because of social, cultural and legal barriers, lack of evidence and amount of secrecy and sensitivity involved. The crime against women in Himachal Pradesh during 2010 has increased by 5.7 percent.43

41 Cranney op. cit, pp. 239-240.
42 Pande, op.cit, p.145.
Table 1.7
Year-Wise Number of Different Crimes against Women in H.P.

<table>
<thead>
<tr>
<th>Year</th>
<th>Dowry Death</th>
<th>Rape</th>
<th>Murder</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>7</td>
<td>128</td>
<td>40</td>
</tr>
<tr>
<td>1999</td>
<td>5</td>
<td>109</td>
<td>36</td>
</tr>
<tr>
<td>2000</td>
<td>3</td>
<td>129</td>
<td>34</td>
</tr>
<tr>
<td>2001</td>
<td>10</td>
<td>124</td>
<td>36</td>
</tr>
<tr>
<td>2002</td>
<td>6</td>
<td>137</td>
<td>28</td>
</tr>
<tr>
<td>2003</td>
<td>6</td>
<td>126</td>
<td>31</td>
</tr>
<tr>
<td>2004</td>
<td>8</td>
<td>153</td>
<td>29</td>
</tr>
<tr>
<td>2005</td>
<td>2</td>
<td>141</td>
<td>24</td>
</tr>
<tr>
<td>2006</td>
<td>3</td>
<td>113</td>
<td>24</td>
</tr>
<tr>
<td>2007</td>
<td>7</td>
<td>159</td>
<td>30</td>
</tr>
<tr>
<td>2008</td>
<td>3</td>
<td>157</td>
<td>36</td>
</tr>
<tr>
<td>2009</td>
<td>1</td>
<td>182</td>
<td>37</td>
</tr>
<tr>
<td>2010</td>
<td>2</td>
<td>160</td>
<td>27</td>
</tr>
</tbody>
</table>

Source: Economics & Statistics Department, H.P.

1.7.10 Social Economic Status

In socially and economically developed societies, women power is being absorbed, integrated and assimilated into the national main-stream and is able to discover its lost glory and personality. Much of the labour contributed by women specially in the domestic chores and also outside are not usually considered as productive. World economic profile of women shows that they represent 50 percent of the population, make up 30 percent of the official labour force, perform during 60 percent of all working hours, receive 10 percent of world income, and own less than one percent of worlds prosperity.

Women have been working always and everywhere in each society of the world since the beginning of human civilization. Woman’s work and skill are as old as humankind. Women today are paid less and have lower status at work than men. The role of women in economic activities was also brought to limelight by the world conference on Agrarian Reforms and Rural Development held in Rome in 1979. This conference pledged for equal
participation for women along with men in social economic and political process of rural development and equal access to the benefits.44

In Himachal Pradesh the work participation rate for female workers continues to decline, more so with growing application of Science and Technology. Women work in the unorganized and allied occupation providing at best, seasonal employment, organized groups such as trade unions cooperatives and other work based societies have not devoted much attention to the needs of the female workers. Each development group or nongovernmental organization working in small tribal rural or urban slum. But it is difficult to achieve in a hilly area where women are expected to do much of the field work and all the domestic work and thus sterilization can result in server health problems for the women.45

The sustained labour of women have been the pivot of the hill village economy. Women constitute the backbone of the Himalayan economic system of H.P. as hill agriculture is absolutely dependent on them. Women’s socio-economic contribution towards family and the community is highly significant but reciprocal benefits conferred on them are disproportionate. Women undoubtedly play a unique role in the socio-economic set up of the hill economy. In fact, the immense contribution of rural hill women needs a fresh review in the light of their overall social economic status, awareness, outlook and perception which have so far by and large been unsatisfactorily attended. Women from these hill regions are “consciously struggling with the inequitable burdens they bear in relation to their livelihood, their political voice, their autonomy within their bodies and their lives.46

44 Pande, op.cit, pp.13-14.
45 Bhatia,op.cit, pp. 4-5.
The social status of women is decided both by endogenous and exogenous variables. While the endogenous forces emanate within the family and from her immediate surrounding with which her personality interacts, the exogenous forces emanate through both governmental and non-governmental. In addition, the present value system of society has an important bearing in deciding and reserving a role and status for women. Sincere and continuous efforts have been going on in this direction both at governmental and non-governmental level to improve the status of rural women in Himachal Pradesh.

Thus, the economic independence would help in accelerating the pace and result in improving the status of rural women. To make them economically independent the women should be given vocational training in various fields, like tailoring, kitchen gardening, vegetable growing, fruit preservation, embroidery, knitting, weaving, painting, etc. the existing Mahila Mandal and other women organizations need to be promoted and strengthened for better participation of low income groups in economic activities. The women's organization might be encouraged to take up economic programmes for providing self-employment in rural areas in Himachal Pradesh.

1.8 HISTORY OF SHIMLA

Shimla, formerly known as Simla, is the capital city of Himachal Pradesh. In 1864, Shimla was declared the summer capital of the British Raj in India. A Popular tourist destination, Shimla is often referred to as the “Queen of Hills”, a term coined by the British. Located in the North-West Himalayas at an average altitude of 2,205 meters (7,234 ft), the city of Shimla, draped in forest of pine, rhododendron, and Oak, experiences pleasant summers and cold, snowy winter. The city is famous for its building styled in tudorbethan and neo-gothic architecture dating from the colonial era. Shimla is connected to the city of Kalka by one of the longest narrow gauge railway routes still
operating in India, the Kalka-Shimla Railway. Shimla is approximately 100 km. (68 miles) from Chandigarh, the nearest major city, and 365 km. (226.8 miles) from New Delhi, the national capital. The city is named after the goddess Shyamala Devi, an incarnation of the Hindu Goddess Kali.47

During the ‘Hot Weather’, Shimla was also the Headquarter of the Commander-in-Chief of the Indian Army and many Departments of the Government, as well as being the summer capital of the regional Government of the Punjab. Shimla was named as capital of Himachal Pradesh in 1971.

Though a judicious mix of sunshine, rain, snow and soil, the lower ranges of the Himalayas have emerged as one of the most picturesque places in the world. It is a soft, comforting beauty and one that is easy to live with. Ancient India texts went to the extent of extolling this land as Devbhumi, land of the Gods, and have ascribed different sports as the seats of various gods from the Hindu Pantheon. To these reaches came the British, by no means the first inhabitants, but the first to form a chain of 'Hill Stations' and the queen of the mall, Simla. This was an obscure village which became the station of the British political officer to the Hill States, and grew to become the summer capital of British India.48

With independence, the two become the capital of the governments of east panjab and the union territory of Himachal Pradesh. In 1956, the Panjab government shifted to Le Corbusier's creation, Chandigarh. In 1966, the Shimla district was merged into Himachal Pradesh and later, the Pradesh was granted full-fledged statehood in 1972. From a stage of ambiosis Simla changed as later did its spelling, becoming Shimla, in a seeming denial of its past.49

District Shimla came into existence on 1st September 1972 on the reorganization of the state. Presently Shimla district is the head quarter of Himachal Pradesh State Government. It has 7 divisions, 12 tehsils and blocks namely: Chhohara, Jubbal and Kotkhai, Theog, Narkanda, Mashobra, Rampur, Rohru, Chopal and Basantpur.50

In Shimla district people mostly speak pahari language with various dialects, in rural areas are Hindi in urban areas. Shimla district is a land of many deities. Every village has its own deity or Devata and the people of this area are bound by faith in deities. The people of Shimla district consist mainly Hindu caste followed by Sikhs and Mohammodans, Christians, Jains and Buddhists constitute only a microscopic minority. The Hindu community is chiefly composed of Brahmin, Rajput and Thakur belong to upper caste. On other side the section of the people belong to lower caste consisting of Koli, Lohar, Chamor, Julaha, Dumana, Rehara, Turi and Bari forming scheduled caste.

The whole of the district is a mountainous region, Pubber, Tons and Giri are the famous rivers, the Chanshal is the famous pass. People of this district wear the famous Bushari Topi (Cap) and women wear the Dhattu on her head, Kurta Payjama, Champakan, Kot, is the famous dress of the district. Jatra, Shant, Bhunda are the famous festival and fair of the district. In district Shimla, horticulture is the main economic source of the people. Apple is the famous commercial crop. Potato is also the cash crop and maize, wheat and pulses are the main agricultural crops in Shimla. Their development of the agriculture also depends upon the development of animal husbandry. Forests have an

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equally importance in the district economy. It provides valuable timber for small-scale industry.\textsuperscript{51}

Agriculture is the most important occupation of the people inhabiting the district. The district is endowed with various types of soil and climatic conditions vary from subtropical conditions to alpine conditions. The state is named as "Apple bowl", various kinds of other fruits such as plum, peach, apricot, pear, almond mangoes and nuts etc. are also grown in the district.

1.8.1 Geography and Climate

Shimla is located in the north-western ranges of the Himalayas. At an average attitude of 2397.59 meters (7866.10 ft) above mean sea level, the city is spread on a ridge and its seven spurs. The city stretches nearly 9.2 km. from east to west. The highest point in Shimla, at 2454 meters (8051ft), is the Jakhoo hill. Shimla is a Zone IV (High Damage risk Zone) per the Earthquake hazard zoning of India. There are no bodies of water near the main city and the closest river, Satluj, is about 21 km. (13 miles) away. The green belt in Shimla planning area is spread over 414 hectares (1023 areas). Shimla in general has a mild highland climate, with temperatures in peak winter Shimla features a subtropical highland climate under the Koppen climate classification. The climate is Shimla is pre dominantly cold during winters, and moderately warm during summers. The temperatures range from – 4 c (24.8 F) to 31 c (87.8 F) over the year. The average temperature during summer is between 19 c and 28 c, and between -1 c and 10 c in winters. Monthly precipitation varies between 24mm in June as precipitation is 1520mm (62 inches). Snowfall in the region, which historically has taken place in the month of December, has totally changed in the last fifteen years, it has been happening in January or February every year.\textsuperscript{52}

Shimla district enjoys the coveted position in the matter of health and medical facilities in the Pradesh. The town has been already well served but the medical facilities in the rural areas have been augmented only after the introduction of the plans and schemes.53

1.9 REVIEW AND JOURNALS

A brief review of selected literature has been chosen to help in understanding the concept and problems of the study. Although various empirical studies have already been taken-up by different scholars and they have showed their interest in this field but not a single systematic study has been made on this part of Himachal Pradesh which is under study here i.e. district of Shimla. Till date most of the works are concerned mainly with the issues relating to the women status and legal provisions provided to them. But the Shimla district of Himachal Pradesh has remained untouched till date. In order to develop the status of women many legal provisions and administrative measurements have been started by the government. The present study is aimed at to evaluate the constitutional, legislative and administrative provisions made by the state government. Therefore it is necessary to review the previous literature, books, magazines, and journals available on the present study and to establish the research gap.

Kaur (1983)54 in her study found that the wheel of a nation’s civilization is equally held on the shoulders of both, men and women. Men and women are the two halves of a whole. “They are the two wheels of a cart.” Whole scheme of the universe tells the intentions of the creator, who endowed them both with abilities, intellect and aptitudes alike in nature. Man’s superiority over women and his allotment of subordinate position to her in society is entirely his making. As far as the legal and social status of men and women is concerned, they may stand at par with each other.

53 Chand, op.cit, p.30.
The fact remains that women have much to add to the civilization and progress of a nation. Women all over the world have proved that they were equal to men in almost all the spheres of life. Not only the rights of women were to be protected but the basic decency and requirements of society were to be maintained. Change is the law of nature and it would come only if the individual felt the need to change herself. In the modern developing society, it is essential that women should keep space with the time.

Everett (1981) explained that there were two different conceptions of improving the position of women in the ideology of the Indian Women's movement. In the first, goal was women's upliftment. The meaning attached to "women's uplift" was reform of social practices and constructive role in society. In the second conception, the goal was equal rights for men and women. The meaning attached to "equal rights" was the extension of the civil rights enjoyed by men in the political, economic, and familial spheres to women. Each conception contained arguments for how women's uplift or equal rights would contribute to Indian national development. "Women's uplift" can be seen as a corporate feminist goal while "equal rights" can be seen as a liberal feminist goal. The potential of women in development, according to the women's uplift conception, involved expending and strengthening female roles in society. Female roles—mother, wife, home-maker—and female values—sacrifice, loyalty, non-violence—were presented as relevant to the problems of development. In fact, the women's uplift argument was that women's role in development rested on her female roles and qualities. Women's should be changed and women should be educated so that they might perform their roles in a more widespread impact on society.

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Gonsalves (1993) in her research paper assures equal treatment to both men and women. Despite this constitutional mandate the bias against women continues and forces them to accept the status of second class citizens in the society. The persistent patriarchal character of the Indian society expects the woman to be submissive and docile. The message given to her all the time is that her very existence is meant for the man and her imperative duty is to pander to his every need. It is distinct gender bias against women. In her view the women as being only the shadow of man in Hindu society. The law of inheritance reinforces and strengthens the formation of a patriarchal society and compels a woman’s to be economically dependent on men. It shows how a women right to property is far from being equal to that of the male. Violence related to dowry shows insensitivity of the police, judges and society towards domestic violence. It highlights the failure of legal reforms in transforming the social order and uprooting dowry as a social civil. The position of women must change in the legal, religious and social perspective. The author has unfolded very meticulously the unhealthy gap that exists between the theoretical aspect of law and its application by the judiciary.

Batra (1995) talked about the Indian Constitution that article 14, assures equal treatment to both men and women. Despite this constitutional mandate the bias against women continues and forces them to accept the status of second class citizens in the society. The message given to her all the time is to pander to his every need. It is this distinct gender bias against women the insensitivity of enforcement agencies such as the police, public prosecutors and judges in dealing with matters relating to women. How gender biased the existing legislation is and with the help of select case law has shown the failure of the

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judiciary in bridging the gap of inequality between men and women.

Jha, and Pujari (1996)\(^{58}\) in their book, defined that the eighteenth century, perhaps, was the darkest period so far as the women were concerned. Political decay following the disruption of the Mughal Empire and disorder due to the advent of various and disorder due to the advent of various European powers. Combined this fossilized customs, traditions, superstition and irrational bigotry, while lied the nation to its death bed also crashed the former worship of “Mother Cult” Under the new condition, women lost their separate entity. They did not enjoy a separate world of there own.

Limaye (1998)\(^{59}\) in his research examined that in recent years, women’s role in society has been indicated as an important subject of study. However, the debate on women’s studies is torn between whether to analyse women’s status within the existing schools of thought by “plugging in” a missing variable, or even evolve new ones so as to permit the study of women in a fuller within a single discipline which requires a multi-disciplinary approach because of the multiple roles they have to perform.

Mehra (1998)\(^{60}\) stated gender based human rights abuse would refer to denial or violation of rights to the ground of being female. Sex has been the basis for differently attributing to men and women certain roles, relation and identities. The socialized roles thus attributed are based on assumption about men and women, which are variously drown from culture, tradition and religion. These underlying assumptions have been the justifications for delineating different right responsibilities and resources to men and women in the family, the society, the


\(^{60}\) Mehra, Madhu, And miles to go... challenges facing women’s human rights, Vol. 40, Journal of India law Institute,1998.
market and the state. Although these roles are not static but vary over time and cultures, they have historically disadvantaged women in terms of fixing greater degree of responsibilities on them while allowing them lesser choice, lesser rights and subordinate status. The gendered reality for women determines the nature and circumstances of the human rights violations specific to women, as well as the availability and accessibility of remedies for them. It therefore is important to draw into the human rights framework, the impact of a gendered social reality on the women’s rights. Significant numbers of women “are routinely subject to torture, starvation, terrorism, humiliation, mutilation, and even these against any group other then women would be recognized as civil and political emergency as well as a gross violation of the victim’s humanity”.

Dubay and Bora (1999)\textsuperscript{61} in their book have explained about women’s status. They pointed out that justice is also very necessary for true democracy with liberty, equality because without justice liberty and equality is meaningless. The main purpose of this study is to highlight the situation and status of SC/ST and women. The constitution guarantees political equality status and opportunity to women. She observes that a very significant number of women have seen member representing at the national and state levels.

Desai and Thakkar (2001)\textsuperscript{62} in their book tried to study the effects of major social changes on the position of women. The overview gives the context of the women’s question raised for the first time in 19\textsuperscript{th} century. The social reformers were concerned about women’s issue and gradually in response to social change. One of the major contributions of women’s organization in pre-independence time was to give voice to the demand by women for rights and then struggle to win those rights. Women’s


participation in the freedom struggle prepared them to take up role as equal citizens under the constitution free nation.

Dhruvarajan (2001)\textsuperscript{63} in his article has mentioned the negative and sub-ordinate position of women in Hinduism. In our Hindu society the dominant family pattern is patriarchal, matrilineal and paralegal. For improving the status of women, our constitution has been enshrined with gender equality but women’s lives are circumscribed by customs and religion. He pointed out that without the active participation of women in the formulation and implementation of policies and practices related to development, the empowerment of women is not possible. Education for women is one of the important structural steps for the empowerment of women.

Panwar (2004)\textsuperscript{64} in her article has tried to display the picture of the SEWA Movement –Empowering women at grass-root level. A large number of women workers in India are pursuing self-employment and wage-employment activities in the unorganized sector security. Self-Employed Women Association (SEWA) provides a platform for unorganised women to use their hidden potential and enhance their capabilities on the principle of self-help. SEWA’s support was not only for increasing income of women but also to make efforts to improve women’s health and nutrition levels. This movement also deals with women and the panchayats which focuses on problems cropped up in the process of achieving the status of women in gram panchayats. On the whole, SEWA’s in new millennium campaign focused on the four basic needs of the poor women: capital formation, household level, social security, capacity-building and collective strength through organization and SEWA has tried to improve the appalling condition of women be it political, social and economic.


Micro-finance groups have brought change in the overall status of women and there is a feeling of economic, social and political development among them under this SEWA movement.

Dhaka & Dhaka (2004) referred to democracy in Haryana among SC women. They admitted that the condition of scheduled caste women is even more deplorable than that of women in general. The SC constitute about 17 percent of the country’s population. They have remained socially, economically, educationally and politically backward due to caste stratification of Indian society. There is a close relationship between caste and occupation. The caste system has not allowed SC women to get the benefits of education and hence the opportunity to change their occupation is lost. The constitution prescribes protection and safeguards for SC, either specifically or by way of general rights of citizens, with the object of promoting their educational and economic interests and of, removing certain social disabilities. These provision have to some extent been beneficial to them yet social discrimination continues to be there. One of the negative consequences of slow rate of change in the status of SC women is the low level of participation in the decision making and implementation of programmes and policies meant for them. Local level governance is a means to ensure democratic functioning and participation in decision making efforts to ensure the participation of women in decision making at the local level which acquires special significance.

Banerji (2007) in her book have expressed their views about the role of voluntary organizations in uplifting the status of women. According to them, during the last five years a number of laws pertaining to women have been passed. There is no doubt that these laws do make an attempt to provide security to women and to raise their status but have not paid much attention to the

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problem of uplifting the status of women in the society. In the male dominated society the greatest handicap to women is the lack of security, economic, social and legal. A woman has great capacity to work but she does not find proper avenues. There is a lack of confidence in her, which is mainly the creation of environment, what is needed today, is to restore the confidence of women in her own capacity and to provide a sense of security to her.

**Jain (2007)**\(^{67}\) presented the picture of development among women and nation. In her views the History of Women’s participation in India’s development, thinking and practices over the last 150 years can be traced through many strands. Development among women and its promotion in that space came into place only in 1960s, and more visibly in the 1970’s especially after the first UN announced International women’s year 1975, with a UN World Conference on Women in Mexico in 1975. In 1939, a sub-committee on women called women’s role in planned committee (NPC), set up to chart the course of future planning in India. The committee was to “deal with the place of women in the planned economy”. Women were some of the main actors in the programmes of the khadi and village industries on the development of the handicraft. However, the energy and mobilization generated in the post-1975 era, that went into uncover the situation of women, their status, and bring them into the development design as a special category led to the inclusion of chapter on women’s employment in the 6th 1976-1981 plan. Planning Commission of India has always focused on the status of women’s issues as per the perceptions of their members on the status of women in the economy. But women, have not been able to claim their rightful place either in material well-being, nor in the political economy design landscape.

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Bhuyan (2008) presented the picture of women’s participation in Panchayati Raj that how they improved their political status. Women constitute about 50 percent of the country’s population. But they are the largest excluded category in almost all aspects. They have been denied their rights and liberties by the male dominated Indian society for which their social, economic and political status has remained relatively low. For centuries they have been discriminated in all walks of life and treated as “second class citizens” however the 73rd Constitutional Amendment Act, 1993 opened a new chapter in the history of democratic decentralization in India by developing power to the people and gives opportunities to women folk to express their voice in the decision making process. There are some special provisions regarding the reservation for women in Panchayat Raj Institutions. On the positive side it has been noticed that due to reservation of seats many women were elected to local bodies. It has created a space for women’s needs within the structural framework of politics and legitimized women’s issue. Reservation has also recognized the identity of women and improved their political and economic status in the public life.

Joshi (2008) in his knowledge about the status of women in India has been subject to great many changes over the past few activities such as education, politics, media, art and culture, services sector, science and technology etc. Our constitution guarantees equal rights for men and women. The constitution is firmly grounded in the principles of liberty, fraternity, equality and justice. It contains a numbers of provisions for the empowerment of women. Women’s rights to equality and non-discrimination are defined as justiciable fundamental rights. The government of India has always attached great importance to the protection and promotion of the human rights of women and is committed to

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achieving it. National plans and policies progress that is not narrowly confined to expanding incomes, but give a central place to the achievement of human rights, freedoms and well-being for all.

Kumar and Anand (2008)\textsuperscript{70} in their article describe the Business School for Rural Women (BSRW). According to them proper information and technical and vocational training are as important as money for the sustainable growth of poorest section of the society. With the objective to impart training in technical financial and marketing skills to these rural women and young girls without any formal education, Mann Deshi group in collaboration with HSBC Bank, have launched a new programme, Business school for rural women, in 2006. It provides poor rural women with entrepreneurial and marketing skills to make them self-sufficient and confident. This goal is to increase the economic status and living conditions of women. There is also a provision of giving scholarship to very poor and needy women. The school offers multitude of courses ranging from goal rearing and increasing quality of milk to tailoring, bag making, screen painting, selling of recharge coupons etc.

Naqvi (2008)\textsuperscript{71} explained that in India, the conspicuous efforts in the direction of gender equality began in the year 1974 with the formation of women’s committee to study the status of women in India. The committee had the eminent personalities like Ila Bhatt, Mrinal Pandey, Veena Mazumdar and Phulkin Guha. The members conducted their study on the basis of variables pertaining to the condition of women. Their report was presented in the year 1975. It brought out some alarming findings like: continuously decreasing gender ratio (number of females per thousand males) increasing gender disparities in prominent sectors like health, education, and employment. Women’s

\textsuperscript{70} Kumar Sandeep and B. School for Rural Women Yojana A Development Monthly Microfinance. 2008.

\textsuperscript{71} Naqvi, Hena, The Path of Women’s Empowerment in India, Kurukshetra, 2008.
negligible participation in the decision-making process increasing rate of crime against women.

Roy (2008)\(^{72}\) stated that issues of equality and rights for women were always claimed as crucial components in state policy. Much of the justification for rights, justice and equality for women come from the needs for ‘emancipation’ or liberation of women. On 8\(^{th}\) March 1996, on the occasion of international women’s day, the parliament passed a resolution to set up a standing committee for the ‘Improvement of the Status of Women’ in India, and the committees on empowerment of women was constituted in April, 1997. The function of the committee, included examining the recommendations of the National commission for women, the measures taken by the Union Government to secure for women equality, status and dignity in all matter including the steps taken for securing comprehensive education and adequate representation of women in legislative bodies/ services and other fields, ‘to report on the working of the welfare programmes for the women, and ‘to report on the action taken by the Union Territories on the measures proposed by the committee. On the other hand developing programmes for women’s like development of women and children in rural areas ‘Dwca’ Jawahar Rojgar Yojana, Self Help Groups (SHGs) have been given a big platform to woman in India to improve their status.

Sarmah and Bordoloi (2008)\(^{73}\) in their article, “violence against women”, have also defined that violence against women has serious consequences for their physical and mental health. A comprehensive sustainable progressive policy measure for the women is the need of the hour. Indian legislation has made a lot of legal safeguards for the protection of women. It deals with law enforcement, impact of displacement of women, sexual harassment at work place, women in detention, Issues concerning

\(^{73}\) Sarmah, Etali and Bordoloi, Violence Against Women, Kurukshetra Vol. 56, 2008.
prostitution, political agricultural empowerment of women. A number of steps initiated by National Commission for Women (NCW) to improve the status of women and worked for their economic empowerment.

Singh and Ansari (2008)\(^{74}\) simply encouraging women to resist the wishes of men would not only fail, but would create mistrust of any good with attempts from "the outside" to help rural communities. Women will gain power only when both men and women begin to respect and accept the contribution of women. Development women’s capacity for income generation with threatening men’s is the key. Women’s rights and issues have always been a subject of serious concern for academicians, intelligentsia and policy makers. From pastoral society to contemporary information and global society, the role of women has changed drastically. The role of a typical “Grihni” (house wife) who catered to all the requirement of the households including the rearing and upbringing of children in various sub roles of daughter, daughter–in–law, wife, mother, aunt etc. has been played quite efficiently. The continuity of changes in socio-economic and psycho-cultural aspects of human living has influenced the role of women.

Verma (2008)\(^{75}\) has given his views on rural women. According to him credit is one of the most crucial inputs in the process of development. Development has economic, social and political dimensions and is incomplete without developing the women who constitute about 50 percent of the population. There are many problem in the field of rural credit for the poor. The problem becomes much more aggravated if it is related not only to rural poor but also to the rural women because of exploitation that originate from class, caste, culture and patriarchal system.

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\(^{74}\) Singh, Deepali and Ansari, The Empowerment of Indian Women with Reference to Five Year Plans, Kurukshetra, 2008.

Vyas (2008)\textsuperscript{76} focused on the remedy for social elevation specially given to the women. The countries concern in safe guarding the rights and privileges of women found its best expression in the constitution of India, covering fundamental rights and the directive principles of state policy. Article 14, 15, 15(3), 16, 39, 42, 51 (A) (e) contain various types of provisions for equal rights and opportunities for women and eliminate against women in different spheres of life. The Constitution (73 and 74 Amendments) Act 1992 provides that not less then one third of the total number of seats to be filled by direct election in every panchayat and municipality shall be reserved for women. Apart from the constitutional provisions, a large number of laws have been enacted to protect the human rights for women. The women specific legislations are the Immoral Traffic (Prevention) Act-1956, the Dowry Prohibition Act-1961, the Indecent Representation of Women (Prohibition) Act-1986, the Commission of Sati (Prevention) Act-2005. Besides, there are as many as forty one women related legislation. Despite all the safeguards, the women in our country continue to suffer and hardly 5% to 7% women are able to enjoy human rights in the country. It is true that gender justice is possible only through women’s empowerment which involves economic, political and social equality and personal rights besides a lot needs to be done to elevate the status of women.

Ahirrao (2009)\textsuperscript{77} in his book he has given his views about Micro-Finance and empowerment of women. He explained that the importance of women to the economic development of India was first recognized during the country’s struggle for independence. The formation of Self Help Groups (SHGs) and micro financing will enhance their socio-economic status of women in the society. Small loans can make good business sense among the women.

\textsuperscript{76} Vyas, Giriha, Remedy for Social Elevation, Women’s Empowerment, Yojana, Vol. 52, 2008.
The micro-credit initiatives has often been attributed to their particular focus on empowering women and encouraging their self-reliance through developing their own means of income. Women in rural area lived in virtual isolation, unable to accuse even the most basic of services. But, with the formation of women’s Self-Help Groups, these women are now achieving social and physical mobility. The impacts of SHGs on socio-economic status of women were found significant.

Devi (2009)\(^{78}\) in her article has talked about the status of women in Manipur. According to her the status of women of a nation is the barometer to measure its progress. According to sociologists it is difficult to measure the status of women and term it as high or low as there is no fixed and unbiased criterion for this. This status of women varies from society to society depending on the prevalent norms and values. Even with in a country, it varies with locality (urban/rural), religion, or caste, community. The status manifests itself in terms of level of education, occupation, income, decision-making role and financial assistance available to women. The women hold high and free position in Manipur. All the internal trade and exchange of the produce of country is being managed by them. Women in Manipur are active and hard-working, artistic and creative with tremendous potential for development. The girls of Manipur are now in games like polo, football, hockey, athletics, martial arts, weight-lifting, cycling, fencing etc. Quite a good number of them represent, India in both national and international levels, bringing laurels to the country. The spread of modern education and growing enlightenment is now gradually bringing in desired changes to uplift the status of women in Manipur. Women are employed largely in clerical jobs, teaching, nursing, medical and legal profession etc. The political status of Manipur women has

undergone a sea-change due to the progression in the field of women education and economic development.

Yadava (2009)\textsuperscript{79} has cleared that about two-thirds of the illiterate adults in the world are females. As the world works implement the goals of education for all (EFA) and the Millennium Development Goals (MDGs), Women’s literacy occupy a place of importance. The United Nations Literacy Decade (UNLD-2003-12) provides a special focus for enhanced collective endeavour and it is a chance that must not be lost. Governments are engaged and a lot has been done in this area. The Millennium Development Goals (MDGs) have added on additional spur to action. The growth rate for female literacy in the last decade has been 3% higher then the growth rate for female literacy resulting in a decline in the absolute numbers of illiterate women from 2007 million in 1991 to 190 million in 2001. According to the census of India 2001, the female literacy rate increased from 39.29 percent in 1991 to 54.16 in 2001. It means female literacy in the last 10 year has grown at a faster rate then the male literacy rate. This has resulted in narrowing down of the gender gap in literacy rate from 24.84 in 1991 to 21.69 percentage points in 2001 and 60% women continue to take have constitute the benefits under the Adult Education Programme. These programmes helps them to improve their educational status in the country.

Journals of Law

Singla (2011)\textsuperscript{80} described in his article that Domestic Violence is an immemorial practice. It is prevalent not only in India but also throughout the world. Domestic Violence which takes place within four walls is partner-violence in the west. It is also known as spousal abuse. It is a type of gender base violence that occurs within the social context of male domination, women subordination and their familial bond. After the independence, the

\textsuperscript{79} Yadava, Promila, Literacy and Women’s Empowerment, Yojana, March, 2009.
constitution of India has made a vigorous attempt to provide gender justice to the Indian women. The constitution prohibits any kind of discrimination on ground of sex and provides positive act of equalization between sexes by giving preferential treatment in favour of women. The constitutional amendment in 1976 added a new chapter of Fundamental Duties and Article 51-A casts duty on every citizen of Indian to renounce practices derogatory to the dignity of women. Domestic Violence against the women is a pervasive problem in India that cuts across the age, education, social class and religion. It is a slippery concept that cannot be understood only in physical terms. It has an impact on the dignity, personality and value of a woman. It has impact on psychological, emotional dimensions.

The protection of women from Domestic Violence Act, 2005 has defined a comprehensive definition of Domestic Violence. Domestic Violence is defined as actual abuse on threat to abuse, whether physical, sexual, verbal, emotional or economic. Besides, physical violence such as beating, slapping, hitting, pushing, kicking etc., it also covers sexual violence like any conduct of sexual nature that abuses humilities, degrades or otherwise violates the dignity of women. The judgement delivered by Delhi City Court; i.e. Bindu Kirpal v/s Arun Kirpal, it was observed that women who live in relationship can get relief under the Protection of Women from Domestic Violence Act, Delhi City Court, asserting that law was not only for married victims observed: “A Women, even if she is not a law fully married wife but has only been having a line in relationship is entitled to protection under this Act as the relationship is a domestic relationship.

Chatterjee (2011) According to him, under Article 26, Universal Declaration of Human Rights, “Everyone has the right to education’. Education shall be directed to the full development

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of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations racial or religious groups, and shall further the activities of the United Nations for the maintenances of peace. In general, States are obliged to provide free education to women at least at the elementary/ fundamental stages. Conformity with the Universal Declaration of Human Rights, Article 26 not only requires free education, but also compulsory education. This is one of the few explicitly positive obligations the Universal Declaration on human Rights states. The right to education of all should, as has been noted, include the fostering of mutual tolerance and understanding. It should promote the principle of non-discrimination. ‘Gender equality’ can be determined or realized only within the framework of equal rights and equal access. The legal and constitutional rights from an important component in any discussion on gender equality. Indian women’s struggle for emancipation has indeed been very hard and arduous to arise from opposition of inferiority and submissiveness to equality with men, at least in theory.

Kaka & Mohan (2011)\textsuperscript{82} both mentioned in their studies that Article 14, emphasizes equality before law. But, the women is not given any importance as an individual and no rights are conferred on her, as she has to totally surrender to male chauvinism. This age old discrimination against women was not rectified even though fundamental rights speak of equality. Our country contributes to 18\% of the world’s population. Out of the 46\% of the world illiterates, India contributes 40\%. And in 46\% of the world illiterates India contributes 60\% of women illiterates. India has the highest women illiterates in the world. According to the statistical data 50\% of Indians are suffering from malnutrition. The cause for this entire malady is illiteracy. Therefore, education

should be given out most importance and made a fundamental right.

**Malik and Malik (2011)**\(^83\) both observed that the constitution of India guarantees equality of sexes and in fact grants special favours to women these can be found in three articles of the constitution. Article 14 says that the government shall not deny to any person equality before law or the equal protection of the laws. Article 15 declares that government shall not discriminate against any citizen on the ground of sex. Article 18(3) makes a special provision enabling the state to make affirmative discrimination in favour of women. Article 16 guarantees that no citizen shall be discriminated against in matters of public employment on the grounds of sex. The Supreme Court in the case of Madhu Krishnn v/s State of Bihar observed that women from half of the Indian population and have always been discriminated against men, suffered and are suffering discrimination in silence. Self-sacrifice and self-denied are their nobility and fortitude and yet they have been subjected to all kinds equalities, indignities, incongruities and discrimination. Thus, it is concluded that if the provisions of Indian constitution are observed in letter and spirit, the future of Indian women is quite bright. There is a great need for awaking of women socially. Without social amelioration the constitutional rights have no value.

**Anjum (2011)**\(^84\) writes in his article that education is a potent tool in the emancipation and empowerment of women. The greatest single factor which can incredibly improve the status of women any society is education. It is indispensable that education enables women not only to gain more knowledge about the world outside of her health and home but helps her to get status, positive self-esteem, and self-confidence, necessary


courage and inner strength to face challenges in life. More over educated women can play equally important roles as men are nation building. Thus there is no denying fact that education empowers women. Indeed the different organs of the United Nations and experts on women’s liberation argue for women’s education as the basic step to attain equality with men. Main streaming and women’s empowerment could only be achieved if their economic and social status is improved. This could be possible only by adopting definite social and economic policies with a view of total development of women and to make them realized that they have the potential to be strong human beings.

Patnaik and Sahu (2011) explained in their study for women emancipation that microfinance is a positive picture of the impact of credit programmes on women’s lives. Access to saving and credit can initiate or strengthen a series of interlinked and mutually reinforcing ‘virtuous spirals’ of empowerment. The first set of assessments which points out that women can use savings and credit for economic activity, thus increasing incomes and assets and control over these incomes and assets. The “active” women loaners had higher consumption standards and a role in house hold decision-making, either or their own or jointly their husbands, than ‘passive’ female loaners. Both in turn had significantly higher consumption standards and were more likely to partake in house hold decision-making than women from male loaned households or from households who had not received credit. Similarly, self-help groups through micro credit have an important role in lessening the vulnerability of poor by creating assets, income and consumption smoothing, providing emergency assistance and empowering and making women confident by giving them control over assets and increased self-esteem and knowledge.

Auradkar (2012)\textsuperscript{86} points out that one of the most significant development in the realm of international Human Rights Law in the social sphere is the evolution of law on the political rights of women. By political rights is meant that capacity which the law has conferred on women to participate in the management of the state. There are a good number of components of these rights, such as, the right to vote, the right to stand for election, the right to freedom of speech and expression in connection with the exercise of these rights and ultimately these rights have come to them through the international instruments adopted at the instance of international organization. Before that women were despised by authorities of the societies at several place as unworthy of being entrusted with any responsibility in managing the affairs of government; it was because of such an altitude of the authorities of state the women could not get the chance to work shoulder to shoulder with men and contribute their share in nation-building although they had every capacity to be of help to the authorities. However changed towards the middle of 19\textsuperscript{th} century from which time onwards at various places started their own movement for their freedoms. In the beginning the international instruments talked of general equality and after wards they aimed to achieve the specific right of having a share in the managements of governmental affairs. The political rights of women have their bases in different instruments: instrumental, regional and national by which women have been given rights which were denied to them for so many years and for which they had carried on a long struggle in their respective societies.

Sridevi (2012)\textsuperscript{87} indicates towards the sexual harassment at work place in her study. In her view women in ancient India enjoyed equal status with men in all fields of life, but today


women suffer from various social issues, viz. rape, dowry harassment, eve-teasing, domestic violence, sexual harassment at work place, etc., and in recent years, there has been an alarming rise in atrocities against women in India. Women not only in India but across the world face many problems from 'womb to tomb'. Failure of law reflects the failure of the society to protect and serve humanity. As the legislature did not address the issue, the court stepped in to make changes to the laws to address sexual harassment of women at work place. However despite the Supreme Court directives in Vishaka judgement, implementation in lax and women continue to be harassed at work place. Family compulsion, societal inequalities and legal complexities compel a woman to suffer indignities (even torture) and there is a need for robust implementation mechanism, that over comes the obstacles posed by gender imbalances and empower women to raise complaints and redressing them other. According to statistics, 60 per cent of women acknowledge that sexual harassment at the work place by most women. Yet, the awareness and implementation of the Vishaka Guidelines remain poor. Hence the law addressing the issue and lying down a mechanism can help in improving compliance.

Naik (2012)\textsuperscript{88} explained in his Journal that in India almost half of the India’s population is women and they have always been playing a specific and crucial role in the family. Actually, the Indian women have been the foundation stone of the family and they are main creator and originator of the family. Even though, in India, women have never been treated well by men at home and at work place. Women were never given equal status with men. Women have been given unequal position in every sphere. Many reformists and social workers fought for the redressed of their grievances. An age long agnation against the discrimination of women inside and outside the parliament has been continued by

parliamentarian by common men and women, by origination and societies. Several commissions have been setup by the Government to look into the matter of status of women in the Indian society. All the commissions reported about unequal status of women in every sphere of life. As the women lost her property right, she lost independence and became lifelong dependent and "Dasi".

India is a male dominated country with a complementary suppression of women has been continuing since pre-historic times. There has been discrimination between the male and female.

It is evident from the review of literature that woman are ignorant about their rights given by the constitution. Legal provisions do not help in fulfilling their aspirations. It is highlighted that the lack of awareness among women and lack of effective implementation of the legal rights are as the obstacles in the way to achieve the goal of women upliftment. The present study has tried to fill the research gap. After reviewing the literature it is observed that no such detailed study on the legal impacts has been conducted in the district Shimla which makes this study quite imperative.

1.10 SELECTION OF PROBLEM

Women are protesting against their oppression handed over through centuries. They are demanding their rightful place in the society as the constituents of the half of mankind and thus, they struggle for their rights. The development of a nation depends on both the men and women because they gave their best to the nation. So it is necessary that they both should be treated equally and empowered socially, economically, politically and legally.

In order to remove the inequality between men and women, Indian Constitution has made a lot of effective steps and laws to
secure and improve the status of women in society. Notwithstanding these concerted efforts as well as various enactments, which have tried to bring certain degree of emancipation of Indian women in legal sense, the legal position, however, is far from being satisfactory. Women are not enjoying these rights and suffer from a number of socially annexable disabilities and inhibitions. The position of women in rural area is even worse. They usually do not exercise their rights because of the social norms and values which govern human behavior in rural areas and lack of awareness among them create obstacles towards the enforcement of legislation which aim at improving the status of women.

The present study has been carried out in the state of Himachal Pradesh. The state has been divided into 3 Administrative divisions, 12 districts, 75 Development Blocks, 75 Tehsils and 34 sub-Tehsils, 52 Sub- Divisions, 3243 Panchayats, 75 PS, 12 2P, 49 Urban local bodies including 1 Municipal Corporation, 20 Municipal Committees and Nagar Panchayats. The state came into existence on April 15, 1948 as Chief Commissioner’s province by integrating 30 Hill States. The state has geographical area of 55,673 sq.kms. There are 12 districts in the state. According to the census of 2011, the total population of the state is 68,56,509 persons (34,73,892 males and 33,82,617 females).

The study attempts to examine the modern status of women and level of awareness and impact of legal provisions among women which have been made available to them by the State Government. The present research has also tried to delineate the problems which impede successful enforcement of legislations.

1.11 SCOPE OF STUDY

The scope of the study is to analysis the present status of women and to examine the constitutional, legislative and
administrative provisions enacted for the upliftment of women and impact of these measures in the lives of women. It is believed that the status of women has improved in the state of Himachal Pradesh after the enactment of legislation. But, mere enactment of solitary laws fails to bring about the desired change. The present study is a small step in that direction.

1.12 UNIVERSE OF STUDY

The topic is chosen for research study in Shimla district of Himachal Pradesh. To carry out this study in Himachal Pradesh is confined to Shimla district. This is for the reason that it is a developing area and Shimla is the capital of Himachal Pradesh and no such modern study for the women’s developing status and legal rights of this type has been conducted in this part of Himachal Pradesh so far.

Secondly, the limitation of an individual researcher is to be reckoned with. The study may contribute to those big elaborate studies being carried out at National even International levels. It may be a pointer for further exploration.

The study is grass–root or basic due to the fact that Shimla district can be called a representative of our country which itself is a mixture of backward and modern pockets both, making the research and representative and hence grass-root. The state has been adjudged the best in women empowerment in a survey conducted by the prestigious weekly and National electronic channel and given the ‘Diamond state’ award. A number of schemes directed at women welfare and empowerment are being implemented in the state. All the above things have inspired the researcher to conduct this research and select this topic.
1.13 OBJECTIVES OF THE STUDY

1) To study the present status of women of Himachal Pradesh (District Shimla).
2) To examine the Constitutional Provisions regarding women.
3) To examine the impact of Legislative Provisions regarding women.
4) To evaluate the Administrative Provisions provided to women.
5) To study the impact of Constitutional, Legislative and Administrative measures in the lives of the women.

1.14 HYPOTHESIS

That the Constitutional, Legislative and Administrative provisions made for women are not adequate (sufficient) for improving their status and not benefited the women at large.

1.15 AREA OF STUDY

The first important step in conducting the survey is choosing the sample for investigation. As the title of this work shows, the study relates to district Shimla, which covers the area of 5, 131, squares kms. The total population of this area is 8, 13, 384 persons (4, 24, 486 males 3, 88, 898 females).

The city contributes one seat to the State assembly (Vidhan Sabha) and one seat to the lower house of Parliament (Lok Sabha). Law and order in the city is collectively maintained by the police Department of prisons and department of Home Guard. There are eleven courts in the district including a fast-track court. The literacy rate for the men is 90.73% and for women 77.8% in Shimla according to census 2011. The Shimla district comprises of 10 Development Blocks namely Basantpur, Chopal, Jubbal Kotkhai, Mashobra, Nankhari, Chauhra, Narkanda, Rampur, Rohru, and Theog. The researcher has selected 4 blocks randomly among the 10 blocks for the research named as Nankhari, Mashobra, Basantpur and Theog.
1.16 METHODOLOGY

There are two major approaches to gathering information about situation or a problem.

1.16.1 Primary Data

In the present study the primary data has been collected through field survey techniques. The main sources of primary data collection are based on questionnaires, interviews, observation and interactions with respondents. A sample of 700 units has been selected for questionnaire. Questionnaires are used to get information about women and their legal status in every field of life.

1.16.2 Secondary Data

For every researcher, secondary data is very important, as the base for a research study. It is also gives the background, overview and guidelines for the research, Major source of secondary data are the references from books, articles, journals, internet, government Publications, earlier research and personal records are used for this study. Other sources like newspapers, Magazines, yearly statistical outlines and census reports related to the topic are also used.

1.16.3 Data Collection Techniques

The data for the present study has been collected by the technique of interviews, observation, Questionnaire and also from practical information reveals much more things.

1.16.3.1 Research Design

To present the status of women in this study, it is necessary to understand the situation of women in selected area. The study also examined the developments through provisions related to women.

1.16.3.2 Sampling

In the present study, random method of sampling has been used. For this study, the researcher has selected 4 blocks of
Shimla District of Himachal Pradesh out of 10 blocks. Randomly a sample of 700 units has been selected for the study. Because of three types of categories of respondents, three separate questionnaires have been made for the each one. In the first category 100 women respondents has been selected from each block comprising of number 400. In the second category 200 male respondents has been selected out of which many of them are their husbands. The third category consisted of 100 respondents which are related to the lawyers.

1.16.3.3 Questionnaire

Total 700 questionnaires have been prepared for getting personal information from the respondents. The first part of the questionnaire related to the personal information. Other parts of the questionnaires prepared for getting information about the legal status of the women in every field of life. The questionnaires have been prepared in very simple language in English but the researcher translated it to in Hindi for the convenience of respondent. Thus, it closed communication gap and enhanced respondents understanding of the questions.

1.16.3.4 Interview

Interviews were conducted with the selected women respondents and their husbands separately at their places of residence. The respondents belonged to the age group of 18 to 49 years in case of females and 20 to 50 years in the case of males. It was assumed that women falling in this age group would be mature enough and would be conscious of their rights.

1.16.4 Measurement of level of Awareness of Legal Rights

The following laws and constitutional rights and legal Act are chosen for consideration in the present study:

(I) Constitutional Provisions

1. Equality before law for Women (Article 14)
2. Equal opportunity for Employment (Article 16)
3. Equal pay for equal work for both men and women (Article 39)
4. To promote justice, on the basis of equal opportunity and to provide free legal aid (Article 39A)
5. Maternity relief for women (Article 42)
6. Equal opportunity for education and economic interest (Article 46)
7. Seats reserved for women in every panchayat. (Article 243 D (3)
8. Seats reserved for women in every Municipality (Article 243 T(3).

(II) Legal Previsions
1. The Special Marriage Act, 1956
2. The Hindu marriage Act, 1955
3. The Hindu Succession Act, 1956 with amendment in 2005
5. Dowry Prohibition Act, 1961
6. The Medical Termination of Pregnancy Act, 1971
7. The Family Courts Act 1954
8. The Prohibition of Child Marriage Act, 2006
10. The Protection of Women form Domestic Violence Act, 2005

(III) Special Initiatives for Women by Administration
1. National Commission for Women, 1992
2. Reservation for women in local self-government, 1992

1.17 CHAPTERIZATION

1) Status of Women in Himachal Pradesh: An Introduction.
2) Status of Women in District Shimla: A Socio-Economic Profile.
3) Constitutional and Legislative Provisions made for the Improvement of the Women.
4) Administrative Measurements Provided to the Women.
5) Impact and Awareness among the Women about their Legal Rights.
6) Conclusion and Suggestions.