CHAPTER-VI
CONCLUSION AND SUGGESTIONS

What does this study indicate about the constitutional and legal study of women in Himachal Pradesh and specially the study of women in district Shimla? This is a valid question that may be passed in the end. Obviously, to answer in a word or two will not be justified, for the subject is adverse one which has elected positive and negative answer at the same time and at the same place. But the general observation does remain the same—women have suffered discriminations through times and now there is an awakening to shed off the yoke of subordination.

Indian women enjoyed exiled position in ancient times. On female superiority principle developed the mother-Goddess and the man part of the God was incomplete without the female counterpart. Once that stream of ideas reached India, it spread fast due to the struggle for Indian fiefdom which needed a complete participation of men and women. So, it is hardly any surprise that our constitution having recognized that the idea of equality, regarded women as equal men. Not only this, they were accorded special protection keeping in view their age-old subordination and committed to this ideal, the legislation has tried to realize the ideal and directive of equality. Efforts to codify Hindu Law started as early as 1920s. AIWC (All India Women’s Conference) also demanded codification on equal right basis. The pretexts were, the child marriage, inheritance and marriage laws. So in 1951, the Hindu Code Bill was passed in piecemeal fashion. The Acts passed were: The special Marriage Act 1954, The Hindu Marriage Act 1955, The Hindu Succession Act 1956, The Adoption and Maintenance Act 1956 and The Minority and Guardianship Act 1956.

After independence, as would be expected of free country, India framed its own constitution which is based on ideals of
liberty and equality, apart from its principles of upholding the
dignity of human beings. These intentions are manifest in the
Fundamental Rights and the Directive Principles. Women got their
due; they are accorded special favour, keeping in view the age –
old subjection. In the field of adoption and guardianship women’s
rights have increased. Now women can adapt to herself. Hindu
Adoption and Maintenance Act provides for maintenance. Coming
to the field of inheritance, now a female heir has an equal share,
as the male heirs have. Maternity Benefit Act and State Insurance
Act to benefit pregnant women and Equal Remuneration Act 1976
are quite fair. There are punishments for eve-teasing, bigamy or
adultery and for rape under the Indian penal code. But question
arises that how many got punished?

All laws to check prostitution have failed. The glaring
example is the violation of Indian Penal Code provisions and the
Suppression of Immoral Traffic Act, 1956. Despite the
constitutional directive to check traffic in human being prostitution
 goes on under our noses.

In 1961 Maternity Benefit Act was passed and before this
Employees' State Insurance Act to benefit pregnant women in
establishment was there but the former has widened its scope to
more establishments. The lacuna remains that agricultural
workers and other unorganized sectors do not have any such
facilities. It is this section of women that suffers the most.

Another welfare measure adopted in 1961 was the Dowry
Prohibition Act, necessitated by increasing dowry demands on
bride’s parents but so much teeth less was the law due to clauses
like “in consideration to marriage.” Or the real “acceptance” on
the groom’s part that after the escalating bride-burning cases, a
bill was sought to be introduced in the parliament after the joint
select committee prepared the draft. But the proposed
amendment hardly ensures any great hope. The Criminal Law
(amendment) Act, 1983 seeks to amend law by providing for post-
mor tem of bride dying within 7 years of marriage and definition of cruelty has been inserted. Any coercion to meet an unlawful demand of property or valuable security is cruelty within the new proposed amendment. How far it succeeds remains to be seen.

The new judicial stand on the personal liberty by lawmakers and the judiciary has given women a boost, in status and also morally. The women of Himachal Pradesh have full political equality but face discrimination in reality. Though the age-old bias is difficult to shake off, positive steps should be taken in more directions, specially the rural areas of Shimla district, demand great action.

The process of development has no meaning, unless women are fully integrated in the development process. The goals of state policy extend full support and emphasize equal participation of women in all walks of life. However, women are not being fully considered as a potential human resource and have been marginalized in terms of benefits from the development policies and programmes. The development of women can occur if the outlook and perception which marginalized women’s role in the society are changed. Moreover it is the Government of any state which can influence all the factors responsible for women’s development programmes.

In this regard the State Government has made Constitutional, Legislative and Administrative measurements for the women to improve their status. A lot of laws and policies have been implemented by the State Government to achieve the goal. It is submitted that these laws and development programmes are still working for the upliftment of women.

The principle thrust of the present study is to analyze the impacts and awareness about Constitutional, Legislative and Administrative provisions among the women in district Shimla, which is the capital of Himachal Pradesh. The study is based on
an intensive field survey of 700 respondents selected from 4 blocks out total 10 blocks of Shimla district.

**The First Chapter** of the present study provides a brief introduction about the status of women in India from ancient time to the present time. The status of rural women of Shimla district of Himachal Pradesh has been described briefly in this chapter. Women status as in the fields of marriage, education, political participation, household activities, social, economical and legal area has been presented with the help of collected data. Through the study, it is observed that the status of women in different areas has not been quite satisfactory.

The chapter also reviews the literature regarding status of women in different fields and especially in legal areas. Further, the present study is important to analyse the legal impact of Constitution and Legislations on the rural women as no such study was made in Himachal Pradesh. It also discusses about the selection of the study, its scope, universe, objectives, hypothesis and the research methodology adopted for conducting the present research work.

It is concluded that mean age of marriage of female is 18 years old in the according to the state government provisions. Mean age at effective marriage 24.3 is 18-20 years old and 81.67 percent women are educated. Sex-wise infant mortality rates is 38 percent and total electors and percentage voting in various general elections of the state are 2373379 of the total electors are women till 2015-16. Total work participation rate among the women is 44.24 percent in the district Shimla and 21.19 percent women are State Government Employees. According to the statistical data there are not any case of dowry but only cases registered of rape and murder. The study shows that their are a number of cases of domestic violence in Himachal Pradesh whereas the position of women in other fields is satisfactory.
Second Chapter deals with the socio-economic profile of women, men and lawyer respondents of district Shimla. The chapter begins with the role of women in district Shimla. Educational, political, social, and economical and health status define in the chapter. Women empowerment principles are also mentioned, which are made State Government of Himachal Pradesh. The study is important in order to assess the socio-economic conditions of the women. In order to study the social background some indicators like age, caste, education, occupation, marital status and religion are traced out. According to the profile of women it is found that 36.25 percent women of the age group 18-25 are married. Whereas a list number of 15 percent women of the age group 46 years and above. Majority of 80.50 percent women belonged to the general category and a list number of 0.50 percent women belong to schedule tribe. Majority of 97.25 percent women are the follower of Hinduism. Education among women at the primary level is 8.75 % and the majority of 41.25 percent women are found graduates. It is found that education level of the women in district Shimla is satisfactory. In agricultural field 57.0 percent women are engaged and 12.5 percent women are working in government sector whereas a list number of9.0 percent women are doing business. The study shows that there is lack of independent status among women so that a large number of women prefer to agricultural activities in the Shimla district.

Third Chapter deals with the Constitutional and Legislative provisions related to women. To analyse the previous condition of women, all the Constitutional and Legislative provisions are defined in the chapter. All the Laws and Acts like:- The special Marriage Act 1954, The Hindu Marriage Act 1955, The Hindu Succession Act 1956, The Adoption and Maintenance Act 1956, The Minority and Guardianship Act 1956, Dowry Prohibition Act,(1961), Maternity Benefit Act (1961), Employees State
Insurance Act, Immoral Traffic Act, 1956, Equal Remuneration Act (1976), The Criminal Law (Amendment) Act (1983) etc. are briefly mentioned. It is observed that despite all these provisions women are suffering discrimination to a great extent and lack of economic, and lack of political participation women are not aware about their legal rights.

**Fourth Chapter** deals with the Administrative measures like development policies and programmes related to the women. Both the Center and State Governments has enacted a number of policies and development programmes. Goal of Five Year Plans related to women welfare are also described in the chapter. Welfare schemes related to women education, health and employment are also mentioned in brief. Thus, the chapter is based on detailed study of Government action plans towards women development. It is analysed that despite all these development programmes and policies women are ignorant about their poverty, unemployment, health and educational development programmes.

**Fifth chapter** deals with the analyses and interpretations data collected through the questionnaire from four blocks of Shimla district of Himachal Pradesh. In this chapter it is analysed that how much awareness and knowledge of Constitutional, Legislative and administrative provision the women have. This chapter also deals with the views of women, men and lawyer respondents regarding the legal rights and provisions made for women and its implementation.

**Sixth Chapter** concludes the present research study, with major findings of the study and the suggestions proposed thereafter on the analysis of the research work. Some suggestions to strengthen Constitutional, Legislative and administrative provisions are incorporated here on the basis of field work and literature observations.
6.1 FINDINGS OF THE STUDY

- Most of the women follow tradition and culture that is why the women do not take part in decision making process.

- History of women education profile was not so good in, but in last ten years level of women education has been increased because of facility provided for women education.

- Discrimination against a female child is evident from the fact girls experience higher rate of mortality in younger age groups as compare to the boys.

- Women are exposed to a high risk of death due to pregnancy and they are found more anemic after giving a birth to child. Government of Himachal Pradesh has planned to open primary health centre and good doctor, trained nurses and staff.

- The political activities of women folk get influenced by awareness among them and availabilities of time for participating such activities according to new Panchayati Raj Act; there is a provision for reservation of 50% seats for women in village.

- Most of 57 percent women of Shimla are engaged in agriculture, 12.5 percent women are in government job and least 9 percent women are engaged in business.

- 41 percent of the women are graduate and 2 percent women are illiterate.

- Majority of 97.25 women in Shimla district of Himachal Pradesh follows Hindu religion and majority 80.5 percent of women belong to general caste followed by SC 17.25 percent, ST 0.05 and other back ward class 1.75 percent.

- Majority of 97.25 percent women respondents in four Blocks feel proud of being women.
89 percent women respondents are not at all aware about their constitutional rights. 75 percent of the total men respondents are not aware about the Constitutional, Legislative and Administrative provision made for women and 51 percent lawyer respondent of the total agreed that women are aware about their Constitutional rights.

64.75 percent women respondents have no awareness about provisions of equality before law aforesaid right. Majority of 89.5 percent of the total men respondents are having the view that women are equal to the men.

94 percent women want to become self-dependent.

79 percent of women have knowledge about equal opportunity for employment and 21 percent women are not aware about the right equal opportunity for employment

78.75 percent women of all the four Blocks have awareness about provision Equal Pay for Equal Work, whereas 85 percent men respondents of the total are aware about the provision of Equal Wages for Equal Work.

48 percentage of women were not aware about programmes related to micro & small scale business

Majority of 70.25 percent women respondents in four Blocks are not aware about above the right to get free legal aid.

92.5 percent women in aggregate are not aware about legal Services Authority Act and in Nankhari block only 2 percent women are aware about legal Services Authority Act in Nankhari

In aggregate 50.75 percent women are aware about the five year plans and 49.25 percent women still not aware about the above plans. 56.25 percent women in the entire four Blocks are satisfied and 43.75 percent women are not satisfied with Government's initiative taken for providing
facilities for women education. 26.5 percent men respondents of the total are satisfied with Government's initiative taken for providing facilities for women education.

- 71.5 percent women are aware about their reservation rights and awareness in Nankhari Block is less than other three Blocks.

- Only 24.25 percent of women in study area have knowledge of new panchayati Raj system whereas majority of 75.75 percent women are not aware about above system. Highest 28 percent awareness was found in Theog Block and lowest awareness in Nankhari Block only 18 percent.

- Majority of 89.5 percent women of four Blocks are not aware about 73rd Amendment. Only 10.5 percent of women in all the four Blocks are aware about above Amendment.

- 73rd Amendment has empowered the rural people. In aggregate 61.9 percent respondents agree the Statement.

- 58 percent women in Nankhari Block were in favour of traditional marriage, where as in remaining three Blocks percentage in favour of traditional marriage was between 32 to 35 percent. But in aggregate 60.5 percent respondent was not in favour of traditional marriage.

- Majority of women in all the four Blocks give the opinion that non-traditional marriages are not accepted by the community.

- 90.75 percent of women have knowledge about general age of marriage. Only 9.25 percent of respondents are unaware the marriage age.

- Only 5.25 percent women respondents of the total have listen about Maintenance Act
• In aggregate only 14.75 percent women respondents have the knowledge of the provision regarding protection for safeguard of women

• 95.25 percent women respondents in four Blocks are aware about dowry death and 92.25 percent women respondents feel that dowry has lowered down the status of women

• 56.5 percent women think that parents of bride-groom are responsible for dowry system and 35.5 percent women respondents put blame on society for dowry system.

• Majority of 88.5 percent women respondents of the total are aware about Dowry law.

• 80 percent women respondents of the total and 40 percent men of the total respondents have opinion that if women bring dowry, she gets more respect in her family.

• Only 5.25 percent women respondents of the total are known to the Medical Termination of Pregnancy Act.

• Knowledge of Family Court Act among the women respondents is only 6 percent of the total, whereas the knowledge of Family Court Act among the men respondents is 25.5 percent respondents of the total and 38 percent lawyer respondents of the total say that at least 75% women got success in the cases as provided by family courts

• Only 32.5 percent women respondents of the total have heard about Lok-Adalatas. Least awareness of Lok-Adalats is found in study area.

• Only 6 percent women respondents of the total have knowledge of Factory Act

• Majority of 95 percent women respondents in four Blocks have heard about domestic violence among women and domestic violence is found higher in Nankhari Block as compared to other three Blocks.
Only 5.5 percent women respondents of the total are aware about new legislation of Eve-Teasing and 85.25 percent women respondent of the total have become the victim of Eve-Teasing. In the views of lawyer 51 percent lawyer respondent of the total, i.e., 42 percent male respondents and 60 percent female respondent feel that the new legislation of eve-teasing is enough to providing security to women.

Hindu succession Act is known to only 17 percent women respondents of the total women respondent.

Awareness of property right among the women respondents is only 17 percent of the total women respondents, whereas awareness of property right among the men respondents is found 79 percent of the total men respondents. 71 percent men respondents of the total are in favour of women’s property rights, whereas 29 percent men respondents of the total are against the women's property rights.

National Commission for Women known to only 5.5 percent women respondents of the total and 53 percent lawyer respondent of the total, i.e., 58 percent male respondents and 48 percent female respondent agreed that policies of National Commission are helpful for the empowerment.

Only 5.5 percent women respondents of the total are aware about National Policy for the Empowerment of Women, i.e., 7 percent respondents in Theog Block, 6 percent respondents in Mashobra Block, 7 percent respondents in Basantpur Block and 2 percent respondent in Nankhari.

Only 12 percent women respondents of the total are aware about National Plan of Action for the Girl Child.

86 percent respondents from the entire four Block have not taken benefit of Act and Provision made for women.
Respondents of Theog Block have taken more benefits of these legislations.

- Majority 85.25 percent respondents of the total women respondents and 76.5 percent respondents of the total men respondents have opinion that government should take more steps for the proper implementation of these laws. It means these laws are not working properly.

- The law relating to women requires drastic alternations. Though there has been considerable legislation in regard to women after the enactment of the Constitution, the actual position of the women.

- The equality clause in the constitution has made little or no impact on the social and economic life of women in India.

- The Dowry Prohibition Act prohibits the giving and taking of dowry. But this is ineffective in practice mainly because any dowry given at the time of marriage may be considered as gifts which are not by law.

- There are so many provisions and formalities to be fulfill as regard to take divorce.

- The women in Shimla suffer from lack of awareness and independent status which is the result of ignorance and lack of motivation.

It is evident that the hypothesis has been proved that the Constitutional, Legislative and Administrative provisions made for women are not adequate for improving their status and not benefited the women at large. Legislations enacted during the last few decades are out of reach for most women because there is lack of awareness among them and s far as implementation of the provision is not so good.
6.2 SUGGESTIONS OR RECOMMENDATIONS

More steps should be taken by the constitution and legislature in positive and right directions. There is no uniformity among the laws. Some of these laws even contradict one another. Even phrasing of the enactments is sometimes loose leading to their non-implementation.

- To empower the women it is necessary to increase the level of women education and aware them about their opportunities and upgrade their knowledge according to the social and technological changes.

- More and more political, social and administrative Programmes related to awareness of women rights should be organized at panchayats level with the joint collaborations of Government and NGOs.

- The machinery to implement the extent legislation requires to be made efficient, cheap and simple.

- Cases related to women should be settled on priority basis in the court. There is a need to enact a comprehensive, common and uniform civil code based on a thorough understanding of the problem of women.

- Women should developed consciousness of their own rights. They should also ceaselessly strine to actualize the rights granted to them and also carry on struggles to secure further rights.

- Special women complaint cell should be open in all the Panchayats. More and more women police station headed by lady police officer should be open in the state to raise the confidence level of women and encourage them to report cases.

- It is seen elected women candidate do not take any decision independently in Gram Panchayats and other elected
bodies. They are dependent on male one. So it is require providing training regarding panchayati raj functionaries for capacity building enable them to perform their duties and maintenance of records.

- Those women should be given special protection that helps the victim women and to reduce the eve-teasing cases CCTV camera should be installed in mass areas, near schools and colleges in every institutions where women participation is very less.

- Legal Aid Voluntary organizations should also come brought for the help of victim women whose cases are pending court of law. Poor women should be provided legal help in battling against matrimonial matters.

- There should be taken appropriate action to reduce delay in cases related to women and to make drastic alternations both in the spirit and content of legislation.

- The Mahila-Adalats and family courts should be established in each tehsil and women lawyers and women judges should be appointed in these courts, so that women can get relief from expensive and long proceedings of the courts.

- The State Women Commission should organization Women Lok Adalats for tackle every kind of cases related to women exploitation.

- All the property acquired after marriage should be considered marital assets and should be kept in both wives and husband’s name.

- Women should be given right in property of husband at the time of marriage not only in case of divorce.

- The Government should implement micro finance schemes effectively and systematically. Government should pay more
and more attention to provide employment opportunity to the women.

- In order to make women strong and confident government should provide training facilities regarding the self-employment of women and also get them arrange small amount of loan at cheaper rate from the banks.

- Non-Government Organization can play an important role in empowering women entrepreneurs by providing them basis knowledge, training and financial help regarding the business.

- More and more political, social, religious and administrative programmes should be organized in SHGs to make women aware about Panchayati Raj Institutions.

- To create awareness among women about their rights, and programmes, the information system should be upgraded by adopting new information technology. All the Gram Sabha should be linked with new information technology.

- Government should increase the percentage of reservation for women employment in MGNREGA. So that more and more women can be benefited by the scheme.

- Voluntary organizations should mobilize public opinions and strengthen social efforts against oppressive measures like dowry, child marriage and human trafficking.

- More and more publicity of women rights should be advertisement on print media and social network.

- Victim women should be given financial help by Government and NGOs.

Finally, to sum up it may be pointed out that State Government should introduce a naval scheme through which the women in Himachal Pradesh may be provided and ideal opportunity to enhance their social status, their overall
personality, improve their awareness and outlook towards life, exhibit their talent, and improve their financial condition. All the district level the work can be encouraged and coordinated with the help of the NGOs active in a given area.

It can be concluded that despite the entire Constitutional, legislative and administrative provisions made for the women does not help in elevation of the status of women. For removal of inequality and discrimination against the women there is need to make them aware about their legal rights, create confidence and motivation regarding decision making process by changing their negative attitude.