Chapter - V

Effectiveness of Women Development Policy - A Critical Evaluation

Development is a multi-dimensional process, involving major changes in social structures, popular attitudes and national institutions. Economic development is a process of improving the standard of living of people through structural changes in employment, enormous increase in productivity, reducing poverty and inequalities in the distribution of income and wealth. Since the real wealth of the nation is its people--both women and men, it is also defined in terms of better human life that is equitable, just and susainable.

During the last three decades there has been a growing realisation that achievement of sustainable development essentially needs the involvement of women in all the socio-economic political activities and decision making process. Women are active agents of change and play a pivotal role both in the family and the society. But the development process has bypassed women and hence women still live in an unequal world.

Women are often viewed as reproducers, not producers, welfares and not workers. Women face discrimination in all walks of life. The marginalisation of women in the development process which has hindered the whole process of socio-economic development has been the realised now.

Realisation of the importance of women in economic development first came from united nations which created special commissions and bodies for women and challed out many programmes through its organs to integrate women
into the mainstream. Despite the efforts made during the last five decades women still live in an unequal world. The Gender Related Development Index (GDI) and Gender Empowerment Measure (GEM) indices show that women face discrimination worldwide. Poverty, illiteracy and unemployment hinder their economic prosperity.

The principle of gender equality is enshrined in the Indian Constitution in its preamble, Fundamental Rights, Fundamental Duties and Directive Principles.

Within the framework of a democratic policy, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. From the fifth five year plan (1974-79) onwards, there has been a marked shift in the approach to women's issues from welfare to development. In recent years, the empowerment of women has been recognised as the central issue determining the status of women. The 73rd and 74th amendments (1993) to the constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels.

India has also ratified various international conventions and human rights instruments committing to secure equal rights for women. Key among them is the ratification of the convention on the Elimination of All Forms of Discrimination Against Women (CEDAW - 1979) in 1993.

The Mexico Plan of Action (1975) the Nairobi Forward looking strategies (1985), the Beijing Declaration as well as the platform for Action
The women's movement with a wide-spread network of non-government organisations which have strong grass-roots presence and deep insight into women's concerns has inspired many initiatives for the empowerment of women.

Unfortunately, there still exists a very wide gap between the goals enunciated in the constitution, legislations, policies, plans, programmes and related mechanisms on the one hand and the situational reality of the status of women in India, on the other. This stark reality has been analysed extensively in the report of committee on status of women in India, "Towards Equality" (1974) and highlighted in National Perspective Plan for women (1988-2000) and again in the Sharam Shakti, report of National Commission on self employed women and women in the informal sector and now more recently in National Policy for the Empowerment of Women 1996.

As we have also seen in data presented in Chapter IV that the balance of gender justice, equality, and equity is tilted towards men. Women have yet many obstacles to overcome. Women in India still continue to bear the burden of poverty, illiteracy, economic marginalisation, exclusion from decision making, lack of access to resources, social stereotyping, violence at household and societal level. Therefore, gender disparity manifests itself in various forms, the most obvious being the continuously declining sex ratio of women in the last few decades. There is a persistent and institutionalised discrimination against the girl
child and adolescent girls and mechanisms to achieve gender justice, equality and equity remain inadequate and ineffective.

In the present study, two main pillars of women's development have been taken into consideration. They are -

a) Programmes and policies run/governed by the state under the five year planning period for development, for the upliftment, welfare and emancipation of women.

b) Constitutional and legislative provisions for enforcement of legal rights of women as progressive legislation is regarded as the harbinger of social change and generally should be one step ahead of current thinking.

In the present chapter, an attempt has been made to judge the effectiveness of (i) Government's programmes and policies for women development through five year plans in Part (I) of the chapter.

In part (II) an evaluation of effectiveness of law for women empowerment has been made.

Part I

Effectiveness of State's Policies and Programmes during planning period and Women Development

The country started its efforts for nation building with adoption of the national planning immediately after the new constitution was adopted. The task was entrusted to planning commission in 1950. The five year plan series started with the First Plan in 1952-1957 followed by eight five year plans, with intervening
plan holiday years covered by what are referred to as annual plans. The first 25 years will include the first four Five Year Plan, and the plan holding years of 1967-69. In these early decades, planning and Five Year Plans determined the public policy and its programmes and their implementations in a much more comprehensive manner than they did in the 1990's.

It has been a truism to state that in the early decades of planning in independent India, as in almost all other countries, women were only looked at as components of social welfare programmes and not of development. We have gone through the phase of looking at women from a welfare approach, from an equity approach, and from a rights approach. The prevailing discourse in the 1990's is of empowerment but where were we in the first two and a half decades of independent India. Were women as women seen even as part of welfare? The development plans in fact did not really look at women and their concerns up to seventies. Women's issues came on the political agenda in the 1970's because of confidence in the ability of the "trickle down" approach to development was shattered since it was realised that resources never reached the most vulnerable groups (the poor, tribals, marginal farmers or landless laborers and the women). In addition, the growth of women's movement at national and international levels, and particularly the leading role of United Nations for women development and declaration of United Nations decade for women (1975-85) not only gave visibility to women's roles but also highlighted the negative impact of development on women. The committee on status of women in India report "Towards Equality"
also highlighted the national neglect of women.

Why was this so and how was it that after women's very visible presence and participation in the national struggle for freedom with full enthusiasm and spirit and stalwarts still riding on the national horizon, women as women were so ignored? Was it a consequence of the type and model of planning, the vision and priorities of independent India or the inadequate presence of women at the decision making levels and in the political bodies.¹

A review of earlier years of planning indicates their almost complete preoccupation with growth manship. Only in later years this preoccupation got tampered by the concern for justice, for the distributive aspect of growth. The directive principles of state policy in the constitution contain the commitments which are important for women. But the plans did not even refer to these important guiding principles. In fact, as far as the social sectors were concerned, there was no sharp policy focus on women and the plans have also been legitimately criticised for being concerned only with resource allocations without any matching concern for efficient utilisation.

The operational parts of official plans reflected varied priorities expressed mainly in the financial outlays and implied degree of administrative attention and there was an obvious lack of balance between the social and economic sectors. The social benefits were regarded as automatic by products of the

economic objectives and the social contents of development continued to be seen as consumption and not investment (Kulkarni 1997).

The First Five Year Plan (1952-57):

It was more in the nature of a putting together of post war reconstruction schemes which were then on the anvil. The approach to women's development in this plan was not clear. The women's question was perceived as primarily a social one by the major section of the political leadership and the bureaucracy and the role of the state in "social" issues was viewed with great hesitation and caution. Women were projected as beings in need of education, health and welfare services only.

In the field of social services the First Five Year Plan made special mention of the increased provision for scheduled castes, scheduled tribes and scheduled areas and other backward classes. Women are not prescribed as a group for special provisions. In the health plan, for instance, women are only mentioned for "health services for mothers and children". Family limitation or the spacing of children, it was said, was necessary and desirable in order to secure better health for mother and better care and upbringing of children. In this way, women have been considered as a child producing machine who will produce better children if she is given better health conditions.

It is under social welfare that women welfare has been specially discussed but it has been left to voluntary organisations. "Voluntary agencies will have to share the burden in this field ...... A sum of Rs. 4 crores has been provided
in the plan for strengthening, improving and expanding the nature and scope of their welfare activities. It is proposed to set up a social welfare board ...... composed largely of non-officials having actual experience in the field of voluntary welfare work ....... to administer this fund ....... enjoying a great deal of administrative authority."

In the Second Five Year Plan, women do not even figure under social welfare programs but figure only under central social welfare board schemes/services. Welfare of women and children, it is stated, is part of the comprehensive social welfare programme. In health, the specific objective relating to women is not even Maternal and Child Health (MCH) but only "family planning and other supporting programmes for raising the standard of health of people.

The Third Five Year Plan refers to girls education and (MCH). The question of nurses auxiliary nurse midwives (ANM) and other health workers and women teachers figure in these plans only in the context of their need for institutional expansion. Thus the cultural constraints requiring women doctors and auxiliary health personnel led to women's entry and access to health and medical education and training.

The Third, Fourth and Fifth Plans including the three years of plan holiday before the Fifth Plan continued the same approach, with declining support to strategies of organisation building and human resource development. Some priority was accorded to women's education after the Report of National Committee

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2. First Five Year Plan document, page 124.
on women's education, planners, however, failed to address the major problems of poverty, illiteracy, non-enrolment, drop-out etc. that affected the large majority of girls and women.

From the third plan onwards, the issue of population control acquired increasing priority. Family planning services were introduced within the health services, but very quickly and dominated the health services, with separate allocations and staff. The integration of family planning with MCH were not implemented. Programmes for supplementary nutrition of children and nursing and expectant mothers from disadvantaged groups were introduced by the welfare department but received for less priority and resources and no integration with MCH.

In the social sector there are sectoral allocations and programmes in which women are either presumed to be beneficiaries or there is a reference to their problems but no attempt to deal with women's issues and concerns. Women were described in social welfare sector, where social welfare services were intended to cater to the special needs of persons and groups who, by reason of some handicap, social, economic, physical or mental were unable. Women along with SC/ST and the physically and mentally handicapped were considered eligible for welfare and their eligibility determined by the planners perception of their problem.

These Five Year Plans, therefore lay emphasis on providing services

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for women which would protect them as a weaker section of society and the services constituted mainly health, education and related welfare activities.  

**Perception of Women's Problems:**

The perception of women's problems as reflected in these policies thus show an essentially middle class bias—that women were essentially homemakers and sometimes the unfortunate victims who had specific problems which needed help. This welfare approach ensured that the policy makers and planners felt safe as this did not threaten patriarchal, feudal structures and at the same time enabled them to say that they were looking after all weaker sections including women. There was no appreciation about how women's productivity, access to training, skill development or their participation in the organised movement of workers be increased.

The main problem with the welfare policy was that it did not try to look at women and at their problems and conditions, why these conditions appeared and what were the forces which generated them. The policy makers accepted the situation and conditions as almost inevitable and only tried to treat their manifestations, that too in small measures.

It would have required a penetrating analysis into the household in order to understand the nature of the household economy, domestic work, relations within the household, asymmetrical division of labour, and power, overcrowding

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of women in low skill jobs, roots of difference in educational status of women and men and working experience between the sexes and the continued different socialisation of boys and girls.

The planners clearly accepted the existing unequal economic and social relations without questioning the "why" and "how" of these relations and looking at women only when they faced any specific problem and to deal with them only by provision of welfare services.

The welfare policy approach and low priority to women's programmes measures too had their origin in the basic ideology which treated women as only a weaker section, a housewife and a mother and hence with the lowest claim on public resources. The invisibility of women was an outcome of the ideology governing public policy relating to women. Hence, women were "noticeably absent from the discussions of development theory and practice during the first United Nations Development Decade (1960-70). Later in the 1980's, newly established women's bureaux and ministries in various countries were anxious to 'visibilise' women by, for example, improving data collection techniques and national accounting procedures. But their capacity to change the situation, as the data collected in chapter IV indicate, was limited.

This negligent approach towards women's welfare came in for severe criticism in the report of the committee on the status of women in India (CSWI, 1971-74).5

The committee was of the view that Indian State had failed in its constitutional responsibility of not discriminating on the grounds of gender. Plans for development of agriculture, industry, fishery, livestock etc. and other major sectors of Indian economy contained no acknowledgement of the millions of women involved in these sectors for a livelihood.

In fact women had been increasingly considered by the planners as not in need of an independent livelihood which is evident by women's decreasing work participation rate, and share of employment (see table 4.9 and 4.10 in Chapter IV), increasing poverty and insecurity in sectors of economy in which they used to dominate earlier like agriculture, forestry, livestock cottage industry etc.

The review of the disabilities and constraints on women, which stem from socio-cultural institutions, indicate that the majority of women are still very far from enjoying the rights and opportunities guaranteed to them by constitution. Society has not yet succeeded in framing the required norms or institutions to enable women to fulfill the multiple roles that they are expected to play in India today.6

Again the committee recommends "In order to prevent any ambiguity in the understanding of what constitutes women's welfare and to prevent the development of policies that sometimes go against the basic objectives, we recommend that the government of India should evolve a national policy on

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women's development in the light of constitutional directives and pledges made to the women of this country and to the international community from time to time.  

Treating the declining sex-ratio (Table 4.1 Chapter IV) as a composite indicator of the worsening situation of the majority of women, the committee demonstrated that this process, begun much earlier, had been accelerated during the period of planned development. The increasing investment on education, health, and the opening of opportunities for public employment had benefited a small minority, widening the gap between this minority and the majority of women. Even amongst the privileged minority, the promise of gender equality was threatened by escalation of social practices like dowry, continued invisibility of women's needs, concerns and perspectives in the planning process.

The CSWI's reports concluded in a very wide mandate to the government: "to remove all disabilities that Indian women continue to suffer from". The declaration of national emergency within a few weeks relegated any serious action on most of the committee's recommendations to a distant future.

The Sixth Five Year Plan (1980-85): Pressure from the Women Movement:

The publication of status of women Report Towards Equality in 1974 and the declaration of international women's year in 1975 by U.N., brought gender inequalities in every field to the forefront of development planning. In mid 1970's, the new consciousness of women concretised into a host of small voluntary women's organisations. It was during this period that some of these new groups
started producing their literature in the form of newsletters and magazines, which raised public awareness about women's struggles in different parts of the country.

A memorandum submitted jointly by seven women's organisations in 1980 and support from women members of parliament persuaded the planning commission to incorporate, for the first time in India's planning history, a chapter on women and development.

The chapter 27 acknowledged the continued low status of women as a result of inadequate opportunities of "independent employment and Income" referred to demographic trends (higher mortality, lower economic participation, illiteracy, sex-ratio etc.) as issues of serious concern.

The government of India's formulation of the National Perspective Plan for women 1988-2000 A.D. were a response to the working out at the Nairobi International conference for women of forward looking strategies in 1985. The cobbling together of the National Policy for women apparently seems to be the outcome of the International Women's conference at Beijing in 1995.

The government has never formulated any policy or programme for empowerment of women on its own. There has been insistent and consistent pressure on the government of India to formulate a National Policy for women.

since the late 70's which went unheeded for two decades. Finally in 1996, the government had sufficiently motivated to take action, though, under pressure from international fora and to keep its image clean, the final draft of "National Policy for Empowerment of Women" was released.

The National Policy also admits lower status of women. "Gender disparity manifests itself in various forms, the most obvious being the continuously declining sex ratio of women in the last few decades. Table 4.1 in Chapter IV. Social stereotyping and violence at the domestic and societal levels Table 4.17, 4.18, 4.19 and 4.20 in Chapter IV are some of the other manifestations. The blind race for development has increased the pace of exploitation. The problems relating to women have become more horrible and assumed new dimensions. Discrimination against girl child, adolescent girls and women still persists. Consequently, women's access to and opportunities to avail of inputs related to education, health and productive resources, among others, are inadequate and they remain largely marginalised, poor and socially excluded. 10

Thus the stress of empowerment approach been that women, particularly the poor, should be given the right to make their own choices in life and to influence the direction of change, through giving them, both access to decision making and enabling them to make decisions, although, "Empowerment" as a concept is difficult to measure.

The Ninth Plan document also highlights the basic constraints that

women face in improving their prospects for employment, and their economic status in general as under -

a) Their low traditional roles reflecting the patriarchal system and subordinate social status as well as socio-cultural taboos and values within and outside the family.

b) Low levels of education and vocational skills.

c) Traditional bias against women workers among the employers which leads to occupational segregation and discrimination against women.

d) Concentration of women in only a few sectors of the economy which require low levels of educational training and consequent pre-dominance of women in the low paid and low productivity work.

e) Increasing flexibility of the labour market as a result of recent trends in technological and industrial development. A reserve army of cheap labour, women are perhaps the worst victims of this flexible labour market.

In this context, it is also useful to look at what development has actually meant. Industrialisation, centralisation of resources, transfer of resources, big dams, canals, mines, the green revolution, nuclear power plants, automation, computerisation, all are the hallmarks of development and growth. The expansion of industry in the guise of self-sufficiency, construction of dams for power and irrigation, revolution in the field of information technology, linking the country with entire world through internet all of this and more have been part of state policy.
Centralisation of human, financial and natural resources has led to many regional imbalances with some areas being eroded of all its supportive and basic resources and others having an excess. This kind of growth has led to large scale displacement especially of lower caste, Dalit population and Adivasis, it has introduced lop sides consumption patterns, migration, dismantling of social support structures. Interms of labour, increasing numbers of people have been either displaced from traditional occupations or have been deskillled or edged off the market completely.

Development has led to a severe depletion of resources, a deepening of the polarisation between the rich and the poor, an increase in vulnerability of marginalised groups and classes, and impoverishment.

As part of communities that have paid the price of development, women have borne the brunt of the actualisation of plans and projects. At every level, be it financial, social, cultural or political it is the women that have had to shoulder the consequences which penetrate into the public and personal spheres of their lives.

The impact of structural adjustment policies is likely to affect women in the following ways - 

a) Decline in government expenditure which may result in declining expenditure on the social sector which is already low which is clear from the table 2.1.

b) General withdrawal of state from production of various goods and services for people.
c) A move from formal to informal employment, public to private employment and organised to unorganised employment with a minimum regard for labour standards. This point is to be noted that already 90% of women are employed in the informal sector.

d) Feminisation of labour due to growth of export industries and corporate sector followed by trade liberalisation. All these factors are likely to affect women's employment and working conditions adversely.

From 1980 onwards the state has been involved in framing policies and programmes specifically for women. But the problems of monitoring and implementation have always been there. There are various Anti Poverty Programmes being run by the state, but these have affected the economic conditions of poor women only marginally due to

a) Scarcity of resources for these programmes with the government agencies.

b) Weaknesses in monitoring and implementation.

c) Problems in organising women at the grassroots.

d) Problems relating to identification of beneficiaries and non-panetration of benefits to poorest of the poor.

e) Despite their common objectives, these programmes are implemented by a large number of departments without any effective machinery to coordinate their functions.

f) Government departments do not always seem to be clear in their understanding of what constitutes welfare or development.
The amount allocated to women's welfare programmes is very less. Women constitute nearly half the population of India, but they do not even share one percent of the total plan outlay. Expenditure for welfare programmes including programmes meant for women is low in comparison to other sectors. In terms of stringencies, financial cuts are made first in this sector, since returns from investment in this sector are not immediate and visible.

Perceptions of women problems change with the change in political leadership. The schemes meant for women development seem very attractive when drawn on paper but when these are implemented their charm get lost. The Balika-Samridhi Yojana was launched on 15, August 1997. The Times of India writes, 'the scheme runs into rough weather'', while the payment of Rs. 500/- to every female child born in poverty stricken families after 15 August, 1997 is still continuing, there is no indication that the government would implement the second and third phases of the scheme.\[11\]

Initially, the scheme was hailed as a major step forward to stop the widespread practice of infanticide which is still prevalent in countries remote areas. It was regarded that scholarship for schooling and maintenance would make poor parents look to girl child as an asset and not regard her as a liability. But the present govt. seems no more interested in implementing the second and third phase of the scheme.\[12\]


\[12\] Ibid.
Gender justice in education continues to be a distant goal, with 60.7 percent of women being illiterate as per 1991 census. The census data show that for the population aged 7 years and above the percentage of female literacy is only 39.42%. There is also considerable inter-state variation. Kerala, for instance, had a literacy rate of 86.93% in 1991 of females above seven, as compared to 20.84% in Rajasthan, 23.10% in Bihar. Illiteracy among females, limits their achievements in the field of the employment, training, utilisation of health facilities and exercise of their legal rights and is a cause of their continuous exploitation. Illiteracy among women is also negatively related to fertility rates and infant and child mortality rates.

Women's reproductive health still remains a cause of concern for the planners. The maternal mortality stood at a very high rate of 437 per one lakh live birth in 1993, which is a matter of great concern when the major causes like bleeding during pregnancy, anemia, toxaemia, abortion etc. are treatable through effective health and nutrition interventions.

A matter of great concern is the unemployment rates among the female workers.

The ratio of unemployment is more significant among urban females as it stood at 5.4% in 1990-91. The same trend is visible in NSSO data on the current weekly status of unemployment which stood at 2.1% for rural females and 5.3% for urban females in 1990-91. The estimated backlog of unemployment
among females in 1990 by the criterion of usual status is 3.96 million.13

The contribution of women to the economy continues to remain grossly under-reported due to certain conceptual, methodological and perception problems, reflecting a gender bias since economic value is not assigned to unpaid household work and various kinds of subsistence activities. Due to this underestimation, female work participation rates remain continuously low. Female work participation rates remain 22.3 percent in 1991, which was much lower than the male work participation rates of 51.6 percent.

There is also wage discrimination as both the minimum and equal wages are denied to women in many areas. Women in the informal sector, whose representation is as high as 90 percent, are deprived of every legislative support. Further, women's participation in agricultural and extension, training and research is also minimal. They constitute mere 0.59 percent of farm extension workers.14

In sum, the state's attitude has been patriarchal and biased against women. The state's definition of gender tends to restrict women to the domestic sphere. State has been least aware of women's concerns. It has never done for women of its own but what it has done for women been out of fear of women's movement and to keep its image clean.


Part II

This part of Chapter V critically evaluates the legislative provisions relating to women. Chapter III of the study deals with various constitutional and legislatives provisions for empowerment of women. But in practice these laws are violated frequently. There are various socio-economic-cultural factors which act as obstacles in the way of enforcement of these laws. The majority of women is unaware of these legal provisions due to illiteracy or due to the socio-economic-cultural set up which keeps them isolated. Instead of strict enforcement of existing laws, more amendments and new laws are enacted adding to the confusion.

It was in the pre independence and pre constitutional era, that women protests against unequal treatment and social injustice took the form of cry of anguish - woman, thy name is misery.

The preamble of Indian constitutional solemnly declares among other things, "justice, social, economic and political and equality of status and of opportunity" which by implication sought to equalise women. Article 14 provides that state shall not deny any person equality before law and equal protection of law, Article 15 specified that state shall not discriminate against any citizen on the grounds of only religion, race, caste, sex, place of birth or any of them. Provision under Ar. 15(3) permits special provisions in favour of women article (16) guarantees equality of opportunity in matters of public employment or appointment under the state irrespective of sex. Art 23 prohibits traffic in human brings. Article 39 speaks of equal pay for equal work for both men and women.
whereas Article 42 directs that the state shall make provision for securing just and humane conditions of work and for maternity relief.

Famous jurist upendra Baxi has pointed out that the constitutional has implicitly accepted patriarchal assumption as the world's largest and most elaborately written constitution, it refers to women only six times, out of which five times they are referred together with men or children and only once and that too in the context of maternity leave in article 42 to women alone. Former justice V.K. Krishna Iyer also quotes that the gender bias is noticable in that when inequality is abolished between men and women in many matters, the domestic sector is left tragically untouched. A perusal of the constitutional provisions clearly indicates that women were not given a fair deal under the constitution. We cannot find a special heading "women' in the constitutional contents. It is a widely accepted notion that adverse economic condition of Indian women was the root cause of her discrimination. Even the few articles that are meant for her economic emancipation are all placed under the directive principles of state policy which are not enforceable. The legislative lethargy in the implementation of these directives is manifested by the fact that it took nearly 25 years to pass equal remuneration Act and 11 years to pass maternity benefit Act.

Law as an instrument of social changes aims at achieving equilibrium by orderly regulation of social relationship removing social "irritants", manifested by objectionable, unjustifiable, discriminations and inequalities and positively providing for the welfare and security of all the subjects.14 The quality of a polity

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is estimable by gauging the speed and frequency at which rational, reformative changes are brought about through the instrumentality of law. Law ought to adapt, adjust and supplement to the needs of the society and it is supposed to generate, activate and accelerate require social change. "Dissatisfaction must inescapably result if the law fails to keep pace with, economic, scientific, political and social changes.15

Despite the constitutional guarantees of justice, social, economic and political and assurance of a life of freedom, equality and dignity and increasing number of protective laws for social and economic emancipation of women, crime against women have continued their upward trend, pushing more and more women into the list of victims of rape, cruelty, bride burning, wife beating, molestation, prostitution and so on and so on .......... As a matter of fact women have no faith in law to knock at its door. They do not have resources to fight the long unending expensive legal battle. The enforcement authorities maintain their stoic silence when cases of atrocities against women are reported to them. The police tries to put dust over the whole incidence rather than springing into action. The advocates frighten the aggrieved women of the false and insulting statements of witnesses and rigid and complex procedures of courts. The courts have no place for these victims in their list of priorities.

The efficacy of protective laws is very much doubtful. The report of National Crime Record Bureau 1994 shows that every 51 minutes a women is

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sexually harassed, in every 54 minutes, she is raped and in every 102 minutes there is a dowry death. These estimates do not include unreported crimes. These are only tip of the iceberg beneath ocean of crimes.

After independence, the government of India sought by legislation and other means to change bad or wrong social practices and to uplift condition of womenhood. Courts have granted women equal rights with men. The Hindu Code Bill has sought opportunities and privileges to Hindu women.

Yet, if a statistics is taken of the progress of women in every sphere, the progress will be very meagre. The point is clear by the data presented in chapter IV. The constitutional mission of "equalization" could not be achieved fully due to following reasons -

a) Mass illiteracy.

b) General ignorance of law.

c) Indifferent and hostile attitude of the law enforcing agencies.

d) Economic backwardness and lack of community support for women seeking justice against discrimination.

Once Maulana Abul Kalam Azad made the following statement, "next to battlefield, It is in the courts that some of the greatest acts of injustice in the history of the world have taken place. What Azad had said years before is being demonstrated daily with regard to women. For example, on Nov. 15th, 1996, the judgement in the famous Bhanwari Devi rape case was given by the District and Session Judge Jaipur. The judgement was very strange and shocking. The judge
acquitted all the five accused of raping Bhanwari Devi, a backward class voluntary worker. The court observed that the alleged rapists were middle aged, respectable persons and rape is committed usually by teenagers. The court further argued that since the offenders were upper caste men and included a Brahmin, the rape could not have been taken because Bhanwari Devi was from a lower caste.16 Can one tell what the poor victim should do? Such mean judges should be given life imprisonment whose judgement is such in human and biased in favour of so called upper castes. Does a rapist monster has a caste?

Inadequacy of Laws in Matrimonial Matters:

The life of a nation depends on the stability of the family and the marriage is the backbone of family. It is very painful to note that our family laws do not treat male and female equally. There is a wide range of areas where discriminatory attitude has been adopted. Marriage, divorce, dowry, adoption, guardianship, maintenance and succession are some of the areas, where law has provided right to women, yet in practice women are discriminated on grounds of sex.

Polygamy:

According to Hindu Marriage Act, 1955, either spouse should not have an earlie living spouse. Thus both polygamy and polyandry practised under old laws were abolished. But in practice polygamy is prevalent in Hindu society.

also. In Muslim society, a male can keep four women as his wives at one time. Vidya Devi, poor women of village Ismaila (Haryana), lost his twenty years old only son, she had no other issue, her husband got remarriage with another women and now she is leading a life worse than animals, deprived of necessities of life, undernutritioned, ill-health, her body has declined to a skelton. Every movement her eyes are wet with tears. Such examples of polygamy are common but one can hardly find a case of polyandary.

**Restitution of Conjugal Rights:**

The provision relating to restitution of conjugal rights, section 9 of Hindu Marriage Act, 1955 works against the interest of women. Although this provision is available to both the husband and the wife. It is most often used by the husband against the wife in ways that are against the fundamental right to dignity and personal liberty. Women is often tortured mentally and physically by the husband. Can law change the mindsets of such males? Law works as an instrument to bring the couple under the common roof but unable to unite the hearts. Women has to live a life of insult and agony.

Whenever either of the couple has withdrawn from society of the other without reasonable cause or excuse, the other party may file a petition for the decree of restitution of conjugal rights. In practice this provision require an unwilling wife to cohabit with the husband as otherwise her property can be attached. The provision is taken from English law and it may be noted that the same has been abolished in England under Matrimonial proceedings and property
Act, 1970, but it is continued in India.

Special Marriage Act 1954:

Permits marriage of people from different religions, faiths without changing their religion. Under the Act, two adults have every right to marry at the special marriage courts. A girl more than 18 years age is absolutely independent in the eyes of law to take step about her marriage. But in everyday life one observes, listens from others or comes to know from newspapers that how much trouble a women has to face when she intends to marry under this Act. She is threatened to murder by the father or brother or relatives of the boy with whom she intends to marry. She is looked down upon by the society and termed as Kulta (wrong doer). The Times of India, July 21, 1998 writes, how the fear of police and relatives forced the couple who married under this Act, to literally be on the run. Instead of protecting them, the police chased and harassed them.

Dowry:

The Dowry prohibition Act 1961 has been amended in 1983, 1984 and 1986 in order to make the provisions more and more stringent for the emancipation of women. The Dowry prohibition Act, 1986 added section 304-B which provides punishment for the dowry death which is not less than seven years and may also extend to life imprisonment. But inspite of stringent provisions in the Act, the evil has spread to all sections in the society. Violence is resorted to newly wedded women by the male counterparts and abetted to by females, in most cases by mothers-in-law and sisters-in-law.
All India statistics show that dowry deaths have risen from 386 in 1983 to 4006 in 1990.\textsuperscript{18} In all the cases of dowry deaths, the victims are women who are young with hardly any education and no secure employment. The common modes of deaths are burning alive (by pouring kerosene), consuming poison, hanging, drowning, murders and suicides. More cases take place in urban areas but the evil is on the rise in rural areas also.

The most depressing point is weak enforcement. The highly educated rich sections of the society believe in giving and taking dowry. It is regarded as a status symbol. The police officials, the advocates, the judges, the legislators, the Administrators all commit the Act of taking and giving dowry. Then who will implement the provisions of the Act? The upper caste somehow get on with the custom. The poor sections imitate the upper castes and hence the victims are invariably poor, innocent women.

The evil effects of dowry are many. It has disturbed the harmonious relationship between husband and wife. The warmth, affection and love and ruled by the factor of money. Dowry causes late marriages. It creates hatred towards men. Dowry has created a gap between rich and poor. Class differences and caste distinction are getting more deep. Dowry is the main reason for which a girl child is disliked by the parents. This problem is likely to be more grievous in future. Law relating to dowry prohibition will prove a blunt weapon without

social will, public support and community action.

A survey of "why women burn" conducted in 1983 reveals that the oppressive attitude towards a married women by her husband and in laws remains on two counts: either because of insufficient dowry or on her giving birth to a female child.

**Divorce:**

In legal terminology 'divorce' is defined as "dissolution" of a marriage by the will ful act of the parties while divorce ends an unhappy marriage in a male dominated society, with limited economic and social independence lfor women, divorce is fraught with serious consequences to women and children.

The society still looks down upon a divorced women as 'the culprit' while the man is able to remarry without a stigma.

Neither the personal nor the civil laws recognise the value of women's work in the house. Therefore, on divorce the property is not shared by the husband and the wife. Instead she is left without a home, income or any other economic security. If the husband throws out his wife, she is left without any source of income and is often deprived of even her 'stridhan'. However, supreme court has held that stridhan property of a married women is only placed in the custody of her husband or in laws as trustees and they are bound to return the same, if and when demanded by her. But in practice, she is often discarded from her marital home, empty handed.
Maintenance:

The husband is under a legal liability to maintain his wife before judicial separation or after. The secular law of maintenance contained in section 125 of the C.R.P.C. 1973 provides for payment of a limited amount of maintenance even to a divorced wife. Specific provisions are contained for grant of maintenance under section 24 and 25 of the Hindu Marriage Act, 1955 and section 18 of the Hindu Adoption and maintenance Act, 1956. In practice, poor women are not provided with maintenance who are unaware and unable to understand the technicalities and complexities of law. A graduate, unemployed, scheduled caste poor woman from Sonepat (Haryana) was discarded by her husband, deprived of her from her two children and provided no maintenance. The poor woman is leading a life of misery and waiting for justice. Such cases are very common.

Right to children:

Under all the personal laws and under the Guardianship and Wards Act, 1890 the father is the natural guardian of the children. The Hindu Minority and guardianship Act 1956 provides that the natural guardian for both boys and unmarried girls is first the father and after the mother.

The question arises whether the preferences to the father as against the mother, not withstanding the welfare principles, is justified in light of the provisions of the constitutions which ordain the state not to discriminate against any citizen on grounds of religion, race, caste, creed or sex. It indicates that
women are regarded as second class citizen.  

Is it fair to give preference to the father as against the mother disregarding the basic fact that it is the mother who suffers physical discomfort for nearly nine months even before the birth of the child and bears the intolerable pain of child bearing whereas the father experiences no discomfort as also it is the mother who sacrifices her sleep, comforts and other pursuits in bringing up the child for many years during infancy of child.

This provision of the Act depicts pro-male bias and anti-female prejudice. It has been considered eminently desirable to examine this issue and to make appropriate recommendations in order to unload the dice which is presently loaded against women. The life aim of this report is to erase the injustice to the women in this sensitive area.  

Right to property:

The Hindu Succession Act, 1956 provides equal share to women in the properties of their father. She has become class I heir in various capacities. She has become a co-equal heir in-so-far-as the self acquired property of deceased is concerned. Section 14 of the Act gives women the right to acquire absolute ownership of property. A women has been given absolute power to dispose of her property as she thinks fit.

But most often justice is denied to women by their own families on


20. Ibid, Page (4)
property matters. In most instances, the women concerned are either illiterate or unaware of these enabling laws and are, therefore, duped or coerced into signing away their legal rights. Often they give in without a fight in order to preserve harmonious relation within their families. If a married women demands her share in parental property. She has to face hostile attitude from her brothers. They do not visit her marital home. An Indian women expects someone, especially brothers from her parental home on festivals, particularly. She is looked down upon if no body from parental home visits. Therefore to maintain cordial relations she does not demand share in parental property, such as land, house etc.

Women are also hampered in this quest for justice by the fact that necessary documents and needs are withhold from them by a patriarchal local administration or panchayat weakening their case in the lower courts. This often leads to the final verdict going against them. It is also regrettable that, in many cases, the appelants have had to wait for decades before obtaining justice.

Though the amended Hindu Law has given the women many new rights, but there remains still a major weak point in the Act that a women cannot be a member of the coparcenary property and cannot ask for a partition. Only sons get share in coparcenary property of the father as well as in self acquired property of father whereas daughters and the wife can get share in self acquired property of the deceased person. This is a clear injustice and the exclusion of daughters

21. Times of India, July 22, 1998 (P-12)

22. Joint family property.
from participation in coparcentry ownership violates equality principle. The right of a coparcenar to renounce his share in the coparcenary deprives the female heirs of any share. Secondaly, the right to transform self-acquired property into Joint Family Property is frequently used to reduce the share of a female heir.

**Prostitution:**

Prostitution is a social problem, having its roots in economic adversity, social suppression and biological position of the women. It is one of the most heinous offences against the dignity of women and slur on the face of a civilized society. Constitution of India prohibits immoral traffic in human beings and declares it to be an offence under article 23. To fulfill this, suppression of Immoral Traffic in women and girls Act (SITA) was passed in 1956. It prohibits traffic in human beings and prohibit it near public places. According to SITA, prostitution is not illegal per se.

In 1986, SITA was amended to do away with the loopholes that prevented it being effective. Like its predecessor, this Act also does not declares prostitution illegal per se. The Act empowers the central government to appoint trafficking officers who can search without warrant any premises where this offence is suspected of being committed or being made to carry on.

Despite all laws and international conventions, the business of prostitution is flourishing, blooming and expanding. Under the Act, prostitution as such is put to an end, but has it been checked? It has taken newer forms.

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23. Towards Equality (1974), committee on status of women in India, Govt. of India.
There are inherent flaws in the Act, for example, the externment order for the prostitution is like deposing garbage at others doors. It is highly counter productive. In the absence of any employment, the poverty of the poor prostitutes again drags them in the flesh trade.

This is the oldest and largest business enterprise in world history. It was remained prevalent in all lines in different forms. The alarming dimensions of this exploitation are not unknown by the laws makers, the callgirl culture has come into existence. Five Star Hotels, Massage parlours and Fashionable Bars, all have callgirl system and flesh trade. The well advertised entertainment offered by Bars, Hotels, Bath and Massage in big cities is often a thing in disguise for the actual prostitution market.

The abuse of power, economic, political and administrative factors create such circumstances in which women employees are tempted and at times prepared to barter themselves and their families. This is a new form of prostitution which goes on unobserved by the society and law enforcement authorities because it does not fall in any category of offences connected with prostitution. The Act does not declare prostitution illegal per se. Thus the law itself provides ample space to flourish this sin.

Rape:

Rape is a humiliating event in a woman's life which leads to a fear for existence and a sense of powerlessness. It has been often described as a deathless shame or living death. It leaves a life long stigma on character and dignity of a
women. The mental torture is so deep that it hardly heals. The punishment for the offence of rape is provided under section 376 of Indian Penal Code.

Section 376 of IPC have been substantially changed by the criminal law (Amendment) Act, 1983. The same amendment has introduced several new sections viz. S. 376-A, S.376-C, 376-D. S.376-A punishes sexual intercourse with wife without her consent by a judically separated husband, S.376-B punishes sexual intercourse by a public servant with a women in his custody. S.376-C punishes sexual intercourse by superintendent of Jail, Remand home etc. and S.376-D punishes sexual intercourse by a member of management or staff of hospital with any women in that hospital. In order to combat the vice of custodial rape, rape on pregnant women, rape on girls under 12 years and gang rape, a minimum of 10 years imprisonment has been made obligatory.

However, inspite of amendments in the rape laws the position of the victim remains as vulnerable as before. The rape of women in scores of caste and communal riots, and police atrocities reveal a well established pattern of using rape as an instrument of intimadation in India. The problem is that one can rarely get the guilty punished through the legal machinery. The data presented by National Crimes Record Bureau undicate that how rapidly this heinous crime against women is spreading, ignoring the penal provisons -

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Table 5.3

Victims of Rape by Age Groups

<table>
<thead>
<tr>
<th>Years</th>
<th>Below 10 years</th>
<th>10 - 16 years</th>
<th>16 - 30 years</th>
<th>30 years or above</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>233</td>
<td>1869</td>
<td>5832</td>
<td>1165</td>
</tr>
<tr>
<td>1989</td>
<td>369</td>
<td>1965</td>
<td>5646</td>
<td>1772</td>
</tr>
<tr>
<td>1990</td>
<td>394</td>
<td>2105</td>
<td>6028</td>
<td>1541</td>
</tr>
<tr>
<td>1991</td>
<td>1099</td>
<td>2630</td>
<td>5377</td>
<td>1319</td>
</tr>
<tr>
<td>1992</td>
<td>532</td>
<td>2581</td>
<td>7000</td>
<td>1621</td>
</tr>
<tr>
<td>1993</td>
<td>634</td>
<td>2759</td>
<td>7038</td>
<td>1792</td>
</tr>
<tr>
<td>1994</td>
<td>734</td>
<td>3244</td>
<td>7442</td>
<td>1798</td>
</tr>
<tr>
<td>1995</td>
<td>747</td>
<td>3320</td>
<td>7756</td>
<td>1955</td>
</tr>
</tbody>
</table>

Source: National Crimes Records Bureau

Ministry of Home Affairs, Crimes in India.

The table shows only a small fraction of actual incidents of rape. As many incidents of rape are not reported to police. The society looks down upon the victim of rape, so much cases go unreported, swap under the carpet, generally those accused in rape cases go scot free on grounds of that the witnesses were biased and unreliable, medical evidence did not confirm rape, respondents extra judicial confession had been extracted under threat or the victim was bribed.

One more reason for the rape cases going unreported is the fear that the victims would be subject to further humiliation during trial proceedings, gazing
eyes of public, insulting words of advocates, rubbish behaviour of the police, discourages the victim to bring the crime to light. Sometimes the police also refuse to allow the case to be registered if the complaint is against a public servant or police official, and where registered, the rape victim is often threatened and persuaded to withdraw the complaint. Even a lady advocate who was gangraped, could not dare to file the suit because of fear of humiliation and threat by the rapists. Then what way is left for the uneducated, poor, innocent women? It is such a crime that the law makers themselves become the law violators.

One more weak point of the act is that the court has been given the power to impose less than the minimum sentence for adequate and special reasons to be mentioned in the judgement and many times this power is misused by courts when the rapists are from the influential section of the society as has happened in Bhanwari Devi Case in 1996.

There are many cases when the father rapes his daughter / daughters and father goes scot free as the daughters or the mother do not dare to get the case registered because of fear or humiliation of the whole family. The social causes in the root of such heinous crimes impose a big question mark on the efficacy of law.

**Indecent Representation of Women:**

The law relating to obscenity is codified in sections 292, 293 and 294 of Indian Penal Code. Inspite of these provisions, there is a tendency to represent women indecently in publications, particularly advertisements which has the effect
of denigrating the women. The Indecent Representation of Women (Prohibition) Act, 1986 was passed to combat this evil, but women continued to be exploited for economic gains. There is the rapid spread of nude and semi-nude floor shows in liquor bars and five star hotels. Police is helpless as per the court ruling, they can conduct the raids only when the shows are obscene but obscenity is a matter of interpretation.

In K.P. Mohammad's Case\textsuperscript{24}, the court held that performance of cabara dance devoid of nudity and obscenity according to Indian Social Standards in hotels and restaurants is not liable to be banned or prevented.

Today, nudity and semi-nudity have become status symbols. Police and the authorities have also changed their attitudes towards these. Therefore, such shows continue with the connivance of police and other authorities.

Pornographic magazines have become a big business. Book stalls are covered with the periodicals and novels offering sex crime recipes but it has become so common that people take it as natural. For more economic gains, women from all strata of society indulge in the trade of body exposition. Models, cinestars, even the female advocates appear in nude and semi-nude photographs in some magazines.

It was shocking to read the news of a lady lawyer of Delhi High Court appearing in nude and semi-nude photographs in magazines. The Delhi Bar Association demanded for cancellation of her membership. On this, lady lawyers

\textsuperscript{24.} Criminal Law Journal, 1984, Page 745 (Kerala)
advocated that Anjali Kapoor's Act is no way amounts to professional misconduct. This is entirely a personal issue and has in no way affected her professional working.  

Today, vulgar films are flooded in the market. Scantily dressed heroines bring bonus to film produces. The police authorities say, "I think it would be prudish to think that nude picture of a girl is obscene."  

Films like 'Kamsutra' and 'Beauty Contests' at national and international levels impose a big slap on the provisions of the Act in the name of art. The mere legislation to curb and control indecent representation shall not be enough. The legislative efforts has to be coupled with widespread social awareness against the menace.  

The repeated attempts by certain state governments to impose dress codes on women, to protect them from molestation underline the vulnerability not of weaker but the weakened sex. Reinforcing the notion that it is the responsibility of the women to ensure her own safety from unwelcome advances is unthinkable in any civilised society, particularly one which prides itself of idolising the mother as an incarnation of piety and selflessness.  

Medical Termination of Pregnancy Act 1971:  

Abortion was legalised in 1972 as a health measure through the MTP.  

Act 1971. But illegal abortions still continue to be performed by unauthorised persons like the local quacks and untrained persons under unhygienic and unsafe conditions because of non-availability of MTP services within the easy reach of most of the rural population. Therefore, abortion alone accounted for 11.7 percent of maternal deaths in 1993. About 56.5% of deliveries in rural areas and 11.8% delivers in urban areas were performed during 1993 by untrained persons outside the health system. Did the law impose any penalty for such quacks and untrained persons?

Labour Legislative Measures:

The women seek employment in industrial establishment out of economic necessity and not for the sake of pleasure. The impact of employment of women on her status and the welfare of the family is significant and far reaching both in the family and the society. The committee on the 'status' of women in its Report "Towards Equality (1974) highlighted the impediments, women are facing in employment. But no concrete steps have been taken to remove the impediments in the employment to women.

Government of India has made certain legislative compulsions in the Acts relating to labour welfare such as in Factories Act, (1948), Plantation Labour Act (1951), The Mines Act, (1952), Maternity Benefits Act, (1961), Equal Remuneration Act, (1976), Employee's State Insurance Act, (1950) etc. In these Acts there are some special provisions made for women. But inspite of a long list of provisions in such Acts, women have not benefited much due to the problems
in enforcement of such laws.

The Equal Remuneration Act states that there shall be no discrimination at the stage of recruitment and service conditions except where employment of women is prohibited or restricted by or under any law. But as the employers are under no-compulsion to employ women, they employ fewer women. For instance when a young women lawyer applied for a post in the Judge Advocate General's Office, she was told that only men were eligible for it. She challenged it but the court held it as no discrimination to women, that the duties would involve field visits and hence not suitable for women.27

Samati Kulkarni 28 writes, "as far as urban Industrial women workers are concerned employers are day by day finding it inconvenient and less profitable to employ women mainly due to the factory legislations. Which have been passed to protect the interests of women workers." As per these laws, employers are required to provide separate toilets for women, creches for children if they employ certain minimum number of women having children. In addition, they are required to give maternity with full pay under the Maternity Benefits Act, 1961. As a result, they are less inclined to employ women. Even if they employ unmarried girls, their service are discontinued after marriage. If at all they employ married women, they are kept on daily wages or on purely temporary basis since employers are not bound by law to give them maternity benefits and the like. Due to the

responsibility at home and their need to take leave frequently for children's illness, bargaining power of industrial women workers in labour market is much less as compared to that of men.

Studies have proved that the cost of providing welfare facilities like maternity benefits, creche, toilet facilities etc. under the Plantation Labour Act, Mining Act, Factories Act etc. at an average cost of Rs. 100 or less per women worker in a year could form a very insignificant percentage of the total wage bill yet this additional expenditure on women labour seems to be a disincentive to employers for employing women. Therefore, women get lower preference in employment in the manufacturing sector, except if their skill is so essential as in the plantation industry or they are so cheap, which they are likely to be, in a general situation of poverty and unemployment, otherwise, they easily get overlooked with a lot of unemployed men available to do a lot of these Jobs.

The protective measures like prohibition of night work, hazardous work in Factories Act, under ground work in Mines Act have lost women a lot of Jobs. The study of Mining Industry has revealed the drastic fall of women's employment consequent on the prohibition of under ground work. Prohibition of night work acts as a drag on women's employment as employers find it uneconomical if workers cannot be rotated on shifts.

Women are not given minimum wages or equal remunertion in cases where work is home based, which is the case in many employments in which


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there is concentration of women workers, enforcement becomes difficult.

In India 90% of women are engaged in the informal sectors. These women are not covered by labour laws. As observed by National Commission for labour, women continue to be discriminated in the payment of wages and the worst sufferers are those women who were ignorant, unskilled and semi skilled unorganised workers in the lower strata. In the reputed educational institution like Hindu Girls College Sonepat, and many other colleges also a sweeperess is given only Rs. 700 per month and she has to work for 10 hours a day in unhygeinic conditions. She has to clean the dirty toilets used by about 300 girls in the college hostel. This is one among various examples of gross violation of labour welfare provisons mentioned in various labour legislations.

There are serious limitations to law and enforcement based systems of labour protection. Generally these laws regulate employer-employee relationship which partakes of the nature of civil contract and stems from it. Generally, penalties prescribed for the violation of these laws, are not severe and inherently lack in deterrent effect. They are meant to be, and enforced as, socio-economic laws and not as penal or criminal laws. In environments of lack of employment opportunities and over supply of labour, survival is the main problem before the jobless. Demand for statutorily regulated wages in such circumstances often results in denial of Jobs.

The critical examination of legal provisions reveal that most of the protective laws for women suffer from various loopholes. The provisions of the laws are not clear and precise, certain laws remain confined to statute books because the enforcement machinery is inadequate or the penalties are not awarded according to stipulations.

The Dowry prohibition Act miserably failed to achieve its purpose. It does not take into account the social realities of woman's life. In spite of persistent and unabated growth of this practice, there are particularly, no cases reported under the Act.

Cruelty to wife by husband or the in-laws has been declared a crime under 498A Indian Penal Code but definition of cruelty is vague. Discussions with the victims bring out that in most of the cases, the reasons for the cruel treatment of the wife was not dowry, it is suspicion of illicit sexual relations, mutual incompatibility or girl friend, yet the enforcement authorities show reluctance to register crimes on these grounds.

The inability of legislature to pass an effective law banning various sex determination tests and resultant deaths of female child before birth have added to the woes of women. There seems to be a total lack of empathetic law favouring battered women of a broken marriage or a sufferer of an unhealthy marriage. Battered women struggle in courts for years before they can get justice.

Efforts of the governmental and non-governmental organisations to contain violence against women have not been able to meet much success as the
incidence of atrocities against women has not only been increasing, but has also taken serious dimensions. Violence against women both domestic and at work place, continues to brutalise their existence as is evident from the increasing incidence of rape, dowry-related cruelty and murders. As per the data published by the National Crimes Record Bureau, New Delhi, out of the total 106723 cases registered under IPC in 1996, rape accounted for 12661 (11.9%), dowry deaths 5250 (4.9%) and cases of torture 301514 (28.6%). The media particularly the TV and Cinema, has been perpetuating gender stereo-types, with visuals becoming more and more sex and violence oriented.

It would not be out of context to mention here, that unmarried girls are not encouraged to vote in rural areas of India. The village Ismaila (Haryana) which belong to is also an example of such a village where highly educated unmarried girls such as a lecturer, an advocate, and M.A, B.Ed. girl has do not find their names in to vote list. In this village, no unmarried girls ever enjoyed her voting right!

Women's Reservation Bill also shows the patriarchal and hostile attitude of society towards women. The pride that Indian women felt at the passing of 73rd amendment giving 33 percent reservation to women in the Panchayat Raj Institutions is melting away in the wake of present, violent opposition witnessed in parliament on the introduction of the Women's Reservation Bill. Male chauvinism has expressed itself in the crudest form and has ridiculed democracy by trying to deny half of the nation a share in political power.

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Even after fifty years of independence, the existing system has failed to give more than a token representation to women in the highest political decision making bodies. As the table 4.14 show, their share in Lok Sabha seats has been less than 7 percent and in Rajaya Sabha 9 percent. The overall average of women MLAs across all state legislatures in the last 50 years stands at a mere 4 percent.

While India has celebrated the completion of its 50 years of freedom, but how free are our womenfolk? It was reported from a Rajasthan village that a women Sarpanch, who belonged to a scheduled caste, was stripped and paraded on the eve of Independence Day. Her crime was that she dared to unfurl the flag at the village square. The upper caste men, the feudal lords, could not tolerate an untouchable woman unfurling the national flag.

Reservation for scheduled castes and for women in the local bodies enabled, Mishri Devi, the Sarpanch, to get the coveted post. But have the two reservations helped her to get justice?

And what is the condition of the high caste women who are empowered through reservations for women in local bodies?

In the backward rural areas, there is the Phenomenon of Pradhanpatis (husbands of the elected women representatives to local bodies) acting on behalf of their wives. This means though the women is elected to the reserved seat, the power and influence are wielded by her husband. Just as in Bihar, Rabri Devi is the Chief Minister but the actual governance of the state is done by her husband Laloo Yadav.
All this means that merely by passing laws, the government cannot bring about gender equality. Education to create social awareness is the key to progress. Passing laws that can hardly percolate through the masses is not of much use. The legislative measures did not establish conditions, like social attitudes, economic apparatus and Institutional support as prerequisites for enforcement and execution.