CHAPTER VII
WOMEN STATUS AND POLICY FRAMEWORK AND OTHER SUPPORT SYSTEM

The Constitutional provisions, the statutory laws and the rulings of the courts confer *de jure* rights on women but to become *defacto* entitlements, they have to be given the support of certain schemes or programmes. Conceptualising and concretising the mandate of the Constitution of India by policy formulation for women through the instrumentality of planning has been the most pragmatic approach towards the betterment in the status of women. In the independent India planning aimed at ‘welfare perspective’ to protect the deprived and the neglected sections of society. The Planning Commission of India defined three major areas in which special attention was paid to women’s development: education, social welfare and health.

Various programmes do not exist in a vacuum. They all form part of a strategy of development which the government has adopted since independence. The process of planned development inaugurated in 1951, launched a series of five-year plans. These five-year plans are blueprint of a country’s development. These plans themselves were a response to the prevailing and evolving ideology of development which was also influenced by the findings of various review committees and commissions as also by the pronouncements and declarations of various international forums and conferences where the country was an active participant. Each Five Year Plan is an assessment of the past and a call for the future. It seeks to translate into practical action the aspiration and ideals of the millions in the country.
A. **Five Year Plans – From First to Tenth Plan**

The first Five Year Plan\(^1\) (1951-56) noted the subordinate status of women in the society. In the beginning, the whole approach was on a low profile and was conceived in a narrow, welfare-oriented context where the state’s role was minimal. The needs of women were clubbed with those of all other disadvantaged handicapped or weaker sections, who needed community aid. During this period welfare oriented approach towards women aimed at promoting services for family planning, maternity and child health care, schools, expansion of facilities for women’s education. The chapter on social welfare highlighted the direct link between the social health of the community and the status, functions and responsibilities of the women in the family and the community. It further said that social conditions should give women opportunities for creative self-expression so that they can make their full contribution towards the economic and social life of the community with the help of social legislation.\(^2\)

Besides promoting education and maternal and child health services for women, the policy makers did not perceive women as an economically productive human resource in the sphere of small and village industries sector, handicraft or handlooms or even agriculture where there is concentration of women employment. Under family planning, the problem of regulating India’s vast population from the dual standpoint of size and quality was considered of utmost importance to national welfare and national planning.\(^3\) While the problems of women in difficult circumstances

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3. International Conference on Population and Development held at Cairo in 1994 globally recognized the broader issues of interdependence among population, development and environment. Being one of the most populous countries, India has recognized economic development way back in 1951, see General Debate in the 32\(^{nd}\) Session of the Commission on Population and Development, statement by Mr. Y.N. Chaturvedi, Secretary, Family Welfare on March 24, 1999 at [www.un.int](http://www.un.int)
i.e. destitutes or widows etc. were assigned to the care of voluntary agencies; the issues relating to ordinary women in the matter of education, health or employment were submerged in the respective sectoral discussions which was a 'welfarist' approach based on a uni-dimensional perception of women's role as mothers or wives rather as individuals to "self-development and self-expression".

As part of the First Five Year Plan and on recommendation of the planners, the Central Government set-up a Central Social Welfare Board in 1953 with the object especially of assisting voluntary agencies in organizing welfare programmes for women and children. It remains an important national body involved in the women's development at three levels: policy, programmes and implementation. The Central as well as State Boards make the necessary coordination and funding efforts. The building up of this organizational network makes it possible to embark upon larger programmes of social welfare in the Second Five Year Plan.4

The Second Five Year Plan5 (1956-61) reiterated comprehensive social welfare programme which would include besides other things – social legislation, welfare of women and children, family welfare and youth welfare. However, this plan did not specifically enunciate any new goals of development for women rather it envisaged welfare of women and children under Central Social Welfare Board Schemes. The plan is intended to carry forward and accelerate the process of development initiated in the first plan period. Under the health plans, family planning featured conspicuously and covered maternal and child health with emphasis on improving paediatric treatment of children. In the field of labour, for the first time, a view was expressed that women's physical and biological disabilities should be taken care of at the work place while allocation of work.

4 Supra note 1.
The Central Social Board which had already been set-up had also taken up welfare extension projects, providing maternal and child health services, craft classes, social education for women and care of children through *balwadis*. Later, these welfare extension projects were made over to *mahila mandals* which had been set-up under the Community Development Programme (CDP) and they received financial assistance from the Social Welfare Board and the CDP budgets of the state governments.  

The Third Five Year Plan (1961-66) continued the thrust of its predecessor and as a sequel to the earlier two plans. It also emphasized on the welfare aspect of the women. Increased allocations for the Central Social Welfare Board were recommended. Increased assistance to voluntary organisations working in this field were recommended. The maternal and child welfare services were to be linked up with the general health facilities and referral institutions, under the health sphere. Oral contraceptive pill, a new method of family planning was adopted. The plan pinpointed women’s education and training as a major welfare strategy. The plan advocated the adoption of several recommendations made by the Council for women’s education for accelerating girl’s elementary education and gave special emphasis on recruitment, training and housing of women teachers. The Plan further emphasized the need to give women special scholarships at the University level and also grants to women's colleges. The largest share was provided for expanding rural welfare services and starting of condensed courses for education of out-of-school women and girls.8

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7 Third Five Year Plan, Government of India at http://planningcommission.nic.in/plans/planrel/fiveyr/3rd/welcome.html
8 Ibid; See also supra note 6 at 16.
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The Fourth Five Year Plan\(^9\) (1969-74) represents a conscious, internally consistent and carefully thought out programme for the most efficient exploitation of resources possible in existing conditions. The basic aim is to raise the standard of living of the people, especially of the less privileged sections of society. During this plan, no exclusive scheme was adopted specially for women. In the area outside social welfare, attention was being given to women's education and health, following the report of the national committee on education in 1958, which had urged prioritization of women's education, greater resources were allotted for the same. In the area of health, supplementary nutrition of children and nursing mothers had been introduced by the welfare department. Though the focus started shifting from welfare to social sectors \(i.e.\) education and health and human resource development, there was still no focus on women's economic situation or their role in productive sectors, like agriculture, animal husbandry etc. where most of them worked.\(^{10}\)

Gradually, there was a change in policy from viewing women as targets of welfare policies to recognising them as critical groups of development.

The Fifth Five Year Plan\(^{11}\) (1974-79) enlarged the scope of social welfare in order to cope with several problems of the family and the role of women. From the Fifth Plan (1974-79), the emphasis definitely moved to development because it was felt that India could not develop if 50% of its population \(i.e.\) women, were unable to develop to their full potential. Therefore, the new approach aimed at integration of welfare schemes with development services and stress was laid along with education and health,

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\(^9\) Fourth Five Year Plan Preface, Planning Commission, Government of India at 
http://planningcommission.nic.in/plans/planrel/fiveyr/4thWelcome.html

\(^{10}\) Ibid.

\(^{11}\) Fifth Five Year Plan, Planning Commission, Government of India at 
http://planningcommission.nic.in/plans/planrel/fiveyr/5thWelcome.html
on beneficiary oriented schemes of economic benefit and employment for women. However, the woman was still perceived as an individual devoted to the care of the family. She was still seen as a client of development i.e. as the beneficiary of various services.

Till the end of Fifth Plan the Welfare Approach continued. In all these years, only three women specific schemes were introduced:

a) Condensed Course of Education for Women who cannot attend the regular schools.

b) Short Stay Homes for sexually abused women; and

c) Working Girl’s Hostel.

A Committee on the Status of Women in India (CSWI) was set-up in 1971 to evaluate the progress of Five Year Plans which highlighted that the dynamics of development had adversely affected a large section of women and created new disparities and imbalances. This evoked the consciousness that women should not be treated as the targets of the welfare policies but as critical inputs for national development. Upto the fifth plan, there was no effort to see women as human or productive entities or in terms of their roles in productive activities. The committee, as a prelude to the International Women’s Year 1975 and the first UN World Conference on Women, was mandated to report on the various dimensions of women’s development; was a historic document which brought out women’s marginalisation in the society, exploitation in the economy, denial of access to power, exclusion from decision making and most importantly brutalisation within and outside households.12 The Report of the CSWI – “Toward Equality” has been a landmark in the social history of India heralding a conscious change in attitudes, behaviour, law,

12 Dhar Chakraborty, “Gender and Five Year Plans : Engendering the Plans”, Regional Consultation on Engendering the 10th Five Year Plan, at 5 to 9 at 5 and 6 (29th – 30th Nov. 2001).
establishment of special institutions and creating both infrastructure and environment for equality for women.

The Sixth Five Year Plan\textsuperscript{13} (1980-85) represents a major watershed in development planning so far as women are concerned. It was the first full ‘Five Year Plan’ after the CSWI Report submitted in 1974. It incorporated an exclusive chapter on women’s development highlighting the various areas needing focused attention in social and economic development. There was a new ferment in the women’s movement in the country. Review Committees had critiqued the development strategy followed till then and evaluated its impact on the status of women. Greater interaction between the women’s organizations, academicians, scholars and the planners led to a new recognition of the inadequacies of the approach so far followed and the finalization of a new strategy and the forming of new instruments. For the first time, there was shift from welfare to development mode. The plan adopted a multi-disciplinary approach for women with thrust on three sectors – health, education and employment. It reviewed the status of women in general and noted that despite legal and constitutional guarantees, women had lagged behind men in almost all sectors. It also noted the demographic features of female population like excessive mortality in female children resulting in persistent decline in sex ratio, low rate of literacy and low economic status and called for greater attention to the economic emancipation of women. It clearly spelt out that economic independence would accelerate improvement in the status of women and suggested the setting-up of cells at the district level for increasing women’s participation through self-employment. Increasing enrolment of girls in schools by providing various incentives and functional literacy was stressed as part of the national adult education programme as

\textsuperscript{13} 6\textsuperscript{th} Five Year Plan, Planning Commission, Government of India at http://planningcommission.nic.in/plans/planrel/fiveyr/6th/sixth.html

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well as under the Integrated Child Development Services Project. Making a departure from the family based approach of development, the Plan identified women as the most vulnerable members of the family and hence economic emancipation of family with specific attention to women, education of children and family planning would constitute the major operational aspects of a family centered poverty alleviation strategy. It pointed as the main drawbacks in women's development to be mainly preoccupation with repeated pregnancies without respite in workload, lack of education, preponderance of social prejudices along with lack of independent economic generation activity or independent assets. It stressed that science and technology, research and survey were the instruments for assessing women's participation. In health and family welfare, maternal and child welfare services were sought to be improved and extended and attention paid to women's nutrition. Providing fair share of employment opportunities was recognized as the most important means in achieving improvement in the status of women. In labour welfare, the Plan again talked of providing women workers basic amenities at the workplace, better living conditions, maternity benefits, education and creche facilities. It talked about corrective measures initiated to promote additional avenues of employment.

For the first time, the plan talked of training the women in alternative employment so as to promote their employability including self-employment. The major thrust of the Sixth Plan in the field of welfare of women is their economic upliftment through greater opportunities for salaried, self and wage employment. For this purpose, appropriate technologies, services and public policies were required to be introduced. It was felt that the technological package will include imparting new skills and upgrading existing skills. Specific attention will be paid for the removal of socio-economic biases resulting in the neglect of female children and
women. Women's Economic Plan was launched during this period. During the Government of Sh. Rajiv Gandhi, the Department of Rural Development announced a 30 per cent quota for women in all anti-poverty programmes for the rural areas and a special programme called “Development of Women and Children in Rural Areas” was introduced providing for collective action by rural women.

At the end of the International Decade for Women, the document of the Forward Looking strategies for the Advancement of Women gave new impetus to women's issues. In response to this document, the government revitalised the machinery at the national level by setting up a separate Department of Women and Child Development under the Ministry of Human Resources Development. The National Perspective Plan for Women (1988) was drawn up to facilitate mainstreaming of women's issues in major policies and programmes.

The Seventh Five Year Plan (1985-1990) continued the multi-pronged approach of the previous plan. The long term objectives of the development programmes for women were focused directly on economic and social status in order to bring them in the mainstream of national development. The basic approach centred on inculcating confidence among women and bringing about an awareness of their own potential for development and also their rights and privileges. For the first time multidisciplinary approach was adopted for covering employment, education, health, nutrition and application of science and technology and other related aspects in areas of interest to women. It emphasized efforts to

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14 Ibid.
15 See supra note 12 at 6.
16 D. Bandhopadhyay, "Gender and Governance in India" in Economic and Political Weekly, 2696-2699 at 2697 (July 29, 2000).
17 Seventh Five Year Plan, Planning Commission, Government of India at http://planningcommission.nic.in/plans/planrel/fiveyr/7th/default.htm
extend facilities for income generating activities and to enable women to participate actively in socio-economic development. For bringing women into the mainstream of national development, a significant step in the direction was to identify and promote the “Beneficiary Oriented Schemes” (BOS) in various developmental sectors extending direct benefits to women. Individual sectors were scrutinized for identifying opportunities for women. In the Integrated Rural Development Programme (IRDP) efforts would be made to select households headed by women beneficiaries for which a quota of 20% was mentioned. This was the beginning of reservation or earmarking of funds or benefits of schemes for women which would later form the basis of “Component Planning”. The same approach was extended to other Schemes of rural development and poverty alleviation. During this Plan, an attempt was made to ensure that women get a fair share of benefits under all development programmes. In the Village and Small Scale Industries (SSI) and Khadi Industries, greater share of employment coverage was envisaged for women. On the institutional side, a separate department of women’s welfare was carved out from the then existing Ministry of Social and Women’s Welfare to give a separate identity and to provide a nodal point on matters relating to women’s development. Women’s development corporations were planned for promoting employment generating activities by supporting schemes for women’s groups and women from poorer sections of society.\(^{18}\)

The Eighth Five Year Plan (1992-1997)\(^{19}\) envisaged a more comprehensive approach to women’s development. In the re-packaging of the Plan, in the wake of the New Economic Policy adopted in 1991, the subject women’s development got clubbed again under the Chapter on

\(^{18}\) *Supra* note 6 at 19-20.

\(^{19}\) Eighth Five Year Plan, Planning Commission, Government of India at [http://planningcommission.nic.in/plans/planrel/fiveyr/8th/default.htm](http://planningcommission.nic.in/plans/planrel/fiveyr/8th/default.htm)
Social Welfare. But priority was given to development of women, with focus clearly on employment, education and nutrition etc. with welfare being just a part of the larger picture. Since the stress was on economic emancipation of women, a lot of attention was given to the employment strategy for women which was to be integrated with all sectoral planning. The strategy was to ensure that the benefits of development from different sectors did not bypass women and special programmes were implemented to complement and supplement the general development programmes.

Human Development, in all its many facets, is the ultimate goal of the Eighth Plan. It is towards fulfilling this goal that the Eighth Plan accords priority to the generation of employment opportunities, control of population growth, universalisation of elementary education. The plan made an attempt to shift the approach from ‘development’ to ‘empowerment’ of women. Special programmes were framed to complement the general development programmes. The Plan reviewed the gains accruing to women as a result of the Seventh Five Year Plan. Gender sensitization throughout educational structure was a big achievement. The plan commented upon the work of the Department of Women and Child Development in initiating new legislation, employment schemes and assistance to the voluntary sector. The Department also prepared a Plan of Action for women for 1989 – 2000 and set up Shram Shakti Commission for evaluating the functioning of women in the informal sector and for suggesting steps for ameliorating their condition. An equally important change was to view women as equal partners in development and not merely as beneficiaries of various schemes.

Different ministries were instructed to try to allocate resources in a manner that benefited women. Integrated projects for women’s

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20 Supra note 2 at 64.
development were proposed to be formulated and operationalised. In the poverty alleviation programme like Integrated Rural Development Programme (IRDP), Jawahar Rozgar Yojana (JRY), Training of Rural Youth For Self Employment (TRYSEM), targets were set for women beneficiaries, an open acknowledgement of the policy of earmarking resources and funds on a fair proportionate basis. The need for changing societal attitudes towards women through awareness generation and women’s groups was emphasized. Women’s role was seen in more holistic terms and not restricted to that of motherhood & home-worker. Education was perceived as a key to empowerment and the aim was not limited to universal enrolment of girls but universal retention and participation, providing them scientific education and non-formal schooling. The plan called for the promotion of Voluntary Organizations engaged in this sphere of development.\textsuperscript{21}

The Eighth Plan, with human development as its main focus, played a very important role in the development of women. It promised to ensure that benefits of development from different sectors do not by-pass women, implement special programmes and to monitor the flow of benefits to women from other development programmes. The Eighth Plan introduced a policy of 33% reservation for women in the local self governing bodies. This development for improvement of the status of women was further provided impetus by amending the Constitution of India. 73\textsuperscript{rd} and 74\textsuperscript{th} Amendments to the Constitution provided for not less than one-third reservation of seats for women among elected members and functionaries of the Panchayat System.

The Ninth Five Year Plan\textsuperscript{22} is another milestone in women’s development. The Ninth Plan (1997-2002) made two significant changes in

\textsuperscript{21} \textit{Supra} note 6 at 20-21.
\textsuperscript{22} See Tenth Five Year Plan, Planning Commission of India, Government of India at http://planningcommission.nic.in/plans/planrel/fiveyr/10/volume2/v2_ch2_11.pdf

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the conceptual strategy of planning for women. Firstly, ‘Empowerment of Women’ became one of the nine primary objectives of the Ninth Plan. Secondly, the Plan attempted ‘convergence of existing services’ available in both women-specific and women related sectors. There was a paradigmatic shift in planning process from development to empowerment. For the first time, Empowerment of Women has been mentioned as one of the nine objectives of the National Plan.

The Ninth Five Year Plan (1997-2002) acknowledged the importance of addressing women as agents of change and as part of strategies. The principal strategies\(^{23}\) to achieve the objectives of empowerment are:

- Creating an enabling environment for women to exercise their rights both within and outside their homes
- To equip women with necessary skills in the modern upcoming trades to make them gainfully engaged, economically independent and self reliant.
- Adopt an integrated approach towards empowering women including the effective use of resources and services.
- To adopt a strategy of Women’s Component Plan (WCP) to ensure that fund benefits flow to women, through which not less than 30% of funds flow from all the general development sectors. The genesis of WCP though officially launched in the Ninth Plan, can be tracked back to as early as in the Seventh Plan (1985-90) when PMO, in collaboration with the Planning Commission, identified 27 Beneficiary Oriented Schemes (BOS) for women. In Eighth Plan

efforts were strengthened and in Ninth Plan, the concept of WCP was brought into action as one of the important strategies.

- To accord high priority to Reproductive and Child Health Services.
- To organise women into Self Help Groups and increase access to credit.
- To ensure easy and equal access to education for women and girls and ensure greater vocational training.
- To expedite action to legislate reservation of not less than 1/3rd seats for Women in the Parliament and in the State Legislative Assemblies and ensure adequate representation of women in decision making.
- To increase access to credit through setting up a Development Bank for women Entrepreneurs.

As a result of these strategies, policies were formulated and the Women Component Plan was also initiated in some ministries and departments. For the first time it emphatically stated that for empowering women as the agents of social change and development, a 'National Policy for Empowerment of Women' would be formulated. The Plan proposed to ensure 30 per cent representation of women in the public sector and provide a larger entry for women in the Civil Services. The National Institute for Entrepreneurship and Small Business Development organised Entrepreneurship Programmes for Women during the Ninth Plan. Responding to the increasing evidence of feminization of poverty in the wake of new economic policies centred on liberalization, privatization and globalization, the Plan promises that the present policies and programmes will be re-designed to make them more responsive to the special needs of women in abject/extreme poverty.24

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24 Supra note 2 at 65; see also supra note 6 at 21, 22, 23.
As a process of empowering women initiated during the Ninth Plan is expected to continue through and beyond the Tenth Plan, there can be no better approach than translating the recently adopted National Policy for Empowerment of women (2001) into action.

In the Tenth Five Year Plan (2002-2007)\(^{25}\), the Planning Commission has authored India's human development goals and targets for the next five to ten years. The Tenth Plan promises high economic growth but there is also the realization that social development does not necessarily follow economic growth. The role of women as agents of socio-economic change was acknowledged in the Ninth Plan itself, but in the absence of clearly monitorable targets the progress was not in line with expectations.

The Tenth Five Year Plan represents another step in the evolution of development planning in India. In the context of adopting human development as the ultimate goal of all our developmental efforts, empowerment of women and development of children gains priority on the country's development agenda. The plan covers women and children under one chapter. The plan lays stress on empowerment of women, as an independent target group, women account for 495.75 million and represent 48.3 per cent of country's total population, as per 2001 Census. Empowering women as a process demands a life-cycle approach. The plan identified girl children in the age group 0-14 years who account for 171.50 million (34.6 per cent), deserving special attention because of the gender bias and discrimination they suffer from such a tender age. The plan showed its concern for special care for females in every age group i.e. adolescent girls in 15-19 years, who account for 52.14 million (10.5%); women in reproductive age group (15-44) years numbering 233.72 million (47.1%); women in the economically active age-groups 15.59 years who

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\(^{25}\) Supra note 22.
account for 289.40 million (58.4%), having different demands like those of education/training, employment, income generation and participation.

To reflect the importance of these dimensions in development planning, the Tenth Plan identifies specific and monitorable targets for new key indicators of human development. Earlier Plans have had many of these issues as objectives, but in no case were specific targets set. These were viewed in terms of being desirable but not essential. The Plan will try and expedite the earlier efforts of setting up of an exclusive ‘Development Bank for Women Entrepreneurs’ in the Small Scale and Tiny Sectors. The Tenth Plan plans to design such strategies to enhance the capacity of women and empower them to cope with the negative economic and social impacts of the globalization process.

The Tenth Plan noted the pervasiveness of under-nutrition in our population, particularly, among children and women and called for shift in consumption pattern. The drastic decline in the sex ratio of 0-6 years, revealed by 2001 Census has been considered as a disturbing manifestation of gender bias for the first time. It was urged, unless such trends are reversed decisively within the next decade, the efforts towards social and demographic transition and improving the quality of life of people are likely to prove less than effective. It was felt imperative that the development process must include gender equality as the integral component of the broader strategy.

The Plan acknowledges the reasons put forth by the Census, 2001 for the declining sex ratio to be – neglect of the girl child resulting in high Female Infant and Child Mortality and Maternal Mortality Rates, the problem of sex-selective abortions (female foeticide), and female infanticide leading to imbalance in sex-ratio. Further it stated, that as indicated earlier, the sample studies on the Declining Sex Ratio and the Problem of Female Infanticide sponsored in 1993 by the Nodal Department

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of Women and Child Development, New Delhi have also revealed that while the practice of Female Foeticide is a common feature in urban areas, the problem of female infanticide is a localised phenomenon and limited only to eastern communities in the States of Andhra Pradesh, Bihar, Gujarat, Punjab, Haryana, Madhya Pradesh, Rajasthan and Tamil Nadu. Misuse of the modern technology of Ultra-sound for sex determination was recognised as an added dimension to this problem. The Tenth Plan will initiate action to enforce effectively both the Indian Penal Code, 1860 and the Pre-conception and Pre Natal Diagnostic Techniques (Prohibition of Sex-Selection) Act, 1994 to control and eradicate the female foeticide and female infanticide, respectively with a very close vigil and surveillance along with severe punishment for the guilty. The Plan intends to take long term measures for sensitising the society to change their mind sets which is negatively disposed towards the girl-child - as un-wanted, neglected and discriminated both within and outside her home.

The Tenth Plan viewed ‘Development of Children’ as most desirable investment for the Country’s future.

The Tenth Plan also focused on certain commitments to children. For the certain improvement of the young generation, the Tenth Plan elaborated certain major strategies to be followed. Some of the major strategies given in the Tenth Plan are as under:

• Reaching every young child in the country to ensure their ‘survival’, ‘protection’ and ‘development’ as prescribed in the 2 National Plans of Action (1992) – one for children and the other for the girl child.
• To ensure ‘survival’ of children through arresting the declining sex ratio and curbing its related problems of female foeticide and female infanticide.
• To ensure ‘protection’ for all children and in particular those with special needs and problems and those in difficult circumstances
through effective implementation of the existing child-related legislations.

- To continue Integrated Child Development Scheme as the mainstay for promoting the overall development of young children and mothers, especially that of the Girl Child all over the country.

- To reinforce the commitment to family – focused and community, based interventions, in addition to the institution based interventions, which are critical for enhanced survival, growth and development of young children, adolescent girls and women across the life cycle.

- To expand the support services of creche/day care services and thus help reduce the burden of working/ailing mothers and of the girl child who is expected to bear the burden of sibling care.⁵⁶

Towards gender justice the Tenth Plan commits to eliminate all forms of gender discrimination and thus enables women to enjoy not only de-jure but also de-facto rights and fundamental freedom on par with men in all spheres, viz. political, economic, social, civil, cultural etc. For achieving this aim, the Tenth Plan focused on following measures and strategies:-

- Complete eradication of female foeticide and female infanticide through effective enforcement of both the Indian Penal Code, 1860 and the PNDT Act, 1994 with most stringent measures of punishment so that a very harsh path is set for the illegal practitioners.

- Adopting measures that take into account the reproductive rights of women to enable them to exercise their reproductive choices.

- Working out strategies, in close collaboration with the Ministry of Labour, to ensure extension of employment opportunities and thus, remove inequalities in employment both in work and accessibility.

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⁵⁶ Ibid.
• Initiating interventions at the macro-economic level to amend existing legislations to improve women's access to productive assets and resources.
• Ensuring that the value added by women in the informal sector as workers and producers is recognised through redefinition/re-interpretation of conventional concepts of work and preparation of satellite and National Accounts.
• Defining the Women's Component Plan (WCP) clearly and identifying the Schemes/Programmes/Projects under each Ministry/Department which should be covered under WCP and ensuring the adoption of women-related mechanism through which funds/benefits flow to women from these sectors.

With strong constitutional commitments in the backdrop, the National Policy for Empowerment of Women, 2001 aimed at elimination of gender discrimination on priority basis and for creating positive environment for empowerment of Women. In line with this, the Tenth Plan calls for a time bound survey to identify areas with gender inequalities and suggest remedial action to remove gender inequalities and rectify existing imbalances and thus ensure gender justice.

• Initiating action for enacting new women-specific legislations; amending the existing women-related legislations, if necessary, based on the review made and recommendations already available to ensure gender justice, besides, reviewing all the subordinate legislations to eliminate all gender discriminatory references.
• Expediting action to legislate reservation of not less than 1/3 seats for women in the Parliament and in the State Legislative Assemblies and thus ensure women in proportion to their number reach decision-making bodies so that their voices are heard.
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- Arresting the ever increasing violence against women and the girl child including the adolescent girls on top priority with the strength and support of a well-planned Programme of Action prepared in consultation with all the concerned, especially the enforcement authorities; implementing effectively with the strength of the law and order Authorities both at the centre and State levels and assessing the situation.

- Expediting standardisation of a Gender Development Index based on which the gender segregated data will be collected at national, state and districts level; compiled/collated and analysed to assess the progress made in improving the status of women at regular intervals with an ultimate objective of achieving equality on par with men.

- Initiating/accelerating the process of societal reorientation towards creating Gender-Just Society.

Following are the women-related and women-specific Monitorable Targets for the Tenth Plan and Beyond:

- Reduction of poverty ratio by 5 percent points by 2007 and by 15 percent by 2012.

- All Children in School by 2003; all children to complete five years of Schooling by 2007;

- Reduction of gender gaps in literacy and wage rates by at least 50% by 2007;

- Reduction in the decadal rate of population growth between 2001 and 2011 to 16.2%.

- Reduction of Infant Mortality Rate to 45 per 1000 live births by 2007 and to 28 by 2012;

- Reduction of Maternal Mortality Ratio to 2 per 1000 live births by 2007 and to 1 per 1000 by 2012;  

27 Ibid.
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The Mid-term Appraisal\textsuperscript{28} of the Tenth Plan notes that though concerns about gender equity are reflected in the monitorable targets of the Plan but little appears to have been done about empowering women so that these intentions are backed up by gender sensitive institutional structures. More generally inadequate attention has been paid to finding ways of mainstreaming gender concerns in our policies and programmes. This is an issue which needs careful consideration while designing intervention strategies. It notes that the goals appear almost impossible to achieve. The burning issues relating to women and children are the adverse child sex ratio, persistently high infant, child and maternal mortality ratios, wide gender gaps in literacy and in wage rates, escalating violence against women and the rising incidence of female foeticide and infanticide. Other important concerns are the feminisation of poverty and the exploitation of women in low paid, hazardous and insecure jobs in the unorganised sector and in the export processing or special economic zones. The mid-term appraisal of women and child development has found glaring gaps and inconsistencies on the ground in the light of the promises made in the Tenth Plan and the National Common Minimum Programme (NCMP). On the basis of mid-term appraisal of the Tenth Plan, a few suggestions\textsuperscript{29} have been put forth-

- Expand the day care/creche services by integrating them into ICDS. These services are essential requirements not only for children below two years age but also for working mothers.
- Formulate and implement sector-specific WCP and gender budgeting in order to ensure gender justice. All ministries/departments should strictly adhere to the plans. Develop a

\textsuperscript{28} http://planningcommission.gov.in/midterm/english-pdf/chapter-04.pdf
\textsuperscript{29} Ibid.
mechanism for regular assessment of the gender impact of all programmes.

- Launch a focused and intense literacy campaign for adolescent girls and young women, especially in the backward districts, in order to bring them together and further catalyse women's organizations towards empowering them with knowledge and political standing.

- Formulate a gender-sensitive resettlement and rehabilitation policy, especially to safeguard the interests of widows, elderly and divorced women plus female-headed households in instances of natural or man-made calamities and displacement.

- Undertake a high-powered inter-ministerial review (under the chairpersonship of the Prime Minister) of gender justice in order to bring the Tenth Plan back on track regarding its commitment to gender justice. Alternatively, consider a Prime Minister's Mission on Women, Children and Development.

A UNICEF report released recently in December 2006 stated that reservation for women in panchayats has helped in bringing all round development to the villages, particularly for children. The report – ‘The State of the World’s Children 2007’ – quotes a study in 165 villages of West Bengal, which showed that participation of women in village councils had a positive impact. A survey of 100 villages in Rajasthan found that a village having a woman pradhan had more children immunized, raw higher participation of girl child in schools and better health facilities for women. The UNICEF report, pitching for more women legislators, gives examples from across the world. It says higher women participation in legislatures has improved the welfare of children and women.30

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B. Policy Framework:

To ensure that other general developmental sectors do not by-pass women and benefits from these sectors continue to flow to them, a special mechanism of monitoring the 27 Beneficiary Oriented Schemes for women was put into action in 1986, at the instance of the Prime Minister's Office. Various women related and women-specific policies are as follows:

1. The National Population Policy (NPP 2000) provides an analysis for the high population growth rate highlighting four factors namely, the demographic momentum of the young people in child bearing and earlier age groups, the high infant mortality rates, the high level of unmet need due to poor access to services and the low age at marriage prevalent in many parts of the country. The NPP 2000 calls for empowerment of women for health and nutrition.

There are 14 national socio-demographic goals set for the year 2010 in the Action Plan of NPP 2000. These goals pertain to several aspects and areas of maternal and child health as well as socially critical issues such as promotion of delayed marriage for girls and universal registration of marriages as well as institutional improvements such as inter-sectoral coordination and convergence in social sector. The Action Plan of NPP 2000 gives high priority to the expansion of the availability of safe abortion care for which several operational strategies have been spelt out and promotes vigorously the small family norm. The long term objective is to achieve a stable population by 2045, at a level consistent with the requirements of sustainable economic growth, social development and environmental protection.31

The Draft National Health Policy 2001 promises to ensure increased access to women to basic health care and commits highest priority to the funding of the identified programmes relating to women’s health.

It noted that attainment of health indices has been very uneven between better-endowed and more vulnerable sections of society. For vulnerable sections of society including women and children access to public health services is nominal and health standards are grossly inadequate. The gender divide is most striking.

The draft NHP 2001 aimed at reducing these inequities and enabling the disadvantaged sectors of society to get a fairer access to public health services.

The National Policy For Empowerment of Women – 2001:
The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy also takes note of the commitments of the Ninth Five year Plan and other Sectoral Policies relating to empowerment of women. It acknowledges gender disparity in various forms, most obviously manifested in declining female ratio in the population. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. The policy had among its objectives:

- The *de jure* and *de facto* enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil.

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- Equal access to participation and decision making of women in social, political and economic life of the nation.
- Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.
- Changing societal attitudes and community practices by active participation and involvement of both men and women;
- Elimination of discrimination and all forms of violence against women and the girl child; and
- Mainstreaming a gender perspective in the development process.  

Among its policy prescriptions it suggests that a holistic approach to women’s health which includes both nutrition and health services, will be adopted and special attention will be given to the needs of women and the girl at all stages of life cycle. The reduction of infant mortality and maternal mortality, which are sensitive indicators of human development, is a priority concern. Women should have access to comprehensive, affordable and quality health care. Measures will be adopted that take into account the reproductive rights of women to enable them to exercise informed choices, their vulnerability to sexual and health problem.

It further commits equal access to education for women and girls. It suggests that special measures will be taken to eliminate discrimination, universalize education, eradicate illiteracy, create a gender-sensitive educational system, increase enrolment and retention rates of girls and improve the quality of education to facilitate life-long learning as well as development of vocational/technical skills by women. It goes on to commit

the focused attention to be paid to meeting the nutritional needs of women at all stages of the life cycle.

The Policy commits to provide more responsive and gender sensitive legal and judicial system to the women’s needs especially in cases of domestic violence and personal assault. New laws will be enacted and existing laws reviewed to ensure that justice is quick and the punishment meted out to the culprits is commensurate with severity of the offence.

At the initiative of and with full participation of all stakeholders including community and religious leaders, the Policy aimed to encourage changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women. It also encouraged changes in laws relating to ownership of property and inheritance to make them gender just.

The policy stated that the 73rd and 74th amendments to the Indian Constitution have served as a breakthrough towards ensuring equal access and increased participation in political power structure for women. The Panchyati Raj Institutions and the local self governments will be actively involved in the implementation and execution of the National Policy for Women at the grass root level.

4. Under the Universal Immunisation Programme launched in 1985-86, which became part of the Reproductive and Child Health Programme, 1997, the coverage of Tetanus Toxoid Vaccination of pregnant women increased from 40% in 1985-86 to 83.4% in 2000-01.34

5. The National Nutrition Policy (1993) advocates a comprehensive inter-sectoral strategy for alleviating all the multi-faceted problems of under/malnutrition and its related deficiencies and diseases so as to achieve an optimal state of nutrition for all sections of society, but

34 See supra note 22.
with special priority for women, mothers and children who are vulnerable as well as ‘at risk’.

The Integrated Child Development Services, launched in 1975, provides supplementary feeding to bridge the nutritional gaps that exist in respect of children below 6 years and expectant and nursing mothers.

Besides this, since 2000-01, the Government of India has been providing Additional Central Assistance to the States under the nutrition component of Pradhan Mantri Gramodaya Yojana (PMGY) in an effort to prevent the onset of under nutrition in the age-group of 6-24 months.\(^{35}\)

6. The First, National Agriculture Policy, announced in July 2000, seeks to mainstream gender concerns in agriculture. It provides to initiate appropriate structural, functional and institutional measures to empower women, besides their capabilities and improve their access to inputs, technology and other farming resources.\(^{36}\)

7. The National Policy on Education – announced in 1986 (revised in 1992), gave a big momentum to the task of providing basic education for all. Concerted efforts made during the Ninth Plan were able to expand access, increase retention and improve learning achievements of children in Primary and Upper Primary Schools. The National Literacy Mission set up in 1998 with the goal of attaining full literacy \(i.e.\) a sustainable threshold level of 75 per cent by 2005 continued to follow a multi-pronged strategy to eradicate illiteracy in the country. More than 91.53 million people were made literate up to December, 2000, 61% of whom were females.\(^{37}\)

C. **Government Schemes and Programmes:**

A large number of programmes and schemes for the welfare and development of women, girls and children have come to be implemented

\(^{35}\) Ibid.

\(^{36}\) Ibid.

\(^{37}\) Ibid.
by the Government of India and the State Governments. Some of the programmes and schemes are exclusively meant for women, girls and children while in others, special attention is given to them. Implementing these schemes for the development of women and children for improving their overall quality of life have contributed significantly in improving their condition and position by providing impetus to the holistic development of women and children.

Various Schemes of the Government of India under various Departments, which have multiplier effect in extending benefits to women are as follows:-

1. Support to Training and Employment Programme for Women (STEP):

The STEP Programme launched in 1987 aims to increase the self reliance and autonomy of women by enhancing their productivity and enabling them to take up income generation activities. It provides training for skill upgradation to poor and assetless women in the traditional sectors viz. agriculture, animal husbandry, dairying, fisheries, handlooms, handicrafts, khadi and village industries, social forestry and wasteland development.

The objectives of the Scheme are:

- To mobilise women in small viable groups and make facilities available through training and access to credit.
- To provide training for skill upgradation
- To enable groups of women to take up employment-cum-income generation programmes by providing backward and forward linkages.
• To provide support services for further improving training and employment conditions of women.38

2. Setting Up of Employment-cum-Income Generating Units For Women (NORAD):

This programme, popularly known as NORAD was launched in 1982-83 with assistance from the Norwegian Agency for Development and Cooperation, aims at training women preferably in the non-traditional areas and non-traditional trades viz. electronics, watch assembly, basic and advance computer training, garment making, secretarial practice, embroidery etc. and to ensure their employment in these areas, thereby improving the lives of poor women. Significant factor about this programme has been the careful assessment of the skills, which are market oriented and have greater assurance of leading the beneficiaries into sustainable employment.39

3. Short Stay Homes For Women And Girls (SSH):

The SSH scheme for women and girls extends temporary shelter and rehabilitation to those women and girls who have no social support systems due to family problems, mental strains, social ostracism, exploitation and other causes. It creates a space for women to socially and economically equip themselves to face the challenges. The services extended in these homes include medical care, psychiatric treatment, case work services, occupational therapy, educational cum vocational training, recreational facilities, etc. In the Plan of Action to combat trafficking and commercial sexual exploitation of women and children drawn up by the Department of Women and Children, the services of Short Stay Homes assume a great deal of importance.40

39 Id. at 11.  
40 Id. at 32.
4. Educational Work For Prevention of Atrocities on Women:

Under the scheme grants are extended to various agencies to conduct legal literacy camps, para legal workers training, production and publicity material, seminars, workshops and to promote studies on gender and violence. The focus is on educating people on legislation and its enforcement to prevent social crimes against women. The objective of the scheme is to promote propaganda, publicity and research work for prevention of atrocities on women viz. rape, dowry deaths, wife-beating, alcoholism, eve-teasing etc.41

5. Indira Mahila Yojana was launched in 1995 as an integrated development scheme for women. This scheme primarily addresses the capacity building, income and awareness generation related requirements of the women. It is a centrally sponsored scheme implemented through State Government and basically aims at converging all the social development programmes to meet women’s needs and integrate various sectoral allocations at the district level for addressing their needs. The major thrust of this scheme is the formation of self-help groups at the village or the anganwadi level, so as to establish a strong base for women at the panchayat level and support the panchayat system by prioritising women’s needs, while directing the application of resources at the panchayat level to meet these needs. Such an endeavour is expected to help prepare women for decision making and participation in decision making bodies including committees, panchayats, panchayat samitis, zilla parishads, etc.42

6. Adolescent Girls Scheme:

This scheme provides family life education to school dropouts, cater to girls in the age group of 11-18 years, attempts to raise their nutritional

41 Id. at 41.
42 Id. at 153.
status so as to break the vicious malnutrition cycle, to meet the needs of self development, health, education literacy and recreation and skill formation. The scheme attempts to mobilise and enhance the potential of adolescent girls and social animators. The scheme is being implemented throughout the country in selected blocks through two sub schemes vis. Scheme I (Girls to Girl approach) and Scheme II (Balika Mandal). Under Scheme-I (Girls to Girl approach) adolescent girls in the age group of 11-15 years belonging to families whose income level is below Rs. 6,400/- per annum in rural areas are eligible for receiving services such as hands on learning experience, education sessions and supplementary nutrition at the anganwadi centre for a period of 6 months. Under Balika Mandal (Scheme-II) girls in the age group of 11-18 years participate in the activities of Balika Mandal for a period of 6 months. The activity components under the scheme would involve learning, through sharing experiences, training of vocational skills/agro-based skills and household related appropriate technology. In addition to providing appropriate environment to learn, supplementary nutrition shall also be provided to the adolescent girls enrolled in Balika Mandals.43

7. Integrated Child Development Services (ICDS):

ICDS started in 1975, is a centrally sponsored scheme run by State Government/UT through Anganwadi Centres. It has emerged as the world's largest early childhood development programme, reaching out to 3.8 million expectant women and nursing mothers and 21 million children below six years of age from the disadvantaged sections of society through 42,000 ICDS Projects. The main objective of the scheme is to improve the nutritional and health status of children in the age group 0-6 years, to lay the foundation for proper psychological, physical and social developments

43 Id. at 152.
of children, to reduce the incidence of mortality, morbidity, malnutrition and school drop-out, to enhance the capability of the mother to look after the normal health and nutritional need of the child through proper nutrition and health education. The package of services under ICDS are:

- Supplementary nutrition
- Immunisation
- Health check-up
- Referral services
- Nutrition and health education
- Non-formal education

8. Mahila Samakhya Programme – Education for Women’s Equality:

Mahila Samakhya is basically an empowerment programme. It was launched in 1989 to translate the goals of the National Policy on education into a concrete programme for education and empowerment of women in rural areas, particularly women in socially and economically marginalized groups. The programme is currently implemented in over 9,000 villages in 60 districts spread over 10 states. The programme has enabled women’s collectives to address the larger socio-cultural issues that have traditionally inhibited the participation of women and girls in the education system. The strategy of mobilizing women under Mahila Samakhya Programme has also been adopted in the other basic education projects and District Primary Education Projects. The programme has contributed to promotion of women’s empowerment at the grass-roots level. Issues that have been focused on are stoppage of Devadasi system, Yogini System etc., drinking water, health, legal literacy, violence against women, payment of minimum wages, etc. The Mahila Samakhya is implementing non-formal education centers and running early childhood, pre-school-cum-creche facilities for

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44 Id. at 149.
working village women. Further Mahila Sikshan Kendras for adolescent girls and illiterate women provide condensed quality education and engage in skill development.45

9. District Primary Education Programme (DPEP):

The DPEP is a special initiative launched in 1994 within the broader objective frame of universalisation of elementary education. This programme has also marked gender focus. The programme is based on district specific planning. Decentralised management of the programme is a special feature and the process is participatory. Implementation is through state level registered societies. The programme is further driven by grassroot level disaggregated target orientation- reduction of primary drop out rate to less than 10%, reducing gender gap and that between social groups to less than 5% and enhancing primary level learning attainment by at least 25%. Being a centrally sponsored programme, it emphasizes the universalisation of primary education and specific strategies have been designed to enhance girls' access, enrolment and retention in the school system.46

10. Reproductive and Child Health (RCH) Programme:

In 1997, the Family Welfare Programme was re-organized into the RCH Programme. RCH programme seeks to strengthen and reorient the services now provided under the Family Planning Programme. RCH Programme aims at child survival and safe motherhood. The various health interventions under the programme are prevention and management and termination of unwanted pregnancy, postpartum services, child survival and management of reproductive tract infections/sexually transmitted infections.47

45 Supra note 23 at 313; see also supra note 22.
46 Supra note 23 at 154.
47 Id. at 310.
11. In the field of Rural Development, anti poverty programmes have been a dominant feature of Government initiatives in rural areas.

a) The Swarnajayanti Gram Swarojgar Yojana (SGSY) was launched in 1999 with the objective of bringing families assisted above poverty line. Around 4.3 million swarojgaris, 24 per cent of whom were women, were assisted during the Ninth Plan. The scheme covers all aspects of self-employment – creation of self help groups, capacity building, training, formation of activity clusters, infrastructure development, bank credit and subsidy etc. Women are significant beneficiaries under the scheme.

b) The Jawahar Gram Samridhi (JGSY) reserves 30 per cent of employment opportunities for women.\(^{48}\)

12. In the Urban Development Sector, the

a) Swarna Jayanti Shahari Rozgar Yojana (SJSRY) provided gainful employment to the urban unemployed/under-employed through encouraging the setting-up of self-employment ventures/provision of wage employment. The special scheme of Urban Self-Employment Programme (USEP) which is a component of SJSRY, provides assistance to the urban poor, especially, women living below the urban poverty line.

b) The scheme for Development of Women and Children in Urban Areas (DWCUA) provides assistance to groups of urban poor women for setting-up gainful self-employment ventures.\(^{49}\)

13. Rashtriya Mahila Kosh (RMK) (National Credit Fund For Women):

Rashtriya Mahila Kosh (RMK) was constituted as a registered Society on 30\(^{th}\) March, 1993 by the Government of India with a corpus fund

\(^{48}\) Id. at 319, 320.

\(^{49}\) Id. at 321; see also supra note 22.
of Rs.31 Crore. RMK is being governed by the Governing Board consisting of 16 members. The main objectives of RMK is to facilitate credit support to poor women for income generation activities, as an instrument of socio-economic change and development. It also aims to promote and support schemes for improvement of facilities for women for sustenance of their existing income generation activity, asset creation, asset redemption and generation of further income generation activity. It further aims to demonstrate and replicate participatory approaches in the organisation of women’s groups for effective utilization of credit resources leading to self-reliance. Its another objective is to sensitize existing government delivery mechanism and increasing the viability of poor women as a vital and viable clientele with the conventional financial institution and to accept subscriptions, grants, contributions, donations, loans, guarantees, gifts, bequests, etc., on such terms and conditions not inconsistent with the aims and objectives of the Kosh. RMK is also assisting in the rural sanitation programme of Ministry of Rural Areas and Employment, Department of Rural Development through its collaborating NGOs which are its channelising agencies. Under RMK there are various schemes like – Nodal Agency Scheme, Self Help Group Development Scheme, Main Loan Scheme, Loan Promotion Scheme, Revolving Fund(RF) Scheme, Death Relief and Rehabilitation Fund Scheme, Marketing Finance Scheme, Scheme for Refinance Support from RMK to Urban Cooperative Banks/ Mahila Cooperative Banks.50

14. Balika Samriddhi Yojana (BSY):-

Launching of Balika Samriddhi Yojana on 2 October, 1997, to extend a special package of girl children belonging to families of below the poverty line to ensure that the girl children enter into schools. Special incentives,

50 Compendium of RMK Schemes, Rashtriya Mahila Kosh
viz. Rs.500/- to the mother and annual scholarships ranging from Rs.300/- to Rs.1000/- for girl children in classes 1 to X. The launching of Balika Samriddhi Yojana (BSY) is a part of a long term strategy to raise the status of the girl child while changing social attitudes towards her mother. The main objectives of the Scheme are:

- To change family and community attitudes to the girl child at birth and towards her mother.
- To improve enrolment and retention of girl children in schools.
- To indirectly ensure survival of the girl child – serving as a disincentive for female foeticide and infanticide.
- To reduce incidence of girl child labour within and outside the household.
- To raise the overall status of the girl child.\footnote{Supra note 23 at 324; see also supra note 38 at 45.}

Institutional Set up

The Central Department of Women and Child Development as part of the Ministry of Human Resource Development with a Separate Minister Incharge was set up in 1985. The Department has three autonomous organizations viz. National Institute of Public Cooperation and Child Development (NIPCCD), Rashtriya Mahila Kosh (RMK) and the Central Social Welfare Board (CWB) working under its aegis. The Department has considerably strengthened the process of making prospective plans for women, children and adolescent girls. As national machinery for the advancement of women and children, the Department formulates plans, polices and programmes and enacts/amends legislation, guides and coordinates the efforts of both governmental and non-governmental organisations working in the field of Women and Child Development. All these efforts are directed to ensure that a sound foundation is laid for the
physical, social and psychological development of children and that women are empowered both economically and socially.\textsuperscript{52}

With the gamut of policy framework, women specific schemes, plans and programmes, it has now been made clear to the bureaucracy that women form part of all other departments of the Government of India and the setting up of one department does not prevent them getting their share from other departments.\textsuperscript{53}

\textbf{National Plan of Action For the SAARC Decade of the Girl Child, 1991-2001:}

The Heads of the SAARC countries during the meeting at Male in 1990 declared 1990 as the SAARC Decade of the Girl Child keeping in view the growing concern for the survival and development of the girl child. The increasing incidence of female foeticide and female infanticide led the Government of India to adopt the National Plan of Action for the SAARC Decade of the Girl Child in order to fulfil the commitment made.

The Guiding Principles of Plan of Action are:

- Ensuring equality of Status of the Girl Child through special opportunities;
- Formulating additional goals to meet the specific needs of the Girl Child; and
- Changing social attitudes and behavioural practices concerning the Girl Child.

The Major Goals of the National Plan of Action for SAARC Decade of the Girl Child were:

1. Survival and protection of the girl child and safe motherhood.
2. Overall development of the girl child

\textsuperscript{52} \textit{Supra} note 38 at 1.
\textsuperscript{53} \textit{Supra} note 2 at 69.
3. Special protection for girl children in different circumstances and girl children belonging to special groups\textsuperscript{54}.

On International Day, 8\textsuperscript{th} March 2005 the Department of Women and Child Development launched a National Resource Centre for Women portal. A virtual resource centre for women, the NRCW portal has been set up by the Department together with the National Institute of Public Cooperation and Child Development. The portal aims to create an information base and disseminate information on women's development.\textsuperscript{55}

Apart from the national endeavour for the welfare and development of women and girl children by the Government of India, the State of Haryana has also initiated host of women specific programmes and schemes.\textsuperscript{56}

D. Role of National Commission for Women

Serving as a statutory ombudsman for women, the National Commission for Women was established in January, 1992. The Commission was set up as a statutory body under the National


\textsuperscript{55} “A Gift On Women’s Day : dream-cum-true portal”, The Hindu, 8\textsuperscript{th} March, 2005 at http://www.yrshr.org/list_desc.asp?id=14

\textsuperscript{56} Working Women’s Hostel; Training Programme/Assistance for Women Entrepreneurs; Training Centres; Marriage Assistance; Assistance to Widow/Destitute Women; Awareness generation; Mahila Mandals; Apni Beti Apna Dhan Scheme where the mother of the girl child will be given Rs. 500/- within 15 days of the birth of the girl child as post delivery financial assistance and Rs. 2,500/- will be invested in Indira Vikas Patra or other similar small savings scheme; Devi Rupak Scheme which is another new Scheme providing ‘sterilization incentives’ to couples after two years of marriage and on the birth of first girl; Indira Gandhi Priyadarshini Vivah Shagun Yojana under which sum of Rs. 15,000/- is given as a gift to the girls living below poverty line and belonging to the Scheduled Castes, on the occasion of their marriage; Ladli – another innovative scheme which envisages to provide, on the birth of the second daughter in the family, an annual sum of Rs. 5,000/- for five years jointly to the new born girl child and her mother; Balika Samridhi Yojna in which cash assistance for below poverty line families has been given with ante natal care during delivery and immediate post-partum period.

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Commission for Women Act, 1990 (Act No.20 of 1990 of Government of India) to review the Constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redressal of grievances and advise the Government on all policy matters affecting women.\(^{57}\)

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(1) The Commission shall perform all or any of the following functions, namely:

a. Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;

b. Present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguard;

c. Make in such reports recommendations for the effective implementation of those safeguards for the improving the conditions of women by the Union or any state;

d. Review, from time to time, the existing provisions of the Constitution and other law affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;

e. Take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;

f. Look into complaints and take suo moto notice of matters relating to:

   i. deprivation of women’s rights;

   ii. non-implementation of laws enacted to provide protection to women and also to achieve the objective of equality and development;

   iii. non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and ensuring welfare and providing relief to women, and take up the issues arising out of such matters with appropriate authorities;

   g. call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;

   h. undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement, such as, lack of access to housing and basic services, inadequate support services and technologies for reducing drudgery and occupational health hazards and for increasing their productivity;

   i. participate and advice on the planning process of socio-economic development of women;

   j. evaluate the progress of the development of women under the Union and any State;

   k. inspect or cause to be inspected a jail, remand home, women’s institution or other place of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action, if found necessary;

   l. fund litigation involving issues affecting a large body of women;

   m. make periodical reports to the Government on any matter pertaining to women and in particular various difficulties under which women toil;

   n. any other matter which may be referred to it by Central Government.
The Committee on the Status of women in India (CSWI) constituted in 1971 recommended nearly two decades ago, the setting up of a National Commission for Women to fulfil the surveillance functions to facilitate redressal of grievances and to accelerate the socio-economic development of women. Successive Committees/Commissions/Plans including the National Perspective Plan for Women (1988-2000) recommended the constitution of an apex body for women. During 1990, the Central Government held consultations with NGOs, Social workers and experts, regarding the structure, functions, powers etc. of the commission proposed to be set up.

In May, 1990, the Bill was introduced in the Lok Sabha. In 1990 the Government moved several amendments and introduced new provisions to vest the Commission with the powers of a civil court. The Bill was passed and received assent of the President on 30th August, 1990.58

National Commission for Women has proposed various amendments in a number of existing legislations. Out of 40 legislations having direct bearing on women, the Commission since its coming into being up to 1999-2000 had reviewed and suggested remedial measures in respect of 23 Acts and forwarded the same to the Government for necessary action. Some of the significant legal amendments proposed by the Commission are59:


   To remove restriction on lodging of complaint in respect of offences under Section 494 and 495 of the Indian Penal Code.

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58 About NCW, National Commission For Women in http://ncw.nic.in/brief_history.htm
59 A Decade of Endeavour, Vol. II, National Commission for Women at 120(1990-2001); see also National Commission for Women, Reaching Out at http://ncw.nic.in/legal_amendments_proposed.htm

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• Amendment of Section 320 so as to make the offences under Section 498 of the Indian Penal Code as Compoundable.

2. Indian Penal Code, 1860
• Strengthening of the laws to curb the incidence of sale of minor girls.

3. Dowry Prohibition Act, 1961:
• To transfer the substantive provisions under the Indian Penal Code.
• Dowry givers should be excluded from punishment.
• Appointment of Dowry Prohibition Officers.
• The Marriage expenses should be limited to 20% of the annual income of the girl’s parents/guardians.

• The Commission recommended amendment of section 2(g), 3(g), 6, 12, 13-17, 19(2), 21 and 23 of the said Act, for strengthening the provision for better implementation.

5. Amendment of laws relating to rape and sexual assault.
• redefinition of the definitions of rape and allied provisions.
• The recommendations are incorporated in Criminal Law (Amendment) Bill, 2006 and sent to the Government.

• The recommendations of the Commission have been submitted to the Ministry of Social Justice & Empowerment.

• All India Conference of State Secretaries – Health, WCD, DGPs and NGOs on implementation of the PC & PNDT Act.

• National Conference on Review of the Dowry Prohibition Act, which was held in November, 2005.
   • There shall be one or more family courts in every district.
   • Appeal under these matters will lie only to the High Courts.
   • Private Members Bill was referred to the Commission and recommendations have been submitted to the Government.

10. Commission of Sati (Prevention) Act, 1987:
    • To transfer the substantive provisions under the Indian Penal Code.
    • The offence may be called as “Sati murder”.

11. Hindu Marriage Act, 1955:
    • Leprosy be omitted as a ground for divorce.
    • There should be compulsory registration of marriages
    • The second wife should also be treated as wife for the purpose of maintenance.

12. Child Marriage Restraint Act, 1929:
    • Amendment should be made to change the definition of kidnapping under section 359 of the IPC.
    • The marriage of the minor should be made void.
    • The Offence should be made cognizable and non-bailable.

13. Indecent Representation of Women (Prohibition) Act, 1986:
    • The Commission recommended for the amendment of Section 1 of the Act to make the definition of derogatory representation of women more wide. Further provided for the increasing of punishment to the violators.

14. Immoral Traffic (Prevention) Act, 1956:
    (for elimination of child prostitution and devising a comprehensive package for rehabilitation)
    • The Commission recommended that the age of majority of the child under the Act may be raised to 18 years.
Further the Government should take up correctional measures and also to rehabilitate the women and children in prostitution.

15. Medical Termination of Pregnancy Act, 1971:
- The women's consent must be obtained in every case.
- To provide stringent punishment to the violators.

16. Foreign Marriage Act, 1969:
- The Commission has recommended for the stipulation of conditions for the performance of marriages under this Act. The matters connected with this Act should be dealt by the Family Courts.

17. Guardian and Wards Act, 1890:
- The Commission recommended that Sections 15 and 16 of the Act should be amended so as to remove the compulsory linking of the wife's Domicile with that of the husband.
- Further a testamentary guardian may be appointed only with the consent of the parent if alive and capable of acting.

18. More Powers to NCW through: NCW (Amendment) Bill, 1998:
- Powers to appoint its own staff.
- Appointment of Commission for women's rights.
- Power of prosecution in the lines of NHRC and Kerala Commission for women.
- Extension of the Act to the State of J & K.

As per the Action Taken Report so received till 2001, the proposed amendments in these Acts are at various stages of consideration of the Government in consultation with the concerned Ministries/Departments of the Government of India and the State Governments.60

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60 Supra note 59.
The National Commission for Women also proposed some new laws and for that purpose framed certain bills. Some of which are as under:\textsuperscript{61}

1. The Marriage Bill, 1994
   - The Commission recommended for the enactment of a uniform law relating to marriages.
   - Providing for the compulsory registration of marriages, with the aim of preventing child marriages and also polygamy in the society.

2. Codification of Criminal Laws Relating to Women (Amendment) Bill 1994:
   - The Commission has organised National Seminars on Codification of Criminal laws related to women at New Delhi and Hyderabad (1996-97).
   - Received overwhelming support towards the codification of laws from various Sections.
   - Commissioned a project on “Codification of Criminal laws related to women” to the NLSIU, Bangalore.

3. The Criminal Laws (Amendment) Ordinance, 1996 (with reference to Child Rape):
   - Amendment of Indian Penal Code (1860), Indian Evidence Act, 1872 and Representation of People’s Act, 1951.
   - Providing for severe punishment for the offence of child rape and incest.
   - Provides safeguards to the victims of rape.

4. Dowry Prohibition Act, 1961:
   - For the first time new draft rules were framed and sent to Government for consideration.

\textsuperscript{61} Reaching Out, National Commission For Women at http://ncw.nic.in/new_bills_laws_proposed.htm

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5. Draft Scheme/Legislation providing Compensation to and Rehabilitation of Victims of Rape and Sexual Assault:
   • The Commission had prepared the above scheme in pursuance of the Hon'ble Supreme Court of India's judgment in *Delhi Domestic Women's Forum V. Union of India & Others (WP (Crl.) No.362/93)*
   • Provided for compensation to victim women.
   • Provided for counselling & rehabilitation of victim.

   • The Commission after reviewing the situation had recommended for the adoption of the above convention among the SAARC Nations to prevent apart from others the transborder trafficking.
   • Co-ordination among SAARC Nations on issues relating to trafficking.

7. Draft Bill "The protection against sexual harassment of women 2005"
   • Commissioned a project on "Sexual harassment of women at work place" in various cities.
   • Study reveals that nearly 60% of the working women are not aware of the guidelines given by the Hon'ble Supreme Court of India in *Vishakha case*.
   • It is found that even many of the employers are not aware of the Supreme Court guidelines and have not constituted a committee in pursuance of the guidelines.
   • The NCW had prepared the code of conduct at work place in pursuance of the Supreme Court guidelines and circulated the same
to all the ministries, educational institutions, public and private sector undertakings and various NGOs for information and implementation.

- The Commission in collaboration with the University of Madras had formulated a code of conduct for application to the students and staffs of the educational institutions.
- A National Consultation on the Draft Bill is held at New Delhi to finalize the bill.

8. Draft Bill "Compulsory Registration of Marriage Act 2005"
- The Commission recommended for the enactment of a uniform law relating to marriages.
- Providing for the compulsory registration of marriages, with the aim of preventing child marriages and also polygamy in the society.
- Bill is prepared cutting across religion and region.
- Discussed with the Minority Commission before sending to the Government.

Concerned with the political empowerment of women, the NCW made 16 recommendations. The significant recommendation made in 1992-93, related to the reservation of 1/3rd seats in the Lok Sabha and the State Legislatures for women. Vigorous pursuing by the Commission and the Governments, ultimately led this recommendation to be culminated in the introduction of the Constitution (Eighty Fifth) Amendment Bill, 1999.62

In connection with the Pre-natal Diagnostic Techniques Act, the Commission had suggested a number of significant amendments in the Act such as compulsory registration of all clinics conducting ultrasound; provision for imprisonment and fine in law on doctors conducting sex determination tests in violation of law; State Women's Commissions and State Human Rights Commissions be given responsibility for taking up

issues relating to Prenatal Diagnostic Techniques etc. most of which have been incorporated in the Amended Act.

The NCW has been very concerned about the recent phenomenon of female foeticide and have launched several programmes, especially for adolescent girls. On 24th June, 2001; leaders representing a wide spectrum of religions of India and the nation’s political arena, joined hands with social activists in a historic convention as a first step in a nationwide campaign to help root out the evil of female foeticide and infanticide. A joint effort of the National Commission of Women, the UNICEF and the Indian Medical Association facilitated a historic gathering on one platform of five faiths; united with a common goal, to give a clarion call to society to end the heinous practice of female foeticide & infanticide.63

The National Commission for Women appeals to all members of the society – be they doctors or lawyers, social activists or government officers, or the common man – to respond to the need of the hour, rise to the occasion to give our unborn girl children a future to look forward to.

Violence against women in the form of civilized killing of female foetus continues to be one of the prime concerns of the Commission. A former chairperson of the Commission calls it the ‘most horrendous gender crime’. She says that it is the violation of the most basic human right - the

63 The initiatives of the Akal Takht’s issue of a hukumnama against female foeticide is path breaking. Jagadguru Shankaracharya of Kanchi, called foeticide a sin for which there is no atonement. Shahi Imam Maulana Mujir Mukaram of Fatehpuri Masjid, calling it a crime against humanity said, that those who do not honour humanity do not honour God. Ervad Cawas Daraius Bkagli, Head Priest, Delhi Parsi Anjuman, opined that the collective identity of the community and family is in danger – the hands which should guide a baby are now used to choke her. Jain Sadhvi Dr. Sadhnaji, said rituals and traditions are not necessarily related to the religion and appealed for an end to the Tandava of violence against the girl child. Swami Agnivesh brought focus to the root cause of this retrograde practice, laying the blame squarely on the practice of dowry, which undermines the status of the girl child and of a woman in society. In addition to female foeticide, he commented on the ‘living deaths’ of girls, dying by degrees, in homes where constant demands for dowry are being made, referred in id. at 48-49.
right to be born and is the blatant abuse of biomedical technology making the girls in our country an endangered genre.\footnote{Vibha Parthasarathi, A Decade of Endeavour, Foreword (i), National Commission for Women (1990-2000).}

It is considered a male privilege to legitimize gender hierarchy within the family and the use of violence against women. The problem of violence against women is multifaceted. NCW had adopted the following multi-pronged strategy to tackle the problem.\footnote{National Commission for Women: Reaching Out at http://ncw.nic.in/reaching_out.htm}

- Generation of legal awareness among women, thus equipping them with the knowledge of their legal rights.
- Assisting women in redressal of their grievances through pre-litigation services.
- Facilitating speedy delivery of justice to women by organising Parivarik Mahila Lok Adalats in different parts of the country.
- Review of the existing provisions of the Constitution and other laws affecting women and recommending amendments thereto, any lacunae, inadequacies or shortcomings in such legislations.
- Organizing promotional activities to mobilise women and get information about their status and recommend paradigm shift in the empowerment of women.

The NCW has been investigating and examining all matters relating to the safeguards provided for women under the Constitution and other laws. It has been looking into complaints and taking \textit{suo-motu} notice of matters relating to-

\begin{enumerate}
\item deprivation of women's rights;
\item non-implementation of laws which provide protection to women and
\item non-compliance of policy decisions, guidelines or instructions aimed at mitigating hardships and take-up issues arising out of such matters with appropriate authorities.
\end{enumerate}

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The level of women's literacy and education being directly linked to their legal and social awareness, helps them to fight against exploitation, oppression and violence.

Special studies\(^66\), surveys, workshops have been conducted by the commission in various fields as – declining sex-ratio of the country, sexual harassment at work-place, workshops on girl-child abuses, gender and law enforcement agencies, child marriage, women in prison, tribal women, Devodasis and Prostitutes (Trafficking).

The strategies\(^67\) of the NCW aim at:

- Economic empowerment of women through building up skills and securing access to gainful employment.
- Political empowerment through awareness, training and mobilization for equitable representation in all fora.
- Prevention of violence and discrimination against women inside and outside the home through legal reform and sensitive enforcement.
- Amelioration of conditions of disadvantaged women namely:
  (i) Physically challenged women including those who are visually disabled or mentally affected
  (ii) Socially challenged women including Muslim women, SC/ST women, widows and prostitutes.
- Prevention of indecent representation of women in the media through legal and social sanctions.

\(^66\) Workshop on New Models of Accessible Justice: The Indian Experience (Special Focus on Women And Juveniles), Report prepared by Ram D. Shankardass, Nikhil Roy and Vidya Seshadri, A Collaborative Initiative of the National Commission for Women (NCW), Penal Reform International (PRI) and Penal Reform and Justice Association (PRAJA); Report on Tribal Women And Employment, National Commission For Women; Lost Childhood, The First Survey Study of Child Prostitution in Delhi, commissioned by National Commission for Women, New Delhi, 1997.

Parivarik Mahila Lok Adalat (PMLA)\textsuperscript{68}

The Commission conceptualized PMLA in 1995 for redressal and speedy disposal of cases pending before any civil, criminal or revenue court. The very award of PMLA is deemed to be a decree of a civil court. The PMLA, in fact, supplements the efforts of the District Legal Aid & Advisory Boards (DLAAB). The essential features of PMLA are amicable mutual settlement and flexibility in functioning. The NGOs in association with District Legal Aid and Advisory Board activists advocates and others, organize Parivarik Mahila Lok Adalats with the Commission’s financial assistance.

The objectives of setting up of PMLA are:

- To provide speedy justice to the women
- To generate awareness among the public regarding:
  - Conciliatory mode of dispute settlement
  - Legal sanctity of Lok Adalats
- To gear up the process of organizing the Lok Adalats.
- To encourage the public to settle their disputes outside the formal set-up.
- To empower public, especially the women, to participate in the justice delivery mechanism.
- Any non-governmental organization or voluntary organization may submit a proposal to the commission for conducting PMLA in collaboration with DLAAB.\textsuperscript{69}

The Commission firmly believes that awareness and education will empower women to face any challenges. In fact, ignorance of law is one of the primary factors leading to violence against women.

\textsuperscript{68} Supra note 64 at 29.
\textsuperscript{69} Ibid.

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National Commission for Women has formed an Expert Committee and has formulated ten year National Plan of Action (1997-2006) to coordinate with the ninth and tenth Indian Five Year Plans. There were 8695 cases reported under the Immoral Traffic (Prevention) Act in 1998. 15353 cases of kidnapping of women and girls were reported in 1998.

The greatest achievement of the National Commission for Women has been in spreading awareness regarding women by touring in various states of the country and assuring the women that there is an autonomous body that cares for women. The team of NCW visits the place to enquire into the incidents of rape, alleged atrocities against women or any kind of violation of rights of the women.

It is now evident that there are quite a number of policies which have relevance to women but by and large they are not oriented to focusing on women’s issues. The Report of CSWI did catalytic act in galvanising Government in several areas – policy formulation, planning process, targeted programming and budgeting, legislative enactments, institution building, coordination with the Non-Government Organisations etc. The Planning Commission has been consistently squaring up to deal with the betterment of women and their status. However, the gap between the policy and its implementation hampers the attainment of goals.

Of late, the practice of female foeticide and infanticide has gained attention from all spheres. Even the Tenth Five Year Plan has squarely blamed this practice for consistently plummeting sex ratio leading to

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71 NCW and Maharashtra State Commission for Women jointly inquired into the incident of rape of a minor girl in a running local train in Mumbai; NCW enquired into alleged atrocities on girl students of Mahatama Gandhi Gramodya Vishwavidyalaya, Chitrkoot (Madhya Pradesh); NCW team went to enquire into the alleged rape of a minor girl in Khoja Girls Orphanage, Mumbai in Highlights, National Commission for Women at http://ncw.nic.in/highlights_cont.htm
demographic imbalance. The National SAARC Plan of Action for the SAARC Decade of the Girl Child among its major goals gave due attention to survival and protection of the girl child. This menace is attaining draconian dimensions which even the Government Policies and Programmes have not been able to curb.

There are two important issues of policy associated with this decline in the child sex ratio. One is the obsession with population control, which assumes that all the failures in development can be mono-casually linked to population explosion. Another recent issue is the intrusion of the two-child norm into the Panchayati Raj Acts of many states, despite its absence from the Population Policy of 2000, leading to disqualification of many elected representatives. Some experts have suggested a link between the imposition of the two-child norm and sex selective abortions.

Imposition of the two-child norm, cannot be the route to population stabilization, for it may lead to a disturbingly unbalanced population. Some experts believe that the governments' two-child norm and female foeticide have got mixed up though for no fault either of the government or the people as the famous family planning slogan, *Hum Do Hamare Do*, mathematically adds up to only three possibilities – having two sons, two daughters, one son and one daughter. This much trumpeted two-child norm is in reality an exercise in displacing the girl child. Pressure to maintain family size has not in any way changed the preference for sons. It has been pointed out that financial sops to couples that have two daughters and agree to sterilization are not effective because reproductive behaviours cannot be manipulated by such incentives and also they pay a pittance for the same.

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72 *Supra* note 28.
73 Ashish Bose in an interview by Madhu Gurung, "The two-child norm only leads to female foeticide" at [http://www.infochangeindia.org/analysis47.jsp](http://www.infochangeindia.org/analysis47.jsp)
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The two-child norm as a criterion for contesting Panchayat elections has come into force in states of Haryana, Madhya Pradesh, Rajasthan, Himachal Pradesh and Andhra Pradesh.

In *Javed v. State of Haryana*,74 Sections 175 (1)(g) and 177(1) of the Haryana Panchayati Raj Act, 1994 were challenged which disqualify a person having more than two living children from holding the specified offices in Panchayats. The Supreme Court held that the disqualification on the right to contest election by having more than two living children does not contravene any fundamental right nor does it cross the limits of reasonability. Rather it is a disqualification conceptually devised in national interest. The Supreme Court further stated that there was nothing wrong in the State of Haryana having chosen to subscribe to the national movement of population control by enacting legislation which would contribute to the development of the nation75.

More recently, the Supreme Court in yet another case, *Zile Singh v. State of Haryana and others*,76 upheld the disqualification of a municipality member in Haryana for violating the two-child norm, holding that “it was in the national interest to check the population growth by casting disincentives even through legislation.”

However, the Union Health Minister Sh. Anbumani Ramdass at the inauguration of the National Consultation of Gender and Health, expressed his view denying to force or coerce anyone to adopt any family planning measure. He further pointed to adopt any family planning measure. He further pointed out that enforcing the two-child norm in some states is totally against the basic fundamental rights of the people.77

75 Id. at 383 and 386.
76 (2005) 8 SCC 1
This two-child norm has led to an increase in the number of female foeticide. It has been noted that in Madhya Pradesh, Himachal Pradesh, Maharashtra and Rajasthan where mandatory two-child norm panchayat elections has been opted, it has failed as a population control measure.78

Recently, the Minister of Panchayati Raj, Himachal Pradesh announced the exemption from two-child norm which is a mandatory provision for panchayat elections in the State. He justifies this exemption by saying that ‘why bind the panchayat representatives, if MLAs and MPs are unable to apply the same norm to themselves”. He further added that “deletion of the two-child norm will not affect our drive to strengthen the panchayats”. According to him, the past experience showed that the provision of two-child norm was discriminatory against women and that it had created social tensions in rural society. Some of the parents, in order to bypass the law, tempered the birth records of their own children.79

Even the Madhya Pradesh, Chief Minister, Sh. Babulal Gaur said that his government would review the two-child pre-condition for those contesting elections to panchayat bodies as it had created social problems in the State. The Prime Minister Dr. Manmohan Singh while chairing the first meeting of the reconstituted National Commission on Population held in Delhi categorically stated that ‘the policy of coercion to achieve population stabilisation is unacceptable in a free society’. He further said that “there is a widespread consensus that population stabilization entails a holistic, comprehensive approach towards education and healthcare, particularly of our women and children”, which would lead to ‘raising the social status of our women’. He stated with concern that India’s population has ballooned to around 110 crores. Current trends indicate that this will

79 Ashwani Sharma, “Exemption from 2-child norm to stay”, The Indian Express, Chandigarh at 6 (July 20, 2005).
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touch 140 crores in 2026 making India the world’s most populated country.80

The Prime Minister called for a three-pronged approach focusing on the welfare of women and girls, enhancement of health and educational levels and balanced regional development. He made it clear that the government’s policy “does not encourage incentives and dis-incentives as they have, at best, only a marginal impact and sometimes may even cause resentment and non-acceptance of the programme”. The Prime Minister further stressed that the government’s approach placed fertility reduction in the broader context of evolving an effective development strategy that focused its attention on elimination of poverty, empowerment of women and offered choice in limiting family size. He emphasized the role of empowerment of women which is critical in accelerating the demographic transition across the world.81

The aggressive promotion of two-child norm including the “victimisation” of the ones having large families through measures like denial of government jobs and candidature for Panchayat elections (where it is mandatory pre-condition) will only end up in the aggressive melding of age old discriminations with sophisticated pre and post conception sexing methods, as well as in the systematic undermining of the health and care of daughters.

The population policy and female foeticide are two separate but intimately related phenomena which should be addressed together. International experience has proved that smaller families are a consequence of social change and the all-round improvement in the status of women.82

80 “Unite to curb population” in Hindustan Times at 1 (July 24, 2005). See also ‘Coercion no means to stabilize population PM’ in The Sunday Tribune at 1 and 24 (July 24, 2005).
81 Ibid.
82 Pamela Philipose, “The beti-maru mindset”, The Indian Express at 8 (September 15, 2004).
To check this menace of female foeticide, the Chief Minister of Tamil Nadu, Ms. Jayalalitha introduced an innovative “Cradle Baby Scheme” which encourages parents to give away the girl child rather than kill it. Sadly, even this scheme has not helped in curbing ‘pre-natal butchering of the female child’.

We should learn from China’s nightmarish imbalance in male and female population which has projected to have 40 million bachelors by 2020. This situation has urged the government to review the one-child norm that has been in force in the country since 1980. Although, it has not yet been withdrawn, its enforcement has been marked by a growing leniency. China’s one child norm may be regarded as a “success” because several million births have been prevented more likely at the cost of female foetuses. Estimates put China’s urban sex-ratio at 850:1000 in the year 2000 and rural at 770:1000. This has led the authorities to assess the social costs of the development. The demographer Li Weixiong has observed that the skewed sex-ratios pose a “serious threat to building a well-off society”. He has specifically called for a ban on mid-term abortions except for health reasons.83

Government figures show 117 boys are born in China for every 100 girls – a gap blamed on a policy limiting most couples to one-child. However, China hopes to achieve a normal balance of new born boys and girls within six years by banning the use of abortions to select an infant’s sex and by making welfare payments to couples without sons.84

Chinese experience should be enough to serve as an eye opener.

In the sphere of education, the UNESCO’s Education for All – Global Monitoring Report 2003-04 stated that inspite of positive policy initiatives,

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83 Ibid.
84 “Chinese boy-girl balance in 6 years”, The Hindustan Times, Chandigarh at 14 (July 16, 2004).
India may not achieve gender parity either in primary or secondary levels of education by 2015. According to UNESCO Director, C. Colclough, nowhere in the world gender equality had been achieved although there was no lack of legal support.\(^85\)

Despite the constitutional and legislative efforts and series of developmental plans and programmes, ‘gender justice’ seems to be a far cry. Violence against women and victimisation of women is still rampant. Speaking on gender specific violence, Noeleen Heyzer, Director of the United Nations Development Fund for women said that ‘violence obliterates women’s self-esteem, destroys their health, denies their human rights and undermines their full involvement in society’\(^86\). Violence against women is an offence against human dignity and a manifestation of the historically unequal power relations between men and women.\(^87\)

A ‘girl-child’ in India comprising a quarter of Indian population (0-19 years both children and adolescents) is considered a ‘lesser child’ and is subjected to ‘Inequality’, ‘Disparity’ and ‘Neglect’. Born into indifference and reared in neglect, she is entangled in the web of cultural practices and prejudices hampering her mental and physical development.\(^88\) For a majority of girls health, nutrition and educational needs remain unmet and they grow into under-nourished women continuing the inter-generational cycle of under nutrition and ‘wastage’ of women.\(^89\) As an existing support system for the survival and development of the girl child and women, the Government machinery provides – Department of Education, Department

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87 Inter American Conventions on the Prevention, Punishment and Eradication of violence against women in Convention of Belem Do Para, Human Rights – A Compilation of International Instruments, Vol. II Regional Instruments.
88 Supra note 54 at 12.
89 Ibid.
of Family Welfare, Ministry of Labour, Ministry of Social Justice and
Empowerment and Ministry of Information and Broadcasting.

The rise of gender sensibility is one of the distinguishing features of
our times. For all practical purposes, the concern for gender equity has
graduated to the level of a policy objective and has become conspicuous in
the public discourse. This is proof enough of the agility of gender concern
today.90

Of late the women issues have been in the centre stage in planning
circle and in wide intellectual discussions and forums at national and global
fora. However, the existing lacuna in the formulation and execution of the
policies has not changed the grass root situation to a great extent.
Developmental policies and programmes, both in women-specific and
women-related sectors, put into action through various five-year plans,
have certainly made a difference to the socio-economic status of women in
the country. Nonetheless, we are confronted by a paradoxical situation,
where we evidence advancement on several fronts while regression on
some. Many of the age-old pernicious social systems are slackening; many
others are resisting change. Various new problems are emerging either
because of technological advancement, thereby making foeticide easy, or
because of economic forces; marginalising women in their traditional
occupations owing to globalization and lastly because of internalization of
crime, giving a flip to sexual exploitation and immoral traffic. The
magnitude and complexity of these issues defy any single agency’s efforts
in bringing about change. All sections of society must join hands with
government at all levels, right from the Panchayati Raj Institutions up to
higher echelons, in its endeavour to ameliorate the status of women.

90 S.L. Sharma, “Empowerment without Angatonism: A Case for Reformulation of Women’s