CHAPTER-V

POLITICAL STATUS & THE LAW

5.1 Political Participation
5.2 Women and Law
5.3 Socio-cultural determinants
5.4 Government commitments, Policies and Programmes
THE SECOND PART of the proceeding chapter (Chapter III) outlines political participation of women, women and law, art and culture, awareness and Government Commitments as well as policies and programmes for the upliftment of the women.

**POLITICAL PARTICIPATION:**

The political status of women can be defined as the degree of equality and freedom enjoyed by women in the shaping and sharing of power and in the value given by society to this role of women. The recognition of women's political equality in the Indian constitution was radical departure, not only from the inherited norms of traditional Indian society, but also from the political norms of most advance
countries at that time. The two major forces which acted as catalysts in the achievements of political equality of women were the national movement and the leadership of Mahatma Gandhi.

The nineteenth century movements had limited their efforts to improving the position of women within the traditional family structure. The turn of the century, however, saw a minority of women participating voluntarily in social welfare activities outside their homes, particularly in the cause of women’s education, welfare of the weaker sections in society and relief to distressed persons. A still smaller group participated in the revolutionary movement. The early twentieth century saw the birth of women’s organizations and the beginnings of the demand for political rights. In 1917, a deputation of Indian women led by Shrimati Sarojini Naidu presented to the basis of equality with men. The Reforms Act of 1921 extended the franchise only to wives who had property and education. The foreign rulers could not believe that Indian society would ever regard women as equal partners of men. Nor did they regard women as a separate political force.

In sharp contrast to such attitudes was that of Mahatma Gandhi. He had declared himself to be uncompromising in the matter of women’s right. He believed that women had a positive role to play in the reconstruction of society, and that the recognition of their equality was an essential step to bring about social justice. He had
equality was an essential step to bring about social justice. He had also extended his continued and unqualified support to the enfranchisement of women. This, added to the massive participation by the women in the Freedom Movement, had a direct impact on the political and social elite, including women of these classes. In 1930, a meeting of representative women’s origination demanded immediate acceptance of adult franchise without sex discrimination. Though rejected by government, the Karachi session of the Indian National congress in 1931 accepted to demand and committed itself to women’s political equality, regardless of their status and qualifications. This promise was redeemed after independence, when the constitution pledge the nation to the principles of equality and dignity of the individual, and proclaimed the fundamental right of women to political and legal equality and guaranteed non-discrimination in employment and office under the state.

In examining the impact of these rights in the years since independence, our basic position is the same as that of Mahatma Gandhi who looked upon them as instruments for achieving general equality of status and opportunities and social, economic and political justice. We also propose to use three main indicators to assess the political status of women, viz, (1) participation in the political process as voters and candidates; (2) political attitudes such as awareness, commitment and involvement in
Politics and autonomy in political action and behaviors; and (3) their impact on the political process.

I. PARTICIPATION AS VOTER AND CANDIDATES IN ELECTIONS:

Election statistics indicate a general trend of increase in the turnout of women voters. Their percentage increased from 46.6% in 1962 to 55.4% in 1971, when there was general decline in participation of all voters. The difference between percentage turnout of men and women voters declines from 15.4% during this nine year period. The states of Orissa, Bihar, Madhya Pradesh, Rajasthan, Uttar Pradesh and Himachal Pradesh which are generally known for the education's and social backwardness of their women have had persistently low women voters during elections. While states with a high literacy rate show a higher mobilization of women, it is not possible to establish a similar correlation between education or economic development and exercise of franchise by women.

Patterns of political behaviors from different regions indicate influences of various inter-related factors such as the social status of women, their economic position, the cultural norms and the overall regional outlook towards women's participation in the wider society.

In the case of candidates, the difference between men and women is much sharper. For the Lok Sabha, only 17% of the total
seats were contested by women in 1971, the highest so far. As compared to the total number of candidates, women have never exceeded 4%. Interestingly enough, the maximum number of candidates are found in Uttar Pradesh, Bihar and Madhya Pradesh where the general mobilization of women voters has been consistently. This indicates that there is no correlation between the level of women's participation and the selection of women candidates. Punjab, where women voters have outstripped the men in the urban areas, had an extremely poor number of candidates. Kerala and Maharashtra with high level participation show a slow increase in the number of candidates over the years, and West Bengal a sudden one in 1971. But the most visible trend is of stagnation or even decline in their number in most states, Karnataka, which is not backward state, did not put up a single women candidate in three of the general elections, and only one in the other two, women in Manipur, Andhra Pradesh, Tamil Nadu, Karnataka and Orissa were extremely vocal in criticizing the political parties for not sponsoring women candidates. In their view, the small number of candidates represented not the aspirations of women, but the indifference of political parties.

Apart from election data, our discussion with different groups of women lead to certain general conclusions:
1. The steady increase of women voters at each election show that the response of women to the political rights conferred on them by the constitution is improving. Keeping other things equal, development of literacy, and mass communication may help to draw an even larger number of women into the political mainstream.

2. While there has been substantial number of new entrants among women candidates, a large number of the older ones have also dropped out from active participation in politics. Where these come from families with long political traditions, such dropout indicates a degree of disillusionment with the political process.

3. Muslims and tribal women show a lower level of participation, both as voters and as candidates, although there are exceptions to this rule. Our survey of Muslim women indicates that a large number of the respondents and also voted in the previous election. We also met terrible women in Trapper, Meghalaya and Bastar (M.P.) who, though not formally educated took a keen interest in politics and participated regularly.

4. Women of the intermediate and schedules castes have a higher participation rate. We met many women from there
communities in village in different states and found them demand to participate in elections.

5. Rural urban difference in voting participation women is narrowing down, though the belief in the low participation of rural women still remains widespread. Our investigation indicate that urbanization does not have much influence on women's participation in politics. On the other hand, urban, women, particularly those from the middle classes, plead that domestic duties prevent their participation.

6. Awareness of the power that the right of franchise gives to them is far more widespread among than is generally believed. We found evidence of this even among Muslim, tribal and Schedules Caste women in village of Madly Pradesh, U.P., and Tripura. Most of these women were also aware of the reasons for the secrecy of the ballot and observed that this permitted them to exercise their independent judgment in voting.

7. There is a general feeling that political parties have neglected their task of politically educating and mobilizing women adequately.

8. The majority of women candidates come from relatively well-to-do families, with a sprinkling of members of old princely
houses. Most of them are educated through the levels of their education vary. A smaller group comes from families with fairly long traditions of political activity. Consequently they are more particulate and have continues in the struggle for power for a longer period. The larger group are new entrants, with no previous political experience; and their entry into the political area has been through elections only.

9. Factors which deter women active participation in politics are: the increasing expense of elections (this constitutes the biggest handicap, as the majority of women do not command any independent means); threats of violence; and character assassination. The two latter factors have increased recently and have also prevented many women from contesting elections.

II. POLITICAL ATTITUDES:

Levers of political awareness of women vary from region to region, class to class, and community. They are conditioned greatly by the political culture of the area, the approach of political parties to women, and the quality of the local leadership. We found that the influence of education, urbanization, and exposure to mass media is not always uniform. While literacy seems to have a direct influence on both awareness and participation, the relationship between and
earns does not always extend to participation. Political awareness of women also does not differ significantly between urban and rural areas.

On the whole, working women, including professional, have greater awareness but this is not always reflected in participation. Nor is there any positive relationship between higher socio economic status and political awareness. Some of the studies initiated by us revealed that political awareness is less among women in the higher income groups, who have a negligible interest in politics, though many of the women legislators come from well-to-do families.

The influence of husbands on women exerting their right of franchies seems to be on the decline. In rural areas, the influence of village elders is still strong, but there are significant exeptions to this rule. In spite of such changes the differences in the level of political information and understanding between men and women still continue, mainly due to the indifference of political parties to women. Women's organizations and pressure groups have also failed to provide political education to women.

There is some evidence of disillusionment among women with the political process, partly because of the prevalence of corruption and inefficiency in political circles, and also because women feel that politics has not solved the problems which affects their daily lives.
About 42% of women interviewed in a study supported revolution for social progress as opposed to the ritual of election. The majority felt that the greatest problem before the country were unemployment and poverty, rising prices, corruption, and breakdown of law and order.

Our investigation if different states indicates one common trends that women are more concerned with problems that affect their day-to-day- lives. They have shown themselves ready to protest against rising prices, adulteration of food, unemployment, and poverty. The unity between political, economic and social issues that characterized the freedom movement was one of the causes for the high degree of women’s participation. The absence of a similar movement in the period after independence and the device between social problems that affect women directly and the political process has been one of the major causes for lower participation of women in politics in recent years.

III. IMPACT OF WOMEN ON THE POLITICAL PROCESS:

Women’s participation in politics has not been reflected in their record of success at elections. The number and percentage of successful women candidates for the Lok Sabha has been declining steadily from 33 (50.6%) in 1962 to 21 (25.9%) in 1971. The sharp decline in 1971 is due to the increase in the number of independent
women candidates most of whom were defeated. The increase in independent candidates was mainly due to the failure of the parties to sponsor an adequate number of women. It has generally been found that the success of women candidates depends upon party backing, the campaign strategy adopted and the personality including the family background of candidates. Since 1952, 212 women have served in the Lok Sabha, and 83 in the Rajya Sabha. In the state legislatures, the most significant trend is either a decline or stagnation in the percentage of successful candidates.

ROLE OF WOMEN ELITE:

Women leaders in the period immediately after independence were mostly veterans from the freedom struggle. They had also worked in the movement for women's welfare and development, were spokesmen of the women's cause in the representative bodies, and played an important role in mobilizing public opinion in support of the social legislation that changes the legal status of women within the first few years after independence. Some of them also helped to shape the politics and the programmes for women's development that were taken up by government at that time. Most of these leaders, who had attained a national stature during the freedom struggle, became members of the central Government of parliament. In states, a new generation entered politics. Our investigations suggest that while experience of social work among women is still
suggest that while experience of social work among women is still considered a qualification for candidates to local bodies, it has ceased to be so for entry to the legislature. We were informed by political workers that politics at the state level seldom reflects social differences at present. The women involved in state politics mostly come from the economic and political elite of states and enter the representative process, more because of support within a party, rather than through work among the people.

Women from the minority among the party workers. When elected to the legislature, they see their role as representatives of the people with no special responsibility to women. In earlier years, their championship of women's causes was concerted, cutting across party lines. In recent years, however, women legislators have not shown such concern or interest in problems that affect women specifically. This criticism was voiced by many women outside the circle of active politicians. Debates and discussions in the legislative bodies have given very merge attention to women's problems.

We are of the view that the political elite of the country, of both sexes, has perhaps come to believe that the problems of women had practically been solved with the legal and administrative measures adopted in the first few years after independence's. The very articulate debates of earlier years on women's problems, in which women members played a major role, have not been repeated since.
women members played a major role, have not been repeated since. The absence of an active women’s movement and the failure of political organizations to mobilize women for the solution of their problems have prevented women from exerting adequate pressure on political institutions. The small number of women in the legislatures and their lack of position in the decision-making bodies within the parties have limited their capacity to voice women’s problems in these institutions.

**POLITICAL PARTIES AND WOMEN:**

The election manifestoes of the political parties agree that women constitute a backward section of the society to whom special privileges have to be granted to bring them at par with men.

1. The Indian National Congress whose recent manifestoes have emphasized development of education and employment opportunities for women has been sponsoring the largest number of women candidates at all elections, but has still failed to reach its repeatedly stipulated target of 15%. In spite of a woman being the undisputed leader of this party, women’s position in the party hierarchy is not particularly impressive. Though the working committee contains three women out of a total of twenty-one and two out of four General Secretaries are women, it is evident that, without pressure from the working
committee, party committees in many states would exclude women. Women workers in the party complain of denial of opportunities to develop or demonstrate their organizing ability and of neglect of women's demands by the leadership.

2. The communist party of India believes that women can be fully liberated only in a socialist system. They must play a role in bringing about the social revolution. It has, therefore been demanding equal pay for equal work and removal of all restrictions and discriminations against women in employment, inheritance of poverty, education and social laws. The party claims that 5% of its members are women. The national council of the party with a membership of 110 has four women members. Their representation on state bodies of the party is, however, uneven. The party's representatives emphasized the removal of economic dependence and poverty to enable women to enjoy their legal rights, and argued that, without full participation in the process of social production of jobs in selected industries, free aid, and greater educational opportunities it will be difficult for women to achieve the equality to which they are entitled by law.

3. The communist party of India (M) holds similar views regarding women and is critical of the poor progress in the field of women's welfare since independence. The nation cannot
women's welfare since independence. The nation cannot progress if its women remain in their present conditions as victims of obscurantism customs and prejudices and with limited opportunities for development. Women constitute about 1% of the party's membership with one woman out of a total of thirty-one members in the central committee. Their representation on state committees varies according to regions. The representatives of the party emphasized the need for economic independence without which women as good a private property of men. The growing problem of rural unemployment with increasing landlessness and decay of village industries threatened the security and status of women in these areas, and made them unable to enjoy their constitutional and legal rights, even more than urban women. The party suggests mass employment and mass education (including the education of women about their emancipation), inclusion of the principle of equal pay for equal work in the fundamental Rights, and equal shares of land job facilities for peasant women as necessary steps to achieve genuine equality for women.

4. The Bhartiya Jana Sangh supports advancement of women and special steps to remove their social and educational disabilities, without any change in the traditionally established
principles of social organization. The Central Executives of the party has five women and the All India Council eight-three. The constitution of the various committees of the party provides for inclusion of one or more women though it has been found difficult to meet this target at the level of local committees. The party's representatives emphasized the need to increase political participation and consciousness of women since the conservation of women presents a obstacle to their development. They criticized the use of female figures in advertising and the image of women projected by other mass media as derogatory to women's status.

5. The Indian National Congress (O) promises to implement the constitutional guarantees and directive principles of state policy regarding women. Out of a total membership of twenty-eight in the working committee, two are women (one of them is the General secretary). The 20% quota reserved by the party for women candidates has not been filled due to decline in political interest among women and in members seeking nomination. In the opinion of the party's representative, economic backwards candidates.

6. The socialist party believes the women still suffer from social inequalities. The party's representative emphasized the ignorance and indifference of women regarding their legal and
ignorance and indifference of women regarding their legal and constitutional rights. A determined effort has to be made by social workers to remove this difficulty. Government and other institutions should educate men and women against outmoded traditions and superstitions. The women’s front of the party has adopted a character of women’s rights, demanding free education, vocational and technical training part-time employment, uniform civil code, social mobilization against dowry and greater scope for women in elections and party organizations.

POSITIONS IN GOVERNMENT:

Though only a few women reached the highest level of power and authority, those who did so have been recognized for their administrative skills and capacity to manage their own affairs. Since 1952, thirteen women have served the Union Government as Ministers and several have served as Chairmen of both parliament. Many have been members of standing and ad hoc committees, in states, two women have been Government, two Chief Ministers, one speaker, and one Deputy Speaker. Though few have held Cabinet rank, women have held office in most of the states. Compared to their overall number in the legislature, the number of women holding offices was not low.
EFFECTIVENESS OF CAMPAIGNS TO MOBILIZE WOMEN:

Though women constitute nearly 50% of the electorate, the experience of all the general elections proves that they are not aware of their strength nor has this source been adequately tapped by any political party: There has not been and bargaining on the part of organized women with political parties for their support, except in Jammu. The parties generally tend to seek the support of the male active heads of families exporting that their wishes would prevail with the women, particularly in rural areas. In larger cities, some attempt has been made to active women voters, making specific promises to them and using a house-to-house approach.

A month the non-political organizations, the most important are the All India Women's Conference, the National Council of Women in India, the Bharatiya Grameen Mahila Sangh, and the National Federation of India women. The first two are mainly deliberative bodies and have concentrated more on welfare and realer activities. The Bhartiya Grameen Mahila Sangh works among rural women and has been active in rural development. The National Federation aims to raise the political and social awareness of women and has been mobilizing women's protest against such issues as rising prices, hoarding, and adulteration. All these organizations admit that they have not been fully successful in carrying the message of their new rights to all women in the country.
have not been fully successful in carrying the message of their new rights to all women in the country.

While women leaders in the trade union movement have played a major role in bringing about changes in labour laws to provide protection to women, most trade union admit that they have not made many efforts to mobilize women to assert their legal and constitutional rights. Whenever these organizations have worked together to defined the rights of women, however, their influence as pressure groups has been fairly effective. They played an important role in the enactment of social laws after independence.

We find that, in spite of increase in participation, women's ability to produce an impact on the political process has been negligible. Parties have tended to see women as appendages of the male. Among women, the leadership has become diffused and diverse, with sharp contradictions in their regard and concern for the inequalities that affect the status of women in every sphere social, economic, and political. The revolution in status of women for which constitutional equality was to be only the instrument, still remains a very distant objective. While the position of some groups has changed for better, the large masses of women continue to lack spokesmen in the representative bodies of the state. Though women do not constitute a minority numerically, they are acquiring the features of one by the inequality of class, status, and political power.
features of one by the inequality of class, status, and political power. The chasm between the values of the new social order proclaimed by the constitution and the realities of contemporary Indian society as far as women's rights are concerned remains as great as at the time of Independence.

The right to political equality has one enabled women to play their role as partners and constituents in the political process, because Gandhiji's message to treat political rights, not as an end, but only as a means has been forgotten. Instead, these rights have helped to build an illusion of equality and power which is frequently used as an argument to resist special protective and ameliorative measures to enable women to achieve a just and equal position in society. In spite of special power provided by Article 15(3) of the constitution, almost no efforts have been made to redress the unequal status of women in different spheres. The fact that the country has been ruled by a women for the past nine years is not an indicator of the rural status of women in this country. Though men recognize and advocate the desirability of giving equal opportunities to women in economic and political spheres, the norms and attitudes regarding women's role in society remain traditional. In this sense, the new rights provided to them seem to be only members of the other.
At the level of municipalities, the principle of reservation of seats for women is already prevalent in certain states. This may be adopted strictly by all states as a transitional measure. In addition, permanent committees may be constituted in municipalities to initiate and supervise programmes for women's welfare and development.

Political parties may adopt strictly with strong political will a definite policy regarding the percentage of women candidates to be sponsored by them for election to parliament and state Assemblies. Though they may initially start with 30%, yet may be gradually increased so that, over time, the representation of women in legislative bodies has some relationship to their position in the total population of the country or the states.

Women may be included in all important committees, commissions, or delegations that are appointed to examine socio-economic problems.

WOMEN AND LAW:

The focus of this is on laws passed in India from time to remove the legal disparities from which the Indian women suffered. The first part of the chapter deals with major laws passed by the British Government in India before 1947. After the country's independence, it became the responsibility of the Government of India to bring Indian women legally at par with Indian men. The
second part deals with the codification of Hindu laws that came up as the Hindu code Bill and number of other laws passed during 1947-1991. The third part deals with the implementation of these laws, the need for legal awareness and legal literacy and how implementation can be made effective.

The first law passed to improve the position of women in society was the abolition of sati in 1829. The Chapter seeks to examine all the laws passed for Indian women from 1829 to the present period.

The British had come to India with the establishment of East India Company is 16000. They came initially to trade, but later began to control it politically. They were aware of the social evils like female infanticide, Child marriage, prudish, polygamy, devdasi system, sati - these had gradually crept into the Indian society and realised that these inhuman practices were responsible for the sufferings of women. They took some time to pass laws against some of the social evils because they wanted the support of Indians as well. They had the support of Indian social reformers like Raja Ram Mohan Roy, Iswar Chandra Vidyasagar and many others. The following laws were passed.

a) Law against Sati in 1829 - Sati was legally abolished. Burning of widows was considerably checked. Lord William Bentick
helped in legally abolishing it Raja Ram Mohan Roy reinterpreted the Vedas Shastras, motivated the public opinion in its favour and continued fighting the appeals and partitions from the orthodox Hindus against of Sati till his death.

b) Widow Re-marriage Act in 1856 - widow re-marriage was legalised. Very few re-marriage were solemnised as our orthodox section of the people found it difficult to accept such a phenomenon.

c) Abolition of female infanticide in 1897- It made registration of every birth and death with the municipalities compulsory.

d) Age of consent bill in 1891 - child marriage had become an accepted norm. A large number of child brides were dyeing because of early consummation of marriage and child birth. A group of doctors, reformers and motivated people worked to raise the age of marriage for girls. This could not become an Act due to an unending heated debate. However, this was passed later in 1929 as child Marriage Restraint Act, popularly known as the Sarda Act. This was later amended in 1976. It raises the age of marriage for girls from 15 to 18 years and for boys form 18 to 21 years. The offense under this Act has been made cognizable.
e) Codification of Hindu Laws began in 1941 with the appointment of Rau Committee.

It is important to point out here that with the law against Sati, the evil was surely but gradually being checked. The number of satis did go down. The same holds true for the law that made registration of all births and deaths with the local municipal corporations compulsory. This as pointed out by O'Mally, to great extent, checked female infanticides. The only law that had very little impact was the widow re-marriage Act, both before and after independence; widow re-marriage still carries with it a social stigma. Even the child Marriage Restraint Bill registered a very negligible support in the Indian society nonetheless, it did create, in a very limited way, an awareness of the health hazards that the girl brides and girl mothers faced.

Meanwhile social reform movements like the Arya Samaj and the Brahmo Samaj were taking up questions of girls' education, widow marriage and any other issues with the purpose of raising the status of women in India. At the same time, Indian women were fighting for their country's freedom and they themselves had begun to demand women's education (1917) and voting rights (1933). They also took an initiative by starting an agitation for the appointment of a commission on the legal disabilities of Indian women, particularly those of Hindu women with respect to inheritance and divorce.
commission on the legal disabilities of Indian women, particularly those of Hindu women with respect to inheritance and divorce.

After 1947, it became the responsibility of the Indian Government to remove legal disparities on the basis of sex. Nehru wanted to introduce legal changes so that women could be equal to men before law. He also felt that it was because of woman's total economic dependence on her family that she was not respected. He, therefore, thought of women's share in their parents' property. It was at Nehru's initiative and the determination of a strong Law Minister, Ambedkar, that the Hindu code Bill was introduced in parliament.

While the codification of Hindu Laws was being discussed in parliament, there was better opposition to it not only from the members of the option but also from the congress members.

The President was against the Hindu code Bill. It was for these reasons that the Bill was split up and then passed during the year 1955-56.

The laws passed in favour of women after 1947 are:

a) Special Marriage Act (1945)
b) Hindu Marriage Act (1955)
c) Succession Act (1956)
d) Hindu Minority and Guardianship Act (1956)

e) Adoptions and Maintenance Act (1956)

The other important laws passed during the contemporary period are as under:

a) Suppression of Immoral Traffic among Women (1956) amended twice in 1978 and 1986. It prohibits trafficking in women and girls for the purpose of prostitution as a means of livelihood. The Act has been amended twice to make the penal provision more effective.

b) Laws for protection of women working in factories, mines and plantations (1960-61).

Coming to labour laws, especially in regard to women in India, the Laws passed can be broadly categorized as:

i) Wages

ii) Social security

iii) Welfare

iv) Working conditions

v) Industrial relations
I) **WAGES:**

a) Minimum wages Act (1948)  
b) Payment of Bonus Act (1965)  
c) Equal Remuneration Act (1976)

ii) **SOCIAL SECURITY:**

a) Employee's State Insurance Act (1948)  
c) Payment of Gratuity Act (1972)

iii) **WELFARE MEASURES:**

a) Beedi workers' Welfare Fund Act (1976)  
b) Coal Mines Labour Welfare Fund Act (1947)  
c) Iron Ore and Manages Ore Mines Labour Welfare Act (1976)

The Anti Dowry Act (1961) was amended twice, in 1984 and 1986. Along with this was formulated the Indecent representation of
women (prohibition) Act (1986). Taking and giving and dowry was declared illegal.

Medical Termination of pregnancy - MTP (1971). The Act legalise abortion by a qualified doctor on humanitarian and medical grounds. This is primarily as welfare measure to protect the health of women though it has also a family planning aspect. Women can now have induced abortion through qualified doctors. The service is free in public hospitals. Since the inception of this programme in April 1972, 2.23 million termination's were reported upto september 1981.

In regard to the central Government employees, the central service leave rules, 1972 apply to them. A woman employee is entitled to 90 days leave with pay from the date of delivery.

Equal pay for equal work (1976). The Government has passed this to ensure that women employees get wages equal to their men colleagues. Unfortunately, its implementation has been very difficult. All surveys point to its non-implementation.


Although sati had been abolished in 1829, it was from the 1960s onward that one again began to hear of women committing it; the 1970s and 1980s too witnessed women committing sati. If one
went by numbers, the maximum of cases during the three decades may not have been more than 50. But after the Diorama Case of Roop Kanwar in 1987, what worried the government and the people was not as much the ritual—more than anything else it was its glorification that was considered dangerous. Had it not been checked, it would have amounted to the coming back of a social evil that had been abolished more than one hundred and fifty-eight years age.

**PROPOSED:**

1. Central Legislation to ban amniocentesis. In August 1991 parliament announced its decision to make a law soon to this effect.


Undoubtedly a large number of laws have been passed for the benefit of Indian women—yet one observes that the crime against women is on the increase. The number of rape cases is going up, the number of dowry deaths is going up, 558 in 1985, 13,630 till 1991. The number of female foeticide and infanticide is going up. Sati has also been reported as late as 1987. Despite so many laws, the status of women in India has not enhanced as was expected.
As early as 1959-60 when the dowry prohibition Act was being considered, it was stated in parliament that the remedy to the problem was wide social consciousness and than no amount of punishment can remedy the evil unless social consciousness revolts against it every time and on every occasion. Laws can only act as a catalyst for social change - change in attitude towards women is very important. Even in 1990, one would agree with the observations of the committee on the status of women in India that “there is hardly any evidence of social consciousness in the country today” and that the educated youth is grossly insensitive to the evil and unashamedly contributes to its perpetuation.

Yet the community can play a major role in the process of internalisation. To support this concept, two examples are given. the first deals with the positive impact of community pressure and how it checks the problems of women. The second example supports the thesis that if a family commits crimes against its women, complete social boycott by the entire community makes it difficult for that particular family to survive and at the same time it serves as a wring to others.

Khatris are a prominent community in Mandi (Himanchal Pradesh). They marry their girl within their community in the city itself and although there may be problems of various kinds in this kind of an arrangement but as far as the status of married women is
an arrangement but as far as the status of married women is concerned- it is wonderful as one never hears of women being harassed by in-laws, demands for dowry, restrictions from in-laws on visiting parents. One could observe during discussions that if such a case ever came up, it would be negatively taken note of by the Chatter community and then it would surely exert pressure to check future harassment. (May stay in Mandi 1970-71 gave me an opportunity to interact with them. Later I had discussions with Dr. Klaus Hesee, a German Scholar, working on the Khatris of Mandi)

HOW TO IMPLEMENT LAW: STRATEGIES FOR ACTION:

There are a large number of laws for women are being amended and new laws continue to be made. India perhaps has the largest number of laws for women. The government has taken a lot of interest and shown a lot of concern for women and women's issues. What is now needed is that the government, parliament, the advocates and judiciary interpret laws in favour of women. In this connection mentioned must be made of the judgments of Justice Aggarwal, Additional District and Sessions Judge, This Hazari. His landmark judgments have far-reaching consequences leading to amendments in law in favour of women. He was the first to give a life sentence to a rapist. He has pronounced as many as 40 life sentences and three death penalties to those found guilty of committing crimes against women. Although not all his judgments
committing crimes against women. Although not all his judgments were ratified in higher courts, they stirred up debates on women’s issues leading to amendments in law. In May 1983, he pronounced death sentences for in-laws of Sudha, a pregnant young bride burnt to death in Delhi just a week before she was due to deliver the baby. While the case was overruled by the High Court, it was taken up by women’s organizations—this resulted in an amendment of the law six months later, squarely putting the on us of proving their innocence on us of providing their innocence on the in-laws of the bride if the bride died within seven years of marriage. In the rape case Aggarwal’s judgment was upheld by the High Court in 1985, while earlier in 1984 the law was again amended in India for the first time prescribing life sentence for a rapist. The community will have to do the same to internalise the interpretation of laws in favour of women. The community in particular and society in general need to urgently and earnestly address themselves to women’s issues. As rightly observed by Justice Leela Seth: “Women are self-affecting even if laws empower them”. Laws alone are not sufficient. There must be strong social sanctions behind those laws.

There is a definite need to analyse the laws and their weak implementation to actually find out as to where the difficulty in implementation lies. When an attempt is made, it would be revealed
that absence of support from the families/community has definitely been responsible for weak implementation of laws.

Dissemination of updated information on laws through newsletters, pamphlets, posters will prove to be useful to girls/women. Simple posters could be displayed in all schools, colleges, universities and offices (both in English and the regional language of the area) with bold heading like ‘Do you know’ or ‘you Must Know’. These must very simply display information on laws. This will create an awareness among the teachers, students, parents and the public. In order to ensure that more girls/women benefit from laws, similar posters could be displayed at all public places - hospitals/ dispensaries, PHCS, post offices, banks, libraries, offices, of Mahila mandals, Education officers. Once the dissemination is done it has to be updated each time a new law is made or an amendment is carried out. This would help in demystifying laws as legal information would now be available and accessible. It is very important that support is provided to girls/women by community/court. There is already a law for it. Girls/women in end must receive free legal aid. It will also help girls/women if links are created among women who are involved in common struggles. The community, and the NGOs must work together to organize meetings and workshops on women and law and work out strategies for providing free legal aid. Both the community and the NGOs must
have a social binding on them for taking up women's issues seriously and genuinely. Some of the issues could be:

1. Amniocentesis/infanticide
2. Dowry demands/dowry deaths
3. Compulsory education of girls
4. Helping women in distress:
   a) ill-treated by husbands/families
   b) ill-treated by sons, daughters-in-law
   c) young windows - help them with income generating schemes, in educating their children with scholarships and later in getting.

Short-term sensitization and orientation programmes should be organised for teachers, teacher educators, police officials, community leaders, leaders of a village or any locality (both men and women) on How to help women in legal situations. Literature on legal literacy will have to be prepared for use of trainers - this could be prepared by a group of men and women with the help of legal experts.

To ensure that laws actually help women, it is important that women themselves become aware of their rights, the families and
To ensure that laws actually help women, it is important that women themselves become aware of their rights, the families and the community help in the internalization of laws and the legal aid for women in the courts become more effective.

This is the reason that panchayati Raj a success educated youth and women may came forward and pick up the challenge of taking society form darkness to light.

**SOCIO-CULTURAL DETRIMENTS:**

The socio-cultural determinants have already been discussed in detail in chapter -III in two parts:

**GOVERNMENT COMMITMENTS POLICIES & PROGRAMMES:**

Women of India representing 48.3 per cent of the total population today, are at the cross-roads. A large number of Indian women slowly emerging out of a system that had oppressed and exploited them for centuries. Today they have pervaded every conceivable sector of the national activity and have left their indelible impressions in various fields which have so far been considered as the exclusive rights of men. But this is only one side of the coin. In our cities and villages, majority of women still suffer from drastic inequalities, despite receiving constant attention of both planners
and policy makers. Their lie at home and outside still remain extremely arduous monotones and draudgrous anti cultural India.

The programmes for the development of women have been taken up right form the first five year plan. The central social welfare board, set up in 1953 undertook a number of welfare measures throught the voluntary sector. In the second five year plan, women were organised into Mahila Mandals. The Thirid and fourth plans accorded high priority to women’s education. Measures to improve maternal and child health services, supplementary feeding for children and nursing and expectant mothers were introduced. The fifth plan supported economic development, and training for women’s the principle focus for their socio-economic development. The sixth plan taking into consideration, the report of the committee not he status of women, had in its basic education and employment.

In the seventh plan, the multidisciplinary approach, evolved during the sixth five year plan was continued. In addition, efforts were stepped up to inculcate confidence among women and to bring about an awareness of their own potential for development and also their rights and privileges. A significant step in this direction was the identification of the beneficiary-oriented programs in different development sectors which provide direct benefits to women. There were 27 such beneficiary schemes.
programmers of maternal and child health priority during this period. Primary Health sub-center for a population of 5,000 are being provided through multimedia activities by medical and paramedical field. Camps were organised exclusively for th consciousness among them. Mass activities were geared up to promote and the age at marriage, child survival, delayed seventh plan, all the districts are targeted to ation. Expectancy of life for females is of males for the first time. The sex-ratio since 1901 to 1971 has shown a slight techniques of sex determination of foots led to disturbingly high proportion of troyed in various cities and towns. A bill for nation tests only for medical reasons is in have been taken for promoting women's egy for education is a district orientation in lity and employment. Motivation-centred outs to promote self-confidence and self-
programs with special inputs to promote self-confidence and self-sufficiency among women have been stressed. School text books are being reviewed to remove the sex bias. Women's Development centers have been set up in a number of colleges to bring about social awareness about women's issues and to focus their efforts on the rural women, particularly those belonging to scheduled castes and scheduled tribes. Special cells are being set up in the state directorate of Adult Education and state resource centers to plan and administer women's programme and to encourage their participation in the condensed courses organised by the central social welfare board. Despite all these programmes being in action, yet the rate of female literacy as per 1981 census stands at 24.82 per cent as against the male literacy of 45.89 per cent. Similarly, while dropout rate amongst girls at primary level was 50.3 per cent the same for the boys was 45.8 per cent.

Regional vocational training institutes providing training facilities in the basic, advanced and instructional level skills for women have been set up. About 230 Tit's have been set up exclusively for women. As a result of these efforts employment of women in the organised sector, the public sector and the private sector has gone up substantially. However, there was significant rise in the number of women job seekers.
Apart from the other general programmes for upliftment where women are given priority, DWCRA (Development of women and children in rural Areas)- a group oriented programme is exclusively meant for rural women and children. The there is the scheme “science and technology for women” wherein identification and formulation of science and technology programmes providing opportunities for gainful employment to women, specially in rural areas, reducing drudgery in their live improving sanitary and environmental conditions etc. have been taken up.

The Eighth plan approach paper has sought to place emphasis on increased opportunities and improved conditions of employment and training for women be it in areas of self employment or in the service sectors. Maximum resources would be directed towards realizing the productive and creative energies of rural women so that they become equal partners in the socio-cultural transformation.

In the plan of Action of the National front Government announced by the Prime Minister at the beginning of 1990, it was said that a national commission with statutory powers would be set up to look into cases regarding efficiencies against women as well as serve as a mechanism to facilitate redress of grievances of women. A bill in this regard has already been introduced in parliament in 1990.
The National commission may be viewed as the culmination of the demands and aspirations of women's organisations for a body that will safeguard the rights of women. It will also look into the complaints and take summit notice of the cases involving deprivation of the rights of the women. The commission shall monitor the proper implementation of all the legislation made to protect the rights of women so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation. The commission will have all the powers of a commission of inquiry to summon persons and investigate cases of atrocities on women. Officials will be bound to cooperate with the commission in providing information and documents and those refusing or ignoring to do so will be punished.

The Government gives due recognition to the critical role that Trade Unions and the Mass media have to play in improving the status and conditions of women and would shortly be initiating measures to harness the scope of these towards this end. A high powered inter-ministerial coordination committee will be set up to review the progress of various programs and to advise the government in formulating necessary policies and programmes providing more and more opportunities for employment and training for women in the eighth plan. In these efforts women in the informal/unorganised sector will be given due recognition as
advocated in Shram a Shakti - the Report of the "national commission on self-employed women and women in the informal sector".

There is still a dearth of systematic training and professional approach to women's programmes regarding the awareness, organisation and enhancement of women's skill. What seems to be imperative in the present context is enhancement of women's economic skills and to improve opportunities and providing necessary support structures for them to be free from the drudgery of domestic horse. combating social evils also is critical for this development. This would were to bring about holistic development as advocated in the "National perspective plan for women".

In this effort, the government is making all out efforts to involve non-governmental organisations, experts and subject specialists, social workers, academic and research organizations, technical institutions, trade unions and above all women themselves so as to ensure optimal participation by all concerned and at all levels.

CONCLUDING REMARK:

In order to provide greater opportunities to women to actively participate in the decision-making process, it is imperative to recognize the true nature of the social inequalities and disabilities that hamper them. This can be best achieved by proving them with
special opportunities for participation in the representative structure of local government. The present form of associating women in these bodies, through co-operation or nomination, has become a kind of takes. The time has come to move out of this taken Provision to a more meaningful association of women in local administration, and to counteract the general apathy and indifference of the local bodies to women’s development and change of status. We therefore recommend the establishment of statutory women’s panchayats at the village level with autonomy and resources of their own for the management and administration of welfare and development programs for women and children, as transitional measure, to break through the attitudes that most women from articulating their problems and participating actively in the exiting local bodies. They are directly elected by the women of the village and have the right to send representatives to the panchayat Samitis and/or Zila parishads. A viable relationship with the Gram panchyatas may be maintained by making the chairman and secretary of both bodies.