APPENDIX

INTERNATIONAL CONVENTIONS AND EMPOWERMENT OF WOMEN

The U.N.Charter has cast a legal obligation on the U.N.O to promote respect for the principle of equality and observance of human rights\textsuperscript{522}. Likewise, the General Assembly of United Nations has recognised the need for the universal obligations of women’s right, regarding equality, security, liberty, integrity by its resolution\textsuperscript{523}.

The Universal Declaration of Human Rights, 1948, speaks on the equal status of women with that of men in their dignity and reputation. The World conference on women developed strategy to provide framework for action at the regional, national and international levels to promote gender equality, by providing opportunity for women. It is said that these conferences on women are mainly based on three objectives, such as equality, development and peace.

To fulfill the purposes stated in Articles 1, 2 and 55 of the Charter, the Declaration on the Elimination of Discrimination Against Women, 1967 was adopted, which finally led to adoption of Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979\textsuperscript{524}.

The U.N.General Assembly adopted the Declaration on the Elimination of Discrimination Against Women on 7\textsuperscript{th} November 1967. This Declaration was a precursor to the CEDAW, 1979. Some of the important articles are related to equal remuneration, equal rights in the fields of economic and social life.

\textsuperscript{522} Articles 55 and 56 of the UN Charter, 1945
\textsuperscript{523} UN General Assembly Resolution 34/180, dated 19.12.1979
\textsuperscript{524} UN Doc.No.A/Res/34/180
The Preamble to the Declaration states that despite various instruments, extensive discrimination against women continues to exist. It recalled that discrimination against women violates the principles of equality of right and respect for human dignity.

Article 10 of the Declaration directs that all appropriate measures shall be taken to ensure to women, married or unmarried, equal rights with men in the fields of economic and social life and, in particular,

5. the right, without discrimination on grounds of marital status or any other grounds, to receive vocational training, to work, to free choice of profession and employment, and to professional and vocational advancement;

6. the right to equal remuneration with men and to equal treatment in respect of work of equal value;

7. the right to leave with pay, retirement privileges and provision for security in respect of unemployment, sickness, old age or other incapacity to work; and

8. the right to receive family allowances on equal terms with men.\(^{525}\)

In order to maintain gender justice, considering various aspects, relating to women, the western law makers, thought it proper to prevent discrimination against women, on account of marriage or maternity and to ensure their effective

work to take measures (1) prevent their dismissal in the event of marriage or maternity; (2) provide paid maternity leave with guarantee of returning to former employment and (3) to make available the necessary social service, including child-care facilities. However, measures taken to protect women in certain types of works for reasons inherent in their physical nature cannot be regarded as discriminatory.

**DISCRIMINATION AGAINST WOMEN**

As per Article 1 of the convention, CEDAW, the term “discrimination against women” means any distinction, exclusion or restriction made on the basis of sex, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field.

**OBLIGATION UNDER CEDAW**

1. In pursuance of their obligations under the Convention, the State parties condemned discrimination against women in all its form and agreed to pursue by its appropriate means and without delay, a policy of eliminating discrimination against women and to this end undertook the following measures:

(a) To embody the principle of equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;
(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions, the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organisation or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices, which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

2. The State parties have also undertaken to take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.
3. The State parties undertook to take all appropriate measures

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or any stereotyped role of men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the bringing up and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

DECLARATION ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN, 1993

The Preamble of the Declaration on the Elimination of Violence against women, 1993 states that the declaration on elimination of violence against women is the first human rights instrument to exclusively deal with the issue of violence against women. It affirms that violence against women violates, impairs or nullifies women’s human rights and their exercise of fundamental freedoms.

Article 1 of the Declaration on the Elimination of Violence Against Women and the platform for Action from the Fourth World Conference on Women, both, define violence as:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts,
coercion or arbitrary deprivation of liberty, whether occurring in public or private life.

Thus, the Declaration gives a broad definition to the world “violence” and includes psychological harm inflicted on women.

Violence against women, according to Article 2 of the Declaration, would encompass but not be limited to

2. Physical, sexual and psychological violence occurring in the family including battery, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

3. Physical, sexual and psychological violence occurring within the general community including rape, sexual abuse, sexual harassment and intimidation at work in educational institutions and elsewhere, trafficking in women and forced prostitutions;

4. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Recognising rights of women, Article 3 lays down that women are entitled to the equal enjoyment and protection of all human rights and entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other filed. These rights include, inter alia :

1. The right to life;
2. The right to equality;

3. The right to liberty and security of persons;

4. The right to equal protection under the law;

5. The right to be free from all the forms of discrimination;

6. The right to the highest standard attainable of physical and mental health;

7. The right to just and favourable conditions of work;

8. The right not to be subjected to torture, or other cruel, inhuman or degrading treatment or punishment.

OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, 1999

The State parties to the protocol recalled the CEDAW (the Convention), in which the State parties thereto condemned discrimination against women in all its forms and agreed to pursue, by all appropriate means and without delay, a policy of eliminating discrimination against women. The States also reaffirmed their determination to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms, and to take effective action to prevent violations of these rights and freedoms.

Under this protocol, the States agreed on the following:

1. A State Party to the present Protocol recognizes the competence of the Committee to receive and consider communication submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a
State party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State party. Where a Communications is submitted on behalf of individuals or groups of individuals, this shall be with their consent, unless the author can justify acting on their behalf without such consent.

2. Communication shall be in writing and shall not be anonymous, or, if it concerns a State party to the Convention that is not a party to the present protocol, no communication shall be received.

3. All available domestic remedies have been exhausted before any communication is considered.

4. The Committee shall declare a communication inadmissible where:
   
   (a) The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;

   (b) It is incompatible with the provisions of the Convention;

   (c) It is manifestly ill-founded or not sufficiently substantiated;

   (d) It is an abuse of the right to submit a communication;

   (e) The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.

5. At any time after the receipt of a communication and before a determination on the merits has been reached, the Committee may transmit to the
State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.

Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.
LIST OF STATUTES AND REGULATIONS

1. EQUAL REMUNERATION ACT 1976
2. INDIAN EVIDENCE ACT 1872
3. MARRIED WOMEN’S PROPERTY ACT 1874
4. MINIMUM WAGES ACT 1948
5. NEGOTIABLE INSTRUMENTS ACT 1881
6. SPECIFIC RELIEF ACT 1963
7. THE CONSTITUTION OF INDIA
8. THE DOWRY PROHIBITION ACT
9. HINDU SUCCESSION ACT
10. HINDU WOMEN’S RIGHT TO PROPERTY ACT, 1937
11. PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005
12. HINDU WIDOWS’ REMARRIAGE ACT, 1856
13. MEDICAL TERMINATION AND PREGNANCY ACT, 1971
14. PRE-CONCEPTION AND PRE-NATAL DIAGNOSTIC TECHNIQUES (PROHIBITION OF SEX SELECTION) ACT, 1994
15. MATERNITY BENEFIT ACT, 1961
16. NATIONAL COMMISSION FOR WOMEN ACT, 1990
17. MUSLIM WOMEN (PROTECTION OF RIGHTS ON DIVORCE) ACT, 1986

18. DISSOLUTION OF MUSLIM MARRIAGE ACT, 1939

19. FAMILY COURTS ACT, 1984

20. DOWRY PROHIBITION ACT, 1961

21. IMMORAL TRAFFIC (PREVENTION) ACT, 1956

22. INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986

23. THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT, 2013.

24. COMMISSION OF SATI (PREVENTION) ACT, 1987

25. CHILD MARRIAGE RESTRAINT ACT, 1929

26. CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986

27. CHILDREN (PLEDGING OF LABOUR) ACT, 1933

28. COMMISSIONS FOR PROTECTION OF CHILD RIGHTS ACT, 2005

29. GUARDIANS AND WARDS ACT, 1890

30. HINDU MINORITY AND GUARDIANSHIP ACT, 1956

31. JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000
32. JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2007

33. GUIDELINES GOVERNING THE ADOPTION OF CHILDREN, 2011

34. NATIONAL CHARTER FOR CHILDREN, 2003

35. MAJORITY ACT, 1875

36. PROHIBITION OF CHILD MARRIAGE ACT, 2006

37. RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

38. RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION RULES, 2010

39. YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956