CHAPTER – III

CONSTITUTIONAL AND LEGAL PROVISIONS: REGARDING WOMEN EMPOWERMENT

The India polity more or less has always tried to cope with the contemporary need – based development of laws for the specified purposes. It may be in the field of Human Rights, Politics, Civil Rights, Constitutional Rights or Social Transfer. Still the judicially always inspires directly or indirectly to meet the challenges as per need, either by precedents, directions or suggestions etc. The Supreme Court in a case observed that “it is well accepted by thinkers, philosophers and academicians that if justice, liberty, equality and fraternity, including social, economic and political justice, the golden goals set out by the Preamble of the Constitution, are to be achieved; the Indian polity has to be educated and educated with excellence.

This is because the Constitution is not to be construed as a mere law, but as the machinery by which laws are made. The Constitution is a living and organic thing which, of all instruments has the greatest claim to be constructed broadly and liberally. The Constitution of India came into force in 1949. It contains a number of Articles which speak of women's rights. However, it recognizes pre-constitutional laws provided that they (like post-constitutional law) do not violate or infringe on any of the Fundamental Rights listed in Part III of the Constitution.1

The framers of the Indian Constitution were aware of the sociology of the problem of emancipation of the female sex. They also knew that sex-equality was crucial for national development. It was

1 Article 13; The Constitution of India.
evident that in order to eliminate inequality and to provide opportunities for the exercise of human rights and claims, it was necessary to promote with special care educational and economic interests of the women and to protect them from any social injustice and exploitation. With this aim in view the Constitution has done three things: first, the discrimination is prohibited on the ground of sex; secondly, it empowers the State to make special provisions for women with a view to enable it to take special care of women in the light of their peculiar physiological, biological and social position; and lastly, there are directive principles which give specific directions to the State to do certain things in relation to women.

PREAMBLE

The Preamble contains the essence of the Constitution and reflects the ideals and aims of the people. The Preamble starts by saying that we, the people of India, give to ourselves the Constitution. The source of the Constitution is thus traced to the people, i.e. men and women of India, irrespective of caste, community, religion or sex. The makers of the Constitution were not satisfied with mere territorial unity and integrity. If the unity is to be lasting, it should be based on social, economic and political justice. Such justice should be equal for all. The Preamble contains the goal of equality of status and opportunity to all citizens. This particular goal has been incorporated to give equal rights to women and men in terms of status as well as opportunity.

Political Rights

Even though the fact that women participated equally in the freedom struggle and, under the Constitution and law, have equal political rights as men, enabling them to take part effectively in the administration
of the country has had little effect as they are negligibly represented in politics. There were only seven women members in the Constituent Assembly and the number later decreased further. Their representation in the Lok Sabha is far below the expected numbers. This has led to the demand for reservation of 33% seats for women in the Lok Sabha and Vidhan Sabhas. Political empowerment of women has been brought by the 73rd and 74th Amendments which reserve seats for women in Gram Panchayats and Municipal bodies. Illiteracy, lack of political awareness, physical violence and economic dependence are a few reasons which restrain women from taking part in the political processes of the country.

Economic Rights

At hand there has been series of legislation conferring equal rights for women and men. These legislations have been guided by the provisions of the fundamental rights and Directive Principles of State Policy. Here again there is a total lack of awareness regarding economic rights amongst women. Laws to improve their condition in matters relating to wages, maternity benefits, equal remuneration and property/succession have been enacted to provide the necessary protection in these areas.

Social justice

For providing social justice to women, the most important step has been codification of some of the personal laws in our country which pose the biggest challenge in this context. In the area of criminal justice, the gender neutrality of law worked to the disadvantage of a woman accused because in some of the cases it imposed a heavy burden on the prosecutor, for e.g. in cases of rape and dowry.
Certain areas like domestic violence and sexual harassment of women at the workplace were untouched, unthought of. These examples of gender insensitivity were tackled by the judiciary and incorporated into binding decisional laws to provide social justice in void spheres.

Although a Uniform Civil Code is still a dream in spite of various directions of the Court, the enactment of certain legislations like the Pre-Natal Diagnostic Techniques (Prevention of Misuse) Act and the Medical Termination of Pregnancy Act prevent the violation of justice and humanity right from the womb.

In spite of these laws, their non-implementation, gender insensitivity and lack of legal literacy prevent the dream of the Constitution makers from becoming a reality. They prevent the fulfillment of the objective of securing to each individual dignity, irrespective of sex, community or place of birth.

**Fundamental Rights**

Part-III of the Constitution of India lists several fundamental rights which the State is obliged to respect and from which it cannot derogate. These fundamental rights have often been compared to the Magna Carta - the Charter of Liberties of Henry II and although they are enforceable, much like the Magna Carta, the mere fact that they exist does not mean much.

Gurney Champion felt so strongly about this lack of enforcement and implementation that in Justice and the Poor in England he drafted a bill to amend one of the greatest assertions of the Magna Carta: “To no man will we deny, to no man will we sell or delay, justice or right unless he
happens to be poor." It isn't be too much of a stretch to change the 'amendment' to unless she happens to be female. However, Justice Krishna Iyer had stated that Human Rights Jurisprudence has Constitutional status in India in the late 1970s itself (in the Sunil Batra case), and in the 1997 Vishakha case, the Supreme Court observed that 'the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facets of gender equality including the prevention of sexual harassment or abuse.'

Anatole France once commented that the law, in its majestic equality, forbids not only the poor but also the rich from sleeping under bridges and begging in streets. The interpretation and the understanding of the concept of equality have themselves changed since the time he made that remark though. Equal justice is a concept which can easily trace its origins to early Anglo-Saxon jurisprudence, and the equal treatment of equals is one of the fundamental principles of the Indian legal system today (although that doesn't mean that equals are actually treated equally).

K.K. Mathew has best explained about the right to equality. He says that the concept of equality does not imply that men are identical or equal in intelligence, strength, talent or in many other respect. As a moral principle, its meaning might be summed up thus: human beings are entitled to be treated as if they are equal on all matters important to them and matters really important to them are matters that are common to all men. He further observed, "To say simply that men are equal would raise a host of troubling issues. In any event it is quite evident that in

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ordinary use of the term men are very often unequal. What then can help a
person to make sense of the notion of equality? The notion belongs to the
sphere of values. It is used in moral judgments of the effect that equality is a good, that it ought in some cases to exist, and that this is so in spite
of the obvious ways in which men are unequal in strength, talent and intellect. The claim that men are equal is a claim that in fundamental respects, regardless of obvious differences between one man and another, all men deserve to be given certain kinds of treatment. They have a right of certain kinds of equal treatment in crucial aspects of their lives, though not in all." Since men are not equal, in some respects, legislation passed to make them equal with others are not considered to be violative of the equality principle. This is "protective discrimination". All legislation passed giving favourable treatment to a section of society, such as women, children, scheduled castes and tribes, economically and socially backward classes etc. are justified on the doctrine of "protective discrimination", justification being that unequals should be made equals.⁴

Article 14 and 16 (A) of the Constitution intend to remove social and economic inequality to make equal opportunities available. In reality the right to social and economic justice envisaged in the Preamble and elongated in the Fundamental Rights and Directive Principles of the Constitution, in particular Articles 14, 15, 16, 21, 38, 39 and 46 are envisaged to make the equality of the life of the poor, disadvantaged and disabled citizens of the society, meaningful.

Further the Preamble which is invoked to determine the ambit of both fundamental rights and Directive Principles as observed by the

⁴ Ibid.
Supreme Court in Various cases embraces all the new laws after make Constitution.

This reasons, why the Government organs owe origin to the Constitution and derive their authority from and discharge their responsibilities within the framework of the Constitution.

The Supreme Court in some cases held that the social justice enables the courts to uphold legislations to remove economic inequalities, to remove economic inequalities, to provide a decent standard of living to the working people and to protect the interests of the weaker sections of the society.

The democratic socialism aims to end poverty, ignorance, disease, and inequality of opportunity. This socialistic concept ought to be implemented in the true spirit of the Constitution. Article 14 is to be understood in the light of directive principles. Articles 14 guarantees equal treatment to persons who are equally situated.

Article 14 confers a right by enacting a prohibition which in form at least is absolute though practically this is not so because the doctrine of classification has been incorporated in it by judicial decisions.5 Das, C.J. observed that Article 14 combines the English doctrine of the rule of law with the equal protection clause of the 14th Amendment of the U.S. Constitution.6 The first question under Article 14 to be passed is: do the persons between whom discrimination is alleged fall in the same class? If so, the law is caught by the prohibition of Article 14. In the words of Shah, J. Article 14 ensures equality among equals; its aim is to protect

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persons similarly circumstanced, against discriminatory treatment; a person setting up grievance of denial of equal treatment by law must establish that between persons similarly circumstanced, some were treated to their prejudice.\textsuperscript{7}

Though the Article is in absolute terms, the doctrine of classification is inherent in it. By the process of classification, the State has the power of determining who should be regarded as a class for the purpose of legislation and in relation to a law enacted on a particular subject. This power, no doubt, in some degree is likely to produce some inequality, but if a law deals with the liberties of a number of well defined classes, it is not open to the charge of denial of equal protection on the ground that it has no application to other persons. Classification means segregation in classes which have a systematic relation usually found in common properties and characteristics. It postulates rational basis and does not mean herding together of certain persons and classes arbitrarily. Thus, Article 14 as interpreted by courts would run in some such words as these. "The State shall not deny to any person equality before the law or equal protection of the law provided that nothing herein contained shall prevent the State from making a law based on or involving a classification founded on intelligible differentia having a rational relation, to the object sought to be achieved by law."\textsuperscript{8}

Besides clause (3) of Articles 15, which permits special provision for women and children, has been widely resorted to and the courts have upheld the validity of special measures in legislation or executive orders favouring women. In particular, provisions in the criminal law, in favour of women, or in the procedural law discriminating in favour of women

have been upheld, Article 16 provides for the equality of opportunity to all citizens in matters of public employment. The phrases equality before the law and equal protection of the law has both been used in the Universal Declaration of Human Rights, 1948. The first is of British origin while the second appears in the American Constitution. In E.P. Royappa v/s State of Tamil Nadu,\(^9\) Justice Bhagwati explained the concept of equality as Article 14 of the Constitution contemplates it as follows:

"Equality is a dynamic concept with many aspects and dimensions and it cannot be 'cribbed, cabined and confined' within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in a Republic while the other, to the whim and caprice of an absolute monarchy."

The Supreme Court struck down the regulations which Air India had created in regard to pregnancy and retirement in Air India v/s Nargesh Meerza, 1981.\(^10\) Regulation 46 provided that an air hostess would retire from the service of the corporation as soon as any of the following happened:

- she attained the age of thirty-five years
- she married (if the marriage was within four years of service) or
- she became pregnant.

The Court held that the termination of service on pregnancy was unreasonable and arbitrary, that it interfered with and diverted the ordinary course of human nature, that it was an insult to Indian womanhood and that it violated Article 14.

\(^9\) AIR 1974 SC 555.  
\(^{10}\) AIR 1981 SC 1829.
In Revathi v/s Union of India, 1988, Section 198 (2) of the Criminal Procedure Code and Section 497 of the Indian Penal Code which disqualify a wife from initiating criminal prosecution against her adulterous husband and prevent the prosecution of an adulterous wife were challenged. However, the Supreme Court held that these Sections do not violate the right to equality and that they do not discriminate against women; they are not designed to enable spouses to use the provisions of criminal law against each other.

Articles 19 to 22 of the Indian Constitution deal with the right to freedom. There are a number of different rights which are listed in these Articles and not all of them are available to persons who are not citizens of India. Also, none of these rights is absolute.

Article 21 spells that no person shall be deprived of his life or personal liberty except according to procedure established by law. This Article if read literally is a colorless Article and would be satisfied at the moment, it is established by the State that there is a law which provides a procedure which has been followed by the impugned action. But the expression “procedure established by law” in Article has been judicially constructed as meaning a procedure which is reasonable, fair and just.

The right to life and the right to personal liberty in India have been guaranteed by a constitutional provision, which has received the widest possible interpretation. Under the canopy of Article 21 of the Constitution, so many rights have found shelter, growth and nourishment. An intelligent citizen would like to be aware of the development in this regard as they have evolved from precedents of courts.

The interpretation of the this right was broadened a great deal in

AIR 1988 SC 835
the 1978 Maneka Gandhi case\textsuperscript{12} in which it was held that Article 21 contemplates reasonableness, a just and fair procedure, and the concept of natural justice. In subsequent decisions, the Supreme Court went on to say that the Right to Life includes not just the right to be alive but also the right to live with human dignity.

This Article lays down that no person shall be deprived of life or personal liberty, except according to procedure established by law. This Article, hence gives a positive effect by judicial interpretation. This right is a fundamental right, enforceable against the State, and Judicial decisions have imposed, on the State, several positive obligation.

The Right against Exploitation is spoken of in Articles 23 and 24 which prohibit trafficking, Begar-a form of bonded labour - and the employment of children in factories although none of these prohibitions prevent the State from imposing compulsory service for public purposes.

The relevant provision in Article 23\textsuperscript{13}: The ideal of human dignity, which though pervades the entire constitution, has been laid in explicit terms in the form of this Article which prohibits traffic in human beings. Traffic in human beings means disposal by way of sale or hire or otherwise of human beings the same way as man does with the goods and chattels. In other words it means slavery which hardly poses any problem as such but another manifestation of the same evil is still prevalent all over the world, this is traffic in women and children for immoral purposes.

The Trafficking amongst women in India has been the evil since

\textsuperscript{12} AIR 1978 SC 597

\textsuperscript{13} Article 23
old times. Medieval feudalism brought down the position of women to a very low mark. Prostitution became rampant and is unfortunately spreading further as the unemployment increases. This is a delicate issue and needs close attention. Joblessness makes women an easy prey to this malady. A whole vicious 'trade' has come to establish itself with agents and all that; no need to repeat that women's dignity has been shockingly undermined. Parliament passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 for inflicting punishment on those who are engaged in the business of trafficking in women and girls for immoral purposes. The Act has come under challenge many times but courts have, in unequivocal terms held that the perusal of the Act showed that the acts made punishable under it were acts that resulted in traffic in human beings. The provisions of the Act were held to be validly enacted by the Parliament under Article 23 with Article 35. If there was a conflict between fundamental rights guaranteed under Article 19 (freedom to practise any profession...) and what was prohibited under Article 23 the prohibition must prevail over the fundamental right. Based on this principle, deportation of a prostitute was upheld. The court pronounced that even if the Suppression of Immoral Traffic in Women and Girls Act, 1956 violated the fundamental right under 19(1), (g), the prohibition of Article 23 must prevail.

These are the kind of cases that have come before courts and the constant consideration has been upholding the dignity of women. This has led to a conflict between fundamental rights and the prohibition of Article 23. The latter invariably wins.

Directive Principles of State Policy

The Directive Principles of State Policy are listed in Part IV of the Constitution. The provisions contained in this Part are not enforceable by any Court, but the principles laid down in them are nevertheless fundamental in the governance of the country and it is the duty of the State to apply them in making laws.30 And as Dr Ambedkar once pointed out, even though the Directive Principles of State Policy are not enforceable by Courts, if the Government does not follow them, it has to answer for not having followed them at the time of elections.

The principle of social justice finds its direct manifestation in these Articles. The relevant provisions here are 39(a), (d) and (e). Article 39 (a) among other things provides that the State shall in particular, direct its policy towards securing that all citizens, men and women equally have the right to an adequate means of livelihood. This Article has been described as having the object of securing a welfare state may be utilized for construing provisions as to fundamental rights.

The State to make provision for securing just and humane conditions of work and for maternity relief (Article 42) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (Article 46) The State to raise the level of nutrition and the standard of living of its people (Article 47)

Various laws have been passed by the Centre and States to achieve this directive. The main legislations are: The Equal Remuneration Act, 1976, The Maternity Benefit Act 1961, The Factories Act, 1948 and The Minimum Wages Act, 1948. The Equal Remuneration Act, 1976 that grants equal pay for equal work has been
extended to most of the sectors of work including plantations, agriculture, mines, construction etc. Factories Act 1948 seeks to provide for creches for children of women. Maternity Benefits are provided under the Employers State Insurance Act, 1948 and Maternity Benefit Act, 1961. These two Act are the manifestation of the directive of Article 42. Minimum Wages Act, 1948 guarantees that minimum wages to workers will be the small all over State. The detailed reference to these has been taken up in the next chapter under the head - Labour Law. All that can be said about these legislations is: the sex-discrimination is still rampant and the goal of equal treatment is far from attainment. A declaration has been made in the Sixth Five Year Plan document. It says, "The low status of women in large segments of Indian society cannot be raised without opening up of opportunities of independent employment and income for them."

**Fundamental Duties**

Part IV (A) of the Constitution deals with fundamental duties (forty second amendment). This amendment took place perhaps in a bid to emulate the ideals of socialist countries. The reason for introducing this part can be summarized as: The fundamental duties are intended to serve as a constant endeavour to remind every citizen that while the Constitution specifically conferred on him certain fundamental rights equally, the citizen is required to observe certain basic norms of democratic conduct and democratic behaviour also. While the Constitution confers certain fundamental rights on the citizens, it also gives power to the State to impose reasonable restrictions on these rights.

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16 Article 49 reads: “The State shall make provision for securing just and humane conditions for work and for maternity relief.”

The rights given to the citizens are available only when they follow their
duty. Article 51A (e) seeks to renounce practices derogatory to the
dignity of women. This provision seeks to do away with medieval feudal
practices like Sati, child marriages and dowry.

LEGAL PROVISIONS

To uphold the Constitutional mandate, the State has enacted
various legislative measures intended to ensure equal rights, to counter
social discrimination and various forms of violence and atrocities and to
provide support services especially to working women.

Although women may be victims of any of the crimes such as 'Murder', 'Robbery', 'Cheating' etc, the crimes, which are directed
specifically against women, are characterized as 'Crime against Women'.
These are broadly classified under two categories.

(1) The Crimes Identified Under the Indian Penal Code (IPC)

(i) Rape (Sec. 376 IPC)
(ii) Kidnapping & Abduction for different purposes (Sec. 363-373)
(iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
(iv) Torture, both mental and physical (Sec. 498-A IPC)
(v) Molestation (Sec. 354 IPC)
(vi) Sexual Harassment (Sec. 509 IPC)
(vii) Importation of girls (up to 21 years of age)

(2) The Crimes identified under the Special Laws (SLL)
Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special provisions to safeguard women and their interests are:

(iv) The Special Marriage Act, 1954.
(xvi) Indecent Representation of Women (Prohibition) Act, 1986.

Section 14 of the Hindu Succession Act, 1956 should be construed harmoniously with the constitutional goals of removing gender based discrimination and effectuating economic empowerment of Hindu women.
The right to elimination of gender based discrimination so as to attain economic empowerment, forms part of Universal Human Rights. Article 2 (f) of CEDAW States are obliged to take all appropriate measures; including legislation, to abolish or modify gender based discrimination in the existing laws, regulation, customs and practices that constitute discrimination against women. Article 15(3) of the Constitution of India positively protects such acts or actions.

Moreover the Constitution of India is a basic document which provides for women empowerment within the framework of the plenary provision of Articles 14, 15 (3), 21, 39 (a), 51A (e) and Preamble. The courts always try to interpret the cases which are detriment to women within the area of social justice with these Articles.

Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat (Article 243 D(3))

Not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women (Article 243 D (4))

Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality (Article 243 T (3))
Reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide (Article 243 T (4))

Strategies in the Five Year Plans

The all round development of women has been one of the focal point of planning process in India. The First Five-Year Plan (1951-56)\textsuperscript{18} envisaged a number of welfare measures for women. Establishment of the Central Social Welfare Board, organization of Mahila Mandals and the Community Development Programmes were a few steps in this direction.

It was ions of women differ to a great extent in, therefore, community welfare agencies will have to work out their programmes and activities according to the specific requirements in which they work'. The Plan document further noted that special organizations on the part of the Central or State Governments for promotion of the welfare of women had not ,yet been developed and therefore stressed that 'the major burden of organizing activities for the benefit of vast female population has to be borne by the private agencies'. The Central Social Welfare Board (CSWB) was set-up in 1953 to promote voluntary organizations at various levels, especially at the grassroots, to take up welfare related activities for women. They started projects like awareness generation, maternity and child care etc. It was also reflective of the community development approach which put a much needed. Emphasis on organizing women for collective activities and also symbolized the welfare approach to women's problems. This was further followed by Mahila Mandal Scheme which aimed at imparting --

\textsuperscript{18} Government of India, First Five Year Plan, Planning Commission, New Delhi, 1951-56.
training in activities like home management and adult literacy. Mahila Mandals even gave support to the Applied Nutrition Programme which was introduced with the assistance from United Nations Children’s Fund (UNICEF).

In the second Five-Year Plan (1956-61), the empowerment of women was closely linked with the overall approach of intensive agricultural development programmes. It focused on the needs and problems of women workers since they were less organized and suffered from social prejudices and disabilities. However, the welfare approach persisted as it highlighted the need for maternity benefits, creches for children, protection against injurious work etc.

The Third Five-Year Plan (1961-66) and Fourth Five-Year Plan (1969-74) supported female education as a major welfare measure. Third Five Year Plan mainly focused on the expansions of girls’ education and expanding rural welfare services. The Health Programme gave particular attention to the provision of services for maternal and child welfare, nutrition and family planning while the approach in the Fourth Five Year Plan continued to lay stress on women's education. The basic policy was to promote women's welfare within the family and taking the family as a unit. It provided high priority to immunization of pre-school children, expectant and nursing mothers. The basic policy was to promote women's welfare within the family as the base operation.

The end of the Fourth Plan has seen the release of the monumental report of Committee on Status of Women in India entitled 'Towards

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20 Government of India, Third Five Year Plan, Planning Commission, New Delhi, 1961-66
21 Government of India, Fourth Five Year Plan, Planning Commission, New Delhi, 1969-74
Equality' which revealed that the dynamics of development has adversely affected a large section of women and created new imbalances and disparities. The Report led to a debate in Parliament and the emergence of new consciousness of women as critical inputs for national development rather than as targets for welfare policies.

The Fifth Five-Year Plan (1974-79)\textsuperscript{22} emphasized training of women, who were in need of income and protection. This plan coincided with International Women’s Decade and the submission of Report of the Committee on the Status of Women in India. In 1976, Women’s welfare and Development Bureau was set up under the Ministry of Social Welfare. Four separate Working Groups on Employment of Women, Adult Education Programmes for Women, Women in Agriculture and Rural Development were set-up to chalk out strategies for action in all these areas. It aimed at the removal of poverty and the attainment of economic self-reliance.\textsuperscript{23} The plan focused on imparting training to women in need and protection i.e. women from low income families, needy women with dependent children. Under the Integrated Rural Development Programme (IRDP), initiated in 1978-79, it was envisaged that at least 30 per cent of the beneficiaries should be women. To realize this, stress was laid on giving adequate employment to women under National Rural Employment Programme and Rural Landless Employment Guarantee Scheme. It was also decided that one third of the beneficiaries under Training of Rural Youth for Self-Employment (TRYSEM) should be women. A scheme of incentives awards to Mahila Mandals for outstanding performance was launched. This plan also recommended a programme of functional literacy.

\textsuperscript{22} Government of India, Fifth Five Year Plan, Planning Commission, New Delhi, 1974-79.
\textsuperscript{23} Mamoria, P., \textit{Agricultural Problems in India} (Allahabad: Kitab Mahal), 1976, p. 65.
Therefore we can say that till the end of seventies the Planning Commission continued to focus on three identified areas of women's development i.e. health, education and social welfare along with some focus on women's employment. Secondly, the assumption in the earlier years of planning process was that the benefits of development would flow automatically to women and a separate consideration of their development needs was not quite necessary. The net result was that women in the earlier development plans found a place primarily as passive beneficiaries of welfare programmes rather than active participants. However, it was during the Fifth Plan (1974-79) a changed viewpoint considering women as critical input for national development rather than as target of development emerged.

The Sixth Five-Year Plan (1980-85) saw a definite shift from welfare to development. It recognized women's lack of access to resources as a critical factor impeding their growth. The Plan adopted a multi-disciplinary approach with a special thrust on the three core sectors of health, education and employment. Accordingly priority was given to implementation of programmes for women under different sectors of agriculture and its allied activities of dairying, poultry, animal husbandry, handlooms, handicrafts, small scale industries, etc. Women's Employment Programme was introduced in 1982 with assistance from Norwegian Development Agency (NORAD). For the first time a separate chapter on "Women Development" was included indicating the interest of planners to corporate women's development issues in the planning process. Women's concerns and development needs were identified in each sector and a number of beneficiary-oriented programmes meant

exclusively for women were launched. The percentage of women beneficiaries in other schemes was also specified. Special schemes for women were launched. Among the other important initiatives taken were the setting up of the National Committee on Women for setting up of a separate Bureau of Women's Development in the Department of Social Welfare, which was followed by a separate Department of Women and Child Development Cells in different Ministries were set up to consider women's issues in respective sectors. It was during the Sixth Plan that the government took steps to create a general awareness and understanding of the problems of women, strengthening voluntary action at the grassroots level like Mahila Mandals, provide fair share of employment opportunities identify the specific needs and requirements of the self-employed women and to diversify the education and training opportunities for women.26

The Seventh Five-Year Plan (1985-90)27 emphasized the need for gender equality and empowerment. For the first time, emphasis was placed upon qualitative aspects such as inculcation of confidence, generation of awareness with regards, to rights and training in skills for better employment. The long-term objectives of the developmental programmes for women would be to raise their economic and social status in order to bring them into the mainstream of national development. The basic approach has been to inculcate confidence among women and bring about an awareness of 'their own potential for development, as also special measures were initiated for strict enforcement of the Dowry Prohibition Act and also to prevent harassment and atrocities on women. Voluntary agencies and educational institutions were fully involved in

26 Handbook of Policy and Related Documents on Women in India (New Delhi: NIPCCD), 1988, pp. 63-68.
launching organized campaigns to combat these evils. An integrated multi-disciplinary approach was adopted covering employment, education, health, nutrition, application of science and technology and other related aspects that is extending facilities for income-generating activities and to enable women to participate actively in socio-economic development. The educational programmes were restructured and the school curricula modified to higher secondary and higher education courses, formal as well as non-formal.

In 1985, the Women's Development Planning and Monitoring Cell intended for collection of data and monitoring of plan programmes was also started alongwith the creation of Women's Development Corporations (WDCs) for promoting employment generating activities. In short, an integrated multidisciplinary approach was adopted covering employment, education, health, nutrition, adoption of scientific and technical advancement in the areas of interests to women. For the first time, it was recognized that women are not only to be treated as targets of development but also as agents of development.

The Eight Five-Year Plan (1992-97)\(^\text{28}\) focused on empowering women, especially at the grass roots level, through Panchayat Raj Institutions. It adopted the strategy to ensure that 'benefits' of development from different sectors do not bypass women and special programmes are implemented to complement the general development programmes. Two new schemes, which were introduced during this period, were Mahila Samridhi Yojana and Indira Mahila Yojana. The other major developments during this plan period were setting up of National Commission for Women and National Credit Fund for Women

known as Rashtriya Mahila Kosh, and the 73rd and 74th Constitutional Amendments wherein one-third of seats of rural and urban self-governing institutions were reserved for women. The Government declared its commitment to the development of 'every child', which was manifested in the two National Plan of Action adopted in 1992, one for the Children and the other exclusively for the Girl Child.

Mahila Samridhi Yojana aims to enable women to have control over their own household resources by promoting saving among women. Government of India has also set up Rashtriya Mahila Kosh i.e. the National Credit Fund for Women with the objective of developing a national network of credit services for women in the informal sector to generate self-employment, micro-enterprises and small businesses.

For the first time during Eighth Five Year Plan in India, Planning Commission highlighted for the need to ensure a definite flow of funds from the general developmental sectors to that of women. “The benefits of development from different sectors should not bypass women and special programmes on women should complement the general development programmes. The latter, in turn, should reflect greater gender sensitivity” as not much progress was made in terms of ensuring adequate flow of funds and benefits to women.

The Ninth Five-Year Plan (1997-2002) adopted a strategy of women’s component plan, under which not less than 30 percent of funds/benefits were earmarked for women-specific programmes. It also directed that a special vigil be kept on the flow of the earmarked funds/benefits through an effective mechanism to ensure that the

The proposed strategy brings forth a holistic approach towards empowering women.

While organizing women into Self-Help Groups marks the beginning of a major process of empowering women, the institutions thus developed would provide a permanent forum for articulating their needs and contributing their perspectives to development. Recognizing the fact that women have been socialized only to take a back seat in public life, affirmative action through deliberate strategies will be initiated to provide equal access to and control over factors contributing to such empowerment, particularly in the areas of health, education, information, life-long learning for self-development, vocational skills, employment and income generating opportunities, land and other forms of property including through inheritance, common property, resources, credit, technology and markets, etc. To this effect, the newly elected women and the women Chairpersons of Panchayats and the Local Bodies will be sensitised through the recently launched special training package to take the lead in ensuring that adequate funds/benefits flow towards the empowerment of women and the girl child.

The Tenth Five-Year Plan (2002-07)\(^{30}\) aims at empowering women through translating the recently adopted National Policy for Empowerment of Women (2001) into action and ensuring Survival, Protection and Development of women and children through rights based approach. ‘Empowerment of Women’ as Agents of Social Change and Development was continued in the Tenth Plan. Towards this a Sector-specific 3-Fold Strategy was adopted based on the National Policy for Empowerment of Women (2001). They were as follows:

\(^{30}\) Government of India, Tenth Five Year Plan, Planning Commission, New Delhi, 2002-07.
• Social Empowerment - to create an enabling environment through various affirmative developmental policies and programmes for development of women besides providing them easy and equal access to all the basic minimum services so as to enable them to realize their full potentials.

• Economic Empowerment – to ensure provision of training, employment and income generation activities with both ‘forward’ and ‘backward’ linkages with the ultimate objective of making all potential women economically independent and self-reliant; and

• Gender Justice: to eliminate all forms of gender discrimination and thus, allow women to enjoy not only de-jure but also the de-facto rights and fundamental freedom on par with men in all spheres, viz. political, economic, social, civil, cultural etc.

The Eleventh Five-Year Plan (2008-11) In addition to prioritizing the key focus areas, the 11th plan will follow the following five-fold strategy:

• Economic empowerment, with special focus on women in agriculture and on the effects of globalization;

• Social empowerment and engendering social change;

• Political Empowerment – to facilitate entry and effective functioning of women in Parliament, PRIs and in premier government services;

• Strengthening mechanism for effective implementation of women related legislations;

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• Creating institutional mechanisms for gender mainstreaming and strengthening delivery mechanisms for effective implementation of women-related programmes.

For the Twelfth Five-Year Plan (2012-17)\textsuperscript{32}, the process of systemic transformation was set in motion during the XI Plan period. Challenges, however, remain. Women continue to face discrimination in terms of their socio-economic empowerment. This manifests itself in both the increasing violence against women as well as increasing feminization of poverty.

Women have limited access to and control over resources. Lack of ownership of land limits their access to credit. More than 90% of the women in the workforce are in the unorganized sector. They face discrimination in award of work, disparity in remuneration and security of employment as they fall outside the ambit of labour laws. Added to this is the malnourishment suffered by more than 50% of the women. Further issues of women from marginalized and vulnerable communities and single women as envisaged in the XI Plan are yet to be addressed. The issues, therefore, are manifold and the XII Plan has to articulate the Vision to address them.

The vision for the XII Five Year Plan is to ensure improving the position and condition of women by addressing structural and institutional barriers as well as strengthening gender mainstreaming.

Goals for the XII Five Year Plan

- Creating greater ‘freedom’ and ‘choice’ for women by generating awareness and creating institutional mechanisms to help women question prevalent “patriarchal” beliefs that are detrimental to their empowerment.
- Improving health and education indicators for women like maternal mortality, infant mortality, nutrition levels, enrolment and retention in primary, secondary and higher education.
- Reducing the incidence of violence against women and providing quality care services to the victims.
- Improving employability of women, work participation rates especially in the organized sector and increased ownership of assets and control over resources.
- Increasing women’s access to public services and programmes through establishing and strengthening convergence mechanisms at multiple levels, creation of physical infrastructure for women and improving the capacity of women’s organizations and collectives.
- Ensuring that the specific concerns of single and disadvantaged women are addressed.

The federal structure of the Indian Constitution implies that the issues of governance and women’s participation have to be addressed at 3 levels – Centre, States and local bodies. The 73rd and 74th Amendment to the Constitution, revived a clearly mandated and focused third tier of governance and following this more than a million women have been elected to office at grassroots levels of governance. This period has also seen the evolution and recognition of women’s groups as important entities for women’s participation and empowerment. Women’s Self-Help
Groups (SHG)s have been recognized as essential actors in various programmes such as the Rural Development Ministry’s, SGSY Programme, NABARD’s SHG–Bank linkage programme and SHG promoting micro-finance institutions, clearly establishing their potential in grassroots governance.

Given this large presence of women at different levels of governance, it is now essential to address issues of their effective participation. This has to be done keeping in mind that the term governance involves both institutions and processes.

As an institution, it implies a constitutionally mandated body referring to a particular group of people, the administrative bureaucracy, who control a state at a given time, and the manner in which their governing organizations are structured. It also implies a process, whereby the participation by citizens is accounted for. The concept of good governance has in recent times gained momentum as it emphasizes substantive aspects such as quality and diversity of actors in the process and stresses on participation, decentralization, accountability, and governmental responsiveness as important dimensions along with social equity and justice.

Good governance entails the representation and participation of marginalized groups, including women, in the institutions and processes of governance. However, women are poorly represented in governance institutions at the national and local levels in most countries across the world, and they suffer severe limitations to their participation as elected representatives as well as citizens. This is also true in the Indian context, with patriarchal set up and traditional gender roles and identities playing a crucial role in influencing the participation of men and women in
governance and decision-making in a manner that is disadvantageous to women.

Good governance would, therefore, involve taking measures for positive discrimination in favour of women in order to provide them with an equal platform so that they are included in the process of governance. For good governance to become a reality it is necessary that it is responsive to gender needs, interests and it promotes gender equality. Thus, Gender Responsive Governance (GRG) is central to the notion of good governance.

SPECIAL INITIATIVES FOR WOMEN

National Commission for Women

The National Commission for Women Act, 1990 was passed to constitute a National Commission for Women. The Chairperson, Members and staff of the Commission are public servants. The Central Government is supposed to consult the Commission on all major policy matters affecting women.

In January 1992, the Government set-up this statutory body with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women, review the existing legislation to suggest amendments wherever necessary, etc. While discussing various measures adopted by the government for empowerment of women the role of the National Commission for women (NCW) cannot be lost sight of. The commission safeguards the interests

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33 Section 15; The National Commission for Women Act, 1990.
34 Section 16; The National Commission for Women Act, 1990.
of women with a mandate covering all aspects of women's rights. The commission also holds open public hearings (open adalats) for resolving.

The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act 1990 (Act No. 20 of 1990) to review the Constitutional and legal safeguards for women; to recommend remedial legislative measures; facilitate redressal of grievances and to advise the Government on all policy matters affecting women. The Commission is under the administrative control of the Ministry of Women & Child Development.

The Commission interacts with social activists, NGOs, academics and the media in the pursuance of its aims and functions. It sponsors research, publishes books and has established a library comprising material on women's studies.

The Commission has attempted to alleviate the condition of women by:

- increasing legal awareness among women
- recommending amendments to existing laws
- conducting seminars
- trying to expedite investigations by the police
- receiving complaints of women's grievances as well as taking suo moto action where required.

The First Commission was constituted on 31st January 1992 with Mrs. Jayanti Patnaik as the Chairperson. The Second Commission was constituted in July 1995 with Dr. Mohini Giri as the Chairperson. The Third Commission was constituted in January 1999 with Mrs. Vibha Parthasarathy as the Chairperson. The Fourth Commission was
constituted in January 2002 with Dr. Poornima Advani as the Chairperson, while the Fifth Commission was constituted in February 2005 with Dr. Girija Vyas as the Chairperson.

The Commission, consisting of a Chairperson and five other members, has the following mandate:\(^35\):

1. To investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws;
2. To present to the Central Government, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
3. To 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;
4. To review, from time to time, the exiting provisions of the Constitution and other laws affecting women and recommend amendments thereto so as to suggest remedial legislative measures to meet any lacunae, inadequacies or shortcomings in such legislations;
5. To take up cases of violation of the provisions of the Constitution and of other laws relating to women with the appropriate authorities;
6. To 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

\(^{35}\) Section 3; The National Commission for Women Act, 1990.
relief to women, and take up the issues arising out of such matters with appropriate authorities;

7. To 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;

8. To 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;

9. To participate and advice on the planning process of socio-economic development of women; To evaluate the progress of the development of women under the Union and any State;

10. To inspect or cause to 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; To fund litigation involving issues affecting a large body of women;

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

12. To take up any other matter this may be referred to it by Central Government.

The Commission may appoint such committees as may be necessary for dealing with such special issues as may be taken up by the
Commission from time to time. The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of the National Commission for Women Act.

The 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies whether in rural areas or urban areas.

Move for similar reservation of seats for women in parliament and state legislature have been going on for many years; but its clearance by the parliament has been hindered by politicians for the sake of their own vested interest. It is high time the legislation for above purpose should be passed without further delay whereby the status of women would be raised very high.

The Commission has, inter alia, also dealt with the issues of sexual harassment, domestic violence, harassment, dowry, torture, desertion, bigamy, rape, the refusal to register FIRs, gender discrimination, women in detention, prostitution and the empowerment of women, the development of healthcare, access to education, the requirements of mentally-disabled women, the credit needs of women, social mobilization, maintenance for divorced women, contract women labourers, the gender bias in judicial decisions, Family Courts and the plight of the widows of Vrindavan. It has also made proposals to amend the Child Marriage Restraint Act so that brides can have their marriages declared void without being treated as divorcees, and to decrease the minimum age for emigration clearance for women to work abroad as domestic help from thirty years to twenty-one years.

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36 Section 8; The National Commission for Women Act, 1990.
37 Section 17; The National Commission for Women Act, 1990.
According to the Commission, women have been losing out on employment opportunities in foreign countries because of the age criterion which does not allow them to work as domestic servants abroad unless they are over thirty years of age. However, to protect women's interests - especially considering the high incidence of complaints of sexual abuse made by Indian women who have worked in the Gulf and other countries - it has also, inter alia, recommended that a mechanism to deal with their complaints of sexual exploitation and other ill treatment be established.\(^{38}\)


The plan of Action is to ensure survival, protection and development of the girl child with the ultimate objective of building up a better future for the girl child.

**National Policy for The Empowerment of Women (2001)**

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women.

Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women’s advancement in different spheres. From the Fifth Five Year Plan (1974-78) onwards has been a marked shift in the approach to women’s issues from welfare to development. In recent years, the empowerment of women has been recognized as the central issue in determining the status of women. The National Commission for Women was set up by an Act of

\(^{38}\) PTI Report published in the Times of India; 15.1.2007.
Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels.

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

The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA Session on Gender Equality and Development & Peace for the 21st century, titled "Further actions and initiatives to implement the Beijing Declaration and the Platform for Action" have been unreservedly endorsed by India for appropriate follow up.

The Policy also takes note of the commitments of the Ninth Five Year Plan and the other Sectoral Policies relating to empowerment of Women.

The women’s movement and a wide-spread network of non-Government Organizations which have strong grass-roots presence and deep insight into women’s concerns have contributed in inspiring initiatives for the empowerment of women.

However, there still exists a wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes, and related mechanisms on the one hand and the situational reality of the
status of women in India, on the other. This has been analyzed extensively in the Report of the Committee on the Status of Women in India, "Towards Equality", 1974 and highlighted in the National Perspective Plan for Women, 1988-2000, the Shramshakti Report, 1988 and the Platform for Action, Five Years After- An assessment"

Gender disparity manifests itself in various forms, the most obvious being the trend of continuously declining female ratio in the population in the last few decades. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations. Discrimination against girl children, adolescent girls and women persists in parts of the country.

The underlying causes of gender inequality are related to social and economic structure, which is based on informal and formal norms, and practices.

Consequently, the access of women particularly those belonging to weaker sections including Scheduled Castes/Scheduled Tribes/ Other backward Classes and minorities, majority of whom are in the rural areas and in the informal, unorganized sector – to education, health and productive resources, among others, is inadequate. Therefore, they remain largely marginalized, poor and socially excluded.

Goal and Objectives

The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy will be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals. Specifically, the objectives of this Policy include
(i) Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential

(ii) 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

(iii) Equal access to participation and decision making of women in social, political and economic life of the nation

(iv) 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.

(v) Strengthening legal systems aimed at elimination of all forms of discrimination against women

(vi) Changing societal attitudes and community practices by active participation and involvement of both men and women.

(vii) Mainstreaming a gender perspective in the development process.

(viii) Elimination of discrimination and all forms of violence against women and the girl child; and

(ix) Building and strengthening partnerships with civil society, particularly women’s organizations.

**Policy Prescriptions**

**Judicial Legal Systems**

Legal-judicial system will be made more responsive and gender sensitive to 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 the severity of the offence.

At the initiative of and with the full participation of all stakeholders including community and religious leaders, the Policy would aim to encourage changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women.

The evolution of property rights in a patriarchal system has contributed to the subordinate status of women. The Policy would aim to encourage changes in laws relating to ownership of property and inheritance by evolving consensus in order to make them gender just.

**Decision Making**

Women’s equality in power sharing and active participation in decision making, including decision making in political process at all levels will be ensured for the achievement of the goals of empowerment. All measures will be taken to guarantee women equal access to and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate, statutory bodies, as also the advisory Commissions, Committees, Boards, Trusts etc. Affirmative action such as reservations/quotas, including in higher legislative bodies, will be considered whenever necessary on a time bound basis. Women-friendly personnel policies will also be drawn up to encourage women to participate effectively in the developmental process.

**Mainstreaming a Gender Perspective in the Development Process**

Policies, programmes and systems will be established to ensure mainstreaming of women’s perspectives in all developmental processes,
as catalysts, participants and recipients. Wherever there are gaps in policies and programmes, women specific interventions would be undertaken to bridge these. Coordinating and monitoring mechanisms will also be devised to assess from time to time the progress of such mainstreaming mechanisms. Women’s issues and concerns as a result will specially be addressed and reflected in all concerned laws, sectoral policies, plans and programmes of action.

**Economic Empowerment of women**

*Poverty Eradication*

Since women comprise the majority of the population below the poverty line and are very often in situations of extreme poverty, given the harsh realities of intra-household and social discrimination, macroeconomic policies and poverty eradication programmes will specifically address the needs and problems of such women. There will be improved implementation of programmes which are already women oriented with special targets for women. Steps will be taken for mobilization of poor women and convergence of services, by offering them a range of economic and social options, along with necessary support measures to enhance their capabilities.

*Micro Credit*

In order to enhance women’s access to credit for consumption and production, the establishment of new and strengthening of existing micro-credit mechanisms and micro-finance institution will be undertaken so that the outreach of credit is enhanced. Other supportive measures would be taken to ensure adequate flow of credit through extant financial
institutions and banks, so that all women below poverty line have easy access to credit.

*Women and Economy*

Women’s perspectives will be included in designing and implementing macro-economic and social policies by institutionalizing their participation in such processes. Their contribution to socio-economic development as producers and workers will be recognized in the formal and informal sectors (including home based workers) and appropriate policies relating to employment and to her working conditions will be drawn up. Such measures could include:

- Reinterpretation and redefinition of conventional concepts of work wherever necessary e.g. in the Census records, to reflect women’s contribution as producers and workers.
- Preparation of satellite and national accounts.
- Development of appropriate methodologies for undertaking (i) and (ii) above.

*Globalization*

Globalization has presented new challenges for the realization of the goal of women’s equality, the gender impact of which has not been systematically evaluated fully. However, from the micro-level studies that were commissioned by the Department of Women & Child Development, it is evident that there is a need for re-framing policies for access to employment and quality of employment. Benefits of the growing global economy have been unevenly distributed leading to wider economic disparities, the feminization of poverty, increased gender inequality
through often deteriorating working conditions and unsafe working environment especially in the informal economy and rural areas. Strategies will be designed to enhance the capacity of women and empower them to meet the negative social and economic impacts, which may flow from the globalization process.

Women and Agriculture

In view of the critical role of women in the agriculture and allied sectors, as producers, concentrated efforts will be made to ensure that benefits of training, extension and various programmes will reach them in proportion to their numbers. The programmes for training women in soil conservation, social forestry, dairy development and other occupations allied to agriculture like horticulture, livestock including small animal husbandry, poultry, fisheries etc. will be expanded to benefit women workers in the agriculture sector.

Women and Industry

The important role played by women in electronics, information technology and food processing and agro industry and textiles has been crucial to the development of these sectors. They would be given comprehensive support in terms of labour legislation, social security and other support services to participate in various industrial sectors.

Women at present cannot work in night shift in factories even if they wish to. Suitable measures will be taken to enable women to work on the night shift in factories. This will be accompanied with support services for security, transportation etc.
Support Services

The provision of support services for women, like child care facilities, including crèches at workplaces and educational institutions, homes for the aged and the disabled will be expanded and improved to create an enabling environment and to ensure their full cooperation in social, political and economic life. Women-friendly personnel policies will also be drawn up to encourage women to participate effectively in the developmental process.

Social Empowerment of Women

Education

Equal access to education for women and girls will be ensured. 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 occupation/vocation/technical skills by women. Reducing the gender gap in secondary and higher education would be a focus area. Sectoral time targets in existing policies will be achieved, with a special focus on girls and women, particularly those belonging to weaker sections including the Scheduled Castes/Scheduled Tribes/Other Backward Classes/Minorities. Gender sensitive curricula would be developed at all levels of educational system in order to address sex stereotyping as one of the causes of gender discrimination.

Health

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 the life cycle. The reduction of infant mortality and maternal mortality, which are sensitive indicators of human development, is a priority concern. This policy reiterates the national demographic goals for Infant Mortality Rate (IMR), Maternal Mortality Rate (MMR) set out in the National Population Policy 2000. 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 problems together with endemic, infectious and communicable diseases such as malaria, TB, and water borne diseases as well as hypertension and cardio-pulmonary diseases. The social, developmental and health consequences of HIV/AIDS and other sexually transmitted diseases will be tackled from a gender perspective.

To effectively meet problems of infant and maternal mortality, and early marriage the availability of good and accurate data at micro level on deaths, birth and marriages is required. Strict implementation of registration of births and deaths would be ensured and registration of marriages would be made compulsory.

In accordance with the commitment of the National Population Policy (2000) to population stabilization, this Policy recognizes the critical need of men and women to have access to safe, effective and affordable methods of family planning of their choice and the need to suitably address the issues of early marriages and spacing of children. Interventions such as spread of education, compulsory registration of marriage and special programmes like BSY should impact on delaying the age of marriage so that by 2010 child marriages are eliminated.
Women’s traditional knowledge about health care and nutrition will be recognized through proper documentation and its use will be encouraged. The use of Indian and alternative systems of medicine will be enhanced within the framework of overall health infrastructure available for women.

Nutrition

In view of the high risk of malnutrition and disease that women face at all the three critical stages viz., infancy and childhood, adolescent and reproductive phase, focused attention would be paid to meeting the nutritional needs of women at all stages of the life cycle. This is also important in view of the critical link between the health of adolescent girls, pregnant and lactating women with the health of infant and young children. Special efforts will be made to tackle the problem of macro and micro nutrient deficiencies especially amongst pregnant and lactating women as it leads to various diseases and disabilities.

Intra-household discrimination in nutritional matters vis-à-vis girls and women will be sought to be ended through appropriate strategies. Widespread use of nutrition education would be made to address the issues of intra-household imbalances in nutrition and the special needs of pregnant and lactating women. Women’s participation will also be ensured in the planning, superintendence and delivery of the system.

Drinking Water and Sanitation

Special attention will be given to the needs of women in the provision of safe drinking water, sewage disposal, toilet facilities and sanitation within accessible reach of households, especially in rural areas.
and urban slums. Women’s participation will be ensured in the planning, delivery and maintenance of such services.

**Housing and Shelter**

Women’s perspectives will be included in housing policies, planning of housing colonies and provision of shelter both in rural and urban areas. Special attention will be given for providing adequate and safe housing and accommodation for women including single women, heads of households, working women, students, apprentices and trainees.

**Environment**

Women will be involved and their perspectives reflected in the policies and programmes for environment, conservation and restoration. Considering the impact of environmental factors on their livelihoods, women’s participation will be ensured in the conservation of the environment and control of environmental degradation. The vast majority of rural women still depends on the locally available non-commercial sources of energy such as animal dung, crop waste and fuel wood. In order to ensure the efficient use of these energy resources in an environmental friendly manner, the Policy will aim at promoting the programmes of non-conventional energy resources. Women will be involved in spreading the use of solar energy, biogas, smokeless chulahs and other rural application so as to have a visible impact of these measures in influencing eco system and in changing the life styles of rural women.

**Science and Technology**

Programmes will be strengthened to bring about a greater involvement of women in science and technology. These will include
measures to motivate girls to take up science and technology for higher education and also ensure that development projects with scientific and technical inputs involve women fully. Efforts to develop a scientific temper and awareness will also be stepped up. Special measures would be taken for their training in areas where they have special skills like communication and information technology. Efforts to develop appropriate technologies suited to women’s needs as well as to reduce their drudgery will be given a special focus too.

Women in Difficult Circumstances

In recognition of the diversity of women’s situations and in acknowledgement of the needs of specially disadvantaged groups, measures and programmes will be undertaken to provide them with special assistance. These groups include women in extreme poverty, destitute women, women in conflict situations, women affected by natural calamities, women in less developed regions, the disabled widows, elderly women, single women in difficult circumstances, women heading households, those displaced from employment, migrants, women who are victims of marital violence, deserted women and prostitutes etc.

Violence against women

All forms of violence against women, physical and mental, whether at domestic or societal levels, including those arising from customs, traditions or accepted practices shall be dealt with effectively with a view to eliminate its incidence. Institutions and mechanisms/schemes for assistance will be created and strengthened for prevention of such violence, including sexual harassment at work place and customs like dowry; for the rehabilitation of the victims of violence and for taking effective action against the perpetrators of such violence. A
special emphasis will also be laid on programmes and measures to deal with trafficking in women and girls.

Rights of the Girl Child

All forms of discrimination against the girl child and violation of her rights shall be eliminated by undertaking strong measures both preventive and punitive within and outside the family. These would relate specifically to strict enforcement of laws against prenatal sex selection and the practices of female foeticide, female infanticide, child marriage, child abuse and child prostitution etc. Removal of discrimination in the treatment of the girl child within the family and outside and projection of a positive image of the girl child will be actively fostered. There will be special emphasis on the needs of the girl child and earmarking of substantial investments in the areas relating to food and nutrition, health and education, and in vocational education. In implementing programmes for eliminating child labour, there will be a special focus on girl children.

Mass Media

Media will be used to portray images consistent with human dignity of girls and women. The Policy will specifically strive to remove demeaning, degrading and negative conventional stereotypical images of women and violence against women. Private sector partners and media networks will be involved at all levels to ensure equal access for women particularly in the area of information and communication technologies. The media would be encouraged to develop codes of conduct, professional guidelines and other self regulatory mechanisms to remove gender stereotypes and promote balanced portrayals of women and men.
**Operational Strategies**

**Action Plans**

All Central and State Ministries will draw up time bound Action Plans for translating the Policy into a set of concrete actions, through a participatory process of consultation with Centre/State Departments of Women and Child Development and National /State Commissions for Women. The Plans will specifically including the following: -

i) Measurable goals to be achieved by 2010.

ii) Identification and commitment of resources.

iii) Responsibilities for implementation of action points.

iv) Structures and mechanisms to ensure efficient monitoring, review and gender impact assessment of action points and policies.

v) Introduction of a gender perspective in the budgeting process.

In order to support better planning and programme formulation and adequate allocation of resources, Gender Development Indices (GDI) will be developed by networking with specialized agencies. These could be analyzed and studied in depth. Gender auditing and development of evaluation mechanisms will also be undertaken along side.

Collection of gender disaggregated data by all primary data collecting agencies of the Central and State Governments as well as Research and Academic Institutions in the Public and Private Sectors will be undertaken. Data and information gaps in vital areas reflecting the status of women will be sought to be filled in by these immediately. All Ministries/Corporations/Banks and financial institutions etc will be
advised to collect, collate, disseminate and maintain/publish data related to programmes and benefits on a gender disaggregated basis. This will help in meaningful planning and evaluation of policies.

**Institutional Mechanisms**

Institutional mechanisms, to promote the advancement of women, which exist at the Central and State levels, will be strengthened. These will be through interventions as may be appropriate and will relate to, among others, provision of adequate resources, training and advocacy skills to effectively influence macro-policies, legislation, programmes etc. to achieve the empowerment of women.

National and State Councils will be formed to oversee the operationalization of the Policy on a regular basis. The National Council will be headed by the Prime Minister and the State Councils by the Chief Ministers and be broad in composition having representatives from the concerned Departments/Ministries, National and State Commissions for Women, Social Welfare Boards, representatives of Non-Government Organizations, Women’s Organizations, Corporate Sector, Trade Unions, financing institutions, academics, experts and social activists etc. These bodies will review the progress made in implementing the Policy twice a year. The National Development Council will also be informed of the progress of the programme undertaken under the policy from time to time for advice and comments.

National and State Resource Centres on women will be established with mandates for collection and dissemination of information, undertaking research work, conducting surveys, implementing training and awareness generation programmes, etc. These Centers will link up
with Women’s Studies Centres and other research and academic institutions through suitable information networking systems.

While institutions at the district level will be strengthened, at the grass-roots, women will be helped by Government through its programmes to organize and strengthen into Self-Help Groups (SHGs) at the Anganwadi/Village/Town level. The women’s groups will be helped to institutionalize themselves into registered societies and to federate at the Panchyat/Municipal level. These societies will bring about synergistic implementation of all the social and economic development programmes by drawing resources made available through Government and Non-Government channels, including banks and financial institutions and by establishing a close Interface with the Panchayats/ Municipalities.

Resource Management

Availability of adequate financial, human and market resources to implement the Policy will be managed by concerned Departments, financial credit institutions and banks, private sector, civil society and other connected institutions. This process will include:

(a) Assessment of benefits flowing to women and resource allocation to the programmes relating to them through an exercise of gender budgeting. Appropriate changes in policies will be made to optimize benefits to women under these schemes;

(b) Adequate resource allocation to develop and promote the policy outlined earlier based on (a) above by concerned Departments.

(c) Developing synergy between personnel of Health, Rural Development, Education and Women & Child Development Department at field level and other village level functionaries’
(d) Meeting credit needs by banks and financial credit institutions through suitable policy initiatives and development of new institutions in coordination with the Department of Women & Child Development.

The strategy of Women’s Component Plan adopted in the Ninth Plan of ensuring that not less than 30% of benefits/funds flow to women from all Ministries and Departments will be implemented effectively so that the needs and interests of women and girls are addressed by all concerned sectors. The Department of Women and Child Development being the nodal Ministry will monitor and review the progress of the implementation of the Component Plan from time to time, in terms of both quality and quantity in collaboration with the Planning Commission.

Efforts will be made to channelize private sector investments too, to support programmes and projects for advancement of women

Legislation

The existing legislative structure will be reviewed and additional legislative measures taken by identified departments to implement the Policy. This will also involve a review of all existing laws including personal, customary and tribal laws, subordinate legislation, related rules as well as executive and administrative regulations to eliminate all gender discriminatory references. The process will be planned over a time period 2000-2003. The specific measures required would be evolved through a consultation process involving civil society, National Commission for Women and Department of Women and Child Development. In appropriate cases the consultation process would be widened to include other stakeholders too.
Effective implementation of legislation would be promoted by involving civil society and community. Appropriate changes in legislation will be undertaken, if necessary.

In addition, following other specific measures will be taken to implement the legislation effectively.

(a) Strict enforcement of all relevant legal provisions and speedy redressal of grievances will be ensured, with a special focus on violence and gender related atrocities.

(b) Measures to prevent and punish sexual harassment at the place of work, protection for women workers in the organized/unorganized sector and strict enforcement of relevant laws such as Equal Remuneration Act and Minimum Wages Act will be undertaken,

(c) Crimes against women, their incidence, prevention, investigation, detection and prosecution will be regularly reviewed at all Crime Review fora and Conferences at the Central, State and District levels. Recognised, local, voluntary organizations will be authorized to lodge Complaints and facilitate registration, investigations and legal proceedings related to violence and atrocities against girls and women.

(d) Women’s Cells in Police Stations, Encourage Women Police Stations Family Courts, Mahila Courts, Counselling Centers, Legal Aid Centers and Nyaya Panchayats will be strengthened and expanded to eliminate violence and atrocities against women.

(e) Widespread dissemination of information on all aspects of legal rights, human rights and other entitlements of women, through specially designed legal literacy programmes and rights information programmes will be done.
Gender Sensitization

Training of personnel of executive, legislative and judicial wings of the State, with a special focus on policy and programme framers, implementation and development agencies, law enforcement machinery and the judiciary, as well as non-governmental organizations will be undertaken. Other measures will include:

(a) Promoting societal awareness to gender issues and women’s human rights.

(b) Review of curriculum and educational materials to include gender education and human rights issues

(c) Removal of all references derogatory to the dignity of women from all public documents and legal instruments.

(d) Use of different forms of mass media to communicate social messages relating to women’s equality and empowerment.

Panchayati Raj Institutions

The 73rd and 74th Amendments (1993) to the Indian Constitution have served as a breakthrough towards ensuring equal access and increased participation in political power structure for women. The PRIs will play a central role in the process of enhancing women’s participation in public life. The PRIs and the local self Governments will be actively involved in the implementation and execution of the National Policy for Women at the grassroots level.
Partnership with the voluntary sector organizations

The involvement of voluntary organizations, associations, federations, trade unions, non-governmental organizations, women’s organizations, as well as institutions dealing with education, training and research will be ensured in the formulation, implementation, monitoring and review of all policies and programmes affecting women. Towards this end, they will be provided with appropriate support related to resources and capacity building and facilitated to participate actively in the process of the empowerment of women.

International Cooperation

The Policy will aim at implementation of international obligations/commitments in all sectors on empowerment of women such as the Convention on All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Conference on Population and Development (ICPD+5) and other such instruments. International, regional and sub-regional cooperation towards the empowerment of women will continue to be encouraged through sharing of experiences, exchange of ideas and technology, networking with institutions and organizations and through bilateral and multi-lateral partnerships.

The grievances and abuses suffered by women.

The Protection of women from Domestic violence act 2005, which came into force on October 26, 2006, seeks to provide immediate relief to women facing situations of violence in their homes. Further, suitable amendments have been made in various Acts, (viz. Commission of Sati (Prevention) Act, 1987; Immoral Traffic (Prohibition) Act, 1986; Child
Marriage Restraint Act; Family Codes Act; Hindu Succession Act; Foreign Marriage Act and Indian Penal Codes relating to crimes against women) in order to safeguard the honour and dignity of women and to protect them against various crimes.

Besides these legislative measures, the Government of India has adopted gender budgeting which allocates special funds for the betterment of women. The Kishori Shakti Yojana (KSY), the Swawlamban Yojana for women and the Rastriya Mahila Kosh (RMK) are noteworthy steps adopted by the government for the upliftment of women.

**National Mission for Empowerment of Women**

The Government has set up a National Mission for Empowerment of Women early this year and the same has been notified on 8th of March, 2010. The Mission aims at implementing the women-centric programmes in a mission mode to achieve better coordination. The Ministry of Women and Child Development is administering the Support to Training and Employment Programme of Women (STEP) scheme with a view to help assetless and marginalized women become economically self-reliant. The scheme also aims at providing training for skill upgradation, development of entrepreneurial skills, asset creation, and mobilization into small viable groups to enable beneficiaries to take up employment-cum-income generation activities. The Ministry has also launched the “Priyadarshini” scheme to empower vulnerable groups of women in a holistic and sustainable manner by addressing their social, political, legal, health related and economic problems through vigorous capacity-building by organising them into Self-Help Groups (SHGs).
Swarjjayanti Gram Swarozgar Yojana (SGSY)

The Ministry is also implementing the Centrally sponsored scheme. The scheme is designed to promote self-employment oriented income generating activities for the BPL households in the rural areas. Special safeguards have been provided for vulnerable sections by way of reserving 50 per cent benefits to Scheduled Castes and Scheduled Tribes, 40 per cent for women, 15 per cent for minorities and 3 per cent for disabled persons. Since its inception, about 37 lakh SHGs have been formed and 134 lakh swarozgaris assisted, out of which, approximately 70 lakh (52 per cent) are women. The Rashtriya Mahila Kosh (RMK) scheme extends micro-credit support for income generation to poor women grouped into SHGs in unorganised sector.

India Vision 2020

India Vision 2020 document, while discussing about women in the labour force has, inter alia, mentioned that secure child care support services are necessary for working women. The 11th Five Year Plan document of the Planning Commission incorporated various schemes and programmes for women and child development. It also mentions about the setting up of creches in unorganized sector and restructuring and revamping of the existing Rajiv Gandhi National Creche Scheme for the children of working mothers.

Helplines for Women

As per 2001 census, there are 34.3 million widows and 2.34 million divorced and separated women in the country. The Ministry of Women and Child Development is implementing shelter-based schemes namely “Swadhar” and “Short Stay Homes” under which financial
assistance is provided to the implementing agencies for providing support services to women in difficult circumstances. Under the scheme of Integrated Programme for Older persons implemented by the Ministry of Social Justice and Empowerment, financial assistance is provided to NGOs for running and maintenance of Multi Facility Care Centre for older widowed women. The Ministry of Rural Development is implementing Indira Gandhi National Widow Pension Scheme (IGNWPS) and Indira Gandhi National Old Age Pension Scheme (IGNOAPS), under which central assistance is given towards a monthly pension of Rs.200 to widows below the poverty line in the age group of 40 to 64.

**Women’s Leadership Summit 2010**

The Ministry has organized a Women’s Leadership Summit in New Delhi on 6th of March this year as part of the celebrations for the International Women’s Day. The objective of the Summit, inaugurated by the Prime Minister Dr. Manmohan Singh, was to showcase empowered women, those who had excelled in different fields. The central theme of the Summit was Inclusive Growth and Empowering Women of Rural India. Several women achievers spoke on challenges and opportunities for women in diverse fields such as corporate sector, financial services, agriculture, science, media, panchayati raj, sports, culture, education and law. Government’s 100 Days Action Plan

As part of the 100 days Action Plan, the government had proposed several measures to increase the representation of women. It has also proposed Constitutional amendment to provide 50 percent reservation for women in Panchayats and in urban local bodies and to increase the representation of women in government jobs.
India’s Tirade Against Anti-Woman Activities

The Government has been adopting several stringent measures to uphold the status of women in India by launching a tirade against injustices done to them. They included protection against domestic violence, stopping crime against child and women, human trafficking, sexual harassment at work place, eliminating beggary among women and street children, child marriages, harassment in dowry related matters, malnutrition among women and children, providing relief and rehabilitation to rape victims. The Centre has allocated Rs.11,000 crore to the Ministry of Women and Child Development for the year 2010-11, an increase of around 50 per cent over last year’s Budget Estimates of Rs.7,350 crore. (PIB Features).

To conclude, it might be observed that India has enacted many constitutional and legislative provisions for empowerment of women. Many development schemes especially for women have also been launched for improving their fortune. Such measures have started giving positive outcomes relating to women’s problems. But the position of women in our country still leaves much to be desired. Top priority should be given in our developmental plans for improving female literacy and creating skills and capability among women for enabling them to stand on their own feet. Unless the process of development is properly engendered, it shall remain endangered.