



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties  
under article 18 of the Convention on the Elimination  
of All Forms of Discrimination against Women**

**Combined second and third periodic reports of  
States parties**

**India\***

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\* The present report is being issued without formal editing.

For the initial report submitted by the Government of India, see CEDAW/C/IND/1, which was considered by the Committee at its twenty-second session.

## **GOVERNMENT OF INDIA**

### **Second and Third periodic reports on the Convention on the Elimination of All Forms of Discrimination Against Women**

#### **Introduction**

The Government of India has submitted its Initial Report on measures adopted to give effect to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in August 1998. The Committee on the Elimination of All Forms of Discrimination against Women considered the Report at its 22<sup>nd</sup> Session at the meetings on 24<sup>th</sup> and 31<sup>st</sup> January 2000. This Report does not intend to repeat the background information provided in Part I of the Initial Report. It basically makes a reference to the “principal areas of concern and recommendations” of the Committee as outlined in its concluding comments on India's report, includes the information that was lacking in the Initial Report and also highlights the developments that have taken place during the recent years from the years 1997 to 2005.

#### **I: Developments in the areas of concern and Recommendations of the Committee**

##### **Integrating Beijing Platform for Action into policy planning and programmes (Para 54, 55 of the concluding comments)**

1. The Beijing Platform for Action is reflected in the Tenth Five Year Plan and the National Policy for the Empowerment of Women, 2001. Gender mainstreaming is one of the corner stones of budgeting and policy initiatives in the country, which is a strategy for ensuring gender sensitive resource allocation and engendering macro-economic policy.

##### **Inadequate allocation of resources for women's development (Para 56, 57 of the concluding comments)**

2. India is a vast country with a large population, having diverse cultures and varied socio-economic background, with regional variation of natural resources and development. Allocation of resources, keeping in consideration all these factors, is a tight rope exercise. However there has been considerable increase in the budgetary allocations for the Department of Women and Child Development. The total Gross Budgetary Support (GBS) of all Ministries and Departments for the Ninth Plan was Rs. 20,39,820 million. In addition the Central Government has introduced the Women Component Plan (WCP) where 30 per cent of the planned expenditure is to be spent on women in all Departments and Ministries. WCP as a percentage of the total GBS for the Ninth Plan works out to 25.5 per cent. However, there are certain Departments like the Family Welfare accounting for 70 per cent of its total budget for women. The review has highlighted the fact that the WCP has created considerable awareness and sensitization

amongst the planners, policy-makers and administrators to ensure that the funds/benefits from other development sectors do not by-pass women. Under WCP funds were earmarked for schemes, which target women and girls and those with a significant women's component. To begin with sixteen Departments were covered under this scheme and now, revised guidelines have been issued to all Departments.

<b>Budget allocations of the Dept of Women and Child Development</b>		<b>Budget allocations for social welfare programme after the Beijing commitment. Plan expenditure under social services</b>	
Annual plan (Rs. in millions)		Year	%Distribution
1997-98	9,000.00	1997-98	20.7
1998-99	12,250.95	1998-99	25.6
1999-00	13,200.00	1999-00	23.9
2000-01	14,600.00	2000-01	22.0
2001-02	16,500.00	2001-02	24.9
2002-03	22,000.00	2002-03	27.1
2003-04	26,000.00	2003-2004	27.3
2004-05	24,000.00	2004-05	23.3
2005-06	39,000.00		

Source: Economic Survey 2004-05 ST 23.3

### **Legislative reforms to promote equality and human rights of women (para 58 & 59 of the concluding comments)**

3. The Constitution guarantees equality and prohibits discrimination on the grounds of sex. In consonance with this policy the Government has enacted various laws. The discriminatory provisions of law are being progressively reviewed. The National Commission for Women, the Department of Women and Child Development and the Parliamentary Committee on Empowerment of Women have reviewed various laws and recommended amendments to many of the laws with the objective of promoting equality and to amend discriminatory provisions. (Article 1 Para 36). Legislative reforms have been identified as one of the thrust areas by the Prime Minister. An Inter-Ministerial Committee including NCW and NGOs working in this field has been constituted in May 2005 to review existing laws to address discrimination and ensure equality to women.

### **Uniform Civil Code and Personal Laws (para 60 and 61 of the concluding comments)**

4. India is a secular country, having diverse cultures and religions and it respects the views of all the different communities based on religion, language and geographical locations. The Constitution of India (Article 44) imposes an obligation on the State to secure for its citizens a uniform civil code. The Supreme Court, in more than one judgement has observed the need for adopting a uniform civil code so that the discriminatory provisions both for inter-religious and intra-religious groups could be

eliminated. The Central Government is of the opinion that the country is not ready to adopt a uniform civil code on the heterogeneous groups. However, the Government is currently attempting to consider each of the personal laws independently to make these gender just by repealing the discriminatory provisions. This is a step forward towards achieving gender equality and a move towards achieving a uniform civil code. The Government in its National Empowerment Policy for Women, 2001, has committed to encourage changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women, with the initiative of and with the full participation of all stake holders, including the community and religious leaders.

5. Pursuant to this policy many of the personal laws have been amended. For example, the Christian law has been amended in the year 2001 and the Hindu law is pending consideration. Steps have been taken by the Government to initiate a dialogue with the community and religious leaders of all communities to reduce gender inequality. For example, the UNFPA, National and State Governments, NGO's, religious leaders and the corporate sector have come together in an advocacy coalition to prevent the incidence of sex selective abortion. The recent judgements of the Supreme Court on maintenance for Muslim women, in the Danial Latiff case (AIR 2001 SC 1274), and the judgement on triple talaq in the Shaminara -vs- State of Uttar Pradesh ((2002) 7 SCC 518) hopefully, will bring about changes in the mindset of the community with regard to payment of maintenance to divorced Muslim women and the manner in which triple talaq is to be pronounced that is legally accepted by the Courts. (Amongst the Mohammedans, the man has the right to divorce his wife by merely pronouncing 'talaq' three times). Recently, there was a nation wide debate on 'triple talaq' and the religious leaders in the Muslim Personal Law Board met in July 2004, to consider the manner in which triple talaq is to be pronounced and to adopt a format for the 'nikhanama' (marriage contract deed). The religious leaders have resolved to raise public opinion on these issues in their communities. On 29<sup>th</sup> October 2004 the All India Muslim Personal Law Board proposed guidelines for a model marriage that declares triple talaq pronounced at a time without any adequate reason as a "grave sin", and also stated that the spouses should resort to mediation before going in for talaq. The Board in April 2005 adopted a model nikhanama and suggested that declaring 'talaq' at one go and divorcing one's wife should be discouraged. The Government hopes that such initiatives will eventually bring about a change that is favourable to women within the communities.

**Registration of births and marriages and reservation and declarations (Para 62, 63 of the concluding comments)**

6. As stated in the Initial Report, India has ratified the Convention with two declaratory statements on Articles 5(a), 16(1) and 16(2) of the Convention. However these reservations / declarations are being reviewed.

7. The National Population Policy, 2000 adopted by the Government of India has set the target of achieving 100 per cent registration of births and deaths by 2010. Registration of Births and Deaths Act, 1969 provides a comprehensive system of registration across the country and makes it obligatory on the part of medical institutions, maternity homes, etc. to report events of births and deaths occurring therein directly to the concerned Registrar for registration. In case of events occurring in houses, the head of the household has been made responsible to report the event. The Act has also made certain persons responsible for notifying the Registrar with regard to the occurrence of these events. The process of revamping the registration system in the country by modifying the forms and procedures of registration with a view to making the registration process simple, initiated in the year 1999 has been completed. This has resulted in simplified procedures and speeding up of receipts of monthly reports from the State Headquarters. Different State Governments have framed rules under the Registration of Births and Deaths Act, providing procedures for the registration of births and deaths and many States have simplified the same.

8. Though there is no Central legislation for compulsory registration of marriages, some States are enforcing compulsory registration either through State laws or executive orders. As stated in its Initial Report, India has different personal laws dealing with civil and matrimonial rights and as such does not have a uniform law regarding registration of marriages. However, some of the personal laws do provide for registration of marriage. The Special Marriage Act, 1956 provides for compulsory registration of marriages where irrespective of religion, marriages have to be registered. The Indian Christian Marriage Act, 1936 requires registration of marriage that is done in the Church. The Parsees Marriage and Divorce Act, 1936 also provides for registration of marriages. As far as Mohammedans are concerned the marriage is a contract and is usually reduced into a 'nikhanaama' (Marriage Contract Deed). The Hindu Marriage Act, 1955 also provides for registration of marriage but the same is not compulsory. In Goa, the family laws provide for compulsory registration of marriage. It has a provision of penalising the Civil Registrar if any marriage is registered in contravention of the provisions of the civil code, thus making the concerned officers more responsible. In addition, some of the State Governments have enacted laws for registration of marriages, such as, Andhra Pradesh, Maharashtra, Karnataka and Himachal Pradesh. Uttar Pradesh, in its Population Policy, 2002 has adopted the policy of compulsory registration of marriages and has involved the Panchayats to enforce the same. The issue of registration of marriages has drawn the attention of the Supreme Court in *Seema vs Ashwini Kumar* (2005 AIR SCW 2939), where the Supreme Court has suggested that the Government can issue executive instructions to various States and Union Territories to authorize officials specifically to keep record of marriages till a suitable legislation is passed. The Government is in the process of gathering views from various State Governments on the above suggestion.

9. The Parliamentary Committee on Empowerment of Women in its 5<sup>th</sup> Report submitted to the Parliament on 3<sup>rd</sup> December 2001 recommended that the Government make registration of marriages compulsory in order to prevent bigamy. The Government

has also accepted this recommendation to amend the Hindu Marriage Act and make marriage registration compulsory. The Government in its National Policy on Empowerment of Women, 2001 commits to making the registration of marriages compulsory with a view to eliminating child marriages by 2010. The National Commission for Women is in the process of drafting an Act on compulsory registration of marriages.

10. However, as regards Article 16 (1), the Government for the present, states that it is committed to its National Empowerment Policy adopted in 2001. This policy aims at encouraging changes in personal laws such as those related to marriage, divorce, maintenance and guardianship so as to eliminate discrimination against women. This will be done with the initiative of and full participation of all stakeholders, including the community and religious leaders. Therefore, the question of withdrawing the declaration will be considered in future.

**Government to make primary and secondary education compulsory by introducing and enforcing relevant regulations (Para 64, 65 of concluding comments)**

11. The recent 86<sup>th</sup> Constitutional Amendment makes free and compulsory education a fundamental right for all children in the age group of 6 to 14 years. By the year 2010, Sarva Shiksha Abhyan, a scheme formulated to achieve Universal Primary Education, will provide elementary education to all children in the 6-14 years age group. To encourage girl children to go beyond primary schooling, many States have made education completely free for girls up to higher secondary stage. Due to sustained endeavours, financial allocation for education in the Tenth Plan (2002-2007) has increased to Rs.43825 million as against Rs.24908.4 million in the Ninth Plan period. This amounts to an increase of 72 per cent. The expenditure on education as a percentage of GDP has risen to 4.27 per cent in 2000-2001. The Government, in its annual budget for the year 2004-2005 has introduced 2 per cent education cess to fulfill the commitment of the Government to universalize quality basic education. The Government is committed to providing 6 per cent of the GDP from the Government and private sources for education. If the private investments in this sector are taken into consideration, the total expenditure on education will, however, be close to the target of 6 per cent of the GDP.

**Sex Discrimination Act and application of the standards of the Constitution and the Convention to the non-state actors. (Para 66, 67 of the concluding comments)**

12. The Government has so far not enacted a separate Act, i.e., the Anti Discrimination Act. However, many of the existing laws do ensure prohibition of discrimination. The private sector too is implementing these laws. The Minimum Wages Act, 1926, ensures minimum rates of wages to the unskilled and semi skilled workers and other categories of employees employed in scheduled employment including the construction workers, workers engaged in laying of electricity lines, cables and water supply and sewerage pipelines, etc. The Equal Remuneration Act, 1976, ensures equal

wages for equal work including women. Besides, the various labour laws, like the Factories Act, 1948, the Plantation Labour Act, 1951, the Contract Labour (Regulation and Abolition) Act, 1970, Maternity Benefit Act, 1964, Beedi and Cigar Workers (Condition of Employment) Act, 1966 providing special measures for women workers are also applicable to the private sector. The Industrial Employment (Standing Orders) Act, 1946, which is applicable to the private sector provides that sexual harassment at work place constitutes a misconduct for which the worker is liable for disciplinary action. The Employees State Insurance Act, 1948 providing for health and welfare of employees drawing wages less than certain fixed ceiling limits and Employees Provident Funds Act, 1952 extends to the private sector also.

13. Unorganized sector workers, constituting 93 per cent of the country's total work force, do not get welfare benefits like their counterparts in the organized sector. It is estimated that out of the female labour force in India, more than 90 per cent are in the unorganized sector. In order to address this issue, the Government has recently introduced the "Unorganized Sector Workers' Social Security Scheme" which covers workers in the unorganized sector drawing less than Rs.6500 per month. The Employees Provident Fund Organization manages this fully Government funded scheme that provides triple benefit of pension, personal accident insurance and medical insurance.

14. The implementation of many welfare labour laws in home based/non-formal sector becomes difficult, as it is difficult to recognize the employer-employee relationship. The Central Government is proposing to introduce the "Unorganized Sector Workers' Bill", which proposes to regulate the employment and conditions of services and provide for their safety, social security, health and welfare. It also has many special measures like maternity leave, crèche and equal remuneration for women. Implementation of the standard of the CEDAW Convention at the domestic/private sphere is still a challenge to be addressed.

#### **Violence against women (Para 68, 69, 70 of the concluding comments)**

15. Statistics on the incidence of total crimes committed against women to the total crimes in India has shown that the incidence of crimes against women has increased from 135,771 in 1999 to 140601 in 2003. However the proportion to the total crimes has marginally declined from 2.76 per cent in 1999 to 2.56 per cent in 2003. The increase in the number of cases of crime reported is due to the fact that increasing legal awareness has enabled people to access the redressal system. Four pronged strategies have been adopted to address violence, i.e., (a) legislative action, (b) training and awareness, (c) support service, through crisis intervention and rehabilitation center, crimes against women cells, strict enforcement of poverty alleviation programmes, enhanced opportunities for education of girls, proactive measures by enforcement machinery with participation of NGOs and (d) action at social level such as encouraging NGOs to generate public opinion on law enforcement agencies, self help groups of women, organizing gender awareness week, etc. All women police stations have been set up in 14

States to facilitate in the reporting of crimes against women. Help line cells in police stations have been set up to address calls regarding incidence of violence against women. Voluntary Action Bureaus and Family Counseling Centers have been set up in police stations to provide counseling and rehabilitative services to women and children who are victims of family maladjustment. Special Courts, viz., Family Courts and Fast Track Courts have been set up and some courts are exclusively meant to address crimes against women. Gender sensitization of enforcement agencies especially the police and the judiciary is being imparted periodically.

16. The National Policy for the Empowerment of Women, 2001 commits to address all forms of violence against women, physical and mental, at domestic and societal levels, including those arising from customs, traditions or accepted practices, with a view to eliminating its incidence. It further commits to create and strengthen the existing institutions and mechanisms for prevention of such violence including sexual harassment at the work place, customs like dowry, rehabilitation of the victims of violence and for effective action against the perpetrators of such violence and special measures to tackle trafficking in women and girls.

**Armed Forces (Special Provisions) Act (Para 71, 72 of the concluding comments)**

17. The Armed Forces (Special Powers) Act, 1958 was enacted when India was faced with an acute law and order situation on account of activities of insurgents in the border areas in the eastern frontiers of India. The territorial application of this legislation is limited to certain border States and territories on the eastern frontier. The Act provides that its provisions will only come into effect in such areas, which are declared as "disturbed areas" by the Governor who is the highest civil authority and the constitutional head of the concerned Indian State. This provides a significant safeguard against any possible misuse of authority in invoking the powers under the Act by vesting the competence to declare an area as a "disturbed area" in the highest authority of the State. The propriety of and the bona fides of the exercise of power in this regard is always subject to judicial review. The special powers under this legislation can be exercised only in situations, namely, dispersal of unlawful assembly, preventing persons from carrying weapons, destruction of arms dumps, search and seizure, and effecting of arrest of persons suspected of commission of a cognizable offence. The Act, moreover, specifically provides that once a member of the armed forces has arrested any person and taken him into custody, the person must be handed over to the nearest police station, to ensure that the normal rights of an arrested person are made available to him in accordance with the provisions of the Constitution and the Criminal Procedure Code. Thus the special powers conferred on the Army officers are limited to the stage of making the arrest. Certain immunities have been accorded in order to avoid the possibility of harassment and vexatious civil or criminal proceedings which could hamper due discharge of the duties of these officers. All civil offences committed by the Army personnel while operating in counter insurgency areas are promptly dealt with under the Army Act and culprits are brought to justice. The Army has issued exhaustive 'do's and

'don't's' for Army personnel operating in such areas, and these have been approved by the Supreme Court in the case of Naga People's Movement for Human Rights –vs- Union of India (1998 SCC 109). In fact, the Central Government accords sanction for prosecution in all cases where it is satisfied that the grievance is justified. In cases of violence and harassment, if any, reported to the Army, appropriate disciplinary actions are taken against such persons within the department.

**Gender sensitization and human rights programmes for police, security forces and medical professionals. (Para 73 of the concluding comments)**

18. 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 are in progress. Gender sensitization forms part of the training given to judges by the National Judicial Academy. Most of the State level training institutions have included a gender sensitization module for the orientation of officials. National Research Training Center at the Lal Bahadur Shastri National Academy of Administration for the training of administrators imparts training in gender concerns, and gender budget analysis is a part of the syllabus.

19. Medical officers who are responsible for implementing the **Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PNDT)** Act are sensitized through regional seminars with collaboration of UNFPA, Ministry of Health and Family Welfare and State Governments. Gender sensitization is also included in the training module of health functionaries under phase II of the Reproductive Child Health (RCH) Programme. The Department of Women and Child Development has undertaken several training and orientation programmes in this regard. The Department has enlisted significant support of various civil society organisations. The civil society itself is very active in gender sensitisation and is playing a very effective role in promoting gender awareness.

**Caste based discrimination, including violence, suffered by women of dalit community (Para 74, 75 of the concluding comments)**

20. The Government recognizing the historical disadvantage and vulnerability of the dalit women has adopted several measures to address their concerns and the same has been highlighted in Article 4 in paragraphs 97 to 100. The Government has passed two legislations namely the Protection of Civil Rights Act (PCRA), 1955 and the Prevention of Atrocities against Scheduled Caste/Tribe Act, 1989 to enable the dalits to enjoy human rights on par with other sections of Indian society and empower them in their struggle for their rights, but crimes against dalits continue to exist. The number of cases registered with the police nationwide as crimes and atrocities against Scheduled Castes is 26,252 cases in 2003. Percentage share of crimes committed against SC and ST to total crimes is about 0.73 per cent and 0.58 per cent respectively in 2003.

**Trafficking (Para 76, 77 of the concluding comments)**

21. The Government has adopted several strategies to address the problem of trafficking. It consists of law enforcement measures, income generation schemes, educational opportunities, rescue and rehabilitation, special schemes such as Swadhar, etc. A National Plan of Action has been drawn up to combat trafficking in girl children. (More details given in Article 6.)

**Holistic health policy for women, maternal mortality rates, infant mortality rates, sex ratio, sex selective abortion and family planning targeted at women (Para 78, 79)**

22. National Population Policy, 2000 has brought in an inter-sectoral agenda for holistic, integrated reproductive health care to address the concerns of maternal mortality and infant mortality. The Government has adopted a life cycle approach to women's health in its RCH programme. The Government aims to provide health services that address women's health across their life cycle from birth through child hood and adolescence to adulthood. The programme aims to engender the reproductive process so as to make men visible in the process of reproductive decision-making and contraceptive use. Efforts are being made for establishing male reproductive health centers in the Tenth Five-Year Plan to motivate men to come forward and to accept family planning. No Scalpel Vasectomy Project was launched in January 1998 to promote male participation in the family welfare programmes; the male sterilization gradually increased from 1.8 per cent in 1997 to 2.46 per cent in 2002. The project has been implemented in 20 States so far. The Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act 1994 was amended in 2003 to make it more stringent. Some projects have been approved for raising awareness about the provisions of PNDT Act. Adding more teeth to the PNDT Act, the Government has roped in former police chiefs to form a Special Cell to fight female foeticide. The Cell will act as a watchdog in the States of Punjab, Haryana, Gujarat, Himachal Pradesh and Delhi. The members will not only go on undercover operations but have prosecution powers too. The Health Ministry will form the cell, which will be headed by a retired Director General of Police, and the State branch will be led by a former officer of the rank of Deputy Inspector General or Inspector General. National and State level Monitoring Committees have been set up to keep constant vigil on States and Union Territories for implementation of the PNDT Act.

**Low participation of women in administration and judiciary (Para 80, 81 of the concluding comments)**

23. Although the number of women in administration has been low, their numbers are improving. There are 645 women in IAS/IPS service as on 2000, which is about 7.65 per cent as compared to 5.4 per cent in the year 1987. The number of women in Foreign Service is also low at 78 in the year 2002. There is a woman judge in the Supreme Court out of 25 judges, and 25 women judges in the High Courts across the country out of a total of 514 judges as on 31<sup>st</sup> May 2005.

**Sex disaggregated data (Para 81 of the concluding comments)**

24. The Government has initiated measures to generate gender specific information on various socio-economic indicators. The first step was to engender the National Census of 2001. Some of the data available has been stated in the relevant Articles. Indicators like population in the age group 0-6 years, literacy and work participation rates, etc. have been identified and sex-disaggregated data is being collected at the National, State and District levels on these indicators. The office of the Registrar General and Census Commissioner has been actively supporting gender sensitisation and human rights issues by bringing out relevant data. The Census Division has come up with data and maps on declining sex ratios which enables identification of the areas that require intervention. Data on sex ratio at birth is recommended to be collected and monitored through Civil Registration System on a monthly basis by States for suitable and timely interventions. The Central Statistical Organisation (CSO) brings out regularly a publication "Women and Men in India" which gives improved data base on gender issues and has also prepared a National Plan of Action, that bridges the gaps in statistics on gender issues, following which statistics are now available on a number of new indicators of concern. The Central Government, with a view to analysing the contribution of the women and men in the national economy through unpaid household work and to study the gender dimensions in the personal activities, has conducted a pilot time use survey, during 1998-1999, in about 18600 households spread over 6 States, namely, Haryana, Madhya Pradesh, Gujarat, Orissa, Tamil Nadu and Meghalaya and has published the report in 2000. It has also under taken some exercises for 'Valuation of Unpaid Household Work and Community Services' and 'Estimation of Work Force'. Recognising the need for engendering statistical activities through a paradigm shift, the CSO is creating awareness about the same through workshops. Concerted efforts will be carried out through Gender Resource Center (GRC) for collection/collation of gender-disaggregated data and creation of a comprehensive database on women related policies/issues in agriculture. Gender Resource Center will also assess the gender impact of various ongoing programmes of Government of India on agriculture to ensure that 30 per cent of benefits of all programmes flow to women farmers.

**Disparity in economic activity rate and inheritance rights (Para 82 of concluding comments)**

25. Work participation rates of women have been increasing over a period of time. According to the 2001 census, 25.6 per cent of women in the labour force were working as compared to 22.3 per cent in the year 1991 and 19.7 per cent in 1981. However, the disparity between men and women continues to exist and women are found concentrated in the informal and marginalised sectors.

26. The Government has taken note that denial of inheritance of rights in land in the patriarchal system has contributed to the subordinate status of women. It has committed to making special efforts to consider/encourage necessary amendments in legislations

relating to ownership of property and inheritance by evolving consensus on the subject and making them gender just. Some of the States like Andhra Pradesh, Karnataka and Tamil Nadu have amended the provisions in the Hindu Succession Act, regarding co-parcenary property (ancestral immovable joint family properties) to enable the daughter also to inherit ancestral properties. The Central Government has proposed to amend the Hindu Succession Act conferring co-parcenary rights for women.

### **Bonded labour (Para 83 of the concluding comments)**

27. The Bonded Labour System has been abolished by law under the Bonded Labour System (Abolition) Act, 1976, which penalizes engaging bonded labourers. A separate Development Planning Cell under the Ministry of Labour, has been set up since 1981 to co-ordinate the policy, planning and monitoring of implementation of Bonded Labour System (Abolition) Act. Under the Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers, assistance of Rs. 20,000/- is provided to each bonded labourer. As on March 2005, as many as 266,283 have been rehabilitated. The issue of bonded labour had engaged the attention of Supreme Court in PUCL -vs- State of Tamil Nadu (AIR 2004 SCW 3771). The Supreme Court has given directions to identify, release and provide appropriate rehabilitation for the bonded labourers. In accordance with the Court directions the NHRC has taken over the monitoring of the implementation of the directions of the Supreme Court as well as the Bonded Labour System (Abolition) Act. The NHRC is holding sensitization workshop in collaboration with the Ministry of Labour and Employment in order to sensitize the functionaries dealing with the issue of bonded labour in the States. A special group under the Chairmanship of Secretary, Ministry of Labour and Employment has been constituted to monitor the implementation of the Bonded Labour Act and focused attention is paid on the effective implementation of the Act and efforts taken to eradicate the bonded labour system wherever it exists.

### **Rural women's access to land and credit (Para 83 of the concluding comments)**

28. The Government has adopted land reforms and ceiling laws on agricultural lands. The surplus lands that vest with the Government has been redistributed to the landless. While granting lands to the landless, the Government has been issuing Joint Pattas (title deeds) in the names of both the husband and wife, thereby making women joint-owners of the land. Efforts are being made on a pilot basis to improve women's access to land by providing community wasteland, fallow land, surplus land for 'collective action' to women's Self Help Groups on long-term lease basis and to promote joint pattas. These efforts have been initiated under GOI-UNDP Food Security Programme which is being implemented in Uttar Pradesh, Andhra Pradesh and Orissa. Under these, 4200 acres of surplus/fallow land have been provided to 2206 women groups. In Orissa, 355 acres of land allotted to 903 women members have been registered under joint patta. Similarly, approximately 1000 acres of land mortgaged to money-lenders by women members have been released through project interventions. Some States like Tamil Nadu are implementing schemes such as the Comprehensive Wasteland Programme, wherein waste

lands are leased to self help groups with priority being given to women self help groups. This scheme linked with the Agriculture Department gives them loans for tube wells and provides other help. DWCD has drawn attention to other State Governments to initiate similar schemes that ensure self-sustenance and empowerment of women. Various schemes have been undertaken by the Government to provide alternative systems of credit to women through micro credit, self-help schemes and Rashtriya Mahila Kosh.(RMK)

### **National Commission for Women (Para 84, 85 of the concluding comments)**

29. The National Commission for Women (NCW), a statutory body, established in 1992, has the mandate to safeguard the rights and interests of women by ensuring Constitutional guarantees of equal status to women, review the existing legislations and monitor their effects on women, recommend suitable amendments and provide a forum for women for redressal of their grievances. Similarly, many States have enacted the State Commission for Women Act. State Commissions for Women have been constituted in 20 out of 28 States and 7 Union territories. The Government has been persuading the other States and Union Territories to constitute their respective State Commissions. Although the NCW is not an apex body for the State Commissions for Women and they function independently, they work in collaboration in their endeavours to maintain networking with the State Commissions. The Parliamentary Committee on the Empowerment of Women, reviewing the powers of NCW in February 2003, has recommended amendments to the National Commission of Women Act, to confer more powers while investigating cases of violations of constitutional right on par with the powers enjoyed by the National Human Rights Commission, including powers for penal action and appointment of a Commissioner of Women's Rights for conducting investigations and tackling specific complaints of atrocities against women. The recommendations made by the Parliamentary Committee on the Empowerment of Women on the powers of the NCW and also the CEDAW Committee in the Concluding Comments are receiving active consideration of the Government.

### **Violence against human rights defenders (Para 86, 87 of the concluding comments)**

30. Government has been actively involving the NGOs and women's groups in a number of its activities, i.e., law reforms; planning, implementing and monitoring many of its schemes and programmes. Thereby it has developed a strong partnership with these groups. Unfortunately, few incidents of violence against human rights and women activists have occurred and Government proposes to check and prevent them in its endeavour to prevent violence and crimes against women in accordance with the commitment in the National Empowerment Policy, 2001.

**Optional Protocol (Para 88 of the concluding comments)**

31. The Government is examining the Optional Protocol and its implication for India and the same will be considered in due course.

**Dissemination of CEDAW (Para 90 of the concluding comments)**

32. The Department of Women and Child Development has been actively involved in disseminating information on CEDAW and the concluding comments of the Committee. In this context, relevant documents have been translated into Hindi for a better understanding of international obligations on creating conditions for gender equality. An Inter-Ministerial Committee was set up in June 2004 for monitoring the implementation of the obligation under the Convention. This Committee proposes to develop monitoring indicators for facilitating an objective evaluation of the implementation status of CEDAW and the different programmes and further planning.

**Part II: New Developments in the area of Elimination of  
Discrimination against Women****Article 1: Non- Discrimination****Basic information**

33. The Constitution of India guarantees equality and prohibits discrimination. As mentioned in the Initial Report, the Constitution has guaranteed fundamental rights and the Directive Principles of State policies obligate the State to secure equality and eliminate discrimination on the basis of sex and marital status.

34. The expression 'equality' and 'discrimination' are not defined and are left to the interpretation of the Courts. The Supreme Court of India and various High Courts have upheld the equality principles and 'substantive equality' principles that have been used to interpret the term 'equality' in many cases. In the State of Kerala –Vs- N.M. Thomas (AIR 1976 SC 490), the Supreme Court has held thus "the quality and concept of equality is that if persons are dissimilarly placed they cannot be made equals by having the same treatment. In this unequal world the proportion of equal treatment to all men has working limitation. Equality of opportunity for unequal can only mean aggravation of equality". In Secretary H.S.E.B. –vs- Suresh (AIR 1999 SC 1161), the Supreme Court has held that the equality clause in the Constitution does not speak of mere formal equality before law but embodies the concept of real and substantive equality which strikes all the inequalities arising on account of vast social and economic differentiation and is thus consequently the essential ingredient of social and economic justice. In Ashok Kumar Gupta's case ((1997) 5 SCC 2011) the Supreme Court, applying this principle has upheld the provisions providing reservation even in promotion for SC/ST.

35. The judiciary in a number of decisions has struck down the discriminatory provisions of law and rules, such as, in *C.B.Muthamma -vs- Union of India* (AIR 1979 SC 1868) wherein the service rules requiring a female employee to obtain permission of the Government in writing before her marriage and denying her right to be appointed on the ground that the candidate is a married woman was held to be discriminatory against women. In *Air India -vs- Nargeesh Meerza* (AIR 1981 SC 1829) the service condition that terminated the services of an Airhostess on becoming pregnant was struck down as being discriminatory; in *Vasantha -vs- Union of India* (2001 (ii) LLJ 843) Section 66 of the Factories Act which prohibited night shift work for women was held to be discriminatory; in *Mary Roy -vs- Union of India* (1986(2) SCC 209), *Madhu Kishwar -vs- Union of India* (AIR 1996 SC page 1864) and *C.Masilamani Mudliar and others -vs- The idol of Swaminathaswami Thirukoil and others* (AIR 1996 SC 1697) property rights for women were upheld; *M/s Mackinnon Mackenzie and Co Ltd -vs- Audrey D'Costa* (AIR 1987 SC 1281) provided for equal wages; *Delhi Domestic Working Women's Forum -vs- Union of India* {(1995) 1 SCC 14} and *BodhiSattwa Gautam -vs- Subhra Chakroborthy* (AIR 1996 SC 922; *Chairman Railway Board -vs- Chandrima Das* (AIR 2000 SC 988) provided for compensation in rape cases; *Municipal Corporation of Delhi -vs- female workers (Muster Roll)* (AIR 2000 SC 1274) ensured maternity benefit for contract workers, *Gita Hariharan case regarding guardianship rights* (AIR 1999 SC 1149) interpreted the provisions in favour of women and the *Daniel Latiff's case* (2001 (7) SCC 740) enabled Muslim woman to seek maintenance from divorced husband.

### **State initiatives**

36. The discriminatory provisions of law are being progressively reviewed by several bodies, such as the Law Commission, the Legal Department, DWCD, National Commission for Women and National Human Rights Commission. The National Commission for Women is continuously reviewing the existing laws that are discriminatory. Some of them are: The Immoral Traffic (Prevention) Act, 1956, The Dowry Prohibition Act, 1961, The Indecent Representation of Women (Prohibition) Act, 1986, The Commission of Sati (Prevention) Act, 1987; The Guardians and Wards Act, 1860; Indian Penal Code, 1860; The Christian Marriage Act, 1872; The Indian Succession Act, 1925; The Child Marriage Restraint Act, 1929; The Muslim Personal Law (Shariat) Application Act, 1937; The Factories Act, 1948; The Minimum Wages Act, 1948; The Employees State Insurance Act; The Special Marriage Act, 1954; The Hindu Marriage Act, 1955; The Hindu Adoption and Maintenance Act, 1956; The Hindu Minority and Guardianship Act, 1956; The Hindu Succession Act, 1956; The Maternity Benefit Act, 1961; The Foreign Marriage Act, 1969; The Indian Divorce Act, 1869; The Medical Termination of Pregnancy Act, 1971; The Bonded Labour System ( Abolition ) Act, 1979; The Equal Remuneration Act, 1976; The Contract Labour ( Regulation & Abolition) Act, 1979; The Family Courts Act, 1984; Juvenile Justice Act, 1986; National Commission For Women Act, 1990; The Inter-State Migrant Workmen ( Regulation of Employment and Conditions of Service) Act, 1979; The Pre Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act, 1994; The Infant Milk Substitutes, Feeding

Bottles and Infant Foods ( Regulation of Production, Supply and Distribution ) Act, 1992. Of the 41 legislations having a bearing on women, the NCW has reviewed and suggested amendments to the discriminatory measures in 32 Acts. A Task Force on Women and Children headed by a Deputy Chairman, Planning Commission further examined these recommendations of the Commission in respect of 14 Acts in detail and amendments have been effected in a few enactments. The Department of Women and Child Development has suggested amendments to the Sati (Prevention) Act, 1987, Indecent Representation of Women (Prostitution) Act, 1986 and Immoral Traffic (Prevention) Act, 1956. The Ministry of Home Affairs has proposed amendments to certain sections relating to Rape in IPC, Indian Evidence Act and the Criminal Procedure Code. The Government has proposed to amend Section 66 of Factories Act, to facilitate night shift work for women also. An Inter-Ministerial Committee including NCW and NGOs working in this field has been constituted in May 2005 to review existing laws to address discrimination and ensure equality to women.

### **Challenges Ahead**

37. Despite the constitutional mandate of equal legal status for men and women, the same is yet to be realized. The *dejure* laws have not been translated into *defacto* situation for various reasons such as illiteracy, social practices, prejudices, cultural norms based on patriarchal values, poor representation of women in policy-making, poverty, regional disparity in development, lack of access and opportunity to information and resources, etc. The Government in many of its initiatives through the National Empowerment Policy of Women, 2001, gender budget, Women Component Plan and various schemes has attempted to bridge the gap between the promise in the Constitution and the Convention and the defacto situation.

### **Article 2: Obligation to Eliminate Discrimination**

#### **Basic Information**

38. As mentioned above, the Constitution of India guarantees equality and prohibits discrimination. This principle is the basis for many of the laws and policies framed by the Government. The Government has taken various positive steps towards achieving gender equality.

#### **State Initiatives**

39. The Constitution guarantees the right to equality (Article 14, 16), right to life (Article 21), right to equality and equal protection before the law (Article 15) and provides for discrimination in favour of women (Article 15(3) and 16(4)). The Government invoking these provisions have introduced various special measures.

40. Many laws have been enacted to enable women enjoy the fundamental rights guaranteed in the Constitution. Some of them have been highlighted in the Initial Report. These laws are under constant review and are amended whenever the situation arises. The Department of Women and Child Development and the National Commission for Women have reviewed these laws and suggested amendments to the discriminatory provisions, some of which have been accepted by the Government and others are being processed at various stages and are pending consideration.

41. The following Acts have been amended during the last three years: **The Marriage Law (Amendment) Act, 2001** amended the Hindu Marriage Act, Special Marriage Act, Parsi Marriage and Divorce Act, and the Code of Criminal Procedure, providing for the speedy disposal of applications for maintenance. The ceiling that was provided in the Code of Criminal Procedure of Rs. 500/- for claiming maintenance by a woman has been deleted and a wide discretion has been given to the Magistrate to award appropriate maintenance. In the Indian Divorce Act, discriminatory provision that required women seeking divorce to prove adultery coupled with cruelty/desertion, (whereas a man could seek divorce on one ground only) was amended. This amendment provided uniform provisions to men and women with regard to divorce. This amendment has also deleted the archaic provision of the necessity of obtaining confirmation decree from the High Court on the decree granted by the Family Court, which was applicable only for Christians. **The Indian Succession Act** was amended in the year 2002 which enabled Christian widows to get a share in the property. **The Marriage Act (Amendment) 2003** amended the Hindu Marriage Act and Special Marriage Act thus enabling women to file cases in the district where they reside, thereby giving a go-by to the general law of jurisdiction based on place where the cause of action arose. Concerned about the declining sex ratio and sex selective abortions, **the Medical Termination of Pregnancy Act, 1971 (MTP) and the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PNDT)** were amended in the years 2002 and 2003 respectively. The Medical Termination of Pregnancy Act (MTP) has been amended specifying the place and persons authorized to perform abortion and provides for penal actions against those unauthorized persons performing abortion. The PNDT Act prohibits misuse of pre-natal diagnostic techniques for determination of sex of foetus leading to female foeticide. It provides for regulation of clinics conducting ultra sound investigation, enforcement of machinery and stringent punishment for undertaking sex selective tests and abortions. A new law on domestic violence, **Protection from Domestic Violence Bill, 2002** had been introduced in the Parliament on 8<sup>th</sup> March 2002 to tackle the hitherto hidden form of violence against women in the domestic front but it lapsed on the dissolution of Parliament in 2004. The present Government has committed to enact a law on domestic violence. The Government has drafted a new Bill on Domestic Violence and has taken into consideration the recommendations of the women's groups and the Parliamentary Standing Committee. It is also proposed to introduce **reservation for women in National Parliament and State Legislatures.**

42. There are specific legislations to prohibit and prevent practices like the Devadasi (dedication of women to a deity) and Sati (immolation of a woman on the death pyre of her deceased husband). The Devadasi practice is peculiar to only the States of Karnataka, Tamil Nadu, Andhra Pradesh, Maharashtra, Orissa and Goa. This practice, based on religious belief is often misused and is one of the causes of inducting women into prostitution. These States have enacted separate laws prohibiting dedication of women/girls as devadasis and penalize such dedications. The Karnataka Devadasi (Prohibition of Dedication) Act, 1982, for example, prohibits dedication of women/girls as devadasis and holds such acts unlawful. This enactment further encourages the Devadasi woman's entry into mainstream and declares that a marriage covenant entered into by a Devadasi shall not be invalid and no issues of such marriages shall be illegitimate by reasons of such woman being a devadasi. The Commission of Sati Prevention Act, 1987 was enacted to prevent commission of Sati by anyone and penalizes any person who abets the commission of Sati, either directly or indirectly and glorifies Sati. The DWCD has proposed amendments to this Bill to make it more stringent.

### **Machinery for redressal**

43. The High Court established in every State and the Supreme Court function as guardians of public rights to check state excesses or violations of fundamental rights. The Supreme Court and the High Courts have been empowered to issue appropriate directions/orders/writs including mandamus, habeas corpus, prohibition, quo warranto and certiorari against arbitrary or unlawful administrative action. The law declared by the Supreme Court is the law of the land and its decisions are binding on all courts and authorities. The decisions rendered by the Supreme Court are enforceable and all authorities, civil and judicial are enjoined to act in aid of the Supreme Court by virtue of Article 144 of the Constitution.

44. Special Courts have been set up to deal with offences against women and Fast Track Courts have been established to ensure speedy trial of undertrials. Specialised courts, viz., Family Courts, about 84 in number, have been established in 18 States and Union Territories, since the year 1984, to deal with the issues pertaining to family matters, like marriage, divorce, child custody, guardianship, maintenance, etc. However, in most of the courts, a large number of cases pertain to the claim of maintenance from the husband. The functioning and efficacy of these courts had engaged the attention of the Parliamentary Committee on Empowerment of Women. The Government is considering the suggestions made by the Committee. The Government has taken note to ensure appointment of more number of women judges to the Family Courts as stipulated in the Family Court Act, 1984.

45. The NCW pursues its mandate through various activities viz., investigating individual complaints of atrocities, denial of rights, sexual harassment of women at the workplace etc., conducting parivarik/mahila lok adalat, (alternate dispute resolutions) legal awareness programmes/camps, reviewing women specific and women related

legislations, etc. The NCW, since its inception has investigated a total of 24,025 complaints, of which dowry deaths and dowry harassment accounted for the maximum number. Public hearings have been the most innovative and informal approach adopted by the Commission to hear individual grievances. The Commission has successfully documented information on many important problems like rape, abortion, devadasi, sexual harassment, violence against women in riots and communal situations, etc., besides sponsoring studies on various subjects related to women.

46. The Protection of Human Rights Act, 1993 provides for the constitution of a National Human Rights Commission and State Human Rights Commissions for better protection of Human Rights and enforcement of the same. The National Human Rights Commission (NHRC) was set up in October 1993. It is empowered to deal with all cases of human rights violations by public servants. The powers of NHRC include inquiry into violations of human rights or their abetment, review of constitutional and legislative safeguards for the protection of human rights to ensure their effective implementation; undertaking research in human rights; visiting jails and other places of custodial detention under the supervision of Government; reviewing factors including terrorism which inhibit the enjoyment of human rights; recommending remedial measures and encouraging non-Governmental organizations and institutions working for human rights. The NHRC has the powers of a civil court to summon persons and record evidence and investigate both suo moto and individual complaints and violations of human rights. Every proceeding before the Commission is a judicial proceeding under the law.

47. The National Commission for Backward Classes and the National Commission for Scheduled Caste and Scheduled Tribe also has powers to adjudicate on individual complaints for violation of rights of an SC/ST person.

48. Some laws have been amended to provide speedier justice to women. The Marriage Laws (Amendment) Act, 2001 has amended the Indian Divorce Act, 1869, the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955 which stipulates that the application for alimony pendente lite (pending litigation) or maintenance and education of minor children shall be disposed of within 60 days from the date of service of notice on the respondent. The Code of Civil Procedure (Amendment) Acts, 1999 and 2002 also provide for speedy justice for all, including women, in civil cases.

### **Initiatives by the Judiciary**

49. Article 51 of the Constitution imposes an obligation on the State to foster respect for international law and treaty. However, the treaty provisions cannot be invoked without the same being incorporated through enabling legislation.

50. Although CEDAW has not been incorporated, the judiciary through its proactive role have paved the way to use the principles of the treaty in many judgments. The

Supreme Court in Vishaka's case (AIR 1997 SC 3011) has held that any international convention, not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content to promote the object of the constitutional guarantee. This decision has enabled women to invoke the provisions of the international treaties and its enforcement. In this case, the Supreme Court has laid down the guidelines for combating sexual harassment and while doing so it has adopted the definition of sexual harassment from General Recommendation 19 of the Convention.

51. In **Gita Hariharan case (AIR 1999 SC 1149)** dealing with the rights of woman to be a guardian for the minor child, the principles of the Convention have been applied to hold the provisions of the Hindu Guardianship and Minority Act, 1956, as being discriminatory. In **Bandhua Mukti Morcha v. Union of India, (1997) 10 SCC 549**, the Supreme Court dealing with child labour held thus "No doubt, the Government, while ratifying the Convention with a reservation of progressive implementation of the governance, reminded itself of the obligations undertaken thereunder, but they do not absolve the State in its fundamental governance of the imperatives of Directive Principles of the Constitution, particularly, Articles 45, 39(e) and (f), 46 read with the Preamble, Articles 21, 23 and 24 of the Constitution rendering socio-economic justice to children and their empowerment, full growth of their personality — socially, educationally and culturally — with a right to leisure and opportunity for development of the spirit of reform, inquiry, humanism and scientific temper to improve excellence — individually and collectively" So also in **M.C.Mehta -vs- State of Tamil Nadu (1996) 6 SCC 756** the Supreme Court has given directions to the Government to monitor and prevent child labour in the Shivakasi cracker manufacturing establishments.

52. In **Gaurav Jain's case, (AIR 1997 SC 3021)** the Supreme Court dealing with women in prostitution, has reiterated the principles of CEDAW and has acknowledged that human rights for women including girl children are inalienable, integral and indivisible part of the universal human rights. In **Apparel Export Promotion Council case, (AIR 1999 SC 625)** the Supreme Court, dealing with sexual harassment, has recognized that the international instruments cast an obligation on the Indian State to gender sensitize its laws and the Courts are under obligation to see that the message of the international instruments is not allowed to be drowned. The Courts are under an obligation to give due regard to International Conventions and Norms for construing domestic laws more so when there is no inconsistency between them and there is a void in the domestic law. In **Municipal Corporation of Delhi –vs- Female workers (Muster Roll) (AIR 2000 SC 1274)** the Supreme Court dealing with the daily wage women employees' right to claim maternity benefit has recognized the child bearing role of women as a social function, as stipulated under Article 5(b) of CEDAW. In **C.Masilamani Mudliar's case (AIR 1996 SC 1697)** the Supreme Court, dealing with the property rights for women, has held that the personal laws, derived from scriptures, conferring inferior status on women is anathema to equality. The court has called upon the State to eliminate obstacles, prohibit all gender-based discriminations as mandated by

Articles 14 and 15 of the Constitution of India. By operation of Article 2(f) and other related articles of CEDAW the State should take all appropriate measures including legislation to modify or abolish gender based discrimination in existing laws, regulations, customs and practices which constitute discrimination against women. In fact in **Valsamma Paul's case (AIR 1996 SC 1011)**, the Supreme Court has observed that "though the Government of India kept its reservations on Articles 5(a) 16(1), 16(2) and 29 of the CEDAW, they bear little consequence in view of the Fundamental Rights in Article 15 (1) and (3) and Article 21 and Directive Principles of the Constitution. The Supreme Court in **John Vallamattom's case (AIR SC 2003 2902)** has once again reiterated the need to frame a Common Civil Code as per Article 44 of the Constitution, which will help in removing the contradictions based on ideologies.

### **Initiatives of the Political Parties**

53. The Common Minimum Programme of the present Government commits to introduce legislation for not less than 1/3 reservation of women in the Parliament and State legislatures. Further, it commits to introduce legislation on domestic violence and gender discrimination and amend the discriminatory laws and enact new legislations that give women equal rights of ownership of assets like house and land. It also commits to ensure that 1/3 of the funds flowing into Panchayats be earmarked for programmes for development of women and children and rural women be involved to assume responsibilities for development schemes related to drinking water, education, health etc.

### **Initiatives by Civil Society**

54. Civil society organisations have been active in monitoring State compliance to eliminate discriminatory laws and promote effective delivery systems of justice for women. Advocacy, lobbying, and networking are their major strategies. They are also co-operating with the Government in drafting laws on women's rights.

### **Challenges Ahead**

55. One area of concern of the Government is about enforcing equality and non-discrimination. There is a demand from women's groups for an anti-discriminatory law providing for remedy, redressal, penal action and sanctions against discriminatory practices. The Government is considering the suggestion made by the CEDAW Committee in its concluding comments for such an enactment.

### **Article 3: Measures to ensure Development and Advancement of women**

#### **Basic Information**

56. The Constitution, apart from guaranteeing Fundamental Rights, has enumerated various Directive Principles of State Policies that obligate the State to provide an appropriate environment to enable citizens to enjoy their rights.

#### **State Initiatives**

57. The Government has taken several initiatives towards the practical realisation of rights in order to ensure that women also exercise and enjoy these rights. The Department of Women and Child Development is the nodal agency to guide, co-ordinate and review the efforts of the Government and NGOs and works in co-ordination with other institutions like the Central Social Welfare Board (CSWB), Women's Development Corporations, National Institute of Public Co-operation and Child Development (NIPCCD) and the Rashtriya Mahila Kosh (RMK). The Department of Women and Child Development, the State Commission for Women, Women's Development Corporations and the State Social Welfare Boards are the institutional machineries at the State level. The Planning Commission carries out periodical reviews of policies and their impact on women.

58. The Government has constituted a Parliamentary Committee on the Empowerment of Women in the year 1997 and re-constituted it in 2004 to report on the measures taken for improving the status/conditions of women in respect of matters within the purview of the Central Government including the Union Territories, to examine the measures taken to secure for women equality, status and dignity in all matters and to report on the working of the development programmes for women. The Committee has, as on February 2004, examined and presented 18 reports to the Parliament on several subjects such as developmental schemes for rural women, training programmes for women, women in detention, violence against women during riots, functioning of the National and State Commissions for Women, health and family welfare programmes for women, functioning of Family Courts, education programmes for women and empowerment of women in local bodies and the self help groups. Many of the recommendations made by the NCW and the Parliamentary Committee on Empowerment of Women are under active consideration of the Government.

59. The DWCD, the NCW and the Parliamentary Committee on Empowerment of Women have been constantly reviewing various laws, policies and programmes. Gender perspectives or concerns of women have been taken into consideration in the formulation and revision of policies and laws.

60. The Legal Services Authorities Act, 1987, amended in 2002 provides access to justice for women. The Government, through this enactment, provides free legal aid and

services of lawyers to poor and indigent women in all types of cases. It carries out various programmes to provide legal literacy at the community level and helps in creating legal awareness in the public. It also provides for alternate dispute resolution mechanisms through the Lok Adalath (mediation and conciliation) and undertakes Parivarik Adalat (dealing with family disputes) in collaboration with the National and State Commissions for Women. Due to these alternate mechanisms many of the disputes have been resolved out of court, thus providing women access to speedy justice and resolution of their problems.

61. The National Nutrition Policy adopted in 1993 under the aegis of DWCD recognises the multifaceted problem of malnutrition and advocates a multi-sectoral approach for controlling the same. A National Nutrition Mission under the chairpersonship of Prime Minister has been set up to carry forward the goals of National Nutrition Policy.

62. The National Health Policy 2002 facilitates increased access for women to basic health care and provides holistic health care for women. It commits high priority to the funding of identified programmes relating to women. The action taken and achievements are detailed under Article 12.

63. The National Population Policy, 2000 addresses the issues related to population stabilization and universal access to quality contraceptive services as a step towards attaining the two-child norm. It targets reduction in Infant Mortality Rate (IMR) and Maternal Mortality Rate (MMR), universal immunization of children, delayed marriages for girls and increased number of institutional deliveries.

64. The National Policy on Education, 1986 (revised in 1992) has given a big momentum to the task of providing basic education for all. The policy and its Plan of Action, 1992 lay special emphasis on removal of disparities. The policy, inter-alia, emphasizes the need to orient the entire education system to play a positive interventionist role in the empowerment of women by providing special support services for women's education and to remove factors which impede the spread of women's/girls' education. The National Literacy Mission set up in 1988 with the goal of attaining full literacy, i.e., a sustainable threshold level of 75 per cent by 2005, continues to follow a multi-pronged strategy to eradicate illiteracy. So far, out of the 600 districts identified, 576 have taken up intensive literacy work. Of these, 160 districts have been covered under the Total Literacy Campaign, 264 under the Post Literacy Campaign and 152 under the Continuing Education Scheme. More than 91.43 million people have been made literate by December 2000 of whom 61 per cent were women. By the year 1999-2000, the scheme of non-formal education had benefited 7.3 million learners in 292,000 non-formal education centers spread over 25 States/Union Territories. This scheme targeted the out-of-school children, who remained outside the formal system due to socio-economic and cultural reasons.

65. The Mahila Samakhya Scheme launched in 1989, aims primarily to translate the goals of the National Education Policy into concrete programmes for education and empowerment of women in rural areas, particularly amongst women in socially and economically marginalised groups. This programme has expanded over the years and is currently implemented in 13,247 villages in 61 districts spread over 9 states. It has enabled women's collectives to address the larger socio-cultural issues that have traditionally inhibited the participation of women and girls in the education system. Through its strategy of building grass root women's organizations, this programme has created a forum and environment for women's education at the community level. These grassroots women's organizations have also given the support and strength for women to contest elections in the local bodies of governance in the rural areas.

66. The National Agricultural Policy announced in July 2000 seeks to mainstream gender concerns in agriculture. It promises to initiate appropriate structural, functional and institutional measures to empower women, build their capabilities and improve their access to inputs, technology and other farming resources.

67. Realising that there is a wide gap between the goals enunciated in the Constitution, law, policies, plans and programmes and the defacto situation, the Government adopted a 'National Policy for the Empowerment of Women' in the year 2001. The goals of this Policy are to bring about the advancement, development and empowerment of women. The objectives of this Policy are to create an environment for the full development of women through positive economic and social policies, enable them to realise their full potential, ensure equal access to education, health care, employment, social security and public office and participation in decision making in social, political and economic spheres and thereby ensure defacto equality to women. It also aims at changing societal attitudes and community practices by active participation and involvement of both men and women, mainstreaming a gender perspective in the development processes and eliminating discrimination and all forms of violence against women and girl children and building and strengthening partnerships with civil society, particularly women's organisations.

68. The policy prescribes affirmative action in areas such as the legal system, decision making structures, mainstreaming gender perspectives in development processes; economic empowerment of women through increased access to resources like micro-credit, better resource allocation through Women's Component Plan, gender budget exercises and development of Gender Development Indices; and social empowerment of women through universalization of education, adopting an holistic approach to women's health, etc. The policy takes into account the new development initiated by the process of economic reforms and impact of globalisation and liberalisation on women, particularly on those in the informal sector.

69. The operational strategies of the above policy envisages time bound action plans to be drawn up by all Central and State Ministries in consultation with the DWCD and

the National and State Commissions for Women, to translate the policy into a set of concrete actions and measurable goals to be achieved by 2010. It will also identify and commit resources, define responsibilities for implementation, put in place monitoring/review structures and mechanisms and introduce gender perspective in the budgeting process. This Policy provides for National and State Councils for monitoring the operationalisation of the policy. The Prime Minister will head the National Council and the Chief Ministers, the State Councils. A draft National Plan of Action for implementation of the Policy has been drawn up and is in the process of finalisation. The Plan of Action identifies the commitment of resources and responsibilities for implementation and strengthens institutional mechanisms and structures for monitoring.

70. Over the years, the planning strategies on women have evolved from ‘welfare’ to ‘development’ and to ‘empowerment’. The 6<sup>th</sup> Plan (1980-1985) adopted a multi-disciplinary approach with a special thrust on three core sectors of health, education and employment. This thrust has further been reiterated in the subsequent plans that have been highlighted in the Initial Report. In the 9<sup>th</sup> Plan (1997-2002), empowerment of women became one of the objectives and the approach adopted was to create an enabling environment where women can freely exercise their rights, inside and outside the homes, as equal partners along with men. This plan attempted to converge the existing services, resources, infrastructure and human power available in both women-specific and women-related sectors, through the ‘Women Component Plan’, where not less than 30 per cent of the funds/benefits were earmarked in all sectors of development for the benefit of women.

71. The prescriptions of the National Policy for Empowerment of Women have been the basis for the 10<sup>th</sup> Five Year Plan (2002–2007), which provides an action plan for the implementation of the National Policy. It adopts a three-pronged strategy of empowering women, i.e.,

- Social empowerment: to create an enabling environment through adopting various 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 potential.
- Economic empowerment: to ensure provisions of training, employment and income generation activities with an objective of making women economically independent and self-reliant.
- Gender justice: to eliminate all forms of gender discrimination and thus enable women to enjoy not only de jure but also de facto rights and fundamental freedom on par with men in all spheres, viz., political, economic, social, civil, cultural, etc.

72. The following are the measurable/monitorable goals that have been set in the 10<sup>th</sup> plan which have a direct bearing on women’s empowerment:

- Reduction of poverty ratio by 5 percentage points by 2007 and 15 percentage points by 2012.
- Providing gainful employment to the addition to the labour force.
- Ensure that all children are in school by 2003 and complete 5 years schooling by 2007.
- Reduction of gender gaps in literacy and wage rates by at least 50 per cent by 2007.
- Reduction in decadal rates of population growth between 2001 and 2011 to 16.2 per cent.
- Increase literacy rate to 75 per cent within the plan period.
- Reduction of IMR to 45 per 1000 live births by 2007 and 0000000to 28 by 2012.
- Reduction of MMR to 2 per 1000 by 2007 and to 1 by 2012.
- Ensure that villages have sustained access to potable drinking water by 2007.

73. The DWCD has initiated gender analysis of the Central and State Government budgets. A review of the Women's Component Plan of the 9<sup>th</sup> plan period (1997-2002) reveals that nearly 42.9 per cent of the GBS in fifteen Central Ministries and Departments has been spent on women. In five ministries, viz., family welfare, health, education, women and child and Indian system of Medicine and Homeopathy about 50 to 80 per cent of the plan expenditure has been spent on women. DWCD has issued guidelines to ensure proper utilization of the WCP fund and steps are being taken to ensure that the WCP resources are not diverted for any other purpose and are utilized for the said purpose only.

74. Recognising the importance of education and its impact on women, the Government has, in the year 2002 made education a constitutional right in the 86<sup>th</sup> Constitutional Amendment. Thus the State, under Article 21A of the Constitution has an obligation to provide free and compulsory education for all children in the age group 6-14 years. Further Article 45 ensures that the State shall endeavour to provide early childhood care and education for all children until they complete the age of 6 years and Article 51 A (k) has enforced a fundamental duty on the parent/guardian to provide opportunities for education to his/her child between the age of 6 to 14 years.

75. In pursuance with this objective the Government has initiated the Sarva Shiksha Abhiyan (SSA), a national programme for universal primary education. The plan of action under this scheme is set for 2010 and it aims to achieve universal access and enrolment at the primary stage by 2003 and expects that all children would complete five years of primary schooling and that gender gaps at the primary level would be narrower by 2007. It also aims at all children completing eight years of elementary education and bridging of gender gaps at the upper primary level by 2010. Further, it aims to ensure

retention of children in schools. A sum of Rs. 170,000 million is allocated for this project.

76. Another recent initiative undertaken by the Government is the setting up of a Committee for monitoring and reviewing the implementation of the provisions of CEDAW. This Committee was set up on 24<sup>th</sup> June 2004, with representatives from various Ministries. The objective of setting up this Inter-Ministerial Committee is to facilitate greater dialogue and convergence between various ministries responsible for implementing the different laws, policies and programmes formulated to ensure equality to women and also to monitor the fulfilment of state obligation under the Convention. The first and major responsibility undertaken by this Committee has been the preparation of the II and III periodic report after a wide consultation with various Ministries and Departments and also civil society and women's groups. This Committee also proposes to develop monitoring indicators to ensure effective implementation of the commitments under the Convention.

### **Schemes and Programmes**

77. The Government of India has been implementing various schemes and programmes for the welfare and empowerment of women in the areas of poverty alleviation, skill up-gradation, micro credit, development and sustainable income generation, science and technology, education, health services, awareness generation, legal literacy and support services.

78. The Government launched the **Swashakti, Rural Women's Development and Empowerment Project** in 57 Districts of 9 States for a period of 5 years. About 17647 SHGs have been formed under the project so far, enabling about 243,962 women to enhance their confidence and to increase their control over income through their involvement in skill development and income generating activities. By March 2004, nearly Rs.3904 million had been disbursed to about 1.1 million SHGs formed under the **Support and Linkage Programme launched by the National Bank for Agriculture and Rural Development (NABARD)**. About 90 per cent of these groups are exclusive women's groups. Micro-finance institutions have increased outreach and NGOs have promoted SHGs at the village level.

79. A new scheme '**Swadhar**', was launched in the year 2001 with a flexible and innovative approach catering to the requirements of women in difficult circumstances. It specially focuses on the rehabilitation of sex workers, women/girls offered to temples, viz., devadasis, basavis, joginis, women/ girls in social and moral danger, destitute/young/elderly widows, displaced women, single women, women-headed households, women affected by natural calamities and other women in distress in diverse situations under difficult conditions. The scheme provides shelter, counseling and training for those women in difficult circumstances who do not have any social and economic support.

80. Another scheme, '**Swayamsidha**', launched in the year 2001, is an integrated program for the empowerment of women through the net work of self help groups of women by ensuring their direct access to and control over resources. It seeks to achieve convergence of all women related schemes of Central and State Governments in about 650 blocks, throughout the country. Another important programme of the DWCD is the **Support to Training and Empowerment Programme (STEP)**. This programme provides updated skills and knowledge to poor and asset-less women in traditional sector, such as dairying, animal husbandry, sericulture, handlooms, social forestry, etc.

81. The **Rashtriya Mahila Kosh (RMK)**, since its registration in 1993, has established its credentials as the premier micro-credit agency with its focus on women and their economic empowerment through the provisions of credit to poor and asset-less women in the informal sector. It has sanctioned about Rs. 1544 million and disbursed about Rs.1182 million benefiting about 507,650 women through 1130 NGOs, as on September 2004.

82. In the field of rural development, antipoverty programmes have been the dominant feature of Government initiatives. The **Swarnajayanti Gram Swarozgar Yojana (SGSY)** aims at bringing beneficiary families above the poverty line by providing them with income-generating assets through a mix of bank credit and Government subsidy. Although 40 per cent of the benefits under this scheme have been earmarked for women, as on 31st March 2005, the percentage share of women benefited under this scheme reached 48.44. About 2 million SHGs have been formed under this scheme since 1<sup>st</sup> April 1999, of which 1.36 million are exclusively by women. A cumulative sum of Rs.29431.7 million has been disbursed as credit to 220,000 self-help groups for taking up income generating activities, benefiting 90,000 families. The **Sampoorna Grameen Rozgar Yojana (SGRY)** endeavours to create 30 per cent of the employment opportunities for women. Between 1<sup>st</sup> April 2001 and 31<sup>st</sup> March 2005, 2873.4 million mandays have been generated, benefiting 761.1 million women (26.49 per cent). The **Indira Awas Yojana (IAY)** stipulates that houses under the scheme be allotted in the name of the woman or in the joint names of the spouses. The National Maternity Benefit Scheme aims at assisting the expectant mother by providing Rs. 500 each for the first two live births. This has recently been revamped as the **Janani Suraksha Yojana**. The Rural Sanitation Programme ensures construction of village sanitary complexes exclusively for women, where individual latrines are not feasible. Under the **Urban Self-employment Programme (USEP) of Swarna Jayanti Shahari Rozgar Yojana (SJSRY)** assistance is provided to the urban poor, especially women, living below the urban poverty line. Efforts taken by the Government have yielded results in reducing poverty to 26 per cent in 2000 as against 50 per cent in the year 1973. The absolute number of people living below poverty line has come down to 260 million in 2000.

83. The Government acknowledges that the ever increasing violence against women is yet another manifestation of low and unequal status of women. The Central Government, in its 10<sup>th</sup> plan has committed to address the problem of violence against

women on top priority basis through a well-planned Programme of Action with short and long-term measures at the National and State levels. Besides, it also aims at bringing about necessary amendments in the Indian Penal Code and other related legislations. Initiating efforts in close collaboration with the committed NGOs to bring forth societal orientation is yet another intervention proposed during the 10<sup>th</sup> plan.

### Impact of State Initiatives

84. The impact of the various developmental policies, plans and programmes implemented by the Government over the last few years has brought forth a perceptible improvement in the socio-economic status of women, which is clearly shown in the table on selected Gender Development Index. There has been a slight increase in the total female population and the sex ratio has registered a marginal improvement from 927 in the year 1991 to 933 in 2001. There has been a decline in the birth, death and maternal mortality rates. The birth rate has declined from 35.6 in 1981 to 25 in 2002; the death rate has declined from 12.5 in 1981 to 8.1 in 2002. The female literacy rate shows an increase from 29.85 per cent in 1981 to 53.67 per cent in 2001. Besides, there is an increase in the enrolment rate, a decrease in the drop out rate, an increase in the work participation rate of women both in urban and rural areas, a marginal increase in the representation of women in decision making bodies such as the Indian Administrative Service, Indian Police Service, etc. and in the electoral bodies.

### Selected Gender Development Index

Sl. No.	Indicator	Women	Men	Total	Women	Men	Total
<b>Demography and Vital Statistics</b>							
1	Population (in million 1991 & 2001)	407.1	439.2	846.3	496.4	532.2	1028.6
2	Decennial Growth (1981 & 2001)	23.37	24.30	23.85	21.96	21.16	21.54
3	Sex Ratio (1991 & 2001)	927			933		
4	Life Expectancy at Birth (in years in 1991 & 2001)	58.1	57.1		65.3	62.3	
5	Mean Age at marriage 1981 & 1991	18.3	23.3		19.5	23.9	
<b>Health and Family Welfare</b>							
6	Birth Rate (per 1000 in 1981 & 2002)			35.6			25.0
7	Death Rate (per 1000 in 1981 & 2002)	12.7	12.4	12.5	7.7	8.4	8.1
8	Infant Mortality Rate (per 1000 live births in 1990 & 2002)	81	78	80	65	62	64

9	Child Mortality Rate (per 1000 live births under 5 yrs of age in 1985 & 2001)	40.4	36.6	38.4	71.6	70.5	71.1
10	Maternal Mortality Rate (per 100,000 live births in 1997 & 1998)	408			407		
<b>Literacy and Education</b>							
11	Literacy Rate (1991 & 2001) in percentage	39.29	64.13	52.21	53.67	75.26	64.84
12	Gross Enrolment Ratio (1990-91 & 2002-03)						
	Classes I- V	85.5	114.0	100.1	93.1	97.5	95.3
	Classes VI- VIII	47.0	76.6	62.1	56.2	65.3	61.0
13	Dropout Rate (1990-91 & 2002-03) in percentage						
	Classes I- V	46.0	40.1	42.6	33.7	35.8	34.9
	Classes I – VIII	65.1	59.1	60.9	52.3	53.4	52.8
<b>Work and Employment</b>							
14	Work Participation Rate (1991 & 2001) in percentage	22.3	51.6	37.5	25.6	51.7	39.1
15	Organised Sector (number in millions in 1981 & 1999)(DGE&T)	2.80 (12.2%)	20.5	22.85	4.83 (17.2%)	23.20	28.11
16	Public Sector (number in millions in 1981 & 1999)(Employment review)	1.5 (8.7%)	14.0	15.5	2.8 (14.5%)	16.8	19.4
17	Government (number in millions in 1981 & 1997)	1.2 (11%)	9.7	10.9	1.6 (14.6%)	9.1	10.1
<b>Decision Making</b>							
18	Administration (no in IAS & IPS in 1997 & 2000)	608 (7.6%)	7347	7955	645 (7.6%)	7860	8505
19	PRIs (no in figures in 1985 & 2001)	318 (33.5%)	630	948	725 (22.6%)	1997	2722
20	Parliament (no in 1991 & 2004)	77 (9.7%)	712	789	72 (9.2%)	712	784
21	Central Council of Minister (no in 1985 & 2001)	4 (10.5%)	36	40	8 (10.5%)	66	74

Source: X Plan, Government of India; Sample Registration System.

### Challenges ahead

85. Significant gains have been made in the life expectancy of women, literacy and representation of women in local self-governing institutions. Despite the growing

sensitivity with regard to the elimination of discriminatory laws, the shift in the planning process from 'welfare' to 'development' and to 'empowerment', the constitutional and legal provisions for affirmative action, the institutional mechanisms and increased investment, gender discrimination continues to be a daunting challenge and there is much to be accomplished in translating the de jure rights into de facto enjoyment of rights and equal results.

86. Access to benefits of development has been conditioned by the prevailing social discrimination that women face. The socio-cultural norms, traditional practices and prejudices, patriarchal values are major obstacles towards achieving de facto equality for women. The process of liberalisation has exacerbated existing regional disparities creating pockets of prosperity amidst poverty and deprivation, as investment generally tends to flow to regions that have taken a lead in infrastructure development. The Government has taken note of these regional disparities and has taken steps to correct these imbalances by providing more resources, improving infrastructure and providing incentives to promote and develop the under developed regions also.

87. Certain critical areas of concern viz., increasing burden of poverty, unequal access to primary health care, under nutrition, high rates of illiteracy and lack of training, lack of access to and control over assets and resources, inequalities in sharing of power and decision making, lack of access to information and media, increasing violence against women, adolescents and girl children and persisting discrimination against the girl child, require immediate attention in order to ensure de facto equality and practical realisation of rights for women. The Government is addressing these concerns through the National Policy for Empowerment of Women, 2001 and the planning strategies which will enhance the social gains in terms of education, health and employment capabilities, which will in turn enable empowerment of women.

88. Lack of desegregated data on various development indicators both at the State and District levels has been a major problem in monitoring the progress made in improving the status of women towards achieving equality on par with men. Steps have now been taken on several indicators to expedite the standardisation of Gender Development Index based on which the sex-desegregated data is being collected at the National, State and District levels. The Government has also recognised the need to review the outcomes and impact of the existing laws, policies and programmes for women and to redesign them as necessary to ensure that they advance gender equality goals.

#### **Article 4: Special measures**

89. The Initial Report has highlighted the special measures adopted by Government to ensure that women are able to exercise and enjoy fundamental rights and freedom. Realizing the low status of women and the historical discrimination faced by women, the Constitution of India not only prohibited discrimination against women but also provided scope for special measures in favour of women (Article 15(3)). It also further guarantees

equality in opportunities in employment and provides for special measures in employment (Article 16(4)). Applying this principle the State has provided affirmative action to improve the status of women.

90. One of the important special measures adopted by the State was the 73<sup>rd</sup> and 74<sup>th</sup> Amendments to the Constitution, which provides for reservation of seats and the posts of chairpersons for women in institutions of local governance. To ensure effective participation of tribal women in the process of planning and decision-making, these amendments have been extended to the Scheduled areas through the Panchayats (Extension to the Scheduled Areas) Act, 1996.

91. Our Constitution declares India to be a sovereign and a secular country and prohibits discrimination on the basis of caste, creed or sex. Certain groups of women suffer multiple forms of discrimination based on caste, religion and disability, which impact on women in different ways than on men.

92. The socially disadvantaged groups consist of the scheduled castes (SCs), scheduled tribes (STs) and other backward classes (OBCs). According to the 2001 census, the scheduled caste population represents 16.2 per cent of the total population, while the scheduled tribe population is 8.2 per cent. 81 per cent of the scheduled caste population lives in rural India. The highest concentration of scheduled tribe population is found in the Northeastern states of Mizoram (94.5 per cent), Nagaland (89.1 per cent), Meghalaya (85.9 per cent) and Arunachal Pradesh (64.2 per cent) and the Union Territories of Lakshwadeep (94.5 per cent) and Dadra and Nagar Haveli (62.2 per cent). There are also high concentrations in the States of Madhya Pradesh, Orissa, Gujarat, Assam, Rajasthan, Maharashtra, Jharkhand, Andhra Pradesh and Andaman and Nicobar Islands.

93. The minorities consist of the Muslims, Christians, Sikhs, Buddhists and the Parsees. According to the 2001 census, the minorities constitute about 18.4 per cent of the total population of the country. Muslims represent 13.4 per cent, Christians are 2.3 per cent, Sikhs 1.9 per cent, Buddhists 0.8 per cent and the Parsees are about 69,601 in number. Amongst the minorities, Muslim women are found lagging behind in all parameters. The sex ratio has increased among all religious groups over the decade 1991-2001, except among the Sikhs and Hindus. It is found to be the highest among the Christians with a ratio of 1009 and least among the Sikhs with 893. For the Hindus it is marginally lower with 931 as against the national ratio of 933. Further, for all religious groups with the exception of Muslims, there has been an alarming decline in the child sex ratio in the age group 0-6 years. Amongst the Muslims, the child sex ratio is 950 against the overall sex ratio of 936. With regard to literacy, the Jains have the highest overall literacy rate of 94.1 per cent, and the Muslims the least with 59.1 per cent. Among the religious groups the gender literacy gap is highest for the Hindus with a difference of 23 percentage points and least among Jains and Christians with less than 10 percentage points. Literary rate for men among Hindus is 76.2, Muslims 67.6, Christians 84.4, Sikhs

75.2, Buddhists 83.1 and Jains 97.4. Correspondingly, among females, the literacy rate for Hindus is 53.2, Muslims 50.1, Christians 76.2, Sikhs 63.1, Buddhists 61.7 and, Jains 90.6.

94. The work participation rate for Hindu women is 27.5 as against 52.4 for men; amongst Muslim women 14.1 as against 47.5 for men; amongst Christian women 28.7 as against 50.7 for men; amongst Sikh women 20.2 as against 53.3 for men, for the Buddhist women 31.7 as against 49.2 for men and amongst Jain women 9.2 against 55.2 for men. The all India rate is 51.7 for men and 25.6 for women.

### **State Initiatives.**

95. Recognizing the relative socio-economic backwardness of SC/ST sections of the society, the Constitution of India guarantees equality before the law (Article 14) and enjoins the State to make special provisions for the advancement of socially and educationally backward classes or for SC/ ST (Article 15(4)). It also empowers the State to make provisions for reservation in appointments, posts and promotions in favour of backward class citizens (Article 16(4) and 16(4A)). The Constitution of India states categorically that untouchability is abolished and its practice in any form is forbidden (Article 17). Further, it enjoins the State to promote, with special care, the educational and economic interests of the weaker sections of the people and, in particular, of SCs /STs and promises to protect them from social injustice and all forms of exploitation (Article 46). Reservation of seats for SC/ ST in the democratic institutions (Article 330 and 332) and in services (Article 335) is another special measure in favour of these groups. It empowers the State to appoint a Commission to investigate into the conditions of socially and educationally backward classes (Article 340) and to specify the castes to be deemed as SC and ST (Article 341 & 342 respectively). It promises grant-in-aid for promoting the welfare of the STs and for raising the level of administration of the scheduled areas (Article 275(1)).

96. The Fifth Schedule to the Constitution lays down certain prescriptions about the Scheduled Areas as well as the Scheduled Tribes in states other than Assam, Meghalaya, Tripura and Mizoram by ensuring submission of Annual Reports by the Governors to the President of India regarding the Administration of the Scheduled Areas and setting up of Tribal Advisory Councils to advise on matters pertaining to the welfare and advancement of the STs (Article 244(1)). Likewise, the Sixth Schedule to the Constitution also refers to the administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram by designating certain tribal areas as Autonomous Districts and Autonomous Regions and also by constituting District Councils and Regional Councils (Article 244(2)).

97. The Constitution adopts certain safeguards to recognize the rights of the minorities in conserving their culture and establishing and administering educational institutions of their choice under Articles 29 and 30 of the Constitution. While Article

350(A) advocates instructions in the mother tongue at the primary stage of education to children belonging to Linguistic Minorities, Article 350(B) provides for a Special Officer to safeguard the interests of the Linguistic Minorities.

98. As education plays a major role in improving the status of these sections many special measures have been adopted to enable SC and ST students to pursue education. They are:

- Education has been declared as a fundamental right in the year 2002, and the action plan proposes to focus special attention on the SC/ST women.
- Special attention is being paid to 146 districts identified as low female literacy districts. Under this scheme, 100 per cent financial assistance is given to State Governments and voluntary organizations for the establishment of new primary/upper primary schools and multi-stream residential higher secondary schools for girls belonging to these groups. The scheme covers 325 blocks in 13 states, 3 UTs and 4 districts in Assam.
- The scheme of 'Special Educational Development Programmes for SC girls belonging to Low Literacy Districts', introduced in 1996-97, aims to establish special residential schools for SC girls who are first generation learners from low literacy pockets where the traditions and environment are not conducive to learning.
- Norms have been relaxed for opening of primary schools for SC/ST. A primary school for SC/ST is now being opened within one km walking distance from habitations of 200 population instead of habitations of 300 population;
- Provide free textbooks, uniforms, stationery, school bags, etc. to these students.
- Reservation of seats for SC/ST in the Central Government institutions of higher education.
- Relaxation in the minimum qualifying cut-off percentages for admission to universities, colleges and technical institutions.
- Remedial and special coaching for SC/ST students to improve academic skills and linguistic proficiency and thereby raise their level of comprehension.
- Reservation of scholarships exclusively for SC/ST students under the National Talent Search Scheme.
- Providing SC/ST candidates with a relaxation of up-to 10 per cent of cut-off marks for the Junior Research Fellowship (JRF) test and awarding fellowships to all SC/ST candidates qualifying in the JRF test.
- To facilitate the recruitment of SC/ST candidates against reserved vacancies in various Central Government Ministries/Departments, the Directorate General of Employment and Training (DGET) has launched another scheme, viz., 'Special

Coaching Scheme' for SC/ST job-seekers registered with the employment exchanges to enable them to appear in Competitive Examinations/Selection Tests conducted for recruitment in Group C and equivalent posts.

- The scheme of 'Hostels for SC/ST Boys and Girls' is one of the major support services provided by the Government to improve enrolment. It aims to reduce the present high dropout rates and increase retention amongst SC/ST students by providing them hostel facilities in the middle, secondary and higher secondary schools, colleges and universities.
- Construction of hostels for girls belonging to SC/ OBC to enable them to pursue higher education. Under this Scheme Rs. 5320 million was released during 2004-2005 for construction of 14 girls' hostels for the benefit of 1146 SC girls. For OBC beneficiaries at least 1/3 of hostels are to be constructed exclusively for girls under construction of hostel for OBC boys & girls.
- The 'Book Banks Scheme for SC/ST Students' supplies textbooks to SC /ST students for pursuing medical, engineering, veterinary, agricultural, polytechnic, chartered accountancy, business administration, biosciences and law education. Provision has also been made for Braille Books to visually disabled students.
- Tuition fees have been abolished in Government schools in all states, at least up to the primary level. Most of the States have already abolished tuition fee for SC/ST students up to the Senior Secondary level.
- Post Matric Scholarship is provided for students belonging to SC for pursuing studies beyond matriculation in recognized institutions. During the year 2003-04, 2 million students were covered under this scheme out of which Rs.660,000, i.e., about 30 per cent, were women.
- Special focus has been paid to SC/ST in various State educational programmes viz., District Primary Education Programme (DPED), Lok Jumbish, Shiksha Karmi, Sarva Shiksha Abhiyan, Non- Formal Education and Mid Day Meal Scheme, etc.
- Similar special measures have been made in the employment arena also such as reservation of posts for SC/ST, special provisions for promotions, relaxation of conditions and eligibility for promotions, etc.
- Since the Supreme Court decision in Indra Sawhney vs. Union of India AIR 1993 SC 47, (commonly known as the Mandal Commission case), the Government in order to fulfil the Constitutional promise of affirmative action has reserved 27 per cent of the seats for socially and economically backward classes in Central civil services, public sector units and financial institutions including public sector banks, in addition to seats already reserved for Scheduled Castes and Scheduled Tribes. The Supreme Court has upheld the validity of such reservations and has held that reservations, being an extreme form of measure or affirmative action,

- should be confined to minority seats, i.e. they should not exceed 50 per cent except in extraordinary situations.
- With the introduction of Article 16 (4 A) the Constitution guarantees reservation of seats in promotion for SC/ST.
  - Introduction of the Kasturba Gandhi Balika Vidyalaya Scheme for the education of SC/ST and minority women.
  - A new scheme, Adivasi Mahila Sashaktikaran Yojana has been introduced in the year 2002-03 for the empowerment of tribal women.

99. Special measures have been adopted to address the problem of segregation, isolation, and untouchability. Untouchability has been prohibited in the Constitution (Article 17) and is made an offence under the Protection of Civil Rights Act, 1955. Schemes undertaken to distribute land and houses also attempt to eliminate the practice of segregation. Though this practice is fading, it is found prevalent in a few places and efforts are being made to eradicate the same.

100. The National Scheme of Liberation and Rehabilitation of Scavengers and their dependents was modified in 1998 to accommodate revised norms and involve NGOs in the efforts for their identification, liberation and rehabilitation. Around 384,000 out of the 653,000 identified scavengers have been rehabilitated, while 147,000 have been given training to take up alternative vocations. The National Safai Karamcharis Finance and Development Corporation (NSKFDC), set up in January 1997 exclusively for promoting economic development and self-employment amongst the scavenging communities, is implementing schemes exclusively for women belonging to Safai karmacharis and their dependent daughters. NSKFDC acts as an apex institution for channelising funds through the State Channelising Agencies. Financial assistance on concessional rates of interest has been provided to persons engaged in the scavenging occupation for the establishment of alternative viable income-generation activities. It also has the responsibility of overseeing the progress of fulfilling the national commitment of total eradication of manual scavenging.

101. India has ratified the ILO Convention No.29 (Forced Labour Convention 1930) on 30<sup>th</sup> November 1954 and has enacted a law, i.e., the Bonded Labour System (Abolition) Act, 1976 by which the system of bonded labour has been legally abolished. As a result of concerted efforts taken by the Government, incidence of bonded labour is decreasing every year. However stray cases of such incidents are reported from time to time. The responsibility for implementation of the Act lies with the State Governments and Union Territories. The Central Government has been implementing a scheme since 1978 for rehabilitation of identified bonded labourers and for provision of financial assistance to them. A scheme entitled "Grants-in-aid to voluntary agencies for the identification and rehabilitation of bonded labourers" also provides for a managerial subsidy. To ensure effective release and rehabilitation of the bonded labourers, the States

have also been advised to integrate the scheme for this purpose with the various anti-poverty programmes. In the activities initiated under the Special Component Plan for Scheduled Castes and Scheduled Tribes, there exist arrangements for allotment of surplus agricultural land to the bonded labourers. For proper enforcement of the Bonded Labour System (Abolition) Act, 1976, vigilance committees have been set up in subdivisions of States where bonded labour has been reported. These committees meet periodically to review the work being done. Voluntary agencies are also involved in the identification and rehabilitation of bonded labourers. As on March 2005 as many as 285,379 bonded labourers have been identified and out of these 266,283 have been rehabilitated. Identification of bonded labourers and their release and rehabilitation is a continuous process where various voluntary agencies and prominent citizens are supporting the Government's efforts.

### **Land Rights**

102. Since a large number of SC/ST are found in rural areas, land reforms is one of the measures that has been introduced since independence in 1947, to economically empower these communities. With the introduction of the ceiling laws on agricultural lands in the year 1972 and re-distribution of surplus lands, the total quantum of land as on September 1998 that was declared surplus in the entire country was 7.37 million acres. Of this, about 6.5 million acres have been taken possession of by the State and redistributed to about 5.34 million beneficiaries of whom 36 per cent belong to SC and 14 per cent to the STs. Joint Pattas (titles) in the name of husband and wife are issued.

103. The Government has accepted the policy of prohibiting the transfer of granted lands from tribal to non-tribal and for the restoration of alienated lands to the tribals. Many States have enacted legislation prohibiting alienation of tribal/granted land and for restoration of alienated lands. The Government has also been organizing poor and assetless SC/ST women into Self-Help Groups for enabling them to access micro-credit and income generation activities.

104. The problem of indebtedness amongst the SC/ST is a reflection of their poverty and also reflects the wider economic malaise, i.e., lack of education, low purchasing/bargaining power, lack of resources for engaging in gainful activity and meeting emergent expenditure. Therefore the problem continues to persist with increasing menace as the indebtedness pushes the SC/ST further into extreme conditions of poverty and forces them to dispense with their meager resources, including small bits and pieces of lands to pay off loans at exorbitant rates of interest. Alcoholism also has impoverished the SC/ST population making them victims of indebtedness and exploitation. The State Governments have adopted laws and regulations to curb the activities of moneylenders in the tribal areas, but the implementation has not been effective and in the absence of alternative sources of credit, the exploitation by moneylenders has not been curbed.

## **North East Region**

105. Recognizing the specific needs and problems of the North Eastern Region, which is largely concentrated by the tribals, on the directions of Ministry of Finance, 10 per cent of the Central Plan Gross Budget Support has been shown under the Head "Lump sum provision for schemes for the benefit of the North Eastern Region and Sikkim" in the annual budget. The funds can be re-appropriated from this lump sum provision to meet the requirement under any approved and budgeted scheme so long as the augmented provision is used for the benefit of the North Eastern Region and Sikkim. This ensures that 10 per cent of the Central Plan is utilized in the North Eastern Region.

## **Programmes and Schemes**

106. The Ministry of Rural Development plays a vital role in raising the status of the people living below the poverty line and improving the quality of life in rural areas through the implementation of various poverty alleviation programmes and providing avenues for self/wage employment to the most disadvantaged groups, viz., the SCs, STs and others. Under SGRY, which provides wage employment and food security in rural areas, 22.5 per cent of the funds earmarked for programmes implemented at the District and intermediate level Panchayats are earmarked for individual beneficiary schemes for SCs/STs and 50 per cent of the funds earmarked for programmes being implemented at the village panchayat level are for taking up activities in the habitations of SCs/STs. For taking up self-employment and income-generation activities, Swarnajayanti Gram Swarozgar Yojana (SGSY) stipulates that at least 50 per cent of the swarozgaris will be from SC/ST. Subsidy under the scheme to SC/STs and disabled persons is 50 per cent of the project cost as against 30 per cent to others. Under SGSY, 1.4 million SC swarozgaris accounting for 30.4 per cent of the total number of swarozgaris benefited upto March 2004.

107. In addition to these poverty alleviation programmes, the Indira Awaas Yojana (IAY) is being implemented with the objective of providing dwelling units to the people below poverty line living in rural areas mainly belonging to SCs/STs. 60 percentage of the total allocation during a financial year is to be utilized for construction of dwelling units for SCs and STs. During the year 2003-04, 42.8 per cent of the dwelling units constructed were for SCs and 19.3 per cent were for STs. The National Scheduled Castes Finance and Development Corporation has introduced a new micro credit finance scheme called Mahila Samridhi Yojana, exclusively for women belonging to SC/ST from very poor families. Under the scheme, Rs.1130.70 million was disbursed during 2003-04 to 59,826 beneficiaries. The same scheme is also being implemented by NSKFDC for women, who are scavengers and the dependent daughters of scavengers.

108. The National Social Assistance Programme (NSAP), comprising the National Old Age Pensions Scheme (NOAPS), the National Family Benefit Scheme (NFBS) and the National Maternity Benefit Scheme (NMBS) introduces a national policy for social

security assistance to the poor SC/ST families and represents a significant step forward. The Ministries of Social Justice and Empowerment and Tribal Affairs promote educational and economic development for SC and ST respectively. In addition, the Planning Commission in May 1999 set up a Central Standing Committee for assessing and monitoring the Special Component Plan (SCP for SC) and Tribal Sub-Plan (TSP for ST). For the economic development of SC/ST, OBCs and Minorities, the following National level Apex bodies were set up to act as catalytic agents in developing schemes for employment generation and financing pilot projects: (i) The National Backward Classes Finance and Development Corporation (ii) The National Minorities Development and Finance Corporation and (iii) The National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC).

109. The National Backward Classes Finance & Development Corporation is implementing a scheme, 'Swarnima' for improvement of credit facilities for women belonging to backward classes living below poverty line through State channelising agencies. The Corporation is implementing Mahila Samridhi Yojana, exclusively for women belonging to backward classes living below the poverty line. The National Minorities Development Finance Corporation also introduced Mahila Samridhi Yojana for women particularly in the Northeast region. Since its inception, NMDFC has helped 44,804 women in formation of self-help groups and 57,875 women for establishment of self-employment venture. During 2004-2005, 3,086 women have been provided micro credit and 3,268 have been provided with term loan.

### **Impact of Special Measures**

110. Education, being the most important instrument for empowering weaker sections of the society, every effort has been made to improve the educational status of SC/ ST on a priority basis. The female literacy level amongst SC women has improved markedly from 6.44 per cent in the year 1971 to 23.76 in the year 1991. Thus the SC females have made very good progress with the literacy rates increased almost four fold, when compared to the 2-times progress made in the total population. Though the gap between the literacy rates of SC females and that of the total females widened from 12.25 per cent in 1971 to 18.92 per cent in 1981, it declined to 15.53 per cent in 1991.

111. The rate of decline in respect of the percentage of SCs living below the poverty line was marginally higher than that of the total population between 1993-94 and 1999-2000. The gap between the total population and the SCs also decreased during the same period, both in urban and rural areas. However, the incidence of poverty amongst SCs still continues to be very high with 36.25 per cent in rural areas and 38.47 per cent in urban areas, when compared to 27.09 and 23.62 per cent respectively, in respect of total population in 1999-2000. This is primarily due to the fact that a large number of SCs who are living below the poverty line are landless with no productive assets, no access to sustainable employment and minimum wages. While these figures reflect the picture for

the entire SC population, the women belonging to these groups suffer even more because of the added disadvantage of being denied equal and minimum wages.

112. Participation of SCs in decision-making is a positive indicator of progress made by them. Representation of SCs in All India Services of IAS, IPS and IFS stands at 10.6 per cent of the total in the IAS, 12.4 per cent in the IPS and 11.5 per cent in the IFS in 2000 which is still below their expected level. Although the percentage of SCs in IAS and IPS declined between 1996 and 2000, the actual number has increased over the same period. However the number of women SC/ST in these categories is very negligible. The rise in total representation of SC in Central Government services covering A to D groups from 13.66 percentage in 1974 to 16.70 percentage in 1999 is marginally higher than their share in the total population. Though their representation in the Government service has shown an increasing trend from 3.25 per cent in 1974 to 11.29 per cent in 1999, in group 'A' service it is still low and does not reflect the impact of affirmative action and special measures adopted. The representation of SC/ST in political decision-making is quite impressive - their share stood at 14.3 per cent (2001) in PRIs, 13.8 per cent (2000) in the State Legislative Assemblies and 14.5 per cent (2001) in Lok Sabha.

### **Challenges Ahead**

113. As a result of the special measures the status of SC/ST women has registered quantifiable improvements. However the Government has a lot more to do to fulfill the Constitutional commitment of raising the status of SC/ST to that of the rest of the population. Towards the economic upliftment of SC/ST, the Government commits to make all efforts not only to endow every landless SC/ST family with a minimum piece of land with ownership rights but also to maximize their productive capacities through up-gradation of their skills, modernization of methods and equipment and supply of seeds and pesticides. Special legislative measures are also being taken to ensure payment of minimum wages and equal wages for women, with no gender discrimination, especially in the informal/un-organized sector to make more concerted efforts for bringing SC/ST above the poverty line. The Government also commits to organize landless and agricultural labourers on the pattern of swarozgaris of the SGSY with special focus on women for bringing the SC/ST women above the poverty line.

114. As the practice of carrying night soil manually continues to be a matter of national concern, the Government will embark upon a nation-wide programme for total eradication of manual scavenging on a time-bound basis by 2007. To this effect, the Tenth Plan commits to prepare State-specific Plans of Action to initiate time-bound programmes in respect of conversion of dry latrines into wet ones; identification of scavengers; weaning them away from this profession; rehabilitating them with training and alternative jobs; keeping a follow-up of the rehabilitated persons and bringing forth effective co-ordination between the Welfare Departments of the States and the Local Bodies. In these national endeavours, the National Commission for Safai Karamcharis will play a lead role.

115. Taking note of the urgent need for upholding the Civil Rights on the one hand and preventing/curbing the persistent problems of social discrimination, exploitation, untouchability, and atrocities against the SC/ ST women, Government has initiated collaborative efforts with all concerned for effective implementation of the Indian Penal Code, 1860 and the other two Special Legislations viz., the PCR Act, 1955 and the SC and ST (Prevention of Atrocities) Act, 1989. To this effect, efforts have been made to prepare state/district-specific Programmes of Action ensuring preventive, investigative and rehabilitative measures in those districts/areas where the incidence of crime/atrocities/violence against these weaker sections is high. Measures are also being undertaken to ensure that adequate number of Special/Mobile Courts are set up with adequate staff in each district to provide both speedy and on-the-spot settlement/redressal of grievances.

116. Lack of data in the case of minorities makes it difficult to assess their socio-economic status. However minorities, especially those belonging to the economically weaker sections viz., the Muslims, continue to lag behind when compared to the rest of the population. Educationally, women and girl children of the backward minority communities, especially amongst the Muslims, continue to remain as the weakest link because of the economic inability of the family to support education of women and girl children due to the inherent socio-cultural gender discrimination. The impact of poor educational status, especially as reflected in the high illiteracy rates, ignorance, poor health, large-size families and high fertility rates, has pushed them further down into a vicious cycle of poverty. Recently, in September 2004, a Committee was set up to study and recommend special measures that need to be adopted to improve the situation of minority communities.

### **Disabled persons**

117. The total disabled population according to the 2001 census data is about 22 million, which is about 2 per cent of the population. Of this about 9 million are females.

118. Article 41 states that the State shall, within the limits of its economic capacity and development, make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement. The Government brought into effect many policies and programmes to improve the lot of the Welfare Groups, right from the First Plan (1951-56).

119. The Persons with Disabilities (PWD) (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 focuses on the Government's responsibility to empower the disabled with equal opportunities, protection of rights and full participation in the country's development process. The PWD Act provides for a wide range of activities which includes the prevention and early detection of disabilities, safe living and working environment of the disabled, pre-natal and postnatal care for the mother and child, right to free education for every child, increase in employment opportunities by reserving 3 per

cent jobs in poverty alleviation programmes and Government jobs, affirmative action like allotment of concessional land, research and manpower development, social security provisions such as unemployment allowance and insurance within the limits of economic capacity, etc. The implementation of the PWD Act, 1995, being a multi-sectoral and collaborative endeavor of the concerned Ministries/Departments, efforts have been taken by all partner Ministries/Departments with the nodal Ministry of Social Justice and Empowerment playing a lead role, to adhere to the prescriptions of the Act.

120. A National Commission for Persons with Disabilities has been set up through a Government Resolution notified on 17<sup>th</sup> October 2003 to aid and advise the Government regarding disability and rehabilitation matters and to make recommendations. In consonance with the policy of providing a complete package of rehabilitation services to the physically and mentally disabled individuals, six National Institutes/Apex Level Institutions have been set up in each major area of disability. In addition, five composite Regional Centres for Persons in the Disabilities, four Regional Rehabilitation Centres for persons with spinal injuries, 107 District Disability Rehabilitation Centres and eleven District Rehabilitation Centres to provide services to the disabled persons in rural areas have been set up. The guidelines of SGSY stipulate that disabled persons will account for at least 3 per cent of the total swarojgaris, 35,914 have been benefited through this scheme. Barrier-free houses have been constructed under the Indira Awas Yojana and Jawahar Gram Samridhi Yojana. Rs. 25,000 has been provided for Viklang Sangams under SGSY and 414 group leaders trained under Viklang Bandhu Scheme. Reservation of 3 per cent jobs for the disabled has been provided in respect of Groups C and D services. There is a Special Recruitment Drive for the appointment of visually disabled for the Group C and D posts. 3 per cent benefits are reserved for disabled persons under different poverty alleviation programmes and schemes like the Swarna Jayanti Shahari Rozgar Yojana. The Scheme of Assistance to disabled persons for purchasing/ fitting of Aids/ Appliances (ADIP) was revised in April 2005 to assist the needy disabled persons in procuring durables, sophisticated and scientifically manufactured modern aids and appliances. Provisions have been made in the scheme to ensure that at least 25 per cent of the beneficiaries of the scheme are girl children/ women.

### **Challenges ahead**

121. There is lack of gender specific data regarding the access and impact of various schemes and policies of the Government on disabled women. The Government is committed to continue and expand many of the ongoing programmes, with special focus on women and on mental disability and mental health, through the constitution of a National Trust for these groups.

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## **Article 5: Sex roles and Stereotyping**

### ***Basic information***

122. The Constitutional mandate of gender justice, equality and various legal initiatives undertaken by the Government has not brought about the desired changes in the role and position of women in India. The declining sex ratio, social stereotyping and violence against women in domestic and societal level are some of the manifestations of gender disparity, which are obstacles in attaining full development of women. The underlying causes of gender inequality are related to social and economic structures that are based on the social norms and practices.

State initiatives

### **State initiatives**

123. Many of the activities undertaken by Government to address gender stereotyping and bring about changes in the roles of women have been stated in the Initial Report. Government has evolved the National Policy for the Empowerment of Women (2001), in which one of the major objectives is to change the societal attitudes and community practices by active participation and involvement of both men and women, mainstreaming a gender perspective in the development processes and elimination of discrimination and all forms of violence against women and girl children. Pursuant to this policy, Government commits to make vigorous efforts to accelerate the process of societal reorientation towards creating a gender just society with a focus on changing the negative attitude within the families and the community towards women and girl children. Gender sensitisation has been institutionalised within the training system of Government through induction as well as refresher courses. Gender sensitisation programmes are being conducted on a regular basis with special focus on the executive, legislative, judiciary and enforcement wings of all Governmental agencies.

124. The National Policy on Education also commits to pursue vigorously to eliminate sex stereotyping in vocational courses and to promote participation of women in non-traditional occupations, as well as in existing and emerging technologies. This policy envisages a system where all students irrespective of their caste, religion, sex and location will have access to education of comparable quality. On the other hand, review of the curriculum and educational materials is being done to remove all reference that is derogatory to women. The National Council for Educational Research and Training (NCERT) and National Institute for Educational Planning and Administration (NIEPA) are co-ordinating these efforts. The Vocational Training Institutes offer various courses for women in science and technology and are not restricted to traditional skills such as tailoring, secretarial practice, etc. All the Vocational Training Institutes provide 25 per cent reservation for women to facilitate access to women in all courses.

125. In the employment arena, sex-stereotyping still exists with more women in the lower rungs of the ladder, in clerical jobs and in traditional jobs as teachers, nurses, etc. However with the educational opportunities and the enabling conditions provided for women from economically weaker sections, more women are qualifying for jobs that were traditionally considered to be male bastions, viz., engineering, science and technology, medicine, law, etc. As this trend is a recent phenomenon, the number of women in these professions is still low. Though there is no legal bar, the traditional practices and role expectations hinder women's entry into these professions. Affirmative action by many State Governments viz., Karnataka, Maharashtra, Orissa and Tamil Nadu, in reserving jobs for women in the Government sector has brought in large number of women to various jobs.

126. All forms of mass media have been utilised to communicate special messages on equality and empowerment. The two-fold strategy is to use media as an instrument of change and to control its possible misuse. Media has been encouraged to develop a code of conduct, professional guidelines, and self-regulatory mechanisms to remove gender stereotypes and promote balanced portrayal. The Press Council of India (PCI), a Statutory Authority, has set the norms for journalists' conduct. According to this, the print media shall not publish anything which is obscene, vulgar or offensive. PCI has initiated suo-moto inquiry against publications that depict women in a vulgar manner. The PCI has many women representatives as members. All India Radio stations broadcast regular programmes on empowerment of women in an attempt to change society's attitude towards women.

127. The policy initiatives include a code of commercial advertising. Content telecast on TV Channels are guided by Prescribed Programme and Advertising code under the Cable Television Network (Regulation) Act, 1995 and rules framed there under. Doordarshan and Akashwani strictly adhere to the broadcasting codes and journalistic ethics. The certification by the Central Board of Film Certification (CBFC) is essential under the Cinematography Act, 1952 before screening films. The CBFC guidelines inter alia provide that the Board of Film certification shall ensure that scenes degrading or denigrating women in any manner are not presented and scenes involving sexual violence against women, viz., attempt to rape or any form of molestation and scenes of similar nature are avoided and if such scenes are germane to the theme, they shall be reduced to the minimum and no details are shown. Film Censor Board has 50 per cent representation of women in the Examining Committees, which examine films before Certification. Information Technology Act, 2000 has declared online pornography as an offence. The Parliamentary Committee has deprecated depiction of domestic violence by media. Streamlining the private televisions channel that air programmes in India through satellites from outside India is a challenge for the Central Government. Ministry of Information and Broadcasting is in the process of preparing guidelines for down-linking programmes to streamline such channels.

128. Traditionally, father is recognised as the provider, and thus was considered to be the guardian and head of the family and his consent was mandatory in many instances viz., school/ college forms, passport, visa, etc., However pursuant to the Supreme Court decision in Gita Hariharan's case, the name of guardian has been substituted in place of name of the father in many admission forms of school, passport forms etc.

129. Since women are traditionally considered as homemakers, the duty of bringing up children falls on women. In order to encourage men to take part in the upbringing of the children and to share these tasks, Government has provided paternity leave for men. Though there is no systematic study or data available, there is a small change with men taking active participation in the household work and in bringing up children.

130. The Guardians and Wards Act, 1890 and other personal laws recognise that the father is the natural guardian of the minor child. Initially the right of the father was a determining factor while awarding the custody of the minor child. But of late, since Rosy Jacob's case (AIR 1973 SC 2090) the courts have held that the welfare of the child is of primary consideration and that the right of the father should yield to the welfare of the child. However a trend noticeable in the Family Courts with regard to the custody of a minor child is that the custody of children of tender years and female children is usually given to the mother which is also interpreted to be for the welfare of the minor child.

131. Customary practices viz., dowry, sati, devadasi, child marriage, selective sex abortion, which reflect the gender disparity and prejudices are sought to be tackled through legislation. The Dowry Prohibition Act, 1961, amended in 1986, prohibits dowry and penalises the giver, taker and the persons demanding and abetting the same. The Sati Prevention Act and Devadasi Prohibition Act also prohibit commission of Sati and Devadasi respectively and provides for penal action against the offender.

132. In order to check the preference for a male child and sex selective abortions, the PNDA Act, 1994, has been amended in February 2003, and the Medical Termination of Pregnancy Act, 1971 has also been made more stringent.

133. Violence against women at home also reflects the disparity and subordinate role ascribed to women. There was no specific legislation, apart from the Indian Penal Code to redress this problem. Recently the Domestic Violence Bill was introduced in the year 2002, which lapsed due to the dissolution of Parliament. The new Bill is being finalised.

134. The various judgements of the Supreme Court and the High Courts upholding the provisions of the Constitutional Amendments providing for reservation of women in the Panchayats are paving way for men to gradually accept women in decision making roles. Like wise the decisions related to property rights of a woman are also bringing about, though slowly, a change in the mindset and prejudices against woman being the full owner of the property.

### *Challenges ahead*

135. Despite several interventions adopted by Government, the change in the mind set and attitude of the people is a slow process and Government has to adopt various measures to address the same. Government, realising that attitudes and socio-cultural norms are major obstacles, has in its 10<sup>th</sup> plan committed to adopt a media policy with laid down prescription of 'dos' and 'don'ts' in support of the constitutional guarantee of upholding women's dignity. It also aims to change the negative attitudes prevailing within families and communities towards women and to eliminate all types of discrimination against women by using mass and other traditional media. Gender sensitisation is being institutionalised within the training system of Government through induction as well as refresher courses. Specially designed gender sensitisation programmes are being developed and conducted on a regular basis with special focus on State functionaries, i.e. the executive, judiciary and the enforcement wings of the Government agencies.

### **Article 6: Exploitation of Women and Trafficking**

#### *Basic information*

136. As stated in the Initial Report, trafficking of women is primarily tackled through legal measures. Article 23 of the Constitution prohibits traffic in human beings and forced labour. The Indian Penal Code, viz., Sections 372 and 373 penalise buying and selling of minor girls for purposes of prostitution. Other related provisions in IPC, viz., Section 361- kidnapping from legal guardian, Section 366 - kidnapping, abduction or inducing women to compel her to marry, Section 366-A - procurement of a minor girl, 366- B - importation of girl from foreign country, etc., have a bearing on curbing conditions which may lead towards trafficking and prostitution.

137. In addition to this, India, pursuant to the International Convention for Suppression of Traffic in Persons and of the Exploitation of the Prostitution, has enacted the Immoral Traffic (Prevention) Act, 1956 (ITPA), which has been amended in 1978 and 1986. According to this law, prostitution per se is not a crime but prostitution in public places and soliciting is a crime. The law provides for punishment for both the woman and client, but in practice the number of cases booked on a client are far and few compared to that of the cases booked against the woman. The penal provisions are stringent against the traffickers and more stringent if it involves minors, which should act as a strong deterrent against the heinous crime. Living on the earnings of a prostitute is a crime. This law also provides for rescue and rehabilitation of prostitutes and provides for separate enforcement machinery.

138. There is no systematic study done nor is there any database on women in prostitution. The survey conducted by the Central Social Welfare Board, New Delhi in 1991 in 6 metropolitan cities of Kolkata, Mumbai, Chennai, Delhi, Hyderabad and

Bangalore indicated a figure of 100,000 sex workers and 39,000 child sex workers in these cities. Though these women are equally entitled to all human rights, often the same is denied to them in practice. Prostitutes are socially considered as deviants and are morally judged as characterless women. This attitude is a major obstacle in implementing the rehabilitation measures to integrate these women into the mainstream.

139. To curb the traditional practice of Devadasi, Jogini, etc, the respective State Governments, wherever this practice is prevalent, viz. Karnataka, Andhra Pradesh, Maharashtra, Goa, Orissa and Tamil Nadu have enacted a law 'Prohibition of Dedication Act' and have undertaken various schemes to prevent the dedication of the young girl child. The Child Labour (Prohibition and Regulation) Act, 1986 prohibits employment of children in certain specified occupations and also lays down conditions of work for children.

140. However, legal provisions alone cannot stop trafficking in women. This problem is deeply rooted in poverty, lack of employment opportunities, harsh economic conditions, illiteracy, lack of awareness, traditional customs like devadasi etc., which are exploited by the traffickers, and lack of appropriate rehabilitation measures. In addition, cross border trafficking has also attracted the attention of Government, necessitating the implementation of stronger measures and going beyond legislation to prevent trafficking.

### **State initiatives**

141. The Government, recognising these obstacles, has undertaken various measures to address them. It has adopted many schemes, which intends to focus intervention at two points: at the entry point and at the destination. Initiatives have been undertaken at all three levels, i.e. legislature, judiciary and the executive.

142. Though the law proposes to penalise the institution, i.e, the traffickers, brothel keepers, pimp and touts, in practice, the women are penalised and victimised more often than the traffickers. The National Commission for Women and DWCD have reviewed the efficacy of the ITPA law and have proposed amendments to the ITPA that seeks to decriminalise prostitutes and makes the law more stringent against the traffickers. ITPA law also deals with rescue, rehabilitation and reintegration of women and the Government has taken effective measures to improve the conditions of the remand homes and State homes and also to provide necessary training in vocational guidance and skill development to the women rescued.

143. The Juvenile Justice Act (Care and Protection of Children) Act, 2000 provides for protection, treatment, development and rehabilitation of neglected and delinquent juveniles including girls. The Information Technology Act, 2000 penalises publication or transmission in electronic form of any pornographic material. The Central Government has also adopted a code of conduct for Internet Service Providers (ISP) with the objective

of enunciating and maintaining high standard of ethical and professional practices in Internet and related services.

144. The Government has adopted the Yokohama Global Commitment, 2001 for eradication of commercial sexual exploitation of children. It is actively considering the question of ratifying the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children and the UN Optional Protocol on the Involvement of Children in Armed Conflict and on Sale of Children, Child Prostitution and Child Pornography. The Government has also undertaken to implement the commitments made in the World Congress against Commercial Exploitation of Children (Stockholm, 1996).

145. The judiciary in a series of Public Interest Litigations has also considered the issues of trafficking. In Vishal Jeet vs Union of India (AIR 1990 SC 1412) the Supreme Court has given certain directions for setting up Zonal Advisory Committee for taking steps to provide rehabilitative homes for Devadasis and Jogins; in Gaurav Jain's case (1990 (Supplement) SCC 709; 1997(8) SCC 114 and 1998 (4) SCC 270) the Supreme Court has given certain directions to the Government with regard to the children of prostitutes and in the PIL filed by Dr. Upendra Baxi (1986 (4) SCC 106) the Supreme Court has issued various directions with regard to the administration and facilities provided at the Government institutions and remand homes.

146. Pursuant to these directives, the Government has constituted the Central and State Advisory Committees on Child Prostitution at the Central and State levels respectively, to curb trafficking and to protect and rehabilitate rescued persons. A Committee on Prostitution, Child Prostitutes and Children of Prostitutes was set up to study the problem and to evolve suitable schemes for their rescue and rehabilitation. This Committee has drawn up a National Plan of Action in 1998 to combat trafficking and commercial sexual exploitation of women and children through strategies covering prevention, legislation and law enforcement, provisions of basic services to the victims of prostitution, rescue and rehabilitation, awareness generation and social mobilisation. The objective of the Plan of Action is to mainstream, and reintegrate women and child victims of prostitution in society. The Central Advisory Committee on Child Prostitution monitors the implementation of the Plan of Action. Government has notified officers of the level of inspector and above in the CBI as Trafficking Police Officers for investigation of inter state trafficking cases.

147. A focal Point on Human Rights of Women, including matters relating to trafficking was set up in NHRC in the year 2001 and a national network of nodal officers has been formed in all States/UTs to monitor the problem of trafficking. This focal point, in October 2001, prepared an information kit on trafficking in women and children to inform the society about the various aspects of trafficking. The Government, along with the NGOs, has undertaken regional efforts to create greater awareness on the dimensions of trafficking and has conducted over twenty workshops. It has formulated a media

campaign using TV, radio and print media. The Central Government, NHRC and the NGOs are conducting studies and research to document the magnitude and dimensions of the problems and to identify actions points, with the help of UNICEF and other UN agencies.

148. The NHRC in collaboration with UNIFEM and Women's Institute for Social Education, in January 2003, organised a sensitisation programme on prevention of sex tourism and trafficking. Government has resolved to implement the global code of ethics for tourism, which prohibits sexual exploitation of children for the purpose of sex tourism. In addition, the Central Government has requested the Chief Secretaries of all the States and Union territories and Director General of Tourism to make it legally binding for the hotels/lodges to display prominently at the reception counters, anti-trafficking messages and penal provisions against sexual exploitation.

149. Serious steps have been taken in various states viz. Delhi, Karnataka, Andhra Pradesh, Maharashtra, West Bengal, Tamil Nadu, Rajashtan, and Bihar to rescue girls and repatriate them to their native states /countries with the active collaboration of the police, the Government and the NGOs. Under the Integrated Child Development Services scheme, special projects are being run for the children of the prostitutes at Sonagachhi area at Kolkata, Kamathipura area in Mumbai etc. Efforts are being made to provide counselling to the rescued women and children. An Action Plan for counselling in partnership with various Government agencies is in process. Government is organising sensitisation programmes for the general public, in the source areas of trafficking, especially in areas adjoining Nepal and Bangladesh.

150. **Poverty alleviation programmes as a measure to tackle trafficking:** The Central Government has adopted a multi-sectoral approach for prevention, rescue, rehabilitation and reintegration of women and children who were sexually exploited. Since poverty is one of the reasons for sexual exploitation, Government has sought to address the same through various poverty alleviation programmes viz., Swarna Jayanti Gramin Rojgar Yojana (SJGRY) Swarna Jayanti Shahri Rojgar Yojana (SJSRY), Employment Guarantee Scheme, Food for Work Programme and self employment through training and micro credit for setting up micro enterprises. Annually Government is spending Rs. 60,000 million and Rs. 2,000 million for various rural and urban poverty alleviation programmes. Subsidy is also given for distribution of food grains through Food and Civil Supplies network and the annual subsidy works out to about Rs. 90,000 million. The cumulative effort of these efforts is that poverty level has reduced to 26 per cent in 2000 as compared to 50 per cent in the year 1973. It is hoped that these poverty alleviation schemes will contribute towards reduction of trafficking.

151. While boys are generally trafficked to work as child labour, girls are mostly trafficked for commercial sexual exploitation. The Government is trying to check and prevent trafficking of children by universalizing ICDS scheme (for children 0-6 years) and Sarva Shiksha Abhiyan (for children 6-14 years). The schemes, Balika Samridhi

Yojana and Kishori Shakti Yojana also cater to the needs of the girl children and help their survival, education and empowerment.

152. **Special schemes for women in prostitution:** The Government, in December 2001, launched a scheme called Swadhar for women in difficult circumstances, including women and children rescued from trafficking. It provides funds for the immediate shelter of rescued victims, counseling, social and economic rehabilitation through education and skill up-gradation, and medical and legal support. This holistic program is implemented in partnership with NGOs. To combat the trafficking of women and children for commercial sexual exploitation, DWCD has formulated Grant in Aid Schemes. This scheme has a twin focus - one on prevention at source areas and the other focuses on rescue and rehabilitation at destination areas. The project attempts prevention at source by empowering girl children and women through awareness generation, education and vocational training, poverty alleviation, micro-credit schemes through women's groups and self-help groups and the Panchayats. In destination areas, the emphasis is on rescue and rehabilitation. These schemes are implemented in partnership with the NGOs. The response to the Swadhar and Grant in Aid schemes has been very positive. Upto March 2004, eleven projects were sanctioned under Swadhar and 24 new projects were sanctioned in 2004-05.

153. Many State Governments have initiated several measures against trafficking. The states of Maharashtra, Andhra Pradesh and Karnataka have initiated special rehabilitation measures for Devadasis. Andhra Pradesh has adopted a State Policy on trafficking of women and children and Bihar has established a State Action Plan for the welfare and rehabilitation of trafficked women and children. Madhya Pradesh has launched a scheme 'Jabali' that focuses on welfare and development of trafficked women and children. Maharashtra has set up 50 Family Counselling Centres and a Monitoring Committee to monitor the working of children's homes. Tamil Nadu has taken many steps against trafficking viz., created the Anti Vice Squad to deal with trafficking, set up District Advisory Committee and Village level watch dog committees, social defence welfare fund for women and children and their rehabilitation, mapping of trafficking in terms of source, transit and destination points and creation of crisis intervention centres to prevent child abuse. West Bengal has established homes for HIV infected persons exposed to commercial sexual exploitation. Goa has enacted the Goa Children's Act, 2003 providing for stringent control measures to regulate access of children to pornographic materials.

154. The enforcement machinery, the police and the judiciary are being made sensitive to deal with this issue. Various training and orientation programmes are being conducted with the police, to create awareness about the legal provisions and the gender perspective. Sensitisation meetings are being organised with the judiciary and a manual is being prepared for the judiciary and the police to deal with the cases under the Prevention of Immoral Traffic Act.

155. There are few cases reported of marriage of young minor girls with older men especially from the Gulf countries. In order to check marriages of minor girls with foreigners, Government has instructed the Missions posted abroad to exercise greater degree of care while screening the visa applications of people from Gulf countries. Relevant rules in this regard have been framed, particularly in view of the fact that such marriages with underage girls are illegal. The embassies of the Gulf countries have been appraised of this issue during the interaction of the Gulf division with these embassies. Instructions have also been issued to managers of all hotels / lodges in India to report to the police station within 24 hours of the arrival of any foreigner in their hotels. They are required to obtain information in the prescribed form indicating the details of the foreigners, such as name, nationality, passport number etc.

### **Civil Society**

156. Civil society organisations are also being encouraged to undertake various schemes sponsored by the Government. Many NGOs are running shelter homes and are involved in rescue and rehabilitation of these women. They are working at grass root level providing support to women in prostitution and the trafficked women in terms of strengthening the voice of the vulnerable section economically and to secure their rights as individuals and also in HIV /AIDS prevention programmes.

### **Cross Border Trafficking**

157. Inter-country trafficking in the SAARC region has assumed large dimensions in the recent past. Globalisation, economic disparities between the countries, development of modern means of transportation, lack of employment opportunities, demands for entertainment industries etc, has given rise to cross border trafficking. Cross border trafficking also gives rise to the conflict of immigration laws vis-à-vis the rescue and rehabilitation of the woman. Government is seriously considering setting up a nodal authority on par with the Central Narcotics Bureau in order to tackle cross border and inter-state activities of the traffickers. This proposal is pending approval.

158. In order to prevent cross border trafficking, an NGO, with the assistance of NHRC, has set up vigilance cells up at three check posts along the Indo- Nepal open border, to detect and check trafficking. The Director Generals of Police of Uttar Pradesh, Bihar and West Bengal have been instructed to extend help and co-operation to the concerned NGOs to help prevention of trafficking of women and children across the border. Serious deliberations between the NHRC, India and NHRC, Nepal are in progress to initiate a joint project for combating cross border trafficking between the two countries.

159. Government has created a favourable policy environment for such activities. Government in its National Policy for the Empowerment of Women (2001) has undertaken to lay a special emphasis on the programs and measures to deal with women

in difficult circumstances. Asian Development Bank recently completed its project with the Government of India, Bangladesh, and Nepal to assess the magnitude of the problem and to devise methods of combating trafficking in women and children in South Asia.

### **Challenges Ahead**

160. Lack of infrastructure for HIV positive women and girls rescued from trafficking is another area of concern, especially so when families refuse to accept such women. Though there are few newspaper reports about emigration of labour to various countries and the exploitation of women therein, no systematic data is being collected on their recruitment for domestic work and about young girls' marriage with men from other countries. The emigration pattern in this regard also has not been collated.

### **Article-7: Political Participation and Public Life**

#### **Basic information**

161. An important factor that determines the status of women in society is the extent to which they participate in decision and policy-making processes.

162. Women's participation in positions of power in both houses (Lok Sabha and Rajya Sabha) of the Parliament between 1997 and 2004 has not exceeded 9 per cent. However, in the 2004 Parliamentary Elections, there has been a decline in the number of women elected to the lower house (Lok Sabha) from 49 out of a total of 543 members to 44 out of 539 members. Their numbers have increased from 20 to 28 out of the total of 245 members in the upper house (Rajya Sabha). Though women have been entering the political arena, the number of women holding positions of power is extremely low.

163. In the State Legislatures, their representation is abysmally low. Delhi (12.86 per cent) has the highest proportion of women members followed by Andhra Pradesh (9.52 per cent) and Kerala (9.29 per cent). Mizoram and Nagaland have no representation of women while it is below per cent in Manipur, Arunachal Pradesh, Gujarat, Jammu and Kashmir and Karnataka. This is due to the lack of support from political parties and women's limited access to and control over resources (both financial and human). Despite these factors there are a few women who hold the position of Chief Minister of States and other Ministerial ranks.

#### **State Initiatives**

164. Government has taken several initiatives, including affirmative action to overcome historical and political disadvantages faced by women, thus enabling them to enter and effectively participate in politics and public life.

165. The Constitution of India guarantees equal political rights to women and men. They include the right to vote, right to contest elections, right to hold public office and right to form associations or unions. It also provides for positive discrimination in favour of women.

166. Government has taken affirmative action to increase women's participation in local self-governing institutions and decision-making bodies by enacting the 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments, 1993. These legislations provide for reservation of not only 1/3<sup>rd</sup> of all seats at all levels of local Government, but also reserved 1/3<sup>rd</sup> of all posts of chairpersons in these bodies for women, both in rural and urban areas. Further, there is reservation of not less than one-third of the total number of seats reserved for SCs and STs for SC and ST women. Due to this initiative over a million women have entered public office across the country.

167. The Panchayat (Extension to the Scheduled Areas) Act, 1996 (PESA) has been enacted to extend the scope of the Panchayat Raj legislation to cover tribal areas of 9 States. In a Round Table of Ministers-in-charge of Panchayat Raj, held in September 2004, the action points drawn included the need to consult and involve tribal communities/elected representatives in evolving criteria for the constitution of Panchayats and Gram Sabhas and empowering them to safeguard community ownership of land and minor forest produce (MFP), etc.

168. The Parliament has passed the Right to Information Bill in May 2005. India is one of 55 countries which have legislated comprehensive laws that protect the citizens' right to information. An outstanding feature of the Bill is that it provides for response to queries within 48 hours. Non-governmental organisations are also brought under its ambit and it provides for stringent penalties for failure to provide information. Nine States, viz., Goa, Tamil Nadu, Madhya Pradesh, Rajasthan, Karnataka, Maharashtra, Delhi, Jammu and Kashmir and Uttar Pradesh have laws on the Right to Information. Several States have made amendments in their Panchayat Acts to provide for the right to information at the village level, among which, Rajasthan has performed well.

169. Several States have had reforms to facilitate devolution of funds, functions and functionaries to elected members of the Panchayat Raj Institutions(PRI)s. However, the extent of devolution varies between the States. Most States have greater devolution of functions but in respect of funds and functionaries, it ranges from partial to nil. Karnataka is the only State that has devolved funds, functions and functionaries to the PRIs completely. This has improved access to funds and functionaries for women and thus has enhanced their effective participation in governance. The Round Table of State Ministers of Panchayat Raj held in August 2004 recommended that District Planning Committees (DPCs) be constituted in every State to consolidate and technically fine-tune the annual plans prepared by the institutions of local governance; Standing Committees be formed for the effective planning and implementation of the action plans; and parallel bodies constituted be accountable to the Panchayats and the Gram Sabhas, etc.

170. The Constitution provides for rotation of seats reserved for women, but does not prescribe the number of terms for which seats may be reserved on rotation. Seats are reserved for one term, two terms or more depending upon the provisions made by State Legislature in the State law. The option to reserve seats for more than one term is open, but it is for the State Legislature to decide the number of terms for which seats will remain reserved. The States of Karnataka and Tamil Nadu have taken positive steps in this regard by freezing the reserved seats for women for two terms.

171. Socio-cultural barriers against women leaders impede their effective participation in institutions of local governance. One such impediment was the 'no confidence motion' passed by elected representatives against women chairpersons. Some States have sought to address this through legislative measures. For instance, Karnataka introduced amendments in the Panchayat Act wherein 'no confidence motion' was prohibited within a period of one year of assuming office and the post to be reserved only for women even in the case of subsequent motions being passed.

172. The Election Commission has enforced ceiling on election expenditure at all levels. This has facilitated women's participation to some extent as the ceiling has curtailed the excessive expenditure among men who had greater access to and control over financial resources.

173. Government has initiated two large programmes for women's empowerment viz. the Women's Development Programme in Rajasthan and the Mahila Samakhya in nine States in 1984 and 1988 respectively. They have been active in fostering women's leadership through building collectives (sanghas) and training elected women representatives. They have been able to create awareness, ensure effective participation of women in democratic processes and strengthen the relationship between women representatives, the collectives and their constituencies, thus enhancing their accountability to the community, particularly women.

174. The Ministry of Rural Development and Panchayat Raj and the Ministry of Urban Development and their respective Departments of State Governments organize a number of training programmes, workshops and seminars to build the capacities of women elected representatives at the local level. The impact of these trainings is reflected in the quality of their participation in governance activities such as attendance in meetings, interaction with Government officials and in the transformation of their gendered roles. Non-Governmental organizations have also undertaken several programmes to sensitise local Governments. To strengthen the capacities of elected representatives, in Karnataka, an experimental satellite-broadcasting programme in collaboration with the Indian Space Research Organisation has been launched to enable elected women to organize video-conferencing. In several States, the Panchayats have been computerized, thus enhancing access of women to administrative data, programmes and schemes and their utilisation, financial allocation/expenditure, etc.

175. Increased networking and formation of confederations of elected women representatives has helped to strengthen women's leadership. The formation of these networks promotes solidarity among the elected women representatives, otherwise divided by caste, religion and geographical boundaries. This approach has been especially successful in southern and western India.

### **Impact of State initiatives**

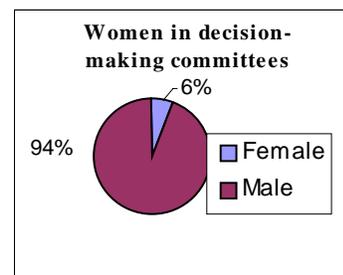
176. The overall women's participation in the Panchayats at all three levels of local governance in the country has increased to around 33 per cent as mandated in the 73<sup>rd</sup> Constitutional Amendment. However, their representation varies widely across States. While most States have at least 33 per cent women as a direct consequence of reservation, some States have even exceeded the 33 per cent quota. Karnataka has a representation as high as 45 per cent, 42 per cent and 38 per cent in the village, taluk/block and district Panchayats respectively. In Kerala, upto 36.4 per cent of elected women representatives at the local bodies are women and in West Bengal, 35.4 per cent are women. In Uttar Pradesh, 54 per cent of the Zilla Parishad Presidents are women. In Tamil Nadu, 36 per cent of the Chairpersons of Gram Panchayats are women. It is encouraging to note that several States that had less than one-third women at the Gram Panchayat level in the first tenure had performed well in the second by exceeding the mandated proportion. They include Rajasthan, Assam, Gujarat, Haryana, Himachal Pradesh and Madhya Pradesh. In Bihar the Panchayat elections were held for the first time in the year 2001 and despite an overall climate of resistance and large-scale violence in the State, about 125,000 women contested for about 40,000 seats reserved for them.

177. The Gram Sabha, the voters' assembly at the village level has been recognized as the basis of democracy. These Sabhas have the power to approve village plans and monitor the working of these plans. In Madhya Pradesh they even have the right to recall.

178. Though the number of women contesting Parliamentary elections increased from 295 in 1999 to 355 in 2004, their numbers still continue to be very low in comparison to that of men.

179. The number of women contesting elections even to the institutions of local governance has been low. This is because firstly women generally contest only those seats that have been reserved for them and secondly because they are nominated to these positions. Both these impede women from nurturing supportive and vibrant constituencies. Despite these disadvantages, women have come forward to contest elections and participate in politics.

180. Women are now found gaining space in the various decision-making committees of the different national political parties. They constitute 6 per cent of the total members in these committees. However, while they participate in discussions and make suggestions they still have limited/no voting power in decision-making. Since almost all the political parties in their manifestos have indicated the need to increase the number of women in these bodies, their presence would enhance the participation of women in politics and in centre-staging the concerns of women.



### Women in Public Life

181. Women's representation and participation in various decision-making levels continues to be low, though there has been an increase in their numbers in the services. From 1997 a noticeable increase has been seen in the Indian Audit and Accounts Service (from 19.94% in 1997 to 22.31% in 2002), Indian Economic Service (from 16.24% in 1996 to 21.56% in 2003) and Indian Statistical Service (from 7.17% in 1997 to 12.94% in 2002). In the Indian Administrative Service their numbers have increased from 512 (10.22%) in 1997 to 535 (10.42%) in 2000. Their representation in the Indian Police Service remains extremely low at 3.83 per cent in 2002 as against 3.24 per cent in 1997. There is one woman judge in the Supreme Court and 25 women judges in the High Courts out of a total of 25 and 514 judges respectively, as on 31st May 2005.

### Challenges ahead

182. The historical and cultural disadvantages coupled with several socio-economic obstacles faced by women impede their participation in decision-making, both in the administrative and political spheres. The traditional stereotypical roles, patriarchal values, limited access to the public sphere and tangible and intangible resources, lack of a conducive environment, support services and mobility, excessive use of money and muscle power and criminalisation of politics inhibit women's participation in politics. While affirmative action through reservation in local bodies has facilitated women's participation in institutions of decentralised governance, such action at the higher levels of Parliament and State Legislative Assemblies is lacking. Though women have been elected and are participating in urban local bodies also as a result of reservation, there has been no systematic collation of data and information regarding the effectiveness of their participation.

183. Government in its Tenth Plan (2002-2007) envisages to initiate necessary steps to guarantee equal access to and full participation of women in decision-making bodies, including legislative, executive, judicial, corporate and statutory bodies. It will also expedite affirmative action to legislate reservation of not less than 1/3 the total number of seats for women in the Parliament and State Legislatures to ensure that they are in

proportion to their numbers in decision-making bodies so that their voices are heard. In addition, women-friendly personnel policies will be introduced to encourage women to effectively participate in administrative decision-making processes. Further, it will create an enabling environment, provide equal access to basic services and ensure their economic independence to facilitate their participation. The challenge for the Government lies in achieving these goals through its time-bound plans of action and programmes.

## **Article 8: International representation and participation**

### **Basic information**

184. Women have equal opportunity with men to represent Government at the international level. Between 1997 and 2002, the number of women in the Indian Foreign Service increased from 67 to 78, an addition of 11 women during the period. The proportional increase is from 11.43 per cent in 1997 to 13.38 per cent in 2002, an increase of about 2 per cent in a span of five years.

### **State initiatives**

185. Women have been members and leaders of Government delegations representing the country to various international fora, including the Beijing Conference and the Special Session to review the Beijing Declaration in 2000, and the successive UN Commissions on the Status of Women. A woman official led the team that presented the Initial Country Report to the UN CEDAW Committee in January 2000.

### **Challenges ahead**

186. The challenge lies in fulfilling the Government's endeavour to encourage women's participation in the work of international organizations through the implementation of special measures in relation to education and coaching programmes. Government in its Tenth Plan also commits to introduce women friendly personnel policies to encourage women to represent and participate effectively in international fora.

## **Article 9: Nationality**

187. As reported in the Initial Report, the Citizenship Act, 1955 confers equal rights to women to acquire, change or retain their nationality. The discriminatory provision with regard to the nationality of the children of an Indian woman born outside India was amended in 1992. Thus citizenship of a child through descent can be either through the mother or the father, irrespective of whether the child was borne in India or outside.

## Article 10: Education

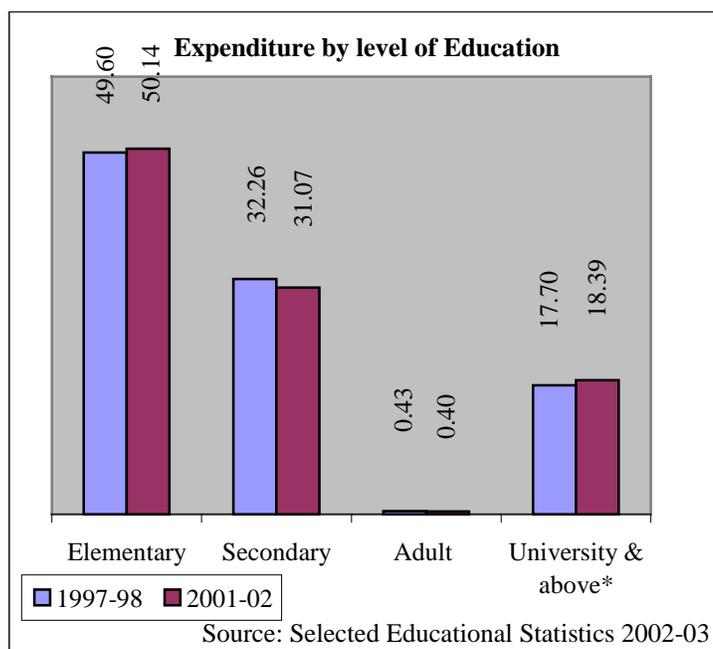
### Basic information

188. The Government of India in accordance to its Constitutional obligation has taken several initiatives in the form of enabling policies, legislations and interventions to spread literacy, promote educational development and bridge gender disparity, particularly in educationally backward states. An enabling policy framework has been provided in the form of the National Policy of Education of 1986 as revised in 1992 and the Programme of Action of 1992 that have given impetus to universalizing primary education.

### State Initiatives

189. In order to provide free and compulsory education for all children in the 6 to 14 years age group, the Government has made education a fundamental right in the year 2002. Article 21A of the 86th Amendment Act to the Constitution obligates the State to provide free and compulsory education to all children in the age group of six to fourteen years. The passing of this enactment has been an important milestone on the path towards universalisation of elementary education.

190. Allocation of resources in terms of government investment on education has increased over the past five years from 3.49 per cent in 1997-98 to 4.33 per cent of the GDP in 2000-01. However, it declined to 3.82 per cent in 2001-02 and marginally increased to 3.97 per cent in 2002-03. Elementary education received the highest priority with more than half (2.02 per cent) the investment being at this level. The per capita budgeted expenditure during 2001-02 was highest in Lakshwadweep (Rs.3,439.11) followed by Sikkim (Rs.2,435.98), Andaman and Nicobar Islands (Rs.2,371.23) and lowest in Bihar (Rs.386.45) followed by Uttar Pradesh (Rs.465.20) and Orissa (Rs.500.39). The percentage of budgeted expenditure on education to the total State Budget was highest in Assam (31.36%) followed by Madhya Pradesh (30.18%) and Maharashtra (25.88%).



### Expenditure by level of Education in India (in million)

Year	Elementary		Secondary/Higher Secondary		Adult Education		University & Higher Education		TOTAL	
	Expenditure	% to GDP	Expenditure	% to GDP	Expenditure	% to GDP	Expenditure	% to GDP	Expenditure	% to GDP
1997-98	240,832	1.73	156,635	1.13	2,098	0.02	85,957	0.62	485,521	3.49
1998-99	301,911	1.89	201,010	1.26	1,894	0.01	110,974	0.69	615,789	3.85
1999-00	340,688	1.93	254,479	1.44	1,865	0.01	151,129	0.86	748,161	4.25
2000-01	392,746	2.06	260,575	1.37	2,261	0.01	169,282	0.89	824,864	4.33
2001-02	400,194	1.91	251,635	1.20	3,596	0.02	143,233	0.69	798,657	3.82
2002-03	430,434	1.93	283,013	1.26	4,158	0.02	170,999	0.76	892,204	3.97

Source: Selected Educational Statistics 2002-03

191. **Early Childhood Care and Education (ECCE):** is a major programme of critical importance, particularly where more than 50 per cent of the children born belong to families living below the poverty line. This programme adopts an holistic approach to the development of children catering to their health, nutrition, physical, mental, social and emotional needs. Programmes for ECCE include the Integrated Child Development Scheme (ICDS), crèches, balwadis, ECE centers, pre-primary schools run by Government and non-Governmental organizations and successful innovative projects like child-to-child programme, child media laboratory, mobile crèches, etc

192. **Sarva Shiksha Abyhiyan (SSA):** or “Education for All” is the National umbrella programme for free and compulsory elementary education launched in 2001, seeking to ensure universal access, retention and quality improvement in education. The aims include that all children in the 6-14 years age group complete five years of schooling by 2007; eight years of schooling by 2010; bridge gaps between gender and social category groups at the primary stage by 2007 and at the elementary stage by 2010 and achieve universal retention by 2010. The programme covers around 192 million children in 1.1 million habitations across the country through the existing 850,000 schools and 3.3 million teachers. The programme also aims to open new schools in habitations where they are lacking and strengthen those in others by providing additional classrooms, toilets, drinking water and grants for school maintenance and improvement. The strength of the programme lies in its approach of involving the PRIs/tribal councils, NGOs, teachers, community, activists and women’s organizations.

193. **National Programme for Education of Girls at Elementary Level (NPEGEL):** is a component of SSA with a distinct gender component plan providing additional support for the education of underprivileged/disadvantaged girls at the elementary level. It is being implemented in educationally backward blocks, where the rural female literacy is less and the gender disparity is higher than the national average. It also includes blocks where SC and ST female literacy is below 10 per cent in both rural areas and urban

slums. The programme provides for region specific strategies to enable girls to come to school, devise alternate schooling for girls who are in the hard to reach areas, provide flexible timing and remedial teaching through bridge courses and residential camps.

194. **District Primary Education Programme (DPEP):** started in 1994 has a holistic approach to reducing gender and social disparities and universalizing access, retention and achievement with emphasis on decentralised management, participatory processes, empowerment and capacity building at all levels. The programme is currently running in 129 districts of 9 states.

195. **National Programme of Nutritional Support to Primary Education** commonly known as the Mid-Day Meal scheme was started in 1995 to give a boost to universalisation of Primary Education by increasing enrolment, retention and attendance and simultaneously impacting upon nutritional status of students in primary classes I-V. The programme has been expanded to cover the entire country in 1997-98. An assessment of the programme has shown that the scheme has made a positive impact on the enrolment, attendance and retention among students, particularly amongst girls.

196. To make education accessible, the Government has started a number of schools at the primary and secondary levels. Between 1999-2000 and 2002-2003, the proportionate increase in the number of schools has been higher at the upper primary level indicating both upgrading of lower primary schools and improved availability of schools for children in the 12 to 14 years age group. Correspondingly at the secondary school stage the increase of educational institutions at the higher secondary and intermediate level is more than that at the secondary school level. The proportion of children having access to a primary school within the habitation or within a distance of one kilometer has increased substantially. In 1999-2000, 94 per cent and 84 per cent of children in rural areas had access to a primary school within the habitation or at a distance of less than half a kilometer and an upper primary school within a distance of one kilometer respectively.

#### Number of Schools for Elementary and Secondary Education

<b>Year</b>	<b>Elementary Education</b>		<b>Secondary Education</b>	
	<b>Primary Schools</b>	<b>Upper Primary Schools</b>	<b>Secondary Schools</b>	<b>Hr.Sec./Inter. Schools</b>
1999-2000*	641,695	198,004	82,273	34,547
2000-2001*	638,738	206,269	87,675	38,372
2001-2002*	664,041	219,626	91,435	42,057
2002-2003*	651,375	245,271	90,757	46,428

Note:\* Provisional

Source: Selected Educational Statistics 2002-03

197. **Balika Samridhhi Yojana (BSY):** launched in 1997 and recast in 1999 extends financial help to BPL families to which girl children are born. A post delivery grant of Rs. 500/- is deposited in a bank in the name of the girl child (upto 2 girl children per family). Annual scholarships are also provided at each level of education, which could be deposited in the account and recovered by the girl child on her attaining 18 years of age and remaining unmarried. This would not only ensure the birth and survival of the girl child but also enhance access to education and prevent child marriage. The success however has been limited as is observed from the Ninth Plan outlay and expenditure of Rs. 3,900 million and 1,766 million respectively. The scheme has covered 3.5 million girl children.

198. **Shiksha Karmi Project:** aims at universalisation and qualitative improvement of primary education in remote, arid and socio-economically backward villages of Rajasthan with special attention to girls. This project, identifying teacher absenteeism as the major problem to achieving universal primary education, substitutes teachers in single teacher schools with a team of educated local residents called “Shiksha Karmis” of whom at least 10 per cent are women.

199. **National Literacy Mission (NLM):** was set up in 1988 to impart functional literacy to non-literates in the age group of 15-35 years. The main aim is to attain a sustainable threshold of 75 per cent literacy by 2007. By March 2003, more than 108.42 million persons were made literate, of whom 60 per cent were women. At present, 596 districts out of the total of 600 are covered under the literacy programmes. Further, by 2000, 7.3 million out of school children in the age group of 6 to 14 years benefited from the scheme of Non-Formal Education covering 292,000 centres across 25 states/UTs.

200. **Mahila Samakhya (MS):** is a scheme started in 1989 for the education and empowerment of women in rural areas, particularly for those belonging to the socially and economically marginalised groups. Women’s collectives or Mahila Sanghas at the village level provide them the space to meet, reflect and articulate their needs and make informed choices. The scheme is currently being implemented in 9 states spread over 61 districts, covering 13,247 villages, 12,071 sanghas and 1,758,107 women. MS has provided for early childhood and pre-school-cum-creche facilities, non-formal education centers, Mahila Sikshan Kendras (MSKs) for learning among adolescent girls and condensed quality education and skill development programmes for illiterate women. By 2002, MS established and managed 866 non-formal education centres and around 1,000 early childhood-care education centres, which catered to the educational needs of children belonging primarily to the disadvantaged sections of the society. The positive impact of the programme lies in women having enhanced access to quality education and having built and strengthened their capabilities to effectively participate in village level educational processes.

201. **Higher Education:** The University Grants Commission (UGC) in 1986 initiated a scheme of development of women’s studies with an objective of introducing gender

perspective in several areas. Under this scheme Women's Studies Centers in 34 Universities and Women Studies Cells in 16 colleges have been set up. Under the scheme of Grants to Women Universities for Technical Courses, financial assistance is provided for introduction of undergraduate courses in engineering and technology so as to provide women with the opportunity of accessing those disciplines which were hitherto perceived as male disciplines. Day Care Centers have been set up on payment basis in the Universities for children between 3 months to 6 years of age, so that women can benefit from this facility. Further, cells to combat sexual harassment in Universities have been constituted. The education of girls and women continues to be the focus in the programmes and projects of the Indira Gandhi Open University, 148 districts with low female literacy have been provided with IT infrastructure in order to establish connectivity in these regions with other regions for free flow of information and awareness generation.

202. Women are still under represented in decision-making bodies in Indian universities. The UGC launched the ambitious "Capacity Building Programme for Women Managers in Higher Education". To monitor its implementation, a National Consultative Committee was constituted in 2003. Training manuals have been prepared covering issues related to women and governance, women and academic leadership, managing personal and professional roles, women and research, women's studies perspective and database on women in management in higher education. The UGC proposes to extend this programme to cover all universities and colleges in the country.

203. **Vocational Education:** National Vocational Training Institute (NVTI) for Women and the Women Industrial Training Institutes under the Ministry of Labour offer skill training facilities to women so as to enable them to find employment in industry as semi-skilled/skilled labourers; or instructors in vocational institutes; or engage in income generating activities/self-employment. Vocational Training for Women, started by the Central Social Welfare Board in 1975 trains women in those trades, which are marketable, and also upgrades their skills to meet the demands of changing work environment. Its main objective is to enable and empower women to access remunerative employment opportunities, which instils in them self-confidence and enhances their self-esteem. The Department of Women & Child Development implements schemes like STEP, Swashakti, Swayamsiddha through the NGOs which also impart vocational training to women.

204. **Technical Education:** Though there has been a phenomenal expansion in technical education facilities, the participation of girls has not kept pace with the overall increase in enrolment at this level. The World Bank assisted Technical Education Project implemented in two phases in 19 States/UTs emphasises the participation of girls in technical education. To encourage girls, polytechnics for boys have been converted to co-educational polytechnics and hostel facility has been provided for over 7,000 girls in the existing and new women polytechnics. Further, Community Polytechnics have been started with the aim of bringing community/rural development through science and

technology applications and skill oriented non-formal training with focus on women, minorities, SCs/STs/OBCs and other disadvantaged sections. Women constitute 43 per cent of the total number of beneficiaries.

205. There has been significant mobilization of women's groups, grassroot level women's associations and mothers' groups to secure regular attendance and continuation in schools. School curricula and teaching-learning materials have been revised to make them gender sensitive. New initiatives for legal literacy and general awareness have been started. The NCW initiated a countrywide Legal Awareness Programme for women in 1996 to impart practical knowledge on basic legal rights and remedies provided under various laws and to prepare them for real life challenges. The course curriculum has been revised in 2003-04 to include educational schemes, health programmes and economic development schemes of Government.

### **Special measures for SC/ST and disabled children**

206. Several educational schemes have been implemented by the Ministry of Social Justice and Empowerment for children belonging to the disadvantaged sections, like the SCs, socially and educationally backward (other backward classes), street children and those with disabilities. The Government provides pre-matric scholarships to SC children on a 50:50 basis to State Governments and 100 per cent to UTs to pursue education upto the matriculation level. During the decade 3.7 million children have been assisted of which a large proportion are girls. Post-matric scholarships to pursue studies beyond the matriculation level has been provided during the period with 100 per cent Central assistance to 13.8 million SC children of which around 25 per cent are girls. Under the Central Sector Scheme of upgradation of merit of SC/ST students, 100 per cent assistance is provided to States and UTs for providing remedial and special coaching to remove deficiencies in school subjects and to prepare them for competitive examinations. Between 1997-2004, 8,807 students including girls benefited from this scholarship. Hostels for SC girls have been set up to facilitate them to pursue their education beyond the upper primary level. As of 2003-04, 731 hostels were set up and 55,799 SC girls benefited from the facility. Pre- and post-matric scholarships and hostel facilities for girls have also been provided to motivate and promote education among the OBCs belonging to low income families. Between 1998-2004, around 4.5 million OBC students, including girls have benefited from the scholarships and 21,336 girls have availed of the hostel facilities. (More details under Article 4)

207. Government is also committed to provide equal access to and free education for girls and women at all levels including technical and vocational education and training in job-oriented trades. In this direction efforts have been made to provide various schemes and measures. One such scheme of the Central Government is the **Kasturba Gandhi Balika Vidyalaya (KGBV)**. It aims at setting up 750 residential schools with boarding facilities at the elementary level for girls predominantly belonging to SCs, STs, OBCs and minorities in difficult and hard-to-reach areas. In order to provide quality education

for girls, schools are proposed to be set up during the Tenth Plan in the 2656 educationally backward blocks in 298 districts identified across the country where female literacy is below the national average and gender gap in literacy is above the national average.

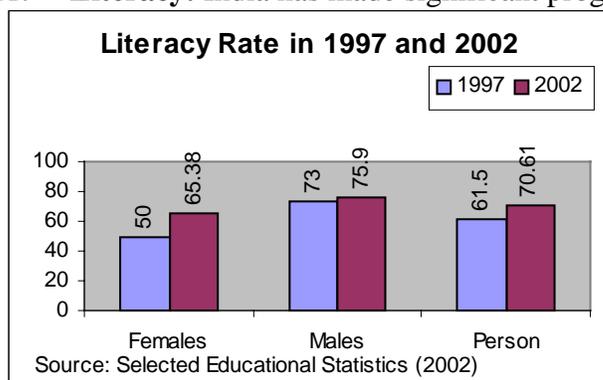
208. Government introduced a new scheme, the National Scholarship for Persons with Disabilities in 2002-03 for assisting disabled students to pursue post-matric, technical and professional courses. In the last two years, 216 disabled girls received the scholarship. Further, the Government involves and supports voluntary organizations and training institutions to improve education among the disadvantaged sections through skill up-gradation schemes.

209. Several States have implemented programmes and schemes to promote girls' education. Uttar Pradesh is implementing an innovative programme "jhoola" (swing), which focuses on transforming school routines into fun-filled learning experiences, where girl students learn through remedial teaching and bridge courses. This has resulted in the steady decline of dropouts in schools. In 14 educationally backward districts of Tamil Nadu, SC/ST girl students are given an attendance incentive of Rs. 500 per year. Similarly, across the State 30,000 SC/ST girls on entering grade VI are given Rs. 1000/- per year. Further, cash incentives are given to the principals of schools who enrol and retain the largest number of girl students in grades VI-X in backward districts. Meritorious girl students from Government schools in Delhi are awarded special stipends and provided special bus services. In a recently introduced scheme free /subsidised bicycles are provided to girl students.

### Impact of State initiatives

210. These measures have resulted in improved accessibility of children to schools, increase in enrolment and retention rates and better performance on education indicators.

211. **Literacy:** India has made significant progress in education, particularly during the

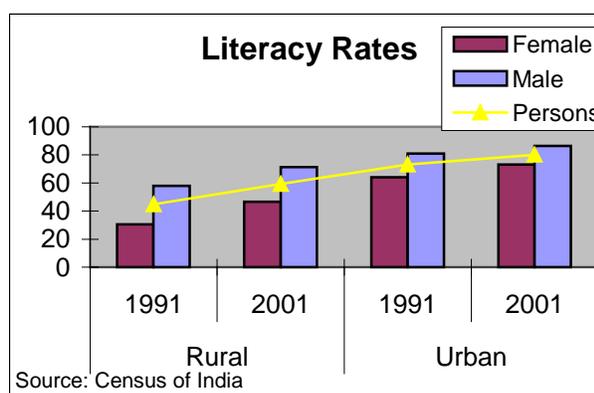


decade 1991-2001. According to the 2001 Census, the total literacy rate is 64.84 per cent, 75.26 per cent for males and 53.67 per cent for females. It is in this period that for the first time since 1951 that there has been a decline of almost 32 million in the absolute number of illiterates. This very clearly indicates the importance the country has given to this sector. In a span of five years, between 1997

and 2002, the literacy rate has increased from 61.5 per cent to 70.6 per cent. During the same period, the literacy rate for women has increased from 50 per cent to 65.38 per cent

as against 73 per cent to 75.85 per cent for men. Therefore, there has been a substantial increase of 15 percentage points in women's literacy in comparison to 3 per cent points for men. However, the disparity between the sexes range widely and gender gap continues to persist with it being least in Kerala (6.5 percentage points) and highest in Bihar (26.5 percentage points). There are large inter-state variations. The gender differential between the States/UTs indicate that Kerala remains as one of the best performing States with a literacy rate as high as 87.7 per cent and Bihar remaining at the bottom with a mere 33.1 per cent. Disparity on the basis of caste shows that in 1991 as against an overall literacy rate of 52.2 per cent that for the SCs and STs was 37.4 per cent and 29.6 per cent respectively. The literacy rate for women among these disadvantaged groups was less than 25 per cent for the SCs and 20 per cent for the STs. It is further below 10 per cent for SCs in Bihar and 5 per cent for STs in Rajasthan. Many of the States with low literacy rates have evinced a spurt in progress.

212. There are also significant rural-urban differentials in literacy rates of men and women. Between 1991 and 2001, literacy levels have increased at a faster rate in the rural areas than in urban areas. Though the gap between the sexes has declined, the disparity in literacy rates continues to be higher in rural than in urban areas. In rural areas, the female literacy rate continues to be distinctly lower than in the urban areas.



213. **Enrolment:** At the primary level in classes I-V in the 6 to 11 years age group, the overall gross enrolment ratio has shown an increase for both boys and girls between 1997-98 and 2002-03, though it is higher for boys. The overall gross enrolment ratio has increased from 90.3 per cent to 95.3 per cent. The increase in the enrolment of girls is particularly indicated in the decrease in the gender disparity. An inter-state analysis indicates a decline in the gender gap in the enrolment ratios in most of the States/UTs. However, gender disparity persists with 70 per cent of the children who have not been enrolled being girls. The decline in the gross enrolment for girls is highest in Assam and Nagaland. The reasons for this need to be studied. Enrolment declines with each additional level of education, both on account of lower enrolment and high dropout rates. Thus in 2002-03 at the upper primary stage, classes VI-VIII the ratio dropped from 93.1 per cent to 56.2 per cent for girls as against 97.5 per cent to 65.3 per cent for boys. Bihar, Jharkhand and Nagaland have very low enrolment ratio for girls, which is less than 70 per cent even at the primary stage.

214. **Dropout:** From among those children who enrol in schools, all do not even complete five years of schooling. Between 1997-98 and 2002-03, the dropout rate has declined only marginally. Thus, only about 65 per cent of the children complete class V.

Inter-state disparities exist. Less than 50 per cent of the children in Assam, Bihar, Meghalaya, Mizoram, Nagaland, Rajasthan and Sikkim complete this stage. Most of the States have recorded a reduction in dropout rate. Though gender differentials continue to exist, in comparison to boys, the progress in retention rate is higher for girls. The drop out rates at the primary, upper primary and secondary stages increase cumulatively with each level of education. Thus, of the children enrolled 35 per cent dropped out before completing Class V, more than half before Class VIII and two-thirds by Class X. The dropout rates among the disadvantaged groups are very high. It is higher among the STs than the SCs. While 52 per cent of the children among the STs dropout before they complete class V, among SCs, the proportion is around 42 per cent. The overall percentage of girls completing class VIII is around 47 per cent; the corresponding proportion for SCs and STs is only around 38 per cent and 29 per cent respectively. Studies have shown that the main reason for dropping out from schools is economic compulsions such as the need to supplement the family income through wage work, sibling care and the high cost of education. School related reasons include the poor teaching standards and infrastructure, doubts about the usefulness of the curriculum taught, etc. For girls, the reasons include distance of school from the residence, inadequate numbers of female teachers, lack of toilet facilities, etc. The Government, both at the Centre and States, has made efforts to address the above problems.

215. The teacher-pupil ratio has not changed significantly at the primary school stage between 1997-98 and 2002-2003, despite the decrease in the number of students per teacher in several States. The ratio increased steeply from 47 to 83 students in Bihar, followed by Jharkhand, Uttar Pradesh, West Bengal and Chattisgarh indicating that in these States the appointment of teachers has not kept pace with the increased enrolment of students in schools. At the upper primary level, the ratio has decreased from 37 to 34 students and at the secondary level it has increased from 29 to 33.

216. Studies have shown that improved rates of enrolment and retention among girls, particularly at the upper primary and secondary levels, are dependent on the presence of female teachers. In 2002-03, the number of female teachers per 100 male teachers is 64 at the primary level, 69 at the middle school/senior basic level, 62 at the secondary level and 71 at the higher secondary level.

### **Number of girls per 100 boys enrolled in University Education in major disciplines in India**

217. Access to higher education for girls has been expanding as also their enrolment in the various courses. Their numbers in colleges, universities, professional courses like engineering, medicine, technology, etc. has increased from 2.02 million in 1996-97 to 3.81 million in 2002-03. Their proportion has risen from 35.3 per cent to 40 per cent. Despite this growth, girls account for only 40 per cent of the total students and are found concentrated at the graduate level (6.51 per cent). Discipline-wise analysis shows that between 1997-98 and 2002-2003, their numbers for every 100 boys has increased in arts

(from 70 to 82), in science (55 to 66), commerce (44 to 58) and medicine (56 to 71). Though, their enrolment has increased in engineering and technical courses (20 to 29), these disciplines continue to be dominated by boys.

### **Challenges ahead**

218. The challenge lies in overcoming the several hurdles of reaching the most disadvantaged and hard to reach sections of society, the culturally dictated son preference and patriarchal values which impede girls education. The geographical vastness of the country, size and dispersed nature of the population, multi-cultural and linguistic identities, regional imbalances arising due to inadequate physical infrastructure, financial allocation and rising conflict and violence in certain States are some of the obstacles in achieving the targets. The Government is committed not only to make primary education free and compulsory for all children in the age group of 6 to 14 years by 2010 but also to encourage girls to continue and pursue education beyond this level, so as to hasten the process of empowerment of women.

### **Article 11: Employment**

#### **Basic Information**

219. The Government has introduced various measures to enhance employment opportunities for women. Women are also actively participating in the employment arena both in the rural and urban areas. However their access to employment is dependent largely on their access to education and skills. The Government has enumerated in its Initial Report various measures adopted to facilitate women's access to employment. The Government has strengthened some of these measures and has adopted many new schemes to enable women to access job opportunities.

#### **State initiatives**

220. The Constitution has conferred equal rights and opportunities on men and women in the political, economic and social spheres (Art. 14), prohibited discrimination against any citizen on the grounds of sex (Art. 15) and empowered the State to make affirmative discrimination in favour of women and children (Art. 15(3)). Further, Article 39 enjoined upon the State to provide equal means of livelihood and equal pay for equal work and Article 42 directed the State to make provisions for ensuring just and humane conditions of work and also for maternity relief.

221. Various labour laws have laid down specific provisions for social security for women workers. The Beedi and Cigar Workers (Condition of Employment) Act, 1966 provided for provision of crèches for the benefit of women workers. The Plantation Labour Act, 1951 laid down that women workers be provided time off for feeding children and that fully equipped crèches be set up wherever 50 or more women are

employed or where women with children below six years of age exceeds 20. The Contract Labour (Regulation and Abolition) Act, 1970 directs that women cannot be employed to work beyond nine hours between 6.00 am and 7.00 pm with the exception of midwives and nurses. The Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 laid down that provision of separate toilets and washing facilities are made for women. Under the Mines Act, 1952 employment of women in mines below ground and during the night was prohibited. The Act also provided for health facilities for women along with separate latrines and urinals. The Factories Act of 1948 (amended in 1976) provides for establishment of a crèche where 30 women are employed (including casual and contract labourers). Maternity Benefit Act, 1961 granted maternity leave with full pay for 135 days to women who have completed 80 days work and prohibits discharge or dismissal of a woman during the leave period. This Act extends to factories, mines, and plantations and has further been extended to shops and establishments where 10 and more persons are employed. The concept of paternity leave has been introduced in 1998 for Central Government employees as an important beginning towards creating effective national laws in the sphere of family responsibility.

222. Several legislations have been enacted in this direction, which have been highlighted in the Initial Report. The Government has initiated a wide range of poverty alleviation and employment generation programmes, many of which have been in operation for several years and have been strengthened to generate more employment, create productive assets, impart technical and entrepreneurial skill and raise the income level of the poor. Under these schemes, both wage employment and self-employment are provided to people below the poverty line. In 1998-99, various poverty alleviation and employment generation programmes were grouped under two broad categories of Self-Employment Schemes and Wage Employment Schemes in rural and urban areas. Funding and organisational patterns are also rationalised to achieve greater impact. These programmes are primarily meant for poverty alleviation and have generally not been helpful in sustainable employment generation.

223. Government recently proposed an amendment to Section 66 of the Factories Act, 1948 to allow employment of women workers between 7.00 p.m. and 6.00 a.m. The amendment inter-alia provides that the employer has to ensure occupational safety and adequate protection to women workers. State Governments would frame their own rules for allowing such provision.

224. **Vocational Training Programme:** The Scheme of Vocational Training Programme started by CSWB in 1975 has been instrumental in providing job opportunities to a large number of needy women, thereby enhancing their socio-economic status. Further, National Vocational Training Institute (NVTI) for Women and the Women Industrial Training Institutes under the Ministry of Labour offer skill training facilities to women so as to enable them to find employment in industry as semi-skilled/skilled labourers; or instructors in vocational institutes; or engage in income generating activities/self-employment. Four new Regional Vocational Training Institutes

for Women are also being set up at Indore, Vadodara, Jaipur and Allahabad. The Vocational Rehabilitation of Women with Disabilities scheme coordinates with various Government and non-Government organisations to promote speedy rehabilitation of the disabled women by providing training, job and self-employment services. Vocational Rehabilitation Centres for Handicapped, under the Government of India, Ministry of Labour are run at 17 places. VRC at Vadodara is exclusively for women and the other centres assist both men and women with disabilities.

225. In order to provide credit, institutions such as the Small Industries Development Bank of India (SIDBI) and the National Bank for Rural Development (NABARD) set up specialised windows for micro-credit, NABARD through the self-help groups (SHG) and bank linkage and SIDBI through the Foundation for Micro-credit. Women as 'small borrowers' (below Rs.200,000) accounted for 14.5 per cent. Looking regionally, North-Eastern, Eastern and Central regions did not get adequate credit. The new generation micro-finance institutions (MFIs) have taken many commendable efforts. NGOs such as Professional Assistance for Development Action (PRADAN) in Bihar, Mysore Resettlement and Development Agency (MYRADA) in Karnataka promote SHGs at village level and link the local SHGs with banks. There are also NGOs-MFIs directly lending to people such as Society for Helping Awakening Rural Poor (SHARE) in Andhra Pradesh and Rural Development Organization (RDO) in Manipur. MFIs are also organised as co-operatives such as Mutually Aided Cooperative Thrift Societies (MACTs) in Andhra Pradesh or Self Employed Women's Association (SEWA) bank in Gujarat. MFIs are further organised as non-banking finance companies (NBFCs) like BASIX in Andhra Pradesh or CASHPOR Financial and Technical Services (CFTS) in Uttar Pradesh.

226. Productive employment is an important dimension of the state policy that seeks to achieve growth with equity. In accordance, the Ninth Plan has given priority to agriculture and rural development with a view to generating adequate productive employment and eradication of poverty. Greater productive employment was aimed in the growth process itself by concentrating on sectors, sub-sectors and technologies which are labour intensive, in regions characterised by higher rates of unemployment and under employment.

227. The NCW undertook a series of public hearings in 2002 to understand the impact of globalization on women. The first of these was held in Kerala in 2001. These hearings showed that women workers faced problems in the fields of agriculture and plantation, gem cutting, handloom weaving, construction, match industry, shoe and chappal making, fisheries etc. Reduction in prices, competition from imports and new technologies are some of the reasons for the problems faced by the women workers.

228. The NCW has reviewed some of the labour legislations that have a bearing on women's participation and has suggested amendments which are receiving active consideration of the Central Government.

229. Pursuant to the judgement in the Vishaka case on sexual harassment, Government has taken many steps to ensure compliance with the law laid down by the Supreme Court. The service rules have been amended to include sexual harassment at work place as misconduct and providing for departmental inquiry against such complaints and punishment for the same if the charges are held proved. The model Standing Order applicable for the industry has been amended to include sexual harassment as misconduct. Any new industry, which does not provide for such a provision in the standing order, is not granted licence. National Commission for Women and the Ministry of Human Resources Development have taken necessary steps to ensure that all educational institutions and organisations under the control of the Government and even private institutions carry out necessary amendments to include sexual harassment at work place as an offence and pressure is kept on the management of the establishment to provide for setting up of a Committee for redressal of sexual harassment complaint. The Sexual Harassment of Women at the Workplace (Prevention and Redressal) bill, 2004 has been prepared and wide consultations are being held all over the country with various NGOs and State departments in order to finalise the same.

230. A new policy of Health Insurance for Workers in Informal Employment and the Unorganised Sector Workers Bill 2003 is currently under review. A draft Bill on Home Based Workers is also being reviewed.

231. National Authority for Elimination of Child Labour (NAECL) has been set up. Under National Child Labour Projects (NCLP) 18,000 special schools have been set up covering about 150,000 working children. The main aim is to withdraw and rehabilitate children working in 57 processes and 13 occupations that have been classified as 'hazardous' by the Child Labour Technical Advisory committee under the Child Labour (Prohibition and Regulation) Act, 1986 and finally mainstreaming them into the formal education system. In 2004-05, Rs.872 million was provided for this purpose. Occupation/industry wise classification of child labourers by sex is not available. However, information compiled from the Quarterly Progress Reports of the NCLP societies for 2004-05 indicates that girls constitute 56 per cent of the overall enrolment in the special schools. The Ministry of Social Justice and Empowerment runs a grant in aid scheme for supporting and strengthening NGOs engaged in the welfare and development of street children.

232. Government of India has consistently maintained a proactive approach to the issue of forced or bonded labour in the country. It recognises this practice as a gross infringement of the fundamental Human Rights of the affected citizens and is committed to its total eradication in the shortest possible time by implementing the Acts on Education and Employment stringently. India ratified the ILO Convention No.29 (Forced Labour Convention 1930) on 30<sup>th</sup> November 1954. Subsequently, Bonded Labour System (Abolition) Act was passed by the Parliament in 1976 but given effect to from 25<sup>th</sup> October 1975, the date when the Ordinance was promulgated. The Act provides for the abolition of bonded labour, bonded labour system and bonded debt. Vigilance

Committees have been set up in Subdivisions of States where bonded labour has been reported. These Committees meet periodically to review the work being done. Vigilance Committees provide for the economic and social rehabilitation of the freed bonded labourers. The Central and State Governments share financial support for rehabilitation of bonded labourers. In 1996 both Supreme Court and the Ministry of Labour announced increases in the amounts to be made available to released adult and child labourers.

233. Government recently introduced the “Unorganised Sector Workers’ Social Security Scheme”. The Employees Provident Fund Organisation with its countrywide reach and advanced communication technology manages this fully Government funded scheme. This is actively supported by workers’ Facilitation Centres, the Employees State Insurance Corporation, other insurance companies, the Central and State Labour machineries, PRIs, SHGs and other civil society organisations. Initially, this scheme is being implemented for 2.5 million workers in 50 districts of the country for two years on a pilot basis. It covers workers drawing a salary less than Rs. 6500/- per month. The scheme provides the triple benefit of pension, personal accident insurance and medical insurance.

### **Impact of the initiatives**

234. Women constitute a significant proportion in the labour force. Between 1993-94 and 1999-2000, there has been a decline in the percentage of persons in the labour force from 66.5 per cent to 61.8 per cent. While the decline for men was from 87.1 per cent to 83.5 per cent, for women it was from 44.4 per cent to 38.5 per cent for the same period. There exists a wide disparity in the labour force participation of men and women, it being higher in rural areas in comparison to urban areas. State level data reveals that the labour force participation has declined gradually for all the States between 1993-94 and 1999-2000. During the same period, the growth in employment for persons in the age group 15 years and above has significantly declined in the rural areas and for women, than in the urban areas and for men. Among the States only Punjab, Bihar and Assam have shown growth rates higher than the national average.

235. According to the National Sample Survey conducted in 1999-2000, the total work force comprised 401 million of which about 7 per cent is employed in the formal or organised sector, and almost 93 per cent is in the unorganized or informal sector. According to the Economic Census, All India Report 2001, of the total of 30.35 million enterprises in this sector, 17.71 million are in rural areas and 12.64 million in urban areas. Of the total of 83.4 million workers, men constitute 80 per cent, women 17.3 per cent and children 2.7 per cent. These workers face deprivation in terms of wages, working conditions and welfare benefits like their counterparts in the organised sector.

236. There exists wide disparity in the work participation rates between men and women. The female work participation rate increased from 22.7 per cent in 1991 to 25.7

per cent in 2001 as against a marginal increase from 51.6 per cent to 51.9 per cent for men.

### Work Participation Rate in India (1991-2001)

		Persons	Males	Females
1991	Total	37.68	51.56	22.73
	Rural	40.24	52.50	27.2
	Urban	30.44	48.95	9.74
2001	Total	39.26	51.93	25.68
	Rural	41.97	52.36	30.98
	Urban	32.23	50.85	11.55

Source: Annual Report of Ministry of Labour 2003-04.

237. While the proportion of women in the organized and public sector increased between 1991 and 1999 they constituted only 17.2 per cent and 14.5 per cent respectively in 1999. Though there has been a decline and increase in the proportion of main workers and marginal workers respectively for both men and women during the decade 1991-2001, it is striking among men than women.

238. Women's contribution to the economy as workers continues to be invisible and unrecognized, despite a change in the conventional definition of work by the Government. A pilot Time Use Survey conducted in 1998-99 by the Central Statistical Organisation showed that 51 per cent of women's work was not recognized as such. 93 per cent of women workers are in informal employment (including agriculture) and a majority in low income jobs. Wage gaps between male and female labour persist and are greater in urban than in rural India. Among women who constitute main workers, the proportion is higher in Mizoram, Nagaland, Andhra Pradesh, Sikkim and Dadar and Nagar Haveli. The States with proportion of women marginal workers higher than main workers are Assam, Bihar, Haryana, Jammu & Kashmir, Jharkand, Orissa and West Bengal. Given the increase in the growth rate of the labour force and decline in the growth rate of employment, there has been an increase in the incidence of unemployment from 2 per cent in 1983 to 2.3 per cent in 2000. The incidence of unemployment has increased for both men and women and in rural areas. Among the states, Kerala has the highest unemployment rate at close to 8 per cent.

239. The problem of child labour continues to be an area of great concern for the Government. More than 90 per cent child labourers are found concentrated in rural areas in occupations like agriculture and allied occupations like cultivation, livestock, forestry and fisheries. According to the 1971 Census, the estimated figure of working children was 10.7 million, which increased to 13.6 million as per the 1981 Census but declined to 11.28 million as per 1991 Census.

240. India's economy has undergone a substantial transformation. Starting in 1991, India began to implement trade liberalization measures. While, liberalization improved market access and labour participation in a number of export-led sectors and industries, automation and technological advancements have adversely impacted unskilled workers. Women constitute the largest group who are unskilled and found concentrated in the informal economy as casual workers, piece rate workers, etc. In this context, gender-analytical approaches have been adopted to identify and address the key mechanisms by which globalization, WTO and related agreements impact on women in terms of employment, wage levels and poverty reduction.

### **Challenges ahead**

241. In spite of the various Acts, policies and programmes to promote the participation of women in employment, there exist wide disparities in their work participation. Considering the various disadvantages women face, the challenge lies in achieving the gender balance across caste, class, rural-urban divide and regions, particularly in backward States and districts. The persisting child labour and bonded labour is a pressing concern for the Government. The challenge lies in the effective implementation of the laws, policies, programmes and schemes. Legislations need to be enacted and implemented, especially in the agricultural, informal, unorganized and private sectors and social security measures instituted to protect them. The challenge also lies in regulating the multinational companies, etc. and strengthening mechanisms for effective implementation of all programmes so that the benefits reach women.

242. In view of the pace at which technology and markets advance today, it becomes important that women are given the opportunity to undergo skill training and skill upgradation in the new and emerging sectors. Adequate safety nets need to be provided to the most disadvantaged, especially women and children. Capacity building and training of the women in industry - entrepreneurs, workers, and service providers, is now prioritised to help women face the challenges of globalisation.

243. One of India's export strengths is in the traditional sector of textiles and garments. Women account for a large proportion of workers in this industry, though they are subject to poor working conditions, low wages and job insecurity. The phasing out of the Multifiber Agreement (MFA) (which through its quota system provided jobs) would result in the displacement of workers, particularly women who are already the most vulnerable in this sector. Liberalisation of service sectors, especially under Mode 4 of the GATS is of immense significance to a country like India. At present, the emphasis is only on liberalization of professional services and not in the category of low skilled workers. Given India's strength in the health care and tourism sectors, liberalization of movement of natural persons' for rendering such services could be beneficial to workers in India. BPO and software services are major exports of the country and women need to equip themselves with professional skills in IT to enable them to access higher positions in the industry.

244. To realize economic empowerment of women, the Tenth Plan envisages to ensure provision of training, employment and income generation activities with both forward and backward linkages with the ultimate aim of making all women economically independent and self-reliant. The Plan aims to achieve this through 1) organizing women into SHGs under various poverty alleviation programmes and offering them a range of economic options and support measures to enhance their capabilities and earning capacities; 2) ensuring that the women in the informal sector are given special attention with regard to improving their working conditions; 3) ensure that the benefits of training and extension in agriculture and allied activities reach women and also issue joint titledeeds for the spouses under social forestry and joint forest management programmes; 4) ensure that employers fulfil their legal obligations towards women workers; 5) re-training and upgrading skills of women displaced by technology so that they can take up jobs in new areas of employment and formulating appropriate policies and programmes to promote alternate self and wage employment; 6) initiating affirmative action to ensure atleast 30 per cent reservation for women in services in the Public Sector and 7) increasing access to credit for women.

## **Article 12: Equality in Access to Health Care**

### **Basic Information**

245. India is committed to achieving the goal of “Health for All by 2000A.D.” In this direction, a large network of institutions for health care has been established in both rural and urban areas. There are a total of 137,271 sub-health centers, 22,975 primary health centers and 2,935 community health centers in rural areas. Several policies, programmes and schemes have been initiated and implemented.

### **State initiatives:**

246. **National Health Policy 2002:** focuses on the need for enhanced funding and an organizational restructuring of the national public health initiatives in order to facilitate more equitable access to the health facilities, particularly of the disadvantaged sections of society. It highlights the need for time-bound programmes for establishing a network of a comprehensive primary health care service, extension and health education, mediation through health volunteers, establishment of a referral system and encouraging private initiative for providing health care facilities.

247. **Reproductive and Child Health (RCH) Programme:** (first phase 1997-03, second phase from 2003) aims at reduction of maternal and infant mortality, creation of awareness about rights of population in health care and improvement in the health care delivery systems. Interventions for reducing maternal mortality and morbidity include the promotion of safe deliveries in institutions and at home. The birth attendants are being trained for conducting clean deliveries under RCH. Along with this, efforts have been increased to address women’s health issues and concerns related to HIV/AIDS, TB,

Malaria, Leprosy and other communicable diseases. Visibility for men is also sought in the RCH programmes.

248. **National Rural Health Mission (NRHM):** The NRHM (2005-2012) seeks to provide effective health care to rural population throughout the country with special focus on 18 States, which have weak public health indicators and/or weak infrastructure. It aims to undertake architectural correction of the health system to enable it to effectively handle increased allocations as promised under the National Common Minimum Programme and promote policies that strengthen public health management and service delivery in the country. It seeks to revitalize local health traditions and mainstream AYUSH into the public health system. It aims at effective integration of health concerns with determinants of health like sanitation & hygiene, nutrition, and safe drinking water through a District Plan for Health. It seeks to improve access to rural people, especially poor women and children, to equitable, affordable, accountable and effective primary healthcare.

249. **Integrated Child Development Services (ICDS):** as a nation-wide programme continues to be the major intervention for the overall development of children below 6 years of age and expectant and nursing mothers. As on March 2004, there were 5,267 projects in the country. It has a large machinery for delivery of services. They include 636,105 anganwadi workers, 22,013 supervisors and 5,258 CDPOs/ACDPOs. Supplementary nutrition for 21 days in a month has been provided by these anganwadi centres benefiting 16,798,824 children below 3 years, 17,352,353 children between 3-6 years and 7,357,501 pregnant and nursing mothers. The anganwadis have also provided non-formal pre-school education to 10,461,430 boys and 9,976,572 girls in the 3-6 years age group, thus making an average attendance of 17 boys and 16 girls per center.

250. **Family Welfare Programme:** has adopted a Community Needs Assessment Approach (CNAA) since 1997, through a decentralised participatory planning strategy. The Department of Family Welfare has taken several new initiatives in the Ninth and Tenth Plan Periods to shift the focus from individualized vertical interventions to a holistic and life cycle approach giving priority to reproductive health care. The program as a part of the RCH programme aims at reducing infant mortality rate to 30 per 1000 live birth and maternal mortality rate to 100 per 100,000 live births by 2010. The major interventions reiterated in the 10<sup>th</sup> Five Year Plan include 100 per cent registration of pregnant women, essential obstetric care (around 67 per cent of the pregnant women received at least one antenatal checkup), 24 hour delivery services at PHCs and CHCs, screening for anemia, promotion of safe delivery by trained personnel, etc. Also efforts are being made for establishing male reproductive health centres to motivate men to accept family planning. No scalpel vasectomy project was launched in January 1998 to promote male participation in the family welfare programmes, due to which male sterilizations have gradually increased from 1.8 per cent in 1997 to 2.46 per cent in 2002. The project has been implemented in 20 States.

251. **National Population Policy 2000:** recognises links between socio-economic development and health. It affirms the commitment of the Government toward voluntary and informed choice, consent of citizens while availing of the reproductive health care services, and continuation of the target free approach in administering family planning services. Adolescent girls have been recognised as a priority group in the National Population Policy and the RCH programme.

252. **The Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act 1994** amended in 2003 seeks to prevent misuse of new technologies by bringing the technique of pre-conception sex selection and use of mobile ultra sound machines within the ambit of this Act and has made punishments more stringent. The Central Supervisory Board constituted under the Chairmanship of the Minister for Health and Family Welfare has been empowered for monitoring the implementation of the Act. Similarly State level Boards have been constituted for monitoring implementation in the States. Around 2000 district level committees have been set up in all the States and UTs, and separate bodies have been constituted for the Defence Services Medical Institutions. These apart from granting/canceling registration of centers also enforce prescribed standards. The Indian Medical Association in collaboration with UNICEF and NCW held a meeting of religious leaders in 2001 at which sex selection was strongly condemned. The co-operation of religious and spiritual leaders has been sought to create awareness about the rights of the girl child and the resultant consequences of female foeticide. The Advocacy Strategy formulated in 2002 for checking and preventing sex selection and termination of female foetus is being implemented in partnership with several stakeholders. The Supreme Court issued directions to the Centre, States and UTs in Centre for Inquiry into Health and Allied Themes (CEHAT) vs. Union of India (R (2001) 5 sec 577) regarding monitoring and effective implementation of the Act.

253. The recently introduced 'Janani Suraksha Yojana' scheme has the main objective of reduction in maternal mortality/infant mortality by making available quality care in essential and emergency obstetric services and by way of focusing at increased institutional delivery in the BPL groups. The scheme focuses on tracking of pregnancy from the beginning, identification of pregnancy-related complications, enhanced assistance on delivery in a health institution, linking antenatal check up and mental care and providing appropriate referral and transport assistance. Trained and Accredited Social Health Activist (ASHA)/Trained Birth Attendant act as an effective link between the field level Government machinery and intended beneficiaries, encouraging mental care, institutional delivery and small family norms. The scheme is available to all women from BPL families, of age 19 or above. Benefit is available upto two live births. Cash assistance as provided to the mother on the birth of a child in a health institution (institutional delivery) on a graded scale.

254. A number of activities have been undertaken in a concerted manner in States where the decline in child sex ratio is significant. Government of India in collaboration with the State Governments, Population Foundation of India, Plan India and other donor

partners launched a national campaign against sex selection and pre-birth elimination of female foetuses in eleven States namely Punjab, Haryana, Delhi, Maharashtra, Gujarat, Himachal Pradesh, Uttar Pradesh, Uttaranchal, Andhra Pradesh, Madhya Pradesh and Chhattisgarh. Apart from taking stringent action, they include the use of decoy customers, awareness raising through extensive use of multimedia, sensitization of the medical community and appropriate authorities, the launching of the “Save the Girl Child” campaign and appointing a high school topper, Ms. Aruna Kesavan, as its ambassador for the campaign for 2004, etc.

255. **The National Nutrition Policy (1993) and the National Plan of Action on Nutrition (1995):** The policy recognizing the multifaceted nature of the problem of malnutrition recommended a multisectoral strategy at various levels. It includes both direct nutrition interventions for specially vulnerable groups as well as indirect policy instruments for creating conditions for improved nutrition, like ensuring food security, minimum wage and equal remuneration, improving the public distribution systems, effecting land reforms, etc. A National Nutrition Council has been set up under the Chairmanship of the Prime Minister and an Inter-ministerial Coordination Committee under the Chairpersonship of Secretary, DWCD for planning, coordinating, reviewing and monitoring the implementation of nutrition measures. This inter-sectoral approach has created a positive impact on the nutritional status of children below 6 years and expectant and nursing mothers.

256. **The National Nutrition Mission** under the Chairpersonship of the Prime Minister was set up in 2003 with the objective of addressing the problem of malnutrition in a holistic manner and accelerating reduction in various forms of malnutrition. The Mission is also responsible for providing policy direction and effective coordination of nutrition programmes being implemented by the Government. A pilot project is being implemented in 51 backward districts in the country where undernourished adolescent girls, pregnant and lactating women are provided 6 kgs of wheat/rice per month free of cost.

257. **Food and Nutrition Board:** of the DWCD comprising of a technical wing at the centre, four regional offices, Quality Control Laboratories and 43 Community Food and Nutrition Extension Units (CFNEUs) located in 29 States/UTs is primarily engaged in nutrition education and training activities, mass awareness programmes, promotion of nutrition among infants and young children and follow up action on the National Nutrition Policy. The Board developed National Guidelines on Infant and Young Child Feeding in English and Hindi and released them during the World Breast Feeding Week in August 2004. These have been distributed widely to various partner organizations, colleges, training institutions and health functionaries.

258. Universal Health Insurance Scheme was launched in July 2003 for people of low-income groups. It provides for reimbursement of hospital expenses upto Rs. 30,000 per family/individual. The scheme also provides for the loss of livelihood at the rate of Rs.

50/- per day upto a maximum of 15 days in case the earning member falls sick. Government provides a subsidy of Rs. 100 for families below the poverty line. As on March 31, 2004 around 417,000 families or 1.16 million individuals were insured in all States and Union Territories. Of them, nearly 48 per cent from rural families and 9,400 below poverty line families have been covered. Among the States, Maharashtra (21%), Andhra Pradesh (10%), Tamil Nadu (9.58%) and Gujarat (9.19%) account for around 50 per cent of the insurance policies sold. In the 2004-05 Budget, Government revised the scheme to provide greater subsidy for BPL families.

259. The second phase of the National AIDS Control Programme launched in 1999 has a specific focus on strengthening the capacity of the Central/State Governments to respond to HIV/AIDS on a long-term basis. The National AIDS Control and Prevention Policy 2002 makes special mention about the protection of rights of HIV positive women in making decisions regarding pregnancy and childbirth. According to agreed guidelines of the WHO and Government of India, 3 million persons with HIV will be covered by antiretroviral (ARV) drugs by 2005. From April, 2004 free ARV drugs have been made available to mothers living with HIV. In a unique initiative the Indian Railways, a large public sector institution, in partnership with UNIFEM, UNDP, UNFPA and an NGO through a three-year pilot project (2002-05) is providing gender friendly HIV education and counseling to 150,000 railway employees and their families.

260. The National AIDS Control Organisation (NACO) has taken several steps to prevent discrimination of women with HIV/AIDS. NACO through its Prevention of Parent to Child Transmission (PPTCT) program provides counseling to help pregnant women make informed choices about childbirth, treatment, etc. Abortion is never forced on her, nor is she forced to keep her child away from breast-feeding. It also emphasizes priority to be given to women's needs in treatment, their involvement and participation in decision-making and supports the Positive Women Network+ (PWN+) which has membership from across the country to fight for their rights and encourages legal resources centers to take up cases in court pertaining to their right to health, property and employment. The Greater Involvement of Positive People (GIPA) strategy emphasizes involvement of HIV positive persons in decision-making processes.

261. Apart from the above initiatives, NGOs have been proactive in providing health services, particularly in the areas of reproductive health and rights, checking and preventing female foeticide and infanticide and HIV/AIDS. They are active in implementing programs related to drinking water and sanitation and hygiene. They are also involved in empowering, mobilizing and organising women, raising awareness, advocating for policy change and partnering with the Government in achieving the set standards.

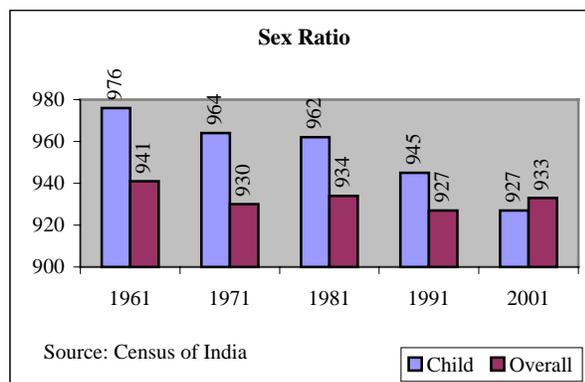
262. Public expenditure on health as per cent of GDP and total Government expenditure has declined from 5.3 per cent in 1997 to 5.1 per cent in 2001 and 3.5 per cent in 1998 to 3.1 per cent in 2001 respectively. The Government expenditure to total

expenditure on health has remained around 18 per cent during the same period. Private expenditure on health has shown a significant increase, indicating a growing dependence of the population on private health care facilities. Privatisation of health care would affect the most vulnerable sections - the women, the poor and those residing in the rural and backward regions.

### Impact of State Initiatives

263. The persisting adverse sex ratio has been an important concern to the nation.

There has been a marginal increase from 927 in 1991 to 933 in 2001. During the decade, though there has been an improvement in sex ratio in both rural and urban areas, the sex ratio in urban areas is considerably lower than in rural areas. There is significant variation in sex-ratio across States. The sex ratios are more favourable for females in the Southern and Eastern States than the Western and Northern States. Kerala continues to have a sex ratio favourable to females (1,036 & 1,058 females in 1991 & 2001 respectively) as against a low of 710 in Daman & Diu and 777 in Chandigarh. The other States having an adverse sex-ratio include Haryana, Punjab, Sikkim and Delhi. Several States have also recorded a decline in sex-ratio during the decade.



264. The sex ratio in the age group 0-6 years is 927 females for 1000 males with a similar pattern at the State level, which is lower than the overall sex-ratio. However, there are certain States/districts with an alarmingly low sex-ratio. The ratio is least in Punjab with just 798 female per 1000 male children, followed by Haryana (819), Chandigarh (845) and Delhi (868). This clearly indicates a strong son preference, widespread prevalence of pre-natal sex determination and selection practices and existence of socio-cultural practices like dowry and low status accorded to women in decision-making.

265. The PNDT Act mandates the maintenance of records relating to the use of ultrasound machines and other equipments for sex determination and the bodies registered for the same. As such, under the Act, 26,199 clinics/bodies using ultrasound machines, image scanners, etc. have been registered across the country. As of March 2005, 63 ultrasound machines have been sealed and seized and 303 cases filed in the courts and police stations for violation of the law. Of these, most of the cases filed have been due to the non-registration of the clinics. Twenty four cases have been filed for sex determination and disclosure of the sex of the foetus. Of them, the number is highest in the State of Haryana (12) followed by Punjab (8), Maharashtra (2) Karnataka (1) and Tamil Nadu (1). Eighteen cases have been filed against those who have advertised about

facilities for pre-conception and pre-natal sex selection. Of them, 6 were in Delhi, 4 in Haryana, 2 in Maharashtra, 3 in Gujarat, one each in Tamil Nadu, Uttaranchal and Uttar Pradesh.

266. Infant mortality rate (IMR) has declined from 71 to 64 per 1000 live births between 1997 and 2002. The decline in the case of females is from 73 to 65 and for males from 70 to 62. The decline in IMR has been mainly due to the significant achievement made under the Universal Immunisation Programme, which is part of the RCH. By the end of 2001, the scope of this programme reached 100.3 per cent in respect of DPT, 98.2 per cent for OPV, 102.7 per cent for BCG and 92.1 per cent for measles.

267. Maternal deaths due to complications in pregnancy and childbirth are among the leading causes of death among women in the country. Maternal mortality rate (MMR) has declined from 408 per 100,000 live births in 1997 to 407 in 1998. MMRs of Uttar Pradesh and Rajasthan are alarmingly high at 707 and 670 respectively. The other States with MMR higher than the national average of 407 are Madhya Pradesh, Bihar and Assam. The causes for maternal deaths include haemorrhage (both ante and post partum), sepsis, obstructed/prolonged labour, puerperal sepsis, unsafe abortion, anemia, etc. The factors responsible are poor health care facilities, lack of access to health care units, limited access to Family Planning services and safe abortion services, poor nutrition, early marriage, frequent and closely spaced pregnancies. The programme for the promotion of safe deliveries according to the NFHS and NFHS-II surveys has shown a significant increase in the institutional delivery rate from 26 per cent in 1992-93 to 33.6 per cent in 1998-99. However, in as many as 12 States, the rate is less than 25%.

268. The incidence of malnourishment among women and children continues to be widespread, the consequence of which is the high rate of morbidity and mortality among them. According to the NFHS II, 1997-98, more than 50 per cent of the ever-married women and 75 per cent of children suffered from anemia. Women still lack access to the daily per capita requirement of the recommended minimum nutrition. Nearly 60 per cent of the women particularly pregnant and lactating women suffer from anemia. This is in spite of self-sufficiency of food production which has not percolated to households with low per capita income. A programme has been implemented since 1997-98 to treat anemia and severe anemia among pregnant women, wherein they have been provided with folic acid and iron tablets daily for 100 days. More than 90 per cent of the households under the poverty line consumed less than the average energy levels according to the estimates of the NSSO's 50<sup>th</sup> Round Survey on Nutritional Intake in India.

269. The morbidity pattern, according to the National Council for Applied Economic Research Survey in 1995 indicated a prevalence rate of 103 per 1000 persons at the national level. It was found to be higher among women in both urban and rural areas. Further, it was seen to be highest among women in the 15-59 years age group, children

below 5 years, old people ( above 60 years). Morbidity prevalence was highest in the States of Kerala, Orissa, Himachal Pradesh, Punjab and Andhra Pradesh.

270. Data from the National Cancer Registry Programme estimates the addition of about 800,000 new cancers cases in the country every year. Cancer sites associated with tobacco form 35 to 50 per cent of all cancers in men and about 17 per cent of cancers in women. These cancers are amenable to primary prevention and can be controlled to a large extent. (Source: Cancer Prevention and Control in India, Cherian Varghese).

271. From a comparison of the goals and achievements made by Government between 1996-2000 on some of the indicators in health and family welfare programmes, it is seen that the goals set have been achieved with respect to life expectancy at birth. Achievement is close to fulfilment of the goal in relation to immunization of infants.

### **Challenges ahead**

272. Women's health is also related to the socio-cultural practices in the country. Women continue to carry the heavy burden of work both within and outside the house, follow the norm of eating last, have limited access to and control over resources, both tangible and intangible, and decision-making powers within the household.

273. In spite of the various efforts made by the Government and other stakeholders to provide equal access to health care for women and children, there are striking disparities in the health status of women and children, particularly girl children. The disparities are higher for those belonging to the SC/ST and minority sections of the society, those residing in the remote rural and tribal areas, backward and conflict-ridden States and districts.

274. Government faces the challenge of addressing these disadvantages in a holistic manner by translating the de-jure rights into practice, particularly in relation to the adverse sex ratio and the alarming decline in female child sex-ratio. The National Health Policy, 2002 recognising the uneven attainment in health standards across the rural-urban divide, regions and socially disadvantaged sections has made it the principle objective to evolve a policy structure which reduces these inequalities and facilitates a fairer access to public health services. This requires identification of blocks, districts and States and putting mechanisms for implementing and monitoring the interventions.

275. The Tenth Plan envisages creation of an enabling environment through adopting various affirmative policies and programmes for the development of women and facilitating their easy and equal access to all minimum basic services of primary health care and family welfare with a special focus on the under-served and under-privileged segments of population through universalizing Reproductive and Child Health (RCH) services. The Plan targets reduction in infant mortality rate (IMR) to 45 per 1000 live births by 2007 and to 28 by 2012 as against 68 in 2000. Similarly the Plan targets a

reduction in Maternal Mortality Rate (MMR) from 4 in 1999-2000 to 2 per 1000 live births by 2007 and to 1 by 2012; providing supplementing health care and nutrition services through the Pradhan Mantri Gramodaya Yojana (PMGY); tackling both macro and micro nutrient deficiencies through nutrition supplementary programmes along with support services; encouraging the media to project positive images of women and the girl child and gender sensitising administration and the enforcement machinery to ensure that the rights and interests of women are protected.

### **Article 13: Economic and social benefits**

#### **Basic information**

276. In the formal sector of employment there are various benefits conferred on the employees and women have equal access to these on a par with men. The Initial Report has highlighted various social and economic benefits that are available to women. All women irrespective of their marital status are entitled to these benefits. Women are entitled and are given equal wages, allowances and entitlements, viz., house allowance, educational allowance, health allowance etc. However since women are predominantly engaged in the agricultural and the informal sector they are very often denied such benefits.

277. Both men and women are entitled to enjoy properties and receive family benefits, bank loans and other forms of financial credits. Legally there is no prohibition for a woman to hold property in her name; however, in practice almost all the immovable properties are registered in the name of the man. Thus, the opportunities to enter into and make financial transactions and entrepreneurial activities on their own are severely impaired due to lack of capital. The Government has initiated several measures like the proposed amendment to the Hindu Succession Act, 1956 conferring coparcenary rights on women.

278. The laws do not restrict women from participating in sports and cultural activities. There are many women in sports such as athletics, hockey, cricket, tennis, basketball, badminton, etc. There are many national players and they have represented the country in international games. Women in the field of art, music, dance, and cultural life have always been recognised. Rural women also participate in music, dance, and cultural activities during local festivals. The socio-cultural norms, public-private divide and segregation, restrictions on mobility, economic dependency, and burden of the household chores hinder women's participation in recreational and sports activities.

#### **State initiatives**

279. Effective access to land is perhaps the single most significant determinant of economic and social status and power in India. Women's unequal access to land rights is one of the most important forms of persistent gender inequalities in India today.

Enhancing women's direct access to land in the rural economy could prove critical for meeting the national goals of improving food and livelihood security, children's welfare, agricultural productivity and women's empowerment. The Common Minimum Programme has emphasized the importance of enacting new legislation that gives women equal rights of ownership of assets like houses and land. The proposed amendment to the Hindu Succession Act provides that daughters would get equal rights in ancestral property.

280. Government has issued policy directives from time to time through the various Five Year Plans to all States on allotment of land on joint title deeds in the names of husband and wife and in the names of women alone. Joint title deeds give a measure of protection to women, even in cases of marriages breaking up. Land rights being a State subject has resulted in land transfer to women not being implemented uniformly throughout the country. It has been recognized that allotment of Government land, excess land, wasteland and land in State farms to women's groups enables women to take up agricultural and allied activities.

281. The Comprehensive Wasteland Programme of Government of Tamil Nadu initiated in 2001-02 which allows allotment of land to Federations of women's SHGs and the pilot project of Department of Agriculture and Cooperation to provide community wasteland, fallow land and surplus land to women SHGs on long term lease basis are positive affirmative steps of Government. DWCD has recently written to State Governments to consider initiatives that could be taken in their respective States to promote effective land rights for women. The Scheduled Caste Development Corporation of Andhra Pradesh provides subsidized credit to dalit women's groups to purchase/lease private land from the market for cultivation of crops. Ownership of the land rests with the group which manages and controls the land for its cultivation.

282. It is also recognized that improvement of the preparation and maintenance of land records would ensure women the right to enjoy property rights, both individual and common. Elected women representative of Panchayat Raj Institutions have taken a lead role in enabling self-help groups of women to manage common property resources.

283. Various schemes have been undertaken by the Government to provide alternative system of credit through micro credit to self help groups. Institutions such as Rashtriya Mahila Kosh (RMK), have tried to facilitate women's access to credit facilities. Women enjoy special tax rebate as income tax payers. In fact there are specialised insurance schemes designed only for women. Though there is no prohibition for women to secure loans from banks and other financial institutions, the same is not accessible to them as they are unable to give collateral security for the loans, since they do not own any property in their name nor do they have any independent income. Thus they have to depend upon their husbands or other male relatives to secure the loan.

284. Public Sector Banks were required to earmark 5 per cent of their Net Bank Credit for lending to women. According to the Reserve bank of India, as on December 2004, the aggregate lending of the public sector banks was 5.47 per cent (exceeding the target) and the total credit provided to women from 27 public sector banks was Rs.362,334 million. All banks have set up women's cells in their head offices for dealing with cases of credit flow to women.

285. Under the Rural Employment Generation Programme of Khadi and Village Industries Commission, higher rate of margin money assistance at 30 per cent of the project cost is provided to women entrepreneurs against 25 per cent for general category.

286. Schemes like Kudumbashree (State Poverty Eradication Mission) of the Government of Kerala launched in 1998-99 with the support of Government of India and NABARD follows a process of eradication of absolute poverty from the State within a period of 10 years through concerted community action, under the leadership of local self-Governments by facilitating the organisation of the poor women, combining self-help with demand led convergence of available services and resources. Poor women have been identified through a non-monetary poverty index and they are organised into three-tier community based organisations – Neighbourhood Groups, Area Development Society and Community Development Society. Under Kudumbashree, an informal bank of rural women has been formed with thrift and credit operations, and they are encouraged to take up micro-enterprises. As on 30<sup>th</sup> September 2004, about 144,182 Neighbourhood Groups have been formed, operating thrift of Rs.3,934 million and with credit operations of Rs.7,543 million. About 47,000 micro-enterprises have been formed in rural areas and 15,836 in urban areas, such as Vidyashree (IT units at school), Yathrashree (chain hotels), Harithashree (leaseland farming) and Bhavanashree (micro-housing schemes).

287. The National Social Assistance Programme (NSAP), comprising the National Old Age Pensions Scheme (NOAPS) where allowance is given to a person above 60 years of age, the National Family Benefit Scheme (NFBS) and the National Maternity Benefit Scheme (NMBS) ensures social security assistance to women below the poverty line.

### **Challenges ahead**

288. Patriarchal values and traditional understanding of gender roles, undermine women's social status and impede their access and enjoyment to property rights and rights to socio-economic and cultural activities. The Government in its 10<sup>th</sup> plan and the Policy for Empowerment of Women has committed to take concerted efforts in addressing these concerns and also to amend laws conferring property rights on women. It also commits to continue land reforms and grant lands to the landless and in this effort joint title deeds are given to both spouses and single women and widows are given priority in the distribution of lands and houses.

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## **Article 14: Rural women**

### **Basic Information**

289. Rural women constitute nearly 70 per cent of the female population in the country, the majority being poor. Recognizing the fact that rural women are disadvantaged due to their socio-economic positioning, Government has adopted several policies and programmes to address the various dimensions of poverty in rural households, particularly among women and girls. The Initial Report has highlighted the various measures adopted by the Government to address the different issues such as health, education, employment and political participation. While the Government has strengthened the existing programmes and schemes it has also introduced new programmes.

### **State initiatives**

290. Central and State Governments in the planning process have looked into the various dimensions of poverty and considerably enhanced allocations for the provision of education, health, sanitation and other facilities that promote capacity building and well being of the poor. Investments in agriculture, area development programmes and afforestation provides avenues for employment and income. Special programmes have been taken up for the welfare of women, scheduled castes (SCs), scheduled tribes (STs), the disabled and other vulnerable groups. The Targeted Public Distribution System (TPDS) ensures food and nutrition security for the poor. The success of the anti-poverty strategy can be gauged from the decline in poverty levels from 37.27 per cent in 1993-94 to 27.09 per cent in 1999-2000 in the rural areas.

291. Planning Commission in 1997 constituted a Committee to review the impact of self-employment and wage-employment programmes. The Committee based on the findings, recommended the merger of all self-employment programmes for the rural poor and recommended the adoption of a group-based approach in place of the individual beneficiary approach. It emphasized the identification of activity clusters in specific areas and strong training and marketing linkages.

292. National Agriculture Policy, 2000 aims at mainstreaming gender concerns in agriculture. Measures have been taken to empower women to improve their access to inputs, technology and other farming resources. During the Ninth Plan the scheme 'Women in Agriculture' was approved for implementation, in one district each, in 15 States. Nearly 2 million rural poor families have so far accessed financial services from the formal banking system through SHGs, about 84 per cent of these groups being exclusive women's groups.

293. Government of India has, over the years, launched a number of poverty alleviation programmes which can be broadly classified into self employment

programme, wage employment programme, area development programme, social security programme and programme pertaining to land/housing etc. Some of these programmes are detailed in the following paragraphs.

### **Self Employment Programmes**

294. **Swarnajayanti Gram Swarozgar Yojana (SGSY):** In 1999, IRDP and allied programmes were clubbed into a single holistic programme. It lays emphasis on organising the rural poor into self-help groups to build their capacity, planning of activity and providing infrastructure support, technology, credit and marketing linkages. 50 per cent of these groups were to be formed exclusively by women. Under SGSY, 2 million SHGs have been formed since 1<sup>st</sup> April 1999, of which 1,36 million are exclusively by women. A cumulative sum of Rs. 29,431.7 million has been disbursed as credit to 220,000 SHGs for taking up income generating activities. As on 31<sup>st</sup> March 2005, 5.68 million families have been assisted under this programme, out of which 48.44 per cent are women.

### **Wage Employment Programmes**

295. **National Food for Work programme:** was launched by the Ministry of Rural Development as a rural development programme in 150 selected backward districts of 27 States. It was started with the objective of providing supplementary wage employment and enhancing food security in these districts. The NFFWP is open to all rural people who are in need of wage employment and are willing to do manual and unskilled work. The programme is thus self-targeting in nature. Under this programme, food grain is provided to the States free of cost. The focus of the programme is on works relating to water conservation, drought proofing including afforestation/tree plantation and land development. Flood control and protection including drainage in waterlogged areas, rural connectivity in terms of all-weather roads and other similar activities for economic sustainability, keeping in view the area specific problems, can be included provided the principal focus of the programme on water conservation and drought proofing is maintained. During the year 2004-05, Rs.20,190 million was released to the States as cash component and 2 million MT of foodgrains as food component. The total outlay under the programme for the year 2005-06 is Rs.60,000 million and 5 million MT of foodgrains.

296. **Sampoorna Gramin Rozgar Yojana (SGRY) 2001:** This scheme is a combination of the earlier JGSY and EAS and the objective of the scheme is to provide wage employment with creation of durable economic infrastructure in rural areas and provision of food and nutrition security to the poor. Payment of wages is done partly in cash and in kind - 5kg of food grains and the balance in cash. This scheme also endeavours to create 30 per cent of the employment opportunities for women. Between 1<sup>st</sup> April 2001 and 31<sup>st</sup> March 2005, 2,873.4 million man-days were generated benefiting

761.1 million women (26.49 per cent). During the period, 15.59 million MT foodgrains were also utilized.

### **Social Security Programmes**

297. **The National Social Assistance Programme (NSAP)** launched in 1995 has three components: National Old Age Pension Scheme (NOAPS); National Family Benefit Scheme (NFBS); National Maternity Benefit Scheme (NMBS). Of these, only NMBS is woman specific whereas the other two cover both men and women, belonging to the BPL families. The NMBS has been revamped as the Janani Suraksha Yojana.

298. **Annapurna scheme** launched in April 2000 aims at providing food security to senior citizens who were eligible for pension under NOAPS. The beneficiaries are given 10 kg of food grains per month free of cost. This scheme has been further expanded in June 2003 with the addition of another 5 million BPL families. Under the scheme in 2002-04, 3.82 million tonnes of food grains had been lifted against the allocation of 4.56 million tonnes.

### **Other Schemes**

299. **Rural Housing:** Indira Awas Yojana (IAY) is one of the successful programmes being implemented by the Ministry of Rural Development. Houses under the scheme are allotted in the name of the female member of the beneficiary household or alternatively in the joint names to the husband and the wife. The scheme provides assistance to people below the poverty line in rural areas to construct a house, with a subsidy of Rs. 10,000 and a construction loan of up to Rs. 40,000 per household. During 2004-05, 1.46 million rural houses were constructed/renovated and 49.62 per cent of the beneficiaries were women.

300. **Drinking water:** The Tenth Plan accords the budget priority to providing all habitations with sustainable and stipulated supply of drinking water. More than 94 per cent rural habitations have access to drinking water facilities. Swajaldhara scheme was launched in December 2002, under which individual water supply schemes are planned, designed, implemented, operated and maintained by the Panchayats/Communities through Village Level Committees.

### **Exclusively women oriented schemes**

301. **Awareness Generation Projects for Rural and Poor women:** The broad aim of this programme is to create awareness among rural and poor women on various social issues and to provide a platform for them to come together, share their experience, ideas and in the process, develop an understanding of reality and also the way to tackle their problems and fulfill their needs. The programme also enables women to organise themselves and strengthen their participation in decision-making in the family and

society. During the Ninth Plan as against an outlay of Rs.156.3 million, only Rs. 109.2 million was spent. In the year 2004, as many as 335 Awareness Generation camps were organised, which were attended by 8,375 women.

302. **Condensed Course of Education for Adult Women:** The Central Social Welfare Board started this scheme in 1958 with the objective of providing basic education and skills to needy women and also to benefit widows, destitute deserted women and those belonging to economically backward classes. Under the Scheme, grant is given to voluntary organisations for conducting courses of two-year duration for preparing candidates for primary, middle and matric level examinations and one-year duration for matric failed candidates. Girls and women above 15 years of age are entitled to avail the benefit of the scheme. During the year 2004, a grant amounting to Rs. 26.36 million was sanctioned for conducting 336 courses, which benefited 8,400 women candidates.

303. **Crèche Programme:** This programme has been in operation since 1975. The scheme provides for day care services to children in the age group of 0-5 years. The facilities are provided to the children of working women belonging to economically backward sections of casual, agricultural and construction labor in remote rural areas. Children of sick women also get the benefit of this programme. In 2003-2004, grants amounting to Rs. 170 million were sanctioned for running 9,709 crèches, benefiting 242,725 children.

304. **Border Area Projects:** The Central Social Welfare Board in all the 14 Border States of the country have initiated Border Area Projects to provide services for women and children in the field of maternity care, general medical aid, social education, craft training and balwadies. These services are rendered through multipurpose welfare centres, which cater to a compact area of 25 contiguous villages with a population of nearly 25,000 per centre. There are at present 81 Projects with 450 Centres functioning in 14 States. An amount of Rs.36 million has been released to these projects in 2004, covering 16,400 beneficiaries.

305. **Welfare Extension Project:** provides services like balwadis, adult literacy, social education, etc. in the rural and remote areas for women and children. Each Project covers 10 villages with a population of 66,000. At present, there are 41 Projects with 315 centres in five States covering 9,900 beneficiaries. During the year 2003-04 an amount of Rs. 29.99 million was released to the State Boards for implementation of these projects. The **Mahila Mandal Programme** was started by the Board in 1961 to provide social services to women and children in rural areas where welfare services did not exist at all, like balwadies for children, craft activities, social education and maternity services, etc. In 2003-04, an amount of Rs. 18 million was released under MMP for 184 centres covering 48,535 beneficiaries.

306. **Kishori Shakti Yojana (KSY):** initiated in 2000-01 as part of the ICDS programme is an intervention for adolescent girls in the age group of 11-18 years. The

scheme is currently being implemented in 2000 ICDS projects. Iron and folic acid supplementation of adolescent girls is being undertaken in the World Bank Assisted ICDS project and also under the Reproductive and Child Health Programme of Department of Family Welfare on a pilot scale. Micronutrient supplements are provided to adolescent girls through ICDS in 4 States in collaboration with the Micronutrient Initiative. KSY addresses the needs of adolescent girls for their self-development, nutrition, health status, literacy, numerical skills and vocational skills.

307. **Rashtriya Mahila Kosh:** The scheme not only aims at service delivery but also seeks to bring about a change in women's perception about themselves and that of society with regard to women's traditional roles. The initial corpus given to RMK by GOI was Rs. 310 million, which was subsequently enhanced to Rs. 1000 million to reach the demand of poor women in the country. Since inception, RMK has sanctioned and disbursed Rs. 1,544 million and Rs. 1,182 million respectively to 507,650 poor women beneficiaries through 1,130 NGO partners.

308. **Support to Training and Employment Programme for Women (STEP):** seeks to provide updated skills and new knowledge to poor and assetless women in the traditional sectors. In 2003-04, 11 projects were sanctioned and an amount of Rs. 137.8 million was released benefiting 16,350 women.

309. **Swawalamban Programme:** was launched in 1982-83 with the objective of providing training and skills to women to facilitate them to obtain employment on a sustained basis. Under the programme, in 2004-05 (as on December 31<sup>st</sup>, 2004), 195 new projects have been approved and an amount of Rs. 63.30 million released, benefiting 24,560 women.

310. **Swashakti Project:** earlier known as Rural Women's Development and Empowerment Project, was initiated in 1998 as a Centrally-sponsored project for a period of 5 years with an estimated outlay of Rs. 1,862 million. In addition, an amount of Rs. 50 million has been provided during the project period, for facilitating the setting up in the project States, of Revolving Funds for giving interest-bearing loans to beneficiary groups primarily during their initial formative stage. The overall objective of the project is to strengthen the processes, and create an environment for empowerment of women. The project covers 57 districts in the States of Uttar Pradesh, Uttaranchal, Haryana, Madhya Pradesh, Jharkhand, Gujarat, Chattisgarh, Karnataka and Bihar. 17,647 women SHGs have been formed against a target of 16,000 with a total membership of 243,962. The groups have a total group savings of Rs. 221.5 million, and the groups have interloaned an amount of Rs. 548.7 million.

311. **Swayamsidha Scheme:** was launched in 2000-01 to be implemented in 650 blocks at a total estimated cost of Rs. 1,163 million. Swayamsidha is an integrated scheme for women's empowerment based on formation of women into Self-Help Groups and aims at holistic empowerment of women through thrift, awareness generation, skill

development, economic empowerment and convergence of various schemes. The main objectives of the scheme are establishment of self-reliant women's SHGs, creation of confidence and awareness among members of SHGs regarding women's status, health, nutrition, education, sanitation and hygiene, legal rights, economic upliftment and other social, economic and political issues, strengthening and institutionalizing savings habit in rural women and their control over economic resources, improving access of women to micro credit and involvement of women in local level planning. Approximately 59,940 SHGs have been formed under the Swayamsidha Scheme as on 31<sup>st</sup> December, 2004.

312. **Mahila Samakhya Programme:** is a process of learning to question, critically analyze issues and problems and seek solutions. The endeavour is to enable women, especially from disadvantaged groups, to seek knowledge and information to make informed choices, to address and deal with problems of isolation and lack of self confidence, oppressive social customs, survival concerns, all of which inhibit their learning. It is in this process that women become empowered. Sanghas (women's groups) under Mahila Samakhya in all the States have taken initiatives to address issues/problems ranging from articulating their concerns and tackling social issues like violence against women, child marriages, seeking and obtaining literacy and numeracy skills for themselves, meeting daily minimum needs, improving civic amenities, gaining control over their health, actively accessing and controlling resources, ensuring educational opportunities for their children especially girls and participating in the political sphere.

313. **Women Component Plan:** has been adopted to ensure that the benefits from other developmental sectors do not by-pass women and not less than 30 per cent of funds/benefits flow to them from all the women-related sectors implemented during Ninth Plan. This strategy through a multi-sectoral approach enables holistic development and advancement of women. Substantial amount of funds are flowing to women through both women-specific and women-related schemes, which are implemented by fifteen Central Ministries/Departments.

314. Ministries/Departments of Family Welfare, Health, Education and Indian Systems of Medicine and Homeopathy's contribution is as high as 70 per cent, whereas Labour and Rural Development had contributed 30-50 per cent and others less than 30 per cent of their GBS. WCP has generated awareness and sensitization amongst the planners, policy-makers and administrators to ensure the flow of funds.

315. The Ninth Plan had called for the devolution of functional responsibilities, administrative control on Government functionaries dealing with subjects listed in the Eleventh Schedule of the Constitution and financial resources for taking up developmental programmes to the PRIs. The subjects include agriculture, land reforms, minor irrigation, animal husbandry, fisheries, small scale industries, rural housing, drinking water, poverty alleviation programmes, health, education, family welfare, etc. There has been mixed progress on this front. Political devolution has taken place. Elections have been held and women, SC/STs and other marginalized groups have got

political representation in the rural areas. However several States have lagged behind in devolving functions and finances to the Panchayats.

316. The financial allocations for the Tenth Plan period for these programmes have been stepped up considerably. As against a total expenditure of Rs. 358,660 million in the Ninth Plan, the allocation for the Tenth Plan period has been increased to Rs. 567,480 million.

### **Challenges ahead**

317. Rural women have been disadvantaged due to stronghold of patriarchy, socio-cultural and customary practices. Among them, the disadvantage faced by women belonging to the scheduled castes, scheduled tribes, and the poor is greater. While addressing the issues pertaining to rural women Government requires to take into consideration the dynamics and positioning of women belonging to various sections of the rural society.

318. Government has identified several factors that impede the development of rural women, particularly the vulnerable among them. The Tenth Five Year Plan is looking into regional disparities, effective and timely implementation of programmes to address the concerns in the areas of education, health and livelihood systems.

319. Of the female workforce, 89.5 per cent is concentrated in agricultural sector, yet they are landless. Recognising this, the Tenth Plan focuses on effective implementation of land reforms legislations, ceiling and distribution of surplus lands and issue of joint title deeds under Government schemes. During the Tenth Plan period, free houses under IAY would be provided largely to SC/ST BPL families. For other BPL families, there would be a gradual shift to a credit-linked housing programme. There is a need to create institutional capability in the rural housing sector with reference to designing of houses, supply of raw materials and construction. The rural communities have to be involved in the layout and design of the houses. The houses should have provisions for rainwater harvesting, water supply and sanitation.

## **Article 15: Equality before law and in Civil Matters**

### **Basic information**

320. The Constitution guarantees equality before law and equal protection within the territory of India (Article 14). It further prohibits discrimination on the basis of sex, caste, religion or place of birth (Article 15). Equal opportunity in public employment (Article 16), abolition of untouchability (Article 17), equal remuneration for equal work for both men and women (Article 39(e)), right to life and personal liberty (Article 21) are also guaranteed in the Constitution. In addition, Civil Rights Act 1955, Labour Regulations 1993, and Children's Act 1992 also guarantee the right to equality. Despite the

Constitutional guarantees, women do not enjoy equal access and enjoyment to many of the rights. Further, as women are concentrated in the agricultural and informal sectors, enforcing equal remuneration or even minimum wages is difficult.

321. In India, women have equal rights in civil matters and to enter into contract. The Indian Contract Act, 1872 does not bar women from entering into contracts. According to Section 11 of this Act, any person who is a major and is of sound mind and who is not otherwise disqualified under the law is competent to enter into a contract. Likewise the Partnership Act, 1932, also does not bar a woman from entering into a partnership or forming a company or establishing a private firm. They can also buy shares of a company and obtain benefits from them. In India the ownership of the property goes with the name of the person in whose name the property is registered. The Benami Transaction (Prohibition) Act, 1988, which prohibits investment / purchase of property in the name of a third party, sanctions purchase of property in the name of the wife or daughter.

322. Both men and women are entitled to hold and enjoy properties and receive family benefits, bank loans and other forms of financial credits. There is no bar or restriction for women to administer property in their individual capacities. The Hindu Succession Act of 1956 is being amended to grant coparcenary rights to women (giving women equal rights to ancestral property).

323. Women are treated as individuals and they have equal rights to seek redressal of their problems in any court or tribunal. They can sue in their individual name and their testimonies are accepted without any corroboration. Women are practising as lawyers and legal consultants representing the clients before all Courts and Tribunals and are also administering justice as judges in all Courts.

324. The Constitution guarantees equal protection regarding the right to movement and to reside freely within the territory of India (Article 19 (c) and (d)). However tradition and practice restrict women's mobility.

325. Previously 'domicile' of a woman after marriage depended on that of her husband and therefore her access to courts and redressal also depended on the domicile of the husband. However the Supreme Court in *Narasimha Rao -vs- Venkata Lakshmi* (1991) 3 SCC 451) while interpreting the Private International Law has held that the domicile of a woman need not follow that of her husband. Thus the woman is free not only to retain the domicile of her choice but also to access any court for remedy.

### **State initiatives**

326. Though equality is guaranteed in the Constitution, defacto equality is still far from the standards stipulated in the Constitution and the Convention. Various measures have been undertaken by the Government to ensure practical realisation of these rights which have been highlighted under Article 3.

## **Challenges ahead**

327. Deep rooted socio cultural norms, public private divide, division of labour in the domestic sphere and the patriarchal values are major obstacles to women attaining defacto equality. Government has committed in its National Policy on Empowerment of Women to address these issues and to ensure that discrimination is eliminated.

## **Article 16: Equality in Marriage & Family relations**

### **Basic Information**

328. India follows plural system of law based on religion. As stated in the Initial Report various religious communities follow their respective laws for matters regarding marriage, divorce, child custody, guardianship and such other matters that are related to rights within the family. However women are not treated equally with men in marriage and family relations. Practices like dowry, child marriage and devadasi are detrimental to the development and empowerment of women. The legal provisions against them have not been very effective, as they are associated with social values, cultural practices, poverty and lack of awareness. In India, marriage is considered as a sacred institution. The Family Courts Act impose an obligation on the Courts to attempt for reconciliation and preservation of marriage before granting the decree for divorce.

329. All Personal Laws, except the Mohammedan Law stipulates the age of marriage to be 18 and 21 for girls and boys respectively. The Child Marriages Restraint Act, 1978 also stipulates the same. However marriage of minors continues to take place in many parts of India, which has its roots in tradition and culture, as is seen in infant marriages in Rajasthan. The Child Marriage Restraint Act only penalizes the offender but does not render the marriage void. The social acceptability of early marriages has negated the implementation of the law.

330. Consent is a legal requirement for a valid marriage, but in practice women have hardly any say as regards choice of her partner, when she wants to marry and whether or not she wants to marry. With the exception of Mohammedan Law, all personal laws prohibit polygamy. Bigamy is punishable under the Criminal Law and is also a ground for divorce. Though both spouses have equal rights in marriage, the customary practice that is followed is that the man is the head of the household and consequently is the decision-maker. Unequal education status, economic dependency and restrictions on mobility further exacerbate the situation for women.

331. The National Empowerment Policy for Women, 2001 states that with the initiative and full participation of all stake holders, including the 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. Thus the demand for change must emanate from the community itself.

## State Initiatives

332. The National Commission for Women has reviewed the discriminatory laws and has suggested many amendments, which are pending active consideration of the Government. Some of the amendments that have been introduced in the personal laws have been highlighted under Article 2.

333. Women hardly have any choice in decision-making about having children, the number and spacing of children. The family and the male members often make these decisions and women are further burdened to produce male children. This is evidenced in the increased number of cases of female infanticide and foeticide reported, with the use of advanced technologies for sex determination. Many deaths are occurring due to illegally performed abortions. Abortion has been made legal in certain circumstances, under The **Medical Termination of Pregnancy Act, 1971 (MTP)**. This law has been amended in the year 2002, specifying the place and persons authorized to perform abortion and further provides for stringent penal actions.

334. Traditionally, father, being the head of the family was recognized as guardian of the minor. Most of the personal laws also had incorporated similar provisions. However the Supreme Court in Gita *Hariharan case (AIR 1999 SC 1149)* has held that non-recognition of the mother as a guardian is discriminatory and by applying the principles of the Convention, it has recognized the mother to be the guardian of the minor child.

335. Women have equal right to hold and enjoy property. All the personal laws recognize this right. The Hindu Succession Act recognizes wife and female children to be the heirs. This Act distinguishes between ancestral property (known as co-parcenary property) and self acquired property. While women inherit on equal terms with men in self acquired property, they have no right to ancestral property, which the male acquires as his right at birth itself. Thus the law discriminates and denies women equal share in ancestral properties. Some State Governments, viz., Karnataka, Andhra Pradesh, Tamil Nadu have amended the Hindu Succession Act and have recognized women to be coparceners entitled for an equal share in the ancestral properties. The Hindu Succession Act is proposed to be amended to grant coparcenary rights to women for share in ancestral property. The Mohammedan law recognizes woman to be a 'sharer' and acknowledges her right to inherit a specified share of the property. The Indian Succession Act that is applicable to the Christians, recognises women's right to inherit property but her share is generally lesser than that of her male counterpart.

336. Though law recognizes women's right to property, in practice, women are denied property. More often men are resorting to testamentary disposition by way of will to deny women their legitimate share. Some of the initiatives for the changes in the personal law have come from the Supreme Court, in areas such as custody and guardianship, maintenance and property rights. The Supreme Court in *Palchuri Hanumayamma Tadikamalla Kotlingam, (AIR 2001 SC 3062)* has interpreted the provision of Section

14(1) of the Hindu Succession Act to the benefit of women, wherein it has held that the property bequeathed to a wife in lieu of her maintenance through a will imposing restrictions and granting limited rights for her enjoyment enlarges into her absolute rights and she becomes an absolute owner of the said property. Thus the Court has recognized widow's right to be the full owner of the property, notwithstanding the restriction imposed in the will. As regards the equality to hold property and inheritance laws, the Supreme Court in *C. Masilamani Mudliar's case (AIR 1996 SC 1697)* has held that the personal laws, derived from scriptures, conferring inferior status on women is anathema to equality and has upheld the right of tribal women to inherit properties. In **Danial Latifi's case (AIR 2001 SC 3958)** the Supreme Court, while dealing with the Constitutional Validity of the Muslim Women (Protection of Rights on Divorce) Act, 1986 has upheld the right of a Muslim married woman to claim maintenance from her divorced husband even beyond the period of iddat (refers to three months after divorce).

337. The Indian Divorce (Amendment) Act, The Indian Succession Act, The Hindu Marriage Act, Parsi Marriages and Divorce Act, and The Code of Criminal Procedure, have been amended deleting discriminatory provisions (see Article 2).

338. Though there is no Central legislation for compulsory registration of marriages. Some of the States are enforcing compulsory registration either through State laws or executive orders. The Parliamentary Committee on Empowerment of Women has recommended to the Government to make registration of marriages compulsory, which has been accepted by the Government. Government in its National Policy on Empowerment of Women, 2001 commits to making the registration of marriages compulsory and to eliminate child marriages by 2010. The NCW is in the process of drafting an Act for compulsory registration of marriages.

### **Challenges Ahead**

339. Tradition, culture and religion play a critical role and legal measures have failed to bring about the desired changes. Rampant poverty and low level of awareness constitute the primary problems in this area. Government recognising that the evolution of property rights in the patriarchal system has contributed to the subordinate status of women., has committed in the 10<sup>th</sup> Plan to make special efforts to consider necessary amendments in legislations relating to ownership of property and inheritance by evolving consensus on the subject and to make them gender equitable.

340. The Constitution mandates for a Uniform Civil Code and the Supreme Court in **Sarla Mudhgal case** and **John Vallamattom's case (AIR SC 2003 2902)** has again reiterated the need to frame a Common Civil Code in accordance with Article 44 of the Constitution and to provide for a common law. This is still a sensitive subject and a challenging task for the Government.

## Violence against Women

341. The National Crime Records Bureau (NCRB) under the Ministry of Home Affairs has been collecting and recording the data on gender based violence. Statistics on the incidence of total crimes committed against women to total crimes in India has shown that though there is an increase in incidence of crimes against women from 135,771 in 1991 to 140,601 in 2003, the proportion of total crime has marginally declined from 2.76 per cent in 1999 to 2.56 per cent in 2003.

### Incidence of Crime against Women in India

Sl. No.	Crime-Head	Incidence						Variation in 2003 over 1998
		1998	1999	2000	2001	2002	2003	
1	Rape	15,151	15,468	16,496	16,075	16,373	15,847	4.6
2	Kidnapping & Abduction	16,351	15,962	15,023	14,645	14,506	13,296	-18.7
3	Dowry Death	6,975	6,699	6,995	6,851	6,822	6,208	-11.0
4	Torture	41,376	43,823	45,778	49,170	49,237	50,703	22.5
5	Molestation	30,959	32,311	32,940	34,124	33,943	32,939	6.4
6	Sexual Harassment	8,054	8,858	11,024	9,746	10,155	12,325	53.0
7	Importation of Girls	146	1	64	114	76	46	-68.5
8	Sati Prevention Act	0	0	0	0	0	0	0
9	Immoral Traffic (P) Act	8,695	9,363	9,515	8,796	11,242	5,510	-36.6
10	Indecent Representation of Women (P) Act	190	222	662	1,052	2,506	1,043	448.9
11	Dowry Prohibition Act	3,578	3,064	2,876	3,222	2,816	2,684	-25.0
	<b>Total</b>	<b>131,475</b>	<b>135,771</b>	<b>141,373</b>	<b>143,795</b>	<b>143,034</b>	<b>140,601</b>	<b>0.9</b>

Source: National Crimes Record Bureau

342. Violence against women has been addressed through law, policy and support services. On the one hand, Government is strengthening the existing legislations and developing new institutional machineries, viz., all women police stations and gender sensitisation of law enforcement personnel and on the other hand it is providing support services to vulnerable women, viz., short stay homes, hostels for working women and rehabilitation for victims of violence.

343. Legislative Measures: Government has enacted legislative measures to counter various forms of violence and atrocities and to provide support services to women. The police have been given the legal role to prevent crimes and to implement laws and investigate the crimes.

344. **Sexual Harassment:** According to the recorded data from the National Crime Records Bureau, cases of sexual harassment are increasing. The existing provision in the Indian Penal Code was found inadequate to address all forms of sexual abuse and harassment that range from teasing, gestures, molestation to violent sexual abuse. The Supreme Court in Vishaka's case (AIR 1997 SC 3011) has defined sexual harassment, which is in accordance with the definition in General Recommendation 19 of the Convention, and has laid down certain guidelines as preventive measures against sexual harassment at work place and has directed employers to put in mechanisms at the work place. Pursuant to the above judgement, Government has taken many steps to ensure compliance with the law laid down by the Supreme Court (refer Article 11).

345. **Dowry and dowry death:** Demanding and taking dowry is treated as a crime and the Dowry Prohibition Act has been amended in the years 1984 and 1986 and the Criminal Law also has been amended correspondingly. The details have been furnished in the Initial Report (Para 369 and 370). There has been a slight decrease in the incidence of harassment for dowry and dowry deaths in the year 2002-2003. The practice of dowry continues despite the law, as it continues to enjoy social sanction. Unemployment and greed for materialistic gains and overemphasis on marriage for women are making them more vulnerable to dowry harassment.

346. **Domestic Violence:** In addition to the Indian Penal code, a new law on domestic violence, '**Protection from Domestic Violence Bill, 2002**' had been introduced in the Parliament on 8<sup>th</sup> March 2002 to address the hitherto hidden form of violence against women in the domestic sphere. This Bill was referred to the Parliamentary Standing Committee, since there were objections by women's group. The Committee has given its recommendations, but no further action could be taken on this bill as Parliament dissolved in February 2004. The present Government has committed to enact a law on domestic violence. A new Bill has been drafted taking into consideration the views of women's groups and is likely to be introduced soon.

347. **Rape:** There is a growing demand for amendment of the narrow definition of rape in the IPC and to delete the provision in the Indian Evidence Act (Section 155 (4)), where the antecedent of the woman can impeach credibility of her evidence. The National Commission for Women has reviewed the laws and has recommended a comprehensive amendment regarding offences against women in the IPC to redress crimes against women. Consultations are under way to amend the relevant Sections of Indian Penal Code, Criminal Procedure Code and the Indian Evidence Act. A new scheme is also being drafted by National Commission for Women to provide compensation to rape victims.

348. The Supreme Court in various cases is convicting the accused based on the evidence of the victim without seeking corroboration. In many cases, the Supreme Court, in addition to penalizing the accused has been granting compensation for women (BodhiSattwa Gautam -vs- Subhra Chakroborthy ( AIR 1996 SC 922), Chairman Railway

Board -vs- Chandrima Das (AIR 2000 SC 988), Delhi Domestic Working Women's Forum -vs- Union of India {(1995) 1 SCC 14}. The Supreme Court has laid down certain guidelines about the support that should be given to the women in rape cases.

349. **Trafficking of women for prostitution:** The measures adopted to tackle this issue have been given under Article 6.

350. **Female infanticide and foeticide:** Female infanticide exists in some parts of the country. The reason for this practice is the preference for sons to daughters. Amniocentesis and Sonography are often used to determine the sex of the unborn child and is misused to abort the female foetuses. Another major concern is the adverse sex ratio, which is declining sharply in some states, viz. Punjab, Harayana and Delhi. Government has enacted 'The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994' (PNDT) which has been amended in 2003, to prevent misuse of scientific techniques and to prohibit clinics from revealing the sex of the foetus.

351. **Sati:** The practice of self immolation of a woman on the death pyre of her husband which was widely prevalent in the past has been outlawed by the efforts of social reformers like Raja Ram Mohan Roy. However few stray incidents have been reported in recent years and the Government has enacted a law, The Sati Prevention Act, 1987 to prevent commission of sati and has also empowered the district authorities to check the occurrence of sati. This Act is being amended to increase the punishment to those practising sati.

352. **Violence and atrocities against SC/ST women:** The crimes against SC and ST are categorized into two groups, the general law and special enactment. The total crimes under these two headings, against the Schedule Caste and Schedule Tribe have decreased by 21.65 per cent and 13.06 per cent, respectively from the year 2002 to 2003. The crime rate for the year 2003 is about 2.5 per cent and 0.6 per cent for SC and ST respectively.

<b>Crimes against Schedule Caste and Schedule Tribes</b>						
<b>Type of Crimes</b>	<b>Schedule Caste</b>			<b>Schedule Tribe</b>		
	<b>2002</b>	<b>2003</b>	<b>%</b>	<b>2002</b>	<b>2003</b>	<b>%</b>
Total crime	33,507	26,252	-21.65	6,774	5,889	-13.06
Crime rate	3.2	2.5		0.6	0.6	
Rape	1,331	1,089	-18.18	597	551	-7.71
Kidnapping & abduction	319	232	-27.27	69	69	00
Protection of Civil Rights Act	1,018	634	-37.72	47	37	-21.28
SC/ST (Prevention) of Atrocities Act	10,770	8,048	-25.27	1,800	1,340	-25.56
Source: National Crimes Record Bureau, 2003						

While these figures indicate total offences against men and women, the incidents of rape and kidnapping and abduction have also decreased. The registered cases of rape were about 1,089 and 551 on the SC and ST women respectively in the year 2003 which is a decrease of about 18.18 per cent and 7.71 per cent respectively as compared to 2002. The percentage of total crime against SC/ST as against total crime is about 0.73 per cent and 0.58 per cent respectively in the year 2003.

353. Atrocities and crimes against women from the SC/ST group are addressed through legal measures. While the general law of the Indian Penal Code is invoked for all the crimes, two special enactments have been introduced viz., Protection of Civil Rights Act, 1955, by which untouchability was abolished and its practice in any form is penalised; and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 brought into force from 30th January 1990, to check and deter crimes against SCs/STs by persons belonging to other Communities. Segregated data about crimes on Schedule Caste and Schedule Tribe category separately is being collected since 2001 under the special enactments.

354. These enactments have extended special measures in favour of SC / ST to the field of criminal law in as much as they prescribe penalties that are more stringent than those for corresponding offences under Indian Penal Code (IPC) and other laws. For speedy trial of cases registered exclusively under these Acts, special centers have been established in the major States. In addition, in pursuance of the Constitution 65th Amendment Act, 1990, National Commission for SCs and STs was constituted with effect from 12th March 1992 with wide functions and powers of Civil Courts to take up investigations against caste based violations of rights.

355. The State has further committed to adopt appropriate legal and administrative measures to check the practice of victimizing women suspected of witchcraft along with a massive campaign for social awareness and rehabilitation of victimized women and to adopt effective legal and rehabilitative measures to check sexual exploitation of women, especially migrant women at work place.

### **Enforcement**

356. Law and order and criminal matter is a State subject under the Constitution and therefore the State Governments are directly responsible for dealing with the enforcement machinery which are registering, investigating, detecting and preventing crimes against women. The Central Government has initiated a number of measures to check such crimes. Apart from legislative changes in the relevant Acts, instructions/ guidelines have been issued from time to time to the State Governments/Union Territories to effectively monitor and enforce legislations relating to crimes against women. The Minister for Human Resource Development had written during August 2000 to all State Home Ministers stressing the need for including gender sensitization module as a component of training courses for enforcement machinery in the State Police Training Academies and also on the need for gender sensitization of Judiciary.

357. **Preventive Measures:** The Government is strengthening the existing legislation and developing institutional machineries (all women police stations, gender sensitisation of law enforcement personnels, creating legal awareness, creating neighbourhood groups by involving civil society, etc) through extensive research and review. It is also running projects that provide support to vulnerable women (short stay homes, hostels for working women, etc) and rehabilitation of victims of violence. The Central Social Welfare Board is implementing the scheme of Family Counselling Centres to provide preventive rehabilitative services for women and children who are victims of atrocities and family problems. Family Counselling Centres are running in the District Police Headquarters in different states and 19 Family Counselling centres are functioning in police headquarters at Delhi, Kerala, West Bengal, Orissa, Tripura, Pondicherry, Assam, Karnataka, Manipur, Goa, Maharashtra, Punjab, Haryana, Meghalaya, Nagaland, Uttar Pradesh, Sikkim, Tamil Nadu and Madhya Pradesh, which provide legal aid and run help lines.

358. Crimes against women's cells have been set up in the States of Andhra Pradesh, Punjab, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh, Himachal Pradesh, Karnataka, Madhya Pradesh and in the Union Territories of Chandigarh, Delhi and Pondicherry. Special Courts have been established to deal with crimes against women. In the year 2001, which was observed as Women Empowerment Year, Secretary, DWCD had written to all State Governments to set up District Level Committees headed by the District Magistrates to review and monitor cases of crimes against women. 12 State Governments, viz., Andhra Pradesh, Chattisgarh, Daman & Diu, Haryana, Kerala, Madhya Pradesh, Meghalaya, Mizoram, Orissa, Punjab, and Uttar Pradesh have reported to have set up such Committees. The Central Government has also initiated steps to

organise an effective campaign to sensitise the public about violence against women and has initiated action to compile and collate statistical information pertaining to crimes against women on rape, causing miscarriage, harassment both mental and physical in a marital relationship and offences relating to marriage, dowry death, molestation, kidnapping and procurement of minor girls.

### **Institutional mechanisms**

359. The Department of Women and Child Development, National Commission for Women, Central Social Welfare Board, Parliamentary Committee on Empowerment of Women and the Human Rights Commissions are some of the institutions that are involved in addressing crimes against women, apart from the police and the courts.

360. Under Mahila Samakhya Programme, Nari Adalats (Women's Courts) and Mahila Panch (women headed arbitration courts) have emerged as innovative community level responses to violence against women. They function outside the formal legal system and use community pressure and informal social control and mechanisms to punish perpetrators of violence and restore women's rights within the family. Cases of domestic violence, rape, child sexual abuse and harassment have been handled by the 'Nari Adalats'.

### **Schemes and Programmes for Empowerment of women**

361. Government, recognizing that economic dependency and vulnerability are the main causes for atrocities against women, has launched many schemes such as Women's Economic Programme (Swawlamban) STEP, Socio-Economic Programme (SEP), Condensed courses for vocational and Educational training etc, for their upliftment and self sustenance. The scheme 'Swadhar' provides shelter and training for women in difficult circumstances who do not have social and economic support. The Awareness Generation Programme (AGP) introduced in the year 1986-87 aims to create awareness among rural and poor women, through NGOs, on various social issues so that they can realize their potential in the family and society. Special emphasis is being given to the participation of women in Panchayat Raj institutions. The local Panchayats and grass root level NGOs are involved in the implementation of awareness programmes.

### **Non-Governmental Organisation**

362. The NGOs are very active agents in gender advocacy and training. The Government has been actively collaborating with NGOs on various issues viz., implementing schemes, monitoring and reform of laws, etc., Central Social Welfare Board, is an umbrella organisation networking with NGOs spread throughout the country through the State Welfare Boards.

## **Challenges**

363. The National Policy for the Empowerment of Women (2001) has recognized that all forms of violence against women, physical and mental, whether domestic or societal including those arising from customs or traditions shall be dealt with effectively with a view to eliminating 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, rehabilitation of victims of violence and for taking effective action against the perpetrators of such violence. The Policy commits to take effective measures to prevent all forms of violence including sexual harassment, customs like dowry and trafficking of women and girls. The Government is drafting a National Plan of Action to implement the above National Policy. This plan will focus on creating support infrastructure to compliment legislative efforts and on creating a conducive environment for women for reporting cases related to violence against them. Gender sensitivity among policy makers will be strengthened along with the awareness on the prevention of atrocities on women

364. The Government in its Tenth Plan has committed to: Direct action for effective enforcement of the PNDT (Regulation and Prevention of Misuse) Act, 1994, with stringent punishment to both parties and to check the practices of female foeticide and infanticide; Strictly enforce all relevant legal provisions and speedy redressal of grievances with a special focus on violence and gender related atrocities; Adopt measures to prevent sexual harassment at the work place; and Review crimes against women, their incidence, prevention, investigation, detection and prosecution.

### **Part III: Measures Taken to Implement the Beijing Declaration and Platform for Action**

365. India has ratified the Beijing Platform for Action without any reservation and it is fully committed to the Beijing Declaration and Platform for Action (BPFA). The 12 “critical areas of concern” identified by BPFA for achieving gender equality and women’s empowerment are addressed in the National Policy for the Empowerment of Women, that was formulated in 2001. The achievements of the last ten years have been significant, as indicated here. The gaps and challenges that remain will guide future actions.

## **Women and Poverty**

366. Poverty is multi-dimensional and multi-faceted; however employment is a critical component in poverty eradication. Recognising this fact, a concerted effort has been taken to enable women to access work opportunities, (various poverty alleviation schemes see Article 13) Food security for the poorest is attempted through the Targeted Public Distribution System (1997), the Antyodaya Anna Yojana (2000) and some Grain Bank Schemes. The Right to Food Campaign and use of Right to Information Act by activist groups have extended outreach to poor and vulnerable women.

367. Government has emphasized the importance of enacting new legislation that gives women equal rights of ownership of assets like houses and land. The recent proposed amendment to the Hindu Succession Act provides that daughters would get equal rights in ancestral property. It has been recognized that land reforms and allotment of government land, excess land and wasteland to women's groups enables women to take up agricultural and allied activities. Government has issued policy directives from time to time through the various Five Year Plans to all States on allotment of land on joint title deeds in the names of husband & wife and in the names of women alone. Under the Indira Awas Yojana, houses are allotted in the name of the female member of the beneficiary household.

368. Various micro finance initiatives have gathered momentum in recent years. The approach of the Government has been to encourage resource flow to Women Self Help Groups. Rashtriya Mahila Kosh (RMK) provides credit for livelihood and related activities to poor women. Skill and capacity building interventions are supported through programmes such as STEP. Swayamsiddha launched in 2001 aims at all round empowerment of women by ensuring their direct access to and control over resources through mobilization and convergence of ongoing sectoral programmes. A 14 point Action Plan for strengthening credit delivery to women, particularly in tiny and SSI sector has been formulated. Public sector banks have been requested to earmark 5 per cent of their net bank credit for lending to women and the banks have crossed this limit. These efforts of the Government have resulted in reducing the poverty to 26 per cent in 2000 as against 50 per cent in the year 1973. The absolute number of people living below poverty line has come down to 260 million in 2000.

### **Education and Training of Women**

369. The Government of India, in accordance with its constitutional obligations, has taken several initiatives in the form of enabling policies, legislations and interventions to spread literacy, promote educational development and bridge gender disparity. An enabling policy framework has been provided in the form of **National Policy of Education of 1986** as revised in 1992 and the Programme of Action of 1992 that have given impetus to universalizing primary education. The Government of India is committed to realizing the goal of elementary education for all by 2010. The **Sarva Shiksha Abhiyan** (SSA), launched in 2000, is the national umbrella programme that is spearheading the universalisation of elementary education for children. The 86<sup>th</sup> *Constitutional Amendment* (year 2002) makes free and compulsory education a fundamental right for all children in the 6-14 age group. The Central Government has implemented various programmes and schemes towards the above endeavor, which has shown positive results for girl children and women in the educational sector. (For details refer to Article 10).

## **Women and Health**

370. Woman's health has been recognized as a public health priority through out her life from birth to old age. The aspects of survival, growth, development and protection have been synergised. In India, improvement in the health status of women is sought to be achieved through access and utilization of health, family welfare and nutrition services with special focus on the underprivileged segment. Government has committed to step up public investment in programmes to control all communicable diseases and also to provide leadership to the efforts at controlling AIDS. The National Health Policy 2002 promises increased access to women for basic health care and commits highest priority to funding programmes related to women's health. Recognising the resource limitations, almost all the State Governments have introduced health reforms. The current Government commits to increase the public health expenditure to 2-3 per cent of the GDP. (For details refer to Article 12).

## **Violence against Women**

371. Violence against women has manifested itself in various forms including sexual assault/rape, sexual harassment, dowry deaths and domestic violence. To effectively deal with this problem and to bridge the divide between public and the private sphere, there have been many Governmental and non-Governmental interventions. Government, on the one hand is strengthening the existing legislation through review and amendments, wherever required, and developing institutional mechanisms (National and State Commissions for Women, women police cells in police stations and all – women police stations etc.) and on the other, it is running projects that provide support to vulnerable women (like Short Stay Homes, Working Women's Hostels etc.), rehabilitation of victims of violence through schemes like Swadhar and setting up of help lines for women in distress. The *Parivarik Mahila Lok Adalat* (PMLA)(community people's court for women) evolved by the NCW is an alternative justice delivery system, which is part of the *Lok Adalats* (People's Courts) for providing speedy justice to women. NCW has been organizing PMLAs since 1995 in association with NGOs to complement the judicial system. Sensitisation of officials is done at all levels, and the Annual Conference of highest State level police officials includes a session on violence against women. All-women police stations have been set up in 14 states to facilitate reporting of crime against women. Voluntary Action Bureaus and Family Counselling Centres in police stations seek to provide rehabilitative services. Recent years have also seen landmark judgements relating to sexual harassment at the workplace, maintenance rights of women, divorce, guardianship and benefits at work. The Central Government is actively considering enactment of a law for prevention and redressal of sexual harassment of women at workplace. (For details refer to section on violence against women).

## **Women and Economy**

372. The Government has initiated a number of direct and indirect measures for economic empowerment of women. The National Policy for the Empowerment of Women 2001 spells out the framework within which efforts are being taken to ensure inclusion of women's perspectives in the design and implementation of macro-economic, industrial and developmental policies by institutionalizing women's participation in such processes. Women's contribution in economic development as entrepreneurs, producers and workers has been recognized in the formal and informal sectors. Having recognized the crucial role played by women in electronics, information technology, food processing, agro-industries and textiles, the National Policy prescribes steps for comprehensive support to women in terms of labour legislation, social security and other support services for security, transportation, child care facilities and crèches at work places. The National Agriculture Policy (2000) promises to initiate appropriate structural, functional and institutional measures to empower women. Department of Agriculture has set up an Expert Committee of Women in Agriculture to suggest ways to make agriculture policy gender friendly. The Committee has formulated an Action Plan. The Tenth Five Year Plan has identified economic empowerment of women as one of the corner stones of women's all-round development. Governmental efforts are thus geared towards creating an enabling environment for participation of women in the economy.

## **Women in power and decision making**

373. Providing an enabling environment for women and men to participate equally in decision-making at all levels of Government is essential for strengthening democracy and for promoting quality growth. The 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendments (1993) provide for reservation of 33 1/3 per cent of seats for women in local government institutions in both rural and urban local bodies as also one-third reservation for women to posts of chairperson of these bodies. For every five-year tenure of local Governments, about a million women get elected to Panchayats and urban local bodies. Special reservations for women from Scheduled Castes and Tribes have further ensured their participation.

374. Providing an enabling environment for women and men to participate equally in decision-making at all levels of Government is essential for strengthening democracy and for promoting quality growth. The number of women in official positions remains relatively low. Of all employees in Central, state and local Governments, 17.47 per cent were women in 2001.

## **Institutional Mechanisms for the Advancement of women**

375. The institutional mechanisms for the advancement of women include different institutions set up by the Central Government, State Governments, and local Governments viz., Department of Women and Child Development (Central & State

level), National Commission & State Commissions for Women, National Institute of Public Cooperation and Child Development, Central Social Welfare Advisory Board, State Social Welfare Advisory Boards (at the state level), Panchayat Raj Institutions & Urban Local Self Government bodies, National Human Rights Commission, Rashtriya Mahila Kosh, etc. Institutional mechanisms and policies such as gender budgeting, gender mainstreaming etc., are used for integrating gender perspective in policy and planning. The Planning Commission carries out periodical reviews of programmes and policies impacting on women. A number of Commissions and Committees are set up on specific issues, viz., A focal point on the Human Rights of women has been set up in the NHRC and an Inter-ministerial Committee under the aegis of DWDC to monitor the fulfilment of obligations under CEDAW, etc. Voluntary Sector and women's groups are being involved in the formulation and implementation of various schemes and programmes. Different Departments of the Government also work in partnership with bilateral, multilateral and UN agencies on women-specific and women related projects. (For details on institutional mechanisms refer Para 57 to 60.)

### **Human Rights and Women**

376. India has ratified CEDAW in 1993 and Convention on the Rights of the Child (CRC) in 1992. The State has created independent national institutions for the protection and promotion of human rights for all citizens, especially women, religious minorities and caste based communities such as the National Human Rights Commission (1994), National Commission for Minorities (1992), National Commission for Scheduled Castes and Scheduled Tribes (1990). The Rights of Older Women have been recognized in the National Policy on Older Persons (1999).

### **Women and Media**

377. Government's communication strategy projects a positive image of women and the girl child. Media is encouraged to develop a code of conduct, and initiatives to encourage gender sensitivity include a Code for Commercial Advertising, review of programmes by Doordarshan prior to telecast and 50 per cent representation of women in the Film Censor Board. The Information Technology Act has declared online pornography a punishable offence, and the Parliamentary Committee has issued a stricture against the depiction of domestic violence by the media.

### **Women and Environment**

378. Programmes and policies that recognize the link between women's well being and environmental health cut across various sectors and include initiatives in forestry, water supply, rainwater harvesting, sanitation, natural resource management etc. The nodal agency for environment related activities is the Ministry of Environment and Forests. Gender sensitive resource management is encouraged in schemes such as the Joint Forest Management Schemes, in which 50 per cent of the members are required to be women.

Women's participation is encouraged in community resource management and watershed programmes. Rural women living below the poverty line are provided with financial assistance to raise nurseries in forestlands. The Ministry of Non-Conventional Energy Sources implements several programmes to reduce drudgery and provides systems for cooking and lighting. Environmental education programmes supported by the Department of Education play an important role in creating awareness and seeking locale specific solutions to environmental problems. Customary practices followed by forest dwellers that maintain and preserve forests are encouraged. Many women's groups (Mahila Mangal Dals) have emerged in Uttaranchal over the last ten years, which protect and use civil forests based on consensual decision.

### **The Girl Child**

379. The period 1991-2000 was observed as the decade of the Girl Child. The National Plan of Action for the Girl Child (1992) recognizes the right of the girl child to equal opportunities, to eliminate all forms of violence perpetuated against the girl child and to provide inputs for personality development of the girl child. India is a signatory to the CRC. The first report to the UN Committee of Experts on the Rights of the Child was reviewed in 2000. The Second Report was submitted in 2004.

380. Actions to improve the situation of the girl child include extension of the ICDS programme, which now covers 31.5 million children and 6.0 million expectant and nursing mothers. Kishori Shakti Yojana for adolescent girls (11-18) years was launched in 2000-01 as part of the ICDS. Immunization of the girl child is given special attention under the RCH programme of the Ministry of Health and Family Welfare. Under the DPEP and the Sarva Shiksha Abhiyan specific strategies have been designed to enhance girls' access to education, and their enrolment and retention in schools. Intrahousehold discrimination and household son preference require attitudinal shifts for which awareness campaigns are regularly conducted through the media.

### **Additional commitments**

381. The Indian Government made five other commitments for improving the situation of women and girls at Beijing. These were,

- (a) **Increase education budget to 6 per cent of GDP:** The current Government, in its annual budget for 2004-2005 has introduced additional cess on education towards this end.
- (b) **Universalize mother and childcare programme:** The outreach of these programmes has greatly increased as indicated under Article 12.
- (c) **Formulate and operationalise a National Policy on Women:** The National Policy for the Empowerment of Women was adopted in 2001 to

bring about gender justice and make de jure equality into de facto equality. Several State Governments have also formulated policies for women's empowerment. A draft Plan of Action for implementing the National Policy is under formulation.

- (d) **Set up a Commissioner for Women's Rights to act as a Public Defender of Women's Human Right:** The National Commission for Women, established in 1992 to safeguard the rights and interests of women, acts as a statutory ombudsperson for women. Chairperson of the National Commission for Women is ex-officio member of National Human Rights Commission, enabling synergy in efforts to protect the legal and constitutional safeguards provided for women.

#### **Part IV: Madrid International Plan of Action on Ageing 2002**

##### **Basic information**

382. The population of the Older Persons (60+ years) has increased from 42.5 million in 1981 to 55 million in 1991 and is now placed at 76.6 million in the 2001 Census, representing 7.45 per cent of the country's total population. In absolute numbers, the population of the aged has registered a very significant increase of nearly 70 per cent in the last two decades. There has been a gradual realisation that the welfare of the aged, which was long considered as the family/societal duty lies more with the State, especially in view of the growing numbers of destitute aged who are left to fend for themselves on account of the breakdown of the joint family system, rural-urban migration, general poverty and the absence of a State-supported social security system.

##### **State Initiatives**

383. Article 41 of the Constitution obligates the State, within the limits of its economic capacity and development, to make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement. A National Policy on Older Persons was adopted in 1999 for the well-being of the aged. The principal areas of intervention and action strategies for the aged include financial security (including pension support), health care and nutrition, shelter, education, training, research and dissemination of information, supplementation of care provided by the family and protection of their lives and property. Other measures include inter-sectoral partnerships and affirmative action.

384. During the Ninth Plan, a Plan of Action (2000-2005) was prepared to operationalise the National Policy on Older Persons, which enunciates the initiatives to be taken by various Governmental and non-Governmental organisations. A National Council for Older Persons (NCOP) was set up to receive complaints/ grievances and suggestions from older persons. This Council aids and advises the State on the policies

and programmes pertaining to the welfare of the older persons. Besides an Inter-Ministerial Committee (IMC) comprising of various Ministries/Departments concerned with the welfare of the elderly was set up to ensure appropriate intervention and implementation on issues concerning the elderly.

385. An 'Integrated Programme for Older Persons' was formulated by revising the earlier scheme of Assistance of Voluntary Organisations for programmes relating to the care of older persons. During 2004-2005, NGOs were financially assisted under this scheme for running 626 old age home/ day care center/ Mobile medicare units and non-institutional service centres.

386. The scheme of Assistance to Panchayati Raj Institutions/Voluntary Organisations/Self-Help Groups for Construction of Old Age Homes/ Multi-Service Centres was revised to enhance the one-time construction grant for this purpose. Since its inception in 1997, 45 old-age homes have been constructed. Against the total Ninth Plan outlay of Rs.564.2 million, Rs.516.6 million was spent to support and maintain the institutional set-up for the aged. The National Old Age Pension Scheme was a component of the National Social Assistance Programme under which Rs. 75 per month per beneficiary was provided to the destitutes, aged 65 years and above. The Scheme was transferred to the State Plan since the financial year 2002-2003. Under the aegis of the National Old Age Pension Scheme (NOAPS), the Central Government continued to support the States' efforts to provide the financial assistance of Rs.75 per month to the destitutes aged above 65 years of age. The railways, airways and roadways provide priority ticketing, special queues and concessional fares for the elderly while the Department of Telecommunications provides them telephone connections on a priority basis.

387. As a result of the growing concerns for Old Age Social and Income Security, a National Project called 'Old Age Social and Income Security' (OASIS) was commissioned. An Expert Group examined the policy issues relating to savings, social security and pension matters, with a view to enabling workers in the unorganised sector to build up enough savings as a shield against poverty in old age. On the basis of this Report, a new pension scheme has been implemented.

### **Challenges Ahead**

388. There is lack of desegregated data to assess the number of services availed of by aged women and its impact. Despite these interventions, the issue of the older women, whose numbers are increasing is a matter of concern. Older women are far more vulnerable and need special focus. The discrimination and subordination that women suffer, high proportion of widows in the 60+ group, the more favorable sex ratio in this age group, the glaring differential in literacy and education, earning difference between men and women, higher morbidity of older women as compared to older men, differential access of older persons to health care based on gender are concerns that need to be taken into consideration for State intervention.

389. Shelter, health care, financial security, protection of life and property, being the major commitments under the Policy, the Tenth Plan (2002- 2007) will give special priority to attend to these areas through the on-going programmes. The existing programmes of Old Aged Homes, Day Care Centers, Mobile Medicare Centers will be vertically and horizontally expanded with additional inputs of vocational training, work therapy, recreation and interactive centers etc., to provide both physical and emotional rehabilitation for the older persons. The ultimate objective will be to have at least one Integrated Old Age Home in each district. To achieve this, NGOs will be strengthened through capacity building, manpower training programmes and co-ordination with related welfare services of the concerned agencies. To ensure easier access to important public utility facilities for Older Persons, affirmative action will be initiated like setting up a special Geriatric Centers in each district hospital and special OPD counters for the aged at PHCs and hospitals.

390. The Government, in the Tenth Plan, noting the asymmetry in the population pyramid with 'males out numbering females' as a whole and 'females outnumbering males' at the upper end of the age structure, commits to provide social security for the aged woman. The State commits in its Tenth Plan to give special priority to the problems of protection of life and property of the old persons in view of the increasing number of incidents where they have become soft targets for criminal elements and are victims of fraudulent activities. A nation-wide programme has been launched to sensitise the enforcement machinery, especially the local police. Simultaneously, efforts are being made to generate awareness amongst the families and the community to make them realize that the safety of the aged is primarily their responsibility/obligation.

## **CONCLUSIONS**

The Government has undertaken various measures, through law, policies and programmes in the last 7-8 years to address gender inequality and to eliminate discrimination against women and girl children. Many laws and programmes are still being reviewed to repeal the discriminatory provisions. There are significant improvements on various indicators, which have been discussed at length, in the above paragraphs. With the general poverty level reducing to 26 per cent and the marked increase in female literacy level, slight improvement in sex ratio and the entry of women into decision-making bodies, the inequalities that exist between men and women have reduced. However gender discrimination continues to be a daunting challenge and the Government will continue to pursue all measures, in a concerted manner, to eliminate discrimination against women and to translate the de jure rights into de facto enjoyment of rights and equal results. The Government commits to pursue the National Policy on Empowerment of Women, 2001 and the Plan of Action that is being adopted to give effect to this policy, strengthen gender budgeting and the Women Component Plan and adopt planning strategies that enhance socio-economic gains for women, which in turn would lead to empowerment of women.

Abbreviations:

AGP - Awareness Generation Programme  
ARV - Anti retroviral  
AIDS - Acquired Immuno Deficiency Syndrome  
BPL - Below the Poverty Line  
BSY - Balika Samriddhi Yojana  
BPFA - Beijing Platform for Action  
CEDAW - Convention on the Elimination of All Forms of Discrimination against Women  
CSWB - Central Social Welfare Advisory Board  
CFTS - CASHPOR Financial and Technical Services  
DWCD - Department of Women and Child Development  
DGET - Directorate General of Employment and Training  
DPEP - District Primary Education Programme  
GBS - Gross Budgetary Support  
GDP - Gross Domestic Product  
HIV - Human Immuno-Deficiency Virus  
IAS - Indian Administrative Service  
IPS - Indian Police Service  
IPC - Indian Penal Code  
IMR - Infant Mortality Rate  
IAY - Indira Awas Yojana  
ITPA - Immoral Traffic (Prevention) Act, 1956  
ISP - Internet Service Provider  
ICDS - Integrated Child Development Scheme  
JGSY - Jawahar Gram Samriddhi Yojana  
MACTS - Mutually Aided Co-operative Thrift Societies  
MTP - Medical Termination of Pregnancy Act  
MMR - Maternal Mortality Rate  
MS - Mahila Samakhya  
MSK - Mahila Sikshan Kendras  
MFI - Micro Finance Institutions  
MYRADA - Mysore Resettlement and Development Agency  
NAECL - National Authority for Elimination of Child Labour  
NGO - Non Government Organisation  
NCW - National Commission for Women  
NCLP - National Child Labour Projects  
NCRB - National Crime Records Bureau  
NHRC - National Human Rights Commission  
NFHS – National Family Health survey  
NIPCCD - National Institute of Public Co-operation and Child Development  
NABARD - National Bank for Agriculture and Rural Development  
NBFC - Non-banking Finance Companies  
NSKFDC - National Safai Karamcharis Finance and Development Corporation

NSAP - National Social Assistance Programme  
NOAPS - National Old Age Pensions Scheme  
NFBS - National Family Benefit Scheme  
NMBS - National Maternity Benefit Scheme  
NSFDC - National Scheduled Castes and Scheduled Tribes Finance and Development Corporation  
NCERT - National Council for Educational Research and Training  
NIEPA - National Institute for Educational Planning and Administration  
NPEGEL - National Programme for Education of Girls at Elementary Level  
NVTI - National Vocational Training Institute  
NSSO - National Sample Survey Organisation  
OBC - Other Backward Classes  
OASIS - 'Old Age Social and Income Security'  
PNDT Act - Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act 1994  
PCRA- Protection of Civil Rights Act  
PRI - Panchayat Raj Institutions  
PWD Act - Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995  
PIL - Public Interest Litigation  
PRADAN - Professional Assistance for Development Action  
PMGY - Pradhan Mantri Gramodaya Yojana  
PMLA - Parivarik Mahila Lok Adalat  
RCH - Reproductive Child Health  
RMK - Rashtriya Mahila Kosh  
RDO - Rural Development Organisation  
SEWA - Self-Employed Women's Association  
SEP - Socio-Economic Programme  
SC - Schedule Caste ST - Schedule Tribe  
SAARC - South Asian Association for Regional Co-operation  
SSA - Sarva Shikshana Abhiyan  
SHG - Self-Help Groups  
SHARE - Society for Helping Awakening Rural Poor  
STEP - Support to Training and Empowerment Programme  
SJSRY - Swarn Jayanti Shahari Yojana  
SGSY - Swarnajayanti Gram Swarozgar Yojana  
SCP - Special Component Plan  
SIDBI - Small Industries Development Bank of India  
SGRY - Sampoorna Gramin Rozgar Yojana  
TPDS - Targeted public distribution system  
UNFPA - United Nations Population Fund  
UPA - United Progressive Alliance  
USEP - Urban Self-Employment Programme  
UNICEF - United Nations Fund For Children

UNIFEM - United Nations Development Fund for Women  
UT - Union Territory.  
VRC - Vocational Rehabilitation Centre  
WCP- Women Component Plan

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