

United Nations



CEDAW/C/IND/2-3



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.

**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





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

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.



'don't's' for Army personnel operating in such areas, and these have been approved by the Supreme Court in the ca



### 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

submitted through Gender Resource Centre (GRC) for Collection and Dissemination of Gender Statistics (of 15th Nov 2001) IJSO/IMP/05

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 coparcenary 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 coparcenary 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 PUCWnitord,2 a0,000/



### **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

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

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 ) an03

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 discri

### **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.







- 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)**.

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.

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. Sign

sensitivity with regard to the elimination of discriminatory laws, the shift in the planning process





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

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.
-

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 ce

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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 empowej 0 -13.5 TD -0.02.

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**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



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-

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

## **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 pract

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 P u f P u f T5ee Centrg Aut -41f

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.



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

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

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

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.

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







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.

**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** en born belong TD ( ) T13.8262 05.25718467 ET3630

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 Samridhi 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





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**

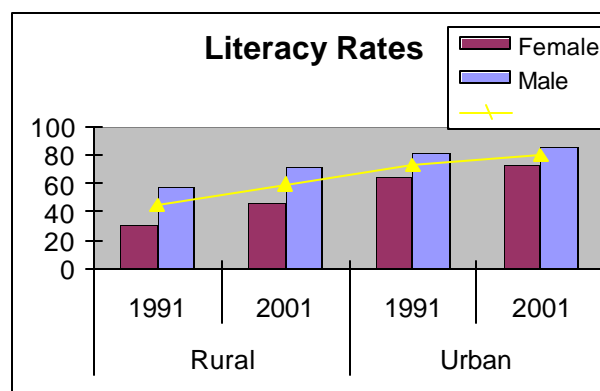
210. These measures have resulted in improved accessibility of children to schools, increase in enrolment and retention rates and better performance on education indicators.

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



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,

(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),

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

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-MACTs finance companies (NBFCs) like BASIX in

dit,661Tw ( Rural Dev TD -043.0r59ls3dj 72(MACTs) ) Tj -77.  
225.

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





240.

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

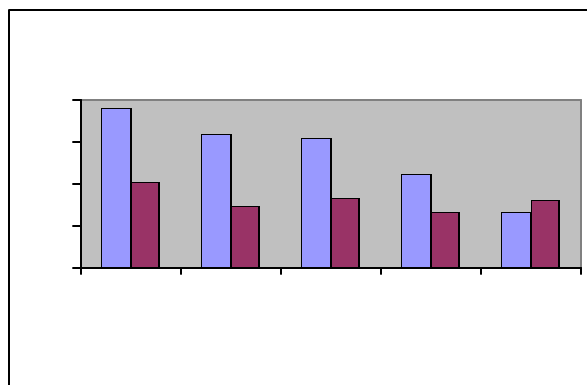
50/- per day upto a maximum of 15 days in case the earning member falls sick. Government provides a subsidy of Rs. 100 for families below the poverty line. As on March 31, 2004 around 417,000 families or 1.16 million individuals were insured in all States and Union Territories. Of them, nearly 48 per cent from rural families and 9,400

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 t



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

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 A 6.

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## **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-6

## **Social Security Programmes**

297.

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

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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







**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

## 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







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-an,owryit coelinue97ken mjot hoc2 TsTc e Do.

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 foet

<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

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## **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.

## **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,



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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  
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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

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.



Abbreviations:

AGP - Awareness Generation Programme

ARV - Anti retroviral

AIDS - Acquired Immuno Deficiency Syndrome

BPL - Below the Poverty Line

BSY - Balika Samridhi Yojana

BPFA - Beijing Platform for Action

CEDAW - Convention on the Elimination of All Forms of Discrimination against Women

CSWB - Central Social Welfare Advisory Board

NSAP - National Social Assistance Programme  
NOAPS - National Old Age Pensions Scheme  
NFBS - National Family Benefit Scheme  
NMBS -



UNIFEM - United Nations Development Fund for Women

UT - Union Territory.

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