

Policies and Programmes of Women Rights in India: A Study

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Abstract: *The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Women play a pivotal role in the overall progress of a country as they constitute half the human resources of a nation. The economic wealth of a country is seriously depleted if about half of the nation's human resource is neglected. Recognising the need for involving women in various development activities, the Government of India has initiated several affirmative measures by way of programmes and schemes to bring them into the mainstream of development. These affirmative actions have brought about perceptible changes in the socio-economic conditions of women. The literacy rate of females, which was 8.86% in 1951 rose to 54.16% in 2001. Women's work participation rate, which was 19.7% in 1981, rose to 25.7% in 2001. The data base also brings out the areas where the progress has been slow if not retrograde. The sex ratio in the 0-6 years age group dropped from 945 in 1991 to 927 in 2001, which indicates that society still does not welcome a girl child and the preference rests with sons. Nearly 50% women get married before they attain 18 years of age, and 57.9% pregnant women and 56.2% married women suffer from anemia. Maternal mortality rate (MMR) is still quite high, at 254 maternal deaths per 100,000 live births (in 2006). A number of institutions are in place to assist women receive speedier justice such as wider recruitment of women police officers, establishment of women police cells and exclusive women police stations. Many proactive legislations have been made and land mark judgements have been passed by the Courts in favour of women.*

There are many barriers to equality between the sexes. Important factors include gender stereotyping violence against women, social and cultural attitudes, and discriminating laws and practices. Women throughout the world live in constant fear and conditions of deprivation very often for their simple reason that they are women. Violation of women rights is one of the most direct expressions of the power imbalance between men and women. Therefore, any attempt to assess the Status of Women's at work place, Crime Records of women, Human Rights and Women, Special Measures against Trafficking taken by State Governments in general and Institutional Mechanisms for the Advancement of Women in particular.

Key Words: *Women, Human Rights, Constitution, Women Right, India.*

1. INTRODUCTION:

From the early 1990s, the principal economic, social and political problems experienced by the mass of Indian women have, in one way or another, become inextricably linked with the processes and policies of liberalisation led globalization. Struggles around basic food security, health, education, women's employment, livelihood and conditions of work, declining child sex ratios, commoditisation of women and human relations with attendant growth in violence against women, expansion of dowry, etc. have all necessitated a degree of confrontation between the women's movement and economic and social practices being established by globalization. And yet, while an implicit consensus on these key issues exists virtually across the spectrum of women's organisations, approaches and positions on globalization itself have often been quite divergent.

2. STATUS OF WOMEN'S AT WORK PLACE:

Women's work has been a subject of special analysis because of its gender nature. The nature of women's work, the place of work, timings of work, remuneration for their work, the nature and condition of the labour market for women differ from that of men because of reproduction role of women, the work related to reproduction and also because of gender roles, gender attributes, gender taboos, etc. Women have always worked at home and poor women have been working both at home and outside. Women have also participated in production meant for market but based at home, Poor women in their struggle for survival collect fodder, fuel, etc. which when inputted becomes an economic contribution. Women's work has been a subject of research and writing in feminist studies. Research has been undertaken in almost all the above aspects of women's work mentioned in the above paragraph. The nature of women's work, the nature and condition of women's market for labour and other aspects of women's work have formed an imported area of enquiry by feminist economist. -la- Since much of the women's work is performed within the household and the compound of the households - it gets confined to the "inside" of the household where as men are "free" to work Outside the homestead. All these effect the visibility and valuation of women's work that women's

reproductive work and her work inside the home that not get counted has national income and has been the subject of much writing in women studies. These writings also point out the economic value of such contribution. They have also pointed out the lacunae in definition of 'work' and the biases attached to such definition. They have also pointed out bias & attached to such definitions. Research using such definitions concepts of work participation and rates of female labour participants have also been questioned. Alternate methods and methodology netting in women work into economic calculation have also been advocated. Time allocation studies of women's work is an example to alternative method or netting in women's contribution. (Tyranny of the household, Devaki Jain, Visibility of women in statistics SNTD Research Centre for Women's Studies).

According to National Crime Records Bureau 'Crime in India , 2002' the following crimes were committed against women in India.

Rape

- 16,373 women were raped during the year
- 45 women were raped every day
- 1 woman was raped every 32 minutes
- An increase of 6.7% in the incidents of rape was seen between 1997-2002

Incest

- 2.25% of the total rape cases, were cases of incest

Sexual Harassment

- 44,098 incidents of sexual harassment were reported.
- 121 women were sexually harassed every day
- 1 woman was sexually harassed every 12 minutes
- An increase of 20.6% was seen in incidents of sexual harassment between 1997-2002

Importation of girls/Trafficking

- 11,332 women and girls were trafficked
- 31 women and girls were trafficked every day
- 1 woman or girl was trafficked every 46 minutes

Kidnapping and abduction

- 14,630 women and minor girls were kidnapped or abducted
- 40 women and minor girls were kidnapped every day
- 1 woman or minor girl was abducted every 36 minutes

Dowry Related Murders

- 7,895 women were murdered due to dowry
- 21 women were murdered every day
- 1 woman was murdered due to dowry every 66 minutes

Domestic Violence

- 49,237 women faced domestic violence in their marital homes.
- 135 women were tortured by their husbands and in-laws every day
- 1 woman faced torture in her marital relationship every 11 minutes
- Domestic violence constitutes 33.3% of the total crimes against women
- A steep rise of 34.5% in domestic violence cases was witnessed between 1997-2002

Suicide

- 12,134 women were driven to commit suicide due to dowry
- 1,10,424 housewives committed suicide between 1997-2001 and accounted for 52% of the total female suicide victims

Source: NCRB, 'Accidental Deaths and Suicides in India', between 1997-2001

3. HUMAN RIGHTS AND WOMEN:

The Indian Constitution prohibits discrimination between men and women and enables the State to allow affirmative discrimination in favour of women as a fundamental right. 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:

- National Human Rights Commission, 1994
- National Commission for Minorities, 1992
- National Commission for Scheduled Castes and Scheduled Tribes, 1990

Activities initiated by the Focal Point on the Human Rights of Women including Matters Related to Trafficking were as follows:

- **Preparation of a manual for the Judiciary:** Trafficking in Women and Children. Keeping in view their state of victimization and vulnerability, the manual is expected to help the judiciary in speedier justice for the victims and to take more stringent action against traffickers. The Commission is also developing a training module on trafficking issues for incorporation in training programmes for administrators, police personnel and other functionaries including district magistrates.
- **Action research on trafficking in women and children:** This has been instrumental in the creation of a network of Nodal Officers throughout the country, (two in each state, one from the Police Department, dealing with investigation, detection, prosecution and prevention of trafficking; and the other from the welfare agencies dealing with rescue, rehabilitation, reintegration and economic/ social empowerment of the victims and prospective victims).

The research projects commissioned by the NHRC include ‘Complaints made by women at police stations in Bangalore’, ‘Domestic Violence against Women in India: Nature, Causes and the Responses of the Criminal Justice System’ and ‘Feminisation of Poverty and Impact of Globalisation: A study of Women Construction Labourers in Delhi, Uttar Pradesh and Haryana’. The National Human Rights Commission, in collaboration with an NGO has set up highly successful Vigilance Cells at three check posts along the Indo-Nepal open-border to detect and check trafficking. The NHRC is negotiating a project with the Human Rights Commission of Nepal to check cross-border trafficking. The Swadhar scheme was launched by the Department in 2001–02 to benefit women in difficult circumstances, like trafficked women, destitute widows, women prisoners released from jail, women survivors of natural disasters, trafficked women/girls, victims of sexual crimes, women victims of terrorist violence, mentally disordered women etc. As part of its commitment to fight trafficking, the Department plans to introduce a new scheme to give financial assistance for rescue of trafficked women. The new scheme proposes to assist voluntary agencies working in the sector. The Department is also in the process of finalising amendment of the ITPA Act to stop the further victimisation of rescued/trafficked girls and to make the law more stringent for the traffickers.

The Rights of Older Women have been recognised. Implementation of the Madrid Plan of Action on Ageing necessitates linkages from the Central Government to the Panchayat level associations. At the national level, the Government of India formulated the National Policy on Older Persons in 1999 with special focus on women. It laid emphasis on areas, such as:

- Extending support for financial security;
- Health care;
- Shelter;
- Welfare and other needs of older persons;
- provide protection against abuse and exploitation;
- making available opportunities for development of their potential;
- seek their participation; and
- provide services. A National Council for Older Persons has been set up under the chairmanship of the Minister for Social Justice and Empowerment. Launched in the year 2000, the project NICE – an initiative of the National Institute of Social Defence for Care for the Elderly – provides technical training on the care of the elderly through three-month and six-month courses (free of charge). Trainers are drawn from different fields to explain various facets of ageing including psychology of the aged, nutrition needs, related illness like dementia and Alzheimer’s and legal remedies available. Project NICE also puts together a gender disaggregated database on the social and economic status of older persons.

The Supreme Court of India has ruled that delay by rape victims in filing complaints against the accused cannot be used as a defense to escape conviction. A division bench of the Supreme Court ruled in September 2004 that lower courts could not “disregard” the prosecution case because a First Information Report (FIR) had been filed late. The Delhi High Court has upheld the principle of equal pay for equal work in a case filed by women workers at a government-run cooperative store. The case had been filed 20 years ago. Though the appellate authority, emphasising the different designations given to men and women staff, had earlier passed a judgement in favour of the management, justifying the higher pay scales for men staff, the order was quashed by the high court that claimed the appellate authority’s approach was flawed. The judge also referred to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), to which India is a signatory and specifically mentioned Article 11 that deals with the elimination of discrimination in the field of employment.

The Supreme Court of India through its activist role has infused dynamism into the constitutional and legal provisions and has issued directives to the State from time to time to further safeguard and strengthen the rights of women. Through a series of Public Interest Litigation (PIL), any person/ persons who in the event of violation of rights and is unable to approach the Court.(by reason of poverty, disability, social or economic advantage) can

maintain an application for an appropriate direction, order or writ. This has further contributed to the cause of gender justice. Certain landmark judgments of the Supreme Court on matters such as the need for a Uniform Civil Code for all women irrespective of religion, the need for equal property rights for women, particularly in the case of inheritance, pronouncements on child prostitution, need for in-camera trial of rape victims etc. are evidence of an activist role of the Court.

- **Sexual harassment of women**

The National Commission for Women prepared a Code of Conduct for the work place and circulated the same to all ministries, educational institutions, public and private sector undertakings and various NGOs for information and implementation. The University Grants Commission has formulated a code of conduct for students and staff of Universities. The Central Board of Secondary Education (CBSE) has taken action to ensure that all affiliated schools and educational institutions abide by these guidelines. All Ministries have set up Complaints Committees to look into such matters.

- **Monitoring implementation of Supreme Court guidelines**

In a case of sexual harassment of a woman at the workplace, the inquiry conducted by the Complaints Committee should be deemed as inquiry conducted in a departmental inquiry under the disciplinary proceedings, drawn up against the delinquent official. The Department of Personnel and Training has informed all Ministries/ Departments of Government of India that the findings of the Complaints Committee regarding sexual harassment of the complainant/victim will be binding on the Disciplinary Authority to initiate disciplinary proceedings against the government servant(s) concerned under the provisions of CCS (CCA) rules, 1965. The report of the Complaints Committee should be treated as the preliminary report against the accused government servant. The CCS (Conduct) Rules have been amended, by including a rule (Rule 3 C) regarding prohibition of sexual harassment of working women.

- **Maternity benefits**

Maternity Benefit Act, 1961 granted maternity leave with full pay for 135 days to women who have completed 80 days work and prohibits discharge or dismissal of a woman during the leave period. This Act extends to factories, mines and plantations and has also been extended to shops and establishments where 10 or more persons are employed. Paternity leave for 15 days has been introduced in 1998 for central government employees.

- **Miscellaneous**

In order to sensitise senior representatives of the hotel and tourism industry on various issues relating to sex tourism and trafficking, the National Human Rights Commission in collaboration with UNIFEM and the Women's Institute for Social Education, Mumbai has organised sensitisation programmes on prevention of sex tourism and trafficking. DWCD supported a package of measures for rehabilitation of widows and children affected by riots, trauma-counselling centres and training centres for affected women.

- **Education for all**

The 86th Constitutional Amendment Act, 2002 makes free and compulsory education a justiciable fundamental right for all children in the 6–14 year age group. The Government of India is committed to realising the goal of elementary education for all and bridging of gender and social gaps by 2010. The Sarva Shiksha Abhiyan (SSA – Education for All), launched in 2001-02, is the national umbrella programme that is spearheading the universalisation

of elementary education through a community-owned approach, with a specific focus on the provision of quality education. SSA has relied on the Education Guarantee Scheme (EGS) and Alternative and Innovative Education (AIE) which are specially designed to provide access to school-less habitations. The scheme provides flexible strategies for out-of-school children through bridge courses, residential camps, drop-in-centres, summer camps, remedial coaching, etc. to bring these children to school. The gross enrolment ratio for girls in primary education has increased from 64.1% in 1980–81 to 93.1% in 2002–03. It is still less than that for boys. Enrolment for boys was 97.3% in 2002–03. The gap between the

- **Trafficking**

The Government of India in 2000 has signed the UN Convention against Transnational Organised Crime (UNTOC), which includes the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In 1998 the Department of Women and Child Development drew up a Plan of Action and constituted a Central Advisory Committee to combat trafficking, rescue and rehabilitate victims of trafficking and commercial sexual exploitation and activate legal and law enforcement systems to strengthen the implementation of the ITPA (Immoral Trafficking Prevention Act). State Advisory Committees on Trafficking have been set up and guidelines issued for effective implementation of the Plan of Action. The existing legal framework for tackling trafficking, including the Immoral Trafficking (Prevention) Act, is presently being reviewed. Community awareness and community involvement being essential for prevention of trafficking, the involvement

of Panchayati Raj Institutions in anti-trafficking work has produced good results in some states. The Government is spearheading active advocacy against trafficking in partnership with NGOs, and has formulated a detailed media campaign using TV, radio and print. The Government has formulated a model grant-in-aid scheme for assistance to NGOs to combat trafficking in source areas, traditional areas and disturbed areas through prevention, rescue and rehabilitation. Emphasis is placed on awareness generation, networking amongst stakeholders, counseling, non-formal education and vocational training for prevention of trafficking. NHRC, in association with the Department of Women and Child Development, UNIFEM and the Institute for Social Sciences (ISS) completed a survey in 2004,

on trafficking, which throws light on the causal and behavioral aspects of all agents in trafficking.

- **Special Measures against Trafficking taken by State Governments**

State Governments	Special Measures
Andhra Pradesh	Establishment of a State policy for trafficking of women and children, Creation of a Relief Fund for providing relief to trafficked persons; Special rehabilitation measures for Devadasi.
Bihar	Establishment of a State Action Plan for the welfare and rehabilitation of trafficked women and child.
Goa	Enactment of Goa Children's Act, 2003
Gujarat	Recognition of homes run by NGOs as protection homes under the ITPA.
Haryana	Creation of Juvenile Justice Fund, Juvenile Welfare Board and Juvenile Courts.
Karnataka	Launching of Devadasis rehabilitation scheme
Madhya Pradesh	Launching of Jabali Scheme to focus on welfare and development of trafficked women and children.
Maharashtra	Running of 50 family counseling centres by Maharashtra State Social Welfare Advisory Board; Creation of a Monitoring Committee under the chairmanship of a retired judge to monitor working of children's homes; Arrangements for economic empowerment and rehabilitation of devadasis.
Tamil Nadu	Creation of Anti Vice Squad exclusively to deal with trafficking; Creation of District Advisory Committees and Village level Watchdog Committees; Creation of Social Defence Welfare Fund for rehabilitation of women and children; Comprehensive mapping of trafficking in terms of source, transit and destination points; Exposure of women police officials to basic counseling courses; Creation of a crisis intervention centre to prevent child abuse.
West Bengal	Establishment of homes for HIV infected persons.

Source: 'Trafficking of Women and Children in India', 2004, Govt of India, Ministry of Human Resource Development, Department of Women and Child Development.

4. INSTITUTIONAL MECHANISMS FOR THE ADVANCEMENT OF WOMEN:

Institutional mechanisms for the advancement of women include institutions of different types-government, non-government, central and state government, local government-which support the cause of women's advancement. Institutional mechanisms for integrating gender perspectives in policy and planning include such innovative features as 'gender budgeting'. The term National Machinery refers more narrowly to bodies designated by the state to promote the status of women. In India, such government bodies are themselves composed of a set of structures and systems. For the bureaucratic structure, the DWCD can be seen as being at the centre.

- **Department of Women and Child Development**

The Department of Women and Child Development set up in 1985 as a part of the Ministry of Human Resources Development is the nodal department in the Government of India to look after advancement of women and children.

- **The National Commission for Women**

The National Commission for Women was established by an Act of Parliament in 1992 to safeguard the rights and interests of women. It acts as a statutory ombudsperson for women. The annual report of NCW containing recommendations is placed in Parliament by the Government of India with a detailed compliance report.

- **The National Institute of Public Co-operation and Child Development**

The National Institute of Public Co-operation and Child Development assists the Department in the areas of training and research. Objectives of the Institute include the development and promotion of voluntary action in social development. It has developed innovative gender training/ sensitisation modules.

- **Rashtriya Mahila Kosh (National Credit Fund for Women)**

Rashtriya Mahila Kosh (National Credit Fund for Women), established in 1993, has as its main objective facilitation of credit support or micro finance to poor women, as an instrument of socio-economic change and development.

- **Central Social Welfare Board**

Central Social Welfare Board is an umbrella organisation networking the activities of State Social Welfare Boards and voluntary organisations. It implements a number of schemes including Family Counseling Centres, Short Stay Homes, Rape Crisis Intervention Centres, crèches for children of working mothers, etc.

- **State Departments of Women and Child Development,**

State Departments of Women and Child Development, State Commissions for Women and State Social Welfare Boards form part of the institutional system. in most of the states. Women's Development Corporations (WDCs) have been set up in most of the states to help the government implement the programme.

- **Women's Cells**

Gender focal points (Women's Cells) have been formed in the ministries in the development sector, including Education, Rural Development, Labour, Agriculture.

- **The Panchayati Raj Institution and urban local self-government bodies**

The Panchayati Raj Institution and urban local self-government bodies provide a framework for women's empowerment in political participation and decision making all over the country

- **A Parliamentary Committee on Empowerment of Women**

A Parliamentary Committee on Empowerment of Women was constituted by the Lok Sabha (Lower House of the Parliament) in 1997, and reconstituted in 2004, to review the effectiveness of measures taken by the central government for the empowerment of women. This has 30 members, from the Lok Sabha and from the Rajya Sabha (Upper House of the Parliament).

- **The Planning Commission**

The Planning Commission carries out periodical reviews of programmes and policies impacting on women.

- **Commissions and Committees are set up from time to time to focus on specific areas. A focal point on the human rights of women has been set up in the NHRC.**

A number of institutions are in place to help women get speedier justice like wider recruitment of women police officers, establishment of women police cells in police stations and exclusive women police stations. Also Rape Crisis intervention Centres have been set up in police stations in some big cities. Helplines for women in distress have been set up. The States are being requested to set up Family Courts and earmark one Fast Track Court, if there is more than one in a district, to deal exclusively with cases of sexual abuse and cruelty in marriage relating to women.

The agencies listed above draw in persons from the voluntary sector, and the women's movement. Such partnerships have been essential to the formulation and implementation of approaches to gender equality. The country wide network of more than 12,000 voluntary organisations has played a very significant role in the empowerment of women and development of children as they share the major burden of implementing governmental policies and programmes. NGOs have demonstrated viable alternatives in the areas of women's literacy, support services, micro-credit for poor women, employment and income generation, gender sensitisation, organising women into SHGs, fight against atrocities, etc. The various programmes and schemes of the Department are based on the concept of SHG that have been set up with the co-operation of organisations at the grassroot level.

5. CONCLUSION:

In the conclusion it can be said that in urban area women are more conscious about their rights, education and they are more empowered both economically and socially as compared with rural women. There is urgent need to create awareness in rural areas about the rights, education and government services, and schemes for improvement of their status which is provided specially for women. There are various laws have been made by the legislature in the interests of women. The need of the hour is for the women to realize their rights and be vigilant. Women are the present and the future of India. But today in the world of the 21st century, women have attained a remarkable position in every fields and their life style is improved, they are in no way inferior to men. Women have also started reaching out to state agencies for redressal and justice.

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