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## The Constitutional Provisions, Legislative Measures and Other Initiatives Undertaken in the Interests and Benefits of Women in India with Special Reference to Empowerment of Women in Sikkim

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**Abstract:** *The woman in India belongs to different religion, sect, race, caste, creed, geographical region, custom and culture. Despite of being largest democracy of the world, the dominance of male has continued in every societal system in the country whereby women are subjected to many forms of discrimination, oppression and exploitation. In order to bridge the gap of disparities, the state's doctrine protects the interest of women in all spheres of her life and circumstances. Accordingly, this paper outlines the constitutional provisions of India towards gender equality in one hand and those legislative measures, gender budgeting, creation of ministry for women and other initiatives undertaken by the Central Government in pursuance to mandate of the Constitution of India in other hand towards welfare, protection, development, advancement and empowerment of women. It also state initiatives undertaken towards women empowerment in the state of Sikkim.*

**Keywords:** *Constitution of India, Articles, Fundamental Rights, Directive Principles of State Policy, Fundamental Duties, Panchayats, Municipalities, Legislative measures, Acts, Gender Budgeting, Gender Sub-Plan, Women Component Plan, Five Year Plan, DoWCD, MoWCD, Programmes and Schemes, women empowerment, International Cooperation, CEDAW, Sikkim.*

### 1. INTRODUCTION:

Though women population in India has continued to remain below 50% of total population and declining after independence, the Censes of twentieth century has seen 972 as highest and 927 as lowest record in sex ratios respectively taken in the years 1901 and 1991. However, it is evident that women constitute other major share of a pie chart drawn with men population of the country. The issues of gender discriminations and inequality persisted in the country in different forms and therefore, for the safeguard, welfare, protection, development, advancement and empowerment of women, the legislative measures and other essential initiatives has been undertaken by the Government of India as per the Constitutional provisions. In fact, inclusive development of this largest democracy of the world has been possible with consideration of women in all aspect of policy development. Whereas, in implementation of the welfare programmes and schemes, there has been a shift in policy approaches from the concept of 'welfare' in the seventies to 'development' in the eighties and 'empowerment' from the nineties. In recent years, the concept of empowerment of women has been recognized as the central issue in determining the status of women. Besides, India has also accepted and adopted some of those decisions taken in the interest of the women at the international levels out of summits, conventions and conferences held from time to time.

### 2. OBJECTIVES OF THE PAPER:

In this paper a modest attempt is made to recapitulate the Constitutional provisions, legislative measures and other initiatives undertaken in India after its independence in the interest and benefit of its women population. The three main objectives designed for study are as follows:-

- (a) To identify and outline various Articles of the Indian Constitution either wholly or/and partially related to the interests and benefits of the women citizen;
- (b) To identify and summarize legislative measures undertaken for safeguards, protection, justice, equality, welfare and equity against various forms of discrimination, exploitations and inequalities existed in personal, social and professional life of women;
- (c) To identify other specific initiatives undertaken as per the mandate of the Constitution and legal provision in overall interest and benefit of the women.

### 3. METHODOLOGY:

This is an exploratory study conducted from the secondary sources of data. The data collection comprises of the Constitution, annual reports and other information published by the Government of India or/and its agencies uploaded in their websites, research paper in journals, etc. The findings and discussions are categorized and presented under different heading as per objectives.

### 4. CONSTITUTIONAL PROVISIONS FOR WOMEN:

The Constitution of India has been crafted so marvelously that it has enough provision to remove every type of discrimination existed against women in the legal and public domain. In addition to the principle of gender equality enshrined in its Preamble, the Constitution of India empowers the State to adopt measures of positive discrimination in favour of women towards neutralization of the cumulative socio-economic, educational and political disadvantages faced by them. Under its various Parts, the interests and benefits of women are secured with the provision of equality before the law and equal protection of law, prohibition of discrimination against any citizen on ground of religion, race, caste, sex, or place of birth and guarantees equality of opportunity to all citizens in matters relating to employment. The details of such Articles of the Constitution which are either wholly or/and partially intended to protect the interest of women under different Parts are outlined here-below:-

- 4.1 **The Fundamental Rights** entitles equality of law, rights and opportunities to both men and women in the political, economic and social spheres, equal opportunity in public employment and prohibition of discrimination on the grounds of sex. Whereas, it has special provision to favour women by directing State to take suitable action in protection of her interest and benefits contained in Articles 14, 15, 16 and 23.
  - (a) **Article 14**- guarantees equality before the laws and equal protection of the laws to all.
  - (b) **Article 15**- the State shall not discriminate against any citizen .... Nothing in this article prevents the State from making any special provision for women and children.
  - (c) **Article 15(1)**- prohibits discrimination against any citizen on the grounds of religion, race, caste, sex, place of birth or any of them.
  - (d) **Article 15(3)**- special provision enabling the State to make affirmative discriminations in favour of women and children.
  - (e) **Article 16 (1) & (2)**- guarantees equality of opportunity in matters of public employment and that no citizen shall be discriminated in matters of public employment on the grounds only of religion, race, caste, sex, descent, place of birth, place of residence or any of them.
  - (f) **Article 23**- prohibits human trafficking and bonded labour.
- 4.2 **The Directive Principles of State Policy** entitles not only equal means of livelihood, equal pay for equal work, secure good health and strength of workers, be it men or women but provision to secure just and humane conditions of work and provide free legal services to ensure justice are not denied to any citizen by reason of economic or other disabilities rather to provide women with maternity relief, nutrition and standard of living, special care for education and protection against all forms of exploitation as contained in Articles 39, 42, 46 and 47.

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- (a) **Article 39(a)**- the State shall direct its policy towards securing for men and women, equally, the right to adequate means of livelihood.
- (b) **Article 39(d)**- there shall be equal pay for equal work for both men and women.
- (c) **Article 39(e)**- the state shall direct its policy for securing the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
- (d) **Article 39A**- the State to secure the operation of the legal system that promotes justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.
- (e) **Article 42**- the State to make provision for securing just and humane conditions of work and for maternity relief.
- (f) **Article 46**- the State to promote with special care, the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation.
- (g) **Article 47**- the State to raise the level of nutrition and the standard of living of its people.
- 4.3 **The Fundamental Duties** goes to promote harmony and to impose a fundamental duty to renounce those practices derogatory to the dignity of women as contained in Article 51.
- Article 51A (e)**- the state to promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of women.
- 4.4 The reservation for women in **Panchayats** not only enables her to participate in decision making at the rural local self governance but provides opportunities to be the Chairperson(s) for reserved units as contained in Article 243.
- (a) **Article 243D (3)**- provides that not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat to be reserved for women and such seats to be allotted by rotation to different constituencies in a Panchayat.
- (b) **Article 243D (4)**- provides that not less than one- third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women.
- (c) **Article 243G** read with **Schedule 11**- provides for institutionalization of child care by seeking to entrust programmes of women and child development to Panchayats (item 25 of Schedule 11), education (item 17), family welfare (item 25), health and sanitation (item 23).
- 4.5 The reservation for women in **Municipalities** not only enables her to participate in decision making at urban local self governance but to be as the Chairperson(s) for reserved units as contained in Article 243.
- (a) **Article 243T (3)**- provides that not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality to be reserved for women and such seats to be allotted by rotation to different constituencies in a Municipality.
- (b) **Article 243T (4)**- guarantees reservation of offices of Chairpersons in Municipalities for the Scheduled Castes, the Scheduled Tribes and women in such manner as the legislature of a State may by law provide.

## **5. LEGISLATIVE MEASURES FOR WOMEN:**

As per the mandate of the Constitution, legislative measures has taken place with enactment of Acts to ensure equal rights, to counter social discrimination and various forms of violence and atrocities, to provide support services especially to the working women. Within the framework of a democratic polity, India's laws together with development policies, plans, schemes and programmes have aimed at women's welfare, development, advancement and empowerment in different spheres. Some laws of gender specific nature are intended towards protection and safeguard of women but others has provisions for special care, safety and catering facilities in their interests and benefit. The provisions of laws affecting women significantly are reviewed and amended by the governments periodically in tune with emerging requirements and change in the prevailing circumstances.

- 5.1 Those laws of the land enacted towards protection of women's interest and benefit in the matters related to her social and personal life including community and domestic affairs are as follows:-
  - 5.1.1 **The Converts' Marriage Dissolution Act, 1866** entitles married women a separate property from husband to maintain her suitably and to prosecute or defend the suit filed in court by herself or against her by husband for separation and also grant maintenance allowances from husband in remainder period of her life.
  - 5.1.2 **The Divorce Act, 1869** contains provision to accord women equality with men on property rights and lifestyle post-divorce.
  - 5.1.3 **The Christian Marriage Act, 1872** has clauses in favour of women as it does not allow bigamy and polygamy, restrict marriage of women below eighteen years and safeguard her on dissolution of marriage.
  - 5.1.4 **The Married Women's Property Act, 1874** allowed married women to own and control property in their own right and also protects her properties against the creditors.
  - 5.1.5 **The Guardians and Wards Act, 1890** provides that in failure of mother to take care of her children, their custody of children (in case of boy upto seven years and girl upto age of puberty) shall be granted to their female relatives ie mothers' mother, fathers' mother, sisters (either full, uterine, or consanguine), full / uterine / consanguine sisters daughter, maternal/paternal aunt etc.
  - 5.1.6 **The Indian Succession Act, 1925** grants daughters with equal right of inheritance; wife with several rights of ownership of the property of her husband; widowed mother to claim maintenance from children and right to family.
  - 5.1.7 **The Child Marriage Restraint Act, 1929** raised the age for marriage of a girl from 15 to 18 years.
  - 5.1.8 **The Hindu Law of Inheritance (Amendment) Act, 1929** as a premier legislation brought woman into the scheme of inheritance and conferred inheritance rights to three female heirs; son's daughter, daughter's daughter and sister.
  - 5.1.9 **The Parsi Marriage and Divorce Act, 1936** entitled Parsi women to claim maintenance from her spouse through criminal proceeding or /and civil proceeding.
  - 5.1.10 **The Hindu Women Right to Property Act, 1937** confers woman's ownership right to property thereby bringing revolutionary changes in the Hindu law. In case of separate property, the widows along with sons are entitled to equal share.
  - 5.1.11 **The Muslim Personal Law (Shariat) Application Act, 1937** enabled protection of Muslim women's rights to alimony and special property to them including personal property inherited or obtained.
  - 5.1.12 **The Dissolution of Muslim Marriages Act, 1939** granted Muslim wife with the right to seek the dissolution of her marriage.
  - 5.1.13 **The Special Marriage Act, 1954** provides special form of marriage for the people of India and all Indian nationals in foreign countries, irrespective of the caste and religion they follow, protection of wife against domestic violence, relief of interim maintenance and residence at husband's residence.

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- 5.1.14 ***The Hindu Marriage Act, 1955*** amended in 1976 provides a girl with right to repudiate a marriage before attaining maturity whether marriage has been consummated or not.
- 5.1.15 ***The Hindu Succession Act, 1956*** recognizes the right of the woman to inherit the property of the father.
- 5.1.16 ***The Immoral Traffic (Prevention) Act, 1956*** as amended and renamed in 1986 made the sexual exploitation of the female a cognisable offence.
- 5.1.17 ***The Hindu Minority & Guardianship Act, 1956*** entitled Hindu mother to act as natural guardian of her minor illegitimate children or in respect of the minor's property or both and also entitled widow as natural guardian of her minor legitimate children.
- 5.1.18 ***The Hindu Adoptions and Maintenance Act, 1956*** provides power to mother of illegitimate child to give her child in adoption without questions of putative father's consent and on separation, entitles wife to separate residence and maintenance during her life time by her husband or father-in-law in case of death of her husband.
- 5.1.19 ***The Immoral Traffic (Prevention) Act, 1956*** came as premier legislation for prevention of trafficking of women and girls for commercial sexual exploitation.
- 5.1.20 ***The Dowry Prohibition Act, 1961*** amended in 1984 and 1986 respectively made women's subjection to cruelty a cognisable offence and the husband/in-laws punishable in case of a woman committing suicide within seven years of her marriage due to acts of cruelty. The 'Dowry Death' was incorporated in the Indian Penal Code as criminal offence.
- 5.1.21 ***The Foreign Marriage Act, 1969*** provides that marriage in India between a NRI and an Indian woman cannot be annulled by a foreign court and adequate alimony is provided to the wife in the property of her husband both in India and abroad.
- 5.1.22 ***The Medical Termination of Pregnancy Act, 1971*** provides for termination of certain pregnancies by registered medical practitioners on humanitarian and medical ground posing risk to the life of the pregnant women.
- 5.1.23 ***The Code of Criminal Procedure, 1973*** has made special concern for safety of accused women as she shall not be arrested after sunset and before sunrise and under exceptional circumstances, the woman police officer shall may arrest by making a written report and prior permission of the Judicial Magistrate of the first class.
- 5.1.24 ***The Family Courts Act, 1984*** provides for establishment of separate Courts for speedy settlement of family dispute and also towards maintenance of status and dignity of the women who suffered bias and discrimination of laws, customs and traditions of the land.
- 5.1.25 ***The Indecent Representation of Women (Prohibition) Act, 1986*** prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.
- 5.1.26 ***The Muslim Women (Protection of Rights on Divorce) Act, 1986*** protects the rights of Muslim women divorced by or have obtained divorce from their husbands.
- 5.1.27 ***The Commission of Sati (Prevention) Act, 1987*** prevented Sati practice or the voluntary or forced burning or burying alive of widows and to prohibit glorification on women.
- 5.1.28 ***The Legal Services Authorities Act, 1987*** has made entitlement of free legal services to women.
- 5.1.29 ***The National Commission for Women Act, 1990*** provided for establishment of a National Commission for Women to study and monitor all matters relating to safeguards, the constitutional and legal rights of women.
- 5.1.30 ***The Pre-natal Diagnostic Technique (Regulation & Prevention of Misuse) Act, 1994*** prevents pre-natal sex determination of fetus and induced abortions of female fetuses.

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- 5.1.31 ***The Protection of Women from Domestic Violence Act, 2005*** came as a comprehensive legislation for support to women affected with domestic violence of any kind—physical, sexual, mental, verbal, emotional or economic abuses and provides her relief in the form of monetary benefits, protection orders, residence orders, custody and compensation orders.
- 5.1.32 ***The Prohibition of Child Marriage Act, 2006*** prohibits solemnization of child marriages thereby protected girl from early marriage.
- 5.1.33 ***The Criminal Law (Amendment) Act, 2013*** makes punishment more stringent for offences of rape and broadened the definition of sexual assault and harassment on women.
- 5.1.34 ***The Juvenile Justice (Care and Protection of Children) Act, 2015*** provides for proper care, protection and treatment of child, cater developmental needs whereby interest of girls as suffer also got taken cared.
- 5.1.35 ***The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2016*** came as a comprehensive legislation for prevention of trafficking, protection and rehabilitation of the victims of trafficking, mostly comprising girls and women.
- 5.1.36 ***The Compulsory Registration of Marriages Act, 2005*** enabled married women (including those married to NRI/ foreigners) to claim her right to shelter/maintenance and prevented practice of men deserting women after performing the marriage including deterrent to the practice of selling daughters to any person and prevents polygamy unless permitted under any law or custom and to ensure prior wives a notice of intended marriage.
- 5.2 Those laws enacted towards welfare, social security, safeguard and protection of women workers and professionals are as follows:-
- 5.2.1 ***The Legal Practitioners (Women) Act, 1923*** grants statutory right to women to practice law.
- 5.2.2 ***The Minimum Wages Act, 1948*** does not allow discrimination between male and female workers in terms of wages payment.
- 5.2.3 ***The Employees' State Insurance Act, 1948*** grants insured women workers with sickness benefit, disablement benefit, medical benefit, funeral expenses, maternity benefit, etc
- 5.2.4 ***The Factories Act, 1948*** amended in 1976 provides for special care of women with establishment of a crèche where 30 women are employed including casual and contract labourers.
- 5.2.5 ***The Plantation Labour Act, 1951*** provides that women workers be granted time off for feeding children and establishment of fully equipped crèches wherever 50 or more women are employed or where women with children below six years of age exceeds 20.
- 5.2.6 ***The Mines Act, 1952*** prohibits employment of women in mines below ground and during the night, directs for provision of health facilities, separate latrines and urinals for them.
- 5.2.7 ***The Maternity Benefit Act, 1961*** provides for payment of full salary on maternity leave and care of children, regulates the employment of women in certain establishments for the period before and after child-birth.
- 5.2.8 ***The Mines Crèche Rules, 1966*** directs for maintenance of crèche facilities by a trained person and also stipulates size of room, equipment and facilities for welfare of women and medical examination of children and nursing mothers.
- 5.2.9 ***The Beedi and Cigar Workers (Condition of Employment) Act, 1966*** provides for establishment of crèches facilities for the benefit of women workers.
- 5.2.10 ***The Contract Labour (Regulation and Abolition) Act, 1970*** prohibits women at work beyond nine hours with the exception of midwives and nurses.
- 5.2.11 ***The Equal Remuneration Act, 1976*** provides for equal payment to men and women for equal work.

- 5.2.12 ***The Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979*** lays provisions for separate facilities to women in workplace comprising toilets and washing facilities etc.
- 5.2.13 ***The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996*** regulates employment and conditions of service of construction workers; their safety, health and welfare measures with special provision to women with entitlement of maternity benefits and separate facilities of latrines and urinals, accommodation, crèches etc. and prohibition of their work at night.
- 5.2.14 ***The National Rural Employment Guarantee Act, 2005*** provides for one third of women in manual unskilled labour wage employment for 100 days in rural areas with emphasis on gender related issues.
- 5.2.15 ***The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*** protects women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.
- 5.3 Whereas, for the purpose of protection of women from several adverse circumstances at home and workplace including domestic violence and personal assaults, which make them victim of crime categorized as 'Crime against Women' and punishment to their culprit are extensively covered within the Indian Penal Code, 1860 and the Code of Criminal Procedure Act, 1973.
- 5.4 The Ministry of Women and Child Development (MoWCD), Government of India and its autonomous organization National Commission for Women (NCW) are concerned with formation, administration and implementation of the legislative aspects of the women and children thereby involving identification, review and recommendations regarding amendments, if necessary in the existing Acts and rules thereof, to pursue for its amendments with the Ministries or/and the Departments concerned.
- 5.5 The Supreme Court of India through its activist role has been infusing dynamism into the constitutional and legal provisions thereby directing the State from time to time to further safeguard and strengthen the rights of women. Some landmark pronouncements of the Supreme Court in those matters for a Uniform Civil Code for all women has laid down guidelines for formation of some laws especially on issues like sexual harassment at the workplace, inheritance of property etc. The tradition of public interest litigation (PIL) has enabled appropriate direction, order or writ in cases of the violation of rights of any person and such persons being unable to approach the court, which has further contributed to the cause of gender justice.

## 6. GENDER BUDGETING

The Government of India has been invariably considering aspect of women development, advancement and empowerment in planning and budgeting with Five Year Plans. The gender budgeting proposes to monitor public expenditure and service delivery from a gender perspective, as a means of mainstreaming women's concerns in all activities and improving their access to public resources. The Gender Budget Statement first introduced in the Union Budget 2005-06 indicates the budget provisions for schemes that are substantially meant for benefit of women. The programmes and schemes of the ministries and departments were reviewed periodically to address the quantum of resources having budgetary potential to impact and cater the developmental needs of women.

- 6.1 ***The Gender Sub-Plan:*** The report of the Committee on the Status of Women in India gave new impetus towards gender perspectives on public expenditure. For the first time, the Planning Commission of India highlighted the need to ensure a definite flow of funds from the general developmental sectors to that of women under Eighth Five Year Plan (1992-97). It has a view that benefits of development from different sectors should not bypass women's aspect and the special programmes on women should complement the general development programmes. Whereas, the latter was intended to reflect greater gender sensitivity as not much progress was made in terms of ensuring adequate flow of funds and benefits to women.

6.2 **The Women Component Plan:** Introduced in the Ninth Five Year Plan (1997-2002) to adopt “Women Component Plan” as one of the major strategies of planning and budgeting, this concept was mandated by Ministries to indicate and ensure the flow of benefits to women’s development, with not less than 30 per cent of the funds/benefits earmarked in all the women’s related sectors. The special care has been taken on the flow of the earmarked funds/benefits through an effective mechanism to ensure that the proposed strategy brings forth a holistic approach towards empowerment of women. The Twelfth Five Year Plan focuses on women’s agency through identified strategies to address the challenges posed by traditional determinants of women empowerment comprising economic empowerment, social and physical infrastructure, enabling legislations, women’s participation in governance and engender national policies and programmes.

## 7. DEDICATION OF MINISTRY FOR WOMEN

With the passage of time after its independence, the Government of India lately realized for creation of a separate department dedicated in the interests and benefits of women (including children) of the country. It was later upgraded to a full-fledged Ministry. Besides, various schemes and programmes of other ministries and departments has been devised and implemented towards welfare, protection, advancement, development and empowerment of women.

**7.1 Creation of a Department:** The Department of Women and Child Development (DoWCD) was set up in 1985 and continued to function upto December 2005 under the aegis of Ministry of Human Resource Development, Government of India as national machinery for holistic development and advancement of women and children of the country. As a nodal agency, it looked after the welfare and development of children, social and economic empowerment of women to ensure social equity and gender equality thereby formulated plans, policies, schemes and programmes, enacted and amended legislation affecting women and children, guided and coordinated the efforts of both governmental and non-governmental organizations working in the field of women and child development. With the support of State Governments and its agencies, NGOs etc, the Department implemented various schemes and programmes for women and children etc related to areas on training and capacity building, employment and income generation, welfare and support services, awareness generation and gender sensitization with ultimate objective to make women independent and self-reliant and to ensure that children grow and live in a healthy and secure environment. Though specific issues like health, education, employment etc. related to women and children were looked after by the sectoral Ministries/Departments, but DoWCD shouldered overall responsibility to coordinate the activities of all other Ministries and organisations. The list of subjects allocated to and functions under the jurisdiction of the DoWCD vested by the Allocation of Business Rules dated 6.1.2004 comprised of the followings:-

- (a) Welfare of the family.
- (b) Women and Child Welfare and co-ordination of activities of other Ministries and Organisations in connection with this subject.
- (c) References from the United Nations Organisations relating to traffic in women and children.
- (d) Care of pre-school children including pre-primary education.
- (e) National Nutrition Policy, National Plan of Action for Nutrition and National Nutrition Mission.
- (f) Charitable and religious endowments pertaining to subjects allocated to this Department.
- (g) Promotion and development of voluntary effort on subjects allocated to this Department.
- (h) Implementation of (i) The Immoral Traffic (Prevention) Act, 1956 (as amended upto 1986); (ii) The Indecent Representation of Women (Prevention) Act 1986 (60 of 1986); (iii) The Dowry Prohibition Act, 1961 (as amended upto 1986); (iv) The Commission of Sati (Prevention) Act, 1987 (3 of 1988) excluding the administration of criminal justice in regard to offences under these Acts.
- (i) Implementation of the Infant Milk Substitutes, Feeding Bottles and Infant Food (Regulation of Production, Supply and Distribution) Act, 1992 (41 of 1992).



- (j) Coordination of activities and programmes of Cooperative for Assistance and Relief Everywhere (CARE).
- (k) Planning, Research, Evaluation, Monitoring, Project Formulations, Statistics and Training relating to the welfare and development of women and children, including development of gender sensitive data base.
- (l) United Nations Children's Fund (UNICEF)
- (m) Central Social Welfare Board (CSWB)
- (n) National Institute of Public Cooperation and Child Development (NIPCCD)
- (o) Food and Nutrition Board (FNB)
- (p) (i) Development and popularization of subsidiary and protective foods (ii) Nutrition extension.
- (q) Women's Empowerment and Gender Equity.
- (r) National Commission for Women (NCW)
- (s) Rashtriya Mahila Kosh.

7.2 **Creation of a Ministry:** The Ministry of Women and Child Development (Mahila Aur Bal Vikas Mantralaya)(MoWCD) came into existence as an up gradation from Department of Women and Child Development (DoWCD) with effect from 30th January 2006. All those business allocated to then department has continued to remain with this new Ministry with addition of the following new items thereto:-

- (a) Juvenile delinquency and vagrancy.
- (b) Probation of Juvenile offenders.
- (c) Issues relating to adoption, Central Adoption Resource Agency and Child Help Line (Childline).
- (d) The Children Act,1960 (60 of 1960)
- (e) The Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000)
- (f) The Child Marriage - Restraint Act, 1929 (19 of 1929)
- (g) Institutional and non-institutional services for the care and development of children in need including orphans and orphanages.

The vision and mission of the MoWCD aligned with its function to promote the empowerment and protection of women and children and to ensure their equitable and wholesome development are as given below:-

**Box-1: The Vision and Mission of MoWCD for women**

**Vision**

Empowered women living with dignity and contributing as equal partners in development in an environment free from violence and discrimination. And, well-nurtured children with full opportunities for growth and development in a safe and protective environment.

**Mission - Women**

Promoting social and economic empowerment of women through cross-cutting policies and programmes, mainstreaming gender concerns, creating awareness about their rights and facilitating institutional and legislative support for enabling them to realise their human rights and develop to their full potential.

7.3 **Programmes and schemes under MoWCD:** The plans, policies, programs and schemes for women has been formulated to make them socially, politically and economically independent individuals leading wholesome productive lives. Accordingly, the activities involving formulation and implementation of plan, policies, programmes and schemes could be broadly categorized as given below:-

**Box-2: The programmes and schemes of MoWCD for women**

Objective of activities	Some of Programmes, schemes and initiatives
Socio-economic Empowerment and Rehabilitation	Interventions under ICDS programme; Hostels for Working Women; Swayamsidha; Swawlamban; Swa-Shakti; PRIYADARSHINI; Support of Training and Employment Programme for Women' (STEP); Rajiv Gandhi Scheme for Empowerment of Adolescent Girls-SABLA; Maternity Benefit Programme [erstwhile Indira Gandhi Matritva Sahyog Yojana (IGMSY)]; Micro Credit for Women-Rashtriya Mahila Kosh (RMK); etc and formation of Self Help Groups for implementation of some schemes and programmes
Providing Relief, Protection and Rehabilitation to women in difficult circumstances	Short Stay Homes; Women Helplines; Family Counseling Centers; Swadhar; Ujjawala; Swadhar Greh; Scheme for setting up One Stop Centre; Universalisation of Women Helpline Scheme; Awareness Generation Programmes; Condensed Course of Education; Mahila Police Volunteers (MPVs)
Gender Justice and Legal Safeguards	Promoting Gender Equality (GOI-UNDP project); Gender Budgeting and Gender Disaggregated Database; Review and monitor on all legislations made to protect the rights of women through National Commission for Women (NCM)
Policy documentation	National Policy for the Empowerment of Women; The National Mission for Empowerment of Women (NMEW); The National Policy for Women -2016

**Source:** Annual Reports, MoWCD (compiled by author)

Then Department and present Ministry had been determined to secure gender justice, equal rights of women in property and remove gender bias element of laws, provide credit facilities, income generating opportunities and support services. It has also mobilized women into self help groups and cooperative societies to take up programmes for awareness generation and gender sensitization. The schemes for the welfare and development of girl children consist of Kishori Shakti Yojana (KSY), Nutrition Programme for Adolescent Girl (NPAG), Balika Samridhhi Yojana (BSY), ICDS etc. Whereas, the schemes for social and economic empowerment of women comprise of Swayamsidha, Swawlamban, Swa-Shakti, Support to Training and Employment Programme for women (STEP) etc. The schemes like Swadhar, Short Stay Homes etc are implemented for rehabilitation of women in difficult circumstances ie trafficked women/girls rescued from brothels, victims of sexual crimes, mentally challenged women, orphan/destitute women, etc.

In order to address and fulfill the specific need, interest and benefit of children and women, the Government of India has developed an institutional mechanism by setting up autonomous organisations under the aegis of DoWCD/MoWCD comprising National Commission for Women (NCW), National Institute of Public Cooperation and Child Development (NIPCCD), Rashtriya Mahila Kosh (RMK) and the Central Social Welfare Board (CSWB). Besides, there are several other schemes formulated under other ministries for welfare, protection, advancement, development and empowerment of women.

**7.4 Implementation of programmes and schemes through other Departments and Ministries:** In compliance to principle of gender budgeting, other ministries and their department has been implementing several projects, programmes and schemes either wholly or with inclusion of women share towards their socio-economic, educational, skill development, employment and other need of women eg, Nari Arthik Sashaktikaran Yojana (NASY), Mahila Kisan Yojana (MKY), Mahila Samridhi Yohana (MSY) etc.

**8. INTERNATIONAL COOPERATION AND UNDERSTANDING:**

The Government of India has ratified various international conventions and human rights instruments committing to secure equal rights to women. The ratification of the Convention on Elimination of all Forms of Discrimination Against Women (CEDAW), 1993 has brought solid base for protection of women at global level thereby requiring

international cooperation. The Mexico Plan of Action (1975), the Nairobi Forward Looking Strategies (1985), the Beijing Declaration as well as the Platform for Action (1995) and the Outcome Document adopted by the UNGA sessions on Gender Equality and Development & Peace for the 21<sup>st</sup> Century, titled “Further actions and initiatives to implement the Beijing Declaration and the Platform for Action” have been un-reservedly endorsed by India.

### 9. INITIATIVES FOR WOMEN EMPOWERMENT IN SIKKIM

Sikkim nestled in the Himalayan range; an erstwhile kingdom became 22<sup>nd</sup> state of India on 16<sup>th</sup> May 1975 has been strategically important to India due to her international boundaries on its three sides. Though land locked, she is currently popular with declaration as first organic state of the country and also considered amongst most progressing state as regard to her development in all spheres. According to Census 2011, the women in Sikkim constitute 47% of total population with 75.61% of female literary, 38.57% women participation in work force and sex ratio of 890, their socio-economic position is placed better than most of the other states. The women of the state actively participate in socio-economic, cultural, political and decision making activities. The Sikkim Legislative Assembly having 32 seats have seen representation of women MLAs as given in table below:-

**Table-1:** Statistics of MLA in Sikkim Legislative Assembly, a categorization by gender

General Election to Sikkim Legislative Assembly	Members of Legislative Assembly			% of women representation
	Male	Female	Total	
Year 1979	32	-	32	Nil
Year 1985	32	-	32	Nil
Year 1989	31	1	32	3.13%
Year 1994	31	1	32	3.13%
Year 1999	31	1	32	3.13%
Year 2004	29	3	32	9.34%
Year 2009	28	4	32	12.12%
Year 2014	29	3	32	9.34 %

**Source:** Office of the Chief Electoral Officer, Sikkim (compiled by author)

Consequent to 73<sup>rd</sup> and 74<sup>th</sup> Constitutional Amendment, 33% seats in Panchayati Raj Institutions (PRI) has been reserved for women in the state of Sikkim, which was increased to 40% and 50% respectively since general election held in 2007 and 2012. However, the actual representations of women In PRI are recorded higher than reservations in all these general election.

**Box-3:** Some quotation and statement on women by the Chief Minister of Sikkim

- (a) The objective of inclusive development cannot be achieved unless women are brought within the mainstream of the society.
  - (b) Sikkimese women, whose empowerment in every sphere is widely celebrated, also stands shoulder to shoulder with their male counterparts in the Panchayati Raj Institution. The reservation will provide women an equal opportunity and I am confident that they will use this opportunity to empower themselves besides shouldering equal responsibility and to work for comprehensive development of Sikkim.
  - (c) Women are part and parcel of human society, and thus, we advocate 50 percent partnership for women in society as part of our principle. Both men and women have equal rights and walk together.
  - (d) We have accorded equal respect to the better half of human society-the womenfolk. Together with economic, political, social, administrative and educational rights, it is our sincere intention to make women equal partners with men in all human activities and not lagged behind in any field.
  - (e) Protection of women’s’ rights is impossible unless women become responsible citizens.
- ..... by Shri Pawan Chamling*  
*Chief Minister, Sikkim*

**Source:** Perspectives and Vision, IPR Department, Govt. of Sikkim

The Government of Sikkim has established a Women and Child Development Division under the Department of Social Justice, Empowerment and Welfare thereby entrusted to deal with all matters related to women of the state. Besides, Sikkim State Commission for Women is also established in the state as per directives of Government of India. The state government has been regularly organizing training and sensitization programmes for Anganwadi workers, ASHAs, SABLA groups, Self Help Groups, etc having large number of women representation. Both the central and state government programmes and schemes are implemented for the welfare and empowerment of women including celebration of the International Women Day, National Women Day, World Breastfeeding Week, Nutrition Week, ICDS week, etc. In the interest and benefit of women of the state, the Government of Sikkim has made following provisions towards their welfare, development, advancement and empowerment.

- (a) 30% reservation for women in government employment.
- (b) 50% reservation for women in bodies of Local Self Governance
- (c) 30% reservation for women in higher education.
- (d) Grant of 6 months of maternity leave in Government and Private sector.
- (e) Grant of monthly pension for unmarried women above age of 45 years.
- (f) Right to inherit parental property.
- (g) Grant of government benefit in the name of the mother as head of household.
- (h) No objection and consent of wife mandatory in dealing of immovable property.
- (i) Establishment of Police Station with all women manpower.

Besides, the Sikkim Government has earned the distinction of appointing the first woman to senior positions like: Speaker of the State Assembly; Cabinet Minister; Secretaries in the State Administration; Chairperson of Sikkim State Commission for Women, Chairperson of Sikkim Public Service Commission, Zilla Adhyakshas and Upaadhyakshas in PRIs.

## **10. CONCLUSION**

Though adequate provision exists in the interests and benefits of women with ample efforts made through implementation of several projects, programmes and schemes along with policy documentation for the protection and advancement of women in different spheres, the gap has continued to remain between goal and situation of ground reality. This has been analyzed and highlighted in various reports of committee and plan documents of the governments. However, the fact on improvement in the status of women of the country in her socio-economic, cultural, political and professional life could not be ignored. Conversely, the governments have been able to protect the interests and benefits of women with legislative measures, progressive policies, programmes and schemes.

## **11. ACKNOWLEDGEMENT**

This researcher is immensely grateful to both the Central and State Governments, its autonomous organizations for making their various reports and vital information available in public domain through their respective websites, which could be easily accessed for references in the research studies. Whereas, the Acts and its review referred in this paper has been accessed from Government of India repository at <http://indiacode.nic.in/> and two other professional websites, namely <https://indiankanoon.org/> and <http://www.legalserviceindia.com>.

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