INDIAN SOCIETY

Civil Services Examination
# Indian Society

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Gender in Indian Society

2.1 Introduction

Indian Society has always revered women. In Hinduism, man and woman represent the two halves of the divine body. There is no question of superiority or inferiority between them. Hindu history witnessed many prodigious women, such as Gargi, Maitreyi and Sulabha, whose faculty of reasoning was far superior to that of ordinary mortals. Many female deities Saraswati, Durga, Laxmi, Kali etc., are worshipped across the country. According to the Mahabharat by cherishing the woman one virtually worships the goddess of prosperity.

On the darker side, the patriarchal system has continued since the time of Rig Veda. Customs and values were made by men to favour men. Women suffer this discrimination in silence.

Historically, the Indian woman has been made to adopt contradictory roles. The strength of a woman is evoked to ensure that women effectively play their traditional roles of nurturance as daughters, mothers, wives, and daughters-in-law. On the other hand, the stereotype of “a weak and helpless woman” is fostered to ensure complete dependence on the male sex.

2.2 Reform Movements: A Historical Account

Women’s movement is an important variant of social movement in the sense that it aims to bring changes in the institutional arrangements, values, customs and beliefs in the society that have subjugated women over the years. It is an important but neglected aspect of studies on social movements.

The women’s movement and organisation can be studied in two phases

Pre-Independence

Interestingly, early efforts at women’s liberation were set in motion by men. Social reformers such as Raja Ram Mohan Roy and Swami Dayanand Saraswati and related organisations such as Arya Samaj and Brahmo Samaj challenged the conventional subservience of women, stimulated widow remarriage and supported female education and impartiality in matters of religion, among other issues.

Similarly, the widow remarriage movement in the Bombay Presidency by Ranade and Jyotiba Phule, who simultaneously attacked caste and gender oppression. The social reform movement in Islam led by Sir Syed Ahmed Khan.

The deplorable and unjust treatment of the Hindu upper caste widows was a major issue taken up by the social reformers. Ranade used the writings of scholars such as Bishop Joseph Butler whose Analogies of Religion and Three Sermons on Human Nature dominated the moral philosophy syllabus of Bombay University in the 1860s. At the same time, M.G. Ranade’s writings entitled The Texts of the Hindu Law on the Lawfulness of the Remarriage of Widows and Vedic Authorities for Widow Marriage elaborated the shastric sanction for remarriage of widows.

While Ranade and Rammohun Roy belonged to upper caste and middle class social reformers like Jotiba Phule came from a socially excluded caste and his attack was directed against both caste and gender discrimination. He founded the Satyashodak Samaj with its primary emphasis on “truth seeking”. Phule’s first practical social reform efforts were to
aid the two groups considered lowest in traditional Brahmin culture: women and untouchables.

As in the case of other reformers, a similar trend of drawing upon both modern western ideas as well as the sacred texts characterised Sir Syed Ahmed Khan’s efforts to reform Muslim society. He wanted girls to be educated, but within the precincts of their homes. Like Dayanand Saraswati of the Arya Samaj, he stood for women’s education but sought for a curriculum that included instruction in religious principles, training in the arts of housekeeping, handicrafts and rearing of children. This may appear very stereotypical today. One has to however realise that once rights such as education for women were accepted it started a process that finally made it impossible to confine women to only some kinds of education.

The Bharata Mahila Parishad launched in 1905 under the aegis of the National Social Conference was one amongst the most prominent organisation which served as a ground for women to deliberate social issues.

Above initiatives significantly impacted the social status of women. But the above said movements suffered from a major inadequacy in that they were planned for restricted upper caste women and did not take up the cause of the huge masses of poor and working class women.

Another major development vis a vis women was in terms of their political participation. Women began openly demonstrating their opposition to colonialism by supporting civil disobedience actions and other forms of protest against the British. This gave them the much needed confidence and a chance to develop their leadership skills. For example, role of Sarojini Naidu during Civil disobedience Movement. Political awareness among women grew substantially. It was also realised that women’s issues could not be separated from the political environment of the country. During this period, the initial women’s organisations formed within the historical background of the social reform movement and the nationalist movement were as follows:

**Women’s India Association (WIA):** The WIA was founded by Margaret Cousins in Madras. While working closely with the theosophical society it encouraged non-sectarian religious activity and did credible work in promoting literacy, setting up shelters for widows and providing relief for disaster victims. Their role in the enactment and implementation of the Child Marriage Restraint Act - for raising the minimum age for marriage of women and the Sarada Bill - for abolishing the Devadasi system is well recognised.

**National Council of Women in India (NCWI):** This organisation was created by women in Mumbai, Chennai and Kolkata who capitalised on their networks developed during World War I work and created the NCWI in 1925.

**All India Women’s Conference (AIWC):** The most important of the women’s organisations of the time was the All India Women’s Conference. Though its initial efforts were directed towards improving female education, its scope later extended to include a host of women’s issues such as women’s franchise, inheritance rights, etc.

**Agrarian Struggles and Revolts**

It is often assumed that only middle class educated women are involved in social movements. Part of the struggle has been to remember the forgotten history of women’s participation. Women participated along with men in struggles and revolts originating in tribal and rural areas in the colonial period. The Tebhaga movement in Bengal, the Telangana arms struggle from the erstwhile Nizam’s rule, and the Warli tribal’s revolt against bondage in Maharashtra are some examples.

**Post-Independence**

In the post-independence period, the crusade of women organisation was not the same as during the pre-independence times. This was because the common enemy, the British were no longer there. Moreover, many of the women activists who were also involved in the nationalist movement got involved in the nation building task. Others cite the trauma of Partition responsible for the lull.

Some of the women leaders formally joined the Indian National Congress and took powerful position as Ministers, Governors and Ambassadors.

Newer organisations like the National Federation of Indian Women (1954), the Samajwadi Mahila Sabha (1959) were formed to work for supporting the cause of Indian women. It was now that the Indian women got an opportunity to participate in confrontational politics.
Women’s organizations now observed that there was an issue of implementation and consequently there was a pause in the women’s movement.

In the mid-1970s, there was a renewal of the women’s movement in India. Some call it the second phase of the Indian women’s movement. While many of the concerns remained the same that there were changes both in terms of organisational strategy, as well as, ideologies. There was the growth of what is termed as the autonomous women’s movements. The term ‘autonomy’ referred to the fact that they were ‘autonomous’ or independent from political parties as distinct from those women’s organisations that had links with political parties. It was felt that political parties tended to marginalise issues of women.

### Newsletters

The Feminist Network in English and Manushi in Hindi were some of the first women’s newsletters and magazines to appear. The issues that they raise were rape, wife-battering, divorce, maintenance and child custody along with legislative reforms.

**Swadhina:** Swadhina (Self-esteem Women) was formed in 1986. It is principally a civil society organization focused on Empowerment of women and Child Development based on Sustainable Development and Right Livelihood.

**All India Democratic Women’s Association:** It is a dominant independent left oriented women’s organisation committed to achieve democracy, equality and women’s emancipation. AIDWA was created in 1981 as a national level mass organisation of women.

Apart from organisational changes, there were new issues that were focussed upon. For instance, violence against women. Over the years, there have been numerous campaigns that have been taken up. You may have noticed that application for school forms have both father’s and mother’s names. This was not always true. Likewise, important legal changes have taken place thanks to the campaign by the women’s movement. Issues of land rights, employment have been fought alongside rights against sexual harassment and dowry.

There has been a recognition that while all women are in some way disadvantaged vis-a-vis men, all women do not suffer the same level or kind of discrimination. The concerns of the educated middle class woman is different from the peasant woman, just as the concern of the Dalit woman is different from the ‘upper caste’ woman. Let us take the example of violence. There has also been greater recognition that both men and women are constrained by the dominant gender identities. For instance, men in patriarchal societies feel they must be strong and successful. It is not, manly, to express oneself emotionally. A gender-just society would allow both men and women to be free. This of course

### Self Employed Women’s Association:

It was in Ahmedabad that the first attempt at a women’s trade union was made with the establishment of the Self Employed Women’s Association (SEWA) at the initiative of Ela Bhatt in 1972.

Major objective was to improve the condition of poor women who worked in the unorganized sector by providing training, technical aids and collective bargaining. SEWA has been a remarkable success.

### Nav Nirman Movement:

The movement, which initially started as a student’s movement in Gujarat against rising prices, black marketing and dishonesty in 1974, was soon joined by huge number of middle class women, who took the reins in their hand.

### Annapurna Mahila Mandal (AMM):

Another important movement was the AMM which works for welfare of women and the girl child. It conducts various activities that include educating women on topics of health, nutrition, mother and childcare, family planning, literacy and environmental sanitation.
rests on the idea that for true freedom to grow and develop, injustices of all kind have to end. The idea of gender-just society is based upon two important factors — educated women with multiple roles and improved sex ratio. Several programmes by the Government of India, Beti Bachao, Beti Padhao Yojana is an important effort in the actualisation of a gender-just society.

<table>
<thead>
<tr>
<th>Wife</th>
<th>Administrator and Leader of the Household</th>
<th>Manager of Family Income</th>
<th>Mother</th>
</tr>
</thead>
<tbody>
<tr>
<td>• She is the source of inspiration to man for high endeavour and achievements in life.</td>
<td>• She assigns duties among family members according to their interest and abilities.</td>
<td>• She responsibly secures maximum return from every penny spent.</td>
<td>• The whole burden of child bearing and child rearing task are carried out by the woman.</td>
</tr>
<tr>
<td>• She stands by him in all the crises.</td>
<td>• She plays a key role in the preparation and serving of meals, selection and care of clothing, laundering, furnishing and maintenance of the house.</td>
<td>• She distributes the income on different heads such as necessities, comforts and luxuries.</td>
<td>• She is primarily responsible for the child's habit of self-control, orderliness and so on.</td>
</tr>
<tr>
<td>• She shares with him all successes and attainments.</td>
<td>• She organizes various social functions in the family for social development.</td>
<td>• She uses waste products for productive purposes.</td>
<td>• She is the first teacher of the child.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>As a mother she is the family health officer and is concerned about the physical wellbeing of every member of the family.</td>
</tr>
</tbody>
</table>

2.3 Role of Women

Family and Society

Women are the key to sustainable development and quality of life in the family. The varieties of role the women assume in the family are those of wife, leader, administrator, manager of family income and last but not the least important the mother.

Women, once considered as a unit of the family organization have now become active participants in all walks of life. Women are now not only becoming a significant unit of the society but also influencing the course of social change in society and women’s organisations have played a facilitative role for the same.

The modern society has increasingly started recognizing the individual identity of women. She is believed to have her own aspirations, abilities and qualities similar to a man.

Polity

Women’s role in politics has been on the rise as more and more women are entering the political arena. The welfare policies which are being formed have been constructed keeping in mind the status of women and this is primarily due to increased participation of women in the politics.

Women have highlighted numerous issues affecting them, like their rights to property, to abortion, maternity benefits, agitation against violence such as dowry and rape, equal pay and so on.

Reform movements which are discussed earlier helped women to gain power in politics. After independence they have achieved an unprecedented political breakthrough with the reservation of seats for them in panchayats and other public bodies through the 73rd Amendment Act.

Indian women have also held positions in the higher echelons of administration both within India and abroad. Some notable women in politics include:

- UNO Secretary (Vijay Laxmi Pandit),
- Prime Minister (Indira Gandhi),
- Chief Minister (Sucheta Kriplani, Jayalalitha, Uma Bharati, Mayawati and Vasundhara Raje) and
- President (Pratibha Patil).

However, currently the women’s representation across both Lok Sabha and Rajya Sabha hasn’t crossed the 12% mark. In comparison, Sweden has 45 per cent seats occupied by women in parliament.
Even developing nation like Rwanda has 64% women in national legislature.

The demand for special concessions and privileges along with the reservation of posts in assemblies and parliament and other civic institutions are a few steps towards women empowerment in India. However, the bill for women reservation in parliament has been pending for more than 10 years.

### Gender Inequality Index

<table>
<thead>
<tr>
<th>Rank</th>
<th>Women in Parliament (%)</th>
<th>Participation in the Labour Force Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>52</td>
<td>Russia</td>
<td>14.5</td>
<td>56.6</td>
</tr>
<tr>
<td>92</td>
<td>Brazil</td>
<td>10.8</td>
<td>56.3</td>
</tr>
<tr>
<td>37</td>
<td>China</td>
<td>23.6</td>
<td>63.6</td>
</tr>
<tr>
<td>90</td>
<td>South Africa</td>
<td>41.2</td>
<td>46.2</td>
</tr>
<tr>
<td>125</td>
<td>India</td>
<td>12.2</td>
<td>26.8</td>
</tr>
</tbody>
</table>

*% of women 15 years and above

In media as well, women are actively taking part as is evident from the writings of many women writers (like Arundhati Roy) who have been acclaimed by the institutions of international repute. There are many women in the field of journalism which was previously dominated by men. Now, she blogs and networks using it for the freedom denied so far to voice her angst, express outrage and disapproval, fulfill the need for acceptance and approval.

Though the above changes signify positive gains from the point of view of equality for women, but the reality is beset with many problems and tensions. Dual responsibility of work on women is still a challenge. Working wives have to also conduct housework and care of children is still largely their task. The weekend for women is generally spent to catch up on unfinished and pending tasks of the household.

### Economy

Women play a substantial role in the economy by being housewives, working in the hospitality sectors, largest consumers in the market, working in informal sectors.

### Housewives

They are the largest workforce in the world, the most underpaid and receive undue ridicule. A woman purchases household goods which are not limited to food items, but clothing, accessories, and many daily use items as simple as a scrub to wash dishes. They are the dictators of large companies producing goods in manifold.

### Largest Consumers

Most shopping outlets are directed towards women. The irony is that women are the most overlooked consumer of the market, and the corporates which target female-consumers lack the female workforce within their company.

### Informal Sector

More women may be involved in ‘disguised’ wage work than in the formal labour force. It is estimated that over 90 per cent of women workers are involved in the informal sector. The informal sector includes jobs such as domestic servants, small traders, artisans, or labourers on a family farm.

### Agriculture

Women constitute about 65% of all agricultural workers and about 74% of the rural workforce. Yet, despite their hard labour in the field, women are not officially counted as farmers because they do not have a claim to land under their name in official records.

After understanding the above mentioned roles of women, it is clear that denying women opportunities to realise their potential is a waste of human capital and barrier to economic progress. This is reflective from the figures of GII and IHDI for India.

India’s growth can be more inclusive and equitable if women are adequately empowered.

### Inequality Adjusted Human Development Index

<table>
<thead>
<tr>
<th></th>
<th>Human Development Index (HDI)</th>
<th>Inequality Adjusted HDI</th>
<th>Overall Loss (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia</td>
<td>0.804</td>
<td>0.725</td>
<td>9.8</td>
</tr>
<tr>
<td>Brazil</td>
<td>0.754</td>
<td>0.561</td>
<td>25.6</td>
</tr>
<tr>
<td>China</td>
<td>0.738</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>South Africa</td>
<td>0.666</td>
<td>0.435</td>
<td>34.7</td>
</tr>
<tr>
<td>India</td>
<td>0.624</td>
<td>0.454</td>
<td>27.2</td>
</tr>
</tbody>
</table>

Source: UN Human Development Report 2016
Science and Technology

The arena of science and technology is commonly thought to be dominated by men but, the contributions of women scientists and academicians also stand out. Their contributions can be studied in the following three phases:

Ancient India

Leelavati: Leelavati was the daughter of great Mathematician Bhaskaracharya. She is also said to be a gifted mathematician and astrologer.

Pre-Independence

Kadambini Ganguly: She was not only one of the first female graduates of the British Empire but she was also the first female physician of South Asia to be trained in western medicine.

Anna Mani: She was the former Deputy Director General of the Indian Meteorological Department was an Indian physicist and meteorologist. She made significant contributions in the field of meteorological instrumentation.

Rajeswari Chatterjee: She is the first Woman Scientist to pioneer the Field of Microwave Engineering and Antennae Engineering in India. Around 60 years ago, she was the only woman as a faculty in the Indian Institute of Science.

Post-Independence

Dr. Indira Hinduja: She is the first Indian women who delivered a test tube baby on August 6, 1986. She is an Indian gynaecologist; obstetrician and infertility specialist based in Mumbai.

Kiran Mazumdar Shaw: She is the Chairman and Managing Director of Biocon Limited, a biotechnology company based at Bangalore. She is on the Forbes list of the world’s 100 most powerful women and in business list on top 50 women released by the Financial Times’.

Dr. Aditi Pant: She is an oceanographer by profession and is one of the first Indian woman to visit the icy continent Antarctic.

Dr. Suman Sahai: Dr Sahai is the brains and the brawn behind the patent campaign for Azadirachta indica (Neem) and Turmeric (Haldi). She believes that ‘nature’s technology can meet the needs of humanity’.

Kalpana Chawla: She was the first Indian-American astronaut and first Indian woman in space. She first flew on Space Shuttle Columbia in 1997 as a mission specialist and primary robotic arm operator. The NASA chief called her a “Terrific astronaut”.

The above list is not exhaustive and it must suffice to note that women too have contributed immensely to the field of science and technology.

Environment

In India, womenfolk all over the country, from ancient times to the present day, worship plants, trees, rivers, mountains, and animals.

A careful study of our traditional customs reveals that Indian women worship the elements of nature as part of their culture and sacrament.

Even nowadays, women are participating equally with men, especially in the matter of prevention of pollution and protection, preservation, and conservation of environment. This is reflected by the participation of women in various environmental movements starting from “Chipko Movement” to the “Narmada Bachao Andolan”.

Amrita Bai gave a start for the Chipko Movement in a small village of Khejri, a movement later revived by Bachni Devi and Gaura Devi of Uttar Pradesh, who snatched the axe from the wood cutters, restricted them from cutting the trees. Medha Patkar, a graduate in social sciences moved to live among the tribals of the Narmada Valley in the mid-1980s.

She played an important role in the formation of the Narmada Bachao Andolan. In a great confrontation between Narmada Bachao Andolan supporters and
pro-dam forces in 1991, her 21-day fast brought her close to death. These are very few examples of many, in which women have struggled for the conservation of environment.

Though women are actively taking part in the protection of environment, their participation in the formulation, planning, and execution of environmental policies still remains low.

**Eco-Feminism**

French feminist Francoise D. Eaubonne is credited with coining the word Eco-Feminism in 1974. She sought to describe the epic violence inflicted on women and nature as a result of male domination. This theory seeks to end all forms of oppression. Eco-feminism is the social movement that regards the oppression of women and nature as interconnected.

As women play a key role in dealing with air, water, soil, living creatures, and above all the environment as a whole, they are therefore very sensitive to the various forms of environmental pollutions. Such pollution becomes the cause for various diseases like food poisoning, bacterial, fungal, and viral attacks and several carcinogenic problems.

2.4 Participation in Work: A Critical Perspective

Defining the exact nature, scope and magnitude of women’s work remains a problem area because a good deal of women’s work is either invisible or is only partially accounted for in the workforce participation data.

Components of women’s work include housework, paid and unpaid work related to home-based craft activities, family enterprise or business and paid work outside home.

Women’s role as a housewife has already been discussed in previous section on women’s role in economic development.

As a child labourer also, a number of girls are working. Girls continue to provide free labour in home-based production. Studies on rural girl child labour show that she works nine hours a day providing goods and services, which keep her out of school. Girls are also employed in large numbers in carpet industry of Kashmir, in lock making in Aligarh, in gem polishing in Jaipur, in match industry in Sivakasi and in bidi rolling. Such work cuts them off from schooling, literacy, learning technical skills and improving their job prospects.

As paid workers, women work in fields, forests, mines, factories, offices, small scale and household industries. However, their options are limited as they are non-entrants or drop-outs from school. This is the prime reason for low levels of Female Labour Force Participation Rate in India. Another discrimination which women face as paid workers is the wage disparity.

**Low Labour Force Participation Rate**

As per the International Monetary Fund (IMF) working paper, India has one of the lowest female Labour Force Participation Rates (LFPR) among emerging markets and developing countries.

**Reasons for low LFPR are as follows:**

- **Increased Income of Men:** As men in the family start earning more income, women tend to cut back their work in the formal economy to concentrate more on household activities. Even progressive legislation like Maternity Benefit Act perpetuate the notion that child bearing is a primary responsibility of women.
- **Caste Factor:** In some communities, notably some upper castes, there may be a stigma attached to women working outside the home – especially if it involves work considered ‘menial’. Women are regarded as ‘izzat of the family’.
- **Patriarchy:** Patriarchal social structure which assigns lower value to women and this is reflected in the work that they do in the family and economy. This is manifested in local terms like ‘pativrata nari’.
- **Safety Challenges and Choice of Work:** Women don’t often find work they wish to do with the right amount of safety provisions. Say, sexual harassment at work. Especially in informal sector like brick kiln industry.
- **Lack of Infrastructure:** Lack of infrastructure, transportation, and child care facilities have also held women back For example, incidents like nirbhaya rape case deters women to step out from home especially in night.
Wage Disparity
In 2016, a Salary Index Report by online service provider Monster was released which highlights gender pay gap in India.
As per the findings of the report, the gender pay gap is as high as 27%.
- Gender pay gap was highest in manufacturing sector, close to 35 percent.
- IT services sector has a huge gender pay gap of 34 per cent.
The report also mentions the reasons for the wage disparity as:
- Career breaks of women due to parenthood duties and other socio-cultural factors.
- Lack of opportunities in male dominated sectors - Lack of involvement of women in male dominated sectors, say the armed forces.
- Care work by women is undervalued as it is seen as their natural attribute rather than a skill.
However, the situation is not all bleak, the recent announcement of Government of India (GoI) which allows women to occupy combat roles in all sections of its army, navy and air force, indicates a radical move towards gender parity.

2.5 Issues Concerning Women
It is ironical in India where women goddesses are worshipped that women are denied an independent identity and status. The Draft National Policy for women puts forth various issues prevalent with women through a life cycle approach. By life cycle approach, it analyses in detail, the issues faced by women starting from being a foetus to women in old age.

Female Foeticide and Infanticide
Infanticide refers to killing the infant soon after its birth and foeticide refers to killing it at the foetus stage. The former is common amongst caste groups such as the Kallars of Tamil Nadu. This is because a daughter is considered as a burden. There are lack of employment opportunities for a girl and dowry has to be given for her wedding.

Foetal killing is more prominent in urban areas and among people who have access to technology. Unfortunately, this technology is being misused by parents to select the sex of their child. Misuse of the sex determination test has been a crucial issue. Female foetuses are systematically aborted in North India and in Western India with the aid of Amniocentesis (a sex detection test) in order to avoid the future payment of dowry at the time of marriage. This is the prime reason for low levels of Child Sex Ratio in India.

Recent economic Survey highlighted the phenomenon of son meta-preference which involves parents adopting fertility “stopping rules” – having children until the desired number of sons are born. “This meta-preference leads naturally to the notional category of ‘unwanted’ girls which is estimated at over 21 million,” says the Survey. It gauged this meta-preference using an indicator called sex ratio of the last child (SRLC). Essentially, if a society prefers sons, that will manifest itself in the SRLC being heavily skewed in favour of boys.

Child Marriage
Women are traditionally regarded as dependent beings who would ultimately move from the father’s house to the husband’s house. This also explains why the parents are reluctant to send a girl to school. Thus, these social beliefs and prejudices underlie the preference for child marriage, especially among rural and backward communities.
Added to these above reasons is the loophole in our legislation, which while penalising the performance of child marriage on one hand, recognises such marriages as valid.

**Domestic Violence and Dowry Deaths**

Violence on women in the family in the form of wife-beating, ill-treatment, emotional torture, etc. have been considered as domestic violence and is prevalent in all classes of the society.

The extreme form of this violence on brides often leads to killing, known as ‘dowry deaths’, of the bride for dowry, a money received from the bride’s family at the time of marriage.

- Eve-teasing in colleges, public transport and other public places are rampant.
- There have been cases of gang rapes in colleges and incidents of acid throwing on young girls for defacing them in several parts of India. The December 16, 2013 Gang rape case shook the entire country and led to the amendment in the Criminal Act.
- Sexual harassment and abuse at the workplace is never/least reported for fear of losing employment.

**Me Too Movement**

The Me Too movement (or “#MeToo”, with local alternatives in other languages) is an international movement against sexual harassment and assault. #MeToo spread virally in October 2017 as a hashtag used on social media to help demonstrate the widespread prevalence of sexual assault and harassment, especially in the workplace. It followed soon after the public revelations of sexual misconduct allegations against Harvey Weinstein.

**Cybercrime**

The draft National Cyber Security Policy of 2016 recognises that the misuse of rapid advances in Information Technology (IT) and telephony has resulted in new and varied forms of sexual abuse such as cybercrimes and harassment of women through mobiles and internet. With the numerous advancement of internet, the crime using internet has also widened its roots in all directions. Cybercrime
is a global phenomenon and women are the soft targets of this new form of crime. Cybercrime against women is at alarming stage and it may pose as a major threat to the security of a person as a whole. The World Wide Web allows users to circulate content in the form of text, images, videos and sounds. The widespread circulation of such content is particularly harmful for women.

Various forms of cybercrimes that are specifically targeted at women include:

**Harassment via E-mails:** It is a common type of harassment. For example, sending of love letters in names or regular sending of embarrassing mails to one's mail box anonymously.

**Cyber Stalking:** Cyber Stalking is one of the most widespread net crimes in the modern world. The word “stalking” means “pursuing stealthily”. Cyber stalking can be used interchangeably with online harassment and online abuse. It involves invading the privacy by following a person's movements across the Internet. In Cyber Stalking, stalker access the victim’s personal information like name, family background, telephone numbers and daily routine of the victim and post them on the websites related to dating services with the name of victim. Recent incidents like a Delhi girl being duped for money by her facebook friends highlight the gravity of the situation.

**Cyber Pornography:** Cyber pornography is the other threat, especially to the female netizens. This would include pornographic websites, pornographic magazines produced using computers (to publish and print the material) and the Internet (to download and transmit pornographic pictures, photos, writings, etc.). It is quite widespread. For example, 2014, icloud leaks of Hollywood celebrity photos.

**Cyber Defamation:** This occurs when defamation takes place with the help of computers and /or the Internet. E.g. someone publishes defamatory matter about someone on a website or sends e-mails containing defamatory information to all person’s friends.

**Morphing:** Morphing is editing the original picture by unauthorised user or fake identity. It was observed that female’s pictures are downloaded from websites by fake users and again re-posted/uploaded on different websites by creating fake profiles after editing them.

**E-mail Spoofing:** A spoofed e-mail may be said to be one, which misrepresents its origin. It is often used to extract personal information from women and then the same info is used to blackmail or harass these women.

**Commodification and Objectification**
In a patriarchal setup, woman is often identified with her body and treated as an object of desire. This objectification of woman leads to commodification of female sexuality. Commodification is the process of attaching a material value to something that could not be previously limited by valuation. Thus many human attributes, culture, language, art, literature and even human body get commodified.

The commodification of woman’s sexuality begins with the subordination of women. Objectification of her sexuality undermines women’s identity as an individual. The ideas related to commodification and objectification are expressed in much more detail in the issue of prostitution.

A whole lot of indecent representation of women done through literature, media, paintings, etc. also constitutes commodification. For examples axe male perfume ad by women, item songs like ‘munnibadnam hui’ in hindi films etc. highlight this trend.

**Prostitution**
Prostitution devalues women’s dignity. It also becomes a source of stigma for women. Incidence of prostitution in particular is higher in urban areas as single male migration from rural areas is high.

The majority of these women/girls suffer from sexually transmitted diseases (STDs). It is found that many of them are victims of the Acquired Immune Deficiency Syndrome (AIDS). However, the women in prostitution are targeted as bearers of the AIDS virus rather than victims of it.

In 1986, the earlier Suppression of Immoral Trafficking in women and girls Act 1956 (SITA Act) was amended to prevent trafficking in prostitution and the new Immoral Traffic in Persons Prevention Act (ITPPA) was passed which had similar aims, objectives, logic and premises.
It is important to understand the factors propelling women to go for prostitution. It is mainly circumstantial, which gives rise to prostitutes and the problem of prostitution. Of the many situational compulsions, two stand out:

- **Social Reprobates:** This includes women who have been socially disowned, like widows, destitute and abandoned women, victims of deceit and cheating who were promised with marriage or were married and the person on whom they reposed faith sold them to a pimp or a brothel owner. For example, incidents like tribal girls from Jharkhand, Odisha are forced to join brothels. Also amongst social reprobates are women who have been discarded by their families, parents, husbands after becoming a victim of rape.

- **Economic Paupers:** The economically deprived women, in order to earn some money, e.g., Nepal earthquake led to surge in child trafficking.

**An analysis of ITPPA**

The ITPPA, came under criticism as it continues to be biased against the prostitute. The clauses penalising the prostitute are retained. Simultaneously, the client is not made an offender.

Further, it makes little sense to raise penal measures without making provisions for strengthening the implementation structure. The reasons which were responsible for the failure of SITA Act continue.

**Honour Killing**

Honour killing is the unlawful killing of a relative especially a girl or a woman by the members of his/her family for her actual or perceived morally or mentally unclean and impure behaviour, which is perceived to have brought dishonour upon the family or the community to which the family belongs.

Women in India are targeted for a number of reasons which includes refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce from an abusive husband, (allegedly)
committing adultery, choosing boyfriends, lovers or spouses outside of their family’s ethnic and/or religious community.

According to Home Minister of State’s statement in the parliament 251 cases of honour killings were registered by the police in the country in 2015.

**Discrimination**

**At Home**

Women in India face discrimination at every place and stage of life. Mostly they are discriminated at home due to preference to male members in food, clothing, education, freedom, among others.

Men get preference over women when it comes to nutrition. One major reason for the massive malnutrition problem in India is the fact that pregnant mothers do not get adequate supplementary nutrition. It is also usually the case that women eat at the last in households after serving the rest of the family members. In households with a limited food budget, or where there is no refrigerator to store leftover food, the person who eats last very often gets less or lower quality food.

Women alone, in most of the families, are responsible for all the household chores. In many families, living areas with inadequate basic services, they have to procure drinking water and firewood (if other sources of combustion are not available). This has a negative impact on their health.

Also, most Indian families have different standards of freedom granted to male and female members.

**At Workplace**

Women engaged in the formal sector face various kinds of discrimination, which includes:

- **Preference for Male Employees:** Quite often employers chose to hire a male candidate, when they have an option to choose from a male and female candidate with similar/qual qualifications, based on their notions of comfort of working with a male rather than a female.

- **Promotions and Job Classification:** Employers may not promote one employee over another based simply on gender. Secondly, if an employer is quick to change job classifications for men while allowing female employees doing the same work to remain in a lower job classification, this is an example of discriminatory employment practices.

- **Benefits and Pay:** Salary Index Report of online service provider Monster highlights gender pay gap in India. According to the report, Gender pay gap is as high as 27%.

- **Sexual Harassment:** Sexual harassment includes both direct and indirect sexual advances that create a hostile work environment for employees of both genders. In order to prevent such cases and protect women, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed. However, according to a FICCI-EY November 2015 report, 36% of Indian companies and 25% among MNCs are not compliant with the Sexual Harassment Act, 2013.

Such discriminations also play a role towards the low female labour force participation rates.

**Feminisation of Poverty**

When women experience poverty at rates that are disproportionately high in comparison to men, it is termed as feminisation of poverty. According to a UN report, of all the people in the world living in poverty, 70% are women. The World Health Organization considers extreme poverty to be the world’s most ruthless killer. The reasons for such high levels of poverty amongst women are as follows:

- **Mechanisation of Agriculture:** 70% of the women work in the agriculture and allied occupations. They work as supplementary and marginal workers. Women have lost their jobs due to mechanisation of agriculture and are forced to manage their families with inadequate food and other basic facilities. Inadequate access to education and high dropout rates.

- **Lack of Skill:** Greater modernisation of the industries has resulted in increasing demand for the skilled workers. But most of the women workers are unskilled. Thus they fail to get absorbed in industries. Even those women workers who were employed by the industries earlier are replaced by the skilled men workers instead of retaining them by upgrading their skill.

- **Lack of Employment Opportunities:** Women do not get enough alternative employment opportunities besides the unskilled labour.
• **Unavailability of Property Rights:** Women, in most cultures, do not enjoy right to paternal property, which usually is considered to be male prerogative.

It is unfortunate that the highly gendered nature of economic disparity remains largely unrecognized on a global stage.

**Feminisation of Agriculture**

With growing rural to urban migration by men, there is ‘feminisation’ of agriculture sector, with increasing number of women in multiple roles as cultivators, entrepreneurs, and labourers. Feminisation of agriculture has been observed in many parts of the country since the 1970s. Women’s share in the agricultural workforce has been rising during post-reform period. Between 1991 and 2001, the agricultural sector saw a decline in rural main workers from 183 million to 171 million but the reduction was more in case of males (11.7 million) as compared to female workers (0.5 million).

Women are involved in all aspects of agriculture, from crop selection to land preparation, to seed selection, planting, weeding, pest control, harvesting, crop storage, handling, marketing, and processing of agriculture produce. Almost all women in rural India today can be considered as ‘farmers’ in some sense, working as agricultural labour, unpaid workers in the family farm enterprise, or the combination of the two. Moreover, several farm activities traditionally carried out by men are also being undertaken by women as men are pulled away into higher paying employment. Thus, rural India is witnessing a process of feminisation of agriculture.

Going by the 2011 Census there has been ‘increased feminisation of agriculture’, with 24 per cent spike in the number of women agriculture labourers compared to previous 2001 census. But because of little recognition of their role in land and livestock management, women have largely remained invisible to the government in terms of agricultural policies, programmes and budgets.

**Factors Leading to Feminisation of Agriculture**

- **Poverty:** The state of poverty pushes the women members to work in the agricultural fields to supplement the income levels of the family.
- **Gender Wage Gap:** Men are paid more than women. When men can get more by working elsewhere, a low-income pursuit is left for women.
- **Male Migration:** Male migration from rural to urban areas have forced women to fill in for them in the agricultural fields.
- **Demand for Agricultural Labourers:** Traditional agriculture in India is labour intensive, and hence has a high level of demand for labourers. It is further intensified by the aforementioned rural to urban male migration.
- **Social Acceptance:** Agriculture has traditionally been an acceptable avenue of work for women in rural areas, otherwise infamous for many stigmas when it comes to women’s employability in workplaces.

**Triple Talaq**

There are three forms of talaq viz. Ahsan, Hasan and Talaq-e-Biddat (triple or instant talaq). Ahsan and Hasan are revocable. Biddat which means pronouncing divorces in one go by the husband is, however, irrevocable. Although, Biddat is considered ‘sinful’ yet it is permissible in Islamic law (Sharia).

Muslim Personal law gives absolute power to husband to dissolve the marriage at his will. However, the wife in a Muslim marriage can seek dissolution only if:
• It’s a divorce on mutual consent.
• Divorce by agreement on the wife’s giving some consideration to the husband;
• Divorce where the husband delegates.

Hence, it is clear that women are clearly not given an equal amount of decision making power in cases of pronouncing Talaq and are rather victims of the same.

The Supreme Court of India in August, 2017 in three to two majority banned the discriminatory and controversial practice, and held that triple Talaq “is not integral to religious practice and violates constitutional morality”. It also held that it violates the fundamental rights of Muslim women as it irrevocably ends marriage without any chance for reconciliation. The court referred to the fact that several Islamic countries like Pakistan do not allow triple Talaq.

**Temple Entry**

The issue of temple entry came into the limelight in 2016 especially when a group of women called the Bhumata Rangaragini Brigade tried to break the 400-year-old tradition of the Shani Shignapur Temple. The tradition barred women from entering its inner sanctum. As the issue got into the media, another tradition of Sabrimala Temple of Kerala came under criticism according to which women between the ages of 10 and 50 are not allowed to enter the temple, since they are in the menstrual age group.

Such instances have brought forth a debate between law and religion. While the ban violates the principle of equality guaranteed by the Constitution but customary rights allows respect of religious traditions and customs.

Fortunately, the issue was firmly dealt with by the Bombay High Court (for Shani Shignapur) and Supreme Court (for Sabrimala Temple). Bombay High Court observed that “No law prevents women from entering a place of worship and if men are allowed, then women too should be permitted”. Similarly, SC lambasted the Travancore Devaswom Board (board, which manages the popular Sabrimala Ayyappa Hindu temple in Kerala) for being unfair and for their stand on banning entry of women of menstruating age inside the temple. It was of the view that places of worship that deny or restrict women’s entry undermine the fight for gender equality and have no constitutional right to do so.

### 2.6 Constitutional and Statutory Provisions

Since independence, the parliament has taken multiple measures including constitutional provisions, statutory recourses and acts. Apart from this, various institutions have also been set up at both central and state level to ensure effective implementation of the mandated acts and provisions thereby.

**Constitutional**

**Article 14:** Equality before law for all irrespective of religion, race, caste, sex, place of birth or any of them.

**Article 15(1):** The State not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

**Article 15(3):** The State to make any special provision in favour of women and children.

**Article 16:** Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

**Article 39(a):** To promote 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.

**Article 39(d):** The State to direct its policy towards securing for men and women equally the right to an adequate means of livelihood (Article 39(a)); and equal pay for equal work for both men and women.
Article 42: The State to make provision for securing just and humane conditions of work and for maternity relief.

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.

Article 47: The State to raise the level of nutrition and the standard of living of its people.

Article 51(A)(e): 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.

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

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

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

Article 243T(4): 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.

Statutory

During the socio-religious reform movements of the 19th century, the movements for women's rights in India primarily centred around problems of child marriages, widowhood, sati, property rights for women and so on. In the post-Independence period many laws were enacted with the objective of improving the social status of women and ending discrimination and oppression against women.

Following are the list of laws:

1. Special Marriage Act 1954: The Sarda Act or Child Marriage Restraint Act introduced in 1929, fixed the age at marriage for girls to 15 years. This act was applicable to all the communities. It was later revised in 1954 when the Special Marriage Act was passed which fixed minimum age of marriage at 21 years for males and 18 years for females.

2. Ban on Polygamy: The Government of India banned the institution of polygamy where a man could take more than one wife at the same time for all the government servants.

3. Dowry Prohibition Act, 1961: The Dowry Prohibition Act, 1961 was amended in 1984 and again in 1986 to make the provision of this law more stringent. Under this law court now has powers to act on its own knowledge or on a complaint by any recognised welfare organisation. The offence has been made cognisable for the purpose of investigation.

(a) Additionally, the Indian Evidence Act has been amended to shift the burden of proof to the husband and his family where dowry is demanded and the bride dies within 7 years of the marriage otherwise than under normal circumstances.

(b) Anti-dowry cells are also established in some important urban centres to tackle this issue effectively.

4. Hindu Succession Act, 1956: Prior to the introduction of this act, the succession among Hindus was governed by Mitakshara and the
Dayabhaga Schools. This had relegated the position of women to being a dependent. The Act of 1956, brought radical changes in the pattern of succession. According to the Act, there shall be an equal share to daughter from property of father, while a widow has the right to inherit husband’s property. An amendment in this Act in 2005 enabled daughters to have equal share in ancestral properties.

5. Work, Remuneration and Maternity Benefits
   (a) Equal Remuneration Act, 1973: According to this act, men and women are to be paid equally for doing the same or similar work. This Act also forbids discrimination on the basis of sex at the time of recruitment and after.
   (b) Maternity Benefit Act, 1961 provides for the maternity leave to women working in the factories, mines, plantations and in the government and semi-government establishments.

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<tr>
<th>Maternity Benefit (Amendment) Act, 2017</th>
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<td>In line with recommendations of the 44th, 45th and 46th Session of Indian Labour Conference (ILC) and demands from various quarters, the Government has recently enacted the Maternity Benefit (Amendment) Act, 2017. Through this Amendment Act, following provisions have been added to the Maternity Benefit Act, 1961:</td>
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<td>(i) Maternity leave available to the working women to be increased from 12 weeks to 26 weeks for the first two children.</td>
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<td>(ii) Maternity leave for children beyond the first two will continue to be 12 weeks.</td>
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<td>(iii) Every establishment with more than 50 employees to provide for creche facilities for working mothers and such mothers will be permitted to make four visits during working hours to look after and feed the child in the creche.</td>
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<td>(iv) The employer may permit a woman to work from home if it is possible to do so.</td>
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6. Sati (Prevention) Act, 1987: This law declares the practice of sati unlawful. The Act also makes glorification of the practice of sati an offence and goes a long way in refuting the myth that sati is a manifestation of the glory of Hindu Women.

7. Amendment to the Criminal Law Act, 1983: This amendment gives legal recognition to the domestic violence by making cruelly inflicted by the husband or his relatives an offence.

8. Criminal Law (Amendment) Act, 2013: This amendment was passed after the horrific December 16 gang rape case in order to amend the CrPC. It had provisions for higher sentence for rape convicts, including life-term and death sentence.

9. Domestic Violence Act, 2005: The act seeks to determine domestic violence in all forms against women and make it a punishable offence. Ministry of statistics and program implementation (MoSPI) had released a report titled ‘Women and Men in India 2015’ which says that domestic violence shares highest share in crime against women.

10. Medical Termination of Pregnancy Act, 1971: Through the act, abortion was made legal if foetus is suffering from physical or mental abnormality, in case of rape and unwanted pregnancy within 12 weeks of gestation period and after 12th week, before 20th week if the pregnancy is harmful for the mother or the child born would be severely deformed.

2.7 Institutions

National Commission for Women (NCW)
The National Commission for Women was set up as statutory body in January 1992 under the National Commission for Women Act, 1990 to:

- Review the Constitutional and Legal safeguards for women;
- Recommend remedial legislative measures;
- Facilitate redressal of grievances and
- Advise the Government on all policy matters affecting women.

In keeping with its mandate the commission acted in suo-moto manner to provide speedy justice for the complainants.

It took up the issue of child marriage, reviewed laws such as Dowry prohibition Act, 1961, PC and PNDT (Pre-Conception and Pre-Natal Diagnostic Techniques) Act 1994, Indian Penal Code 1860 and the National Commission for Women Act, 1990 to make them more stringent and effective.
It organizes workshops / consultations, constituted expert committees on economic empowerment of women, conducted workshops / seminars for gender awareness and takes up publicity campaign against female foeticide, violence against women etc. in order to generate awareness in the society against these social evils.

2.8 National Policy for Women

The official policy for women was released in 2001 called the National Policy for Empowerment of Women (NPEW) by the Government of India. Nearly a decade and half has passed since the National Policy for the Empowerment of Women (NPEW), 2001 was formulated, which laid down a comprehensive progressive policy for the advancement, development and empowerment of women with appropriate policy prescriptions and strategies.

The Government released the draft National Policy on Women 2016. Now we shall discuss why was a new policy needed and the salient features of the draft policy.

Rationale

The concept of women empowerment has seen changes, from being recipients of welfare benefits to the need to engage them in the development process. It is necessary therefore, to reinforce the rights-based approach for creating an enabling environment in which women can enjoy their rights.

Several paradoxical trends have been observed in the past few years. The growing acknowledgement of gender rights and equality is juxtaposed against increase in reporting of various forms of violence against women such as rape, trafficking, dowry etc.

The new millennium and the dynamics of a rapidly changing global and national scenario have ushered in new facets of development and growth giving rise to complex socio-economic and cultural challenges for women in a society with deep rooted cultural and social beliefs about gender roles.

There is need therefore to formulate a new policy that can guide the transformative shift required for making gender rights a reality, addressing women’s issues in all its facets, capturing emerging challenges and ultimately positioning women as equal partners of sustained development progress that the country is experiencing presently.

Priority Areas

Health including Food Security and Nutrition:

Under this, the policy emphasises on a gender transformative health strategy which recognises women’s reproductive rights with shifts such as family planning focus from female sterilisation to male sterilisation.

- Traditional areas of focus have been reiterated such as Maternal and post-natal mortality will remain a priority to bring down the high rates of MMR and IMR.

- Apart from maternal health, the focus of other health problems of women including communicable and non-communicable diseases like cancer, cardiovascular disease, HIV/AIDS will be given prioritised attention with appropriate strategies and interventions.

Education:

Multiple issues pertaining to girls have been discussed which include and are not limited to Pre-School education at the Anganwadi Centres, increased enrolment and retention of adolescent girls in schools to be done through provision of functional girls’ toilets, and higher recruitment of women teachers, gender sensitization of the faculty and curriculum and content and so on.

Economy:

Efforts for assessment of the incidence of poverty by gender estimates will be done as household estimates do not provide gender poverty estimates.

Relation between gender and poverty dynamics will be addressed, for instance by increasing the participation of women in the workforce, recognizing women’s unpaid work in terms of economic and societal value, ensuring the rights of women to immovable property.

Governance and Decision Making:

Establish mechanisms to promote women’s presence in all the three branches of the government including the legislature, executive and judiciary.

- Quality of women’s representation will be improved through greater capacity building on aspects of decision making and women’s rights and legislations.

- Violence against women: Efforts to address all forms of violence against women will be continued with a holistic perspective through a life cycle approach in a continuum from the foetus to the
elderly starting from sex selective termination of pregnancy, denial of education, child marriage to violence faced by women in private sphere of home, public spaces and at workplace.

- It will identify and combat violence and abuse through a combination of laws, programs, and services with the support of diverse stakeholders.

**Enabling Environment:** Gender perspective in housing policies, planning of housing colonies and in the shelters both in rural and urban areas will be given a priority.

- Ensuring safe drinking water and sanitation will be considered critical for the health of women.
- Gender parity in the mass media i.e. print and electronic media, advertising world, film sector and new media will be promoted.
- Efforts will be made to provide affordable and improved conventional transport services on feeder roads and the potential for women’s group/community based low-cost transport schemes will be explored.

**Environment and Climate Change:** As women are highly affected by climate change, environmental degradation, distress migration and displacement in times of natural calamities, policies and programmes for environment, conservation and restoration will compulsorily incorporate gender concerns.

An integral part of this discourse will be to enable equitable ownership control and use of natural resources and secure the asset base of marginalised poor women to counter poverty and climate shocks.

**Implementation**

- In translating the policy framework, specific, achievable and effective strategies for implementation will be required to be made at the national, state and local government level, in PSUs, corporates, business, trade unions, NGOs and community based organizations.
- An inter-ministerial Action plan will be formulated with action points with respect to the policy prescriptions in the Policy document, where definitive targets, milestones activities, timelines (short term, medium term and long term) and outcome indicators will be given along with the Ministries/ departments responsible for implementing the actions.
- An inter-ministerial committee will be set up to periodically monitor the achievements and progress made under the Action plan.

2.9 Women Development

Development programs have often been criticized for ignoring gender roles and the impact it has on women. Acknowledging this reality, newer approaches emerged and there was a shift to integrate women into development programs in hopes of eradicating poverty and alleviating their low socio-economic status.

Various approaches were put forward to accomplish the same and of them three main approaches shall be discussed in brief. The three approaches include:

**Women in Development (WID)**

Women In Development (WID) evolved in the early 1970s from a liberal feminist framework. Its main purpose was to integrate women previously viewed as passive beneficiaries of any advancement into the development process. Back the development was only viewed in its economic sense. The approach therefore called for greater attention to women in development policy and practice.

The WID perspective marked an important corrective action highlighting the fact that women need to be actively involved in development as active agents if effective and efficient development is to be achieved. Under it, women’s subordination was seen in terms of their exclusion from the market sphere and consequent limited control over resources. Efforts like 73rd/74th constitutional amendment act, 33% target for women in MGNREGA highlight this approach.

This approach was essentially advocating for women’s access to increased resources for their development, but it was soon rejected as it was realised that existing social structures inevitably stood for women’s confinement into domestic chores and traditional roles and responsibilities conferred by the society.

**Women and Development (WAD)**

Women and Development school of thought was an outcome of a realization on part of the development practitioners and social scientists that women always have been an integral part of development process
in a global system of exploitation and inequality, and it is from this perspective that we need to examine why women had not benefited from the development strategies of the past decades.

The WAD approach acknowledges that not only women, but also men suffer and are adversely affected by the structure of the inequalities and exploitation within the international system. This approach therefore discourages a strict focus on the problems of women as both the sexes are disadvantaged within the oppressive global structures based on class and capital.

Henceforth, WAD school of thought assumed that women’s position will improve with more equitable international structures.

It must be noted that the WAD approach is not exactly an anti-thesis to the WID approach. Rather, it acknowledges the weakness in the WID approach and complements the WID approach by providing a suitable intervention.

Recent measures like RMNCHA+ include health concerns for both male and female.

**Gender and Development (GAD)**

Gender and Development criticizes WID approach blaming it for its limited scope. According to the supporters of GAD, WID contributes in a limited manner to improve women’s economic conditions, but overall neglects their social, economic and political empowerment vis-à-vis men.

2.10 Sex and Gender

Sex is a biological concept and in general refers to the anatomical and other biological differences between females and males. Such differences are determined at the moment of conception and develop in the womb and throughout childhood and adolescence.

Gender, however, is a social concept. It refers to the social and cultural differences a society assigns to people based on their sex. How a person thinks and behaves as a female or a male is not etched in stone by biology but rather is a result of how society expects the person to think and behave based on their sex.

2.11 Global Advocacy for Women

Global advocacy for women essentially refers to the efforts made by international organisation to give larger voice to issues faced by women.

**United Nations**

The UN Trust Fund to End Violence against Women is sounding a global call to prioritize efforts to end violence against women and girls.

It aims to:
- Raise awareness of violence against women and girls;
- Share knowledge of best practices and lessons learned to inform policy and programmes to prevent, address and end violence against women and girls;
- Mobilize sustainable resources to fund initiatives to prevent violence against women and girls;
- Ensure effective implementation of laws.

**World Bank**

The World Bank also contributed to this global advocacy by releasing a report called Voice and Agency: Empowering Women and Girls for Shared Prosperity in 2014. Through this report, the World Bank compiled data and studies about the challenges that women and girls face worldwide.

The report finds that education is key to advancing the role of women around the world.

Girls with little education are at greater risk of child marriage, domestic violence and poverty, which harms both them and their communities.
The key facts in the report include:

- Gender-based violence occurs globally, and often occurs within a woman’s own home. Domestic violence is widespread.
- Work choices are restricted for women because of laws or social norms.
- There is a widespread lack of reproductive and sexual rights, such as the inability to refuse sex with a partner.
- Teenagers in developing countries are more likely to get pregnant. Half of all teen pregnancies in the developing world occur in South Asia.
- Women do not have the same level of access to technology as their male peers.
- Property ownership increases the social status of women and thus their agency.
- Women’s groups and collective action build momentum for reform.

### 2.12 MDG and SDG: Goals for Women

There was only one target under Millennium Development Goal 3 (MDG 3): To eliminate gender disparity in primary and secondary education by 2005, and in all levels of education by 2015.

The Sustainable Development Goal, however, came up with a much more elaborated and targeted approach which is as follows. The SDGs seek to change the course of the 21st century, addressing key challenges such as poverty, inequality, and violence against women and girls.

Under the SDG 5: Achieve gender equality and empower all women and girls, following targets have been set:

- End all forms of discrimination against all women and girls everywhere.
- Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking, sexual and other types of exploitation.
- Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
- Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
- Ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
- Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
- Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
- Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.
- Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

### Health

Studies on hospital admissions and records have shown that men and boys get more medical care compared to women and girls. It is said that women and girls are taken to hospitals at much later stages of ill-health compared to men and boys.

### Maternal Mortality Ratio

Maternal Mortality Ratio (MMR) is defined as death of a woman from any cause related or aggravated by pregnancy while pregnant or within 42 days of termination of pregnancy. It is calculated as number of maternal deaths per 1 lakh live births during a given period.

The MDG 5 target was to reduce maternal mortality ratio (MMR) by three quarters between 1990 and 2015. This translates to reducing the MMR from 560 in 1990 to 140 in 2015. However, the MMR for India lies at 167 (2015).
The SDG target is much more ambitious as it aims at reducing the global MMR to less than 70 by 2030.

An Analysis
As per a recent global report of Lancet, India accounts for 15% of world’s maternal deaths as of 2015. According to this report, while the total number of global maternal deaths has almost halved since 1990, one-third maternal deaths in 2015 happened in India and Nigeria alone. Various socio-demographic factors are responsible for high MMR in India which include:

- Lack of Institutional delivery
- Lack of antenatal Care for women
- Deficient postnatal care
- Lack of health awareness among women
- Lack of awareness of location of health services

Literacy
In the post-independence period young women and girls are attaining higher education and entering male dominated fields. However, the overall literacy rates and the relative literacy rates are lower in comparison with male literacy rates.

The female literacy levels according to the 2011 census are 65.46% where the male literacy rate is over 80%. The literacy gap is definitely reducing but the gap is still on the higher side. Various factors responsible for the same are as under:

- High Dropout rates among girls.
- Preference to boys’ education over girls in families.
- Prevalence of Child marriage in India despite laws banning it.
- Lack of facilities for girl child in schools such as separate toilets deter parents and families from sending them to school.
- Lack of awareness about women education and its benefits to the family and society.

2.13 Government Schemes for Women
As per the Ministry of Women and Child Development, following schemes are being run by the government for women empowerment:

Gender Budgeting
A gender budget is not a separate budget for women. Gender budgets look at what the impact of the spending is on men and women and whether or not budgets respond to the needs of both women and men adequately.

The 1st Gender Budget Statement appeared in the Union Budget 2005-06. Ten states in India have introduced gender budgeting but the lack of a standardised nomenclature for the various schemes has made it difficult to replicate or assess them.

Beti Bachao Beti Padhao
The scheme which is a joint initiative of Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development has the following objectives:

- Prevent gender biased sex selective elimination.
- Ensure survival and protection of the girl child.
- Ensure education of the girl child.
- Focusses on challenging mind-sets and deep rooted patriarchy in the societal system.

The scheme aims to improve the Child Sex Ratio levels by enforcement of (PC and PNDT) Act, awareness and advocacy campaign and multi-sectoral action in select 100 districts which are low on child sex-ratio (CSR).
Sukanya Samridhi Yojana
Along with the Beti Bachao, Beti Padhao scheme, the government also launched the “Sukanya Samriddhi Account” programme. The scheme is a joint initiative of Ministry of Women and Child Development and Ministry of Finance.
It is a small saving scheme which motivate parents to open an account in the name of a girl child and for her welfare to deposit maximum of their savings upto the prescribed limits and to meet the requirement of higher education expense.

Janani Suraksha Yojana
This scheme, launched in 2005 aims to decrease the neo-natal and maternal deaths happening in the country by promoting institutional delivery of babies. This is a safe motherhood intervention under the National Rural Health Mission.
This would eventually also reduce the high rates of IMR and MMR.

Ujjwala
The scheme is being run by the Ministry of Women and Child Development. It is a comprehensive scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation.
For achieving the objective of the scheme, rehab centres have been set up which are provided financial support for providing basic amenities and shelter.

Rajiv Gandhi Scheme for Empowerment of Adolescent Girls
It is a centrally sponsored scheme aimed at all-round development of adolescent girls.
Introduced in the year 2010-11, it aims at making the girls ‘self-reliant’ by improving their health and nutrition status, promoting awareness about health, hygiene, nutrition, adolescent reproductive and sexual health, family and child care and facilitating access to public services through various interventions such as guidance and counselling and vocational training.

Swadhar
The scheme envisions a supportive institutional framework for woman who is a victim of difficult circumstances so that she could lead her life with dignity and conviction. It envisages that shelter, food, clothing, and health as well as economic and social security are assured for such women.

Support to Training and Employment Programme for Women (STEP)
The Government of India launched this scheme in 1986-87 with the aim of upgrading skills of women for self and wage employment. The target group includes the marginalized asset less rural women and urban poor. The funds are directly released to different NGOs and not to the State Governments.

Mahila Shakti Kendras (MSK)
Government of Indian launched Mahila Shakti Kendra scheme to empower rural women through community participation and to create an environment in which they realize their full potential.
It will provide an interface for rural women to approach the government for availing their entitlements also empowering them through training and capacity building.

Mahila Police Volunteers
The scheme is a joint initiative of Ministry of Women and Child Development and Ministry of Home Affairs.
It envisages creation of a link between the police authorities and the local communities in villages through police volunteers who will be women specially trained for this purpose.

Pradhan Mantri Matritva Vandana Yojana
Under the Ministry of Women and Child Development, the central government is implementing a centrally sponsored scheme namely, Pradhan Mantri Matritva Vandana Yojana (PMMVY), previously known as Indira Gandhi Matritva Sahyog Yojana (IGMSY) for pregnant and lactating women to improve their health and nutrition status to better enabling environment by providing cash incentives to pregnant and nursing mothers.
Currently, the beneficiaries are paid Rs. 6000 in two installments through bank accounts or post office accounts. All Government/PSUs (Central and State) employees are excluded from the scheme as they are entitled for paid maternity leave.

Critical Evaluation
A country where female foeticide is still high, evident in the low Child Sex Ratio (CSR) levels tells a disappointing story that despite the presence of development schemes, India is far behind in creating a harmonious and prosperous society.

Inefficient Implementation: Government fails at the implementation level. The reason of inefficiency can be attributed to improper monitoring, lack of accountability, corruption and misalignment of incentives. For example, Integrated Child Development Scheme failed in Bihar, MGNREGA in Maharashtra, Madhya Pradesh and Odisha, Mid-Day Meal in Madhya Pradesh.

Monitoring: Despite passing of multiple schemes, India’s child sex Ratio has fallen abysmally since 1991.

- In 2008, the United Progressive Alliance government launched the Dhan Lakshmi scheme, one of many similar conditional cash transfer initiatives that state governments across the country still run to improve the child sex ratio.
- Like most other schemes, it suffered from a lack of ground-level monitoring during implementation and has not been particularly effective.

Bureaucracy and Corruption: Many beneficiaries of the women empowerment schemes complained about bureaucratic hurdles in availing the cash incentives.

Poor families found it difficult to obtain the registrations and certificates of proof required to be submitted.

Scheme Formulation: This is another major lacuna in the current formulation procedure for schemes and policies as women aren’t given adequate representation in policy/scheme formulation. We have already discussed this in the low representation of women in the parliament.

Lack of Awareness: Beneficiaries of schemes are generally unaware of schemes like the 108 ambulance service and special nutritional supplementation programme. Just 5% women had used the 108 ambulance service to go to a health facility for delivery.

Success of Janani Suraksha Yojana (JSY)
However, the story of scheme implementation is not all grim as can be gauged from the success of the Janani Suraksha Yojana.

<table>
<thead>
<tr>
<th>Number of Janani Suraksha Yojana Beneficiaries</th>
<th>2005-06 to 2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-06</td>
<td>3,168,307</td>
</tr>
<tr>
<td>2006-07</td>
<td>7,328,301</td>
</tr>
<tr>
<td>2007-08</td>
<td>9,036,913</td>
</tr>
<tr>
<td>2008-09</td>
<td>10,078,275</td>
</tr>
<tr>
<td>2009-10</td>
<td>10,696,896</td>
</tr>
<tr>
<td>2010-11</td>
<td>10,937,383</td>
</tr>
</tbody>
</table>

Source: Lok Sabha

Based on analysis of the 60th and 71st round of NSSO data, JSY achieved a successful feat of 22% increase in women delivering in government hospitals between 2004 and 2014. Janani Suraksha Yojana has increased awareness among beneficiaries about maternal health (both pre- and ante-natal) and new born care.

For example, 87% beneficiaries knew about regular ante-natal check-ups and 40% beneficiaries (compared to 32% of non-beneficiaries) were better informed about the essential preparations required for a safe delivery.

Possible Remedies
The schemes can be tailor made as per the local conditions. There is a need of better coordination among centre and state governments and customized policies may work better than homogenous ones in some states.

There is a need of better coordination among private entities, community, civil society, NGOs and government in designing a public policy in order to improve the transparency, quality and effectiveness of a policy or scheme.
2.14 Women’s Organization

Self Help Groups (SHGs)

SHG are the democratic institution working on the principle of ‘one for all and all for one’ and the idea of women’s SHGs began 30 years ago in the 1980s with an aim to safeguard rural women. Women’s SHGs are alliances wherein women empower each other through support, education, encouragement and financial assistance to achieve their personal and professional goals for a better future. In other words they are ‘for the women, by the women and of the women’.

It generally consist of the poor village or tribal women who form a financial savings cooperative and are mostly supported by national, international NGOs and social work initiatives. Each member contributes a small monthly or biweekly fee set aside to be used as loans to members.

SHGs have been momentous in promoting economic growth for its members who were previously stuck in a cycle of poverty.

Benefits of SHGs

- **Entrepreneurship:** An analysis of SHGs of Jharkhand and Chhattisgarh Projects in India demonstrate SHGs abilities to promote financial independence among women by allowing them to participate in marketplace trade, become entrepreneurs and earn livelihoods.

- **Political Participation:** According to the Livelihood Improvement Project in the Himalayas, members of women’s SHGs were elected heads of 170 local governments out of the 669 in the region.

- **Healthcare:** Moreover, Self-Help Groups play an indispensable role in assisting poor rural women in receive lifesaving healthcare.

- **Education and Awareness:** SHGs also educate women regarding maternal, new-born and child health. Also, a greater percentage of women attend village nutrition days and ensure timely immunizations for their kids. SHGs educate women on the benefits of family planning, help them overcome societal constraints and space their pregnancies.

- **Community Development:** Besides enhancing women’s prospects, SHGs also promote community development through distribution of funds, resources and technical assistance.

2.15 Transgender

**Introduction**

The literal meaning of transgender is ‘beyond gender’. A transgender or trans-identified individual is a person whose gender identity, outward appearance
or gender expression transcends culturally defined categories of gender. Transgender people have existed in every culture, race, and class since the story of human life has been recorded.

Transgender community in India comprising of Hijras (Biological males but reject masculine identity), Eunuchs (a man who has been castrated), Kothis (Represent themselves as male), Aravanis (Woman wrapped in male body), Jogappas (Serve as servant of Goddess Renukha Devi), Shiv-Shakthis (Males but have feminine gender expressions) etc. have had a tumultuous history. From deification to damnation, they have been revered and feared by people who understood little about them. Eunuchs (or Hijras, as they are often called), a unique identity found primarily in the sub-continental area, have existed since 9th century BC.

History
The Vedas (1500 BC - 500 BC) describe individuals as belonging to one of three separate categories, according to one's nature or prakrti. These are also spelled out in the Kama Sutra (4th century AD) and elsewhere as pumsprakrtistri-prakrti (female-nature), and tritiya-prakrti (third nature). Various texts suggest that third sex individuals were well known in pre-modern India, and included male bodied or female-bodied people as well as intersexuals, and that they can often be recognized from childhood. A third sex is also discussed in ancient Hindu law, medicine, linguistics and astrology.

The foundational work of Hindu law, the Manu Smriti (200 BC - 200 AD) explains the biological origins of the three sexes: “A male child is produced by a greater quantity of male seed, a female child by the prevalence of the female; if both are equal, a third-sex child or boy and girl twins are produced; if either are weak or deficient in quantity, a failure of conception results. Indian linguist Patanjali’s work on Sanskrit grammar, the Mahabhaya (200 BC), states that Sanskrit’s three grammatical genders are derived from three natural genders. The earliest Tamil grammar, the Tolkappiyam (3rd century BC) also refers to hermaphrodites as a third “neuter” gender (in addition to a feminine category of unmasculine males). In Vedic astrology, the nine planets are each assigned to one of the three genders; the third gender, tritiya-prakrti, is associated with Mercury, Saturn and (in particular) Ketu. In the Puranas, there are also references to three kinds of devas of music and dance: apsaras (female), gandharvas (male) and kinnars (neuter).

Evolution

Ancient Period
There was historical evidence of recognition of “third sex” or persons not confirming to male or female gender in writings of ancient India. The concept of “tritiyaprakrti” or “napumsaka” had been an integral part of the Hindu mythology, folklore, epic and early Vedic and Puranic literatures. The term “napumsaka” had been used to denote the absence of procreative ability, presented by signifying difference from masculine and female markers. Thus, some of the early texts extensively dealt with issues of sexuality and the idea of third gender which was an established thought therein. In fact, the Jain text even mentions the concept of “psychological sex”, which emphasized the psychological make-up of an individual, distinct from their sexual characteristics.

Medieval Period
Hijras played role in the royal courts of the Islamic world, particularly in the Ottoman empires and the Mughal rule in the Medieval India. They rose to well-known positions as political advisors, administrators, generals as well as guardians of the harems. Hijras had free access to all spaces and sections of population, thereby playing a crucial role in the politics of empire building in the Mughal era.

British Period
In the beginning of the British period in Indian subcontinent Hijras used to accept protection and benefits by some Indian states through entry into the formal category of Hijra community. Further more, the benefits incorporated the provision of land, rights of food and smaller amount of money from agricultural households in exact area which were ultimately removed through British legislation as because the land was not inherited through blood relations.

Criminalization Under the Colonial Rule
Through the onset of colonial rule from the 18th century onwards, the situation changed drastically. In the
second half of the 19th century, the British colonial administration vigorously sought to criminalize the Hijra community and to deny them the civil rights. Hijras were considered to be separate caste or tribe in different parts of India by the colonial administration. The Criminal Tribes Act, 1871, included all Hijras who were concerned in kidnapping and castrating children and dressed like women to dance in public places. The punishment for such activities was up to two years of imprisonment and a fine or both. This pre-partition history influences the vulnerable circumstances of Hijras in this contemporary world.

**Post-Independence Period**

However, the Act was repealed in 1952 but its legacy continues and many local laws reflected the prejudicial attitudes against certain tribes, including against Hijras. Over a half a decade ago the Karnataka Police Act was amended in 2012 to “provide for registration and surveillance of Hijras who indulged in kidnapping of children, unnatural offences and offences of this nature” (Section 36A), in a similar vein to the Criminal Tribes Act, 1871.

**Contemporary Period**

According to Indian Census 2011, there are around 4.9 lakh transgender in the country. Of the total number of transgenders identified by the census, almost 55,000 are in the 0-6 population. However, transgender activists estimate the numbers to be six to seven times higher.

Over 66% of the population identified as third gender lives in rural areas, very close to the 69% of the overall population that lives in villages. The Census data also reveals that this community has low literacy levels, just 46 per cent transgenders are literate, compared to 74 per cent literacy in the general population.

The proportion of those working in the transgender community is also low (38%) compared to 46% in the general population. Only 65% of the total working population are main workers – those who find work for more than six months in the year – compared to 75% in the general population.

**Challenges and Status**

**Challenges**

Nowadays, the Transgenders are facing a number of challenges, which are discussed below:

- **Social Stigma:** The community and its members face social stigma, which has kept education and employment opportunities elusive from them. The stigma attached to them is so pervasive that they are rarely have public presence except for when they are sought after. Widespread prejudice means that it is often difficult for Hijras to find permanent homes - and they are often driven to live in communes on the fringes of society.

- **Discrimination and Harassment:** Transgender persons face discrimination in all walks of life except for birth of a child and blessing of newly wedded couples. The discrimination and harassment faced by them has been recognised by the Supreme Court of India in the Nalsa Case (discussed later).

- **Lack of Employment:** In wake of social stigma and in absence of employment and education opportunities transgenders are often forced to eke a life by begging, doing menial jobs, and, in some cases, sex work.

- **Lack of Education Opportunities:** Though the community comes under the “disadvantaged group” as defined in the Right to Education Act and is eligible for 25 per cent reservation under the economically weaker section (EWS) and disadvantaged student’s category for admission, they don’t get admissions under the reserved seats as mandated by the Act.

- **Criminalisation:** There have been instances of misuse of section 377 of IPC, which criminalises unnatural sex between two individuals, by police and other authorities against the transgenders.

**Status**

Discrimination and overt disdain continue in India and their social and economic condition is far from satisfactory. The above mentioned challenges determine the social, economic and political status of the Transgenders in India.

- **Social:** Transgenders are shunned by family and society alike. They are often excluded from effectively participating in social and cultural life. Moreover, their public presence is limited.

- **Political:** Though the Constitution of India, guarantees every citizen the right to be elected to public offices and law making bodies (both at the Centre and the States), very few transgender
persons have been elected to public offices (e.g. Shabnam Mausi was elected member of the Madhya Pradesh State Legislative Assembly from 1998 to 2003 and Madhu Bai Kinnar was elected mayor of Raigarh, in the state of Chhattisgarh in 2015) in the 70 years of country’s history.

- **Economic:** The economic status of transgenders continues to remain in dire straits (far from satisfactory). As recognised by Census of 2011, the number of working transgenders is far below general population. More often than not they are associated with begging and other types of menial jobs.

- **Educational:** No formal education for transgenders is popular in Indian context. The enrolment is significantly low and dropout rate at the primary and secondary level is still very high. Even if they are enrolled in an educational institute, they face harassment and are bullied every day and are asked to leave the school or they drop out on their own.

- **Health:** Transgenders have restricted access to health services. They are forced into sex work which puts them at the highest risk of contracting HIV as they agree to unprotected sexual intercourse because they fear rejection or they want to affirm their gender through sex. They are viewed as ‘vectors’ of HIV in the society.

The apex court also asked the states and the Centre to devise social welfare schemes for third gender community and run a public awareness campaign to erase social stigma. It made it compulsory for the states to construct special public toilets and departments to look into special medical issues of the third gender. Moreover, it also held them to be part and parcel of the society and asked the government to take steps to main stream them.

**Analysis:** While the ruling granted Hijras some political and economic rights - discrimination and ignorance still threaten their livelihoods. The judgement has spurred government measure for the transgenders and given a boost their rights.

### Possible Remedies

**At Family Level**

- The families must broaden their outlook towards transgender persons among them.
- Families must not discard or discriminate with their children for their sexual orientation.
- Families should provide transgender children opportunities for education and support them in all their endeavours in life.
- The process to fight the stigma and prejudices attached with the transgender persons must be at the family level.
- Families must not cave in to societal pressure and abandon their transgender children.

**At Societal Level**

- It is the duty of the society to create an inclusive environment where individuals with different orientation can live together.
- Societies must ensure that transgenders are not forced to live in separate communes, as witnessed quiet often.
- Transgenders should not be discriminated against and should be allowed to participate in social and cultural events as other members of the society.
- Transgenders should not be excluded from religious and other public places.
- People should not give untoward attention to transgenders in public.
- Transgenders should not be physically or verbally abused. Moreover, they should not be seen as objects of sexual gratification, leading to rapes.

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**Nalsa Case**

On the 15 April, 2014, the Supreme Court legalised the presence of transgender people in India, and allowed the legal creation of a “third gender” category in the National Legal Services Authority versus Union of India, nicknamed the Nalsa case. It recognised the right of transgender persons to adopt their self-identified gender as male, female or ‘third gender.’ It asked the Centre to treat transgenders as socially and economically backward. The apex court said that transgenders will be allowed admission in educational institutions and given employment on the basis that they belonged to the third gender category. The court took a narrow interpretation of the term “transgender” rather than the wider meaning which also includes gay men, lesbians, bisexuals and cross-genders within its scope. Thus, as per the Supreme court of India, the term includes only eunuchs and not other sections.
The society irrespective of gender orientation of people must treat everyone equally on the basis of humanity.

Awareness programmes must be organized at mass level to outreach public and this community.

Liberal credit facilities and financial assistance must be ensured to start up their career as an entrepreneur or businessman.

Separate policies related to health care must be framed and communicated in all private and public hospitals and clinics.

A comprehensive sex-education program should be incorporated in school curriculum and college syllabus to aware students at ground level.

**Steps Taken by Government**

The Supreme Court judgement and dissemination of the global ideologies of an inclusive society have together spur in various government schemes and measures. Some of the schemes are listed below:

**Recognition:** In 2009, India’s Election Commission took a first step by allowing transgenders to choose their gender as ‘other’ on ballot forms.

**Department of Social Security and Empowerment of Persons with Disabilities (SSEPD):** In July 2015, Odisha took a major leap forward in this direction by creating the Department of Social Security and Empowerment of Persons with Disabilities (SSEPD). This Department will handle matters related to the rights of transgender persons. It has drafted a proposal for recognition of transgenders in Odisha and for providing them with certificates that identify them as third gender. It will implement five sub-schemes, sponsored by the Central Government, for the welfare of transgender persons. As part of the scheme, transgender students will get pre-matric and post-matric scholarships. Transgender persons will be provided assistance with skill development training. Other sub-schemes include provision of assistance to parents of transgender children and national pension scheme for transgender persons.

**Right to Food:** In September 2015, the Odisha government took steps to extend the benefits of National Food Security Act, 2013 to transgender persons.

Further, the Odisha government recently announced that transgender persons would be provided with the same social welfare benefits as people below the poverty line under various schemes.
Pension Scheme: Andhra Pradesh government has approved a monthly pension scheme of Rs. 1500 for transgenders above 18 years of age in the state.

Transgender Persons (Protection of Rights) Bill, 2016
The Central government in 2016 introduced a bill in the Lok Sabha to protect the rights of transgenders. The salient features of the bill are as follows:

- The Bill defines a transgender person as one who is partly female or male; or a combination of female and male; or neither female nor male. In addition, the person’s gender must not match the gender assigned at birth, and includes trans-men, trans-women, persons with intersex variations and gender-queers.
- A transgender person must obtain a certificate of identity as proof of recognition of identity as a transgender person and to invoke rights under the Bill.
- Such a certificate would be granted by the District Magistrate on the recommendation of a Screening Committee. The Committee would comprise a medical officer, a psychologist or psychiatrist, a district welfare officer, a government official, and a transgender person.
- It prohibits discrimination against a transgender person in areas such as education, employment, and healthcare. It directs the central and state governments to provide welfare schemes in these areas.
- Offences like compelling a transgender person to beg, denial of access to a public place, physical and sexual abuse, etc. would attract up to two years’ imprisonment and a fine.

Analysis
- Although the bill recognises the right of transgender person to “self-perceived” gender identity, it does not make any provision for the enforcement of such a right. A District Screening Committee would issue a certificate of identity to recognise transgender persons.
- The definition of ‘transgender persons’ in the Bill is at variance with the definitions recognised by international bodies and experts in India.
- Moreover, though the Bill includes terms like ‘trans-men’, ‘trans-women’, persons with ‘intersex variations’ and ‘gender-queers’ in its definition of transgender persons, it does not define them.
- The bill also fails to clear the ambiguity how certain laws, currently in force, which recognises only male or female as gender would apply to the members of the transgender community.