

## **"Gender Sensitive Legislative Legislation and Policies in India"**

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India has witnessed wide gender inequality from its early history mainly due to its socio – economic and religious practices, which has resulted in a wide gap between the position of men and women in the society. After the independence in 1947 the Government has attempted to formulate several programs and policies including legislation to correct this historical error in India. In spite of that there still exist a glaring imbalance in women representation in various walks of life.

The constitution of India ensures gender equality in its preamble as fundamental right but also empowers the state to adopt measures of positive discrimination in favour of women by way of legislation and policies. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women such as ratification of convention on elimination of all forms of discrimination Against Women (CEDAW) in 1993. However there still exist a wide gap between the goals enunciated in the constitution, legislation, policies, plans, programmes and the reality of the status of women in India.

India has recently announced the National Policy for Empowerment of Women in 2001 with the following goal and objectives in Article 1.11: e.g.,

The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy will be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals. Specifically, the objectives of this Policy include: e.g.,

- (i) Creating an environment through positive economic and social policies for full development of women to enable them to realize

their full potential.

(ii) The *de-jure* and *de-facto* enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil.

(iii) Equal access to participation and decision making of women in social, political and economic life of the nation.

(iv) Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.

(v) Strengthening legal systems aimed at elimination of all forms of discrimination against women.

(vi) Changing societal attitudes and community practices by active participation and involvement of both men and women.

(vii) Mainstreaming a gender perspective in the development process.

(viii) Elimination of discrimination and all forms of violence against women and the girl child; and

(ix) Building and strengthening partnerships with civil society, particularly women's organizations.

The Government of India has drawn up a draft National Policy for the empowerment of women, which is a policy statement outlining the legal, institutional and programmatic response of the state to problems of gender discrimination. This policy makes the review of all existing laws to be gender sensitive.

The judiciary in India also has come in favor of women's issues striking down

rules and regulations placing restriction on employment of married women or required unmarried women to resign on marriage.

The Finance Minister of India has announced that the year 2001 will be observed as Women Empowerment Year. He also announced setting up of a task force to chalkout specific programmes for observing the year 2001 as Women Empowerment Year. The announcement has been made in the context of an urgent need for improving the access of women to national resources and for ensuring their rightful place in the mainstream of economic development. The government is committed to improve the status of women in India and towards this end apart from the constitutional guarantee, several schemes and programmes have been planned and executed from time to time, the objective of the women's empowerment year is to create large scale awareness with the active participation of women themselves. The programme to be taken up for the women's empowerment year *inter alia* include the followings but not limited to: e.g.,

1. Establishing Technological Park for women
2. National Assessment for on women friendly technology on drudgery reduction, tools and implements and income generation for women.
3. Exhibition on women in scienc.
4. Women in Information Technology.

Likewise, India has enacted several gender sensitive legislation, followings are some of the work-related legislation for women.

#### Protective Legal Provisions<sup>1</sup> in India

S. No.	Name of Enactment	Protective Provisions
1	The Beedi & Cigar Workers (Condition of Employment Act, 1966)	- Provision of crèches for the benefit of women workers
2	The Plantation Labour Act, 1951	- Women workers to be provided time off for feeding children.
3	The Contract Labour (Regulation	- Not to be required to work beyond 9 hours between 6

<sup>1</sup> CONVENTION ON ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW), INDIA'S FIRST REPORT, at <http://wcd.nic.in/CEDAW4.htm>

	& Abolition) Act, 1970	AM and 7 PM - with the exception of mid-wives and nurses in plantations.
4	The Inter State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979	- Separate toilets and washing facilities to be provided.
5	The Factories Act, 1948	- In factories, women not to be engaged for cleaning, lubricating or adjusting an part of prime or transmission machinery; maternity leave upto 12 weeks with wages to be provided.
6	The Mines Act, 1952	- Employment in mines below ground prohibited.
7	Maternity Benefit Act, 1961	- Maternity benefits to be provided on completion of 80 days working. - Not required to work during six weeks immediately following the day of delivery or miscarriage. - No work of arduous nature; long hours of standing likely to interfere with pregnancy/normal development of foetus; or which may cause miscarriage or is likely to affect health to be given for a period of one month immediately preceeding the period of six weeks before delivery. - On medical certificate, advance maternity benefit to be allowed - Rs. 250/- as medical bonus to be given when no pre-natal confinement and post natal care is provided free of charge
8	Equal Remuneration Act, 1976	- Payment of equal remuneration to men and women workers for same or similar nature of work protected under the Act. - No discrimination permissible in recruitment and service conditions except where employment of women is prohibited or restricted by or under any law.
9	Employees' State Insurance (General) Regulation, 1950	- Claim for maternity benefit becomes due on the date the medical certificate is issued for miscarriage, sickness arriving out of pregnancy, confinement or premature birth of child.
10	Beedi Workers Welfare Fund Act, 1976	
11	Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act 1976.	
12	Lime Stone and Dolomite Mines Labour Welfare Fund Act, 1972.	- Appointment of a women member in Advisory Committee and Central Advisory Committee is mandatory under these Acts.
13	Mica Mines Labour Welfare Fund Act, 1946.	

In conclusion, these protective gender-sensitive legal measures should be extended to the ICT sectors and reflected in ICT policies from national, regional to international levels.