

## Protective Discrimination and Women

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“A woman feels as keenly, thinks as clearly, as a man. She in her sphere does work as useful as man does in his. She has as much right to her freedom-to develop her personality to the full-as a man. When she marries, she does not become the husband’s servant but his equal partner. If his work is more important in the life of the community, hers is more important in the life of the family. Neither can do without the other. Neither is above the other or under the other. They are equals.”<sup>3</sup>

----Lord Denning.

### I. Introduction:

Both men and women are important components of the society and their mutual understanding and cooperation contribute equally to guide the activities of the world. But it is the most unfortunate that women have suffered inferior position to men in almost all societies of world. The status of women in the family and society at large was no better than those of slaves and has been treated like ordinary chattels-incapable of enjoying any rights as human beings. They were condemned to perpetual subjugation to their fathers, husbands and guardians. Under the old Christian law, the woman was not even considered a ‘person’. Thus, she had no right of a human being such as she could not join a college, she could not be enrolled as a medical practitioner or a lawyer for the same reason. Until the eighteenth century, she did not have any right to vote in the Christian countries. It means in the ancient law of the Christian countries, women laboured under various disabilities and also their participation in civil life, in the work force, in the industries, in the education and administration was minimal. The movement is generally said to have begun in the 18<sup>th</sup> century as people increasingly came to believe that women were treated unfairly under the law. The feminist movement is rooted in the West and especially in the reform movement of the 19<sup>th</sup> century with a call for female suffrage.

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<sup>3</sup> Lord Denning. *The Due Process of Law*. London: Butterworths, 1980. 194-95.

The organized movement is dated from the first women's rights convention (Declaration of Independence) at Seneca Falls, New York, in 1848. This document was a bill of rights for women including the right to vote. In the same way, in Arab and Islamic world, feminist faced very different challenges. In Muslim countries, the participation of the woman in different spheres of civil life was insignificant.<sup>4</sup> She still has no right to vote in these countries.

United Nations commitments to the advancement of women began with the signing of the UN Charter in San Francisco in 1945. On 20 December 1952, the Convention on the Political Rights of Women, drafted by the Commission on the Status of Women, was adopted by the General Assembly. It was the first international law instrument to recognize and protect the political rights of women everywhere by spelling out that women were entitled to vote in any election, run for election to any office, and hold any public office or exercise any public function under national law. In order to promote the participation of women in development, a number of declarations and conventions like, Declarations on the Elimination of Discrimination against Women in 1963,<sup>5</sup> the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979, the Beijing Declaration and the Platform of Action in 1995 were drafted and adopted by the United Nations Organization for securing equality of women with men in law and in practice. However, still the condition of women is critical and underdeveloped in the whole world particularly in South Asia and in India.

Now, it is high time to analyze the whole position of women in **India** also. In India women have a long history of suffering and exploitation. The women remained victims of violent actions and also they had to suffer various types of discrimination, exploitation and torture- both physical and mental not only in the men's society but also within the four walls of the family thereby disturbing the equilibrium in our society.

In ancient India, the woman enjoyed equal status with men in all spheres of the life. Hymn XXI of the Rig-Veda extols the virtues of woman even greater than that of man. The description of the God's head as half of man and half of woman in the concept of Ardhanari-Swara itself depicts the story of the equality of woman in the Vedic period. The Shakti-cult is also centered on destructive strength and superiority of the woman. But the status of women began to decline with the Smritis especially Manusmriti. According to Manu:

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<sup>4</sup> Chaudhary, VKS. *The Ivory Tower 51 years of the Supreme Court of India*. Delhi: Universal Law Publishing Co. Pvt. Ltd, 2000. 267.

<sup>5</sup> *The United Nations and the Advancement of Women*, op. cit., p. 29.

*“The woman does not deserve independence.”*

Smriti period also clamped down the freedom of woman which could be found out in his famous dictum such as;

*“.....A women must be her father’s shadow in childhood,  
her husband’s in her Youth and her son’s in her old age.”*

When Muslims invaded India, the situation changed for the worst during the eleventh century. During that period, the woman folk was forcibly taken away and sold like chattels in the markets outside India. Therefore, the eleventh century could be termed as the darkest age, where after the woman never acquired freedom and equality of the Vedic-age. The condition of the women was also in the sorry state of affairs at the dawn of the British rule. The British believed in the policy of least interference in the religious sentiments of the natives. As a result, the social reform of the women retarded for another century until the attainment of the freedom. Dr. Rabindranath Tagore, one of the India’s greatest poets has shown the pains and inequality of the situation more than half a century ago in these words:

*“O lord why have you not given women the  
right to conquer her destiny?  
Why does she have to wait head bowed?  
By the roadside, waiting with tired patience,  
Hoping for a miracle in the morrow?”*

The movement for emancipation of women and bettering their status in the social hierarchy picked up momentum in the twentieth century. The Constitution framers of India tried to infuse a new confidence in women folk by providing special provisions for them which worked like a catalyst for the revolution against the misogynous attitude of the society. The Constitution of India is a National Charter for abolishing injustice and inequalities in respect of women who remained in abject slavery, suffered perpetual discrimination and age old injustice. No other Constitution of the world is so much sensitive to gender justice as the Indian Constitution. The major concern of the Constitution makers was to ensure equality. There are different weaker sections of the people in our country and the General Clause of equality in the Constitution would not have served this purpose. So, special Constitutional protection was necessary for the weaker sections of the society. The framers of the Constitution were well aware of the unequal treatment meted out to the fairer sex from the time immemorial. Therefore, the Constitution of India not only guarantees equality before law and equal protection of law to women but also confers certain affirmative and protective rights upon them. To secure to all the citizens of India equality of status and opportunity and to bring the women at par with men in every possible respect, our Constitution authorizes preferential treatment in favor of the women by way of protective discrimination.

Protective discrimination is the policy of granting special privileges to the downtrodden and the underprivileged weaker sections of society, most commonly women. These are affirmative action programs and its practice is most prominent in India, where it has been enshrined in the Constitution and institutionalized. In consonance with the Constitutional scheme, the **Preamble** promise of providing equality of status and opportunity has been concretized and clothed with flesh and blood by the provisions of Articles 14, 15 and 16. Articles 14, 15 and 16 of the Indian Constitution constitute a code dealing with the goal of equality. Article 14 guarantees the principle of equality in general terms and this is exemplified and particularized in Articles 15 and 16. The concept of protective discrimination is embodied in Article 15(3). The concept of protective discrimination in its very nature is an exception to the general rule of equality as enshrined under Article 14. But protective discrimination cannot be allowed to operate in such manner as to substantially destroy the fundamental concept of equality.

## **II. Provisions for Women under the Indian Constitution:**

In the **preamble** of the Indian Constitution, in the Fundamental Rights, Fundamental Duties and in the Directives Principles, the provisions of gender equality are enshrined in the Constitution of India. In the following provisions of the Constitution of India, reference to equality between men and women can be found:

Part III of the Indian Constitution guarantees the Fundamental Rights of men and women.

**II. I.** Article 14<sup>6</sup> guarantees the right to equality.

**II. II.** Article 15 states that there shall be no discrimination on the ground of religion, race, sex or place of birth.

**II. III.** Article 15(3) empowers the State to make special provisions for women and children.

**II. IV.** Article 16 confers the right of equality of opportunity in the matters of public employment.

**II. V.** Article 21<sup>7</sup> protects life and personal liberty.

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<sup>6</sup> Article 14 of Indian Constitution provides that the State shall not deny to any person equality before law or the equal protection of the laws within the territory of India.

<sup>7</sup> Article 21 of Indian Constitution states, no person shall be deprived of his life or personal liberty except according to procedure established by law.

**II. VI.** Article 23 guarantees right against exploitation and trafficking in human beings.

Part IV of the Constitution deals with the Directives Principles of State Policy and the Directive Principles which are of the concern for the women directly and bear upon their status are:

**II. VII.** Article 39(a)— Right to an adequate means of livelihood equally for men and women.

**II. VIII.** Article 39(d)—Equal pay for equal work for both men and women.

**II. IX.** Article 39(e)<sup>8</sup>— Protection of health and strength of men and women workers and children.

**II. X.** Article 42— Provision for just and human conditions of work and maternity relief.

**II. XI.** Article 51(A) (e)<sup>9</sup> of Fundamental Duties imposes a duty on every citizen of India to renounce practices derogatory to the dignity of women. This was inserted by 42<sup>nd</sup> Amendment to the Constitution of India.

**II. XII.** Article 243— The Constitution (73<sup>rd</sup> Amendment Act 1992) envisaged the reservation of seats for women in Panchayats. This amendment was made in order to improve the position of women especially at the village level and thus, providing an opportunity to women in the political field.<sup>10</sup>

**II. XIII.** Article 325— Guarantees the right to vote to all the citizens irrespective of sex.

In addition to this, Part IX- A has been added to the Constitution by the Constitution (74<sup>th</sup> Amendment) Act, 1992. It provides for the setting up of three types of Municipal Corporations. Of the total seats (including the

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<sup>8</sup> Article 39(e) of Indian Constitution provides that the strength of workers, men and women and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

<sup>9</sup> Article 51(A)(e) of Indian Constitution states to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religions, linguistic and sectional diversities, to renounce practices derogatory to the dignity of women.

<sup>10</sup> It is appropriate to mention here that many statutes have been enacted by the Indian Parliament so as to make the participation of women in administrative, judicial and political field. The Legal Services Authorities Act, 1987, The Consumer Protection Act, 1986, The Protection of Human Rights Act, 1993.

seats reserved for women belonging to Scheduled Castes and Scheduled Tribes) to be filled by direct election in every Municipality, not less than one-third shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.<sup>11</sup> In 2009, the Union Cabinet approved for moving a Constitutional Amendment Bill for enhancing reservation for women in Panchayats at all tiers from one third to at least 50%. The provision will apply to the total number of seats filled by direct election, offices of chairpersons and seats and offices of chairpersons reserved for Scheduled Castes and Scheduled Tribes.<sup>12</sup>

So, these Fundamental Rights and Directive Principles of our Constitution have made extensive safeguards in favor of women. According to Granville Austin,

*“Fundamental Rights and the Directive Principles are the conscience of our Constitution.”*<sup>13</sup>

India has also ratified various international conventions and human rights instruments committing to secure equal rights of women including the Convention on Elimination of All Forms of Discrimination against Women in 1993.

The Indian Parliament has also enacted variety of statutes dealing with the problems of women in the light of various international and regional agreements. A number of the important legislations are enacted for safeguarding the interests of women before<sup>14</sup> as well as after<sup>15</sup> independence.

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<sup>11</sup> Kumar, Narender. Constitutional Law of India. Faridabad: Allahabad Law Agency, 2004. 620.

<sup>12</sup> Bharti Chhibber, Empowerment of women 50 per cent quota in panchayats a major step, The Tribune, Chandigarh, India, September 2, 2009.

<sup>13</sup> Austin, Granville. Cornerstone of a Nation (Indian Constitution), p. 75, as quoted by J.S. Pandey (2004) : Constitutional Law of India, Allahabad : Central Law Agency, p. 350.

<sup>14</sup> Regulation No. XXI of 1795 and Regulation No. III of 1804, Bengal Sati Regulation No. XVII of 1829, The Hindu Widow's Remarriage Act 1859, The Hindu Penal Code, 1860, The Converts Marriage Dissolution Act, 1866, The Indian Divorce Act, 1869, The Married Women's Property Act, 1874, The Power of Attorney Act, 1882, The Civil Procedure Act, 1908, The Legal Practitioners (Women) Amendment Act, 1923, The Indian Succession Act, 1925, The Child Marriage Restraint Act, 1929, The Bombay Prevention of Hindu Bigamous Marriage Act, 1946.

<sup>15</sup> The Factories Act, 1948, The Special Marriage Act, 1954, The Hindu Marriage Act, 1955.

The Hindu Succession Act, 1956. The Hindu Adoption and Maintenance Act, 1956, The Suppression of Immoral Traffic in Women and Girls Act, 1956, The Hindu Minority and Guardianship Act, 1956, The Dowry Prohibition Act, 1961, The Maternity Benefit Act, 1961, The Medical Termination of Pregnancy Act,

In 1992, the National Commission for Women was set up in order to achieve the objective of empowerment of women and it was a land mark achievement in the social development providing a platform for actualizing aspirations of the nation for sustained development with gender equality.

Though our Constitution and various other legislative enactments and different commission for women have made a number of efforts for the achievement of the objective of gender equality, yet in actual practice, due rights are denied to women and they continue to be the victims of male domination.<sup>16</sup> Violations of the rights of the women continue in practice. The women are lacking in position and power and are over represented amongst the poor. Gender inequalities hurt the interests not only of the girls and grown-up women, but also of boys and men, through biological connections (such as childhood undernourishment and cardiovascular diseases at later ages) and through societal connections (including in politics and in economic and social diseases at later ages). Even then the position of the women is still pitiable in certain areas; it is also true that a woman has, even in her own home been given a rather subordinate role to play. Born into indifference and reared on neglect, the girl child is caught in a web of cultural practices and prejudices that hamper her development, both physically and mentally. In India, a girl child, from the period of her infancy to adolescence in the socially inhospitable environment of patriarchal and male dominated society, is considered to be someone, who will never contribute to the family income and who at marriage will take a large portion of family assets as dowry. So, they are considered just the burden and are valued less resulting in lower investment on their education as well as on their feeding, inadequate care and nutrition development. As a result, women lack in political participation, educational achievements thereby showing under-representation in employment spheres.

## **II. XIV. Less Political Participation of Women**

Indian women participation in the political field started with the freedom movement. Mahatma Gandhi made serious efforts to arouse

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1971, The Equal Remuneration Act, 1976, The Child Marriage Restraint (Amendment) Act, 1976, The Contract Labour (Regulation) Act, 1978, The Criminal Law (Amendment) Act, 1983, The Family Courts Act, 1984, The Muslim Women (Protection of Rights on Divorce) Act, 1986, The Indecent Representation of Women (Prohibition) Act, 1986. The Commission of Sati (Prevention) Act, 1987, The National Commission for Women Act, 1990, The Hindu Succession (Amendment) Act, 2005, The Protection of Women from Domestic Violence, Act, 2005.

<sup>16</sup> Ahuja, Ram. Society in India: Concepts, Theories and Recent Trends. New Delhi: Rawat Publications, 1999. 133.

political consciousness in the poor, illiterate women in order to make them take part in the freedom movement. Political participation may be defined as voluntary participation in the political affairs through membership, voting and partaking in the activities of the political parties, legislative bodies and/or politically motivated movements. The Constitution of India guarantees adult franchise and provides full opportunities and framework for women to participate actively in politics. But it is pity that women have not substantially availed of the constitutional provisions. The election statistics shows that for the last two decades almost equal numbers of men and women have gone to the polling booths to vote. The number of women filing their nomination papers in any election, national or State, is only a fraction of the corresponding number of men. But the percentage of winning candidates has been below eleven in the Parliament in all the past elections. The State Assemblies too show the similar situation. No variation has occurred in half-a-century. Thus, it is clear that the number of women winning elections is so small that their percentage in the legislative body is nominal.

Apart from political parties and Parliament, women are also seriously under-represented in other spheres of decision-making, in a country like India, there seems paradoxical-on the one hand, women have moved into the professions and civil services in far higher numbers than in other South Asian countries. On the other hand, their entry into the upper echelons seems to be restricted by a glass ceiling. The political empowerment automatically follows economic empowerment; therefore, it becomes obligatory for the women's organizations as well as the Government of India to search for remedial measures to improve the political status of the women.

In 1992, Seats and Pradhan positions were also reserved for the two disadvantaged minorities in India, Scheduled Castes and Scheduled Tribes, in the form of mandated representation proportional to each minority's population share in each district by the 73rd Amendment. Even though, this Amendment also provided that one-third of the seats in all Panchayat councils, as well as one third of the Pradhan positions, must be reserved for women and the reservations for women have been implemented in all major States except Bihar and Uttar Pradesh (which has only reserved 25% of the seats to women) which has been proposed in 2009 to be increased to at least 50 percent in Panchayats in all tiers and offices of chairpersons, yet so far as the representation of women in the successive Lok Sabhas is concerned, it has not gone beyond 11 percent. In the same way, reality seems to be very disturbing that out of 117 members of the Legislative assembly (2012-2017) of Punjab only 14 are women which are just about 16% of the total members. However, as far as the case in other States is concerned; the percentage of women members is just 3% to 9%.

The efforts of successive Governments to amend the Constitution of India in order to provide for the reservation in country's legislatures are not

being materialized because of insensitive behaviour towards gender equality of certain leaders who are supposed to be committed to the cause of social justice. Following is the chequered history of the Women's Reservation Bill moved in the Rajya Sabha on March 9<sup>th</sup>, 2011 that seeks to reserve 33 percent seats for women in the country's legislatures:

**1996** -- After prolonged deliberations, as a first step, in September 1996, the Deve Gowda Government introduced in the parliament the Women's Reservation Bill as 81<sup>st</sup> Constitutional Amendment Bill. But following opposition, the bill was referred to the scrutiny of the Joint Select Committee of Parliament. The report was produced in the Rajya Sabha and the Lok Sabha but nothing positive happened.

**1998**-- The bill was re-introduced in the 12th Lok Sabha as the 84<sup>th</sup> Constitutional Amendment by the National Democratic Alliance Government headed by Atal Bihari Vajpayee.

**1999**-- The National Democratic Alliance Government re-introduced the bill in the 13th Lok Sabha.

**2002**-- The bill was introduced in Parliament but failed to sail through.

**2003**-- Bill was introduced twice in Parliament.

**2004**-- The United Progressive Alliance Government included it in the Common Minimum Programme.

**2008**-- The Government tabled the bill in the Rajya Sabha so that the legislation did not lapse.

**2010**-- The cabinet cleared the bill for taking it up in the Rajya Sabha.

On March 10<sup>th</sup>, 2010 the 14-years' perilous political struggle to give women adequate representation ended with the Rajya Sabha finally debating the contentious issue and then voting 186-1 on the Constitution (One Hundred and Eighth Amendment) Bill, 2008 amid acrimony, political divides and ugly scenes of dissent. In the 245-member House with an effective strength of 233, the bill required the backing of at least 155 members. The reserved seats would be allotted by rotation to different constituencies and would be valid for 15 years after the commencement of the Amendment Act. The Bill seeks to reserve for women 181 out of the 543 seats in the Lok Sabha and 1,370 out of a total of 4,109 seats in the 28 State Assemblies.

Only the last step remained-of the Lok Sabha endorsing it. However, Lok-Sabha Speaker Meira Kumar had nothing positive to say as she emerged from over an-hour long meeting with known critics of the Women's Reservation Bill on July 14, 2011. On the 15-year old Bill, her second major attempt within a month to forge a consensus had failed as

socialist and Muslim leaders rejected her advances and flagged their old “conspiracy” concerns. Leading Andhra Muslim leader from Asaduddin Owaisi of the Majlis-e-Ittehadul Muslimeen (MIM) told that Women’s Reservation Bill would sound a death-knell for the representation of all Muslim Members of Parliament – male and female- in the Lok Sabha. The Rashtriya Janata Dal (RJD) chief Lalu Yadav was the most vociferous in his protest.<sup>17</sup>

For the Bill, these are sad bodings at a time when United Nations Women has revealed new worldwide proof supporting the merits of quotas as device to augment the presence of the women in the Parliament. Another prominent example of Costa Rica can be quoted here which approved the momentous Responsible Paternity Act 2001 for encouraging shared upbringing of the children, just five years after authorization of 40% representation for the women in its Parliament. Out of 28 countries with more than 30 percent women in the Parliament, several pulled out of clash, including the neighboring Nepal, which has 33 percent women in the Parliament. However, in India, even the monsoon session of Parliament didn’t embrace much promise for the Constitution (one Hundred and Eighth Amendment) Bill, 2008 which looks for reserving one third seats for the women in the Lok-Sabha and State legislatures.<sup>18</sup>

The bill proposing quota for women is a step forward in mainstreaming women in politics by giving them representation in the highest elected bodies both at national and regional levels where they can discuss all the problems in order to seek their redressal and thereby to get an opportunity to highlight them on a national as well as regional platform. Without proper representation of women in the legislative bodies and political participation at all levels, issues concerning women would remain neglected.<sup>19</sup>

## **II. XV. Educational backwardness of women in India**

Education expands opportunities for women, equips them to make more informed choices, empowers them to resist oppression and enables them to claim their rights. This right is linked to other basic human rights including the right to freedom from discrimination, the right to work and the right to participate in decisions affecting one’s self and one’s community. But there exists a wide gap between the literacy rates not only among males and females but also among rural and urban females. Nearly 245 million

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<sup>17</sup> The Tribune, Chandigarh, India, July 15, 2011.

<sup>18</sup> Ibid.

<sup>19</sup> Raichel Matthai, “political Status of Indian Women: Progress since independence”, Mainstream Weekly, Tuesday 24 April 2007.

women lack the basic capability to read and write. Compared to boys, far fewer girls are enrolled in the schools, and many of them drop out<sup>20</sup>:

The female literacy rate has been consistently lower in rural as well as urban sectors. The girls have far less opportunity of schooling than boys do. There are other deficiencies in basic facilities available to women, varying from encouragement to cultivate one's natural talents to fair participation in rewarding social functions of the community. According to a 1998 report by United States Department of Commerce, the chief barriers to female education in India are inadequate school facilities, shortage of female teachers and gender bias in curriculum (majority of the female characters being depicted as weak and helpless).<sup>21</sup>

The opportunities in higher education and professional training are fewer for young women than for young men. Indeed, gender bias in higher education and professional training is based on the superficially innocuous idea that the respective "provinces" of men and women are just different.

## **II. XVI. Under-representation of Women in Employment**

The Constitution of India grants equality of opportunity to all matters relating to employment or appointment to any office under the State. Article 39 of the Constitution enjoins the State to direct its policy to secure to the citizens, men and women equally, the right to adequate means of livelihood. The Equal Remuneration Act forbids discrimination against women at the time of recruitment or in their conditions of service subsequent to recruitment. The Equal Remuneration Act seeks to ensure equal remuneration to men and women workers in an establishment doing the same work and work of the similar nature. Despite of all these constitutional safeguards provided in favour of women, the proportion of women workforce is very less in comparison to the male workforce. According to the Economic Census, All India Report 2001, of the total of 83.4 million workers, men constitute 80 per cent, women 17.3 per cent. In addition to it, women workers face deprivation in terms of wages, working conditions and welfare benefits like their counterparts in the organized sector.

A wide disparity in the work participation rates exists between males and women. The female work participation rate increased from 22.7 per cent in 1991 to 25.7 per cent in 2001 as against a marginal increase from 51.6 per cent to 51.9 percent for men. While the proportion of women in the organized and public sector increased between 1991 and 2001. Though there

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<sup>20</sup> Victoria A. Velkoff (October 1998) "Women of the World: Women's Education in India" (Pdf). U.S. Department of Commerce. Retrieved on 2006- 12- 25.

<sup>21</sup> "Women of India: Frequently asked Questions". Retrieved on 2006- 12- 24.

has been increase in the proportion of workers for both men and women during the decade 1991- 2001, but it is striking among men than women.

Women's contribution to the economy as workers continues to be visible and unrecognized, despite a change in the conventional definition of work by the Government. A Pilot Time Use Survey conducted in 1998-99 by the Central Statistical Organization showed that 51 per cent of women's work was not recognized as such, 93 per cent of women workers were in informal employment (including agriculture) and a majority in low income jobs. Wage gaps between male and female labor persist and are greater in urban than in rural India. One of the reasons for such an inadequate representation of women in comparison to the men is the "division of labor". According to this, where it is quite natural that men work outside the home, women could do it if and only if they could combine it with various inescapable and unequally shared household duties. The reach of this inequality includes not only unequal relations within the family, but also derivative inequalities in employment and recognition in the outside world. And also this type of "division" of labor has far-reaching effects on the knowledge and understanding of different types of work in the professional circles.

### **III. Conclusion and Suggestions:**

Consequently, the access of the women to unorganized sector—to education, health and productive resources, among others, is inadequate. So women in India remained largely marginalized, poor and socially excluded. The sharp decline in juvenile sex ratio; continuing high maternal mortality rate and infant mortality rate; high gender gap in literacy at all levels; high rate of dropouts of girl students; and increasing incidence of crime against women; in-adequate access of women to the property rights and employment opportunities; and their less political participation and undernourishment raises many questions about the role of institutional machinery to implement the law.

Admittedly, there is need to remove the dearth of laws and Constitutional provisions guaranteeing a place of honour and equality to women. Secondly, there are large bureaucracies at the Central and State levels and an elaborate network of institutions shouldered with the duty of elevating the status of the women. Yet there still exists a very wide gap between the goals enunciated in the Constitution, legislation, policies, plans, programmes and related mechanisms on the one hand and the situational reality of the status of women in India on the other. This is due to the slow, expensive legal system which is procedurally biased against the women. Therefore, the existing laws and policies are not enough to combat the menace of inequality. For the emancipation of women and conversion of

their de-jure equality into de-facto equality, the educational and the economic independence of the women is of paramount importance. This can lead to total development of the women. This goal of economic independence and empowerment of the women can be achieved only through gainful employment opportunities. Women's gainful employment especially in more rewarding occupations clearly will play a role in improving the lot of the women especially in increasing their status and standing in the society. In order to achieve this objective, comprehensive Reservation Law for providing reservation to women in political, educational and employment is the need of the hour. Further **suggestions** we want to recommend are as follows:

1. Women being weaker section of society should be included in the list of beneficiaries of the policy of Reservation.
2. Women should be provided free and compulsory education up to senior secondary level by amending Article 21A of the Constitution of India.
3. Women should be given free counseling, guidance and coaching for availing better career opportunities at the higher educational level.
4. The Representation of People Act, 1951 should be amended to compel political parties to provide for mandatory nomination of the women candidates for at least one-third of the seats to avoid de-recognition as a national party.
5. All the women organizations should come on a common platform with single target of pressing the political parties to either support the passing of Reservation Bill or face the anger of women voters in the next general elections.
6. The media both print as well as electronic can play an important role in creating awareness in the society. It can act as an agent of political socialization for inculcating the values of gender equality and gender justice.

At the end, it would not be out of place here to quote Robert Ingersoll,

*“There will never be generation of great men until there has been a generation of free women of free mothers”.*