

Building a Gender Equal Society in India

by

Rema Venu
UNICEF

Today's woman is no longer viewed by society as an object of charity or welfare, but as an equal partner, who contributes to her home, community, society and country intellectually, socially, politically and economically. Recognition of this shift in perception of women's role in society is also leading to changes in the way media, civil society, the private sector and Governments portray women and do business.

Gender Equality and Women's Empowerment: the link to sustainable development
The State of the World's Children 2007, UNICEF's flagship publication, examines the discrimination and disempowerment that women face throughout their lives and underscores the need for a gender-equal society. Gender equality will not only empower women to overcome poverty, but also their children, families, communities and countries. When seen in this light, gender equality is not only morally right – it is pivotal to human progress and sustainable development. Moreover, gender equality produces a double dividend: advancing the rights of both women and children. Healthy, educated and empowered women have healthy, educated and confident daughters and sons.¹

The goals of human development are deeply intertwined with the development and empowerment of women and children, as they together comprise significant proportion of the total population of the country. As per the 2001 Census, women as an independent group accounted for 495.74 million or 48.3%.² Yet, progress is slow in ensuring access to resources and services for a major share of the country's human resource.

Female Literacy

While the literacy rates have shown an improvement from 39.3% to 54.3% of the total female population between 1991 and 2001, yet much more needs to be done especially for socially and economically backward regions and groups.³ Only 67.7 percent of females between the ages of 15 to 24 are literate in India, compared to 84.2 percent of males, and against 98.5 percent of women of the same age group in China.

¹ The State of the World's Children 2007, UNICEF available at <http://www.unicef.org/sowc07.htm>

² Annual Report 2005-06, Chapter 1. Ministry of Women and Child Development, Government of India available at <http://www.wcd.in>

³ Report of the Working Group on Empowerment of Women in the XI Plan, Ministry of Women and Child Development, available at <http://www.wcd.nic.in/>

Infant, Child and Maternal Mortality

The rates of infant mortality, under five mortality and maternal mortality continue to be high in spite of the fact that a large portion of these deaths are preventable. Of the 26 million infants born in India every year, about 2.3 million die before reaching the age of five years, and about 1.2 million of these die before the age of one month.⁴

The major causes of neonatal death in India resemble the global picture with infections, prematurity and asphyxia as the leading causes. About a third of all neonatal deaths occur on the first day of life. Approximately an additional one third of deaths occur between the first and seventh day of life. The plateau in IMR observed since 1990 can only be removed by addressing malnutrition in mother-child dyad. As per NFHS-2 (1998-99) 47% of children under three years are underweight, 45.5% stunted and 15.5% wasted.⁵ India fares poorly even among the South East Asian countries, occupying the third place from the bottom with only Nepal and Bangladesh faring worse than India. The prevalence of low birth weight continues to be about 30% for last three decades. Low birth weight babies are more likely to die because of neonatal infections and under nutrition.⁶

The maternal mortality ratio of 540 per 100,000 live births⁷ is a continuing concern. Maternal mortality rates are the highest in Uttar Pradesh – 707 deaths per 100,000 live births. Only 5 countries in the world – all in Sub Saharan Africa – report a higher rate of maternal mortality than Uttar Pradesh.⁸ High rates of anaemia and lack of access to skilled birth attendants are major constraints to reducing maternal mortality in India. However, only 42.3 percent of deliveries are attended by a health professional. [Report of the Working Group on Integrating Nutrition with Health for the 11th Five Year Plan (2007-2012), Ministry of Women and Child Development, Government of India, November 2006] The same care and services that can improve women's health and nutrition and reduce maternal mortality can also help save children's lives and reduce under nutrition.

HIV/AIDS

The growing female face of HIV/AIDS in India is reflected in the fact that account for 2 million of 5.2 million estimated cases of people living with HIV/AIDS – constituting 39 % of all HIV infections. A significant portion of the new infections occurs in women who are in monogamous marriage. The recent study (2006) on the “Gender impact of HIV/AIDS in India commissioned by the National AIDS Control Organization, UNDP and NCAER gives evidence to this trend. The study highlights the low levels of knowledge and awareness among women about HIV testing and access to health care as well as the heavy burden of care that women carry. More than 70% of the caregivers in the HIV affected households are women. More alarmingly, 20% of these caregivers are HIV positive themselves.⁹

⁴J P Dadhich, Vinod Paul, State of India's Newborns, National Neonatology Forum & Save the Children/US, November 2004 available at <https://donations.savethechildren.org/>

⁵ National Family Health Survey available at <http://www.nfhsindia.org>

⁶Report of the Working Group on Integrating Nutrition with Health for the 11th Five Year Plan (2007-2012), Ministry of Women and Child Development, Government of India, November 2006

⁷The State of the World's Children 2007, UNICEF available at <http://www.unicef.org/sowc07>

⁸CSR: Menon-Sen, Kalyani & Kumar, AK Shiva 2001, Women in India, How Free? How Equal.

⁹Gender Impact of HIV/AIDS in India, NACO, UNDP, NCAER study, 2006 available at <http://www.undp.org.in/>

A Lancet study by Indian and Canadian researchers analysed prevalence of HIV among pregnant women ages 15 to 24 in four southern Indian states. The study found that the rate of infection within this group fell by 35 percent between 2000 and 2004 from 1.7 to 1.1 per cent. It attributes this finding to the rising condom use by men and female sex workers in south India which further reduced transmission to wives.¹⁰ The study underscores the need for raising awareness among women about HIV/AIDS, condom use and the rights to protection.

A skewed sex ratio - an indicator for son preference

Children under the age of 18 constitute 40 percent of India's population. They represent not just India's future, but are integral to securing India's present. Yet, development indicators continue to show slow progress towards securing their welfare and delivering their basic rights. The very survival of the child continues to be at risk for over a million newborns in the country every year. The survival prospects for girls in particular are getting grimmer, with successive Census figures revealing decline in the sex ratio. Despite a booming economy, investments in social development are insufficient and are also not yielding changes rapidly enough.¹¹

The sex ratio among children (0-6 years) as per Census 2001 is 927 i.e. 927 females per 1000 males. The skewed sex ratio of India tells a tale of millions of girls disappearing year after year - some never born and others not having the chance to survive. Seven thousand fewer girls are born in India each day than the global average would suggest, largely because female foetuses are aborted after sex determination tests.¹² Female foeticide, though prevalent in many parts of the country remain largely invisible. Sex pre-selection is prevalent in states like Maharashtra, Tamil Nadu, Haryana, Rajasthan and Punjab.¹³

In January 2006, the medical journal The Lancet published research indicating that over the last 20 years as many as 10 million female foetuses have been aborted in India. The gravity of the situation has forced even the Supreme Court of India on August 18, 2006, to issue notice to the Centre, States and Union Territories on a petition seeking a direction for strict implementation of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition on Sex Selection) Act, 1994 to prevent female foeticide.¹⁴

Crimes against Women and Children

Crimes against women has increased by 0.8 per cent over 2004 and increased by 8.2 per cent over 2001. A total of 1,55,553 incidents of crime against women were reported in the country during 2005 as compared to 1,54,333 in 2004. As compared to 2001, these crimes had reported decline during 2002 and 2003 followed by an increase during 2004 and 2005. The majority of these crimes (92 per cent) relate to rape, molestation, homicide, torture, kidnapping for exploitation, trafficking

¹⁰ Kumar R, Jha P, Arora P, et al for the International Studies of HIV/AIDS (ISHA) Investigators. Trends in HIV-1 in young adults in south India from 2000 to 2004: a prevalence study. Lancet 2006; 367: 1164-1172

¹¹ India - Building a Protective Environment for Children: A Publication of Ministry of Women and Child Development, Government of India 22 July 2006

¹² The State of the World's Children 2007, UNICEF available at <http://www.unicef.org/sowc07>

¹³ Gender Discrimination, the National Resource Centre for Women, Department for Women and Children at <http://nrcw.nic.in/index2.asp?sublinkid=319>

¹⁴ Centre for Social Research, Vol. XXXIV No.2 May-Aug. 2006

and dowry deaths. Against the national average of 14.1, Delhi leads with a rate of 27.6 followed by Andhra Pradesh (26.1) and Tripura (24.8).¹⁵

A total of 14,975 cases of crimes against Children were reported in the country during 2005 as compared to 14,423 cases during 2004, suggesting an increase of 3.8%. The number of foeticide cases remained the same during 2004 and 2005 (86 each year). Cases under Child Marriage Restraint Act reported a decline of 31.2 per cent. A total of 108 Infanticide cases were reported in the country during 2005, a decline of one per cent from the previous year. The crime rate has marginally increased from 1.3 in 2004 to 1.4 in 2005. The rate was highest in Delhi (6.5) followed by Chandigarh (5.7) and Madhya Pradesh (5.6) as compared to the national average of 1.4.¹⁶

India is a source, destination, and transit country for men, women, and children trafficked for the purposes of forced or bonded labour and commercial sexual exploitation.¹⁷ The country has been placed on a Tier 2 Watch List for the 3rd consecutive year based on inadequate compliance with the minimum standards set by the Trafficking Victims Protection Act of 2000.

Child Marriage

The State of the World's Children 2007 finds that in India, 45% of women are still being forced into marriage before the age of 18 in violation of the law. The practice of child marriage is rampant in many parts of the country and the incidence of it is highest in the States of Rajasthan, Bihar, Uttar Pradesh, Chattisgarh and Madhya Pradesh. National Family Health Survey (II) data suggests that the median age for the marriage of girls in India is 16.4 years. The survey also found that 65% of the girls are married by the time they are 18 years old. Despite high female literacy in Kerala, close to one-tenth of women are married before attaining the legal age of 18 years.¹⁸

Child marriage not only cuts short the period of childhood and adolescence, it prevents children from developing to their full potential. Among girls, child marriage can also result in poor reproductive and sexual health, early and difficult of fatal childbirth, and reduced opportunities for education and employment. Adolescent girls between the ages of 15 and 19 are twice as likely to die during pregnancy or childbirth as women in their twenties. For those under 15, the risks are five times higher.¹⁹

There are over 397 million workers in India, out of which 123 million are women workers. Only a small proportion, 18 million, are in the urban areas while 106 million are in rural areas. While 31% of all workers are women, the share of women workers amongst poor workers (those below the poverty line) is 36%. The majority of women (96%) workers are in the unorganized sector with agriculture accounting for 75% of the female work force. Home-based workers account for 57% of the female work force.²⁰ Discriminations against women in the labour force include lack of

¹⁵ Crime in India 2005, Chapter 5 Crime Against Women, National Crime Records Bureau available at <http://ncrb.nic.in/crime2005/home.htm>

¹⁶ Chapter 6 Crime Against Children, National Crime Records Bureau available at <http://ncrb.nic.in/crime2005/home.htm>

¹⁷ Trafficking in Persons Report, June 2006 US Department of State available at [http://www.state.gov/g/tip/rls/tiprpt/2006/.](http://www.state.gov/g/tip/rls/tiprpt/2006/)

¹⁸ Human Rights Law Network, Child Marriages and the Law in India, Aparna Bhat, Aatreyee Sen, Uma Pradhan (Ed.), 2005.

¹⁹ United Nations. 2001a. We the Children: End-decade Review of the Follow-up to the World Summit for Children: Report of the Secretary-General (A/S-27/3). New York: United Nations.

²⁰ Report of the Working Group on Empowerment of Women in the XI Plan, Ministry of Women and Child Development, 2006 available at <http://wcd.nic.in/>

recognition of women's economic contribution to the household, lower wages, longer working hours, difficulties in getting superior positions and promotions.

Investing in women and children

India compares poorly to other countries in allocation of resources for health, development, protection and education for children. As a proportion of Gross Domestic Product, these investments are particularly low and increases are not commensurate with the overall increase in national productivity and income. Under-investment in health, development, protection and education will only serve to widen income gaps and perpetuate inequality, both of which will impede national efforts to meet important development targets.²¹

In families where women have a say in decision-making, a far greater proportion of household resources is devoted to child health, nutrition and education than in families where women do not have a voice.²² In only 10 of the 30 countries surveyed did 50 per cent or more of women participate in all household decisions, including those taken in regard to their own health care, major household purchases, daily household spending and visits with family or relatives outside of the household.²³

Research indicates that economic participation of women—their presence in the workforce in quantitative terms—is important not only for lowering the disproportionate levels of poverty among women, but also as an important step toward raising household income and encouraging economic development in countries as a whole.²⁴

The Government of India's response

A Ministry for Women and Child Development

In January 2006, the Department of Women and Child Development was upgraded to a Ministry with a broad mandate for the holistic development of women and children. As a nodal Ministry for the advancement of women and children, the Ministry formulates plans, policies and programmes; enacts /amends legislation, guides and coordinates the efforts of both governmental and non-governmental organisations working in the field of Women and Child Development.²⁵

A Plan of Action for Children

The National Plan of Action for Children 2005 was launched in August 2005. The Plan aims to reduce infant and maternal mortality rates, reduce malnutrition among children, ensure 100% civil birth registration, Universalise early childhood care and development and quality education for all children; achieve 100% access and retention in schools; abolish female foeticide/infanticide and

²¹India - Building a Protective Environment for Children: A Publication of Ministry of Women and Child Development, Government of India 22 July 2006

²² The State of the World's Children 2007, UNICEF available at <http://www.unicef.org/sowc07>

²³Women's lives and experiences: changes in the past ten years. Vadenais, Daniel, Kols Adrienne, and Abderrahim Nouredine. 2006. Calverton, Maryland: ORC Macro.

²⁴Report of the Working Group on Empowerment of Women in the XI Plan, Ministry of Women and Child Development, 2006 available at <http://wcd.nic.in/>

²⁵ Ministry of Women and Child Development website <http://wcd.nic.in/welcome.html>

child marriage; ensure the survival, development and protection of all children -- particularly the girl child and children in difficult circumstances; improve coverage for Water and Sanitation; monitor, review and reform policies, programmes and laws to ensure protection of children's interests and rights; and ensure child participation and choice in matters and decisions that affect their lives.²⁶

Child Budgeting

The Child Budgeting exercise conducted by the Ministry of Women and Child Development revealed the persisting low level of fund allocation for any measures affecting children, with resources for child protection the lowest of all. The share of child protection in the Union Budget has remained stagnant at 0.03 percent. While there is no denying that education is, and has to be, the most important sector, if children's right to protection is not met every other right is at stake. In order to bridge this gap the Ministry of Women and Child Development, Government of India has proposed the centrally sponsored scheme "Integrated Child Protection Scheme (ICPS)", which not only brings all existing child protection schemes of the Ministry under one window but also proposes an increased allocation for child protection programmes in the Union Budget.

The Integrated Child Development Scheme

ICDS is the foremost symbol of India's commitment to her children – India's response to the challenge of providing pre-school education on one hand and breaking the vicious cycle of malnutrition, morbidity, reduced learning capacity and mortality, on the other.²⁷ It provides a package of six basic services: a health check-up, immunization, referral services, supplementary feeding, pre school education and health and nutrition education for children up to 6 years and expectant and nursing mothers. Starting with a modest 33 Blocks (projects) it has gradually expanded to 5671 projects of which 5635 projects with 7.44 lakh Anganwadi Centres have become operational. The Government has sanctioned expansion of the ICDS Scheme to cover 467 additional ICDS Projects and 1,88,168 Anganwadi Centres. It also proposes to share 50% of the expenditures on supplementary nutrition with the States.²⁸

Nutrition Programme for Adolescent Girls

The Government approved the implementation of NPAG, through the Department of Women and Child Development, in 51 backward districts identified by the Planning Commission in the year 2005-06 to provide 6 kg of free food-grains to undernourished adolescent girls only (pregnant women & lactating mothers are not covered as these are targeted under ICDS). The scheme is being continued for the Annual Plan 2006-07 on pilot project basis.²⁹ The Kishori Shakti Yojana has been identified as a viable scheme for providing iron and folic acid supplements to adolescent girls.³⁰

²⁶National Plan of Action for Children 2005 available at <http://wcd.nic.in/NAPAug16A.pdf>

²⁷Child Development, Ministry of Women and Child Development, Government of India available at <http://wcd.nic.in/childdevelopment.htm>

²⁸Chapter 1 Annual Report 2005-2006, Ministry of Women and Child Development, Government of India available at <http://wcd.nic.in/>

²⁹Nutrition Programme for Adolescent Girls available at <http://wcd.nic.in/npag/npag.html>

³⁰Report of the Working Group on Integrating Nutrition with Health for the 11th Five Year Plan (2007-2012), Ministry of Women and Child Development, Government of India, November 2006

Schemes for Working Women and Mothers

Recognizing the contribution of women to the labour force and the need for day care, in January 2006, the Government of India approved the Rajiv Gandhi National Crèche Scheme for children of working/ailing mothers. The scheme will include 14719 crèches by the end of 2007. The main objective of the scheme of crèches is to promote a healthy all round development of children of the working/ailing mothers, particularly those employed in the unorganised sector. Important elements of the scheme include increased finances, development of guidelines for implementing agencies, training of crèche workers, and monitoring of crèches by independent agencies.³¹

Under a scheme for NGOs and cooperative bodies to construct working women's hostels, only 873 hostels have been constructed due to cumbersome procedures in the NGOs getting financial assistance for construction. Changes proposed by the Ministry include revising the norms and procedures to make it more viable for NGOs to construct hostels in both urban and rural areas, better monitoring of hostels, and including day care centres in hostels to facilitate women with children.³²

Gender Budgeting

Gender-responsive budget analysis refers to the analysis of actual government expenditure and revenue on women and girls as compared to men and boys.³³ It is a useful tool that allows governments to modify policy, enables the best use of available resources and/or re-allocation of resources. In 2005, India introduced gender sensitivities for the first time into its budget allocations and mandated that in the future all Departments would be required to present gender budgets as well as make benefit-incidence analyses. The 2006-07 budget includes schemes where 100 per cent of the allocation is for the benefit of women as well as schemes where at least 30 per cent of the allocation is targeted towards women. Several Ministries and Departments have initiated an exercise to prepare a public expenditure profile of their budgets from a gender perspective. 32 Ministries and Departments have set up Gender Budgeting Cells.³⁴

Women's Participation in Decision Making

The 73rd and 74th amendments (1993) to the Constitution of India provided for 33 per cent of seats in the Panchayat (local legislatures) to be reserved for women. Recent findings from a background paper on the role of women politicians in rural India "suggest that politically empowering women may have important benefits for children".³⁵ The paper provides encouraging evidence that women's participation in local-level decision can lead to increased resources for and improvements in health, water and sanitation, and immunization and reduce the gender gap in schooling. Although there is a clear correlation between women's participation in decision making and resource allocation and prioritisation on matters related to both her own welfare and that of her family and

³¹ Programmes for Children, Annual Report 2005-2006, Ministry of Women and Child Development, Government of India available at <http://wcd.nic.in/>

³² Report of the Working Group on Empowerment of Women for the XI Plan, Ministry of Women and Child Development, 2006 available at <http://wcd.nic.in/>

³³ What Are Gender Budgets? available on the UNIFEM Website at <http://www.UNIFEM.org>

³⁴ Budget 2006-07 dated 28 February 2006 available at <http://indiabudget.nic.in/>

³⁵ Beaman, L., Duflo, E., Pande, R., Topalova, P. Women Politicians, Gender Bias, and Policy -making in Rural India, Background Paper for The State of the World's Children 2007 available at <http://www.unicef.org/sowc07>.

community, a bill intended to allocate 33% of seats in Parliament and state legislatures to women continues to hang. Currently, women members account for only 10% in the Parliament.

Empowering Women

Swa-Shakti, Swayamsidha, STEP and Swawlamban are some of the schemes being implemented by the Ministry of Women and Child Development to enable economic empowerment for women. The Swa-Shakti Project started in 1999 with the partnership of the World Bank and IFAD has by 2005 established 17,647 SHGs covering about 2,44,000 women. Under the Swayamsidha scheme launched in 2001, 67,971 women SHGs have been formed benefiting 9,89,485 beneficiaries and provided a forum for women's empowerment, collective reflection and united action. In 2007, the Ministry, with assistance from IFAD, proposes to merge these two under the Swayamsidha Phase II project to benefit four districts of Uttar Pradesh and two districts of Bihar with assistance from IFAD.

The Support to Training and Employment Program (STEP) launched in 1987 seeks to provide skills and new knowledge to poor and asset less women in the traditional sectors. A comprehensive package of services such as health care, elementary education, crèche facility, market linkages, etc. is provided besides access to credit. The program is being evaluated and may be revamped based on findings.

The Rashtriya Mahila Kosh provides micro-credit in a quasi-formal manner to the poor women for income generating, production, skill development and housing activities in order to make them economically independent. The Government proposes to expand the credit program from the present level of Rs.20 crore to Rs.100 crore per annum by 2010-11 and also to expand its operations in all States and Union Territories through nodal agencies and franchisees.³⁶

Sarva Shiksha Abhiyan

Sarva Shiksha Abhiyan, launched in 2001, aims at achieving universal primary education by 2007 and universal elementary education by 2010. SSA is being implemented in partnership with State Governments to cover the entire country and address the needs of 192 million children in 1.1 million habitations. Online report cards are now available for more than 1.04 million Primary and Upper Primary schools at state and district levels. In addition to quantitative information, the Report Cards also provide qualitative information and a descriptive report about individual schools.³⁷ The report cards provide a useful reference for improving the quality of education in primary schools.

Although SSA has reported increase in enrolment figures, there is concern about the large number of out-of-school children and the reliability of enrolment figures as a measure of success. The Education for All Global Monitoring Report 2007 of the United Nations Educational, Scientific and Cultural Organization (UNESCO) itself mentions this contradiction. While stating that India, with 4.6 million children out of school as of 2004, is one of the four countries (the others being Nigeria,

³⁶ Report of the Working Group on Empowerment of Women for the XI Plan, Ministry of Women and Child Development, 2006 available at <http://wcd.nic.in/>

³⁷ [available at <http://www.schoolreportcards.in/> or <http://www.dpepmis.org/>]

Pakistan and Ethiopia) with the largest number of out-of-school children, it notes that the figure — derived from the UNESCO Institute of Statistics data — is at variance with the results of an Indian government-commissioned household survey done by the Social and Rural Research Institute in 2005.³⁸

The Government of India has launched two focussed interventions for girls – the National Programme for Education of Girls at Elementary Level (NPEGEL) and the Kasturba Gandhi Balika Vidyalaya (KGBV) to reach out to girls from marginalised social groups in over 3,000 educationally backward blocks in the country where the female rural literacy is below the national average and the gender gap in literacy is above the national average. The KGBV, launched in July 2004, is designed to encourage greater participation of girls in education at the upper primary level. The impact of these integrated strategies is beginning to be evident in the form of increased enrolment levels and learning levels with reduced drop out rates.³⁹

Protecting Women and Children

The Government has made a number of significant changes in the legal frameworks towards ensuring full equality to women and the recent amendments and additions to existing legislation are encouraging. Amendments have been carried out in the Hindu Succession Act, 1956 to give equal inheritance rights to women in property. Government is also contemplating amendments to the Guardians and Wards Act 1890, the Hindu Adoption and Maintenance Act 1956 and the Hindu Minority and Guardianship Act 1956 to remove discriminatory provisions contained in them. A Bill for the compulsory registration of marriages is also under active consideration.⁴⁰

The Criminal Procedure Code has been amended to ensure greater protection to women. These include the prohibition of arrest of women after sunset and before sunrise except in unavoidable circumstances, a provision to ensure immediate medical examination of rape victims within 24 hours, DNA profiling, and investigation by a judicial or Metropolitan Magistrate of incidents of rape in custody.⁴¹

In February 2006, the Supreme Court of India ruled that all marriages, existing and future, would have to be registered.⁴² The Prohibition of Child Marriage Bill 2006 passed on December 19, 2006⁴³ gives protection to tens of thousands of children forced into marriage every year. Under the new bill, adult males marrying children and people involved in performing, abetting or attending a child marriage can face up to two years in prison and a fine of 100,000 rupees.

The Protection of Women from Domestic Violence Act, 2005 which came into effect in 25 October 2006. According to the amended law, any act that "harms or injures or endangers the health, safety, life, health or well-being, whether mental or physical" constitutes domestic violence. It includes "causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse". In

³⁸ Deepa A. November 2006 available at <http://indiatogether.org/2006/nov/edu-ssaperf.htm>.. See also the EFA Global Monitoring Report: Strong foundations -- Early childhood care and education, 2006 available at <http://unesdoc.unesco.org/images/0014/001477/147794E.pdf>

³⁹ Girls Education at the Elementary Level, Sarva Shiksha Abhiyan available at <http://ssa.nic.in/girlseducation/Girls%20Education.pdf>

⁴⁰ Address by the President of India to the Parliament, New Delhi February 16, 2006 at <http://presidentofindia.nic.in/scripts/parliamentaddresses.jsp>

⁴¹ Ibid.

⁴² India – Building a Protective Environment for Children: A Publication of Ministry of Women and Child Development, Government of India 22 July 2006

⁴³ PRS Legislative Research Website at <http://www.prsindia.org/index.php>

addition to punishing her offenders, the new law allows a woman to stay on in her matrimonial home, demand maintenance if thrown out, or seek protection orders from the abusive partner. The effectiveness of this law will require not only additional resources, political will, but also advocacy and sensitisation of women, of families, civil society as well as the legal and police personnel.⁴⁴

The Ministry in collaboration with UNICEF developed three manuals for combating trafficking and commercial sexual exploitation: a judicial handbook, a manual for medical officers for dealing with child victims and a manual on counselling services for child survivors of trafficking. The Ministry also formulated a protocol for Pre-rescue, Rescue and Post-rescue operations of child victims of trafficking for the purpose of Commercial Sexual Exploitation. In partnership with the UN Office for Drugs and Crime, the MWCD is developing a training manual for police and prosecutors and plans to set up anti human trafficking units in selected states.⁴⁵

The proposed amendment to the Immoral Traffic (Prevention) Act, 1956 has five features. First, it deletes the provisions related to prosecution of prostitutes soliciting for customers. Second, it provides for prosecution of clients. Third it defines the term "trafficking in persons" and provides for penalties. Fourth, it increases penalties for some offences. Fifth, it constitutes authorities at the central and state level to combat trafficking.⁴⁶

Under consideration for approval by the Government is the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Bill, 2006. The Bill is premised on (1) the rights guaranteed by the Constitution of India to gender equality and a safe environment free from sexual harassment and (2) the right to protection from sexual harassment and to live with dignity recognized by international conventions such as the CEDAW.⁴⁷ There is more the Government can do -- take steps to reduce corruption within the law enforcing bodies, raise awareness among general public, employment agencies about the consequences of human trafficking, provide training to children (boys and girls) and women to protect themselves from being exploited, improve systems to monitor and prevent cross-border trafficking; make penalties stiffer for offences such as bride trafficking, forced or bonded labour, and nation-wide systems for data collection, monitoring and dissemination.

In order to deal with the incidence of abuse, exploitation and neglect of children in the country, the Ministry of Women and Child Development, Government of India has prepared a draft Bill, which aims at identifying incidence of offences against children and protecting them from offences; punishing persons who have committed offences against children; and setting up rules to fulfil its objectives.⁴⁸

On 20 January 2006, the Government notified the Commission for Protection of Children Act, 2005 as Act No. 4 of 2006.⁴⁹ The Act provides for the constitution of a National Commission and State Commissions for Protection of Child Rights and Children's Courts for providing speedy trial of

⁴⁴Protection of Women from Domestic Violence Act, 2005 available at <http://wcd.nic.in/domesticviolenceact05.pdf>

⁴⁵ Trafficking. Ministry of Women and Child Development Website at <http://wcd.nic.in/trafficking.htm>

⁴⁶Immoral Traffic (Amendment) Bill- Legislative Brief, Kaushiki Sanyal, 29 Oct 2006) available at <http://www.indiatogether.org/2006/oct/law-immoral.htm>.

⁴⁷ National Commission for Women, India at <http://www.ncw.nic.in/>

⁴⁸Offences Against Children Bill (proposed), 2006, Ministry of Women and Child Development, Govt. of India. India - Building a Protective Environment for Children: A Publication of Ministry of Women and Child Development, Government of India 22 July 2006

⁴⁹Ministry of Women and Child Development Website at <http://wcd.nic.in/The%20Gazette%20of%20India.pdf>

offences against children. The Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 was approved in August 2006.⁵⁰ It calls for adoption of a child-friendly approach in the adjudication and disposition of matters in the best interest of children and for their ultimate rehabilitation through various institutions established under the enactment.

Conclusion

Building a society that protects the rights of boys and girls equally and enables them to grow in a safe, healthy and secure environment. Policy and legislative changes are required, but strict enforcement, monitoring and review of such laws, allocation of required resources and capacity building, involvement of boys and men in changing harmful traditional practices, raising public awareness, and increasing opportunities for children and women to participate in decisions that affect their lives are equally necessary.

⁵⁰Ministry of Women and Child Development Website at <http://wcd.nic.in/childprot/jjactamedment.pdf>

TEXT BOX

UNICEF - A strong and stable partner

UNICEF's largest country programme is in India. UNICEF programmes and projects in India are implemented through a Master Plan of Operations, which is prepared based on consultation and mutual consensus. The Ministry of Women Child Development (MWCD) is the nodal Ministry for coordinating the implementation of the Master Plan of Operations for 2003-2007. The programme contributes towards (a) reduction in infant and maternal mortality (b) improvements in levels of child nutrition (c) ensuring universal elementary education (d) enhancing child protection (e) protection of children and adolescents from HIV/AIDS. An amount of US \$400 million has been allocated by UNICEF for the India Country Programme for the period from 2003-07. An additional funds of US \$100 million has also been approved by UNICEF for utilization in the current MPO period.⁵¹ What makes UNICEF unique in India is its network of ten state offices. These enable the organisation to focus attention on the poorest and most disadvantaged communities, alongside its work at the national level.⁵²

⁵¹ Brief on Child Welfare, Ministry of Women and Child Development, Government of India at <http://wcd.nic.in/>

⁵² UNICEF India website at <http://www.unicef.org/india/overview.html>