

or authority maintaining any protective home at the commencement of this Act shall be allowed a period of six months from such commencement to make an application for such licence: [Provided also that a person or authority maintaining any corrective institution at the commencement of the Suppression of Immoral Traffic in Women and Girls (Amendment) Act, 1978 (46 of 1978), shall be allowed a period of six months from such commencement to make an application for such licence.]

(4) Before issuing a licence the State Government may require such officer or authority as it may appoint for this purpose, to make a full and complete investigation in respect of the application received in this behalf and report to it the result of such investigation and in making any such investigation the officer or authority shall follow such procedure as may be prescribed.

(5) A licence, unless sooner revoked, shall remain in force for such period as may be specified in the licence and may, on application made in this behalf at least thirty days before the date of its expiration, be renewed for a like period.

(6) No licence issued or renewed under this Act shall be transferable.

(7) Where any person or authority to whom a licence has been granted under this Act or any agent or servant of such person or authority commits a breach of any of the conditions thereof or any of the provisions of this Act or of any of the rules made under this Act, or where the State Government is not satisfied with the condition, management or superintendence of any 4[protective home or corrective institution], the State Government may, without prejudice to any other penalty which may have been incurred under this Act, for reasons to be recorded, revoke the licence by order in writing: Provided that no such order shall be made until an opportunity is given to the holder of the licence to show cause why the licence shall not be revoked.

(8) Where a licence in respect of a [protective home

or corrective institution] has been revoked under the foregoing sub-section such protective home shall cease to function from the date of such revocation.

(9) Subject to any rules that may be made in this behalf, the State Government may also vary or amend any licence issued or renewed under this Act.

[(9A) The State Government or an authority authorised by it in this behalf may, subject to any rules that may be made in this behalf, transfer an inmate of a protective home to another protective home or to a corrective institution or an inmate of a corrective institution to another corrective institution or to a protective home, where such transfer is considered desirable having regard to the conduct of the person to be transferred, the kind of training to be imparted and other circumstances of the case: Provided that,—

(a) no [person] who is transferred under this sub-section shall be required to stay in the home or institution to which [he] is transferred for a period longer than 7[he] was required to stay in the home or institution from which [he] was transferred;

(b) reasons shall be recorded for every order of transfer under this sub-section.]

(10) Whoever establishes or maintains a [protective home or corrective institution] except in accordance with the provisions of this section, shall be punishable in the case of a first offence with fine which may extend to one thousand rupees and in the case of second or subsequent offence with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

¹⁶ If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, establish one or more Courts of Judicial Magistrates of the first class, or as the case may be, Metropolitan

Magistrates, in such district or metropolitan area. 3[22A. Power to establish special courts.—(1) If the State Government is satisfied that it is necessary for the purpose of providing for speedy trial of offences under this Act in any district or metropolitan area, it may, by notification in the Official Gazette and after consultation with the High Court, establish one or more Courts of Judicial Magistrates of the first class, or as the case may be, Metropolitan Magistrates, in such district or metropolitan area.”

(2) Unless otherwise directed by the High Court, a court established under sub-section (1) shall exercise jurisdiction only in respect of cases under this Act.

(3) Subject to the provisions of sub-section (2), the jurisdiction and powers of the presiding officer of a court established under sub-section (1) in any district or metropolitan area shall extend throughout the district or the metropolitan area, as the case may be.

(4) Subject to the foregoing provisions of this section a court established under sub-section (1) in any district or metropolitan area shall be deemed to be a court established under sub-section (1) of section 11, or as the case may be, sub-section (1) of section 16, of the Code of Criminal Procedure, 1973 (2 of 1974), and the provisions of the Code shall apply accordingly in relation to such courts. Explanation.—In this section, “High Court” has the same meaning as in clause (e) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974).]

¹⁷ means any labour or service rendered under the bonded labour system.

¹⁸ means a labourer who incurs, or has, or is presumed to have, incurred, a bonded debt.

¹⁹ (g) “bonded labour system” means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that,— (i)

in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, on such advance, or (ii) in pursuance of any customary or social obligation, or (iii) in pursuance of an obligation devolving on him by succession, or (iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or (v) by reason of his birth in any particular caste or community, he would-- (1) render, by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or (2) forfeit the freedom of employment or other means of livelihood for a specified period or for an unspecified period, or (3) forfeit the right to move freely throughout the territory of India, or (4) forfeit

the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him, and includes the system of forced, or partly forced, labour under 3 which a surety for a debtor enters, or has, or is presumed to have, entered, into an agreement with the creditor to the effect that in the event of the failure of the debtor to repay the debt, he would render the bonded labour on behalf of the debtor;

²⁰Abolition of bonded labour system.- (1) On the commencement of this Act, the bonded labour system shall stand abolished and every bonded labourer shall, on such commencement, stand freed and discharged from any obligation to render any bonded labour. (2) After the commencement of this Act, no person shall-- (a) make any advance under, or in pursuance of, the bonded labour system, or (b) compel any

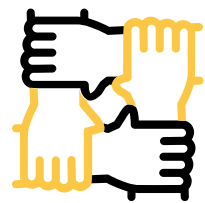
person to render any bonded labour or other form of forced labour.

²¹Objective of the Scheme - To prevent trafficking of women and children for commercial sexual exploitation through social mobilization and involvement of local communities, awareness generation programmes, generate public discourse through workshops/seminars and such events and any other innovative activity. To facilitate rescue of victims from the place of their exploitation and place them in safe custody. To provide rehabilitation services both immediate and long-term to the victims by providing basic amenities/needs such as shelter, food, clothing, medical treatment including counselling, legal aid and guidance and vocational training. To facilitate reintegration of the victims into the family and society at large. To facilitate repatriation of cross-border victims to their country of origin.









Political and Public Life

Article 7:

States Parties shall take all appropriate measures to:

- Eliminate discrimination against women in the political and public life of the country;
- Ensure to women, on equal terms with men, the right to:
 - a. Vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
 - b. Participate in the formulation and implementation thereof of government policy and to hold public office and perform all public functions;
 - c. Participate in

CONSTITUTION:

1. **A. 14:** Equality before Law. (Supra: Chapter 1)
2. **A. 15:** No Discrimination. (Supra: Chapter 1)
3. **A. 16:** Equality of Opportunity in Public Employment. (Supra: Chapter 1)
4. **A. 19:** Guarantees to all citizens freedom of speech and expression; assemble peacefully; to form association; move freely; reside in any part of the country; to practice any profession.²
5. **A. 40:** State to take steps to organise village *panchayats*³ and endow them with such powers and authority to enable them to function as units of self-government.⁴
6. **A. 243D**⁵: Reservation of seats–
 - (1): In direct elections of Panchayat, seats to be reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) in proportion to their population in that Panchayat.
 - (2): Out of these reserved seats, one-third shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes.
 - (3): In direct elections of Panchayat, not less than one-third of the total number of seats shall be reserved for women.
 - (4): The office of the Chairperson in the *Panchayat* at the village or any other level to be reserved for the SC, the ST and women.
7. **A. 243T**⁶: Reservation of seats–
 - (1): In direct elections of every Municipality, seats to be reserved for Scheduled Castes (SC) and Scheduled Tribes (ST) in proportion to

G1 (and R1): Poor representation of women the upper echelons of law-making, i.e., parliament and state legislative assemblies. (Supra: Chapter 1) [CEDAW A. 7(b)]

G2: Ineligibility and consequent disqualification of women to contest elections on the grounds of lack of educational qualification deprives women for no fault of theirs. [CEDAW A. 7(a) and A. 7(b)] (Ref: Rajbala V/s State of Haryana)¹¹

R2: As per 2020, only around 66% of women are literate in India as compared to 82% of men.¹² Considering the grass-root realities regarding the literacy of women, especially adult women, legislatures, need to be more sensitive in imposing disqualifying criteria on women to contest election for lack of educational qualification till particular level of literacy of women is achieved .

G3: Studies show that about 43%

Article(s) of the CEDAW	Provisions in the Constitution of India, Legislations, Policies, Reports, and Judgements	Gaps in the implementation of CEDAW in India (G) and its corresponding recommendations (R)
<p>non - governmental organizations and associations concerned with the public and political life of the country.¹</p>	<p>their population in that Municipality.</p> <p>(2): Out of these reserved seats, one-third shall be reserved for women belonging to Scheduled Castes and Scheduled Tribes.</p> <p>(3): In direct elections of every Municipality, not less than one-third of the total number of seats shall be reserved for women.</p> <p>(4): The office of the Chairperson in the Municipality at the village or any other level to be reserved for the SC, the ST and women.</p> <p>(5):</p> <p>(6):</p> <p>8. A. 326: Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.⁷</p> <p>LEGISLATIONS:</p> <p>1. The Representation of the People Act, 1951: The conduct of elections of the Houses of Parliament and to the House or Houses of the Legislature of each State for all persons, without any kind of discrimination.</p> <ul style="list-style-type: none"> • Every state, (except the ones mentioned in A. 243M) has enacted State legislature providing for the reservation to women in the Panchayat in furtherance of A. 243D of the Constitution e.g., the Rajasthan Panchayati Raj Act, 1994. • Every state, (except the ones mentioned in A. 243ZC) has enacted its own legislature providing for the reservation to women 	<p>of women in politics found entry through their politically active families rather than their individual capabilities and efforts. Gender stereotyping within families and in public life, lower literacy rate, lower financial autonomy, lower social status, lower exposure to public life etc. pose immense challenges for women's political participation.¹³ [CEDAW A. 7(b)]</p> <p>R3: <i>The socio-cultural barriers that women negotiate within families and in public life need to be changed. Awareness about the importance of equal participation of women in the development of the nation is required through educational institutions, religious, social and political leaders, civil society organisations, etc. The Draft National Policy for the Empowerment of Women, 2016 needs to be finalised and implemented.</i></p> <p>G4: There are only 4 female</p>

Article(s) of the CEDAW	Provisions in the Constitution of India, Legislations, Policies, Reports, and Judgements	Gaps in the implementation of CEDAW in India (G) and its corresponding recommendations (R)
	<p>in the local bodies in furtherance of A. 243T of the Constitution e.g., the Delhi Municipal Corporation Act, 1957.</p> <ol style="list-style-type: none"> The Companies Act, 2013: Provision for Women Directors in Listed Companies and Public Companies (Supra: Chapter 1) National Commission for Women Act, 1990: To monitor implementation of laws relating to women (Supra: Chapter 1) Protection of Human Rights Act, 1993: Provides for the constitution of the National Human Rights Commission, India (NHRC) for the protection of human rights. (Supra: Chapter 1) The Industrial Relations Code, 2020: Provides many safeguards for women including equal remuneration, maternity benefits and a workplace with the required facilities for women. Registration of Societies Act, 1860: Provides for registration of NGOs; treats women at par with men to be a member or office bearer of an NGO. Foreign Contribution (Regulation) Act, 2010: Enables women at par with men to raise funds from foreign sources for running NGOs working for the welfare of people including women's empowerment and leadership. <p>POLICIES:</p> <ol style="list-style-type: none"> Committee on the Status of Women in India (1971) (Supra: Chapter 1) National Policy for the Empowerment of Women, 2001 (Supra: 	<p>Supreme Court Judges against the sanctioned strength of 34 (2021). No female Chief Justice of India has been appointed to date. There are only 80 women judges against sanctioned 1113 Judges in High Courts (7.2%) and only 17 designated female Senior Advocates against 703 (2.4%) men in the Supreme Court. [CEDAW A. 7(b)]</p> <p>R4: <i>Supreme Court should make efforts to increase the number of female judges and senior advocates.</i></p> <p>G5: Statutory bodies established to protect and promote the rights of women are neither autonomous of the government, nor adequately resourced to enable them to participate actively in public life and to serve the purpose of their establishment. [CEDAW A. 7(b)]</p> <p>R5: <i>There is a need for ensuring autonomy and adequate resourcing of the statutory</i></p>

Article(s) of the CEDAW	Provisions in the Constitution of India, Legislations, Policies, Reports, and Judgements	Gaps in the implementation of CEDAW in India (G) and its corresponding recommendations (R)
	<p>Chapter 1)</p> <p>3. Report of High-Level Committee on Status of Women, 2015 (Supra: Chapter 1)</p> <p>4. Draft National Policy for Women, 2016 (Supra: Chapter 1)</p> <p>JUDGEMENTS:</p> <p>1. Rajbala v. the State of Haryana (2016) 1 SCC 463: The Supreme Court upheld the constitutional validity of the Haryana Panchayati Raj (Amendment) Act, which stipulates that individuals contesting panchayat elections must have at least passed Class 10 (Class 8 for women and Dalit candidates).</p> <p>2. Javed v. State of Haryana AIR 2003 SC 3057: The Supreme Court upheld the constitutionality of a law that prohibits anyone with more than two living children from holding certain public offices in the Panchayati raj local government system of the state of Haryana.</p> <p>3. C.B. Muthamma v. UOI 1979 SCC (4) 260: The Supreme Court struck down the service rules of IFS officers stating that if a woman marries then the employer will have the right to terminate her services.</p>	<p><i>bodies established to protect and promote the rights of women in line with the Paris Principles relating to the National Human Rights Institutions.¹⁴</i></p>

¹Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

²Article 19

Protection of certain rights regarding freedom of speech, etc.—(1) All citizens shall have the right— (a) to freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations or unions [or co-operative societies]; (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India; [and] * * * (g) to practise any profession, or to carry on any occupation, trade or business.

[(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of [the sovereignty and integrity of India,] the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence.]

(3) Nothing in sub-clause (b) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of [the sovereignty and integrity of India or] public order, reasonable restrictions on the exercise of the right conferred by

the said sub-clause.

(4) Nothing in sub-clause (c) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the sovereignty and integrity of India or public order or morality, reasonable restrictions on the exercise of the right conferred by the said sub-clause.

(5) Nothing in [sub-clauses (d) and (e)] of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe.

(6) Nothing in sub-clause (g) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, in the interests of the general public, reasonable restrictions on the exercise of the right conferred by the said sub-clause, and, in particular, [nothing in the said sub-clause shall affect the operation of any existing law in so far as it relates to, or prevent the State from making any law relating to,— (i) the professional or technical qualifications necessary for practising any profession or carrying on any occupation, trade or business, or (ii) the carrying on by the State, or by a corporation owned or controlled by the State, of any trade, business, industry or service, whether to the exclusion, complete or partial, of citizens or otherwise].

³Panchayat is an institution of self-government constituted under A.243D for rural areas.

⁴Article 40:

Organisation of village panchayats.—The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-

government.

⁵Article 243D: Reservation of seats—

(1) Seats shall be reserved for—

(a) the Scheduled Castes; and

(b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(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 shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the

total number of offices of Chairpersons in the 97 Panchayats at each level shall be reserved for women: Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

⁶ **Article 243T:** Reservation of seats—

(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes. 102

(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 shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Municipality.

(4) The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the

Legislature of a State may, by law, provide.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

⁷ **Article 326:** Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.—

The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than 2 [eighteen years] of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

⁸ <https://wcd.nic.in/documents/hlc-status-women>

⁹ Javed v. State of Haryana AIR 2003 SC 3057

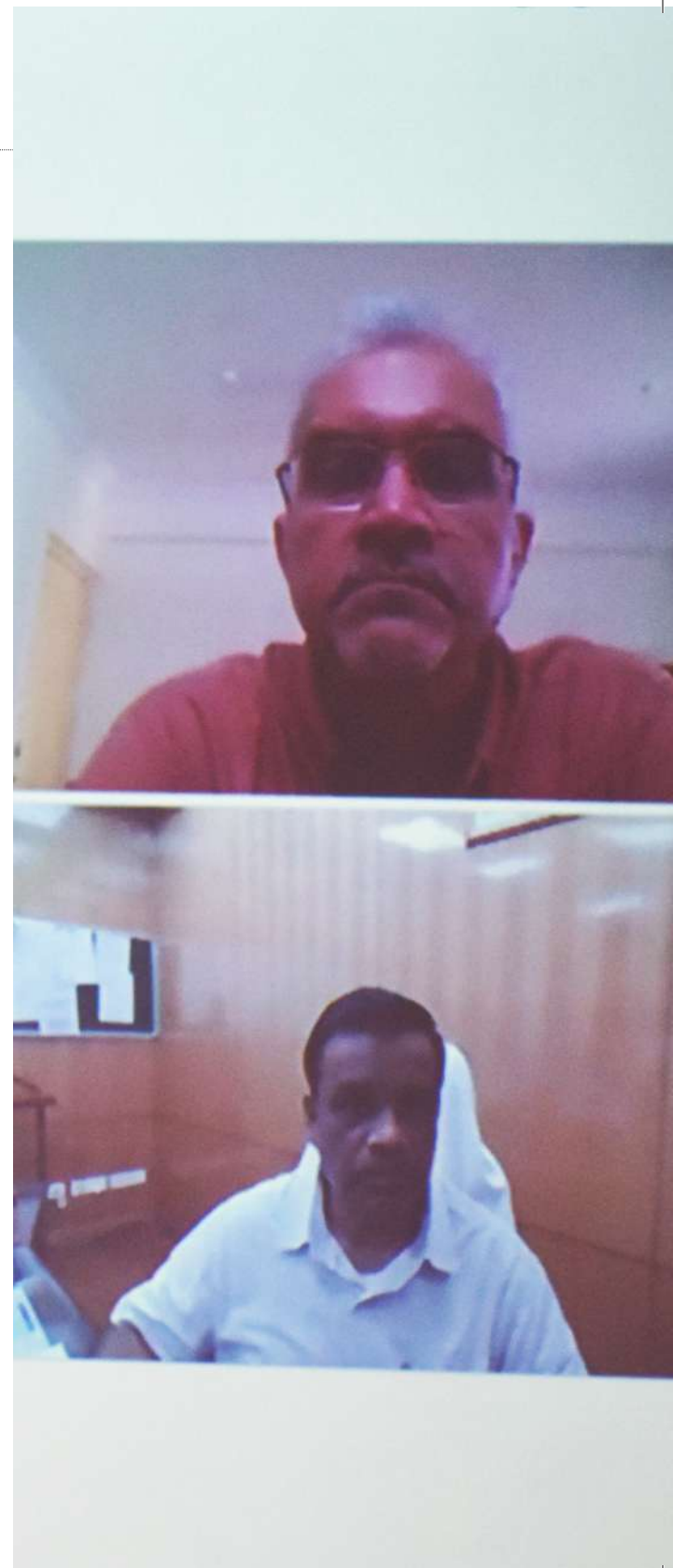
¹⁰ United Nations Document on International Day for the Elimination of Violence Against Women, 25 November, 2020.

¹¹ Rajbala v. State of Haryana (2016) 1 SCC 463

¹² Global Gender Gap Report, 2020 by World Economic Forum.

¹³ The Politics of Access: Narratives of Women MPs in the Indian Parliament— Shirin M. Rai, University of Warwick, Political Studies, 2021— Vol 60, p.195-212

¹⁴ General Assembly resolution 48/134 of 20 December 1993





Education and Employment

Article(s) of the CEDAW	Provisions in the Constitution of India, Legislations, Policies, Reports, and Judgements	Gaps in the implementation of CEDAW in India (G) and its corresponding recommendations (R)
<p>Article 8:</p> <p>International Representation</p> <p>States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.¹</p> <p>Article 10²:</p> <p>Education</p> <p>The States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular</p> <p>(a) The same conditions for career and vocational guidance, equal rights and opportunities in education of</p>	<p>CONSTITUTION:</p> <ol style="list-style-type: none"> A.14: Right to Equality before law⁴ (Supra: Chapter 1) A. 15: Non-Discrimination⁵ (Supra: Chapter 1) A. 15 (3): Special provisions for women and children. (Supra: Chapter 1) A. 16: Equality of opportunity in matters of public employment.⁶ (Supra: Chapter 1) A.21: Protection of life and personal liberty.—No person to be deprived of his life or personal liberty except according to procedure established by law.⁷ A. 29: Protection of Interest of minorities⁸ <ol style="list-style-type: none"> ... No citizen to be denied admission into any educational institution maintained by the State on grounds only of religion, race, caste, language or any of them. A.30: Right of minorities to establish and administer educational institutions.⁹ A. 39: Certain principles of policy to be followed by the State:¹⁰ <ol style="list-style-type: none"> the citizens, men and women equally, have the right to an adequate means of livelihood; the ownership and control of the material resources of the community to best subserve the common good; ... 	<p>G1: Despite parity in primary school enrolment, the drop-out rate and gender gap for girl's education is higher, especially in rural areas. [CEDAW A. 10(e) and (f)]</p> <p>R1: <i>Infrastructure in schools, especially rural areas should be improved including provision of separate toilets for boys and girls. Menstrual hygiene should also be ensured in the schools to encourage enrolment and retention of girl (adolescent) students in schools especially in rural areas.</i></p> <p>G2: There is lower proportion of girls/ women students in technical education/ professional programmes especially where the cost</p>

Article(s) of the CEDAW	Provisions in the Constitution of India, Legislations, Policies, Reports, and Judgements	Gaps in the implementation of CEDAW in India (G) and its corresponding recommendations (R)
<p>all categories including pre-school, general, technical, professional and higher technical education in rural as well as urban areas;</p> <p>b) Access to same curricula, the same examinations ;</p> <p>(c) Elimination of stereotyped concepts of the roles of men and women at all levels of education;</p> <p>(d) The same opportunities to benefit from scholarships and study grants;</p> <p>(e) The same opportunities for access to programmes of continuing education especially aimed at reducing gender gap in education;</p> <p>(f) Reduction in female student drop-out rates;</p> <p>(g) The same opportunities to participate actively in sports and physical</p>	<p>(d) equal pay for equal work for both men and women;</p> <p>(e) the health and strength of workers, men and women, are not forced by economic necessity to enter avocations.</p> <p>9. A. 42: The State shall make provisions for securing just and humane conditions of work and for maternity relief.¹¹</p> <p>LEGISLATIONS:</p> <p>1. Right of Children to Free and Compulsory Education Act (RTE), 2009:</p> <p>a) S. 3: Government to provide free and compulsory elementary education from age group of 6-14 years to each child including textbooks, uniforms, stationery items and special educational material for children with disabilities in order to reduce the burden of school expenses as stated under Rule 4.¹²</p> <p>b) S. 17: Prohibits all kinds of physical punishment and mental harassment.¹³</p> <p>2. The National Commission for Women Act, 1990:</p> <p>a) S.10(h): undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres.¹⁴</p> <p>3. Inter-State Migrant Workmen Act (ISMWA), 1979:</p> <p>a) S. 13: Provides that two workmen doing the same or similar kind</p>	<p>of education is higher. [CEDAW A. 10(a) and (d)]</p> <p>R2: <i>Higher enrolment of girls/ women in technical education/ professional programmes can be ensured by taking affirmative actions including scholarships to the girls/women students.</i></p> <p>G3: Schemes related to education of girls sometimes have clauses which indirectly uphold or foster patriarchy. Schemes linking with age/marriage promote a role expectation for girls with regard to marriage. (Sukanya Samriddhi Yojana) [CEDAW A. 10]</p> <p>R3: <i>The welfare schemes should be gender neutral and there should not be any conditional clause regarding marriage of the</i></p>

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<p>education;</p> <p>(h) Access to educational information to ensure the well-being of families, including information and advice on family planning.</p> <p>Article 11³ :</p> <p>Employment:</p> <p>1. The States parties shall take all measures to eliminate discrimination and ensure equality of men and women in the field of employment in particular:</p> <p>(a) the right to work is an inalienable right of all human beings;</p> <p>(b) the right to the same employment opportunities;</p> <p>(c) the right to free choice of profession and employment; equal right to promotion and job security and the right to</p>	<p>of work in an establishment the wage rates, holidays, hours of work and other conditions of service need to be the same.¹⁵</p> <p>b) S.16: Provides that the contractor has to provide certain facilities to workmen like equal pay for equal work irrespective of sex.¹⁶</p> <p>4. Equal Remuneration Act (ERA), 1976 :</p> <p>a) S. 4: Provides for equal pay for equal work.¹⁷ (Supra: Chapter 1)</p> <p>5. The Plantations Labour Act, 1951:</p> <p>a) S. 12: Provides for the facility of a crèche in every plantation with fifty women workers or more.¹⁸</p> <p>b) S. 15: Every employer under this Act has to provide suitable accommodation to workers and their family.¹⁹</p> <p>c) S. 32: Provides for maternity benefits like allowance.²⁰</p> <p>6. Mahatma Gandhi National Rural Employment Guarantee Act (2005) (MGNREGA)</p> <ul style="list-style-type: none"> It guarantees livelihood security in rural areas by giving 100 days of wage employment on demand to every household. While the nodal Ministry concerning the MGNREGA is the Ministry of Rural Development, however, the ground level execution of the Scheme is undertaken by the Gram Panchayats. This law is particularly important for women workers as it reserves at least one-third of workdays for women; creating opportunities for unskilled manual labour; mandating that work be provided locally, and stipulating the provision of on-site child care for 	<p>girls.</p> <p>G4: Despite there being laws ensuring labour welfare and social security to workers, a large number of workers remain outside the purview of these laws which mainly cover the workers in the organised sector. Nearly 94% of the women workers are in the unorganised sector like brick kilns, construction and agricultural work, as such they do not get benefit of these laws. [CEDAW A. 11(1)(d) & (e)]</p> <p>R4: <i>The labour welfare and social security including payment of equal wages to workers should be ensured and measures should be taken to include the unorganised sector in legislations</i></p>

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<p>receive vocational training;</p> <p>(d) the right to equal remuneration, benefits and equal treatment in respect of work;</p> <p>(e) the right to social security, including with respect to retirement, unemployment, etc. as well as paid leave;</p> <p>(f) the right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.</p> <p>2. States Parties shall prevent discrimination against women on the grounds of marriage or maternity and take appropriate measures to:</p> <p>(a) prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy, maternity leave or marital status;</p>	<p>children under 6 years of age.</p> <p>7. Unorganised Workers Social Security Act (UWSSA), 2008:</p> <p>S. 3: Provides that the Central Government may notify social welfare schemes when deemed fit on subjects including health and maternity benefits.²¹</p> <p>8. The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996:</p> <p>a) S. 22: Provides for the constitution of State Welfare Boards. Further, S.22 (g) provides Boards to make payment of maternity benefits to the female beneficiaries.²²</p> <p>b) S. 35: Provides for crèche where more than fifty female workers are employed.²³</p> <p>9. The Companies Act, 2013: Provides for compulsory women independent directors under S. 149(1).²⁴ (Supra: Chapter 1)</p> <p>10. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (POSH), 2013: The Act prohibits sexual harassment of women at the workplace and gives an inclusive list of circumstances that can be classified as sexual harassment at the workplace.²⁵</p> <p>11. Maternity Benefit Act (MBA), 1961 and Maternity Benefit (Amendment) Act, 2017²⁶ (Supra: Chapter 1)</p> <p>a) S. 5: Prescribes different maternity benefits to working women in an organised sector including paid leave.²⁷</p>	<p><i>with special emphasis on women workers in unorganised sector.</i></p> <p>G5: There is no employment guarantee scheme like MGNREGA (which ensures 33% reservation for women) in urban areas of India. [CEDAW A. 11(1)(a) & (b)]</p> <p>R5: <i>There should be an employment guarantee scheme/Act in the urban areas making reservation for women on the lines of MGNREGA.</i></p> <p>G6: S.5 and S.6 of the UWSSA does not explicitly provide for representation of women in the Social Security Board at national as well as state level. [CEDAW A. 11]</p> <p>R6: <i>Make specific</i></p>

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<p>(b) introduce maternity leave with pay or comparable social benefits;</p> <p>(c) encourage provision of social support services to enable parents to combine family obligations with work responsibilities, particularly by establishment of child-care facilities;</p> <p>(d) provide special protection to women during pregnancy in types of work harmful to them;</p> <p>3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge.</p>	<p>b) S. 9: Provides for paid leave in case of miscarriage.²⁸</p> <p>c) S. 12: Provides discharge/dismissal of a woman absent from work due to her pregnancy is unlawful, provided due procedures have been followed.²⁹</p> <p>RULES AND REGULATIONS:</p> <p>1. UGC Regulation on Curbing the Menace of Ragging in Higher Educational Institutions, 2009:</p> <p>a) Clause 3: Defines what constitutes ‘Ragging’. Includes sexual abuse and homosexual assaults.³⁰</p> <p>b) Clause 7: Provides the nature of offences that are penalised under the regulations.³¹</p> <p>POLICIES, SCHEMES AND PROGRAMMES:</p> <p>1. National Policy on Education, 1986: The National Policy on Education, 1986, aimed at ensuring a national system of education which implies that up to a given level, all students irrespective of the caste, creed, sex and location, have access to the education of a comparable quality.³²</p> <p>2. National Education Policy, 2021 aims to bring transformational reforms in schools and higher education systems including universalisation of education .</p> <p>a) Chapter 4 -</p>	<p><i>provision for women as a member in the boards at both national as well as state levels.</i></p> <p>G7: Over 90% of women are in the informal economy where regulatory frameworks are mostly absent as such POSH Act is poorly implemented, including setting up of Local Committees, etc. [CEDAW A.11(1)(f)]</p> <p>R7: <i>Local Committees should be set up and POSH Act should also be included in the Labour Codes.</i></p> <p>G8: The domestic workers remain outside the purview of all the statutory labour enactments ensuring social security. [CEDAW A. 11(1)(e)]</p>

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	<ul style="list-style-type: none"> • Clause 4.23: Gender sensitivity including certain other subjects and skills should be learned by all students.³³ • Clause 4.28: Ethical and Constitutional values including gender sensitivity to be taught from a young age.³⁴ <p>b) Chapter 6 is on “Equitable and Inclusive Education: Learning for All”. This part specifically mentions gender gap in education and the constant decline in admission of women and transgender persons from Grade 1 to Grade 12.</p> <ul style="list-style-type: none"> • Clause 6.8 envisages setting up of a Gender Inclusion Fund to build the nation’s capacity to provide equitable quality education for all girls as well as transgender students and Special Education Zones for disadvantaged regions, and groups.³⁵ • Clause 6.14 envisages training of teachers with an element of gender sensitisation.³⁶ • Clause 6.20 focuses on an inclusive curriculum with human rights and gender equality at its centre.³⁷ <p>c) Chapter 14 is titled “Equity and Inclusion in Higher Education” and clause 14.4.1 under it mentions specific steps to be taken by both State and Central Governments to ensure equality and inclusion in higher education institutions. This includes enhancing gender balance in admissions.³⁸</p> <p>3. Mahila E- haat: Launched in 2016 by the Ministry of Women and Child Development is an online marketing platform that leverages technology to help aspiring women entrepreneurs, self-help groups, and NGOs to showcase their products and services.</p>	<p>R8: <i>The domestic workers should be included in the statutory labour enactments.</i></p> <p>G9: The Female Labour Force Participation Rate, i.e., the share of working women (who report either being employed or being available for work) has fallen to a historic low of 23.3% in 2017-18. There is also a fall in work participation rates among rural women by 7 percentage points from 24.8% to 17.5%. (PLFS data for 2017-18) [CEDAW A.11(2)]</p> <p>R9: <i>The State should encourage women participation in workforce by taking affirmative actions like demystifying gender stereotypes, ensuring enabling and inclusive environment like</i></p>

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	<p>4. Swadhar Greh: Launched by Ministry of Women and Child Development in the year 2015 Supports the women victims, in need of institutional support for rehabilitation. It envisages providing shelter, food, clothing and health as well as economic and social security for these women.</p> <p>5. The Support to Training & Employment Programme for Women (STEP): Launched as a 'Central Sector Scheme' in 1986-87 and administered by the Ministry of Women and Child Development. Provides skills to women (above the age of 16) to help take up gainful employment through training programmes.</p> <p>6. Mahila Shakti Kendras: Started in 2017 under the Ministry of Women and Child Development to empower rural women with opportunities for skill development, employment, digital literacy, health and nutrition.</p> <p>7. Working Women Hostel Scheme: The Government of India being concerned about the difficulties faced by such working women, introduced a scheme in 1972-73 of grant-in-aid for construction of new/expansion of existing buildings for providing hostel facilities to working women in cities, smaller towns and also in rural areas where employment opportunities for women exist</p> <p>8. Childcare leave (CCL): is granted to government women employees and single fathers for a maximum period of two years (730 days) during their entire service for taking care of their minor children (up to eighteen years of age).</p>	<p><i>social support services and maternity benefits. Female labour force participation be improved by providing reservation to women, wherever required.</i></p> <p>G10: Inadequate number of working women's hostels disables women from joining workplaces. [CEDAW A.11]</p> <p>R10: Adequate number of hostels should be made for working women which would encourage women to join workplaces.</p> <p>G11: Women workers are recruited as part of a pair or family units, especially in brick kiln and sugarcane industries. The practice of paying wages to the head of the family at piece rates, without ensuring any independent</p>

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	<p>9. Nai Roshni Scheme: Launched by Ministry of Minority Affairs in 2012, the scheme is targeted to cover women belonging to all minorities notified under Section 2 (c) of the National Commission for Minorities Act 1992 for empowering women.</p> <p>10. Beti Bachao Beti Padhao: Launched in 2015 to make girls socially and financially self-reliant through education. It was unleashed with an objective of addressing the declining Child Sex Ratio (CSR) and other issues related to the women empowerment. This is a joint initiative of Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Education.</p> <p>11. Sukanya Samriddhi Yojana: A saving scheme launched in 2015 as part of the Government initiative Beti Bachao, Beti Padhao campaign, in which accounts can be opened in post offices and designated banks in the name of the baby girl for the purpose of education and marriage.</p> <p>12. Kishori Shakti Yojana: Launched in 2007 by the Ministry of Women and Child Development. It seeks to empower adolescent girls, so as to enable them to take charge of their lives. It seeks to provide them with an opportunity to realize their full potential.</p> <p>13. CBSE Merit Scholarship Scheme for Single Girl Child: The objective of CBSE merit scholarship scheme is to provide scholarships to the meritorious Single Girl child Students.</p> <p>14. Post Graduate Indira Gandhi Scholarship for Single Girl Child: In order to achieve and promote girls education, UGC introduced a post</p>	<p>wage for the women who participate in the labour of production, remains unchecked despite legal provisions. [CEDAW A. 11(1)(d)]</p> <p>R11: <i>The practice of employing a couple as one unit and payment of wage to the couple as one unit should be declared unlawful.</i></p> <p>G12: Family obligations including childcare responsibilities are exclusively discharged by the mothers, as the childcare leave are available only to women employees. [CEDAW A. 11(2)(c)]</p> <p>R12: <i>Childcare leave facilities should be shared by both the parents so that both men and women are able to carry out</i></p>