

economic support could realize his potential. He became an outstanding leader with generations of followers. He piloted the draft Constitution with commendable ability.

Article 51(j) declares that it is the duty of every citizen of India to strive towards excellence in all spheres of individual and collective activity so that the Nation constantly rises to higher levels of endeavour and achievement. The manner in which reservations are made and are being operated, obstructs the discharge of fundamental duty by the citizens.

Reservation cannot be the solution to the problem of massive backwardness of our people. According to Prof.B.Sivaramayya, "*the remedy for people confined in unremunerative occupations*

lies in removing steep disparities in wages between different kinds of occupations and in making unclean occupations clean by mechanization and other devices". Raising the level of weaker sections requires a multi dimensional approach.

The Central and the State Governments have neglected the mandate of Part IV so far and have been focusing mostly on reservations under Articles 15(4) and 16(4). It is time we declare that reservations under Articles 15(4) and 16(4) will be permissible only as supplements to schemes for universal education and eradication of poverty but not in lieu thereof. The Constitutional goal of promoting fraternity assuring the dignity of the individual and unity of the Nation is of paramount importance and it cannot be circumvented.

GENDER JUSTICE: STATUS OF WOMEN IN ANDHRA PRADESH^{*}

By

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I. Introduction

As former Chief Justice *A.S. Anand* observes: "Gender inequities throughout the world are among the most, all pervasive, though deceptively subtle forms of inequality. Gender equality concerns each and every member of the society and forms the very basis of a just society."¹ However, Gender Justice is about more than just equality for women. Gender Justice is about (1) Security for women (2) Equality of opportunity for women and absence of discrimination against women, and (3) Material well-being of women. This paper addresses these different dimensions of gender justice, with focus on the women of Andhra Pradesh.

With the emergence of the concept of Welfare State, the role expected to be played by the State is not a static one but a dynamic one. Law has to be an instrument of social change as the famous jurist Rouse Pound has put it, updating itself to the contemporaneous requirement of society. Although 50% of the population is female, the traditional social system does not accord women equal status or rights to property, does not assure them equal opportunities at work and career, and does not protect their life and limb from domestic violence, while the modern life fails to protect their dignity in the workplace and public places. Caught in a cleft between the discrimination of the traditional system and the neglect of the modern, women remain

substantively deprived of the constitutionally assured right to equality before and equal protection of law. Legislations have failed to relieve women of the burden of history and the pressures of modern life. In view of the above, this paper tries to review the status of women in Andhra Pradesh, with a focus on existing legislation, administrative arrangements and orders, judicial interpretations, with a view of identifying areas requiring attention and reforms.

II. Resource Position/Data

In the year 2003, out of a total estimated population of 76111243 in the State of Andhra Pradesh, females were estimated to be 37620737 and males 38490506,² indicating that females were about 49% of the total population. The female ratio for 1000 males was 977.³

The literacy rate for females is 51.2% and for males is 70.9%.⁴ The ratio of female literacy rate in A.P. to female literacy rate in India was 0.95, showing that female literacy in A.P. was marginally lower than in the whole of India.⁵ Female adult literacy in A.P. was 32.8% compared to 40.7% in the whole of India,⁶ giving the ratio of female adult literacy in A.P. to whole of India as 0.81. The adult literacy rate among males in A.P. was 57%.⁷ The dropout rate from classes I-X was similar between boys and girls in Andhra Pradesh, unlike the rest of India.⁸

1 CJ A.S. Anand, *Dynamics of Gender Justice: Crimes against Women*, Universal Law Publishing Co. Pvt Ltd.

2 "Women and Children of Andhra Pradesh" a note by the Director, Directorate of Economic and Statistics, Government of Andhra Pradesh, Hyderabad, dated 07-01-2003.

3 *ibid*

4 In the year 2001. See Table 4.1 in "Indicators on Educational Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 186.

5 Computed from Table 4.1, *ibid*.

6 In the year 1995-96. See Table 4.11 in "Indicators on Educational Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 196.

7 *ibid*.

8 The 1998-99 (Provisional) statistics reveal a dropout rate of 78.65% in girls and 76.52 in boys (A.P.) against 70.22% in girls and 65.44% in boys (all India). See Table 4.23 in "Indicators on Educational Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 208.

However it was higher than the all India dropout rate of girls, with the ratio of A.P. female dropout rate to all India being 1.12. The intensity of formal education⁹ was 1.9 for girls in A.P. against 2.63 for boys in A.P. and 2.26 for girls in the whole of India,¹⁰ with the ratio of intensity of female education in A.P. to all India being only 0.84. Thus, female education in Andhra Pradesh seems to lag behind corresponding all India averages in all the indicators considered. It also lags behind education of males in Andhra Pradesh, with the exception of dropout rates in Classes I-X, which are equally high between boys and girls in Andhra Pradesh.

The expectation of life at birth was somewhat higher among females in A.P. than in males, as also in the whole of India, being 63 years in A.P. and 61.4 years in the whole of India for females, while it was 60.8 years for males in A.P.¹¹ Correspondingly, the death rate for females in A.P. (5.4 in 1000) was lower than the death rate of males in A.P. (6.4 in 1000) and death rate of females in the whole of India (6 in 1000).¹² The maternity mortality rate in A.P. women was

only 40% of the all India rate, at 159 per lakh, while the all India maternal mortality rate was 407 per lakh.¹³ Thus, in matters of life, birth and death, A.P. women seemed better off than their all India counterparts, and even vis-a-vis men of A.P.

Indicators on health of the living however, provided mixed evidence. For instance, when complaints of ailments in the last fifteen days¹⁴ were estimated, 63 (per 1000) of the women of A.P. complained, while the corresponding all India figures were somewhat lower 57-58 (per 1000).¹⁵ Male complainants in A.P. averaged higher in rural areas (66 per 1000) and lower in urban areas (58 per 1000).¹⁶ Similarly, In 1998-99, 49.8% of the women in A.P. were estimated to suffer from anaemia, which was slightly smaller than the all India rate of 51.8%¹⁷, but severe anaemia was more in A.P. women, affecting 2.4% against, an all India average of 1.9%.¹⁸

The prevalence of child labour in A.P. (10%) was nearly twice that in whole of India (5.4%)¹⁹, but female child labour rate in A.P. (10.5%) was more than twice the all India rate for female children (5.1%).²⁰ The

9 The intensity of formal education is estimated as the weighted average of the enrolled students from Class I to Class XII, with weights being 1 for Class I, 2 for Class II, and so on. The average has been adjusted by the proportion of enrolment to population in age group 6-18.

10 The estimates relate to the year 1993. See Table 4.27, in "Indicators on Educational Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 212.

11 The estimates relate to years 1992-96. See Table 5.1, in "Indicators on Health Attainment and Demography", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 218.

12 In the year 1997. See Table 5.21, in "Indicators on Health Attainment and Demography", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 238.

13 In 1998. See Table 5.22, in "Indicators on Health Attainment and Demography", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 239.

14 Of the NSS 52nd Round, July 1995-June 1996.

15 See Tables 5.38 and 5.39, in "Indicators on Health Attainment and Demography", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, pp 255-56.

16 Ibid

17 See Table 5.29, in "Indicators on Health Attainment and Demography", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 246.

18 See Table 5.28, in "Indicators on Health Attainment and Demography", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 245.

19 In the age group 5 to 14, in 1991. See Table 6.7, in "Indicators on Other Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 274.

20 Ibid

percentage of workers in female children in A.P. was also higher than the corresponding percentage for male children (9.5%). This was in contrast to the situation in the whole of India, where prevalence of child labour was more in males (5.7%) than in females (5.1%).²¹ Thus, although the problem of child labour spans across the gender divide and is especially severe in A.P., it affects the girl child more than the boy-child in A.P.

Work participation of women in Andhra Pradesh is 43% higher than the rest of the country. 54.2% of the females were in the labour force in AP, as against 38.8% in India as a whole.²² However, in spite of greater work-participation, the incidence of unemployment in A.P. women (0.9%) was half the all India rate (1.8%).²³ In fact the incidence of unemployment in women is half the incidence of unemployment in men (1.8%) in A.P.²⁴ Thus, women of A.P. are marked by a greater willingness to seek economic employment than their all India counterparts, and this willingness is supported by opportunities that are more ample than in the rest of India, or for their male counterparts.

The incidence of poverty is reportedly less in A.P. (15.8%) than in the whole of India (26.1%).²⁵ But these estimates are based

on minimum food requirements,²⁶ and do not reflect the availability of basic amenities. Women suffer more than men from the lack of some of these amenities, such as lack of drinking water and toilet facilities which appeared to be relatively more pronounced in A.P.. In 1991, 44.9% of the households in A.P. lacked safe drinking water against an all India average of 37.7%.²⁷ Likewise, 64.9% of the households in A.P. did not have access to toilet facility compared to 50.7% in the whole of India.²⁸

Recorded cognisable offences against women are relatively more in A.P. than in the whole of India, with cognisable crime rate against women being 151 in A.P. compared to 135 in India.²⁹ This means that the cognisable crime rate against women was 12% higher than the Indian average. The higher rate of cognisable crimes against women in A.P. was not a reflection of a higher rate of all cognisable crimes in A.P. In fact, the rate of all cognisable crimes in A.P. was 10% less than the Indian average.³⁰

Crimes against women in A.P. in 1998, are analysed and the results are presented in Table 1. The table shows that more than 40% of the crimes relate to cruelty by relatives, followed by molestation (28%) and eve teasing

²¹ *ibid.*

²² See Table 2.10, in "Indicators of Economic Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 155.

²³ See Table 2.16, in "Indicators of Economic Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 161.

²⁴ *ibid.*

²⁵ For the year 1999-2000. See Table 2.21, in "Indicators of Economic Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 166.

²⁶ The poverty line is drawn on the basis of the likely monthly cost of a minimum level of nutrition defined in terms of calories. It is measured in terms of rupees per capita per month.

²⁷ Computed from Table 3.6, in "Indicators on Amenities", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 173.

²⁸ Computed from Table 3.4, in "Indicators on Amenities", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 171.

²⁹ The cognisable crime rate is calculated as the number of all cognisable offences per million population in the year 1998. See Table 6.13, in "Indicators of Other Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 280.

³⁰ The rate of all cognisable crimes was 1652 in A.P. compared to 1832 in India, in 1998. See Table 6.12, in "Indicators of Other Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, p 279.

(10%)³¹. These three categories accounted for nearly 80% of the recorded crimes against women in A.P. Column (3) of the table shows that these categories are more important in A.P. than in India as a whole, since the ratios are more than 1 in these categories

The last column of the table shows that crimes against women in A.P. have been growing faster than all over India, at an annual rate of 8.7%, against 7% all over India. The growth of cruelty by relatives and molestation is faster than the all India growth rate

Table 1, Crimes against Women in A.P. (1998) ³²	Number (1)	Prevalence Rate* (2)	Ratio of A.P. to All India Prevalence Rate (3)	Growth rate since 1991 (p.a.)** (4)
Total	10434			8.7% [@]
Cruelty by Relatives	4310	41%	1.19	16.9%
Molestation	2967	28%	1.09	8.0%
Eye Teasing	1050	10%	1.47	0.7%
Rape	869	8%	0.66	3.4%
Kidnapping & Abduction	738	7%	0.51	4.7%
Dowry Deaths	500	5%	0.82	2.8%

[@] The all India annual growth rate of crimes against women was 7%

* This is the proportion of the specific crime in the total crimes against women.

** This is the compound annual growth rate calculated from a comparison of 1998 and 1991 figures given by the source tables.

Source: Tables 6.14 and 6.15, in "Indicators of Other Attainment", Statistical Appendix, *National Human Development Report*, Planning Commission, 2002, pp. 281-82, based on *Crimes in India*, National Crime Records Bureau, Ministry of Home Affairs.

of 7%, while crimes in other categories have grown far more slowly. Thus, these two categories seem to be responsible for the faster increase of crimes against women in A.P. when compared to the whole of India.

The above analysis shows that cruelty by relatives, molestation and eve-teasing are the most prevalent types of crime against women, and that they are more prevalent in A.P. than the whole of India. Furthermore, cruelty by relatives and molestation in A.P. have grown faster than the all India growth in crimes against women, thereby pulling the growth rate of crimes against women in A.P. above the all India average.

III. Women's Empowerment Programme: Objectives and Policies

The Government of Andhra Pradesh has the following objectives³³ in the Women Empowerment Programme.

- (1) Gender equality
- (2) Gender justice
- (3) Social security
- (4) Elimination of discrimination against women in all walks of life.
- (5) Economic development and integration of women into mainstream of economy.

31 See Column (1) of the table.

32 While the source tables give the numbers reported in Column 1 of the table, the figures in columns 2-4 of the table are computed by the author from the source tables.

33 "A Movement for Women Empowerment", a pamphlet published by the Department of Women Development and Child Welfare, Andhra Pradesh, Hyderabad, 1997.

Women issues were highlighted in the Vision-2020 of Andhra Pradesh which adumbrated the main goals as³⁴ :

- (1) Increasing gender sensitisation
- (2) Addressing gender inequalities in education and employment
- (3) Increasing gender sensitivity in health, welfare and economic programmes
- (4) Preventing atrocities against women

The Government of Andhra Pradesh has introduced several policies and programmes to ensure the involvement of women in all developmental programmes. Some of the important policies and programmes initiated by the State Government of Andhra Pradesh to achieve gender equality and raise the status of women are as follows.

1. Women Empowerment – Some Initiatives³⁵

- (1) Reservation of $33\frac{1}{3}\%$ jobs for women in Government and State public sector and with carry forward policy³⁶.
- (2) Reservation of $33\frac{1}{3}\%$ in Panchayat Raj Institutions and Urban Local Bodies³⁷.
- (3) Earmarking one third of the budget of all departments for developmental programmes for women.
- (4) Enhancement of earmarked funds of Zilla Parishad for developmental programmes of women from 5% to 15%.
- (5) $33\frac{1}{3}\%$ coverage of women under loaning programme of all corporations.

- (6) According co-parcener status to a girl born into Hindu Mitakshara Family by way of a State amendment to the Hindu Succession Act, 1956³⁸.
- (7) Grant of land and house site pattas in joint name of husband and wife.
- (8) Establishment of Women Police Stations, Family Courts and Mahila Courts.
- (9) Reservation for women in the Boards of Public Undertakings.
- (10) Enactment of the Compulsory Registration of Marriage Act, 2002³⁹.

2. Removal of Gender Inequality⁴⁰

- (1) The girl child protection scheme is being implemented under which an initial deposit is made in the bank in favour of a girl child which will enable disbursement of scholarship at periodic intervals.
- (2) $33\frac{1}{3}\%$ reservation of seats in professional courses.
- (3) Entrustment of fair price shops to women.
- (4) Mini-anganwadis are established in Lambada thandas to address the issue of discrimination against girl child.
- (5) Non-residential schools are started under the Sarva Siksha Abhiyan, to ensure education to school dropout girls in backward areas, including Lambada thandas.

34 "Vision-2020", a draft document released by State Government of Andhra Pradesh, 26-1-1999

35 "Empowerment of Women", a pamphlet published by the Department of Women Development and Child Welfare, Andhra Pradesh, Hyderabad, 2003.

36 G.O.Ms. No. 691 GA dated 22-01-1984.

37 G.O.Ms. No. 99 GA (S) dated 08-03-1996.

38 Andhra Pradesh Amendment Act. Act 13 of 1986.

39 The A.P. Compulsory Registration of Marriages Act, 2002 (Act 5/2002) Dt. 22-5-2002.

40 See note supra 33.

3. *Prevention of Atrocities on Women*⁴¹

- (1) State level committee under the Chairmanship of Principal Secretary, Department of Home was set up to review cases of atrocities against women⁴².
- (2) District level committees have been set up under the Chairmanship of District Collectors to review cases of atrocities against women⁴³.
- (3) All Revenue Divisional Officers/Sub-Collectors have been notified as Dowry Prohibition Officers and conferred with powers to arrest, send accused to remand, search and seize.
- (4) Establishment of a monitoring cell in each village to pursue cases of atrocities against women.
- (5) District Level and State Level Advisory Boards have been constituted to review cases under the Dowry Prohibition Act, 1961.
- (6) The Hon'ble Supreme Court of India, in *Visakha v. State of Rajasthan*⁴⁴, has laid down certain guidelines and norms to prevent sexual harassment of working women. It is specifically laid down by the Court that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment.

The Government of Andhra Pradesh accordingly adopted the guidelines issued by the Hon'ble Supreme Court and directed all concerned to follow the guidelines strictly. The Government also decided to incorporate a specific provision in the Andhra Pradesh Civil Services (Conduct) Rules, 1964 for "Prohibition of Sexual Harassment of Working Women"⁴⁵. The Government of Andhra Pradesh constituted complaint committees in each department to deal with complaints of sexual harassment at work place.

A Relief and Rehabilitation Fund has been set up to provide relief to women who became unfortunate victims of atrocities like rape, molestation, kidnap, dowry harassment, etc.⁴⁶ During the review of the implementation of the scheme, it was felt that it was necessary to simplify the procedures and also enlarge the scope of the scheme so as to bring the victims of trafficking within its purview for the purpose of providing immediate relief. Accordingly necessary amendments were made to the original G.O. Ms. No.47, WD, CW&DW (Programme) Dept., dated 12-7-1999⁴⁷. The Government of Andhra Pradesh has set up 4 State homes and 5 service homes to provide shelter, food and training to women who are destitute and discharged from correctional institutions etc. A scheme called Swadhar has been introduced for women in difficult circumstances, including victims of trafficking. It provides shelter, counselling, medical assistance and vocational training to the rescued victims.

⁴¹ *ibid*

⁴² G.O. Rt. No. 316, Women's Development and Child Welfare (PROGS) Department, dated 26-09-1995, as amended by GO Rt. No. 471, Women's Development & Child Welfare (PROGS) Department, Dt. 25-10-1997, GOR. No. 117, Dt. 12-12-1997, G.O. Ms. No.36, Dt. 20-5-1998.

⁴³ G.O. Ms. No.145, "Establishment of monitoring cell in each village to pursue cases of atrocities against women – orders issued", Women Development and Child Welfare (PROGS) Department, dt. 29-5-1997.

⁴⁴ AIR 1997 SC 3011.

⁴⁵ G.O.Ms. No. 27, "Public Services – Equality in Employment – Measures to eliminate discrimination against Women in the field of employment – Guidelines and norms – Prescribed – Orders – issued", Women's Development, Child Welfare and Disabled Welfare (Programme) Department, Government of Andhra Pradesh, dt. 21-04-1999.

⁴⁶ G.O.Ms. No. 47, Women's Development, Child Welfare & Disabled Welfare (Prog) Dept., dt. 12-07-1999.

⁴⁷ G.O.Ms. No. 28. Women's Development, Child Welfare & Disabled Welfare (Prog) Dept., dt. 1-7-2003.

4. Self Help Groups (SHGs)⁴⁸

The Government of Andhra Pradesh has taken up the theme of women's empowerment as one of the strategies to tackle the socio-economic poverty. Self help through savings has been taken up as a mass movement by women – a path chosen by them to shape their destiny for the better. The development agenda of the State has placed the people, especially women in the forefront, enabling the formation of a large number of Self Help Groups (SHGs) throughout the State with a large number of women saving one rupee a day. The State Government is consciously making an effort to assist SHGs by providing a Revolving Fund/Matching Grant under various programmes.

There are about 4.75 lakhs women SHGs in Andhra Pradesh covering nearly 65.40 lakh poor women. Andhra Pradesh alone has about half of SHGs organised in the country. The SHGs are popularly called DWCRA (Development of Women and Children in Rural Areas) groups in Andhra Pradesh. Up to 1994, only 10,000 groups were functioning and in the last six years, there was a massive expansion of SHG groups. An amount of Rs.1728.18 crores has been mobilised as corpus by these groups so far and it is estimated that it would reach Rs.2,000 crores in the coming one year.

The other various Services/Programmes of the Government include “DEEPAM” – providing LPG connections to DWCRA/SHG women and “GRUHINI” – a housing scheme for DWCRA groups⁴⁹.

In rural areas, the DWCRA/SHGs have been appointed as implementing agencies under “Mid-Day Meal Programme” taken up by the Government for the ongoing school children of primary classes from 2nd January 2003 in the State. Raising of nurseries, management of water sheds is also entrusted to women in some districts. In addition to these, construction of individual sanitary latrines has been entrusted to women in various places. Women SHGs are actively participating in the literacy programme “Akshara Sankranti”.

5. Integrated Child Development Services (ICDS) in Andhra Pradesh⁵⁰

ICDS is a unique programme for the holistic development of children all through the life cycle. A variety of services such as supplementary nutrition, pre-school education, health check ups, immunisation etc. are provided. At present 351 projects are functioning in Andhra Pradesh⁵¹.

The Adolescent Girl Scheme is being implemented by Government of Andhra Pradesh covering training and action for

48 Note on Women Self Help Groups in Andhra Pradesh, DWCRA, Published by Commissioner, Women Empowerment and Self Employment Department of Rural Development, Government of Andhra Pradesh, 2003.

49 For the benefit of rural women Self Help Groups whose annual income is below Rs. 32,000 and have no pakka houses, the Government has introduced this scheme “GRUHINI”. The maximum unit cost is Rs.40,000/- which consists of Rs. 10,000/- a subsidy and Rs. 30,000/- as loan from banks. It is taken up on a pilot basis in all the 22 rural districts through successful ‘A’ grade women SHGs and allotted 36,452 houses during the year 2003-04.

50 See note supra 33.

51 The coverage in the last two years under SNP (Supplementary Nutrition, pre-school Education) is as follows:

Year	No. of Projects	No. of Anganwadi Centres	No. of Women	No. of Children
2001-02	251	37425	418321	1455815
2002-03	351	54133	590032	2507636

reduction of anaemia. Mothers committees are formed at each Anganwadi level with the mothers of the beneficiaries to create sense of ownership. At present 54,164 mothers committees are found with 4.33 lakh members. Balika Mandals have been formed with 25-30 adolescent girls to work as social change agents following girl-to-girl approach.

IV. Legal Frame Work

The legal frame work touching the status of women can be classified as Central laws, State laws and subordinate laws. Relevant Articles of the Constitution of India also need to be mentioned.

1. Central Legislation

The following are the important Central legislations.

- ♦ The Guardians and Wards Act, 1890: is an Act to consolidate and amend the law relating to the guardian and ward.
- ♦ Certain provisions of the Indian Penal Code, 1872, the Indian Evidence Act, 1872 and the Code of Criminal Procedure give special protection to women. Sections 125 to 128 of the Criminal Procedure Code deal with maintenance provision. Section 125 gives effect to the natural and the fundamental duty of a man to maintain his wife, children and parents so long as they are not able to maintain themselves.
- ♦ The Indian Christian Marriage Act, 1872.
- ♦ The Child Marriage Restraint Act, 1929.
- ♦ The Parsi Marriage and Divorce Act, 1936.
- ♦ The Dissolution of Muslim Marriage Act, 1939.
- ♦ Certain Provisions of Factories Act 1948.
- ♦ The Special Marriage Act, 1954.
- ♦ The Hindu Marriage Act, 1955.
- ♦ Immoral Traffic (Prevention) Act, 1956.
- ♦ The Hindu Adoptions and Maintenance Act, 1956.
- ♦ The Hindu Minority and Guardianship Act, 1956.
- ♦ The Hindu Succession Act, 1956.
- ♦ Women's and Children's Institutions (Licensing) Act, 1956.
- ♦ The Children Act, 1960.
- ♦ The Dowry Prohibition Act, 1961.
- ♦ The Maternity Benefit Act, 1961.
- ♦ The Medical Termination of Pregnancy Act, 1971.
- ♦ The Family Courts Act, 1984.
- ♦ The Indecent Representation of Women (Prohibition) Act, 1986.
- ♦ The Muslim Women (Protection of Rights on Divorce) Act, 1986.
- ♦ The Commission of Sati (Prevention) Act, 1987.
- ♦ The Divorce Act, 1989.
- ♦ The National Commission for Women Act, 1990.
- ♦ The Protection of Human Rights Act, 1993.
- ♦ The Pre-Natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994.

2. State Legislation

- ♦ The Andhra Pradesh (Telangana Area) Maternity Benefit Act, 1949 F.
- ♦ The Andhra Pradesh Objectionable Performance Prohibition Act, 1956.
- ♦ The Hindu Succession Act, 1956 governs the property rights of Hindus and provides for devolution of

property. Women are not members of coparcenary property, and such exclusion of daughters has led to the creation of socially pernicious dowry system with its attendant social ills. In order to eradicate this evil by positive means which will simultaneously ameliorate the conditions of women in Hindu society, the State Legislature brought an amendment to the Hindu Succession Act, 1956 in its application to the State of A.P. by the Hindu Succession (AP Amendment) Act, 1986, duly conferring equal rights on Hindu women along with the male members so as to achieve the constitutional mandate of equality.

- ♦ The A.P. Children Act, 1979.
- ♦ The Andhra Pradesh Devadasis (Prohibition of Dedication) Act, 1988.
- ♦ The Indian Penal Code (Andhra Pradesh Amendment) Act, 1991.
- ♦ The A.P. Prevention of Disfigurement of Open Places and Prohibition of Obscene and Objectionable Posters and Advertisements Act, 1997.
- ♦ The A.P. Women Commission Act, 1998.

3. Subordinate Legislation

- ♦ The Andhra Pradesh Family Courts (High Court) Rules, 1995.
- ♦ In exercise of the powers conferred by Sections 14 and 21 of the Hindu Marriage Act, 1955, the High Court of Andhra Pradesh made rules to regulate the proceedings under the said Act.
- ♦ The Governor of A.P. made rules in exercise of the powers conferred by sub-section (1) of Section 10 of the Dowry Prohibition Act, 1961.

V. Enforcement

With respect to the cases related to dowry deaths, matrimonial cruelty, rape, enforcement agencies suffer from lack of evidence for prosecution of the case. Normally, harassment related to dowry or matrimonial cruelty occurs within the domestic sphere, it would be difficult to gather evidence in favour of the victim. Even at the time of marriage or in connection with marriage, the huge amounts of cash or valuable gifts given by way of dowry are without any proof. The crime of rape normally occurs in an isolated place and it is less probable that there would be any witnesses to it. Many of the rape cases are unreported due to the social stigma attached to the victim. Even in the case, where complaint is lodged, it is unfortunate that the enforcement machinery harasses the victim rather than the offender. The protracted and delayed trials and the frequent acquittal of the offender under the benefit of doubt, leave the victim disillusioned with the legal system and the enforcement machinery. It is not out of turn to mention that in rural areas, rape victims normally belong to lower strata of society and the offenders belong to higher castes. The unequal social and economic status of the offender and the victim paves way for tampering of evidence, delay in prosecution and administration of justice, often culminating in the denial of justice.

Though the laudable object of introduction of Section 498-A of IPC is to prevent matrimonial cruelty, many a time, we see false cases being booked against innocent in-laws. Definitely in such cases, the officials are hand in glove with the complainants to harass innocent people for pecuniary benefit.

With respect to case related to bigamy, under Section 494 IPC, the prosecution finds it difficult to prove the second marriage. Due to lack of proper evidence with respect to the second marriage, many bigamous husbands go unpunished.

VI. Judicial Decisions

1. *Supreme Court*

In the course of adjudication, the Honourable Supreme Court laid down certain principles to secure justice to women and to protect them from gender discrimination, inequalities, and crimes. It also made observations that clarify the spirit underlying its judgements, and throw light on the approach of the judiciary to the status and problems of women.

Asserting the integral place of the rights of woman and the girl child in universal human rights, the Supreme Court observed that:

“Human rights are derived from the dignity and worth inherent in the human person. The human rights for women, including the girl child are, therefore, inalienable, integral and indivisible part of universal human rights. The full development of personality and fundamental freedoms and equal participation by women in political, social, economic and cultural life are concomitants for national development, social and family stability and growth - cultural, social and economic. All forms of discrimination on grounds of gender is violative of fundamental freedoms and human rights”⁵²

This approach runs through the various judicial decisions of the Supreme Court. For instance, in striking down the Air India regulations relating to retirement and pregnancy-bar on the services of air hostesses as ‘unreasonable and arbitrary’, the Court observed that by

“making pregnancy a bar to continuance in service of an airhostess, the corporation seems to have made an individualised approach to a women’s physical capacity to continue her employment even after pregnancy which undoubtedly is a most

unreasonable approach.”⁵³

In another context it has been observed by the Supreme Court:

A just social order can be achieved only when inequalities are obliterated and every one is provided what is legally due. Women constitute almost half of the segment of society, have to be honoured and treated with dignity at places where they work to earn their livelihood. ...The Maternity Benefit Act, 1961, aims to provide all those facilities to a working woman in a dignified manner so that she may overcome the state of motherhood honourably, peacefully, undeterred by the fear of being victimised for forced absence during the pre or post-natal period.⁵⁴

In this case, the Supreme Court held that the relevant provisions of Maternity Benefit Act, 1961, entitle maternity leave even to women engaged on casual basis or on muster roll basis on daily wages and not only to those in regular employment and the provisions of the Act in this regard are wholly in consonance with the Directive Principles of State Policy contained in Articles 39, 42, and 43.⁵⁵

The Supreme Court held that right to life means life with dignity and each incident of sexual harassment of women at workplace results in violation of fundamental rights of “gender equality” and the “right to life and liberty”. It violates rights enshrined in Articles 14, 15 and 21 of the Constitution. Furthermore, such incidents also violate the victim’s fundamental rights under Article 19(1)(g). Developing law, the Court further held that:

“in the absence of enacted law to provide for the effective enforcement of the basic human right of gender equality and

52 (1996) 3 SCC, pp 562-63

53 (1981) 4 SCC p 391

54 (2000) 3 SCC, p 236

55 *ibid.*

guarantee against sexual harassment and abuse, more particularly against sexual harassment at workplaces, we lay down the guidelines and norms specified hereinafter for due observance at all workplaces or other institutions, until a legislation is enacted for the purpose. This is done in exercise of the power available under Article 32 of the Constitution for enforcement of the fundamental rights and it is further emphasised that this would be treated as law declared by the Supreme Court under Article 141 of the Constitution.⁵⁶

Subsequent judgements of the Supreme Court also relied on the above decision.⁵⁷

Extending its protective mantle to children of prostitutes, including child prostitutes, the Supreme Court held that children of prostitutes have right to equality of opportunity, dignity, care, protection and rehabilitation, so as to be part of the mainstream of social life without any stigma attached to them.⁵⁸ Children of prostitutes, including child prostitutes should be treated as 'neglected juveniles' as defined in the Juvenile Justice Act. In this context, one of the Judges even held that

"the Court can give reliefs in respect of matters which are not specifically stated in pleadings with a view to render socio-economic justice and empowerment to handicapped persons and to enforce their fundamental rights."⁵⁹

The Court held that Section 14 of the Hindu Succession Act should be construed harmoniously consistent with the constitutional goal of removing gender based discrimination and effectuating economic empowerment of Hindu females.⁶⁰

Lamenting the status of women in Indian society, the Supreme Court observed that

"women have always been discriminated against and have suffered and are suffering discrimination in silence. Self-sacrifice and self-denial are their nobility and fortitude and yet they have been subjected to all inequities, indignities, inequality and discrimination."⁶¹

In the same case, the Court held that women have right to elimination of gender based discrimination particularly in respect of property so as to attain economic empowerment. This forms part of universal human rights. They have a right to equality of status and opportunity which also forms part of the basic structure of the Indian Constitution. The Supreme Court is obliged to effectuate these rights of women and personal laws inconsistent with the constitutional mandate are void under Article 13.⁶²

In the case of Muslim Women's (Protection of Rights on Divorce) Act, 1986, the Supreme Court held that:

1. "A Muslim husband is liable to make reasonable and fair provision for the future of the divorced wife which obviously includes her maintenance as well. Such a reasonable and fair provision extending beyond the Iddat period must be made by the husband within the Iddat period in terms of Section 3(1)(a) of the Act.
2. Liability of Muslim husband to his divorced wife arising under Section 3(1)(a) of the Act to pay maintenance is not confined to the Iddat period."⁶³

In a case discussing the scope of granting maintenance under The Hindu Marriage Act (25/1955), the apex Court observed that

56 (1997) 6 SCC, p 251

57 (1999) AIR, SC, p 625

58 (1997) 8 SCC p 114

59 *ibid.*

60 (1996) 8 SCC, p 525, also see (1977) 3 SCC p 99, (1979) 3 SCC p 300

61 (1996) 5 SCC, p 125

62 *ibid.*

63 (2001) (6) ALD 79 (S.C.)

“keeping into consideration of the present state of statutory Hindu Law, a bigamous marriage may be declared illegal being in contravention of the provisions of the Act, but it cannot be said to be immoral so as to deny even the right of alimony or maintenance to a spouse financially weak and economically dependent. It is with the purpose of not rendering a financially dependent spouse destitute that Section 25 enables the Court to award maintenance at the time of passing any type of decree resulting in breach of marriage relationship.”⁶⁴

Elaborating on its approach to the rights of a married woman in the same case, the Supreme Court observed that “a woman on her marriage very often, though highly educated, gives up all her avocations and entirely devotes herself to the welfare of the family. In particular, she shares with her husband, her emotions, sentiments, mind and body, her investment in the marriage is her entire life - a sacramental sacrifice of her individual self and is far too enormous to be measured in terms of money. When a relationship of this nature breaks up, in what manner we could compensate her so far as emotional fracture or loss of investment is concerned? There can be no answer.”

With respect to the judicial decisions rendered with respect to Section 497 of IPC, the summary of the judicial view is that man alone can be author of such crime and woman is only a victim, and when such offence is committed, man’s rights alone would be affected, and a woman having a husband living in adultery has no similar right to prosecute either the husband or person living in adultery with him.⁶⁶

The Supreme Court held that the second marriage of a husband after conversion to Islam without having his first marriage

dissolved under Hindu Laws would be invalid. The second marriage would be void in terms of provisions of Section 494 of I.P.C. In this case, the Court observed that

“Article 44 is based on the concept that there is no necessary connection between religion and personal law in a civilised society. Article 25 guarantees religious freedoms whereas Article 44 seeks to divest religion from social relations and personal law. Marriage, succession and like matters of secular character cannot be brought within the guarantee enshrined under Articles 25, 26 and 27. The Hindus along with Sikhs, Buddhists and Jains have forsaken their sentiments in the cause of national unity and integration, some other communities would not, though the Constitution enjoins the establishment of a “common civil code” for the whole of India. Bigamous marriages have been punishable among Christians by Act XV of 1872, Parsis by Act III of 1936 and Hindus, Buddhists, Sikhs and Jains by Act XXV of 1955.”⁶⁷

The Court further observed that the successive Governments till date have been wholly remiss in their duty of implementing the constitutional mandate under Article 44. The Government of India is therefore requested through the Prime Minister to have a fresh look at the Constitution of India and ‘endeavour’ to secure for the citizens a uniform code throughout the territory of India.⁶⁸

The Court in a case dealing with dowry harassment observed the alarming increase in cases relating to harassment, torture, abetted suicides, and dowry deaths of young innocent brides, signifying “... a constant erosion of basic human values of tolerance and spirit if ‘live and let live’. Lack of education and

64 2004 AIR SCW 6990

66 AIR (1954) SC 32, AIR (1985) SC 1618, AIR (1988) SC 835

67 (1995) 3 SCC, pp 649-50

68 *ibid.* See also AIR (1985), SC p 945, AIR (1985) SC, p 93

economic dependence of women have encouraged the greedy perpetrators of the crime.”⁶⁹

In another case dealing with dowry harassment, the Court observed that the role of Courts under the circumstances assumes greater importance and it is expected that the Courts would deal with such cases in a more realistic manner do not allow the criminals to escape on account of procedural technicalities or insignificant lacunae in the evidence as otherwise the criminals would receive encouragement and the victims of crime would be totally discouraged by the crime going unpunished. The Courts are expected to be sensitive in cases involving crime against women.⁷⁰

While dealing with a rape case, the Court observed that right to ‘life’ includes the right to live with human dignity. Rape violates this right of women. Right to live is recognised as a basic human right. It has to be read in consonance with Universal Declaration of Human Rights, 1948. preamble and Articles 1, 2, 3, 5, 7, 9, Declaration on the Elimination of Violence Against Women, Articles 1, 2, 3 as also declaration and covenants of civil and political rights and covenants of economic, social and cultural rights to which India is a party.

The Court also observed that she who was not a citizen of this country but came here as a citizen of Bangladesh was nevertheless, entitled to all the constitutional rights available to a citizen so far as ‘right to life’ was concerned. She was entitled to be treated with dignity and was also entitled to protection of her person as guaranteed under Article 21 of the Constitution. As a national of another country she could not be subjected to physical violence at the hands of Government employees who outraged her modesty. The right available to her under

Article 21 was thus violated. Consequently the State was under a constitutional liability to pay compensation to her.⁷¹

In another rape case, the Court observed that the rising incidence of crime against women in general and rape in particular, “is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes.” It further held that:

“A rapist not only violates the victim’s privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. The Courts therefore shoulder a great responsibility while trying an accused on charges of rape. They must deal with such cases with utmost caution and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out otherwise, a reliable case. If the evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason, the Court finds it difficult to place its implicit reliance on her testimony, it may look for evidence which may lend assurances to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial Court must be alive to the responsibility and be sensitive while dealing with cases involving sexual molestation.”⁷²

In another case, the apex Court observed that the defects in the present system are handled roughly and are not given such attention as is warranted. The victims more often than not are humiliated by the police.

69 (1993) 2 SCC p 700.

70 (1995) 4SCC p 476

71 (2000) 2 SCC p 484

72 (1996) 2 SCC p 403

The victims have invariably found rape trials as traumatic experience. The experience of giving evidence in Court has been negative and destructive. The victim often say, they considered the ordeal to be even worse than the rape itself. Undoubtedly, the Court proceedings added to and prolonged the psychological stress they had to suffer as a result of rape itself.

In another case, where the finding that prosecutrix was not having good character and was a girl of easy virtue, the Supreme Court held that it is not a ground for acquittal of accused.⁷³

2. *A.P. High Court*

The Honourable High Court of Andhra Pradesh laid down certain important principles and made relevant observations, in protecting the women against discrimination, inequality, crimes and atrocities. Following are the principles laid down and observations made in some of the important cases decided over past decade.

The Court held that dowry demand in consideration of marriage even after the marriage, constitutes demand for dowry, since an implied agreement has to be read to give property if asked for even after the marriage⁷⁴.

In the same matter when carried to appeal to the Supreme Court, the Court has observed:

There is an alarming increase in cases relating to harassment, torture, abetted suicides and dowry deaths of young innocent brides awakening of the collective conscience is the need of the day. For this a wider social movement is necessary. The role of Courts under the circumstances, assumes a great importance. The Courts are expected to deal with the cases in a realistic manner so as to further the object of legislation. However, the Courts must

not lose the sight of the fact that Act though a piece of social legislation is a penal statute. One of the cardinal rules of interpretation in such cases is that a penal statute must be strictly construed. The Courts have, thus, to be watchful to see that emotions or sentiments are not allowed to influence their judgement, one way or other that they do not ignore the golden thread passing through criminal jurisprudence that an accused is presumed to be innocent till proved guilty and that the guilt of an accused must be established beyond reasonable doubt⁷⁵.

In another case the Court held that the sale deed executed for consideration of dowry is void and vendors are liable to return back the consideration shown thereunder to the vendees.⁷⁶

The Court in another case held that demand for dowry made even before the proposed marriage is an offence, if it is made as consideration for marriage. Stridhana property is also a dowry⁷⁷.

In dealing with a rape case the Court held that the accused can be convicted on the sole testimony of the prosecutrix even without any corroboration⁷⁸.

In another rape case the High Court of Andhra Pradesh held that a sentence less than minimum sentence cannot be imposed except for special reasons. Special reasons should be relevant and genuine. Accused having old parents and dependent children and coming from a respectable family are no grounds for taking a lenient view. The quantum of sentence should be arrived not only in the context of accused but also of the victim⁷⁹.

75 (1996)4 SCC, 596.

76 1996(3) ALD,709.

77 2002(1) ALD (Cri.) 351.

78 1997(1) ALD (CRL.), 948(A.P.).

79 1995(1) ALD, 370.

73 2004 AIR SCW 6563

74 1996(2) ALD (Cri.) 926

The Court held that in a case where a Muslim marrying a Hindu woman under the Special Marriage Act and then marrying another woman, is liable to be prosecuted under Section 494 of IPC for bigamy⁸⁰.

The Court discussing the scope of Article 13(1) of the Indian Constitution held that statutory personal laws and customs and usage having force of law only are subject to parameters of fundamental rights. Non-statutory personal laws are outside the purview of Art 13(1) of the Constitution. If such personal laws are modified or abrogated by statute, their validity can be tested on the anvil of Article 13(1) and 13(2) of the Constitution of India.

In the same case the Court held that Sections 10 and 20 of the Indian Divorce Act, 1869 are violative of Articles 14, 15 and 21 of the Constitution of India. Under Section 10 of the said Act husband is entitled to seek divorce on the ground of adultery of wife but wife is not similarly entitled for divorce on the ground of adultery of husband, unless it is of a particular nature or is associated with other conducts of the husband as specified. Further, under Section 20 of the said Act there is no provision for making a decree of dissolution ripening into one of divorce⁸¹.

The High Court of Andhra Pradesh in the above mentioned case deleted the words 'incestuous' and 'adultery coupled with' in Section (10) of the Indian Divorce Act, 1869 to remove the discrimination between the husband and wife. Section (10) of the said Act has to be so construed as to make available all the grounds of divorce available to the wife under the Act also to the husband⁸².

Interpreting the scope of ground of desertion under the Hindu Marriage Act, 1955, the Court held that refusal on the part of the wife to live with her husband till her Ph.D. Course is over does not constitute desertion, as the marriage was performed on the condition that the husband should not insist on his wife joining him till the Ph.D. Course is over. The Court held that the husband cannot claim decree of divorce on the ground of desertion⁸³.

Although irretrievable breakdown is not a ground recognised for obtaining divorce under the Hindu Marriage Act, 1955, yet in some cases the Court considered this aspect to be a very relevant factor in granting divorce.^{84,85,86}

While interpreting the provisions of Section 14(1) and 14(2) of The Hindu Succession Act, 1956, the Honourable Court gave a harmonious construction and contributed to economic empowerment of Hindu women through Courts.^{87,88,89,90,91}

In a case wherein a Hindu male died leaving one male heir and two female heirs, the Court held that the right of female heir to claim partition of joint family dwelling house is not affected under Section 23 of the Hindu Succession Act, 1956^{92,93}.

Discussing the scope of Muslim Women Protection on Divorce Act, 1986, the Court held that the assessment of the reasonable

80 1996(4) ALD(DB) 1

81 1997(1) ALD 347.

82 1997(6) ALD 740.

83 1998(3) ALD 608 (DB).

84 1998 (2) ALD 724.

85 2001 (6) ALD 460.

86 (2002) 2 SCC 296.

86 1995(1) ALD 149.

87 2003(5) ALD 564.

88 2003(6) ALD, N.O.C, 14.

89 2002(4) ALD, 570.

90 2002(3) ALD 626.

91 Ibid

92 1997(4) ALD 188.

93 2003(1) ALD (Crl.) 553 (A.P).

and fair provision for the future of the divorced wife, including her maintenance would no doubt extend beyond the Iddat period till her lifetime or till she gets married for the second time. But the whole of the amount should be assessed reasonably and the husband is obliged to pay the amount within the Iddat period. If he fails to pay an amount representing the reasonable and fair provision for the future of the divorced wife, a divorced woman should approach the Court, under Section 3(2) of the Act for recovery of that amount along with the mahr or dower and other Jehez Articles.⁹⁴

In a case wherein the husband pronounced talak, husband died before the Iddat period is over, after executing talak-nama. The wife is held to be entitled to claim the property of her deceased husband.⁹⁵

Interpreting the provisions of the Maternity Benefit Act, 1961, the Court held that the provisions apply to all female employees whether in government or private service, whether permanent or temporary employee is entitled for ninety days of maternity leave on full pay. Exclusion of the said leave from computation of 600-man days for regularisation of service is grossly illegal and unjustified.⁹⁶

In another case, discussing the scope of provisions of the Indecent Representation of Women (Prohibition) Act, 1986, the Court held that a beauty contest where women are represented indecently is prohibited under the Act.⁹⁷

VII. Problems

Most of the legislations related to women

proved not so effective in practice. Societal sanction to evil practices like dowry, child marriage, female feticide coupled with loopholes in the legislations and weak enforcement machinery made the legislations ineffective.

The patriarchal nature of the social system and gender biases led to law enforcement officers to have negative attitudes towards offence against women, resulting thereby in their refusal to register complaints, or in frivolous and delayed investigations or acquitted or imposition of nominal punishments in case of conviction. As a result, women who take recourse to legal remedies find the system to be more cumbersome than supportive. This in turn, results in hesitation to take recourse to judicial remedies in times of distress.

The literacy rate of females in the State of A.P. is only 51%, when compared to male literacy rate of 71%. The patriarchal values of society and gender based discrimination in educating children are responsible for this low percentage of literacy among females.

VIII. Reforms

Reforms are needed to assure an equal and protected status of women in the home as well as outside. It has been seen that cases of molestation and sexual harassment constituted nearly 60% of the reported crimes against women in Andhra Pradesh in the year 2000 A.D. Workplace harassment is a growing phenomenon that needs special legislation. Similarly, legislation is required to control widespread but highly unreported domestic violence.

As a result of the unequal development of Personal laws of different religions, gender inequalities are more pronounced in some personal laws than others. As a result, some women are less empowered and protected by law than others. To remove these disparities, a Uniform Civil Code has to be

⁹⁴ 2002(3) ALD 615.

⁹⁵ 2002 Suppl.(2) ALD 347.

⁹⁶ 1998(1) ALD 810.

⁹⁷ Ved Kumari, "Gender Analysis of the Indian Penal Code", Engendering Law, *Essays in Honour of Lotika Sarkar*, Eastern Book Company, Lucknow, 1999, p 157.

enacted, as contemplated under Article 44 of the Constitution.

The legal right of joint matrimonial property may be introduced to enable the spouse to have equal rights over the property acquired by the partner after marriage to compensate for sacrifices made in the interests of matrimonial life. It may also be suggested that Section 497 of IPC may be dropped or amended to provide for the equal status of women.

Since, in Andhra Pradesh, 2/3rd of the marginal workers are women, economic legislation to protect their interests and measures to promote their incomes will directly empower women.

IX. Outlook for the Future

A major problem revealed by the foregoing analysis is the serious rift between Law and social reality. Social acceptance of laws leads to societal self-regulation that

raises the efficiency of legislation and reduces the pressure on enforcement. This is specially true of crimes against women, such as sexual harassment, domestic violence and dowry harassment.

Closing the gap between social practice and the judicial process requires a fresh look at methods and measures to modernise social attitudes to women and revitalise societal self-regulation of gender crimes. Spreading awareness through school curricula, and informal campaigns with the help of NGOs may help in this regard. Along with this, lawmakers, the judiciary and enforcement officers need to be sensitised to gender related issues. Awareness alone, however, cannot bridge the gap between social practice and Law. There is, unfortunately, no substitute for the empowerment of the victim and/or potential victim in discouraging offences or penalising the offenders. Empowering women is ultimately the society's prerogative, and raises the wider question of social change.

WOMEN PRISONERS AND CUSTODIAL JUSTICE

(A Study with Special Reference to Andhra Pradesh)

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The study on the criminality of women is neglected by both criminologists and sociologists. Various reasons are cited for this. One reason is sociological where women are not treated as a separate entity. Secondly, the lesser number of crimes committed by women and their low percentage in prison population. These became the bases for continued neglect and discrimination against women at all stages of

criminal correctional process. Third reason perhaps is the lack of interest among sociologists, psychologists and criminologists on research issues relating to women.

This lack of concern for women can be noticed in various legislations relating to women in custody. Though Indian Constitution provided safeguards to the accused in general, there are no specific