

Chapter 4

Governments and Civil Society Initiatives and Programmes in Agricultural Sector

4.1. INTRODUCTION

Societal attitude towards women make them invisible in the society and only few manage to achieve what their dream majority cannot, due to various constraints in their life. Their ordeal begins with their birth and face many challenges since only ends with their grave. Another major concern is their safety and security. Women as workers also face a lot of challenges, they are not considered equal as men, thus are under paid. Sexual abuse and harassment is also common. Women as agricultural workers are poor, with no property of their own and no education as well, thus making them most vulnerable.

Women are suffering worldwide in some way or the other and especially in developing countries. To tackle the issue of women suffering, many have come forward with various recommendations and policies to tackle the issues and problems for women, especially for agricultural purpose. For which various conventions, policy and programmes by government have been adopted from global to state level and civil society initiative to minimize the women suffering, to help them in farming process, and most importantly to make them aware of their rights.

International treaties and conferences have stressed the importance of women's rights and gender equality. Keeping the base of international treaties and conventions, regional and national level initiative has taken forward in for safeguarding women's position or empowering women. At the national level, many states have adopted comprehensive plans of action, and have taken steps to improve women's rights in general legislation (e.g., family and succession laws) and in sectoral laws (on land, agrarian reform, cooperatives, etc.). Courts have also played an important role, developing case law on women's rights concerning inheritance, land and labour.

4.2 POLICIES AND PROGRAMMES

The initiative in the form of policies and programmes have been adopted from the global to local level to raise the standard of women in almost all the sectors, especially to empower rural women. The policies include both from governmental and non- governmental sectors. The reason for implementation of policies and programmes is to create awareness and raise the standard of living of women, especially those engaged in agricultural sector.

4.2.1 INTERNATIONAL DEVELOPMENTS AND PROGRAMS FOR WOMEN

The most important and strongest international organisation till date is the United Nation. It is the largest and the strongest International Organizations formed after the 2nd world war. After its formation, the organisation took initiative in maintaining international peace and security to promote human rights and fundamental freedom for the people of the world. They also took initiative in raising the standard of women worldwide. Some of them are mentioned as under:

- i.** The Preamble of the United Nations says, *“We the peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large or small”* (Charter of the United Nations, 1945).
- ii.** Article 1 of United Nation Charter says, *“To achieve international co-operation... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion”* (Charter of the United Nations, 1945).
- iii.** Commission on the Status of Women (CSW) was formed on 21st June 1946, to ensure women’s equality and to promote women’s rights. During its first session, the Commission declared as one of its guiding principles: *“to raise the status of women, irrespective of nationality, race, language or religion, to equality with men in all fields of human enterprise, and to eliminate all discrimination against women in the provisions of statutory law, in legal maxims of rules, or in interpretation of customary law”* (E/281/Rev.1, 25 February 1947). Later the commission started working under the Division for

the Advancement of Women (DAW). It focuses in promoting women's rights, documenting the reality of women's lives throughout the world, and shaping global standards on gender equality and the empowerment of women (UN Women, 2016).

- iv. Division for the Advancement of Women (DAW) was founded in 1946 for regulatory implementation (ADC, 2010). United Nation General Assembly on 10th December 1948 came up with "Universal Declaration of Human Rights", which affirms that, "All human beings are born free and equal in dignity and rights" and that "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, Birth or other status" (United Nation, 2015).
- v. Universal Declaration of Human Rights (1948): General Assembly of the United Nations adopted UDHR on 10th December 1948. The aim to form UDHR is to provide equality among all without any distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The right to work without discrimination is recognized in the UDHR (arts. 2 and 23). Women have a right to employment opportunities and treatment equal to men, including equal remuneration for work of equal value (UDHR, art. 23(2)). Every woman, as well as every man, has a right to social security in cases of retirement, unemployment, sickness, invalidity and old age (UDHR, art. 22) (FAO, 2007).
- vi. Convention on the Political Rights of Women (1952): General assembly of the United Nations adopted Convention on the Political Rights of Women on 409th plenary meeting 20th December 1952. Its objective was to provide equal rights of men and women in the political sphere.
- vii. United Nations Development Fund for Women (UNIFEM) and the United Nations International Research and Training Institution for the Advancement of Women (INSTRAW) were founded in 1976 as a gender-based research and training institution (ADC, 2010). UNIFEM provides financial and technical assistance to innovative approaches aimed at fostering women's

empowerment and gender equality (UNIFEM). INSTRAW conducts action-oriented research; create synergies for knowledge management, and builds capacity in organisations working towards gender equality. It works to promote human security, development and participation (UN, 2015). UNIFEM and INSTRAW both aim at overall development of women by funding and providing training so as to empower them and to raise the standard of living.

- viii.** The main global instrument dealing with women's rights is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), which prohibits sex discrimination and provides for affirmative action (arts. 2 and 4). The Convention has also been termed as, “the bill of rights for women”. The principle of non-discrimination is stated in a very broad way, applying not only to state-enacted laws and regulations, but also to the behaviour of private individuals. Women's rights under the CEDAW include the right to a legal capacity identical to that of men, including equal rights to conclude contracts and administer property (art. 15); gender equality in relation to marriage and family (art. 16); and non-discrimination in employment and training (arts. 11 and 12). Article 14 specifically protects the rights of rural women, including the right to “equal treatment in land and agrarian reform”. A major development in relation to the CEDAW has been the adoption of an Optional Protocol (1999) allowing individuals and groups claiming violations to submit complaints to the Committee on the Elimination of All Forms of Discrimination Against Women. After hearing such complaints, the Committee communicates to the parties its views and recommendations, and states are to “give due consideration” to these and provide a written response. (Protocol, arts. 1, 2 and 7). Moreover, the Committee may on its own initiative start confidential inquiries on “grave or systematic violations”, although states may opt out of this procedure (arts. 8-10). As of 1st January 2008, responsibility for servicing the committee has been transferred to the Office of the High Commissioner of Human Rights.
- ix.** The Fourth world Conference on Women, held in Beijing in 1995, also known as Beijing Platform for Action asserted women’s rights as human rights and committed to specific actions to ensure respect for those rights. It is

an agenda for empowerment of women (UN women). The Platform for Action upholds the Convention on the Elimination of All Forms of Discrimination against Women. It envisages legislative and administrative reforms to ensure gender equality in access to natural resources, including inheritance rights (para. 61(b)).

- x. World Food Summit Plan of Action: Plan of Action was adopted on 1996, with the aim of reducing the number of undernourished people to half their 1996 number by 2015. Some provisions of these documents relate directly to environment and agriculture. The World Food Summit Plan of Action also envisages measures to enhance women's access to natural resources (para. 16(b)), and affirms the goal of ensuring gender equality and women's empowerment (objective 1.3). Measures undertaken to ensure gender equality and the empowerment of women include: strengthening of constitutional and legal provisions as well as specific policies; action in the areas of education and skills development and to improve access to productive resources such as land and credit; and the development of occupations specifically for women (FAO, 1998).
- xi. Women Watch: It's a United Nations Inter-Agency Network on Women and Gender Equality (IANWGE) led by UN women. Women watch is a joint United Nations project created in March 1997 to provide an internet space for global gender equality issues and to support implementation of the 1995 Beijing platform for Action. It was founded by the former entities UN Division for the Advancement of women (DAW), United Nations Development Fund for Women (UNIFEM) and United Nations International Research and Training Institute for the Advancement of women (INSTRAW) that have now merged into UN women. It is the central gateway to information and resources on the promotion of gender equality and empowerment of women throughout the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (United Nations, 2007).

Soft law instruments have also been adopted by United Nations human rights institutions. For instance, Resolution 15 (1998) of the Sub-Commission on the Promotion and Protection of Human Rights states that discrimination against women

with respect to acquiring and securing land constitutes a violation of human rights law. The Resolution urges governments to amend or repeal discriminatory laws and policies and to encourage the transformation of discriminatory customs and traditions.

Women's rights are also protected by regional human rights treaties, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950, as amended), the American Convention on Human Rights (1969), the African Charter on Human and Peoples' Rights (1981) and the Arab Charter on Human Rights (adopted in 1994 but not yet in force).

The preamble of the Convention on Biological Diversity recognizes women's "vital role" in the conservation and sustainable use of biodiversity, and affirms the need for their participation in policies concerning these issues. Among Rio soft law instruments, principle 20 of the Rio Declaration states that "women have a vital role in environmental management and development", and "their full participation is therefore essential to achieve sustainable development". The Non-Legally Binding Authoritative Statement of Principles on Forests calls for women's participation in the planning, development and implementation of national forest policies and in the management, conservation and sustainable development of forests (principles 2(d) and 5(b)). Moreover, Chapter 24 of Agenda 21 is specifically devoted to gender.

The rights of women agricultural workers are addressed in several conventions adopted by the International Labour Organization (ILO), particularly the Equal Remuneration Convention 100 of 1951, the Maternity Protection (Revised) Convention 103 of 1952, the Discrimination (Employment and Occupation) Convention 111 of 1958 and the Plantations Convention 110 of 1958 with its 1982 Protocol.

A major recent development in this field has been the adoption of the 1998 ILO Declaration on the Fundamental Principles and Rights at Work, which reaffirms some principles and rights to which all ILO member states must adhere by the very fact of their ILO membership, regardless of their ratification of the relevant conventions (FAO, 2007). The principles include the elimination of discrimination in employment and occupation, which encompasses sex discrimination.

Right to work without discrimination, in the International Covenant on Economic, Social and Cultural Rights (ICESCR) (arts. 2(2) and 6-8) and in the

CEDAW (art. 11) includes the right to freely choose an occupation, to enjoy a just and favourable remuneration, to work in safe and healthy conditions, and to form and join trade unions. Women have a right to employment opportunities and treatment equal to men, including equal remuneration for work of equal value (UDHR, art. 23(2), ICESCR, art. 7(a) (i) and CEDAW, art. 11). Women also have the right to enjoy special protection during pregnancy and paid maternity leave, and the right not to be dismissed on grounds of pregnancy or maternity leave (CEDAW, art. 11(2)) (FAO, 2007).

As for women's labour rights under the CEDAW, it is worth recalling that the principle of non-discrimination enshrined in this treaty is not limited to state action, and that article 2(e) explicitly envisages the elimination of discrimination against women "by any person, organization or enterprise".

Every woman, as well as every man, has a right to social security in cases of retirement, unemployment, sickness, invalidity and old age (UDHR, art. 22, ICESCR, art. 9 and CEDAW, arts. 11(1)(e) and 14(2)(c)).

Detailed provisions on women's labour rights are contained in several ILO conventions. The Discrimination (Employment and Occupation) Convention 111 of 1958 prohibits sex discrimination in both opportunity and treatment, and provides for affirmative action. The Equal Remuneration Convention 100 of 1951 states the principle of equal remuneration for men and women for equal work or work of equal value. Reference to "work of equal value", besides "equal work", is important for the practical application of the principle. Indeed, since in many countries women rarely hold the same position as men due to cultural stereotypes and unequal access to education, reference to the economic value of the work allows comparisons across occupational categories and industries. The Termination of Employment Convention 158 of 1982 prohibits dismissal on grounds of sex, marital status and absence during maternity leave (FAO, 2007).

Under the Night Work (Women) (Revised) Convention 89 of 1948 and its 1990 Protocol, women's work at night (defined as a period of at least 11 consecutive hours, including at least seven hours between 10pm and 7am) is prohibited for some industrial occupations (not for agricultural work).

The Maternity Protection (Revised) Convention 103 of 1952 entitles pregnant workers to a maternity leave of at least 12 weeks (with no less than six weeks after childbirth); allows additional leave in case of late delivery or pregnancy-related illness; prohibits dismissal while on maternity leave; entitles women to medical and cash benefits, provided through either compulsory social insurance or public funds; and allows work interruptions for nursing purposes. While this Convention applies to both industrial and non-industrial occupations, states may exempt work in agricultural undertakings other than plantations. The Workers with Family Responsibility Convention 156 of 1981 prohibits discrimination against men and women workers with family responsibilities (e.g. family responsibilities are not a valid reason for termination of employment) (FAO, 2007).

The Plantations Convention 110 of 1958 and its 1982 Protocol protect the labour rights of plantation workers, without discrimination on the basis of sex. The term plantation is defined as “any agricultural undertaking regularly employing hired workers which is situated in the tropical or subtropical regions and which is mainly concerned with the cultivation or production for commercial purposes of coffee, tea, sugarcane, rubber, bananas, cocoa, coconuts, groundnuts, cotton, tobacco, fibres (sisal, jute and hemp), citrus, palm oil, cinchona or pineapple; it does not include family or small-scale holdings producing for local consumption and not regularly employing hired workers” (article 1(1) of the Convention, as amended by the Protocol). State parties may exclude or add categories of agricultural undertakings from the application of the Convention.

The Convention contains guarantees as to the recruitment (e.g. the recruitment of the household head does not involve the recruitment of household members), employment contracts, wages (e.g. wages are to be paid directly to the worker), annual paid leave and weekly rest, compensation for injury, trade unions (e.g. workers’ freedom of association “without distinction whatsoever”), and maternity protection (maternity leave of at least 12 weeks, at least six of which after childbirth, with additional leave for late delivery or pregnancy-related illness; cash and medical benefits; protection from dismissal during maternity leave; breaks for nursing purposes; prohibition for a pregnant woman to “undertake any type of work harmful to her in the period prior to her maternity leave”) (FAO, 2007).

The Migration for Employment (Revised) Convention 97 of 1949 provides guarantees for lawfully migrant workers, without discrimination on the basis of sex.

The principle of non-discrimination is also stated in the 1998 ILO Declaration on the Fundamental Principles and Rights at Work. This declaration reaffirms some fundamental principles and rights to which all ILO member states must adhere by the very fact of their ILO membership, regardless of their ratification of the relevant conventions (FAO, 2007).

4.2.2 SAARC: REGIONAL INITIATIVES AND PROGRAMS FOR WOMEN

The regional organisation has ratified many conventions and protocols for the betterment and to raise the standard of women. Some of them are as follows:

- Convention for the Suppression of Traffic in Persons and of the exploitation of the prostitution of others.
- Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).
- C 89 Night Work (Women) Convention.
- C 100 Equal Remuneration Convention.
- C 103 Maternity Protection Convention (Revised).
- Convention on the Rights of the Child (CRC).
- Status of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
- Status of Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

In the various SAARC summit held, the empowerment of women has been discussed and various methods has been implemented to the raise the standard of women in the society.

Technical Committee on Women in Development was created under the erstwhile Integrated Programme of Action (IPA) in 1986. Thirteen meetings of the Technical Committee resulted in the formulation of a Regional Plan of Action on Women, which today determines the contours of regional cooperation in empowering the South Asian Women.

Sixth SAARC Summit (1991) held in Colombo brought forward recognition of the value of the gender equality and declared to observe the 1990's as the "SAARC Decade of the girl child".

Eighth SAARC Summit (1995) held at Delhi for the socio economic development of women, the Heads of State highlighted the elimination of gender disparity and empowerment of women.

Ninth SAARC Summit (1997) held at Male, emphasised the need for enhanced cooperation to achieve the desired objective of bringing women into the mainstream of socio-economic development in the region. So they emphasised the urgency to effectively implement the recommendations of the "Dhaka Resolution on Women". The Heads of State or Government noted that that a gender data-base on the basis of data provided by Member States would be a valuable means of assisting the formulation of national and regional policies and programs in respect of women and the girl child.

Tenth SAARC Summit (1998): Colombo; Eleventh SAARC Summit (2002): Kathmandu; Twelfth SAARC Summit (2004): Islamabad; Thirteen SAARC Summit (2005): Dhaka mainly addressed the problem of trafficking of women and children and focusing on regional convention on combating the crime of trafficking in women and children for prostitution (SAARC & UNIFEM, 2007).

Agriculture was among the original five areas identified for fostering regional cooperation. The SAARC Agriculture Centre (SAC) originally began in 1989 as SAARC Agricultural Information Centre (SAIC). As this centre doesn't talk or provide any extra initiative for women but focuses in agriculture development of the region. The main goal was to promote agriculture Research and Development (R&D) as well as technology dissemination initiatives for substantial agriculture development and poverty alleviation in the region (Matin, 2014).

Other initiatives taken by SAARC for promoting Gender issues are as under:

SAARC Federation of University Women (SAARCFUW)

SAARCFUW was established in July 1995 in Colombo with the objectives of bringing together the university women of the region to promote understanding and cooperation, and to contribute the social upliftment in the region. It organises a number of welfare programmes for literate and semi literate women in villages and

semi-urban areas and conducted training programmes for women in various skills. They also hold various seminars and workshops on contemporary issues and topics concerning women and their well being.

SAARC Autonomous Women's Advocacy Group (SAWAG)

SAWAG has been established by the Eleventh SAARC Summit in Kathmandu in January 2002, to advocate mainstreaming gender and make recommendations on gender related issues and programmes in the region. The Group convened its first meeting in June 2004 in Islamabad. It decided to commission a study incorporating issues such as women's citizenship, women's political representation, trafficking and sexual exploration, gender and HIV/AIDS, female education and literacy, legal rights and economic empowerment and impact of globalisation on women (SAARC & UNIFEM, 2007).

4.2.3 NATIONAL INITIATIVES FOR WOMEN

The principle of gender equality is enshrined in the Indian Constitution in its Preamble (wcd.nic.in). Constitution of India guarantees its citizens several fundamental rights. The right to equality (Article 14) and the rights to live with dignity and freedom (Article 21) are most important. Directive Principles of State Policy has also taken appropriate measures to ensure adequate means of livelihood, right to work, living wages, education and just and humane conditions of work. The Constitution not only grants equality to women (MoC&IT, 2015), under these constitutional obligations, the state has formed several laws, policies and programmes that are women specific.

National Commission for women was set up by an Act of Parliament in 1990 to safeguard the rights and legal entitlements of women. The 73rd and 74th Amendments (1993) to the Constitution of India have provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, laying a strong foundation for their participation in decision making at the local levels (MoC&IT, 2015). The 73rd and 74th Amendments (1993) to the Indian Constitution have served as a breakthrough towards ensuring equal access and increased participation in political power structure for women. The Panchayati Raj Institutions will play a central role in the process of enhancing women's participation in public life. The PRIs and the local self Governments will be actively involved in the implementation

and execution of the National Policy for the Women at the grassroots level (MoC&IT, 2015).

4.2.3.1 SOME SELECT LAWS UNDER INDIAN CONSTITUTION

Efforts by national governments and the international community to achieve their goals for agricultural development, economic growth and food security

Globally, most Asian countries have ratified international commitments including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979, articles 14, 15 and 16, which call for ensuring equal access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform and land resettlement schemes, and the Beijing Declaration and Platform for Action, 1995. National laws are mostly in conformity with CEDAW, but the enforcement is weak.

The Indian Constitution, 1950

- **Equal Pay for Equal Work- Article 14, 15 and 16 (Constitution of India)**

Case Study: The Cooperative Store Ltd. (Super Bazar) vs Bimla Devi and Others (LPA 1052/2004. Date of decision 25.05.2005 Delhi High Court). The High Court of Delhi disallowed differential pay for men and women employees who were doing similar kind of work. The Court stated that it was a violation of the Equal Remuneration Act. Female workers who were appointed on a regular basis along with their male counterparts at the Super Bazar had pointed to discrimination in pay, though they were doing similar work. This judgement affirms the principle that it is the actual work done that is material, and not the designation of the employee. Thus, the High Court held that if the persons are doing similar nature of work they are entitled to equal payment, whether men or women. (4 and 5)

In 1976 the Parliament enacted The Equal Remuneration Act. Section 4 of the Act provides that an employee cannot be paid less than another work (of the same establishment of employment) of the opposite sex, who performs the same work or work of a similar nature. Further, Section 5 of the Act states that no employer, while recruiting employees for the same work or work of a similar nature, can discriminate against women (FAO, 2007).

- **Compensation to Rape Victim**

In Delhi Domestic Working Women's Forum v. Union of India (1995, 1 SSC 14) it was held that compensation for victims shall be awarded by the Court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place (21).

- **Right Against Sexual Harassment in Workplace (Prevention, Prohibition and Redressal) Act, 2013**

The Act came into force in Ninth December 2013. The Act came into force to provide protection against sexual harassment of women at workplace and prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto. The Act provides that no women shall be subjected to sexual harassment at any workplace. The bases of the Act were taken from the judgement in 1997 by Hon'ble Supreme Court of India in Vishaka and Others vs. State of Rajasthan case 'Vishaka Judgement' (Singh, 2014).

- **Prohibition of Trafficking in Human Beings and Forced Labour**

Article 23(1) of the Constitution prohibits trafficking of human beings and beggar, the practice of debt bondage and other forms of slavery both modern and ancient. The Government of India penalises trafficking for commercial sexual exploitation through the Immoral Trafficking Prevention Act (ITPA). India also prohibits bonded and forced labour through the Bonded Labour Abolition Act, the Child Labour Act, and the Juvenile Justice Act (Legal India, 2012).

Directive Principle of State Policy

Article 39 (a) provides for equal right of men and women to adequate means of livelihood.

Article 39 (c) of the Constitution requires the State to secure health and strength of workers, men and women and to see that the children are not abused and citizens are not forced by economic necessity to enter vocations unsuited to their age and strength (FAO, 2007).

Article 39 (d) provides for equal pay for equal work for both men and women.

Article 42 of the Constitution directs the State Governments to make provision for securing just human conditions and for maternity relief.

Article 51A (e) of the Constitution provides that it will be the duty of every citizen of India to renounce practices derogatory to the dignity of women.

The Protection of Women from Domestic Violence Act, 2005, the Act was passed to provide more effective protection of the rights of women guaranteed under the Constitution to the victims of violence that are taking place in family or matters connected with family. This Act was enacted following the recommendations of the United Nations Committee on Convention on Elimination of All Forms of Discrimination Against Women. This Act came into force on 26 October 2006.

Dowry Prohibition Act 1961: “If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more”.

Under Section 498-A IPC, “whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine”

Section 304-B (1) in the Indian Penal Code deals with punishment for those who are engaged in dowry deaths.

Section 354 of the Indian Penal Code (IPC), “whoever assaults or uses criminal force to any women, intending to outrage or knowing it to be likely that he will thereby outrage her modesty shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with fine or with both”

Section 376, of the Indian Penal Code deals with punishment for rape, sub clause (2) explains that whoever commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the women raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or fine or with both: Provided that the court may, for

adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.

Sections 493 to 498 of the Indian Penal Code (IPC) deals with an offences relating to marriage and 498 A punishes the cruelty by husband or relatives of husband.

In order to promote labour standard in agriculture the Government of India has passed a number of laws such as:

1. Minimum Wage Fixing Machinery (Agriculture) Convention, 1969 (129)
2. Equal Remuneration Convention, 1951 (No. 100)
3. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
4. Forced Labour Convention, 1930 (No. 29)
5. Abolition of Forced Labour Convention, 1957 (105)
6. Minimum Age Convention, 1973 (No. 138)
7. Worst Form of Child Labour Convention, 1999 (No. 182)
8. The Safety and Health in Agriculture Convention, 2001 (No. 184)
9. Plantation Convention, 1958 (No. 110)

Thus, in India, despite the Constitutional Fundamental Rights, adopted in 1950, which guarantees equality of opportunity and rights to all citizens, and the persistence of the Married Women's Property Act, 1874, which recognises the property acquired by any married woman in any employment, occupation or trade carried on by her in her individual capacity as her separate property; landed property is governed by inheritance laws shaped by different religions. The Hindu Succession Act, 1956, covering almost 80 per cent of the population, was amended in 2005 to remove gender discriminatory provisions, entitling a daughter to inherit family property including agricultural land on par with the son. Anomalies exist in the lack of recognition of wives, mothers and widows as coparceners of the joint property. There is ambiguity about self-acquired and ancestral property and the use of wills to transfer property to particular heirs (Sharma, 2005).

In Karnataka and Maharashtra, states that amended the Hindu Succession Act in 1994, the amendment did not compensate for underlying gender inequality but

significantly improved women's likelihood of inheriting land, positively impacting their age at marriage and educational attainment (Deininger et al, 2011). Amongst Muslims the shariat grants inheritance rights, albeit half the share of the brother, but it is rarely claimed.

Indian policies express greater commitment towards gender equality from the 6th Plan (1980- 85), with a focus on joint titles to spouses in the distribution of land and home sites. The New Agricultural Policy, 2000, the National Policy for the Empowerment of Women 2001, and the National Farmers Commission 2006, have all stressed the need to strengthen the entitlements and support women farmers, for the sake of food security, and material wellbeing, if not explicitly pointing to emotional security and social recognition. Implementation here too has been near absent.

Article 39 of the Indian Constitution directs the state to ensure that "citizens, men and women equally, have the right to adequate means of livelihood"; that "there is equal pay for equal work for both men and women"; and that "the health and strength of workers, men and women, [...] are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength". On the other hand, article 16 of the Constitution, stating the principle of equality in employment, applies to public employment only (FAO, 2007).

With regard to access to employment, sex discrimination is prohibited by the Equal Remuneration Act of 1976 (sec. 5, as amended in 1987). In practice, however, in many rural areas women's access to employment is restricted by cultural factors such as female seclusion (*purdah*) and the perception of women's abstention from work as an indicator of the social status and success of the husband. Moreover, a gender division of labour remains widespread, with women concentrated in "feminine" jobs, particularly low-skill, low-pay agricultural work (e.g. weeders) (Jha et al., 1998).

With regard to treatment, the Equal Remuneration Act of 1976, as amended, prohibits discrimination in employment conditions (including promotion, training and transfer) (sec. 5, as amended in 1987). On the other hand, protective legislation prohibits women's night work in a number of sectors. As for agriculture, the Plantations Labour Act of 1951 prohibits the employment of women between 19

hours and 6 hours (except for midwives and nurses) unless there is permission from the state government (sec. 25) (FAO, 2007).

The Equal Remuneration Act states the principle of equal remuneration for the “same work or work of a similar nature” (though not for work of equal value; sec. 4). In complying with this requirement, employers cannot reduce wages; therefore, in case of existing sex discrimination, the higher wage is payable to workers of both sexes (sec. 4). The equal remuneration principle is also guaranteed in the case law (Mackinnon Mackenzie & Co. v. Audrey D’Costa, 1987 2 SCC 469).

In practice, substantial gender pay gaps exist: women’s wages are lower than men’s in all states of the federation (on average, 30 percent lower); there is no institutional machinery for the implementation of minimum wage legislation in the agricultural sector (United Nations, 1997; Menon-Sen and Kumar, 2001). According to the Centre of Indian Trade Unions (CITU), the 1976 Act is mainly applied to public sector industries, while gender pay gaps persist in other industries, including agriculture, where employers avoid the application of the minimum wage legislation by paying workers on a piece-rate basis; in these sectors, female workers are paid considerably lower wages than male workers (CEACR (100), 1998).

Indian law contains no specific provision on sexual harassment in the workplace. However, the Supreme Court developed guidelines in *Vishaka v. State of Rajasthan and Others* (AIR 1997 SC 3011). The guidelines are to be applied in all workplaces, and build on the Indian Constitution, on the CEDAW and on General Recommendation No. 19 of the CEDAW Committee (on violence against women).

Maternity leave is governed by the Maternity Benefit Act of 1961, which applies to plantations and to other establishments with more than ten employees (sec. 2). Pregnant workers have a right to 12-week paid maternity leave (secs. 4 and 6(2)). A six-week leave is granted in case of miscarriage or termination of pregnancy (sec. 9). An additional one-month leave is provided in case of illness arising out of pregnancy, delivery, miscarriage or termination of pregnancy (sec. 10). Maternity benefits are equivalent to the average daily wage of the woman worker (sec. 5). Discharge or dismissals of a woman on maternity leave, as well as the varying of her working conditions at her disadvantage, are prohibited (sec. 12).

Pregnant workers have the right not to perform arduous work, or work which involves long hours of standing or which is likely to interfere with the pregnancy, the normal development of the fetus, adversely affect health or cause a miscarriage (Maternity Benefit Act, sec. 4(3)). No deductions from wages can be made because of the changed nature of the work performed (sec. 13 of the same Act). Nursing women have a right to two nursing breaks per day until the child attains the age of fifteen months, without deductions from the wage (secs. 11 and 13). Under the Plantations Labour Act of 1951, employers with more than 50 women workers (or with women workers having a number of children under six years old of 20 or more) must provide crèche facilities (sec. 12) (FAO, 2007).

The laws on social security (Employees' Provident Fund and Miscellaneous Provisions Act 1952 and the Payment of Gratuity Act 1972) apply equally to men and women.

The National Committee on the Status of Women in India (1974) examined the whole issue relating to the rights and status of women in the context of social and economic conditions prevailing in the country (GOI, 1974). Some of its terms and references were:

1. to examine the Constitutional, legal and administrative provisions that have a bearing on social status of women, their education and employment;
2. to assess the impact of these provisions during the two decades on the status of women in the country, particularly in the rural sector and to suggest more effective programmes;
3. to examine the status of women as housewives and mothers in the changing social pattern and their problems in the sphere of further education and employment;
4. to consider the development of education among women and to determine the factors responsible for slow progress in this regard;
5. to suggest any other measures which would enable women to play their full and proper role in building the nation (Pande, 1996).

A Women Cell was established in the Ministry of Labour and Employment in 1975.

The Working Group on Employment of Women set up under the Planning Commission suggested earmarking of funds in sectoral plans, increasing their participation in decision-making process and collating micro-level data on employment conditions, unemployment situation and skill profile of local women (Pande, 1996).

4.2.3.2 Flagship Programmes Undertaken by Government of India

a. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA)

“An Act to provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage-employment in every financial year to every household whose adult members volunteer to do unskilled manual work and for matters connected herewith or incidental thereto” (The Gazette of India, 2005). The job cards are issued, so to perform future work done under the program. Wages are to be providing according to the Minimum Wages Act of 1948 for farming labours in the state, and equivalent income will be offered to both men and women.

b. Krishi Vigyan Kendra (KVK)

The Indian Council of Agricultural Research (ICAR) New Delhi after appreciating the work carried out by Pravara Institute of Research and Education in Natural and Social Science (PIRENS) sanctioned Krishi Vigyan Kendra (KVK) in the year 1992. This has helped PIRENS to intervene more intensively in the field of agriculture. PIRENS is giving a very strong support to KVK for integrated efforts to work intensively to perform better for the upliftment of rural people particularly the farming community and the unemployed rural youth and to provide better services for the farming community, rural population particularly women and rural youths (KVK, 2016).

c. National Rural Health Mission (NRHM)

National Rural Health Mission (NRHM) was launched on 12th April 2005 in Delhi. NRHM seeks to provide effective healthcare to rural and urban population throughout the state with special focus on the backward districts with weak human development and health indicators especially among the poor and marginalised groups like women and the vulnerable sections of the society. Among its various objectives,

one of its objectives is to provide care services on women's health. The goal of NRHM is to improve the availability of and access to quality health care by people, especially for those residing in rural areas, the poor women and children. One of the ways of empowering women in NRHM is the introduction of Accredited Social Health Activist (ASHA). To complement the work of ANM, ASHA is selected through a selection process to fill the gaps in the health care delivery system. She is a volunteer who acts as a bridge between the community and the available health care system in all possible ways (NRHM). ASHA's are mainly local women of the particular area.

d. Minimum Support Price (MSP) Scheme

The Minimum Support Price (MSP) were announced by the Government of India for the first time in 1966-67 for Wheat in the wake of the Green Revolution and extended harvest, to save the farmers from depleting profits. Since then, the MSP regime has been expanded to many crops. MSP is the price at which government purchases crops from the farmers, whatever may be the price for the crops (GKToday, 2013).

e. Kisan Card Yojana

It is also known as Kisan Credit Card Scheme, introduced in August 1998 with the aim to provide adequate and timely short-term credit needs of farmers during the cropping season. The Kisan Credit Card scheme was launched to provide adequate, timely and cost effective institutional credit through the banking system to the farmers for their cultivation process and can also withdraw cash from this card for their input needs. It is implemented by public sector commercial banks, RRBs and cooperative banks. It was launched to provide short term loans in the form of production credit. However, later its scope was extended to term loans for agriculture and allied activities and reasonable component for consumption loan (GK Today, 2015).

f. Mahila Kisan Sashaktikaran Pariyojana

The project was launched in 2010-11. It aims at improving the capacities of women in agriculture to access the resources of other institutions and schemes within a convergence framework and bridge the gender gap that still exists in the Indian agrarian world to bring about systematic change in the sector. The main themes of MKSP are Sustainable Agriculture and Non Timber Forest Produce (NTFP). The

main objective of this programme is to provide capacity building workshops, training and orientation programme to build the capacity of women farmers; to strengthen livelihood and nutrition security for women farmers; to promote initiatives that diversify women's income base through alternate income generation programs; raise awareness among women farmers; and to improve the effectiveness of Self Help Group (SHG) initiatives, Community Seed Banks (CSBs) and Sustainable Agriculture Resource Centres (SARC) (Green Foundation, 2012) .

g. Agriculture Insurance

At present four crops insurance schemes namely National Agricultural Insurance Scheme (NAIS), Pilot Weather Based Crop Insurance Scheme (WBCIS) Pilot Modified National Agricultural Insurance Scheme (MNAIS) and Pilot Coconut Palm Insurance Scheme (CPIS) as Central Sector Schemes to insulate the farming community against agricultural risk. In order to serve farmers in a better way, a Central Sector Scheme of National Crop Insurance Programme (NCIP)/ Rashtriya Fasal Bima Karyakram (RFBK) has been formulated by merging MNAIS, WBCIS and CPIS (Order No. 13015/02/2012, Ministry of Agriculture, Government of India, and 1st November 2013).

h. National Bank for Agriculture and Rural Development

It is responsible for refinance disbursement to commercial banks, State cooperative banks, State cooperatives, rural development banks, Regional Rural Banks (RRBs) and other eligible financial institutions. It also sanctions money through its Rural Infrastructure Development Fund for projects covering irrigation, rural roads and bridges, health and education, soil conservation and drinking water schemes. NABARD also offers a Kishan Credit Card Scheme and crop loans under the Rashtriya Krishi Bima Yojana (National Portal Content Management Team, 2011).

i. The Ministry of Agriculture and Rural Development set up a working group of Village Level Organisation of Rural Women. It identified the needs of rural women, objectives of Mahila Mandal and their involvement in rural development, promotion, strengthening and training of youth organisations for participation in rural development programmes and the role of the block, district and state level functionaries for programmes and their training.

j. National Perspective Plan for Women

National Perspective Plan for Women (1988-2000 A.D.) was brought out by the Department of Women and Child Development, Ministry of Human Resource Development. The plan pays special attention to the rural women who suffer from double discrimination. The plan does not seek more investment or more resources but gives a new thrust and responsiveness to developmental programmes at all levels. Its aim is to promote holistic perspective to the development of women (MHRD, 1988).

k. Rashtriya Mahila Kosh (RMK) (1993)

The RMK was established by the Department of Women and Child Development, under the Ministry of Human Resource Development, for the purpose of delivery of credit through women's development corporations/ non-governmental organisations and self-help groups to 2 lakhs poor women from both rural and urban areas whose family income does not exceed Rupees 11,000/- per annum in rural areas and Rupees 11,800/-per annum in urban areas. The interest charged is 12% per annum to the ultimate borrower women and 8% to the NGOs and the corporations. The women Development Corporation has been sanctioned a loan of Rupees 20 lakh from RMK to lend through self-help group Mahila Mandals for covering 1000 women (Kumar, 2015).

l. Development of Women and Children in Rural Areas (DWRCA)

DWRCA was introduced in 1983-84 as a sub-scheme of IRDP. The programme is meant for the development of women and children in rural areas by providing a revolving fund of Rupees 25000/- to a group of 10-15 women belonging to poverty group for undertaking economic activities and ancillary services like nutrition, health, child care, family welfare, immunisation, literacy, adult education facilities which are covered for the beneficiary family (Women Sub-Plan 1997-1998).

m. Rural Landless Employment Guarantee Programme (RLEGP)

RLEGP was introduced on August 15, 1983, with the objectives of improving and expanding employment opportunities for the rural landless with a view to providing guaranteed employment for 100 days in a year to at least one member of every landless household; and creating durable assets for strengthening the

infrastructure so as to meet the growing requirements of the rural economy (Verma, 2015).

n. Integrated Rural Development Programme (IRDP)

IRDP is a beneficiary oriented programme with the objective of assisting the families below the income level of Rs. 11,000/- per year and 30% benefits are allocated for women. Under the programme, income generating assets are being provided to the beneficiaries with a package of assistance consisting of subsidy from the District Rural Development Agencies besides term loan from the bank (Women Sub- Plan 1997-1998).

o. Training of Rural Youth for Self Employment (TRYSEM)

The programme is to train rural youth in the age group of 18-35 years for the provision of self/wage employment. Under this programme the youth are imparted training in more than 25 trades and 40 percent of funds allocated under this scheme are meant for women. The expenditure to implement this programme is shared equally by the Central and State Governments.

p. Mahila Samakhya

The Mahila Samakhya Programme was launched in 1988 in pursuance of the goals of the New Education Policy (1986) and the Programme of Action as a concrete programme for the education and empowerment of women in rural areas, particularly of women from socially and economically marginalised groups (MHRD, 2016).

q. Science and Technology for Women

The objectives of this scheme are to promote technology based empowerment of women with a focus on increasing opportunities for income generation, reduction of drudgery and thereby improving the quality of life of rural women. Individual projects are supported to promote development and adaptation or appropriate technology, transfer proven technologies and demonstration of live technology models to benefit women. Another objective of this scheme is to provide an opportunity to women scientists to reenter into the mainstream science (Ministry of Science & Technology, 2005).

r. Condensed Courses of Education for Adult Women and Vocational Training

It was initiated by Central Social Welfare Board (CSWB) in 1958 to cater the needs of adult girls/women who could not join mainstream education system or were school dropouts. The scheme aims to provide educational opportunities to girls/women above the age of 15 years along with additional inputs of skill development/ vocational training. The scheme is being implemented through Voluntary Organisations and educational institutions, having requisite infrastructure and experience in the field of women/ social development and education across the country (CSWB, 2005).

4.3 STATE LEVEL INITIATIVES FOR WOMEN IN INDIA

The state has a target of converting it into a fully organic state by 2015. In this regard, the Department has started a lot of measures to replace the chemical fertilizers by using bio fertilizers and organic manures. Effective Microorganism (EM) technology in production of compost and bokashi and bio-pesticide is being propagated among the farmers in technical collaboration with MAPLE ORTECH, Dehradun to give boost to organic farming in Sikkim. Integrated Pest Management (IPM) technology is being practiced to control the pests. Predators are produced in Sikkim State IPM Lab and are released in the farmers' field as and when required. The Government has also set up a livelihood school also on organic farming at Tadong, Gangtok. This is first of its' type in the country. Participants will be given 3 months training on organic farming processes. Trained youths will go to villages and assist farmers at village level. Popularization of HYV seeds, production of quality seeds, mixed cropping, pest management through Farmers Field Schools (FFS), recycling of farm waste for compost production, soil reclamation by liming, seed treatment campaign and integrated farming through watershed approach is some of the strategies adopted by the Department in the state (Dwivedy, Upadhyay & Jha, 2012).

Both the Central and State governments have introduced a number of programmes, e.g. Mahila Samridhhi Yojana, Balika Samridhhi Yojana and the Small Family Scheme, to promote both women's welfare and their empowerment. Gender concerns have been addressed in the State through an array of women-specific welfare and empowerment programmes (Government of Sikkim, 1998).

There have been several safeguards for ensuring land rights of the two indigenous tribal communities, the Bhutias and the Lepchas. The first step in this direction goes back to 1917, when the Government of Sikkim issued a notification termed as Revenue Order No. 1, which prohibited sale or transfer of land belonging to Bhutias or Lepchas to non-Bhutias or Lepchas without the permission of the State. The Notification No 3082/L.R., dated 24 March 1954, issued by the Land Revenue Department, of the Sikkim State and signed by Tashi Namgyal, the Maharaja of Sikkim, reinforced the Revenue Order No. 1 of 1917. This notification remained in force even after 1975, and has been strictly implemented.

In order to facilitate the social being of women, the government has launched several welfare programmes to bridge the gender gap. The Sikkim State Commission for women was constituted in 2001, to safeguard the rights and legal entitlements of women in the State. The Act is aimed at providing speedy solutions to the victims of domestic violence by involving protection officers and voluntary organizations as service providers. The state government has appointed eight legal providers who are working towards protecting the rights and interests of women by providing of legal, medical, financial and other forms of assistance under the provisions of the Act. Also implemented and enforced are the Prohibition of Child Marriage Act, 2006; the Immoral Traffic (Prevention) Act, 1956 as amended up to Act No. 44 of 1986; the Sikkim Immoral Traffic (Prevention) Rules, 1990; the Dowry Prohibition Act, 1961 (28 of 1961); and the Implementation of Pre-natal Diagnostic Technique (PNDT) Regulation and Prevention of Misuse Act, 1996. In line with the Supreme Court's Vishaka Guidelines, the state government has made it mandatory to set up complaint cells against sexual harassment in all government departments and institutions as well as in private organizations (SHDR, 2015).

The State government implemented the Prevention of Domestic Violence Act 2005 in 2007 and provided landmark 40 percent reservation of seats of women in panchayats and other local bodies. This reservation was increased to 50 percent ensuring that Sikkimese women have equal representation at the grassroots governance (Department of Information & Technology, 2014).

Women and Child Development Division of the Social Justice, Empowerment and Welfare Department has adopted various strategies for empowering women through education and awareness generation. Training programmes have been set up

for women in floriculture, knitting, tailoring and beautician courses. Two working women hostels (Deorali and Namchi) have been established to provide secure and economical accommodation to working women in the state. The state has introduced a Short Stay Home Scheme for the welfare of distressed women (SHDR, 2015).

The state of Sikkim has provided 30% reservation in all direct recruitments in all governmental sectors. Sikkim Succession Act 2008 was set to provide inheritance of parental property by female members at par with male members of the family. Aid of Rupees 200/- per month is provided for destitute women. Widow Remarriage schemes have been set up in the year 1993, were one time incentive of Rupees 10,000 to eligible person marrying a widow. Pension of Rupees 600/- is provided for widows of BPL category belonging to the age group of (40-64) years. From the year of 1999, widows of martyrs are provided exgratia of Rupees 1 lakh.

One time maternity benefit allowance of Rupees 3700/- to lactating mothers at the time of delivery and Rupees 300/- as nutrition allowance to newborns for an initial period of six years are provided. In 1999, short stay home schemes, for the welfare of the distressed women was set up. In 1997, small family schemes was provided for unmarried girls on attaining the age of 13 are given Rupees 8000/-, which is deposited in a bank account in their name. Balika Samridhi Yojana started on 1997, were a girl child born on or after 15th August 1997 belonging to a BPL category receives a grant of Rupees 500/-, which is deposited in an interest bearing account.

Kishori Shakti Yojana launched on 2001-02 through anganwadi/Integrated child development services (ICDS) centers with an objective to improve the nutritional health status of girls in the age group of 11-18 years, and to provide literacy skills through the non-formal stream of education. Sikkim State Labour Service framed in 2006, grants three months maternity leave on full wages to all female employees labourers on the muster roll (Department of Labour, 2015).

In 2007, Sikkim Government constituted a State Diagnostic Expert Committee to study and examine the critical issues of women's education, health, environment, income, employment and socio-politico participation. The women of Sikkim has immensely benefitted from the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) which has increased significantly from 38% in 2008-09 to 59% in 2011-12. With a view to improve employment opportunities for

women into the field of contract work and construction, Sikkim launched a new scheme, Educated Women Unemployed Co-operative Society (EWUCS), administered by the Department of Co-operative Societies (Voice of Sikkim, 2014).

In the context of Indian women, Sikkimese women enjoy better position. According to SHDR 2014, women in Sikkim have benefitted from educational and livelihood opportunities provided by the state government. They have a relatively better position as compared to their national counterparts, with problems like female infanticide and feticide as well as dowry-related deaths virtually absent in the state.

Female literacy rates have gone up from 22 per cent in 1981 to 76 per cent in 2011— surpassing the national female literacy rate of 66 per cent. Girls’ enrolment in government schools has grown to more than 50 per cent in the period between 2001 and 2012, but report also comes up with the issues that women of Sikkim are facing, it says, despite occupational diversification, 59 per cent of women workers are engaged in agriculture-related work where earnings are typically low and uncertain; women continue to be under-represented in the highest levels of bureaucracy. For instance, in 2011, women comprised only 12 per cent of the total departmental heads belonging to the IAS cadre in the state; the political representation of women members in the Sikkim Legislative Assembly has remained more or less static at around 3 per cent over the years; Domestic violence even though small in magnitude is reported to be common in Sikkimese society, the report further mention that Despite the many gains, women in Sikkim are faced with challenges particularly when it comes to property rights, age at marriage, alcohol and drug use, and domestic violence (SHDR, 2015).