

ANALYSIS OF NATIONAL POLICY FOR WOMEN EMPOWERMENT, 2001: LEGAL CHANGES AND THERE IMPLEMENTATION

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Abstract: National Policy for Empowerment of women was brought more than a decade ago and considering the recent events were women were subjected to a lot of humiliation and has faced several atrocities it is necessary to find out what went wrong in the implementation of the policy. The policy was well drafted with provisions for empowering women not only socially but also economically. If a layman looks at the status of women setting aside his patriarchal thinking he can tell easily that women in this country still lag behind men and there are lot of things that are needed to be done to empower women. This paper will try to discuss the success and failures of the policy and whether the objectives with which this policy was formulated have been achieved or not. The paper will also suggest the possible changes that can be made in the policy or certain legislations that can be brought in to provide the well deserved status of equality to women in this country.

Keywords: Empowerment, Legislations, Objectives, Success

“Gender equality is more than a goal in itself. It is a precondition for meeting the challenge of reducing poverty, promoting sustainable development and building good governance.”- Kofi Annan

Introduction: Law & Policies are being used as an important instrument for transforming the status of women. Women all over the world have launched powerful movements to reverse centuries of discrimination and injustice, are mobilizing against violence and oppression, are demanding equal rights, greater opportunities for development, equitable rights and control over their earnings and bodies.

Gender disparity manifests itself in various forms; the most obvious bring the trend of continuously declining female ratio in the last few decades. Social stereotyping and violence at the domestic and societal levels are some of the other manifestations¹. The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy will be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals.

The National Policy for the Empowerment of Women 2001 was an attempt to institutionalize the gains of women's movements across the country. Taking the Constitution as a tool to implement, the National Policy outlines the historical context within which it is located, which interestingly, is the historical context of the women's movement as well: the international conferences from Mexico (1975) through Nairobi (1985) to Beijing (1995) and the follow up on Beijing; the women's movement and the widespread network of non-government organizations with a mass base; the landmark "Status of Women" documents in the country towards *Equality and Shramshakti*².

The objectives and goals of the National Policy include the creation of an enabling environment for women through economic and social policies, active protection of rights, equal access to decision making and social sector needs, strengthening institutional support systems and legal machinery, and forging partnerships within civil society. The Policy affirms were to be realized through a review and formulation of positive measures in the judicial legal system, decision making,

through the economic and social empowerment of women.

The Ninth Five Year Plan was committed to 'Empower Women' through creating an enabling environment where women can freely exercise their rights both within and outside their homes, as equal partners along with men. This was planned to be realized through 'The National Policy for Empowerment of Women', with definite goals, targets and policy prescriptions along with a well-defined Gender Development Index to monitor the impact of its implementation in raising the status of women³.

Access to Empowerment: Objectives and Its Implementation

The goal of this Policy is to bring about the advancement, development and empowerment of women. The Policy will be widely disseminated so as to encourage active participation of all stakeholders for achieving its goals.

The policy included objectives such as creating positive economic conditions by increasing employment opportunities to women, fundamental freedom to women, equal access and participation in decision making for welfare of women, strengthening legal access and mainstreaming the gender perspective in developmental process⁴.

According to the policy document Legal-judicial system was to be made more responsive and gender sensitive to women's needs, especially in cases of domestic violence and personal assault. New laws were to be enacted and existing laws were to be reviewed to ensure that justice is quick and the punishment meted out to the culprits is commensurate with the severity of the offence.

Criminal Amendment Bill 2013

In order to create a gender sensitized legal system and bring in amendments to the existing laws the government recently promulgated the Criminal Law Amendment Bill, 2013 which provides amendment to IPC, Cr.PC, 1973 and Indian Evidence Act which

provides for strict punishment for offences and most of the crimes have been termed as gender neutral while stalking and voyeurism have been included in the list of offences against women to provide a sense of security and safety to women while providing a deterrence to the criminal minds.

The word rape has been replaced with sexual assault in Section 375, and has added penetrations other than penile penetration an offence. The definition is broadly worded and gender neutral in some aspect, with acts like penetration of penis, or any object or any part of body to any extent, into the vagina, mouth, urethra or anus of another person or making another person do so, apply of mouth or touching private parts constitutes the offence of sexual assault. The section has also clarified that penetration means "penetration to any extent", and lack of physical resistance is immaterial for constituting an offence. Except in certain aggravated situation the punishment will be imprisonment not less than seven years but which may extend to imprisonment for life, and shall also be liable to fine⁵. In aggravated situations, punishment will be rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

Code of Criminal Procedure

The Code of Criminal Procedure under Section 125 provides the right to maintenance to a woman even the mother a widow which acts as a major tool for empowering women. The code also lays down restrictions and guidelines to police officer on the ways to arrest a woman and states that no woman must be arrested after sunset until such arrest is previously approved and any such arrest may only be made by the women police officer.

Marriage Laws Amendment Bill

The Marriage Laws Amendment Bill has a provision for share in a husband's self-acquired property for his wife, a new clause 13F was discussed by the GOM, which said if the ancestral property cannot be divided, the woman should get "sufficient compensation" by calculating her husband's share in it. The amount of the compensation can be worked out by the court hearing the divorce case⁶.

The Union Cabinet approved the introduction of a Bill, namely, the Marriage Laws (Amendment) Bill, 2010 to further amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954, to provide therein irretrievable break down of marriage as a ground of divorce.

The amendment faced strong criticism from different sections of society claiming that it would make divorce easier (thereby jeopardizing the family's existence); the wife's entitlement to a share in the husband's ancestral property is nothing but a license for opportunistic women to plunder with impunity.

Some critiques also stated that the amendment downplayed the opinion of Justice Rohatagi in the case of Harvinder Kaur vs Harmander Singh⁷ (1983, Delhi

High Court): *"Introduction of constitutional law in the home is the most inappropriate. It is like introducing a bull in a china shop.... In the privacy of the home and the married life neither Article 21 nor Article 14 has any place."*⁸

Others: During the years the image of police in safeguarding the rights of women has been shattered and thus they have lost trust in the general public and are therefore not able to fulfill their duty which has been imposed on it by the state. Since there is a increase in women harassment cases over the years it is necessary that special attention must be provided to these cases and therefore state along with the police authorities has come up with many positive steps and has made several changes in the enforcement machinery in the state with the establishment of additional authorities especially brought to safeguard the rights of women like the establishment of Mahila Thanas.

Establishment of such Mahila Thanas was a major step in creating a equal and just legal system as stated objective of the Mahila thanas is to make police stations more approachable and less intimidating to women with complaints since mainstream police stations are customarily viewed as frightening places for women to go to and, thus not likely to encourage reporting of sexual crimes. The creation of Mahila thanas is an important step and India is perhaps one of the few countries where such an effort has been made systematically⁹.

Another basic change in the activity to build trust among the women is the establishment of Mahila Suraksha Evam Salah Kendra to ensure a space where victims of violence can feel free to come, share problems and seek advice¹⁰. To ensure speedy justice to the women victims a special cell for atrocities against women was constituted in the CID crimes branch to deal with atrocities against women particularly in cases like dowry deaths and deaths of young women under suspicious circumstances. The cell functions under special supervision and guidance of the special Inspector General of Police CID crimes. The cell has been working in close coordination with the state commission for women and assisting them in handling cases of atrocities against women.¹¹

The policy also aimed at providing economic empowerment to women and there are two major steps which can be credited in the account of government for being successful in implementing this agenda of economic empowerment. First one being the Mahatma Gandhi National Rural Employment Guarantee Act which made it possible for the poor and illiterate women to provide a helping hand in the economy of this country and ensured that women did not merely be a house hold worker but come out and help in the development of this country. And the Second step is to bring the women in mainstream economic decisions by making it mandatory for certain companies to have one woman director onboard in the new Companies Bill. This concept of women directors will surely not only

achieve the aim of empowering economic condition of the women but the companies with a woman director onboard will now have a gender friendly environment for its women worker and sexual harassment of women at work place can see a decline as women directors will be more sensitive towards the problem of female workers.

The contribution of women to socio-economic development as producers and workers were supposed to be recognized in the formal and informal sectors (including home based workers) and appropriate policies relating to employment and to her working conditions will be drawn up¹².

Other policies for the empowerment of women: Providing economic empowerment by ways of microfinance to women is also termed as a major step taken by the government over the years. IIM-A conducted an impact evaluation study on Bandhan, a microfinance institution based in West Bengal. The study was done with an objective to assess the impact of microcredit and other development interventions being made in the lives of the underprivileged.

The study found positive women empowerment effects concerning the women member's influence over children-related decisions like educational expenses, family planning, girl education, daughter's marriage, among other things.

The study says that the average annual household net income from all sources went up by Rs 13,231, representing a 13.81% increase. This increased income did not come at the cost of increased risk exposure for the households, as measured by fluctuation of monthly income over the past three years.

The households increased their ownership of non-farm business assets by Rs 15,588 on an average and could also generate an average 35.82 mandays per month of fulltime employment for family members¹³.

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. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women and the same was implemented in the National Policy for Empowerment of Women seeking equal representation for Women. The political parties do not seem to be honest in their perspectives. But before we condemn political parties which everyone would love to do we must concentrate on imparting social education because without academic and social education, the political empowerment has failed to bring desired result as we have seen in case of 33 per cent reservation in local bodies ensured by the historic 73rd and 74th constitutional amendments as most of the time women elected in panchayat polls act merely as a seal and major decisions are taken by her husband and sometimes she did not even know that she is the head of that village. The uneducated women are quite unaware

of their rights and privileges and are therefore subject to exploitation at the hands of government machinery, as well by family members.

Success of the Policy: Achieving Empowerment

The National Policy for Empowerment of Women was implemented in 2001, the question which even a layman will ask is have we achieved something substantial when it comes to women empowerment or does the policy remain just on papers. After 12 years of the policy there is time to ponder upon the fact that whether we have achieved all that was given in the policy which was also the aim of several feminist movement across the world.

The policy proposed to set up National and State Councils to ensure the implementation of the Policy. These councils will be headed by the Prime Minister and Chief Ministers with representatives from the government, NGOs, women's organizations, corporate sector, trade unions, academics and social activists, among others. National and State Resource centers will function as clearing houses of information on women.

To re-state the point, the mainstreaming of the entire gamut of issues that find place in the National Policy on Women's Empowerment 2001, is a direct result of civil society interventions and resistance struggles in different parts of the country. Logically then, since here are systems that are already in place in civil society, that are doing the work, the Policy should have created mechanisms to affirm and support the non-state institutional mechanisms that have built legitimacy and credibility through their work.

Women are usually taken as household worker and women usually engage in household works. The burden of unpaid work on women weakens the position of women at the household in terms of control over household resources. Unequal allocation of unpaid work affects the allocation of household income and wealth, financial asset ownership and spending patterns. The gender differences lead to have a gendered nature of allocation of resources and sharp conflicts arising from the gender relations. Although women and men have equal income, men are provided with more nutrition and medical treatment than women and women benefit from the wealth of household less than men due to the unequally distributed assets¹⁴. If the government take the argument of decrease in reports of crime against women Given the present state of affairs, it is no surprise that only 4 out of 10 women find it worthwhile to even report instances of abuse, and that a 2012 survey by Thomson Reuters Foundation ranks India as the worst of the G-20 major economies for women. Crimes against women are often not reported because women must not only break the conservative mold of traditional Indian society and confront their attacker, they must also deal with insensitive police officials and administrators asking probing questions about the act itself⁵.

In Indian Penal Code Section 354 states that " *Every woman has a right to take legal action against any person who assaults or tries to outrage her modesty by any*

deliberate constant gesture or physical force." Also the policy talks about providing better legal aid to women and thus making it easy for women victims to register FIR or take legal action must be made easy by the state. This right is being used by many women as it is evident by REPORT of National Surveys of Family Violence (NSFV) in which it was specified that overall victimization of physical violence against women climbed from 12.1% in late 1970s to 12.3% in mid 1980s¹⁶ but still many women are deprived or stopped from using this right also by the use of force and are forced to keep their mouth shut and sit silently without raising a voice against the injustice done. There are complaints that police have not registered several FIRs in cases of crimes against women, and the progress of investigations where the cases have been registered, is too slow¹⁷.

Even as crimes against women are on the rise, the numbers of police women available to tackle these cases are woefully inadequate. There is a heavy responsibility on women police already saddled with important tasks and issues relating to search, arrest, and custody of women witness, arrestees and juvenile delinquents. But there is a just one police woman for every 45 policemen, a woefully inadequate 2.09 percent of the entire force¹⁸. This less number of forces makes the justice process to a women victim vulnerable and not only the rights of a women victim but also the rights of women prisoners get violated because of low number of women police force and ultimately defeating the purpose of the policy which aimed at giving empowerment to women as no person can be empowered in a state with a weak police system which is not there to ensure its protection.

Although the policy for women empowerment takes account of all the places where women lack empowerment but the fact remains that even after 12 years of such policy and 67 years of Independence the women in this country still strive to stand at equal place than that with a man. She still fears to go out in public without covering her face, she fears to work late night and those women who are brave enough to go out and fight for their rights are often termed with derogatory abuses which by their name itself shows how patriarchal this society it is and how difficult it is to get women at equal platform with that of man.

The policy can also not be termed as a success because it had given absolutely no consideration to the other class of women. It had not considered the fact that a large number of women are being forced to indulge in prostitution and some of them after facing ridicule from the society choose to become sex workers but the policy had not tried to bring them into the mainstream and help them by providing them same rights as that of a normal woman (*the talk of gender equality in this matter will come later as they are yet to achieve a status of dignified women in the society*). Research by Pathways suggests that powerful sources of empowerment may lie in places overlooked by development.

It is assumed that political empowerment is a key to

development in this society and it was also enshrined in the policy that it will focus on providing equal representation to women in political matters so that they can take place in decision making process. It is a must for an all-around development of women. It is the need of the hour to ensure her participation in the decision-making at home, in community and at the national level. It is for the fulfillment of this need that the Women's Reservation Bill was introduced in the Parliament by the BJP Government. But since then, ruling parties changed in power but the Bill could not see the light of the day¹⁹.

The research suggests that piecemeal economic and political empowerment programmes might give individual women opportunities to improve their lives through loans or training, but they fall short of achieving real and sustained change. "Empowerment lite" might deliver the kind of results development agencies have been reduced to measuring – numbers of women on courses, numbers of girls at school, numbers of women on councils. But this rarely translates into the kinds of transformations that lie beyond such limiting measures, such as changes in women's sense of their own possibilities and horizons, and shifts of power that are the precondition for creating a more just and equal world²⁰.

Even after sixty seven years of Independence and 12 years of this policy the fact remains that much is needed to be done to achieve the dream with which this policy was framed to achieve the aims of Dr. Ambedkar when he dreamt of Uniform Civil Code with sole purpose of providing empowerment to women in this country

Conclusion: In this contemporary world, women need to gain the same amount of power that men have. Now, it is time to forget that men are the only holders of power. In India, women are still facing different obstacles in male-dominated cultures. The things are related to women's status and their future. However, the author believes that Indian women are slowly getting empowerment in the sectors like education, politics, the work force and even more power within their own households²¹.

Empowerment of women is a gradual and complicated process. It involves changing the way of thinking of the whole society. From long time it is prevalent in society that women are inferior to men. It is not easy to change the stubborn attitude of the people. In rural India, Women have inadequate access to education, health facilities, healthy diet etc. In India gradually the percentage of working women is rising. Only by contributing towards income of the family the women can get rid of the status of being a burden on her family. Young girls are sold to richer landlords for meager sums of money not even enough to sustain them for a proper period of time.

Surveys have proved that a large percentage of educated but not trained women are present in the country. Such women can be given training in a specific field like making homemade papads or pickles, handicrafts and

many such things and can start their own small enterprise. Self-employment is a blessing for poor and deserving women as sufficient job opportunities are not available in the country. In small sector, the women may be owner of the enterprise may be a manager or controller or may be a worker in the enterprise.

The efforts should be directed towards the all around development of each and every section of Indian women, not confining the benefit to a particular section of women in society, by giving them their due share. It is a must to protect their chastity, modesty and dignity and ensure their dignified position in society. Without removing social stigma progress and development could not be achieved. For this, the governmental and non-governmental organizations including media should come forward and play an active role in creating awareness in society.

Programmes like Police Mitra must be organized solely by the police to make the women aware about their legal rights and also to culminate the fear of police which is increasing day by day with increase in cases where

police officials are found to humiliate the rights of women. These programmes must be organized solely by police authorities and not by NGO's as it is done in the present times because when they will be organized directly then women will not fear to approach directly to the police whereas in the former case women would be hesitant to reach to NGO as her privacy could not be ensured in such cases by NGO's.

It is important to do away with the traditional red taping and implement the policies with a forward thinking doing away with the traditional stigma for it is the women who will lead the country further and without women the country cannot grow to the fulfill the dreams of millions who want to see India as super power. The Author suggest that the policies must be implemented in a better manner with greater accountability and transparency so that women empowerment can be achieved at a faster rate also the social stigma's must be done away with may be by bringing in Uniform Civil Code or by implementing education to all so that women are treated as equals in the society.

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