



Gender Justice to Women with Special Reference to National Policy for the Empowerment of Women, 2001 : A Comment

Ashok K. Sharma¹ & M.M. Feroze²

1. Associate Professor & Head, Department of Law, J.V. Jain College, Saharanpur (Uttar Pradesh)

2. Associate Professor, Department of Law, J.V. Jain College, Saharanpur (Uttar Pradesh)

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Abstract

Women are almost the half of the human population of the world. They fall in the category of vulnerable group in human society, as they fall prey to all kinds of mal-treatment, torture, cruelty and subjugation to male society on account of their comparative physical softness and weakness. Here in this paper focus has been given to the National Policy for the Empowerment of Women, 2001, as it contains operational strategies for the effective implementation of national and international commitments in all sectors of empowerment of women. And this will be carried out through the medium of bilateral and multi-lateral partnerships.

Keywords: Empowerment of women, National and international commitments

Introduction

Women are almost the half of the human populace of the world. They are grouped in vulnerable section of human society, meaning thereby, they are easily wounded like children and the persons of old age. The bare fact of the matter is that, women being physically soft and weak, they have been controlled by male throughout the history. A women's sex being sensitive, they have always been subjected to mal-treatment, torture, cruelty and subjugation by male dominated society. In Indian philosophy women have been presented in diametrically two opposite significations; on the one hand, she is benevolent, patient and procreative; on the other hand she has been represented as 'shakti' i.e. in an 'aggressor role' for demons.

If we scan through the whole history of women in relation to her interplay with society, family and in other numerous ways, in most of the matters she has been subjected to the secondary status as compared to man. But many evolved men of high moral stature not only thought, but also fought for their upliftment from pathetic conditions that women suffered on many fronts like societal, political, economic and psychological also.

Here in this paper, an attempt has been made to showcase that women's cause has been supported and protected also by great Social Reformers like Mahatma Gandhi, Swami Vivekanand, Raja Ram Mohan Rai etc. Apart from this, many legislative Acts were passed in both Pre and Post Independent India to safeguard various interests of women with broad vision. If we examine the long series of women-oriented laws, we find that we have traversed long from protectional laws to the empowerment-oriented laws in relation to women. So, we see a marked shift in women's issues from welfare to development approach. Today, the empowerment of women is the central issue as far as enhancing the status of women is concerned. In the present paper we will focus on the empowerment of women, 2001.

Let us now briefly describe that women have been accorded protection both at international as well as national level in the following stages –

Position and Legal Status of Women from Ancient Times to Present Age

Women had to get the consent of her father or husband before taking any decision. Earlier in English Common Law a married woman was incapable of acquiring, holding or alienating any property. In India, the British passed a few welfare laws like, the Hindu Widows Remarriage Act, 1865 and the Brahma Samaj Marriage Act, 1872, which was the forerunner of the present Special Marriage Act. After independence Hindu Law was codified by which polygamy was abolished, allowed remarriage and fixed the minimum age for marriage.

In modern times, the socio-legal status of women has been enhanced through numerous legislations, that is, Dowry Prohibition Act, 1961, the Commission of Sati Prevention Act, 1987, Indecent Representation of Women (Prohibition) Act, 1986, Muslim Women's (Protection of Rights on Divorce) Act, 1986, Suppression of Immoral Traffic in Women and Girls Act, 1956, the Family Courts Act, 1984, Protection of Human Rights Act, 1993 etc. Under ancient position of a Hindu woman, there existed certain restrictions for inheriting and possessing the property. This disability was removed with the passing of the Hindu Law of Inheritance (Amendment) Act, 1929. In modern time, the Protection of Women From Domestic Violence Act, 2005 which is a path-breaking and revolutionary law in many respects as far as Women's Protection in Domestic Homes are concerned.

Protection of Women under United Nations

The Charter of United Nations, 1945 declares that the UN shall place no restrictions on the eligibility of men and women to participate in any capacity in its organs. **The Universal Declaration of Human Rights, 1948** in its Article I states that **"All human beings are born free and equal in dignity and rights."** As per this declaration, women along with men are entitled for all the civil and political rights. Besides this, the United Nations Convention on the Elimination of Discrimination Against Women, 1967 (CEDAW), Vienna Declaration is another milestone in the upgradation of today's women. Among other things its **Article 11** says, the State parties are required to **take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure the different rights belonging to different class on the basis of equality of men and women.**

Commission on the Status of Women

The Commission on the Status of Women is a functional commission of the Economic and Social Council (ECOSOC) established by the Council in 1946. The functions of the Commission are to prepare report to the ECOSOC on promotion of women's rights in political, economic, civil, social and educational fields. Thus, UN took serious concern regarding the promotion of the status of women in all possible avenues.

Protection of Women under the Constitution of India

So far as the status of women is concerned, even the Preamble of our Constitution talks of "The equality Status and of Opportunity" to all the citizens, it indicates Equality to women folk in terms of status and of opportunity. Our Constitution creates, "Golden Triangle"⁽¹⁾ when it provides basic justiciable rights to every woman and man, which are Fundamental Right to Equality (Article 14), fundamental right to Freedom of Speech and Expression (Art. 19), and Fundamental Right to Life and Personal Liberty (Art. 21).

So far as Directive Principles of State Policy are concerned, they contain many directives to the State to improve the status of women along with other considerations. **Article 39(a) that the citizens, men and women equally, have the right to an adequate means to livelihood; (d) that there is equal pay for equal work for both men and women.**

Thus, we see a plethora of legislative Acts along with many constitutional provisions strengthen women's position in the eyes of society and the law.

National Policy for the Empowerment of Women, 2001

Aiming at the women's advancement in various spheres, there has been a marked shift in the approach to women's issues. The 73rd and 74th Amendments (1993) of the Constitution⁽²⁾ provided **for reservation of seats in the local bodies of Panchayats and Municipalities for women, thus ensuring their participation in decision making at local levels.** Under this policy document a serious concern has been voiced when it says, Gender Disparity manifests itself in various forms, the most obvious being the trend of continuously declining female ratio in the population.

Discrimination against girl child, adolescent girls and women persists in parts of the country.

Goal and Objectives

The goal of this Policy is to bring about the Advancement, Development and Empowerment of women. Some of the goals and objectives are ⁽³⁾ —

- i) **Creating an environment through positive economic and social policies for full development of women to enable them to realize their full potential.**



- ii) **The de-jure and de-facto enjoyment of all human rights and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil.**
- iv) **Equal access to women to health care, quality education at all levels, career and vocational guidance, employment, equal remuneration, occupational health and safety, social security and public office etc.**
- vii) **Mainstreaming a gender perspective in the development process.**

Furthermore, this policy document is rich in content and talks about other Policy Prescriptions like Judicial Legal System that it wants to make it more responsive and gender sensitive to women's needs. All measures will be taken to guarantee women equal access to and full participation in decision making bodies at every level, including the legislative, executive, judicial, corporate and statutory bodies.

Economic Empowerment of Women

All kinds of efforts on policy levels have been made to ensure women's active economic cooperation and participation in their continuous upgradation in economic terms and also all efforts of governmental level are planned to bring about Poverty Eradication in relation to women. In Social Empowerment of Women all programmes and policies have been designed in connection with their Education, Health, Nutrition, Sanitation and Drinking Water, Environment and Housing and Shelter. For all this to happen, operational strategies and Action Plans have been worked out that specially include all the mechanisms to ensure efficient monitoring, review and gender impact assessment of action points and policies.

New laws will be required to be enacted and existing laws reviewed to ensure that justice is quick and the punishment meted out to the culprits is commensurate with the severity of the offense. Thus, coordination and monitoring mechanisms is required to be devised to assess the progress of such main streaming mechanisms. As far as Poverty Eradication is concerned women comprise the majority of the population below the poverty line. Therefore, improved implementation of programmes which are women-centric are to be emphasized. Steps are essentially required for mobilization of poor women and for that necessary support measures will be enhancing a woman's capabilities. Even globalization has not been able to uplift women. The micro-level studies have shown that there is renewed necessity to re-frame policies for women so that the concern of employment and quality of their employment may be fairly be addressed.

So far as the **Social Empowerment of Women** is concerned, the chief emphasis needs to be given to the following counts – **a) Education, b) Health, c) Nutrition.**

Participation and Involvement of Civil Society Is Must

All the above-mentioned goals and objectives are possible if the meaningful involvement of civil society is ensured to bring about realistic upliftment in women's overall conditions and status. In addition, **Panchayati Raj Institutions (PRIs)** envisaged under the **73rd and 74th Amendments (1993) of Indian Constitution** is sure to play a central role in the enhancement of women in their public life. Thus, we see, the harnessing of Legislature, Executive Judiciary will serve as a cumulative positive impact on the general conditions of women in their long-felt search for effective and meaningful empowerment of women.

All Concerted Efforts to be Emphasized in Ultimate Realization of these Goals

Indian Constitution has increased women's participation in political power structure for women specially through Panchayati Raj Institution where women folk would themselves ensure their local self governance through these PRIS. On the international front, policy is focussed on effective implementation of international commitments in all sectors of empowerment of women, and this will be done through sharing of experiences, exchange of ideas and technology and this networking will be carried out through the medium of bilateral and multi-lateral partnerships.

References

1. It collectively refers to Article 14, Article 19 and Article 21 of the Constitution of India.
2. The 73rd and the 74th Amendments (1993) of the Constitution of India.
3. The Goals and objectives of the National Policy for the Empowerment of Women, 2001.

