

RGICS



RAJIVGANDHIINSTITUTEFORCONTEMPORARYSTUDIES
JAWAHARBHAWAN,DR.RAJENDRAPRASADROAD,NEWDELHI-110001

RGICS Issue Brief

(May 30, 2016)

Analyzing the Draft National Policy for Women, 2016

Prepared by: Niharika Bapna
(Under the guidance of Ms.Barkha Deva)

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

The Draft National Policy for Women was unveiled on May 17 after more than a decade. The last such policy called the National Policy for Empowerment of Women was formulated in 2001, also by a BJP led government. Media reports have largely responded positively to this policy. It has been lauded for identifying contemporary issues like the changing nature of gender roles in “the new millennium, and the dynamics of a rapidly changing global and national scenario.” (Draft National Policy 2016)

Indeed some of the measures highlighted to combat the mentioned problem are praise worthy which include emphasis on collection of gender disaggregated data and redistribution of gender roles in the household as well as the workplace. The former will be indicative of how policies, schemes, policy measures affect each gender. This information will be useful for making policies that would have a positive effect on redistribution of traditionally ‘compartmentalized’ gender roles.

The policy also attempts to view sectors otherwise understood to be gender neutral in light of the impact they make on women. Identifying wives of farmers who commit suicide and providing for their financial sustainability; looking at the gendered impact of climate change; differential impacts of trade policies on women; bringing focus particularly on menopausal health care concerns which more than often remain unaddressed; recognizing single women as a separate category of women with specific needs; and most importantly understanding the need of regular audits to keep track of the success of all schemes/measures/policies sought to be introduced are some of the noteworthy goals presented by this policy.

The toughest challenge in policy making, however, does not end in identification of pertinent issues; but implementation of the policy itself. This draft being a framework to guide the “government’s action on women in the next 15-20 years” cannot be critiqued on the viability of the policy measures mentioned in the draft as of now. However in the following part of this document an attempt has been made to point out at the lacunae in the construction of the policy document itself.

Women are Ready for a Rights-based Policy Approach; Is the National Policy for Women 2016 Too?

Enough has been said about women being an important category that has begun to have a significant voice in politics- to quote a few instances, the promises of introducing prohibition on request of women has significantly contributed to political parties being led to victory in elections, female workers led agitation in Bangalore which brought the government to their knees on the subject of EPF taxation; and in economic growth- estimates have been made ensuring Indian economy to scale heights if females are incorporated within the labour force. This is in addition to the importance of their roles in social and cultural respect.

The power relation between the government and women is set on path of an overhaul since the last national policy in 2001. Surely in the year 2016, it should be no one’s case that the Indian government’s policy for women should be restricted to a welfare based approach, waiting for doles to be given out by the government. Women’s demand for identification of their rights is no longer a form of consolation they seek but an assertion they put forth before the government as a matter of right.

The national policy for women falls short of being truly a rights-based approach for policy making. It does not wholly commit to the fact it is the duty and not liability of the government to address the rights of women; rather it continues to posit that women need to be protected and provided for.

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

Objectives of the both the National Policies			
No.	NPW, 2016	No.	NPEW, 2001
4(i)	Creating a <u>conductive socio-cultural, economic and political environment</u> to enable women enjoy <u>de jure and de facto fundamental rights</u> and realize their full potential.	1&2	Creating an <u>environment through positive economic and social policies</u> for full development of women to enable them to realize their full potential. The <u>de-jure and de-facto enjoyment of all human rights</u> and fundamental freedom by women on equal basis with men in all spheres – political, economic, social, cultural and civil .
4(ii)	<u>Mainstreaming gender</u> in all-round development processes/programmes/projects/ actions.	7.	<u>Mainstreaming a gender perspective</u> in the development process.
4(iii), (iv) & (v)	A holistic and life-cycle approach to women's health for appropriate, affordable and quality <u>health care</u> . Improving and incentivizing access of women/ girls to universal and quality <u>education</u> . Increasing and incentivising <u>work force participation</u> of women in the economy.	4.	Equal access to women to <u>health care</u> , quality <u>education</u> at all levels, career and vocational guidance, <u>employment, equal remuneration</u> , occupational health and safety, social security and public office etc.
4(vi)	Equal participation in the social, political and economic spheres including the institutions of <u>governance and decision making</u> .	3.	Equal access to participation and <u>decision making of women</u> in social, political and economic life of the nation
4(vii)	<u>Transforming discriminatory societal attitudes</u> , mindsets with community involvement and engagement of men and boys.	6.	<u>Changing societal attitudes and community practices</u> by active participation and involvement of both men and women
4(viii)	Developing a <u>gender sensitive legal-judicial system</u> .	5.	<u>Strengthening legal systems</u> aimed at elimination of all forms of discrimination against women
4(ix)	Elimination of <u>all forms of violence against women</u> through strengthening of policies, legislations, programmes, institutions and community engagement.	8.	Elimination of discrimination and <u>all forms of violence against women</u> and the girl child
4(xi)	Building and strengthening stakeholder participation and <u>partnerships for women empowerment</u> .	9.	Building and strengthening <u>partnerships</u> with civil society, particularly women's organizations.

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

When the Union Minister of Women and Child Development states that- *fifteen years ago, women were happy to get what they were given, now we demand and our demands are more defined*- in context of the current national policy for women, we wish to believe that a strong rights-based approach would have been advocated for women. More importantly it is time this is done. But as she further adds that this policy has shifted from '*just welfare*' to '*welfare with heavy dose of rights*' in it, her self-contradictory stance is more than apparent. For how can women have demands and that too defined ones if they are still within the ambit of the welfare doles of the government? (National Policy Aims to Cater to Defined Needs of Women 2016)

If 'welfare with heavy dose of rights' was a chosen middle ground for a smooth transition from welfare to rights-based framework then this is a weak argument. It is unfaithful to the claim that women can now *demand* and is also disconnected with recognising the emerging reality of a sizeable chunk of women being a strong social and political voice in the country. The policy document has used the term 'rights-based' to drive home the point but on perusal the term appears to be empty of actual intent.

Have Policy Objectives Come a Long Way from 2001?

Unfortunately the answer to the above question is in the negative.

The National Policy for Women 2016 is intended to be a testimony to the changes that the idea of women's empowerment has seen since 2001. The Union Minister of MoWCD ushers this policy stating that it aims at "re-scripting" women's empowerment. (Pishroty 2016) Not only has this national policy been formulated after a long time, it is comprehensive and aims to bring within its ambit gendered impact on matters ignored till now. Of late the entire narrative around the policy has been engineered on the lines of it being a 'novelty', a first of its kind policy document.

A very good place to start to assess this intention of the MoWCD is to look at the objectives of the policy; for it is the objectives that help in taking stock of the long term vision of the policy document. Therefore, it is indeed a major setback to realise that the objectives of the 'National Policy for Empowerment of Women 2001' and 'National Policy for Women 2016- Articulating a Vision for Empowerment of Women' are entirely similar if not same.

While the jury is out on how a policy will be implemented, the policy goals postulated are markers of intent of the makers. All of the 9 objectives outlined in the 2001 policy form a part of the 2016 policy, almost exactly worded.

There are only two additional policy objectives in the 2016 document- one is logistical, concerned with monitoring evaluation and audit systems; and second is welfare based dealing with development and empowerment of women belonging to vulnerable and marginalized groups.¹

The question is how a policy in 2016, with the same objectives as a 15-year old policy, be applauded as forward looking and progressive?

Whether identification of new spheres (like climate change, agriculture, housing sector, science and technology) to assess gender impact was fruitful or not can only be known for sure once a detailed action plan is formulated. But if the spirit of the policy which is exemplified by its objectives continue to be chained to decade and a half old ideas, do the women have a chance to be identified as a strong, independent social group?

Not to get lost in nomenclature, but this policy rather than being a 'welfare with heavy dose of rights' policy is still continuing to be a welfare based policy; with the 'novel' ideas and announcements being little more than sops which are likely to get lost in the gap between policy making and implementation.

¹ Point no. 4 (x) and (xii)

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

A 'Laundry List' of Proposals, Was it Required?

I am full of new ideas and solutions, states the Union Minister. (Gandhi 2016)

This is more than apparent in the policy document. It has been very correctly observed that the list of issues in this document reflects all the major global conventions and platforms on women's rights. (Rajgopalan 2016) All areas and sectors that are important to a developing economy have been included in the priority areas that require attention under the policy. Fearing being left behind from contemporary debates the policy has ensured it addresses issues of gender impact of climate change, specific issues related to single women, surrogacy and even cyber space safety. All of these together are going to guide policy making for the government for the next 15-20 years.

The policy document begs the question- too much too fast?

While it is agreed that a policy document must be over arching as well as ambitious, making an inventory of measures does not lead to that conclusion. As a political scientist exclaims, the policy document reads like- "*Oh yes, that's a problem. And also that. And also that. And, please fix that too, haan?*" (Rajgopalan 2016)

Some of the issues in the policy actually make us remember how the MoWCD has failed in its attempts to resolve them; like there are obvious loopholes in the implementation of Sexual Harassment of Women at Workplace Act, 2013 (SHWW, 2013). There is no working method for the MoWCD to ascertain that all workplaces have instituted a complaints committee and further there is no evidence of any monitoring of complaints by the government as there should be according to the Act. And yet the national policy for women braves replicating such a measure by proposing to set up another 'responsive complaint mechanism' to address discriminatory attitudes within educational organisation. What motivated the MoWCD to go against the learning it gained from the failure of such mechanisms previously is for them to know.

Another discrepancy can be noticed in the choice of 'emerging issues' this policy enlists. So much so that one is left with the nagging question- what is the point of having a separate section on 'emerging issues' if the issues included are not 'emerging' at all?

The concern for having day care facilities is so old now that there is a narrative that has begun to criticise the government for not being more serious in this regard; cyber space bullying has been a pain across gender and age since social media presence became a sine qua non for most; need for a uniform civil code is locked in between the delicate threads of religious plurality; there are existing guidelines to address surrogacy; there is an entire Ministry of Skill Development to ensure entrepreneurial capabilities of individuals in this country are nurtured; and the issues of single women which include widows, separate, deserted and divorced women have been addressed by various schemes in the past. All of these are marked as emerging issues, but are they really?

A strong, forward looking set of objectives and focussed on certain sharp priorities would have been a much better alternative instead of what appears to be a policy *listicle* for women.

The New National Policy for Women- a Tall Order?

The policy document has a substantial number of nuanced observations regarding what impacts women. But are these measures likely to be able to take large strides for resolving these issues within the next 15-20 years, even if not completely resolve as suggested by the Union Minister? For instance when the policy mentions that women's unpaid work will be recognized in terms of its economic value or suitable strategies will be devised to *end* intra-household discrimination in nutritional matters, it is obvious to wonder if these policy goals are actually achievable in the next 20 years, that is assuming the current government remains in power?

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

Yes policies can be ambitious but should they be far-fetched? Sadly, the current national policy for women is fraught with this problem.

The policy is garnering positive attention for recognising 'single women' as a separate category requiring special attention and the same is considered to be very progressive. But it only remains to be seen how the MoWCD plans to perceive these single women. Will it restrict itself to catering to the widows, deserted, separated women or will it recognise the aspirations of the new age single woman who is career oriented? That this is a valid concern is not just a conjecture but very evident from the stance taken by the MoWCD in the past on tax rebates for single women that were proposed by the in January this year. For better financial security tax rebates were proposed for single women albeit with children. (Maneka Ganshi Proposes Tax Rebates 2016) It can only be hoped that the MoWCD moves away from its stance where children are woven into the identity of single women and does recognize this new category of independent and individualistic working females.

Attainment of most of the policy goals mentioned heavily bank on inter-ministerial collaboration in the government. Six of its seven priority areas are very dependent on collaboration of other Ministries- health, environment, human resource and development, finance, labour, skill and development, information and broadcasting- to name only a few. Of course inter-ministerial collaboration has been necessary to bring cross-cutting changes for a social group and the MoWCD has its work cut out for the same. Lack of cooperation from the Union Minister of Finance in making it mandatory for companies to reveal whether they have put in place an Internal Complaints Committee to inquire into sexual harassment complaints of women employees, was indeed a major impediment in the successful implementation of the Sexual SHWW, 2013. (Nair 2015) For this ambitious policy to work the MoWCD *needs* to garner support from other ministries.

Do We Want Empowered Women or 'Entitled' Women?

There is a very fine line of difference between empowerment and entitlement, and women in the future definitely do not want to be in the restrictive parameters of the latter. And this is the biggest flaw of this national policy; despite intending to be futuristic it has not fully shrugged off its welfare perspective taken with regard to women.

Increasing participation of women in legislature, executive, judiciary, civil services, corporate boardrooms, trade unions, private sector businesses; and promoting gender parity in media by increasing the presence of women in decision making positions, in sports by focussing on induction of trainees within the next two decades is unlikely to happen without affirmative action. Was this the best alternative the government had to espouse the rights of the women? How is this policy then any different from how the way women's issues have been traditionally perceived?

The empowerment approach importantly needs to be bottom-up. A more concerted effort towards resolving problems by diminishing the grassroots causes would definitely have been more appreciated. For instance it has been realised that early sex education in schools has had an impact in curtailing incidents of sexual assault later as individuals realise the value of consent before establishing a sexual relationship. (Buttenweiser 2015) The policy does not mention the possibility of engaging with this point of view for addressing sexual violence against women rather it continues to look for solutions once the act is committed.

What Could Have Been- The Way Forward

Success of a policy heavily depends on implementation but that is another day's cause, for now there are inherent discrepancies in the document to discuss.

The policy is continuing to flag construction of crèches to be a measure the MoWCD needs to undertake to 'free women's time for paid work.' There are legislations already mandating the creation of crèches and there has been a prior proposal to have crèches at workplaces; but have these measures translated into an increase in number of crèches on the ground? While the Building and Other Construction Workers law stipulates crèches at construction sites that hire more than 50 workers, the construction sites get around this by outsourcing etc. and every now and then we read about children tied to a charpoy while their parents work at the site. On the other hand, middle class working couples who can afford it, largely

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

depend on non-governmental crèches run by anyone who has an extra room and hired help. Are such ancillary problems to creation of crèches addressed? Could a stipulation of maintaining crèches at workplace well be a deterrent for hiring female workers? These are facets that have been brushed under the carpet by the government. These 'fears' need to be called out by the government rather than shrugged off. Debating and addressing such specious arguments will actually demonstrate that the government is serious about a policy that really addresses the concerns of the 'right holders' and allay the apprehensions of the 'duty-bearers'. Especially as internationally it has been found that just providing quality crèches at workplaces increased women participation in the workforce significantly.

The total number of crèches being currently run by Central Social Welfare Board (CSWB) & Indian Council for Child Welfare (ICCW) under Rajiv Gandhi National Crèche Scheme stands at 21,790, while the number of beneficiaries under the scheme stand at 5,38,169 for the current year. (PIB 2016) How large a fraction of the total working female population do you think these beneficiaries would represent?

The need of the hour is not a one-dimensional solution, such as investment in the institution of crèches. It has to be more than that; innovative questions must be asked and answered likewise. Do crèches have to be in buildings only or is there a possibility to model them on the 'Mobile Crèches' concept? Do crèches only need to be day care centres or can there be targeted employment of ICT technology to make them one-stop centres for education as well as care? Issues need to be attacked from all sides, and that would in a true manner be a holistic perspective to look at policy.

There is a lot of improvement required in measures that are already in place. There has to be *proper* enforcement of laws already in place, and enough emphasis on this cannot be stressed. Yes there is a need to have a 'systematic approach to provide requisite screening, care and treatment' for women suffering from mental disorders but the Mental Health Care Bill 2013 still awaits enactment. While the enacted Sexual Harassment of Women at Workplace Act, 2013 still awaits hundred percent implementation, with there being no way of determining as yet if every workplace has instituted an Internal Complaints Committee in the first place.

It would be disheartening if at the end we only have isolated developments like the voice of a handful of strong women in big cities against sexual violence or a special home for a thousand widows in Vrindavan or the Mahila Gaurav Express buses running between Delhi and Rajasthan. The current policy is a national policy meant to bring an overhaul in the attitudes towards women in the entire country.

The national policy needs to be re-written. It needs to be re-written keeping in mind that the distance from welfare to a rights-based model cannot be covered only by outlining contemporary issues. It is the undercurrents of perception towards women of the government, the society and law that needs to change. Sadly, this policy has been unable to meet that distance.

It needs to be re-written with no hint whatsoever of any kind of repetitive objectives or assertions. Property rights for women and women-friendly personnel policies have been discussed before and the objectives of the new policy seem to have been directly lifted from the previous one. We are not in 2001 anymore and if this policy looks like a rehash of it, which for a large part it does, it absolutely does not reflect well on this government. Looking at the challenges already earmarked in this document only a very strict action plan executed with utmost sincerity can save the National Policy for Women, 2016 from being yet another fancy proposal that is never implemented.

Works Cited

Buttenweiser, Susan. *Campus Rape and Power of Early Sex Education to Make a Difference*. 20 August 2015.

<http://www.womensmediacenter.com/feature/entry/campus-rape-the-power-of-early-sex-education-to-make-a-difference> (accessed May 26, 2016).

Draft National Policy. 17 May 2016. <http://scroll.in/latest/808287/draft-national-policy-on-women-boost-for-womens-reproductive-rights-paid-child-care-leave-for-men> (accessed May 25, 2016).

Gandhi, Maneka. *Immediate Goal National Policy for Women*. 23 May 2016.

<http://www.newindianexpress.com/nation/Immediate-goal-national-policy-for-women/2016/05/23/article3446533.ece> (accessed May 25, 2016).

RGICS Issue Brief

Analyzing the Draft National Policy for Women, 2016

Maneka Ganshi Proposes Tax Rebates. 25 January 2016. <http://www.dnaindia.com/node/2170218iL> (accessed May 26, 2016).

Nair, Shalini. *Harassment at Workplace.* 8 December 2015. <http://indianexpress.com/article/india/india-news-india/harassment-at-workplace-jaitley-say-no-to-maneka-request-on-disclosure-of-probe-panels/> (accessed May 26, 2016).

National Policy Aims to Cater to Defined Needs of Women. 17 May 2016. <http://www.theweek.in/news/india/draft-national-policy-aims-to-cater-to-defined-needs-of-women.html> (accessed May 25, 2016).

"PIB." *pib.nic.in.* 26 February 2016. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=136896> (accessed May 27, 2016).

Pishroty, Sangeeta Barooah. *Modi Govts New Draft National Policy for Women Promises Re-Scripting of Empowerment.* 18 May 2016. <http://thewire.in/2016/05/18/modi-govts-new-draft-national-policy-for-women-promises-re-scripting-of-empowerment-37036/> (accessed May 25, 2016).

Rajgopalan, Swarna. *Marginal Notes on New Draft of the National Policy for Women.* 19 May 2016.

<http://www.dnaindia.com/india/column-marginal-notes-on-new-draft-of-the-national-policy-for-women-2214087> (accessed May 25, 2016).