

The role of Administrative reforms and Police Reforms in women empowerment in contemporary scenario.

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ABSTRACT

In this digital era society has undergone tremendous transformation to face and deal with the challenges of a vast variety of cybercrime. It necessitates administrative and police reforms aiming at protection and promotion of gender equality and thereby enhancing women empowerment in this digital age. Woman constitute about half of the total human population with varying percentage from country to country and state to state in India. India is a country of unity in diversity with local laws varying from region to region as per the need and aspirations of its people. In India woman women empowerment is a great challenge. There are several dimensions of problems and issues related to women empowerment. Although Indian judiciary is active through judicial pronouncements in bringing about gender equality through its various landmark verdicts. The main hurdle in woman empowerment is the discriminatory attitude prevailing in our society. Not only this but discriminatory law at times also restrict a women's ability to make a choice of her and restrict their access to several opportunities. Though in present day world many women are aware of their rights and duties but they feel constraint to come out openly due to their dependency, social stigma or fear. Therefore the task of addressing gender inequalities is a great challenge. This challenge can only be addressed by the three wings of governance (legislature, executive and judiciary) with an active support of an awoken society. Expectation of society is primarily from the representative whom they put in power, who is responsible for bringing about desired legislation for woman empowerment. However the role of judiciary arises only when in spite of desired legislation either executive wings of governance fails to implement it or inadequate legislation was drafted which was derogatory to the spirit of constitution. This study is based on exploring these challenges and problems of woman empowerment. Therefore study is based on exploring various judicial decisions, administrative and police reforms measures related to woman empowerment.

Key Words: Woman empowerment, Judicial pronouncements, Administrative reforms, Police reforms, discrimination, information technology, and gender equality.

I. INTRODUCTION

Women empowerment world over is a burning issue, where governments all over the world are trying their level best to bring about desired legislation suitable to their context in order to empower the women. Since it is a digital age where use of mobile phone, internet has become a common affair so the technology can also play an important role in empowering women. It is well known that many a time women and girls become victims when they use internet, Facebook, Instagram, Whats app, etc., because they are deceived by fraudulent people in order to exploit them. This is why women empowerment is a topic of discussion because by empowering women means they must get capability to participate on equal footing in socio-economic-political and cultural dimensions of society. The Constitution of India through various articles gives status of

equality to all sex including women. Keeping in view of constitutional mandate it has become necessary for governments all over the world to remove the disparity in society by giving the women their due share. Therefore women empowerment is about giving the women to decide their lives without any hindrance. The lack of education, poverty, inadequate security, health and low status are some of the main hurdles in women empowerment in India. Historically it was difficult to bring about women empowerment due to the lack of mode of communication but in present day digital era where power of communication has increased many a fold, it has become easier to fight the cause of women emancipation. We know that criminal justice system comprises of police, prosecution, judiciary and imprisonment as its basic organ. But from the eye of society people have more faith in judicial system than the other organ of criminal justice system. This is because judiciary enjoys independence under Article 50 of the Constitution of India¹. The judiciary is also perceived as the protector of the human rights and fundamental rights of the citizen of India. In this regard judiciary has come out with several landmark verdicts aiming at bringing about gender equality and justice. There is no doubt that today in the context of India there are various problems which women and girls are subject to such as honour killing, domestic violence, denial of inheritance rights of property, child marriage etc. Keeping in view of this the research paper is based on exploring the challenges and issues of women empowerment in this digital age in the light of the role of administrative and police reforms. The study is descriptive and analytical in nature.

II. CHALLENGES OF WOMEN EMPOWERMENT IN DIGITAL AGE:

The education systems are trying to impart impartiality, high quality digital skill, education and training to all irrespective of gender. No doubt that digital skill upgradation and education has opened new avenues for further learning and skills development but unfortunately women and girls have been left behind in this race. In the entire world, despite the efforts of National and International organisations, gender skill development gap is on the rise. The woman all around the world has very limited awareness regarding use of smart phone, internet, social media and safeguards related to the use of digital media. This gap is due to lowest skill ability such as using some app on mobile or most advanced skill such as coding in computer software to supports the data analysis.

Therefore women have comparatively less awareness regarding information computer technology all over the world. According to one of the UNESCO reports men's have far more knowledge as compared to women's with respect to use of information computer technology. Its glaring example is that only few information computer technology patents are in the name of women and globally the average is pretty low. In Silicon Valley, according to Information computer technology recruiters, in artificial intelligence and data science, the participation of women is less than their male counterpart. All over the world one hand the gap in digital skill is more than evident and on the other hand the situation becomes more serious when the poor, aged, less educated women and those living in rural areas have no exposure.

Due to financial constraints and lack of means of transportation the struggle of women increases to a get better education training and skill in information computer technology. Also they don't have the financial means to invest in education and for acquiring necessary skills in Information computer technology. Even if they have the access to resources the same is controlled and monitored by men. If at all they have some access that is extremely limited to the content known as pink content. This pink content is limited to their domestic requirements such as role as a mother wife or daughter. The apprehensions or fear of safety and harassment too has kept the women far away from the benefits of Information Computer Technology. On many occasions for the reason that the women and girls are keeping digital devices, they have to face violence and physical torture. This prompts them to make use of the same clandestinely which makes them much more vulnerable to such threats and torture. These are the reason that they fail to acquire the digital skills necessary in this age.

Nonetheless the traditional male dominated society treat the Information computer technology and digital technology as a domain of male community only, which affects the overall personality development of women leading to depressed confidence. If the women and girls are empowered in Information Computer Technology including digital skills, it will result in their empowerment, leading to a enhanced communication and a better socio-economic status with their full participation in societal affairs. The main advantages of acquiring digital skills are as under:

1. This accelerates the progress and the development for achieving international goals.
2. This helps in empowering the women to learn future technology and keep themselves updated.
3. It brings economic benefits for the women and the whole society.
4. It promotes safety of women in both ways i.e. online and offline.
5. This will also facilitates more job opportunities for women.

¹ Article 50 Constitution of India

III. POLICE REFORMS AND WOMEN EMPOWERMENT:

The United Nations has adopted the 17 Sustainable Development Goals and among these goals gender equality is the 5th one. India has also incorporated the provisions of gender equality in its constitution i.e. under part III fundamental rights, under part IV directive principle of state policy and also in its preamble. The constitution of India explicitly provides provisions for the women empowerment, under article 15(3), that the state will adopt positive discrimination for promotion of gender equality. For women empowerment the National Commission for Women was established in the year 1992, to advise on socio-economic development of women, to deal with complaints of women's rights violation and to protect their rights.

A number of legislations have been enacted to secure the rights of women, both at center and state level to deal with issue of gender inequality which are also called women specific or women oriented laws for e.g. Commission Of Sati (Prevention) Act, 1987; Protection Of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 etc. with object to protect the rights of women. India has also sanctioned and endorsed various instruments, conventions etc. and most important among them was Convention on Elimination of all forms of Discrimination against Women (CEDAW). Apart from this the government has also started various programmes and policies for promotion of rights of women for e.g. as 'Beti Bachao Beti Padhao', 'National Policy for Women Empowerment' for safe and secure development.

India is trying to do its best for promoting rights of women and to secure equal status and opportunities for them especially in matter of education, pay, forced labour etc.

Since the frequency of online crime is rampant such as identity theft, cyber stalking, harassment, indecent representation, etc so police reforms pertaining to investigation of such crime on priority basis is essential to address the issues. Therefore better ways to address law enforcement to address cybercrime is the key area of police reforms. It mandates capacity building and specialised training modules for law enforcement agencies to deal with women related cybercrime by forming dedicated units in every police station and at district level. This will ensure safer environment to women both in physical and virtual space.

Therefore police reforms must focus on enhanced training to make a gender sensitive police force. Thus enhanced professionalism to deal with gender based violence with empathy is an essential feature of police reforms. This also requires a victim centric approach to be incorporated in police action. It will pave the way for women who are victims of crime to feel comfortable while reporting the crime knowing fully well that they will be treated respectfully and heard seriously regarding their grievances.

The access to justice for women is another area to be explored through dedicated digital platforms to report crime of both kind domestic and outside world without fear and stigma. Beside this advocacy, education and awareness regarding women's rights is another area which needs to be strengthened by using digital platforms, where police reforms has a crucial role to play. In this regard as on date women representation in police force is not more than 12 % as per NCRB and BPRD data varying from state to state. It necessitates their enhanced representation in police forces so that there are sufficient women police officers to deal with the situation.

Enhanced collaboration between police and community not only lead to a trust bond but it also help in prevention and detection of crime including crime related to women. Also reforms pertaining to data collection and subsequent analysis by using latest tools in this digital age will go a long way in prevention of crime in digital world. This requires evidence based administrative policies by monitoring online trends of crime and measures to intervene to enhance safety and empowerment of women in this digital age. For gender equality the government has adopted National Policy for the Empowerment of Women, 2001. The policy aimed to achieve the following goals:

1. To create the environment which help the women in their overall development.
2. Equal participation of women in political, economic, and social decision making.
3. Equal access of women in quality education and in employment, and in public office etc.
4. Elimination of all forms of violence and discrimination against women.
5. Creating and establishing partnership with women organisations.

IV. WOMEN EMPOWERMENT AND JUDICIAL PRONOUNCEMENT:

Indian judiciary is active in empowering women whenever an issue comes in their notice by way of a writ petition or as a criminal/ civil case as special leave to petition. Over the years judiciary has pronounced several land mark verdicts in the direction of bringing in gender equality for empowerment of women in India. Some of the land mark verdicts are as under:

Sabu Mathew George vs. UOI & Ors. (2017) SC²:

In this case a writ petition was filed by to ban pre-natal sex determination from search engines in India i.e. from Yahoo and Google on their websites. The judgment in this was very important to stop the practice of female foeticide to bring gender equality, dignity and to maintain a healthy sex ratio in the country.

Rekha Sengar vs. State of Madhya Pradesh, (2021) SC³:

In this case while dismissing the anticipatory bail of the accused held that prenatal sex determination is a grave offence which is damaging the very fabric of dignity and gender equality in the society.

Suhas Katti vs. State of Tamil Nadu, (2004) SC⁴:

This was the first landmark judgment in Indian judicial history pertaining to cybercrime. In this case where a man wanted to marry divorced lady and on her refusal he started sending her obscene and vulgar messages through a false email account to harass her. On the complaint of the lady the police apprehended the man and the Hon'ble Supreme Court found him guilty under section 469 and 509 of IPC.

Ajay Goswami vs. the UOI (2006) SC⁵:

In this case the Supreme Court has purposed a new test known as responsible reader test where a reader is required to exercise due care and caution in this modern era of computer information technology.

Joseph vs. UOI (2018) SC⁶:

In this case a five judge bench of the Supreme Court held that section 479 encroaches the privacy of woman on one hand and treats woman as a commodity hence the Supreme Court struck down section 497 of IPC.

In Danamma @ Suman Surpur vs. Amar (2018) SC⁷:

In this case Supreme Court held that the daughter who were born before the Hindu Succession Act, 1956 are also entitled to have equal share as a son in ancestral property.

Shamima Farooqui vs. Shahid Khan (2015) SC⁸:

In this case the Supreme Court holding the applicability of section 125 of Cr.P.C to Muslim divorced women and held that the right of maintenance is an absolute right of a woman if she is not disqualified. The Supreme Court further stated that the quantum of maintenance should be such that the divorced women and her children can live a life of dignity.

Vishaka and Ors. vs. State of Rajasthan and Ors (1997) SC⁹:

In this case the Apex Court has issued guide lines to prevent the sexual harassment against women in workplaces and later the line of guidelines issued by the Apex Court the Parliament has enacted the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013.

Sarla Mudgal vs. UOI (1995) SC¹⁰:

This case brought into lime light the gross exploitation of personal laws of women. In case a Hindu marries under Hindu law and changes his religion to marry second time would be illegal. The Hindu male would first have to obtain divorce under the same law under which he married and only then can he change the religion and marry second time. In view of this case the SC had also issue an advisory to State Governments to implement the Uniform Civil code.

Mrs Mary Roy vs. State of Kerala and Ors (1986) SC¹¹:

In this case Mari Roy had challenged the Travancore Succession Act, 1916 as violative of article 14 of Constitution of India. As per Travancore Succession Act 1916 a Christian lady was not entitled to have share in the ancestral property. After losing her case in the courts below, she challenged the decision of the lower courts in the Supreme Court. The Supreme Court held the provision of Travancore Succession Act, 1916 are violative of article 14 and turned down the provisions of the act. The Supreme Court allowed her a share in the family property.

Air India vs. Nargesh Meerza (1981) SC¹²:

In this case the Apex Court has struck down regulation 46 of the Air India Employee Service Regulations as they were unconstitutional as it had created disparity between male and female they made disparity among Air Hostess.

² (2018) 3 SCC 229.

³ (2021) 3 SCC 729.

⁴ 4680 of 2004 Criminal Complaint.

⁵ Air 2007 SC 493.

⁶ 2018 SC 1676 .

⁷ (2018) 3 SCC 343.

⁸ (2015) 5 SCC 705.

⁹ (1997) 6 SCC 241.

¹⁰ (1995) 3SCC 635.

¹¹ 1986 AIR 1011.

¹² AIR 1981 SC 1829.

V. CONCLUSION AND SUGGESTIONS

Society is a complex web of social, economic, political, cultural, forces operating day in and day out. It is not an easy task to know the direction of these forces at a particular point of time. This is because of these relationships based on human behaviour and there deep rooted physic. Since, making claims to be a rational being so efforts are always made from time to time to bring about gender justice in all sphere human endeavor. This is how society has been progressing and is still in the process of evolution. There is no doubt that women who are already empowered by nature are looking for empowerment in modern day societal setup. The women empowerment in this sense is making them realise there full potentialities so that they can participate in all affairs from family to work place to outer society as an equal partner. This brings in the issue of mind-set or what attitude we hold towards women as an equal partner. In order to achieved the women empowerment we have constitutional mandate as various articles refers to equality or sex, following this mandate we have the initiative taken up by the governmental actions in the form of legislation, not only this even the only independent organ of governed so called judiciary is also active to bring about gender equality though its varied pronouncements.

In the Indian context the north-western state of India comprising of Haryana, Rajasthan, Gujarat, a part of M.P, U.P, Maharashtra, Uttarakhand, J & K, Delhi NCR are the prominent states in this regard. The news on social media and print media shows that there is lot to be done for empowering the women. This is because in this region the most gruesome crime against women is reported as honour killing, sexual assault, denial of inheritance and several kind of cruelty and atrocities against women. No doubt over the years due to active social media and use of digital technology these problems have become the focus of national discussion to draw attention regarding the situation of women empowerment. Police reforms are crucial in not only protecting women from online or offline violence but also to ensure that they can navigate through digital space with ease of life in this era. This is possible through police reforms aiming at to deal with cybercrime, gender sensitive training, women access to justice, and enhanced representation of women in law enforcement agencies. These reforms will go in a long way to create an ecosystem for women empowerment.

On the basis of the study an analysis made so far the suggestions are following:

- Women and girl child in this digital age must be encouraged to use the digital platform to bring their problems in lime lights for effective intervention and subsequent governmental proactive policies.
- The women and girl helpline needs to be sensitised to pursue the complaint reported vigorously.
- The women representation in political affairs needs to be strengthened as an equal partner. This is the important role for our legislatures.
- The judicial verdicts need to be followed up promptly by the administration and police for delivering gender justice.
- All organs of governance to have proportionate representation of women in this digital age for true women empowerment.