

CHAPTER V

CONCLUSION, RECOMMENDATIONS AND ACTION PLAN

It has been a long journey for the researcher moving from over two decades of being a social worker to the past five years of simultaneously being a research scholar. In the previous chapter, each of the law section had a set of conclusions pertaining to the five laws selected for the study. In this chapter the endeavour is to present the conclusions on the four objectives and to offer recommendations for the government, for social work practice and for further research.

Humanities as a discipline is considered a young science when compared with pure sciences and within that social work is even more recent to join the category of a formal discipline. For long it was considered an arena of practice which combines several professions. (Beckett, 2006). Social work practice has widened to cover many fields and become more specialised. Universities have had academic faculty teaching social work for over half a century now.

The 2014 definition by International Federation of Social Work states that it is a practice based profession and an academic discipline; further it incorporates notions of empowerment and social justice as goals of social work.

This research study endeavours to add to the body of knowledge of social work discipline and to provide insights on meaning of empowerment and social justice from the perspective of law Users.

I. EXPLORE OUTCOMES OF INTERPLAY OF ASSERTION OF WOMEN'S RIGHTS , THE LEGAL PROVISIONS AND SUPPORT STRUCTURES OF THE STATE

A democratic nations acknowledges the need to reduce inequalities and strives to promote conditions that will allow all its citizens to realise their full potential and contribute to development. In the 69 years of Independence, India has made significant progress in this direction. In the past few years there has been an acute realisation of the need to fast track

measures that will reduce gender inequalities. This study looked at 5 selected legal measures adopted by the nation to assess how women who have used these laws experience the process. Three laws directly related to women unequal status were identified as they were the most recent laws brought about and two laws meant for all were selected to study how women have benefitted or used them to bridge the gender gap.

The key conclusions are:

1. The most widely used law among these 5 laws was the PWDVA and women were able to secure justice using these laws. They were able to improve their situation either by arriving at a negotiated set of terms and conditions with the husband and in laws or by securing some financial support as they decided to live separately.
2. None of the women knew of the PWDVA , or the HSAA - two critical laws to achieve gender equality, till they were informed by the CSO. They had not heard of it through news papers, radio or any other forms of public media. However, majority of the women who had used the RTI Act had heard about it from the public media such as radio, television or the news paper and later were directed to the CSO.
3. The women law Users knew the broad contours of the law, but not the detailed sections under each of them. But it was sufficient for them to draw out the benefits accrued from the laws. A significant aspect of the effective use of law was the role of civil society in navigating the legal procedure to secure justice.
4. It is when women go through the full procedure of court proceedings that it gives confidence in the strength of the law giving credence to the belief that "Laws are good only when they are put to use."
5. The support structures of the state are not strong enough for women to access these laws. Significant work remains to be done to spread awareness about these laws or the free legal aid services for woman who cannot afford lawyer's fees.
6. Poor implementation of laws is reflective of the larger shift that is taking place where the state is unable to deliver on its roles and is withdrawing from critical roles. Emerging government reports indicate that vacancies in important departments such as the judiciary, rural development, women and child are not being filled up in a timely manner. There is increasing reliance on ad hoc appointments or public

private partnership model which affects the quality of services and the accountability mechanisms are weak.

Thus as women will become more assertive, unless the state and its machinery to implement the progressive laws does not become fully functional, gender equality will remain a distant goal.

II. EXPLORE NATURE OF CHANGES IN THE WOMAN'S RELATIONSHIPS WITH HER FAMILY MEMBERS, MEN AND WOMEN IN THE COMMUNITY AS THEY SEEK JUSTICE

All human activity is mediated by the culture they belong to. Women's unequal status is strongly linked to patriarchal norms and social patterns. When women decide to use the progressive laws to justice, the message they give out is that they want to change these patriarchal norms. All the law users in this study, by the sheer fact that they are women are in a way challenging the stereotype that women are weak. The key conclusions that this study offers in this realm are,

1. In becoming a law user and in defining how they want to change their lives, the women redefined gender roles. They came in contact with government officials, lawyers, judges and other women like them. They developed a critical view of how they saw themselves.
2. Women had to renegotiate how they spent their time at home, for work and to deal with the legal systems.
3. The women law Users chose to spend their incomes on reducing their drudgery and invested in their daughter's education.
4. Some of the women law Users grew confident of dealing the marital problems faced by their daughter, when earlier they were afraid to speak up for their own safety.
5. Women law Users who got justice are now recognised as knowledgeable women and guides not just for other women but also men.
6. Though the legal process may be long drawn, women going to the court, to the police station, shelter homes provides a broader perspective to the women. They were able to reposition themselves as those who have an independent view.

7. From being perceived as victims by their family and community, the women clearly emerged as survivors and gained respect for having pursued the legal matter.
8. At the community level, the women no longer felt afraid of the local power centres such as the Sarpanch or the Talati as they had gained experience of dealing with Judges, magistrates and court official who are seen as more powerful.

III. EXPLORE DIFFERENCES IN OUTCOMES WHEN A WOMAN IS PART OF A WOMEN'S COLLECTIVE OR SUPPORT GROUPS AND WHEN SHE SEEKS HELP AND GOES THROUGH THE JOURNEY ON HER OWN

In a democratic society, CSO's play a critical role in reducing inequalities by focusing social justice, working with the marginalised communities and by providing critical inputs for legal reform. Today there are a wide range of CSOs which play diverse roles. From a social work perspective there are CSO's that work at the individual level, at the systemic level through poverty alleviation programs, supporting state programs or corporate initiative. Social action at the community level to secure social justice are also considered part of social work intervention. Empowerment is recognised as both goal and as a means.

This study provides insights into role played by CSOs in enabling women to become law Users to secure justice through an empowering process.

1. Over 10 years of focusing on the marginalised sections, has provided a credibility to the CSOs in the area. They make arrangements such that the law user do not incur unnecessary costs while attending the legal proceedings.
2. The CSOs have used a strategy to train their cadre in the progressive laws. Literacy is not a barrier for this training and even non literate CSO leaders were fully conversant with the various elements of the law. Using this legal information they use the clauses and provisions to help women arbitrate and negotiate both in the informal Nyay Samiti forums as well as the formal court.
3. CSO places confidence in the woman to begin with and conveys to them that they are right in their assertion, to stand up against violence. Through the period of the case, the CSO provides information to the women on their options and helps them to weigh

their pros and cons. Instead to simply going by what the women say, they work with her to make sure that they understand the situation and analyse it from various angles. This instills the idea that women can take up critical thinking and make considered decisions.

4. Gender Transformation which will not just address individual inequalities, but challenge the structures and systems requires work at multiple levels which all the five CSOs are doing. They provide concrete support to the women law Users and also work with the community through campaigns that spread awareness about the laws, and work with the systems to make them more gender sensitive and gender responsive.
5. When women are part of collective processes, the impact of assertion is seen in public spheres more clearly. Women of this study have pointed out the clear links between moving out of the house to attend meetings, rallies – to participate collective action and the strength they feel to keep pursuing justice.
6. When women of this study took services of CSO like most of the RTI cases, the changes in women's lives were limited to their private lives. They took up jobs and explored skills they had not thought of and become fearless in their dealings with the larger family and community.

IV. EXAMINE HOW WOMEN LAW USERS EXPERIENCE CHANGES IN THEIR LIVES AND MORE SPECIFICALLY HOW THEY DEFINE JUSTICE AND EMPOWERMENT

Beginning with Friere's introduction of the concept of empowerment to the present day inclusion as a sustainable development goal, the understanding of empowerment has gone through major changes. Multiple meanings are ascribed to it and given that it has been only about 40-50 years since this concept was popularised and being used in development parlance, there is scope to add to these meanings.

At the end of this study a few key lessons emerge

1. The word of empowerment in the local language Gujarati – "sashaktikaran" is a term that most women are not familiar with. It was a tough word to pronounce. Even for the Civil Society Organisation (CSO) leaders who have been working for women's empowerment found it difficult to say the word.

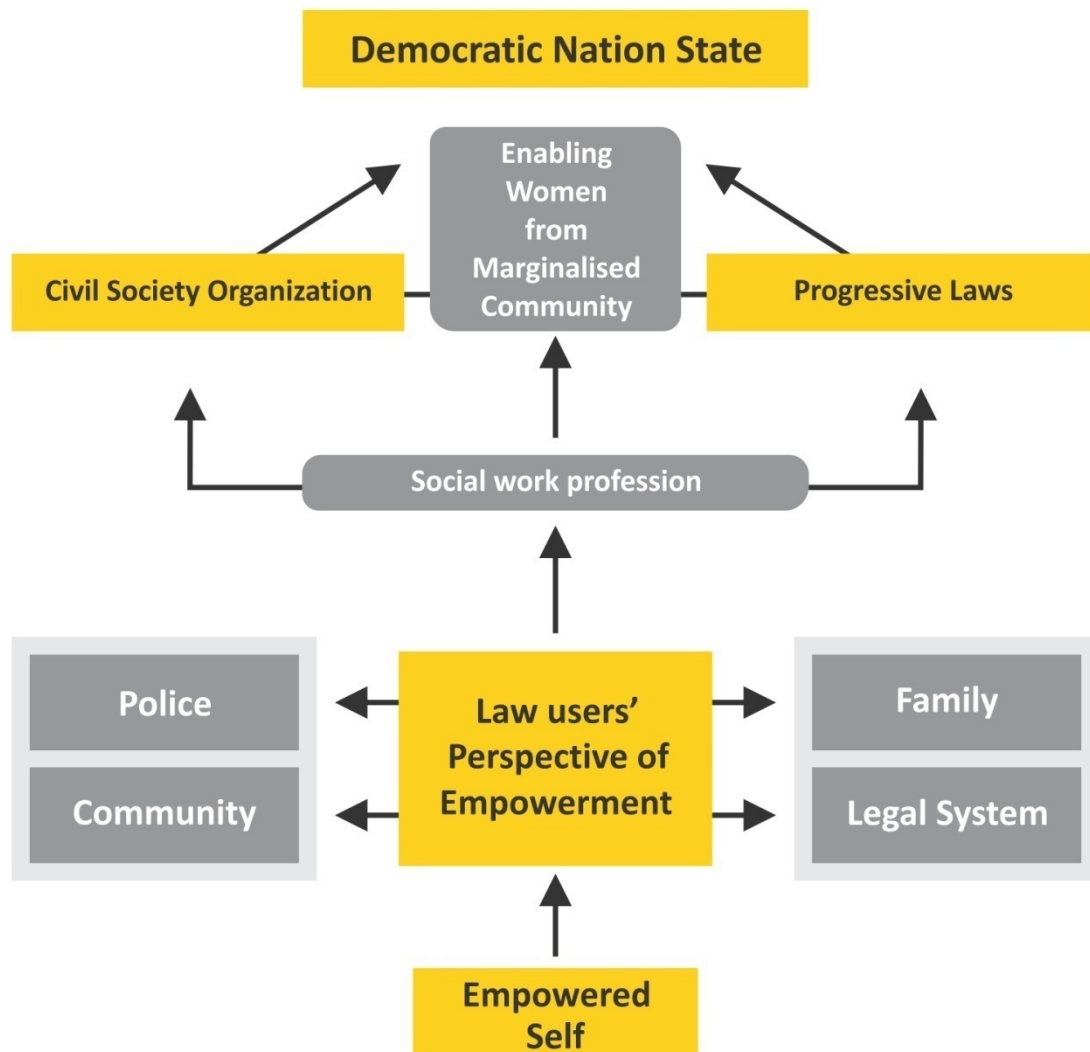
2. Despite the term being a mouthful and difficult to pronounce, its meaning was extremely well understood by the CSO leaders and they added nuances to the term, such as “ To be able to live on one’s own term of what is the truth”; “knowing that there are a set of women with similar beliefs who will support me in when I need it”; “empowerment is the ability to put facts together and make judgement.” Most of the others have spoken about more straightforward meanings of the term to include, “inner strength, being able to use one’s capability, being unafraid, being treated with respect and so on.”

This points to relevance of the term. Women who became law Users have mostly been able to reflect on the changes in their lives and most of them except in 2 cases gave immediate responses.

3. Being a “law user” was a significant contributor to the feeling of empowerment for the group of women identified in this study. Being a law user means that the woman evaluates her own situation from the point of the law, and then used various provisions to seek justice.
4. The next important aspect of this process is being able to stand up in the court and put forth one’s point of view and the judge listening and asking questions to the woman directly. This strengthens the feeling of empowerment
5. Empowerment in one sphere of their lives undeniably leads to changes in the way women deal with the world as expressed in the way they deal with family, the community, and participate in public affairs.
6. The concept of justice was more easily understood by women law users of the PWDVA and RTI. They were able to articulate the meaning of substantive justice more clearly than other law users of this study.
7. The six domains of empowerment presented by JSI were reflected in different degrees throughout the cases identified for the study. However, these domains do not explicitly speak about justice. Amartya Sen’s conceptualisation of justice needs to be incorporated into these domains as has been presented in the study through the voices of the law Users. The researcher would like to add a seventh domain which can be **called “Ability to define justice ” which would include to include being able to evaluate one’s own situation in terms of fairness and to secure justice by using formal and informal legal mechanisms.**

A schematic understanding that this study provides is presented in the diagram below.

Figure No: 15 Women Law User's Perspective on Empowerment in A Democratic Nation State



Explanation:

This diagram depicts the following

- In the democratic nation state of India there is a focus on ensuring equality as citizens to women and empowerment of women from the marginalised communities
- Democracy promotes the rule of law to secure justice and fairness.

- Democracy also allows for the working of Civil Society Organisations.
- The social work professions deals with all the above – civil society organisations, Progressive laws and women from marginalised sections.
- The social work profession needs to be informed and highlight the law User's Perspective of Empowerment.
- In order to do so social workers will have to understand and examine further the relationships and experiences of women law users with the police, the community, the family and the legal system.
- It is in relation to these systems that the woman will experience herself as an "empowered self"

SUGGESTIONS AND ACTION PLAN

1. SUGGESTIONS FOR SOCIAL WORK PRACTICE /PRACTITIONERS

- Community based social workers must have adequate knowledge of progressive laws and assist law users as this helps them secure justice and empowers them.
- Social workers must make communities aware about the various provisions of the progressive laws and promote its application to resolve conflicts through formal and informal mechanisms.
- Social workers seeking to promote gender equality must hold sharing meeting between women who are seeking justice and actively promote support groups among themselves as it has a positive effect on empowerment.
- Counselling and action must not be limited to merely giving appropriate advice but must ensure that the desired outcome in terms of empowerment and social justice must be achieved.
- Social workers must continuously endeavour to find nuances of empowering experiences of women and record them in detail for further policy and research purposes.
- The significance of the term empowerment must not be lost by diluting its meaning or using it without understanding the element of power which is embedded in the word.
- Innovative methods to help law users keep count of the number of visits they make to the court using methods that even non literate women can use and understand. For instance, develop a colour coded system of 'post-its' or like marks that are put on Mamta cards for vaccination records of children. This will inform the women about the judicial process is responding to their case and will empower them to state their demand more clearly.

ACTION PLAN FOR SOCIAL WORK PRACTITIONERS AND TRAINING INSTITUTES

- Objectives:**
- *To have updated knowledge about the progressive laws for gender equality and empowerment*
 - *To strengthen community based interventions to promote use of gender just laws*
 - *To refresh counselling skills to incorporate formal and informal conflict resolutions mechanisms*
- Target Group:**
- Social Work Practitioners, Implementers
- Resources**
- Tool kits that offer information of progressive laws in user Friendly formats.
 - Successful case studies
- Time Frame**
- One Day workshops at regular Intervals
- Costing**
- Rs. 75,000/- (includes, venue, food, tools kits , travel of resource persons to be conducted at district level.)

Program Content:

- **Orientation to Progressive Laws**
- **Panel Discussions with Successful Cases and Women Law Users**
- **Building Strategies of combining gender just laws to further women's rights and gender equality**
- **Innovations developed in conflict resolution especially through alternative dispute resolution mechanisms**
- **Organise Field Exposures to interact with successful CSO.**
- **Conduct Group Exercises to try out skills learnt.**

2. SUGGESTIONS FOR GOVERNMENT

These recommendations come from the belief that a strong democratic nation must have robust state mechanisms. While the Public Private Partnership Model would work for infrastructure development, the government must squarely take responsibility for the

human development sectors. Departments such as Women and Child Department, Rural Development Department, Panchayati Raj must have all its vacancies filled up and ensure adequate budget and full utilisation of the same. More specifically some the recommendations for the relevant government departments are presented below

No	Department	Recommendations
1	Women and Child Department	<ul style="list-style-type: none"> ▪ Must undertake wide scale awareness campaign on the key provisions of PWDVA particularly the relief that women can avail, to reach the rural areas ▪ Must regularly proactively disclose the number of Positions of Protection Officers that are vacant and filled up ▪ Must regularly undertake wide scale awareness drive on the need for schools and colleges to address sexual harassment through proper formation and procedures followed by the Internal Complaints Committee under the SHW (PPR) Act.
2	Gender Resource Centre	<ul style="list-style-type: none"> ▪ Must take up training programmes for the members appointed on the Internal Complaints Committee under the SHW (PPR) Act. ▪ Must collaborate with Colleges of Social Work to take up annual report on status of Implementation of PWDVA – to cover interim order's passed, final orders passed and to critically look at the quality of the orders passed.
3	State Legal Aid Services Authority	<ul style="list-style-type: none"> ▪ It must collaborate with colleges of social work, women's organisations, CSOs working in rural areas to offer para legal worker's training on progressive laws that can reduce gender inequalities. ▪ Even as para legal workers are being placed at village level to hold legal clinics, there needs to be better monitoring to ensure that women have access to information about laws at their doorstep. ▪ Must issue orders and display the names at the village level of the para legal workers thus trained. ▪ Take up regular training of Talatis, Mamlatdars to make them aware of the HSAA
4	Sardar Patel Institute of Public	<ul style="list-style-type: none"> ▪ Conduct training for all District and Block Level officials on the Human Rights Framework and the International Treaties that Government of India has signed to protect human rights and in particular the CEDAW

	Administration	– Convention on the Elimination of all forms of Discrimination Against Women
5	Rural Development Department	<ul style="list-style-type: none"> ▪ Must put out data in the local news papers and not just on the website about the number of workers per village and the updates on payment released so that information is accessible to women in the villages. ▪ Must announce district wise awards for maximum number of workdays completed by women. These awards to be given at the gram sabha level panchayat level by senior officials to motivate women to participate in public spaces.
6	Judiciary	<ul style="list-style-type: none"> ▪ Must give primacy to uphold the rights of women as given in the laws and not let cultural practices and gender bias affect their analysis. ▪ Must develop a plan to hold mobile courts for gender specific laws so that women who give up their cases for want of the costs involved in travel can get justice.
7	Shelter Homes	<ul style="list-style-type: none"> ▪ The social workers at Shelter Homes must offer counselling to women referred under PWDVA to effectively deal with the situation and not create the feeling that they are at fault and landed up in a 'jail'. ▪ Must collaborate with the CSO that has refreed the case to develop an effective plan of rehabilitation such that the local CSO take responsibility of follow up home visits and submit reports to the Court. ▪ CSO must be acknowledged and compensated for the time they provide to conduct home visit
8	Gram Panchayat Level	<ul style="list-style-type: none"> ▪ While the Government of Gujarat is promoting Nari Adalats which are like the Nyay Samities described in the study, there has to be adequate monitoring mechanisms must be in place to ensure that local politics do not adversely impact objective of women's rights ▪ These Nari Adalats must have trained social workers to provide effective guidance to ensure justice. ▪ Credible local CSO such as described in the study must be invited as collaborators and those CSOs that have credible Nyay Samities or similar structures must be invited to run the Nari Adalats.

ACTION PLAN FOR ANNUAL ROUNDTABLE FOR POLICY MAKERS, IMPLEMENTERS AND CIVIL SOCIETY

Objectives:	<ul style="list-style-type: none">• <i>Sharing Policies for women's rights</i>▪ <i>Reviewing status of Implementation of Women's Laws</i>▪ <i>Devising Mechanisms for Improvement and Modifications</i>
Target Group:	<ul style="list-style-type: none">• Senior Judges, Senior Government Officials of Relevant Department, CSO that work with women law users and empowerment approach
Resources	<ul style="list-style-type: none">• Data on legal cases registered, orders passed, vacancies, trainings conducted etc• Analytical Reports And Case studies that highlight challenges and successful strategies
Time Frame	<ul style="list-style-type: none">• One Day workshops on an Annual Basis
Costing	<ul style="list-style-type: none">• Rs. 1, 00,000/- (For 100 participants includes, venue, food, tools kits , travel of resource persons – to be conducted at state level)
Program Content:	
<ul style="list-style-type: none">• Dissemination of Progressive Laws in People Friendly Language• Review of Progress• Identify loop holes and barriers to Implementation.• Develop and Present Gender Action Plans to focus on promotion of effective use of Progressive Laws.	

3. SUGGESTIONS FOR FURTHER RESEARCH

- A longitudinal research on a larger cohort of women law Users needs to be undertaken to understand empowerment and the impact of progressive laws.
- Research on the use of Hindu Succession Act Amendment 2005 (HSAA 2005) needs to be undertaken to throw light on daughters experiences to acquire coparcenary rights.
- Even though the Sexual Harassment at Work Place (Prevention Provision and Redressal) SHW (PPR) is a recent act data on how many institutions have formed the committees and the kind of cases and procedures followed could be useful area of research.
- Comparative Studies on Women and MNREGA can be undertaken to examine the links between participation in MNGREGA and local self governance.
- Study the effect of women using progressive laws on male family members, male co-workers in case of gender specific laws and on immediate stake holders in case of RTI and MGNREGA.