

Women in India are Subject to a Number of Patriarchal Social and Legal Norms

Awani Jain

LLM Student, Chhatrapati Shivaji Maharaj University established under the Chhatrapati Shivaji Maharaj University Act, 2008.

Email: [avojain363\[at\]gmail.com](mailto:avojain363[at]gmail.com)

Abstract: *Legal status of Women in India: Even after over 50 years of independence, the legal position of Women in India remains bleak. The Criminal Code Amendment Act (73rd Amendment) 2002 gives constitutional status to several provisions placing women at a disadvantage compared to men. Under these amendments, the scope and power of life imprisonment has been increased and safety valves for speedy release have been reduced. Objectives of Study: 1) What is the status of women in India? How are they treated in law? 2) What steps need to be taken to achieve gender equality in India. Methodology: In the present study, secondary data have mostly been found from various journals, magazines, articles, e - newspapers, etc. The research is also based on various referred sources published, unpublished and electronic.*

Keywords: Online Distance Learning - Necessity of online education, constitutional status - regulated by or ruling according to a constitution, amendments - a minor change or addition designed to improve a text, piece of legislation, etc

1. Introduction

Gender justice is one of the most important human rights issues in India. It is widely recognized that women in India suffer from gender - based discrimination, violence, and exploitation. The status of women in India is a contentious issue, not just in social terms but also legal ones. This paper will begin by examining the areas of law that discriminate against women (the law of inheritance, the laws regarding marriage and divorce, and so on) before moving on to look at how these areas could be remedied. The legal position of women in India is heavily dependent on their gender roles, which narrow the legal rights available to them.

India signed the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1996 and ratified it in 2002. Despite this, women continue to face significant barriers in every aspect of their lives. In India, men dominate leadership positions in politics and business, and women are under - represented in the labour force. Girls are also discouraged from attending school by their parents and are discriminated against in the education system. The legal system in India does not protect women from violence or provide them with adequate access to justice. As a result, women and girls are often vulnerable to exploitation and abuse. There is an urgent need for Reform to ensure that women and girls are treated as equals and treated with dignity and respect.

What is the status of women in India?

How are they treated in law? What steps need to be taken to achieve gender equality in India?

These are the questions that are answered by this research paper. First, we will look at the status of women in India concerning social, economic, and political empowerment. Then we will look at the law related to violence against women. Finally, we will discuss the steps that should be taken to achieve gender equality in India. To begin with, let's look at the status of women in India concerning social,

economic, and political empowerment. According to the most recent report by UNICEF, the percentage of women participating in the workforce in India is only 26% compared with 79% for men. This low participation is due to a variety of factors such as societal norms and economic factors. Additionally, most women are concentrated in jobs with low pay and little prestige such as nursing and teaching. Over the past two decades, the Indian government has initiated several policies intending to promote gender equality and empower women. One of the most prominent of these is the "Beti Bachoo Beti Paho" campaign which was launched in 2015 to raise awareness about the importance of educating girls and ensuring that they receive the same opportunities as boys to pursue their dreams. Despite these efforts, gender inequality persists in India and many disadvantaged women remain locked out of the economic and social mainstream. Next, let's take a look at the law related to violence against women in India. In India, it is illegal to subject a woman to torture or corporal punishment or to subject her to cruelty or unfair treatment. It is also illegal for a man to force his wife or daughter into prostitution or marriage against her will. In addition, it is illegal for women to be subjected to any type of discrimination including sexual harassment in the workplace or at school. These laws have been put in place to protect women and ensure that they are treated equally and treated with dignity and respect. The term "gender" in common usage often refers to the relationships between men and women in families, communities, markets, and state institutions, as well as an examination of how social laws, conventions, and practises affect how resources and obligations are allocated between men and women. It is most frequently used as a synonym for sex, referring to men and females in accordance with unique main sex traits and genotypic distinctions. One of the first social scientists to distinguish between the concepts of gender and sex was Ann Oakley in 1972. According to the United Nations (2001), gender refers to culturally based expectations of male and female roles and behaviours. The UN distinguishes between the socially produced parts of being male or female and those that are dictated by biology. Even while some of these

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gender roles have their roots in the biological distinctions between the sexes, gender roles and behaviours have historically been able to change, sometimes rather fast, unlike the biology of sex. The various roles and expected behaviours of men and women are defined and justified by religious and cultural distinctions, which are deeply loved and socially reinforced. Beginning in the early 1970s, the notion of gender gained popularity in feminist publications and other social discourses. The terms "masculine" and "feminine" are used to categorise the variations in behaviour between men and women in sociological research. Gender is a socially created analytical category used to distinguish between the biological differences between men and women.

Focusing on this, feminist literature contend that these distinctions are social constructs of patriarchal culture rather than biological ones. Beauvoir (1949) came to the conclusion that one becomes a woman, not that one is born a woman.

The World Development Report (WDR 2012) defines gender as socially created ideology and norms that influence how men and women behave and act. Understanding these gender relations and the power dynamics that underlie them is necessary in order to comprehend how people acquire and distribute resources, how they are able to make decisions, and how politics and social development influence men and women, boys and girls.

Norms for Gender

A collection of social conventions known as gender roles specify the behaviours that are often deemed suitable, acceptable, or desirable for individuals depending on their actual or perceived sex or sexuality. Gender roles are manufactured and not a natural phenomenon, since we have already examined how gender and sex vary from one another.

Indian Patriarchy

Patriarchy is a fluid phenomenon, and all cultures continue to exhibit the same traits. It reproduces its existence with the use of instruments like movies, television, politics, and political economics, among other things, and uses these means to carry out and protect its interests in various cultures depending on a variety of elements including culture and religion. The characteristics of patriarchy are listed below

Male dominance: In a patriarchal society, males are in charge of all choices, both on a personal and social level. They hold all positions of leadership and power and are seen as being cognitively and physically superior than women. Men are interested in characteristics that may be used to identify them, such as control, forcefulness, forcefulness, rationality, a strong work ethic, and competition.

Men's power is being protected in patriarchal cultures like India's, which try to protect the patriarch's (the male leader of the household) interests. In a way, patriarchy gives males power and authority in both the public and private spheres. They are more vociferous and have more career options than women in the public realm. As a result of being men, they are more rational, intellectual, and emotionless. Such

characteristics support and justify patriarchal concerns both in the home and in society at large. In India, crimes against women include sexism, bad attitudes, domestic violence, female foeticide, and infanticide.

Discrimination against women: The discrimination against women is one of the most important characteristics of a patriarchal society. Women are inherently inferior to males because to male dominance and the subsequent preservation of male authority, which makes the targets of discrimination. Within and outside of the home, women are subject to economic, political, and discrimination is the social restrictions. One of the numerous manifestations of this preference for male children, early marriage, unemployment, domestic abuse, and lack of economic and social independence. The objective and perceived status of professions and vocations available to women are often lower than those to males. Women will continue to be economically dependent on their husbands or partners if they do not have access to "excellent" work.

Preconceptions and traditional views about women's position in society:

Due to traditional ideas about women's roles in the home, an institution of society, female children in India frequently are denied their access to an education. Girls are more likely than males to drop out of school because they are expected to assist with domestic tasks like cooking and cleaning or caring for younger siblings. In India's rural areas, girls spend more time performing household chores, which widens the gender equality gap. It supports the misconception that girls' education is useless and that their main responsibilities will be to take care of the home chores, get married young, have kids, and then raise them. Following a marriage, these notions and preconceptions are still present in the household. Being a wife and mother is an essential part of what it means to be a woman

2. Conclusion

Despite the fact that women's rights are increasingly acknowledged as human rights, recognition does not equate to implementation. To ensure that everyone has access to human rights, much work remains. Even if there are several progressive legal safeguards for women's human rights, the law won't accomplish much until current cultural and societal perspectives are altered. Law is without a doubt a potent tool for bringing about social change, but it has its own constraints and cannot by itself build a new society. The process of reformation is not limited to law. Maybe the issue's source has to be addressed.

It is necessary to address traditional behaviours that harm women and violence against women. Along with that, a fundamental shift in our society's male - dominated structure as well as all patriarchal laws, practises, and customs appears to be the only solution to the vexing issue. The birth of a female child is not welcomed by either the family or the community because of gender discrimination in society, the undervalued status of women in the household, and male domination in society. Numerous bad habits have grown in number in society as a result of it. Medical science has achieved great strides, which are blessings when utilised for

morally correct goals and curses when employed for goals that disregard bioethics. Prenatal diagnostic centres have recently been established in metropolitan areas to identify the gender of the foetus using prenatal diagnostic methods, which are mostly used to identify genetic disorder. Because most Indian families did not normally welcome female children, prenatal diagnostic centres quickly gained popularity and saw great expansion. These areas have developed into hotspots for female foeticide, which is detrimental to women's standing and dignity. The government was compelled to enact legislation for the eradication of the evil through open and blatant misuse. This is accomplished through the Pre - conception and Pre - natal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994. But it also falls short of halting the worrying rise in female infanticide.

- [15] United Nations.1993. Declaration on the Elimination of Violence against Women. General Assembly Resolution 48/104.
- [16] West, C., & D. H. Zimmerman.1987. Doing Gender. *Gender & Society* 1 (2): 125 - 151

References

- [1] Jahan, F. (2004), Women in India, Anmol Publications Pt. Ltd, New Delhi.
- [2] Bhatt, S. (2010), Women and Human Rights, Altar Publishing House, New Delhi.
- [3] Ganguly, D. K. (2010). Law Relating to Protection of Human Rights and Violation of Human Rights Problems, Dwivedi Law Agency, Allahabad.
- [4] Jayapal an, N. (2001). Women and Human Rights, Atlantic Publishers and Distributors, New Delhi.
- [5] Zainab, R. (2005). Women and Society, Kalpaz Publications, Delhi.
- [6] Pohekar, P. D. (2015), "Constitutional and Legal Provisions for Women in India", available at).
- [7] Beauvoir, Simone de, Constance Bored, and Sheila Malovany - Chevallier.2010. The second sex. New York: Alfred A. Knopf.
- [8] Bhasin, Kamla.2000. Understanding gender. New Delhi: Kali for women.
- [9] Double Oppression: Violence against Disabled Women. Accessed on 1st September 2016. <http://www.niaendingviolence.org.uk/perch/resources/duble-oppression-violence-against-disabled-women.pdf>
- [10] Haj - Yahia. M.2005. On the Characteristics of Patriarchal Societies, Gender Inequality, and Wife Abuse: The Case of Palestinian Society. Adalah's Newsletter, Volume 20. Accessed on 17th August 2016
- [11] <https://www.adalah.org/uploads/oldfiles/newsletter/eng/nov05/fet.pdf>
- [12] Kannabiran, V., & Kannabiran, K. (1991). Caste and gender: Understanding dynamics of power and violence. *Economic and political weekly*, 2130 - 2133.
- [13] The Pioneer.1st August 2015. India sees 22 dowry deaths every day. Accessed on 21st September 2016 <http://www.dailypioneer.com/nation/india-sees-22-dowry-deaths-every-day.html>
- [14] The World Bank.2012. The World Development Report. (Accessed on 5th August 2016) UNICEF. 'Panel Gender Discrimination across the Life Cycle 'in the State of the World's Children 2007: Women and Children: The Double Dividend of Gender Equality'. UNICEF, New York.2006.