

Understanding Assumptions and Its Impact On The Status Of Women In India

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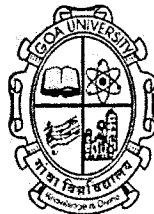
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Seal of the School

DECLARATION BY STUDENT

I hereby declare that the data presented in this Dissertation entitled, “Understanding a Assumptions and its Impact on the Status of Women in India” is based on the results of investigations carried out by me in the Political Science Programme at the D.D.Kosambi School of Social Sciences and Behavioural Studies, Goa University under the Supervision of Ms Prachi Naik and the same has not been submitted elsewhere for the award of a degree or diploma by me. Further, I understand that Goa University or its authorities will be not be responsible for the correctness of observations / experimental or other findings given the dissertation.

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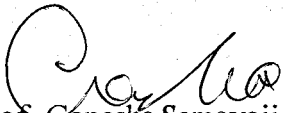
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COMPLETION CERTIFICATE

This is to certify that the dissertation report “Understanding Assumptions and its Impact on the Status of Women in India” is a bonafide work carried out by **Ms Gauri Santosh Rao** under my supervision in partial fulfilment of the requirements for the award of the degree of **Master’s in Arts** in the Discipline Political Science Programme at the D.D. Kosambi School Of Social Sciences and Behavioural Studies, Goa University.


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Chapter- I

Introduction

An assumption is something that is accepted as true without evidence. In research an assumption is used to discover the relationship between the two variables. This process in research is known as conducting research by framing an assumption. The assumption in this sense is a powerful entity. Since assumptions in all kinds of research is used to establish the relationship between two variables, an assumption is viewed as a dependent phenomenon. In feminist research an assumption has its bearing on the condition and status of women in society. It is the assumptions which strengthens the various stereotypes against women in society. Therefore, while conducting research related to the question of women in society there exist a limitation to view assumption as a dependent entity. Considering this limitation, in my research I am viewing assumption as an independent category and looking into its impact on the condition and status of women.

Though there exist various assumptions related to women in world, there are some specific assumptions related to women in Indian society. One such example is related to the belief of the impurity of menstrual blood. In India it is considered that the menstrual blood is impure. During the menstruation women are prohibited from mingling with their family members. She is made to seat separately and asked to carry out all her daily task on her own. In many households this is widely practised despite of the education and economic empowerment of women. Though in many families in usual days the impurity rituals are not practised but during the festive days like Ganesh Chaturthi or Navratri or Deepawali these norms are strictly followed. Also, women are prohibited from entering religious places during their menstrual period. This shows that, despite the progress made by women in every walk of life, the age-old assumptions serve as a major hindrance in her way.

Gender influences is evident where men and women is always seen in terms of gender inequalities. Within genders, there are differences like that of the circumstances of widows who are different from those of young unmarried women. The needs of women may vary depending upon their ethnicity or economic status. Women take part in a forum or activity in numbers equal to greater than men. Women are at stake when it comes to gossiping. Women are always suppressed with various comments she is passed with. There is no motivation and that keeps her more into discouraged moment for herself. At times, women are not more supported by their partners. Women are always more active and well-mannered the way she always does the work. They are the most active and great leaders who in spite of many differences faced each day, is gathered with good motives to do all good things at the end of the day. These assumptions are at the base of women's discrimination. It is important to understand the role a prevalent assumption plays in locating status of women in society. These shows that the assumptions are a static concept while dealing with women question and needs separate attention. The main aim of this research is to identify some of these assumptions and discover its impact on the social-psychological aspect of women.

LITERATURE REVIEW

After the first wave of feminism associated with the publication of Mary Wollstonecraft's seminal work 'A Vindication of the Rights of Women' (1792) which focused on political rights of women, the second wave's focus was on the assertion of social and economic rights of the women. The theoretical strength of second wave of feminism is associated with the Simone de Beauvoir (1949) seminal work 'The Second Sex.' Beauvoir has aptly pointed out the cause of women's subordination revolves around the idea of femininity. The idea of femininity rest on the 'sex-gender distinction.' In her famous quote 'One is not born but becomes a woman' she

summarizes the women's trouble. Before this publication subordination of women was justified on the grounds of her biology. Beauvoir has effectively pointed out that the biology has nothing to do with the women's capacities. In fact, she argues that the sex is the product of biology whereas the gender distinction is cultural in nature. Thus, sex is biological construction and gender is cultural construction. It is the cultural conducts specified by society is responsible for the subordination of women. Anatomy of women's body has nothing to do with the feminine role enforced upon her. Therefore, she argues liberation of women lies in the rejection of feminine roles. An access for education, work and contraception Beauvoir argues that this will help women to give up their traditional roles. Thus, the crust of Beauvoir solution to the problem of women lied in making motherhood as choice and not a compulsion.

Yolanda Astarita Patterson (1986) article on 'Simone de Beauvoir and the Demystification of Motherhood' writes on demystification of motherhood. Patterson argues establishes an effective balance between self-fulfilment and family obligations is one which has plagued women throughout the centuries. As long as women were valued for their participation in the life of the court and the salons, children were considered a necessary evil to be kept out of sight and away from home as long as possible. Once the state began to look upon children as future citizens and soldiers, their care and nurturing became a matter of general interest to men and women alike. Western society conditioned women to become wives and mothers and made those who rejected those roles feel somehow inadequate and incomplete. Simone de Beauvoir had long since decided that motherhood was not for her and felt an obligation to warn other women about the entrapment it represented. According to Simone de Beauvoir motherhood will always be a conscious choice rather than a passive yielding to tradition. While some feminist has accepted the solution offered by Beauvoir others have raised a concern. Renunciation of motherhood for some feminist is not an answer.

Karen Vintges (2017) in 'Feminism in a New Key' writes Beauvoir's study comprises an indispensable toolset for analysing the multiple dimensions of women's subordination in old and new shapes across continents. Beauvoir explicitly criticized 'Organization Society' and its models of Organization Man and Super Woman, which Foucault conceptualized in terms of an American type of 'neoliberal governmentality' and a neoliberal model of the 'entrepreneurial self'. Her critique of these models of self and society is more relevant than ever, since they are spreading across the globe – universalizing competition and 'market-shaped systems of action for individuals, groups and institutions'. Muslim women are moving the domain of rite, pushing limits in the Islamic world as well as in their communities elsewhere Islamic feminists re-articulate and re-contextualize Islamic ideas in critically creative freedom practices or explicitly critiquing the old status hierarchy between the sexes, developing new ritual 'forms and new visions for their own life. As long as girls and women still dream through men's dreams, that is, many will hesitate to leave their 'comfort zone'. But other women and girls today do engage in critically creative freedom practices in this realm, in fierce battles moving the dominant mythical 'forms' of the game industry the film industry, and the showbiz industry with its 'sexual personae' of media hyped performers. They are changing the dominant 'forms' of Woman as man's Other, shifting these in the direction of reciprocal relationships between men and women, or even of gender fluidity. A feminism in a new key not only recognizes more 'keys' than verbal argumentative language alone. It also recognizes that the plurality of faces and heads of the hydra demand for a plurality of strategies. It also recognizes the new heads of the hydra that pop up today, in the shape of a 'compulsory sexual agency' for women and girls in the Western world, a masculinist political revival in different parts of the world, the new opportunities offered by the internet for sexual abuse, and the rise of transnational networks of trafficking in women and children. Today, many women still get fired as soon as they get pregnant meaning that their temporary contracts of employment 'unfortunately cannot be

renewed'. Women moreover do most of the unpaid domestic and care work. Social security and social organization of care work are important causes for feminism; not because all women are care-takers per se, but because they are most at risk of being reduced to their caring role as soon as they have children. A feminism in a new key draws from women's multiple freedom practices, but also from feminisms of the past, re-interpreting them as critically creative freedom practices that comprise new ethical models for selves and societies, and for the world without taking on board their essentialist claims. Thus, Vintages evaluates the feminist movement from the time of Beauvoir to till date. Her main argument revolves around how the new generation of women is defying the norm especially in the world of art and cinema. However, while defying the norm there is danger of these women being trapped into the male gaze.

Jarune Uwujaren (2015) in article titled 'How Women pressurized into being Sexy but punished for being Sexual' writes about how women are further getting trapped into the male gaze in the name of exercising cultural freedom. Uwujaren especially writes about the women in showbiz industry. She argues how overexposure by the celebrity showing skin, have attracted criticism. For e.g., Kim for posing nude as a mother, turned her butt into a short-lived Twitter meme, and vilified her for attempting to use sex appeal to garner attention and wealth. The feminist response was to point out the problematic racial implications of the photo shoot, distance themselves from her, or more rarely praise her bravery and willingness to be sexually open. Whether it's Kim Kardashian, Beyoncé, Rihanna, or any other woman crafting a sexualized public image, the public's response tends to focus on the individual actions of the women at hand. Women who use sex as a marketing tool are free agents, empowered, or feminist failures. At times girls are being sold and their worth as human beings is attached to how their bodies look to other people. And these same girls aren't entirely unaware of the heavily gendered use

of diet products, hair removers, makeup, control top pantyhose, bras, and shapers. Girls are expected to perform femininity while being put down for being girly. Girls are expected to care about their looks, but girls who care too much are often labelled as fast. Teen girls are bombarded with the sexist notions of virginity as a prize, sex as life-changing, and promiscuity as shameful unless you're a boy. At this age, girls get the message that it's possible to measure their worth in relation to their sexuality. The fact that a lot of people view aggressive sexual attention even if unwanted as a compliment to women says a lot about the problematic way our society reduces women's worth to sex. More than men, women are fed the notion that their worth is strongly tied to their ability to be sexually attractive and available. This isn't the same as women exploring and valuing their own sexual selves and it's about being passively desired. Because we live in a culture that prioritizes male desire. On some level, women who appeal to the male gaze can exploit it and use it to their benefit. But on another level, playing to a system that devalues women's agency for personal gain isn't empowerment. It's not something that occurs in direct opposition to feminism either, which is why individual women can't win unless the system is dismantled. If every woman on Earth today stopped dressing or behaving in a way that appealed to the male gaze, women's choices would still be limited by the desires of men. The way that women conduct themselves in a sexist society, even when problematic, is not worth critically analysed. Our society values women for their sexual desirability and shames them for having sexual desires. Women are more likely than men to be labelled for expressing themselves sexually or being promiscuous. There is no massive leak of male celebrity nudes or a victim blaming public response. Many women do the same things as men. One way we can change the way our culture deals with women's sexuality is to change the way we talk about it. When we talk about women who cultivate sexualized public images that is picking at their individual merit as role models, feminists, or empowered women we miss a lot of other important questions. A patriarchal culture fails to meet the male gaze and demonstrates at the

sexual agency as a woman and ignores the pressure to conform to a narrow set of beauty standards are all met with sexist backlash. Understanding and judging the actions of women in a patriarchal context shouldn't be focused on labelling their actions feminist or disempowering, moral or immoral. Therefore, she argues that the notion of woman's value should be judged by her sexiness should be challenged first.

Judith Butler (1990) has further revised the feminist framework provided by Beauvoir through her publication 'Gender Trouble.' In Gender Trouble Butler points out that even the biological difference is construction. This work has liberated the queer theory from the mainstream feminism and today the 'queer theory' has been developed independently. However, Beauvoir has provided a groundwork for the Butler's important work 'Gender Trouble'. Butler (1986) has recognised this in her article titled 'Sex and Gender in Simone de Beauvoir's Second Sex'. She writes the term women designates a variety of modes through which those facts acquire cultural meaning. To become a woman is a purposive and appropriative sets of acts, the acquisition of skill. Beauvoir's theory of gender entails interpretation of existential doctrine of choice whereby choosing or gender is understood as the embodiment of possibilities within a network of entrenched cultural norms. Becoming a gender is impulsive yet mindful process of interpreting or cultural reality with sanctions, taboos and prescriptions. In the efforts to naturalize and universalize the institution of motherhood, the optional character of motherhood is being denied, motherhood is being promoted as the only option as a compulsory social institution. Women are a source of frustration also a delusion to be women mean to be the object, like other remains subject in the midst of her resignation. Beauvoir accepts a gender free model of freedom as the normative ideal for women's aspiration. Overcoming of gender implies the sacrifice of autonomy and capacity for transcendence. Women are identified with their anatomy; identification seemed the purposes of oppression they identify with

consciousness that transcends activity unrestrained by the body. Women occupy their bodies as their essential and enslaving identities. If woman are their bodies, if the consciousness and freedom is only so many disguised permutations of bodily need and necessity than woman have monopolized the bodily sphere. Simone De Beauvoir talks that body is an unsurpassable perspective and situation. According to her body is material reality which has been located and defined within a social context. Body is situation having to take up and interpret set of received interpretations. Body is a field of interpretative possibilities, locus of dialectical process of interpreting set of interpretations which become imprinted. One's body becomes nexus of culture and choice of a personal way of taking up and reinterpreting received gender norms. Gender is a way of existing one's body and one's body is a situation; gender is cultural affair. Women is not complete reality but it is in her becoming that she should be compared with men, that is to say, her possibilities should be defined. The body of women is one of the essential elements of her situation in the world. The body becomes a choice, a mode of erecting received gender norms which surfaces many styles. The natural body is already clothed and nature's surface is a cultural invention. Her vision of the body as a field of cultural possibilities makes some of the work of refreshing culture as own bodily selves.

Sara Heinamaa (1997) in her article titled 'What is a Women? Butler and Beauvoir on the Foundations of the Sexual Difference' portrays the significance of Judith Butler's phenomenal work 'Bodies that Matter'. Heinamma writes how the Butler questioned the basic concept of feminist thinking, woman, femaleness, femininity, sex and gender. It was presented by a voluntarist theory of gender. Voluntarist understanding of sexual difference pointed the different techniques of shaping the body, body building, lightening of the skin, plastic surgery and sex change operations. When applied to sexual difference Cartesian Voluntarism offers the claim that a person can reject her sexual characteristics both physical and mental. One is not

born but rather becomes a woman. Beauvoir's idea of becoming a woman as a process of socialisation. Sexual differentiation is an effort of socio-cultural forces. Female beings are made feminine by society. Beauvoir is against biological determinism and against biological factors specifically chromosomes and hormones bring about sexual differentiation independently of socio-cultural environment. She would replace biological constraints with socio-cultural ones and sustainability social determinism for biological determinism. Beauvoir talks about second sex with regard to the adequacy of bio determinist explanations. Biological facts do not provide dichotomy between men and women. Gender is not forced on us but is freely chosen. Beauvoir explains women's subordinate position by referring to their reproductive functions. Women are made in the society and are shaped by their biological functions. When human body is conceived as a subject of actions, sexuality cannot be understood simply as an attribute of an organism or a subsystem of a biomechanism. Feminine and masculine sexualities are understood as modes or styles of being. Femininity or womanhood when considered as a style of being, cannot be pinned down by a common source or form it can only be conceived by studying its concrete manifestations and various relations. Beauvoir's second sex not only explains that women's lives by femaleness or femininity but to describe the plurality of actions and practice that contribute the meanings of woman, female and feminine. Beauvoir's work presents itself as a theory about the socio-cultural productions of gender (feminine, woman), presupposing factual bases in nature and outside all signification. When Beauvoir claims that woman is a historical idea and not a natural fact, she clearly underscores the distinction between sex as biological facility and significance of that facility. To be female has no meaning but to be a woman is to have become woman, to compel the body to conform to a historical idea of woman. Feminine world more intimately than do men because we have own roots in it, we grasp more immediately than do men what it means to a human being to be feminine and we are concerned with such knowledge. One becomes a woman, how

it is possible that a body is intertwined with the world and other bodies can repeat certain postures, gestures and expressions and change and modify them.

Allen Friedrichs (2015) in her article 'Three Well Meaning Assumption about Women You Never realise were Sexist' points out that A lot of people deeply believe that women possess certain characteristics that men don't. These include being more intuitive, better communicators, more loving and peaceful, and better parents than men. Such attributes can seem positive, but they reduce women to a stereotype many just don't fit into. They also strip men of the ability to freely express similar qualities themselves. Stereotypes about women being better parents harm both men who want to stay home with kids and women who don't. And ideas like these force people into rigid gender roles, both in the realm of family and beyond. There is nothing wrong with appreciating a seat or having a meal paid for, just like there is nothing inherently wrong with giving up a seat or paying for a meal. The problem is when these things are done by someone because they think that women are helpless or incompetent and in need of men's protection. That's really different from doing something to be kind or helpful or considerate. One of the things that makes it hard for people to acknowledge the possibility that benevolent sexism drives some of these interactions is that people fear that doing so will deny the fact that men can be kind to women simply because they are decent, compassionate, loving people, and rather are only motivated by discriminatory motives and power. The reality is that identifying inequality where it truly exists doesn't unnecessarily impose it on egalitarian situations where it doesn't. There have been plenty of challenges to patriarchal systems, but one area where it is still hard to change opinions is on the subject of men's duties towards women. For a long time, this view was used as a These days, most employers know that if this is why they pay women less, they sure can't come out and say it. But what people don't feel the need to hide is their attachment to what many see as expected

signs of male respect for women. For example, a lot of women say that they appreciate things like having a male date pay for dinner, give up a seat on the subway, hold open a door, or carry heavy things. And a lot of men say they like doing these things for women. Many men, on the other hand, bristle at the notion that they are being sexist when they think they are being thoughtful. The problem is when these things are done by someone because they think that women are helpless or incompetent and in need of men's protection. That's really different from doing something to be kind or helpful or considerate. The reality is that identifying inequality where it truly exists doesn't unnecessarily impose it on egalitarian situations where it doesn't.

Betty Friedan (1997) an American feminist, in her work 'Feminine Mystique' provided a good knowledge about women as a class sufferer who suffered variety of subtle forms of discrimination but were in particular the victims of pervasive system of delusions and false values. They were urged to find personal fulfilment and identity through their husbands and children to whom they were expected to devote their lives. This restricted role of wife-mother led to a sense of unreality or general spirituality in the absence of genuine, creative and self-defining work. She talks about that how the society restrains women from accepting who you are. It is like you are going against the nature and limit yourself to the traditional role.

The feminism in west revolves primarily around the concept of femininity. It is important to see the aspects showcased by Indian feminist. Women's movement in India is indebted to the contribution of Savitribai Phule along with her husband Jyotirao Phule launched movement for the education of women.

OBJECTIVES

1. To identify and study the different assumptions about the women in Indian society.
2. To study the social and psychological impact of these assumptions on the status of women.
3. To discover the relationship between the assumptions and stereotypes about women prevailing in society.
4. To identify the influences of assumption in policy process and judicial proceedings.
5. To explore the new challenges faced by women in influenced by the prevailing assumptions.
6. To challenge these assumptions by conducting philosophical and empirical research.

HYPOTHESIS

- Assumption about women continues their subordination in liberal-democratic society.
- Assumptions related to women are transferred in legal and judicial discourse, making women more vulnerable to patriarchy.

METHODOLOGY

This research adopts a blend of qualitative and quantitative methodology. The primary data is collected through quantitative survey by using structured questionnaire. This research also employs auto-ethnographic method. Data is collected through in-depth interviews and un-structured questionnaire. The secondary data is collected through a brief review of literature in the form of books, journals articles and online websites.

Chapter Scheme

Chapter 1- Introduction: deals with the major study of women in the societal aspect. This research work studies the social and psychological impact of these assumptions on status of women. To discover the relationship between the assumptions and stereotypes about women prevailing in society, women's assumptions were necessary. Literature review was done on the article of Betty Friedan's *Feminine Mystique* and she explained the restricted role of wife-mother led to a sense of unreality or general spirituality in the absence of genuine, creative and self-defining work. She talks about that how the society restrains women from excepting who you are.

Chapter 2- Assumption about women and its impact in the evolution of legal discourse in India: deals with the historical evolution about women's parliamentary acts that has proclaimed to be building their connection with the laws and hence it is very necessary to bring in this issue about women. Women are sustained with laws that make them magnificent with moulding views about divorce and marriage acts. This chapter is a historical context of women's societal norms that paved way towards the world of advancement.

Chapter 3- Understanding Gender Assumptions and Its role in Strengthening Stereotypes: deals with women's assumptions and this chapter is very much build to make the women grow with greater roles and at the same time it makes then more progressed towards modern ethics. In order to make analysis about this chapters the study signifies the importance of women's assumptions and the way the data was that was basically objective and subjective method. This study provided with clear analysis when subjective method was used wherein the women from different society provided with distinctive stipulations. The women tried to bring forward that assumptions exist and that they are bound many norms and justifying behavior. The objective method was just an ordinary wherein the data provided was based on mere

stipulations without the clear understanding of the research topic. Assumptions about women are prevalent with specification of ideological data and experiences provided by many. These experiences further paved them to guide and lead progressive lives. The standard assurance about women's stability and advanced knowledge is key understanding aspect in this chapter

Chapter 4- Gender Assumptions in Judicial Judgements: deals with the methodologies of judicial acts about gender stereotypes. This chapters brings forth the initial point of acts in judiciary that stipulates judgements and ethical standards that specifically justify women's role in society. This chapter is the most important understanding structure of paving way towards the ideals of rules and the stereotypes prevalent.

Chapter 5- Conclusion: summarizes the study by stressing on how hypothesis and objectives are met through the cha

SIGNIFICANCE OF THE STUDY

This study signifies the importance of women in the arena of society and to build up the important area for making them providing them a good moral support. Women should be treated equal with men terms of economic, physical and mental areas of development. The study on women's general assumptions gives detailed analyses of women essential support compared with men how they are strong be it mentally, emotionally, physically, economically and socially. She is the building bridge of the various aspects of social norms that regulate the phenomena of changing life and to be built up as a good active participant.

Chapter- II

Assumptions About Women and Its Impact On The Evolution Of Legal Discourse In India

Legal discourse regarding the gender equality in India developed under the shadow of prevailing assumptions about the women in Indian society. Therefore, the core question of this chapter is to analyse how the assumptions prevailing in the spheres of religion and society has influenced the development of civil law in India?

Law and Gender Inequality

Within a complex social, political and economic structure the demand of gender equality cannot be confined within a linear mould of granting uniform rights to women of all communities. A woman must be protected by her father in childhood, by her husband in youth and by her sons in her old age and she is not entitled to freedom is common knowledge. In the realm of patriarchal domination, women were treated as chattels and upon marriage dominion over them was transferred from the father to the husband within the confines of perpetual tutelage. A woman must be dependent upon the son in old ages. She should never be free.

Women in Religious texts

The Smritis were based on local and well-established custom and regarded the marriage as an external Sanskar. Marriage was mandatory to discharge the debt to one's ancestors, the debt of begetting offspring. It was also essential for performance of religious and spiritual duties. A wife was just not a Patni or Grihapatni but a Dharmapatni. Since progeny was the most important factor, a husband could procure wives for this purpose and could also appropriate the children born to institution of sonship to fulfil spiritual property devolution. Sita's ordeal by fire is an example to the strict sexual control that was affected. The modernity helped women

to loosen out this strict sexual control by getting women the right of divorce and property ownership.

Colonial State and the Question of Women

The much-acclaimed Sati regulation Act of 1829 was followed by the other legislations such as widow remarriage act 1856 and the Age of consent Act of 1860 and the Prohibition of Female Infanticide Act of 1872. These legislations focussed on the barbaric customs of the natives conveying an impression that the exception to the rule of non-interference in the realm of personal laws were for the benefit of women. There is a presumption that by incorporating the concepts of modernity into the native jurisprudence the status of women in India was alleviated.

A new legal principle was introduced through court decisions that whether the property is inherited by a woman by her relatives such as father, son, brother and through her female relatives such as mother, mother's mother, daughter and it is not her stridhana and that it would devolve on the heirs of her husband or father. The women lost the right to will or gift away their stridhana and it acquired the character of a limited estate. Any transactions by widow are respect of the property inherited by her had to be justified on legal necessity or religious or charitable purpose. Upon the widow's death, the property reverted back to the husband's male relatives.

The introduction of this concept of 'reversioners' which is basically the legal principle under the English law bestowed upon the male relatives the right to challenge all the property dealings by Hindu widows. The litigations against the widows were initiated by the husband's heirs. In significant number of cases following local customs, the lower courts upheld the women's rights. In 1868, in *Srinath Gangopadhyaya v Sarbamangla Debi*, the Calcutta High court held that as per the Benares school once a stridhana property devolves upon her an heir it loses its character as stridhana and devolves as per ordinary rules of Hindu laws. In another landmark

case the privy council held that the property inherited by the widow from her husband was not her stridhana.

The legal precedents set by the privy council became the binding rule of law and dealt as lethal blow to the property rights of Hindu widows as her decisions of the various high courts in the subsequent decade reveal. This principle was followed by the Calcutta high court in 1874 in *Gonda Kooer vs Kooer Gody Singh*. The widow had purchased property out of the accumulated income from her stridhana and pleaded that it should be considered as her stridhana. But following the rule laid down by the privy council, the Calcutta high court held that the property was not stridhana and hence she does not have the right to dispose of by will and upon her death it would devolve on her husband's heirs.

The courts also ruled that the property inherited by a daughter from her father is not stridhana. This principle was then extended to the property inherited by an unmarried daughter from her mother and later stretched to include the property inherited from all-female relatives sealing all avenues for the continuation of property devolutions in the female line. In 1879, while holding that the property inherited from the father is not stridhana, the privy council expressly stated that since this rule has been established by a series of decisions in Bengal and madras, a different interpretation of the old and obscure texts cannot be followed. The privy council said that the courts ought not to unsettle a rule of inheritance affirmed by a long course of decisions, unless it is manifestly opposed to law and reason. The court further adds that the rule is not opposed to the spirits and principles of Mitakshara.

In the first case, *Mussammat Thakoor Deyhee v Rai Baluk Ram* a childless widow Choteh Babee, despite being a purdah Nishan was an excellent business woman who managed her property well. The husband's heirs challenged the deed, inter alia on the ground that it was fraudulent and that she had no power of alienation over immovable property inherited from her

husband. The widow was competent to gift the property. The right of the widow to gift her property was not a disputed issue before the court. The court examined whether the gift deed was an authentic or a forged document.

The second case decided by the privy council in 1903, *Sheo Shankar v Debi Sahai* provides another illustration of the judicial trend. The woman had inherited the property from her mother. After her death, her sons claimed the property as heirs of the mother and grandmother and deprived their sister. The subordinate judge of Gorakhpur, on 07 December 1897 held that the property inherited through the female line was the woman's stridhana and hence her sons had no right over it. On appeal, the Allahabad High Court reversed the decision. This resulted in an appeal to the privy council. The privy council upheld the decision of the high court and laid down that the property inherited by a woman from her mother is not her stridhana and hence it will not devolve on her daughter who is her stridhana heir, but will devolve upon her son. Only the Bombay school which relied upon the local authority, *Vyavahar Mayuka* of Nilakantha Bhatta, which validated local customary practices of the region, provided a better scope for women's rights.

In one of the cases, *Navalram Atmaram v Nand Kishore Shivnarayan* the woman inherited property from her father. She died leaving a daughter and daughter's sons. Upon her death, her husband's brother took charge of the property. In a suit to reclaim the property, the trial court declared in favour of the daughter's son. On appeal, the assistant judge reversed the decree. On second appeal, the Bombay high court held that according to the usage of the caste and in accordance with Hindu law as interpreted by the authorities in the Bombay presidency, the daughter was an absolute heir to the property which the woman had inherited from her father.

While Hindu women were better protected by invoking the local customs in the Bombay region, the Muslim women's textual right to inherit property was defeated by upholding Hindu customs

and usages. The Muslim trading communities of Gujarat, the Khojas and Cutchi Memons, followed the local custom of coparcenary or joint property. After the death of the husband the widow claimed her mehr and her share in the property and challenged the validity of the will under the Muslim law. The issue before the court whether the couple governed by the Indian Succession Act or the Succession Law. If the couple was governed by the Indian Succession Act disinheritance through the bill was valid.

An interesting phenomenon during litigation seems to be for women to plead a non-Hindu status in order to protect their rights and for men within the family to implore her protection of the distorted smriti law. If the courts could be convinced that the community was ruled by either the Muslim law, the Indian succession act or the customary law the rights of women could be saved. The widows from various Jain sects pleaded their right to adopt a son to their deceased husband under a separate law or a local custom. But the custom could not be proved the level of legal validity and women lost their right of adoption as smriti law was applied to them. The existence could be proved of the custom of remarriages of divorcees and widows, the community was categorised as Shudra and hence the illegitimate sons were declared as heirs to the father's proper. The dispute could be confined between widows and illegitimate sons rather than its extension and reversioner.

During 1920's a large number of women entered the political arena. At their insistence, question of women's rights was placed within the political sphere of nationalist discourse. This resulted in enactment of statutes which seemed Hindu and Muslim women certain significant rights. During the debate of constitutional assembly, the mandate on equality provided the necessary backdrop for formulating women's rights. The issue of women's rights was coloured by political concerns of an emerging nation.

The Indian divorce act of 1869 was modelled on the matrimonial cases act of 1857 gave a statutory recognition to the matrimonial reliefs like restitution of conjugal rights, judicial separation and annulment which did not have any scriptural or customary basis in the Indian setting. It is significant at this historical juncture, the laws and customs regulating most lower caste Hindus and the Muslim communities provided for the dissolution of marriages. These dissolutions were not affected through adversarial processes but through community arbitrations and with the consent of the parties or their families after returning the gifts received from the other spouse. In communities practicing the custom of bride price, if the wife was seeking dissolution, she herself or on her behalf her father or her future husband would have to return the bride price. Among the Muslim communities, if the wife was seeking dissolution, she would have to forego her Mehr amount which was stipulated by her husband at the time of marriage.

The matrimonial causes act of 1857 made some dent into the concept of indissoluble material by providing for the dissolution of marriage under certain stringent grounds. The Parsis who were governed customary laws, demanded for a separate enactment to govern their marriage and succession. A statute was enacted to govern Parsi marriages and the principles of English matrimonial law were incorporated into this statute. Although the statutes governing Christians and Parsis were state enactments, since they governed family relationships they came to be viewed as religious laws.

Women could not form part of coparcenary and did not have even the national right of joint ownership. Women had the right to be maintained from the joint property and this was entitled to supersession fee an equal share of the property, which the husband gifted to the wife whom he married under legal obligation despite all her faults. To plurally set off the desirability suffered under the notion of joint ownership by male members, the Smitikars assigned a special

category of property to women they termed as Stridhana. What is obtained by married women or by a maiden in the house of her husband or her father, from her brother, husband and parents is Saudayika Stridhana. The Saudayika Stridhana could include immovable property. If the husband borrowed Saudayika money, he was under a legal obligation to repay it with interest. Women as widows, daughters and mothers were conferred a share in the family property. A custom of hailing over a piece of land to the daughter at the time of her marriage prevailed within the Madras Presidency. The area from this land was meant for the women's exclusive use which was her Stridhana and devolved on the female heirs and passed from mother to daughter. A custom of providing a piece of land for the daughter's personal expenses prevailed in the Maratha region of Bombay Presidency by the name Bangdi choli. A woman's right to one third of the property upon the husband's remarriage was also recognized within certain lower castes of Madras Presidency and termed as Patnibhagam. Practice of giving land to the daughter at the time of her marriage which is known as Katnun.

The main aim of the ancient rituals was to maintain the caste purity through a very strict control over women and their sexuality. Since the women of the lowest castes were relatively free from these notions of purity and pollution and were governed by a relatively lax code of sexual morality and women held a slightly higher social status. The women of lower castes worked and contributed to the household and hence were not totally dependent upon their men. Most lower castes practiced the custom of bride price (kanya sulka) where the father of the girl had to be compensated for the loss, he suffered by the marriage of his daughter. Marriages among the various lower castes were less sacramental and more contractual. The ritual of satpanpadi (seven steps round the sacrificial fire which is essentially a Brahminical ritual) or kanyadan did not prevail among these communities. The prohibition to divorce and remarriages of widow and divorces existed only among the communities who emulated the Brahmins in order to rise in social scale.

The women's share under the Islamic law of inheritance is not equal to that of her male counterpart. She is entitled to half the share of her male counterpart. The man had to provide the mehr for the wife and bear the marriage expenses of unmarried daughters and sisters from his shares of inheritance. The women were excluded from such encumbrances. Women's rights became highly contested issue within the discourses of national identity and plea of the reformers met with a great deal of hostility from the conservatives. For example, Muslim husband's right to polygamy and triple talaq is known to the common man in every street corner. Islam introduced the revolutionary of contractual marriage and provided the wife with a unique right of Mehr as a restraint upon the husband's power of arbitrary divorce and further that the Muslim law protects female heirs by restraining the male power of test succession is confined to academics. The polygamy of Muslim male would lead to an increase in the Muslim population and threaten Hindu society and provide the bases for the enactment of a uniform civil code within a culture of aggressive majoritarianism.

The prophet converted the custom of bride price of tribal Arabia to Mehr which would be a future security to a married woman. In an era of unlimited polygamy, the Prophet restricted the number of wives to four with an injunction that each wife be treated with equal dignity and affection. Islam was the first legal system to grant women the right to inheritance. According to the provisions of Islamic law of marriage and succession marriage is a civil and dissoluble contract. This is in sharp contrast to the principles of Christianity and Hinduism where marriage was traditionally viewed as an indissoluble sacrament.

However, the legal discourse did not solve the questions and problems of women completely as a result such questions rose up in the literature in the form of fiction and movies. In the following paragraphs, this research discusses such important works produced by the Indian feminists.

Remarkable text of colonial times, 'Tarabai Shinde's, Stree Purush Tulana

Tarabai Shinde's essay *Stri-Purush Tulana* is an attack on the dominance of patriarchal society. The author was married at young age and her marriage did not prove to be successful. Her text reflects her frustration of being a sufferer in the hands of men. Shinde explains some arguments that are against women and followed by society and then rejecting them on logical grounds justifies the innocence of women, thus vesting the blame on men. She is not only frustrated by the men in the world but with the Gods as well. Tarabai's questions the sheer discrimination that was meted out to girls and women that ranged from no right to education to exclusion of widows from any rights and attacked the manner in which society and media perpetuated these discriminations. In this work, she asked why such dual standards existed for men and women and shared that she had to write and put forth her views to stop treating all women as if they had committed a crime and making their lives a living hell because of it.

Tarabai Shinde raises the question of the just rule of Gods. She says that Gods have given every kind of happiness to the men only. On the other hand, He deprived women of all these things and made them sufferer throughout the ages. She asks how He can forget His creatures (women) after creating them. A woman has no particular identity of her own. She is considered to be a material being. Sins of women are considered to be worse than the blunders of men. Even a little mistake on the part of women can lead to her disgrace in society. Her Arguments against Men & Defence of Women.

1. First, women are accused of witchcraft. She says that men have more intellect than that of women so they commit deeds worse than witchcraft.
2. Second, women are considered to be suspicious. However, it is so because they are uneducated and thus all kinds of doubts arise in their minds. On the other hand, men, in

spite of being educated, have minds full of treacherous ideas. They do every wrong deed to meet their ends. Such ill wills never arise in the minds of women.

3. Women are considered to be arrogant. However, if examined justly, it will be found that men are more arrogant.
4. Women often commit mistakes. However, men commit every crime without hesitation. Though men are educated, the prisons are mostly filled with men and not women. The greatest crime, according to Shinde, a woman can commit is adultery. However, it is the man who fills in her mind such things and encourages her to do so. Even in Shastras, it is written that a widowed queen can beget sons from a rishi but cannot remarry. Moreover, a woman does never get the inheritance from her father. Women are considered to be narrow-minded and mean. However, men are meaner and pretend before their officers for promotion.
5. Women are considered to be the violators of social norms. However, their condition makes them so. A poor father marries his daughter to an old person because he is rich. After his death, she becomes helpless. On the other hand, rich parents marry their daughter to a poor man who lives at their home only. However, a girl never likes him for his low birth. How she can be happy with him. Moreover, a poor man considers his wife to be everything for him but when he acquires money, she becomes useless for him.
6. Women are considered to be fraudulent. However, men are more deceitful. They become Babas and show off their religious devotion but in reality, they do their best to extract money and lead a luxurious life. Evil always roams their minds.
7. Women are beautiful and thus males are attracted towards them. But it is not their fault. Shinde tells how in movies a woman is portrayed wrong having the ill mentality. Media,

today, has also been promoting social inequality by proving the incapability of women in society.

8. According to Shinde man entrap a beautiful girl by praising her and assuming his love for her eternal and of the spiritual kind. Innocent girl agrees to all this and gives her soul and body to him However when a girl becomes pregnant the so-called spiritual love of men seems to vanish. Now she is useless and characterless. Tarabai Shinde holds that these differences and inequalities are not created by our society but media, as well as the religion, is equally contributing to it. The views presented by Shinde are for all women. If one goes deep into the matter, one finds that women have been suffering not only because of gender but also being of race or poverty or illiterate society etc. In every society, the woman is subjected to some kind of discrimination. Hence not only our society but everything on the earth, be it media or literature everything has promoted gender inequality and thus Stri Purush Tulana by Shinde is a reaction to this inequality. (Shinde, 1882)

Women's Question in Independent India

There is a general assumption that the Hindus are governed by a secular, egalitarian and gender code and this code extended Muslims to liberate Muslim women. The judiciary has contributed to reiterate Hindu that have forsaken their personal laws and are governed by a common code. This misconception forms the basis of demand for the uniform civil code. The veracity of this code was scrutinized. Since the political impediment to reform Hindu law was grave, several balancing acts had to be performed by the state while reforming the Hindu law. Crucial provisions empowering women had to be constantly watered down to reach the level of minimum consensus. While projecting to be pro-women, male privileges had to be protected.

While introducing modernity, archaic Brahminical rituals had to be retained. While upsurging the power exercised by religious heads, needs of emerging capitalism had to be safeguarded. The daughters had equal rights only in the separate or self-acquired property of their father. But the daughters could be deemed a share even in the separate property by throwing the property back into the common stock using the doctrine of blending or by forming new coparcenary.

The enactment of 1955 did not grant Hindu women the right of divorce by mutual consent which had already introduced under the special marriage act in 1954 as it was considered too radical for the conservative Hindu society. Women from conservative societies were deemed to be progressive, liberated and economically advanced so as to provide maintenance to their husbands. Despite the social reality a large number of women are engaged in unpaid domestic work and among those who are engaged in wage labour, a significant percentage are in low paying jobs or in the unorganised sector. While women are burdened with the responsibility of maintaining the husband under a modern concept of equality, the courts continued to undermine a woman's right to retain her job against her husband's wishes.

Constitutional Debates

Although it was claimed during the parliamentary debates that Hinduism is not a religion but a conglomeration of culture and the act transformed the Hindu marriage from status to a dissoluble contract, the form of solemnising the contract remained Brahminical and scriptural with Saptapadi that is seven steps round the sacred fire and Vivaha homa the sacred fire as its essential features. But within the pluralistic society, the act also had to validate diverse customary practices. But the notion of a valid custom remained stipulated.

A new section that is effect of marriage which could have spelt out concrete matrimonial rights, deals only with irrelevancies like change of surname after marriage, a provision which is not found in any matrimonial statute and is based only on custom and tradition with wide regional variations. As per the stipulations of the draft, a change of surname after marriage seems to be mandatory and the claim to women's liberation lies in an absurd notion of granting the spouses the freedom to use the surname of either of them.

The stipulations of compulsory registration seek to modify the existing legal position under the Hindu law to the detriment of women's rights. The provision seems to step from a concern to curb bigamy by providing for valid proof of marriage and to this extent is defended as beneficial to women. In reality the suggestion is extremely short-sighted. The fact that a far greater number of women are likely to approach the courts for maintenance than for a criminal prosecution in cases of bigamy and maintenance is of far more crucial importance to women than penal provision of bigamy is seemed to have escaped the notice of drafters.

While granting women in void marriages a right to maintenance is beneficial and the provisions of granting husbands a similar right of maintenance under the concept of formal equality would open new avenues of harassment in matrimonial litigation and will saddle women with unwarranted encumbrances. (Agnes, 1999)

The availability of opportunities for the career progressions of women continues to be negatively affected by gender stereotypes which shape managerial behaviour in the workplace. Gender discrimination still continues to exist in the society. Gender stereotyping exists in the provision of equal opportunities in workplaces. Women continue to experience high levels of pressure from their jobs and have been experiencing high levels of mental ill health when they are at their best level of leadership in male dominated industries. They fear to perform certain roles under male dominant society. In spite of having a great extent to business

entrepreneurship, they are not considered as potential successors in business. This attitude of traditional threat poses a serious impact on their career progressions because they are not allowed to seek work outside their household or are not allowed to interact or communicate with persons outside their family. Therefore, the impact of gender stereotyping on women is irrespective of the level of position on women who belong to an organisation. (Nayak, 2021)

The Separate Question of Dalit Women

It identified the necessity to recognize difference among women and Dalits. Mangala Subramaniam points out that assertion of the Dalit women's experience through the forum of their organizations drew the attention of mainstream feminist activists and academicians and led to a major debate on the plurality versus unity within the women's movement. It is important to note that in the Indian context, the Shah Bano case in 1985 created an environment for different feminist perspectives to grow. However, they were not always perceived favourably by mainstream Feminism. Dalit women's organizations unveiled the discrimination of Dalit women by Dalit men and the difference among women based on caste which had so far remained unrecognized by mainstream Indian Feminism. The emergence of Dalit women's organization, therefore, challenged the universality of woman and Dalit by highlighting the specificity of the category of Dalit woman through difference. In case of Indian Feminism, despite mentioning difference it has not always engaged with intersectional identities.

With a brief exception of community Feminism in India continues to remain caught up in difference of sexes rather than unequal patriarchies that are responsible in creating and perpetuating hierarchies among women of different classes, castes and communities. Instead of rejecting intersectionality altogether, it needs to be utilized as a method to interrogate existing identities and politics and to forge solidarity. Swaroopa Rani notes that Dalit women are cruelly humiliated in public places and they face domestic violence and physical problems. She

classifies Dalit women's oppression as Brahmanical and patriarchal. She challenges the democratic aspect of Dalit community by pointing that a Dalit man carries out the oppression within his own limits.

Dalit patriarchy not only exists in a powerful form, it often operates from within while keeping itself veiled under the larger notion of the Dalit as a singular, fixed category where caste becomes the only determining factor of analysis. The bifurcation of identity, in gendered terms, arose in India during the colonial period with the social reformist agenda of fashioning the new woman who would become the role model of modern, independent, non-Western, nationalist India.

The order of gender as J. Devika puts it, was projected to be an ideal social ordering maintained through clear demarcations between gender roles. Men were posited in the external realm of the public, political, economic, and intellectual, and women were supposed to assume the role of an efficient homemakers and true partners of the men. In order to maintain this natural binary, women's education aimed to develop a modern individual who would be able to conform to the idealized modern gendered subjectivities. The modern women, culled out of the traditional order and created to be free from bondage to tradition, were to exist as the guardians of the home and heart in a relation of complementarity with Man.

The prevalence of ideal womanhood as equated to restricted domesticity, therefore, naturally devalued the lower-class lower-caste women, who participated in work outside their house, as 'impure' and 'inferior.' The new woman was quite the reverse of the common woman who was vulgar, loud, quarrelsome, devoid of superior moral sense, subjected to brutal physical oppression by males. It was precisely this degenerate condition of women which nationalism claimed it would reform and it was through these contrasts that the new woman of nationalist ideology was accorded a status of cultural superiority to the westernized women of the wealthy

parvenu families spawned by the colonial connection as well as the common women of the lower classes. Dalit Feminism provides an important lens to view whether or not they include representations of Dalit women, thereby leading to new ways of seeing that foreground the intersectionality of caste and gender.

As an intersectional standpoint, Dalit Feminism looks at how the systems of caste and gender function intersectionally. The focus on the process and functionality of systemic oppression expands our understanding of how these systems operate in other instances as well. As a standpoint, Dalit Feminism, while based on the knowledge of caste-gender intersection that emerges out of the experiences of Dalit women, does not restrict its conceptual understanding only to Dalit women. (Pan, 2021)

Women and Mainstream Cinema

Lipstick Under My Burkha (2017) narrates the stories of four women living in the same neighbourhood whose dual lives reveal their oppression by patriarchy and their resistance to this oppression. Their real and socially-recognized lives are shown to be governed by patriarchy as the elderly woman, Usha Parmar takes on the garb of the asexual buaji. Shirin Aslam is subjected to her husband's sexual aggression, Rehana Abidi's behaviour is governed by her parents, and Leela is headed for an arranged marriage. At the same time, these women also have their fantasy lives where their dreams are represented through the narrative of Rosy, the heroine of an erotic pulp fiction novel that Usha loves to read in secret.

This novel portrays their hidden hopes of falling in love, expressing sexual desires, fulfilling their goals, which are partly enacted through their secret second lives as a woman involved in phone-sex, a salesperson, a teen rebel, and an aspiring entrepreneur. At the end of the film, the four women, after being rejected and reprimanded by their families and society, are seen to

experience a sense of sisterhood based on their share experiences of patriarchal oppression as well as a shared moment of resistance.

Legal discourse needs to take into consideration such questions raised in literature, movies and in the academic discourse.

Chapter- III

Understanding Gender Assumptions and Its Role In Strengthening Stereotypes

In this chapter, the general assumptions related to women are discussed. Though at the outset these assumptions appear simple and harmless, such assumptions strengthen the stereotypes against women. To give an example of common sensical attitude giving rise to strengthening of stereotype against women is the sexual division of labour. Women do most of the work when they are looking after the family. Even though the women spend more time on domestic tasks than the men they are typically not doing traditionally feminine chores like cooking and cleaning. Household work is considered as women's work. Women do more of such work when they live with men than when they live alone. Even though men spend more time on domestic task than men of previous generations. They are not doing traditionally feminine chores like cooking and cleaning. Women are often being judged for having a messy house and undone housework. The additional time that women spend on unpaid household labour is a root of gender inequality as it influences how men and women relate at home and how much time women spend on paid work. Women spend 2.3 hours a day on house tasks and men spend 1.4 hours. Even when men say they split household evenly, women do more of these kind of work in office. Mothers married to men did more housework than single mothers, they slept less and had less leisure time. Even though men who live in cities spend less time on outdoor chores than the suburban or rural men and they do not spend any additional time on other kinds of chores. Women spend the same amount of time on chores regardless of where they live. One way to be masculine is to do typically male chores and the men agreed to refuse to do typically female ones. The stereotype starts with the boys at home. Time required for household chores and caring for the family is one of the most important factors in the conflict coming from the family sphere especially in families with children. (The Times Of India, 2018)

For this research, some common assumptions related to women are identified and respondents are asked to provide their opinion on these assumptions through the questionnaire. These assumptions are identified analysed through the scientific lens.

Understanding General Assumptions About Women

1. Women don’t know how to drive!

It is generally assumed that, there are some things a woman can do better than a man and some things they cannot do. Driving is one of them. This is a general assumption prevailing in society. To test this assumption, respondents were asked if they consider women are good drivers or not.

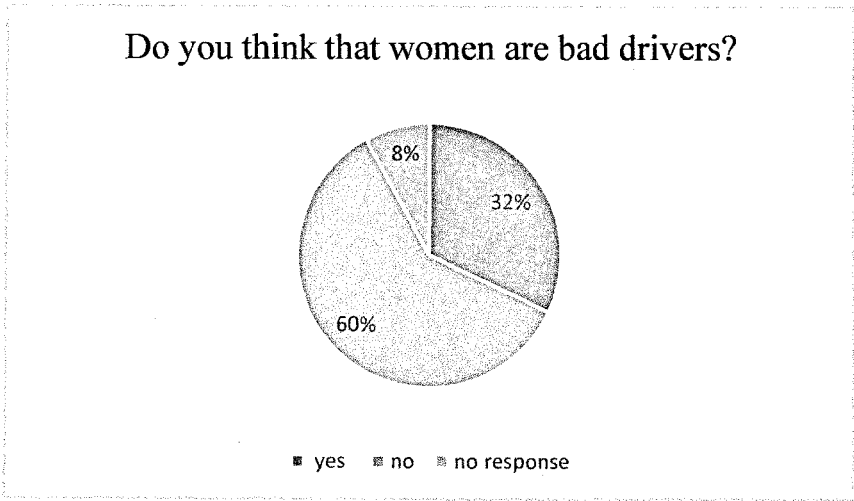


Fig: 4.1

32% of the respondents considered that women are bad drivers whereas 60% of the respondents disagreed with the assumption that women are bad drivers. The result of the survey has shown that the positive results have come in the society. Thus, it can be said that there are good drivers and there are bad drivers, regardless of sex. Driving is a skill set that can be learned irrespective of gender and it requires a level of concentration, focus and knowledge of the automobile and driving rules and regulations. There are men too, who are not good at driving.

Also, research in most countries defines that woman are better drivers than men. Women drivers generally do not tend to over speed. Most women drivers are less involved in accidents. Women tend to always wear helmets and seatbelts while driving. They have a longer attention span than men. Men may find it irritating those women drivers while overtaking will wait for ages till the road ahead is absolutely clear and will then leave a wide space between them and the vehicle being overtaken. The mounting frustration ends in mockery and anger. Driving requires strength and women just as capable as men.

2. Women are more into gossiping.

This assumption is attributed to women because most of the women in the earlier times were housewives. They were therefore seen as the one who gossip more, since they do not have other work to do. As women moved from being less housewives and being more working women the amount of social gossip in the neighbourhood went down significantly because less time could be spent. However, to test if this assumption about women still prevails in society or not, following question was asked to respondents.

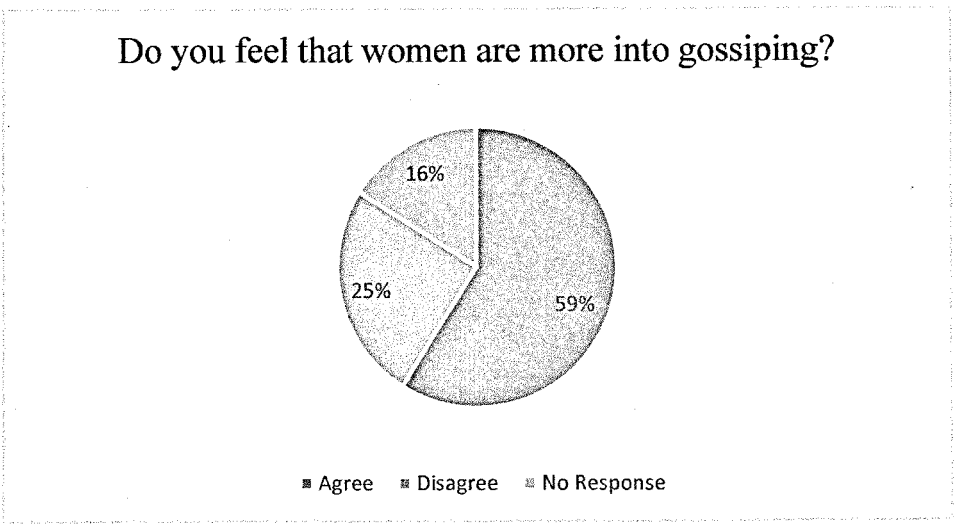


Fig: 4.2

59% of the respondents agreed that women are more into gossiping, 25% disagreed with the assumption whereas 16% have not given any response. It proves that the society's assumption about women has still not changed. Though, gossiping as habit may be gender neutral still it is attributed to women. This certainly lowers her status in society and strengthens stereotypes against women.

There are some intelligent and educated women who talk about life, work, clothing and new fashion. Women are better in expressing their thoughts in a clear manner but at the same time they are engaged in the gossiping about others while having some conversation.

3. Does having a boy child comforts the parents?

Though we may claim that the world has changed, the declining sex ratio is the cause of concern. Which shows that in the contemporary times too boys are prefer more than the girls. To test the assumption following question was asked to the respondents.

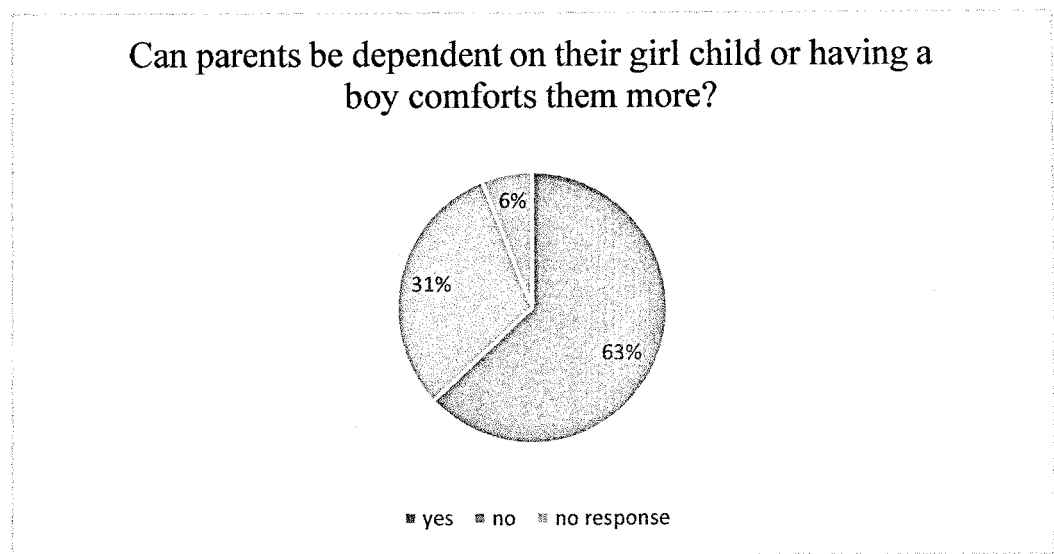


Fig: 4.3

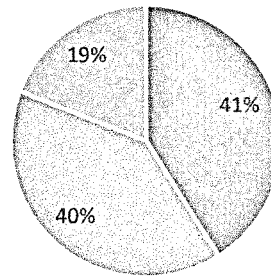
63% of the respondents agreed that having a boy child comforts parents, 31% disagreed with the assumption whereas 6% did not give any response. Though in contemporary society, a girl

child may also be treated equally but having a boy comfort parents more. Some of the reasons for this maybe it is believed that men are considered stronger mentally and physically accepting responsibilities than a woman. Also, the parents with the male heir tend to less worry about prestige. As the honour and prestige are associated with the girl than a boy. If a girl elopes with a boy, then the girl becomes characterless. If a boy elopes with a girl, it is again the girl's fault as she encouraged him to do such a crime. Right from the birth if it is a girl then her parents should be prepared to spend for education, growth, dowry, marriage and all other ceremony that involves their daughter. Rising instances of rape and violence against women also scares parents having a girl child.

4. Women passively vote because they have more trust on their husband's political decisions

Indians believe that women are political leaders and they favour traditional gender roles in family life. A wife must follow her husband. When it comes to voting and taking decisions whom to vote, women always think and ask their husbands whom to vote because they trust more on their decision that it cannot be incorrect. She has trust on her husband and accordingly she is always being a good listener and a good moderator. She believes that her husband knows about politics and that he can guide her in terms of any political decision.

Women passively vote because they have more trust on their husband's political decision



■ yes ■ no ■ no response ■

Fig:4.4

One of the above assumptions often labelled about women is that women passively vote because they have more trust on their husbands. To test this assumption, the above question was asked to the respondents. 41% of the respondents agreed that women passively vote because they have more trust on their husband's political decision, 40% disagreed with the assumption whereas 19% of the respondents did not give any response. This show that, women are seen as someone incapable of taking her own decision. However, since there is only one percentage of difference between those who agreed to this decision those who did not agree, nothing can be definitely argued.

5. Do single girls of marriageable age feel that they should have had a brother to take the responsibility of their parents?

While discussing the assumption about women it is also important to discuss the societal constraint in which a women work. Does a single girl child find it easy to take the responsibility of her parents once she is married? As girls change their home after marriage y leaving her parents' house. Since in majority of the cases she lives with her husband's family, opinion of

her in-laws' matter if she needs to take the responsibility of parents if she does not have a sibling especially a brother. Therefore, the following question was asked to the respondents.

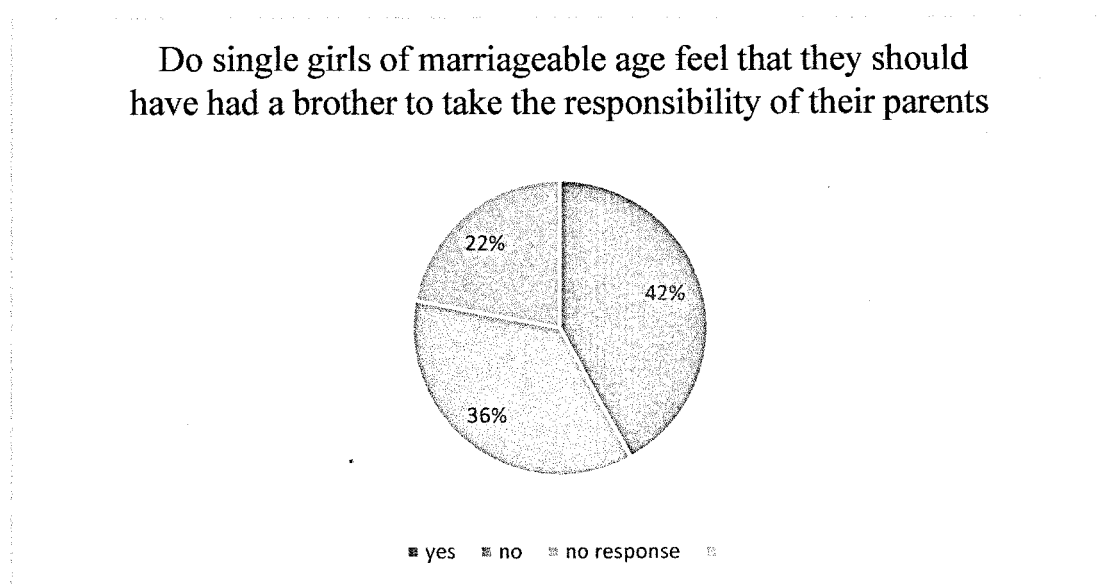


Fig:4.5

42% of the respondents agreed that in a family of a single girl child, when a girl reaches the age of marriage, she may feel that if she had a brother then she would not have to worry about taking responsibility of her parents. Since, the societal mind-set has not changed, girl worry if she doesn't have supportive in-laws, it becomes difficult for her to deliver her responsibility towards her parents. However, this is not to say that having a male child secures the future of parents. Many instances often occur in society where even a parent of 3 or 4 male child are abandoned by their kids.

However, not having a brother result in building of some kind of pressure upon a female child especially if her in-laws or husband are not supportive and also if she is not economically independent. Gender stereotype creating problems in the progress of women

6. Is the lack of physical activity due to automation of domestic work is responsible for rise in diseases among the women?

Another general assumption about women is that the reason for the rise in diseases among women is lack of physical activity performed by her in the modern world.

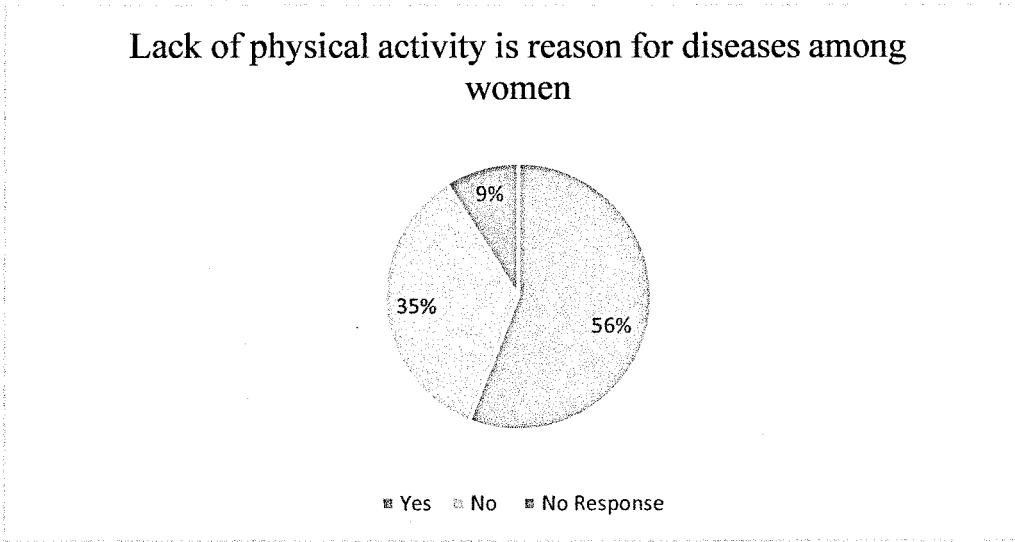


Fig:4.6

56% of the respondents agreed that lack of physical activity is the reason for diseases, 35% disagreed with the assumption whereas 9% of the respondents did not give any response. There are some other reasons for the rise of diseases among women other than the automation of domestic work such as rise in the ‘double burden.’ Modernity has not brought any remarkable change the sexual division of labour. Some work is identified to be done by women only. Modern women suffer from professional burden and domestic work. She has to juggle between the two tasks which is referred as a double burden. This increases the level of mental stress experienced by women and mental stress is one of the reasons for the rise in diseases among the women. Also changes in lifestyle pattern increases the environmental pollution. Diseases have increased among both men as well as women. However, stereotypical mind set of the society selectively highlights the problem in order to oppose the possibility of progress among the women and confine her to the traditional roles allotted by the society.

7. Women are more emotional than men

Another assumption levelled against women is to highlight her emotional side more so as to justify her marginality. To test this assumption, the following question was asked to the respondents.

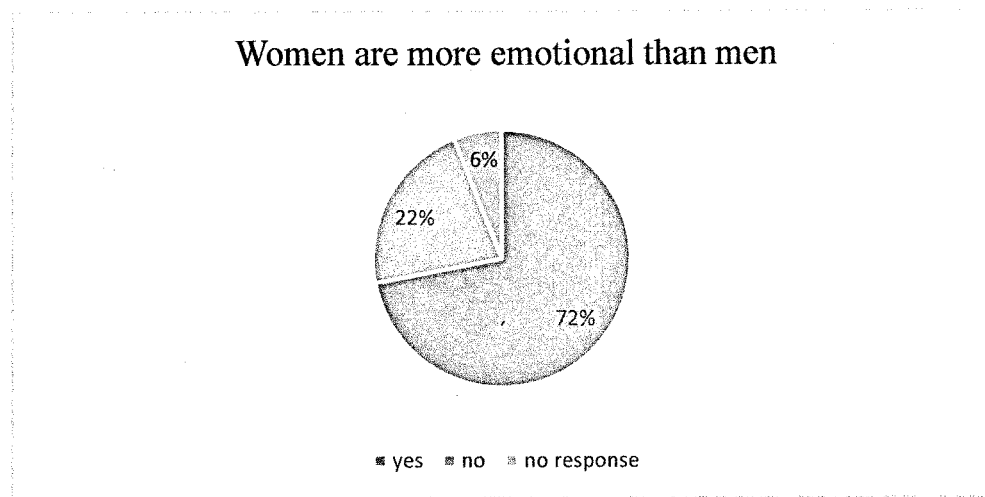
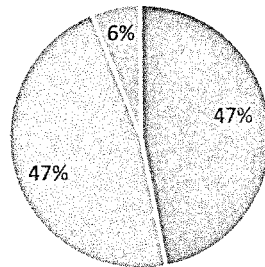


Fig:4.7

72% of the respondents agreed that women are more emotional than men, 22% of the respondents disagreed with the assumption whereas 6% of the respondents did not give any response. This reason is increasingly used to deny the women the task of responsibility. These assumptions get transferred into the market society as well. These can be seen in the division of work in market society. The jobs where the emotional or soft side are sought such as teacher, nurses, receptionist etc in such jobs women are employed whereas the tough jobs like that of the engineers, doctors, pilots etc are taken by the men.

8. Seeking men's help for obtaining a sense of security

Women need men either as husband, brother or father as a sense of security



■ yes ■ no ■ no response

Fig. 4.8

These assumptions spring from the past. To test this assumption, the above question was asked to the respondents. 47% of the respondents agreed that women need men to secure them, 47% disagreed with the assumption whereas 6% of the respondents did not give any response. Nothing can be argued confidently owing to the equal number of responses on both sides.

9. Need for women to be more matured than men.

In a patriarchal society, it is expected that women need to be more matured than men in order to run the family affairs smoothly. To confirm this assumption the following question was asked to the respondents.

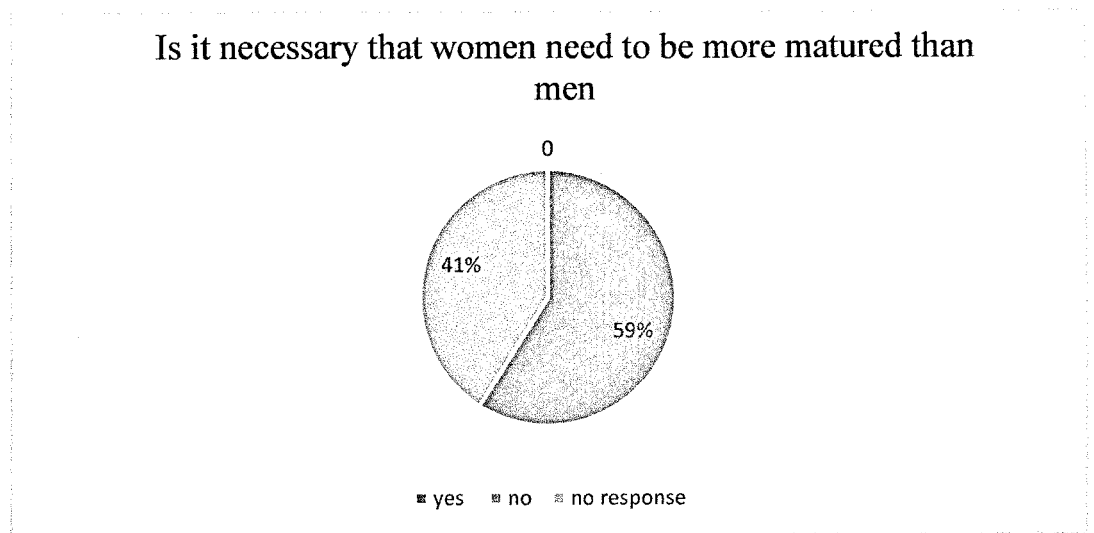


Fig: 4.9

59% of the respondents agreed that women need to be more matured than men, 41% disagreed with the assumption. The rationale behind this is that the anger as a quality is attributed to a man. So, if men get angry, it is expected that she should show patience and keep quiet. Also, since the domestic arena are looked after by women maturity helps in maintaining peace in the household.

Thus, the responsibility to maintain peace and enhance productivity in a family is often put on women. This also puts lots of pressure on her mentally and physically.

10. Taking care of family is the important responsibility of women than her career

Working women often juggles between the family and professional life. It is believed that taking care of the family is the important responsibility of women than her career. Therefore, in private sector sometimes women even leave their jobs to take care of her children. If a woman concentrates more on her career than family then she is sighted as an example of selfishness.

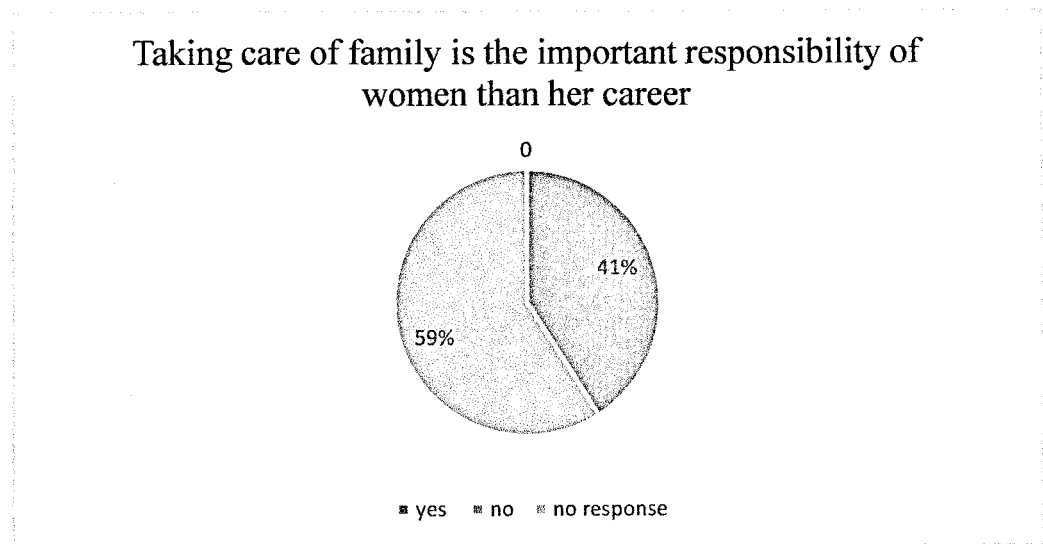


Fig:4.10

59% of the respondents responded that taking care of the family is not only the responsibility of women whereas 41% agreed that it is the women's responsibility to take care of the family and she should concentrate more on family than her career. Thus, the survey results shows that the mind-set of society has changed.

11. Does a consent of a girl matter in marriage?

In earlier times, consent of a girl for marriage was rarely given any attention. So, in order to know if any change in this has come over a period of time or not, following question was asked to the respondents.

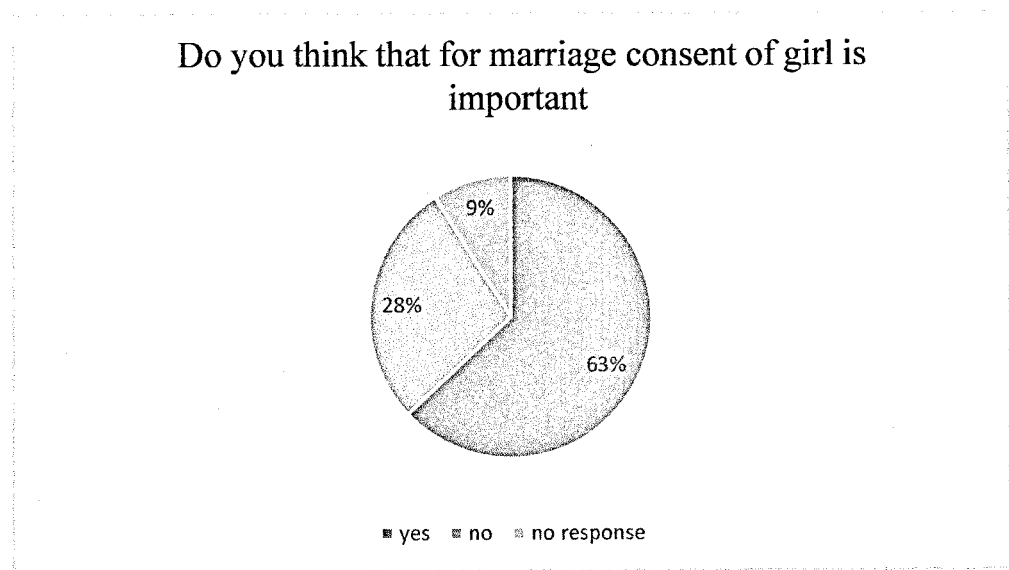


Fig:4.11

Nearly 63% of respondents have agreed that the girl's consent is of utmost important in the matters related to her marriage. 28% disagreed with the assumption whereas 9% of the respondents did not give any response. The respondents claimed that it is very important to take consent of girl for marriage after all it is the life of the girl and she has to take the right decision. It is an understanding between two families and she should be able to wisely occupy her position in the unknown family. Girls should be made aware of the rights that they can choose either or reject it. Thus, one can notice that a remarkable change has come in society's opinion regarding the consent of girl for marriage.

12. Are women manipulative than man?

It is often believed that women are manipulative compared to man. Women are always considered as manipulative compared to men. As it is believed that they try to manipulate mainly through expressive words or through gestures. The following question was asked to the respondents to confirm this assumption.

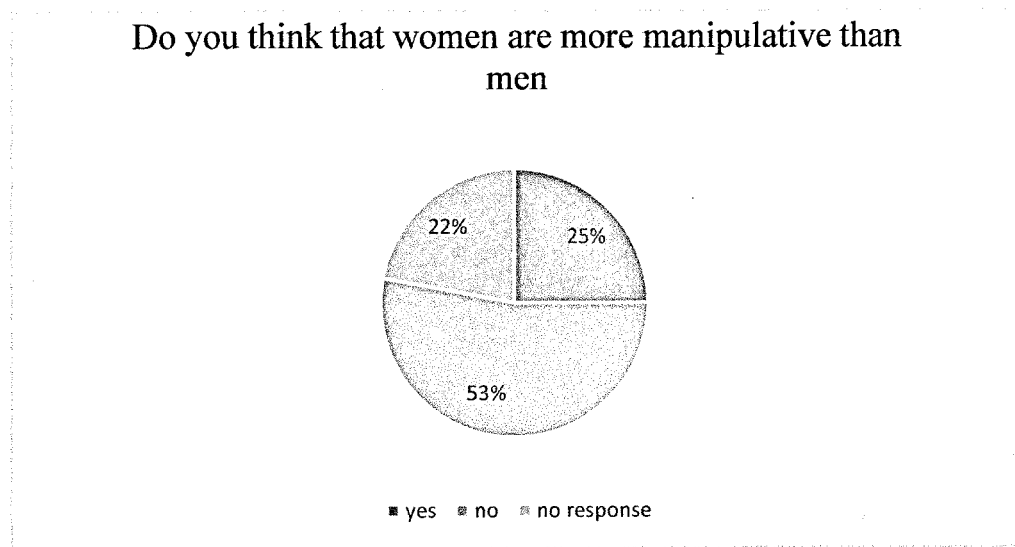


Fig:4.12

53% disagreed with the assumption that women are more manipulative than men, 25% agreed with the assumption whereas 22% of the respondents did not give any response. The result of the survey shows that women this assumption does not hold ground in society.

13. Can covering a body with clothes prevent instances of rape?

One of the justifications given for the rape is a dressing style. To test this assumption following question is asked to the respondents.

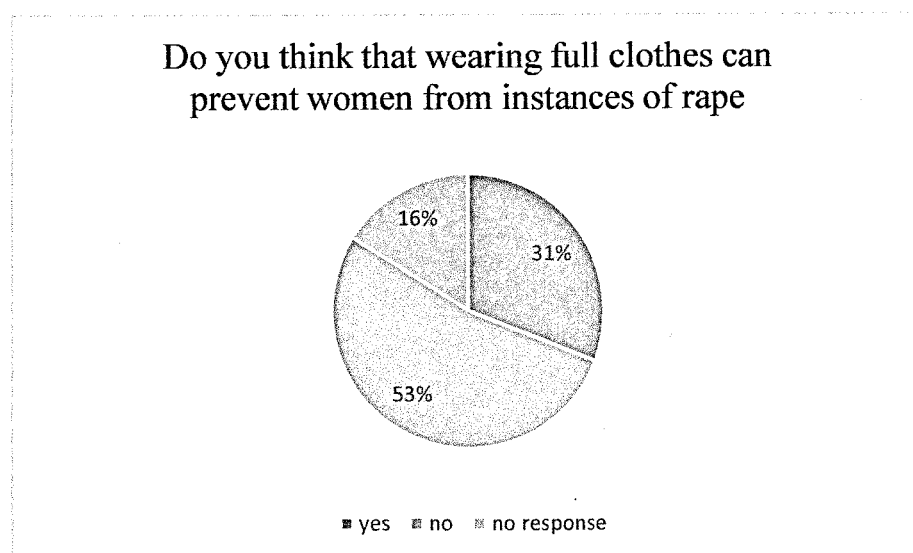


Fig:4.13

53% disagreed with the assumption that pardah system or a wearing full clothes can prevent the women from the instances of rape, 31% of the respondents disagreed with the assumption, whereas 16% of the respondents did not give any response. Thus, it shows that the respondents believe that the rape can take place irrespective of dressing style.

14. Does a religion matter in deciding the status of women?

What is the role of religion in deciding the status of women is a question needs an academic enquiry. Therefore, the respondents were asked as women belonging to which community, they find most vulnerable?

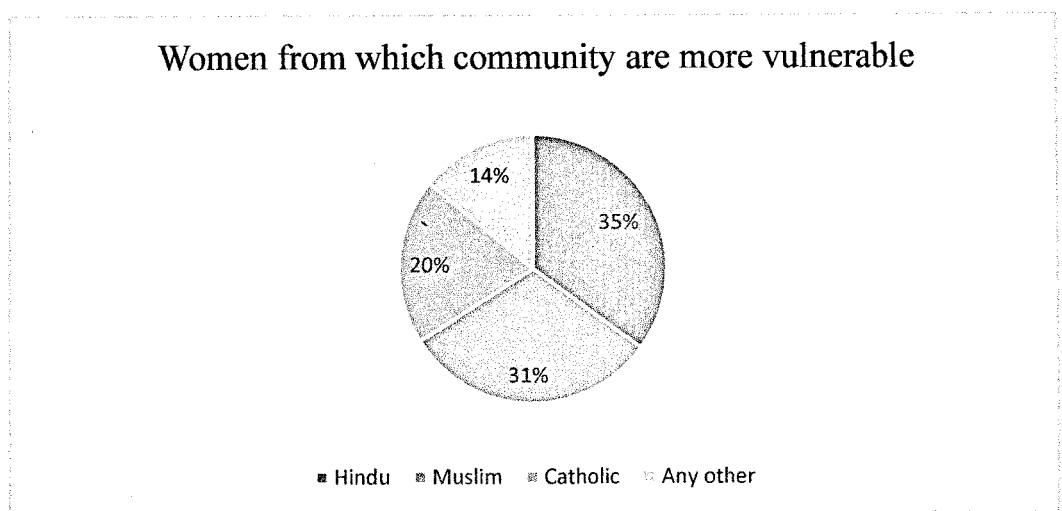


Fig:4.14

35% of the respondents agreed that Hindus women is more vulnerable. 31% of the respondents agreed that Muslims women are more vulnerable and 20% of the respondents agreed that Catholic women are more vulnerable. The mixed responses were received from the respondents. The reason for considering the Hindu women vulnerable is the prevalent social practises in Hinduism such as practise of untouchability during the menstruation. Reason for considering Muslim women vulnerable is again religious and cultural practises such as wearing

burkha. In Catholicism there are no such cultural discriminatory practises, but reason for her being labelled as vulnerable is the practise of wearing short dresses prevalent among the Christian women which stereotype her as characterlessness. This is the important reason for considering Christian women vulnerable.

Conclusion of the quantitative survey data

Various assumptions about women got confirm through the survey such as prevalence of the habit of the gossiping among the women, parents feel a level of comfort when they possess a male child, inability of women to take a political decision, feeling among the girls of marriageable age to have brother so as to take care the responsibility of her parents, women being more emotional than men, lack of physical activity being responsible for the spread of diseases among the women, feeling a sense of security when surrounded by a men and need of more maturity among the women. This assumption turns into the expectation putting a lot of burden which then harm her mental and physical health.

However, survey have also revealed a change in the attitude of the society in many aspects such as consent of a girl being the prime requirement for marriage, no connection between the nature of dressing with the instances of rape, consideration that women can be also a good driver, no need for a woman to focus more on family and less on career. In some respect, survey has shown that things are changing while in many other respects no definite change could be identified. Thus, the result of the survey is mixed and confusing. Does this mean that the society's attitude of looking at women has changed? This question has bothered me, therefore in order to go into depth of the matter, I decided to employ ethnography. My employment of ethnography starts with auto-ethnography.

Analysis of auto-ethnographic data

To conduct the auto-ethnographic research I selected eight women based on their level of education. I conducted an in-depth interview with my respondents. Following were the findings of the interview.

The purpose behind taking this as my dissertation topic is that I wanted to study and look how women are treated as unequal or rather as inferior. There are many assumptions about women and the society is under an impression that we do not understand and are not concerned about. This is how the society creates assumptions about women and we see different instances every day.

Once such instance I recollect while my neighbour tells her daughter that not to look at a widow's face when you get up early in the morning and for the simple reason that her work may not be done. Being a woman, she doesn't understand another woman is very shameful, weird and absurd. It could have been fine if an illiterate does that but literate doing this is shameful. Women are treated as weak and cannot do anything. But we don't look at her sacrifices. A woman is considered as a caretaker of the house. Why don't men help woman in doing the work. Men need rest after doing long day chores but why it is not for the women? She sacrifices her sleep being so restless and sleeps late at night, sacrifices her time and her potentials.

Women have become more modernized and changed the living lifestyles be it in terms of using technologies and become more familiar how to use and we cannot claim that woman is backward in such things.

Many of the old women still practise old traditions and norms such as that of menstrual cycle. I always see my aunt who is very strict when it comes to menstrual cycles and that the girls should be staying in a separate room for the first two days. Unknowingly I happen to visit her

place when it was my second day and she scolded me and said the house became Ashudh and made her house empty from spiritual blessings. Being a girl, I had to keep silent. Same way the Hindu women are prone to these types of things. She has to sacrifice and at the same time listen to many things. Women dress up in such a way that is attractive and most astonishing for men and therefore they compliment. But the compliments should not be such that it hurts her sentiments. A woman is sexually harassed at workplaces or in society. I had seen my cousin sister who was sexually harassed by my neighbour. Women are considered as a matter of fact for men and that is the reason, they try to comment them. Whenever a girl has a conversation with her friend the society has a different connotation about it and feel that she is characterless. But it can be a different scenario. Sometimes she gets into domination of boy and therefore society calls her as a weaker sex. These were some instances showing assumptions about women in society.

Respondents shared their life experiences in the interview. Some of them faced problems after marriage and had gone through domination by their families. While some others led good lifestyle with no domination but had struggles. One of the respondents whom I interviewed faced domination from her mother-in-law as she was very strict and rule bound. She treated her like her footwear and never gave her respect. She bit her and creating an atmosphere of violence. One of the respondents said that he never faced social discrimination and being a girl, she was accepted by her family.

Many of them went through discrimination and were treated badly at home. One of the interviewees shared her experience saying that her father always was upset of having four daughters in house and his neighbour had a son so he always appreciated that. She was depressed by this fact and started to be strong and looked after the family. She was not guided by anyone and stood by herself and achieved to a level she is doing better. Her father has

sustained to the fact that girls can do anything. Some of them were not supported by their family members. Nobody guided them. The families said that being a girl she will not do anything great in life. But these stayed as unnecessary remarks and they all are doing well in their life.

On menstruation

Many people had different views about menstruation cycle. They were of the view that whenever a woman is on her menstruation cycle, she should take rest for at least first three days that is because it is a heavy flow and it leads to tiresome not a harm. Men should help their wives by doing household chores when women are on menstrual cycle. But when it comes to scientific reason it follows a strategy of having a different perspective such that of if somebody dies then it affects the soul of the dead body. Some of them were of the view that their in-laws always tried to trouble them and because of that they had to shift and started living separately. One of the interviewees, shared her past experience when she was younger. Her grandmother got Bhar and because of which she had to strictly perform pujas and abstain from touching and performing pujas during menstruation. She explained that it affects her health if she doesn't perform pujas and believe in God. Most of the interviewees explained that there are restrictions they had to go through as it could also affect them if they perform pujas during menstruation. One of the interviewees who was a Muslim shared saying that during her menstruation she is allowed to fast, pray to God. They are abstained from touching any surfaces but it is for them to rest for body which is very important because there is hormonal imbalance that is happening. It is actually good for them because they can pray and fast during menstruation.

Struggles of educated working women

Educated women even though they are well educated they need to do a lot of household chores at home. Basically, they have to work at home as well as at workplaces. Many of them were of the view that doing work at home is not a burden and it is a woman's job to do the household work as it will be in a messy condition, also they work very well. Everyone has a different experience. World has changed towards modernity and change so it is necessary that husbands should help a woman in helping out with household chores. Women have to do a lot more with less time therefore weightage should be given, was some of the views of people. A women should be able to balance everything and only a woman can do that.

On sexual harassment

Many of were of the view that they were harassed when they travelled in buses and they were physically touched by them. Some of them even touched their backs for no reason. Three interviewees shared their experience of how they were sexually harassed. One of the interviewees explained that when she was in 9th standard, she had gone to the temple she was touched by an old man very badly and he continuously touched her and was feeling the pleasure. She could recollect the event and she realise that she could have fought with the person but it was too late. Other interviewee explained how badly she was touched in bus when she was in 12th standard. He thanked her at the end and she looked at him very badly. It was a very bad experience for her. Third interviewee shared her experience when she was in 9th standard she had gone to the market with her mother and it was crowded. She was sexually harassed by a man who touched her breast three times. She didn't realise as she was small. She then realised that that person touched her so she then turned but that person ran away. Some other time when a person arrived at her place in the name of sadhu asked for Dhan to give away. She gave some money to the person and she was badly touched by him from her head to her stomach. She

threw him away and ran inside her house. She then tried to avoid going to the market till her 12th standard. No socialising was done with the people and it was too much traumatised. She then realised to be tough with the boys and had gender dysphoria. One of the interviewees who was a Muslim experienced that while she was moving out and wearing a Hijab she is starred by some men and they tried to come around but then she tried to cover more and tried to be masculine and moved too strongly. When she posts pictures on Instagram, she gets comment which is way ahead to sustain the reality.

Prevalence of conservatism in some families

One of the interviewees talked about one of the incidents happened with her friend. Her friend's husband is very much conservative when it comes to his wife. He always doubted her when she went out and always considered whether she had an affair with someone. This is the mentality of her friend's husband who always treated like nothing. Every woman is progressing in some way or the other and is really great to see.

Question of Appreciation

What women want is sense of appreciation from their better half. One of the respondents shared an incident wherein one day she had cooked delicious food for the whole family and was waiting for her husband thinking that the whole family will eat together. But her husband didn't turn up and already had food outside and came, so she and her children had to eat food without him.

Comments on dressing style

One of the interviewees shared her experience while she was wearing crop top above her waist and her grandfather told her that it is a shame to wear such kind of dresses. She said that women always go out of the way and try something new to do for their loved ones and later don't get

appreciated. In fact, men admire other women besides their wives. One of the interviewees explained how her brother admired other woman in spite of praising his own wife. He was looking at other wife which was wrong as a husband-and-wife relationship is to have a mutual understanding between both of them.

Impact of preference for boy on a girl child

Some of the interviewee said that they were discriminated as a girl for which they were not treated well. Their parents always wanted to have a boy in the house who would take care of the house perfectly. Two of the interviewees shared their experience of how they were discriminated as a girl and how the society saw them. one of them is the fourth daughter in the house and has a brother. Her mother always discriminated her for a girl and she wanted a boy in spite of a girl. She every time taunted her and she in turn never uttered a word. But she tried to be more masculine and show up to the world that she is powerful than a man. She wore all kind of dresses and tried to be more boyish type. She did all the sports that a boy did. She started to stay in field of sports and did boxing. She is also a champion in boxing. Then she realised that she had to abstain herself from such things and started wearing a hijab. Now her parents neither the society says anything to her. The other interviewee shared her incident saying that she was born her parents wanted a boy to be born and therefore they wanted her to be more boyish type. She started the things what boys did, behaving like them, talking like them and walking like them. She started dressing up like boy. She then realised why she need up to somebody. So, she decided to be like a girl and started wearing short dresses and also did all the things that a girl did. Others said that they were discriminated for being all girls in houses who won't be able to do anything. But they were of the view that they don't even have realisation that a girl can do a lot more by sacrificing and even fighting herself to the world.

In depth interviews could reveal some of the hidden practises prevailing in society but people are not vocal about it much. Which includes practices followed during the menstruation, instances of sexual harassment, a need for appreciation, impact for the preference of male child could have on a girl child etc. Such assumptions strengthen the stereotype against women and gets spread in all walks of life. In the next chapter carries a discussion on the impact of prevailing assumptions on judicial judgements.

Chapter– IV

Gender Assumptions in Judicial Judgements

Judiciary is also an extension of society therefore; it is bound to get influenced by the prevailing assumptions about women in society.

1) Married woman asked to do household work for family not cruelty: Bombay High Court

A division bench of Justices Vibha Kankanwadi and Rajesh Patil, on October 21, quashed the First Information Report lodged against the man and his parents. The woman in her complaint had alleged that she was treated properly for a month after marriage but later they began treating her like a maid servant. If a married woman is asked to do household work for the family it cannot be equated to the work of a maid servant and would not amount to cruelty was a judgement put forward by the Aurangabad bench of the Bombay High Court while quashing a case lodged by a woman against her estranged husband and his parents for domestic violence and cruelty. She also claimed that her husband and his parents, a month after the marriage, started demanding Rs 4 lakh to buy a four-wheeler. In her complaint, the woman said she was then subjected to mental and physical harassment by her husband over this demand. The HC in its order noted the woman had merely stated that she was harassed but had not specified any such act in her complaint. If a married lady is asked to do household work definitely for the purpose of the family, it cannot be said that she is treated like a maid servant. If she had no wish to do her household activities, then she ought to have told it either prior to the marriage so that the bridegroom can rethink about the marriage itself or if it is after marriage, then such problem ought to have been sorted out.

It further said mere use of the word's harassment mentally and physically is not sufficient to attract Section 498A of the Indian Penal Code unless such acts are described that unless those acts are described, it cannot be concluded whether those acts amounted to harassment or subjecting a person to cruelty that the HC order stated. The allegations that the wife made against the husband would not attract the offence under the provision and allowed the petition filed by the husband and his parents seeking to quash the case. (Dar, 2022)

2) Lot of importance of marriage for women': SC sets aside HC order granting divorce to husband

The Supreme Court set aside a divorce decree granted in favour of a husband, saying that marital status is important for women in India. The top court considering an appeal by the wife challenging a divorce decree granted by the high court on the ground of desertion. Advocate Purushottam Sharma Tripathi representing his wife submitted that the high court had noted that the husband had not suffered any cruelty and she had not left her in-laws' place on her own. He argued that the high court should not have passed the decree for dissolution of marriage. The bench noted that the couple have been living separately over a decade. The top court said against the backdrop of the way society treats women, the concept of marriage and marriage status is quite important. Pointing at the social situation in the country, it said that there's a lot of importance to marriage for women. The husband's counsel told the bench that his client had already paid Rs 5 lakh amount to the wife as per the High Court's direction. Justice Lalit said that she has not made any other demands and that she need to pay the amount. The top court was told that the high court allowed the divorce under the irretrievable breakdown theory of marriage, as the parties were living separately.

The husband's counsel proposed mediation between the parties. However, the top court did not entertain this submission. The bench said it cannot force the parties, but let her have the status of being a married woman. The husband's counsel said his client will not remarry, as he attempted to persuade the bench from not interfering with the high court order. The bench said that after marriage status is restored, he cannot marry. After hearing detailed arguments, the bench set aside the high court order. (Biju, 2022)

**Women who leave matrimonial home before divorce can't claim right to residence later:
Bombay High Court**

The Bombay High Court ruled that a woman who leaves her matrimonial home prior to divorce cannot claim the right to live there even if her divorce appeal is pending. The Aurangabad bench of the Bombay High Court has ruled that a woman who leaves her matrimonial home before her divorce cannot later seek right to residence under the Protection of Women from Domestic Violence Act, 2005 (DV Act), even if her appeal against the divorce decree is pending.

THE CASE

The man and woman married on June 10, 2015, and the husband and his family claimed that the wife was very rude and left their house on her own accord after a few months of marriage. The woman then moved a magistrate's court under the Domestic Violence (DV) Act, and the court ordered the husband to pay interim maintenance of Rs 2,000 per month as well as rent of Rs 1500 per month for the woman to make her own living arrangements. The woman challenged this order before the Udgir Sessions Court, which modified the order and directed the husband as well as his parents to give her accommodation in the shared household. The shared household was in the name of the husband's father, as he had bought it out of his own

savings. The husband's parents had then approached the high court, but Justice Sandipkumar More said it is now settled that even if the shared household stands in the name of in-laws, the wife can very well claim a residence order in respect of such a shared household." However, the bench noted that in this case, the man and woman's marriage had been dissolved in July 2018. Thus, the husband's parents claimed in the high court that since the woman is a divorced wife, she cannot claim a residence order or enforce an earlier residence order that was issued during her marriage to their son. The woman said that the divorce was obtained through fraud by the husband, and so she had filed an appeal against it.

COURT'S ORDER

Justice More noted that Section 17 of the DV Act allows right to residence, but the same is only true when the woman continues to reside in the shared household before the divorce. The divorced wife cannot resort to the earlier residence order when her marriage with her husband has been dissolved by a divorce decree passed by the court having proper jurisdiction and when she had already left their shared household four years ago. Under the circumstances, she is not even entitled to the relief of restraining dispossession since she is not in possession of the shared household. An appeal be pending if applicants challenge the order passed by the magistrate. She, being a divorced wife, is not entitled to claim a residence order or the implementation of an earlier residence order in the light of changed circumstances, i.e., after her subsequent divorce for occupying the shared household after leaving the same long ago and prior to the divorce. (Vidya, 2022)

How Indian Courts Define a Married Woman's Place

Momita was visiting her grandmother at 7 pm on 13 January 2018 when Alamin Miah dropped by and asked her to step outside. Then, he threw acid on her face. The attack left her with third-

degree burns on her forehead and eyelids and second-degree deep burns on her face and right shoulder. The damage and disfigurement are permanent. Alamin Miah is Momita's husband. They had married in March 2017 but within days Alamin began beating Momita for failing to bring a dowry of Rs 10,000. Five months later, he dropped her off at her father's house. When he changed his mind some weeks later and asked her to return, she refused. A sessions judge gave Alamin the maximum sentence under the law against acid violence: imprisonment for life and a Rs 100,000 fine payable to Momita. For violating section 498A of the Indian Penal Code, 1860, he was sentenced to another three years in jail with an additional Rs 5,000 fine. Alamin appealed against the decision. On 20 July 2020, a two-judge bench of the Tripura High Court reduced the sentence, citing Momita's refusal to return to her matrimonial home, the same home where she was being beaten by her husband. The judges found Momita's testimony about the acid attack cogent and consistent. Yet, they observed that his reluctant wife was not willing to reunite with him which might have caused a sense of frustration. Alamin's sentence was reduced from life to 10 years, the minimum under the law. The fine payable to his wife was also brought down from Rs one lakh to Rs 25,000.

A Gendered View of Marriage

A woman's rightful place in marriage is the preoccupation of a vast majority of matrimonial disputes. Different communities are governed by their own personal laws in matters relating to marriage, divorce, maintenance, adoption and inheritance. The Hindu Marriage Act makes divorce legally possible. If parties do not mutually consent to a divorce, then the spouse seeking one has to show a 'fault' especially adultery, desertion and even conversion to another faith. One such fault is cruelty, and it has burdened women with gendered expectations of marriage.

How Does a Court of Law Define Cruelty?

In 2007, the Supreme Court in *Samar Ghosh v Jaya Ghosh* observed that cruelty in one case may not amount to cruelty in other case. The concept of cruelty differs from person to person. This concept of mental cruelty cannot remain static. Is a wife's determination to follow a career path cruelty? Is her insistence on living separately from the husband's parents? What about her refusal to wear the traditional symbols of marriage, including sindoor and mangalsutra, or make tea for her husband and his friends? According to some judges, all of the above are instances of cruelty and are grounds for divorce. Hindu marriage law is supposed to be gender neutral but when the courts define cruelty there is clear gender stereotyping and insensitivity. As long as the husband provides for the family, he is termed to be good. But if a wife doesn't cook or wear a mangalsutra then it is a different matter. There are judges who think, 'so what if he slaps you, he is providing for you', or 'so what if he's asking for dowry, your family should support him. In defining 'cruelty' in divorce cases that the wives who don't wear a mangalsutra or prioritise careers or want to live separately from their in-laws or do not make tea, the Indian courts often fall back on stereotypes of the role of wives in marriage.

The judges' gendered view is influenced by the larger workings of society. There is deep-rooted misogyny and stereotyping of what is a dutiful wife. When an educated, financially independent woman moves the court, she is viewed according to the court's imagination of how she might have behaved in the marriage.

Malavika Rajkotia agreed that the socialization of judges is patriarchal. The cruelty is a matter of interpretations of cultural norms. The stereotypical roles assigned to women with a society and judicial notions regarding women's position are important factors for determining cruelty. The Constitution guarantees equality for women. Yet, an insistence on this constitutional

guarantee within matrimonial homes is most inappropriate ruled the Delhi High Court in 1984. Some judges are very progressive and that patriarchy can only be dismantled. (Agnes, 2021)

Narendra v Meena, 2016, Supreme Court

A Good Wife Does Not Separate Her Husband from His Parents

In *Narendra v Meena*, the husband had filed for divorce claiming cruelty by his wife. Proof of such cruelty included an allegation of an extra-marital affair made by the wife, an attempted suicide attempt by her and a demand by her to live separately from his parents. In 2001, a trial court granted a divorce on the ground of cruelty. The wife filed an appeal in the Karnataka High Court and in 2006, the divorce granted by the trial court was set aside. Then, the husband appealed to the Supreme Court. In upholding the divorce, the Supreme Court noted that a son has a moral and legal obligation to take care and maintain the parents. Moreover, the court ruled in normal circumstances a wife is expected to be with the family of the husband after the marriage. She would never insist that her husband should get separated from the family and live only with her. In upholding the divorce, the Supreme Court observed that no son would like to be separated from his old parents and other family members, who are also dependent upon his income. The persistent effort of the Respondent wife to constrain the Appellant to be separated from the family would be torturous for the husband and in our opinion, the trial court was right when it came to the conclusion that this constitutes an act of 'cruelty'. It is common for elders to scold and sometimes abuse youngsters. Making a daughter-in-law to do the household and domestic work is also not something unusual.

A Good Wife Places Marriage Over Career

In 2018, an International Labour Organisation report found unpaid care work constituted the main barrier to women's participation in labour markets. The expectation of what is women's

work is cooking, cleaning, caring for children and the family is defined by patriarchal societies and often reinforced by Indian courts. Suman and Sudhir Kapur were childhood friends and had an inter-caste marriage. Despite parental opposition, they got married in 1984. Suman Kapur had a brilliant academic record and at the time of her marriage was working at the department of biochemistry at the All-India Institute of Medical Sciences (AIIMS) pursuing a PhD. By 2004, the marriage had soured and the husband, Sudhir Kapur was able to obtain a divorce decree by an additional district judge in Delhi. This was upheld by the Delhi High Court in 2007. The grounds for divorce was for the simple reason cruelty.

Suman says she got pregnant within a month of marriage but, due to exposure to harmful radiation as part of her laboratory work, decided in consultation with her husband to have an abortion. When she got pregnant a second time, she again had an abortion due to a kidney infection. The third time she got pregnant in 1989, she had a natural abortion, according to the papers filed by her in court. Suman's insistence on following her career went against the grain of what the Supreme Court deemed as appropriate behaviour. She admitted she was interested in her career as she was well-educated and wanted to contribute to society. But, she said, this did not mean that she was neglecting her marital obligations. The fact that Suman had stated her wish to pursue a career, her unwillingness to have a biological child and even whether they should live together was deemed cruelty at every stage of the case, from the trial court to the Supreme Court. She did not want to forego her chances...she did not believe in love any more. She expressly stated that she did not believe in Indian social value system and she was very happy in the foreign country. The divorce was confirmed by the Supreme Court.

The Symbols of Marriage

A lady who has entered into marriage according to Hindu rituals and customs her refusal to wear 'sakh and sindoor' will project her to be unmarried and signify her refusal to accept the

marriage. On 19 June 2020, the Gauhati High Court while hearing an appeal filed by Bhaskar Das, a contractual labourer, against a family court judgment denying him divorce from his wife, took into consideration the fact that his wife, Renu Das had refused to wear sindoor and sakha are bangles made of conch shells, the traditional symbols of marriage. Renu Das said she had been subject to cruelty by her husband's family to meet its demands for dowry. Denied food and medical treatment, she had to depend on her brother for bare necessities, she said. In 2012, she was thrown out of the matrimonial home and, back at her brother's house, she filed a police complaint against her husband and his family under section 498A of the Indian Penal Code. But for the court, her refusal to wear 'sakha and sindoor' was evidence of the wife's unwillingness "to continue her conjugal life and it granted the husband a divorce. The significance of the symbols of marriage have cropped up in the past even though courts have not always seen a refusal to wear them as evidence of cruelty. In 1999 *S Hanumantha v S Ramani* the Supreme Court observed that A Hindu wife removes her mangalsutra only after the death of her husband. However, it did not agree that the act of S. Ramani, the wife, of taking off her mangalsutra and flinging it at her husband, as alleged by him, was an act of cruelty. Hanumantha's appeal for a divorce on grounds of cruelty was dismissed.

A Good Wife Does Not Neglect Her Kitchen Duties

Making tea or failure to do so certainly has a unique place in divorce proceedings. One husband, Narinder Singh told the Delhi High Court in 2007 that his wife's refusal to serve tea to his friends and family members was proof of cruelty. Justice S. Murlidhar, hearing the case, rejected the argument as frivolous and denied him a divorce.

But in 1985, another husband's argument that his wife's refusal to serve tea to him and his friends amounted to cruelty held favour with the Allahabad High Court that observed that where

a wife refuses to prepare tea for the friends of the husband she not only hurts his ego but causes him humiliation before his friends who may not be tiring of lavishing praises on their wives.

Fewer cases exemplify a woman's perceived role in marriage more than **Samar Ghosh v Jaya Ghosh**. Both IAS officers, the couple had married in 1984. It was, for Jaya, a second marriage and she had a daughter from the first one. To establish cruelty by his wife, Samar said that within months of the marriage he fell ill with a high fever and despite this, Jaya and her daughter went off to Bareilly to meet her brother even when there was no one to look after him during his illness. In May 1985, when Jaya was transferred to Kolkata where Samar was posted, she used to visit his government-allotted flat only occasionally. It was a domestic helper who used to cook food and carry out household work for Samar. Then Samar was transferred out of Kolkata, while Jaya stayed behind. In 1988, Samar sought a transfer back to Kolkata on health grounds. Once again, the couple began to live together. But within months, Jaya began to spend more time with her daughter at her parent's home and would come to the matrimonial home to cook food only for herself and leave for the office. Samar began to take his meals outside as he had no other alternative. The Supreme Court upheld the divorce sought by Samar Ghosh on grounds of cruelty granted by the trial court. Not every judgment falls back on tired, patriarchal assertions.

Ravinder Yadav v Padmini

In **Ravinder Yadav v Padmini**, a husband sought to divorce his wife since she had flatly refused to do household work. Moreover, he said she always imbibed with independent and modern thoughts posing herself to be a broad-minded lady. The Punjab and Haryana High Court said the allegations were unfounded and part of the ordinary wear and tear of the married life of the parties. While there may be exceptions, divorce on grounds of cruelty has become a site for

patriarchal assertions; where a woman has to prove herself to be a dutiful wife and defend her independent nature, whether it's her desire to pursue a career or not have children or even fail to make tea, lest she is found to be guilty of cruel behaviour, giving her husband legal grounds for divorce. (Karma, 2020)

Indian Supreme Court Decision on Husband-Turned Sadhu, Wife and Divorce

The Supreme Court set aside a divorce decree granted in favour of a husband, saying that marital status is important for women in India given the social situation. The counsel, representing the husband, said his client has become a sadhu, and he cannot get back into the marital relationship with the wife. A bench comprising justices U.U. Lalit and S. Ravindra Bhat told the husband's counsel that if you have renounced the world, you have renounced everything. The bench further added that they will set aside the divorce decree. The top court was considering an appeal by the wife challenging a divorce decree granted by the high court on the ground of desertion. Advocate Purushotam Sharma Tripathi, representing the wife, submitted that the high court had specifically noted that the husband had not suffered any cruelty and she had not left her in-laws' place on her own.

He further argued that the high court should not have passed the decree for dissolution of marriage. The bench noted that the couple have been living separately over a decade now, and it might be impossible for them to live together again. However, the top court said against the backdrop of the way society treats women, the concept of marriage and marriage status is quite important. Pointing at the social situation in the country, it said that There's a lot of importance to marriage for women. The husband's counsel told the bench that his client had already paid Rs 5 lakh amount to the wife as per the High Court's direction. Justice Lalit said that let her enjoy that as some kind of ex gratia payment. She has not made any other demands. The top

court was told that the high court allowed the divorce under the irretrievable breakdown theory of marriage, as the parties were living separately. The husband's counsel proposed mediation between the parties. However, the top court did not entertain this submission. The bench said it cannot force the parties, but "let her have the status of being a married woman. The husband's counsel said his client will not remarry, as he attempted to persuade the bench from not interfering with the high court order. The bench said that after your marriage status is restored, you cannot marry now. After hearing detailed arguments, the bench set aside the high court order. (India New England News , 2022)

Feminists' perspectives

Several feminist theorists have argued that the instrumental characterisation of law as a tool for the potential transformation of society is far too simplistic. They hold that law is a crude and limited device and is circumscribed by the dominant ideologies of the society in which it is produced. Existing beliefs and assumptions shape the context of a legal provision. Even when changes are successfully made on a doctrinal level, they can and will fail if judges or others charged with the application of new laws revert to interpretations that merely replicate old results. The impact of dominant ideologies on the shape and content of law and the legal process makes the idea of progress through legal reforms problematic. An exploration into the notion of justice and fairness to women can be embarked upon only after piercing the veil of neutrality, impartiality and formal equality. When we examine women's rights, it becomes imperative to address the doctrinal concern that whether a woman is centric legal doctrine can be termed 'biased'. The development of law and demands raised by the women's movement, women were added into the 'Law' project, particularly after women started claiming their rights as citizens, within an overarching patriarchal system. The demand by the women's movement was for equality. Right to vote, right to education,

practice various professions etc. were hard won battles for Western women. Influenced by these struggles, the Indian Constitution guarantees equality under Article 14 and non-discrimination under Article 15. Equality, along with liberty and freedom, form the pillars of our constitution to protect women. The right to vote, equality of opportunities for education and employment, equal pay for equal work etc. fall within this notion of formal equality. But when we examine the domestic sphere under the matrimonial laws, this notion of equality becomes detrimental to women. If the norm of equality is applied between unequals it will lead to greater disparity. But this distinction has not been clearly made within matrimonial laws. This is most glaring when we examine the Hindu Marriage Act of 1955, enacted soon after the Constitution came into effect.

Issues that came up before our courts in divorce litigation.

Not preparing meals on time, not making tea when the husband returns from work even though the wife too may be an earning member, terminating pregnancy, not covering her head in the presence of in-laws or in public, refusal to wear sindoor or a mangal sutra, the symbols of marriage, demand for setting up a separate residence away from the joint family, filing a case under Section 498A of the Indian Penal Code related to dowry etc. are pleaded as instances of cruelty by husbands while seeking divorce.

The grounds on which women base their petitions for divorce are vastly different. They are based on the issue of basic survival such as throwing her out of the matrimonial residence, constant demands for dowry or insults to her parents for their incapacity to pay more dowry, refusal to provide maintenance, snatching away and refusing to give access to her ornaments and valuables which constitute her stridhan, preventing her from seeking gainful employment or taking away her salary, aspersions on her moral character, acute physical,

sexual or emotional abuse, denying custody or access to the children, etc. are grounds on which the woman bases her petition for divorce. Within the patriarchal social structure and patrilineal residence, in most cases, the woman leaves her natal family and comes to reside in her husband's home, where until recently her right to residence was not even recognised. When the wife is sent to her natal family for her child delivery, the husband could easily prevent her re-entry and then plead desertion. It took courts a long time to develop the theory of constructive desertion when the husband actively prevents his wife's re-entry. It is the husband's prerogative to decide the place of matrimonial residence and if the wife took employment at a far-off place, the husband could file for restitution of conjugal rights, which courts would grant on the premise that the husband is the lord and master (*pati parameshwar*), and it is the wife's sacred duty to obey him and reside at the place chosen by him as the matrimonial residence. This despite the fact that the Hindu Marriage Act had transformed Hindu marriages to contractual, civil unions in 1955.

The maintenance problem

Maintenance which is her basic right to survival is framed in the context of the husband's economic power which is pitted against the woman's sexuality. The recent trend in the courts is to impose on access to husbands even while they refuse to pay maintenance to their wife and children. Women view this attitude of the courts as a great injustice to them. It has taken a long time for the courts to realise that the terms cruelty, desertion and adultery have different implications for the husband and the wife.

It has taken more than 60 years for us to realise this anomaly and move away from the notion of equality and demand gender specific legal provisions to protect women from domestic violence. Finally, the Protection of Women from Domestic Violence Act of 2005 grants this

recognition by providing a detailed list of all acts that constitute cruelty to women. There is no reciprocal list which men can rely on, nor a reciprocal remedy.

The adultery law, or women's bodies as property

This anomaly is even more stark when we examine the law on adultery under Section 497 of the IPC, which was finally struck down by a Constitution bench in *Joseph Shine vs Union Of India* on September 27, 2018. Under Section 497 of the 158-year-old IPC, it was a crime against the husband if a man had sexual intercourse with his wife without his consent. A similar recourse was not given to women. Women could not be punished under this law. When this provision was challenged on the ground that it violated Article 14, the courts relied upon a paternalistic doctrine to save it from the premise of equality. It was viewed as a protectionist measure and a beneficial provision in favour of women. The harm caused to women was seldom recognised in legal discourses.

But examining it from a gender lens, it was obvious that it was premised on the notion that women are passive beings, incapable of making choices about their bodies or sexual desires. It presumed that after marriage, the woman's body belonged to her husband. Framed within the notion of sexual morality of the Victorian era, it viewed the problem to be between two men over sexual access to the body of the woman. Though the law criminalised only men, in essence it was anti-women as it treated women as chattels, and gave legal validity to the proprietary rights of the husband over the wife. Any man who had sexual intercourse with another man's wife, without his consent, was perceived to be violating the right of the husband to exclusive sexual access to his wife.

While examining the constitutionality of this provision in *Joseph Shine*, the Centre had defended this provision using a deeply flawed argument that the section was essential to save

the institution of marriage. Diluting the adultery law will impact the sanctity of marriage. Making adultery legal will hurt marriage bonds, the Centre had pleaded in an affidavit filed before the court. It failed to see that the provision does not ensure marital fidelity. It merely protected male privileges. When adultery with the consent or connivance of the husband is not an offence, the patriarchal notion of the dominion of the husband over the woman's sexuality and bodily integrity gets reinforced.

In an extremely short-sighted manner, in 2003, the Justice V.S. Malimath Committee had recommended making the provision gender neutral premised on a flawed logic of equality. When marriage is constructed as a patriarchal institution, the woman does not have the corresponding control over her husband's sexuality. Granting the husband additional powers to prosecute his wife for adultery would amount to adding salt to a festering wound. Justice Prabha Sridevan, former judge of the Madras high court, comments that that a law which is superficially equal kicks in injustice when it is put in action is something we have recognised too late.

On earlier occasions when this provision was challenged, the courts declined to strike down the section based on a paternalistic notion of protecting women. These challenges were based on a two-way discrimination such as the woman's right to prosecute her husband and his lover for adultery and the husband's right to prosecute his own adulterous wife. (Yousuf Abdul Aziz vs State of Bombay 1954, Smt. Sowmithri Vishnu vs Union of India 1985 and V. Revathi vs Union of India 1988)

Finally on September 27, 2018, the five-judge Constitutional bench validated the feminist analysis of the section and struck it down. The bench observed that the parameters of fundamental rights should include the rights of women, and that individual dignity was

important in a sanctified society. The court felt that the law was against women who had no opportunity to defend themselves in a situation where they were falsely linked to a man on mere suspicion, since a woman could not be made party to the case under Section 497 and had no *locus standi*. The then Chief Justice of India, Justice Dipak Misra, while reading out the judgment said that a husband is not the master of his wife. Legal subordination of one sex by another cannot be permitted. Justice D. Y. Chandrachud held that a woman loses her voice and autonomy after entering marriage and autonomy is intrinsic to a dignified human existence. Section 497 denudes women from making choices and held that this provision is a relic of past. Justice Indu Malhotra held that Section 497 IPC is a clear violation of the fundamental rights granted in the Constitution, and there was no justification for the country continuing with this archaic provision.

While analysing why it took 158 years for this provision to be stuck down, we stumble across the concept of a reasonable man is a fictional notion which is often used to arrive at a conclusion about how common people would respond in a given situation. Here again there is a presumption that both men and women would respond in a similar manner and that there is no distinction in their perception between the genders. Questioning this premise of reasonable man, Justice Sridevan discusses a case of sexual harassment which came up before the Madras high court. The case was the Enquiry Officer found the delinquent officer guilty. But the High Court exonerating him and while doing so, made certain observations which indicate how the Ordinary Man gets constructed differently from the Ordinary Woman. The delinquent is leading a happy married life and there was no necessity for him to solicit sexual favours from anyone, much less the complainant. The complainant lodged the said criminal complaint only to create documentary evidence in her favour so as to be used in the departmental proceedings which shows her motivated intention of achieving her

illegal goal of throwing the delinquent officer from his official position. Going by the judgment, the Ordinary Man is ordinarily faithful. The Ordinary Woman is ordinarily vengeful.

A biased neutrality

Justice Chandrachud commented that as a judge you are giving effect to the essential values of the constitution and the basis of those values like equality, liberty, and fraternity which is the essence of the constitution. So, in that sense when you apply feminist principles, one is doing nothing more than giving effect to the substance of equality in the constitution. Feminism is a lot about a disruption of social hierarchies, and that is what the Constitution intends to do. Transformation involves a disruption of the existing social structures.

As the number of women judges increases in all our courts, it is essential that they do not shy away from bringing in a women-centric jurisprudence with the fear that they will be implicated as 'biased' judges. While it is necessary to bring in a critical mass of women judges to protect women's rights, it will become a failed project if they become apologists to patriarchal notions of neutrality, but are able to contribute substantially towards the evolution of feminist jurisprudence, deeply enshrined in the Constitutional values. (Agnes, 2021)

Judgement verdict

The essentiality of the rights of women gets the real requisite space in the living room of individual dignity rather than the civility of a civilization earns warmth and respect when it respects more the individuality of a woman. The said concept gets a further accent when a woman is treated with the real spirit of equality with a man. Any system treating a woman with

indignity, inequity and inequality or discrimination invites the wrath of the Constitution. A woman cannot be asked to think as a man or as how the society desires. Such a thought is abominable, for it slaughters her core identity. And, it is time to say that a husband is not the master.

Equality is the governing parameter. Despite conferring many a right on women within the parameters of progressive jurisprudence and expansive constitutional vision, the Court cannot conceive of women still being treated as a property of men, and secondly, where the delicate relationship between a husband and wife does not remain so, it is seemingly implausible to allow a criminal offence to enter and make a third party culpable.

The gratuitous services rendered by the wife with true love and affection to the children and her husband and managing the household affairs cannot be equated with the services rendered by others. A wife or mother does not work by the clock. She is in the constant attendance of the family throughout the day and night unless she is employed and is required to attend the employer 's work for particular hours. She takes care of all the requirements of the husband and children including cooking of food, washing of clothes, etc. She teaches small children and provides invaluable guidance to them for their future life. A housekeeper or maidservant can do the household work, such as cooking food, washing clothes and utensils, keeping the house clean, etc., but she can never be a substitute for a wife or mother who renders selfless service to her husband and children.

Chapter -V

Conclusion

The quest for this study started with my own assumption which I inherited from the society. One of the assumptions I was having about women before starting this study is that, the lack of physical activity due to the modernity is responsible for the increasing diseases among women. When I did research on this assumption, I discovered mental stress is responsible for rising diseases among women. Mental stress is irrespective of nature of work. Even a homemaker or women working in the job market can go through the mental stress. I realised that the prevailing assumption are responsible for strengthening stereotypes against a woman which is main reason for the mental stress culminating into the number of diseases.

Before conducting a survey, I conducted a brief review of available literature. The first chapter is the brief review of literature in which puts the framework of the subsequent chapters of the dissertation. In the second chapter, the link between the assumption about women and the evolution of laws related to women starting from the colonial times is established. The religion paves a framework for the assumptions related to women in which stress is given upon maintaining chastity among the women but lack of such condition on men. The stress on maintaining chastity puts women into the tremendous pressure which serves as the basis for women's subordination. For instance, in manusmuriti women are being described as having lose character and the need of men to keep women under the control of either father, husband or son forms the basis of patriarchal society.

Such assumptions strengthen the stereotypes against the women which then causes a spill over effect in the domains of law. In the second chapter, evolution of laws related to women are discussed. The laws in the colonial times shrouded in the assumptions related to the women. One such example is related to whether wealth women get during the time of marriage should

be considered as streedhan or not. Cases of divorced were also discussed in the shadow of assumptions about the women.

Due to this I framed my first hypothesis as assumption about women continues their subordination in liberal-democratic society. To test the hypothesis, I conducted a quantitative survey. I asked them various questions on assumptions. Respondents agreed with some of the assumption while opposed many other assumptions.

Women are more engaged into gossiping which formed as a justification for women being good for nothing. Other assumption includes the women's incapacity to take a politically informed decision such as whom to vote. Women needs to be more matured than men to conduct the household affairs smoothly. When such assumptions turn into expectation it puts an emotional burden on women making her vulnerable to the diseases.

However, in many other aspects a positive change in society is discovered through the survey such as consent of girl being the primary conduction for marriage, lack of connection between the instances of rape and dressing style, women being the good driver and many other assumptions. Also, many women revealed that in today's world they enjoy equality with men and they cannot trace any moments of mistreatments. This result made me to think if the women are giving their honest opinion or not. As we can find that despite the progress made by women the sex ratio is continuously declining. This has made me realise that, I need to go deep into the matter to find out the reality.

At this moment, I decided to conduct auto-ethnography. Auto – ethnographic result has made me realised that whatever the women have revealed through the quantitative data is far away from the reality. I took the auto-ethnographic interview of the educated working women as it is believed that the education has brought a change in the status of the women. I was shocked

to know that even an educated working women had been a victim of domestic violence at the hands of her in-laws and she decided to keep quiet to save the honour of family. Also, almost all the respondents revealed about the instances of sexual harassment they faced especially when they were the teenagers. This made me realised that in changing world also women are vulnerable to crimes. Again, many women revealed the practice of untouchability during menstruation. Many women became victim of their parent's frustration of not having a male child. Thus, it can be said that the stereotypes against women are subtle and they cannot be seen at the outset. In depth interviews has revealed the subtle operation of this stereotypes.

I realised that these assumptions though it appears harmless it forms the foundation of judicial justice. Therefore, the last chapter discusses the relation between the women's assumptions and the cases of judicial justice. For this the second assumption of the study is framed as 'assumptions related to women are transferred in legal and judicial discourse, making women more vulnerable to patriarchy.'

Many times, the discontent over the domestic work has reached the doorsteps of judiciary. The deliberation was on whether women compulsorily have to perform the task of cooking and cleaning for in laws. If a married woman is asked to do household work for the family it cannot be equated to the work of a maid servant and would not amount to cruelty was a judgement put forward by the Aurangabad bench of the Bombay High Court while quashing a case lodged by a woman against her husband and his parents for domestic violence and cruelty. She also claimed that her husband and his parents, a month after the marriage, started demanding Rs 4 lakh to buy a four-wheeler. In her complaint, the woman said she was then subjected to mental and physical harassment by her husband over this demand. The HC in its order noted the woman had merely stated that she was harassed but had not specified any such act in her complaint. If a married lady is asked to do household work for the purpose of the family, it cannot be said

that she is treated like a maid servant. If she had no wish to do her household activities, then she ought to have told it either prior to the marriage so that the bridegroom can rethink about the marriage itself or if it is after marriage, then such problem ought to have been sorted out.

If a wife doesn't cook or wear a mangalsutra then it is a different matter. There are judges who think, 'so what if he slaps you, he is providing for you', or 'so what if he's asking for dowry, your family should support him. In defining 'cruelty' in divorce cases that the wives who don't wear a mangalsutra or prioritise careers or want to live separately from their in-laws or do not make tea, the Indian courts often fall back on stereotypes of the role of wives in marriage.

Gender assumptions will continue to strengthen the biases against women. So what needs to be done is precisely answered by Betty Friedan,

"What had to be changed was the obsolete feminine and masculine sex roles that dehumanized sex, making it almost impossible for women and men to make love, not war. What seemed to me that men weren't really the enemy—they were fellow victims, suffering from an outmoded masculine mystique that made them feel unnecessarily inadequate when there were no bears to kill. The sex role revolution will liberate these energies from the service of death and will make it really possible for men and women to "make love, not war."

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APPENDIX

D.D. KOSAMBI SCHOOL OF SOCIAL SCIENCES AND BEHAVIOURAL STUDIES

POLITICAL SCIENCE PROGRAMME

GOA UNIVERSITY, TALEIGAO

NAME OF THE TOPIC: Understanding Assumptions and Its Impact on the status of women in India.

NAME OF THE SUPERVISOR: Ms Prachi Naik

1-NAME OF THE RESPONDENT: (Optional)

2-Address of Respondent: (Optional) _____

My name is **Gauri Rao** and I have come from GOA UNIVERSITY, TALEIGAO. I am conducting a survey on the 'Understanding Assumptions and Its Impact on the status of women in India.'

This survey is part of our project work which has to be submitted to Goa University. Your cooperation will help us in earning a M.A degree. Participation in this survey is voluntary and it is entirely up to you to answer or not to answer any question that I ask. We hope that you will take part in this survey since your participation is important. Please spare some time for the interview and help me in successfully completing the survey.

May I begin the interview now?

A. Respondent agree to be interviewed

B. Respondent does not agree to be interviewed

Interview Begins

BACKGROUND DATA (Tick the relevant option: - ✓)

1. Up to what level have you studied? 1. Primary 2. Secondary 3. Higher Secondary
4. Graduation 5. Post-Graduation
 2. What is your Occupation? _____
 3. To which social category you belong? 1. SC 2. ST 3. OBC 4. General
 4. Gender: 1. Female 2. Male 3. Transgender
 5. Religion: 1. Christian 2. Hindu 3. Muslim 4. Jainism 5. Buddhism 6. Others
 6. Age: 1. 20-30 2. 31-45 3. 46 & above
-

Questionnaire

1. Do you feel that women are more into gossiping?
a) Strongly agree b) agree c) neutral d) disagree e) strongly disagree
2. Do you feel that women are good drivers?
a) Yes b) No
3. What would be your thought if a women overtake you while driving?
a) I will feel good b) I will feel bad c) No effect d) No response

4. Do you feel that having a girl child involves more responsibility for parents than a boy child?

- a) Yes b) No c) No response

5. Do you feel that more education makes women arrogant and make her get away with responsibilities of motherhood and caretaker of a house?

- a) Strongly agree b) Agree c) Neutral d) Disagree e) Strongly Disagree

6. If you are a man then would you allow your wife /sister to retain their maternal surname?

- a) Yes b) No c) No Response

If No, Reason

ii) If you are a women would you like to retain your maternal surname?

- a) Yes b) No c) No Response

a) Do you think that having a brother comforts a married women or a girl of marriageable age as the sons are held as legitimate caretaker of parents?

- a) Yes b) No c) No Response

7. Do you think that women passively vote because they have more trust on their husband's political decision?

- a) Yes b) No c) No Response

8. Do you think that women are more emotional or sentimental than men?

- a) Yes b) No c) No Response

9. Do you think that women are more jealous about other women?

- a) Yes b) No c) No Response

10. In today's generation the diseases among women have been on rise. Do you feel that the lack of physical activity such as doing a household chores like grinding, washing clothes, being the reason for this?

- a) Yes b) No c) No Response

11. Are you aware about the Domestic Violence Act 2005?

- a) Yes b) No c) No Response

If yes, how you came to know about the act?

- a) Personal Reading b) Media: Print or Electronic c) Community talks

12. Do you feel that a women should be allowed to perform religious rituals during their menstrual cycle?

A) If yes, reason

b) If no, reason

13. Do you think that at workplaces women are targeted for not doing work allotted to them?

a) Yes

b) No

c) No response

14) Do you think that women are always commented for the way they dress?

A) if yes, reason

B) If no, reason

15) Do you feel that women always need a man either as a husband, father, brother or friend for having a sense of security?

- a) Yes b) No c) No Response

16) According to you women from which community are more vulnerable?

- a) Hindu b) Muslim c) Catholic d) Any other

17) Do you think that women believe in tradition?

- a) Yes b) No c) No Response

18) Who do you think that women are discriminated the most in society?

- a) Men b) Women c) No Response

19) Are you aware that daughters cannot be denied a right in the property?

- a) Yes b) No c) No response

20) Do you think that it is necessary that women have to be more matured than men?

a) Yes

b) No

c) no response

21) Do you think that taking care of family is the most important responsibility of the women than her career?

a) Yes

b) No

c) No response

22) Do you think that women are familiar with the modern technology like TV, Mobiles, Vehicles, etc?

a) Yes

b) no

c) no response

23) Do you think for marriage, consent of girl is important?

a) if yes, reason

b) If no, reason

24) Do you think that major reason for stress among men is women?

a) Yes b) No c) No Response

25) Do you think that women are more manipulative than a man?

a) Yes b) No c) No Response

26) Are you aware that after death of husband, the widow can claim her Mehr and her share in the property and challenge the validity of the will under the Muslim law?

a) Yes b) No c) No Response

27) Do you think that pardah system can prevent women from the instances of rape?

a) Yes b) No c) No Response

28) Do you think that it is the right of the girl to accept gifts from her maternal home at the time of marriage?

a) Yes b) No c) No Response

29) What is your opinion on dowry?

30) If you are a Women, are you a part of 'Self-Help Groups'?

- a) Yes b) No c) No Response

31) Do you think that women who want to abort a child for career progression should be allowed to do so?

- a) Yes b) No c) No Response

Investigator signature