

Patriarchy: an Evil Against Empowerment of Women in India

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Abstract: The theme of this research paper revolves around the issue of patriarchy in the Indian society. Patriarchy has been an age old evil which exists in the Indian society even in the present scenario. It has hampered the empowerment of women in all aspects and has acted as a detriment in the progression of women in India. This paper will examine various aspects ranging from the inception of patriarchy to the decline of the patriarchate in India. During the course of the study, it was observed that patriarchy in one form or another is the root cause behind women's oppression in the society. However, in the second part of the study, it was observed that to protect the women from discrimination, law empowers women through various ways by equipping the right and power so as to enable them to fight against male hegemony. In the present era, women have been empowered by firstly creating penal sections against certain types of behavior that violate the dignity and liberty of women, such as section 376 in the IPC for custodial rape and section 498-A for harassment and cruelty against women, and secondly, by creating proprietary entitlement for women, such as giving them a share of the property or giving them a right to work with an equal wage and last by reserving jobs and seats for women in local self governing institutions.

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1. INTRODUCTION

A society which experiences the dominance of men over women whereby women are systematically disadvantaged and oppressed can be termed as a "*patriarchal society*". However the literal meaning of the word "*patriarchy*" refers to the "*father's rule*" and the supreme authority exercised by him in the family. This authority is vested upon the man who takes the responsibility for maintenance of the family and plays dominant role to take any decision with regard to the family. Such a society basically/also describes a political system ruled by men in which women have inferior social and political status, including basic human rights.

Most known societies are patriarchal, although there are variations in the degree and nature of the power men exercise as compared to women. Women in minority groups face multiple oppressions in such societies, as race, class and sexuality intersect with sexism for instance. Hence patriarchy in one form or another is the root cause behind women's oppression in the society.

For years, patriarchy precluded women from having a legal or political identity and the legislation and attitudes supporting this provided the model for slavery. To analyze the origin of patriarchy, we can categorize from three different perspectives, first Engel's ex-

planation who believed that women's subordination began with the development of private property, when the word "historical defeat of the female sex" took place. Secondly, the views of the radical feminist are of much importance who believed that patriarchy preceded private property and they believed that the original and basic contradiction is between the sexes and not between the economic classes. Lastly an amalgamation of both of these views - the socialist position is that patriarchy is related to the economic system, to the relations of production, but it is not casually related. In fact, there are many other factors which influence patriarchy, such as ideology, customs and social norms.

Karl Marx in his communist manifesto seems to envisage, with the abolition of class differences, no further innate repression of women as they represent a sub class of the oppressed classes. But there was some resistance to the idea that all men have power over women, especially from women and men influenced by the Marxist idea that class differences are fundamental in society.

2. HISTORICAL BACKGROUND

The patriarchal character of the Indian society has gained various perspectives over different eras.

The ideologies reflected by the *Laws of Manu* have insisted the dependency of women on men. It legitimized that a woman should never be made independent, as a daughter she should be under the surveillance of her father, as a wife of her husband and as a widow of her son. While in ancient India i.e. Vedic and Epic periods, women were by and large treated as equal to men, the restrictions on women and patriarchal values regulating women's sexuality and mobility got strengthened in the post-Vedic periods, i.e. Brahminical and Medieval periods with the rise of private property and establishment of class society.

The patriarchal nature of ancient Indian society has reiterated the concept of social injustice and the exploitation of women in the society. The epic tale of *Ramayana* echoes these notions of sex appropriate behaviors by presenting its female characters with attributes that are in stark contrast to the characteristics of their male counterparts. The virtuous women of the story possess exaggerated feminine qualities while the immoral women's actions more closely resemble the behavior of the men. In either case, the women are subordinate and are considered possessions rather than partners. Thus the *Ramayana* could be considered as the cementing pillar to the patriarchal structure of the ancient Indian society and the gender-biased ideals that are prominent throughout the *Ramayana* were a reflection of the patriarchal values that structured in the ancient Indian society.

In patriarchal society, the self-sacrificing, self-effacing pure image of women has always been highlighted through ritual practices such as the act of "sati" which emphasized the dominant role of women as a faithful and dutiful wife. A sati was not only one who, after being widowed, joined her husband in the funeral pyre; however, it referred to one who was of character and purity and had submitted herself to her husband entirely in all aspects. Such was the case of *Roop Kanwar vs State of Rajasthan* 1987, wherein the 17-year old (Roop Kanwar) was forcibly burnt alive on the funeral pyre of her husband (Maal Singh Shekhawat) at Deorala village in Rajasthan. However, this landmark case

called for a strong central law not only to prevent sati but deter its glorification too. As a result, The Commission of Sati (prevention) Bill, 1987, making attempt to commit, abetment and glorification of sati punishable, was introduced and passed in both Houses of the Parliament. It received presidential assent in 1988 and came into effect thereafter.

3. PATRIARCHY IN INDIA: A PRACTICAL EXEMPLIFICATION

Indian society imposes on every individual a duty to marry, however, making it almost mandatory for an Indian girl. This institution of marriage in a patriarchal society is perceived as bringing for a girl social and financial security and an unmatched responsibility which comes, however, at a heavy price. Motherhood which follows soon puts several practical disabilities on a Hindu woman ensuring the perpetuation of her subordination in the family and the Indian family laws strengthen this subordination. In our society, all family laws governing Hindus put a severe restriction on a woman the moment she gets married. Moreover, a woman is the one who gives birth to children but the guardian in law remains the father. Also due to her financial dependency as a mother in old age, the woman remains trapped in the dysfunctional family dynamics.

Culture of many societies does not permit equality between men and women. The imposition of *parda*, restrictions on leaving the domestic space, separation between public and private are all gender specific and men were never subjected to similar constraints in the society. However, women have always been victimized in the society. This was further observed in the *Bandit Queen Case*, wherein a young girl, Phoolan Devi, was married to a man who was of the age of her father and was physically exploited by him. Further she was subjected to indignation and humiliation and was later kidnapped and raped by the leader of the dacoits. This shows the apathy of the existing society.

Similarly in succession laws, a man and a woman have different schemes of succession. While for a man it is his blood relations who get preference in order to inherit his property, whereas in case of a Hindu married woman her blood relations are pushed backwards and the heirs of her husband are given preference. Thus in case of a woman, her marital status influences succession to her property in case she dies issueless. The Hindu Succession Act, enacted in 1956 provides for two different schemes of succession for male and female intestates. If a male dies the property is inherited by the class-1 heirs viz. his mother, widow and children. In case of the absence of class-1 heirs, it then goes to the class-2 heir's viz. the father or the siblings. However, in case of a Hindu woman who dies intestate, the property in the first instance is inherited by her children or children of deceased children, in the absence of her husband. If none of them is present the property goes to heirs of her deceased husband, sidelining her blood relations viz her parents or her siblings. Such enforced patriarchal norms clearly indicate a patriarchal system that is still deeply entrenched in our society. This can be further observed in the case of *Narayani Devi vs Dindayal Sharma* 1955. The facts of the case are that Narayani Devi, a Hindu girl was married at an early age of 15 to Dindayal Sharma. Unfortunately, three months later, her husband died of snake bite and her in-laws threw her out of the matrimonial home branding her as a bad omen. Thereafter, her parents looked after her and educated her so that she could be financially independent and earn her own livings. In 1996 she died

intestate, leaving behind huge sums in various bank accounts and a substantial property. Under section 372 of the Indian Succession Act, an application was filed by her mother for the grant of a succession certificate. However, a similar application was filled by her in-laws as well. The SC relying on the provisions of the Hindu Succession Act, 1956, stated/announced that it is the heirs of the husband who have a legal right to inherit the property of an issueless married Hindu woman and her parents/blood relations cannot inherit in their presence. The in-laws thus succeeded and were given the judicial nod to claim the complete property left by Narayani Devi. Earlier, before the property laws in India changed in 2005 leading to females also being considered as coparcenaries and deriving complete equality in the sharing of property, only the sons were heirs. Hence in the present scenario, anti gender-bias legislations have tried to ensure gender equality.

4. EMPOWERMENT OF WOMEN IN INDIA: THE DECLINE OF THE PATRIARCHATE

In order to protect the women from discrimination, law empowers women through various ways by equipping the right and power so as to enable them to fight against male hegemony. In the present era, women have been empowered by firstly creating penal sections against certain types of behavior that violate the dignity and liberty of women, such as section 376 in the IPC for custodial rape and section 498-A for harassment and cruelty against women, and secondly, by creating proprietary entitlement for women, such as giving them a share of the property or giving them a right to work with an equal wage and last by reserving jobs and seats for women in local self governing institutions.

In contrast to the ancient times when patriarchy was all supreme, women today have access to grievance redressal and rights enforcing institutions. The modern Indian infrastructure encompasses various institutional frameworks for the empowerment of the women which includes The Family Court Act, 1984 which was passed and provides an establishment of family courts in the view of conciliation and securing the settlement of dispute relating to marriage and family affairs. Another form of grievance redressal was set up by the National Commission for Women Act, 1990. Moreover, the Indian constitution has provided many provisions to safeguard the interest of women, thereby strengthening the process of empowerment of women. First and foremost the preamble itself contains the goal of equal status and opportunity for all citizens, irrespective of their gender. Further, various Articles such as Article 14 which provides for equality before the law and equal protection of law, Article 15(1) and (2) which forbids discrimination on the ground of sex by the state, Article 15(3) which states that the State can provide special provision for women, Article 16(2) which lays down that no citizen can be discriminated on the ground of sex for any employment under the state, Article 39 which directs the state to secure equal pay for equal work for both men and women, Article 40 which lays down the directive principle of state policy and Article 51A which states that all citizens should respect and protect the rights of women, have been enshrined in the constitution of India.

Apart from these constitutional provisions there are various other domestic legislations against male domination in the patriarchal society. These include the Domestic Violence

Act 2005, The Hindu Succession Act 1956, The Dowry Prohibition Act 1961, The Hindu Widow Remarriage Act 1956, The Improvement of Nikah Nama Act 2006, The Maternity Act, 1961, the National Policy of Empowerment of Women Programme and the Indian Penal Code with amendment and revision, i.e. Article 376, 374 and 498.

Several landmark cases with respect to the empowerment of women have been incorporated in the Indian legal system. The most renowned ones being *C.B Muthamma vs Union of India* in which the rules of IFS requiring a woman officer to obtain permission of the Government for getting married were struck down by the Supreme Court as being violative of the fundamental right to gender equality.

The enforcement of Fundamental Rights of working women under Article 21 was observed in the case of *Vishaka vs State of Rajasthan*. It was in this landmark case that sexual harassment was identified as a separate illegal behavior.

Further in the case of *AIR India vs. Nargis Mirza*, the service rule made by the airlines was challenged as being gender discriminatory. The Court struck down the rules on the grounds of violative of equality

5. CONCLUSION

Thus it can be observed that the concept of a patriarchal society has developed historically and is institutionalized and legitimized by several ideologies, social practices and institutions such as family, religion, caste and society. The dominance of men existed from the ancient /historical time and still continues to exist even in the present scenario. The nature of control and subjugation of women varies from one society to the other as it differs due to the differences in class, caste, religion, region, ethnicity and the socio-cultural practices. Hence the reduction of patriarchy and social, economic and psychological development of women are only possible with the active cooperation of their male counter parts and the society at large. Women are no less than men and hence it is the need of the hour to treat them equally. Such has been enshrined by the Constitution of India under Article 14 and Article 16 respectively.

6. REFERENCES

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