

IRONY OF EQUALITY

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ABSTRACT

This article is a run through argument on the 'Man-outshined' laws which gives a base understanding of societal Patriarchy that is ill-equipped and has been ruling the roost since time immemorial. A woman being bound within a patriarchal bargain, the cold shoulder attitude and her race of being provoked to adopting the third wave of Feminism speaks volumes of the spoken.

Accordingly, the article explains what Patriarchy is all about, how it originated and how it has affected women to being what they are in today's age and stage. It's a pointer to the 'Feminist' questions that ought to be answered and remedied. In the course of the brief affair of Feminism and Patriarchy, it shows how there has been a major try towards the tracing of evidence in the courtroom. The stagnation of women's development is showcased through the promises of Patriarchal laws.

The idea behind the whole criticizing of Patriarchy and its laws is mainly to claim 'Equality' and not 'Superiority', directing towards an egalitarian society where both sexes are treated equal. The concept of patriarchy not being new, has gotten framed through feminist thought as an evil that denies existence. Feminism portrays being a breakaway against the so called patriarchal culture which considers the "rule of the father" of prime importance. The article finally rests with a critical analysis of the role of the judiciary through feminist thought and also suggestions and recommendations that would be a remedy to the hues and cries of a woman.

THE IRONY OF EQUALITY

Throwing a radical overhaul on the framed aspect of Patriarchy and Feminism, we understand Patriarchy as the dominance of male power exclusively over women. On the other hand

Feminism is a political crusade focusing on the equality of the women clan and not 'superiority'. The concept of Patriarchy bears existence with women having to be in the picture without which the very idea of talking about either would be despicable. Succinctly redefining, Patriarchy should not and cannot be limited to the feminist understanding otherwise it would mean prejudicing the thrust, which is not the positioned ideology. Ascendancy positions the bill for patriarchy. Women are designed as to being a splinter group in the midst of a commanding society, and altercations among women are considered to be frivolous by the juxtaposition with the disbursement between women and men. If we position Patriarchy as a matter of fact back to the age old times, it never held place even in the kingdom of God. Should one have to put it in understandable terms, the fruit of Patriarchy is discreditable and cannot be a part of God's abode? And "if you are Christ's, then you are Abraham's seed, and heirs according to the promise,"^[1] and the promise does not discriminate. Meticulously doing the unhinged world, would mean, we need to purge the very aspect of Patriarchy from its roots as the modus operandi of lawful control. Illustrating on this base, Westminster Politics is 80% male, and inordinately white which is nothing but raw sexism. Changing the scenario and ripping out the abyss between people and countries would probably pave way for Feminism. Now again, when we say feminism, we mean 'equality' and not superiority. Deeply going into the prospects, Patriarchy focuses on a women's lowliness to a man and the malignant consequences for feminine gender clan. On the move a gigantic step towards equality would mean appreciating feminism and what it stands for. The very word "Patriarchy" has had and still does have a very negative implication that much of the true purport been lost.

How difficult is it to accept a woman as a friend, or as a work partner, as a boss or as a foe of the male gender? And, definitely if such is done it would be regarded as, human empowerment more than woman empowerment which is all what one wants. Resorting to feminism was the only means because inequality still exists in our so called society. Is it to be taken into understanding that patriarchy is a universal competent relationship that is endemic and pungent to all other forms of social division and different historical eras? It would be illogically grubby to understand so, as general speculations to patriarchy have been understood as male domination without any limits.

¹ Galatians 3:27-28, New King James Version.

More often that we actualize, Patriarchy pulls into probably every aspect of life. Be it your workplace, in parenting or as matter of fact in eradication of the counterproductive gender stereotypes. Couples in queer alliances that don't fit within binary may; rather actually suffer patriarchy. Patriarchy is very much alive n ticking and just hurts the women gender more than ever. As correctly said by Goldman, "women need to emancipate themselves from emancipation". Feminism when read is both refreshing and disturbing because just when you think women are wholly accepted, there pops up glitches in the thinking of many. Should you have to understand, the bottom line of patriarchy as the overpowering dominance of man and the oppression of women? Oppression should be challenged and fought for. "She postulates that education formalizes patriarchy" ^[2]. Men are subjected to gender biases that also lead to some systemic snags. It would be wrong to say with this attestation, patriarchy has departed to its heavenly abode. The only way this gender gap can be embedded is to solve the phantom of Patriarchy and not profess as if it never existed. It's high time; the certain strata that refuse to accept that women should be ^{treated} equal have to sterilize their thoughts to a wider stance. Having spoken about Patriarchy, one would think to complement it; Matriarchy exists and has a role to play. Matriarchy is what one calls as mother's rule or where the eldest female member has absolute supremacy over the family. Sad as it may sound, Matriarchy is choked by the stereotypes used within the male-centered societal governance. However, the present system is a total muddle head and that dabbling round the edges will not bring equivalence in a disparate world. Going back to the "My Choice" video by Deepika Padukone released in the year 2015, directed by Homi Adajani, it was not very well taken by many among the Indian clan. Saying that it was not understood by public would be dicey, because FEMINISM has become esplanade that one would not want to go on. More to say, Feminism is nothing but a source of online entertainment; in terms asking someone "Are you a Feminist?" , makes you not one.

²Narayan, S. 2016. "The Development of Modern Feminist Thought: A Summary."Student Pulse [Online], 8.

ORIGIN OF PATRIARCHY

Before understanding the status quo and the need for the change all over, we must look into the fact, of the origin of patriarchy. Patriarchy and its origin can be relatively traced back to when the gender roles were not decided and therefore we can say that the concept arose out of the whole problem of maintaining the population. In earlier human life, the death rate was high and life of the people was short and therefore in order to maintain the population, women had to give birth to a number of children to maintain the population and on the other hand for other basic needs, the male member had to step out, for instance hunting to feed the clan. Meanwhile, females were subjected only to household and child care activities. The male clan by this time had already owned all the large paced and fleet-footed activities. These tasks of the man started growing eventually like meeting other tribal people, hunting huge animals which subsequently increased the values of existence of the male gender on the fact that they were more exposed and had relatively more knowledge of the outside world. After this scenario, it further resulted in inventing of the second gender which was the females. It will not be wrong to mention that the dominant nature of the father or the male member in the family prevailed not only on the female or the mother, but also the children irrespective of them being a male child or a female child, which means that sons in the family were also treated dominantly by the father, but later the older male in the family who is the boy, shall take up the position of the father and continue the patriarchal nature of the system.

However patriarchal social structures never existed until the end of the Pleistocene era which was moreover in regard to the agriculture and domestication. According to Robert M. Strozier, a historical researcher; it is difficult to mention any particular 'initiating event' which can specify the beginning of Patriarchy. Also, many scholars think that the concept of fatherhood has contributed to the birth of Patriarchy. Later Patriarchy was majorly criticized, but the criticism failed to abolish the same, in the seventeen century, which was the enlightenment era which promoted Capitalism and the need of capitalism did not suit the idea of father ruling the sons. Therefore this was the time where a classic form of patriarchy reached a civil juncture.

NEED FOR FEMINISM

Another side of the world is the idea of Feminism. Feminism was usually the movements that were taken up by the females of the societies to fight for their equal status, as men in the society. Such supporters of equality between the men and women are conventionally known as 'Feminists'. Thus we can say that revolutionary political, social movements coupled with the ideologies to mark an establishment to achieve equal rights for female in political, economic, cultural, personal and moreover social aspects. The idea of feminism also emphasized on quality in terms of education and employment. To clear this bafflement that only females can be feminist, there is need to make a mention that anybody who believes in the idea of equality between men and women can be a feminist, which concludes that even a man can be a 'feminist'. The political movements and ideologies of feminism promote the quality through campaigning that has already taken place and continue to take place towards various rights that were not recognized before the advent of movement of feminism. Such rights are right to vote, right at work, right of fair wages, right to receive education, right to hold property, right to enter into contracts, right to have maternity leave and to have equal rights in a marriage.

Feminist movements also campaigned to promote protection of females against crimes like rape, sexual harassment, domestic violence and promote the integrity, self-determination and free will of the women clan in all contexts.

WAVES OF FEMINISM

Feminism can be broadly classified into three waves, each of which speaks aloud about the kind of spin it brought about in the world of females. Through the study of these waves it becomes easy to reason feminism.

First-Wave

First-Wave of Feminism was a period of the 19th Century to early 20th Century. On one hand, this period marked as the Women's fight for equal contractual and property rights and on the other hand it brought about Women's suffrage. The beginning of the 19th Century in UK and US focused on the promotion of equal contract, marriage, parenting and property rights of females,

whereas towards the end of the 19th Century more focus was laid on attaining political rights, more so on the right of Women's suffrage. However, some female activists were busy campaigning for women's sexual, reproductive and economic rights as well. Hence we can say that this wave of feminism planted seeds in favor of females, indicating their potentiality to stand parallel to men.

Second-Wave

The second wave of feminism prevailed in the 20th Century, precisely between the 1960's to 1980's. This period in the fight for equality, beyond nerve centered on the inequality in the workplace, sexuality and reproductive rights in a family. This wave first came up in the United States during 1960's and paved way for itself with the need of the change in circumstances. A knot in the societies consisting women supporters already existed, like the Black Civil Rights movement, Anti-Vietnam Movement, Asian Civil Rights Movement and many other whose main objective was to attain equality, but lately the women supporters realized the fact that their voices were not audible enough when invested in the aforementioned aspect. Henceforth they decided to concentrate on the equality factor to gain success. Gender equality became the prime concern in the second wave to gain strength on the notes of equality.

Third-Wave

The third wave is the time from the end of the second wave to the present scenario. Today the word 'feminism' has attained a whole new meaning with people's understanding and the female outlook. This outlook has given birth to the ego-cultural, radical, liberal, electoral, academic purviews. The problems are still prevailing but the face has changed. We are now working towards acquiring equality in various conjunctures of professional and personal life, equal pay at work places, protection in workplaces, the reproductive rights of females. The idea is to bridge the gap and end violence against women in our nation as well as others.

We are still fighting for acceptance of 'feminism' in its true sense.

PATRIARCHY: A WORDLY AFFAIR

The society that we live in is created and controlled by men, men make rules and dominate through it, hence it can be called a 'Man's World'. The most powerful federal nation like the United States of America is still moreover a male-dominated society which is said to be Patriarchal. Equal payment of wages for female is a major struggle in the USA; even pregnant women have to go on unpaid maternity leaves. Yemen, a small Middle Eastern nation has been reported to be more unfavorable towards the women. Educating females are a severe hold down there and practice of getting girls married before the age of maturity i.e. eighteen years is a routine. According to World Economic Forum (WEF)'s Annual Gender Gap Report, only 35% of females are educated in Yemen. Topping the list comes out the neighbor nation Nepal. Lives of Nepalese females are completely dictated by their father, husband or son depending on whichever phase of life they are in. Hence marriage comes real soon on the cards when compared to education. Merely 25% of the Nepalese girls are educated. Likewise, even Pakistan provides no education to its female members and lives of female are worse there. The Muslim personal law, have made provisions that automatically bring down the idea of equality. Listing other nations in the same league is Turkey, where the life index of a woman is sad, 29% of the Turkish women are working compared to 70% of men; probably others are doing unpaid rigorous household and child care jobs. Sudan, where religious freedom is one unknown fact, marks an unbelievable incident where a woman was imprisoned for having married a Christian man and not following her father's religion: Islam. Afghanistan is also a great contributor towards inequality and injustice to women of the world. In Afghanistan women are imprisoned for running away from an abusive partner or being forced into prostitution. Nothing can be worse for a woman to run away from her partner for a better life. Therefore, it will be fair to say that Patriarchy is a worldly affair. We cannot simply blame one state for its existence. The history that has been traced back suggests that the idea of men being superior in terms of social, economic, cultural and political aspects was never decided or suggested by a particular community or state as such but it was the way it is.

Talking about the current status quo around the world, it will be justified to say that the conditions have become comparatively better. Forgoing women were confined only to household and child care jobs but it has become evidently clear that women are part of the major powers of the society like the education system, politics, economy, etc. But the truth cannot be denied either, that the society that we live in is a male-dominant society in more than one aspect. Even a woman

today is vulnerable in her workplace, the need is to understand that probably she is obligated to come out and perform the non-stereotypical job because that's what is going to keep her alive. Probably she is the only breadwinner but it cannot be made to understand because a mindset is difficult to change. Society when mentioned here is in context of the whole world, where women are not treated equally like men.

CRITICAL ANALYSIS OF THE ROLE OF THE INDIAN JUDICIARY- A 'FEMINIST' PERSPECTIVE

In Indian terms we can understand patriarchy as a social system where men have the upper hand over the women and children of the family. The quantum of this superiority covers the gambit of social, economic and cultural hold over the females and the children. The main task of a woman is considered to support the man, housekeeping duties and bear and care children. Moreover, in India there is so much happening that clearly question the validity of women over men. There also exists a system of 'matriarchy; in certain parts of India.^[3] Matriarchy is a social system where an eldest woman is the head of the family and her successors are any other elder woman after her. This is a trend that will not be very commonly seen in the country. It will be absolutely justified to call India a Man-oriented country for all reasons. The country has something against the female gender, for they have been stereotyped in all aspects of life and that it is becoming tremendously difficult for them to break those beliefs and pull themselves up. The mentality of the male gender is hard to alter but having said so, women of the old school of thought who have been brought up in narrow upbringing and were taught to almost worship men will not be incorrect. The social issues in context to injustice and inequality that the women in India face is beyond imagination. The defects and inequality cannot be removed at one go worldwide, but making reforms in our own laws can definitely bring up the position of women. Certain laws in India glorify the obsolete Patriarchal system.

Sermonizing on the role play of the Indian Judiciary and Legislature, there arises a desideratum of understanding the status quo of the already prevailing frameworks. Having said so the first sphere of people that come into reasoning would be 'Muslim women'. It is a very well established

³Nairs of Kerala, Bunts in Districts of Udipi and Dakshina Karnataka

fact that Muslim women were weighed, not as wives of their husbands but as property of their better halves which brings us back to square one. 'Feminism' never clamored for superiority, in fact anything but 'equality'. Muslim personal law is an unjust law; it is a barbaric, outdated law because it treats women as inferior. Oral talaq is permitted only to men, "he said. He claimed that even Hindu law was similarly feudal in nature but changes were made in it after "tremendous efforts" by Jawaharlal Nehru.^[4] Much to say, an emphatic probe into the subject of the Qur'an may actually make us reappraise as to whether there even exists a pedestal for the laws relating to women. "The wife is her husband's prisoner, a prisoner being akin to a slave. The Prophet directed men to support their wives by feeding them with their own food and clothing them with their own clothes; he said the same about maintaining a slave."^[5]

Section 375 of the Indian Penal Code 1860 encompasses within its ambit the aspect of Marital Rape which is considered as not an offence only because it undermines the moral principles kindred with marriage in India. Section 375 of the Indian Penal code substantiates on the criminal act of Rape, unfortunately it underestimates marital rape. Marital rape is a non-consensual sexual intercourse between legally married couples in which the perpetrator is the victim's spouse. The impunity of Marital Rape can be shadowed through the statements by Sir Mathew Hale, Chief Justice in England, during the 1600s. He wrote, "The husband cannot be guilty of a rape committed by himself upon his lawful wife, for by their mutual matrimonial consent and contract, the wife hath given herself in kind unto the husband, whom she cannot retract." Thus, it is not astounding that Marital Rape boils down to the show where women are not the subject of rape laws in India and that man is given complete indemnity only because of being bound in marital relation. According to India's culture this sort of a crime is no crime because apparently a woman is meant to have sexual intercourse with her husband and how can a husband rape his wife? Here comes the consent factor. Lack of consent is something that transforms a sexual intercourse into a rape. Though there has been a considerable amendment to partially protect the women in the marriage market, but it still leaves room for exploitation. After the 2013th amendment of Indian Penal Code 1860 came into the picture, Section 376B titled as Sexual intercourse by a husband upon his wife during separation, suggests that this law is punishable only on having sexual intercourse when the spouse is separated. Having spoken about marital rape; connect that follows

⁴Justice MarkandayKatju, Sept 30th,2014, Press Trust of India.

⁵ Ibn-Qayyim AlJawaziyya, "*Ighathat al-Lahfan min masa id al-Shaytan*", Vol. II, 60, 1939.

links to the aspect of Child marriage says that sexual intercourse with a girl below the age of eighteen is considered to be rape. Further adding a little technicality to this, though there is the Prohibition of Child Marriage Act of 2006 which prohibits child marriages, but once the marriage amongst the minor takes place this act does not make it a punishable act. Therefore a man can have sexual intercourse with his minor wife thereby, violating her age of consent. This becomes a vicious circle in which women are trapped because any which way marital rape is not an offense in India. Undoubtedly, having emphasized so much on the peculiarity of Patriarchy, the crux of Section 497 of the Indian Penal Code 1860 is one among the many such laws which is labeled as gender-biased and women centric by scholars but at the same time one facet of law espouses that, 'A married man who commits Adultery with an unmarried woman cannot be charged for the offence'.

Flitting on the contribution of the Indian Judiciary, when it comes to the facet of Dowry, our Judiciary has proved themselves as being flawed perfectionists. The practice of marrying in front of fire ('Yajna' in Sanskrit) is what originally led to the practice of dowry for the very first time. At first the family of the bride would accept gifts in lieu of the bloodshed of the bride but later the modification is what led to the present system of dowry. The stumbling block of our nation at present is, Dowry Death; which has thrown an ultimatum to all the judicial activists around to eradicate this menace and also castigate the wrong doer. The 'Dowry Prohibition Act 1961' although framed, never enforced women's rights. Dowry is just a form of living off your wife. Whatever said and done, the Indian Judiciary; our so called educated clan has nothing great towards working in a woman's interest. Dowry; the deep rooted evil has led to nothing but core harassment of a woman by a man and goes on till date. The battle against Dowry remains a fray for it has spoilt man rotten. The Indian Judiciary ought to comprehend the concern and couch a fix to mandate a woman's right so as a woman can also stand in power with the male clan. According to the National Crime Records Bureau there were about 94,000 cases reported for Dowry Death in the year 2010; meaning to say a bride was burnt every 90 minutes. There were also 25,000 cases registered between 2012 and 2014, as said by the Union Minister Maneka Gandhi. If a bride did not give into the unflagging demands of her husband or in-laws, she was subjected to mere inhuman treatment. What was even worse was that, the statement of a dying bride was considered as unprofaned evidence which meant a mere drop in the number of bride burning cases after the passing of the first law in 1961. In connection with the legal aspects, Section

498A of the Indian Penal Code 1860 highlights; where a husband or relative of a husband of a woman subjects her to cruelty. It is often considered to play strong in favor of women because of the recent misuse but it is to be understood that this section roots its bearing only because of the increased number of 'Dowry Deaths'; which became a matter of concern. In a particular case where the accused was convicted under section 302 IPC 1860 for burning his bride only because she was unable to suffice his demands of dowry.^[6]Dowries were illegal in India ever since 1961 but the irony is that dowry death still prevails. After the case of *Subhash Chander and ors. Vs. State* ^[7]; popularly known as Satya Rani's case where a mother stood strong to demand justice for her dead daughter Kanchan. The reason behind Kanchan's mysterious death was the unpaid dowry demanded by her in-laws which was conveniently named as suicide. Satya rani's case is a landmark case in context to dowry as it brought about a logical amendment in the act shifting the burden of proof on the husband and his family also making not only the husband but his close relatives' culpable.

A practice started by the upper class Jats in the 14th century of treating every girl and boy as siblings, is what led to the Khap Panchayat ruling. Driving into the vintage practice of the Khap Panchayat Ruling it would make one think that how is it pertinent to the slant of Feminism and Patriarchy, but then how does it not? A Khap panchayat is a synod of male Khap elders, who claim to take positive decisions on social issues keeping the girl child or female clan in mind but treat women no less of a commodity. On the other hand Khap Panchayat ruling encourages honour killings and other institutionalized transgressions, which hound over the female clan before the male which is nothing but a mimeograph of the Talibans. Khap Panchayats run their own devout way of imposing sanctions over people. For instance, they have gone to the shallow end of having shielded rapists only because to them; raped women were considered as sluts. Putting the above mention into understanding, the core mien of a raped woman connotes that she has been plundered by a 'man'. Sad as it might sound, the very defect lies with our Indian Judiciary in terms of not bringing an outright ban to a practice which has no legal binding and orchestrates unconstitutionality in the enforcement of rights. One such exemple of the Khap Panchayat ruling was where newlyweds *Manoj and Babli*^[8] were killed in June 2007, only because

⁶Surinder Kumar Vs. State (20th Jan, 1987), AIR 1987 SC 692

⁷Subhash Chander and ors. Vs. State, 1991. 46 (1992) DLT 366

⁸Manoj-Babli honour killing case. Sessions Case.No. 26 of 2009. Additional Sessions Judge, Karnal

they married each other in spite of knowing that they belonged to different castes. In another recent case, the outlandish ruling made in the Baghat district of Uttar Pradesh wherein the all-male Khap Clan ordered to have a 23 year old and minor 15 year old to be raped for their brother's mistake.

Equality of women never featured as an episode of concern, for back in the age old times, women were more subdued and danced to the tunes of the patriarchal rule. But, ever since women decided to retaliate to the idea anti to patriarchy, hassles grew in manifolds. Interjecting on the strands of the "Parsi Law of Inheritance", one exactly reads where a woman stands. Driving into a profound study of the Parsi Law, it advertises; a Parsi male can marry a non-Parsi female, but she shall have no right of inheritance after her husband's death, on the contrary a Parsi female is not allowed to marry a non-Parsi man if she does so she is excluded from the community and losses all religious and community rights. What kind of probity does the 'Parsi Law of Inheritance' speak? Much to say, Feminists were never against 'Man', they are just anti to the idea concerned with patriarchy. Neither do they hanker after Matriarchy, they just want 'Equality', which is in manifest the birthright of every individual nor would it be pretty unfair if one's right is denied. There are so many laws rather customary practices which advocate that women have always been on the lower pedestal of life and that they are incapacitated to do much to stand up for themselves. Why is it that a woman ought to depend on a man for everything? Can it not be understood that, Women are not as weak as how it is conjectured by society as a whole.

Another law that proves that women are less equal to men in India is the Family law of the usage and customs of gentile Hindus of Goa. This law predominantly says that women are nothing better than a machine who bares children. Any man is allowed to have a second wife if his first wife fails to give birth by the age of 25 or fails to give birth to a male child by the age of 30. This law directly curbs women's freedom of thought with regard to the fact that whether she wants to have a child or not, added to which is the mental and physical pressure that she has to go through. Men may also misuse this law without having to be answerable. Adding to a woman's pain and to mark their inferiority, here came another law that makes women stand up for her rights. This happens to be the Hindu Minority and Guardianship Act. According to the said law, a mother is not the natural guardian of her child instead the father is declared to be the natural guardian, but the irony is that the custody of the offspring is handed over to the mother till the age of five.

The sometimes light hearted quips that have had serious sexual smacks and lustful echoes is what led to the enactment of the 'Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013', but much into understanding the pertinence of patriarchy and feminism; the question that arises is why should there be such an act? Should it be a must that a woman has to be sexually harassed at her workplace? Where did the equality being in question go? It clearly depicts the uncomfortable and unhealthy environment of the female in their own territory. And demands for no further explanation to the fact that women are treated unequal and there is a major influence of patriarchy. The Indian Judiciary should just have to take serious action against the wrongdoer who looks at a working partner of the opposite sex with ill-will. This act has majorly superseded the Vishaka guidelines that were drawn in *Bhanwari Devi's case*.^[9] Having questioned the need of the enactment of the "Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013" , the scenario turns ugly when mere elite clan fails to understand the depth of the spoken. The debonair darling of New Delhi, Tarun Tejpal; the editor of an investigative magazine was accused of having a raped a girl in the lift of a hotel during the Goa festival. Although, a not very highlighted case, it was after when the Tehelka scandal did people realize what 'Vishaka' was all about. The guidelines only came in to being after Bhanwaridevi a social worker in a village Bhatari in Rajasthan was allegedly gang raped by the upper class men, for the reason that she was trying to save a life from dying under the trap of child marriage. This incident attracted enough attention in the nation and international market; marking it a landmark episode with regard to women being unsafe at her work place.

Perusing over the piece of law that has been prolonged and tardy; "The Domestic Violence Act, 2005" ; the Indian Judiciary has validated its role in enforcement to a great extent but is yet to go a little deeper, for the menace of domestic violence isn't completely eradicated. Still a question remained unanswered till date is whether the Domestic Violence Act is to be considered a bane or a boon? It is long now since women have accepted the torture as their fate, perhaps probably of the lack of the justice system. It was great hardship until October 2006 where a woman's vulnerability was taken for granted.

⁹Vishakha vs. State of Rajasthan 13th August, 1997, (JT 1997 (7) SC 384)

SUGGESTIONS AND RECOMMENDATIONS

Even though Section 375 of Indian Penal 1860 code has been amended in context to marital rape, it has failed to completely serve the purpose. Circumstances may not favor every couple to opt for separation; and also the amount of societal pressure that a woman has to go through is a major factor if she chooses to demand separation from her husband because India is a land of culture where such activities are not easily acceptable. Therefore marital rape is a matter of saving a woman's modesty and for the purpose of the same a woman in a living relationship should also have the right under Section 375(B) and moreover, the amendment should make a mention of the term 'marital rape'. Though Section 498(A) of Indian Penal code has a remedy for marital rape under the head 'cruelty' then why should the heinous act of rape be categorized under the ambit of cruelty? Henceforth, for the purpose of equality, Section 375 only should be amended as required. Listing another suggestion that may fade patriarchy away is to provide maintenance on divorce to the Muslim wife after her iddat period i.e. 90 days. Provisions have been made regarding the same under Muslim Woman (Protection of Rights on Divorce) Act, 1986 that came into being after the famous case of *Shah Bano Begum*^[10] but reading on to the provisions of this legislation one also realizes that it is a double standard act that in no direct way renders justice of maintenance to the divorced Muslim wife. This act through Section-4 states that on divorce of a Muslim wife she is entitled for maintenance from her husband till the iddat period; after which she shall get maintenance from her relatives who are to inherit her property after her death, provided if such a woman has children she shall expect maintenance from them, if not, then her parents. If all these options are closed for reasonable reasons she shall get maintenance from the State Waqf Board. Henceforth, a provision under this Act stating that the loan of maintenance shall be paid by the husband even after iddat period would be appreciated. The idea is to provide her with basic amenities like she used to have during the course of her marriage.

Talking of the Sexual harassment of Woman at Workplace (Prevention, Prohibition and Redressal) Act, 2013, that was brought into being for a great purpose of gender equality, life and liberty and equality in working conditions everywhere has actually not served its purpose. This

¹⁰Mohd. Ahmad Khan Vs. Shah Banu Begum, 1985 SCR (3) 844

was made to promote better working conditions for women at workplace, attaining confidence to invite women to showcase their talents, but the guidelines that were laid down are not in practicality being followed. The act clearly mentions that any workplace with more than ten employees needs to adhere to the provisions of the act, but 36% of Indian companies and 25% among MNCs do not comply with the Sexual Harassment Act, 2013.^[11] The government has threatened to take strict action against employers who fail to comply with this law, but coming back to the practical aspect, will threatening really work? The government should keep a keen eye and impose fines on workplaces having women to make sure that their workplace is complying with all the provisions of this law.

A lot of hustle-bustle has been going on about the obsolete law of bigamy under the 'Family law of the usage and customs of gentile Hindus of Goa', but talking from a feminist point of view, what if a woman does not want to get married by the age of twenty-five? What if she wants to birth her first child at the age of thirty? Therefore saying so, this law should be abolished completely, giving woman their right of family and pulling the patriarchal system down.

The Khap Panchayati rulings have paved way to the headlines not long ago with the 'Baghpat rape case'. Khap Panchayats are a "useful instrument" of society and carry out social reforms and "one or two mistakes don't make them wrong as a whole."^[12] Unfortunately this is the approach the shallow minded people of the Khap Panchayat ruling still take into regard. They have made an effort to end female feticide by enforcing the aspect of setting a ban after the birth of two girl children. Yes, it's correct on their part but even if; planned or unplanned the third child is on its way; the child is killed which is definitely not the right approach towards such a bearing. To a great extent a lot of ameliorations have been made but where so much has been done a little more wouldn't hurt. People should have the freedom to choose how many children they would want to have and also a misuse of ultra sound machines should not be done to determine the sex of the child. Another bizarre ruling that came into light enforced by the Khap Panchayat of Shoram village in Uttar Pradesh was the ban on the usage of cell-phones by women under the age of 40, shopping alone and wearing jeans. Although a condemned ban is been spoken of, nothing has been done towards having such baseless rules scrapped.

¹¹FICCI-EY Report, New Delhi, 27th November'2015

¹²Haryana CM, ManoharLalKhattar - India News - Press Trust of India- Sunday, Jan 31st 2016

Since time immemorial, one of the much debated topics is that of Dowry. Furthermore, theoretical evidence suggests that Dowry has become a matter of concern, a lot more than before. In a recent judgment, the Madras High court held that, 'Money demanded by a man from his wife or any of her relatives for his business would not be glossed to fall under the ambit of Dowry demanded'. When dowry is defined as the transfer of money and property in the husband's name by the bride's family then why such sort of a difference when it comes to asking for money for business purposes? Publicity stunts and promulgations should be showcased on all kinds of social media to launch the aspect of anti-dowry practices so as to stop this unethical menace. A lot has been spoken with regard to the misuse of the dowry law by women but Ranjana Kumari of the Centre for Social Research said that "If the law is being misused, according to the Supreme Court, then it is the law enforcement agencies that need to be blamed and not women in society."

Another concern that needs a major fix is that of the Parsi Law of Inheritance where a woman is denied her right of inheritance after the death of her husband. The very fact of a Parsi woman having married a non-parsi man and their children not being considered a part of their own community is the proof that a call for justice is needed. The Parsi community can and should make efforts toward recognizing woman as a part of their community and creating the need of promoting an equal stand.

Going a little deep and looking through a broader perspective, pint-size exertions made can make a huge difference to bring up the condition of women. How hard is it to respect her or treat her equal? It shall be understood that education plays an important role but are all people from the educated clan doing so? On the part of judiciary strict execution should be made sure of, and relevant amendments should be made, and the time limit to solve any woman-related dispute should be definite and be adhered to. We should do our part to bring about equality. Let us teach our sons all that they need to know because ultimately 'he' has come out from 'she', who is his mother and a woman.