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Mains Practice Questions

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Q. Law has its own limitation in bringing social change. In this context, critically evaluate the efficacy of steps taken to empower women and weaken the grip of patriarchy around them. (250 words)

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Approach

- Describe social change by law through illustrations.
- Provide examples where law has been successful in bringing social change by attacking patriarchal practices.
- Give illustrations where law has failed to deal with patriarchy effectively.

Introduction:

Law has been the chief instrument of social change in Indian society through ages. For instance, it has played role in empowering women through laws like equal pay for equal work, affirmative action through law for political. participation etc.

Body

Successes of law in bringing social change in institution of patriarchy

- **Social and Political rights:** Under the Constitution, women have equal rights as men, enabling them to take part effectively in the society. **Article 14**(equality before law), **15**(prohibition of gender discrimination) and **16**(equal opportunity in matter of public employment) women have equal constitutional rights as men. Political empowerment of women has been brought by the **73rd and 74th Amendments** which reserve seats for women in Gram Panchayats and Municipal bodies.
- **Economic Rights:** There has been series of legislation conferring equal rights for women which are denied in patriarchal society. These legislations have been guided by the provisions of the fundamental rights and Directive Principles of State Policy. Laws to improve their condition in matters relating to wages, maternity benefits, equal remuneration and property/succession etc. have been enacted to provide the necessary protection in these areas.

- **Social Justice:** Certain areas like domestic violence and sexual harassment of women at the workplace try to address the imbalance created by patriarchal social norms.
 - **Pre-Natal Diagnostic Techniques (Prevention of Misuse) Act** and the **Medical Termination of Pregnancy Act** prevent the violation of justice and humanity which begins from the womb.
 - The Dowry Prohibition Act, 1961 was passed to prevent the evil practice of giving and taking of dowry.
 - The suppression of immoral traffic act, 1956 more popularly known as “SITA” was enacted to prohibit exploitation of women with a view to earning money. Subsequently, this Act was renamed as the Immoral Traffic (Prevention) Act, 1956 wherein sexual exploitation and abuse of the female for commercial gain was made punishable.
 - The central government passed the Sati Prevention Act, 1987 for prevention of the commission of “sati” and its glorification. This enactment came to be passed after the Roop Kanwar case in Rajasthan, when a young widow was burnt alive as a “Sati”. Thus through law act of ‘Sati’ was criminalized which was culturally sanctioned rooted in patriarchy.

Limitations of Law as instrument of social change

- Women participation in politics is negligible. Their representation in the Lok Sabha is far below the expected numbers. The 73rd constitutional amendment has created new challenges like ‘**sarpanch pati**’ (Husband of elected women acting as de-facto sarpanch) bring out the limitation of law as social change
- Legal protections like Equal Wages Act have failed to change the status quo. There is significant gender wage gap, on average, **women are paid 34 per cent less than men**, a recent report by the International Labour Organization (ILO) has found.
- **PCPNDT Act** has failed to deter foeticide in most of the north Indian states where patriarchy is of highest intensity e.g in Haryana, where sex ratio is only 879.
- Recently, Supreme Court in **Sabrimala temple entry** case ruled that banning the entry of women into the shrine is gender discrimination and the practice violates the rights of Hindu women. However, the implementation of this decision led to massive protests by conservative section of society, bringing in to light the ineffectiveness of law as instrument of social change to empower women against the institution of patriarchy.

Conclusion

- Law is powerful instrument to bring social change however its efficacy is dependent up on the ability to implement the law by state authorities.
- Further , cultural component of social change is a slow and evolving process , rapid social change tend to produce social conflicts which was visible in protests against Sabrimala verdict.