

FAMILY in contemporary India & patrilineal & male dominant families
gender relations in family, pattern of consumption, intra-
household division, caste & hierarchy, legal etc.

Ref: State Intervention in @st
Meenakshi Mathur & Krishna Mehta

D. Aim is to understand the relationship b/w law & gender. It explains specifically the role of law & legal mechanism in improving the daily lives of Indian women across various social classes & communities.

How can we use the law to ensure that it
finds as a vehicle of liberation & social D. These
are some of the questions that we have to
keep in mind when we think about the question
of Feminist engagement with the law.

- ① history of gender, Feminist politics & theory
(power, hierarchy, sex, caste, race, ethnicity)
- ② Marxism.
- ③ gender - Inequality of different kinds
public & private debate.

Legal Provisions

②

① Pre-Conception & Pre-Natal Diagnostic Technique 1994 (PCNDT)

2) Medical Termination of Pregnancy (MTP) 1971,
(Abortion is legal up to 2nd trimester, but it is at the absolute discretion of medical opinion).
(Risk, physical or mental health).

(Acc. to Lancet Journal, a respected Br. Medical Journal, in a detailed analysis on sex-selective abortion in India, from 1995-2005 predicted 31 to 6 million sex-selective abortions in 2000's)

3) There was a need to ban amniocentesis resulting in: Pre-Natal Diagnostic Technique (PNDT) Act in 1994. & later Modified as Pre-Conception & PNDT (PC-PNDT) Act in 2003.

Feminists in India have argued that vt to access to safe & legal abortion should not be dependent as a vt to privacy as it is done often in west, esp in America. Although it is a decision taken by individual women, that decision is shaped & driven by public & social arrangement & limitation, indeed, by a collective failure of social responsibility.

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(4) Domestic Violence Act 2005.

This law recognizes the rt of a woman to live in a violence free home & provides legal remedies if this rt is violated. Legal remedies pertain to civil relief such as injunctions, compensation, & monetary relief. There can be no arrests made on a complaint filed under this law.

It is different from criminal law, which is directed at providing punishment to perpetrators of violence through imprisonment or fines. The advantage of a civil law is that it is victim-oriented & (c) is not dependent on the police to initiate action. In addition to the above relief, under 498(A) of IPC, seeking arrest of the perpetrator of violence, under the circumstances mentioned (2) Force or abuse.

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Similarly, laws are neither monolithic⁽⁹⁾
nor static. Therefore to respond to contemporary
pract requirements & demands, it is up to
make laws that are dynamic, flexible & open
to revision. It is only then that laws can meet
& rise up to the challenge of bringing about
more equitable & just global arrangements.

(Ref: Women & Empowerment in
Contemporary India, Ed. by Brati Biswas
& Ranjana Kaul, Worldview Publications, 2016.



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Family in Contemporary India,
patrilineal & matrilineal practice
gender relation in Family, pattern
of consumption, Intra
Household division, Entitlement
and Bargaining, Property right.

Notes send

⑧ The Sexual Harassment of Women at Workplace, (Prevention, Prohibition & Redressal) Act 2012.

1) The brutal gangrape of a social worker, Bhanwari Devi, while she was fulfilling her professional duties in Rajasthan in 1997, brought to the attention of the Supreme Court of India, the absence of effective means to check the problem of Sexual Harassment of women at all workplaces. This resulted in India, finally enacting its law on prevention of sexual harassment against Equal employees at the workplace.

- Sec. 11C in S.Ct., a judicial legislative interference to ensure Constitutional rights of women to work in a violent free work environment.

- 1998, a judgement was passed that recognize sexual harassment at workplace as violation of const rights of women & enforced a guideline for the prevention, deterrence, & redressal of sexual harassment, known as "Vishakha Guidelines of Sexual Harassment at the workplace."

Conclusion It is tempt to accept that no law is water-tight & perfect. There are always loopholes in it that can potentially be misused. What we have to remember is that to operationalize laws & make them effective, we have to do all the right things, & the underlying thought processes through which, as the law becomes fruits effective & practical is.