



TITLE OF THE PAPER: RITUALS, LAW AND PERSONHOOD: A STUDY FROM THE GENDERD PERSPECTIVE

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Abstract:

Women, most of the time are always treated as a marginalized section of the society, the violence towards women are comparatively more than man, although there are laws and regulation in the society but it's the mindset that need to be change towards a more balanced society. Rituals are a part of societal life but it has been seen that many sacred rituals are only performed by the male member of the society where as the women works as the helper in most of the domestic households only. The structured violence rate is also a threat towards the women in the society. Awareness should be created more in the rural and urban areas towards the law and women should be empowered from all aspects. This also includes the findings where in practicality the scene of the women has been depicted. This research is completely qualitative in nature using both primary and secondary data.

Key words: Rituals, women, Law, Violence

Introduction:

India is known for its diversified customs, cultures places etc. Although we are living in 21st century, a technological era but as we are societal being we have to accept some norms and customs of the society. The human right commission has cited that violation of basic human rights is threat to humanity. women are getting the 33% reservation keeping on the perspective that women of the society can come out but it has been observed that women are regarded as the weaker sections, most of the societal being have this belief. We have seen that in small villages the decision making power is directly or indirectly vested to the male members. Although where the decision is taken that place may be *naamghor* or *mandir* which have to take care by the female

members but when it comes to make a decision the male member get the voice unquestionably. The number of cases registered is 3.23 million (Under section 498 A of the Indian Penal Code 1860, report 2019)



Review of Literature:

Dr. Anuradha Sarma in her book '*Naari Porixor*' stated in Indian society Seeta Maa is being worshipped as an ideal woman. She is known because of her patience. This traditional society wants every girl to have patience and abide by the male members it may be husband father or son. In Assamese society in the day of *Lakshmi Purnima* the womenfolk keep the fast to be an ideal woman for her husband. In the Lakshmi Purana the qualities of a women are being described such as she should talk less and she should worship her husband. The funeral rituals are always performed by the son not by the daughter but the sacred thread ceremony (*upanayan*) included gayatri mantra is only the boys not for the girls. Also the menstrual taboo for girls is still relevant in our society. Although our constitution has provided equal rights but in social space we have seen that women's rights get violated. Women are a stronger section of society they claim their space and right. Also the unpaid household work is done by the maximum women there are some law such as domestic violence act 2005. The Indian govt has passed pre conception and pre-natal diagnostic technique act PNDT in 1994 to ban and punish prenatal sex screening female feticide. Dowry prohibition act 1961, for example in Assam the womenfolk is prohibited to enter in the Barpeta Kirtanghar, which was established by Madhavdeva.

Amartya Sen in his masterpiece *The Argumentative Indian* explores the unexplored side of women of being critical, questioning the men and showing their intellectual side often neglected by scholars. Here, he gives instances of Gargi questioning Yagyavalkya and even Yagyavalkya's wife Maitreyi questioning him on the immortality through wealth acquisition. There is also a reference to Draupadi's instigating Yudhistir to fight in the battle.

Beteille stated that rights and trust are both indispensable constituents of collective life and that "an excessive emphasis on trust may lead to the rights of some members being ignored and repeatedly violated." Laws in India are created based on the principles of equality whereas our customs are permeated by hierarchical ideas, beliefs and values. He also added the study of law is well established in societies that are complex and that have well defined institutions, whereas the study of custom is often the preserve of the anthropologist studying simple societies that are pre literate.

From Vandana Shiva's Perspective women's liberation cannot be achieved without a simultaneous struggle for the preservation and liberation of all life on this planet from the dominant patriarchal/capitalist worldview (Mies and Shiva, 16)

Navtej Singh Johar vs Union of India the. Secretary Ministry of Law and Justice: This is a landmark judgment of 2018 which have discriminated any kind of sex which is consensual between adults including homosexual by curbing section 377. The court not only found it violation of right to equality but apologized the entire community through its statement "History owes an apology".



Justice K.S. Puttaswamy (Retd.) and Anr.vs Union of India and Ors: In this landmark judgement the supreme court of India held that article 14, article 19 and article 20 protects right to privacy as fundamental constitutional right.

In the previous 12 months, 243 million women and girls (aged 15-49) across the world have been subjected to sexual or physical violence by an intimate partner (UN Report)

Research objectives:

1. How womenfolk are being treated from Vedic period to postmodern period in Assam.
1. To make people aware of the law and to prevent gender based discrimination in society for humankind.
2. To contribute to the society through this research also understanding and analyzing this issues.

Research questions:

1. Why the sacred rituals are being performed by the male but the customs taboos only for women.
2. Why in the grass root level womenfolk do not enjoy their law, different rights.

Methodology:

In this research I will use this methodology

1. Observation: The study is compelled through participant observation. Because it enables to record “natural behavior” of the respondents (W.J. Goode and P.K. Hatt, 1981). During my fieldwork, I will use observation method to record the community people’s viewpoint.
2. Group interview: Group interviews are especially productive, as the folk talk to each other. Memories can be triggered, facts can be verified, and more and more information and thoughts can be shared.
3. Personal interview: Interview is simply analytical conversation in nature (W.J. Goode and P.K. Hatt, 1981), because of the nature of unstructured interview the resource persons can share more information
4. Secondary data: Books that are related to rituals and

Culture and can be helpful in this regard.

Findings of the study: In doing research, we should always consider the factors of intersectionality, because every woman face different oppression, as betty frieden has rightly pointed it “the feminine mystique”, how women are just a commodity in male patriarchal hegemony, the



mystique is the problem that the psychological distressed of the women who had no vocational career aside of the domestic lives only. Rassundari Devi in her biography talks how she had gone through a vulnerable state being a upper caste Brahmin widow. In the male writing also it is sometimes seen that women characters are being “male gazed.” The environment and nature is considered as feminist issue by the eco feminist, in the time of displacement and post conflict situation also it is the pregnant women and children who faces the most difficult phases of life. Although India ratified the CEDAW convention on 9th July 1993 but National Crime Records Bureau reveals that in average it is the 87 rape cases every day. Women who are disable and belong to the poor family they are marginalized in triple layers, they are being victim of sexual abuse as there are many cases where landlord in the city sexually assault the disable housemaid and killed her brutally and there are also structured violence in our India like Mathura Rape Case. On the other hand, if a male do provide care to a disable person the so called male hegemony questioned on his male chauvinism, by taking it to a slave kind of mentality. It is seen that in the case of disable person it is always the female person of the household who always takes care. It can also be seen that the first world countries always consider the third world women as underdeveloped, voiceless, traditional while the first world feminist are seen in the writings as more affluent, educated and economically self-sufficient. Recently in Afghanistan we have seen the condition of women regarding their education and in their life style. In Iran also thousands of Iranian women took to the streets of Tehran to claim their rights to freedom and self-determination, most of them cutting their hair in public /posting their videos on the internet as a protest and as a support to the Mahsa Amini. The third world women issue varies from geographical localities. In the STEM areas that is in science, technology, engineering and mathematics also the career graph of women is very low, comparatively it is a little higher in the UAE, where more women have migrated there in search of good life opportunities and a balanced lifestyle. But traditionally in India today also most girls are not encouraged for higher education rather they are forced for marriage and reproduction of children only. Widows are not considered in many households to perform any sacred ritual but this has not seen in the case of a male, the women are always seen as a victim/survival of the patriarchal norms, feminization of poverty, feminization of labour of the society.

Conclusion:

As we have studied that Emile Durkheim that somehow society will grow and it never dies we have to create a balance society so that everyone can live with equal respect and liberty. Culture is about people. E.B. Taylor has defined culture as “that complex whole which includes knowledge, belief, art, law, morals, customs and any other capabilities and habits acquired by man as a member of society” (Taylor, 1873, 1). The Indian govt has passed Pre Conception and Pre-Natal Diagnostic Techniques Act (PCPNDT) in 1994 to ban and punish prenatal sex screening and female foeticide. Religion and rituals are interrelated but in the name of religion and ritual women should not be discriminalized as it has been seen in the society, As religion was at first formed to unite people. Saheli a Delhi based women organization analyzed the domestic violence cases. It was evident



that wife beating was common among all social classes as it is a reflection of the power relationship between a husband and wife. Homosexuality is also now legalized in India under section 377. But the societal taboos and perspective towards LGBT, women and widow should be change so that actual equality can take place in our society. The male gaze can be seen in the dominant patriarchal ideology. Virginia Wolf in her book “A Room of One’s Own” stated that women need a physical and mental space for her own development. When a person being judged and discriminate by society on the basis of race, colour and gender it also impacts on his/her psychological mindset. The so called stereotyped beauty standards have influenced the teenage girls. It can also be mentioned here that Roe V. Wade, 410 U.S. 113 (1973), was a landmark decision of the U.S. Supreme Court in which the Court ruled that the Constitution of the United States conferred the right to have an abortion. We have observed that laws have been implemented but in our societal life still the look of prejudice and taboo is relevant awareness should be created and along with the judgement of court it should be socially acceptable. India is progressing but this progress demands quick piquing for societal development.

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