

# A Critical Analysis of the Evolving gender Perspective in Contemporary Dimensions

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**Abstract - It is essential that the obvious conduct attributed to a third party be confirmed beyond a reasonable doubt in cases where such allegations are made. These family members cannot be held criminally liable for dowry-related fatalities on the basis of inferences and assumptions alone. However, in recent years, there has been a growing tendency to accuse both sets of in-laws of a deceased couple in dowry death cases, which might undermine the prosecution's case even if the real perpetrators are identified. In their zeal and desperation to seek conviction for the greatest number of people, the parents of the deceased have been found to be attempting to include the relatives, eventually weakening the case of prosecution even against the true accused, as appears to have occurred in the instant case. While protecting women from abuse is the primary focus of S.498-A, other members of the family, such as minors and the elderly, must be taken into account. In order to strike a fair balance between competing interests in the home, it has become clear that the current cruelty laws must be revised. Originally, the law was enacted to save defenseless wives from their rapacious partners and their families, but times have changed.**

**Keywords - Critical, Evolving, Gender Perspective, Contemporary Dimensions**

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## 1. INTRODUCTION

Modern culture has changed the way we see gender, questioning long-held assumptions about people of different sexes. This critical study has as its overarching goal the assessment of the consequences, problems, and possibilities arising from the modernization of the gender viewpoint. Understanding the intricacies and depth of gender dynamics in today's society requires a critical examination of the shifting gender viewpoint. Traditionally, the concept of gender has been interpreted via a binary system, with people being classified as either male or female according to their biological sex. This dichotomous perspective has contributed to the establishment of inflexible gender roles and expectations, which place essential limitations on the sexes. However, in recent decades, the shortcomings and wrongs of this dichotomy have become more apparent. Recognizing and accepting a wide range of gender identities and expressions is an important part of the changing gender viewpoint. The flexibility and complexity of gender is brought to light by non-binary, gender-queer, and gender-nonconforming people, who provide a challenge to the binary model. This acknowledgement highlights the significance of individual agency in forming a sense of gender identity.[1]

In addition, the developing gender perspective acknowledges the fact that gender overlaps with other

aspects of identity, including but not limited to ethnicity, class, sexual orientation, and physical ability. This concept of intersectionality recognizes the ways in which gender experiences are impacted by the interaction of several social categories and systems of authority. It draws attention to the difficulties and prejudice experienced by those who have numerous marginalized identities. The developing gender viewpoint has had a significant impact on modern aspects including the job, politics, education, and family patterns. Efforts have been undertaken to combat gender prejudice and discrimination in the workplace, as well as to increase diversity and inclusion. Among the many difficulties that have emerged as a result of the gender perspective in the workplace are the underrepresentation of women in leadership roles and the acknowledgement of the gender pay gap. There has been an effort in politics to ensure that women have an equal voice and vote in policymaking. There has been a rise in the popularity of campaigns to improve gender equality in politics and eliminate discrimination based on gender. Changing notions of gender perspective highlight the value of several viewpoints and life experiences in informing policy and leadership.[2]

The changing views on gender in education have sparked debates on how to best ensure all students are treated fairly. Safe places for students to discuss their gender identities have been established, and

efforts have been made to combat gender stereotypes in textbooks. In addition, the changing views on gender have posed problems for conventional notions of family. Gender roles within families are better understood because to the normalization of nontraditional family structures including same-sex couples, shared parenting, and intentional communities. This has sparked conversations about redefining gender roles inside the home, including how work and care are divided and who provides for whom. Progress and difficulties are shown via a critical examination of the changing gender viewpoint in these modern contexts. Although much progress has been made in opposing old conventions and promoting gender equality, gender inequities, prejudice, and stereotypes still play a role in shaping people's everyday lives.

The goal of this critical study is to dive into the subtleties and intricacies of the modern gender viewpoint. Understanding the dynamics of gender in today's society requires looking at the repercussions, difficulties, and possibilities brought on by these shifts. By looking at things critically, we can find places that could need some work, promote laws and practices that are more welcoming to people of all gender identities, and ultimately create a society that does just that.[3]

## 2. CONSTRAINTS IN DEVELOPMENT POLICIES

Global efforts to alleviate rural poverty and expand food supplies through the promotion of sustainable development and the regulation of access to productive resources and services like land, water, technology, research, training, and financial resources have not always been fruitful, according to studies conducted by the Food and Agriculture Organization (FAO) and others. Indeed, such actions have often had unintended consequences. The failure of many development policies and attempts to address gender inequality and the exclusion of women agricultural producers are two major reasons for this.

Perhaps the largest obstacle to studying women's real contributions to agriculture has been the lack of data that is split down by gender. Knowledge of this kind might be helpful in getting more women to participate in plans for rural development and food security. Furthermore, gender-segregated data may provide insight on the manner in which men and women interact at different points along the agricultural value chain, such as in the cultivation of food and cash crops, the management and supervision of financial matters, and the storage and sale of agricultural commodities.[4]

### i. Land rights

According to studies undertaken by the FAO of the UN, sexism is a major barrier to increasing women's agricultural productivity and income. Secure land rights include not just the right to own private property, but

also the ability to lease public land and use common property. If women were given access to land, they would make better use of it because they would be more likely to make the input and management decisions that would maximize long- and short-term profits.

For a large portion of human history, women's rights to own property were severely limited. Land is generally granted to the male head of the family, making this problem worse, and agricultural reform and resettlement efforts haven't helped. Those in charge of designing and implementing such plans have given little thought to the question of who is ultimately responsible for the household or producing unit.

And since agricultural modernization sometimes leads to whole villages being moved off the best land to make room for commercial crops, once-independent farmers are now dependant on receiving food from other sources. However, in nations where agricultural reform has occurred, such as Thailand, China, Nicaragua, Malaysia, and Cuba, conventional systems have changed to keep women in the kitchen as a secondary function. In addition, several women have formed groups to advocate for equitable distribution of communally owned assets.

Until women get equal access to land, they will be unable to participate fully in rural development. The Beijing Platform for Action identified this as one of the main causes of female poverty. It suggested that increasing women's access to land via legal reforms and other means might be one method for reducing poverty.

### ii. Water distribution

Women's access to and control over the water supply is frequently denied them despite their vital role in water management. In rural areas, women often provide water, even though doing so might take a whole day. Water is required for many daily activities, including eating, drinking, washing, and taking care of plants and animals. Especially for women, every drop counts. They are responsible for finding, storing, and keeping an eye on the quality of clean water in their region. They save money and resources by recycling the water for subsequent uses, such as watering plants and doing laundry. They have evolved into water management specialists, and it is crucial to acknowledge and incorporate this development into water conservation policies and strategies.

Nonetheless, agricultural policies often favor cash-only monoculture over the crop diversification that is typical of and vital to rural food production. In this approach, there is less of an emphasis on small-scale irrigation and water delivery technologies that are well-suited to smaller farms. They feel that

neither their needs nor their expertise in water management are being met.

When water is taken from rivers and streams for industrial irrigation, many farmers and rural communities suffer. Toxins, such as those used in pest control and other chemicals, are washed into water supplies during drainage system construction. Water is being wasted needlessly due to a lack of foresight about how it will be used.[5]

When deciding how to allocate water in irrigated regions, it is common practice to ignore women's labor and care duties. The failure of water management and irrigation projects is strongly correlated with the lack of female participation in these endeavors.

### iii. Research

Research and extension programs aim to boost food supply, provide employment opportunities, reduce environmental degradation, and enhance resource management in the fields of food security, sustainable development, and the eradication of poverty. Agricultural research has been focused on cash crops and other fundamental commodities like maize, while cereal, fruit, pulse, and vegetable crops have been ignored.

In order to increase agricultural production in developing countries in a sustainable manner, researchers should focus on food crops and small animals, drawing on the expertise of women farmers.

According to studies conducted by the Food and Agriculture Organisation of the United Nations, women constitute the backbone of the agricultural industry since they do the majority of the labor and are the primary breadwinners in their households. There is a wider gender gap for women than males when it comes to accessing agricultural support services and information. In smaller-scale cash crop cultivation in Latin America and sub-Saharan Africa, women have been found to play an essential role in some facets of the business. In many parts of the world, women are the ones who are tasked with ensuring that their families have access to clean water, as well as gathering forest products, fuelwood, water, cooking, and conserving food.

Women's broad knowledge of the value and use of both wild and cultivated types has enormous repercussions for food, health, income, and the protection of plant genetic resources. In the name of technical advancement, women's roles in the food production and administration of other resources risk becoming devalued. Agricultural research will make advantage of women's special skills in terms of production and biodiversity, owing to recently introduced techniques.

There is a gender gap in men's and women's practical knowledge of the natural environment, its inhabitants, and the resources that may be extracted from it. This

gender-specific data is crucial for in-situ genetic resource conservation, management, and improvement. When selecting which species need protection, it is crucial to have a firm grasp on how much such resources are really worth in the area.

### iv. Extension

Females are typically excluded from production support services like extension and training despite their vital role in feeding the world and guaranteeing its safety.

According to FAO studies, there are a variety of barriers preventing extension programs from reaching rural women. Because of their greater ability to get financing for and implement new technology and inputs, farmer-landowners have traditionally been the focus of most extension programs. Loans are difficult for women to get, and land and other resources are scarce. While the crops that women farmers choose to grow are vital to the well-being of millions of people, extension services often overlook them in favor of higher-yielding commercial crops.

Because of stereotypes that have persisted for decades, the extension staff treats women differently. It's common to hear stereotypes about women, such as "Women are too shy or reluctant to accept new technology," "Women have little say in farm decisions," "Women don't understand what extensionists are teaching," and "It's difficult to start a conversation with women."

Women have extra challenges while attempting to extend their careers due to lower levels of education, access to public transit, and leisure time. However, women have mastered the art of juggling domestic and agricultural responsibilities. If they were involved in extension initiatives, they might work more efficiently, leading to higher agricultural yields. There would be a greater possibility of success for extension projects if they were created with women's specific needs in mind.[6]

## 3. ROLE OF CONSTITUTION IN GENDER JUSTICE

When all forms of discrimination, oppression, and inequality are eradicated on the basis of gender, we will have achieved gender justice. In order to ensure that all people, regardless of their gender identity or expression, are treated fairly, the constitution must provide a legal framework that does so. Examining how constitutional provisions, values, and interpretations affect and impact the quest of gender equality, this critical study investigates the Constitution's role in achieving gender justice. Constitutions are the highest form of legislation in any given country because they define its guiding ideals and guarantee its citizens certain basic protections. The rights and safeguards of citizens are established, and the roles and obligations of various institutions are spelled forth. Many national

charters have included provisions for women's rights and gender equality in recent decades, reflecting a growing global awareness of the issue.

Including gender equality clauses in constitutions is a public statement of intent to protect and advance the rights of people of both sexes. These clauses typically forbid any kind of discrimination based on gender and acknowledge the need to close any gaps that may exist between the sexes. Affirmative action measures and the encouragement of women's participation in decision-making positions are two examples of the kinds of systems that might be established to improve gender equality. Gender justice laws are very important for constitutions to comprehend and implement correctly. The preservation of women's rights may be affected by the courts' interpretations of constitutional provisions. The judicial system has the authority to overturn discriminatory laws, give redress for victims of gender-based violence, and establish norms that promote gender equality. The constitution serves as a check against discriminatory and backwards legislation, guaranteeing the protection and enforcement of gender rights.[7]

Constitutions may also create agencies and procedures to deal with gender inequality. In order to promote gender equality, investigate complaints, and keep an eye on constitutional requirements, various types of national commissions, ombudsman offices, and specialized organizations might be set up. By offering forums for advocacy, redress, and policy creation, these institutions play a key role in advancing gender justice. Constitutional protections for women go beyond the confines of the law. By questioning established gender roles, it may help bring about social change. Constitutions may impact public discourse, challenge prejudices, and advance social acceptance of varied gender identities and manifestations by recognizing and upholding the principles of gender equality. Constitutional guarantees may motivate grassroots campaigns for gender justice and hold governments to account for enacting policies that take women and girls' experiences into consideration.

However, obstacles and gaps remain on the path to attaining gender justice, despite the existence of gender equality measures in many constitutions. Social prejudices, a lack of funding, and a lack of political will are all factors that might make it difficult to uphold the rights guaranteed by the Constitution. Sustained attempts to address these problems completely are necessary because of the persistence of gender-based violence, discrimination, and societal norms. This critical study will examine how the constitution may help bring about gender equality in society. We will look at the influence on gender equality of constitutional provisions, judicial interpretations, and institutional processes. The efficacy of constitutional provisions aimed at achieving gender justice may be improved by critically examining their strengths and weaknesses in order to identify areas for development and offer solutions to that goal.

In the end, the Constitution is a vital instrument in advancing gender justice because it establishes the legal and normative groundwork for safeguarding gender rights. It makes people more self-reliant, promotes personal responsibility, and affects the political and legal climate to benefit women and men equally. We can get closer to a world where gender justice is fully achieved if constitutional protections are respected and enhanced.[8]

#### 4. POLICE MISHANDLING OF S.498-A AND GENDER BIAS

The purpose of adding Section 498-A to the Indian Penal Code (IPC) was to shield women from violence and abuse stemming from dowries. Concerns concerning sexism and police abuse of discretion in applying this provision have arisen in recent years. The gender biases that may exist in the police's use of Section 498-A are examined in this critical examination. By delving into these concerns, we may better understand the difficulties inherent in achieving gender justice in the criminal justice system.

When a husband or his family members demand a dowry from a woman, Section 498-A makes it a crime for them to be harsh to the wife. The shocking number of dowry-related murders and abuse cases in India prompted the introduction of the clause. The purpose of the law was to provide domestic abuse and dowry harassment victims the protection and justice they deserved.

Concerns regarding abuse and misleading implications have arisen, however, after cases in which police enforcement of Section 498-A was handled poorly. It has been reported that people have been arbitrarily arrested, harassed, and fraudulent charges have been filed out of personal vendettas or financial gain. The correct application of due process, the assumption of innocence, and the investigation and verification of claims have all been called into doubt as a result of this mistreatment.[9]

The potential for sexism in the criminal court system is a major worry about the implementation of Section 498-A. There are others who believe this rule unfairly benefits women and punishes males, reinforcing harmful gender norms and assumptions. As a result of this prejudice, cases may be filed, investigated, and prosecuted in an unfair and skewed manner.

Gender bias in Section 498-A enforcement may lead to a skewed focus on males, which ignores the unique circumstances of each case and promotes negative generalizations about men and boys. Misuse of the provision may also cast doubt on the truth of legitimate victims' claims, undermining their credibility. The perpetuation of an adversarial and divisive approach to handling domestic violence and dowry-related problems is one way in which such

prejudices may impede attempts to achieve gender justice.

Mishandling of Section 498-A, as well as gender prejudice in its enforcement, may have far-reaching social consequences. As a result, victims may be dissuaded from coming forward, and the widespread perception of violence against women may be reinforced. And it diverts our focus from fixing the underlying causes of prejudice and violence against women.

The misuse of Section 498-A by police and the possibility of gender bias in its use are the focus of this critical examination. We'll look at specific instances of abuse and allegations of it, dig into the difficulties victims and wrongfully accused people encounter, and think about the underlying structural causes. By studying these worries thoroughly, we may provide suggestions regarding how to better apply Section 498-A, taking into account any possible gender biases.

Addressing domestic abuse and dowry-related concerns in a fair and equitable manner is essential to achieving gender equity. The police must treat each case with care, conduct in-depth inquiries, and be able to tell the difference between real victims and those who are making false charges. Gender-based violence in its larger context must also be acknowledged, as must the necessity for comprehensive efforts to prevent and remedy it. A more fair and effective strategy against domestic abuse and the promotion of gender justice within the criminal justice system may be achieved by addressing police mismanagement and gender prejudice within the implementation of Section 498-A.[10]

## **5. CONSEQUENCES OF MISUSE OF S.498-A**

The purpose of creating Indian Penal Code Section 498-A was to safeguard women from violence and abuse stemming from dowries. But in recent years, concerns have been voiced about how this option may be abused, leading to undesirable outcomes. The purpose of this critical study is to examine the effects of Section 498-A abuse on victims and wrongfully accused individuals. These repercussions provide a window into the difficulties of achieving gender justice in the context of domestic abuse legislation. Cruelty committed by a spouse or his family members in response to a dowry demand is illegal under Section 498-A. It was enacted to provide women in India with a legal recourse and protection from circumstances involving dowry-related violence and abuse. The provision's severe penalties have helped bring dowry and the need for gender equality to the forefront of public discourse.

However, Section 498-A has been exploited in the past, with negative results for both individuals and society as a whole. False allegations and unjust arrests may result from overuse, which is a serious problem. There are many who worry that unscrupulous people would use this option to exact revenge, obtain

an unfair advantage in domestic conflicts, or steal money. An individual's reputation, connections, and ability to support themselves may all take a serious hit if they are falsely accused and then arrested and harassed.[11]

Loss of faith in the criminal justice system is another possible outcome of improper application of Section 498-A. Because of the widespread belief that this option is misused, real victims of domestic violence may be dissuaded from seeking aid and justice out of fear of retaliation. The resulting breakdown in confidence may have far-reaching effects on society at large, contributing to a climate of silence and undermining efforts to combat and prevent gender-based violence.

Furthermore, real victims of domestic abuse may be affected by the misuse of Section 498-A. The real victims of dowry-related abuse risk having their experiences and needs lost in the spotlight of bogus charges and exploitation. Real victims risk having their veracity questioned, which may result in less sympathy and aid being provided to them. As a result, victims may be less likely to come out with their stories, pursue justice, or use available resources.

The abuse of Section 498-A has far-reaching effects that go beyond individual cases. They may cause friction in the home and perhaps aid in the demise of a marriage. False charges may spark nasty court fights, which are draining on everyone's mental and emotional health. There is a risk that the children in these households will also be negatively impacted, maybe even more so than the adults.

In this critical study, we will look at how victims and wrongfully accused people are affected by the improper application of Section 498-A. We'll talk about how this affects society as a whole, how victims' faith in the justice system suffers, and what it's like to be a real victim of domestic abuse. By carefully examining these effects, we can advocate for a more well-rounded and efficient strategy to prevent domestic abuse and find places to make improvements in the implementation of Section 498-A.[12]

## **6. CONCLUSION**

Having carefully examined all relevant literature, including books, legal literature, law journals, other journals, law books, statutes, and a plethora of other references, the researcher has concluded that there is a significant outcry against the misuse of section 498-A, but that this outcry is horizontal rather than vertical. This suggests that these charges are made often by a tiny minority of people and not by the majority of the population. A common example is a misunderstanding of legal documents like rulings and reports. The Malimath Committee document has been cited extensively by those who oppose S.498-A; nevertheless, the current work provides a critical

analysis of that paper and presents its essential points. Even though there are many other factors contributing to the lower conviction rate, such as other offenses like atrocities against SC and ST and corruption, it is claimed that S.498-A has the lowest conviction rate, and that too as a result of false complaints made by the wife.

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