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A GAME OF DICE PLAYED DIFFERENTLY

~Aanya Kapur

INTRODUCTION

“Study the historian before you begin to study the facts” by Edward Hallett Carr holds true in the field of law too. To comprehend the status of law implementation and the rights different sections of society are entitled to, you must comprehend a society and the psyche of legislators. In a society which feels proud when few members educate women and girls and “allow” them to do things for which they should not require permission, educating ourselves with respect to women's rights under Indian law becomes instrumental. To put it simply, the rights of women in India can be classified into 2 categories, namely constitutional and legal. But do they actually translate into a life worth living? Have they added meaning to the lives of women in India?

The blog is an attempt at exploring how far the rights have translated into reality and what remains. Have the patriarchal masters just conveyed their intentions through law or do they actually practice what they preach?

INDIAN SOCIETY, RIGHTS AND IMPROVEMENT AREAS

Let me begin my pointing out something that caught my attention the most. In the capitalistic world of today where property matters more than ever, let us have a look at The Hindu Succession Act, 1956. Now, if a Hindu woman dies without a will, according to the rules of succession, the heirs of her husband would be given priority over her mother and father¹. This is rather disempowering. In the case of Narayani Devi and Deendayal Sharma, wherein the wife was thrown out of her matrimonial home, things took a rather tragic turn when Narayani Devi died. Narayani, who had earlier become a nobody for her in-laws, was treated as a useful asset when she died. The Supreme

¹ India Code, (Feb. 10, 2021),

https://www.indiacode.nic.in/bitstream/123456789/1713/1/AAA1956suc_30.pdf.

Court denied her mother's claim to her property in the legal tussle between her mother on one hand and her husband's sister's sons on the other. For the court, the case was a rather "hard" one². This somewhere goes to show that law in India, particularly women's rights are only being protected in letter and not in spirit. And the letters are not fully in their favour. It is to be noted here that the mother's claim to her daughter's property was not merely an emotional one but something grounded in principles of equity and justice.

This judgement reflects something much larger than the wordings of the Hindu Succession Act, 1956. It not only reflects that judgements are largely male dominated and hence, come with a baggage of prejudices that males would have developed over time but also reinforces societal notions such as "Paraya Dhan"- according to which girls are not worth investing in because they go to another home post-marriage while men lead to stability in wealth and betterment of family. Now think. If provisions like this exist, would daughters be taken seriously? Probably not. So, to all the women out there, do make a will.

Now let us turn from the question of succession to something that reveals a more plagued mindset. While acts such as the Indecent Representation of Women (Prohibition) Act, 1986³, are meant to prohibit the inappropriate representation of women, be it in the sphere of advertisements, writings, paintings or any other art form or representation, the good intentions of the act are marred in actual practice.

An incident from Gwalior wherein there were scratches and deformations near the vaginal area of women in paintings goes to show how laws cannot undo a polluted mentality⁴. Well, of course, action was taken. In a democracy, you cannot expect inaction. But, seriously, whitewashing the wall and making new paintings- does that solve the issue? The gravity of the matter was much more than what the solution to it reflected. Ensuring that indecent representation does not happen requires equally that decent representation remains intact. Till

² *A law that thwarts justice*, The Hindu (June 26, 2011), <https://www.thehindu.com/opinion/lead/a-law-that-thwarts-justice/article2137110.ece>.

³ *Microsoft Word - A1986-60.docx*, (Nov. 8, 2019), https://www.indiacode.nic.in/bitstream/123456789/15350/1/indecnt_representation_of_women_%28prohibitio n%29_act%2C_1986.pdf.

⁴ Geeta Pandey, *Gwalior: Walls whitewashed after female yoga murals defaced in Indian city*, (Jan. 10, 2026), <https://www.bbc.com/news/articles/ckgl8x03lzp0>.

the time that cannot be ensured, this grey area between the law and its practise would only widen.

According to the Equal Remuneration Act, women cannot be discriminated against when it comes to drawing wages⁵. But wait? What if the discrimination is disguised as differential reward for differential talent. What happens then? How would you prove that what happened was discrimination and not a result of differential merit? If the Indian cinema suffers from this prejudice, what happens to ordinary women, who might be threatened by the verbal expressions of the employer in a sexual manner or face the threat of immediate firing.

By bringing to light the contradictions between the intentions and actual implementation of these acts, I have illustrated how the Indian law meant to empower women disempowers them.

CONCLUSION

To conclude, I would say that women's rights under the Indian law are a game of dice that has been played differently. In the Mahabharata, Devi Draupadi was gambled but today, the gamble takes place not because there is a lack of laws but because in practice the male dominated mindset is the obstacle in the implementation of laws. What we need today are grassroot sensitization campaigns and a rethinking of the Indian societal primary socialization.

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