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HOW PURITY CULTURE AFFECTS FAMILY DYNAMICS AND FAMILY LAWS IN INDIA

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ABSTRACT

This paper will aim to address the impact that purity culture has on family dynamics, taking into consideration the already existing patriarchal norms of family systems. This paper will also further examine the various personal laws that are codified in India, which govern the diverse religious communities in matters related to family law, with emphasis on marriage. It will mainly cover how purity culture influenced Hindu, Christian, and Muslim law, analysing these from the sources that personal laws are based on, since all personal laws are based on various religious texts and teachings of different preachers. By analyzing religious doctrines and statutory laws, this paper seeks to establish how purity-based norms have shaped the legal identity of women, restricting their autonomy and reinforcing patriarchal control. The study primarily focuses on how personal laws in India reflect and perpetuate purity culture by placing undue expectations of chastity, honor, and obedience on women. Moreover, the paper will aim to purport how purity culture pervades and influences almost every aspect of a woman's life, causing her to shoulder the burden of men's actions. This paper adopts a doctrinal legal research methodology, relying on a comprehensive analysis of statutes, case law, religious texts, and scholarly critiques. It examines judicial precedents and aims to engage in a comparative analysis of reforms in different personal law systems, identifying areas where legal interventions have successfully challenged patriarchal norms and areas where further progress is required.

KEYWORDS: purity culture, religion, family law, personal laws, women

INTRODUCTION

What is purity culture?

Most familial belief systems are rooted in the central and core belief that women must be of 'pure' nature or character for them to fulfil their duty of marriage with a partner in the future. While mostly propagated in the Abrahamic religions that exist today, purity culture has taken an almost perverse route to infringe in a micro sense, all spheres of life, affecting only women by-large on the binary that exists. Purity culture rose in popularity within Christian communities as a response to the increasingly liberal societal movements in the 20th century such as second-wave feminism.¹ Here, the idea of purity became linked to chastity, and over time, the idea of purity was shaped in the way that a perceived woman is expected to dress, behave, and act, all to please their male counterparts and appease to society's standards of what is expected out of them. Purity culture evolved during the Evangelical period and resulted in manifesting itself in guilt and shame-inducing ways.² Seeing as how purity culture itself as a recognised tradition started in the Western world, it was also only attributed to white women, a side-effect of racist beliefs. (Non-white women were not seen as ideal).³ It encouraged young women to believe that the only right way was by practising abstinence and celibacy. God and religion were used as the deterring factors to turn people away from what were actually 'social wrongs'. According to existing social norms, a woman, after marriage, is supposed to embrace the role of a dutiful wife and mother, and these beliefs have unfortunately been made almost corporeal in the way that they have been included as a part of the personal law system in India. Women and girls are characterized as impure or pure based on their sexual behaviour, menstrual cycle, marital status, and other factors. This abstract notion of purity is largely based on myths and misconceptions.⁴ While the original notion of purity culture emanated from Evangelical beliefs, in India particularly, Hindu texts and interpretations of mythology had their own role to play,⁵ along with the onset of Christian missionaries and Islamic rule in the

¹ Purity Culture: Measurement and Relationship to Domestic Violence Myth Acceptance - ProQuest, <https://www.proquest.com/openview/fc96131e691e452d4dd4c2bd93180cfa/1?pq-origsite=gscholar&cbl=18750&diss=y> (last visited Sep 23, 2024).

² The Relationship Between Purity Culture, Male Role Norms, Ambivalence Toward Men, and Social Intimacy in Christians - ProQuest, <https://www.proquest.com/openview/7910621251fc890edcccb7714a03cae4/1?pq-origsite=gscholar&cbl=18750&diss=y> (last visited Sep 23, 2024).

³ Breaking up with purity culture, THE ONE WOMAN PROJECT (2021), <https://www.onewomanproject.org/religion/breaking-up-with-purity-culture> (last visited Sep 24, 2024).

⁴ Margot Radding, "It's Not Important for You to Speak:" *The Perception of Purity and Its Power Over Women's Reproductive and Sexual Health*, INDEPENDENT STUDY PROJECT (ISP) COLLECTION (2016), https://digitalcollections.sit.edu/isp_collection/2515.

⁵ Karuna Chanana, *Hinduism and Female Sexuality: Social Control and Education of Girls in India*, 50 SOCIOLOGICAL BULLETIN 37 (2001), <http://journals.sagepub.com/doi/10.1177/0038022920010103> (last visited Sep 23, 2024).

subcontinent. For example, the concept of *kanyadan*— how unmarried girls are categorised and lauded for being fertile and chaste, and celebrated for the same, and shamed if not.⁶ This inevitably leads to the social conditioning of a young girl that she must also do everything in her power to stick to these intangible illusions of seeking appraisal, or she will risk social ostracisation. Further, the concept of menstruation by itself remains a heavily taboo concept in Indian society and is deemed impure according to Hindu customary beliefs.⁷ Traditional gender roles are endorsed in a way that women must appear attractive to men. Such findings not only imply that women are unattractive if they express their thoughts and opinions and act as whole and complex people but women are consistently burdened with the responsibility of controlling men's expressions of sexuality.⁸ However, like previously elaborated, purity culture while although evangelical, had its own roots in pre-colonial times. Verses in the Manusmriti, for example, held many interpretations of social values that stigmatised women because of sexuality, and in that period, customary law was heavily prevalent due to social stratification and the Sanskritization of society, leading to a caste-based hegemony that left Dalit women the worst affected.⁹

A basic example for understanding purity culture is the way (often) religious reasons promulgate the way a woman should dress and behave or go out of her way to do so, and the problem rests in the way it becomes conditioned in the malleable minds of children from a very young age when they are susceptible to such beliefs.

Indian legislations vide personal laws and their sources:

Family dynamics are given their legal validity by the various personal laws that exist in India. Due to its significantly diverse population of 1 billion people, the Indian legislators determined that providing the people with their various laws to govern their own communities in relation to marriage, inheritance, and divorce would be ideal. From this, what one can also note is the way the customs and beliefs of these communities have been reflected in the statutes.

⁶ *Supra* at 3

⁷ Aru Bhartiya, *Menstruation, Religion and Society*, IJSSH 523 (2013), <http://www.ijssh.org/index.php?m=content&c=index&a=show&catid=43&id=595> (last visited Sep 23, 2024).

⁸ *Supra* at 1

⁹ COFEM Secretariat, *Sexual and Gender-Based Violence Against Dalit Women and Girls in India*, (Jul. 22, 2022), <https://cofemsocialchange.org/sexual-gbv-dalit-women-girls-india/> (last visited Feb 2, 2025).

For example, in the model Nikkanama (marriage contract) given under Muslim personal laws,¹⁰ one of the wife's duties is "to obey him (the husband) in religiously valid matters". Another obligation is listed as "fully safeguarding her own honor".¹¹ This concept of honour, particularly in the context of personal laws, raises questions about gender equality and the unequal distribution of responsibilities and rights within a marriage, which can further be attributed to the nature of the wife having to remain pure for the sake of marriage, and maintain this sense of purity throughout.¹² This additionally highlights how being pure is attributed to being celibate and chaste, and the burden is more often placed on women. Religious women often used three definitions of impurity: the unclean, the immoral, and the religiously indecent.¹³

In the Manusmriti, which is an important source of Hindu personal law, marriage was seen as the only way that a woman could exercise her reproductive freedom because otherwise, she would be labelled as unchaste, and that would be seen as an inherent flaw to her character and worth morally. An interpretation of what Manu propagated suggests that he did not want marriage between a Hindu man and a disabled woman or women with defects in their body.¹⁴ An even bigger issue is the fact that this same level of moral scrutiny was not extended to men. For example, when adultery still used to be criminalised under the Indian Penal Code (Section 497 of the Indian Penal Code), the offence of adultery could only be committed with another man's wife. Not only does this take away from the fact that a woman has the same autonomy over herself and her body as a man does, it was based on the fact that this crime was hurtful towards the other husband because the wife is essentially seen as having an honorary tie to him.

Customary practices of other religions, as enshrined in their respective sources, act as a foundational pillar that bequests expectations for being considered as a proper religious woman. The most important and notable source in Christian law, is the Holy Bible. All sects of Christianity recognise this as their one true source of religion and religious duties, and any legislation that exists today has its basis in this piece of literature.¹⁵ Christian laws are governed

¹⁰ Shia board moots model 'nikahnama', denounces 'triple talaq' in one sitting, HINDUSTAN TIMES (2016), <https://www.hindustantimes.com/lucknow/shia-board-moots-model-nikahnama-denounces-triple-talaq-in-one-sitting/story-E6a0ft9mnod91s7sKLe7MI.html> (last visited Sep 24, 2024).

¹¹ See MARRIAGE AND DIVORCE LAWS, Commercial Law Publishers (India) Pvt. Ltd., 2024 ed.

¹² *Supra* at 3

¹³ *Supra* at 3

¹⁴ Rishika Agarwal, *Marriage Laws With Respect To Manusmriti*, Vol. 9 Issue 5 IJCRT, a876-a880 (2021), IJCRT - International Journal of Creative Research Thoughts (IJCRT), <https://www.ijcrt.org/> (last visited Sep 24, 2024).

¹⁵ Nandini Chatterjee, *Religious Change, Social Conflict and Legal Competition: The Emergence of Christian*

by the Indian Christian Marriage Act, 1872,¹⁶ as well as The Divorce Act, 1869.¹⁷ Most—if not all—laws that exist today are shaped by their growth in the time of British colonialism. Indian Christians are mostly Hindu or Muslim converts, and they, therefore, needed separate legislations to govern them after being converted to a faith that was not seen before in India and hence had no precedent or customary value.¹⁸ Everything that was taken was from the British understanding of the same, with paramount importance being placed on the Church of England or the Roman Catholic Church. This, again, placed its foundation on the Bible.

Starting with Eve's history and prevalence as a temptress, it is said that all women inherit a portion of this personality and the shame and guilt that comes with it. Consequently, they were all untrustworthy, morally inferior, and wicked due to this unchaste nature. Menstruation, pregnancy, and childbearing were considered the just punishment for this eternal guilt.¹⁹ Moreover, various verses in the Bible profess dressing 'modestly' for women, without much outward adornments (pearl or gold), and hair to be kept neat and clean.²⁰ In Christianity as well, one important pillar is the concept of celibacy. In furtherance of this, girls are instructed to behave and act in a particular manner to follow the path of a 'Christian wife and mother', which propagates that marriage and childbirth are an important *duty* of a woman, and she must, therefore, remain pure to fulfil that role. Consequently, the legislation for divorce under Sections 24 and 25 of the Indian Divorce Act²¹ (which is the existing law governing Christians), qualifies a separated wife as a spinster. The word spinster has an inherently derogatory meaning that reduces the value of a woman to her age and status of being unmarried.²² This again comes to show that all the value a woman has in a marital sense is tied to her connection with her husband/male figure.

Personal Law in Colonial India, 44 MOD. ASIAN STUD. 1147 (2010), https://www.cambridge.org/core/product/identifier/S0026749X09990394/type/journal_article (last visited Sep 24, 2024).

¹⁶ Indian Christian Marriage Act, 1872

¹⁷ The Divorce Act, 1869

¹⁸ Aishwaryasandeep, *Christian Personal Laws in India: A Comprehensive Guide - Aishwarya Sandeep-Parenting and Law*, (2024), <https://aishwaryasandeep.in/christian-personal-laws-in-india-a-comprehensive-guide/>, <https://aishwaryasandeep.in/christian-personal-laws-in-india-a-comprehensive-guide/> (last visited Sep 24, 2024).

¹⁹ Sherif Abdel Azeem, *WOMEN IN ISLAM VERSUS WOMEN IN THE JUDAE0-CHRISTIAN TRADITION: THE MYTH & THE REALITY* (2019), <https://repository.globethics.net/handle/20.500.12424/184089> (last visited Sep 24, 2024).

²⁰ The Top Bible Verses about Modesty in Scripture, BIBLE STUDY TOOLS, <https://www.biblestudytools.com/topical-verses/bible-verses-about-modesty/> (last visited Sep 24, 2024).

²¹ THE DIVORCE ACT, 1869, §24 and 25

²² Where does the term "spinster" come from?, <https://www.merriam-webster.com/wordplay/spinster-meaning-origin> (last visited Sep 24, 2024), spinster, (2024), <https://dictionary.cambridge.org/dictionary/english/spinster> (last visited Sep 24, 2024).

In Islamic law, it is established that covering *awrah* for women is sunnah, and the burden rests on the women to cover themselves to maintain purity in front of their non-mahram.²³ The foundational source in the gradual codification of Islamic law was the Muslim understanding and interpretation of the Quran and practices of their Prophet Muhammad.²⁴ Purity and being in a state of impurity exist throughout Islamic texts, and rituals exist for Muslims to become pure in order to be able to pray. However, this purity is also tied to other practices for women such as observing the hijab and strictly practicing chastity. According to Islamic standards, hijab and chastity are one of the most important religious pillars, which have been mentioned several times in the Holy Qur'an and have also been mentioned many times in the Hadith.²⁵ However, at one point, the line between indoctrination and choice becomes blurred, especially noting its connection and tie to social norms, expectations, and duties to be observed in a family. This indicates that the purity culture that is prevalent in India today has ties to pre-colonial roots since Christianity was the onset of British rule. The concept of purity in Islam (*tahara*) extends beyond physical modesty to ritual cleanliness, yet its legal interpretations (Sharia-based laws) often place the burden of maintaining honour on women. For example, interpretations of Surah An-Nur (24:31)²⁶ regarding hijab are often used to justify strict gender norms, which are quite imbalanced. The issue that inherently arises, therefore, is the fact that since laws have been so heavily influenced by religion and customary practices, there is an unequal burden that is placed on women, while the law professes 'equality' on paper.

Further, when understanding Islamic law on intestate succession, there is absolutely no justification that can be provided as to why the female members are only subject to half the share of their brothers.²⁷ The brothers or sons are never excluded and are mentioned as residuaries. Further, the wife, under Muslim personal law, could only claim 1/8th of the property of the husband after his death and if in case she has no child born out of this marriage, then she is entitled to 1/4th.²⁸ Muslim women in India fall under The Shariat Application Act,

²³ Fiqh Us Sunnah, https://www.iium.edu.my/deed/lawbase/fiqh_us_sunnah/vol1/fsn_vol1c.html#:~:text=The%20clothes%20worn%20must%20cover,are%20not%20suitable%20for%20prayer.&text=It%20is%20preferred%20for%20a,that%20is%20all%20he%20has. (last visited Sep 24, 2024).

²⁴ Stella Eme Osim & Nzeyo Gabriel Eteng, *Women and Ritual Purity in Islam*, 2 IJSES (2021), <https://ojs.unm.ac.id/ijses/article/view/22956> (last visited Sep 24, 2024).

²⁵ Amin Hasanvand, *Hijab and Chastity and Their Role in Psychological Security*, 8 ISLAM AND HEALTH JOURNAL 13 (2023), <http://iahj.ir/article-1-292-en.html> (last visited Sep 24, 2024).

²⁶ Tafsir Surah An-Nur - 31, QURAN.COM, <https://quran.com/24:31/tafsirs/en-tafsir-maarif-ul-quran> (last visited Mar 6, 2025).

²⁷ Dr. Poonam Pradhan Saxena, *FAMILY LAW LECTURES: FAMILY LAW II*, (5th ed. ed. 2022).

²⁸ Aarushi Tomar, "Property Rights of Women under Muslim Law", JOURNAL OF APPLICABLE LAW & JURISPRUDENCE, Vol. 1, Issue 1.

which makes these laws applicable to Muslims in India.²⁹

Another example that reinforces the concept of how women's moral values are tied to the home, hearth, and husband comes in the form of the Restitution of Conjugal Rights that is enshrined in personal laws as a means of nullifying the separation of a married couple. Section 9 of the Hindu Marriage Act allows a spouse to file a petition for the restitution of conjugal rights if the other spouse withdraws from society without reasonable cause.³⁰ However, this law has disproportionately affected women at large.³¹ The institution of marriage in India has always been seen as something sacramental, a sacred bond that should not be broken, the breaking of which to be avoided at all costs.³² In furtherance of this, the Indian judicial system is of the nature that marital relations should be reinstated to whatever possible extent to maintain this sanctity of marriage. However, what this does is only reinstate the fact that women must uphold their duty as wives no matter what and forego other problems in lieu of preserving the marital relationship. Hindu, Islamic, and Christian traditions developed purity norms independently, with some overlapping influences due to historical interactions, and that is noticeable in daily parlance in the form of interactions, as well as legal implications.

Effects of purity culture on family dynamics:

One key takeaway from this is that current gender roles in family settings are still based on the effects that purity culture has had. Purity culture emphasises a modesty culture that places the responsibility of inciting the sexual desire of men on women – it is women's fault if men are sexually aroused when looking at them.³³ More problematic is the fact that marital rape in India still is not considered an offence and remains in the civil field, with many women themselves thinking it to be their duty or role as a wife to fulfil marital intercourse. The concept of consent in these scenarios gets immediately thrown out of the window. A common message that exists is that men have no control over their sexual nature— seen even in school environments when girls are reprimanded for the length of their skirts, hair, and nails. Rationally thinking, what do any of these factors have anything to do with a person's character? The commonly thrown-

²⁹ The Muslim Personal Law (Shariat) Application Act, 1937

³⁰ Hindu Marriage Act, 1955

³¹ Articles – Manupatra, <https://articles.manupatra.com/article-details/LIMITATIONS-OF-RESTITUTION-OF-CONJUGAL-RIGHTS> (last visited Sep 24, 2024).

³² Mohamed Imranullah S, *Marriage Is Sacramental, a Word That Has Lost Its Meaning Due to Recognition of Live-in Relationships, Says Madras HC*, THE HINDU, Jun. 1, 2021, <https://www.thehindu.com/news/national/tamil-nadu/marriage-is-sacramental-a-word-that-has-lost-its-meaning-due-to-recognition-of-live-in-relationships-says-madras-hc/article34696836.ece> (last visited Sep 24, 2024).

³³ *Supra* at 2

around phrase ‘no man will marry you if you are like this’ is another example of purity culture and how it has become deeply entrenched in Indian society. Marriage is seen as a sacrament in Hinduism, and a wife is expected to be sexually available to her husband at all times. This myth also absolves men of responsibility for sexually assaulting women because they are supposedly powerless in the face of their sexual urges.³⁴ Another uncovered message was that women are wholly responsible for how they are treated, particularly when men treat women in sexualized ways, and the only reason purity culture came around in the first place was that women were deemed the more submissive of the binary and, therefore to be chosen, they had to appeal to men. The concept of ‘purity’, while associated with a woman, is inherently tied to her honour and overlaps with her caste, and this is especially true when seen as the justification for honour killings in western India, such as in the Khap Panchayat.³⁵

While most of the legislations covering personal laws do not reflect this, especially the secular laws such as the Special Marriage Act³⁶, and the Foreign Marriage Act,³⁷ it is of paramount importance to know the history behind the sources that shaped personal laws that are based on religion. Simply qualifying that there is a rational nexus with the object sought to be achieved is not important, and as a welfare nation, the effect and the way the lacunae in laws impact the people must be studied, and more so, the lack of certain provisions. Purity culture enforces gendered morality in personal laws, which leads to legal discrimination against women, while skirting the fact that it could be legally valid.

Purity culture in India is not a monolithic or imported phenomenon but a complex intersection of religious traditions, colonial legal structures, and social hierarchies. While personal laws have been reformed over time, their foundational premises—such as the sanctity of marriage, female modesty, and male guardianship, which all conveniently tie in with the concept of purity culture—continue to reinforce gender disparities. Legal efforts like the Hindu Succession (Amendment) Act, 2005³⁸ and the judgement regarded in the landmark case of *Joseph Shine v.*

³⁴ *Supra* at 1

³⁵ Madhu Nagla, *Khap Panchayat, Honour Killings and Gender Relations in Western India*, in SUBALTERNITY, EXCLUSION AND SOCIAL CHANGE IN INDIA 355 (Ajit K. Pandey & Ashok K. Pankaj eds., 2014), <https://www.cambridge.org/core/books/subalternity-exclusion-and-social-change-in-india/khap-panchayat-honour-killings-and-gender-relations-in-western-india/4D291445B65AE86032A085DBF849497B> (last visited Mar 6, 2025).

³⁶ The Special Marriage Act, 1954

³⁷ The Foreign Marriage Act, 1969

³⁸ Hindu Succession (Amendment) Act, 2005

*Union of India*³⁹ have challenged patriarchal norms, but societal attitudes continue to lag behind.

CONCLUSION

Purity culture, embedded in religious and legal traditions, has historically influenced family dynamics in India. While personal laws have been shaped by notions of female chastity and male dominance, reform movements and progressive judicial interpretations have challenged many of these patriarchal structures. Despite constitutional protections under Articles 14, 15, and 21, which guarantee equality, non-discrimination, and personal liberty, many legal provisions continue to reinforce outdated notions of purity and honor. The expectation that women must conform to societal standards of virtue has resulted in laws that restrict bodily autonomy, enforce gendered expectations in marriage and family life, and place undue moral scrutiny on women's choices in personal and professional spheres. The presumption that women must uphold family honor has also contributed to laws that disproportionately disadvantage them, such as the Restitution of Conjugal Rights.⁴⁰ Legal advancements, such as the abolition of adultery laws and the criminalisation of triple talaq, mark important steps toward gender justice. However, remnants of purity culture persist in areas such as restitution of conjugal rights, and caste-based purity norms, and the way they have shaped Indian succession laws has impacted the societal expectations imposed on women in family settings. Not only this, there is a systematically disproportionate way in how this affects women due to a rural-urban divide. Women in rural India often face stricter control over dress and behaviour, while urban women experience modernised versions of purity norms, such as workplace dress codes and honour-related violence. A holistic approach to legal reform—one that considers constitutional values, intersectionality, and evolving societal norms—is necessary to dismantle purity-based discrimination while respecting cultural diversity. The future of family law in India must balance religious freedoms with the fundamental rights of women, ensuring that personal dignity is never compromised in the name of tradition.

³⁹ Joseph Shine v. Union of India 2019 (3) SCC 39

⁴⁰ Hindu Marriage Act, 1955