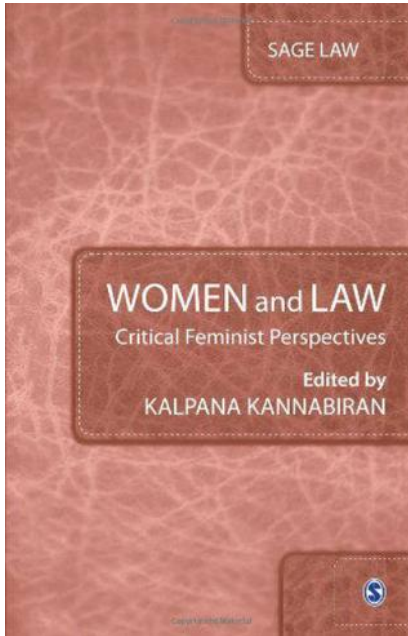


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Demolishing the claim for 'gender-neutral' laws

- [M. Kavitha](#)



WOMEN AND LAW — Critical Feminist Perspectives: Edited by Kalpana Kannabiran; Sage Publications India Pvt. Ltd., B 1/I-1, Mohan Cooperative Industrial Area, Mathura Road, New Delhi-110044. Rs. 995.

Barely a few weeks ago, a day quietly passed without getting the kind of attention it really deserved. On that day, men greeted each other on social networking sites, some even demanding a word of appreciation from women 'in reciprocation to March 8.'

This year, one also noticed an advertisement extolling men as 'fathers, brothers and friends.' It would perhaps be not long before the day goes commercial just as March 8 has. India started celebrating International Men's Day (on November 19 every year) in 2007 in response to International Women's Day (March 8). The initiative was taken by some men's groups that have been striving to make laws in India 'gender-neutral' since 'women are largely misusing them'.

While International Women's day is a historical necessity and still remains so, those who attempt to position International Men's Day as a counter, will do well with a copy of 'Women and Law: Critical Feminist Perspectives.'

Edited by Kalpana Kannabiran, this collection of 11 essays by eminent lawyers, activists and scholars seeks to 'map the field of women and law from an interdisciplinary perspective' and, in the process, puts forth on paper the continuing denial of justice to women under the Indian legal system. By painstakingly recording the process of every law taking shape, complete with cases and facts, they have documented a history that would otherwise have been ignored. The authors have also raised pertinent questions on gender justice often sought to be swept under the carpet by the system.

In her essay, 'Bringing Rights Home' on Protection of Women from Domestic Violence Act (PWDVA), Indira Jaising explains how the blunt refusal to recognise the rights of women in households (even by the courts) is now replaced by a subtler allegation of 'misuse of law' by women. Tracing the struggle towards the law's enactment, Jaising elucidates the role of women's movements and issues that had to be dealt with in the process — from near ostracisation to apathy.

Flavia Agnes flags the serious issue of the vulnerability of the Indian woman vis-à-vis her economic rights and is a tight slap on the crafty demand for 'gender-neutral' laws. For neutrality on the women's situation can only be seen as perpetuation of the status quo. Also she zeroes in on some in-built humiliation of women in the Indian laws, like the term maintenance in relation to divorce and astutely points out that even seeking maintenance can be a mortifying experience for women. Agnes suggests a shift in the constitutional interpretations of the issue, something that needs to be urgently done in a country like India.

Both Sagarika R Ramdas's perspectives on Adivasi women and their fight for land rights and Meera Velayudhan's critique of access to land for women in South Asia offer new insights. It is indeed galling to hear that less than two percent of women enjoy land ownership rights in India.

Padmini Swaminathan's essay deals with the crucial yet taken-for-granted issue of unpaid work. Building a case for recognition of unpaid work by women in homes and domestic sectors through statistics and reports, Swaminathan calls for policies that could somehow ameliorate

the disadvantages that go with unpaid work.

Terming gender equality at the workplace a frozen agenda, D Nagasaila points out how there has hardly been any legislation to ensure that women are not discriminated against in any manner. Calling for greater women's participation in trade union activities to mainstream the issue of equality in the workplace, she also notes that in any case trade unions themselves have hit an all-time low in the context of globalisation — which in turn intensifies the feminisation of poverty.

In her essay 'Judicial Meanderings in Patriarchal Thickets', Kalpana Kannabiran seeks to examine the issue of sex determination through a series of cases in the High Courts and the Supreme Court. She also forcefully points to judicial processes that give men the edge over women on various issues. Take for instance the law relating to adultery. It allows a man to prosecute another for having a relationship with his wife but a wife cannot prosecute her husband, her lover or her lover's wife.

Anita Tiphagne's is yet another powerful narrative on state violence, laying bare its horrors through numerous examples from the Veerappan hunt. If the inherent lopsidedness of the Indian judicial system against women is revealed through exhaustive readings of various case studies, we are also acquainted with some patrilocal traditions that make it easy to throw out women on the slightest excuse. They can also be accused of extra-marital relationship if they choose to demand alimony.

Thus the book, apart from being a treasure-trove on gender justice, also offers plausible answers to a host of questions on women and law, without confounding us with legal jargon. That makes it a winner, hands down.

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