



Centre for Economy Development and Law

National Workshop on

Feminist Perspective on Law and Legal System in Contemporary India

Concept

Human rights activists and feminists have already expressed their view that initiation of legal reforms could possibly bring changes in the present conditions of women in India. Despite the fact that a number of such initiatives have already been taken in the post independent period, as we could perceive, they were inefficient or ineffective in improving the deprived status of women in the country. A critique has been posed by many that instead of concentrating on the socio-economic conditions of women, the advocates of gender equality give undue importance to legal reforms. On the contrary, to attain better results, they propose alternative means incorporating both legal and political interventions at once. Regarding the principles of human rights and gender justice feminists carry a radically different understanding. According to them, the contemporary jurisprudence in India is highly patriarchal and exclusive in nature. Since socio-economic and political power has traditionally been kept in the hands of men, they dominate the system and dictate the systemic rules and norms governing both the public and private spheres of life. Feminist jurists, therefore, usually insists on “asking the woman question ... to identify the gender implications of rules and practices which might otherwise appear to be neutral or objective” (Bartlett 1990, 832)¹.

Feminism is a perspective which asserts that every aspect of human society is gendered. It offers some kind of analysis and explanation of how and why women have less power than men and how this imbalance can be challenged and transformed. The feminist movement in course of time influenced various fields of knowledge and legal theory was not an exception. Traditional jurisprudence attempts to distribute rights equally through the formal equality

¹ Bartlett, K. T. 1990. Feminist legal methods. Harvard Law Review, 103: 829–88.

doctrine or analyses law in a gender neutral manner whereas feminist jurisprudence recognizes gender difference and analyses law from women's perspective. Feminist jurisprudence is built on feminist insights of women's social reality and attempts to fill a void in traditional jurisprudence by being accountable to women's concrete social conditions and changing them.

It can be argued that the exposition of different forms of gender bias and injustice and expression of resistances are inevitable to refine the legal system. Taking into account of the peculiar traits of Indian social order it is difficult or impossible to consider gender as an independent aspect irrespective of class, religion, caste etc. Hence, it is important to explore how feminist thinking could accommodate these differences to promote gender equality and also to make an egalitarian legal system in India.

CED&L, hence, organizes this workshop is to analyse the perspectives of feminist academia and literature in reforming the law and the restructuring Indian Legal and Social Order.

The workshop will concentrate on the following thematic frame work.

1. Interface between feminism and law: revisited
2. Need for reshaping feminist jurisprudence
3. Phallogocentrism and Judicial Conscience
4. Reconciling feminist theory and practice in Indian legal system
5. Representation and participation of women in Indian judiciary and legal system
6. Interpreting rights and duties- Alternative Visions
7. Law's (Masculine) Violence: Need to reshape jurisprudence (Indian Perspective)
8. Reconstructing Sexual Equality
9. Feminist Approaches to Criminal Justice Reform
10. Personal Laws and Woman
11. Religion, caste, culture, traditions, morals, values and the making of law
12. Gender in legal education: Pedagogy and Practices

13. Restructuring and reforming the idea of gender justice and human rights

VENUE: ROUND TABLE CONFERENCE HALL,
GOVERNMENT LAW COLLEGE THRISSUR

DATE: 18 MARCH 2015

TIME: 10:00 AM (FORENOON)

WE INVITE YOU ALL!!!

CED&L TEAM