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## Book Review

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**Kalpana Kannabiran (Ed.), *Women and Law: Critical Feminist Perspectives*, New Delhi: SAGE Publications, 2014, pp. 305 (Hard Bound), ISBN: 978-81-321-1313-3.**

*Women and Law: Critical Feminist Perspective* is a collection of essays aiming to take a long, hard look at the complications that women have experienced in their encounters with the Indian law, which is often reduced to an exploitative mechanism in the hands of a few. This volume is edited by Kalpana Kannabiran, a sociologist, legal researcher, and Director of Council for Social Development in Hyderabad, India. The contributors have academic and human rights advocacy backgrounds, largely involving legal and women's rights issues. Altogether, the volume has 11 chapters that raise heated questions and critically challenge the social institutions by providing detailed evidence of specific cases, judicial precedent, trials, and stories of victims. This book is a useful collection for those interested in studying how violence against women is perpetuated through patriarchal structures and state practices. Though eminently interesting, parts of some chapters could prove to be a tough reading for those not conversant with legal jargon.

Historically, Indian women have been struggling for emancipation from the patriarchal cultural realm. Several forms of resistance, such as, women's movements, manifest against cultural relativism that allows injustice and discriminatory practices. As a consequence of the social movements, changes do occur and act as interventions to bring about gender equality. The Indian Constitution, attempting to guarantee equality to all citizens, is lawfully viewed as a deliberate intervention for women in particular, to end the circle of unjust discrimination based on sex that they have to face throughout their life in the form of evils such as dowry and domestic violence. Presently, the formal legal structure,

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nevertheless, is limited by several lacunas that prevent women from exercising their equal status.

The first chapter, "Bringing Rights Home: Review of the Campaign for a Law on Domestic Violence," investigates the gaps in the Protection of Women from Domestic Violence Act. A crusade of sorts by women activists had resulted in the revision of the criminal law, which allowed the state to mediate in case of domestic abuse or difficulties in the criminal law in dealing with violence at "home." But questions about residence, shared space, ownership, and relationship within that space remain unanswered. The author, Indira Jaising, argues that the law itself not only fails to protect women, who are being subjected to domestic violence, but the institution of protection officers is also incapable of helping women in pursuing the legal recourse.

The second chapter, "Conjugality, Property, Morality and Maintenance," dwells on the status and economic dependence of women after divorce within the pluralistic tradition and customary practices of India. Flavin Agnes closely examines the rights to maintenance of both the Hindu and Muslim communities by juxtaposing four basic concepts: "title," "fault," "need," and "contribution." In separating property based on "title," the Indian law, which is adapted from the old English system, limits women's economic security. She underlines the need for change in the existing laws to provide additional protection and economic assurance in terms of share in the property to the divorced or separated women, who she says are the victims of a flawed justice system and social norms.

In the third chapter, "Women, Forest Spaces and Law," Sagari R. Ramdas describes the experiences of women striving for ownership of their land in Adivasi and other forest communities, against the backdrop of patriarchal institutions that deprive them of equal rights. It also studies the impact of the so-called neoliberal markets and global climate change policies on the lives of these women. These women's multiple relationships with the forest are constantly contested by the Indian government policy, thereby destroying their autonomous agency and reducing them to commodities in governing their landscape.

The fourth chapter presents a study on "Women's Rights and Entitlements to Land in South Asia: Changing Forms of Engagement." In a shocking comment on the poor land entitlement for women in South Asian countries, Meera Velayudhan reveals that no more than 2 percent of women in India are legally entitled to their lands as the ownership rights are shaped by patrilineal and customary laws. Women are hit the hardest by the dynamics of legislation or constitutional changes in land

rights, and often have to struggle with food insecurity and erosion of livelihood avenues. Meera laments that women's movement on land ownership is yet to gain recognition from law and policy advocates as well as women themselves.

In Chapter 5, titled "Outside the Realm of Productive Legislation: The Saga of Unpaid Work in India," Padmini Swaminathan questions the unpaid work done by women for want of a protective labor legislation, by tracing seminal documents related to the development of women's status and employment. While the number of women in both unpaid work and unpaid family work is likely to continue to grow, their labor is not considered a significant contributor to the economic system, and hence less deserving of effective legal coverage. Swaminathan calls for a strong protective labor legislation at the earliest to break the vicious circle of poverty for the world's poor women.

In the chapter titled "Gender Equality at Workplace: A Frozen Agenda," D. Nagasila, a labor law practitioner, studies how far the Indian law has succeeded in achieving equal rights in employment for men and women as a member country of the International Labour Organization (ILO). After analyzing several bills, including Trade Union Act, Industrial Disputes Act, Maternity Benefit Act, and Equal Remuneration Act, along with various judicial interventions, she surmises that the trade union, predominantly occupied by men, has negatively affected gender-mainstreaming practices needed to end discrimination against women in employment. She further points out that women's issues are not seen as a collective act, but individual actions due to the inadequate participation of women in collective bargaining.

The chapter titled "Judicial Meanderings in Patriarchal Thickets: Litigating Sex Discrimination in India" attempts to unravel the nature of law on sex discrimination in the past six decades by critically reviewing reported cases. Kalpana Kannabiran investigates the process of reasoning regarding women's status, position, vulnerability, and rights through multiple threads, including legal reasoning on non-discrimination, constitutional reasoning under statement of discrimination as classification or differentiation, and the creation of special provisions for women and children. The author rues that both the application and interpretation of law are problematic as judicial understanding too is embedded in patriarchal arrangements.

Shruti Pandey examines the interplay of women, state-provided health care, and influential profit-driven health care sector of India in the chapter titled "Women's Health and Law in India: Trends of Hope and Despair." By using a feminist lens, she demonstrates that laws and

policies related to reproductive health are structured by patriarchal norms that believe in controlling the sexual and reproductive attributes of women's bodies. The persistence of women advocacy groups has made only a minor difference in the health services. But despite the fact that the right to health is one of the universal human rights, the Indian health care framework has been edging out different groups of women from the health policy framework.

In Chapter 9, Anita Ghai and Ramachana Johri dwell on the controversial issue of abortion from the perspective of women's rights and reproductive rights. The Prenatal Diagnostic Testing Act is critically examined to question whether abortion is the only choice when pre-natal testing discloses a birth defect. The authors strongly argue that both sex selection and disability selection are decisions that stem from a wide range of subjectivities. Further, the choices are themselves dominantly shaped by social relations rooted in caste structures, gender bias, and heterosexism/homophobia.

The chapter "Religion, Feminist Politics and Muslim Women's Rights in India" by Zoya Hasan identifies the implications of intersection between politics and religion for Muslim women's rights in the secular state of India. The chapter is divided into two sections. The first discusses how the rights of women and minority groups are used by the politics of religion, which reacts negatively to the women's rights agenda. The second section focuses on the approaches that the minority groups use to maintain their identity in response to threats, and how the authority of the religious elite is being challenged by networks led by Muslim women. Hasan finds that although the minority communities have started voicing their dissent, there is still no major legal reform to remove gender discrimination on grounds of religion.

The last chapter elaborates on the crimes against women in the name of protecting and upholding justice by referring to specific cases of ill-treatment of women by the police during the combing operations in search of Veerappan, the notorious sandalwood smuggler of Tamil Nadu, India. The chapter cites stories of women victims as reported by the Sadasiva Commission (NHRC) together with personal narratives and case studies collected from field visits. The evidences all testify to hideous violations conducted by officers of the state.

The book, however, fails to touch upon the representation of Indian women in the male-dominated legal institutions of India to better understand the role of patriarchal conventions in shaping the law. According to Vashist (2013), the gender ratio in the High Courts of India is rather low. The number of women lawyers makes up for less than 10 percent in the

records of senior counsels or advocates. Vashist laments that India has failed to create significant gender diversity in judicial authorities. Several forms of male domains, religion, seniority, state, and region of origin, all combine to influence a person qualifying for law. The patriarchal order, thus, is not easily broken, and is only getting stronger. Some scholars argue that women judges are believed to enhance the social quality of justice, particularly on women-sensitive issues. However, the gender quota concept is yet to gain acceptance as it cannot be said with certainty that women judges will be naturally endowed with feminist notions that could bring about social equality in rendering judgments.

All in all, the collection is appealing because of its rich arguments, wide range of experiences, and explorations of the unspoken prejudice against women in the Indian justice system. It not only provides a critical understanding of legal barriers that prevent women from exercising active citizenship, but also throws up insightful recommendations. More importantly, this collection of essays provokes the reader to take a deeper look at the patriarchal values and their operation in the Indian culture. This book will prove to be a useful guide for law practitioners, academics, and policy-makers who are interested in studying state violence against women's rights.

### Reference

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