

Review

Reviewed Work(s): Women and law: Critical feminist perspectives by Kalpana Kannabiran

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Kalpna Kannabiran (ed.): *Women and law: Critical feminist perspectives*. New Delhi: Sage Publications India, 2014, xxi+305 pp. Rs 995 (hb). ISBN 978-81-321-1313-3

This volume is a collection of eleven articles that examine various dimensions of women's lives that are to a significant extent mediated and shaped by law. The central theme of this volume is violence and discrimination that women face and law's response to it. Law's patriarchy, and discrimination perpetuated as a result, is systematically analysed in the essays, each of which focuses on a specific aspect that is linked both to the material and ideological worlds of women.

Books on women and law have largely concentrated on certain forms of violence and discrimination such as domestic violence, sexual assault, property and maintenance rights, etc. This volume also covers these aspects, but significantly moves beyond. Along with addressing domestic violence and maintenance rights, other key areas dealt with are forest and land rights; women's work and labour laws; women, health policies, and the disabled; identity politics and minority women's rights; and police abuse. Law's engagement with the above issues and nature of such engagements is critically evaluated through analysis of policies and legislations, and their implementation. The significance of this book lies in its bringing forth the complicated relationship that law shares with women, often reinforcing discrimination, but also acting as a medium of empowerment.

The first two chapters deal with the domestic sphere and travails of women within it. Law's response to women's quest for safe, secure, and dignified lives within the domestic sphere forms the subject of these chapters. The contributors here critically trace the history and ideologies behind enactment and implementation of the new domestic violence law as well as legislations on maintenance. Difficult journeys women take to secure such rights is brought forth. Flavia Agnes emphasises on how women's 'non-economic' contribution to family during marriage is not recognised by laws, depriving women of their equal rights to matrimonial property in situations of divorce. Advocating for a 'need'-based approach in determining maintenance, she argues that special provisions for women and children need to be placed under Article 15 (3) of the Constitution to secure women's economic interests within marriage.

The next two chapters deal with women's relationship to land and forest, violence perpetuated by state policies, and women's collective struggle in regaining their rights. Through an analysis of various legislations and policies, their authors emphasise lacunae in state policies

and the gap in their implementation that reinforce patriarchal stereotypes of who can own land and forest and, accordingly, the rights. They argue through specific case studies from South Asia that such policies disinherit women from their traditional access to forest, land, and natural resources.

Sex-based discrimination, especially at workplace and in employment, and the judicial discourse on it, is taken up at length in three subsequent chapters. Despite women shouldering a disproportionate amount of unpaid work and their large-scale participation in both formal and informal sectors, women's concerns are grossly side lined both by the state and the trade unions. These chapters analyse the ways in which the prevalent male worker norm weighs against women. Ghettoising their concerns by male-dominated trade unions and disempowering women from protective legislation is explained as inevitable manifestations of the existing dominant patriarchal norms. Kalpana Kannabiran examines the jurisprudence on non-discrimination based on the grounds of sex through analysis of cases in High Courts and the Supreme Court. She critically engages first with the problem of classification and differentiation based on sex, and how such differentiation can result in discrimination and reinforce existing gender hierarchies. Such classification at times, however, is also employed to secure special provisions for women. Kannabiran finds plural ways of judicial reasoning and also operation of contradictory lines of interpretation on the issue of equality/non-discrimination within marital relations and at workplace/employment. Largely, patriarchal ideology manifests in jurisprudence through assigning of centrality to marriage and situating women into stereotypes of mother and wife. She argues that judicial reasoning and interpretations conform to 'public morality' rather than a 'constitutional morality' of non-discrimination.

Segregation of women's health needs to that of reproductive health concerns alone by the state polices is critiqued at length. This critique underscores lack of recognition of women's right to health as a basic human right and its obvious consequences. Overlapping of state's interest with that of larger family and community interest leads to multiple violence on women with profound disability especially in matters of their reproductive rights. Anita Ghai and Rachna Johri bring forth how the statist discourse, by conflating care with custody, take absolute control over disabled women's sexuality, and negate their right to bodily integrity.

Women's movement that initially ignored religion had to come to terms with it starting from the 1980s with increasing politicisation of religion that had far-reaching implications for women's rights. Zoya

Hasan's essay deals with impact of religious-identity politics on gender equality. She focuses on how in the context of communalisation of religion and politics, women's groups, while agreeing that all religious personal laws are discriminatory, distanced themselves from the Hindu right-wing groups' demand of uniform civil code and favoured a 'reform from within personal laws'. Hasan argues that while Muslim Women's (Protection of Rights on Divorce) Act, 1986, even after its revision, has problems for gender equality and non-discrimination on religious grounds, the intelligentsia and women's movement tended to attribute the cause of the deteriorating status of Muslim women largely to the personal laws. Emergence of Muslim women's activism, however, has been shifting the focus to women's rights rather than personal laws alone, emphasising the status of Muslim women in a context of multiple disadvantages and the larger trend of social exclusion. This book also touches on dimension of state's violence perpetrated through extreme forms of abuse of women by security forces. The final essay, through a specific case, presents human rights violations on women by police.

With essays touching on various dimensions of law and policy that have significant impact on women's worlds and lives, this volume is a useful reader for students engaged in women's issues and law.

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Mallica Mishra: *Tibetan refugees in India: Education, culture and growing up in exile*. New Delhi: Orient Blackswan, 2014, xxi+304 pp. Price not mentioned (hb). ISBN 978-81-250-5497-9

Tibetan community in exile is arguably one of the most resilient and successful refugee groups in the world. Linked to this fact is the issue of preservation of refugees' native culture and identity as an important component of their adaptation in host lands. While it is widely accepted that education can play a key role in helping refugees adjust to life in exile and serves as a 'basis for personal development', few studies elucidate and explore this aspect of exile living. Mallica Mishra's *Tibetan Refugees in India* is an exception in this regard, for it helps us think through the problematic relation between refugee education, on the one hand, and culture, ethnicity, and opportunity, on the other, in India. Having one object of enquiry, namely, refugee education and relating it with other aspects of refugee life in a rigorous and inventive fashion is quite unlike the conventional approach of studying refugee societies as if