

A Critical Study on Feminist Jurisprudence and Rights of Women in India

R.A.Dhanamathy

Student, Saveetha School of Law,
Saveetha Institute of Medical and
Technical Sciences(SIMATS), Chennai,
Tamil Nadu, India

Kirubakaran K.

Student, Saveetha School of Law,
Saveetha Institute of Medical and
Technical Sciences(SIMATS), Chennai,
Tamil Nadu, India

ABSTRACT

Feminist are related with law has taken a spread of forms over the years. Through the legal process, campaigns for legal reform and legal studies , feminists have engaged expressly with law and the legal profession. In taking on the provision of specialist recommendation and services, women's teams have a wide role in creating law a lot of accessible to those in want. The main objective of the study is to analyse the feminism and rights of women in India. This research follow non-doctrinal type of research and the sampling method used in this survey is random sampling method. This analysis is done through SPSS tool for acquiring better and accurate result and this survey is taken on Chennai only and most importantly the survey was made in an authenticated way for appropriate results and also tries to revealing the actual truths regarding this issues and by this research we found that the feminist believe that the law is neutral not impartial and hence alternative hypothesis is proved.

KEY WORDS: Jurisprudence,Feminist,Female,Gender,Equality.

INTRODUCTION:

A commitment to difficulty gender disadvantage under the general public and organisations UN agencies have connections in some or all of those activities. However

feminists don't agree on the reasons for gender disadvantage or on the priorities for counterpart it. As a result, feminism is a terribly numerous body of thoughts and actions. Some of these variations are political; some are discourse. However they all purpose to the uselessness of treating feminism as if it had one main objective. Therefore, the aim of this chapter is to clarify some of the key ideas that have arisen from feminism's encounter with lawmakers .

The diversity of views on feminist objectives is matched by a diversity of approaches to law. Law became a website for feminist engagement at first as a result of legal rules given obvious barriers to women's free and equal participation. Rules like that needed ladies to offer up their jobs on wedding were patent examples of discrimination against women as women. dynamic those laws therefore that they allow ladies to partake in paid employment no matter their standing} status was vital and symbolically.

Much, employers or husbands ought to be disqualified from exploitation the law to justify treating women poorly. However even if the sensible obstacle was removed by a refusal to enforce such laws, they might still be problematic in their symbolisation of girls as second category voters. Because the effort to reform sexist laws became an endeavor to stop their adoption within the initial place, feminists turned their attention to the membership of legal establishments. They argued that the dearth of girls in legislative and judicial positions contributed to the formation of male biased laws. If legal rules were to become a lot of woman-friendly then the places of their formation would have to become more woman-friendly initial.

Feminist campaigns to encourage ladies to require up outstanding positions as lawyers, judges and politicians were not solely regarding increasing women's public profile, they were conjointly regarding increasing women's influence on political. In troubled to hunt accommodation of women's experiences in law and policy, feminists came up against three main obstacles. within the initial place legal methodology failed to continually lend itself to feminist argumentation. The system justifies its capability to oblige people to act during a sure means, e.g. pay a fine, by claiming perspicacity and neutrality in its application of rules to folks.

Judges are expected to be impartial in their determination of cases, and law itself is expected to rise on top of subjective personal interests. Law is aforesaid to lose its legitimacy if it is shown to favour one person's desires over another. In the abstract, such adherence to perspicacity and neutrality looks honest and correct. However feminists among others have argued that the legal ideals of perspicacity and neutrality are if truth be told a serious drawback for those seeking to represent teams that are discriminated against traditionally. Some feminists assume perspicacity could be a drawback as a result of it's really a mask for masculine interests. On this read once law claims to be objective it is really reproducing bias in favour of men.

Others argue that perspicacity itself is associate not possible ideal. something that claims to be objective can continually interact in how such is that the diversity of needs and wishes in society. My own read is that feminism ought to maintain associate analytical distinction between judgement and perspicacity, so as to be able to trace the ways that within which they relate and move particularly concrete things. while not some type of claim to perspicacity feminism risks drowning within the subjective and ne'er having the ability to visualize on the far side personal expertise. whereas in lived reality it's going to be not possible for anyone person to be utterly objective, the struggle towards perspicacity in dealing with completely different interests could be a worthy one.

OBJECTIVES:

1. The main objective of the study is to analyse the feminism and rights of women in India.

METHODOLOGY:

This study used both primary and secondary data. Thus the primary data has been collected from the public of Chennai residence with simple random sampling. A Total of 1585 samples were collected with information such as age, gender, qualifications and occupation of the respondents and their opinion over the right of women to file a zero FIR are also collected. The secondary sources such as books, journals and articles are also referred for this research. This research paper uses empirical type of research and the data is collected by random

sampling method. A total of 1585 responses were collected by random sampling method. The responses of the survey are analysed further using SPSS tool to get accurate and precise results.

REVIEW OF LITERATURE:

(Nirmal; Gupta) The issues arise but once one assumes that one has achieved perspicacity or neutrality. However the biggest issue of this paper is that feminists are cautious of law's claim to neutrality.

(Nirmal; Gupta; Rastogi and Therly) Abundant feminist working has centered on demonstrating in which law has really perfect bias against girls through its claim to perspicacity, neutrality and nonpartisan ship .Another facet of legal methodology that has display a perplexity for feminist legal advisor is its adversarial paradigmatic . Legal apply tends to position parties as if they're opposed, occupying opposite ends of the spectrum.

(Parashar and Patel) During this time, the adversarial paradigm limits the chances for representing relationality and quality. It conjointly rewards an aggressive style of questioning that seeks to get points instead of to elicit data. Some feminists have argued that this adversarial style of argumentation reflects a masculine means of doing things, and so inhibits the accommodation of women's experiences. The want for feminist legal engagement to address issues with law's abstract equipment conjointly became obvious through the method of difficult legal content and legal methodology. so as to advocate reform of legal rules and legal practices feminists intelligibly appealed to values underpinning law, those of equality, justice and freedom most notably.

Result and Analysis

Table: 1 Classification of Gender

	Frequency	Percent
Valid FEMALE	818	52.7
MALE	734	47.3
Total	1585	100.0

The above table describes about the gender of the respondents in which the total 1585 responses that 47.3 percent are male and 52.7 % are female.

Table : 2 Cross tabulation of Age and Opinion of Respondents

	Feminist believe that the law is not neutral or impartial?		Total
	YES	NO	
2. Age 18-25	415	61	476
26-35	248	277	525
36-45	267	171	438
ABOVE 46	81	32	113
Total	1042	541	1585

From the above table In this research majority of the respondents are belong to the age group between 26-35 is **525** and in that **277** of the respondents are disagree that Feminist believe that the law is not neutral or impartial and **248** of the respondents are agreed that Feminist believe that the law is not neutral or impartial and second majority of the respondents were belong to the age group between **18-25** is **476** and in that **415** of the respondents are agreed that Feminist believe that the law is not neutral or impartial and **61** of the respondents are disagreed that Feminist believe that the law is not neutral or impartial.

Table: 3 Cross Tabulation of age and opinion of Respondents

	Do you agree that the women have a right to file a zero FIR?				
	STRONGLY AGREE	AGREE	NEUTRAL	DISAGREE	STRONGLY DISAGREE
2. Age 18-25	90	295	53	23	15
26-35	50	210	171	30	64
36-45	123	137	105	57	16
ABOVE 46	4	40	58	10	1
Total	267	682	387	120	96

From the above table majority of the respondents belong to the age group between 26-35 is **525** and in that **210** of the respondents agree that the women have a right to file a zero FIR and **171** of the respondents are neutral and said that women have a right to file a zero FIR and second majority of the respondents belonged to the age group between **18-25** is **476** and in that **296** of the respondents are agreed women have a right to file a zero FIR and **90** of the respondents are strongly agreed that women have a right to file a zero FIR.

CONCLUSION:

Such transgender approaches contest the concept there is such a issue as a lesbian or gay or straight or female or masculine identity. By holding out the risk that one will decide and select sex/gender, transgender critique seeks to liberate individuals from the constraints obligatory on them by social expectations to sexually adapt. As such, it is liberatory and ingenious. However, the radical diversity of this approach risks negating the extent to that sex/gender identity might operate as a protection against branding. whereas society continues to marginalise bound sexual identities in explicit, individuals can notice it necessary to organize around those sexual identities for commonness and to resist that marginalization. Others have responded less radically to the critique of the sex/gender distinction by provision a mild reminder that sex/gender is a relationship. The sex/gender distinction becomes problematic if gender analysis is applied in

such some way on forget its constant relationship with sex. This research found that the feminist believe that the law is neutral not impartial.

REFERENCES :

1. Baer, Judith A. *Our Lives Before the Law: Constructing a Feminist Jurisprudence*. Princeton University Press, 1999.
2. Basu, Srimati. *The Trouble with Marriage: Feminists Confront Law and Violence in India*. Univ of California Press, 2015.
3. Carleton, Francis. "Women in the Workplace and Sex Discrimination Law:" *Women & Politics*, vol. 13, no. 2, 1993, pp. 1–26, doi:10.1300/j014v13n02_01.
4. Chamallas, Martha E. *Aspen Treatise for Introduction to Feminist Legal Theory*. Wolters Kluwer Law & Business, 2012.
5. Chaudhuri, Maitrayee. *Feminism in India*. 2005.
6. Gupta, Pallavi. "Feminist Jurisprudence in India with Reference to Individual Freedom of Women Vis-a-Vis State's Duty to Protect Them." *International Journal of Civic Engagement and Social Change*, vol. 1, no. 2, 2014, pp. 54–67, doi:10.4018/ijcesc.2014040104.
7. Ikemoto, Lisa C. "Reproductive Rights and Justice: A Multiple Feminist Theories Account." *Research Handbook on Feminist Jurisprudence*, 2019, pp. 249–63, doi:10.4337/9781786439697.00023.
8. Kannabiran, Kalpana. *Women and Law: Critical Feminist Perspectives*. SAGE Publications India, 2013.
9. Lacey, Nicola. "Feminist Legal Theory and the Rights of Women." *Gender and Human Rights*, 2004, pp. 13–55, doi:10.1093/acprof:oso/9780199260911.003.0002.
10. MacKinnon, Catharine A. *Toward a Feminist Theory of the State*. Harvard University Press, 1989.
11. Muralidhar, S. "India." *Social Rights Jurisprudence*, pp. 102–24, doi:10.1017/cbo9780511815485.007.
12. Nirmal, B. C. "Taking Violence against Women Seriously: International and Domestic Human Rights Jurisprudence." *India and International Law, Volume 2*, pp. 413–52, doi:10.1163/ej.9789004161528.i-570.124.

13. Nourse, Victoria. "Violence against Women and Liberal Sexism." *Research Handbook on Feminist Jurisprudence*, 2019, pp. 213–30, doi:10.4337/9781786439697.00020.
14. Parashar, Archana. *Women and Family Law Reform in India: Uniform Civil Code and Gender Equality*. SAGE Publishing India, 1992.
15. Patel, Tulsi. "Experiencing Abortion Rights in India through Issues of Autonomy and Legality: A Few Controversies." *Global Public Health*, vol. 13, no. 6, June 2018, pp. 702–10.
16. Rastogi, Mudita, and Paul Therly. "Dowry and Its Link to Violence against Women in India: Feminist Psychological Perspectives." *Trauma, Violence & Abuse*, vol. 7, no. 1, Jan. 2006, pp. 66–77.
17. Secretariat, Commonwealth, and Commonwealth Secretariat. "Developing Human Rights Jurisprudence." *Developing Human Rights Jurisprudence*, 1995, doi:10.14217/9781848595255-en.
18. ---. *Promoting the Human Rights of Women and Girls through Developing Human Rights Jurisprudence and Advancing the Domestication of International Human Rights Standards*. 2010, doi:10.14217/9781848590618-12-en.
19. Sharma, Gokulesh. *Feminine Jurisprudence in India: Women's Right*. Deep and Deep Publications, 2008.
20. Varnum, Charis. "Feminist Jurisprudence." *Encyclopedia of Women in Today's World*, doi:10.4135/9781412995962.n286.
21. West, Robin. "Introduction to the Research Handbook on Feminist Jurisprudence." *Research Handbook on Feminist Jurisprudence*, 2019, pp. 1–22, doi:10.4337/9781786439697.00007.
22. West, Robin, and Cynthia Grant Bowman. *Research Handbook on Feminist Jurisprudence*. Edward Elgar Publishing.
23. Williams, Juliet. "Feminist Jurisprudence." *Oxford Handbooks Online*, 2015, doi:10.1093/oxfordhb/9780199328581.013.13.