

INDIAN ASSOCIATION FOR WOMEN'S STUDIES

XV National Conference on Women's Studies

Sub-theme - 2

Inevitability of Law, Impossibility of Law: Resistance and Recognition

The women's movements' engagement with the legal/judicial sphere has been both consistent and insistent. Law has been a site of both hope and despair, although its inevitability is increasingly becoming overwhelming. The discussions around sexual violence and the law often end up overshadowing important changes and debates taking place in the sphere of labour, family or commercial laws. This in turn constructs and fixes the identity of the woman as victims and the law emerges as the sole protector. On the other hand, resisting such a position by foregrounding women as agential subjects also seems to be a simplistic move. In all the areas of women's lives that the Indian women's movement or Women's Studies has taken note of over the years, be it acting in the face of domestic violence or negotiating the labour market or the political sphere, women's lives, thoughts and actions are found to be more complex than what the victim/agent binary allows. Consequently the legal/judicial sphere cannot be seen in terms of the protector/ oppressor, sword/shield binary either. In the last two decades, law has emerged as the primary site of creating identities and offering recognition to categories and communities. Thus law has evolved as a site to mark (legitimate) resistance. At the same time, the everyday experience of the law in the homes, streets and workplaces, reveals the irrelevance of law, even as it colonizes the meaning of dignity, emancipation and justice. Should we still continue to engage with the law then? Are the considerable feminist "victories" in law since the 1980s merely of symbolic value, that ultimately work to mask the violence of the law? Is there a need to resist juridicalization of feminist politics or to talk back to the law in these rapidly transforming times?

Within this broad framework, this sub-theme will be interested in interdisciplinary papers covering myriad aspects of the law and movement interface; legal and political conflicts as well as convergences; dichotomies between streets-based and court-based forms of resistance, even as we feel the need to move from the streets to the courts. Papers reflecting on contemporary legal developments pertaining to women as well as other subject positions, through a gender lens are welcome. These could be, the legal regulation of parenthood through

changes in rules of custody, guardianship, adoption and maternity leave in recent times; the legal recognition of Transgender identity by the Supreme Court of India and how it is being implemented in different state agencies; the right to abort beyond the legally mandated 20 weeks; current moves by regulatory bodies to increase the presence of women in corporate boardrooms; recent amendments to the SC/ST (Prevention of Atrocities) Act; the impact of experiments in labour law reform by the current government; or the 2016 National Policy for Women, to indicate the wide range of issues and questions that could be pursued under this sub-theme. There is a need to critically engage with the rights discourse, since the abstract rights bearing citizen seems to possess rights yet not exercise it. Finally, as the state continues its violence in the name of “security” and “development”, through the Armed Forces (Special Powers) Act, the Special Economic Zones Act, or in the everyday working of the criminal legal system, it is crucial to intervene in this area. We welcome paper presenters from diverse disciplinary backgrounds to bring different methodologies to the table, ranging from traditional doctrinal analysis of legal developments to ethnographic and cultural readings of the law and the legal, that lie within the broader framework of the sub-theme.

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