

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES

End Semester Examination, December 2022

Course: Gender Justice and Feminist Jurisprudence

Program: BA LL.B. (Constitutional Law Hons.)

Course Code: CLCT5003

Semester: IX

Time: 03 hrs.

Max. Marks: 100

Instructions:

1.) *Read questions carefully.*

2.) *There is no prescribed word limit for any questions. However, please respond to the question.*

**SECTION A
(5Qx2M=10Marks)**

S. No.		Marks	
Q 1	Which convention is considered as a starting point of first wave of feminism?	2	CO1
Q 2	Caste based sexual violence is a peculiar form of sexual violence against women in India. Does SC/ST (Prevention of Atrocities) Act, 1989 deals with gender-based sexual violence?	2	CO2
Q 3	Define Eco-feminism? Give an example from Indian context.	2	CO2
Q 4	Who wrote the work, <i>Mother India</i> which challenged the concept of colonial effect on Indian women and argued that it was Indian themselves who are to blame for conditions of women in the country?	2	CO1
Q 5	Which Indian resolution incorporated the concept of equality of sexes during colonial times?	2	CO1

**SECTION B
(4Qx5M= 20 Marks)**

Q 1	Discuss the criticism of liberal feminism in the context of global south or plural societies like India.	5	CO2
Q 2	Discuss the emerging need of Menstrual leave and its relationship with gender justice.	5	CO3
Q 3	Explain the succession rights of Christian women under Indian Succession Act, 1925.	5	CO3
Q 4	There is strong evidence to show that women and girls with disabilities face barriers in most areas of life. These barriers create situations of multiple and intersecting forms of discrimination against women and girls with disabilities, particularly, with regard to equal access to education, access to economic opportunities, access to social interaction, access to justice and equal recognition before the law, the ability to participate politically, and the ability to exercise control over their own lives across a range of contexts.	5	CO4

	Convention on the Right of Persons with Disabilities takes this into consideration in its drafting. Elucidate the provisions of CRPD having gendered dimensions.		
SECTION-C (2Qx10M=20 Marks)			
Q 1	What are the feminist theories of criticism against the concept of Equality? Demonstrate them using Article 14 case laws from India.	10	CO3
Q 2	<p><i>Acid attack is a thoughtful attack where acid is used as a weapon and is thrown on someone to torment, pester and harass that person. The most usually employed chemical in acid attacks is sulphuric acid (oil of vitriol); hence, it is also called as vitriolage</i></p> <p>(i) Explain the causes for the practice of acid attack in the context of Indian patriarchal society (5)</p> <p>(ii) Discuss in detail and critically analyze the amendments in the criminal justice system concerning acid attack (5)</p>	10	CO4
SECTION-D (2Qx25M=50 Marks)			
Q 1	<p>An unprecedented 17,000 participants and 30,000 activists streamed into Beijing for the opening of the Fourth World Conference on Women in September 1995. They were remarkably diverse, coming from around the globe, but they had a single purpose in mind: gender equality and the empowerment of all women, everywhere. Consequently, Beijing Declaration and Platform for Action came into existence. It identified 12 critical areas of concern.</p> <p>Describe and Apply the identified twelve critical areas of concern in the context of legal framework of India.</p>	25	CO4
Q 2	<p>The Apex Court through, Justice DY Chandrachud and Justice Hima Kohli, in <i>The State Of Jharkhand vs Shailendra Kumar Rai @ Pandav Rai</i> held that in cases pertaining sexual violence, two-finger test or “<i>pre vaginum</i>” test is banned and should not be conducted by medical board. They stated –</p> <p><i>While examining the victim, the Medical Board conducted what is known as the “two-finger test” to determine whether she was habituated to sexual intercourse. This Court has time and again deprecated the use of this regressive and invasive test in cases</i></p>	25	CO4

alleging rape and sexual assault. This so-called test has no scientific basis and neither proves nor disproves allegations of rape. It instead re-victimizes and re-traumatizes women who may have been sexually assaulted, and is an affront to their dignity. The “two-finger test” or pre vaginum test must not be conducted.

- (i) In light of the above judgment, describe judicial precedents leading to two finger test as violative of right to privacy and dignity. **(13)**
- (ii) Considering that medico-legal jurisprudence is gendered, comment on the desirability of gender-neutral legal framework for sexual violence **(7)**.
- (iii) Maximum punishment prescribed under IPC for rape of women is death penalty whereas maximum punishment prescribed for sexual violence against Transgender under Section 18 of The Transgender Persons (Protection of Rights) Act, 2019 is two years. Comment using intersectional feminist jurisprudence. **(5)**