

Name:

Enrolment No:



**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**

**End Semester Examination, December 2022**

**Course: Gender Justice and Feminist Jurisprudence**

**Program: BA LL.B.**

**Course Code: CLCT5003**

**Semester: IX**

**Time: 03 hrs.**

**Max. Marks: 100**

**Instructions:**

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

S. No.		Marks	
Q 1	Write a small note on women's relationship with religious or social structures in ancient India.	2	CO1
Q 2	Briefly state the history and importance of Seneca Falls Convention.	2	CO2
Q 3	What are the different waves of feminism? Explain using the context of Indian landscape.	2	CO3
Q 4	List down international legal framework concerning women rights.	2	CO2
Q 5	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

**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 UCC 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.		
<b>SECTION-C</b> <b>(2Qx10M=20 Marks)</b>			
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>	<b>10</b>	<b>CO3</b>
Q 2	<p><i>Acid attack is the 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>	<b>10</b>	<b>CO4</b>
<b>SECTION-D</b> <b>(2Qx25M=50 Marks)</b>			
Q 1	<p>Akshita is working in a media company as one of the editors. Anuj is working as a managing editor in the same media company. Akshita reports to Anuj. Anuj used to make comments on Akshita's clothes and her bodily appearance. He often passed remarks in the office corridors like "you are looking very beautiful and attractive", "I wish my wife is half attractive as you", etc.</p> <p>Akshita was uncomfortable but didn't raise her discomfort thinking it is just casual flirting and was mindful of the hierarchy. One day, Anuj insists Akshita to come with him to a party wearing a red colour saree. Akshita turned up in office party and didn't wear the red saree as suggested by Anuj. He gets offended and slaps her on her posterior. Ankit reports the whole incident and the matter to the company CEO, Mr. Aakash.</p>	<b>25</b>	<b>CO4</b>

	<p>(i) What procedure CEO is required to initiate? Discuss the above with reference to the Prevention of Sexual Harassment Act 2013. <b>(13)</b></p> <p>(ii) Critically analyse the procedure as laid down in the POSH using feminist lens and comment whether the procedure enables gender justice? <b>(12)</b></p>		
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 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></p> <p>(i) In light of the above judgment, describe judicial precedents leading to two finger test as violative of right to privacy and dignity. <b>(13)</b></p> <p>(ii) Considering that medico-legal jurisprudence is gendered, comment on the desirability of gender-neutral legal framework for sexual violence <b>(7)</b>.</p> <p>(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. <b>(5)</b></p>	25	CO4