



Editorial

The Journal and Publication Society, School of Law, CHRIST (Deemed to be University), takes pride in placing on record, the twenty third issue of the *Christ University Law Journal*. This issue of the journal is based on problems related to gender and comprises of an article, commentary, case comment and a book review. The academic writings are authored by legal practitioners, academicians, and research scholars.

Feminist theory on gender has historically been concerned with phallogocentrism, and what it means to be a woman. Luce Irigaray had stated that there is only one sex, which elaborates itself in and through the production of the 'Other.' In recent times, there has been an augmentation in the Law with regard to gender identity and gender expression. Historically, the law has been tainted with the firm structures set up by cisnormativity and heterosexuality. This reflects not only in societal stereotyping of genders, but also in the judgments coming from courts. But what happens when it is obliterated by the invention of a 'third gender', which challenges the very foundations of the Law? In the preface to Judith Butler's seminal work, *Gender Trouble*, 10 years after the first edition, she wrote that if she were to rewrite the book, she would include the discussions on 'transgender and intersexuality', implying the need for feminist theory to include the experiences of gender nonconformity, which is now trouble. There are several ramifications of these developments in Law, Policy, and theory that require a lot of attention. Even though there has been progress in science and technology in leaps and bounds, the problems faced by women have had no respite. The articles in this issue attempt to examine the various ways in which women are impacted, and the lacunae in the legal system that need ramifications.

Articles

Arjun Philip's article titled, *State Response to Violence against Women on Social-Media*, identifies the various ways in which women are subject to violence on social media. In this regard, the author analyses various sections of the IPC and the Information Technology Act, 2000 to understand their effectiveness in helping women. Various landmark case laws are also examined, forcing the author to come to the conclusion that there is no single landmark judgement which addresses the issue of violence against women on social media. The author strongly argues that women have the right to lead a dignified life which is also guaranteed by the various Articles in the Constitution. The author concludes by stating that the legal systems of a welfare democracy need to be more proactive in ensuring human rights and freedom of speech and expression in an equitable and gender-neutral manner.

The commentary, *Justice Still Eludes Indian Women in the 21st Century*, authored by V.S. Elizabeth, focuses on the various legislations in the country which are meant for the safety and protection of women. However, the statistics from the National Crimes Record Bureau paints an abysmal picture of the atrocities against women. The author analyses the various ways in which patriarchy acts as an impediment and at times even a threat to the lives of women, depriving them of even their right to make choices. She provides data on the discrimination that women face in the labour market, thus denying them access to opportunities. The author delves at length on the term 'modesty' and highlights how even the courts at times misinterpret the term and how the word is only applicable to women. She concludes by strongly advocating that feminist legal methods have to be followed by courts while propounding judgements relating to all crimes against women and the urgent need for the adoption of a feminist perspective by the legislature in the enactment of the laws.

Saumya Verma's case comment, argues for women's right over family property. She critically analyses the legal issues involved in *Yagnaseni Patel v. The General Manager, Mahanadi Coalfields Ltd. & Ors*, to understand whether or not the right granted by the 2005 Amendment Act applies to daughters born before the date of the enforcement of the Hindu Succession Act, 1956 and also whether Section 6 of the 2005 Amendment Act is retrospective? The author lauds the judgement given by Justices B.R. Sarangi and M.S. Raman which, reinstated the daughter's claims to her father's property, thus creating a healthy legal precedent.

The Journal and Publications Society expresses its gratitude to all scholars and reviewers who have contributed to this issue of the journal and solicit their continued patronage and cooperation. We are grateful to the Christ University management, the Center for Publications, the Library personnel and the National Printing Press, for extending their support towards our humble mission of making effective contribution to legal research.

Sharmila N
Issue Editor

Shilpi Roy Chowdhury
Section Editor