

## **INDIAN SOCIOLOGICAL SOCIETY**

### **42<sup>nd</sup> All India Sociological Conference**

CENTRAL UNIVERSITY, TEZPUR, ASSAM 27-30, Dec.2016

#### **Abstracts selected for presentation in RC 23- Sociology of law**

**1. Dr. C.A.Somashekharappa**

Professor of Sociology, Chairman and  
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**ISS LMI 1422**

#### **Family Law, Domestic Dispute Resolution and Family Court-**

##### **Some Explorations in Sociology of Law**

**Abstract:** Family is the smallest of all the social organizations the human societies have ever established and sustained. Yet it is very important from the point of services it renders to society, As a basic organizational arrangement, family, with its own institutional fabric, performs physical, social, economic, cultural, political and psychological functions for its members thereby contributing a lot to build and maintain a stronger and healthier societal formations and their sustained existence through time and space. Consonance, cooperation, coordination and functional reciprocity among the members of family are the key basis of its sustained organizational process. The radical changes in the larger society have their repercussions on every segment of society including family. Dissonance, dispute, and conflict became a cognizable features of such families which cannot contain a disciplined thinking and acting among their members. In a fast changing and modernizing societies, traditional mechanisms of control and conflict resolution are replaced by modern means of law, police, court etc. Role of elders and other responsible members in family, kinship or community is negated conveniently or conditionally. Modern designs and mechanisms of control have gained preponderant emphasis in the consideration of new generation of family.

Domestic disputes are becoming a common feature manifested in marital conflict and discord. Issues of family are now magnified and brought in to public space. In a bid to get individual rights recognized and established the marital partners expose themselves to others about their distrust and eventual divorce. The issues which were once used to be resolved within the four walls of house are brought into the public institutional arena called the Court. The government of India has established Family Courts at all strategic places mainly to arbitrate mediate or conciliate depending on the situation in a bid to resolve disputes between the partners as husband

and wife and help going together further through life or get compensation delivered to the victim of the situation.

In the present paper an attempt is made to explore the adequacy or inadequacy of family law to accommodate domestic dispute resolution process which is to be ensured to the victim by the Court in a meaningful and effective way. The jurisdiction of study covers the role of Family courts in Karnataka in terms of their structural arrangement, functional necessities and performance in the context of the redressal of the conflicts manifested in divorce applications submitted before the courts for five years during January 2011 to December 2015.

**2. PROF. (DR) JAY PRAKSAH YADAV,**  
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**ISS Membership No.: .....C 44**

### **The Actualization of Women's Right with special reference to Hindu law**

Abstract: The Women has two sets of rights, first is the general right, which they receive as soon as take a birth as a human being, secondly, more specific being women having women's rights (Stridhan & Estate) which can enjoy only by them not by their counterpart i.e. by the man. Apart from this, under the Article 15 (3) of the Indian Constitution has the special provision that the State can make any law for the upliftment of women.

Since, Ancient period women has considered, 'Ardhagani' i.e. half of the body structure of the man's body, reveals that women having the equal right as the men enjoyed at any point of time.

All have equal rights in articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all<sup>1</sup>. All should live together in harmony, supporting one another like the spokes of a wheel of the chariot connecting its rim and the hub<sup>2</sup>.

These Vedic provisions forcefully declare equality among human beings. The last of them impresses that just as no spoke of a wheel superior to the other, no individual can claim to be, or regarded as, superior to others.

1 - Atharvanaveda- Samjnani Sukta:

2 - Justice M. Jois M. Rama, by Ancient Indian Law. Page, xiii

**3. DR. PRADEEPTA RANJAN PATTANAYAK,**

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### **Perspectives on Gender and Development: A Critical Appraisal**

**Abstract:** As a concept, “Gender” has dominated the intellectual discourse in the world since last few years and has become the focus of policy debates and policy planning cutting across geographic boundaries. Of late, it has become a central organizing principle of our social life. In our day-to-day conversation it has become a hackneyed term and often it drives our beliefs, desires and dominates our institutions and actions. In keeping with the frequent use of the word, its interdisciplinary character, its interplay with the institutions of the society and societal processes, the present paper tries to make a reflective analysis of the attempts of resolving the gender issues through policy planning and implementation based on the different theoretical approaches on gender and development. The paper also tries to situate these different approaches in proper perspective vis-à-vis the part played by women in the development process of the present world order. In the Welfarist Approach, (popular between 1950 and 1970) women were addressed solely as passive recipients of doles than active participants in the process of development. In contrast, developmentalist approach asserted that women instead of being the passive recipients of charity have every right to design, direct and reap the benefits of development equally with men. The paper also tries to make an impact assessment of these approaches with reference to some stark data.

#### **4. DR. DINESH VYAS**

Assistant Professor,  
Department of Sociology & Social Anthropology  
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LMI:

### **Inclusive Education in India & Human Rights for Disabled Child**

**Abstract** – Inclusive education is a worldwide movement, initiated in the sixties of the 20<sup>th</sup> century based on a human rights issue: every child, whatever its level of difficulties or disability, should have the right to high quality education together with more able peers and not be excluded from the mainstream because of a certain learning difficulty or disability.

10% of the world’s population lives with a disability, and 80% of these people with disabilities live in developing countries’ the services available for people with disabilities differ widely between developed and developing countries. One of these services is education. The International Community, especially since the UN Convention on People with Disabilities, is becoming increasingly aware of the different models of special education. The three basic models, segregated, integrated and inclusive special education, have been differentiated between

by international and governmental agencies, and overwhelming support is being shown by human rights activists, nonprofits, governmental organizations, governments and international agencies, all in favor of inclusive special education as the most beneficial type of education for people of all ability levels.

This article explores some of these differences and difficulties in implementation and understanding. Illustrated with case analyses, it will review conditions to realize inclusive education. It also makes some fundamental reflections about the need to transform teachers' minds, psychologists' minds and the child's mind. The role of cognitive education and mediated learning are discussed as a tool to increase teachers' teaching and child's learning processes and thus contribute to a better inclusive education as well.

#### **5. PROF. (DR.) K C RAVAL**

Director,  
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**LMI No: 4128**

### **Empowering Women: Challenges ahead**

**Abstract:** Today, the significance of women empowerment is recognized worldwide. In this regard several efforts are being made through constitutional mandate as enshrined under article 14,15(3) and many more in various legislations. The framers of the Indian Constitution made all the fundamentals right gender neutral; and expressly provided that gender could not be the only ground for discrimination. It is not difficult to see that the situation of women is still pathetic and she is subjected to deprivation from womb to tomb at the level of family and society both. Former President of India Smt. Pratibha Patil told that, "We have to create an environment where women are brought to the mainstream whether it be the family, society and at the National level as **equal partners**". It is call for hour for both government and non state actors to understand gender social norms that govern relationship between men and women to bring a change in societal norms. This research paper will throw light on the growth of legislations in India & many progressive judgments deliver by judiciary and worldwide to protect the rights of women, and causes for failure in securing the protection to all categories of women (Married, unmarried and widow).

#### **6. DR. MUJAHID ALI**

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## **Globalization and Changing Definition of Women’s Freedom in India: A Socio – Legal Study”**

**Abstract:** In the modern era globalization has made its root, stems and branches very strong. Therefore the definitions of most of the aspect of our life are changing. If we talk about women’s freedom it is no more similar to their past. Actually men have dominated almost all societies throughout the hitherto history. But now women are creating and changing their history on the basis of their own efforts and intelligence. The present research paper is mainly written to focus on i) To find out the major factors responsible in changing definition of women’s freedom, ii) Legal measures taken by Indian government to give the freedom to women in their various walk of life, iii) role of modern education in melting the snow of deep rooted patriarchal prejudices and traditions. This is descriptive type of study. Secondary data has been collected, analyzed and inferences drawn accordingly. The major legal measures taken to improve the women’s position and all other findings will be discussed in the paper.

### **7. DR. SADHNA GUPTA**

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### **Focusing on the Rights of Physically Disabled Persons**

**Abstract:** More than 650 million men, women and children in the world suffer from either mental or physical disability. According to 2001 census, there are 21.9 million persons with disabilities in India. They suffer from discrimination and low standard of living. They are often denied their basic rights. Various international instruments dealing with the disabled rights are recognized. India being signatory to one of the United Nation Convention on the Rights of Persons with Disabilities thereby led to the enactment of the most comprehensive law to date relating to people with disabilities in India. The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The Preamble of the Indian Constitution aims at securing to “all” its citizens justice, social, economic and political as also equality of status and opportunity and to promote fraternity so as to uphold the dignity of all individuals. Both the Constitution of India and Disabilities Act, 1995 prohibits discrimination in the matter of work and with regard to accessing public facilities, services and utilities. Recently Indian

Government introduced The Rights of Persons with Disabilities Bill, 2014 in Rajya, seeking to increase reservation for disabled persons in public sector jobs from existing 3% to 5% and reserve seat for them in higher educational institutions. The essence of the Rights of the Person's with disabilities Bill 2014 expecting soon to become as Act so that every disabled feel that the concept of human rights is not a myth for him, but a reality.

## **8. LABONI SIL**

**Student,  
MA Sociology- III Semester  
University of Calcutta  
LMI No: M-2445**

### **Legal Aspects of Surrogacy: An Indian Scenario**

**Abstract:** India is known worldwide for its liberal jurisdiction on surrogacy. When India legalized commercial surrogacy in 2002, it slowly gave rise to a booming industry of foreign surrogacy requirements and fertility tourism, such so much that commercial surrogacy was banned for foreign nationals in 2015. In 2005, ICMR issued guidelines to check the use of assisted reproductive technology including surrogacy but these were non-binding provision. In the absence of a legal framework, cases of exploitation and extortion were increasing day by day. The ART (Regulation) Bill and Rules, 2008, for the first time attempted to plug the loop holes that have brought infamy to such treatment. It followed by two more revised draft Bill, visa restrictions on foreign nationals and so on. The recent proposed draft Surrogacy Regulation Bill 2016, passed by the Health Ministry, was cleared by the Union Cabinet on the 24<sup>th</sup> of August; and is set to be introduced in the Parliament soon. This Bill however, instead of regulating commercial surrogacy, bans it. Although India has not banned surrogacy completely, the laws need to be re-looked so that they actually benefit surrogate mothers, prospective parents and children born from surrogacy.

**9. Dr.Pankaj Kumar,  
Asansol Girl's College  
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LMI-3996**

### **Honour Killing**

**Abstract:** An honour killing is the homicide of a member of a family or social group by other members, due to the belief of the perpetrators that the victim has brought dishonor or shame upon the family or community. Victims of honor killings are killed for reasons such as

refusing to enter an arranged marriage, being in a relationship that is disapproved by their relatives, having sex outside marriage, becoming the victim of rape, dressing in ways which are deemed inappropriate. It is a cold blooded murder where parents of the girl seem to be against their daughter's affair. "Honour" crimes are common in Haryana, Punjab and Uttar Pradesh. There are no statistics on the number of "honour" killings across Haryana and Punjab, but according to a study, hundreds of people are killed each year for falling in love or marrying against their families' wishes.

This highlights the horrific massacring young and innocent girls daring to choose their life-partners much against the accepted social norms by the allegedly cast group/Khap panchayat; the culture of regulating and controlling their conduct and life and amputating, shattering the personalities marching against the accepted patriarchal traditions in the guise of protecting the family or caste. This paper also suggested steps which can be adopted by lawmakers, enforcement agencies for checking the cruel practice of victimizing the young girls for protecting and restoring the notion of honour.

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#### AISC RC Sessions Tezpur

28 December 2016 9-11.30 am

RC Session I

(Please write the name of author and title of abstract)

1. **Dr. C. A. Somashekharappa:** Domestic Violence As Women Human Rights Violation: Socio- Legal Measures
2. **Prof. (Dr) Jay Praksah Yadav:** The Actualization of Women's Right with special reference to Hindu law
3. **Dr. Pradeepta Ranjan Pattanayak : Perspectives on Gender and Development: A Critical Appraisal**
4. **Dr Mujahid Ali: Globalisation and Changing Definition of Women's Freedom in India: A Socio – Legal Study"**

28 December 2016 2.30-4.30 am

RC Session II

(Please write the name of author and title of abstract)

1. **Prof. Kaushik . C. Raval: Empowering Women: Challenges ahead**
2. **Laboni Sil: Legal Aspects of Surrogacy: An Indian Scenario**
3. **Dr.Pankaj Kumar: Honour Killing**
4. **Dr Mahesh Nawaria: Hkz"Vkp kj % lkekftd o dkuwuh vjk/kkRed vo/kkj.kk**

29 December 2016 9-10.30 am

RC Session III

(Please write the name of author and title of abstract)

1. **Dr Dinesh Vyas: Inclusive Education in India & Human Rights for Disabled Child**
2. **Dr Sadhna Gupta: Focusing on the Rights of Physically Disabled Persons**
- 3.
- 4.