

CALL FOR PAPERS



Jindal Global Law School
India's First Global Law School



Springer

JGLR Special Issue

Transformations in Religious Family Laws in Comparative Perspective

Editor-in-Chief:

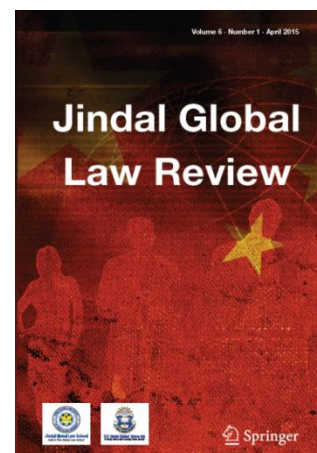
Professor C. Raj Kumar, Professor & Vice Chancellor, O. P. Jindal Global University (JGU), Sonapat, India. vc@jgu.edu.in

Managing Editor:

Dr. Vishwas H. Devaiah, Associate Professor and Executive Director Centre for Intellectual Property Rights Studies, Jindal Global Law School, Sonapat, India

Editors of the Special Issue:

- **Saptarshi Mandal**, Assistant Professor and Editor, Law & Policy Brief, Jindal Global Law School, Sonapat, India
- **Sachin Dhawan**, Assistant Professor and Assistant Director, Centre for Law and Humanities, Jindal Global Law School, Sonapat, India



The Editorial Board of the journal invites authors to submit proposals for the April 2016 special issue. The themes mentioned below are indicative only and papers on related topics would also be appreciated. We welcome well-researched papers having an analytical, empirical, critical or practitioners' perspective.

On the theme:

Interesting things are happening in the field of religious family laws in India. In July this year the Supreme Court of India allowed an unmarried Christian mother to claim guardianship of her minor son without having to inform the biological father, as was required by the Christian personal law. The Court held that the best interests of the child would outweigh the procedural requirements of personal law. In August, the results of a large survey conducted by a Muslim women's organization revealed that a large majority of the Muslim women surveyed were in favor of the state enacting laws to prohibit child marriage, polygamy and unilateral divorce among Muslims. These are small moments in the larger process of transformation that religious family laws in India have been going through since the last two decades. Christian personal law of divorce underwent large scale legislative amendment in 2001, that not only removed its egregiously gender discriminatory provisions, but also made it almost similar to the Hindu, Parsi and the secular divorce laws. Muslim women were removed from the ambit of secular law of maintenance by the Parliament in 1985. The restriction has been made redundant by creative judicial interpretation that has re-established the husband's duty to pay maintenance under the secular law, irrespective of his limited duty under Muslim personal law. Further, in a 2002 judgment, the Supreme Court of India laid down conditions for Muslim divorce to restrict the husband's arbitrary use of unilateral divorce and protect the interests of the wife.

From the time of the nation's founding, replacement of religious personal laws with a uniform code has been called for in the name of national integration, secularism and gender justice. Partial codification of Hindu law in the 1950s was meant to serve as a template for complete codification and unification of the personal laws of all religious groups. While the idea of a uniform code remains active in the political rhetoric of the current government, legal developments in the last thirty years have shown that convergence of religious family laws can take place and gender justice can be ensured, even in the absence of a top down, state imposed Uniform Civil Code. Additionally, codified Hindu law itself bears out that codification is not synonymous with gender justice, and in fact, it can often be disadvantageous to women by papering over local customary rules favorable to them. Thus, today large sections of the Indian women's movement do not support the demand for a Uniform Civil Code any more.

Along with these developments on the ground, there seems to be a renewed scholarly interest in this area. Gopika Solanki's book, *Adjudication in Religious Family Laws* (2011), Yuksel Sezgin's *Human Rights under State-Enforced Religious Family Laws in Israel, Egypt and India* (2013), Narendra Subramanian's *Nation and Family* (2014) and most recently, Shimon Shetreet and Hiram Chodosh's *Uniform Civil Code for India* (2015), have opened up avenues for rich debates on questions of legacies of colonialism, nation formation, cultural accommodation, legal pluralism, state-society relations and so forth. Solanki's ethnographic account of the interface between multiple religious and secular adjudicatory bodies and Sezgin's account of people's strategic engagement with the restrictions imposed by religious personal laws provide new entry points into these debates. Indeed, one of the most valuable contributions of this body of work is to highlight the significance of detailed comparative studies of personal law systems in postcolonial countries. There is a great need to build on this exciting body of work by bringing a greater number of jurisdictions within a comparative framework. Thus, India's experience of organic, though incomplete convergence of religious family laws needs to be studied alongside socio-legal churning happening in other parts of the world, such as the adoption of the Moroccan Family Code in 2004 or the unification of its seven separate marriage laws by Kenya in 2014.

Towards this end, we seek contributions from scholars around the world on transformations in religious personal laws, their underlying socio-political processes and their impact on the rights of individuals and groups.

Suggested themes/ questions include:

- The politics, possibilities and perils of codification of religious personal laws
- Links between judicial reform of personal laws and the larger context of judiciary-executive relationship
- Balancing multiculturalism and gender justice
- Historical/ ethnographic accounts of reform of personal laws from within religious groups
- Ethnographic accounts of state and non-state adjudicatory forums, adjudicators or litigants
- Comparison between the legal regulation of corporate entities such as the Hindu Undivided Family and the Waqf in India

Submissions:

Submissions can be in the form of articles, case comments and book reviews. Those interested in writing articles should email a 300-word abstract to jglr@jgu.edu.in by the 2nd of November 2015. Those interested in contributing case comments should write to us with proposed cases and a brief description of the line of argument they wish to pursue. Submissions should be in an MS Word *.doc (Times New Roman, font size 12, double spacing) format.

Articles should be of 6,000 to 8,000 words and case comments should be of 2000 to 3000 words (including footnotes). All manuscripts should be in UK English and footnotes should conform to the requirements of The Bluebook: A Uniform System of Citation (20th ed.).

Since JGLR follows a double-blind peer review process, it is imperative that contributors stick to the deadlines.

Submission site: <https://www.editorialmanager.com/jind/>

Key Dates:

Submission of abstract: 2nd November 2015

Notification of acceptance: 9th November 2015

Deadline for submission of full paper: 20th January 2016

Publication of journal: April 2016

See details of the journal's Editorial Board at: <https://www.springer.com/journal/41020>

Contact

Saptarshi Mandal (saptarshi@jgu.edu.in) | Sachin Dhawan (sdhawan@jgu.edu.in) |

Journal Managing Editor (vhdevaiah@jgu.edu.in)