

# Gender Justice in India: A Critical Review

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## Abstract

Women empowerment is a debatable subject as in the earlier times they were having equal status with men, but faced some disparity and discrimination during post-Vedic and epic ages and were treated as slaves. The study elaborates the efforts made during early twentieth century, the national movement, during the British Raj, national leaders and by the framers of the Constitution of India. The research touches the point that although the modern women occupies some respectable positions in different walks of life, yet discrimination and harassment of women is still existing in the society, as the number of women able to establish their potentialities are very few. The research work emphasizes the need that each and every citizen should be careful and responsible to promote the equal status for women in modern Indian society.

**Keywords:** Empowerment, debatable, discrimination, Constitution, harassment, potentialities.

## Introduction

The right to equality and all other human rights are available to man and woman equally but in practice the world is far away. At present when we boast of modern civilisation and scientific advancement, the denial of the right to equality to women is a reality. India has a long and continuing tradition extending over centuries of oppression of women. Women enjoyed a respectable position in the distant past. Subsequently patriarchy deprived women of their rightful status in India. During the Rig Vedic period woman was given an honoured position. She was entitled to Stridhana that is property gifted to her by her parents, presents received etc. over which she had an absolute right. On her death this would devolve on her female heirs. Women were given the right to marriage and education. Several female saints of the Vedic period like Maitrayi, Ghosa, Gargi and Vak were highly skilled and learned as composed complex Vedic stanzas for hymns. They were held in higher respect in India than in any other ancient countries. In the post Vedic age, the status of women has started degenerating due to several factors. Child marriage began in the Smriti age and the self immolation practice called Sati started in the Medieval period. Till the time Mughal period started, a number of problems arose for the Hindu women, practices like Purdah, polygamy, female foeticide were biggest social evils.

During the British rule, on the utmost initiation by persons like Raja Ram Mohan Roy government tried to develop the legal status of Indian women through passing of some legislation. <sup>1</sup> The Hindu Widows Remarriage Act 1856, The Child Marriage Restraint Act 1929, The Hindu Women's Right to Property Act 1937 and the Hindu Women's Right to Separate Residence and Maintenance Act 1946 were some of the measures taken by then British Government in India that sought to improve legal, social and economic status of women to a very limited extent.

After independence, the framers of the Constitution of India rightly felt that it is not sufficient to confer some minor benefits on women, but it is necessary to declare in unequivocal terms, their right to equality with men and various other rights which would help them in attaining an equal status or an equal footing with men. Hence, the Constitution provides equality to men and women and also gave special protection to women to realise their interests effectively along with other supporting rights and enactments. Various Articles of the Constitution reveals this noble idea of our



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Constituent Assembly.<sup>2</sup> However, the holistic principle of giving the second sex an equal status per with men remained only on paper. India received much international attention for its dynamism and innovation on various fronts, yet the country also remains steeped in centuries old norms and conventions. This tension was reflected in the decisions of the Supreme Court also which has assumed an active role in enforcing Human Rights through its decisions in the beginning. It is sometimes limited in this regard by the complex adversarial system in which it operates. But, after the development of Public Interest Litigation (hereinafter PIL) in the late 1970s and 1980s through a series of decisions issued by Indian Supreme Court the whole scenario changed. Through PIL, the Supreme Court has addressed a very wide range of human rights issues, including rights abuses suffered by women. The Supreme Court observed "PIL is really a response to the needs of society, particularly the society of women who . . . have been badly treated for centuries".<sup>3</sup> The Supreme Court in a plethora of judgments extends its humanitarian approach to give equal status to women as desired by our Constitution.

#### **Gender Justice**

Gender justice is an undefined terminology. Sometimes it refers to equal treatment of both men and women and sometimes 'justice to the fairer sex'. However, for the purpose of this work gender justice will be treated as the 'justice to the fairer sex'. It is an important essence of a civilised society. No society can progress denying gender justice. Our father of nation Mahatma Gandhi so once said, "Women are the companion of men, gifted with equal mental capacity. Ignoring them will be a big mess for the civilization."

In most ancient societies women have been considered men's inferiors physically and intellectually. Throughout most of ancient Greece and Rome, women enjoyed very few rights. Marriages were arranged; women had no property rights and were not entitled to education. In ancient China, the yin and yang philosophy reinforced the notion of women's inferiority<sup>4</sup>. China also devised one of the most repressive customs of foot binding for women, rendering the woman uncomfortable and dependent on family and servants<sup>5</sup>.

According to Hindu laws of Manu, as put forth in the Manusmriti, women were subservient to male relatives. Widow- remarriage was not allowed and the law sanctioned the practice of Sati, a truly atrocious practice. Wearing bangles is also understood to be a form of fetters/shackles. Under common law of England, a married woman hardly had any rights; she had no rights to her property after marriage<sup>6</sup>. In the early history of the United States, women and children were considered as a man's possession<sup>7</sup>. Over the centuries, as traditional

patriarchal customs and laws became more deeply entrenched, women's lives became more restricted and oppressed.

Gender justice, particularly concerning matters to do with the workplace and the family should surely top the list of "unfinished business". It is, along with gender liberation, is among the highest aspirations on the continuum of addressing gender inequalities that profoundly affect the lives of men, women, boys, girls and people of all gender expressions and identities. It is a framework that allows us; as human rights makers, to build on the stepping stones of gender equity, equality and empowerment and to go further to seek societal transformation. Celestine Nyamu Musembi, a fellow at the Institute of Development Studies at the University of Sussex, sums up this concept of gender justice as under:

"Gender justice is about more than simply questioning the relationship between men and women. It involves crafting strategies for corrective action toward transforming society as a whole to make it more just and equal; and it means a place in which women and men can be treated as fully human. Moreover, it implies moving away from arbitrary to well-reasoned, justifiable and balanced that is, 'fair social relations'."<sup>8</sup>

There are some key elements of gender justice that are similar in all around the globe and need to be rectified.<sup>9</sup>

1. Fair treatment of women and men, where fairness is evaluated on the basis of substantive outcomes and not on the basis of a notion of formal equality that use an implied 'sameness' standard. This means that in some cases, different treatment may be what is needed for a just outcome.
2. Fairness should be at the level of interpersonal relations and at the level of institutions that mediate these relations and offer redress for wrongs.
3. Acknowledgement that given a long history of gender hierarchy that has disadvantaged women, gender justice inevitably implies realigning the scales in women's favour.
4. Questioning the arbitrariness that characterizes the social construction of gender.

#### **Global View of Gender Justice**

Equal participation by women and men in both economic and social development, and women and men benefiting equally from societies' resources is crucial for achieving gender justice. The United Nations Development Fund for Women (UNIFEM) was created in 1976 to provide technical and financial assistance for women empowerment. The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) was adopted in 1979 by the UNGA. It is sometimes described as an international bill of rights for women. The Decade for Women (1976-1985) and four world conferences on women (between 1975 and 1995) contributed significantly to

raising awareness and commitment to gender equality and gender justice. In July 2010, the United Nations General Assembly created UN Women, the United Nations Entity for Gender Equality and the Empowerment of Women. In doing so, UN Member States took a historic step in accelerating the Organization's goals on gender equality and the empowerment of women. Apart from that the Commission on the Status of Women, a global policy making body the United Nations Economic and Social Council (ECOSOC) is dedicated exclusively to gender equality and advancement of women. The United Nations Development Programme (UNDP) has developed the two most well known gender justice indexes – Gender Related Development Index and the Gender Empowerment Measure to compare and rank member states with regard to gender justice performance. India is ranked 113 in the Gender Related Development Index, while USA is 16th and UK is 10th.

The European Union is also empowered by treaty to promote equality between men and women and to combat other forms of discrimination. Article 21 of the Charter of Fundamental Rights of the European Union prohibits discrimination on grounds of sex and other constants. The treaty of Amsterdam, 1999 reinforced existing provisions in the EC treaty on preventing pay related discrimination between men and women<sup>10</sup>. It has gone a step ahead by promoting equality and to eliminate inequality between men and women in general<sup>11</sup>.

#### **Gender Justice in India**

Women's groups started emerging in India in the early 1900s and at first focused on social reform and freedom struggle. They have also campaigned vigorously and successfully for social and political equality with men. In 1950 women and men over the age of 21 were granted voting rights. Indian patriarchal society not only harbors a culture of violence against women in the form of dowry, domestic violence and female infanticide, it also manifests in government policies towards women. Despite the deeply ingrained patriarchal attitude prevalent in India, it is one of the few countries ever to have elected a woman prime minister. The Preamble to our Constitution is "a key to open the mind of the makers of the Constitution which may show the general purpose for which they make the Constitution"<sup>12</sup>. It declares the rights and freedoms which the people of India intended to secure to all citizens. The Preamble begins with the words "WE, THE PEOPLE OF INDIA....." which includes men and women of all castes, religions, etc. It wishes to render "EQUALITY of status and or opportunity" to every man and woman. The Preamble again assures "dignity of individuals" which includes the dignity of women. On the basis of the Preamble, several important enactments have been brought into operation, pertaining to every walk of life – family, succession, guardianship and employment that aims at protecting the status, rights and dignity of women. We must say that our compassionate Constitution, the Fountain Head of all laws, is gender sensitive. The Constitution of India has various provisions to ensure

equality of the sexes and also to dismantle the prevalent imbalances in gender hierarchy. Article 14 of the Constitution provides for equality before the law and equal protection of the law. Article 15 safeguards the right against discrimination. The Constitution also provides for positive discrimination and affirmative action on some counts. Article 15(3) permits special provisions for women. Article 16 provides equal opportunity with respect to public employment and they shall not be discriminated on the basis of sex of the person. Article 21 guarantees the right to life, the interpretation which has been broadened to include the right to live with dignity. Article 23 guarantees the right against exploitation and also prohibits traffic in human beings.

The Directive Principles of policies contained in Part IV of the Constitution of India guide the states formulation and administration of laws and policies and are "fundamental in the governance of the country"<sup>13</sup>. They instruct the state to secure and protect a social order in which social, economic, and political justice is secured<sup>14</sup>. Directive Principles relevant to gender justice in general and for this dissertation in particular are the directions to the government "to eliminate inequalities in status, facilities and opportunities" contained in Article 39(a); "to ensure that the legal system promote justice ,on the basis of equal opportunity" contained in Article 39A; "to secure just and humane conditions of work and maternity relief" contained in Article 42; "equal pay for equal work for both men and women" contained in Article 39(d) and reinforced by the Equal Remuneration Act, 1975; "to ensure that the "health and strength of workers, men and women are not abused" contained in Article 39(e); "to secure for its citizens a uniform civil code throughout the territory of India" contained in Article 44 and "to regard the improvement of nutrition, standard of living and public health" contained in Article 47 of our Constitution as its primary duties among others.

Article 51A(e) provides that, it shall be the duty of every citizen of India to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women. Thus, it clearly indicates that it is the fundamental duty of every Indian to respect women.

The Parliament has succeeded in its efforts to provide for reservation of seats for women in elections to the Panchayats and the Municipalities. Reservations of seats for women in Panchayats and Municipalities have been provided in Article 243D and 243T of the Constitution of India. According to Article 243D(3), "not less than one-third, (including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes) of the total number of seats to be filled up by direct election in every Panchayat, shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat. Article 243T (3) of the Constitution provides similar provisions for reservation of seats for women in direct election in the Municipalities.

Today, we observe a shift towards the service sector by working women but no occupational field is impervious to gender injustice as of today. It is also worth mentioning to note that there is also a statutory enactment in India against sexual harassment at work place<sup>15</sup> confirming the Supreme Court guidelines pertaining to sexual harassment at the work place in the landmark case of Vishakha v. State of Rajasthan<sup>16</sup>. In India, women are entitled to maternity benefits under the Maternity Benefit Amendment Act, 2017 which provides 26 weeks paid leave.

Women do not have a right to Abortion in India. The Medical Termination of Pregnancy Act, 1971 legalizes abortion only in certain circumstances. There is no provision in the Act which allows abortion on the basis of the will of the woman. Section 312 of the Indian Penal Code, 1860, defines the offence of 'causing miscarriage'. It states that whoever voluntarily causes a woman with child to miscarry shall, if not in good faith, shall be punished with imprisonment of up to 3 years or fine or both. A woman who causes her to miscarry is within the scope of this Section.

The Domestic Violence Act, 2005 has been enacted to curb the onslaught of domestic violence. It is the first of its kind in India. An important advance made by the Act in understanding the nature of domestic violence has been in the combination of civil and criminal remedies. The number of cases of domestic violence in India is on the rise. This may also be due to greater reporting of Domestic Violence Cases. However, a great majority of Sexual assaults go unreported.

Rape is a perverse form of subjugation of women by men. It is a crime of violence, not sex primarily. Some scholars opine that the Indian Law on rape is gender biased and male oriented. Gender neutral rape laws in India have been also acted upon<sup>17</sup>. Commercial sex work the exchange of sexual services for money is legal in India but related activities such as soliciting in public places, owing a brothel, and pimping are illegal. The primary law dealing with sex workers is the Immoral Traffic (Suppression) Act, 1956. However, male prostitution is not recognized in the Indian law. Another oppressive tradition of giving dowry has been abolished by the Dowry Prohibition Act, 1961, which imposes stiff fines and minimum imprisonment of 5 years in prison for violation.

With disregard to the third gender, Indian laws recognize only two genders, so getting ration cards or other documents is a formidable task for the transsexuals. Tamil Nadu is the first state in India that has allowed the transsexuals to indicate their sex as 'T' Though the transsexuals got the right to vote in 1994, they had to declare their sex as 'M' or 'F' in the gender columns. However, very recently, the Election Commission allowed them to indicate their sex as 'O', or others.<sup>18</sup> In a landmark judgment<sup>19</sup>, the Supreme Court created the 'third gender' status for transgenders. Earlier, they were forced to write male or female against their gender. The Apex Court asked the Centre to treat transgender as socially and

economically backward. The apex court said that transgenders will be allowed admission in educational institutions and given employment on the basis that they belonged to the third gender category. The Court observed that absence of law recognizing transgenders as third gender could not be continued as a ground to discriminate them in availing equal opportunities in education and employment. This is for the first time that the third gender has got a formal recognition.

There are also provisions for at least one women member in various statutory committees in India like; National Judicial Appointment Commission, National Human Rights Commission, National Commission for Schedule Cast, National Commission for Schedule Tribe, Consumer Redressal Forum etc.

However, despite of such holistic approach by the legislators we are not able to create a women friendly society in India. Supreme Court's Chief Justice P Sathasivam (as he then was) aptly remarked that exploitation of women is a "reality" in India and gender justice a "fragile myth", attributing the evil to social prejudices. He also observed that the discrimination against women stems not from legislative insufficiency, but can be attributed to the deep-rooted social values and ethics involved in the establishment of Indian society.<sup>20</sup>

#### **Role of Indian Judiciary**

In this part the author would like to focus on some important Supreme Court judgments illustrating variations in the judiciary's approaches towards litigations regarding gender justice in general and women's rights in particular, as well as the critical impact of the context in which such actions are brought.

#### **Vishaka v. State of Rajasthan<sup>21</sup>,**

The Vishaka case arose out of the gang rape of Bhanwari Devi, a member of a group of women called sathins, who are trained by the local government to do village-level social work for honorarium compensation. As a part of the governmental campaign against child marriage, Bhanwari Devi attempted to stop the marriage of a one year old girl in rural Rajasthan. Members of the local community retaliated first by harassing Bhanwari Devi with threats and imposing a socioeconomic boycott on her family. Then, on September 22, 1992, five men raped Bhanwari Devi in the presence of her husband. Bhanwari Devi faced numerous obstacles when she attempted to seek justice; the police publicly disclaimed her complaint and were reluctant to record her statement or conduct an investigation, and doctors at two government health facilities refused to conduct a proper medical examination. Upon hearing about the case, the National Commission for Women (a statutory body established by the central government to promote women's rights) initiated a detailed inquiry and issued an independent report finding that all evidence proved beyond any doubt that the victim was gang raped. Nevertheless, the Rajasthan state criminal Court acquitted the five defendants of the rape charge because, among other things, the judge did not find it credible that upper caste men would rape a lower caste woman.

Frustrated by the criminal justice system's inability to provide tangible remedies, restore the dignity of the victim, address systemic issues, and create widespread social change, Naina Kapur, a lawyer who had attended Bhanwari Devi's criminal trial, decided to "focus on the big picture" by initiating a PIL action in the Supreme Court to challenge sexual harassment in the workplace. A three-judge bench of the Supreme Court delivered the Vishaka judgment on August 13, 1997. The decision, written by then-Chief Justice J. S. Verma, described Bhanwari Devi's gang rape as an illustration of "the hazards to which [a] working woman may be exposed," "the depravity to which sexual harassment can degenerate," and the urgent need "for safeguards by an alternative mechanism in the absence of legislative measures." The Court embraced the task of tackling these issues "through judicial process, to fill the vacuum in existing legislation." Incorporating a broad reading of the Constitution, the Vishaka judgment recognized sexual harassment as "a clear violation" of the fundamental constitutional rights to equality, non-discrimination, life, and liberty, as well as the right to carry out any occupation.

In addition, the Court invoked the Constitution's Directive Principle requiring the state to secure just and humane conditions of work and maternity relief and the Fundamental Duty it imposes on all Indian citizens to renounce practices derogatory to the dignity of women. To address the domestic and international rights violations highlighted by the Vishaka petition, the Court invoked its constitutional power to issue directives that are binding as law in all Indian Courts, specifying mandatory guidelines for combating sexual harassment in the workplace. These guidelines, resulting into an enactment in 2013, directed the employers, included a definition of sexual harassment, a list of steps for harassment prevention, and a description of complaint procedures to be "strictly observed in all work places for the preservation and enforcement of the right to gender equality."

**Chairman, Railway Board v. Mrs. Chandrima Das<sup>22</sup>,**

Mrs. Chandrima Das, a practising advocate of the Calcutta High Court, filed a petition under Article 226 of the Constitution against the Chairman, Railway Board; through the Chief Secretary, Government of West Bengal and many other Officers including the Deputy High Commissioner, Republic of Bangladesh; claiming compensation for the victim, Smt. Hanuffa Khatoon, a Bangladeshi national who was gang-raped by many including employees of the Railways in a room at 'Yatri Niwas' at Howrah Station of the Eastern Railway. Mrs. Chandrima Das also claimed several other reliefs including a direction to the respondents to eradicate anti-social and criminal activities at Howrah Railway Station. The High Court had awarded a sum of Rs.10 lacs as compensation for Smt. Hanuffa Khatoon as the High Court was of the opinion that the rape was committed at the building (Rail Yatri Niwas) belonging to the Railways and was perpetrated by the Railway employees. In appeal, the question argued before the Supreme

Court was that the Railways would not be liable to pay compensation to Smt. Hanuffa Khatoon who was a foreigner and was not an Indian national. It is also contended that commission of the offence by the person concerned would not make the Railway or the Union of India liable to pay compensation to the victim of the offence. It is contended that since it was the individual act of those persons, they alone would be prosecuted and on being found guilty would be punished and may also be liable to pay fine or compensation, but having regard to the facts of this case, the Railways, or, for that matter, the Union of India would not even be vicariously liable. It is also contended that for claiming damages for the offence perpetrated on Smt. Hanuffa Khatoon, the remedy lay in the domain of Private Law and not under Public Law and, therefore, no compensation could have been legally awarded by the High Court in a proceeding under Article 226 of the Constitution and, that too, at the instance of a practicing advocate who, in no way, was concerned or connected with the victim.

**Gaurav Jain v Union of India,<sup>23</sup>**

In this case Supreme Court has issued several directions for rescue and rehabilitation of child prostitution and children of a fallen woman. The Court has observed that it is the duty of the State and all voluntarily non-government organization and public spirited person to come into their aid to rescue such women from prostitution and rehabilitate them with a helping hand to lead a life with dignity of person, self-employment through provisions of educations, financial support, developed marketing facilities as some of major avenues in this behalf. Marriage is another object to give them real status in society. Certain customs also provide assistance in the development of the prostitution. The Court has expressed the view that these customs should not be allowed to exist. The Court has observed that the customary initiation of women in the practice of Devadasis, Jogins and Venkatasin is prevalent in some areas of Andhra Pradesh, Karnataka and Maharashtra which encourages in particular the practice of prostitution is notorious.

**Javed v. State Of Haryana<sup>24</sup>,**

In this case, the Supreme Court consolidated more than 200 writ petitions and high Court appeals into one case against the State of Haryana and the Union of India, which was treated like a PIL action even though it was not filed as such. The Javed litigants challenged the constitutionality of a coercive population control provision in the Haryana Panchayati Raj Act of 1994 (the Haryana Provision), which governed the election of Panchayat, or village council, representatives in Haryana. The Haryana Provision disqualified "a person having more than two living children" from holding specified offices in Panchayats. The objective of this two child norm was to popularize family planning, under the assumption that other citizens would follow the example of restrained reproductive behaviour set by their elected leaders. Forcing a choice between reproductive freedom and political rights by making participation in local governance contingent upon a candidate's

number of children violates a number of human rights principles, including the rights to equality, privacy, and personal liberty. The petitioners and appellants in the Javed case were individuals who had been disqualified from either standing for election or continuing in the office of a Panchayat because they had more than two children.

After hearing arguments from both side, the Supreme Court held that the Haryana Provision did not violate Article 14 of the Constitution because it was not arbitrary, unreasonable, or discriminatory; instead, the Court described the provision as "well-defined," "founded on intelligible differentia", and based on a clear objective to popularize family planning. The Court failed to respond to the petitioners' argument that "the impugned disqualification has no nexus with the purpose sought to be achieved by the Act" because the number of children "does not affect the capacity, competence and quality" to serve in a Panchayat. Furthermore, the judgment erroneously insisted that the Haryana Provision "is consistent with the national population policy".

#### **State v. Ram Singh and another,<sup>25</sup> (Nirbhaya Case)**

In this case, a young girl was returning home with a male friend after watching a movie. They boarded a bus and soon figured out that something was wrong. The six people on board, including the driver knocked the boy unconscious with an iron rod and then raped her one at a time. They shoved an iron rod in her vagina, severely damaging her intestines, abdomen and genitals. Finally, they threw the boy and the woman out of the bus, and drove away. The woman was rushed to the hospital and the men were arrested within 24 hours. Eventually, the woman succumbed to her injuries, and the men immediately went on trial. While on trial, one of the accused committed suicide in jail. The remaining five were subsequently charged for rape and murder. The four adults were granted a death penalty, while the minor was sent to a reform facility for three years.

As a result of this case the rape law was amended to go beyond penile-vaginal intercourse<sup>26</sup>. The new definition penalizes penetration of any orifice of the woman with any part of the man's body or with any object.

#### **Aim of the Study**

The Aim of the Study is to analysis the position of Indian women in society and constitutions.

#### **Conclusion**

During the Vedic period, women were extremely respected and revered by the male members of the family. The gender discrimination in India started in the post-Vedic period and it reached it's highest peak in the Mughal period. In this period crimes against women became highly dominant and women were treated as objects. However, in the post

independence era, the position of women in India changed significantly and they secured fundamental rights.

We still live in a patriarchal society. As a society, we have to work together to make the life of women safe and happy in our country. This is only possible through 3 E's -Empower, Educate & Enable.

#### **References**

1. *B. Sivaramayya, Gender Justice, Fifty Years of Supreme Courts of India, p 291 ILI Jrnl. (Oxford University Press)*
2. *Article 14, 15, 16, 21 etc.*
3. *Vishaka v. State of Rajasthan, AIR 1997 SC 3011*
4. *David Kirp and Marlene Franks Strong, 'Gender Justice', University of Chicago Press, (1986), Chicago, p. 23*
5. *Ibid, p. 24.*
6. *Maitrayee Mukhopadhyay, 'Gender Justice, Citizenship and Development: An Introduction', 'Gender Justice, Citizenship and Development', Edited by Maitrayee Mukhopadhyay and Navsharan Singh, (2007), published by Zubaan, New Delhi, p. 11*
7. *Ibid.*
8. *Celestine Nyamu Musembi, 'Gender Justice A Conceptual Analysis', 2004. Linguith, Suxess*
9. *'Challenging the Liberal Subject: Law and Gender Justice around the Globe', Ratna Kapur, 'Gender Justice, Citizenship and Development', Edited by Maitrayee Mukhopadhyay and Navsharan Singh, (2007), published by Zubaan, New Delhi, p. 11*
10. *(Article 141)*
11. *(Articles 2 and 3 of the EUROPEAN COMMUNITY TREATY, 1957)*
12. *Kesavananda Bharti v. State of Kerala AIR 1973 SC 1406*
13. *Article 37 of the Constitution of India*
14. *Article 38 of the Constitution of India*
15. *The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*
16. *AIR 1997 SC 3011*
17. *Criminal Law Amendment Act, 2013*
18. *'Situating Gender and Citizenship in Development Debates', Maitrayee Mukhopadhyay, 'Gender Justice, Citizenship and Development', Edited by Maitrayee Mukhopadhyay and Navsharan Singh, (2007), published by Zubaan, New Delhi, p. 78*
19. *National Legal Services Authority v. Union of India, (2014) 5 SCC 438*
20. *Times of India, Novemder 11, 2011, New Delhi, p. 1*
21. *AIR 1997 SC 3011*
22. *AIR 2000 SC 988*
23. *AIR 1997 SC 3019*
24. *AIR 2003 SC 3057*
25. *SC No. 114/2013*