

BOOK REVIEWS

Law and Gender: A Quest for Justice *Edited by Dr. Rathin Bandyopadhyay & Dr. Rajendra Dhar Dubey, Alfa Publication (New Delhi), 2012, Pages-xxi + 468, Rs.1995, ISBN: 978-93-81465-13-4.*

At the normative heart of feminism lies the belief that nobody should be disadvantaged because of their sex.¹ Gender-based discrimination reveals ugly face of the society. This issue is very old and is global as well with varying degree. Really, it is a travesty of all canons of social justice and equity for women who constitute half of the world's population and work for two-third of the world's working hours and who earn just one-tenth of the world's property and remain victim of inequality and injustice. This anomaly is, now, being openly questioned and the underlying discrimination is seriously challenged. As human development occupies centre stage in the global development debate, gender equality and gender equity are emerging as major challenges. Gender discrimination, though amongst the most subtle, is one of the most all-pervading forms of institutionalised deprivation.² The terms "sex" and "gender" are often used interchangeably in everyday life, but in sociological literature they are frequently differentiated. The term "sex" is applied to differences between men and women that are based on female or male attributes. The term "gender" is applied to the cultural aspects of male and female roles. In other words, the behaviour, personality and other social attributes that are expected of males and females become the basis of masculine and feminine roles. Sexuality and the different capacities of men and women in the reproductive process are particularly likely to be thought of as giving "natural" reasons for gender divisions in society. The question of gender equality is a very old and burning problem. Twenty years ago in Mexico the First World Conference on Women inspired a movement that has helped to reduce gender inequality worldwide. Illiteracy among women is declining, maternity mortality and total fertility rates are beginning to fall, and more women are participating in the labour force than ever before. However, much remains to be done. Persistent inequality between women and men constraints a society's productivity and, ultimately, slows its rate of economic growth. Although this problem has been generally recognised, evidence on the need for corrective action is more compelling today than ever. The principles of gender equality and gender equity have been basic to Indian thinking. The 19th and early 20th centuries saw a succession of women's movements, first, around social issues and later around the freedom struggle

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- 1 *AncaGheaus*, Gender Justice, *Journal of Ethics & Social Philosophy*, I VOL. 6, NO. 1
 - 2 *Dr. Justice Jitendra N. Bhatt*, Gender Justice: Human Rights Perspective Triumph or Turmoil; Victor or Vanquished?, (2006) 4 SCC (J) 3

itself. The Constitution of India adopted in 1950 not only grants equality to women, but also empowers the State to adopt measures of affirmative discrimination in favour of women.³

The book under review is being assessed in the light of this rationale and logic. This addition of the book amply stands testimony to its utility and relevance today. The authors persuade the readers to focus on the point that the book is a collection of scholarly articles in relation to the subject which the book under review covers.

The book contains as many as 35 topics scattered among five chapters covering the kaleidoscopic aspects of law and gender. Part I covers topics from victimisation of women and girls vis-a-vis development of technology to section 498A IPC, domestic violence, violence against women with disabilities, sexual harassment of women at workplace, et al. The very first article has very nicely dealt with such a burning topic like 'cyber pornography'. The topic of domestic violence has been considered from the angle of human rights by the author. One of the editors has touched upon a very novel issue of '*violence against women with disabilities*' in its different ramifications. The much-debated topic of sexual harassment of women at workplace has been gone into by the learned author deeply and suggestion for a specific legislation in this regard has been advanced.

Surrogacy is a well-known method of reproduction whereby a woman agrees to become pregnant for the purpose of gestating and giving birth to a child she will not raise but hand over to a contracted party. She may be the child's genetic mother (the more traditional form for surrogacy) or she may be, as a gestational carrier, carry the pregnancy to delivery after having been implanted with an embryo. In some cases surrogacy is the only available option for parents who wish to have a child that is biologically related to them.⁴ The issue concerning surrogacy is now gaining ground in Indian legal spectrum. Part II covers the topics like surrogacy and its allied topics. Learned authors in this part of the book have made invaluable and critical study of the subject like surrogacy. All the articles under this part are very informative as the availability of relevant and educative materials in respect of law of surrogacy in India is very negligible. Part III contains the topics of gender equality in relation to Indian Constitution. The constitutional aspects of gender justice have been meticulously covered under this caption in different articles by the learned authors. The topics range from women empowerment, gender justice and role of the Constitution in its dynamism. Part IV deals with topics of gender justice in the context of human rights. The makers of the Constitution intended to apply equality amongst men and women in all spheres of life. In framing Articles 14 and 15 of the Constitution,

3 *Ibid.*

4 *Baby Manji Yamada v. Union of India*, (2008) 13 SCC 518

the constitutional goal in that behalf was sought to be achieved.⁵Gender equality is recognised by the world community in general in the human rights regime⁶.The different aspects of human rights of women have been impressively taken note of by the learned contributors. However, the contribution and inclusion of topic on '*Constitutional feminism*' in this part might have been a feather in the cap. Part V has covered the law relating to women in connection with personal law. The articles in this part of the book highlight the different aspects of position of women in personal laws in India as they are obtaining today. A vivid narration of Muslim custody law, Hindu women's property rights and gender justice in Islamic law has been presented by the learned authors in lucid way.

The book, no doubt, is a good option for students, teachers and researchers who wish to zero in on the ideas pertaining to gender justice which have been conveyed through the articles written by different contributors in this edited volume. However, the utility of the book would have been more, had it contained much on the topic like '**feminist criminology**', '**Gender justice and Criminal law**', in Indian perspective. None the less, the book is an invaluable contribution to the existing literature on 'gender and the law'.

The book is carefully designed and neatly edited. Though there is no index at the end of the book, yet the usefulness of the topics covered would not be undermined in any manner for want of the index since the content is so clearly outlined at the outset that the reader can have access to any topic so covered. The book has been presented in a brilliant get-up by the publishers. The book is priced reasonably keeping in view the materials purveyed to the readers. If the paperback edition of the book is also made available at a little lower price, it would be an immense help to the student community. In sum the book under review is a useful addition to an interesting subject like gender justice. Taking in to consideration the price, the quality of the editorial work, the expertise, I strongly believe that this book should not only be "must possession" for individuals above mentioned, but it will also be the most sought after one for all who are interested in the subject. Last but not the least, the publisher must be given kudos for the pains they have taken in bringing out the book in such an attractive form.

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5 *Anuj Garg v. Hotel Assn. of India*, (2008) 3 SCC 1

6 *G. Sekar v. Geetha*, (2009) 6 SCC 99

7 Judicial Magistrate, Siliguri, West Bengal.