Preface

The last century is termed, ‘An Age of Extreme’ by an eminent scholar Eric Hobsbawn. It witnessed many movements which changed the course of history. Two world wars and various regional and ethnic conflicts took heavy toll on human life. This period however also brought home the understanding that without ensuring equality, justice and liberty to downtrodden, things are never going to normalise. Women movements also got strengthened as they turned out to be the biggest sufferers of any given conflict. The foundation of UN in 1945 is also based on the principles of ensuring equality to all. However, to ensure this equality, various steps were needed. Empowerment of women can only be ensured with the efficient legal discourse. The present doctoral thesis is a humble attempt to understand the judicial discourse viz-a-viz gender empowerment which ensued in India after independence in 1947. It is an effort to map the judicial discourse and sensitization of gender related issue through all these years. The work commences with the study of International Commitments for the gender protection. It is to be noted that the real impetus to gender issues has been inspired by western struggle for Women Empowerment where women were subjected to worst degradation as compared in India. Thus an effort has been done to relate the International concern for women empowerment and equality which certainly has bearing on Indian legal system. The work concentrates on constitutional framework of India with the tactical understanding that legislature has an important role to play in ensuring the goal of gender justice. The researcher then opt for critical study of Indian Criminal and Civil laws which have great bearing on women status and which many a time defeats the constitutional protection given to women folk when it declares, ‘justice, equality to all’. The makers of Indian Constitution wanted the Judiciary to be the keeper of the noble ideals of Indian Constitution. The researcher feels that judiciary is also handicapped by the space and time it exists in. Therefore, judiciary has also showed gradual progress towards better understanding of gender issues as the society, male psyche in particular, is becoming more sensitive towards women. International commitments and domestic pressures has helped in the foundation of National Human Rights Commission (NHCR) and
National Commission for Women (NCW). Towards the end the researcher attempts to explore the working and utility of these Commissions in various gender issues which inflicts Indian struggle to ensure gender justice. The various findings and suggestions have been discussed in the end of the present doctoral thesis.