



BOOK REVIEWS

JUSTICE FOR WOMEN: CONCERNS AND EXPRESSIONS. BY Dr. JUSTICE A.S. ANAND. (2002) Compiled by Ms. Munisha Gandhi. Universal Law Publishing Co. Pvt. Ltd. Pp. xvii + 271. Price Rs. 350/-.

ACCORDING TO Ramkrishna Paramhansa, entire world bears various colours of God, but woman has been its best colour. His greatest disciple, Swami Vivekananda, traced the downfall of the nation in its consistent neglect of the womanhood. However, the male-folk of the Indian soil failed to sense it and advertently continued to turn a blind eye to the same.

In modern times, illustrious sons like Raja Rammohan Roy, Mahatma Jyotiba Phule, pioneered crusade against gender discrimination. Crusade perpetuated, but ailment was more terminal and chronic, as ill-gotten traditions had a sway.

In recent times, several took a lead to eradicate gender injustice. One of the prominent person could be Dr. A.S. Anand, distinguished, not by reason of his adorning the office of Chief Justice of the Indian Republic. Personality of Dr. Anand, besides judicial scholarship, has been a blend of spiritualism and academics. Dr. Anand has a deep sense of concern with human dilemmas and tragedies and more particularly with gender inequalities. He is not merely a well-read person, but one who well understood the cause, with just and appropriate perception.

While, releasing this book, Mrs. Sushma Swaraj, very aptly summed up the *Concerns and Expressions* of Dr. Anand, when she said, "This book is a testimony that sensitive men like Justice Anand not only understand a woman's mind and difficulties but also offer solutions for their problems." As an eminent jurist, he is one of the prominent, to lay bare their problems – social and educational, cultural and religious. His speeches and verdicts, are significant and rich, single-handed contribution to the development of gender jurisprudence in the country.

His concern received apt expression in words reflected in articles, speeches and judicial verdicts in abundant measures. To comprehend all of them has been next to impossible. To, select some of them are equally challenging. Nonetheless, the book has been very thoughtfully and systematically divided into two halves. First part with his speeches which express *Concern* over the trampling of the womenfolk, an evil, which the nation has continued to live for centuries with. Second one deals with his landmark judgments wherein he gives vent to those concerns, in the form of *Judicial Expressions*.



The first part consists of his speeches and articles, where the topics are so wide ranging in their sweep and depth, so as to cover almost all important aspects and concerns, afflicted with gender justice. Dr. Anand's speeches and writing – wide ranging as they are from “Dynamics of Gender Justice” to “Family Planning-Role and Development” and from “Justice for Women – Empowerment through Law” to “Relevance of Equality – Education for Judges”.

Gender inequalities throughout the world, he suggests, are among the most all pervasive, though deceptively subtle forms of inequality. According to him gender equality concerns each and every member of the society and forms a condition-precedent for the existence of a just and fair society. Excessive legislation is not the answer for rectifying the evil, he cautions. According to him the remedy lies in the general awakening of the collective consciousness. A change of heart and attitude is what he prescribes as the effective treatment to overcome this cancerous fever.

To put it more aptly and convincingly in his own words, “If man were to regain his harmony with others and replace hatred, greed, selfishness and anger by mutual love, trust and understanding and if women were to receive education and become economically independent, the possibility of this pernicious social evil dying a natural death may not remain a dream only”.

Addressing a gathering on the eve of the “International Women's Day”, Dr. Anand laments that even 50 years of constitutional mandate vide article 14,15,21 and 51(A)(e), could neither change her fate nor the mindset and attitude of the general populace, towards her. The woman in India according to him continues to be an intolerably unequal partner and that unfortunately this fact holds good even in the year of grace 2001. Dignity of a woman leaves much to be desired, he suggests, as she is still the bonded labourer, gang rape victim, damsel for sale in weekly markets or to foreigners as bride for price.

The second part of the book is a collection of 21 of his landmark path breaking and trend setting judgements, dealing with various aspects of gender justice. Dealing with the sex crimes through his landmark judgments in the second part of his book, he cautions the courts to be sensitive while dealing with cases concerning women, more particularly so in cases of sex crimes. In *State of Punjab v. Gurmit Singh*, he says “remember that... while a murderer destroys the physical-body of his victim, a rapist degrades the very soul of the helpless women” while dealing with the case of sexual-harassment at workplace (*Apparel Export Promotion Council v. A.K. Chopra*) he highlights that right to a decent work environment forms an essential ingredient of article 21 and directly flows from it. He has stressed on the urgent need of relying on international conventions and norms for construing domestic laws.



In *Gita Hariharan*, he set-aside the existing view and gave a new interpretation to the term “in the absence of”, while determining the question of the legal guardian of a child. He went on to hold that “in the absence of to mean inability on the part of the father to be present, temporarily or otherwise, and not necessarily only after the death of the father”, contrary to the view till then prevailing. This judgment was a landmark in terms of giving equal right to the woman as far as the guardianship of the minor child, even in the eventuality of the father being alive. In dealing with the question of payment of maintenance for minor children by a Muslim father, he declared that the provisions of section 3(1)(b) of Muslim Women (Protection of Rights on Divorce) Act, 1986 cannot affect the beneficial legislation contemplated under section 125 Cr. P.C. In his own words, “it would be unreasonable, unfair, inequitable and even preposterous to deny the benefit of section 125 Cr. P.C. to the children only on the ground that they are born of Muslim parents” (*Noor Saba Khatoon v. Mohd. Quasim*).

To Mrs. Munisha Gandhi, advocate, gender injustice subsists owing to attitudinal bias of the society. Adv. Gandhi took pain to canalize some of the widely spread over thinking and expression of Dr. Anand in a stream by present compilation. Her endeavour, in weaving together in a single compass, thoughts that lay scattered in his voluminous speeches and verdicts, and yet managing to make it as exhaustive as possible, is laudable. Discretion exercised by Ms Gandhi is most considerate but equally dispassionate.

There could not have been a more befitting tribute by a daughter and more importantly a woman, to a father who also happens to be a reformer jurist.

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