



BOOK REVIEWS

THE WORLD OF GENDER JUSTICE (1999). Edited by Muralidhar C. Bhandare. Har-Anand Publications Pvt. Ltd. Pp. 284. Price Rs. 495.

THE BOOK under review is a tribute to late Justice Sunanda Bhandare, which has been brought out by the Justice Sunanda Bhandare Foundation during the 50th year of the Universal Declaration on Human Rights (UDHR).

The book deals with the topical issue of gender justice whose importance cannot be over-emphasised. Women represent more than half of the world's population and vast majority of them are engaged in work that contributes vastly to the life and wealth of nations. Yet they are subjected to discrimination at work, in their homes, and in every sphere of human activity. Gender discrimination ranges from the exclusion of women from development programs to wage discrimination and violence against them. Discrimination against them is so pervading that in 1980, in its report, the United Nations observed:

Women constitute half the world's population, perform nearly two-thirds of its work hours, receive one-tenth of world's income and less than one-hundredth of the world's property in their name. These gender inequalities are either ignored in development planning and policy formulation, or reinforced through specific projects and policies.

The Jakarta Declaration for the Advancement of Women in Asia and the Pacific during the Second Asia and Pacific Ministerial Conference on Women in Development, Jakarta (June 7–14, 1994), organised by the Economic and Social Commission for Asia and the Pacific (ESCAP) made similar observations.

Women comprise 66 percent of the world's illiterates and 70 percent of the world's poor. Systematic violence against women, clubbed with these inequalities, results in the total denial of their rights.

The United Nations, since its inception is trying to improve the situation of women. The equality of treatment between men and women find fair mention in the United Nations Charter¹ and other international human rights instruments.² The most comprehensive document, however, is the 1979 Convention on the Elimination of all forms of Discrimination against Women (CEDAW). India has ratified this Convention in June 1993, subject to reservations to articles 5 and 16 of the Convention.³ Thus, the government is required to give effect to its obligations under the Convention by taking

1 See the Preamble, arts 1, 8, 13 (1) (b), 55 (c), 62 (2)

2 See, for example, the Universal Declaration of Human Rights International Covenant on Civil and Political Rights, Art 3 of the International Covenant on Economic, Social and Cultural Rights, Art 2 of the ILO Convention concerning Equal Remuneration for Men and Women Workers for work of Equal Value

3 Reservations are put to art 5 (a) (Social and Cultural patterns of conduct of men and women) and art 16 (1) (marriage and family relations), by declaring that the government shall abide by "these provisions in conformity with its policy of non-interference in the personal affairs of any community without its initiative and consent"



necessary executive, legislative and administrative actions to bring effective equality between men and women.

The book purports to give an insight into the manifold aspects of gender justice by highlighting the areas which need attention of the policy-makers. The theme of the book is gender inequality and the measures needed to bring effective gender justice. Apart from an introduction by Murli Bhandare there are nineteen essays, written by renowned scholars and ideologues. The authors give their considered views to improve the lot of women while highlighting their unequal position in the society.

Murli Bhandare in his "Introduction" reveals that, according to the 1991 census in India, there are 927 women for every 1000 males. He admits that amongst all the human rights, equality of sexes and gender justice have indeed made very slow progress.

Mary Robinson, the UN High Commissioner for Human Rights (ch.1), while scanning through the UN documents on principle of equality, advocates for the realisation of absolute equality between the sexes in all spheres (p. 23). Justice M.N. Venkatachaliah (ch. 2) opines that in the context of bewildering state of inequality in the international economic order, no stable and enduring development can be achieved without social justice and gender equality, which depends on the education of the girl child which, in turn, depends for its success on maternal and child health care.

Justice Sunanda Bhandare in her essay, "Society, Law and Gender Justice"⁴ (ch.3) observes that ultimately, the fundamental question is not one of explaining out the differences between man and woman but of treating both man and woman as human beings, gifted with the same faculties, subject to the same feelings and entitled to equality of opportunity and status to ensure full development of the family and society (p. 34). To deal with violence in police lockups, she suggests that guidelines laid down by the Supreme Court in the *Sheela Barse*'s⁵ case must be strictly followed. Justice Sujata Manohar, in her essay, "Judiciary and Gender Justice", also takes up the issue of violence against women (pp. 41–42). In order to halt exploitation of women, she emphasises on the restructuring of the society, and the reform of the legal and constitutional framework. In her view, it is legitimate for the judiciary to enforce the constitutional mandate of equality as enshrined in articles 14 and 15, which will lead to transformation of the society. She suggest the setting up women's cells sensitising of judges through judicial training programmes, and effective role for media and women's organisations to curb incidence of violence against women.

Justice Leila Seth also emphasises on the need to sensitise the judiciary to ensure gender justice (ch. 8). Savitri Goonesekere (ch. 7) while discussing the Sri Lankan position on gender based violence compares the criminal laws and law enforcement of Sri Lanka and India. She also makes a comparative analysis of the English, Indian courts and the decisions rendered by the European Court on Human Rights. Justice Silvia Cartwright (ch. 5), Ms. Halima Embarek Warzazi (ch. 10) and Nitin Desai (ch. 11) provide a vivid account of international efforts in protecting and enforcing women's

4 Lecture delivered at the biennial conference of the Indian Federation of Women Lawyers at Chennai on 27th December, 1991

5 *Sheela Barse v. State of Maharashtra* (1983) 2 SCC 96



rights. Warzazi opines that the political will of the governments, women's education, and cooperation and solidarity among women will help in ensuring gender justice.

Justice Krishna Iyer, calls for the social, economic and political empowerment of women. He advocates a women's tribunal in every district to try cases for and against women (ch. 6, p. 76). Chandni Joshi in her essay "UNIFEM's work on Gender Justice" takes a close look on the UN efforts in empowering women (ch. 17), particularly the role played by the UNIFEM. Mohini Giri emphasises on the need for education to help woman to overcome social inequality perpetuated on her (ch. 9). Vina Mazumdar (ch. 12), while laying stress on the education of women finds the present educational system wanting in many ways to include the culture of gender justice. She strongly advocates active participation of women in the governance of the country to ensure gender justice. For this she supports the proposed Women's Reservation Bill. Sushila Kaushik also supports the Women's Reservation Bill for the purposes of political empowerment of women (ch.16). It is Ingeberg Breines contention (ch.15) that women's and girls education will bring about a gender sensitive culture of peace. She emphasises on enhancing solidarity, women's empowerment and their participation in democratic processes to create situations where they can realise their full potential.

Sarla Gopalan explores the unequal employment situation of women (ch.13), while Mira Shiva takes a close look at inequalities persisting against women on the health front (ch.18). Vandana Shiva explores the effects of globalisation on women and environment. She advocates for a new ecological and feminist agenda.

Kusum specifically addresses the issue of girl child in India, who confronts discrimination from the moment of her conception. She argues for an honest commitment on the part of all concerned so that conditions conducive to the girl child's dignity and development are created (ch.19).

The book, thus, takes up vital issues affecting women's life and provides suggestions to improve her position in the society. The book is a valuable addition to the already existing literature on the subject. The printing and get-up of the book are very impressive. An appendix and an exhaustive index at the end have immensely added to the utility of the book. Due to these merits, the book will go a long way in sensitising a large number of readers on an issue which is so vital for national development.

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