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<p style="text-align: center;"><b>Additional Readings (Suggestive)</b></p> <ul style="list-style-type: none"> <li>• Research note on Breaking barriers: Unconscious gender bias in the workplace, ACT/EMP August 2017</li> <li>• HANDBOOK On Sexual Harassment of Women at Workplace for Employers / Institutions / Organisations/ Internal Complaints Committee / Local Complaints Committee (Prevention, Prohibition and Redressal) Act, 201, Government of India Ministry of Women and Child Development November 2015</li> <li>• Achieving gender equality at work International Labour Conference X 111th Session, 202</li> </ul>		
<p style="text-align: center;"><b>Judgments &amp; Orders</b></p> <p style="text-align: center;">(Judgments mentioned below include citations only. Please refer full judgment available in Pen Drive for conclusive opinion)</p>		
<ol style="list-style-type: none"> <li>1. <b>Kavita Yadav v. State (NCT of Delhi), (2024) 1 SCC 421</b>, The Court took note of Section 12(2)(a) MB Act that contemplates entitlement to the benefits even for an employee who is dismissed or discharged at any time during her pregnancy. Thus, the Court said that, continuation of maternity benefits is inbuilt in the statute itself, where the benefits would survive and continue despite the cessation of employment. Further, the Court opined that this legislation envisages entitlement to maternity benefits, which accrues on fulfillment of the conditions specified in Section 5(2) thereof, and such benefits can travel beyond the term of employment also. It is not coterminus with the employment tenure.</li> <li>2. <b>Aishat Shifa v. The State Of Karnataka &amp; Ors., (2023) 2 SCC 1</b>, The Bench of Hon'ble Supreme Court held diametrically opposite views on a gamut of issues ranging from the interpretation of reasonable restrictions of fundamental rights, the rights of the state vis-a-vis the fundamental rights of individuals and the right to education of young Muslim women. Justice Gupta upheld the Karnataka High Court order of March 15, 2022, which had directed that the ban on the hijab in State-run pre-university institutions be continued in the interests of unity, equality, and public order. Justice Dhulia said that under the Constitution, the wearing of the hijab ought to be a matter of choice. Asking them to take off their hijab is tantamount to an invasion of their privacy, an attack on their dignity and a denial of secular education.</li> <li>3. <b>Supriyo v. Union of India, 2023 SCC OnLine SC 1348</b>, The Hon'ble judges said in one voice that there was no fundamental right to marry and that the Supreme Court could not enter judicial legislation to read words into the Special Marriage Act and make it a gender-neutral legislation. The Court left it to Parliament to undertake this process.</li> <li>4. <b>XYZ v. State of M.P., (2021) 16 SCC 179 (Aparna Bhat)</b>, Stereotyping affects women's right to a fair trial and the judiciary must be careful not to create inflexible standards based on preconceived notions of what constitutes domestic or gender-based violence. The greatest extent of sensitivity is to be displayed in the judicial approach, language, and reasoning adopted by the judge. Judges play at all levels a vital role as teachers and thought leaders. It is their role to be impartial in words and actions, at all times. If they falter, especially in gender-related crimes, they imperil fairness and inflict great cruelty in the casual blindness to the despair of the survivors.</li> <li>5. <b>State of Jharkhand v. Shailendra Kumar Rai @ Pandav Rai, 2022 SCC OnLine SC 1494</b>, The Supreme Court prohibited "Two-Finger Test" in rape cases and warned that persons conducting such tests will be held guilty of misconduct. It was observed that the probative value of a woman's testimony does not depend on her sexual history. It is patriarchal and sexist to suggest that a woman cannot be believed when she states that she was raped merely because she is sexually active", the bench added. The bench directed the Union Health Ministry to ensure that survivors of sexual assault and rape are not subject to two finger test. The Bench directed the Union Govt, as well as State Governments to ensure that the guidelines formulated by the Department of Health and Family Welfare (proscribes two finger test) are circulated to all Govt and private hospitals. The Bench further directed to conduct workshops for health providers to communicate appropriate procedure examining survivor of sexual assault. It also directed to review curriculums in medical schools so that the two finger test is not prescribed as one of the procedures to be adopted while examining survivors of sexual assault and rape.</li> </ol>		

6. **X v. Principal Secretary, Health and Family Welfare Department, Govt of NCT Of Delhi (2023) 9 SCC 433**, , The Appellant, an adult unmarried pregnant woman from Manipur residing in Delhi at the time of filing the petition she was at 22 weeks of gestational age. The appeal came out of a decision of Delhi High Court refusing to allow the person to terminate her pregnancy. The Supreme Court overturned the decision of the Delhi High Court, which had declined to permit the abortion. Unmarried women who become pregnant from consensual sexual relationships are also entitled to terminate pregnancy up to 24 weeks, the bench held. The judgment stated that for the purpose of the MTP Act and the instant judgment, the usage of the term 'women' is not limited to just cis-women (person assigned female at birth and continues to identify as female) but also include those of other gender identities who have the reproductive system and needs of the female sex. The meaning of rape was expanded to include "marital rape" for the purpose of the MTP Act and Rules.
7. **Kamla Neti (Dead) through LRs v. The Special Land Acquisition Officer & Ors., 2022 SCC OnLine SC 1694**, The Supreme Court observed that a female tribal member is entitled to an equal share of the family property. The court noted that "When a daughter belonging to a non-tribal is entitled to the equal share in the property of the father, there is no reason to deny such a right to the daughter of a tribal community." The bench then instructed the Centre to consider amendments within the Hindu Succession Act to make it applicable to people from the Scheduled Tribes as well and stated that they trust the Centre to make an appropriate decision with consideration to the Constitutionally enabled right to equality. Stating that tribal women are denied their rights even 70 years after the Constitution was drafted, they directed measures to be taken to ensure equality in property rights.
8. **Patan Jamal Vali v. State of A.P., (2021) 16 SCC 225**, Victim being physically disadvantaged, she was already in a socially disadvantaged position which was exploited maliciously by the accused for his own ill intentions to commit fraud upon her and rape her in the garb of promised marriage which has put the victim in a doubly disadvantaged situation and after the waiting of many years it has worsened. It would not be possible for the victim to approach the National Commission for Women and follow up for relief and rehabilitation. Accordingly, the victim, who has already suffered a lot since the day of the crime till now, needs a special rehabilitation scheme.
9. **The Secretary, Ministry of Defence v. Babita Puniya & Ors., (2020) 7 SCC 469, On February 15th, 2019**, notification was issued by Ministry of Defence (MoD) granting Permanent Commission (PC) to SSC female officers in 8-arms or services in the Army. But it was also mentioned that on the grant of PC, female officers will be employed 'in various staff appointments only'. The Supreme Court held that the absolute exclusion of women from command assignments is against Article 14 of the Constitution and unjustified. Hence, the policy that women will be given only "staff appointments" was held to be unenforceable by the Court.
10. **Vineeta Sharma v. Rakesh Sharma, (2020) 9 SCC 1**, The Supreme Court held that daughters have equal coparcenary rights in Hindu Undivided Family (HUF) property. The court held that this right arises by taking birth. So when a daughter is born, she also steps into the coparcenary as that of a son. However, a daughter born before can claim these rights only with effect from the date of the amendment, i.e., September 9, 2005, with saving of past transactions as provided in the proviso to Section 6(1) read with Section 6(5). Further, the court also clarified that since the right in coparcenary is by birth, father coparcener doesn't need to be living as on 9.9.2005.
11. **Federation of Obstetric and Gynecological Societies of India (FOGSI) v. Union of India & Ors., (2019) 6 SCC 283**, While upholding the constitutional validity of Section 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, the bench observed that female foeticide is the most inhumane, immoral and anti-social act. The court said that the PCPNDT Act is a social welfare legislation, which was conceived in light of the skewed sex-ratio of India and to avoid the consequences of the same. The court also observed that skewed sex-ratio is likely to lead to greater incidences of violence against women and an increase in practices of trafficking, 'bride-buying' etc. The rigorous implementation of the Act is an edifice on which rests the task of saving the girl child, the court said.
12. **Indian Young Lawyers Association v. The State Of Kerala, (2019) 11 SCC 1**, The majority concluded that the barring of women from Sabarimala violated the fundamental rights of women aged 10 to 50. They further claimed that devotees of Lord Ayyappa did not form a new religious denomination. The custom, according to Justices Misra, Khanwilkar, and Chandrachud was not an essential religious practice. While the majority of the judges did not expressly indicate if the tradition violated the right to equality under Article 14, they did state that the practice was discriminatory under Article 15. According to Justice Chandrachud, the protection against untouchability is broad and includes any type of social exclusion based on ideals of 'purity.' Furthermore, Rule 3(b) of the Public Worship Rules, permitted the practice of prohibiting women as unconstitutional. In the Judgment matrix, SCO breaks down each judge's decision on key questions

in the case. The court ruled by a 4:1 majority that the practice infringed the fundamental rights to equality, liberty, and religious freedom, as well as Articles 14, 15, 19(1), 21, and 25. (1). Rule 3(b) of the Kerala Hindu Places of Public Worship Act was declared invalid. Rule 3(b) permitted Hindu denominations to bar women from public places of worship provided the ban was based on custom. The Supreme Court has permitted women of all ages to enter the Sabarimala Temple, ruling that "devotion cannot be subjected to gender discrimination." In her dissent, Justice Indu Malhotra stated, "It is not for the courts to determine which of these religious practices are to be set down, unless if they are harmful, repressive, or a social ill, like Sati."

13. **Navtej Singh Johar Versus Union of India, (2018) 1 SCC 791**, This petition sought recognition of the right to sexuality, the right to sexual autonomy and the right to choice of a sexual partner as part of the right to life guaranteed under Article 21 of the Constitution of India. The petition further sought declaration that Section 377 of the Indian Penal Code, 1860 (IPC), which criminalised consensual sexual conduct between adults, was unconstitutional. The Petitioners contended that homosexuality, bisexuality and other sexual orientations were natural variations of expression, and to criminalise these sexual orientations would have the effect of violating the Constitution's guarantees relating to dignity and privacy. Accepting these contentions, the Supreme Court found Section 377 to be discriminatory towards the Lesbian, Gay, Bisexual and Transgender (LGBT) community and noted that sexual orientation was an inherent part of their identity, dignity and autonomy. On this basis, the Court decided that Section 377 constituted a violation of the right to dignity, privacy and sexual autonomy under Article 21, freedom of expression under Article 19, the right to equality under Article 14, and nondiscrimination under Article 15 of the Constitution.
14. **Joseph Shine v. Union of India, (2019) 3 SCC 39**, The Apex Court dealt with the petition challenging the constitutionality of the offence of adultery under Section 497 of the Indian Penal Code read with Section 198(2) of the CrPC. Section 497 of IPC criminalised adultery by imposing culpability on a man who engages in sexual intercourse with another person's wife. The same was punishable with a maximum imprisonment of five years. A married woman could not bring forth a complaint under Section 497 IPC when her husband was found to be engaged in sexual intercourse with an unmarried woman. The five-judge bench unanimously struck down Section 497 IPC saying that it was unconstitutional since the very basis for criminalising adultery was the assumption that a woman is considered as the property of the husband and cannot have relations outside the marriage. The said section violated the right to privacy as well as the liberty of women by discriminating against married women and perpetuating gender stereotypes.
15. **Ramphal v. State of Haryana, 2019 SCC OnLineSC 1993**, It is imperative to emphasize that there is no acceptance of compromise in matters relating to offence of rape and similar cases of sexual assault.
16. **Danamma @ Suman Surpur v. Amar (2018) 3 SCC 343**, the ruling was rendered in an appeal filed by daughters challenging a decree in a partition suit, which excluded them from partition. The Supreme Court held that daughters who were born before the enactment of Hindu Succession Act 1956 are entitled to equal shares as son in ancestral property. The Court also held that the daughters were entitled to the benefit of 2005 amendment as well, and on that basis also they were entitled to shares.
17. **Shayara Bano v. Union Of India, (2017) 9 SCC 1**, In this case Supreme Court declared the practice of Triple Talaq as unconstitutional. Given the fact that Triple Talaq is instant and irrevocable, it is obvious that any attempt at reconciliation between the husband and wife by two arbiters from their families, which is essential to save the marital tie, cannot ever take place. Also, as understood by the Privy Council in Rashid Ahmad (supra), such Triple Talaq is valid even if it is not for any reasonable cause, which view of the law no longer holds good after Shamim Ara (supra). This being the case, it is clear that this form of Talaq is manifestly arbitrary in the sense that the marital tie can be broken capriciously and whimsically by a Muslim man without any attempt at reconciliation so as to save it. This form of Talaq must, therefore, be held to be violative of the 393 fundamental right contained under Article 14 of the Constitution of India. In our opinion, therefore, the 1937 Act, insofar as it seeks to recognize and enforce Triple Talaq, is within the meaning of the expression "laws in force" in Article 13(1) and must be struck down as being void to the extent that it recognizes and enforces Triple Talaq. Since we have declared Section 2 of the 1937 Act to be void to the extent indicated above on the narrower ground of it being manifestly arbitrary, we do not find the need to go into the ground of discrimination in these cases, as was argued by the learned Attorney General and those supporting him.
18. **Laxmi v. Union of India, (2016) 3 SCC 669**, A Public Interest Litigation was filed in 2006 by an acid attack survivor, Laxmi when the culprits were granted bail by the High Court. The main concern in the PIL was the easy availability of acid, no provisions for the betterment of the acid attack survivors. This case led to the enactment of Section 357-A in the Code of

*Criminal Procedure, 1973 which provides compensation to the victims of acid attack or their dependents. The Supreme Court announced a minimum compensation of 300000₹ to all the victims. Section 357-C was also inserted in the CrPC which provides that all the hospitals be it a centrally run hospital, a state-run hospital or a private hospital shall provide the first aid to an acid attack victim free of cost. Section 326-A and Section 326-B were also inserted in the Indian Penal Code, 1860 which deals with acid attacks exclusively. Acid was declared as 'Poison' and its sale was also banned which means it would no longer be available easily. The Court also passed an order stating that no hospital can refuse treatment to an acid attack victim. If any hospital refuses to treat an acid attack victim then the victim can initiate legal actions against the hospital.*

19. ***Shamima Farooqui v. Shahid Khan, (2015) 5 SCC 705***, The case came up before the apex court when the High court reduced the maintenance ordered by the family court from Rs. 4000 to Rs. 2000. Aggrieved by the decision of the High Court, Ms. Shamima filed the special leave petition. The apex court, in this case, considered four main points (1) whether Sec 125 CrPC applied to divorced Muslim women; (2) how was the amount of maintenance to be fixed in these cases; (3) whether this amount was payable by the husband only during the iddat period; (4) whether the High Court was right in reducing the quantum of maintenance. The Court said that the delay in granting the order of interim maintenance by the family court is an 'unacceptable situation' as well as a 'distressing phenomenon'. The divorced Muslim women are covered under Section 125 of CrPC and maintenance is an absolute right of a woman, unless it is disqualified. The court also ruled that the quantum of maintenance to be paid by the ex-husband should be such that it allows the divorced women and her children if any to live with dignity.
20. ***Roxann Sharma v. Arun Sharma, (2015) 8 SCC 318***, Roxann Sharma and Arun Sharma both were married and had a child named Thalbir Sharma. However, due to the differences, they both filed an application for the dissolution of marriage and later on, a petition for custody of Thalbir under the Hindu Minority and Guardianship Act, 1956. While the case was pending in the court, Thalbir was staying with her mother who filed an application for interim relief seeking that the father should be restrained from getting custody of the child. The father also filed an application for custody. The trial court ruled in the favour of the mother restraining the father from getting the custody, however, the High Court overruled the judgement of the trial court awarding the interim custody to the father. The mother then moved to the Supreme Court challenging the order of the High Court. The mother claimed that the father was jobless as well as an addict whereas the father argued that the mother is bi-polar. The Supreme Court held that the mother has the custodial right of a child under the age of five years.
21. ***National Legal Services Authority v. Union of India, (2014) 5 SCC 438***, This case was filed by the National Legal Services Authority of India (NALSA) to legally recognize persons who fall outside the male/female gender binary, including persons who identify as "third gender". In April 2014, the Supreme Court granted legal recognition to transgender persons in the country. Noting that each individual possesses a right of self-determination of their gender identity, the Supreme Court held that discrimination on the basis of gender expression and identity violates the fundamental rights to life, liberty, and equality as well as the freedom of expression. The Court interpreted 'dignity' under Article 21 of the Constitution to include diversity in self-expression, which allowed a person to lead a dignified life. It placed one's gender identity within the framework of the fundamental right to dignity under Article 21. Further, it noted that the right to equality (Article 14 of the Constitution) and freedom of expression (Article 19(1)(a)) was framed in gender-neutral terms ("all persons"). Under Articles 15 and 16, discrimination on the ground of "sex" is explicitly prohibited. The Court held that "sex" here does not only refer to biological attributes but also includes "gender" (based on one's self-perception). Thus, the Court held that discrimination on the ground of "sex" included discrimination on the basis of gender identity.
22. ***Kakali Ghosh v. Chief Secy. A&N Administration, (2014) 15 SCC 300***, In this case, the appellant had applied for child care leave for a period of initially 6 months for taking care of her child who was in class 10th. While her application was pending, she was transferred to another place. She again sent a letter requesting leave for 730 days but was allowed only 45 days' leave. It was held that Central Government employee who is a woman and having a minor child could avail a maximum period of 730 days during the entire service period for taking care of her children.
23. ***Lillu v State of Haryana, (2013) 14 SCC 643***, In this case, the Supreme Court analysed the medical and legal procedures commonly adopted in the case of rape survivors. The Appellant was convicted for rape by a lower court and the High Court of Punjab & Haryana and preferred this appeal on the basis of the testimony of a medical examiner who stated that there was a possibility of the rape victim being habituated to sexual intercourse after conducting the 'two finger test'. The Court analysed the two finger test, which was used as a standard for conducting and interpreting the forensic examination of the rape survivors, and found that it was violative of a woman's fundamental right to dignity and privacy. Moreover, a positive test result, could not give rise to the presumption of consent by itself, especially in this case where

the victim was a minor at the time of the commission of the act. Further, even if a person was habituated to sexual intercourse, it could not be a determinative question in assessing evidence for a rape conviction, as such a person would still be entitled to refuse consent. The Court observed that the rape victims were entitled to legal recourse that did not re-traumatize them or interfere with their physical or mental integrity and dignity, and medical procedures should be conducted in a manner that respected their right to consent and their right to privacy.

24. **State of Maharashtra v. Indian Hotel & Restaurants Association, (2013) 8 SCC 519**, The Bombay Police Act, 1951 was amended in 2005 with the object of securing public order, morality, dignity of women, and reducing exploitation of women including trafficking of minor girls. Section 33A was inserted that prohibited performance of all types of dance in eating houses or permit rooms or beer bars. Section 33B was inserted that permitted three star hotels and Government associated places of entertainment to hold dance performances. The Indian Hotel & Restaurants Association filed a writ petition challenging Section 33A of the Bombay Police Act, 1951 before the Bombay High Court on the grounds that such prohibition: (a) discriminates against women employed to dance in eateries and bars and those employed to dance in three star hotels and government establishments; (b) interferes with their right to work and right to earn a livelihood, and thus is violative of the Indian Constitution. The Bombay High Court held that Section 33A is violative of Articles 14 (equality) and 19(1)(g) (right to work), of the Indian Constitution. The Government of Maharashtra filed an appeal before the Supreme Court and prayed that the terms "All dance" found in Section 33A be read down to mean "dances which are obscene and derogatory to the dignity of women" instead of striking it off altogether to ensure that the right to work of women is not interfered with. The Supreme Court upheld the judgement of the Bombay High Court. It declared that Section 33A violates Article 14 the Constitution of India on the ground that such law is based on an unacceptable presumption that the so-called elite (i.e. rich and the famous) have higher standards of decency, morality or strength of character than their counterparts who have to content themselves with lesser facilities of inferior quality in the dance bars. It declared that Section 33A violates Article 19(1)(g) on the ground that it interferes with the right of women to work and that, contrary to the ban's purpose, it resulted in forcing some women into prostitution. The Court further urged the government to take affirmative action to ensure the safety and improve the working conditions of the persons working as bar dancers who primarily constitute of women.
25. **Indra Sarma v. V.K.V Sarma, (2013) 15 SCC 755**, Ms. Indra Sarma, an unmarried woman, left her job and began a "live-in" relationship with Mr. V.K.V. Sarma for a period as long as 18 years, despite knowing that he was married. Mr. Sarma abandoned Ms. Sarma in a state where she could not maintain herself. Under the Protection of Women from Domestic Violence Act, 2005, failure to maintain a woman involved in a "domestic-relationship" amounts to "domestic violence." The High Court of Karnataka held that Ms. Sarma was aware that Mr. Sarma was married and thus her relationship with him would fall outside the protected ambit of "relationship in the nature of marriage" under the Protection of Women from Domestic Violence Act, 2005. On further appeal, the Supreme Court, while affirming the High Court's order, created an exception to the general rule. The Supreme Court clarified that a woman who begins to live with a man who is already married to someone else, without knowing that he is married, will still be considered to be in a "domestic relationship" under the Protection of Women from Domestic Violence Act, 2005; thus, the man's failure to maintain her will amount to "domestic violence" within the meaning of the Act and she will be eligible to claim reliefs such as maintenance and compensation. This case is important because it established for the first time such an exception and calls for legislative action to protect women like Ms. Sarma whose contributions in a joint household are often overlooked.
26. **Sandhya Manoj Wankhade v. Manoj Bhimrao Wankhade, (2011) 3 SCC 650**, this was an appeal against the High Court judgement which had concluded that women cannot be named respondents in domestic violence cases. The Court held the term 'relative of husband' or the 'male partner' include females. Legislature never intended to exclude female relatives from ambit of complaint that could be made under 2005 Act. Though expression "female" is not used in provision to Section 2(q), but no restrictive meaning can be given to expression "relative" nor has said expression been defined to make it specific to males only.
27. **Suchita Srivastava v. Chandigarh Admn., (2009) 9 SCC 1**, A three Judge Bench of the Supreme Court considered this case, where an orphaned woman suffering from a mental retardation, was impregnated as a result of rape. The Punjab & Haryana High Court determined, without the woman's consent, that it was in her best interests that the fetus should be aborted under Section 3 of the Medical Termination of Pregnancy Act, 1971 (MTP Act) as she did not have the capacity to take care of a child, nor did she have a parent or guardian to look after her. The Supreme Court stayed the order of the Punjab & Haryana High Court, and held that the right to reproductive choice flows from the right to liberty under Article 21 of the Constitution. It noted that taking away a woman's choice regarding her own body would amount to infringement of her right to privacy. It further distinguished between mental illness and mental retardation and



considered that the woman's mental retardation did not take away her right to make a decision regarding her reproductive choices. Therefore, it held that a termination of her pregnancy without her consent could not be ordered.

28. **D. Velusamy v. D. Patchaiammal, (2010) 10 SCC 469**, The Supreme Court held live-in relationships will also come under Domestic Violence Act 2005. It was also observed that not all live-in relationships will amount to a relationship in the nature of marriage to get the benefit of the DV Act of 2005. To get such benefits the conditions mentioned by the bench must be satisfied, and it has to be proved by evidence. If a man has a woman whom he maintains financially and uses mainly for sexual purpose and/or as a servant it would not be a relationship in the nature of marriage.
29. **Vijay Lakshmi v. Punjab University & Ors., (2003) 8 SCC 440**, The appeal was filed regarding the preference given to a woman for being appointed as a Principal of the Government College for girls and lady superintendents for the women hostel as violative of Article 14, 15 and 16 of the Constitution of India. The apex court held that such a preference for women's employment is not violative of Article 14. It was held that giving preference to women in women colleges/hostels is a form of preventive, protective and precautionary measure based on the public morals particularly in a view of the young age of the girl children to be taught. The court also opined that considering the peculiarities of the situation, it does not seem that preference given to women is arbitrary and unjustified.
30. **Anuj Garg & Ors v. Hotel Association of India & Ors., AIR 2008 SC 663**, The appeal challenged the Constitutional validity of Section 30 of the Punjab Excise Act, 1914 (for short "the Act") prohibiting employment of "any man under the age of 25 years" or "any woman" in any part of such premises in which liquor or intoxicating drug is consumed by the public was the question involved in this appeal which arose out of a judgment and order dated 12.01.2006 passed by the High Court of Delhi in CWP No. 4692 of 1999. The Supreme Court examined and struck down a protective discrimination provision in the Punjab Excise Act, 1914 that restricted women's right to employment and equal treatment. The bench also brought in the "anti-stereotyping principle" which is the foundation of American jurisprudence on sex equality. Accordingly, the court held the legislation as void and unconstitutional. The court noted that the provision would deprive such men and women of their right to employment - which, although may not be a fundamental right in itself - both Articles 14 and 16 give each person similarly situated, a fundamental right to be considered for employment. Any discrimination or an exception made in this regard, has to be founded on rational criteria appropriate to current societal values. The Court found it to be unjust to deprive a large section of trained women and men from obtaining a job.
31. **Centre for Enquiry into Health and Allied Themes (CEHAT) v. Union of India, (2003) 8 SCC 398**, In this public interest litigation, an NGO that works on health issues challenged the government's failure to adequately address the issue of anti-girl child sex selection and the enforcement of the laws prohibiting prenatal sex identification. The apex court, in this case, issued Guidelines to prevent female foeticide. It was further directed that information should be published by way of advertisements as well as on electronic media. The National Monitoring and Inspection Committee constituted by the Central Government for conducting a periodic inspection shall continue to function till the Act is effectively implemented. The reports of this Committee were directed to be placed before the Central Supervisory Board and State Supervisory Board for any further action. The bench also directed that the quarterly reports by the appropriate authority, which are submitted to the Supervisory Board, should be consolidated and published annually for information of the public at large. The States of Jharkhand, Maharashtra, Tripura, Tamil Nadu and Uttar Pradesh were directed to appoint multi member appropriate authorities, as per the requirement under Section 17(3) (a) of the PNDT Act.
32. **Municipal Corporation Of Delhi v. Female Workers (Muster Roll), (2000) 3 SCC 224**, In the case, the female workers (muster roll) who were engaged by the Municipal Corporation of Delhi raised a demand for the grant of maternity leave which was made available only to regular female workers. The same was denied to the female workers (muster rolls) since their services were not regularised. The bench held that the provisions of the Maternity Benefit Act, 1961 indicate that they are wholly in consonance with the Directive Principles of State Policy, as set out in Article 39 and in other Articles, especially Article 42. A woman employee, at the time of advanced pregnancy, cannot be compelled to undertake hard labor as it would be detrimental to her health and also to the health of the foetus. It is for this reason that it is provided in the Act that she would be entitled to maternity leave for certain periods prior to and after delivery. It was observed that a just social order can be achieved only when inequalities are obliterated and everyone is provided what is legally due. Women who constitute almost half of the segment of our society have to be honoured and treated with dignity at places where they work to earn their livelihood. Whatever be the nature of their duties, their avocation and the place where they work; they must be provided all the facilities to which they are entitled.
33. **Danial Latifi v. Union of India, (2001) 7 SCC 740**, The Supreme Court held that a Muslim husband is liable to make reasonable and fair provision for the future of the divorced wife which obviously includes her maintenance as well. Such



a reasonable and fair provision extending beyond the iddat period must be made by the husband within the iddat period in terms of Section 3(1) (a) of the Act. Liability of Muslim husband to his divorced wife arising under Section 3(1) (a) of the Act to pay maintenance is not confined to iddat period. According to the Court, a divorced Muslim woman who has not remarried and who is not able to maintain herself after iddat period can proceed against her relatives who are liable to maintain her in proportion to the properties which they inherit on her death according to Muslim law from such divorced woman including her children and parents. If any of the relatives being unable to pay maintenance, the Magistrate may direct the State Wakf Board established under the Act to pay such maintenance.

34. **Vishaka v. State of Rajasthan, (1997) 6 SCC 241**, Following the alleged gang rape of a social worker, a criminal case pertaining to the incident was filed and dismissed on grounds of lack of evidence. A separate writ petition was accordingly filed before the Supreme Court of India in the form of a class action by social activists and NGOs. The remedy sought for was the enforcement of the fundamental rights under Articles 14, 19 & 21 of the Constitution of working women and the prevention of sexual harassment in the workplace. Noting that there was no specific law that addresses the issue of sexual harassment at the workplace, the court then proceeded to outline the provisions that warrant juridical intervention in the case. On the issue of whether sexual harassment at the workplace constitutes a violation of the fundamental rights under the constitution, the Court relied on Articles 14, 15 and 19(1)(g) and 21 of the constitution to elaborate on the constitutional guarantee of gender equality and the right to work. Noting that the civil and penal laws in India do not adequately provide for the specific protection of women from sexual harassment in work places, the Court exercised its power under Articles 32 & 141 of the Constitution to issue a set of guidelines. These guidelines and norms were to be observed at all workplaces and other institutions until a legislation was enacted for the purpose, which was done in 2013 with the passing of POSH Act in 2013.
35. **Gaurav Jain v. Union of India & Ors., (1997) 8 SCC 114**, The Supreme Court held that children of the prostitutes have the right to equality of opportunity, dignity, care, protection, and rehabilitation so as to be part of the mainstream of social life without any pre-stigma attached to them. It directed the constitution of a committee to formulate a scheme for the rehabilitation of such children and child prostitutes and for its implementation and submission of a periodical report of its Registry.
36. **Ms. Gita Hariharan & Anr. v. Reserve Bank of India & Anr., (1999) 2 SCC 228**, In this case, the petitioner Ms. Gita Hariharan was married to Dr. Mohan Ram and they had a son named Rishab. The petitioner applied to the RBI for 90% relief bond to be held in the name of the son indicating that she would act as the natural guardian for the purpose of investments. The RBI returned the said application advising the petitioner either to produce an application signed by the father or a certificate of guardianship form a competent authority in her favour to enable the bank to issue the requested bonds. On realizing that she was not the natural guardian of her minor son, the petitioner decided to challenge the relevant sections of Hindu Minority and Guardianship (HMG) Act, 1956 and the Guardians and Wards Act, 1890 since it violates the provisions of Article 14 and 15 of the Constitution of India. The Court held that both the father and the mother are the natural guardians of a minor Hindu child. It was held that the mother or the father whoever is capable of and available of taking care of the child and is deeply interested in the welfare of the child can be the natural guardian, and that need not necessarily be the father.
37. **Delhi Domestic Working Women's' Forum v, Union of India & Ors., (1995) 1 SCC 14**, The PIL invoked the benign provision of Article 32 of the Constitution of India, at the instance of the petitioner Delhi Domestic Working Women's Forum to espouse the pathetic plight of four domestic servants who were subject to indecent sexual assault by seven army personnel. The three-judge bench laid down certain guidelines for the trial of rape case:
- The complaints of sexual assault cases should be provided with legal representation. Such a person should be well acquainted. The Advocates role should not merely be of explaining to the victim the nature of the proceedings, to prepare for the case and assist her, but to provide her with guidance as to how she might obtain the help of a different nature from other agencies- for e.g. psychiatric consultation or medical assistance.
  - Legal assistance should be provided at the police station, since the victim may be in a distressed state. Guidance and support of a lawyer at this stage would be of great help.
  - The police should be under a duty to inform the victim of her right to a counsel before being interrogated.
  - A list of advocates willing to act in these cases should be kept at the police station.

- *Advocates shall be appointed by the Court on an application by the police at the earliest, but in order that the victim is not questioned without ones the Advocate shall be authorized to act at the police station before leave of the Court is sought or obtained.*
- *In all rape trials, the anonymity of the victim must be maintained.*
- *It is necessary, having regard to the Directive Principles contained under Article 38(1) of the Constitution of India to set up Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss. Some, for example, are too traumatised to continue in employment.*
- *Compensation for victims shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of child birth if this occurred as a result of the rape."*

38. **Uttarakhand Mahila Kalyan Parishad v. State of UP, 1993 Supp (1) SCC 480** , The petition was filed under Article 32 of the Constitution aggrieved by the fact the lady teachers and other female employees in the educational line doing administrative business in the employment of the State of UP are being discriminated against regarding the payment for doing the same work. It was held that there is no justification for women teachers being paid less or having fewer promotional avenues than their male counterparts and directed the state to ensure parity between women and men teachers. The division bench found that the Uttar Pradesh education department's creation of cadres of male and female teachers, and of paying female teachers less than male teachers, and according to them inferior promotional avenues, was illegal.
39. **Mackinnon Mackenzie & Co. Ltd vs Audrey D'Costa & Anr., (1987) 2 SCC 469**, In this case, the female employee charged her employer with discrimination under the Equal Remuneration Act (no. 25 of 1926). She claimed that she was paid less as a stenographer than male stenographers performing the same work or work of a similar nature. The division bench held that the employer is bound to pay the same remuneration to both of them irrespective of the place where they were working unless it is shown that the women are not fit to do the work of the male Stenographers. Nor can the management deliberately create such conditions of work only with the object of driving away women from a particular type of work which they can otherwise perform with the object of paying them less remuneration elsewhere in its establishment.
40. **Mrs. Neera Mathur v. LIC, (1992) 1 SCC 286**, The petitioner, Mrs. Neera Mathur, was asked to fill a declaration from disclosing personal facts as to pregnancy (if any) and her menstrual cycle when she had applied for work at LIC. The Court directed the LIC to delete columns demanding the lady candidate regarding the disclosure problems like whether her menstrual period is regular or painless, the number of conceptions taken place; how many have gone full term etc. If the purpose of the declaration is to deny the maternity leave and benefits to a lady candidate who is pregnant at the time of entering the service (the legality of which we express no opinion since not challenged), the Corporation could subject her to medical examination including the pregnancy test. It was remarked that while we are moving forward to achieve the constitutional guarantee of equal rights for women, the Life Insurance Corporation of India seems to be not moving beyond the status quo.
41. **Mary Roy v. State of Kerala, (1986) 2 SCC 209**, Mary Roy, a widow who was staying at her father's house, was continuously harassed and threatened by his brother because he wanted her to evacuate the property. However, with no other place to go, Mary blatantly refused to evacuate the place. Her brother claimed that the property belongs to him as per the Travancore Succession Act, 1916 (the Act) which recognized acquisition of the property through inheritance only. Further, Section 24 of the Act provided that a widowed mother will get life interest in the property and the daughter will not have any right in the property after getting Stridhan. Mary filed a case against his brother for her right in the property which was denied by the Lower Court. However, the High Court ruled in her favour providing an equal right in the property. Even after getting a right, Mary was harassed by her brother for the property. Mary decided to move to the Supreme Court and filed a writ petition under Article 32 of the Constitution challenging the provision of the Act. The Supreme Court held that no personal law can be held above the Constitution of India. The provisions of the Act discriminates against women and thus, violates the Right to equality guaranteed under Article 14 of the Constitution of India. Further, the court held that Chapter 2 of part V of the Indian Succession Act, 1925 shall be applicable in cases of intestate succession even in the area of Travancore instead of the Travancore Succession Act, 1916. The court reinstated the right of Mary in her father's property and held that 1/3rd part of the property shall belong to the widowed mother,

1/3rd part to the daughter and the remaining 1/3rd part shall belong to her brother. The court held that there can be no discrimination between son and daughter in case of intestate succession.

42. **Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 SCC 556**, Ms. Shah Bano Begum was married to a lawyer named Mr. Mohd. Ahmed Khan. They lived together for 43 years and had five children. In 1978, Mr. Khan threw Ms. Begum out of the shared household and Ms. Begum applied for maintenance from Mr. Khan under Section 125 of the Criminal Procedure Code, 1973 (Cr.P.C, 1973). Pending her application, Mr. Khan dissolved the marriage by pronouncing a triple talaq (divorce on the triple utterance of the word “talaq” by a Muslim husband) and paid Ms. Begum 3000 rupees as mahr (money/valuable property promised to a Muslim woman for her financial security under the marriage contract) and a further sum of maintenance for the iddat period (a period of 3 months that a Muslim woman has to observe before she can remarry after her divorce). Mr. Khan argued that Ms. Begum’s claim for maintenance should be dismissed as Ms. Begum had received the amount due to her on divorce under the Muslim personal law. The lower court granted Ms. Begum’s claim for maintenance, which was set at 179 rupees per month by the High Court in a revision application. Mr. Khan appealed to the Supreme Court in 1985 and the Court held that a payment made pursuant to personal laws cannot absolve a husband of his obligation to pay fair and reasonable maintenance under Section 125 Cr.P.C, 1973 and a husband can be liable to pay maintenance beyond the iddat period.
43. **Bombay Labour Union v. International Franchise Pvt. Ltd., AIR 1966 SC 942**, The question raised in this appeal was regarding the service condition by which unmarried women in the packing and labeling department have to resign on their getting married. It was held that there was nothing to show that married women would be more likely to be absent than unmarried women or widows. The economic interest of the concern was also not affected in any material way. There was thus no good and convincing reason why such a rule should continue in one department of the pharmaceutical industry. The fact that such a rule existed also was no justification if the rule could not be justified on its own merits. The rule, therefore, had to be abrogated. The court while upholding the principle of equality of status put the female employees at par with male employees declared the clause in the regulation of the Company which required that unmarried women were to give up service on marriage was held unconstitutional.
44. **CB Muthamma v. Union of India, (1979) 4 SCC 260**, The petitioner in this case who was a member of the Indian Foreign Service alleged discriminatory practices in the service for which she was denied promotion. She contended that there was long-standing hostile discrimination against women and that she had to furnish an undertaking that she would resign if she were to get married. The Court held that such rules were against the letter and spirit of the Constitution. It was also held that what rules are applicable to a man must also be applicable to a married woman.
45. **Air India v. Nargesh Meerza, AIR 1981 SC 1829**, In this case, Regulation 46 and 47 of the Air India Employees Service Regulations were challenged as it had created a significant amount of disparity between the pay as well as promotional avenues of male and female in-flight cabin crew. Under Regulation 46, while the retirement age for Flight Pursers was 58, Air Hostesses were required to retire at 35, or on marriage (if they married within four years of joining the service), or on their first pregnancy, whichever occurred earlier. Under Regulation 47, this period could be extended, subject to the absolute discretion of the Managing Director. The Court struck down that part of Regulation 47 which gives the option to the Managing director to extend the service of an Air Hostess. The court also struck down the last portion of regulation 46(i)(c) where the provision 'or on first pregnancy whichever occurs earlier' as unconstitutional, void and violative of Article 14 of the Constitution of India.

#### **Judgments relating to POSH**

46. **In Re: Alleged Rape & Murder Incident of a Trainee Doctor in R.G. Kar Medical College & Hospital, Kolkata & Related Issues, 2024 SCC OnLine SC 2056**, The Court raised serious concerns about the widespread circulation of the deceased's name and images on social media, highlighting a lack of respect for her privacy and dignity. It criticized the State Government's inadequate response to law and order following the brutal incident and subsequent protests, noting the need for State machinery deployment, especially as the crime was under investigation. The Court expressed disbelief at the State's unpreparedness to handle vandalism at the hospital premises and underscored the growing threat to doctors' safety amid nationwide protests, calling attention to systemic issues in healthcare safety. The bench set up a nine-member National Task Force to formulate protocols governing the safety of medical professionals.
47. **Aureliano Fernandes v. State of Goa, (2024) 1 SCC 632**, The Supreme Court took strong exception to the fact that even a decade after the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act of 2013 (POSH Act), there remained serious lapses in its effective enforcement. The Court underlined that all the state functionaries, public authorities, private undertakings, organizations and institutions are duty bound to implement the

POSH Act in letter and spirit. It was brought to the notice of the Court that as per a survey conducted by a national daily newspaper, out of 30 national sports federations in the country, 16 don't have an Internal Complaints Committee (ICC) till date. It is imperative to educate the complainant victim about the import and working of the POSH Act, the Bench added. Hence, it asked the Central and state governments to take affirmative action and ensure that the object behind enacting the POSH Act is achieved in real terms.

48. **Initiatives for Inclusion Foundation v. Union of India, (2024) 1 SCC 779**, The Supreme Court has issued a slew of directions to the Union government, and all State/UT governments to ensure the effective implementation of the provisions of the Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) read with its Rules. Significant among them is the mandatory direction issued by the Court that the States and Union Territories must appoint a "District Officer" as per Section 5 of the Act. Though Section 5 says that the appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer, the Court read this as a mandatory condition.
49. **XYZ v. State of M.P., (2023) 9 SCC 705**, In cases of sexual harassment, the courts have a duty not to place additional burdens on the complainant and should urge the police to conduct a thorough investigation. While the use of the word 'may' suggests that the Magistrate has discretion in deciding whether to direct the police to investigate or to proceed with the case as a complaint, this discretion must not be exercised arbitrarily and must be guided by sound judicial reasoning.
50. **Union of India v. Dilip Paul, 2023 SCC OnLine SC 1423**, it underscored the importance of courts not being swayed by minor discrepancies or excessively technical procedural matters. The emphasis was on assessing the effect of any procedural irregularity within the broader context of the inquiry's overall fairness.
51. **X v. Health & Family Welfare Department, 2022 SCC OnLine SC 905**, the statute has recognized the reproductive choice of a woman and her bodily integrity and autonomy. Both these rights embody the notion that a choice must inhere in a woman on whether or not to bear a child. In recognizing the right the legislature has not intended to make a distinction between a married and unmarried woman, in her ability to make a decision on whether or not to bear the child. These rights, it must be underscored, are in consonance with the provisions of Article 21 of the Constitution.
52. **Nisha Priya Bhatia v. Union of India, (2020) 13 SCC 56**, the bench has upheld the compulsory retirement for former RAW agent Nisha Priya Bhatia, who had levelled sexual harassment complaints against colleagues Ashok Chaturvedi and Sunil Uke, on the ground of "exposure" having regard to the nature of work of the Organization of which confidentiality and secrecy are inalienable elements. The Court, , directed the Centre to pay, within 6 weeks, compensation quantified at Rs.1,00,000/- to Nisha Priya Bhatia for violation of her fundamental rights to life and dignity, as a result of the improper handling of her complaint of sexual harassment.
53. **Punjab & Sind Bank v. Durgesh Kuwar, (2020) 19 SCC 46**, With regard to the allegations of sexual harassment levelled against the zonal officer, the Court made observations of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and said that sexual harassment at workplace is an affront to the fundamental rights of a woman to equality under Articles 14 and 15 and her right to live with dignity under Article 21 of the Constitution as well as her right to practice any profession or to carry on any occupation, trade or business.
54. **Addl. District & Sessions Judge 'X' v. High Court of M.P., (2015) 4 SCC 91**, in allegations relating to sexual harassment at workplace against sitting High Court Judge, the manner in which "In-House Procedure" devised in C. Ravichandran Iyer case is to be invoked was clarified.
55. **Binu Tamta v. High Court of Delhi, (2014) 13 SCC 257**, Aggrieved woman' not covering Igbtqia persons. Supreme Court refuses plea to make its sexual harassment regulations gender-neutral.
56. **Seema Lepcha v. State of Sikkim, (2013) 11 SCC 641**, A writ was filed in the High Court of Sikkim concerning the absence of the independent complaint committee in the bank. The High Court directed the respondents to create a complaint committee and have the proper training for sensitization of the bank employees and to structure policies for preventing cases of sexual harassment in the workplace.
57. **Medha Kotwal Lele v. Union of India, (2013) 1 SCC 297**, In this judgment, concerns were raised over the non - formation of Complaints Committee in various states as per Vishakha guidelines. The court held that if there is any non-compliance or non-adherence to Vishaka guidelines, it will be open to the aggrieved persons to approach the respective High Courts. The High Court of such State would be in a better position to effectively consider the grievances raised in that regard. The

Court also directed state governments to ensure that complaints committees are established and relevant officers are appointed as soon as possible.

### Session 5 - Digital Transformation in Indian Judicial System: Enhancing Access to Justice

1.	Dory Reiling and Francesco Contini, <i>E-Justice Platforms: Challenges for Judicial Governance</i> (2022) 13(1) International Journal for Court Administration 6.	668
2.	Dory Reiling, <i>Digital Justice: Nice to Have but Hard to Achieve</i> in the book titled TECHNOLOGY, INNOVATION AND ACCESS TO JUSTICE, Edinburgh University Press. (2021)	688
3.	G. Mahibha & Dr. P. Balasubramanian, <i>A Critical Analysis of the Significance of the eCourts Information Systems in Indian Courts</i> , 20 Legal Information Management 47-53 (2020)	701
4.	Jane Donoghue, <i>The Rise of Digital Justice: Courtroom Technology</i> , Public Participation and Access to Justice, 80 (6) The Modern Law Review (Nov 2017)	708
5.	By Daniel D Nguyen, <i>The advent of e-litigation: The paperless trial</i> , Precedent Issue 139 March / April 2017	739
6.	Brian A. Jackson, Duren Banks, John S. Hollywood, Dulani Woods, Amanda Royal, Patrick W. Woodson and Nicole J. Johnson, <i>Court Technology and Practice Today</i> in the book titled FOSTERING INNOVATION IN THE U.S. COURT SYSTEM, RAND Corporation 2016	745

### Judgments & Orders

(Judgments mentioned below include citations only. Please refer full judgment available in Pen Drive for conclusive opinion)

1. **Sarvesh Mathur v. Registrar General High Court of Punjab and Haryana**, 2023 SCC OnLine SC 1293 [“The Court directed the High Courts to ensure that adequate internet facilities including Wi-fi are made available free of charge to all advocates and litigants appearing before the High Courts. The Apex Court also said that links available through Video Conferencing must be made available in the cause list of the concerned court and that there should be no requirement to make a separate application to appear through virtual mode. The Court also directed all High Courts to put in place a Standard Operating Procedure (SOP) for litigants to avail access to hybrid/video conferencing hearings within four weeks. ...Judges have no option but to adapt to technology, moving forward. “The question is not whether a particular judge is tech friendly or not. If you want to be a judge you have to be tech friendly. It's like how a judge cannot say that I don't know what res judicata is...Every judge in the system has to be trained,”]
2. **Jitendra Kumar Rode v. Union of India**, 2023 SCC OnLine SC 485 [Court emphasized on the use of technology to preserve court records. “Technology in the present time become increasingly enmeshed with the systems of dispute resolution and adjudication with the trends pointing leading to all the more interplay, both supplementary and complimentary between technology and law,”]
3. **XXXX v. YYYY and Others**, 2022 SCC OnLine SC 1123, [the ‘right to be forgotten’ and ‘right of eraser’ being rights of privacy, the name of the petitioner as well as the respondent be removed/masked along with the address, identification details and case numbers to the extent that the same are not visible for search engines.]
4. **In Re: Children in Street Situations**, 2022 SCC OnLine SC 189 [Standard Operating Procedure for recording evidence of children through video conferencing to be followed in all criminal trials where child witnesses, not residing near Court Points, are examined and not physically in the courts where the trial is conducted. Remote Point Coordinators to ensure that child-friendly practices are adopted during the examination of the witnesses.]

5. **In Re. Guidelines for Court Functioning Through Video Conferencing During Covid-19 Pandemic**, (2021) 5 SCC 454 [The Video Conferencing in every High Court and within the jurisdiction of every High Court shall be conducted according to the Rules for that purpose framed by that High Court. High Courts that have not framed such Rules shall do so having regard to the circumstances prevailing in the State. Till such Rules are framed, the High Courts may adopt the model Video Conferencing Rules provided by the E-Committee, Supreme Court of India to all the Chief Justices of the High Court.]
6. **Arnab Manoranjan Goswami v. The State of Maharashtra**, (2021) 2 SCC 427 [The NJDG is a valuable resource for all High Courts to monitor the pendency and disposal of cases, including criminal cases. For Chief Justices of the High Courts, the information which is available is capable of being utilized as a valuable instrument to promote access to justice, particularly in matters concerning liberty. The Chief Justices of every High Court should in their administrative capacities utilize the ICT tools which are placed at their disposal in ensuring that access to justice is democratized and equitably allocated. Administrative judges in charge of districts must also use the facility to engage with the District judiciary and monitor pendency.]
7. **Pradyuman Bisht v. Union of India**, (2018) 15 SCC 639 [Directions for installation of CCTV Cameras in court complexes]
8. **Swapnil Tripathi v. Supreme Court of India**, (2018) 10 SCC 639 [Directions regarding Livestreaming of court proceedings - virtual access of live court proceedings will effectuate the right of access to justice or right to open justice and public trial, right to know the developments of law and including the right of justice at the doorstep of the litigants., live streaming of court proceedings in the prescribed digital format would be an affirmation of the constitutional rights bestowed upon the public and the litigants in particular. Sensitive cases, matrimonial matters, matters relating to children not to be livestreamed. Discretion of the judge to disallow live-streaming for specific cases where publicity would prejudice the interests of justice.]
9. **Meters and Instruments (P) Ltd. v. Kanchan Mehta**, (2018) 1 SCC 560 [It will be open to the High Courts to consider and lay down category of cases where proceedings or part thereof can be conducted online by designated courts or otherwise. The High Courts may also consider issuing any further updated directions for dealing with Section 138 cases in the light of judgments of this Court. The appeals are disposed of. It will be open to the appellants to move the trial court afresh for any further order in the light of this judgment.]
10. **Al Azhar Medical College & Super Speciality Hospital v. Union of India**, (2018) 10 SCC 567 [Consideration of use of computer network based technological solution including Artificial Intelligence for the purpose of inspections in medical colleges in dispute. Expert in Information Technology directed to give concrete suggestions.]
11. **Tata Sky Limited v. National Internet Exchange of India**, 2019 SCC OnLine Del 7931 [Artificial Intelligence can be suitably employed to, within the parameters defined by law and/or the Courts, prevent repeated infringement and violations, eliminating the need for the grievants to repeatedly approach the Court and/or the dispute redressal mechanism and which may tire the grievants, opening the field for violators/infringers.]
12. **K. S. Puttaswamy v. Union of India**, (2019) 1 SCC 1 (Aadhaar) [The mandatory linking of mobile number and Aadhar was held to be invalid. The majority upheld the provisions of the Aadhar Act holding that the law meets the test of proportionality and the requirement to furnish demographic and biometric information of individuals and the collection and storage of such data does not infringe the fundamental right to privacy. The Act was passed as a Money Bill: that was upheld. It was held that the main object of the law was to provide for various subsidies/benefits which involves expenditure, other provisions are incidental and hence covered by Art 110(1)(g)-any matter incidental to any of the matters specified in (a) to (f).]
13. **Justice K. S. Puttaswamy (Retd.) v. Union of India**, (2017) 10 SCC 1 [The nine Judge Bench in this case unanimously reaffirmed the right to privacy as a fundamental right under the Constitution of India. The Court held that the right to privacy was integral to freedoms **guaranteed across fundamental rights, and was an intrinsic aspect of dignity, autonomy and liberty.**]
14. **State v. Loomis**, 881 N.W.2d 749 (2016), COMPAS is a risk-need assessment tool designed by Northpointe, Inc. to provide decisional support for the Department of Corrections when making placement decisions, managing offenders, and planning treatment. The COMPAS risk assessment is based upon information gathered from the defendant's, criminal file and an interview with the defendant.
15. **Central Electricity Regulatory Commission v. National Hydroelectric Power Corpn. Ltd.**, (2010) 10 SCC 280



1. *In various courts, the statistical data indicates that, on account of delay in process serving, arrears keep on mounting. In Delhi itself, the input indicates that fifty per cent of the arrears in courts particularly in commercial cases is on account of delay in process serving.*
2. *For the above reasons, the following directions, as mentioned hereinbelow, are given:*
  - i. *In addition to normal mode of service, service of notice(s) may be effected by e-mail for which the Advocate(s)-on-Record will, at the time of filing of petition/appeal, furnish to the filing counter a soft copy of the entire petition/appeal in PDF format;*
  - ii. *The Advocate(s)-on-Record shall also simultaneously submit e-mail addresses of the respondent(s) companies/corporation(s) to the filing counter of the Registry. This will be in addition to the hard copy of the petition/appeal;*
  - iii. *If the court issues notice, then, in that event alone, the Registry will send such an additional notice at the e-mail addresses of the respondent(s) companies/corporation(s) via e-mail;*
  - iv. *The Registry will also send notice at the e-mail address of the advocate(s) for respondent(s) companies/corporation(s), who have filed caveat. The Advocate(s)-on-Record filing caveat shall provide his/her e-mail address for effecting service; and*
  - v. *Within two weeks from today, the Cabinet Secretariat shall also provide centralised e-mail addresses of various Ministries/Departments/Regulatory Authorities along with the names of the Nodal Officers, if already appointed, for the purposes of service*
16. **State of Maharashtra and P.C. Singh v. Praful B. Desai**, (2003) 4 SCC 601 [ *Whether evidence can be recorded by video-conferencing?--'Held, "yes"--'Presence' in Section 273 is not actual physical presence--'Under Section 3 of Evidence Act, evidence, even in criminal matters, can also be by way of electronic records--'This would include video-conferencing--'Court can consider issuing commission to record evidence by way of video-conferencing--'However, cost of video-conferencing to be borne by State.'*]
17. **Grid Corpn. of Orissa Ltd. v. AES Corpn.**, (2002) 7 SCC 736 [23. ... *When an effective consultation can be achieved by resort to electronic media and remote conferencing it is not necessary that the two persons required to act in consultation with each other must necessarily sit together at one place unless it is the requirement of law or of the ruling contract between the parties.'*]

#### Additional Readings (Suggestive)

	<p><b>Rules</b></p> <ul style="list-style-type: none"> <li>• Model Rules for Video Conferencing for Courts, e-Committee, Supreme Court of India.</li> <li>• Model Rules for Live-streaming and recording of Court Proceedings, e-Committee, Supreme Court of India.</li> <li>• Model Rules for E-Filing - Rules for On-Line Electronic Filing (E-Filing) Framed under Article 225 and 227 of the Constitution of India, e-Committee, Supreme Court of India.</li> </ul>	
	<p><b>Manuals</b></p> <ul style="list-style-type: none"> <li>• e-Initiatives of the High Courts, Compiled by e-Committee, Supreme Court of India</li> <li>• E-Filing Procedure for High Courts &amp; District Courts in India, e-Committee Supreme Court of India.</li> <li>• National Service and Tracking of Electronic Processes (NSTEP)-Android OS APP, e-Committee Supreme Court of India.</li> <li>• E- Courts Digital Payment, e-Committee Supreme Court of India.</li> <li>• DIGITAL PRESERVATION Standard Operating Procedure (SOP), E-Committee, Supreme Court of India, 24th September 2021</li> <li>• Budapest Convention on Cybercrime, 2001</li> </ul>	



	<ul style="list-style-type: none"> <li>• European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment, EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ), Adopted at the 31st plenary meeting of the CEPEJ (Strasbourg, 3-4 December 2018)</li> <li>• CPEJ Report, Toolkit for supporting the implementation of the Guidelines on how to drive change towards Cyberjustice, Strasbourg 14 June 2019, CEPEJ (2019) 7</li> <li>• Data Governance Policy Guide, National Center for State Courts, December 2019</li> <li>• Data Protection &amp; Cybersecurity, Prepared by Law and Practice contributed by ANA Law Group – April, 2019</li> <li>• Logan Finucan, Erika Barros Sierra, et.al., Smart Courts: Roadmap for Digital Transformation of Justice in Africa, 29 June 2018</li> <li>• The Technological Transformation of Kerala High Court, DAKSH India, First published in 2023</li> </ul>	
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