

Diptirekha Mohapatra

Women in Indian Society

Issues and Challenge



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Women in Indian Society: Issues and Challenges

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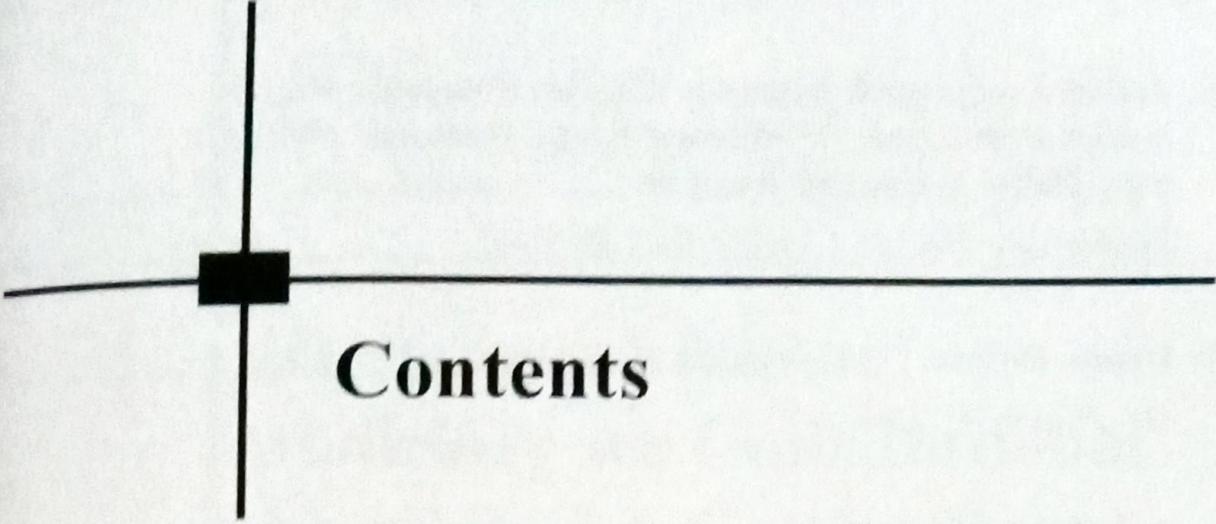
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Response of Indian Judiciary on Constitutional Mandate for Gender Based Equality Vis-À-Vis Personal Law

Prayas Dansana

ABSTRACT

Though uniqueness of Union of India lies on its diversity, it also remains as a constant challenge. From the very inception of new constitutional order in India, there is a tension between plurality of personal laws which represent the diversities of culture and constitutional mandate to have uniformity of laws in India. In the present paper, an attempt has been made to understand the approaches of the Indian Judiciary in addressing the tension between the constitutional demands of the gender based equality and the prevalent discriminatory personal laws. Constitutional premises of the Indian judiciary are also discussed. Broadly, there are two approaches of the Indian judiciary to deal with the said tension. One is non-interventionist approach and other is gender sensitive scrutinising approach, Both the above approaches of the judiciary is being discussed here.

Keywords: Constitution, Judiciary, Personal Law, Gender Justice, Uniformity of Law

1. INTRODUCTION

India is a country whose existential beauty lies in its diversity and this diversity is tangibly visible in each and every aspect of our lives. In the post Independent India, it is a constant challenge to deal with the tension between plurality of legal norms and the desire to impose uniformity in those laws. The interface between provisions of equality and non-discrimination enshrined in the Constitution and the prevalence of gender

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