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4.	Mary Anne C. Case, <i>Disaggregating Gender from Sex and Sexual Orientation: The Effeminate Man in the Law and Feminist Jurisprudence</i> , The Yale Law Journal, Oct., 1995, Vol. 105, No. 1 (Oct., 1995), pp. 1-105	510
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3.	Heather McLaughlin, Christopher Uggen And Amy Blackstone, <i>The Economic And Career Effects Of Sexual Harassment On Working Women</i> , Gender and Society, Vol. 31, No. 3 (June 2017), pp. 333-358	653
4.	Rajendra Kharel, <i>Judicial Responses to Sexual Harassment at Workplace</i> , 1 NJA L.J. 187 (2007)	680
5.	Stephanie M. Wildman, <i>Ending Male Privilege: Beyond The Reasonable Woman</i> , Michigan Law Review, Vol. 98, No. 6, 2000 Survey of Books Related to the Law (May, 2000), pp. 1797-1821	695

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- 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
- Achieving gender equality at work International Labour Conference X 111th Session, 202
- Handbook-on-Sexual-Harassment-of-Women-At-Work-POSH-ACT-2013
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Session 5 - Intersection of Anti-Conversion Legislations and Laws relating to Marriage

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2.	Pallvi Hooda, Validity of Reverse Onus Clauses in the Anti-Conversion Laws of Uttar Pradesh, Madhya Pradesh and Uttarakhand , 13 RMLNLUJ (2021) 185	745
3.	Saadiya Suleman, Freedom of Religion and Anti Conversion Laws in India: An Overview , 1(1) ILI Law Review p. 106, (2010)	762
4.	South Asia Human Rights Documentation Centre, Anti-Conversion Laws: Challenges to Secularism and Fundamental Rights , 43(2) Economic and Political Weekly pp. 63-69, 71-73 (2008).	785

Additional Reading

- History of Anti Conversion Laws

Judgments & Orders

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

1. **Kavita Yadav v. State (NCT of Delhi), (2024) 1 SCC 421**, The Court took note of Section 12(2)(a) Maternity Benefit 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.
2. **X-v-state-573568 2024** The respondent who has got his corporate experience should have known to execute his functions without making the women employees embarrassed or frightened due to his actions. The complainants did not state something in the air but have given details of the incidents and have also stated how it was felt by them. If something is not received well and it is inappropriate and felt as an unwelcome behaviour affecting the other sex namely the women, no doubt it would fall under the definition of "sexual harassment".
3. **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.
4. **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.
5. **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.
6. **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.
7. **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.
8. **Aishat Shifa v. The State Of Karnataka & Ors., (2023) 2 SCC 1**, 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.

9. **Supriyo v. Union of India, 2023 SCC OnLine SC 1348**, 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.
10. **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.
11. **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.
12. **XXXX v. XXXXX, RP NO. 936 of 2021** Judgment dated 28.10.2022, The right to terminate the marriage at the instance of a Muslim wife is an absolute right, conferred on her by the holy Quran and is not subject to the acceptance or the will of her husband.
13. **State of Jharkhand v. Shailendra Kumar Rai @ Pandav Rai, 2022 SCC OnLine SC 1494**, 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.
14. **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.
15. **XYZ v. State of M.P., (2021) 16 SCC 179 (Aparna Bhat)**, 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.

16. **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.
17. **Mayra v. State of U.P., 2021 SCC OnLine All 805**, Personal liberty, choice and privacy is a facet of basic Human Rights, a fundamental right conferred upon individuals. Choice of woman in choosing her partner in life is a legitimate constitutional right. It is founded on individual choice that is recognized in Constitution under Article 19. Consent of family or community or clan is not necessary once two adult individuals agree to enter into a wedlock, it is a manifestation of their choice which is recognized under Articles 19 and 21 of Constitution. In protecting consensual intimacies, Constitution adopts a simple principle: State has no business to intrude into these personal matters. Right to privacy is implicit in right to life and liberty guaranteed to citizens of this country by Article 21. A citizen has a right to safeguard privacy of his own, his family, marriage, procreation, motherhood, child bearing and education among other matters. Duty of court is to uphold right and not to abridge sphere of right unless there is a valid authority of law. Choice of a partner, whether within or outside marriage, lies within exclusive domain of each individual. Intimacies of marriage lie within a core zone of privacy, which is inviolable. Absolute right of an individual to choose a life partner is not in least affected by matters of faith. Unlawful Conversion Act, 2021, per se, does not prohibit interfaith marriage. Marriage Registrar/Officer, however, lacks power to withhold registration of marriage, merely for reason that parties have not obtained necessary approval of conversion from district authority. Such an approval is directory and not mandatory. If interpreted otherwise Act would not satisfy test of reasonableness and fairness and would fail to pass muster of Article 14 and Article 21.
18. **Goolrokh M. Gupta v. Burjor Pardiwala, (2020) 2 SCC 705**, Whether, the petitioner-a born Parsi woman, by virtue of contracting a civil marriage with a non-parsi man under the Special Marriage Act, ceases to be a Parsi? Held, A Parsi woman by contracting a civil marriage with a non-Parsi under the Special Marriage Act would cease to be Parsi and would be deemed and presumed to have acquired the religious status of her husband unless declaration is made by the competent court for continuation of her status of Parsi Zoroastrian after her marriage

Dissenting Opinion, Held, the petitioner was well within her right to retain her religious identity, continue to follow the Parsi Zoroastrian religion and to be recognised as Parsi Zoroastrian even after the marriage. Held, a woman who is born Parsi Zoroastrian does not cease to be so merely by virtue of solemnizing the marriage under the Act of 1954 with a man belonging to another religion.
19. **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.
20. **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.
21. **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.

22. **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.
23. **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.
24. **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."
25. **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.
26. **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.
27. **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.

28. **Shafin Jahan v. Asokan K. M. (2018) 16 SCC 408, Held**, The choice of a partner whether within or outside marriage lies within the exclusive domain of each individual. The exercise of *parens patriae* jurisdiction should not transgress into the area of determining the suitability of partners to a marital tie. That decision rests exclusively with the individuals themselves. Neither the state nor society can intrude into that domain. The strength of our Constitution lies in its acceptance of the plurality and diversity of our culture. Intimacies of marriage, including the choices which individuals make on whether or not to marry and on whom to marry, lie outside the control of the state. Courts as upholders of constitutional freedoms must safeguard these freedoms.
29. **Nandakumar v. State of Kerala, (2018) 16 SCC 602**, Arts. 21 and 226 Constitution of India - Freedom of choice - Right to marry or have live-in relationship with person of own choice- Scope of High Court's jurisdiction - held, where detinue appears before court, is found to be a major and claims to be living with the appellant after marrying him in temple, High court has no jurisdiction to further ascertain age of appellant at the time of marriage and finding him a minor at the time and finding lack of sufficient evidence of marriage, conclude that marriage was unlawful, and entrust custody of detinue to her father. Detinue being a major has freedom to marry or to have live-in relationship with anyone of her choice
30. **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.
31. **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.
32. **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.

33. **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.
34. **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.
35. **Binu Tamta v. High Court of Delhi, (2014) 13 SCC 257**, Aggrieved woman' not covering LGBTQIA persons. Supreme Court refuses plea to make its sexual harassment regulations gender-neutral.
36. **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.
37. **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.
38. **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.

39. **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.
40. **Lata Singh v. State of UP, (2006) 5 SCC 475**, The Supreme Court quashed criminal proceedings initiated against an inter-caste couple by their relatives who disapproved of the marriage. It also noted that violence against inter-caste and inter-religious couples was a violation of their fundamental right of marital choice and held that the State was under an obligation to protect the choices of these individuals.
41. **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.
42. **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.
43. **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.

44. **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.
45. **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.
46. **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.
47. **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.
48. **Air India v. Nergesh Meerza (1981) 4 SCC 335** The Supreme Court's decision in Air India v. Nergesh Meerza, reflects a pivotal moment in Indian employment law, particularly concerning gender discrimination. The ruling addressed the complexities of balancing reasonable classification with fundamental rights under the Constitution.
49. **Rev. Stainislaus v. State of M.P., (1977) 1 SCC 677** the Supreme Court upheld the validity of anti-conversion laws in Madhya Pradesh and Odisha, ruling that the right to "propagate" does not include the right to convert others forcibly

50. **Apparel Export Promotion Council v. A.K. Chopra, (1999) 1 SCC 759** This case established that employers are liable for sexual harassment by their employees, and that they must take proactive steps to prevent and address sexual harassment in the workplace.