



Foreword By
Hon'ble Justice Sri. Ashok G. Nijagannavar
Former Judge, Karnataka High Court
Member, Karnataka Law Commission

CONTOURS OF GENDER JUSTICE IN THE INDIAN LEGAL SYSTEM

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Foreword

It is with profound appreciation that I pen this Foreword to the edited volume emanating from the National Conclave on *Law, Gender and Society*, convened by Amity Law School, Amity University, Bengaluru. The very conception of this conclave, coupled with the vision to crystallize its intellectual discourse into a permanent scholarly contribution, is a testament to the institution's commitment to advancing the frontiers of legal thought and social justice.

The triad of law, gender, and society represents one of the most intricate and vital arenas of contemporary engagement. Law, as the guarantor of rights and liberties, acquires its true force only when it transcends abstraction and responds meaningfully to entrenched inequalities. Gender, as a lived reality, continues to pose challenges that test the resilience of our constitutional guarantees of equality and dignity. Society, in its dynamic complexity, becomes the stage upon which these aspirations are either fulfilled or denied. To bring these elements into focused dialogue is both timely and imperative.

This volume assumes particular significance because it goes beyond the descriptive and ventures into the normative. It interrogates existing frameworks, challenges stereotypes, and proposes pathways of reform. Such intellectual labour strengthens the legal academy, informs judicial deliberation, and contributes to the broader democratic project of building an inclusive order. The effort to situate gender justice within the constitutional ethos is especially commendable, for it is only through sustained engagement of this nature that the transformative spirit of our Constitution can be realised.

I extend my appreciation to Amity Law School, the editors, and contributors whose dedicated scholarship has made this work possible. May this volume serve as a catalyst for thought, action, and reform in pursuit of a society anchored in justice and equality.

Hon'ble Justice Sri. Ashok G. Nijagannavar
Former Judge, Karnataka High Court
Member, Karnataka Law Commission

About the Book

The book offers a comprehensive exploration of how Indian law engages with the evolving discourse on gender. Anchored in the constitutional ideals of equality, dignity, and non-discrimination, the book examines the dynamic interplay between progressive legal principles and entrenched social realities. It highlights the paradoxes within the legal system—moments of judicial courage in advancing gender rights alongside instances where patriarchal norms have been reinforced. Moving beyond episodic debates such as post-Nirbhaya reforms or the triple talaq verdict, the book situates gender justice within a broader framework that spans criminal, constitutional, civil, and socio-economic domains. Issues of reproductive rights, workplace equality, property ownership, family law, political representation, and LGBTQ+ recognition are woven into a multidimensional narrative. Importantly, it foregrounds intersectionality, showing how caste, class, religion, disability, and sexuality intersect with gender to shape lived experiences of justice and exclusion. Drawing on case law, constitutional interpretation, and grassroots movements, the book emphasizes that gender justice is neither linear nor complete but constantly evolving. It is intended as both a scholarly resource and a call to reimagine justice—empathetic, inclusive, and transformative.

About the Conclave

The National Conclave on Law, Gender and Society 2025 organized by Amity Law School, Amity University Bengaluru is envisioned as a dynamic platform for dialogue, reflection, and collaboration on some of the most pressing issues of our time. Bringing together academics, legal practitioners, policymakers, activists, and students, the conclave seeks to critically examine how law interacts with gendered realities in shaping justice, equality, and human dignity. The event provides a space to engage with questions that transcend disciplinary boundaries—ranging from constitutional guarantees of equality to emerging concerns of digital rights, workplace equity, family law reforms, and protection against gender-based violence. By fostering conversations that bridge theory and practice, the conclave aims not only to map the achievements and gaps in the Indian legal system but also to generate actionable insights for reform. A distinctive feature of the conclave is its inclusivity: it amplifies voices from across sectors and communities, ensuring that discussions reflect the diverse lived experiences of women, LGBTQ+ persons, and other marginalized groups. Through plenary sessions, paper presentations, and interactive forums, participants will explore both challenges and pathways toward a more equitable society. The conclave aspires to become a catalyst for sustained engagement, inspiring collective responsibility in advancing gender justice through law and social action.



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A Critical Study of Systemic Judicial Delay and Its Gendered Impact on Legal Aid Accessibility and Equality before Law

Dr. Tulika Singh¹

16.1. Abstract

Judicial delay remains one of the most entrenched obstacles to justice delivery, with systemic backlogs and procedural inefficiencies disproportionately affecting vulnerable populations. This study offers a critical analysis of systemic judicial delay and its gendered impact on legal aid accessibility and equality before law. While judicial delay undermines the principle of speedy justice for all, its consequences are particularly acute for women and gender minorities, especially in cases involving sexual offences, domestic violence, family disputes, and socio-economic rights. The extended timelines not only prolong trauma but also perpetuate economic dependency, reduce faith in legal institutions, and deter future engagement with the justice system. The research examines the constitutional mandate of equality under Articles 14 and 21, statutory frameworks under the Legal Services Authorities Act, 1987, and jurisprudential developments affirming the right to legal aid. It highlights how inadequate institutional capacity, underfunding of legal aid services, and lack of gender sensitivity within the legal aid apparatus exacerbate structural barriers. Drawing upon empirical studies, reports of the National Judicial Data Grid (NJDG), NALSA, and comparative insights from jurisdictions such as South Africa and Canada, the study maps how intersectional factors of caste, class, and rural-urban divides further intensify gendered disadvantage. The paper argues that systemic judicial delay, coupled with insufficient access to quality legal aid, constitutes a form of structural discrimination, violating the constitutional guarantee of equality before law. It recommends reforms including time-bound adjudication in gender-sensitive cases, institutional strengthening of legal aid services,

¹ Assistant Professor, Faculty of Law, Integral University, Lucknow

incorporation of gender-sensitivity training, and periodic judicial audits of delay. Ultimately, the study positions equitable and timely access to justice not merely as a procedural necessity but as a substantive right essential for realising gender justice in India's legal system.

Keywords: *Gender, Judicial Delay, Legal Aid, Equality, Justice*

16.2. Introduction & Background Study

The principle of "*justice delayed is justice denied*" acquires particular poignancy when seen through the lens of gendered experiences of law. Women and marginalized gender identities, who already face social, cultural, and economic disadvantages, are disproportionately impacted by systemic delays. For instance, as of 2023, India recorded over 5 crore pending cases across various courts, with women litigants in matters of domestic violence, sexual harassment, or maintenance disproportionately burdened by delays that extend from months into decades. The cumulative effect is that women are often left without protection or redress at critical junctures, reducing constitutional promises of equality before law to hollow ideals. The historical underpinnings of this crisis can be traced back to colonial-era legal structures that prioritized rigid, formal adjudication over accessible and swift remedies, creating a legacy of inefficiency that continues to manifest today².

The gendered dimension of judicial delay also becomes visible when examining how women's access to justice is often mediated through patriarchal norms. Cases involving family law, sexual violence, or labor rights not only face procedural backlogs but also cultural stigmatization that discourages women from pursuing long legal battles. Studies by the World Bank indicate that women in South Asia are less likely than men to continue litigation beyond the first stage of proceedings due to financial, social, and

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