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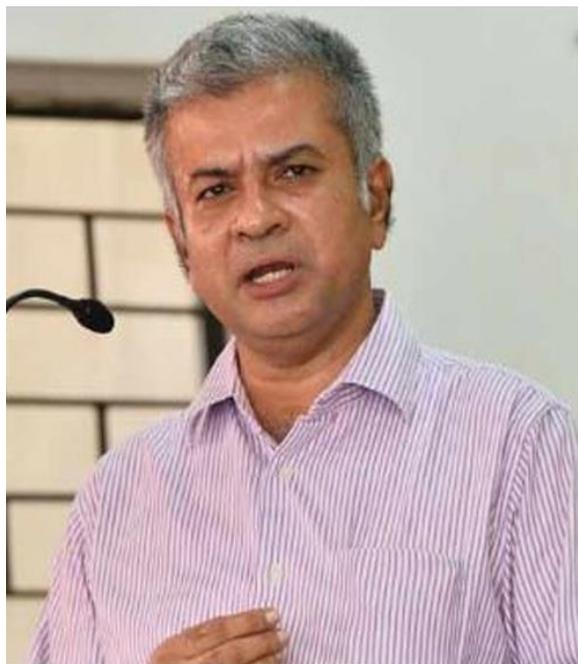
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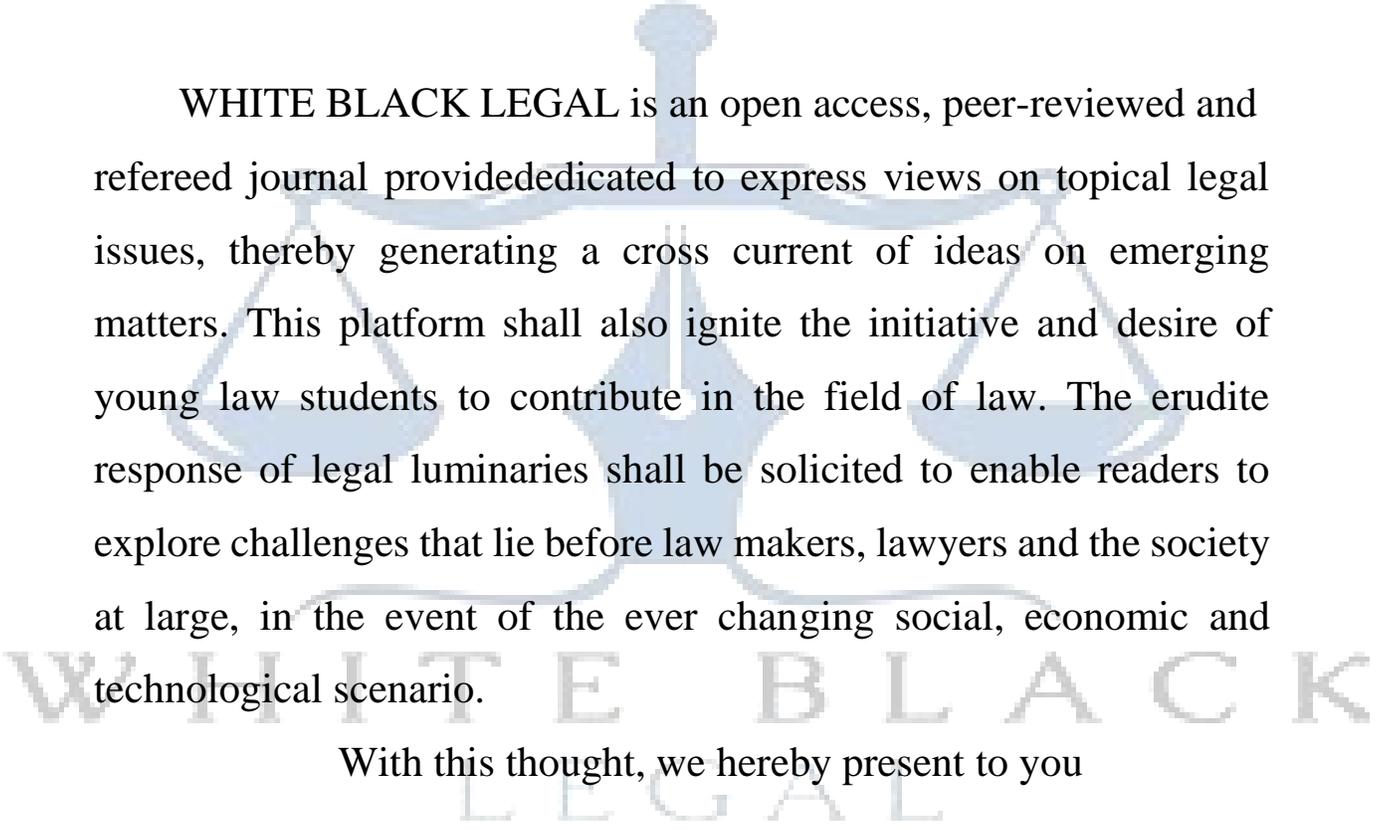
Subhrajit Chanda



BBA, LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

FROM TEXT TO REALITY: PUBLIC INTEREST LITIGATION'S FUNCTION IN STRENGTHENING WOMEN'S SAFETY DURING NATURAL AND MAN- MADE DISASTERS

AUTHORED BY - MS. SHRADHA SHUKLA
Research Scholar, pursuing PhD, Parul University

CO-AUTHOR - DR (PROF.) KETAN DESAI
Parul university

Abstract

This study contends that Public Interest Litigation (PIL) has developed from a procedural novelty into an essential tool for defending women's fundamental rights in India in the face of a persistent "continuum of State failure." This State failure takes two different but similar forms: first, active impunity in areas of armed conflict, which is protected by laws such as Section 6 of the Armed Forces (Special Powers) Act, 1958; and second, passive neglect in areas affected by natural disasters, which is institutionalised by the widespread "gender-blind" framework of the Disaster Management Act, 2005. Gender-Based Violence (GBV) increases in both situations, but accountability breaks down. This paper compares the Judiciary's strong (though limited) interventions in conflict with the obvious jurisprudential gap regarding GBV in disaster response by examining landmark PILs, such as the doctrinal shift in *Extra Judicial Execution Victim Families Association v. Union of India* and the real-time judicial governance in the 2023 Manipur violence cases. In order to force the State to address systematic, predictable, and avoidable violence against women during natural disasters, this paper argues that the precedent set in *Vishaka v. State of Rajasthan*—where the judiciary filled a legislative void to protect women—provides the exact legal blueprint for a strategic PIL.

Keywords

Public Interest Litigation, Judicial Activism, Gender-Based Violence, Armed Forces (Special

Powers) Act (AFSPA), Disaster Management Act, 2005, Vishaka v. State of Rajasthan, EEVFAM, Manipur, Survivor-Centric Justice, Article 21.

INTRODUCTION: THE VIOLENCE CONTINUUM AND THE JUDICIAL RECOURSE

The façade of social order is peeled away during times of crisis, whether they are sparked by armed conflict or unleashed by the wrath of a natural disaster, exposing and magnifying society's most profound injustices. These incidents are not impartial judges of destiny¹; rather, they are prisms that focus pre-existing social inequities, and the majority of the victims of this refracted violence are women and girls. The rise in gender-based violence (GBV) is a catastrophic "shadow pandemic" that thrives in the chaos of displacement, the lack of resources, and the impunity that follows societal collapse. While armed conflicts and environmental disasters appear as separate phenomena, they create disturbingly similar environments where the rule of law collapses, patriarchal norms are violently reasserted, and women's bodies become arenas for control and aggression.

This paper contends that a parallel continuum of state failure facilitates and maintains the "continuum of violence²," a term used by academicians to connect structural inequity with overt violence. This failure, however, is not uniform; it manifests in two distinct modes. The first is active impunity, most evident in conflict zones. Here, the state creates a "formidable structural barrier to justice" for victims of sexual assault by granting "virtual immunity" ³to its own employees through laws like the Armed Forces (Special Powers) Act (AFSPA), 1958. The second mode is passive neglect, which is institutionalised in the state's reaction to natural disasters. The main piece of legislation, the Disaster Management Act, 2005, is "remarkably gender-blind," enacting laws for a generic, genderless victim⁴. Women's specific and documented protection needs are not specifically addressed by this legislative omission, making them legally invisible and systematically increasing their vulnerability to exploitation and violence in relief camps⁵.

¹ Manjoo, "The Continuum of Violence against Women and the Challenges of Effective Redress."

² Manjoo, "The Continuum of Violence against Women and the Challenges of Effective Redress."

³ "Amnesty_v6_final."

⁴ "Gendered Justice In Disaster Relief."

⁵ GENDER SENSITIVENESS IN DISASTER LAW REGIME OF INDIA

Over the years, the Indian court has been the main—and frequently the only—forum for accountability in the glaring hole created by this extensive legislative and executive abdication. Public Interest Litigation (PIL), an "enterprising" and "innovative" procedural framework developed in India, facilitates this intervention⁶. By allowing volunteer solicitors, citizen petitioners, and even the Court itself (suo motu) to initiate a lawsuit on behalf of a victimised group that lacks the resources or access to the legal system, PIL drastically deviates from conventional ideas of locus standi. In order to overcome legislative inaction, the judiciary has taken an active role in upholding women's rights through this weapon, frequently interpreting constitutional provisions liberally.

The use of PIL as the main defence against this spectrum of governmental failure is critically examined in this essay. It will look at how PIL has been used to challenge active state impunity in conflict areas, following the line of precedent from the protracted fight for truth in Kunan Poshpora to the historic accountability ruling in *EEVFAM v. Union of India* and the unprecedented judicial oversight in the violence in Manipur in 2023. On the other hand, it will highlight the obvious legal gap in the context of natural disasters, when PIL has not been strategically mobilised. In the end, this essay makes the case that the doctrinal framework established in *Vishaka v. State of Rajasthan*—a case in which the judiciary intervened to close a legislative gap—offers the urgent legal route required to compel state action and, ultimately, protect women's fundamental right to life with dignity in all stages of crisis.

II. THE DOCTRINAL FORGING OF GENDER JUSTICE: VISHAKA AND PIL JURISPRUDENCE

It was not quick nor coincidental for Public Interest Litigation in India to transform from a legal curiosity to a powerful force for gender justice. It was the result of intentional judicial activism meant to give the most disadvantaged segments of society access to the promises of justice, liberty, and equality found in the Constitution. "PIL was developed as a tool for "pro bono publico" litigation, providing a "public voice" and "effective access to the Court" to people and groups that

Priya A. Sondhi

⁶ Pune), "Judicial Activism in India."

would otherwise be silenced by poverty, illiteracy, and social disadvantage.⁷ It was pioneered by justices like V.R. Krishna Iyer and P.N. Bhagwati.

The broad reading of Article 21 of the Constitution was the movement's most important theological weapon. In a number of seminal decisions, the Supreme Court elevated the "right to life and personal liberty" from a protection against governmental action to an affirmative, positive right to "live with dignity." ⁸"The judiciary has a broad constitutional authority to examine and, if necessary, direct government action in the name of basic rights since this extended right was held to cover a range of human necessities, such as health, education, and a clean environment.

The jurisprudence of gender justice was really formed at the nexus of Article 21's substantive scope and PIL's procedural flexibility. The Vishaka v. State of Rajasthan case in 1997 marked a turning point. ⁹"In reaction to the horrifying gang rape of Bhanwari Devi, a social worker in rural Rajasthan, and the ensuing inability of the judicial system to deliver a justice, women's rights organisations filed a PIL that showed the "hazards to which a working woman may be exposed."¹⁰ The petitioners emphasised a "clear violation" of women's rights and, more importantly, a total "legislative vacuum" in domestic legislation to address the particular evil of workplace sexual harassment¹¹."

Under the direction of Justice J.S. Verma, the Supreme Court's answer was a brilliant example of judicial activism and constitutional statesmanship¹²." Instead of deferring to Parliament in the face of parliamentary abdication, the Court took action. The ruling made it clear that the Court had to adopt International Law principles in the absence of domestic law, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which India had ratified¹³. The Court took on a quasi-legislative role in an action that proponents praised as a

⁷ Ahmed and Gauhar, "Protection of Women's Rights in India Through PIL."

⁸ <https://www.casemine.com>, "Francis Coralie Mullin v. Administrator, Union Territory Of Delhi And Others, Supreme Court Of India, Judgment, Law, Casemine.Com."

⁹ "Case Analysis- Vishaka and Others v/s State of Rajasthan | Legal Service India - Law Articles - Legal Resources."

¹⁰ Ahmed and Gauhar, "Protection of Women's Rights in India Through PIL."

¹¹ "Vishaka & Ors vs State Of Rajasthan & Ors on 13 August, 1997."

¹² Ahmed and Gauhar, "Protection of Women's Rights in India Through PIL."

¹³ "(Noting the Court Involved the Provision of CEDAW by Applying the Principle of Incorporation) - Google Search."

constitutional need and detractors denounced as "judicial overreach."¹⁴ It created a set of legally binding guidelines known as the "Vishaka Guidelines." These rules established a comprehensive system for prevention and reparation, defined sexual harassment, and required businesses to set up complaints committees. For two reasons, the Vishaka ruling serves as the fundamental precedent for the argument of this research. First, it established that where a legislative gap leads to the systematic violation of women's basic rights under Articles 14, 19, and 21, the judiciary can and will enact binding legislation to fill that gap. Second, it established the moral and legal framework for contesting the inaction of the state. Before Parliament ultimately passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act in 2013, which was essentially a codification of the Court's orders, the guidelines themselves remained the law of the land for sixteen years. Vishaka is more than just a historical case; it is a precedent that should be applied to the similar legislative gap in India's disaster management system. It provides the doctrinal basis for strategic court involvement when the other branches of government fail to safeguard women.

III. PIL IN ARMED CONFLICT ZONES: OVERCOMING STATE IMPUNITY

A. The AFSPA's Statutory Shield: Impunity

India's conflict zones are distinguished by an active legislative framework of impunity, whereas legislative deficiencies during peacetime are a type of passive state endeavour. The Armed Forces (Special Powers) Act (AFSPA), 1958, is the cornerstone of this framework. AFSPA, which is implemented in "disturbed areas" like Jammu & Kashmir and portions of the Northeast, gives the military forces broad autonomy, including the right to make warrantless arrests and shoot to kill¹⁵.

Section 6 of the Act is the most harmful clause for victims of gender-based abuse. This clause provides "virtual immunity from prosecution" by stating that security personnel cannot be sued for activities performed under the Act without the Central Government's prior approval¹⁶. This language presents a "near-insurmountable hurdle to

¹⁴ "(PDF) Courting the People."

¹⁵ *Wikipedia*, "Armed Forces (Special Powers) Act."

¹⁶ "India."

accountability"¹⁷ for women who have experienced sexual assault, rape while in custody, or other types of violence by military forces. Numerous high-level bodies, including the Justice Verma Committee in 2013 and the Justice Hegde Commission, have recognised this statutory shield as the main cause of a "climate of impunity"¹⁸ that directly encourages sexual violence. The government has blatantly disregarded both committees' recommendations that sexual violence be specifically excluded from the protection of Section 6¹⁹.

B. The Kunan Poshpora PIL: The Battle for Truth

Public interest litigation has developed to fulfil a goal more fundamental than mere legal remedy in the face of impunity: the struggle for truth and public memory. One horrific and iconic example is the Kunan Poshpora case. Residents of the Kashmiri twin villages of Kunan and Poshpora said that during a search in February 1991, soldiers from an Indian Army battalion had engaged in mass rape²⁰. In reaction, the authorities swiftly and categorically denied the accusations, calling them "terrorist propaganda" and initiating a "campaign to acquit the army"²¹.

Official denial buried the case for more than 20 years. However, a group of activists and survivors filed a writ petition in 2013 that resembled a PIL in order to obtain a new, independent investigation²². The ensuing court struggle demonstrates the difficulties PIL faces in a militarised area. The Army and the state government have filed numerous petitions to overturn the High Court's orders for a probe and compensation, and the matter has been a drawn-out battle that has alternated between the High Court and the Supreme Court. The PIL serves as a transitional justice instrument in cases where criminal convictions are prohibited by law (AFSPA) and time. It stops the state from succeeding in its attempt to delete the incident from history by forcing the victims' testimonies, the state's denials, and the evidence of a cover-up into the court record.

¹⁷ "India."

¹⁸ "Justice_Verma_AmendmenttoCriminalLaw_Jan2013.Pdf", 1

¹⁹ 'Amnesty_v6_final'.

²⁰ "Army Moves SC in Kunan Poshpora 'Mass Rape' Case - The Hindu."

²¹ "The Mass Rape of Poshpora & Transitional Justice Possibilities in Indian Kashmir – Praxis."

²² "INDIA935.PDF."

C. Piercing the Armour: Extra Judicial Execution Victim Families Association (EEVFAM) v. Union of India

It reframes the fight from one for conviction to one for the "right to know the truth," which the Supreme Court has acknowledged as a component of Article 21.

The EEVFAM case symbolises a final, doctrinal win against the fundamental notion of impunity, while Kunan Poshpora reflects the protracted, difficult struggle for truth. The Extra Judicial Execution Victim Families Association filed the PIL, claiming that between 1978 and 2012, the Manipur Police and military forces carried out 1,528 "fake encounters" or extrajudicial executions. The state defended itself by using the twin pillars of AFSPA and the Union's constitutional obligation under Article 355 to shield the state from domestic unrest²³.

The Supreme Court, led by Justice Madan B. Lokur, achieved the unimaginable in its historic 2016 ruling: it breached the AFSPA's defences. The state's claim of absolute immunity was categorically rejected by the Court. The Court ruled that "there is no concept of absolute immunity from trial" for security forces²⁴, radically shifting the balance between human rights and national security. A theological earthquake occurred with the EEVFAM verdict. It confirmed that a condition of "internal disturbance" does not suspend the Constitution and that the "right to know the truth" of what happened to the victims constituted a fundamental right under Article 21²⁵. The Court directed the Central Bureau of Investigation (CBI) to look into any allegations of disproportionate force leading to death, shattering the statutory cover of AFSPA. This ruling "opened the door to ending impunity," utilising the PIL process to re-establish the rule of law and judicial supremacy in a conflict area that the government had long believed to be outside the purview of judicial review.

D. A Novel Approach: The Manipur Violence PILs of 2023

The Supreme Court was faced with an ongoing, real-time crisis of gender violence as a result of the 2023 ethnic violence in Manipur and the horrifying viral video of Kuki-Zo

²³ "Extra Judicial Execution Victim And ... vs Union Of India And Ors. on 8 July, 2016."

²⁴ Khattab, "India."

²⁵ Bhatia, "Guest Post."

women being sexually abused and paraded naked²⁶. By going beyond post-facto accountability to direct judicial supervision of a humanitarian crisis, the Court's response represented a significant shift in the use of PIL.

A bench headed by Chief Justice D.Y. Chandrachud took suo motu cognisance of the violence and heard several PILs. The bench expressed its profound "dissatisfaction" with the Manipur police's "tardy" and "lethargic" probe, pointing out that the state apparatus had entirely collapsed. The scope and design of the Court's intervention were unprecedented. It established a court-monitored, two-tiered system. Initially, it forwarded 11 significant FIRs about violence against women to the CBI. However, after learning from previous mistakes, it designated a former police officer to supervise the CBI's investigation and provide direct reports to the court. Second, and perhaps most importantly, the Court established the Justice Gita Mittal Committee, an all-female group of retired High Court justices, with the responsibility of overseeing all "diverse aspects of a humanitarian nature." This committee was essentially an administrative body constituted by the court. A radical, survivor-centric paradigm of justice was demonstrated by its efforts. The committee's reports concentrated on immediate humanitarian logistics rather than abstract legal principles. They called for compensation for survivors to be in line with the National Legal Services Authority (NALSA) framework and instructed the state to promptly reissue lost Aadhar cards, bank account information, and disability certificates, acknowledging that these documents were essential to the survival, benefits, and dignity of displaced female survivors²⁷. A new paradigm is represented by the Manipur PILs. In the face of a failing administration, the Court established its own governance framework in addition to issuing directives. The practical, hands-on work of the Justice Mittal Committee unintentionally created the ideal ²⁸model for what India's response to its other major crises—natural disasters—lacks.

²⁶ *Supreme Court Panel on Manipur Violence*.

²⁷ "How and When the Supreme Court Moved on Manipur: 2023 | CJP."

²⁸ *Supreme Court Panel on Manipur Violence*.

IV. THE LEGISLATIVE VOID: UNTAPPED POTENTIAL OF PIL AND GENDER-BLIND DISASTERS

A. The "Hidden Disaster": GBV and the Disaster Management Act of 2005's Failure
The second manifestation of the "continuum of state failure" is a profound and damaging legislative silence rather than active impunity. Catastrophes are not "gender-neutral" occurrences.²⁹ There is abundant and indisputable evidence of their disproportionate impact on women. Women are predicted to make up 80% of persons displaced by climate change, and they are 14 times more likely than males to die in a climate-related disaster worldwide.³⁰ Gender-based violence has a well-established incubation in the aftermath of disasters. There were recorded increases in rape and sexual assault in relief camps after the 2010 Haitian earthquake and Hurricane Katrina in the United States.³¹ India's own history is full of instances of this "hidden disaster."³² Intimate partner violence sharply increased after the 2004 Indian Ocean tsunami, which killed a disproportionate number of women. Following the 2013 floods in Uttarakhand, there were complaints of sexual abuse against survivors as well as a recorded rise in domestic violence brought on by stress and post-disaster trauma. In regions like Bihar, annual floods drive women into makeshift camps where they are constantly harassed.

³³The Disaster Management Act, 2005 (DM Act), which was drafted in the wake of the 2004 tsunami, is a framework for top-down, bureaucratic management, and despite this mountain of evidence, it is "remarkably" and "pervasively" gender-blind.³⁴ It doesn't contain any explicit clauses requiring the particular, predictable, and avoidable harms that women experience. The delivery of menstrual hygiene kits, the establishment of safe, separated, and well-lit shelters, the prevention of sexual exploitation in relief camps, and the provision of focused psycho-social care for female survivors are all lacking. This "gender-neutrality" is an active form of discrimination rather than a harmless omission. The DM Act violates Article 14 of the Constitution's requirement of substantive equality

²⁹ P.K. Das, *Gender Sensitive Disaster Management: A Study in Indian Perspective*, INDIAN L. INST. (2020)

³⁰ *Resource Guide on Gender and Climate Change*.

³¹ "International Federation of Red Cross and Red Crescent Societies, Geneva."

³² *Why India's Women Are More Vulnerable to Disasters* | IEA.

³³ "In Bihar, Women Face Floods and Increasing Violence | UNW WRD Knowledge Hub."

"Uttarakhand Flood Survivor Says Scrap Dealer Raped Her - The Hindu."

³⁴ Pincha, *Indian Ocean Tsunami Through The Gender Lens*.

by enacting legislation for a "generic, genderless victim" in the face of substantial evidence that women are disproportionately impacted. Additionally, it is a blatant violation of the state's positive commitment under Article 15(3), which gives it the express authority to provide "special protective provisions" for women.

B. Women's Vulnerability in Relief Camps: The Evidentiary Foundation for Intervention

The DM Act's shortcomings are not hypothetical. They result in particular, irreversible harms that provide a solid factual foundation for a PIL-based intervention. Women's fundamental right to dignity under Article 21 is directly violated by the absence of basic, gender-sensitive planning in relief camps. First, sexual violence is directly caused by the lack of secure infrastructure, such as gender-segregated shelters, private, well-lit restrooms, and female security guards. For instance, reports from the 2004 tsunami rescue camps emphasised how the shoddy temporary shelters were "insensitive to... sex and gender specific needs," lacked privacy and security, and caused widespread anxiety and harassment.³⁵

Second, it is an attack on women's dignity when fundamental biological needs, such as period hygiene items or "dignity kits," are consistently unmet. Women are forced to wait until dark to relieve themselves due to the lack of clean, private, and easily accessible sanitary facilities, which puts them at danger for physical assault and health problems.

Third, a male "head of household" model is frequently used to organise the relief and compensation systems. Women are systematically disempowered and denied access to housing rights, livelihood support, and aid, especially single women (widows or those separated from male relatives). Following the 2001 earthquake, a movement of single women in Gujarat called the Ekal Nari Shakti Manch (Single Women's Power Forum) was created specifically to fight this systemic exclusion, since in-laws were denying women their legitimate claims to compensation and property. These are the inevitable, systemic effects of a gender-blind law, not sporadic, isolated events.

³⁵ UNFPA Pakistan, "Women and Girls Bearing the Brunt of the Pakistan Monsoon Floods"; World Bank Blogs, "Empowering Indian Women after a Natural Disaster Hits."

C. The Missing Vishaka for Disasters: The Jurisprudential Lacuna

The associated jurisprudential gap is the most confusing part of this systemic failing. The judiciary has remained largely mute on the particular issue of gender-based violence in disasters, despite being so strong in its PIL-driven interventions in conflict areas. Naturally, PILs pertaining to disasters have been filed. However, they are also frequently gender-blind, emphasising general mismanagement above the particular, rights-based requirements of women. For example, rather than the safety of women in relief camps, PILs filed following the 2018 Kerala floods concentrated on "criminal negligence" in dam management or the failure to pay insurance claims³⁶. In a PIL pertaining to the 2013 floods in Punjab, the High Court refrained to step in, citing the executive's "doing [its] best" and superior position to oversee relief efforts—a classic example of judicial deference.

A valid concern about the separation of powers is the root of this judicial hesitation.³⁷ Courts are leery of PILs that seem to urge them to "manage the flood" or assume sophisticated executive functions. But here is exactly where the Vishaka precedent has been terribly misinterpreted or misused.

The court would not be asked to oversee relief vehicles in a strategic PIL based on the Vishaka model. It would request that the court address a legislative gap that results in predictable constitutional infractions. The request would be for a writ of mandamus requiring the National Disaster Management Authority (NDMA) to create and carry out a legally enforceable "Gender-Sensitive Crisis Response" chapter for the National Disaster Management Plan using its current statutory authority.

This intervention is doctrinally justified by the Vishaka precedent. The practical one is offered by the Manipur-based Justice Gita Mittal Committee approach. It demonstrates that the judiciary can manage a crisis's humanitarian logistics while putting women's survival and dignity first. There are all the necessary legal and practical elements for a historic intervention. A strategic PIL to link them is the only thing lacking.

³⁶ "Actionaidindia.Org/Story/Single-Yes-but-Not-Along-Organizing-and-Empowering-Single-Women/"; "Kerala Floods: Kerala HC Registers PIL as Insurance Claims Remain Unpaid | Kochi News - Times of India."

³⁷ *Punjab & Haryana High Court Declines Immediate Intervention in Punjab Floods PIL | Legally Present.*

V. A CRITICAL APPRAISAL: JUDICIAL REMEDY'S EFFICACY AND LIMITS

A careful evaluation of PIL as a vehicle for gender justice in times of crisis is necessary, taking into account both its intrinsic limits and its significant achievements. Unquestionably, PIL has given India's most marginalised women "effective access to the Court" and a "public voice" so that their complaints can be heard in the nation's top courts. It has created "greater awareness" of women's issues, broken long-standing systems of impunity, and resulted in historic legal reforms in cases like Vishaka and EEVFAM. A glaring imbalance in the judicial response is revealed by this analysis. Section 6 of the Armed Forces (Special Powers) Act, 1958 provides legislative protection for the state's active impunity in times of armed conflict. Strong judicial intervention has resulted from PILs such as EEVFAM v. Union of India and the 2023 Re: Violence in Manipur cases. In this instance, the judiciary has confirmed a constitutional "right to truth," actively broken through the curtain of impunity, and, in the Manipur case, carried out previously unheard-of real-time humanitarian oversight. On the other hand, the "gender-blind" Disaster Management Act of 2005 institutionalised the state's passive indifference of natural calamities. As a result, there is now a clear jurisprudential gap. Courts have often been reluctant to step in when faced with broad mismanagement petitions, and strategic PILs centred on gender-based violence have not been organised. The potential for a Vishaka-style mandamus to compel governmental action is sadly still unrealised in this weak and unexplored area of intervention.

PIL is not a cure-all, though. Many academics have pointed out that the "haphazard implementation" of its progressive judgements is its main flaw.³⁸ In a remote relief camp or a militarised community, a Delhi court ruling does not always result in immediate change. Despite its strength, the judiciary lacks its own enforcement tools and is dependent on the executive branch, whose shortcomings initially led to the lawsuit.

Moreover, PIL is inherently reactive. It only steps in after the harm has been done, the violence has taken place, and the law has failed. As a result, there is conflict between judicial "overreach" and "judicial reluctance."³⁹ Courts are accused of "judicial despotism" when they step in, but when

³⁸ Holladay, "Public Interest Litigation in India as a Paradigm for Developing Nations."

³⁹ Ahmed and Gauhar, "Protection of Women's Rights in India Through PIL."

they do nothing, as was the case in the crisis situation, systemic constitutional abuses continue.⁴⁰ Lastly, the judiciary can be "limited... by the complex cultural context" and the "patriarchal norms that plague society," which might affect its willingness or capacity to take decisive action on gender justice. The judiciary is not an institution that operates outside of society.

A deeper comprehension of PIL's actual worth results from this criticism. Its major role in crisis situations can be instrumental rather than corrective (i.e., obtaining convictions for prior offences, which is still uncommon). Vishaka was successful because it established a new safeguard for millions of people rather than punishing a single offender. The Mittal Committee's real-time involvement to give survivors Aadhar cards and compensation is what made it successful, not its final report.⁶⁷ From this perspective, PIL is a tool to force a reluctant state to construct a better, more protective, and just framework. In addition to judicial will, its success depends on the "strategic mobilisation by women's rights advocates" who present the case, compile the facts, and call for a precise, practical, and constitutionally required resolution.⁶⁸ Therefore, the lack of a Vishaka for catastrophes is both a judicial and an advocacy deficiency.

VI. RECOMMENDATIONS AND CONCLUSION

In order to show how the seemingly different crises of armed war and natural disasters create similar contexts of impunity and neglect, this research paper has plotted a "continuum of violence" against women.⁶⁹ It has been argued that this continuum of violence is a direct result of a "continuum of state failure"—a failure that shows up as passive neglect due to the legislative void of the "gender-blind" Disaster Management Act, 2005, and active impunity through the legal shield of AFSPA in conflict zones.

Public interest litigation has emerged as the crucial, if imperfect, accountability vehicle in this situation. A glaring imbalance in its implementation has been shown by the analysis. Through historic PILs like EEVFAM and the 2023 Manipur interventions, the judiciary has taken action in conflict areas to end impunity, uphold the right to truth, and even take direct control of humanitarian government. The systematic, predictable, and avoidable gender-based violence that

⁴⁰ "Case Analysis- Vishaka and Others v/s State of Rajasthan | Legal Service India - Law Articles - Legal Resources."

takes place during natural disasters, on the other hand, is not addressed by strategic litigation and instead remains in a jurisprudential shadow.

But the way ahead is obvious. Practical and legal precedents have already been established. The Vishaka ruling gives the judiciary the doctrinal power to close a legislative gap that causes women's basic rights to be violated.⁷¹ The Justice Gita Mittal Committee offers a workable example of how a court might oversee humanitarian logistics during a disaster, going beyond impersonal directives to survivor-focused solutions. Women's protection during times of crisis is not just a human rights issue; it is an essential requirement for both community resilience and national security. A country's dedication to protecting its most vulnerable citizens during its most difficult times is the real test of its strength. The most important rebuilding project of all is the shift from a mindset that sees women as helpless victims to one that empowers them as designers of a more equitable future. In order to achieve this, the suggestions made in this paper are presented as the "prayers" for an urgently needed strategic public interest lawsuit:

A Mandamus Writ Requiring NDMA Action: The National Disaster Management Authority (NDMA) should be required by a PIL to issue a mandatory "Gender-Sensitive and Inclusive Crisis Response" chapter for the National Disaster Management Plan. Legally, this chapter must require: All relief camps should include sanitary amenities and secure, well-lit, gender-segregated shelters.

Menstrual hygiene and "dignity kits" must be included as part of all regular aid packages. the establishment of transparent, private, and easily available GBV reporting and response systems that are manned by qualified people at all relief and rehabilitation facilities equal representation of women in all state, district, and local disaster management organisations.

A Directive for AFSPA Legislative Reform: A PIL should request a directive compelling the Union of India to alter Section 6 of AFSPA in order to adopt the Justice Verma Committee's recommendations. To align the Act with the Supreme Court's own EEVFAM ruling, the amendment must specifically clarify that cases involving sexual abuse, torture, or enforced disappearance are exempt from the necessity for prior sanction for prosecution. **A Court-Monitored, Permanent Committee Establishment Directive:** Building on the Mittal Committee model, in all proclaimed large-scale disasters or cases of widespread internal strife, a PIL should

seek the establishment of a permanent, standing committee or a mechanism for the prompt nomination of such a committee. In order to close the long-standing "implementation gap" that afflicts court triumphs, this committee's mandate would be to supervise the application of gender-sensitive rules, audit relief and compensation distribution, and report directly to the Supreme Court.

