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## Making the Margins Visible: Dignity at Work and the Promise of Puttaswamy—Review of Gendered Bodies and Worlds of Labour: Reconceptualizing Dignity after Puttaswamy vs Union of India

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## BOOK REVIEW

### MAKING THE MARGINS VISIBLE: DIGNITY AT WORK AND THE PROMISE OF *PUTTASWAMY*

*Gendered Bodies and Worlds of Labour: Reconceptualizing Dignity after Puttaswamy vs Union of India*  
by Kalpana Kannabiran and Devi Jagani (Zubaan 2024).

**Shreya Shree\***

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#### I. INTRODUCTION

Eight years on, the Supreme Court of India (SCI) decision in *Justice KS Puttaswamy v Union of India*<sup>1</sup> continues to unfold in ways that offer both moments of hope and disappointment in the struggle to secure human rights.<sup>2</sup> In six concurring opinions, the nine-judge bench upheld the right to privacy as a fundamental right under the Constitution of India (henceforth, the Constitution). While revisiting the foundational values of the Constitution to map the basis and contours of the right to privacy, the judges explicated its interrelationships with liberty, equality, and other freedoms guaranteed under Part III of the Constitution. Significantly, human dignity was recognised as the ‘core’ that unites all fundamental rights.<sup>3</sup>

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<sup>1</sup> [2017] 10 SCC 1.

<sup>2</sup> See also S Muralidhar, ‘Keynote Address’ (Privacy Supreme by Internet Freedom Foundation, New Delhi, 22 August 2024) <<https://internetfreedom.in/dr-muralidhar-keynote-address-ps-2024/>> accessed 15 August 2025.

<sup>3</sup> *Puttaswamy* (n 1) 119 (plurality opinion of DY Chandrachud J).

*Puttaswamy* unleashed a range of possibilities for gender justice in India.<sup>4</sup> With its rejection of *Suresh Kumar Koushal*,<sup>5</sup> it paved the way for the decriminalisation of consensual homosexual relationships in *Navtej Singh Johar*.<sup>6</sup> In its conception of privacy, it marked a shift from ‘spatial and relational framing privacy’ to ‘decisional privacy’, creating avenues for challenging discrimination and abuse within private spaces and intimate relationships.<sup>7</sup> By placing the ‘individual’ at the centre of the rights discourse and affirming constitutional morality over public morality (mirroring a patriarchal social order), *Puttaswamy* represented a constitutional milestone.<sup>8</sup> It also set the stage for the SCI decisions in *Joseph Shine* and *Indian Young Lawyers Association*, which struck down the offence of adultery and the Sabarimala temple’s entry ban on women of menstruating age, respectively.<sup>9</sup>

In *Gendered Bodies and Worlds of Labour: Reconceptualizing Dignity after Puttaswamy vs Union of India*, Kalpana Kannabiran and Devi Jagani unpack the possibilities emerging from such articulation of rights in *Puttaswamy* and related cases<sup>10</sup> for the ‘gendered worlds of labour’.<sup>11</sup> They seek to reimagine the ‘idea of inherent human dignity in work worlds’<sup>12</sup> through an intersectional and interdisciplinary reading of the Constitution, legislations,

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<sup>4</sup> Gautam Bhatia and Shreya Atrey, ‘In Search of Principle: 70 Years of Gender Jurisprudence in India’ in Wen-Chen Chang, Kelly Loper, Mara Malagodi, and Ruth Rubio-Marin (eds), *Gender, Sexuality and Constitutionalism in South Asia* (Hart Publishing 2023) 273–280.

<sup>5</sup> *Suresh Kumar Koushal v Naz Foundation* (2014) 1 SCC 1; *Puttaswamy* (n 1) [119], [142-147] (plurality opinion of DY Chandrachud J).

<sup>6</sup> *Navtej Singh Johar v Union of India* [2018] 10 SCC 1 (*Navtej Singh Johar*).

<sup>7</sup> Aparna Chandra, ‘Privacy and Women’s Rights’ (2017) 52 (51) Economic and Political Weekly 47. See also Danish Sheikh, ‘Queer Rights and the Puttaswamy Judgment’ (2017) 52 (51) Economic and Political Weekly 51.

<sup>8</sup> *ibid.* See also Shreya Atrey and Gautam Bhatia, ‘New Beginnings: Indian Rights Jurisprudence After Puttaswamy’ (2020) 3 University of Oxford Human Rights Hub Journal 1.

<sup>9</sup> *Joseph Shine v Union of India* (2018) 2 SCC 189 (*Joseph Shine*); *Indian Young Lawyers Association v Union of India* (2019) 11 SCC 1 (*Indian Young Lawyers Association*). See also *Supriyo v Union of India* [2023] SCC OnLine 1348 (SC) (where the majority failed to carry forward the promise of *Puttaswamy* in the context of intimate relationships and held that the right to marry was not a fundamental right, thereby absolving the state of any obligation to recognise civil unions or same-sex marriages).

<sup>10</sup> *Naz Foundation v Govt (NCT of Delhi)* [2009] SCC OnLine 1762 (Del); *National Legal Services Authority v Union of India* [2014] 5 SCC 438 (*NALSA*); *Navtej Singh Johar* (n 6); *Joseph Shine* (n 9).

<sup>11</sup> Kalpana Kannabiran and Devi Jagani, *Gendered Bodies and Worlds of Labour: Reconceptualizing Dignity after Puttaswamy vs Union of India* (Zubaan 2024) 1.

<sup>12</sup> Kannabiran and Jagani (n 11) 2.

and jurisprudence on (or impacting) labour that recasts our understanding of the worker, labour, discrimination, and rights.<sup>13</sup>

The book envisions a ‘gender-plural labourscape’ and centres the lives of ‘cis-women-trans-queer workers’, even as it draws insights from feminist scholarship on labour situated within the gender binary.<sup>14</sup> The overarching aim is to make ‘visible’ and ‘legible’ the precarity of labour on the margins and bring to the fore how multiple, cumulative systems of inequality—such as patriarchy, capitalism, caste, and religion—shape and constrain their work environments, both public-private and paid-unpaid.<sup>15</sup> In doing so, the authors set out a conceptual foundation from which ‘cis-women-trans-queer-workers’ can contest discriminatory labour practices and assert claims to ‘just, fair, humane, dignified, and equal working environments.’<sup>16</sup> While distinctly academic in its tone and approach, the book seeks to engage with the movements on the ground, as the authors emphasise shifting the locus of conversations on rights from the ‘confines of the courts’ to the citizenry and realising the potential of ‘collective struggles from the margins’ in shaping constitutional interpretation.<sup>17</sup>

Kannabiran is a distinguished sociologist and legal researcher whose work spans a wide range of fields, including human rights, disability studies, gender justice, and the law. Her writings on the Constitution are particularly significant in offering compelling frameworks to rethink constitutionalism in deeply unequal societies like India, plagued by multiple, intersecting forms of discrimination. Familiarity with this body of work will certainly enhance a reader’s appreciation of the breadth of arguments advanced in the book. Jagani is a lawyer and legal researcher, whose practice and scholarship engages with jurisprudence, gender studies, disability studies, and discrimination law, amongst others. Together, the authors bring complementary expertise, which shapes the book’s layered interdisciplinary analysis.

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<sup>13</sup> Kannabiran and Jagani (n 11) 10.

<sup>14</sup> Kannabiran and Jagani (n 11) 2.

<sup>15</sup> Kannabiran and Jagani (n 11) 7–9

<sup>16</sup> Kannabiran and Jagani (n 11) 7.

<sup>17</sup> Kannabiran and Jagani (n 11) 110, 111.

The book has seven substantive chapters. In its methodology and analysis, introduced in the first two chapters, the book assembles scholarship on gender and labour from the social sciences and law and makes a strong case for substantive engagement between the two disciplines.

Drawing on this, the authors seek to develop an analytical lens in the next chapter, which situates the discriminatory labour practices within their historical, existential, and macrostructural contexts, including strategies of resistance that have been used to counter them. In doing so, they draw insights from anti-caste scholarship and the constitutional and legislative efforts that led to the outlawing of untouchability. Their analysis underscores the importance of an intersectional approach to understanding discrimination, especially as we begin to rethink dignity of labour. Through a nuanced critique of the *Swachh Bharat Abhiyaan*, the chapter probes the state's sanitised narratives. It exposes the caste and gendered realities of manual scavenging in India, which continues to persist despite criminalisation of untouchability and guarantees of equality in the Constitution.

With this analytical framework set out in the opening chapters, the subsequent chapters draw on the constitutional interpretation in *Puttaswamy* to propose an alternative reading of rights to liberty, equality, non-discrimination, and dignity. The book is best read as a set of interconnected essays, each contributing to the authors' broader project of reconceptualising dignity and articulating rights-claims that secure justice in the gendered labourscapes. This review follows the structure of the book, examining the authors' interpretative approach to these rights and their application to the context of unpaid domestic work, domestic violence, and marital rape.

## II. RIGHTS IN THE PUTTASWAMY WORLD: POSSIBILITIES AND FRAGILITIES

In Chapters 4 ('Sex as an Analogous Ground') and 5 ('Dignity and the Legitimacy of Transgressions'), Kannabiran and Jagani explore the transformative potential of the right to equality and non-discrimination under Articles 14 and 15 of the Constitution and 'dignity' as articulated in *Puttaswamy*. Their arguments are best understood when read with Kannabiran's previous co-authored work, *Gendered Regimes and the Politics of Privacy: A*

*Feminist Re-Reading of Puttaswamy v Union of India*.<sup>18</sup> Building upon this reading of *Puttaswamy*, which advances broader gender justice claims, the authors explore its application in challenging discriminatory labour practices faced by workers marginalised on the basis of sex. At the heart of their analysis is the argument that the ‘right to dignified treatment’ is a fundamental right flowing from the right to privacy and bears ‘complex interconnections with the rights under Articles 14, 15, 17, 19, and 23’ of the Constitution.<sup>19</sup>

### A. Tracing Dignity in the Constitution

While ‘dignity’ does not feature in Part III of the Constitution, the SCI has invoked it in fundamental rights adjudication and for reading several unenumerated rights in the Constitution.<sup>20</sup> Justice DY Chandrachud, in the plurality opinion in *Puttaswamy*, established ‘human dignity [as] an integral part of the Constitution’ and a ‘core of the rights guaranteed to the individual by Part III’.<sup>21</sup> However, as Pritam Baruah argues in his article ‘(De)Valuing Dignity’, the exact constitutional status (whether it is a fundamental right or a constitutional value), nature (individualistic or community-based), scope (minimum guarantees or maximalist standards), and limits (absolute and inviolable or subject to restrictions) of dignity remain unclear. Fleshing out the implications of this indeterminacy, he concludes with scepticism about the ability of the law as a discipline to define the meaning and contours of dignity, while underscoring the need for turning to other disciplines.<sup>22</sup> Kannabiran and Jagani’s interdisciplinary inquiry fills this gap by bringing dignity of and in labour to life and giving it form, flesh, and substance through a broad and dynamic understanding of dignity—‘as right, as claim, as attribute, as a conditioning environment for rights-talk’.<sup>23</sup>

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<sup>18</sup> Swethaa S Ballakrishnen and Kalpana Kannabiran, *Gendered Regimes and the Politics of Privacy: A Feminist Re-Reading of Puttaswamy v Union of India* (Zubaan 2021).

<sup>19</sup> Kannabiran and Jagani (n 11) 109–110.

<sup>20</sup> Pritam Baruah, ‘(De)Valuing Dignity: Three Risks of Dignity Inflation in Indian Supreme Court’s Reasoning’ (2020) 55 (31) *Economic and Political Weekly* 33.

<sup>21</sup> *Puttaswamy* (n 1) 108, 119 (plurality opinion of DY Chandrachud J).

<sup>22</sup> Baruah (n 20) 38. See also Aishani Gupta, ‘Finding Method to Madness: The Indian Supreme Court’s Dignity Jurisprudence’ (2025) 36 (1) *National Law School of India Review*.

<sup>23</sup> Kannabiran and Jagani (n 11) 6.

In this endeavour, the authors draw on diverse conceptualisations of dignity advanced by scholars like Virginia Mantouvalou, Lata Mani, Martha Nussbaum, and Nancy Fraser. They critically interrogate the suitability of these frameworks in accounting for the multiple, intersecting experiences of discrimination faced by cis-women and trans and queer workers, and in foregrounding their right to ‘dignified, equal, just and human treatment within the workplace and more broadly as citizens’.<sup>24</sup>

Kannabiran and Jagani ultimately articulate dignity as an ‘inherent characteristic of human beings vulnerable to disablement through multiple, cumulative, and entangled injustices ...’.<sup>25</sup> In this sense, dignity is at once individualistic, inherent, and inviolable. This vision also affirms the worker’s agency to ‘define their own existence’, which is shaped by multifaceted experiences of life and not just their suffering.<sup>26</sup> It gestures towards more egalitarian notions of solidarity and emancipation, rather than casting workers as solely victims.

## **B. Translating Gendered Labour into the Language of Rights**

With the worker’s agency at its core, this postulation of dignity offers a lens to analyse the case of those who transgress ‘socially-defined boundaries’ and assert claims to long-denied rights, opportunities, and benefits.<sup>27</sup> Through the example of sex work, the authors demonstrate how transgressive labour can be made visible and intelligible using ‘insurgent feminist lenses’ and situated within the fundamental rights guaranteed by the Constitution.<sup>28</sup> This visibilisation begins with recognising sex workers as full citizens entitled to equal rights.

The authors advocate for legitimising sex work as work and affirming sex workers’ decisional autonomy over key aspects of their labour, while acknowledging the hostile conditions and ‘unequal power relations’ that dictate their work.<sup>29</sup> In doing so,

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<sup>24</sup> Kannabiran and Jagani (n 11) 50.

<sup>25</sup> Kannabiran and Jagani (n 11) 49.

<sup>26</sup> Kannabiran and Jagani (n 11) 47.

<sup>27</sup> Kannabiran and Jagani (n 11) 50.

<sup>28</sup> Kannabiran and Jagani (n 11) 53.

<sup>29</sup> Kannabiran and Jagani (n 11) 54.

Kannabiran and Jagani confront the complexities and tensions that emerge in theorising transgressive sexual and reproductive labour, the lived realities of which cannot be neatly reduced to either victimhood or agency.<sup>30</sup> State responses rooted in patriarchal morality and centred on criminalisation, as seen even in the case of commercial surrogacy and use of assisted reproductive technologies, not only overlook the political economy of such labour but, in effect, further aggravate existing vulnerabilities.<sup>31</sup>

Instead, Kannabiran and Jagani argue for taking sex workers' demand for legal recognition seriously and for addressing the exploitative conditions and socio-economic inequities that shape the decisions regarding the experience of such labour. They posit that the goal of labour law, firmly grounded in the Constitution, should be to protect the basic rights of sex workers to equal, dignified, and human treatment in their work environments—to which all other citizens are entitled—instead of trying to 'rescue' them.<sup>32</sup>

In reimagining the right to equality, the authors align their work with Sandra Fredman's 'asymmetrical conception of substantive equality', which is based on the recognition and redressal of disadvantages tethered to specific identities.<sup>33</sup> They argue that Fredman's framework not only reveals the challenges faced by marginalised workers but also delineates law's potential and limits in bringing about any change.

Kannabiran and Jagani also expand the interpretation of 'sex' as a ground of discrimination into a 'sex-plus' category—one capable of capturing the intersectional experiences of discrimination and gender plurality.<sup>34</sup> This builds on Kannabiran's seminal work *Tools of Justice: Non-Discrimination and the Indian Constitution*, and the authors apply this progressive and purposive interpretation of Article 15 to analyse the rights to equality and non-discrimination. This interpretation reaffirms Kannabiran's strategy for the

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<sup>30</sup> See Johanna Gondouin, Suruchi Thapar-Bjorkert, Mohan Rao, 'Dalit Feminist Voices on Reproductive Rights and Reproductive Justice' (2020) 55 (40) *Economic and Political Weekly* 38, 42.

<sup>31</sup> See Madhusree Jana and Prabha Kotiswaran, 'Legal (Dis)Orders: A Feminist Assessment of India's Assisted Reproductive Technology and Surrogacy Laws' (2025) 6 (2) *Amicus Curiae* 300.

<sup>32</sup> Kannabiran and Jagani (n 11) 55.

<sup>33</sup> Kannabiran and Jagani (n 11) 31.

<sup>34</sup> *ibid.*

recognition of ‘non-specified’ or analogous grounds of discrimination under the categories specified in the Article.<sup>35</sup> Such a reading is critical for recognising the experiences of communities such as the Jogappas, whose marginalisation arises from a complex entanglement of ‘caste, class, and gender non-conformity [with] ... religiosity’.<sup>36</sup> Predominantly located in parts of Northern Karnataka, Andhra Pradesh, and Maharashtra, Jogappas are individuals assigned male at birth who dedicate themselves to goddess Yellamma and identify as her chosen daughters. While their gender transition is accorded divine sanction, Jogappas’ everyday lives are marked by social exclusion, stigma, economic precarity, and vulnerabilities relating to livelihood, healthcare, and housing. The specificity of the discrimination they experience cannot be captured solely through the framework of gender identity (which too transcends the dominant social and legal understanding of transgender) but must account for their religious embodiment and performance.<sup>37</sup>

### C. The Vulnerability of Rights

Even as the book maintains that a progressive interpretation of rights holds transformative potential for developing a framework of labour law more firmly oriented towards justice, it also foregrounds the insidious ways in which rights may be constrained through the law itself. The authors illustrate this through the ‘legislative precariousness’ of the Transgender Persons (Protection of Rights) Act (TPA) 2019, which institutes a separate, substandard regime for trans persons in matters of sexual harassment and non-discrimination in employment, inter alia. Mantouvalou describes legislative precariousness as the unique vulnerability created by law through the ‘explicit exclusion of certain groups or through offering them lower degree of protection’.<sup>38</sup>

A stark manifestation of such legislative precariousness can be seen in the regressive Transgender (Protection of Rights) Amendment Act 2026, which withdraws legal

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<sup>35</sup> Kalpana Kannabiran, *Tools of Justice: Non-Discrimination and the Indian Constitution* (Routledge India 2012).

<sup>36</sup> Kannabiran and Jagani (n 11) 39.

<sup>37</sup> Swarupa Deb and Aniket Nandan, “Transgressing Gender with Religious Sanction: The Case of the Jogappas” (Scroll, 26 August 2024) <<https://scroll.in/article/1071215/transgressing-gender-with-religious-sanction-the-case-of-the-jogappas>> accessed 30 April 2026.

<sup>38</sup> Kannabiran and Jagani (n 11) 41.

recognition from ‘persons with different sexual orientations and self-perceived gender identities’, thereby rolling back the core guarantees established by the *NALSA* judgment.<sup>39</sup> This serves as a cautionary tale about the instability of constitutional gains in the face of majoritarian political forces.

As struggles for recognition, dignity, and justice continue within and beyond the courtroom, the authors’ broader message becomes all the more relevant: the ability of constitutional guarantees to deliver justice (specifically material justice) depends on the ‘framing of the right, its underlying values, judicial attitudes’—all of which operate within complex, overlapping structures of inequality.<sup>40</sup> Consequently, the meaning and content of fundamental rights must be shaped by the lived experiences and movements led by those most vulnerable to precarity and exclusion.<sup>41</sup> The book makes it clear that transformative constitutionalism cannot remain confined to courts and judgments alone but must be sustained through broader social consciousness and collective political mobilisation.

### **III. CONFRONTING GENDERED LABOUR AND VIOLENCE IN THE MARITAL HOUSEHOLD**

By turning to the heteropatriarchal home, Chapter 6 (‘Heterosexual Prisons and Homemakers’) brings the book’s interpretative approach into the most insulated sites of gendered labour: the marital household. The domestic sphere is conceptualised as a ‘prison’ where bodies, intimacy, sexuality, reproduction, care and labour are strictly regulated through deeply entrenched patriarchal norms and structures of power.

Unlike the preceding chapters, this chapter is confined to the marital context operating within the gender binary, with a deeper focus on legal doctrine. While the authors do not explicitly account for this shift in analytical focus, it appears to be an intentional move, as domestic sphere constitutes a space where the language of privacy itself may be mobilised to sustain familial hierarchies and shield gendered violence from constitutional scrutiny.

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<sup>39</sup> The Transgender Persons (Protection of Rights) Amendment Act 2026, s 2 (iv); *NALSA* (n 10).

<sup>40</sup> Kannabiran and Jagani (n 11) 44.

<sup>41</sup> Kannabiran and Jagani (n 11) 44.

It thus provides a compelling context for analysing the limits and possibilities of claims grounded in *Puttaswamy* (and subsequently in *Joseph Shine*).

The chapter extends the alternative reading of rights developed earlier in the book to articulate claims for gender justice within heterosexual marriage, against the backdrop of a culture of ‘judicial misogyny’ in India.<sup>42</sup> *Puttaswamy*, the authors argue, has paved the way for advancing such claims by recognising decisional autonomy and bodily integrity as elements of privacy. At the same time, they caution against reductionist judicial interpretations of privacy that insist on a rigid public-private divide—a conception that perpetuates the subordination of women within familial spaces through the tacit or explicit affirmation of patriarchal expectations regarding their domestic, sexual, and reproductive roles.

The argument is developed through a close reading of judicial narratives across diverse contexts, ranging from motor vehicle accident claims involving calculation of notional income of homeworkers to cases of matrimonial cruelty<sup>43</sup> and challenges to the marital rape exception. Read through a critical feminist lens, these judgments reveal prevalent judicial presumptions of consent/choice of married women. They also expose the judicial construction of a husband’s ‘right to an ideal spouse’ and a persistent obliviousness towards women’s lived realities of curtailed agency and abuse within marriages.<sup>44</sup>

The central claim advanced in this chapter is that the issues of unpaid domestic work, domestic violence, and marital rape (‘the triad’) are interconnected and must be analysed together as manifestations of patriarchal control within marriage. The unifying principle is the ‘doctrine of implied consent’, which normalises domestic work as a legitimate expectation flowing from the marital relationship. This normalisation, in turn, legitimises domestic violence and sustains the continued retention of the marital rape exception in Indian law.<sup>45</sup>

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<sup>42</sup> Kannabiran and Jagani (n 11) 66.

<sup>43</sup> Indian Penal Code 1860, s 498A; Bharatiya Nyaya Sanhita 2023, ss 85, 86.

<sup>44</sup> Kannabiran and Jagani (n 11) 66, 67.

<sup>45</sup> Kannabiran and Jagani (n 11) 74–75.

Against this social and legal context where married women are denied any real choice or agency, the authors propose ‘contextual analysis’ in judicial decision-making as the framework for realising the promises of *Puttaswamy*. They draw on the Constitutional Court of South Africa’s decision in *Sylvia Bongi Mablangu*, where the exclusion of domestic workers from compensation for occupational injuries, disabilities, or death was challenged on the grounds of violation of their rights to dignity and equality.<sup>46</sup> In framing the right to dignity and giving effect to substantive equality, the South African court foregrounded the historical context and intersectional discrimination that shaped the position of domestic workers—a majority of whom were Black women—within society and the law.

In the Indian context, the authors turn to Justice Rajiv Shakti’s opinion in the split verdict of *RIT Foundation v Union of India*, where he held that the marital rape exception violated Articles 14, 15, and 21 of the Constitution.<sup>47</sup> Justice Shakti’s unequivocal rejection of the doctrine of implied consent and marital privacy was grounded in a careful examination of the structural constraints under which married women exercise their rights. The authors argue that this reasoning not only upheld the spirit of *Puttaswamy*, but also opens the possibility of extending the guarantee of decisional autonomy beyond sexual and reproductive matters to encompass unpaid domestic labour and care work performed by married women. Taken together, *Sylvia Bongi Mablangu* and Justice Shakti’s opinion exemplify the authors’ approach to interpreting the rights to equality and dignity through contextual and intersectional analysis advanced in this book.

### **A. The Proportionality Standard and Gender Justice**

In the final substantive chapter, Kannabiran and Jagani turn to potential challenges to their rights-claims rooted in privacy through a limited review of the proportionality standard articulated in *Puttaswamy*. Although the judges in *Puttaswamy* unanimously recognised that privacy is not an absolute right, their opinions diverged on the appropriate standard of judicial review for assessing rights-limiting measures. While the

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<sup>46</sup> *Sylvia Bongi Mablangu v Minister of Labour and other* [2020] ZAC 24.

<sup>47</sup> *RIT Foundation v Union of India* [2022] DHC 1825.

court broadly endorsed the proportionality standard as the governing framework, its precise contours, application, and relevance for adjudicating restrictions on Article 21 rights beyond privacy remained underdeveloped.<sup>48</sup>

The authors highlight the doctrinal inconsistencies that continue to shape the substance and application of proportionality jurisprudence post *Puttaswamy*, while nevertheless working with its conventional four-part structure: purpose analysis, suitability, necessity, and balancing test. Under this framework, courts must examine whether the rights-limiting measure pursues a legitimate state aim; whether it is suitable for achieving that aim; whether less restrictive alternatives are available; and finally, whether the restriction on rights is justified on a balancing of competing interests.<sup>49</sup> The authors advocate for a rigorous application of these substantive tests coupled with heightened evidentiary burden on the state whenever it seeks to restrict the rights of cis-women, trans, and queer workers, flowing from Article 21 of the Constitution. Importantly, they caution that structural flexibility of proportionality may reproduce public morality rooted in heteronormative patriarchy.

In this regard, the framing of dignity-related harms becomes especially significant. The authors demonstrate how conceptualising unpaid housework as ‘forced labour’, as argued by Agnidipto Tarafdar and Adrija Ghosh, exposes a violation of not only the right to privacy (subject to limitation clauses and proportionality standard), but also the absolute guarantees under Article 23.<sup>50</sup> This approach, when coupled with a cogent and stringent application of the proportionality standard, can advance gender justice claims rather than restrict them.

Lastly, Kannabiran and Jagani respond to the oft-raised concerns regarding judicial engagement with complex policy matters by emphasising the apex court’s role as a counter-majoritarian institution. In doing so, they argue that the judiciary bears a

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<sup>48</sup> See Aparna Chandra, ‘Proportionality in India: A Bridge to Nowhere’ (2020) 3(2) University of Oxford Human Rights Hub Journal 56.

<sup>49</sup> Kannabiran and Jagani (n 11) 91–92.

<sup>50</sup> Agnidipto Tarafdar and Adrija Ghosh, ‘The Unconstitutionality of the Marital Rape Exemption in India’ (2020) 3(2) University of Oxford Human Rights Hub Journal 202.

constitutional responsibility to secure accountability, participation, and equality for the most marginalised—both in work settings and beyond them.

#### IV. CONCLUSION

The book offers a vision of pragmatic hope. It provides a compelling roadmap for actualising the gains of *Puttaswamy* to achieve justice in its varied dimensions across the gendered worlds of labour. While just over a hundred pages long, the book is a compact but intellectually demanding read. Its strength lies in its interdisciplinary orientation and expansive engagement with the scholarship on gender and labour, through which the authors lay bare the distinctive forms of marginalisation and socio-economic deprivation endured by women, trans, and queer workers as their gender identity intersects with multiple, entangled axes of discrimination in the work sphere. In doing so, they demonstrate how the meaning and content of rights can be transformed through attention to these lived realities, structural inequalities, and the mutually reinforcing relationship between liberty, equality, and dignity.

The authors' approach to constitutional interpretation offers a broader framework for thinking about fundamental rights and state obligations beyond the world of work, extending into intimate, familial, social, and political spheres of life. The book therefore holds significance for ongoing constitutional contestations before the courts, including the challenges to the legislation governing surrogacy and assisted reproductive technologies, the recent amendments to the TPA, and the *Sabarimala* reference.

At a moment when constitutional gains remain vulnerable to majoritarian rollback, Kannabiran and Jagani remind us that the transformative potential of the Constitution depends upon continued political struggle, greater solidarities across movements in resisting overlapping forms of discrimination, and a rights-discourse shaped by voices from the margins.