
WOMEN'S RIGHTS UNDER THE INDIAN CONSTITUTION - GENDER JUSTICE

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ABSTRACT

This research paper discusses the constitutional framework that promotes and safeguard the rights of women in India. The Indian Constitution, through its Preamble, Fundamental Rights, and Directive Principles of State Policy, enshrines the principles of equality, non-discrimination, and social justice for all citizens, particularly focusing on the upliftment and protection of women. The paper critically examines key constitutional provisions such as Articles 14, 15, 16, 21, and 39, and their interpretation through landmark judgments. It also discusses the role of affirmative actions like reservations and special laws enacted for the empowerment and safety of women, including the Sexual Harassment of Women at Workplace Act. Despite the existence of a robust legal structure, the paper highlights the continuing challenges such as gender-based violence, unequal representation, and societal prejudices that hinder the realization of true gender equality. The study emphasizes the need for effective implementation of laws, judicial activism, and societal awareness to transform constitutional ideals into lived realities for Indian women.

Keywords: Gender Justice, Equality, Social Justice, Judicial Activism, Articles 14, 15, 16, 21, And 39.

INTRODUCTION:

"Equality of opportunity is only one aspect of gender justice; another is equality of dignity."

— Justice D.Y. Chandrachud, Chief Justice of India

Gender justice, a basic component of human rights, attempts to achieve fairness and equality among all genders while eliminating systematic disparities, bias, and oppression. In India, the battle for gender equity has been historically established in socio-cultural norms, but the Indian Constitution has played a vital role in formalizing and promoting this cause. The founders of the Indian Constitution were cognizant of the deep-rooted gender prejudices in Indian culture and took attempts to provide legislative provisions that would raise and safeguard the position of women and other underprivileged genders.

RESEARCH METHODOLOGY:

The analysis about This topic is purely base on doctrinal study. The data gather for this study from various sources like books, journals, magazine, newspapers, legislations, reports of various law commissions and various court judgements on regarding to this study.

GENDER JUSTICE IN INDIAN HISTORY:

Historically, women had a key role in household life, including hunting, cooking, agriculture, and decision-making within tribal societies. In the past, women were often relegated to being caretakers in households due to the use of slaves in agriculture. While women enjoyed freedom and dignity in the Vedic era, this ended in the medieval era when women were severely subjugated by men. While there have been some advancements in women's rights in the modern era, it remains a passive role¹. According to A. S. Altekar, in patriarchal countries, the birth of a girl was often considered an unwanted event. Sukhpal Kaur, the author of Women's Rights: A Historical Perspective, also said "At the time of Guru Nanak's birth, the condition of women was undoubtedly depressed and "The birth of a girl child was considered a terrible omen and a sign of disfavour²". In Manu Smriti, we find evidence of

¹ A. S. Altekar, Position of Women in Hindu Civilization: From Pre-historic times to the Present Day, Banaras: The Culture Publication House, 1983.

² Sukhpal Kaur, Women's Rights: A Historical Perspective, The Indian Journal of Political Science Vol. 70, No. 1 (JAN. - MAR., 2009), pp. 121-130.

monogamy and female virginity. It also discussed women's dignity and honour. Manu Smriti believed that monogamy was an appropriate rule for honour in marriage. During the Buddhist time, women's rights were also abused. The Muslim invasion in the Middle Ages did not help the women's situation either. Rather, it reinforced women's passivity and denied them their rights. During the medieval era in India, Muslim monarchs, particularly the Mughals, did not prioritize women's rights and roles.

However, the situation worsened with time, making the medieval period a dismal period in civilizational history. The colonial administration and nineteenth-century reformers greatly contributed to the advancement of women's rights. Several reform movements discussed the Women's causes and efforts to improve their social standing. The important figures behind women's rights campaigns were Mahadeb Govind Ranade, Ram Mohan Roy, and Ishwar Chandra Vidyasagar. The British government's supportive attitude and the assistance of others contributed to the success of various initiatives. The Indian National Science Conference, inaugurated in 1887, was a crucial step towards women's rights. In 1929, legislation was implemented that established fourteen years as the minimum marriage age for females.

Vidyasagar was a prominent activist and reformer who challenged the practice of child marriage. The British government's colonial period was extremely important in the advancement of Women in Indian society. The western attitude toward women altered in the latter half of the nineteenth century, and as a result of this shift, the British government took a more open-minded approach to women's liberation from severe patriarchy. Sophie M. Tharakan and Michael Tharakan³, in their paper *Status of Women in India: a Historical Perspective*, stated that "... British Indian legislation helped advance the cause of women's property rights. It was the British monarchs who established the privilege of a brotherless daughter to be deemed the absolute heir to her father's property."

After India gained independence in 1947, feminist activists continued to advocate for women's rights and freedom. Despite equal opportunity and rights for women, they were not fully implemented in India. However, the Constitution guaranteed them equal treatment and fairness. The Indian Constitution guarantees equal rights for all people, regardless of gender, establishing a legal basis for women's equality. Through proper education and self-awareness

³ Sophie M. Tharakan and Michael Tharakan, *Status of Women in India: A Historical Perspective*, *Social Scientist*, Vol. 4, No. 4/5, Special Number on Women (Nov. - Dec., 1975), pp. 115-123.

are believed to be necessary for women to break away from patriarchal norms. The position of women has evolved dramatically and is constantly evolving, yet the status of women has been hampered in India.

GENDER EQUALITY AND INDIAN CONSTITUTION:

The Indian Constitution emphasizes gender equality in its Directive Principles, Fundamental Duties, Preamble, and Fundamental Rights. The Indian Constitution not only guarantees women's equal rights, but it also enables the Centre to adopt effective inequity-reduction steps in their favor. Our laws, growth strategies, and programs prioritize women's well-being within an equal political system⁴.

The Indian Constitution not only guarantees women's equality, but it also authorizes the state to use positive discrimination measures in Favor of women in order to offset their accumulated socioeconomic, educational, and political disadvantages. Fundamental rights, among other things, promote equality before the law and equal protection under the law; ban discrimination against any citizen on the basis of religion, race, caste, gender, or place of birth; and give equal job opportunities to all people. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c), and 42 etc., of the Constitution are particularly relevant in this context.

The Central Government has endorsed several international human rights treaties and accords, including those promoting equal protection for women. However, few people are aware of these protections. It is extremely important for everyone to understand their rights and remedies in case of violation, especially for those who are exploited⁵.

FUNDAMENTAL RIGHTS: The fundamental rights entrenched in the Indian Constitution serve as the foundation for women's rights. These rights serve as the foundation for advancing gender equality and protecting women from discrimination and injustice.

Article 14: Right to equality:

Article 14 of the Indian Constitution gives every citizen the "right to equality", stating

⁴Wasif Shaikh, Role of Indian Judiciary in Neutralizing Gender Equality, available at: <https://www.legalserviceindia.com/legal/article-6663-role-of-indian-judiciary-in-neutralizing-genderequality.html>.

⁵ Ibid

that the state must not deny any person equality before the law or equal protection under the law within India's territory. This clause is critical in guaranteeing that women have the same rights and opportunities as men, creating the framework for gender equality in politics, the economy, and society.

Articles 15(1) and 15(3) prohibit discrimination and include special provisions⁶.

While Article 15(1) prevents the state from discriminating on the basis of religion, race, caste, gender, or place of birth, Article 15(3) allows the state to establish specific arrangements for women and children. These provisions ensure that women do not face arbitrary discrimination while simultaneously permitting affirmative action to rectify historical and structural gender disparities.

Article 16: Equal Opportunity in Public Employment

Article 16 extends the right to equality to the domain of employment, ensuring equal employment prospects for all citizens in matters concerning employment or appointment to any position under the State. This clause is vital for ensuring that women have equal access to public sector positions as men.

DPSP: The Directive Principles of State Policy serve as guidance for India's federal and state governments, with the goal of constructing a just society. These principles, while not enforceable by courts, are vital to the country's government and require the State to respect them while enacting legislation.

Article 39(a), Article 39(d) and Article 39A: Ensuring Economic Justice and Legal Aid

Article 39(a) requires the state to ensure that men and women have equal access to a decent standard of living. Article 39(d) goes a step further, ensuring equal compensation for equal labor for both men and women, with the goal of eliminating wage differences due to gender. Article 39A emphasizes the promotion of justice based on equal opportunity, guaranteeing that no citizen is denied access to justice because of economic or other barriers. These articles jointly seek to achieve economic justice and equal opportunity for women.

⁶ Ministry of Law and Justice. *The Constitution of India*. Government of India, 2021.

Article 42:

Its state about maternity benefit of women's. The Maternity Benefit Act, 1961, was enacted in conformity with Article 42 and demonstrates the State's commitment to guaranteeing reasonable and humane working conditions and maternity assistance for women. This section demonstrates the Constitution's concern for the health and well-being of women in the workplace.

FUNDAMENTAL DUTIES AND RESPECT FOR WOMEN

Article 51A(e) of the Constitution emphasizes every citizen's moral duty to refrain from acts that are damaging to women's dignity. This clause is crucial in promoting a culture of respect and dignity for women, encouraging citizens to remove activities that degrade or discriminate against women.

CONSTITUTIONAL PROTECTIONS FOR WOMEN'S PARTICIPATION IN LOCAL GOVERNANCE.

Articles 243-D (3), 243-D (4), 243-T (3), and 243-T (4) stipulate that, in accordance with local body reservation rules, women must hold one-third of the seats in Panchayats and Municipalities through direct election. Additionally, women would be given a third of the positions as chairpersons in all levels of municipalities and panchayats.⁷

GENDER JUSTICE AND SPECIAL INITIATIVE BY GOVERNMENT

1. The National Commission for Women was established by the government in January 1992 with a specific mandate to research and monitor everything related to the constitutional and legal guarantees given to women, review current legislation and make revisions as needed, and so on.
2. **Reservation for Women in Local Self-Government:** The 73rd Constitutional Amendment Acts, approved by Parliament in 1992, guarantee women one-third of all elected positions in local governments, whether rural or urban.

⁷ Dhanda, Amita. "Reservations for Women: A Constitutional Perspective." *Indian Journal of Gender Studies*, vol. 6, no. 1, 1999, pp. 1–22.

3. The **National Plan of Action for the Girl Child (1991–2000)**: The Action Plan aims to ensure the survival, safety, and growth of female children, ultimately leading to a better future for them.
4. National Policy for the Empowerment of Women, 2001 In 2001, the Ministry of Human Resource Development's Department of Women and Child Development created the National Policy for Women's Empowerment. The policy aims to encourage women's growth, development, and empowerment.
5. The Protection of Women from Domestic Violence Act, 2005 Provides protection to women from physical, emotional, sexual, and economic abuse within domestic relationships.
6. In accordance with the Supreme Court's Vishaka recommendations (1997), the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 upholds women's right to a safe and secure workplace.

GENDER JUSTICE AND INDIAN JUDICIARY⁸:

Gender equality and impartiality in the court can lead to significant societal transformations⁹. The judiciary's rulings develop societal norms via established state-citizen engagement. The court's effect extends beyond direct contact with individuals. The judiciary may not always be successful in promoting gender equality, as customary rules may still control many individuals.

The Indian judiciary's decisions have significantly influenced and altered societal standards.

In the **Dharwad District PWD Employees Association vs. State of Karnataka & Ors case**¹⁰, the Court ruled that workers should not face gender discrimination and should be fairly compensated for their work. Article 39(d) of the Indian Constitution requires equal consideration for both men and women for equal or similar work, and Article 16 ensures equal opportunity for all citizens in employment.

⁸ Baxi, Upendra. "Gender Justice and the Indian Constitution: A Jurisprudential Perspective." *Indian Journal of Constitutional Law*, vol. 2, no. 1, 2008, pp. 1–21.

⁹ Agnes, Flavia. *Law and Gender Inequality: The Politics of Women's Rights in India*. Oxford University Press, 2001.

¹⁰ 1990 AIR 883, 1990 SCR(1) 544.

In *Air India Etc. vs. Nergesh Meerza*¹¹, it was found that Indian airlines' policies violated Article 14 of the Indian Constitution. The regulation states that air hostesses cannot marry for the first four years of service, will be terminated if pregnant, and will retire at 35 unless the managing director extends their contract. The Supreme Court ruled that terminating employment due to a first pregnancy violates Article 14. Additionally, the managing director's extension of employment violates the principle of equality established by Article 14, as it gives unrestricted power to one person.

In the case of *Mohd. Ahmed Khan vs. Shah Bano Begum And Ors*¹², the Supreme Court of India decided that a Muslim husband is required to pay maintenance to his divorced wife if she is unable to support herself beyond the iddat term. Regardless of faith, all husbands are subject to Section 125 of the 1973 Code of Criminal Procedure, which requires the husband to provide for his divorced wife.

Gender equality is founded on fundamental rights under Articles 14, 19, and 21 of the Indian Constitution, according to the Supreme Court of India's ruling in *Vishakha v. State of Rajasthan*¹³. These rights are obviously violated by sexual harassment at work, which also goes against the gender equality concept. International aid is necessary when domestic law is unable to resolve the problem. Employers were required to give workers, particularly women, a fair, secure, and comfortable workplace.

The Supreme Court reversed its own ruling in *Sowmithri Vishnu vs. Union of India & Anr*¹⁴, which decriminalized adultery and struck it from the Indian Penal Code, in *Joseph Shine v. Union of India*¹⁵. The court decided that because the law solely took into account the husband of the adulteress who was wronged and the wife of the adulterer had no interests, it was based on gender stereotypes and violated Articles 14 and 15 of the Constitution. Since criminalizing interpersonal interactions would violate one's right to privacy, the Court decided that adultery is not a crime.

¹¹ AIR 1981 SC 1829.

¹² 1985 SCR (3) 844.

¹³ AIR 1997 SC 3011.

¹⁴ (1985) SCC 137.

¹⁵ AIR 2018 SC 4898

CHALLENGES FOR GENDER JUSTICE UNDER THE INDIAN CONSTITUTION AND JUDICIARY

Achieving substantive gender justice in India is still difficult due to a number of institutional, legal, and sociocultural obstacles, even with the progressive framework of the Indian Constitution and the judiciary's active role in interpreting and extending gender rights. Here are a few of the main challenges:

1. Patriarchal Social Structures

Indian society continues to be heavily influenced by **patriarchal norms**, where men often hold dominant positions in both public and private spheres. These cultural attitudes deeply affect the implementation of gender-just laws and contribute to the normalization of discriminatory practices against women.

- **Social stigma** discourages women from reporting crimes like domestic violence, sexual harassment, or marital rape.
- Women's roles are often confined to caregiving and domestic responsibilities, which limits their participation in economic and political life.

2. Gaps Between Law and Implementation

Although India has enacted several laws aimed at protecting and empowering women, **enforcement remains weak** due to bureaucratic inefficiency, corruption, and lack of political will. The **Protection of Women from Domestic Violence Act, 2005** suffers from underreporting, inadequate training of law enforcement officials, and poor implementation. **Fast-track courts** and legal aid mechanisms for women are still insufficient and often inaccessible to rural and marginalized communities

3. Gender Bias in the Legal System

The Indian legal system, despite its constitutional mandate, is not free from **gender biases**. **Lack of gender sensitivity among police officers and judges** can result in re-victimization of women during legal proceedings. The **underrepresentation of women in the judiciary** and legal profession limits diverse perspectives and gender-sensitive interpretations of law.

4. Inadequate Representation in Political and Judicial Institutions

Women remain underrepresented in **Parliament, State Legislatures, and the Judiciary**, affecting the creation and enforcement of gender-just laws. The **Women's Reservation Bill**, which seeks to reserve 33% of seats for women in legislatures, remained pending for decades (though now passed in 2023, its implementation is awaited). As of 2025, **only a small percentage of High Court and Supreme Court judges are women**, limiting the development of inclusive jurisprudence.

5. Resistance to Gender-Reform Laws

Gender-focused reforms often face **opposition from conservative and religious groups**, who argue that such laws interfere with personal laws or threaten cultural traditions. For example, the **abolition of triple talaq** and calls to criminalize **marital rape** have been met with significant political and social resistance. The **plurality of personal laws** in matters of marriage, inheritance, and custody often leads to conflicting standards and perpetuates gender injustice.

6. Lack of Gender-Disaggregated Data and Research

Policy-making and judicial decision-making are often hampered by **insufficient data** on gender-specific issues, especially in rural and marginalized areas. **Lack of empirical studies** on the impact of gender laws limits evidence-based reform. Inadequate data also means that many gender-specific issues, such as unpaid care work, reproductive rights, and digital gender divides, remain under-addressed.

7. Delayed Judicial Processes

The **slow pace of the judicial system** remains a major impediment to timely justice for women. Cases related to gender-based violence often linger in courts for years. The **low conviction rates** in crimes like rape and sexual harassment contribute to a lack of faith in the justice system.

SUGGESTIONS AND SOLUTIONS FOR ACHIEVING GENDER JUSTICE IN INDIA

1. Gender Sensitization and Legal Literacy

Mandatory gender sensitization training should be provided to police, judiciary, bureaucrats, and healthcare professionals to handle gender-related cases with empathy and understanding. **Legal literacy programs** should be expanded, especially in rural areas, to inform women about their constitutional and legal rights.

2. Institutional Strengthening and Reforms

creation of women's assistance desks and gender justice cells in all police stations and courts. To guarantee prompt and equitable reparation, enhance the operation of National/State Women Commissions and fast-track courts. Establish a unified civil code that honors cultural variety and advances gender parity.

3. Increasing Women's Representation

Make sure the Women's Reservation Bill is promptly implemented in local and legislative authorities. Encourage the appointment of more female judges to the Supreme Court and High Courts in order to advance judicial diversity. It is necessary to encourage (or perhaps require) political parties to run a specific proportion of female candidates.

4. Reforming and Expanding Gender Laws

Criminalize **marital rape** and recognize it as a violation of a woman's bodily autonomy under Article 21. Update outdated personal laws related to **inheritance, marriage, and divorce** to reflect constitutional principles of equality. Strengthen laws against **cyberbullying and digital harassment**, which increasingly target women and girls.

5. Enhancing Data Collection and Research

Create a consolidated gender justice data platform to release de-identified information on representation, legal results, and gender-based violence. For evidence-based policymaking, support independent studies on the socio-legal effects of gender justice initiatives.

6. Economic Empowerment and Social Welfare

Expand access to **education, skill development, and employment opportunities** for women, especially from marginalized communities. Provide **social protection schemes**, including maternity benefits, subsidized childcare, and safety in public transportation. Support

entrepreneurship and financial independence for women through loans, training, and market access.

7. Role of Civil Society and Media

NGOs and community-based organizations must partner with the government to **monitor implementation** of gender laws and **provide grassroots support**. Use **media campaigns** and digital platforms to promote **gender-equitable values**, highlight success stories, and counter patriarchal narratives.

RECENT GENDER JUSTICE ISSUES IN INDIA

1. Kolkata Doctor Rape and Murder Case (August 2024)¹⁶

A police volunteer raped and killed a 31-year-old female trainee doctor at R.G. Kar Medical College in Kolkata in August 2024. Protests across the country, medical professional strikes, and calls for improved safety precautions for women were all sparked by the occurrence. The case raised questions about the efficacy of current legal frameworks and exposed systemic shortcomings in guaranteeing women's safety.

2. Menopause and Workplace Discrimination¹⁷

Midlife women in India face compounded discrimination in the workplace due to ageism and menopause-related biases. Despite their experience and capabilities, many encounter career stagnation and lack of support during perimenopause and menopause, leading to calls for more inclusive workplace policies.

3. Persistent Low Conviction Rates in Rape Cases¹⁸

Despite legal reforms post-2012, India continues to grapple with high rates of sexual violence and low conviction rates. In 2022, over 31,000 rape cases were reported, but conviction rates

¹⁶ "Indian court sentences a police volunteer to life in prison in the rape, killing of trainee doctor." *AP News*, 2024, <https://apnews.com/article/7be157029ab2a40a310ea9a5c4a593d7>.(AP News)

¹⁷ Bhowmick, Nilanjana. "I'm a woman of 48 – and as replaceable in the office as the swivel chair at my desk." *The Guardian*, 7 May 2025, <https://www.theguardian.com/global-development/2025/may/07/women-inequality-menopause-perimenopause-ageing-india-career-workplace-employers>.(The Guardian)

¹⁸ "India's struggles with high rape cases, low conviction rates." *Reuters*, 15 Aug. 2024, <https://www.reuters.com/world/india/indias-struggles-with-high-rape-cases-low-conviction-rates-2024-08-15/>.(Reuters)

remained around 27-28%, underscoring challenges in the legal system's response to sexual violence.

4. Gender Inequality in the Informal Sector¹⁹

Women in India's informal sector face significant barriers to justice, including stigma, fear of retaliation, and institutional challenges. The government's failure to ratify international conventions like the ILO's Violence and Harassment Convention (C190) further exacerbates these issues.

5. Gender Pay Gap and Economic Disparities²⁰

Despite women's increasing participation in the workforce, significant pay disparities persist. Implicit biases in hiring and promotion, lack of mentorship opportunities, and unequal access to career advancement contribute to the ongoing gender pay gap in India.

6. Release of the Hema Committee Report²¹

The Hema Committee, established to investigate sexual harassment in the Malayalam film industry, submitted its report in 2019. However, the report was only partially released in 2024 after legal interventions, revealing systemic issues and the existence of an all-male power group influencing the industry.

7. India's Decline in Global Gender Gap Rankings²²

According to the Global Gender Gap Report 2024, India fell to 129th place, indicating difficulties with women's political empowerment and educational attainment. The need for fresh efforts to eliminate gender inequities is highlighted by this decline.

¹⁹ "World Report 2024: India." *Human Rights Watch*, 2024, <https://www.hrw.org/world-report/2024/country-chapters/india>. (Human Rights Watch)

²⁰ "India's Struggle and Progress toward Gender Pay Parity." *Journal of the American Society of Cytopathology*, 2024, https://journals.lww.com/jasc/fulltext/2024/05010/from_rupees_to_rights__india_s_struggle_and.1.aspx. (Lippincott Journals)

²¹ "Hema Committee report." *Wikipedia*, 2024, https://en.wikipedia.org/wiki/Hema_Committee_report. (Wikipedia)

²² "India's Gender Policy: Successes, Shortcomings, and the Way Forward." *Rising Powers Initiative*, 25 July 2024, <https://www.risingpowersinitiative.org/2024/07/25/indias-gender-policy-successes-shortcomings-and-the-way-forward/>. (Rising Powers Initiative)

8. Supreme Court's Directive on UGC Regulations²³

In April 2025, the Supreme Court allowed the University Grants Commission (UGC) to finalize and notify draft regulations addressing ragging, sexual harassment, and discrimination in higher education institutions, aiming to enhance safety and inclusivity on campuses.

9. Chief Justice Emphasizes Women's Participation²⁴

Chief Justice D.Y. Chandrachud highlighted the disparity between women's labor force participation (37%) and their contribution to GDP (18%), emphasizing the need for increased inclusion of women in various sectors to build a better society.

10. UNICEF's Efforts to Change Negative Gender Norms²⁵

UNICEF India has been actively working to change harmful gender norms through communication strategies that address issues like unequal feeding practices, investment in education, and dowry traditions, aiming to promote gender equality from a young age.(UNICEF)

CONCLUSION:

According to the World Economic Forum's Global Gender Gap Report 2020, India ranked 112th out of 153 nations in terms of gender equality. The country struggled with women's economic involvement, education, health, and political empowerment. Spending for gender-specific Programmes have also diminished over time. More investment is needed to improve the performance of these variables, as well as the timely and effective execution of government programs and justice delivery by courts throughout time. Only then can society's genuine belief in gender equality be established²⁶.

²³ "SC allows UGC to notify draft regulations on ragging, sexual harassment, discrimination." *The Economic Times*, 24 Apr. 2025, <https://economictimes.indiatimes.com/topic/gender-justice>.(The Economic Times)

²⁴ "Equal Participation of Women Important for Better Society: Chief Justice D.Y. Chandrachud." *NDTV*, 2024, <https://www.ndtv.com/india-news/equal-participation-of-women-important-for-better-society-chief-justice-dy-chandrachud-6580303>.(www.ndtv.com)

²⁵ "Gender equality | UNICEF India." *UNICEF*, <https://www.unicef.org/india/what-we-do/gender-equality>.(UNICEF)

²⁶ Sunanda Rai and Dr. (Prof.) Simranjeet Kaur Gill: GENDER EQUALITY: ROLE OF INDIAN CONSTITUTION AND JUDICIARY, *IJIRL*, Volume II issue III / ISSN : 2583-0538 (<https://ijirl.com/wp-content/uploads/2022/06/GENDER-EQUALITY-ROLE-OF-INDIAN-CONSTITUTION-AND-JUDICIARY.pdf>)

Gender justice in India, though constitutionally enshrined, remains a **work in progress**—shaped by evolving interpretations, dynamic social movements, and the constant pushback against patriarchal norms. The Indian Constitution, through Articles 14, 15, and 21, lays a strong foundation for equality and dignity. Landmark judgments like *Vishaka v. State of Rajasthan* and *Joseph Shine v. Union of India* have extended the meaning of these rights beyond formal equality into substantive justice. However, **real-world gender disparities** in representation, safety, pay equity, and access to justice persist as major challenges²⁷.

In the current climate, recent cases of **gender-based violence**, regressive workplace norms, and underrepresentation in leadership roles reveal the **deep-rooted cultural and institutional barriers** that inhibit women's empowerment and equality. While laws like the **Domestic Violence Act (2005)** and the **Sexual Harassment at Workplace Act (2013)** aim to bridge this gap, their impact is often diluted due to **poor implementation**, lack of awareness, and **social stigma**²⁸.

To achieve true gender justice, India must not only **strengthen its legal institutions** but also foster a cultural transformation that **normalizes equality**. This requires education, media advocacy, political will, and grassroots activism. As Chief Justice D.Y. Chandrachud rightly observed, Equal participation of women is essential for building a better society.²⁹ This vision of justice must move beyond symbolic commitments to **practical enforcement and inclusive growth**, ensuring that every individual irrespective of gender can live with dignity, security, and opportunity.

The judge must uphold the concept of equality and interpret legislation accordingly. Constitutional measures must be made to empower women in our society and to change any current rules that prohibit women from making choices and taking advantage of all life's chances. Governments must adopt programs, schemes, funds, and welfare policies to empower women in social, economic, and educational areas. Initiatives are necessary to modify societal understanding.

²⁷ "India's Struggles with High Rape Cases, Low Conviction Rates." *Reuters*, 15 Aug. 2024, www.reuters.com/world/india/indias-struggles-with-high-rape-cases-low-conviction-rates-2024-08-15/.

²⁸ "World Report 2024: India." *Human Rights Watch*, 2024, www.hrw.org/world-report/2024/country-chapters/india.

²⁹ "Equal Participation of Women Important for Better Society: Chief Justice D.Y. Chandrachud." *NDTV*, 25 Mar. 2024, www.ndtv.com/india-news/equal-participation-of-women-important-for-better-society-chief-justice-dy-chandrachud-6580303.