

## Strengthening Part Iii & Iv of Constitution @ 75 Years: A Reflection of Equality and Justice for All Genders

Rupesh Chandra Madhav<sup>1</sup>, Yogita Gautam<sup>2</sup>

<sup>1</sup>Ph.D Research Scholar, School of Law, Maharaja Agrasen University, Baddi, HP, India.

<sup>2</sup>Assistant Professor, School of Law, Maharaja Agrasen University, Baddi, HP, India

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### ABSTRACT

The goal of the feminist movement is to treat all people equally, regardless of gender. Men and women must be treated equally in all areas of society. To achieve gender equality, several interrelated social, political, environmental, cultural and educational conditions must be met. Many people around the world are realizing that progress is impossible as long as half of the population is disabled. Women face a multiplicity of complex issues. Apart from these concerns, the status of women in many cultures around the world remains deplorable, as women have no say over their own bodies or the bodies of their children. Women have long been considered vulnerable in society due to their physical, mental, and economic limitations. We live in a patriarchal society, where women have always been treated as second-class citizens and subjected to various forms of oppression.

Combination of male dominated society, vote bank politics and economic realities has led to a refusal, to question the clerics on their interpretation of the personal laws such as Shariah, Manu Smriti etc. But society is changing with more education and exposure. More and more women are talking about these things and people have started saying that there is a need to change in Personal Laws. Women are not ready to accept old practice like triple talaq, polygamy, ban on entry in religious places etc. In this Article Authors has explained the various judgments and Legislations for understanding the Journey of 75 years of the Constitution for the purpose of analyzing the development towards achieving the goal of gender justice..

**Keywords:** *Justice , Gender Justice, Equality, Constitution, Dignity*

### 1. INTRODUCTION

**IT'S ESSENTIAL** to understand that human dignity goes beyond gender—there are no superior or inferior distinctions. The physical differences between men and women shouldn't determine how justice is distributed. Since women make up about half of the global population, building a society rooted in gender justice is not just the right thing to do; it's also necessary for practical reasons. Such a society can promote peace at home, in communities, and at the national level. When women have equal opportunities and rights, they can play active roles in nation-building and contribute to the development of their communities, leading to greater satisfaction and a stronger sense of purpose within society.

The concept of fraternity in the Preamble fosters a sense of respect and dignity among all citizens, creating an environment where every gender is valued.<sup>3</sup> Every word in the Constitution is chosen carefully and has great importance. It is essential to treat everyone equally, regardless of race, gender, status, or wealth. The Indian Constitution's Preamble focuses on the dignity of individuals and the need for equal access to rights. Gender justice, as outlined by the Preamble, is a core principle that envisions an inclusive and equitable society, where social, economic, and political justice prevail, freedom of expression is

<sup>1</sup> Ph.D Research Scholar, School of Law, Maharaja Agrasen University, Baddi, HP, India.

<sup>2</sup> Assistant Professor, School of Law, Maharaja Agrasen University, Baddi, HP, India.

<sup>3</sup> The Supreme Court of India, in various judgments, has reiterated that the dignity of the individual, as assured by the Preamble, includes the dignity of women and other genders, and any act that degrades this dignity is a violation of the constitutional mandate (*National Legal Services Authority v. Union of India*, 2014).

upheld, equality of status and opportunity is ensured, and the dignity of every individual is respected.<sup>4</sup> These principles are essential for achieving a just and fair society where all genders can equally thrive.<sup>5</sup>

Indian Constitution gives special status to the women, Art 15(3) and Art 16(3) empowers the state “to make special provision for the women and children.” Under Panchayat Raj, they are being empowered by providing them representation.<sup>6</sup> An effort has been made for representation of women in legislature by providing 33% reservation for women in the Legislative Assembly and Lok Sabha.<sup>7</sup>

## 2. FUNDAMENTAL RIGHTS AND GENDER JUSTICE

Fundamental rights are essential for maintaining individual dignity and fostering an environment where every person can reach their full potential. Justice Bhagwati highlighted that these rights embody the core values cherished by Indians since ancient times, aiming to protect individual dignity and support comprehensive personal development.<sup>8</sup> In the *M. Nagaraj v. Union of India*<sup>9</sup> case, the Supreme Court emphasized that fundamental rights are inherent to individuals as human beings, not granted by the state or dependent on constitutional provisions. Despite progress in reducing caste and creed biases, gender biases remain significant. Gender justice seeks equitable treatment and opportunities for all genders, including women, men, and non-binary individuals. There is a deep connection between fundamental rights and gender justice, as fundamental rights are meant to be universal and transcend gender distinctions. However, gender-based discrimination still exists, undermining these rights for marginalized groups, especially women and LGBTQ+ individuals. Fundamental rights provide a framework for protecting the liberty and dignity of all society members, while gender justice works to address gender disparities and ensure equal treatment and opportunities for all genders. Together, they create a foundation for a more just and inclusive society, promoting equality and fairness for everyone.

Under Article 14, gender justice is achieved by ensuring that both men and women have equal rights and opportunities and those discriminatory practices are abolished. The judiciary has played a crucial role in interpreting Article 14 to advance gender justice through landmark judgments. One such case is *Air India v. Nargesh Meerza*,<sup>10</sup> where the Supreme Court offered a comprehensive interpretation of Article 14, asserting that employment opportunities cannot be denied based on gender. The Court emphasized that criteria such as height, age, appearance, and perceived glamour are irrelevant to the gender of candidates for inflight services. Another landmark judgment was in *Vineeta Sharma v. Rakesh Sharma*,<sup>11</sup> where the Supreme Court affirmed daughters' equal coparcenary rights within Hindu Undivided Families, eliminating discriminatory inheritance practices regardless of their birth year relative to the 2005 amendment to the Hindu Succession Act, 1956. In the notable *Shayara Bano vs. Union of India*<sup>12</sup> case, also known as the "Triple Talaq case," the Supreme Court declared the practice of triple talaq unconstitutional, illegal, and void, highlighting its violation of Muslim women's fundamental rights under Articles 14, 15, 21, and 25. This judgment was a significant step toward gender equality and justice in India. Subsequently, *Young Lawyers Association vs. Union of India*<sup>13</sup> tackled the Sabarimala temple entry issue, with the Court ruling that the ban on menstruating-age women entering the temple was unconstitutional and discriminatory. The ruling in *Navtej Singh Johar v. Union of India*<sup>14</sup> marked a progressive shift by decriminalizing consensual homosexual acts, affirming the fundamental rights and liberties of LGBTQ+ individuals, and striking down the outdated Section 377 of the

<sup>4</sup> The Constitution of India, through Articles 14, 15, and 16, enshrines the right to equality. Article 15 specifically prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, thereby promoting gender equality (The Constitution of India, 1950).

<sup>5</sup> The commitment to gender justice in the Indian Constitution has been reinforced through various amendments and judicial pronouncements that strive to eliminate gender-based discrimination and promote equality (The Constitution (Eighty-Sixth Amendment) Act, 2002; Supreme Court of India, *Vishaka & Others v. State of Rajasthan*, 1997)

<sup>6</sup> Art 243D of Indian Constitution ensures participation of women in Panchayati Raj Institutions by mandating at least 1/3rd reservation for women out of total number of seats to be filled by direct election and number of offices of chairpersons of Panchayats.

<sup>7</sup> Art 239AA, 330A, 332A of Indian Constitution was inserted by 106<sup>th</sup> Constitutional Amendment Act 2023 which provide the 1/3 reservation of women Assembly of NCT Delhi, all State Assemblies and House of People.

<sup>8</sup> *Maneka Gandhi v. Union of India*, 1978 AIR 597

<sup>9</sup> (2006) 8 SCC 212

<sup>10</sup> (1981) 4 SCC 335.

<sup>11</sup> (2020) 9 SCC 1

<sup>12</sup> (2017) 9 SCC 1

<sup>13</sup> (2019) 11 SCC 1

<sup>14</sup> (2018) 10 SCC 1

IPC as unconstitutional. Finally, in *Joseph Shine v. Union of India*,<sup>15</sup> the Supreme Court invalidated Section 497 of the Indian Penal Code concerning adultery, citing its discriminatory nature and objectification of women in marital relationships. The Court emphasized that adultery could be grounds for divorce but should not be criminalized.

These significant judgments collectively illuminate the path toward a more inclusive and equitable society, championing the principles of equality and justice for all individuals, regardless of gender or sexual orientation.

The Hindu Minority and Guardianship Act (HMGA) of 1956 outlines three types of guardians: natural guardians, testamentary guardians, and guardians appointed by court. For legitimate children, the father is the primary natural guardian, while the mother is considered secondary. However, custody is generally given to the mother until the child is five years old, acknowledging the strong emotional connection between mother and child.<sup>16</sup> The terms 'father' and 'mother' also includes adoptive parents, but not to step-parents. For illegitimate children, the mother is the first natural guardian, followed by the presumed father.

The Supreme Court in the case of *Jijabai Vithalarao Gajre v. Pathankhan*<sup>17</sup> recognized the mother's role as a natural guardian despite the father's presence since he was uninvolved. In another case, *Githa Hariharan v. Reserve Bank of India*<sup>18</sup> the Court argued that the law's wording, which positions the mother as secondary, contradicted constitutional equal rights. The Court suggested that 'after' should be interpreted as 'in the absence of' the father, highlighting a need for legal changes to ensure equal guardianship rights for both parents.

### Right to Life and Gender Justice

Article 21 of the Indian Constitution is guaranteeing the fundamental rights to life and personal liberty. These rights are fundamental for maintaining every individual's dignity, autonomy, and well-being, highlighting the importance of human rights and justice in society. The right to life acknowledges the intrinsic worth and value of every human being, asserting that no one should be arbitrarily deprived of life. This right includes not only protection from unlawful killing but also safeguards against torture, violence, and abuse. Rooted in the principles of equality, justice, and human dignity, the right to life shapes ethical and legal standards related to the sanctity of human life. International human rights documents, such as the "Universal Declaration of Human Rights" and the "International Covenant on Civil and Political Rights", reaffirm the right to life as a universal and inalienable right. These treaties underscore the responsibility of governments and societies to protect and respect this right for all individuals. Globally, the right to life is a fundamental aspect of human rights frameworks, reflecting a collective commitment to valuing every human being.

Article 21 also guarantees the right to personal liberty, encompassing various freedoms and protections essential for individual autonomy and decision-making. This includes protection against arbitrary arrest, detention, or imprisonment, as well as guarantees of due process and fair trial procedures. Personal liberty also covers the right to freedom of movement, privacy, and autonomy over one's body and personal choices. While the right to personal liberty is fundamental, it is not absolute and can be limited under specific circumstances, such as issues involving national security, public order, or the protection of others' rights and freedoms. Any restrictions on personal liberty must be proportionate, necessary, and lawful to ensure the preservation of individual rights and freedoms.

The intersection of these two concepts (i.e. right to life and gender justice) is significant because gender-based discrimination and violence often infringe upon individuals' right to life. For example, gender-based violence, including domestic violence, sexual assault, and harmful traditional practices like female genital mutilation, can threaten women's and girls' right to life and safety. Similarly, discriminatory laws and practices that limit women's access to healthcare, education, or economic opportunities can also impact their ability to live a full and healthy life.

Cases related to the Right to Life and Gender Justice have been instrumental in shaping India's legal landscape. A landmark case that profoundly influenced the discourse on workplace sexual harassment and gender parity is *Vishakha v. State of Rajasthan*.<sup>19</sup> In this case, the Supreme Court of India declared that sexual harassment violates the constitutional rights to equality, life, and liberty under Articles 14, 15, and 21 of the Indian Constitution. In light of the lack of specific legislation on sexual harassment, the Court established essential guidelines to ensure gender equality in workplaces. The Vishakha guidelines aimed to create a safe and equitable work environment for women. These included an explicit ban on sexual harassment, the incorporation of anti-harassment policies in both public and private organizations, the provision of supportive work conditions, mechanisms for grievance redressal, and penalties for offenders. This landmark judgment not only tackled sexual harassment but also emphasized employers' fundamental duty to respect the dignity and rights of female employees.

<sup>15</sup> (2018) 2 SCC 189

<sup>16</sup> Sec 4(b) of the Hindu Minority and Guardianship Act, 1956

<sup>17</sup> (1999) 2 SCC 228

<sup>18</sup> (AIR 1971 SO 315)

<sup>19</sup> AIR 1997 SC 3011 : (1997) 6 SCC 241

Following the Vishakha foundation, cases like *Apparel Export Promotion Council v. A.K. Chopra*<sup>20</sup> further highlighted the importance of gender equality and protection from workplace harassment. The court reiterated that constitutional rights encompass comprehensive gender equality, requiring the prevention of harassment and abuse. The judiciary's firm stance on eliminating sexual harassment reinforced its commitment to uphold the dignity and honor of women in society. In *Bodhisattwa Gautam v. Subhra Chakraborty*,<sup>21</sup> the Supreme Court declared that rape is a heinous crime violating the victim's fundamental rights, especially the right to life with dignity under Article 21. The court's strong condemnation of sexual violence emphasized the seriousness of such offenses and the necessity to protect the inherent rights and dignity of individuals, particularly women. The case of *Laxmi v. Union of India*<sup>22</sup> drew attention to the rise in acid attacks and the need for preventive measures. The Supreme Court intervened by directing authorities to regulate the unauthorized sale of acids, underscoring the state's duty to protect citizens from such brutal acts of violence. This intervention highlighted the judiciary's role in not only adjudicating gender justice issues but also shaping policies to prevent gender-based violence.

These cases collectively highlight the interconnectedness of the right to life and gender justice within India's legal framework. The judiciary's proactive approach in safeguarding fundamental rights and ensuring gender parity demonstrates a commitment to building a society that respects and protects the dignity and rights of all individuals, regardless of gender. As the legal landscape evolves, these cases continue to serve as guiding beacons in the quest for a more equitable and just society. The intersection of the right to life and gender justice in judicial decisions showcases the judiciary's crucial role in upholding constitutional values and protecting the most vulnerable sections of society. The development of legal principles in response to gender-based injustices epitomizes the pursuit of a more inclusive and egalitarian society, where every individual is guaranteed dignity, equality, and justice under the law.

### 3. DIRECTIVE PRINCIPLES OF STATE POLICY AND GENDER JUSTICE

'Directive Principles of State Policy' Contained in Part IV (Articles 36-51) of the Indian Constitution, these provisions are not enforceable by any court. However, the principles they outline are deemed essential for the country's governance, obligating the State to apply them when creating laws to establish a just society.<sup>23</sup> Inspired by the Directive Principles in the Constitution of Ireland, these guidelines address social justice, economic welfare, foreign policy, and legal and administrative matters. The Directive Principles of State Policy (DPSP) in the Indian Constitution serve as a framework for the state to achieve a just society. Although they are not judicially enforceable, they act as a moral imperative for the government. Gender justice, which ensures equality and fairness for all genders, is a significant aspect of these principles and enshrined in the following Articles:

1. Article 39(a) directs the state to ensure that men and women equally have the right to an adequate means of livelihood. This right, rooted in social justice and human rights, guarantees access to the essentials for a dignified life, such as food, clothing, shelter, healthcare, education, and work opportunities. It is a component of economic, social, and cultural rights, supported by international treaties and national laws.
2. Article 39(d) promotes equal pay for equal work for both men and women. This principle asserts that individuals doing the same or similar jobs should receive equal pay, regardless of gender or other unrelated characteristics. It aims to eliminate wage discrimination and promote fairness, diversity, and social justice in the workplace. This principle was first considered in *Kishori Mohanlal Bakshi v. Union of India*<sup>24</sup> where the Supreme Court declared it unenforceable in court. However, in *Randhir Singh v. Union of India*<sup>25</sup>, the Supreme Court recognized it as a constitutional goal, though not a fundamental right. Article 39(d) led to the enactment of the "Equal Remuneration Act, 1976," ensuring equal pay for equal work for both men and women. This principle applies equally to men and women, including daily wage earners.
3. Article 42 provides that the state should make provisions for just and humane conditions of work and maternity relief. Maternity relief includes support and benefits for pregnant women and new mothers, such as paid maternity leave, healthcare services, maternity allowances, breastfeeding support, and workplace accommodations. These provisions aim to ensure the health and well-being of mothers and their newborns, while also facilitating a smooth

<sup>20</sup>AIR 1999 SC 625.

<sup>21</sup> 1996 AIR 922, 1996 SCC (1) 490

<sup>22</sup> 2014 SCC 4 427

<sup>23</sup> The term "State" includes all authorities within the territorial periphery of India. It includes the Government of India, the Parliament of India, the Government and legislature of the states of India. It also includes all local or other authorities such as Municipal Corporations, Municipal Boards, District Boards, and Panchayats etc. To avoid confusion with the term states and territories of India, State (encompassing all the authorities in India) has been capitalized and the term state is in lower case

<sup>24</sup> AIR..1962 SC 1139

<sup>25</sup> (1982) SCC (1) 618

transition into motherhood without financial burdens.

4. Article 44 encourages the state to secure a uniform civil code (UCC) for its citizens, which could mitigate discriminatory practices against women in personal laws. A UCC aims to replace personal laws based on religious customs with a unified set of civil laws applicable to all citizens, regardless of religion or ethnicity. This promotes equality, secularism, and gender justice by ensuring uniformity in matters such as marriage, divorce, inheritance, adoption, and succession. Proponents argue that it would promote social cohesion and eliminate discrimination, while opponents raise concerns about equality, religious freedom, and cultural autonomy. *Sarla Mudgal v. Union of India*.<sup>26</sup> The Supreme Court strongly advocated for a UCC, holding that converting to Islam solely to contract a bigamous marriage circumvents Section 494 of the Indian Penal Code, declaring such marriages bigamous and void. *Lily Thomas v. Union of India*.<sup>27</sup> While addressing the validity of a second marriage contracted by a Hindu husband after converting to Islam, the Supreme Court clarified that it had not directed the codification of a UCC. The judges expressed their views based on the specific facts and circumstances of the cases. This indicates a step back from the initial judicial activism regarding the UCC.

#### 4. GENDER JUSTICE AND FUNDAMENTAL DUTIES

Article 51A (e) explicitly imposes a fundamental duty on citizens to renounce practices derogatory to the dignity of women. This duty is crucial for achieving gender justice, as it requires active participation from individuals in challenging and changing discriminatory norms and behaviors. Citizens are expected to reject customs and traditions that degrade women. This includes practices like dowry, female infanticide, and child marriage. Citizens must promote gender equality in all spheres, including education, employment, and politics. Actively opposing gender-based violence, such as domestic violence, sexual harassment, and trafficking, is integral to this duty. The effective implementation of Article 51A (e) and other gender justice provisions requires a multifaceted approach:

1. **Legislative Reforms:** Laws need to be continually updated to address emerging challenges related to gender justice. For instance, the Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 are steps in this direction.
2. **Policy Interventions:** Government policies must support women's empowerment and gender equality. Initiatives like Beti Bachao Beti Padhao aim to improve the status of girls in society.
3. **Awareness Campaigns:** Educating citizens about their fundamental duties and the importance of gender equality can foster a more inclusive society. Campaigns can challenge deep-seated patriarchal norms and encourage progressive attitudes.
4. **Societal Attitude Change:** Long-term change requires a shift in societal attitudes towards gender roles. This involves challenging stereotypes and promoting a culture of respect and equality.

Thus the fundamental duties under the Indian Constitution, particularly Article 51A (e), play a crucial role in advancing gender justice. While the government can enact laws and policies, the onus also lies on citizens to fulfill their constitutional duties by rejecting discriminatory practices and promoting gender equality. Achieving gender justice requires a concerted effort from all sections of society to create a just and equitable environment for women.

#### 5. GENDER JUSTICE AND RIGHTS OF THIRD GENDER

Gender justice involves the equitable treatment of all individuals, irrespective of their gender identity, expression, or biological sex. It aims to address and rectify gender-based inequalities and discrimination, promoting equality and inclusivity for all genders, including the third gender. The term "third gender" generally refers to those who do not fit into the traditional binary classification of male and female, such as transgender individuals, hijras, and other non-binary or genderqueer people. In many cultures, including India, third gender identities have been acknowledged for centuries, though they have often been marginalized and discriminated against.

The legal recognition of third gender identities and the protection of their rights under the law is also basic component of Gender justice. This includes the right to self-identify and access education, healthcare, employment, and other basic rights without discrimination. Efforts towards gender justice include enacting and enforcing laws that protect individuals of all genders, including the third gender, from discrimination in areas such as employment, housing, healthcare, and education. Gender justice involves developing policies and programs that address the needs and experiences of third gender individuals. This could involve gender-neutral facilities, affirmative action in education and employment, and healthcare services tailored to the diverse needs of the third gender community. Initiatives for gender justice also focus on raising awareness and promoting acceptance of diverse gender identities. This includes challenging stereotypes and prejudices, promoting positive representations of third gender individuals in media and education, and fostering empathy and understanding within the

<sup>26</sup> 1995 SCC (3) 635

<sup>27</sup> AIR 2000 SC 1650



broader population.

As societal understanding evolves, the terms "gender" and "gender justice" have expanded to include transgender individuals and the broader LGBT community. Transgender individuals are those whose identity or behavior deviates from traditional notions of male and female roles. The Indian Constitution, while not defining "gender," has established provisions that encompass the transgender context within its interpretation of gender justice.

In the case of *National Legal Services Authority v. Union of India & Ors*<sup>28</sup> (2014), the Supreme Court ruled that the term "person" in Article 14, which ensures equality before the law, includes not only men and women but also hijras and transgender individuals. The Court affirmed that transgender people are entitled to equal rights and protections under Articles 14, 15, and 16 of the Constitution. For transgender individuals, recent legal advancements have marked significant progress toward equality and non-discrimination. The Supreme Court has recognized transgender rights as fundamental rights under Articles 14, 15, and 21. The Transgender Persons (Protection of Rights) Act, 2019, guarantees transgender individuals the right to self-identify their gender and protection from discrimination. Transgender individuals still face systemic discrimination, violence, and exclusion from society. Addressing these issues requires not only legal reforms but also greater societal acceptance, inclusive policies, and targeted efforts to meet the specific needs of transgender communities.

## 6. WOMEN RESERVATION ACT AND GENDER JUSTICE

On September 28, 2023, Hon'ble President Smt. Droupadi Murmu of India approved the Constitution (One Hundred and Sixth Amendment) Act, 2023, known as the "Women's Reservation Bill." This amendment to the Constitution mandates that one-third of all seats in the Lok Sabha (India's lower house of Parliament), the state legislative assemblies, and the Legislative Assembly of the National Capital Territory of Delhi be reserved for women. Additionally, it requires that one-third of the seats reserved for the Scheduled Castes in these legislative bodies be allocated to women.<sup>29</sup> The bill was passed by the Lok Sabha on September 20, 2023, and by the Rajya Sabha the following day.

The enactment of this bill signifies a major advancement toward gender equality and increased female representation in Indian politics. It reflects the relentless advocacy and efforts of women's rights activists and organizations who have long pushed for greater female involvement in governance. The implementation of this bill is anticipated to significantly influence policymaking and governance at both state and national levels, leading to more inclusive and equitable decision-making processes. The provision for rotating reserved seats following each delimitation exercise ensures continued opportunities for women to engage actively in the political sphere, promoting a more diverse and representative democracy.<sup>30</sup> The broad support for the bill from various opposition parties and international organizations highlights the widespread acknowledgment of the importance of empowering women in leadership roles. As India gears up for the 2029 national elections, this landmark legislative measure is expected to transform the political landscape by amplifying women's voices and perspectives in shaping the nation's future.

## 7. CONCLUSION

The Indian Constitution ensures women's rights and promotes gender equality through its guarantees of fairness, non-discrimination, and fundamental liberties to all citizens, irrespective of gender. Important constitutional provisions like Article 14 (Equality before Law), Article 15 (Prohibition of Discrimination), and Article 16 (Right to Equality of Opportunity) ensure that women have equal opportunities in areas such as employment, education, and public involvement.

The Constitution explicitly forbids discrimination based on gender and guarantees equal rights for both men and women. To uphold these principles, various legislative measures have been implemented over time to combat gender disparities and advance gender justice. Laws such as the Protection of Women from Domestic Violence Act, the Sexual Harassment of Women at Workplace Act, and the Prohibition of Child Marriage Act represent significant strides towards fostering a more equitable society. The judiciary has played a vital role in interpreting and enforcing these laws to promote gender equality. "Right to Equality and Gender Justice" embodies the fundamental principle that all individuals should be treated equally under the law, regardless of gender, race, religion, caste, or other characteristics. It guarantees that everyone has the same opportunities and rights, free from discrimination or prejudice. Gender justice specifically addresses the inequalities and injustices faced by individuals based on their gender, including combating discrimination and promoting gender equality. It ensures that women, men, and people of all genders have equal access to opportunities, resources, and rights.

<sup>28</sup> (2014) 5 SCC 438

<sup>29</sup> Women Reservation Bill available at: <https://www.loc.gov/item/global-legal-monitor/2023-11-02/india-parliament-enacts-womens-reservation-bill/?locl=calln> (Visited on Sept 13, 2024). pg. 795

<sup>30</sup> Ibid

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- [1] Ph.D Research Scholar, School of Law, Maharaja Agrasen University, Baddi, HP, India.
- [2] Assistant Professor, School of Law, Maharaja Agrasen University, Baddi, HP, India.
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- [4] The Constitution of India, through Articles 14, 15, and 16, enshrines the right to equality. Article 15 specifically prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, thereby promoting gender equality (The Constitution of India, 1950).
- [5] The commitment to gender justice in the Indian Constitution has been reinforced through various amendments and judicial pronouncements that strive to eliminate gender-based discrimination and promote equality (The Constitution (Eighty-Sixth Amendment) Act, 2002; Supreme Court of India, Vishaka & Others v. State of Rajasthan, 1997)
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- [8] Maneka Gandhi v. Union of India, 1978 AIR 597
- [9] (2006) 8 SCC 212
- [10] (1981) 4 SCC 335.
- [11] (2020) 9 SCC 1
- [12] (2017) 9 SCC 1
- [13] (2019) 11 SCC 1
- [14] (2018) 10 SCC 1
- [15] (2018) 2 SCC 189
- [16] Sec 4(b) of the Hindu Minority and Guardianship Act, 1956
- [17] (1999) 2 SCC 228
- [18] AIR 1971 SO 315
- [19] AIR 1997 SC 3011 : (1997) 6 SCC 241
- [20] AIR 1999 SC 625.
- [21] 1996 AIR 922, 1996 SCC (1) 490
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- [24] AIR..1962 SC 1139
- [25] (1982) SCC (1) 618
- [26] 1995 SCC (3) 635
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