

Engendering Justice: A Constitutional Odyssey Of Women's Rights Through History In India

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Abstract

India's journey towards gender justice in the constitution combines social struggle, legal changes, and judicial decisions working together. The constitution sought to achieve gender equality and non-discrimination, and designed to eliminate discrimination and gender hierarchy. Key Articles 14, 15, 16 and 21 of the constitution provided the basis for gender justice.

In this paper, the history and jurisprudence of women's rights in India is analyzed. Focus on the Indian judiciary's particularly the apex court's contribution towards judicial activism within the framework of women's constitutional rights is done. The judiciary was quite active as evidenced in *CB Muthamma v. Union of India* (1979) which struck down discriminatory service rules and in *Vishaka v. State of Rajasthan* (1997) which created the first comprehensive guideline for sexual harassment in the workplace.

Recent decisions like *Joseph Shine v. Union of India* (2018) removed decriminalization of adultery, which shifted the focus from protectionism to autonomy. *Navtej Singh Johar* (2018) and *KS Puttaswamy* (2017) broadened the focus of discourse on bodily autonomy, privacy and identity, which furthered feminist constitutionalism.

This paper analyzes the relationship between legislative acts and corresponding judicial decisions. Enforcement frameworks such as the Protection of Women from Domestic Violence Act of 2005 and the MTP Amendment Act of 2021 curtail violence against women. However, systemic patriarchy and intersectional violence alongside the failure to enforce existing laws continues to prevail.

Social and technological issues such as cyber harassment, data infringing, and even privacy issues need to be addressed from a technological and social perspective. In this sense, the Indian Constitution embodies both a space and a means of contestation. Empowerment is continuously contested and reshaped by the judiciary, legislative bodies, civil society, and feminist movements across the country. In this paper, the author claims that gender justice is a social collective pursuit that is continuously evolving.

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I.Introduction

1. Background and Importance of Study

The adoption of the Indian Constitution in 1950 serves as a pivotal moment in the legal and moral imagination of the country as it marked a solemn vow to be committed to liberty, equality, and justice. This commitment comes along with certain features like Articles 14, 15, and 16, which allows one to be treated equally before the law, bans discriminatory practices of caste and religion, and provides equality of opportunity in employment. However, these ideals of the constitution had to face the glaring reality of the patriarchal socio-cultural India. Indian culture and society has for so long adhered to hierarchical norms that oppressed women and gender diverse people, denying them the right to basic resources, negligible representation, and scarce societal recognition.

Patriarchal practices and norms, along with a lack of representation and robust socio-economic standing for women, has resulted in no effective means of dispute resolution. Gender equality has been agreed upon internationally, including India and the Constitution, yet it has been ineffective in practice. The reality for women has always been some legal construct, and for them to actually enjoy basic rights, the legal battles have to be fought. Indian Women, like many women across the world, have had to fight for basic rights that have been enacted through law, which have led to long battles for social justice in a process called law fare, wherein justice is fought for in legal spaces.³

In this situation, legal feminism has had an activism impact as a part of a change. Advocates of women’s rights have sought to transform the law into an emancipatory mechanism, utilizing constitutional provisions and international legal frameworks like the CEDAW, which India accepted in 1993. This activism has coincided with the emergence of potent social movements in India, for instance, the movements against dowry, custodial rape, domestic violence, workplace harassment, and personal legal discrimination. Such movements have not only galvanized public opinion but have also sparked judicial activism and legal innovations.⁴

The Supreme Court, like the rest of the Indian judiciary, has shown considerable creativity in stretching the limits of constitutional rights and expanding the scope of these rights through their reinterpretation. The court has been the site of feminist jurisprudential development and has handed down important judgments in *Air India v. Nargesh Meerza* (1981)⁵ which turned down the arbitrary rules concerning employment of women, and later on in *Vishaka v. State of Rajasthan* (1997)⁶, *Joseph Shine v. Union of*

³ iPleaders Blog, *Historical and Political Journey of Women Laws/Gender Laws* (2020), <https://blog.iplayers.in/historical-political-journey-women-laws/>

⁴ Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

⁵ *Air India Ltd. v. Nergesh Meerza*, AIR 1981 SC 1829

⁶ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

India (2018)⁷ and *Suchita Srivastava v. Chandigarh Administration* (2009)⁸. These decisions went beyond formal equality, delving into issues of women's dignity, bodily autonomy, reproductive rights, privacy, workplace harassment, and safety, and have developed a rich corpus of case law⁹ which highlights the real life's experiences of women.¹⁰

In addition, the Constitution has acted both as a shield and as a sword, a shield to unjust practices done to women, and as a sword to enable women to claim space, rights, and recognition within the legal order. This Constitution's duality as a transformative document demonstrates the foresight of the constitution's critics and defenders, as it was argued that it has not only a legal function, but rather a social blueprint for a revolution.

However, the fight for gender justice in India is still a work in progress. Numerous women face systemic hurdles, including discrimination based on caste, class, religion, region, and technology. Social backlash, implementation gaps, and inconsistent judicial support further complicate things. New emerging issues such as climate justice, surrogacy regulations, digital gender-based violence, queer rights, and even menstruation equity challenge us to re-examine the constitution from a feminist and intersectional perspective.

Therefore, this study lies at the important crossroads of constitutional law, gender theory, and social justice. It aims to extend the investigation of how Indian constitutionalism approaches the evolving needs and demands of women, and its implications regarding gender equality in a pluralistic democracy.

2. Objectives of the Study

The main goal of this study is to explore the tensions between the advances made and the gaps that continue to exist in the domain of women's rights in the Indian constitutional framework. Some specific goals are:

- To analyze the women's constitutional rights in India with regard to important constitutional milestones through the lens of their interpretation from the time of independence to the present.
- To analyze the Supreme Court of India's landmark decisions that have transformed the meaning and scope of gender justice and the judicial feminism that has shaped its discourse over time.

⁷ *Joseph Shine v. Union of India*, AIR 2018 SC 4898

⁸ *Suchita Srivastava v. Chandigarh Admin.*, AIR 2009 SC 3097

⁹ Supreme Court of India, *Landmark Judgment Summaries*, <https://www.sci.gov.in/landmark-judgment-summaries/>

¹⁰ Centre for Law and Policy Research (CLPR), *Gendering Equality: Court Decisions on Women's Rights in India* (2024), https://clpr.org.in/wp-content/uploads/2024/12/Womens-Book_Accessible.pdf

- To study the domestic legislative framework in which constitutional provisions are operationalized through the Domestic Violence Act of 2005, the Sexual Harassment Act of 2013, and the MTP Amendment Act of 2021, to name a few.
- To analyze and further address patriarchal norms, ineffective enforcement of gender-sensitive policies, legal procrastination, reactions against progressive movements, and new digital or reproductive issues that may arise.
- To evaluate and analyze contributions to legal feminism by educators or legal activists through the Lens of intersectionality which encompasses the caste system, class, religion, sexuality, and disability and how those factors merge with feminism to affect the legal sphere.
- To determine the impact of international human rights standards like CEDAW and The Sustainable Development Goals (SDG) on the development of domestic laws and the judiciary in gender matters.

II. Constitutional Provisions and Legal Framework for Women's Rights in India¹¹

1. The Fundamental Rights That Guarantee Equality of Sex

The constitution of India is a transformative document which aims not merely in providing legal equality but also seeks to ensure social and economic justice for disadvantaged and historically oppressed groups which includes women. The women's rights framework in the constitution is based on fundamental rights and directive principles of state policy, which together aim for gender justice.

- Article 14 – Everyone is Equal Before the Law and the Law Protects Everyone Equally

Article 14 is considered the founding provision of the equality principle enshrined in the Constitution. It requires the state of India not to deny any person equality before the law or equality of legal protection. The definition “equality before the law” underscores on non-discrimination; and “equal protection” guards against discrimination in dealing with like cases and requires comparable treatment. In the area of gender justice, Article 14 has been very significant in repealing laws and policies, providing equal opportunities and access to legal remedies, employment, and justice pathways.

¹¹ *Women and the Indian Constitution*, Vikaspedia, <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/women-and-the-indian-constitution>

- Article 15 – No One Shall Be Discriminated Against

Article 15 prevents the State from discrimination against any citizen on the basis of religion, race, caste, gender, or place of birth. Notably, Article 15(3) serves to empower the State with an enabling provision to make “special provisions” in favor of women and children. This has justified the creation of affirmative policies which include the granting of quotas in education, political office, and welfare policies. This provision does not make equality illusive but instead seeks to address and recognizes the entrenched inequalities in society.

- Article 16 - Equality in Public Employment

Article 16 guarantees equality of opportunity in relation to public employment and appointment to any office under the State. Article 16(4) makes provisions for affirmative action in reservations for any backward class, which in certain contexts can encompass women. This provision has been used to increase the participation of women in the civil services, judiciary, and defense forces and has safeguarded their professional advancement free from exclusion due to their gender.

- Article 21 – Guarantee of Life and Personal Liberty

Article 21 establishes that every individual has a right to life and personal liberty. The Supreme Court has interpreted this broadly to encompass the rights to dignity, privacy, control over reproduction, non-discrimination based on sexual orientation, and integrity of the body. These understandings have guided the Court in adjudicating matters of abortion, workplace harassment, spousal autonomy, and women's sexual rights.

2. Directive Principles of State Policy: Engendering Socio-Economic Entitlements

While the Directive Principles under Part IV grant no immediate judicial enforceability, they supply a normative framework guiding laws and policies aimed at gender equality:

- Article 39(a) requires the State to guarantee to every man and woman the right to a livelihood that is sufficient.

- Article 39(d) commands that equal remuneration be paid for equal work, thereby promoting economic justice between the sexes.

- Article 39(e) commits the State to protect the health and physical strength of women, prohibiting recruitment into occupations that abuse such strengths or that are inappropriate for their age.

These directives have underpinned the enactment of statutes on minimum wages, maternity entitlements, and safe working environments.

3. Key Laws Supporting Constitutional Guarantees for Women

To turn the constitutional promises of equality, non-discrimination, and dignity for women into reality, India has introduced a series of legislative measures. Among the most significant are the following:

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, set in motion after the Vishaka guidelines, spells out mandatory employer duties, prohibits sexual harassment, and establishes procedures for inquiry and redress.
- The Hindu Succession (Amendment) Act, 2005, amends the Hindu Succession Act of 1956 to eliminate gender discrimination in inheritance, ensuring daughters inherit ancestral property on par with sons.
- The Protection of Women from Domestic Violence Act, 2005, broadens the definition of domestic violence to include psychological, sexual, and economic abuse, and empowers women with interim protection orders, the right to reside in the shared household, and claims for maintenance.
- The Maternity Benefit Act, 1961, revised in 2017, guarantees 26 weeks of paid maternity leave, the right to two nursing breaks a day, and job security against dismissal during pregnancy.
- The Dowry Prohibition Act, 1961, bans the exchange of dowry and related coercion, though persistent shortcomings in enforcement temper its effectiveness.
- The Medical Termination of Pregnancy Act, 1971, revised in 2021, raises the gestational limit for legal abortion and explicitly recognises a woman's right to reproductive choice irrespective of marital status.

Together with constitutional protections, these laws form a mutually reinforcing system designed to offer Indian women a fuller and more secure rights framework.¹²

¹² LexisNexis India Blog, *Laws for Women in India: An Overview* (2024), <https://www.lexisnexis.in/blog/laws-for-women-in-india-overview>

III. Landmark Supreme Court Judgments Shaping Women's Constitutional Rights

The Supreme Court of India has deeply contributed to implementing and upholding the constitutional commitment of gender justice through expanding the conservative promise of gender justice.¹³ Moreover, the Court has cumulative progressive jurisprudence, which has removed gender stereotypes, fought against discriminatory customs, and improved women's dignity and autonomy.¹⁴

1. *CB Muthamma v. Union of India* (1979)¹⁵ - This judgment sought to reverse service regulations that employed discriminatory marital status restrictions in the Indian Foreign Service. The Court deemed the above-mentioned regulations unconstitutional under Article 14 and 16, and argued that any administrative regulation which in its operations assumes women are unfit for service is contrary to the principle of equality.
2. *Air India v. Nergesh Meerza* (1981)¹⁶ - The case is famous for abolishing the arbitrary regulations which mandated air hostesses to retire either upon marriage or upon becoming pregnant. The Supreme Court ruled that such practices are violative of Articles 14 and 21 for imposing unreasonable burdens on women, restricting their agency and perpetuating detrimental societal norms.
3. *Mary Roy v. State of Kerala* (1986)¹⁷ - The Court struck down personal laws (under the Travancore Christian Succession Act) which permitted discriminatory practices of denying women inheritance rights. The Court, upholding Article 14 remarked that personal laws are no longer legally allowed to dominate the provisions of the Constitution, affirming the women's right to property, thus reinforcing gender neutrality.
4. *Vishaka v. State of Rajasthan* (1997)¹⁸ - This was the first case that declared sexual harassment of women at the workplace as infringement of the fundamental rights of women guaranteed by the constitution of India in articles 14, 15 and 21. The Vishaka guidelines, which were prepared by the court, became the basis for the legislation that was later passed called the POSH Act. The guidelines maintained that women must always be guaranteed safe environments at places of work as a matter of constitutional dignity.

¹³ National Judicial Academy, *Landmark Judgments of the Supreme Court (Presentation)* (2019),

https://www.nja.gov.in/Concluded_Programmes/2019-20/SE-05_2019_PPTs/6.LANDMARK%20JUDGMENTS%20OF%20THE%20SUPREME%20COURT%20PLAIN.pdf

¹⁴ SCAN-Goa, *Landmark Judgement on Women Issues*, <https://scan-goa.in/inner-post/landmark-judgement-on-women-issues/>

¹⁵ *CB Muthamma v. Union of India*, AIR 1979 SC 1868

¹⁶ *Air India Ltd. v. Nergesh Meerza*, AIR 1981 SC 1829

¹⁷ *Mary Roy v. State of Kerala*, AIR 1986 SC 1011

¹⁸ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

5. Githa Hariharan v. RBI (1999)¹⁹ - This case was the first one to challenge the interpretation of the law of guardianship of the of the Hindu Minority and Guardianship Act of 1956. The Court allowed the challenge and affirmed that a woman is entitled to be the natural guardian, thereby rejecting the unilateralised patriarchal conception of marriage and accepting the equal notion of woman in a heterogeneous family.
6. Suchita Srivastava v. Chandigarh Administration (2009)²⁰ - The Court emphasized that a woman's reproductive choices are an integral part of her privacy and dignified life under Article 21. It further stated that her medical choices in relation to pregnancy must not be compelled, as this would be a violation of her fundamental rights. This judgment provided basic tenets on which further litigations on abortion could be based. It is compliant with NHRC Guiding Principles on reproductive autonomy and dignity.²¹
7. Joseph Shine v. Union of India (2018)²² - Struck down Section 497 IPC (criminalizing adultery), deeming it as violative of Articles 14 and 21 of the Constitution as it disproportionately targeted women. The court reinforced the concept of constitutional feminism and highlighted the importance of women's autonomy in the private sphere, dismissing the idea of women as property of men.
8. Lata Singh v. State of Uttar Pradesh (2006)²³ - This case enabled a woman to marry according to her personal preference and shielded her from family coercion. It recognized the rights of adult women under Article 21 and held that family domination into inter-caste or inter-religious marriages amounted to unlawful infringement on personal liberty.
9. Secretary, Ministry of Defence v. Babita Puniya (2020)²⁴ - The court ruled that the denial of permanent commissions to women in the armed forces on the basis of gender discrimination was unconstitutional. Further, the decision reinforced Articles 14 and 16, advancing substantive equality regarding military employment discrimination and overcoming stereotypes concerning women.
10. Recent Rulings on Judicial Language and Gender Sensitivity (2025)²⁵ - The Supreme Court, in Sukhdev Singh v. Sukhbir Kaur, stated that the use of "illegitimate wife" and similar derogatory phrases are misogynist and unconstitutional while violating Article 21.²⁶ The court made clear that the use of

¹⁹ Githa Hariharan v. Reserve Bank of India, AIR 1999 SC 1149

²⁰ Suchita Srivastava v. Chandigarh Admin., AIR 2009 SC 3097

²¹ Nat'l Hum. Rts. Comm'n, *Women's Rights in India* (2020)

²² Joseph Shine v. Union of India, AIR 2018 SC 4898

²³ Lata Singh v. State of U.P., AIR 2006 SC 2522

²⁴ Sec'y, Ministry of Def. v. Babita Puniya, AIR 2020 SC 1328

²⁵ Sukhdev Singh v. Sukhbir Kaur, 2025 LiveLaw (SC) 195

²⁶ Alec Law, *Supreme Court Condemns Misogynistic Language in Judgments: A Landmark Ruling on Women's Dignity and Rights*, <https://www.alec.co.in/show-blog-page/supreme-court-condemns-misogynistic-language-in-judgments-a-landmark-ruling-on-womens-dignity-and-rights>

such language upholds the misogynist view of the world where women are not afforded fundamental human dignity and respect.²⁷

IV. Feminist Jurisprudence and Intersectionality in the Indian Context

1. Feminist Legal Theory in India

Feminist jurisprudence in India has emerged as a critical response to the dominant perception of law as impartial, objective, and universally applicable to every society.²⁸ Indian feminist legal theory investigates the relationship between constitutional norms and the pervasive patriarchy, caste, religion, and class structures, showing that the lived reality of law for women and society is not the same. It is not universal. It does not suffice to draft legal texts and impose a liberal formalistic interpretation to provide legal equality as the Indian feminists have preferred to empower women and help abolish the semblance of equality that exists. Indian feminist legal scholars prefer transformative equality, which attempts to achieve equity for all women, as opposed to the liberal feminist formalistic interpretation of equality.

Researchers like Flavia Agnes,²⁹ Nivedita Menon, and Upendra Baxi have noted that the Indian legal system needs to recognize and integrate the intersections of gender with caste, religion, and socio-economic class. Flavia Agnes, for example, pointed out that personal laws based on religion and ethnosects, like Hindus, Muslims, Christians, et cetera, include biases against women. Such biases justify unequal treatment in inheritance, guardianship, and marriage, sustaining by cultural preservation. Agnes supports feminist constitutionalism that seeks to grant unequal legal protections to women in a way that doesn't dismantle the multicultural structure of Indian society. This position claims that the balance between collective rights of a community and individualistic gender equity is very complex and must be meticulously navigated in legal frameworks.

Thus, feminist legal theory in India suggests that the law must not be satisfied with gender balance only in the surface and needs to provide women equal access to resources, representation, and social recognition, particularly the ones who sit on the fringe of political and legal system.

²⁷ *Supreme Court Condemns Misogynistic Language in Judgments*, Bar & Bench (2025), <https://www.barandbench.com/columns/litigation-columns/international-womens-day-24-supreme-court-judgments-womens-rights-india>

²⁸ *Feminism in India*, Wikipedia (2006), https://en.wikipedia.org/wiki/Feminism_in_India

²⁹ Flavia Agnes, *Law and Gender Inequality* (Oxford Univ. Press, 2001)

2. Intersectionality in Indian Legal Thought

Intersectionality as a concept was pioneered by American Scholar Crenshaw and indeed, has more than a few pertinences in the Indian scenario.³⁰ It focuses on the various oppression systems like caste, gender, religion, language, sexuality, disability and class, considering the individuality in principles which are already at the centre of oppression.

In the Indian context, queer, disabled, Muslim, and Adivasi women face a myriad of hurdles which are above and beyond the scope of conventional feminism. In India, women from these groups do not face gender-based discrimination alone. There is the additional dimension of being a victim of a deeply rooted discrimination in India's caste system, communal politics and socio-economic oppression.

The Indian judiciary, over the past couple of years, has started to make use of intersectional frameworks in some of its analyses, although such instances are few and far in between. In the cases of manual scavenging, caste violence, and bonded labor, some courts have recognized the fact that there are layered and multidimensional forms of oppression that are heterosexually caste, class, and racially structured that are inflicted upon women belonging to certain ethnic and socio-economically marginalized groups. Nonetheless, lack of integration of intersectionality into the education of law, policymaking, judicial reasoning and frameworks, and legislation, remains pervasive. In the context of marginalized women, especially in rural regions and regions afflicted by conflict, the provisions for access to justice, legal aid, and social legal protections, are inequitable and unattainable. As the NHRC has pointed out in its 2020 report, access to justice in the case of women, especially from rural and marginalized backgrounds, remains significantly restricted.

To ensure that women are not treated as afterthoughts in the appreciation of constitutional protections in place, it becomes essential to view such instruments through an intersectional framework.³¹

V.Challenges in Implementing Women's Constitutional Rights

Even as progressive policies ensure constitutional guarantees and landmark judicial pronouncements have been made, implementing women's rights in India continues to grapple with deep-rooted social practices and institutional inadequacies.

³⁰ Centre for Law and Policy Research (CLPR), *Gendering Equality: Court Decisions on Women's Rights in India* (2024), https://clpr.org.in/wp-content/uploads/2024/12/Womens-Book_Accessible.pdf

³¹ Nat'l Hum. Rts. Comm'n, *Women's Rights in India* (2020)

A. Social and Cultural Barriers

Practices such as child marriages, dowry, honor killings and the preferential treatment of sons perpetuate patriarchal societies. These customs continue to undermine women's lives and well-being, especially in rural and traditional regions.

Personal law systems, especially those dealing with marriage, divorce, and inheritance, tend to be paternalistic, perpetuating the notion of women as dependents and deepening the hierarchical nature of families. Objections to uniform changes under a proposed Uniform Civil Code (UCC) frequently appeal to community rights, which means women are trapped under the burden of discriminatory customary law.

Women's and men's workforce participation and the divisions of political and economic labor are still imbalanced. Women face tokenism and proxy representation in elected positions due to a lack of capacity-building, even with constitutional amendments granting a one-third reservation in woman representation in the Panchayati Raj institutions. Overall workforce participation is strikingly low alongside the persistent gender pay gaps in all industries.

B. Institutional and Legal Bottlenecks

The judiciary and police, who are the first responders in such matters, face systemic issues of delays, corruption, gender-based discrimination, and insensitivity. Legal protections are undermined due to underreporting gendered violence, victim-blaming, and low conviction rates.

Awareness and enforcement of laws differ from state to state. The POSH Act serves as an example of this, as numerous workplaces neglect to form the Internal Complaints Committees, and the informal sector remains shut out from workplace grievance processes.

Undertraining in areas such as gender sensitivity for lawyers and judges, as well as police officers, often leads to heated, derogatory, and misogynistic questioning. This situation perpetuates a patriarchal atmosphere within the judicial system.

VI. Emerging Issues and Future Directions

1. Reproductive Rights and Autonomy

While the MTP Amendment Act of 2021 made progress by increasing the gestational limit for abortions and including unmarried women, the provision of safe abortion services is still lacking, especially in rural and tribal regions. The supreme court case of *X v. Principal Secretary, Health and Family Welfare Department, Delhi (2022)*³² supports abortion rights for unmarried women, which reinforces the perception of reproductive freedom as a key aspect of constitutional rights under Article 21. Unfortunately, the effective realization of this right is still severely restricted by moral policing, infrastructure deficits, and societal shame.

2. Digital Rights and Online Safety

Women encounter a rise in cyberstalking, non-consensual image sharing, and trolling. The IPC and IT Act of 2000 offers no legal protection against these forms of violence. Existing data privacy laws do not protect women's rights, further endangering their privacy. There is certainly a need for a feminist constitutional approach to digitally protect women's rights of privacy, respect, autonomy, and participation.

3. Workplace Equality

Article 39(d) offers equal pay and anti-harassment policies, but enforcement remains an issue. Many workers in the gig and informal sectors, including domestic workers, remain unprotected. In addition, the rampant organizational sexism coupled with the glass ceilings in the private and public sectors impede women's leadership, restricting their visibility in decision-making roles.

4. Political Representation

Grassroots campaigns for the 33% reservation of women in parliament and state legislatures have gained no traction. While local governance has a quota system, the absence of similar provisions at the national level is a setback to women's political participation. There is a need for change at the constitutional and electoral levels, including commitments from political parties to achieve real democracy.

³² Supreme Court Observer, 2022 Supreme Court Review: Gender Equality, <https://www.scobserver.in/journal/2022-supreme-court-review-gender-equality/>

VII. Conclusion

The gripping journey of India's constitution in achieving gender justice showcases how law can change society for the good, but also shows the consistent challenges from society's patriarchal practices. Supreme Court's landmark decisions³³ expanded the constitutional rights to include dignity, autonomy, privacy, reproductive rights, and safety at the workplace, thus reshaping equality in deeply profound ways.

However, there are glaring gaps in achieving the rights, which are undermined by deeply rooted social inequalities, apathy by institutions, lack of activism, and imposition of layered identities. These factors systematically isolate the vast majority of women. Legal measures will not suffice for gender justice. What is essential is purposeful implementation, gender sensitive pedagogy, justice-centred education, and action-based collaboration at social and political levels.

The judiciary plays an essential role in the implementation of laws but it is not the singular solution. Equal constitutionalism requires a connected set of legislators, educators, active citizens, media, and communities to dismantle the patriarchy for the culture of equality to flourish. That will be the time for the Indian constitution to live its promise of liberation for each and every woman, regardless of their caste, creed, class, or identity.

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³³ Mary Roy v. State of Kerala, AIR 1986 SC 1011; Githa Hariharan v. RBI, AIR 1999 SC 1149; Lata Singh v. State of U.P., AIR 2006 SC 2522; Sec'y, Ministry of Def. v. Babita Puniya, AIR 2020 SC 1328.

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