# Polity & Governance · GS - II

**Explain the constitutional perspectives of Gender Justice with the help of relevant Constitutional Provisions and case laws.**

| EXAM YEAR | PAPER | SUBJECT |
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| MARKS | WORD LIMIT |
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| 15 | ~250 words |

## Answer Hint

**Gender justice requires moving beyond formal equality towards substantive equality by eliminating discrimination, securing equal opportunities, protecting dignity and addressing structural disadvantages through constitutional guarantees and affirmative action.**

## Model Answer

### Introduction

Gender justice means ensuring equality, dignity, freedom and equal opportunities irrespective of gender while addressing structural inequalities that have historically disadvantaged women and other gender minorities. The Indian Constitution provides a comprehensive framework for achieving it.

### Body

### Constitutional Foundations

**Article 14** guarantees equality before law and equal protection of laws.

**Article 15(1)** prohibits discrimination on grounds including sex, while **Article 15(3)** permits special provisions for women and children.

**Article 16** guarantees equality of opportunity in public employment.

**Article 21** protects life and personal liberty, including dignity and bodily autonomy.

**Directive Principles:** Articles 39(a), 39(d) and 42 promote livelihood opportunities, equal pay and humane working conditions and maternity relief.

**Fundamental Duties:** Article 51A(e) calls upon citizens to renounce practices derogatory to the dignity of women.

## Judicial Contribution

In **Vishaka v. State of Rajasthan (1997)**, the Supreme Court laid down guidelines against workplace sexual harassment in the absence of specific legislation, eventually contributing to the Sexual Harassment of Women at Workplace Act, 2013.

In **Anuj Garg v. Hotel Association of India (2008)**, the Court rejected paternalistic restrictions on women's employment and emphasised substantive equality.

In **Shayara Bano v. Union of India (2017)**, the Court invalidated the practice of instant triple talaq, reinforcing women's equality and dignity.

In **Joseph Shine v. Union of India (2018)**, criminalisation of adultery was struck down partly because it treated women as subordinate to male agency.

In **NALSA v. Union of India (2014)**, the Court recognised transgender persons' constitutional rights to equality, dignity and self-identification.

## Challenges

Patriarchy, unequal care burdens, violence, workplace discrimination, political under-representation and intersectional disadvantages continue to impede substantive gender equality.

## Conclusion

Indian constitutionalism seeks to transform gender relations through **equality, dignity, protective discrimination and social reform**. Gender justice therefore requires not merely equal laws but their effective implementation and removal of structural barriers.

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