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## INDIAN CONSTITUTIONAL PHILOSOPHY AND GENDER JUSTICE

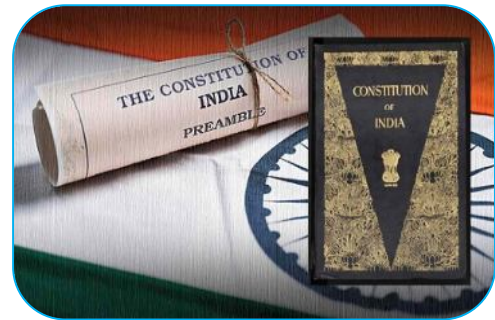
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### ABSTRACT :

*Towards the end of British rule in India, particularly in the first quarter of the 19th century, significant social reforms were initiated that laid the foundation for women's empowerment. The abolition of Sati in 1829 and the suppression of female infanticide marked critical legal interventions aimed at dismantling oppressive customs. The introduction of English education exposed Indian society to Western liberal ideals such as freedom, equality, and secularism, catalyzing a broader reform movement. Prominent social reformers like Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, M.G. Ranade, and others played a pivotal role in challenging regressive practices such as child marriage, the purdah system, and the devadasi tradition, advocating for widow remarriage and women's education. The nationalist movement under Mahatma Gandhi further mobilized women on a large scale, especially during the Non-Cooperation Movement (1921) and Civil Disobedience Movement (1930), wherein women participated actively, facing imprisonment and police brutality. The establishment of the All India Women's Conference in 1927 marked a milestone in the organized struggle for women's rights. A series of progressive legislations such as the Child Marriage Restraint Act, Hindu Women's Right to Property, and laws improving working conditions created a legal framework supporting gender equality. Globally, the signing of the United Nations Charter in 1945 enshrined gender equality as a fundamental human right and spurred international efforts to advance women's status. These included legal reforms, public awareness, gender-sensitive research, and targeted support for marginalized women. Collectively, these efforts marked a transformative period in Indian history that redefined women's roles in society and governance.*



**KEYWORDS :** Women Empowerment, Social Reform Movements, British India, Gender Equality.

### INTRODUCTION:

The Indian Constitution, adopted in 1950, stands as a beacon of progressive thought and social justice, embodying a vision of equality, liberty, and fraternity. Rooted in the philosophies of the Indian freedom struggle and the values enshrined in international human rights movements, the Constitution reflects a determined commitment to gender justice. The preamble itself proclaims the resolve to secure justice—social, economic, and political—for all citizens, thereby establishing a foundational principle for gender equality.

Gender justice, in the Indian constitutional framework, is not merely a legal ideal but a transformative promise intended to eliminate historical disadvantages faced by women. The makers of the Constitution, particularly visionaries like Dr. B.R. Ambedkar, recognized the deeply entrenched

patriarchy and systemic discrimination present in Indian society. As a response, several provisions were incorporated to safeguard women's rights and promote their social upliftment.

Part III of the Constitution, which guarantees Fundamental Rights, is the cornerstone of gender justice. Article 14 ensures equality before the law and equal protection of the laws, while Article 15 explicitly prohibits discrimination on the grounds of sex. Moreover, Article 15(3) empowers the state to make special provisions for women and children, acknowledging the necessity of affirmative action to bridge gender gaps. Article 16 reinforces the right to equality of opportunity in public employment. Collectively, these articles create a constitutional mandate for the state to act against gender-based injustices.

In addition to fundamental rights, the Directive Principles of State Policy in Part IV of the Constitution reinforce the objective of a just and equitable society. Article 39 emphasizes the right to equal pay for equal work and the health and strength of workers, especially women. Article 42 directs the state to make provisions for securing just and humane conditions of work and maternity relief. These principles, though non-justiciable, guide legislative and executive actions to promote gender parity in various spheres.

Over the decades, the judiciary has played a crucial role in interpreting the Constitution to expand the scope of gender justice. Landmark judgments such as *Vishaka v. State of Rajasthan* (1997) laid down guidelines to combat sexual harassment at the workplace, while *ShayaraBano v. Union of India* (2017) declared instant triple talaq unconstitutional. The Supreme Court's evolving jurisprudence has continuously advanced women's rights in matters of dignity, autonomy, employment, and personal laws.

Despite constitutional safeguards, achieving gender justice remains a complex and evolving challenge in India. Socio-cultural norms, economic disparities, and institutional biases often undermine the spirit of constitutional equality. However, sustained efforts by the state, judiciary, civil society, and women's movements continue to push the agenda of gender justice forward.

In essence, Indian constitutional philosophy envisions a democratic society where women are treated as equal partners in nation-building. It provides both the moral framework and legal tools necessary to combat gender inequality and ensures that gender justice remains an essential pillar of India's democratic ethos.

Principle of the work of the United Nations is no enduring solution to society's most threatening social and economic problems can be found without full participation and empowerment of the world's women on an equal footing with that of men in all spheres, including governance, administration and political process. Indian Independence in 1947 has marked a major step in the march towards improvement of social status of women and also in the process of development of women.

## WOMEN EMPOWERMENT

To eradicate gender discrimination As India emerged as a Sovereign Democratic Republic in 1950, it provided a strong judicial base to the status of women at par with men in the male dominated society. The constitution of India which came into effect on 26<sup>th</sup> January 1950, guaranteed to every citizen men or women, some basic Fundamental Rights which emphasized "equality of status and of opportunities and also enumerated the principles of welfare state in its Directive principles, of state policy. The Part III of the constitution includes Articles 14, 15 and 16(2) 21, 23 39(a), 39(d), 39(e) etc. Prescribe equal treatment for both men and women in all economic and social activities including educational and cultural activities. The Directive principles as enumerated in part IV of the Indian Constitution provide the base for equality of women in India. United Nations' adoption of Universal Declaration of Human Rights on 10<sup>th</sup> December 1948 provided for legal equality of sexes in Article 2, had also its impact on woman development. In the year 1967 the United Nations delegation of Human Rights postulated the principle of equality of men and women and advocated its universal recognition in law by all countries as an absolute and necessity. It was expected that countries should assume equal rights to men and women, because denial of such rights to half of the humanity across the world would

amount to injustice and also it would be incompatible with human dignity, political stability and social homogeneity. As Indian Government is a party to the Declaration of 1967, it has also committed to the ideal of eradication of gender discrimination in all its forms including political discrimination. Indian Government enacted several progressive laws such as Hindu Marriage, and Succession Act 1956, Right to inheritance Act, Hindu Women's Right to property Act 1973, Medical Termination of Pregnancy Act 1971, Dowry prohibition Act, Family Court Act 1984 etc. aimed at bringing about significant changes in the status and privileges leading to legal empowerment of women. The passing of Muslim women's protection of Rights and Divorced Act 1986 was a step in the direction of improving the status of Muslim Women also. The year 1975 was adopted as the international women's year.

The poorer the family, the greater its dependence on women's income. Despite progress in several key indicators, a gender analysis of most social and economic data demonstrates that women in India continue to be relatively disadvantaged in matters of survival, health, nutrition, literacy and productivity. More than 90 percent of rural women in India are unskilled, restricting them to low paid occupations. Women generally have no control over land and other productive assets, which largely excludes them from access to institutional credit and renders them dependent on high cost informal sources of credit to secure capital for consumption and productive purposes. Women form the backbone of agriculture, comprising the majority of agricultural labourers in India. Gender divisions in agriculture are stark, with all activities involving manual labour assigned to women, while all operations involving machinery and drought animals are generally performed by men. Female agricultural labourers are among the poorest sections of Indian society. Agricultural wages for women are on average 30-50 percent less than those for men.

### CONCLUSION:-

The Seventh Five Year Plan (1985 – 90) stressed the need for equality and empowerment of women and for integrating them into the mainstream of national development. There was also an emphasis on awareness about their rights and privileges, training for undertaking economic activities and providing employment opportunities for women. In order to accelerate the pace of development of women, the Government of India, created a separate department in 1985 named "Department of Women and Child Welfare". The department functions as a national nodal agency and is in charge of planning and executing various programmes for women and also monitors other programmes related to women in other departments and Ministries, both at the national and state levels. In addition Women Development Corporations were established in various states during 1986-87, as plan priorities. Hence women are brought to the equal level to men in society and eradicate gender inequality.

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