



Mains Practice Question

Q. Explain the constitutional perspectives of Gender Justice with the help of relevant Constitutional Provisions and case laws. (Answer in 250 words, UPSC Mains 2023)

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Approach

- Begin by highlighting the evolution of gender justice in Indian society.
- Discuss the constitutional provisions which seek to promote gender justice in India.
- Conclude by emphasizing the importance of a robust legal and judicial perspective in advancing gender justice.

Introduction

Since the emergence of the feminist movement in the late 18th century, gender sensitivity and general awareness about its significance in our society has come a long way. India's history shows a deep consciousness for gender sensitivity that translated into its Constitution as well.

Body

Constitutional provisions

- Article 14 considers citizens to be of equal status before the law.
- Article 15 prohibits discrimination on various grounds including 'sex'.
- Article 16 provides equal opportunity to citizens in matters of employment.
- Article 39 mentions the state's commitment towards equality of pay for women.
- Article 42 asks the state to work for ensuring just and humane conditions of work and maternity relief.

Case laws

- **Mary Roy v. State of Kerala:** The Court ensured equal rights of females and males over ancestral property succession.
- **Lata Singh v. State of Uttar Pradesh:** The Court stated a girl's complete right to marry a person of her own choice.
- **Laxmi v. Union of India:** This PIL by an acid attack survivor ended up with declaration of acid as a poison banning its sale. The Court also ordered that no hospital could refuse treatment to an acid attack victim.
- **Shayara Bano v. Union of India:** This landmark judgment declared the practice of triple talaq against the right to equality under Article 14 of the Constitution as the woman has no say, and the divorce is processed without her consent.

Conclusion

The Indian legal and judicial perspective is one that places a lot of significance at equalizing the gender

landscape for equal opportunity and ensuring gender justice in its population.

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