

Transforming Equality into Justice: The Evolving Discourse on Gender Justice in India

Dr. Victoria Murmu

Assistant Professor

Law college Dhanbad, Dhanbad

Abstract

Gender justice is a huge deal nowadays in constitutional democracies like India, since it's tied to equality, dignity, and human rights. In India, efforts for gender justice got a boost from history, the Constitution, laws, and active courts. Even so, many folks still face unfairness because of social norms, money issues, lack of political say, and limited access to justice. This paper takes a close look at how the idea of gender justice in India developed. It covers the historical start, what the Constitution dreamed up, and how relevant those things are today. The argument here is that we can't just settle for formal equality under the law; true gender justice means giving everyone the real chance to exercise their rights freely and without being discriminated against. By using ideas from feminist jurisprudence, intersectionality, and transformative justice, the paper stresses that caste, class, location, schooling, and financial status all impact how people experience gender-based inequalities. So, to make real progress, we need to address these various factors that uniquely affect different individuals. This paper takes a look at how constitutional provisions, legislative measures, and key court rulings push gender justice forward. At the same time, it points out gaps between what the law promises and actual social conditions. The study highlights regional differences, people's ability to get justice, and online gender-based harassment. Plus, it touches on new tech-linked issues and how to promote fair policies. Using a socio-legal and interdisciplinary angle, the research argues that securing true gender justice in India requires more than just stronger laws. We need to break down the big roadblocks that stop people from enjoying their rights fully. The paper wraps up by saying real progress means much more than legal equality. To reach genuine and inclusive justice, we must work on legal fixes, societal shifts, economic power, and holding institutions accountable.

Keywords: Gender Justice, Constitutional Equality, Feminist Jurisprudence, Transformative Justice, Intersectionality, Access to Justice, Socio-Legal Analysis, India.

Publication Timeline

Original Manuscript Received- April 05, 2026, Peer Review Completed- April 08, 2026, Revised Manuscript Received – April 10, 2026, Accepted & Published – April 10, 2026

Recommended Citation

Murmu, V, (2026). Transforming Equality into Justice: The Evolving Discourse on Gender Justice in India. Intelligentsia International Journal of Multidisciplinary Research, 2(2), 8- 16.

Introduction

Gender justice has become a cornerstone concern of modern democratic societies. It's not just about legal equality between men and women anymore; it's also about human dignity, social inclusion, economic empowerment, political participation, and equal access to opportunities. In contemporary India, it's a big part of constitutional, legal, and policy talks, thanks to its ties with democracy, development, and human rights. We can't think about a just society without considering gender equality, since gender-based inequalities still heavily affect access to education, healthcare, jobs, property, representation, and justice.

India is a great place to explore gender justice because there are pros and cons. For starters, India has one of the world's most forward-thinking constitutional setups for equality. The Constitution promises everyone equal treatment under the law, stops sex-based discrimination, and lets the government take special steps to help women and other underprivileged groups. There have been lots of legal changes over the years tackling domestic violence, workplace harassment, maternity rights, dowry issues, and gender bias. Plus, the courts have made moves to boost constitutional protections, focusing on dignity, personal autonomy, privacy, and freedom.

Yet, despite all this progress, huge gaps between what the Constitution aims for and actual everyday reality persist. Women and other gender minorities still run into plenty of obstacles, from severe forms of discrimination to major exclusion issues. Things like constant violence based on gender, pay gaps, low presence in top job spots, and difficulty accessing justice are persistent problems. Legal rights written on paper frequently don't lead to real-world benefits or chances.

One tricky bit about gender inequality is how it connects with other stuff like caste, class, religion, ethnicity, disability, and location. Gender doesn't float on its own; it intertwines with many other identity strands. An urban woman's experiences will look quite different from a rural Dalit woman's or a trans person's from a poor background. Because of this mesh-up, we need to look at more than just one type of gender discrimination when talking about justice.

So now, the conversation around gender justice leans more toward finding substantive and transformative justice rather than settling for formal equality. Sure, giving everyone the same legal rights is key, but it often falls short of addressing past wrongs and systemic blocks that keep certain folks from actually enjoying their rights. That's where substantive equality comes in—it pushes for true parity, not just on paper but in real life. And then there's transformative justice, which aims to tear down the whole framework that upholds unfairness in the first place. Moreover, achieving gender justice isn't just about individual rights—it hits on broader goals like economic growth, better public health, and inclusive development. Higher gender equality leads to better outcomes across the board, whereas bias holds back progress and boosts poverty and exclusion.

In today's world, gender justice faces fresh hurdles. Tech brings chances for learning and connecting, yet it brings its own set of troubles like cyber-harassment and online

abuse. Debates over LGBTQ+ rights add complexity too, stressing the need for legal systems that fit all gender identities.

With these issues in mind, this paper looks at how the idea of gender justice in India is shaping up. We'll study where it comes from, how feminist ideas shaped it, and why we need to see how different identities overlap. India made good strides with legal protections, but actual justice is hindered by inequalities, weak policies, and stubborn traditions. Truly fair and just gender equity needs big steps beyond just legal equality, targeting the roots of bias and leaving no one out.

Understanding Gender Justice: Conceptual and Theoretical Perspectives

Exploring what gender justice means involves diving into its changing meaning. Old views focused mainly on removing clear discrimination against women, but today, justice must build a society where everyone gets a fair shot at full and equal involvement. It aims to fairly share opportunities, wealth, duties, and rights, breaking the power structures that Favor some while shutting others out.

Sex and gender are not the same thing while sex refers to physical traits, gender covers roles, actions, expectations, and identities learned from culture. Many unequal gender situations come from societal setup more than natural distinctions. Laws may now stop outright gender bias, but older ideas stick around in social norms and laws.

Feminist thoughts, like liberal feminism, ask for equal legal and political rights for women, highlighting the need for reforms to hit equality marks. Radical feminism digs deeper, stating big gender imbalances spring from a male-rule system seen in various social groups. This view wants changes to laws and non-gender-biased practices across boards.

Socialist thinking adds economics to the mix. Women's financial dependency and doing heaps of unseen care work hold them back. Making economic equity a priority becomes a must for gender justice. Today's best-known view, intersectionality, mixes up how different parts of someone's identity affect their struggles and perks. Gender won't make as much impact alone; weaving together factors paints truer pictures of who wins and loses. Moves to get closer to real equality go from aiming for laws to treat everyone the same, to pushing for fixes that account for existing disadvantages, to actually remodelling societal setups so nobody faces unfair headwinds. Perfect gender justice isn't just hitting quotas or playing by fair rules; it's building a whole new setup to make sure no structure stands that once propped up unfair advantages.

Historical and Constitutional Evolution of Gender Justice in India

Gender justice has become a cornerstone concern of modern democratic societies. It's not just about legal equality between men and women anymore; it's also about human dignity, social inclusion, economic empowerment, political participation, and equal access to opportunities. In contemporary India, it's a big part of

constitutional, legal, and policy talks, thanks to its ties with democracy, development, and human rights. We can't think about a just society without considering gender equality, since gender-based inequalities still heavily affect access to education, healthcare, jobs, property, representation, and justice.

In olden days, like in the early Vedic period, women weren't always second-class citizens. They got respect, could hit the books, join wise-guy debates, and sometimes called the shots on marriage and wealth. Think of Gargi and Maitreyi, ladies who debated the big thinkers head-on. But these perks weren't universal and eventually faded away.

Fast forward, and things took a serious nosedive. As society changed, men held tighter to power. In later Vedic times and during the medieval era, women lost ground fast. Picture child marriages, veils that hid them indoors, being kept out of classes, having no say over what they owned. While this wasn't exactly the same everywhere, together these practices sealed gender inequality firmly in place.

Then came colonial rule, a game-changer. Social reformers tackled nasty traditions like Sati and fought for ideas like widows remarrying and basic rights for women. Reforms started trickling into laws too, giving women more protection and chances to turn things around.

Through the 19th and 20th centuries, groups pushing for India's freedom also saw that women needed a bigger role in society. Not only did they protest side-by-side with men for independence, but they made powerful cases for fair treatment under the new nation's laws.

When India gained freedom, those drafting the Constitution knew there'd be no resting on laurels. Equality was built right into the laws from day one. Looking through today's lens, Articles 14, 15, and 16 laid down tracks for legal fairness, stopping government bodies from playing favorites based on gender. Meanwhile, the super-flexible Article 21 became a champion of personal freedoms—privacy, choices over their bodies, and protection against harm—that courts later used to argue cases in favor of gender justice.

But it's not all stiff rules and principles; there's heart to the Constitution too. Parts III, IV, and 51A hint at what kind of society India wants—a place where women and men share fairly and safely in work and daily life. Citizens and lawmakers alike get tapped on the shoulder to remember this and push back against unfair traditions still kicking around.

Of course, it's one thing to write it down and quite another to make it real. Courts came into their own as agents of change here. They stretched those constitutional thoughts into very real safeguards for people's lives. Judges leaned hard on "constitutional morality," caring more for equality and human worth than letting old customs keep women down.

All in all, the Constitution is less of a textbook and more of a live document, ready to expand and fight for its promises. Even so, major gaps show us that while good laws and high-flown rulings move the needle, we need strong follow-through,

checks on how folks use their power, and culture shifts if women and non-binary folks are truly going to ride alongside on equal footing.

Legal Framework and Judicial Contribution to Gender Justice

Now moving on to how Indian law keeps pumping out more specific aims for gender justice, there's been some key lawmaking. For starters, there's the Protection of Women from Domestic Violence Act, 2005. Before this, hitting was usually the line for abuse. Yet, domestic fighting had deeper, nastier layers, wrecking women psychologically and financially. The Act opened doors for all sorts of help—from orders telling jerks to move out to making sure ladies didn't suffer economically from bruises.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 followed similar lines, showing more ways bad bosses can mess with lady staffers' rights and careers. Both legal steps put guardrails around unsafe spaces for women that needed serious boundary-setting.

Add in acts covering mom duties at work and fixes in inheritance law to clear paths to assets for females, you've got laws inching closer to gender-neutral ground. Courts have also been heavy hitters in fights they deemed worthy. In the Vishaka case, there was no special anti-harassment law yet, so the judges drew their own lines based on basic rights. Post-NALSA, transgender rights got an official thumbs-up, and from then on, courts kept drawing red circles around personal practices that went against these big principles of equality and personal freedom. Still, these fights don't always reach the ground level where the struggles happen, leaving lots of women—especially those with extra hurdles due to where they come from or how much money they have often with too many roadblocks to ever see justice done.

To wrap this up, a neat mix of awesome rules and heroic legal stand-offs brought major progress. For real, deep-seated justice, India's gonna have to tackle stubborn, deep-rooted biases. It calls for teamwork from lawmaking, education, and maybe most of all, rethinking what's normal in homes and hearts across the country.

Socio-Economic, Political and Regional Dimensions of Gender Justice

While constitutional guarantees, legislative reforms, and judicial interventions are key to gender justice, realizing these rights involves more than just following legal guidelines. For rights to mean something, people need the social, economic, and political ability to use them. So, we need to look beyond laws and courts to the bigger picture how everyday life shapes equality and exclusion.

Education is a huge tool for making gender justice happen. When someone has a good education, it boosts personal freedom, job chances, political involvement, and knowledge of legal rights. In India, there's been big progress in getting girls into classrooms and pushing up literacy rates. Thanks to government projects, more girls are going to school at primary and secondary levels. Still, real hurdles like poverty, early marriage, and housework keep a lot of girls out, especially in rural areas.

And it's not just about numbers; schools themselves shape opinions on gender roles. Textbooks, teaching methods, and overall culture in institutions impact what kids think about gender. So, fixing education needs to focus on two things: getting kids in the door and then making sure those places actually support gender equality.

Money matters a ton for gender justice too. Being able to earn freely gives individuals freedom and lessens their risk of mistreatment. Yet, even as more women get degrees and enter professions, big walls stay in place in the workforce, like pay gaps, fewer top jobs for women, and less access to resources. One huge part of this is how unpaid care work goes unseen. Think about child-rearing, eldercare, home chores women usually take care of these duties. Not counting this in economic talks hurts their income chances and career moves.

What you own also ties deeply into justice for genders. Land, homes, cash these things build power and safety. Sure, laws now let women stake claims and have more say in family wealth. But traditions often make it hard to actually walk that talk. Women still battle to claim their rightful pieces of the pie.

Politics is another key area where women's voices need amplifying. For democracies to truly represent everyone, all groups must be in decision-making spots. Rules to ensure some seats in local bodies have helped get more women front and center. Their influence shows promise: budgets and attention lean toward social services when women vote and lead.

Yet being counted also means having sway over choices. This isn't just about filling slots; it's about how their presence shifts priorities and perks up community lives.

Nowhere is equal anywhere in India it differs a ton based on where you live. Stats on schooling, health, and women's standing swing widely based on spot in the country. Where folks live hugely shapes their shot at courts, help with the law, clinics, and gigs.

Town versus countryside makes a major difference. Cities typically hook you up with job finds, lessons, medical help, and legal support better than faraway villages cut off. Legal rights mean nothing unless you can enforce them. Knowing your rights is just half of it costs, finding information, and actually getting aid from legal services shape your chances of obtaining justice.

Contemporary Challenges and the Need for Transformative Justice

The big call today for gender justice goes past simple laws to tackling modern glitches and deep-rooted problems. Gains through reforms are cool, but new faces of sexism pop up. So, fighting this calls for hitting broad angles, not just replaying old battles.

Violence based on gender keeps flaring up. Though shields exist and we talk about it more, physical attacks, street abuse, forced removal, and mistreatment keep many women from their shots in learning, working, or showing face in town squares.

Tech's reach has its pluses, giving leaps in access to classes, posts, chats, and job leads. Yet, along came nasties like stalking, harassment via the internet, sharing

private stuff without permission, hounding, and nosy schemes in virtual spaces that now pester a lot of women big-time.

Now AI stepping up poses its own perils. These smart technologies play roles in job selection, finance, healthcare, and governance in official areas. Yet if built with unfair ideas, they spread sexist biases in tricky ways that aren't instantly clear. We can't just focus on tech whiz moves; we must probe fairness inside the code too.

Rights expanding for LGBTQ+ folks tweak basic thoughts on gender. Older views were strict man-woman, but now room grows for wider identities. Big here is catching rules that miss shades of being and loving and aiming for all nooks of identity.

Deep patriarchal beliefs are still huge hitches. Bad mindsets stay around that hold back real change, even as rulebooks grow friendlier. These notions in homes, workplaces, and educational setups block progress.

So, formal equality a neat playbook for all is a start but won't erase deeper wrongs on its own. What's hot now in academic circles is how true justice hits harder on what makes the big split: social structures, economic inequalities, institutional accountability, and real-life changes, not just matching lines on paper.

Real progress calls for drilling in fair ideas, raising earning chances, propping up quick, easy paths to resolve disputes, and recognizing real people and communities. Gender justice must reach all corners- law, society, hearts, and norms.

Conclusion and Recommendations

India's journey toward gender justice is pretty complicated. They have shifted their focus from fighting for basic equality to pushing for deeper and fairer changes.

Still, big gaps like economic imbalances, local differences, system roadblocks, and old-fashioned thinking hold back true progress. Right now, India faces more than just a lack of set rights; it's about varying abilities to get and use those rights. Closing the space between what's promised constitutionally and actual day-to-day life is key for true fairness.

Real change needs a wide focus. We need more on teaching to fight unfair ideas and spread gender-aware behavior. Also, efforts should grow work chances for folks, cut pay gaps, value unpaid caring tasks, and give easier money tools. Plus, making legal stuff simpler means better help services, quicker issue fixes, and higher understanding about rights.

Policy teams must hit local problems by beefing up places lacking support, and they need safe digital rules too. This means watching out for web mistreatment and tech violence. Lastly, plans have to cover a range of women, trans people, and others left out.

At its heart, getting gender justice means ongoing changes, not just setting equal laws. For India, it's about mixing constitutional beliefs with fair possibilities and the real-life feel of being respected, free, and included. Just a complete and deep method can bring the promised equality alive for everyone, no matter their background.

References

1. Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press, 2001).
2. Atrey, Shreya, "Feminist Constitutionalism: Mapping a Discourse in Contestation," *International Journal of Constitutional Law* (2022).
3. Baxi, Upendra, *Women and the Law: From Patriarchal to Feminist Jurisprudence* (Oxford University Press, 2004).
4. Beauvoir, Simone de, *The Second Sex* (Vintage Books, 2011).
5. Constitution of India, Articles 14, 15, 16, 21, 39, 42 and 51A(e).
6. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), United Nations, 1979.
7. Gautam, Preeti, "Gender Justice in the Indian Constitutional Framework," *Archives of Publishing* (2025).
8. Grover, Minali & Sharma, Ajay, "Women's Inheritance Rights Reforms and Impact on Women's Empowerment: Evidence from India" (2025).
9. Independent Thought v. Union of India, (2017) 10 SCC 800.
10. Indian Young Lawyers Association v. State of Kerala, (2019) 11 SCC 1.
11. Joseph Shine v. Union of India, (2018) 2 SCC 189.
12. Kasirzadeh, Atoosa, "Algorithmic Fairness and Structural Injustice: Insights from Feminist Political Philosophy" (2022).
13. Millett, Kate, *Sexual Politics* (University of Illinois Press, 2000).
14. Ministry of Women and Child Development, *Gender Budgeting Reports*.
15. Narain, Vrinda, "Constitutionalizing Women's Equality in India: Assessing the Sabarimala Decision," *Columbia Journal of Gender and Law* (2022).
16. National Commission for Women, *Annual Reports*.
17. National Legal Services Authority v. Union of India, (2014) 5 SCC 438.
18. Navtej Singh Johar v. Union of India, (2018) 10 SCC 1.
19. NITI Aayog, *SDG India Index Reports*.
20. Nussbaum, Martha C., "India, Sex Equality, and Constitutional Law," in *The Gender of Constitutional Jurisprudence* (Cambridge University Press, 2009).
21. Nussbaum, Martha C., *Women and Human Development: The Capabilities Approach* (Cambridge University Press, 2000).
22. Okin, Susan Moller, *Justice, Gender, and the Family* (Basic Books, 1989).
23. Protection of Women from Domestic Violence Act, 2005.
24. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
25. Shayara Bano v. Union of India, (2017) 9 SCC 1.
26. Shipra Gupta, "Judicial Exposition of Gender Justice as a Constitutional Mandate: A Narrative from India," *Brawijaya Law Journal* (2020).
27. Shubha Sinha & Srikant Pandey, "Gender Justice in India: The Constitutional Promise and the Lived Reality," *ShodhKosh Journal* (2023).
28. The Hindu Succession (Amendment) Act, 2005.
29. The Maternity Benefit Act, 1961.
30. The Transgender Persons (Protection of Rights) Act, 2019.
31. United Nations Development Programme (UNDP), *Human Development Report* (Latest Edition).

32. United Nations, *Universal Declaration of Human Rights*, 1948.
33. Vishaka v. State of Rajasthan, (1997) 6 SCC 241.
34. World Economic Forum, *Global Gender Gap Report* (Latest Edition).



INTELLIGENTSIA
International Journal of Multidisciplinary Research