

## Social Justice

**Q3. Explain the constitutional perspectives of Gender Justice with the help of relevant Constitutional Provisions and case laws.**

### Introduction

- Discuss about the gender Justice.

### Body

- Discuss the gender justice provisions provided constitutionally and how it is executed.

### Conclusion

- Conclude accordingly.

### Introduction

The Indian Constitution's framers were aware of women's oppressive and discriminatory standing in society, so they took extra care to ensure that the state took proactive actions to ensure their equality.

### Body

#### Constitutional Perspective

#### Social Safeguards

- Article 15(3) states that State can make special provision planning for women.
- Article 23 establishes the right to equality, as well as special provisions, such as the prohibition of discrimination based on religion, colour, sex, or other factors, as well as the prohibition of exploitation.

#### Political Safeguards

- Article 243D of the Constitution of India provides for not less than one-third reservation for women.

## Economic Safeguards

- Article 16 (2) prohibits discrimination in employment or appointment to any state office based solely on religion, race, caste, sex, or other factors.
- Articles 39(d) and 41 of the Constitution recognized the principles of “Equal Pay for Equal Work” for men and women, as well as the “Right to Work.”

## Court Laws

- **Laxmi vs UOI:** The court instructed the Governments at both levels to prohibit the unauthorized sale of acids across the nation. This decision paved the way to enforce harsher punishments for people involved in such crimes.
- **Vishakha vs UOI:** The court gave Vishakha guidelines that resulted into Prevention of Sexual harassments at workplace.
- **Vineeta Sharma vs. Rakesh Sharma:** Daughters will have equal coparcenary rights in the Hindu Undivided Family by their birth and cannot be excluded from inheritance irrespective of whether they were born before the amendment of 2005 to the Hindu Succession Act, 1956.

## Conclusion

Only constitutional protection will not be able to achieve **the goals of gender equality if conservative social thinking remains deeply rooted in society**. It must be stated that social reforms in social thinking, behavior, and law will only be effective if a significant portion of society supports them.

**Q11. The Construction of India is a living instrument with capabilities of enormous dynamism. It is a constitution made for a progressive society”. Illustrate with special reference to the expanding horizons of the right to life and personal liberty.**

### Introduction

- Discuss about the feature of the Indian Constitution.

### Body

- Discuss various amendments to showcase flexibility of Indian Constitution wrt right to life and personal liberty.

### Conclusion

- Conclude with way forward.

## Introduction

Indian Constitution is Darwinian in structure and in practice and should be viewed not merely as law but also as a source of foundational concepts for the governing of society. This feature is accommodated under **Article 368 of the Indian Constitution**.

## Body

### Various amendments to showcase the flexibility of the Indian Constitution:

- **Restricting absolute freedom:** through the 1st Amendment Act which restricted the scope of Article 19.
- **Accommodating linguistic diversity:** through 7th Amendment Act accommodating linguistic diversity and regional aspirations.

### Making way for land reforms:

- Through 25th amendment, which imposed restrictions on property rights.

### Panchayati Raj Institutions:

- Through 73rd amendment act, deepening political empowerment.

### Adapting to economic changes:

- 101st Amendment Act brought GST.

**Apart from this, various visionary article is present under the DPSP, which requires the Government to take steps in the future as the need arises:**

1. Bringing in a Uniform Civil Code under Article 44.
2. Article 47: To raise the level of nutrition and the standard of living of people.
3. Article 48A: To protect and improve the environment and to safeguard the forests and wildlife of the country, which becomes important in the era of climate change and sustainable development.
4. Free and compulsory education under Article 45– leading to the enactment of 86th Amendment Act.
5. With reference to the right to life and personal liberty, the Constitution of India has shown enormous dynamism and expanded the content of Article 21 through the following cases:
6. Maneka Gandhi Case – introduced the concept of “procedure established by law” to “due process of law,”.

7. Incorporation of right to privacy in 2017 – Puttaswamy judgment – acknowledging the changing dynamics of digital society.
8. Right to die with dignity: Common cause case legalizing passive euthanasia under Article 21.
9. LGBTQ rights – Navtej Johar's case fructified the inclusion of LGBTQ rights.
10. Olga Tellis v. Bombay Municipal Corporation (1985): made right to livelihood is an integral part of the right to life.
11. Subhash Kumar vs. the State of Bihar: SC included the right to get pollution-free air in the ambit of the right to life.

## Conclusion

This showcases the dynamic nature of the Indian Constitution and its ability to evolve in response to changing societal, political, and economic needs. They reflect the commitment of the Constitution to uphold democratic values, social justice, and inclusivity.

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