

Case-Based Passage on Gender Equality and Indian Judiciary

In the evolving narrative of India's democracy, gender equality remains both a constitutional promise and a social pursuit. Despite remarkable progress in education, employment, and representation, the gap between legal ideals and lived realities still tests the strength of the nation's justice system.

The Indian Constitution, in its essence, envisions equality as a cornerstone of liberty and justice. Article 14 guarantees equality before the law, while Articles 15 and 16 prohibit discrimination on grounds of sex and ensure equal opportunity in public employment. These provisions reflect not merely a legal safeguard but a moral vision of an equitable society. Yet, legal recognition of equality is only the beginning; social and institutional reforms are the continuing journey.

The judiciary of India has played a transformative role in interpreting and enforcing gender justice. The Supreme Court, through its progressive judgments, has expanded the meaning of equality beyond formal sameness to include substantive justice. In *Vishaka vs. State of Rajasthan* (1997), the Court laid down guidelines to prevent sexual harassment at workplaces, long before Parliament enacted a law in 2013. Similarly, in *Shayara Bano vs. Union of India* (2017), the Court struck down the practice of instant triple talaq, recognizing it as unconstitutional and violative of women's dignity.

The legal landscape further evolved with laws such as the Dowry Prohibition Act (1961), the Protection of Women from Domestic Violence Act (2005), and the Sexual Harassment of Women at Workplace Act (2013). These statutes not only criminalize exploitation but also create institutional mechanisms for redressal. However, the challenge lies in enforcement — where social taboos, victim-blaming, and slow judicial processes often dilute the promise of justice.

Indian jurisprudence has also taken steps to recognize gender beyond the binary. In the landmark *NALSA vs. Union of India* (2014) judgment, the Supreme Court affirmed the rights of transgender persons, directing the government to treat them as a third gender with equal legal protection. This decision underscored the evolving understanding of gender as an identity rooted in self-perception and human dignity, not biology alone.

Still, gender justice cannot rely solely on the courtroom. True equality demands attitudinal change — within homes, workplaces, and institutions. Judicial pronouncements must be reinforced by education, media responsibility, and policy reforms that empower women and marginalized genders to claim their rightful space.

India's march toward gender equality is thus a story of both triumph and tension — of a judiciary that dares to redefine justice and a society still learning to internalize it. The nation's strength lies

not merely in the text of its laws but in the conviction with which it upholds them.

Multiple Choice Questions

1. Which constitutional article ensures equality before the law in India?

- A. Article 12
- B. Article 14
- C. Article 18
- D. Article 21

2. What was the main outcome of the Vishaka vs. State of Rajasthan case?

- A. Ban on child marriage
- B. Guidelines against workplace sexual harassment
- C. Abolition of dowry system
- D. Introduction of equal pay for women

3. Which Supreme Court case declared instant triple talaq unconstitutional?

- A. Indira Gandhi vs. Raj Narain
- B. Vishaka vs. State of Rajasthan
- C. Shayara Bano vs. Union of India
- D. Mary Roy vs. State of Kerala

4. The Sexual Harassment of Women at Workplace Act was passed in which year?

- A. 1997
- B. 2003
- C. 2010
- D. 2013

5. The Dowry Prohibition Act (1961) aims to prevent which social evil?

- A. Female foeticide
- B. Child labour
- C. Demand or giving of dowry
- D. Forced conversions

6. Which article prohibits discrimination based on sex, caste, or religion?

- A. Article 13
- B. Article 15
- C. Article 19
- D. Article 20

7. What was recognized in the NALSA vs. Union of India (2014) judgment?

- A. Legalization of same-sex marriage
- B. Right to privacy
- C. Recognition of transgender persons as a third gender
- D. Women's right to property

8. The Protection of Women from Domestic Violence Act was enacted in:

- A. 1995
- B. 2000
- C. 2005
- D. 2010

9. Which of the following is identified as a major obstacle in achieving gender justice?

- A. Overpopulation
- B. Delay in lawmaking
- C. Poor enforcement and social taboos
- D. Lack of education policy

10. How has the judiciary broadened the concept of equality?

- A. By limiting it to men and women
- B. By focusing only on legal equality
- C. By including substantive and social justice
- D. By reducing government powers

11. Article 16 of the Constitution is related to:

- A. Equality before the law
- B. Right to freedom of speech
- C. Equal opportunity in public employment
- D. Right against exploitation

12. In the passage, gender equality is portrayed as a:

- A. Political slogan
- B. Legal punishment
- C. Moral and democratic value
- D. Social superstition

13. The judiciary is described as "transformative" because it:

- A. Rewrites the Constitution
- B. Expands and interprets justice progressively

- C. Controls the legislature
- D. Protects economic interests only

14. What does the passage suggest as essential for true gender equality?

- A. Stricter policing
- B. Change in social attitudes and awareness
- C. More foreign investment
- D. Political reservation only

15. What understanding of gender did the NALSA case promote?

- A. It is fixed by birth and biology
- B. It depends only on legal documents
- C. It is defined by society's perception
- D. It is based on self-identification and dignity

Answer Key

1. B

2. B

3. C

4. D

5. C

6. B

7. C

8. C

9. C

10. C

11. C

12. C

13. B

14. B

15. D