



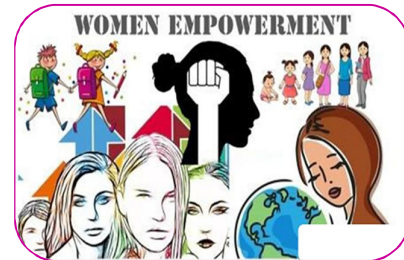
GENDER JUSTICE AND WOMEN EMPOWERMENT IN INDIA: LEGAL, CONSTITUTIONAL AND SOCIO-POLITICAL DEVELOPMENTS

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ABSTRACT

Gender justice and women's empowerment have emerged as foundational pillars in the discourse of constitutional democracy, human rights, and sustainable development. In India, the struggle for gender equality has evolved through a complex interaction of social reform movements, constitutional guarantees, legislative interventions, judicial activism, and international commitments. Before 2019, India witnessed significant legal and policy transformations aimed at eliminating systemic discrimination against women, improving access to education, health, employment, and political participation, and addressing gender-based violence. Yet, despite constitutional promises and progressive legal frameworks, deep-rooted patriarchal norms, socio-economic inequalities, and institutional barriers continued to impede substantive equality.



This article critically examines the trajectory of gender justice and women's empowerment in India before 2019 through an interdisciplinary legal framework. It explores historical developments from colonial reform movements to post-independence constitutionalism; analyses constitutional provisions under Fundamental Rights, Directive Principles, and Fundamental Duties; evaluates India's obligations under international conventions such as CEDAW and the Beijing Platform for Action; and assesses the broader philosophical foundations of empowerment. The study argues that while formal equality has been substantially advanced, transformative gender justice requires structural, cultural, and institutional reforms beyond legal recognition.

KEYWORDS: *Gender Justice, Women Empowerment, Constitutional Law, Feminist Jurisprudence, Equality, CEDAW, Indian Judiciary, Social Reform, Human Rights, Legal Empowerment.*

INTRODUCTION

Gender justice represents the equitable treatment of individuals irrespective of gender, ensuring equal access to rights, opportunities, resources, and dignity. Women's empowerment, conversely, refers to the process through which women acquire the ability to make strategic life choices, exercise autonomy, and participate fully in social, political, and economic life.¹ Together, these concepts form the normative basis of democratic inclusion.

India's socio-legal journey toward gender justice is deeply intertwined with its historical structures of patriarchy, caste hierarchies, religious traditions, and colonial legal interventions. Women have historically been excluded from property rights, political participation, educational opportunities, and bodily autonomy.² Although ancient Indian texts reflected varying positions regarding women's

¹ Naila Kabeer, Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment, 30 DEV. & CHANGE 435 (1999).

² Flavia Agnes, Law and Gender Inequality (Oxford University Press, 1999).

status, medieval and colonial periods intensified institutional subordination through practices such as child marriage, sati, purdah, and denial of inheritance.³

The modern women's rights movement in India began in the nineteenth century under social reformers such as Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, Jyotirao Phule, and Savitribai Phule, who challenged oppressive customs and advocated for education and dignity for women.⁴ These movements laid the groundwork for constitutional recognition of equality after independence.

The Constitution of India marked a transformative departure by embedding equality, liberty, dignity, and affirmative action into its framework. Through Articles 14, 15, 16, 21, and Directive Principles, India adopted both formal and substantive equality approaches.⁵ Legislative enactments concerning marriage, inheritance, workplace rights, and violence prevention further sought to secure women's status.

However, gender inequality persisted in multiple dimensions:

- * Wage disparity
- * Female foeticide
- * Domestic violence
- * Sexual harassment
- * Unequal representation
- * Educational gaps
- * Political marginalisation

The persistence of these inequalities demonstrates that legal rights alone are insufficient without social transformation.

This article seeks to analyse:

1. The historical roots of gender inequality in India
2. Constitutional and international legal frameworks
3. The role of law in promoting women's empowerment
4. Structural barriers limiting gender justice before 2019

The central thesis is that while India made significant normative progress, the realisation of genuine gender justice remained incomplete due to implementation deficits and entrenched patriarchal systems.

Part I: Historical Evolution of Gender Justice in India

A. Women in Ancient India

Ancient Indian civilisation presented a mixed picture regarding women's status. Early Vedic society accorded women relative respect, educational opportunities, and participation in philosophical discourse.⁶ Women such as Gargi and Maitreyi were recognised intellectual figures. Marriage was generally considered a partnership, and women participated in religious ceremonies.

However, later Vedic and post-Vedic periods saw increasing restrictions:

- * Decline in educational rights
- * Reinforcement of domestic roles
- * Exclusion from inheritance
- * Child marriage
- * Social control through patriarchal family structures⁷

³ Geraldine Forbes, *Women in Modern India* (Cambridge University Press, 1996).

⁴ Uma Chakravarti, *Gendering Caste Through a Feminist Lens* (2003).

⁵ INDIA CONST. arts. 14–16, 21.

⁶ Altekar, *The Position of Women in Hindu Civilization* (Motilal Banarsidass, 1956).

⁷ Kumkum Roy, *The Power of Gender and the Gender of Power* (2009).

Texts like *the Manusmriti institutionalised gender hierarchy, emphasising female dependence on male guardianship.*

B. Medieval Period

The medieval era intensified patriarchal practices due to socio-political instability, invasions, and feudal structures. Practices such as:

- * Purdah
- * Sati
- * Polygamy
- * Female seclusion
- * Restriction on widow remarriage

became widespread.⁸ Women's public participation sharply declined.

C. Colonial Period and Social Reform

British colonial rule introduced legal codification but also preserved personal laws. Nonetheless, the nineteenth century saw significant social reform:

- * Bengal Sati Regulation, 1829
- * Hindu Widows' Remarriage Act, 1856
- * Age of Consent reforms
- * Women's education initiatives⁹

Reformers played pivotal roles:

Raja Ram Mohan Roy: Advocated the abolition of sati and women's dignity.

Ishwar Chandra Vidyasagar: Promoted widow remarriage and girls' education.

Jyotirao and Savitribai Phule: Focused on lower-caste women's education and anti-patriarchal activism.

Pandita Ramabai: Advocated women's literacy and social freedom.

These efforts shifted women's rights into public and legal discourse.

D. Women in the Nationalist Movement

The Indian freedom struggles catalysed women's political participation:

- * Sarojini Naidu
- * Kasturba Gandhi
- * Aruna Asaf Ali
- * Vijayalakshmi Pandit

Women joined civil disobedience movements, thereby linking nationalism with gender inclusion.¹⁰ Gandhi's mobilization strategies transformed women into political actors, though often within maternalist frameworks.

CONSTITUTIONAL VISION OF GENDER JUSTICE

The Constitution of India, adopted in 1950, established gender equality as a central constitutional principle.

A. Fundamental Rights

Article 14: Equality Before Law: Guarantees equal protection of laws for all persons.¹¹

Article 15(1): Non-Discrimination: Prohibits discrimination based on sex.

Article 15(3): Protective Discrimination: Permits special provisions for women and children, enabling affirmative action.¹²

⁸ Radha Kumar, *The History of Doing* (Zubaan, 1993).

⁹ Lata Mani, *Contentious Traditions* (1998).

¹⁰ Bipan Chandra *et al.*, *India's Struggle for Independence* (1988).

¹¹ INDIA CONST. art. 14.

Article 16: Ensures equality in public employment.

Article 21: Expands the right to life into dignity, bodily autonomy, reproductive rights, and protection from violence.¹³

B. Directive Principles of State Policy

Article 39(a): Equal right to livelihood.

Article 39(d): Equal pay for equal work.

Article 42: Maternity relief and humane work conditions.

Article 44: Uniform Civil Code debates impacting women's rights.

These principles guide legislative and welfare measures.

C. Fundamental Duties

Article 51A(e): Mandates citizens to renounce practices derogatory to women's dignity.¹⁴

D. Political Participation

73rd and 74th Constitutional Amendments: Reserved one-third seats for women in Panchayati Raj Institutions and urban local bodies.¹⁵

This was a landmark empowerment mechanism that significantly increased women's grassroots political representation.

International Legal Framework and India's Commitments

India's approach to gender justice is influenced by international human rights law.

A. Universal Declaration of Human Rights (1948)

Recognised equality and dignity irrespective of sex.¹⁶

B. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979

India ratified CEDAW in 1993, committing to:

- * Eliminate discrimination
- * Reform laws
- * Promote political participation
- * Address trafficking and exploitation¹⁷

CEDAW significantly shaped Indian judicial reasoning.

C. Beijing Platform for Action (1995)

Focused on:

- * Education
- * Health
- * Violence
- * Economic structures
- * Political representation¹⁸

D. Sustainable Development Goals (SDG 5)

Though adopted in 2015, SDG 5 reinforced India's obligations toward gender equality.

¹² INDIA CONST. art. 15(3).

¹³ *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 SCC 1.

¹⁴ INDIA CONST. art. 51A(e).

¹⁵ Constitution (73rd Amendment) Act, 1992.

¹⁶ Universal Declaration of Human Rights, 1948.

¹⁷ Convention on the Elimination of All Forms of Discrimination Against Women, 1979.

¹⁸ Beijing Declaration and Platform for Action, 1995.

E. Judicial Use of International Law

In *Vishaka v. State of Rajasthan*, the Supreme Court explicitly relied on CEDAW to formulate guidelines on workplace sexual harassment.¹⁹ This established international law as an interpretive aid where domestic law was insufficient.

Conceptual Foundations of Women's Empowerment

Women's empowerment includes:

- * Economic independence
- * Educational attainment
- * Political representation
- * Bodily autonomy
- * Legal literacy
- * Access to justice²⁰

Naila Kabeer defines empowerment as the expansion of people's ability to make strategic life choices where this ability was previously denied.²¹

Dimensions:

- Social Empowerment
 - Education, mobility, social participation
 - Economic Empowerment
 - Employment, equal wages, property rights
 - Political Empowerment
 - Representation, leadership, governance
 - Legal Empowerment
 - Rights awareness, judicial access, legal protection
- Thus, empowerment is both a process and an outcome.

Conclusion:

Before 2019, India's journey toward gender justice was marked by significant constitutional commitments, reformist interventions, and international obligations. Historical oppression gave way to legal recognition, yet substantive equality remained constrained by social structures. Constitutionalism laid a strong normative foundation, but true empowerment required transformation beyond legal frameworks.

Legislative Framework, Judicial Activism, and State Policy Interventions to Gender

Legislative Framework for Gender Justice in India

The realisation of constitutional promises concerning gender justice required the enactment of comprehensive legislative measures addressing discrimination, violence, labour rights, family relations, and socio-economic inequalities. Pre-2019 India developed an extensive, though imperfect, legal framework aimed at protecting women and promoting empowerment.

A. Personal Laws and Family Justice

Family law has historically been central to women's status because marriage, divorce, maintenance, guardianship, and inheritance directly influence autonomy and economic security.

1. Hindu Code Reforms: Post-independence codification of Hindu personal law significantly altered women's legal rights.

¹⁹ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

²⁰ Amartya Sen, *Development as Freedom* (1999).

²¹ *Supra* note 1.

Hindu Marriage Act, 1955

- * Introduced monogamy
- * Recognised divorce rights
- * Provided judicial separation
- * Established conditions for valid marriage²²

Hindu Succession Act, 1956: Initially improved inheritance rights but retained gender disparities.

Hindu Succession (Amendment) Act, 2005: A landmark reform granting daughters equal coparcenary rights in ancestral property.²³ This amendment substantially advanced economic empowerment.

Hindu Adoptions and Maintenance Act, 1956: Recognised women's rights to maintenance and certain adoption rights.

2. Muslim Personal Law: Muslim women's rights remained shaped by uncodified personal law and statutory interventions.

Key issues:

- * Triple talaq
- * Polygamy
- * Maintenance rights
- * Custody inequalities

Muslim Women (Protection of Rights on Divorce) Act, 1986

Enacted after Shah Bano, this law generated controversy by limiting divorced Muslim women's maintenance under secular criminal law, though later judicial interpretation broadened protections.²⁴

3. Special Marriage Act, 1954: Provided secular marriage options across religious boundaries and advanced individual autonomy.

B. Laws Addressing Violence Against Women

Gender justice requires protection from physical, sexual, and psychological violence.

1. Dowry Prohibition Act, 1961: Criminalised giving and receiving dowry.

However, dowry-related deaths and harassment persisted due to weak enforcement.

2. Section 498A, Indian Penal Code: Introduced in 1983 to address cruelty by husband or relatives.²⁵

Scope:

- * Physical cruelty
- * Mental harassment
- * Dowry-related abuse

This provision became a significant legal remedy despite debates on misuse.

3. Protection of Women from Domestic Violence Act, 2005: A transformative civil law framework.

Features:

- * Covers physical, emotional, sexual, verbal, and economic abuse
- * Includes live-in relationships
- * Residence rights
- * Protection orders
- * Monetary relief
- * Custody arrangements²⁶

This Act broadened domestic violence beyond criminal assault.

²² Hindu Marriage Act, No. 25 of 1955, India Code.

²³ Hindu Succession (Amendment) Act, No. 39 of 2005.

²⁴ *Danial Latifi v. Union of India*, (2001) 7 SCC 740.

²⁵ Dowry Prohibition Act, No. 28 of 1961.

²⁶ Indian Penal Code, § 498A.

4. Criminal Law (Amendment) Act, 2013: Following the Nirbhaya case, this amendment expanded sexual violence laws.

Introduced:

- * Stalking
- * Voyeurism
- * Acid attacks
- * Expanded rape definition
- * Stronger punishments²⁷

5. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 :

Codified Vishaka guidelines.

Key Provisions:

- * Internal Complaints Committee
- * Local Complaints Committee
- * Employer obligations
- * Prevention mechanisms²⁸

C. Reproductive and Health Rights

Medical Termination of Pregnancy Act, 1971: Permitted abortion under specified circumstances, though conditional autonomy remained.

Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994: Targeted sex-selective abortion and female foeticide.²⁹

D. Labor and Economic Rights

Economic independence is central to empowerment.

Equal Remuneration Act, 1976: Mandated equal pay for equal work regardless of gender.³⁰

Maternity Benefit Act, 1961 (Amended 2017): Extended paid maternity leave to 26 weeks, among the world's more progressive provisions.³¹

Factories Act and Labour Protections: Included welfare and safety provisions for women workers.

E. Political Empowerment Laws

Panchayati Raj Reservation: A one-third reservation for women in local governance has transformed political representation.

By 2019:

- * Over 1.3 million women held positions in local governance.³²

Judicial Activism and Gender Justice

The Indian judiciary played a transformative role in expanding women's rights through progressive constitutional interpretation.

A. Vishaka v. State of Rajasthan (1997)

This case arose from the gang rape of Bhanwari Devi, a social worker.

Supreme Court Held:

- * Sexual harassment violates Articles 14, 15, 19, and 21

²⁷ Protection of Women from Domestic Violence Act, No. 43 of 2005.

²⁸ Criminal Law (Amendment) Act, No. 13 of 2013.

²⁹ PCPNDT Act, No. 57 of 1994.

³⁰ Equal Remuneration Act, No. 25 of 1976.

³¹ Maternity Benefit (Amendment) Act, No. 6 of 2017.

³² Ministry of Panchayati Raj Reports, Government of India (2018).

* International conventions like CEDAW can guide constitutional interpretation

* Created binding workplace guidelines³³

Significance: A landmark in feminist constitutional jurisprudence.

B. *Mary Roy v. State of Kerala (1986)*

Recognised equal inheritance rights for Syrian Christian women.³⁴

C. *Shah Bano Begum v. Mohammed Ahmed Khan (1985)*

Held that divorced Muslim women could claim maintenance under Section 125 CrPC.³⁵

Importance:

* Advanced secular gender justice

* Sparked personal law debates

D. *Githa Hariharan v. Reserve Bank of India (1999)*

Expanded mothers' guardianship rights.³⁶

E. *Suchita Srivastava v. Chandigarh Administration (2009)*

Recognised reproductive autonomy as part of personal liberty under Article 21.³⁷

F. *Laxmi v. Union of India*

Strengthened acid attack regulation and victim compensation.³⁸

G. *Shayara Bano v. Union of India (2017)*

Declared instant triple talaq unconstitutional.³⁹

Significance:

* Gender equality

* Constitutional morality

* Religious reform through rights discourse

Government Policies and Women's Empowerment Schemes

State policy complemented legal reform.

A. National Policy for Empowerment of Women (2001)

Focused on:

* Education

* Health

* Economic participation

* Violence prevention

* Decision-making roles⁴⁰

B. Beti Bachao Beti Padhao (2015)

Addressed:

* Declining child sex ratio

* Girls' education

³³ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

³⁴ *Mary Roy v. State of Kerala*, (1986) 2 SCC 209.

³⁵ *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556.

³⁶ *Githa Hariharan v. RBI*, (1999) 2 SCC 228.

³⁷ *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 SCC 1.

³⁸ *Laxmi v. Union of India*, (2014) 4 SCC 427.

³⁹ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

⁴⁰ National Policy for Empowerment of Women, Government of India (2001).

* Social awareness⁴¹

C. Mahila E-Haat

Promoted women entrepreneurs via digital marketing.

D. One Stop Centres (Sakhi Centres)

Provided integrated support for violence survivors.

E. Ujjawala Scheme

Focused on anti-trafficking and rehabilitation.

F. Sukanya Samridhi Yojana

Encouraged financial security for girls.

G. MUDRA Yojana

Enhanced women's access to credit for entrepreneurship.

Education as a Tool of Empowerment

Education remained essential for long-term gender justice.

Major developments:

- * Sarva Shiksha Abhiyan
- * Right to Education Act, 2009
- * Scholarship schemes
- * Mid-day meals encouraging girls' Enrollment⁴²

Yet barriers included:

- * Dropouts
- * Early marriage
- * Poverty
- * Safety concerns

CONCLUSION:

India witnessed substantial legislative, judicial, and policy-driven progress toward gender justice. Constitutional values were operationalised through reforms in family law, labour law, criminal justice, and political participation. Judicial innovation frequently compensated for legislative gaps, while welfare schemes sought socio-economic empowerment.

In Perspective of Structural Barriers, Critical Evaluation, Intersectionality, and Reform Imperatives

Persistent Structural Barriers to Gender Justice in India

Despite significant constitutional guarantees, legislative enactments, judicial innovations, and welfare schemes, substantive gender equality remained elusive before 2019. The persistence of systemic barriers demonstrates that legal reform alone cannot dismantle entrenched patriarchal structures.

A. Patriarchy and Social Norms

Patriarchy remained the most significant obstacle to women's empowerment in India.

Manifestations included:

- * Son preference
- * Female foeticide
- * Child marriage
- * Dowry practices
- * Domestic confinement
- * Occupational segregation

⁴¹ Ministry of Women and Child Development, Government of India (2015).

⁴² Right of Children to Free and Compulsory Education Act, No. 35 of 2009.

* Unequal caregiving burdens⁴³

Social institutions such as family, caste networks, religion, and customary practices often reinforced gender hierarchies.

Example:

Even educated women frequently lacked autonomy in:

- * Marriage decisions
- * Reproductive choices
- * Financial independence
- * Mobility

Thus, formal rights often existed without practical freedom.

B. Economic Disempowerment

Economic inequality remained a major challenge.

Key indicators:

- * Lower female labour force participation
- * Wage gaps
- * Informal sector concentration
- * Limited property ownership
- * Lack of financial inclusion⁴⁴

Women are disproportionately occupied:

- * Unpaid domestic labour
- * Agricultural work without ownership
- * Informal employment lacks social security

Although legal rights to equal wages existed, enforcement was weak.

C. Educational Disparities

While female literacy improved significantly, structural inequalities persisted.

Challenges:

- * Rural-urban divides
- * School dropout rates
- * Menstrual health barriers
- * Safety concerns
- * Child marriage
- * Poverty-driven discontinuation⁴⁵

Higher education and professional sectors remained male-dominated in several fields.

D. Violence Against Women

Gender-based violence remained endemic.

Forms:

- * Domestic violence
- * Sexual assault
- * Honour killings
- * Trafficking
- * Workplace harassment
- * Acid attacks
- * Marital rape (not fully criminalised)⁴⁶

⁴³ Sylvia Walby, *Theorizing Patriarchy* (1990).

⁴⁴ World Bank Gender Data Reports (2018).

⁴⁵ UNICEF India Reports on Girls' Education (2017).

⁴⁶ National Crime Records Bureau Reports (2018).

NCRB trends (pre-2019):**High incidence of:**

- * Cruelty by husband/relatives
- * Rape
- * Kidnapping
- * Dowry deaths

Legal frameworks were often undermined by:

- * Underreporting
- * Police insensitivity
- * Judicial delays
- * Social stigma

Intersectionality and Marginalised Women

Gender justice cannot be analysed in isolation from caste, class, religion, disability, and regional disparities.

A. Dalit and Adivasi Women

Marginalised women faced compounded oppression.

Issues:

- * Caste-based sexual violence
- * Landlessness
- * Lower education access
- * Forced labour
- * Political exclusion⁴⁷

Dalit women often experienced both patriarchal and caste domination.

B. Minority Women

Religious minority women frequently faced:

- * Personal law inequalities
- * Educational disadvantages
- * Communal vulnerability

C. Rural Women

Rural women faced:

- * Limited healthcare
- * Water burdens
- * Agricultural exploitation
- * Lower institutional access

D. Women with Disabilities

Disabled women encountered:

- * Sexual vulnerability
- * Social exclusion
- * Limited legal access
- * Economic marginalisation⁴⁸

⁴⁷ Sharmila Rege, *Dalit Women Talk Differently* (2013).

⁴⁸ UN Women Disability and Gender Reports (2018).

Feminist Jurisprudence and Critical Perspectives

Legal scholars have argued that Indian gender justice frameworks often prioritise protection over autonomy.

A. Protective vs Transformative Approach

Many laws view women as vulnerable subjects rather than equal agents.

Examples:

- * Protective labour laws restricting work hours
- * Moralistic regulations
- * Limited sexual autonomy

This “protective paternalism” can inadvertently reinforce dependency.⁴⁹

B. Public-Private Divide

Indian law historically intervened more strongly in public discrimination than in private family structures.

Consequences:

- * Marital rape exemption
- * Domestic unpaid labour invisibility
- * Unequal household decision-making

C. Uniform Civil Code Debate

Gender justice debates often intersect with secularism and minority rights.

Tension:

- * Reforming discriminatory personal laws

vs

- * Protecting religious autonomy

This remained politically sensitive.

Evaluation of Pre-2019 State Policies

A. Successes

1. Constitutional Equality Framework
Strong normative legal foundation.
2. Legislative Expansion
Broad rights architecture.
3. Judicial Progressivism
Dynamic constitutional interpretation.
4. Political Inclusion
Panchayat reservations significantly enhanced representation.
5. Education and Welfare
Increased literacy and awareness.

B. Limitations

1. Implementation Deficits: Laws are often poorly enforced.
2. Institutional Bias: Police and courts are often patriarchal.
3. Urban-Centric Policy Reach: Marginalised women are underserved.
4. Fragmented Policy Design: Schemes often lacked coordination.
5. Incomplete Reproductive and Sexual Rights: Persistent legal and cultural restrictions.

⁴⁹ Catharine MacKinnon, *Toward a Feminist Theory of the State* (1989).

Comparative Global Perspectives

Compared globally, India demonstrated mixed performance.

Positive Aspects

- * Constitutional protections
- * Local political reservations
- * Judicial activism
- * Expanding welfare schemes

Weaknesses

- * Low labour force participation
- * Violence prevalence
- * Health disparities
- * Political underrepresentation at higher levels

According to global gender indices before 2019, India often ranked below many developing nations in terms of gender parity.⁵⁰

Recommendations for Future Reform

A. Legal Reforms

1. Criminalisation of marital rape
2. Uniform gender-sensitive family laws
3. Strengthening labour rights enforcement
4. Faster gender-sensitive judicial mechanisms
5. Expanded reproductive autonomy

B. Institutional Reforms

1. Police sensitisation
2. Gender budgeting
3. Local legal aid
4. Monitoring agencies
5. Intersectional policymaking

C. Socio-Cultural Reforms

1. Gender-sensitive education
2. Media accountability
3. Male allyship
4. Community reform programs
5. Religious reform engagement

D. Economic Reforms

1. Equal employment opportunities
2. Property ownership access
3. Credit support
4. Entrepreneurship incentives
5. Childcare infrastructure

Conclusion:

The journey toward gender justice and women's empowerment in India before 2019 reflects a profound constitutional and socio-legal transformation, yet one marked by persistent contradictions.

India established:

- * Robust constitutional guarantees
- * Expansive legislation
- * Progressive judicial precedents
- * International commitments

⁵⁰ World Economic Forum, Global Gender Gap Report (2018).

* Welfare initiatives

These developments significantly advanced women's rights compared to earlier historical periods.

However, the persistence of:

* Patriarchal norms

* Socio-economic inequality

* Gender violence

* Religious conservatism

* Institutional bias

prevented the full realisation of substantive equality.

Thus, pre-2019 India represented a transitional stage: one where legal recognition was substantial, but structural justice remained incomplete.

True empowerment requires:

Not merely legal inclusion, but

Transformation of social power structures.

Gender justice must evolve from formal equality toward transformative constitutionalism that ensures dignity, autonomy, agency, and intersectional justice for all women.