



Gender Justice in Indian Jurisprudence: A Comparative Analysis of Contemporary Masculinist Legal Thought and Modern Feminist Jurisprudence

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Abstract

Gender justice has emerged as one of the most dynamic and contested areas of contemporary Indian jurisprudence. While feminist jurisprudence has significantly influenced constitutional interpretation, legislative reforms, and judicial reasoning by exposing structural inequalities experienced by women, recent legal discourse has increasingly engaged with questions concerning men's rights, gender-neutral legislation, shared parental responsibilities, misuse of legal processes, and the broader implications of constitutional equality for all genders. These developments have contributed to the emergence of contemporary masculinist legal thought as an area of scholarly inquiry rather than a settled school of jurisprudence. This article critically examines the philosophical foundations of contemporary masculinist legal thought and compares them with modern feminist jurisprudence within the framework of the Indian Constitution. It argues that Indian constitutionalism does not endorse gender privilege for any class but instead aspires to achieve substantive equality, dignity, and justice through Articles 14, 15, 16, and 21. By analysing constitutional principles, judicial developments, and contemporary legal scholarship, the article evaluates whether Indian jurisprudence is moving towards a more inclusive and gender-responsive model of justice. It concludes that future legal reform should neither abandon the achievements of feminist jurisprudence nor disregard emerging concerns relating to gender neutrality, but instead develop a balanced constitutional framework capable of protecting the dignity and equality of every individual irrespective of gender.

Keywords: Gender Justice, Feminist Jurisprudence, Masculinist Legal Thought, Constitutional Morality, Equality, Indian Constitution, Human Rights, Gender Neutrality.

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1. Introduction

The pursuit of gender justice has become one of the defining constitutional challenges of twenty-first-century India. Constitutional democracy no longer regards equality as merely the formal application of identical legal rules; rather, equality increasingly requires recognition of historical discrimination, structural disadvantage, and contemporary social realities. Consequently, Indian courts have progressively interpreted the Constitution as a transformative document intended to secure substantive justice for marginalized groups while simultaneously preserving the dignity and liberty of every individual.¹

For several decades, feminist jurisprudence has profoundly influenced Indian legal discourse by questioning patriarchal legal structures, exposing gender bias within institutions, and advocating legal reforms relating to workplace equality, domestic violence, reproductive autonomy, sexual harassment,

¹ Constitution of India Arts. 14, 15, 16, 21.

inheritance, and political participation. Judicial decisions have increasingly recognised that apparently neutral laws may perpetuate unequal social relationships and therefore require purposive constitutional interpretation consistent with substantive equality.² Feminist scholarship has thus contributed significantly to the development of gender-sensitive jurisprudence under the Constitution of India.

At the same time, contemporary legal scholarship has witnessed increasing discussion concerning issues affecting men and boys, including questions relating to gender-neutral criminal legislation, child custody, parental responsibilities, maintenance obligations, mental health, workplace safety, suicide rates, and allegations regarding misuse of certain gender-specific legal provisions. These debates have contributed to what may broadly be described as **contemporary masculinist legal thought**. Unlike feminist jurisprudence, however, masculinist legal thought does not constitute a universally recognised or internally uniform school of jurisprudence. Rather, it represents an interdisciplinary body of scholarship drawing from constitutional law, sociology, political theory, psychology, and gender studies.³

The emergence of these debates has generated important jurisprudential questions. Should constitutional equality be understood primarily as protection against historical discrimination suffered by women, or should it also address contemporary disadvantages experienced by men and other gender groups? Can gender-specific protective legislation coexist with the constitutional commitment to equal protection of laws? Does substantive equality require different legal treatment for different groups, or should future legal reforms increasingly adopt gender-neutral language while preserving effective protection for vulnerable persons? These questions lie at the centre of contemporary constitutional discourse.

The Indian Constitution itself provides the normative framework for addressing these issues. Articles 14, 15, and 16 guarantee equality before law and prohibit discrimination, while simultaneously permitting affirmative measures designed to remedy historical disadvantage. Article 21 protects dignity, privacy, autonomy, and personal liberty, principles that increasingly influence judicial interpretation in matters relating to gender identity, family relationships, reproductive choices, and bodily integrity. The Directive Principles of State Policy further encourage the State to promote social justice, equal livelihood opportunities, humane working conditions, and protection of vulnerable groups.⁴

Recent constitutional adjudication demonstrates that the Supreme Court of India has gradually shifted from a purely formal understanding of equality towards a transformative constitutional approach. Decisions concerning sexual harassment, triple talaq, privacy, LGBTQIA+ rights, adultery, and gender identity illustrate the judiciary's willingness to reinterpret constitutional guarantees in light of changing social values. At the same time, courts have occasionally acknowledged the need for legislative reconsideration of gender-specific provisions where constitutional fairness and equal protection require broader inclusion.⁵ These developments indicate that Indian jurisprudence is entering a new phase in which gender justice is increasingly viewed through the broader constitutional principles of dignity, autonomy, non-discrimination, and substantive equality.

This article adopts a doctrinal and comparative methodology to examine the relationship between contemporary masculinist legal thought and modern feminist jurisprudence within the Indian constitutional framework. It does not seek to privilege one philosophical approach over the other. Instead, it critically evaluates their respective jurisprudential assumptions, constitutional implications, and practical relevance for achieving gender justice in India. The central argument advanced is that the Constitution neither mandates gender preference nor constitutional neutrality in every circumstance; rather, it requires a principled balance between equality, dignity, liberty, and social justice based upon the factual realities of each legal context.

² *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; *Joseph Shine v. Union of India*, (2019) 3 SCC 39.

³ Michael Kimmel, *The Gendered Society* (Oxford Univ. Press 2017); Raewyn Connell, *Masculinities* (2d ed. 2005).

⁴ INDIA CONST. arts. 38, 39, 42.

⁵ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1; *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.

2. Literature Review and Research Gap

2.1 Literature Review

Gender justice has evolved into one of the most influential themes in contemporary legal scholarship. Within jurisprudence, feminist legal theory has become an established field that critiques the assumption that law is inherently neutral and argues that legal institutions have historically reflected patriarchal structures. Contemporary feminist scholars contend that equality requires not merely identical legal treatment but substantive transformation of legal institutions to eliminate structural discrimination. This approach has significantly influenced constitutional adjudication, labour law, family law, criminal law, and human rights jurisprudence in India and elsewhere.⁶

International scholarship has largely concentrated on different strands of feminist jurisprudence, including liberal feminism, radical feminism, cultural feminism, Marxist feminism, postmodern feminism, and intersectional feminism. These schools differ in their understanding of the causes of gender inequality but generally share the objective of examining how legal institutions affect women's lived experiences and proposing reforms that advance equality, dignity, and autonomy.⁷

Indian legal scholarship has similarly devoted considerable attention to feminist jurisprudence, particularly after the constitutional expansion of equality under Articles 14, 15, and 21. Academic studies have analysed judicial interventions relating to workplace sexual harassment, domestic violence, reproductive rights, personal laws, and constitutional morality. More recent scholarship has also explored women's representation within legal institutions and the continuing influence of patriarchal norms despite progressive constitutional guarantees.⁸

In contrast, contemporary scholarship addressing men's legal experiences has developed more slowly and remains conceptually diverse. Rather than constituting a settled school of jurisprudence, contemporary masculinist legal thought draws from masculinity studies, sociology, constitutional equality theory, family law scholarship, and debates concerning gender-neutral legislation. It raises questions regarding shared parenting, maintenance obligations, mental health, suicide, workplace risks, criminal justice, and the possibility of misuse of certain gender-specific legal provisions. These discussions do not necessarily reject feminist jurisprudence; instead, many scholars argue for a broader conception of gender justice that recognizes the legal experiences of all genders.⁹

Recent Indian academic discussions increasingly emphasize that constitutional equality should not be understood solely through a binary framework of men's rights versus women's rights. Instead, scholars advocate an inclusive model that accommodates women, men, transgender persons, and other gender-diverse communities within the constitutional commitment to dignity and equal protection. This trend reflects the growing influence of transformative constitutionalism and intersectional analysis in Indian jurisprudence.¹⁰

Judicial developments have paralleled these scholarly debates. Decisions concerning sexual harassment, privacy, gender identity, adultery, triple talaq, and marriage equality demonstrate that the Supreme Court of India has progressively interpreted constitutional guarantees through the principles of dignity, autonomy, and substantive equality rather than rigid formal classifications. At the same time, courts have occasionally acknowledged concerns relating to procedural fairness and the need for balanced

⁶ Nancy Levit & Robert R.M. Verchick, *Feminist Legal Theory: A Primer* (2d ed. 2016); Robin West, *Jurisprudence and Gender*, 55 U. Chi. L. Rev. 1 (1988).

⁷ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (1989); Martha Albertson Fineman, *The Neutered Mother, the Sexual Family and Other Twentieth Century Tragedies* (1995).

⁸ See, e.g., "Feminist Jurisprudence in India: Law, Representation, and Constitutional Transformation" (2026); "Feminist Legal Studies in India" (2026).

⁹ Michael Kimmel, *The Gendered Society* (6th ed. 2017); Raewyn Connell, *Masculinities* (2d ed. 2005).

¹⁰ Kalpana Kannabiran, *Tools of Justice: Non-Discrimination and the Indian Constitution* (2012); recent scholarship on feminist legal studies in India.

implementation of gender-specific laws, thereby indicating that constitutional adjudication increasingly seeks equilibrium rather than ideological preference.¹¹

2.2 Research Gap

Although feminist jurisprudence has generated an extensive body of legal scholarship, comparatively little doctrinal research examines contemporary masculinist legal thought within the framework of Indian constitutional jurisprudence. Existing literature frequently discusses men's rights either as a sociological movement or as a political response to feminism, without systematically analysing its jurisprudential implications or its relationship with constitutional principles of equality, liberty, dignity, and non-discrimination.¹²

A second limitation concerns the tendency of existing scholarship to present feminist and masculinist perspectives as mutually exclusive. Such an approach overlooks the possibility that constitutional adjudication may accommodate legitimate concerns raised by both traditions while remaining faithful to the transformative vision of the Constitution. The Indian Constitution neither privileges male interests nor female interests; rather, it establishes equality, dignity, and justice as universal constitutional values applicable to every individual. Consequently, a comparative jurisprudential framework is necessary to evaluate where these competing theories converge, where they diverge, and how constitutional doctrine may reconcile them.

Thirdly, recent constitutional developments—including decisions recognising privacy, gender identity, LGBTQIA+ rights, and constitutional morality—have fundamentally altered the landscape of Indian gender jurisprudence. However, few studies have examined these developments collectively through the comparative lens of feminist jurisprudence and contemporary masculinist legal thought. This article seeks to address that gap by integrating constitutional doctrine, judicial reasoning, and contemporary legal scholarship into a unified analytical framework centred on gender justice in India.

Accordingly, the present study contributes to legal scholarship by (i) distinguishing contemporary masculinist legal thought from established feminist jurisprudence, (ii) evaluating both through the constitutional framework of India, and (iii) proposing a balanced model of gender justice grounded in substantive equality, dignity, and constitutional morality rather than gender-based preference.

3. Research Questions, Objectives, Methodology and Conceptual Foundations of Contemporary Masculinist Legal Thought

3.1 Research Questions

The present study seeks to answer the following jurisprudential questions:

1. Whether the constitutional conception of gender justice under the Constitution of India is adequately explained by contemporary feminist jurisprudence alone.
2. Whether contemporary masculinist legal thought provides an independent analytical framework for evaluating gender justice in India.
3. How have Indian constitutional courts balanced gender-specific protection with the constitutional guarantee of equality before law?
4. Whether the future development of Indian jurisprudence requires greater movement towards gender-neutral legislation or the continued retention of gender-specific legal protections.

¹¹ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1; Navtej Singh Johar v. Union of India, (2018) 10 SCC 1; Joseph Shine v. Union of India, (2019) 3 SCC 39.

¹² Existing scholarship largely addresses masculinism through sociology, gender studies, or political discourse rather than as an independent jurisprudential framework. See Michael Kimmel, *Angry White Men* (2013); Raewyn Connell, *Masculinities* (2d ed. 2005).

5. Can constitutional morality and transformative constitutionalism provide a common normative framework capable of reconciling competing claims of gender justice?

3.2 Objectives of the Study

The principal objectives of this article are:

- To examine the philosophical foundations of contemporary masculinist legal thought.
- To analyse the development of modern feminist jurisprudence within Indian constitutional law.
- To compare both perspectives through the principles of equality, liberty, dignity, autonomy, and justice.
- To evaluate judicial developments concerning gender justice in India.
- To propose a constitutional model capable of balancing substantive equality with gender-inclusive justice.

3.3 Research Methodology

The study adopts a **doctrinal and comparative research methodology**. Primary sources include the Constitution of India, statutes, judicial decisions of the Supreme Court and High Courts, Law Commission reports, and parliamentary materials. Secondary sources include books, peer-reviewed journal articles, reports, and scholarly writings in jurisprudence, constitutional law, gender studies, and legal philosophy.

The analysis is primarily normative rather than empirical. Instead of measuring social attitudes, the article evaluates constitutional principles and judicial reasoning to determine whether Indian jurisprudence provides an inclusive framework for gender justice. Comparative references are used only where they illuminate constitutional developments within the Indian legal system.

4. Conceptual Foundations of Contemporary Masculinist Legal Thought

Unlike feminist jurisprudence, contemporary masculinist legal thought has not developed as a single, coherent school of jurisprudence. Rather, it comprises diverse academic debates concerning masculinity, constitutional equality, gender-neutral legislation, fatherhood, family law, criminal justice, and public policy. Contemporary scholarship generally distinguishes this body of thought from political activism and instead examines how legal institutions affect men and boys within constitutional democracies.¹³

An important conceptual distinction must therefore be made between **masculinity studies**, **men's rights advocacy**, and **masculinist legal thought**. Masculinity studies examine the social construction of masculine identities and their interaction with culture, institutions, and power. Men's rights advocacy often focuses on legal reforms relating to family law, criminal law, education, mental health, and workplace safety. Contemporary masculinist legal thought, however, seeks to analyse whether constitutional and statutory frameworks sufficiently recognise legal disadvantages that may affect men while remaining consistent with the broader objectives of equality and non-discrimination.¹⁴

From a jurisprudential perspective, contemporary masculinist legal thought rests upon several recurring propositions.

A. Formal Equality

The first proposition emphasises **formal equality** before law. Proponents argue that constitutional guarantees under Articles 14 and 15 require the State to avoid discrimination based solely upon sex unless differential treatment satisfies constitutional justification. They therefore support careful examination of gender-specific legislation to determine whether such distinctions continue to serve

¹³ Michael Kimmel, *The Gendered Society* (6th ed. 2017); Raewyn Connell, *Masculinities* (2d ed. 2005).

¹⁴ Raewyn Connell, *Masculinities* (2d ed. 2005); Michael Flood, *Engaging Men and Boys in Violence Prevention*, 14 *Trauma, Violence & Abuse* 132 (2013).

legitimate constitutional purposes or whether certain areas may now require gender-neutral legal language.¹⁵

This approach does not necessarily oppose affirmative action or protective legislation. Instead, it asks whether statutory classifications remain proportionate to their constitutional objectives in changing social conditions.

B. Gender Neutrality

A second concept concerns **gender neutrality**. Contemporary legal scholars increasingly distinguish gender neutrality from gender blindness. Gender-neutral legislation does not ignore existing inequalities; rather, it seeks to ensure that legal remedies remain available to every victim irrespective of gender while permitting special protection where objective evidence demonstrates continuing structural disadvantage.¹⁶

Indian legal debates concerning sexual offences, domestic violence, maintenance, workplace harassment, and parental responsibilities increasingly engage with this question. The constitutional challenge lies in balancing substantive equality with equal legal protection.

C. Shared Constitutional Responsibility

Contemporary masculinist legal thought also emphasises that constitutional obligations relating to family life should increasingly reflect shared parental responsibility rather than gender-based assumptions. Debates surrounding guardianship, child custody, maintenance, adoption, and caregiving illustrate this development.

Indian courts have gradually recognised that the welfare of the child remains the paramount consideration in custody disputes, thereby reducing the influence of stereotypical assumptions regarding parental roles. This development demonstrates that constitutional equality increasingly focuses upon functional responsibility rather than biological identity.¹⁷

D. Mental Health and Access to Justice

Another emerging theme concerns men's mental health, access to justice, workplace fatalities, suicide rates, and social expectations associated with masculinity. Legal scholars argue that constitutional discourse should recognise that rigid gender stereotypes may disadvantage all genders in different ways. Consequently, gender justice should address structural harms experienced by women without overlooking legal and institutional challenges that may affect men or other gender identities.¹⁸

4.1 Critical Evaluation of Contemporary Masculinist Legal Thought

Despite its growing visibility, contemporary masculinist legal thought has attracted substantial criticism. Feminist scholars argue that excessive emphasis upon formal equality may overlook continuing structural inequalities experienced by women and thereby weaken constitutional commitments to substantive equality. Feminist jurisprudence maintains that apparently neutral legal rules frequently reproduce historical disadvantage because they ignore unequal social realities.¹⁹

Conversely, some proponents of gender-neutral legal reform argue that constitutional equality requires periodic re-evaluation of statutory classifications to ensure that protective legislation does not inadvertently create unjustified asymmetry where social conditions have evolved. The constitutional question therefore is not whether one perspective should replace the other, but whether constitutional

¹⁵ INDIA CONST. arts. 14 & 15; Anuj Garg v. Hotel Ass'n of India, (2008) 3 SCC 1.

¹⁶ Contemporary legal scholarship increasingly distinguishes gender-neutral drafting from the denial of structural inequality. See feminist legal theory discussions.

¹⁷ Gaurav Nagpal v. Sumedha Nagpal, (2009) 1 SCC 42.

¹⁸ Michael Kimmel, *Angry White Men* (2013); Raewyn Connell, *Masculinities* (2d ed. 2005).

¹⁹ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (1989); Martha Albertson Fineman, *The Neutered Mother, the Sexual Family and Other Twentieth Century Tragedies* (1995).

adjudication can reconcile both through principled application of equality, proportionality, dignity, and non-discrimination.

From the standpoint of Indian constitutional jurisprudence, this debate should not be viewed as a conflict between men's rights and women's rights. Instead, it concerns the continuing evolution of constitutional equality in response to changing social realities. The Constitution requires courts to balance competing interests while preserving the dignity of every individual. Consequently, the legitimacy of any legal classification ultimately depends upon its consistency with constitutional values rather than its alignment with a particular ideological framework.

5. Evolution of Modern Feminist Jurisprudence in India

5.1 Concept and Evolution

Feminist jurisprudence is one of the most influential developments in contemporary legal philosophy. Unlike traditional schools of jurisprudence, which primarily examined the nature, source, and authority of law, feminist jurisprudence investigates how legal institutions have historically reflected gendered assumptions and how law may either perpetuate or dismantle structural inequality. Its central proposition is that legal neutrality cannot be presumed where social, economic, and political inequalities continue to shape individual experiences. Consequently, feminist jurisprudence seeks not merely formal equality before law but substantive equality capable of addressing historical disadvantage and systemic discrimination.²⁰

In India, feminist jurisprudence developed alongside constitutional democracy after 1950, although its significant judicial influence became visible only during the late twentieth century. The Constitution itself established a transformative framework by guaranteeing equality before law, prohibiting discrimination on the ground of sex, ensuring equality of opportunity in public employment, and authorising special provisions for women and children under Articles 14, 15, and 16.²¹ These constitutional guarantees departed from the formal equality model by recognising that genuine equality may require protective measures to remedy entrenched social disadvantage.

The Indian women's movement, together with constitutional litigation and legislative reform, substantially shaped feminist legal scholarship. Judicial recognition of sexual harassment as a violation of fundamental rights, expansion of reproductive autonomy, reform of personal laws, and protection against domestic violence demonstrate the influence of feminist constitutional thought upon Indian jurisprudence.²²

Unlike earlier approaches that viewed equality as identical treatment, modern Indian feminist jurisprudence increasingly emphasises **substantive equality, human dignity, intersectionality, and transformative constitutionalism**. It argues that constitutional interpretation must acknowledge the realities of caste, class, religion, disability, sexuality, and other intersecting forms of disadvantage that influence women's access to justice.

5.2 Major Schools of Feminist Jurisprudence

A. Liberal Feminism

Liberal feminism advocates equal legal rights and equal opportunities for women within existing constitutional and democratic institutions. It argues that discriminatory laws and institutional barriers should be removed so that women enjoy the same legal status as men in education, employment, property, political participation, and civil liberties.²³

²⁰ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Harvard Univ. Press 1989).

²¹ INDIA CONST. arts. 14, 15, 16.

²² Flavia Agnes, *Law, Justice and Gender* (Oxford Univ. Press 2012).

²³ Martha C. Nussbaum, *Women and Human Development: The Capabilities Approach* (Cambridge Univ. Press 2000).

Indian constitutional jurisprudence reflects liberal feminist ideals through decisions enforcing equality under Articles 14, 15, and 16 and through legislative measures prohibiting workplace discrimination and sexual harassment.

B. Radical Feminism

Radical feminist jurisprudence argues that gender inequality is rooted in patriarchal social structures rather than isolated legal discrimination. According to this perspective, legal reform alone is insufficient because institutions themselves may reproduce unequal power relationships. Radical feminist scholars therefore advocate structural transformation of law, family relations, workplace practices, and political institutions.²⁴

Although Indian courts have not expressly adopted radical feminist theory, several constitutional decisions acknowledge that apparently neutral legal rules may reinforce systemic inequality if interpreted without regard to social realities.

C. Cultural Feminism

Cultural feminism emphasises values traditionally associated with care, cooperation, empathy, and human relationships. Rather than treating these characteristics as signs of weakness, cultural feminists argue that legal institutions should recognise and value them equally with traditionally masculine notions of competition and individual autonomy.

Within Indian jurisprudence, cultural feminist thought has influenced judicial recognition of maternity benefits, reproductive dignity, caregiving responsibilities, and workplace protections.

D. Intersectional Feminism

Intersectionality represents one of the most significant developments in contemporary feminist jurisprudence. Developed principally through the work of legal scholar Kimberlé Crenshaw, it argues that discrimination cannot be understood solely through gender because individuals frequently experience overlapping forms of disadvantage based upon caste, religion, ethnicity, disability, sexuality, and economic status.²⁵

Indian constitutional jurisprudence increasingly reflects this understanding by recognising that equality requires attention to multiple dimensions of social exclusion rather than isolated categories of discrimination.

5.3 Feminist Jurisprudence and Constitutional Transformation in India

The Supreme Court of India has played a decisive role in transforming feminist constitutional principles into enforceable legal doctrine. Judicial interpretation has progressively expanded the meaning of equality, dignity, and liberty by treating the Constitution as a living document responsive to changing social realities.

In *Vishaka v. State of Rajasthan*, the Supreme Court recognised sexual harassment at the workplace as a violation of Articles 14, 15, 19, and 21 and formulated legally binding guidelines in the absence of parliamentary legislation.²⁶ The judgment illustrates how constitutional interpretation may bridge legislative gaps while protecting fundamental rights.

Similarly, *Shayara Bano v. Union of India* invalidated the practice of instantaneous triple talaq, reaffirming that personal laws cannot remain immune from constitutional scrutiny where they violate equality and dignity.²⁷

²⁴ Catharine A. MacKinnon, *Feminism Unmodified* (Harvard Univ. Press 1987).

²⁵ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex*, 1989 U. Chi. Legal F. 139.

²⁶ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

²⁷ *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

The Court further strengthened feminist constitutional reasoning in *Joseph Shine v. Union of India* by striking down the offence of adultery under Section 497 of the Indian Penal Code. The judgment rejected patriarchal assumptions treating women as the property of their husbands and reaffirmed individual dignity and decisional autonomy as constitutional values.²⁸

These decisions collectively demonstrate that Indian feminist jurisprudence has evolved beyond demands for formal equality. Contemporary constitutional adjudication increasingly seeks to dismantle structural discrimination through purposive interpretation grounded in dignity, autonomy, and substantive equality.

5.4 Comparative Evaluation: Feminist Jurisprudence and Contemporary Masculinist Legal Thought

Although feminist jurisprudence and contemporary masculinist legal thought frequently appear to occupy opposing positions, a closer jurisprudential analysis reveals both areas of convergence and divergence.

Both perspectives acknowledge that law profoundly influences gender relations and that constitutional equality should remain central to legal reform. However, feminist jurisprudence primarily concentrates upon historical and continuing structural disadvantage experienced by women, whereas contemporary masculinist legal thought draws attention to emerging legal questions concerning gender neutrality, shared parental responsibilities, procedural fairness, and the legal experiences of men and boys.

The principal divergence concerns the meaning of equality. Feminist jurisprudence generally favours **substantive equality**, arguing that identical legal treatment may perpetuate existing inequalities. Contemporary masculinist legal thought places comparatively greater emphasis upon **formal equality** and questions whether certain statutory distinctions continue to satisfy constitutional justification under changing social conditions.

From the perspective of Indian constitutional law, these approaches should not necessarily be viewed as mutually exclusive. Articles 14, 15, and 21 permit a constitutional framework in which protective legislation addressing genuine structural disadvantage coexists with periodic judicial review to ensure that legal classifications remain reasonable, proportionate, and consistent with constitutional values. Consequently, the constitutional objective is not ideological preference but the realisation of justice through equality, dignity, and non-discrimination.

6. Comparative Jurisprudential Analysis of Contemporary Masculinist Legal Thought and Modern Feminist Jurisprudence

The comparative study of contemporary masculinist legal thought and modern feminist jurisprudence should not be understood as a contest between two competing ideologies seeking constitutional supremacy. Rather, both approaches attempt to answer a common jurisprudential question: **how should law secure justice in a society characterised by unequal gender relations?** Their answers, however, differ significantly regarding the nature of equality, the role of the State, and the function of legal institutions.

Modern feminist jurisprudence begins with the premise that law has historically reflected patriarchal structures and therefore cannot be presumed to be neutral. Consequently, constitutional equality requires substantive intervention capable of dismantling institutional discrimination and structural inequalities experienced by women and other marginalized gender groups. Contemporary masculinist legal thought, by contrast, argues that while historical discrimination against women cannot be ignored, constitutional discourse must also acknowledge legal situations in which men experience unequal treatment or where gender-specific legislation requires periodic constitutional review to ensure continued consistency with Articles 14 and 21 of the Constitution.²⁹

²⁸ *Joseph Shine v. Union of India*, (2019) 3 SCC 39.

²⁹ INDIA CONST. arts. 14, 15 & 21.

Thus, the principal jurisprudential distinction lies not in the pursuit of justice itself but in the methodology through which justice is conceptualised.

6.1 Equality: Formal Equality versus Substantive Equality

The first and perhaps the most fundamental distinction concerns the meaning of equality.

Contemporary masculinist legal thought generally relies upon the classical constitutional principle of **formal equality**, according to which similarly situated persons should ordinarily receive identical legal treatment irrespective of gender. Under this approach, legal classifications based exclusively upon sex must satisfy constitutional scrutiny by demonstrating a rational nexus with a legitimate constitutional objective. Proponents therefore advocate periodic examination of gender-specific legislation to determine whether statutory distinctions remain constitutionally justified in changing social conditions.³⁰

Modern feminist jurisprudence challenges this understanding by arguing that identical legal treatment often fails to account for historical, economic, and social inequalities. Equality, according to feminist theory, requires recognition of structural disadvantage rather than mechanical uniformity. Consequently, constitutional interpretation should permit differential treatment where necessary to achieve substantive justice.³¹

Indian constitutional jurisprudence increasingly favours this latter approach. Article 15(3) expressly authorises the State to make special provisions for women and children, thereby recognising that identical treatment does not always produce equal outcomes. Nevertheless, judicial review continues to ensure that protective legislation remains constitutionally connected with its underlying objective and does not become arbitrary or disproportionate.

Accordingly, Indian constitutional doctrine reflects a synthesis rather than absolute acceptance of either model.

6.2 Constitutional Morality and Gender Justice

Constitutional morality has emerged as one of the defining principles of modern Indian jurisprudence. Unlike social morality, which often reflects prevailing customs or majoritarian attitudes, constitutional morality derives its legitimacy from constitutional values including liberty, equality, dignity, fraternity, and individual autonomy.³²

Modern feminist jurisprudence has frequently invoked constitutional morality to challenge discriminatory practices justified in the name of tradition or personal law. Decisions concerning sexual harassment, triple talaq, adultery, and LGBTQIA+ rights illustrate the judiciary's willingness to prioritise constitutional values over entrenched social norms.

Contemporary masculinist legal thought generally accepts constitutional morality as the governing framework but argues that its application should remain genuinely universal. If constitutional morality protects women against discriminatory legal structures, it should equally examine legal provisions that may produce unjustified discrimination against men or other gender groups. The emphasis therefore shifts from gender-based entitlement to constitutional consistency.

From an Indian perspective, constitutional morality should not become an instrument favouring one ideological framework over another. Rather, it should function as a constitutional standard ensuring that every legal classification remains compatible with dignity, equality, and non-arbitrariness.

³⁰ Anuj Garg v. Hotel Ass'n of India, (2008) 3 SCC 1.

³¹ Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Harvard Univ. Press 1989); Martha Albertson Fineman, *The Autonomy Myth: A Theory of Dependency* (New Press 2004).

³² Navtej Singh Johar v. Union of India, (2018) 10 SCC 1; Government of NCT of Delhi v. Union of India, (2018) 8 SCC 501.

6.3 Criminal Law

Criminal law represents one of the most debated areas in contemporary gender jurisprudence.

Feminist jurisprudence has played an indispensable role in strengthening legal responses to sexual violence, domestic violence, workplace harassment, trafficking, and other forms of gender-based violence. Legislative reforms and judicial interpretation have significantly expanded protection available to women and have recognised violence as a constitutional issue implicating Articles 14, 15, and 21.³³

Contemporary masculinist legal thought does not ordinarily dispute the necessity of protecting victims of gender-based violence. Instead, it raises questions concerning procedural fairness, due process, evidentiary standards, and whether certain criminal provisions should be drafted in gender-neutral language where constitutional objectives can be equally achieved without excluding male or transgender victims.

The constitutional challenge therefore is not whether protection should be weakened, but whether criminal justice legislation can simultaneously preserve effective victim protection while ensuring equality before law and procedural fairness for every accused person.

Indian courts have repeatedly emphasised that constitutional guarantees extend to both victims and accused persons. Consequently, gender justice cannot be achieved by compromising due process, nor can procedural fairness justify inadequate protection of vulnerable victims. The Constitution requires both objectives to coexist.

6.4 Family Law

Family law illustrates another important area of jurisprudential divergence.

Modern feminist jurisprudence has sought reform of inheritance laws, matrimonial remedies, maintenance, guardianship, and personal laws to eliminate historical discrimination against women. Judicial decisions have increasingly recognised women as equal constitutional citizens possessing independent dignity rather than derivative legal status within the family.³⁴

Contemporary masculinist legal thought, however, has increasingly focused upon shared parenting, equal guardianship, child custody, mediation, maintenance obligations, and parental responsibilities. It argues that changing family structures require legal frameworks that recognise caregiving responsibilities irrespective of gender while preserving the paramount welfare of the child.

Indian jurisprudence has gradually moved toward this functional approach. Although mothers and fathers may possess different statutory rights in particular contexts, courts increasingly determine custody and guardianship disputes according to the welfare of the child rather than stereotypical assumptions concerning parental roles.

This development demonstrates that constitutional equality is gradually replacing rigid gender stereotypes with individualized judicial assessment.

6.5 Human Dignity as the Common Constitutional Foundation

Despite their philosophical differences, both contemporary masculinist legal thought and modern feminist jurisprudence ultimately converge upon one constitutional principle—**human dignity**.

For feminist jurisprudence, dignity requires dismantling structures that perpetuate discrimination and deny women equal participation in public and private life.

For contemporary masculinist legal thought, dignity requires recognition that constitutional protection extends equally to every individual irrespective of gender and that legal institutions should remain responsive to evolving patterns of disadvantage affecting all members of society.

³³ Vishaka v. State of Rajasthan, (1997) 6 SCC 241; Independent Thought v. Union of India, (2017) 10 SCC 800.

³⁴ Shayara Bano v. Union of India, (2017) 9 SCC 1; Gaurav Nagpal v. Sumedha Nagpal, (2009) 1 SCC 42.

The Supreme Court has increasingly treated dignity as the constitutional foundation of equality, liberty, privacy, and autonomy. Consequently, future development of Indian gender jurisprudence is likely to depend less upon rigid ideological distinctions and more upon the constitutional commitment to protecting the dignity of every individual through principled judicial interpretation.

7. Indian Constitutional Framework and Judicial Approach to Gender Justice

The Constitution of India establishes a normative framework that seeks to balance individual liberty, equality, social justice, and human dignity. Unlike many constitutional systems that merely prohibit discrimination, the Indian Constitution combines formal equality with substantive equality by authorising affirmative measures designed to remedy historical disadvantage while simultaneously guaranteeing equal protection of laws.³⁵ Consequently, contemporary debates concerning feminist jurisprudence and contemporary masculinist legal thought must ultimately be evaluated through constitutional principles rather than ideological preferences.

7.1 Equality Before Law and Equal Protection

Article 14 guarantees equality before law and equal protection of the laws. Judicial interpretation has consistently recognised that equality does not prohibit all forms of classification; rather, it prohibits arbitrary and unreasonable classification.³⁶ The Supreme Court has repeatedly observed that constitutional equality is a dynamic concept requiring fairness, non-arbitrariness, and proportionality.

Modern feminist jurisprudence relies heavily upon Article 14 to challenge legal structures that perpetuate discrimination against women. Decisions concerning sexual harassment, reproductive autonomy, adultery, and discriminatory personal laws illustrate the judiciary's willingness to employ Article 14 as an instrument of transformative constitutionalism.

Contemporary masculinist legal thought also invokes Article 14 but approaches it from a different perspective. It argues that constitutional scrutiny should extend equally to gender-specific legislation whenever statutory classifications cease to correspond with their constitutional objectives. The jurisprudential issue, therefore, is not whether gender-specific legislation is constitutionally permissible, but whether every legislative distinction continues to satisfy the requirements of reasonableness, proportionality, and non-arbitrariness.

Accordingly, Article 14 functions as a constitutional bridge between substantive equality and equal legal protection rather than an endorsement of either formal or substantive equality alone.

7.2 Articles 15 and 15(3): Protective Discrimination and Constitutional Balance

Article 15 prohibits discrimination on grounds including religion, race, caste, sex, and place of birth. Simultaneously, Article 15(3) expressly authorises the State to make special provisions for women and children.³⁷ This constitutional design reflects the framers' recognition that identical legal treatment may not adequately address entrenched historical inequalities.

Indian courts have consistently upheld affirmative measures enacted under Article 15(3), treating them as instruments of substantive equality rather than exceptions to equality. Feminist jurisprudence regards this provision as constitutional recognition that social justice sometimes requires differential treatment to remedy structural disadvantage.

Contemporary masculinist legal thought does not ordinarily dispute the constitutional validity of Article 15(3). Instead, it raises an important constitutional question: whether protective legislation enacted under Article 15(3) should remain periodically subject to judicial review to ensure that its operation continues to advance constitutional equality rather than create unjustified distinctions.

³⁵ INDIA CONST. arts. 14, 15, 16 & 21.

³⁶ E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3; Maneka Gandhi v. Union of India, (1978) 1 SCC 248.

³⁷ INDIA CONST. art. 15(3).

The constitutional answer lies in the doctrine of proportionality. Protective legislation remains constitutionally legitimate so long as the classification bears a reasonable relationship with its constitutional objective and does not become manifestly arbitrary.

7.3 Article 21 and the Expansion of Human Dignity

The jurisprudential transformation of Article 21 has profoundly influenced modern gender justice. Beginning with **Maneka Gandhi**, the Supreme Court interpreted the right to life and personal liberty as encompassing fairness, dignity, autonomy, privacy, and procedural justice.³⁸

Subsequent constitutional decisions expanded Article 21 to include informational privacy, bodily autonomy, reproductive choice, sexual orientation, gender identity, and decisional freedom. These developments significantly strengthened feminist constitutional arguments concerning reproductive rights, bodily integrity, workplace equality, and personal autonomy.

Equally, the expansion of Article 21 provides a constitutional foundation for contemporary debates concerning men's mental health, parental relationships, reputational interests, procedural fairness, and access to justice. Human dignity under Article 21 belongs to every individual and cannot be confined to any single gender.

Thus, Article 21 increasingly functions as the constitutional foundation of an inclusive model of gender justice based upon dignity rather than gender identity alone.

7.4 Constitutional Morality and Transformative Constitutionalism

One of the defining characteristics of recent constitutional jurisprudence has been the increasing reliance upon **constitutional morality**. The Supreme Court has repeatedly emphasised that constitutional adjudication must derive legitimacy from constitutional values rather than prevailing social morality.³⁹

This principle has profoundly influenced gender justice jurisprudence. Constitutional morality has enabled the judiciary to invalidate practices inconsistent with dignity, equality, and liberty even where such practices enjoyed historical or social acceptance.

Closely related is the doctrine of **transformative constitutionalism**, according to which the Constitution is an instrument of social transformation rather than merely a legal charter. Transformative constitutionalism requires courts to interpret constitutional provisions in a manner that progressively advances equality, inclusion, and justice.

From a comparative jurisprudential perspective, both feminist jurisprudence and contemporary masculinist legal thought may draw support from transformative constitutionalism. While feminist jurisprudence employs it to dismantle structural discrimination against women, contemporary masculinist legal thought argues that constitutional transformation should remain sufficiently inclusive to address emerging forms of disadvantage experienced by all genders.

7.5 Judicial Trends in Indian Gender Jurisprudence

A review of Supreme Court jurisprudence demonstrates several significant developments.

First, the Court has increasingly shifted from **formal equality to substantive equality**, recognising that identical legal treatment does not necessarily produce constitutional justice.

Secondly, judicial decisions increasingly rely upon **human dignity** as the constitutional foundation of equality, privacy, autonomy, and liberty.

³⁸ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

³⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1; *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1.

Thirdly, the judiciary has demonstrated growing willingness to examine personal laws, social customs, and legislative classifications through constitutional standards rather than historical tradition.

Fourthly, constitutional adjudication increasingly reflects **gender inclusivity** by recognising the rights of transgender persons and affirming that constitutional guarantees extend beyond traditional binary understandings of gender.

Finally, the Court has consistently attempted to balance individual rights with legitimate governmental interests through the doctrines of proportionality, constitutional morality, and reasonableness. These developments suggest that Indian jurisprudence is evolving towards a broader constitutional conception of gender justice grounded in dignity, equality, and inclusion.

8. Emerging Constitutional Trends : Towards an Inclusive Model of Gender Justice

The period between 2023 and 2026 has witnessed important developments in Indian constitutional discourse concerning gender justice. Although many of these developments have not fundamentally altered the constitutional framework established by earlier landmark judgments, they demonstrate an increasing judicial willingness to examine gender-related issues through the broader constitutional values of dignity, autonomy, equality, and inclusion rather than through rigid gender binaries.

One significant constitutional development concerns judicial recognition of **plural forms of family and personal relationships**. While the Supreme Court in *Supriyo v. Union of India* declined to recognise a constitutional right to same-sex marriage, the judgment nevertheless acknowledged that queer individuals possess equal constitutional dignity, the right to cohabit, and protection against discrimination. The decision reaffirmed that constitutional equality extends beyond traditional family structures even where legislative reform remains necessary. This illustrates the judiciary's continuing commitment to protecting personal autonomy while recognising institutional limits upon judicial law-making.

Subsequent judicial developments have further expanded constitutional understanding of family. The recognition of "chosen families" by the High Courts reflects an emerging jurisprudence that regards emotional interdependence, voluntary association, and personal autonomy as constitutionally significant aspects of family life protected under Article 21. These developments build upon earlier constitutional decisions concerning privacy, dignity, and decisional autonomy, indicating that Indian constitutional jurisprudence increasingly understands family through constitutional values rather than exclusively through statutory definitions.

A second emerging trend concerns renewed academic and legislative debate regarding **gender-neutral legal drafting**. Recent scholarship has argued that constitutional equality requires careful examination of whether certain criminal and family law provisions should adopt gender-inclusive language without weakening legal protection available to historically disadvantaged groups. These discussions do not reject the constitutional legitimacy of protective legislation; instead, they seek to reconcile substantive equality with equal protection of laws through evidence-based legislative reform.

The enactment of India's new criminal laws has also renewed discussion concerning the scope of gender-specific offences, the protection of all victims of sexual violence, and the constitutional implications of retaining gendered statutory language. These debates illustrate the continuing tension between two constitutional objectives: preserving effective protection for vulnerable groups while ensuring that criminal law reflects evolving understandings of equality and dignity.

Another significant constitutional development concerns transgender rights. Public debate surrounding amendments to the legal framework governing transgender recognition demonstrates that questions of identity, autonomy, medical regulation, and constitutional equality remain central to Indian jurisprudence. These developments reaffirm that contemporary gender justice extends beyond the traditional binary framework of men and women and increasingly requires constitutional engagement with gender diversity.

From a jurisprudential perspective, these developments reinforce an important conclusion. Indian constitutional law is gradually moving away from a binary understanding of gender justice based exclusively upon competing claims of men's rights and women's rights. Instead, constitutional adjudication increasingly emphasises **human dignity, substantive equality, constitutional morality, transformative constitutionalism**, and **inclusive citizenship** as the governing principles of gender justice.

Accordingly, the future evolution of Indian jurisprudence is unlikely to be determined by the dominance of either feminist jurisprudence or contemporary masculinist legal thought. Rather, constitutional courts are likely to continue adopting a contextual approach that evaluates each legal issue according to constitutional values, empirical realities, proportionality, and the objective of protecting the dignity of every individual. This trajectory is consistent with the transformative vision of the Constitution and reflects an increasingly mature understanding of equality within India's constitutional democracy.

9. Critical Evaluation, Recommendations and Conclusion

9.1 Critical Evaluation

The comparative analysis undertaken in this study demonstrates that contemporary Indian jurisprudence cannot be satisfactorily explained through either feminist jurisprudence or contemporary masculinist legal thought in isolation. Both perspectives illuminate important dimensions of gender justice, yet each also possesses conceptual limitations when treated as an exclusive constitutional framework.

Modern feminist jurisprudence has made an indispensable contribution to Indian constitutional development by exposing structural discrimination, challenging patriarchal legal assumptions, and influencing progressive judicial interpretation. Judicial recognition of sexual harassment as a violation of fundamental rights, the expansion of reproductive autonomy, protection against discriminatory personal laws, and recognition of constitutional dignity owe much to feminist legal scholarship and constitutional litigation. Without these developments, the constitutional promise of equality would have remained largely formal rather than transformative.¹

Nevertheless, feminist jurisprudence has also attracted academic criticism. Some scholars argue that certain strands occasionally overemphasize structural disadvantage to the extent that they insufficiently address changing social realities or the legal experiences of men, transgender persons, and other gender-diverse communities. A constitutional framework that seeks justice for all citizens must remain responsive to emerging forms of disadvantage without diminishing the importance of remedies for historically marginalized groups.²

Contemporary masculinist legal thought contributes to this debate by drawing attention to issues that have received comparatively less doctrinal analysis in Indian constitutional scholarship. These include questions concerning gender-neutral legislation, shared parental responsibilities, procedural fairness, mental health, workplace fatalities, and the legal consequences of rigid gender stereotypes affecting men and boys. Properly understood, these concerns need not undermine feminist achievements. Rather, they invite reconsideration of whether constitutional equality should increasingly adopt an inclusive, evidence-based approach capable of addressing disadvantage irrespective of gender.

However, contemporary masculinist legal thought itself remains conceptually underdeveloped as a jurisprudential framework. Unlike feminist jurisprudence, it lacks a unified theoretical structure and has not yet generated a coherent body of constitutional doctrine. Much of the existing literature arises from sociology, psychology, or public policy rather than jurisprudence. Consequently, any attempt to elevate it to the status of an independent school of jurisprudence would presently be premature. Instead, it is more accurately understood as an emerging body of interdisciplinary legal scholarship raising important constitutional questions concerning equality and legal reform.

From the standpoint of Indian constitutional law, neither ideology should determine constitutional adjudication. The Constitution itself remains the primary normative source. Articles 14, 15, 16, and 21,

read together with the Directive Principles of State Policy, require courts to secure substantive equality while preserving dignity, liberty, and equal protection of the laws. Constitutional adjudication therefore must remain evidence-based, context-sensitive, and consistent with constitutional morality rather than ideological preference.

9.2 Recommendations

The comparative study suggests several recommendations for strengthening gender justice within the Indian legal system.

First, future legislative reforms should increasingly adopt **gender-inclusive drafting** wherever the constitutional objective does not require gender-specific language. Such reform should, however, preserve special protections where objective evidence demonstrates continuing structural disadvantage.

Secondly, Parliament may periodically review gender-specific statutes to ensure that their operation continues to satisfy the constitutional standards of proportionality, reasonableness, and non-arbitrariness under Articles 14 and 21.

Thirdly, judicial interpretation should continue to employ the doctrines of **constitutional morality**, **transformative constitutionalism**, and **human dignity** while recognising that constitutional rights belong equally to women, men, transgender persons, and other gender-diverse communities.

Fourthly, legal education should encourage interdisciplinary research integrating constitutional law, jurisprudence, sociology, psychology, and gender studies. Such an approach would enable future scholarship to move beyond ideological binaries towards a more nuanced understanding of gender justice.

Finally, future law reform should be guided by empirical evidence rather than assumptions regarding gender roles. Constitutional equality requires that legal responses correspond to demonstrable social realities while remaining faithful to the values of dignity, liberty, equality, and justice.

10. Conclusion

Gender justice remains one of the most dynamic and evolving areas of Indian constitutional jurisprudence. The comparative analysis undertaken in this article demonstrates that both modern feminist jurisprudence and contemporary masculinist legal thought contribute valuable insights into the constitutional discourse concerning equality, dignity, and justice. Feminist jurisprudence has fundamentally transformed Indian constitutional law by exposing structural discrimination and advancing substantive equality. Contemporary masculinist legal thought, although still emerging as an area of legal scholarship, raises important questions concerning gender neutrality, procedural fairness, shared parental responsibilities, and the inclusiveness of constitutional equality.

The study argues that these perspectives should not be viewed as mutually exclusive or ideologically incompatible. The Indian Constitution neither privileges male interests nor female interests; instead, it establishes a normative framework centred upon human dignity, equality before law, equal protection of the laws, liberty, and constitutional morality. Judicial interpretation has increasingly reflected this constitutional vision by moving beyond rigid formal equality towards a contextual understanding of justice grounded in the lived realities of diverse individuals and communities.

Recent constitutional jurisprudence illustrates that the Supreme Court of India has progressively embraced transformative constitutionalism, recognising that constitutional rights must evolve in response to changing social conditions while remaining anchored in the values embodied in the Constitution. Decisions concerning privacy, gender identity, sexual autonomy, workplace equality, and family relationships demonstrate that constitutional adjudication increasingly focuses upon dignity and inclusion rather than traditional gender stereotypes.

The comparative analysis undertaken in this study confirms that the future of Indian gender jurisprudence should not be shaped by competing ideological claims but by the enduring constitutional

values of justice, equality, liberty, dignity, and fraternity. Feminist jurisprudence has played an indispensable role in exposing structural inequalities, while contemporary masculinist legal thought contributes important perspectives on inclusiveness, procedural fairness, and evolving conceptions of equality. The true strength of the Indian constitutional framework lies in its capacity to reconcile these perspectives through constitutional morality, transformative constitutionalism, and evidence-based judicial reasoning. Consequently, the evolution of gender justice in India should be guided not by gender-centric preferences but by a human rights-oriented constitutional philosophy that secures equal dignity, equal opportunity, and equal protection of the law for every individual, thereby reaffirming the Constitution as a living instrument of social transformation and democratic justice.

The future development of Indian jurisprudence should therefore avoid framing gender justice as a contest between competing ideological schools. Instead, constitutional adjudication should continue to adopt an inclusive, evidence-based, and rights-oriented approach capable of protecting every individual against discrimination while preserving legitimate measures designed to remedy historical disadvantage. Such an approach best reflects the constitutional commitment to justice—social, economic, and political—and ensures that the Constitution remains a living instrument responsive to the aspirations of a diverse democratic society.

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