



## **Evaluating Social Justice for Women as A Pillar of National Resilience**

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### **Abstract**

In contemporary constitutional democracies, social justice for women has emerged as both a normative commitment and a developmental necessity. In India, gender equality is deeply embedded within constitutional mandates, legislative reforms, and policy initiatives aimed at correcting historical disadvantage. This paper argues that women's social justice is not merely a rights-based concern but a strategic pillar of national resilience. Using a doctrinal and policy analysis approach, the study examines constitutional provisions, statutory frameworks, judicial interventions, and governmental schemes to evaluate their role in strengthening democratic legitimacy, economic stability, and social cohesion. The findings suggest that while India has made significant legal and institutional progress, substantive equality requires stronger implementation mechanisms, gender-responsive governance, and intersectional policy design. Ultimately, integrating gender justice into nation-building efforts is essential for achieving sustainable development and realising the vision of a resilient and inclusive India.

**Keywords:** social justice, gender equality, national resilience, constitutional law, women empowerment, inclusive governance, Viksit Bharat

### **1. Introduction: Conceptualising Social Justice and National Resilience**

Social justice exists within constitutional democracies because the government must treat all citizens equally and protect their rights and their dignity throughout society. The Indian constitutional system establishes social justice through the Preamble which guarantees "justice-social, economic and political" and through its equality provisions plus affirmative action policies.(Austin, 1999). The system functions through real equality which requires complete social justice to handle structural disadvantages that need state-based solutions (Sen 2009). Social justice for women includes their rights to education and work and their right to control their bodies and their right to vote and their right to live without discrimination and violence.



National resilience describes a nation's ability to endure internal and external economic and social and political and security challenges while making necessary adjustments and recovering from all types of disruptions.(OECD, 2014). The system evaluates three dimensions which include political legitimacy and economic stability and social cohesion. A nation achieves resilience when its people trust institutions and share access to opportunities and take part in the governance process. The academic research on genders rights together with state stability has gained recognition in both international and national studies. Empirical research shows that societies which grant women equal rights will experience less conflict while their democratic institutions will become more robust. (Hudson et al., 2012). The economic system suffers from gender injustice which creates social divisions and blocks economic progress and creates permanent disadvantages for future generations thus destroying national defense capabilities. The present study will investigate the role of women's social justice rights as a fundamental element of India's national resilience system. The study assesses constitutional requirements and legislative systems and governmental actions to determine their capacity to enhance the democratic and economic stability of the nation. The paper is structured into theoretical foundations, constitutional analysis, legal and policy evaluation, challenges, and policy recommendations.

## **2. Theoretical Framework: Gender Justice and Nation-Building**

The conversation about gender justice together with nation-building processes operates through basic justice theories which establish their foundation. John Rawls proposed his theory of justice as fairness which allows social and economic disparities only when they result in advantages for the most disadvantaged members of society (Rawls, 1971). The principle of gender justice through affirmative action and protective legislation plus redistributive policies establishes policies which correct historical disadvantages that women experienced. The difference principle of Rawls serves as a normative basis which supports constitutional obligations to maintain substantial equality.

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Amartya Sen's capability approach extends this framework through its complete assessment of human rights which governs all human possibilities and actual human rights that people can exercise (Sen 1999). Sen argues that justice must be evaluated based on individuals'



capabilities-the real freedoms they possess to lead lives they value. The assessment of social justice for women requires access to education and healthcare and economic participation and bodily autonomy. National development suffers from gender inequality because it acts as a legal deficiency that restricts people's ability to function properly.

Feminist legal theory reveals that formal equality fails to achieve equality and that substantial equality must be established because equal treatment leads to harmful outcomes through its impact on social systems (MacKinnon, 1989). The legal system implements patriarchal standards which require complete system changes to establish power fairness and eliminate institutionalised bias.

Crenshaw (1989) explains that intersectionality shows how women experience life through their combination of multiple identity groups which include caste and class and tribal affiliation and rural minority status. The specific legal and policy solutions needed to protect Dalit tribal and rural women arise from multiple forms of discrimination that they experience.

Gender justice emerges as a fundamental requirement for nation-building according to the combined elements of these frameworks. Justice enhances social cohesion and democratic stability through its capability to convert structural inequities into rights and its ability to establish institutional fairness.

### **3. Constitutional Foundations of Social Justice for Women in India**

The Indian Constitution provides a robust normative and legal foundation for advancing social justice for women, embedding equality and dignity within its core framework.

#### **(a) Preamble: Justice—Social, Economic and Political**

The Preamble establishes India's dedication to achieving social and economic and political justice which governs all aspects of the Indian Constitution (Austin 1999). The State must fulfill its duty to eliminate structural discrimination against women while enabling their active involvement across all aspects of society. The Preamble's transformative vision has been judicially recognised as part of the Constitution's basic structure which establishes gender justice as a fundamental requirement for constitutional governance. (SCC, 1973).



## **(b) Equality Provisions: Articles 14, 15(3) and 16**

Article 14 The guarantee of equal treatment under the law together with equal protection of the law serves as the fundamental principle which establishes anti-discrimination legal standards.

Article 15(1) prohibits discrimination on grounds of sex, while Article 15(3) empowers the State to make special provisions for women and children—thereby constitutionally validating affirmative action. Article 16 guarantees public employment opportunities which require equal treatment for all individuals. The legal system has developed through court decisions which now recognize that actual equality requires different treatment to assist people who face systemic disadvantages. (Choudhry et al., 2016).

## **(c) Directive Principles: Articles 39(a), 39(d) and 42**

The Directive Principles of State Policy exist to enhance gender equality throughout the governmental system. The Article 39(a) provision requires equal access to work opportunities while the Article 39(d) clause guarantees workers equal compensation for performing identical tasks. The Article 42 mandate requires the State to establish fair and compassionate work environments that include maternity support. The provisions function as non-judicial guidelines which direct legislative and policy measures that support women's economic development. (Austin, 1999).

## **(d) Fundamental Duties and Dignity**

Article 51A(e) imposes a duty on citizens to renounce practices derogatory to the dignity of women, which requires them to treat women with respect as part of their civic responsibilities. The Supreme Court has linked dignity to Article 21's right to life and personal liberty, which creates additional protections for women's autonomy rights.(SCC, 2018a).

## **(e) Judicial Expansion of Gender Justice**

The judiciary has played a transformative role in operationalising constitutional mandates. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court framed guidelines against workplace sexual harassment, grounding them in Articles 14, 15 and 21. In *Shayara Bano v. Union of India* (2017), instant triple talaq was invalidated as unconstitutional. In *Joseph Shine v. Union of India* (2018b), the adultery law was struck down for violating equality and dignity. These



decisions illustrate how constitutional interpretation has strengthened women's rights, reinforcing social justice as a pillar of democratic resilience.

#### **4. Legal and Policy Framework Strengthening Women's Justice**

India shows its dedication to gender justice through its constitutional protections which accompany its complete legal system and policy framework that serves to protect women's rights while boosting their economic and social advancement.

##### **(a) Protection of Women from Domestic Violence Act, 2005**

The Protection of Women from Domestic Violence Act (PWDVA) 2005 established a complete transition from traditional criminal law enforcement to civil rights protection. The Act defines domestic relationship abuse through its recognition of five different forms of abuse which it offers protection through immediate enforcement of protection orders and residence rights and monetary relief. The Act extends its definition of domestic violence to include all forms of violence while it protects women's right to a peaceful home environment which serves as a fundamental aspect of their dignity and security in the pursuit of justice.

##### **(b) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**

The POSH Act, 2013 operationalised the Supreme Court's guidelines in Vishaka v. State of Rajasthan (1997). The law requires workplaces to create Internal Committees which will conduct inquiries within specified time limits while acknowledging that hostile work environments constitute discrimination. The Act protects safe working conditions which enable women to participate in the economy while building institutional trust.

##### **(c) Maternity Benefit (Amendment) Act, 2017**

The 2017 amendment extended paid maternity leave from 12 to 26 weeks and introduced provisions for crèche facilities in establishments with 50 or more employees. The reform recognizes reproductive work while creating policies that protect maternal health and ensure equal treatment of women in the workplace.

##### **(d) Criminal Law Reforms on Sexual Offences**

The Criminal Law (Amendment) Act of 2013 together with its 2018 amendments introduced new definitions for sexual offenses and established more severe penalties while creating



additional protective measures that help survivors of these crimes. The reforms create a more powerful deterrent system which proves the State's dedication to protecting bodily autonomy and ensuring public safety.

#### **(e) Political Representation**

The 73rd and 74th Constitutional Amendments establish mandatory quotas for female representation in local government bodies which include Panchayats and Municipalities, thereby promoting enhanced female political participation at the local level. The Constitution (One Hundred and Sixth Amendment) Act, 2023 (Women's Reservation Act) establishes a 33% quota for female candidates who will run in both the Lok Sabha elections and State Legislative Assembly elections, which represents a major progression toward equitable governmental representation.

#### **(f) Policy Initiatives and Financial Inclusion**

The Beti Bachao Beti Padhao program works to correct gender bias by encouraging girls to pursue their education. National Rural Livelihoods Mission Self-Help Groups (SHGs) create a platform for people to work together as entrepreneurs while Pradhan Mantri Jan Dhan Yojana financial inclusion programs help women gain economic independence. The combination of these initiatives establishes women's justice as a fundamental requirement for building national strength and progress.

### **5. Social Justice for Women as a Driver of National Resilience**

Social justice for women exists as both a normative goal and a requirement that protects national security through its impact on economic and social and institutional development.

#### **(a) Economic Resilience**

The economy and productivity and household income security experience direct benefits from the rising number of women who join the workforce. The research shows that closing gender gaps in both employment and entrepreneurship fields will bring about substantial economic growth and improved national competitiveness.(World Bank, 2022). The economic empowerment of women creates new income opportunities which support financial inclusion efforts and decrease financial risk for women during economic downturns, thus building macroeconomic resilience.



**(b) Social Cohesion and Reduction in Violence**

The practice of gender justice creates social environments which protect people from both discriminatory practices and persistent systemic violence. Research studies prove that countries which achieve greater gender equality face decreased internal disputes and social unrest.(Hudson et al., 2012). Justice-oriented policies which combat domestic violence and workplace harassment and social exclusion create social trust and harmony while building community stability.

**(c) Democratic Legitimacy and Institutional Trust**

The presence of women in political and administrative positions helps to establish democratic legitimacy. The governance system needs inclusive practices to ensure that all citizens can participate in public policy development, which will improve government transparency and responsiveness. The participation of women in decision-making processes leads to better policy results in health, education, and social welfare, which boosts public confidence in government organizations. (UN Women, 2020).

**(d) Education and Intergenerational Resilience**

Investment in girls 'education creates multiple benefits for future generations. The education of women increases their job market participation while they postpone marriage and improve the health and educational results of their children. The intergenerational effects of this process create enduring human capital development and societal capacity to adapt to changes. (Sen, 1999).

**(e) Disaster Resilience and Community Leadership**

Women serve essential functions in three areas which include community readiness and resource distribution and disaster recovery efforts. The inclusion of women in local government and disaster response planning activities results in improved community adaptation capabilities and sustainable recovery methods. (UNDRR, 2019).

**(f) Women in Armed Forces and Strategic Sectors**

The inclusion of women in armed forces, policing, cybersecurity, and other strategic sectors strengthens national security frameworks. The creation of new career paths in these fields



serves two purposes which include advancing equality and boosting organizational performance while making institutions more robust.

## **6. Challenges in Achieving Substantive Social Justice**

The existing constitutional and legislative frameworks in India face obstacles which prevent women from attaining full social justice rights despite their progressive nature..

### **(a) Patriarchal Norms and Structural Discrimination**

Patriarchal beliefs which have existed for a long time still affect social systems because they restrict women's ability to make choices about their education and work and movement and decision-making powers. Equality provisions which seek to bring about social change face obstacles because cultural practices strengthen existing gender stereotypes. (Choudhry et al., 2016).

### **(b) Wage Gap and Informal Sector Exploitation**

Women continue to work at lower rates than men because most employed women experience both wage gaps and unsafe working environments. A significant portion of women work in the informal sector, which denies them access to social security benefits and maternity protection and grievance redressal systems. (World Bank, 2022).

### **(c) Digital Divide**

Women in rural areas face technological challenges because they lack basic digital infrastructure and necessary technology skills. The digital gender gap limits women's access to online educational programs and financial services and job opportunities which reduces their ability to build economic stability.

### **(d) Violence and Underreporting**

Gender-based violence which includes domestic violence and sexual harassment and trafficking continues to occur throughout society. The combination of stigma and fear of retaliation with institutional insensitivity leads to underreporting which damages enforcement systems and allows offenders to escape punishment. (UN Women, 2020).

### **(e) Implementation Gaps and Intersectional Vulnerabilities**

Although laws appear strong on paper their actual performance suffers from three main factors which include insufficient implementation and their very slow legal processes and people not



understanding the laws. The various intersectional vulnerabilities which exist for Dalit tribal minority and rural women create multiple forms of discrimination that block their ability to pursue justice. (Crenshaw, 1989). The achievement of formal guarantees which create complete equality between individuals requires two main solutions to be implemented. The national resilience capacity needs to develop through these two solutions

## 7. Conclusion

The social justice rights that women possess need to exist as the fundamental base which sustains national strength. The economic development of a country together with its democratic functions and social unity depends on its ability to provide equal rights and respect and access to opportunities for all women citizens. The concept of gender justice needs to become a fundamental element of India's national development according to the principle of "One Nation, One Destiny." The implementation of full gender equality throughout India's governance and development systems will determine the strength and longevity of national power from now until 2026 and through the vision of Viksit Bharat 2047.

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