



From Legal Rights to Lived Realities: Evaluating the Gap between Gender Justice Jurisprudence and Scientific Citizenship Outcomes in Contemporary India

Moonam Hitesh Kharat

Ph. D. Research Scholar (Philosophy), Research Centre, VPM's K.G. Joshi College of Arts and N.G. Bedekar College of Commerce (Autonomous), Thane (University of Mumbai), Maharashtra, India

Abstract:

Indeed, the rich jurisprudence on gender justice in India notwithstanding, there remains a disconnect between the legal discourse and women's citizenship experiences. This paper critically considers this gap through an analysis of the translation (or non-translation) of constitutional principles, legal provisions and judicial interpretations into social reality. Rooted in the ethos of scientific temper as envisaged in Article 51A(h) of the Constitution of India, the research redefines citizenship as not just a legal but an evidence-based self-empowered capacity for social engagement and rational autonomy.

The paper adopts a doctrinal approach to systematically review the relevant constitutional provisions, gender-specific laws and judicial decisions to map out a normative framework of gender justice. This is complemented by a critical review and synthesis of secondary empirical studies to gauge the degree of correlation between legal reforms and outcome-oriented social, economic and decision-making empowerment of women. The findings show a huge gap between implementation and translation of progressive legal norms as it co-exists with limited citizenship outcomes shaped by socio-cultural and institutional factors. This paper suggests a recasting of the discourse of gender justice to move towards outcome-focused, evidence and research-based policy frameworks in line with the principles of scientific temper and substantive equality in jurisprudence.

Keywords: Gender Justice, Jurisprudence, Scientific Temper, Citizenship Outcomes, Substantive Equality, Constitutional Law, Women's Rights

1. Introduction

India has a constitutional conundrum. It boasts one of the most advanced laws for women's equality. But the lives of millions of women are severely limited. This is no coincidence. It is structural, consistent and theoretically meaningful. Mohapatra¹ was spotted on in pinpointing the problem. Formal equality and real equality are not the same. Equality before the law does not necessarily lead.

The Indian Constitution assures equality before law (Article 14). It provides for equality between the sexes under Article 15. It ensures equal opportunity in public employment in Article 16. It guarantees the right to life and personal liberty (which has been interpreted to include bodily autonomy and dignity) under Article 21. Article 51A(h) proclaims it a fundamental duty of the citizen to develop a scientific temper. These norms form the high aspirations of the Constitution. Yet, tangible results in terms of

¹ S Mohapatra, 'Law and Gender Justice: The Disjuncture between Formal Equality and Real Equality' (2017) 2(1) *Proceedings of the World Conference on Women's Studies* 61.

education, employment, health and political representation of women remain poor. Rajput² found a deficit of an ecosystem for operationalising formal gender equality. Sunita et al.³ observed the intricate and entrenched nature of gender inequality affecting social, economic and legal aspects. Lahane et al.⁴ noted that institutional realignment, not just policy and legislation, is needed to achieve gender equality in public policy.

There have also been significant judicial developments. Aryan and Kakoty⁵ mapped the progress in India's judicial responses to legal feminism into three stages: judicial inaction, protective and progressive. But judicial progress has not always trickled down. Tannvi and Narayana⁶ discovered the persistence of gender stereotyping in Indian court reasoning despite the progressive nature of judgements of the apex court. This paper does two things. First, it looks at a disjuncture between norms and practices. It has three interwoven aims. First, it charts India's constitutional and legislative framework for gender justice. Second, it assesses its implementation and turns into outcomes of citizenship. Third, it offers an outcome-focused evaluative schema based on Article 51A(h) norm of scientific temper.

The methodology is doctrinal. It is based on an analysis of constitutional provisions, laws and court decisions. It adds to this a critical review of secondary empirical sources. These allow us to achieve normative and outcome evaluation. This paper has two key contributions. Doctrinally, it develops a comprehensive overview of the gender justice jurisprudence in India. Theoretically, it brings the idea of scientific citizenship to bear as a normative measure of gender justice. The key takeaway from this is that the test for evaluating legal frameworks should not be on words but deeds.

2. Theoretical Framework

This is based on three interrelated theoretical frameworks. One is substantive equality. The second is scientific citizenship. The third is feminist jurisprudence. Each of the pillars is conceptually separate. They together form a theory of evaluation.

2.1 Substantive Equality

Formal equality entails equal treatment. Substantive equality requires more. It requires equal outcomes as well as treatment. Formal neutrality, in the presence of structural inequalities, perpetuates inequality. Mohapatra⁷ eloquently explained this in India. Agre et al.⁸ confirmed this by demonstrating the role of patriarchal structures in legal systems in producing inequality despite formal rights. Kapur and Cossman⁹ showed that the discourse of gender equality in India has at times staved off recognition of the

² P Rajput, 'Gender Equality: Missing Ecosystem to Realize de Jure Equality' in *Sustainable Development Goals Series* (Springer 2023).

³ Sunita, D Kaur, H Kaur, A Mehraj, S Kumari and G Singh, 'Complex Realities of Gender Inequality in India: Social, Economic, and Legal Dimensions' (2024) 30(6) *Educational Administration: Theory and Practice* 908.

⁴ M Lahane, P Dixit, N Sharma and A Agrawal, 'Bridging the Gap: Advancing Gender Equality in Public Policy in India' in *Income Inequality and Financial Inclusion Initiatives in a Global Context* (IGI Global 2025).

⁵ S Aryan and D Kakoty, 'A Jurisprudential Analysis: Exploring Indian Judiciary's Approach to Legal Feminism from Hands-Off to Protective and then to Progressive' (2024) 1 *Annual International Journal of Vaikunta Baliga College of Law* 295.

⁶ T Tannvi and S Narayana, 'The Challenge of Gender Stereotyping in Indian Courts' (2022) 8(1) *Cogent Social Sciences*.

⁷ Mohapatra S, (2017) 'Law and Gender Justice: The Disjuncture between Formal Equality and Real Equality' 2(1) *Proceedings of the World Conference on Women's Studies* 61.

⁸ K Agre, S Salimkhan Inamdar, V Kumar and P S Biswal, 'Feminist Jurisprudence: A Critique of Patriarchal Structures in Legal Systems and the Pursuit of Gender Justice' (2025) 6(1) *Journal of International Commercial Law and Technology* 307.

⁹ R Kapur and B Cossman, 'Gender Equality Redux' (2022) 16(1) *National Law School Journal* 5.

structural factors that sustain inequality by focusing only on formal equality in law. Banerjee and De¹⁰ identified substantive equality in the design of India's Constitution. The Constitution's equality provisions, De suggested, were meant to bring about no mere procedural justice. They were intended to bring about social transformation. Singh¹¹ also argued that the right to equality is a dynamic right, which needs to be assessed in terms of its social outcomes.

2.2 Scientific Citizenship

This paper proposes scientific citizenship as an idea to evaluate gender justice. It is based on Article 51A(h) of the Constitution of India. This section of the Constitution states that it shall be the duty of every citizen to promote scientific temper, humanism and the spirit of inquiry and reform. Scientific temper as a constitutional norm is rational, evidence-based and independent thinking and decision-making. Scientific citizenship, as we use the term in this paper, extends it to the lives of women. A woman who is scientifically-citizen is not a formal rights-holder. She is a person who can rationally engage in social, economic and political activities. The concept of health justice citizenship¹² was a conceptual stepping-stone in linking citizenship rights to health. The conditions such rights create (rather than formal recognition) should be used to assess citizenship entitlements. Dhal and Sharma¹³ brought this insight to science, demonstrating how gendered realities in Indian science limit women's ability to engage rationally in their scientific practice. Pathak¹⁴ verified that Indian science is still aspirational for gender.

2.3 Feminist Jurisprudence

The critical perspective is feminist jurisprudence. Agre et al.¹⁵ described it as challenging patriarchal structures in the law and working towards gender justice through transformative law. Verma¹⁶ suggested the need for the gender rights discourse to progress beyond the politics of difference to structural justice. Chaudhary¹⁷ showed the merits of feminist legal methods in deciding on women's issues in India. The three foundations - substantive equality, scientific citizenship and feminist jurisprudence - come together in an analytical point. It is not sufficient to consider the outcome of legal frameworks; what matters is the outcome for women. This is an analytical and a normative claim. It informs the methods, content and outcomes in this paper.

¹⁰ S Banerjee and S De, 'Empowering Equality: Gender Justice in the Indian Constitution' (2024) Annual International *Journal of Vaikunta Baliga College of Law*.

¹¹ S Singh, 'Right to Equality and Gender Justice with Special Reference to Legal Education in India' (2023) 20(21) *Neuroquantology*.

¹² E P Pinto, 'Citizenship, Health Care Jurisprudence and Pursuit of Health Justice' in Springer volume (Springer 2021).

¹³ S Dhal and J Sharma, 'Making Sense of the Gendered Realities in Science: An Exploration of the Indian Situation' (2024) 54(1) *Social Change*.

¹⁴ V Pathak, 'Gender Equality in Indian Science: A Work in Progress' (2025) *The Social Science Review: A Multidisciplinary Journal*.

¹⁵ Agre K, Salimkhan Inamdar S, Kumar V and Biswal P S, (2025) 'Feminist Jurisprudence: A Critique of Patriarchal Structures in Legal Systems and the Pursuit of Gender Justice' 6(1) *Journal of International Commercial Law and Technology* 307.

¹⁶ V Verma, *Gender, Rights and the Justice Gap: Going beyond the Politics of Difference* (Routledge 2018).

¹⁷ S Chaudhary, 'The Value of Feminist Legal Methods in Adjudicating Women's Issues: A Critical Comparison of Two Judicial Approaches from India' (2024) 8(1) *Indian Law Review* 66.

3. Constitutional and Statutory Architecture of Gender Justice

India has a rich and robust constitutional architecture for gender justice. Table 1 lists them.

Table 1: Key Constitutional Provisions on Gender Justice in India

Provision	Article / Instrument	Core Guarantee	Primary Sources
Right to Equality	Article 14	Equality before law; equal protection of laws	Banerjee & De (n 9); Halima (n 16)
Non-Discrimination	Article 15(1)	Prohibition of discrimination on grounds of sex	Saxena (n 17); Singh (n 10)
Protective Provisions	Article 15(3)	Special provisions permissible for women and children	Halima (n 16); Kumar & Sonika (n 56)
Equal Opportunity	Article 16	Equality in public employment	Banerjee & De (n 9); Rani & Sinshupa (n 18)
Right to Life & Dignity	Article 21	Right to life, liberty, and bodily autonomy	Jain & Shah (n 27); Dholam (n 32)
Scientific Temper	Article 51A(h)	Fundamental duty to develop scientific temper, humanism, spirit of inquiry	Gupta (n 55); Pathak (n 13)
Directive Principles	Articles 39, 42, 43	Equal pay; maternity relief; decent living wage	Saxena (n 17); Lahane et al. (n 4)

Note. Sources: Banerjee and De (n 9); Halima (n 16); Saxena (n 17); Baranwal and Solanki (n 33); Dholam (n 32); Jain and Shah (n 27).

Halima¹⁸ analyzed Indian constitutional provisions, case laws and laws on gender discrimination. She observed articles 14, 15 and 16 as the trinity of equality. Banerjee and De¹⁹ claimed that the constitutional design was transformative in nature to eradicate social hierarchy and not only formal inequality. Saxena²⁰ also acknowledged that a plethora of laws have been enacted in response to constitutional directives in India.

In addition to the Constitution, there has been a plethora of gender protective laws. The Protection of Women from Domestic Violence Act (2005), the Sexual Harassment of Women at Workplace Act (2013), the Prohibition of Child Marriage Act (2006), the Maternity Benefit (Amendment) Act (2017) and the Medical Termination of Pregnancy (Amendment) Act (2021) reflect a robust legislative framework addressing gender inequality. The build-up of legislation, Rani and Sinshupa²¹ noted, is the

¹⁸ A S Halima, 'Indian Constitutional Provisions, Laws, Case Laws, and Legislations Regarding Gender Discrimination' (2025) 7(1) *International Journal for Multidisciplinary Research*.

¹⁹ Banerjee S and De S, 'Empowering Equality: Gender Justice in the Indian Constitution' (2024) *Annual International Journal of Vaikunta Baliga College of Law*.

²⁰ P Saxena, 'Gender Justice and Legal Reforms: A Review of Women's Rights Legislation in India' (2024) 2(5) *Indian Journal of Law 1*.

²¹ P Rani and Sinshupa, 'Gender Equality and Women's Empowerment in Law in India' (2023) *Knowledgeable Research: A Multidisciplinary Journal*.

result of advocacy and judicial guidance. Bhattacharjee²² reviewed the effect of these laws on gender-sensitive concerns and concluded that while the laws are often good on paper, they are poor in practice. Table 2 lists some of the gender justice laws and implementation challenges.

Table 2: Key Gender Justice Legislation in India - Scope and Identified Limitations

Legislation	Year	Core Objective	Identified Limitation
Dowry Prohibition Act	1961	Prohibit dowry transactions	Poor enforcement; social normalization of dowry practices
Maternity Benefit Act (Amended)	2017	Protect women's employment during maternity	Limited to organized sector; informal workers excluded
Protection of Women from Domestic Violence Act	2005	Civil protection against domestic violence	Institutional delays; stigma suppresses reporting
POSH Act	2013	Prevent sexual harassment at workplace	Minimal reach in informal and domestic work sectors
MTP Amendment Act	2021	Expand reproductive choice and access	Access barriers persist in rural and remote areas
Prohibition of Child Marriage Act	2006	Prevent child marriage	Weak enforcement in high-prevalence states

Note. Sources: Pathan (n 20); Bhattacharjee (n 19); Dholam (n 32); Rani and Sinshupa (n 18); Baranwal and Solanki (n 33).

Pathan²³ assessed the implementation of India's legal reforms on gender justice and concluded that there were three common problems. First, inadequate enforcement exists across states as a result of capacity imbalances. Second, there are procedural barriers to effective access to justice. Third, social-cultural opposition undermines the implementation of good laws. These are not isolated issues. They are systemic.

Marriage, divorce, succession and maintenance laws establish differential citizenship for women within various religious groups. Parashar²⁴ demonstrated that these laws create alternative legal systems which trample over constitutional equality provisions in the family sphere. Goswami et al.²⁵ revealed that Reformed Hindu personal law continues to have doctrinal tensions between tradition and gender equity. Wadhwa²⁶ mapped the interconnections between dharmic principles and constitutional jurisprudence and pointed to ongoing jurisprudential dilemmas.

4. Judicial Trajectory: From Protective to Progressive Jurisprudence

The courts have been pivotal in advancing gender justice in India. There has been a judicial evolution through stages. Aryan and Kakoty²⁷ traced this journey, distinguishing a shift from a non-interfering

²² M Bhattacharjee, 'Impact of Indian Laws on Gender Sensitive Issues' (2025) 30(6) *IOSR Journal of Humanities and Social Science*.

²³ S Pathan, 'Bridging the Gaps: Evaluating Gender Justice and Legal Reforms in India — Efficacy, Challenges and the Way Forward' (2024) 6(6) *International Journal for Multidisciplinary Research*.

²⁴ A Parashar, 'Gender Inequality and Religious Personal Laws in India' (2008) 15(1) *Brown Journal of World Affairs*.

²⁵ P Goswami, K Nema, P Goswami and A Goswami, 'Legal Innovation in Hindu Law: The Intersection of Tradition, Modernity, and Gender Justice in Contemporary India' (2025) 15(3) *European Economics Letters*.

²⁶ C Wadhwa, *Dharmic Dialectics and Gender Jurisprudence: Vedic Axioms to Constitutional Adjudication* (2025).

judicial attitude to a protective and a progressive one. These reflect the evolving judicial conceptions of equality, dignity and women's rights. The women's protective phase was marked by paternalism. Judges justified gender-based differential treatment based on biological differences and women's social vulnerability. In providing some protections to women, these judgements also upheld cultural stereotypes. Tannvi and Narayana²⁸ unpacked the problem of gender stereotyping in Indian courts and found that the reasoning of judges has perpetuated instead of challenged the cultural stereotyping of women's nature and role in society. The progressive period came with a wave of judgements. The key contributions of the courts to the jurisprudence of gender justice are summarized in Table 3.

Table 3: Landmark Judicial Decisions and Their Contribution to Gender Justice

Case	Year	Doctrinal Contribution
Vishaka v. State of Rajasthan	1997	Laid down binding guidelines on sexual harassment; recognized right to safe working environment
Lata Singh v. State of Uttar Pradesh	2006	Upheld the right of adults to choose their marriage partner without interference
K.S. Puttaswamy v. Union of India	2017	Recognized privacy as a fundamental right; foundational for reproductive autonomy jurisprudence
Joseph Shine v. Union of India	2018	Decriminalized adultery; affirmed sexual autonomy and gender equality principles
Hiral P. Harsora v. Kusum Narottamdas Harsora	2016	Expanded scope of domestic violence protection to include all adult male aggressors
X v. NCT of Delhi	2023	Addressed reproductive rights in context of marital status; feminist outcomes analyzed critically

Note. Sources: Aryan and Kakoty (n 5); Chaudhary (n 15); Singh, S. (n 24); Jain and Shah (n 27); Bhattacharjya (n 28). Case details are described at a level of generality supported by cited scholarship.

Singh²⁹ examined the reasoning of the Supreme Court in X v. NCT of Delhi, concluding that there is a disconnect between the feminist expectations and feminist outcomes in judicial decision-making. Even though this may be a decision that is progressive by certain standards, it may also have underlying assumptions that limit women's agency, Singh noted. Chaudhary³⁰ similarly made a critical analysis of two different judicial approaches in India and found that the quality of feminist reasoning in a decision-making process varies from case to case and bench to bench.

Singh and Trivedi³¹ studied gender jurisprudence in relation to women's political reservation and found courts have taken a progressive approach to recognizing structural constraints on women's political participation but have been erratic in terms of implementation. Singh and Kaur³² analyzed judicial

²⁷Aryan S and Kakoty D, 'A Jurisprudential Analysis: Exploring Indian Judiciary's Approach to Legal Feminism from Hands-Off to Protective and then to Progressive' (2024) 1 *Annual International Journal of Vaikunta Baliga College of Law* 295.

²⁸Tannvi T and Narayana S, 'The Challenge of Gender Stereotyping in Indian Courts' (2022) 8(1) *Cogent Social Sciences*.

²⁹S Singh, 'The Supreme Court in X v NCT of Delhi: Feminist Expectations, Feminist Foregrounding but Feminist Outcomes?' (2024) 8(1) *Indian Law Review* 92.

³⁰Chaudhary S, 'The Value of Feminist Legal Methods in Adjudicating Women's Issues: A Critical Comparison of Two Judicial Approaches from India' (2024) 8(1) *Indian Law Review* 66.

³¹R K Singh and A Trivedi, 'Shattering the Phallogocentric Barriers: Examining Gender Jurisprudence in the Context of Women's Reservation and Political Empowerment in India' (2025) 3(3) *QURU: Journal of Family Law and Culture* 283.

³²B P Singh and I Kaur, 'Contextualizing Gender, Law and Judiciary: An Observation on Judicial Activism in Protecting the Rights of Women in India' (2024) 30(4) *Educational Administration: Theory and Practice* 9444.

activism for women's rights more broadly and concluded that activism has been limited to landmark cases but that the entire judiciary has gaps in its implementation of women's rights. Jain and Shah³³ studied the jurisprudence on reproductive rights in India and concluded that the Supreme Court has built a complex framework which combines privacy, dignity and gender equality. Bhattacharjya³⁴ further examined the impact of the Court on abortion law, arguing that the Court has been progressive in recognizing reproductive autonomy but needs to follow up with action.

Yadav et al.³⁵ analyzed how the judiciary has responded to the rights of minority genders and observed the Indian judiciary has become more inclusive in recognizing rights beyond the binary gender model. Yet Datta et al.³⁶ noted ongoing exclusion of transgender and gender non-conforming individuals from pursuing higher education in the sciences, suggesting that there is a disconnect between the courts and reality. There is doctrinal advancement in the judiciary. Jurisdictions have outgrown form equality to deal with substantive equality for women. But, as Kanwar and Kumawat³⁷ pointed out, the realization of gender justice relies heavily on the sensibilities of courts at all levels of the hierarchy, not just the top and also supported by Tannvi and Narayana³⁸.

5. The Implementation Gap: Empirical Evidence of Constrained Citizenship

India's normatively progressive legal framework for gender justice is impressive. The gap between this framework and women's lives is as considerable. This table (4) summarizes the various aspects of the implementation gap.

Table 4: Dimensions of the Implementation Gap in India's Gender Justice Framework

Dimension	Legal Guarantee	Documented Implementation Gap
Education	Articles 14–15; Right to Education Act	Gender gap in STEM education; exclusion of transgender students ^{39,40}
Employment	Article 16; POSH Act; Equal Remuneration Act	Persistent wage gaps; concentration in informal economy; underreporting of harassment ⁴¹
Political Participation	Women's Reservation Act, 2023	Implementation delayed; historical underrepresentation in legislatures ⁴²

³³ D Jain and P K Shah, 'Reimagining Reproductive Rights Jurisprudence in India: Reflections on the Recent Decisions on Privacy and Gender Equality from the Supreme Court of India' (2020) 39(2) *Columbia Journal of Gender and Law* 1.

³⁴ A Bhattacharjya, 'Reproductive Autonomy in a Globalized Context: The Supreme Court's Impact on Abortion Laws in India' (2025) 7(1) *GLS Law Journal*.

³⁵ G Yadav, P Tiwari and S Batar, 'Reclaiming Equality: Legal Frameworks and Judicial Responses to the Rights of Minority Genders in Contemporary Justice Systems' (2025) *Journal of International Commercial Law and Technology*.

³⁶ S Datta, D Mukherjee, P Gaikwad, S Sridhar and R Parekh, 'No Space for Some: Transgender, Gender Non-Conforming and Gender Non-Binary Persons' Access to Science Higher Education in India (Indian Institute of Human Settlements 2023).

³⁷ S Kanwar and J Kumawat, 'A Study on Gender Justice and Enforcement of Law' (2024) *Journal of Advances and Scholarly Research in Allied Education*.

³⁸ Tannvi T and Narayana S, 'The Challenge of Gender Stereotyping in Indian Courts' (2022) 8(1) *Cogent Social Sciences*.

³⁹ Singh R K and Trivedi A, 'Shattering the Phallogocentric Barriers: Examining Gender Jurisprudence in the Context of Women's Reservation and Political Empowerment in India' (2025) 3(3) *QURU': Journal of Family Law and Culture* 283.

⁴⁰ Chaudhary S, 'The Value of Feminist Legal Methods in Adjudicating Women's Issues: A Critical Comparison of Two Judicial Approaches from India' (2024) 8(1) *Indian Law Review* 66.

Reproductive Rights	MTP Act; Article 21	Rural access barriers; social stigma; institutional non-compliance ⁴³⁴⁴
Menstrual & Health Rights	Article 21; state health schemes	Menstrual health policy gaps; taboo-driven institutional exclusions ⁴⁵
Personal Law	Constitutional equality provisions	Gender discrimination in marriage, divorce, and succession under religious personal laws ⁴⁶⁴⁷
Safety from Violence	Domestic Violence Act; POCSO; IPC provisions	Widespread underreporting; judicial delays; inadequate shelter and support infrastructure ⁴⁸⁴⁹

Note. Sources: Datta et al. (n 30); Pathak (n 13); Sunita et al. (n 3); Singh and Trivedi (n 25); Dholam (n 32); Bhattacharjya (n 28); Baranwal and Solanki (n 33); Parashar (n 21); Goswami et al. (n 22); Bhadra (n 34); Pathan (n 20).

Mane et al.⁵⁰ explored the effectiveness of constitutional equality provisions in Indian society. They found that despite progressive constitution provisions, gender equality is yet to be achieved. Sunita et al.⁵¹ provided a comprehensive overview of the social, economic and legal inequality among women. They found that socioeconomic and political inequality continues to exist in areas of education, health and employment. Chattopadhyay et al.⁵² discussed structural measures to address gender inequalities and highlighted that the current measures have been misconceived. They are "symptom-driven". Rajput⁵³ highlighted a missing ecosystem for achieving formal gender equality, suggesting that formal gender

⁴¹Goswami P, Nema K, Goswami P and Goswami A, 'Legal Innovation in Hindu Law: The Intersection of Tradition, Modernity, and Gender Justice in Contemporary India' (2025) 15(3) *European Economics Letters*.

⁴²Banerjee S and De S, 'Empowering Equality: Gender Justice in the Indian Constitution' (2024) *Annual International Journal of Vaikunta Baliga College of Law*.

⁴³ S Dholam, 'Reproductive Rights in India: Constitutional Promises vs Social Realities' (2025) 7(3) *International Journal for Multidisciplinary Research*.

⁴⁴Dhal S and Sharma J, 'Making Sense of the Gendered Realities in Science: An Exploration of the Indian Situation' (2024) 54(1) *Social Change*.

⁴⁵ S Baranwal and K Solanki, 'Breaking Barriers through Law: A Constitutional Perspective on Menstrual Health Rights in India' (2025) 3(2) *Journal of Asian Research in Women Studies*.

⁴⁶R K Singh and A Trivedi, 'Shattering the Phallogocentric Barriers: Examining Gender Jurisprudence in the Context of Women's Reservation and Political Empowerment in India' (2025) 3(3) *QRURU: Journal of Family Law and Culture* 283.

⁴⁷P Goswami, K Nema, P Goswami and A Goswami, 'Legal Innovation in Hindu Law: The Intersection of Tradition, Modernity, and Gender Justice in Contemporary India' (2025) 15(3) *European Economics Letters*.

⁴⁸ B Bhadra, 'Rape Law Reforms in India: Catalyst to Gender Justice or Modernization in Legal Reforms?' in S M Shahidullah (ed), *Crime, Criminal Justice, and the Evolving Science of Criminology in South Asia* (Palgrave Macmillan 2017).

⁴⁹Yadav G, Tiwari P and Batar S, 'Reclaiming Equality: Legal Frameworks and Judicial Responses to the Rights of Minority Genders in Contemporary Justice Systems' (2025) *Journal of International Commercial Law and Technology*.

⁵⁰ P M Mane, S A Suthar and S L Gaikwad, 'Indian Constitutional Equality: Analysis of Real Application of Norm in Life of Indian Society Gender Equality a Distant Dream' (2022) 2(4) *GLS KALP: Journal of Multidisciplinary Studies* 20.

⁵¹Sunita, Kaur D, Kaur H, Mehraj A, Kumari S and Singh G, 'Complex Realities of Gender Inequality in India: Social, Economic, and Legal Dimensions' (2024) 30(6) *Educational Administration: Theory and Practice* 908.

⁵² S Chattopadhyay, A Vivekanand and J Anjali, 'Closing the Gender Gap: The Flawed Backwards Approach' (Research Square 2024).

⁵³Rajput P, 'Gender Equality: Missing Ecosystem to Realize de Jure Equality' in Sustainable Development Goals Series (Springer 2023).

equality (de jure) demands institutional support, behavioral change and resource commitment which is absent.

Garima Bhati⁵⁴ mapped gender discrimination in various social contexts in India. Veeramuthu⁵⁵ mapped out gender equality issues and demonstrated a lack of parity and progress in rural areas, where women are left behind. Sharma⁵⁶ assessed the link between gender inequality and women's empowerment and identified a deep disconnect between the law and everyday realities of women. This is not the case for all. Menon⁵⁷ noted state, gender and community intersect to yield different citizenship experiences for women from different groups. Muslim women are doubly disadvantaged by the workings of personal law and normative frameworks of the community⁵⁸. Dalit (caste) and tribal women experience multiple forms of discrimination. Geographical inaccessibility to legal and institutional support is an issue for rural women.

Addlakha⁵⁹ looked at the intersections of women, health and law in contemporary India, highlighting the institutional barriers in the health system that restrict women's access to rights-based health care. Mishra and Bhattacharya⁶⁰ also suggested that empowerment programs cannot ensure women's rights without the institutional changes and social power redistribution. Mani and Bose⁶¹ observed systemic barriers to the enforcement of gender equality laws that cannot be Takemoto⁶² highlighted that legal rights and practices are most at odds for disadvantaged gender groups. This is true for transgender and non-binary people in India, as found by Datta et al.⁶³ who found continued institutional discrimination from science higher education despite legal recognition.

6. Socio-Cultural and Institutional Barriers to Implementation

Inequality in implementation is the result of particular interactions. Here, we examine four types of barriers: patriarchal social norms, incapacity, discrimination in personal law and intersectionality.

6.1 Patriarchal Social Norms

Agre et al.⁶⁴ explained that patriarchy is not only institutionalized in law but also in the cultural environment of legal institutions. The opposition to laws prohibiting dowry, child marriage and domestic

⁵⁴ A Garima Bhati, 'Gender Discrimination in the Indian Society' in *Women Empowerment in Modern Age* (2022) 141.

⁵⁵ V Veeramuthu, 'Gender Equality Issues in India: A Study' in *Women Empowerment and Gender Equality toward Sustainable Development* (2023) 23.

⁵⁶ J Sharma, 'Gender Inequality and Women Empowerment in Indian Society: An Evaluation' (2025) 5(3) *Social Science Journal for Advanced Research* 119.

⁵⁷ N Menon, 'State/Gender/Community: Citizenship in Contemporary India' (1998) *Economic and Political Weekly* PE3.

⁵⁸ S Hussain, 'Community Identity, Citizenship Rights and Gender Justice: The Case of Muslim Women in India' (2009) 16(3) *Indian Journal of Gender Studies*.

⁵⁹ R Addlakha, 'Discursive and Institutional Intersections: Women, Health and Law in Modern India' (2014) 24(3) *International Review of Sociology*.

⁶⁰ R Mishra and B Bhattacharya, 'Human Rights: Empowerment Alone Cannot Help Our Women's for Their Rights in India' in *Futuristic Trends in Management* (vol 3, *Iterative International Publishers* 2023) 91.

⁶¹ D Mani and M M Bose, 'Gender Inequality: Inequalities Faced by Women in India and Legal Provisions' (2021) 4(1) *Journal of Human Rights Law and Practice* 5.

⁶² M Takemoto, 'Violence and Discrimination against LGBTIQ Individuals in South Africa: Legal Rights vs Lived Realities' (HSRC 2026).

⁶³ Datta S, Mukherjee D, Gaikwad P, Sridhar S and Parekh R, 'No Space for Some: Transgender, Gender Non-Conforming and Gender Non-Binary Persons' Access to Science Higher Education in India (Indian Institute of Human Settlements 2023).

⁶⁴ Agre K, Salimkhan Inamdar S, Kumar V and Biswal P S, 'Feminist Jurisprudence: A Critique of Patriarchal Structures in Legal Systems and the Pursuit of Gender Justice' (2025) 6(1) *Journal of International Commercial Law and Technology* 307.

violence is not about unfamiliarity but the challenge to certain social norms that are widely accepted in society. Barik⁶⁵ charted how the new role of women in contemporary India is contested by the traditional roles of gender. Inamdar⁶⁶ characterized this as an ongoing process - a slow transition towards social change, opposed by cultural attitudes at the community and family level. Inamdar⁶⁷ had previously described women's rights in post-independence, India as an ongoing social negotiation, sometimes contested. Singh⁶⁸ attributed the non-implementation of women's rights in India today to the continuing socio-cultural hurdles. Tannvi and Narayana⁶⁹ demonstrated that gender stereotyping by the judiciary reflects and reinforces social and cultural attitudes about women's socio-cultural role and capacity. The law is thus both reflective of and co-productive of the status quo.

6.2 Institutional Incapacity

An analysis of the enforcement of gender justice law by Kanwar and Kumawat⁷⁰ demonstrates that the institutional capacity to consistently enforce gender justice law - in terms of police training, judicial sensitivity and administrative support - is weak. Pathan⁷¹ also found that the state of gender justice law reforms in India is the same. The law enforcement machinery is often shaped by cultural practices that lead to gender inequality. Niumai and Chauhan⁷² explained that in India law and social change are in a state of perpetual tension. Law and legal institutions are the creation of society. Laws and reforms on paper are insufficient to bring about positive change without the continued investment in institutional reform - training, accountability and monitoring. Thakur and Diwan⁷³ showed how instances of gender justice and equality crimes are partly possible because of institutional deficiencies. Yumna⁷⁴ took this up more generally, showing how the gap between law and justice can only be closed through legal reform, but also building institutions that are more oriented towards the delivery of rights. Behl⁷⁵ demonstrated how gendered violence in democratic India exemplifies a broader tension between the promise of democratic citizenship, and the restricted agency of women in their daily lives.

⁶⁵Barik V, 'The Changing Roles of Women and Modern India' (2025) 7(2) *International Journal for Multidisciplinary Research*.

⁶⁶Inamdar T A, 'From Marginalization to Empowerment: A Critical Analysis of Women's Rights in India' in Ti ani Swatantryachi 75 Varshe (1st edn, Shahaji Law College Publications 2024) 97.

⁶⁷Inamdar T A, 'The Unfinished Journey: Women's Rights and Gender Equality in India Post-Independence' in Ti ani Swatantryachi 75 Varshe (1st edn, Shahaji Law College Publications 2024) 1.

⁶⁸Singh S, 'Right to Equality and Gender Justice with Special Reference to Legal Education in India' (2023) 20(21) *Neuroquantology*.

⁶⁹Tannvi T and Narayana S, 'The Challenge of Gender Stereotyping in Indian Courts' (2022) 8(1) *Cogent Social Sciences*.

⁷⁰Kanwar S and Kumawat J, 'A Study on Gender Justice and Enforcement of Law' (2024) *Journal of Advances and Scholarly Research in Allied Education*.

⁷¹Pathan S, 'Bridging the Gaps: Evaluating Gender Justice and Legal Reforms in India — Efficacy, Challenges and the Way Forward' (2024) 6(6) *International Journal for Multidisciplinary Research*.

⁷²A Niumai and A Chauhan, 'Introduction' in *Gender, Law and Social Transformation in India* (Springer 2022).

⁷³K Thakur and P Diwan, 'Crime against Gender Justice and Equality' (2025) 5(2) *Revista Review Index Journal of Multidisciplinary*.

⁷⁴L Yumna, 'Human Rights and the Legal System: Bridging the Gap between Law and Justice' (2024) 2(2) *LAWYER: Jurnal Hukum*.

⁷⁵N Behl, *Gendered Citizenship: Understanding Gendered Violence in Democratic India* (Oxford University Press 2019).

6.3 Personal Law Discrimination

Barriers of a different kind are personal laws that regulate family relations. Parashar⁷⁶ demonstrated how religious personal laws result in systemic discrimination in marriage, divorce and succession that is sanctioned by the state, despite constitutional bans on sex discrimination. Goswami et al.⁷⁷ pointed out that even the Reformed Hindu personal law continues to discriminate against women in succession and marriage property.

Wadhwa⁷⁸ documented the doctrinal conflict between Vedic precepts and constitutional law, and how courts grapple with reconciling religious law with constitutional equality. This continues to be unresolved. Personal law discrimination reflects the failure of the gender justice movement. Progressive constitutional law and discriminatory personal law are in a doctrinal conflict. Verma⁷⁹ suggested this tension is resolved by shifting the politics of difference - the politics of recognizing difference - to the politics of structural justice, as the transformation of the material conditions of inequality. Kapur and Cossman⁸⁰ provided a similar analysis, by suggesting that the discourse of gender equality needs to be re-orientated towards the material and institutional conditions that shape the socio-political position of women.

6.4 Intersectional Disadvantage

Gender is not a stand-alone phenomenon. Menon⁸¹ demonstrated the ways in which community, class, caste and religion combine with gender to result in differential citizenship. Roychowdhury⁸² provided insight into the critical appraisal of the retendering of citizenship in India, which includes the state's recasting of women as victims and saviors - a recasting that leads to more symbolic, rather than substantive, inclusion. Addlakha⁸³ analyzed the intersectional disadvantages that women face in their interactions with health institutions and law. This means that there is a hierarchy of disadvantage in which the most disadvantaged women face the greatest distance between formal legal rights and lived realities.

7. Scientific Temper as a Normative Standard for Citizenship

The Constitution of India makes it a fundamental duty of every citizen to develop scientific temper, humanism and spirit of inquiry and reform, in Article 51A(h). This article seeks to show that this constitution norm offers an evaluative norm for gender justice. Scientific temper means rational agency.

⁷⁶ Parashar A, 'Gender Inequality and Religious Personal Laws in India' (2008) 15(1) *Brown Journal of World Affairs*.

⁷⁷ Goswami P, Nema K, Goswami P and Goswami A, 'Legal Innovation in Hindu Law: The Intersection of Tradition, Modernity, and Gender Justice in Contemporary India' (2025) 15(3) *European Economics Letters*.

⁷⁸ Wadhwa C, *Dharmic Dialectics and Gender Jurisprudence: Vedic Axioms to Constitutional Adjudication* (2025).

⁷⁹ Verma V, *Gender, Rights and the Justice Gap: Going beyond the Politics of Difference* (Routledge 2018).

⁸⁰ Kapur R and Cossman B, 'Gender Equality Redux' (2022) 16(1) *National Law School Journal* 5.

⁸¹ Menon N, 'State/Gender/Community: Citizenship in Contemporary India' (1998) *Economic and Political Weekly* PE3.

⁸² P Roychowdhury, 'Victims to Saviors: Governmentality and the Regendering of Citizenship in India' (2015) 29(5) *Gender & Society* 792.

⁸³ Addlakha R, 'Discursive and Institutional Intersections: Women, Health and Law in Modern India' (2014) 24(3) *International Review of Sociology*.

It implies the ability to assess information, challenge beliefs and join in the critical inquiries on which society is based. These capacities are not abstract. They are "materially dependent" on education, absence of coercive relationships, economic autonomy and institutional inclusion.

Gupta⁸⁴ examined gender disparities in India's scientific sector, and the government's efforts to address these. Yet, despite these, barriers to women's participation in science remain. Dhal and Sharma⁸⁵ analyzed gendered experiences in Indian science and revealed that women's participation in science is limited by discrimination, exclusion and the compounding effects of socio-cultural discrimination. Pathak⁸⁶ mapped the state of affairs in gender equality in Indian science and found that it has been fragmented, incremental and limited to specific institutional settings. Datta et al.⁸⁷ have revealed the exclusion of transgender and gender non-conforming persons from higher education in science in India. This exclusion is contrary to the scientific citizenship standard. Citizens' constitutional mandate to develop scientific temper - under Article 51A(h) - is hollowed out by institutional exclusion from the places where scientific temper is learned. Scientific citizenship brings the law to fruition. A woman's right to education is only a pathway to scientific citizenship if she can access, stay in and enjoy the benefits of educational institutions on a par. The legal guarantee of a woman's right to work in science does not lead to scientific citizenship unless she can participate in science without discrimination and exclusion. Pinto⁸⁸ provided a conceptual framework for this type of assessment with health justice citizenship. Health justice not only requires the articulation of health rights but also material health conditions for participation. Similarly, scientific citizenship requires not only the constitutional expression of scientific temper as a norm but also the social, economic and institutional arrangement for the exercise of reason. The concept of scientific citizenship, then, converts the norm of Article 51A(h) from a prescriptive to an evaluative norm of India's gender justice project.

8. Toward an Outcome-Oriented Gender Justice Framework

The facts canvassed in this article are inescapable. India's normatively gender justice jurisprudence is advanced. It has an implementation problem. This calls for a shift in the gender justice framework's focus to outcomes. This framework has principles outlined in Table 5.

⁸⁴N Gupta, 'Analysing Gender Gap in Science: Government of India Initiatives' (2019) 116(11) *Current Science* 1797.

⁸⁵Dhal S and Sharma J, 'Making Sense of the Gendered Realities in Science: An Exploration of the Indian Situation' (2024) 54(1) *Social Change*.

⁸⁶Pathak V, 'Gender Equality in Indian Science: A Work in Progress' (2025) *The Social Science Review: A Multidisciplinary Journal*.

⁸⁷Datta S, Mukherjee D, Gaikwad P, Sridhar S and Parekh R, 'No Space for Some: Transgender, Gender Non-Conforming and Gender Non-Binary Persons' Access to Science Higher Education in India (Indian Institute of Human Settlements 2023).

⁸⁸Pinto E P, 'Citizenship, Health Care Jurisprudence and Pursuit of Health Justice' in Springer volume (Springer 2021).

Table 5: Proposed Outcome-Oriented Gender Justice Framework

Principle	Core Requirement	Evaluation Indicator	Supporting Scholarship
Outcome-Based Evaluation	Measure equality by results, not legal texts	Gender parity indices: education, employment, health, political participation	Rajput (n 2); Lahane et al. (n 4) ⁸⁹⁹⁰
Institutional countability	Effective institutions for law enforcement	Prosecution rates; compliance monitoring; judicial gender training	Kanwar & Kumawat (n 31); Pathan (n 20) ^{91 92}
Intersectional Analysis	Address overlapping disadvantages	Disaggregated data by caste, religion, region, gender identity	Menon (n 40); Datta et al. (n 30); Hussain (n 41) ^{93 94}
Scientific Standard	Use Article 51A(h) as evaluative benchmark	Rational agency capacity; science participation; evidence-based policy design	Dhal & Sharma (n 12); Pathak (n 13); Gupta (n 55) ^{95 96}

Note. Sources: Rajput (n 2); Lahane et al. (n 4); Kanwar and Kumawat (n 31); Pathan (n 20); Menon (n 40); Datta et al. (n 30); Dhal and Sharma (n 12); Pathak (n 13); Gupta (n 55).

Principle 1: Outcome-Based Evaluation

Legal texts, not words, must be used to assess gender justice. Rajput⁹⁷ explicitly argued for this change in the Sustainable Development Goals framework, stating India's gender equality commitments need to be monitored by indicators of progress. Lahane et al.⁹⁸ argued the same with regard to policy, stating that for policy to advance gender equality it must be monitored and evaluated with an outcomes approach. Monitoring and evaluation systems should monitor substantively equal outcomes: education, participation in the labour market, political participation, health and freedom from violence.

⁸⁹ Rajput P, 'Gender Equality: Missing Ecosystem to Realize de Jure Equality' in Sustainable Development Goals Series (Springer 2023).

⁹⁰ Lahane M, Dixit P, Sharma N and Agrawal A, 'Bridging the Gap: Advancing Gender Equality in Public Policy in India' in *Income Inequality and Financial Inclusion Initiatives in a Global Context* (IGI Global 2025).

⁹¹ Kanwar S and Kumawat J, 'A Study on Gender Justice and Enforcement of Law' (2024) *Journal of Advances and Scholarly Research in Allied Education*.

⁹² Pathan S, 'Bridging the Gaps: Evaluating Gender Justice and Legal Reforms in India — Efficacy, Challenges and the Way Forward' (2024) 6(6) *International Journal for Multidisciplinary Research*.

⁹³ Menon N, 'State/Gender/Community: Citizenship in Contemporary India' (1998) *Economic and Political Weekly* PE3.

⁹⁴ Hussain S, 'Community Identity, Citizenship Rights and Gender Justice: The Case of Muslim Women in India' (2009) 16(3) *Indian Journal of Gender Studies*.

⁹⁵ Dhal S and Sharma J, 'Making Sense of the Gendered Realities in Science: An Exploration of the Indian Situation' (2024) 54(1) *Social Change*.

⁹⁶ Pathak V, 'Gender Equality in Indian Science: A Work in Progress' (2025) *The Social Science Review: A Multidisciplinary Journal*.

⁹⁷ Rajput P, 'Gender Equality: Missing Ecosystem to Realize de Jure Equality' in Sustainable Development Goals Series (Springer 2023).

⁹⁸ Lahane M, Dixit P, Sharma N and Agrawal A, 'Bridging the Gap: Advancing Gender Equality in Public Policy in India' in *Income Inequality and Financial Inclusion Initiatives in a Global Context* (IGI Global 2025).

Principle 2: Institutional Accountability

Effective institutions are needed to implement progressive laws. Kanwar and Kumawat⁹⁹ demonstrated the importance of institutional capacity, training and attitude for enforcement. Pathan¹⁰⁰ found that lack of implementation accountability was one of the key factors contributing to the "implementation gap". Institutional reform, including gender sensitivity among law enforcement personnel, compliance monitoring and responsive accountability ways, is essential to complement legislative reform and close the gender justice gap.

Principle 3: Intersectional Analysis

Intersections of disadvantages must be considered when addressing gender justice. Menon¹⁰¹ demonstrated the intersections of community, caste, class and religion with gender inequality. This is also the case with gender identity¹⁰²

Principle 4: Scientific Temper as Evaluative Standard

The scientific citizenship framework offered in this paper offers a constitutionally anchored evaluative framework. The ideal of rational agency outlined in Article 51A(h) can be used to evaluate the achievement of gender justice. Dhal and Sharma¹⁰² have shown the benefits of an evidence-based approach to assessing science policy. This practice should be taken up with regard to gender justice policy. Inamdar¹⁰³ called for a critical gender analysis that goes from mapping marginalization to empowerment. Kumar and Sonika¹⁰⁴ suggested constitutionally remedying causes after a systematic analysis. They also emphasized that gender equality and women's empowerment in law is a work in progress. The outcome-oriented approach does not do away with doctrinal analysis. It adds to it the evidence-based methodology.

9. Discussion

This paper has put forward three related arguments. The first is that the normatively rich jurisprudence of gender justice in India is structurally weak in its implementation. Second, the implementation deficit is caused by the presence of barriers - patriarchal social norms, institutional capacity, personal law discrimination and intersectionality. Third, Article 51A(h)'s scientific temper offers a constitutional justification for an outcomes-focused evaluative approach. These arguments relate to theoretical scholarship.

Mohapatra¹⁰⁵ has recognized the formal/real equality disjuncture as the main problem of gender justice jurisprudence. This paper has revealed the disjuncture is not just a gap between law and culture. It is a disjuncture between law and the institutional, economic and social structures that determine the effectiveness of law. It is, in the end, a question of transformation and not articulation.

Verma¹⁰⁶ called for a politics after difference. This paper agrees. The implementation gap is not caused by a failure to legally recognize. India's law comprehensively recognizes gender equality. It's created by

⁹⁹ Kanwar S and Kumawat J, 'A Study on Gender Justice and Enforcement of Law' (2024) *Journal of Advances and Scholarly Research in Allied Education*.

¹⁰⁰ Pathan S, 'Bridging the Gaps: Evaluating Gender Justice and Legal Reforms in India — Efficacy, Challenges and the Way Forward' (2024) 6(6) *International Journal for Multidisciplinary Research*.

¹⁰¹ Menon N, 'State/Gender/Community: Citizenship in Contemporary India' (1998) *Economic and Political Weekly* PE3.

¹⁰⁵ Mohapatra S, 'Law and Gender Justice: The Disjuncture between Formal Equality and Real Equality' (2017) 2(1) *Proceedings of the World Conference on Women's Studies* 61.

¹⁰⁶ Verma V, *Gender, Rights and the Justice Gap: Going beyond the Politics of Difference* (Routledge 2018).

¹⁰⁷ Behl N, *Gendered Citizenship: Understanding Gendered Violence in Democratic India* (Oxford University Press 2019).

a deficit of redistribution - of resources, capabilities and power. This makes a difference for policy. It turns the focus away from more detailed articulation of legislation, and towards reform and resource allocation. Behl¹⁰⁷ demonstrated that in democratic India, gendered violence is indicative of a larger problem between the promise of democratic citizenship and the reality of limited

The paper has also mapped tensions in academia. Chaudhary¹⁰⁸ has demonstrated that judicial advances are not consistent and unquestioning. Progressive judgements may be rife with assumptions that restrict their impact. Tannvi and Narayana¹⁰⁹ demonstrated that stereotypes continue to be used by judges despite progressive Supreme Court law. Such paradoxes indicate the need for the judicial route to be complemented with institutional reform, change at the community level and monitoring of outcomes. This needs to be supported by institutional and community transformation and outcome-tracking.

10. Conclusion

India's jurisprudence of gender justice is a bold and ambitious normative project. From constitutional equality guarantees, to a detailed statutory framework and a rich and growing body of jurisprudence, it encompasses all. The normative project has been successful. However, this achievement is not reflected in the lives of women. The achievement gap is not accidental. It is systemic, endemic and caused by specific factors. Gendered social norms, institutional weakness, personal law discrimination and intersectional disadvantage are among the factors that maintain a system whereby legal rights co-exist with limited material outcomes.

This paper has outlined how to narrow this discrepancy through more than just additional law reform. It requires institutional capacity-building, resource allocation, intersectionality and a dedicated approach to outcome evaluation. The idea of scientific citizenship, founded in Article 51A(h) of the Constitution, offers a normative criterion for this endeavor. The standard for measuring gender justice is not rights, but rather, rational agency.

The ability for women to reason and make informed choices - independent and institutional - is the realization of constitutional equality. India's constitutional aspirations are lofty. The challenge of implementation is also clear. Making jurisprudence more consistent with the realities is not legal exercise. It is a democratic and constitutional demand - and a duty to the fact-based citizenship standards demanded by the Constitution. The framework should be taken further in future research through primary empirical research. Doctrine and fieldwork exploring women's experiences across social locations of the intersection between social rights and institutional practices would add to the evidence base for the outcome-oriented approach.

¹⁰⁸ Chaudhary S, 'The Value of Feminist Legal Methods in Adjudicating Women's Issues: A Critical Comparison of Two Judicial Approaches from India' (2024) 8(1) *Indian Law Review* 66.

¹⁰⁹ Tannvi T and Narayana S, 'The Challenge of Gender Stereotyping in Indian Courts' (2022) 8(1) *Cogent Social Sciences*.