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Reconstructing Justice through Feminist Lenses Past and Present

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ABSTRACT

This paper investigates the evolution of feminist jurisprudence as a subversive framework that reimagines justice through the principles of gender equality and empowerment. Historically, justice reflected male notions that often neglected women's experiences, yet for a long time it was believed to be impartial. This imbalance sparked the idea of feminist jurisprudence, which emerged to challenge the illusion of neutrality within law and to uncover its deep-rooted patriarchal foundations. Feminist ideology traces its development from the suffragette campaign and was later shaped by liberal, radical, and socialist movements seeking transformative gender justice. It has reshaped family law, workplace equality, and global norms through conventions such as CEDAW, emphasizing that true justice demands reconstructing law to dismantle systemic inequalities and to achieve intersectional, global equality. This paper outlines the historical evolution of feminist legal theory and analyzes the doctrinal and structural biases built into national and international legal systems that perpetuate gender injustice. It explores the role of international instruments, namely CEDAW and United Nations Security Council resolutions, in developing frameworks of feminist jurisprudence. In sum, these aims show how feminist jurisprudence is pivotal in challenging the patriarchal system and in supporting the implementation of a justice framework that is more inclusive and equitable. This paper also seeks to articulate answers to several questions about the effects of gender injustice in legal systems. In particular, it addresses the extent to which national and international legal systems, specifically that of India, continue to reproduce patriarchal bias despite constitutional and human-rights protections; whether a global framework such as CEDAW and the UN resolutions can harmonize international norms of gender justice with national realities; and, finally, the theoretical and practical opportunities for institutionalizing intersectional feminist analysis in future legal and policy developments in India.

I. INTRODUCTION

The Justice has been framed as universal throughout history, but it has conventionally been male-oriented justice that has not created space for women. This reflection sparked a feminist

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approach that sought not only to create different forms of legal thinking but also to question the neutrality of law and to expose the biases of sexism and maleness. The idea is not entirely new, as there is a historical basis for the struggle for women's rights and recognition that can be traced back to earlier social movements; it was not until the late nineteenth century that feminism developed momentum and became more visible in political and legal discourse. Early movements, including the suffragette movement and liberal feminism, addressed this by seeking equality before the law, while radical and socialist feminisms sought to portray more deeply the issues of power that shaped women's experiences. Ideas such as Carol Gilligan's ethic of care, Catharine MacKinnon's dominance theory, and Kimberlé Crenshaw's intersectionality began to broaden the horizon of the term "feminism," thus adding new meaning to justice.

Feminist jurisprudence has changed family law, equal pay before the law, workplace equality, and the response to sexual violence through various cases. Internationally, too, the idea of feminism has helped to shape conventions such as CEDAW and to change the scope and substance of how governments respond to gender-based issues. Currently, the debates extend to reproductive rights and digital feminism.

Feminist approaches continue to align historical strategies with present-day developments, because justice does not mean treating everyone the same or merely creating equality before the law, but something far broader. Justice can be fundamentally reconstructed to change the underlying inequalities.

II. HISTORY OF WOMEN'S MOVEMENT

The women's movement marks one of the most profound social transformations in human history, arising as a collective response to the entrenched subordination of women within patriarchal societies. Its trajectory reflects a struggle for equality, dignity, and recognition, first within political and civil domains and later expanding to social, cultural, and legal spheres. The first wave of the women's movement, in the nineteenth and early twentieth centuries, centred primarily on political rights, particularly suffrage. The Seneca Falls Convention of 1848 in the United States symbolized the formal birth of organized feminism, demanding women's enfranchisement and property rights.¹ In India, parallel reformist efforts emerged through figures such as Raja Ram Mohan Roy, Ishwar Chandra Vidyasagar, and Savitribai Phule, who

¹ Declaration of Sentiments, Seneca Falls Convention (1848), *available at* U.S. NAT'L PARK SERV., <https://www.nps.gov/wori/learn/historyculture/declaration-of-sentiments.htm>.

campaigns for widow remarriage, female education, and the abolition of sati, marking the early roots of Indian feminist consciousness.²

The meaning of feminism extends far beyond the literal advocacy for women's rights. It embodies a philosophical, socio-political, and legal critique of gendered power structures that perpetuate inequality.³ Derived from the French term *féminisme*, coined in the 1830s, the concept initially denoted the political struggle for women's emancipation and equality with men. Over time, feminism evolved as an analytical lens questioning the gendered assumptions underlying law, politics, and culture. It seeks to transform not only women's status but also the institutions that sustain patriarchal hierarchies.

The development of the term "feminism" reflects its dynamic evolution through distinct waves. The first wave fought for formal equality, demanding voting rights and property ownership. The second wave, spanning the 1960s to the 1980s, extended the discourse to reproductive autonomy, workplace discrimination, and family-law reform. Landmark cases such as *Roe v. Wade*⁴ in the United States, which recognized a woman's constitutional right to abortion, epitomized this phase's focus on bodily autonomy. The third wave, emerging in the 1990s, embraced the concept of intersectionality, introduced by Kimberlé Crenshaw,⁵ recognizing the compounded nature of discrimination based on gender, race, class, and sexuality.

The journey from feminism to feminist marks the transition from ideology to identity, from a collective movement to individual agency and activism. In India, this transformation was notably triggered by the *Tukaram v. State of Maharashtra*⁶ judgment, commonly known as the Mathura rape case, which exposed institutional bias against women and led to significant reforms in rape law. The Indian women's movement, through campaigns such as the anti-dowry and anti-rape movements of the 1980s, thus redefined feminism in local contexts. The feminist today represents not merely a supporter of equality but an active critic of the law's complicity in gendered subordination. This evolution underscores feminism's dual role: as both a historical movement and a continuing intellectual framework for legal and social transformation.

The foundation of feminist legal thought lies in recognizing that law, though often presented as neutral, has historically reinforced patriarchal power. Emerging in the late twentieth century,

² GERALDINE FORBES, *WOMEN IN MODERN INDIA* (Cambridge Univ. Press 1996); AMIYA P. SEN, RAJA RAMMOHUN ROY: AN INTRODUCTION (Oxford Univ. Press 2012).

³ Karen Offen, *Defining Feminism: A Comparative Historical Approach*, 14 *SIGNS* 119 (1988).

⁴ *Roe v. Wade*, 410 U.S. 113 (1973).

⁵ Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 *STAN. L. REV.* 1241 (1991).

⁶ *Tukaram v. State of Maharashtra*, (1979) 2 S.C.C. 143 (India).

feminist jurisprudence challenged traditional legal theory's gender-blind assumptions and called for a substantive understanding of justice that reflects women's lived realities. Its early roots trace back to Mary Wollstonecraft's *A Vindication of the Rights of Woman* (1792), which established the idea of women's equality before law. The women's liberation movements of the 1960s and 1970s reignited this critique, demanding structural reform. Landmark cases such as *Reed v. Reed*⁷ marked a pivotal moment by recognizing gender discrimination under constitutional law, setting the stage for modern feminist legal reform.

III. FOUNDATION OF FEMINIST LEGAL THOUGHT

The foundation of feminist legal thought rests upon the recognition that law, often presumed to be neutral and objective, has historically functioned as a mechanism of patriarchal control. Feminist jurisprudence emerged in the late twentieth century as a critical response to the gender-blind assumptions of traditional legal theory, seeking to expose how laws and legal institutions reproduce gender hierarchies. It challenged the idea that equality could be achieved merely through formal legal rights, arguing instead for a substantive understanding of justice that acknowledges women's lived realities.

The early-stage development of feminist legal theory can be traced to the work of scholars such as Mary Wollstonecraft, whose *A Vindication of the Rights of Woman* (1792) laid the philosophical groundwork for women's equality before law. In the 1960s and 1970s, the women's liberation movement catalyzed a new wave of legal critique, with jurists questioning why laws failed to redress systemic inequality. The movement led to significant legal advancements, including *Reed v. Reed*,⁸ the first U.S. Supreme Court case to strike down a law for gender discrimination under the Equal Protection Clause.

The liberal, or equal-opportunity, school of feminist jurisprudence, represented by thinkers such as Ruth Bader Ginsburg and Martha Nussbaum, emphasized integration and equal access within existing legal frameworks. This school focused on eliminating overt legal discrimination, advocating reforms that would allow women to compete equally in the public sphere. Indian jurisprudence mirrors this through *Air India v. Nergesh Meerza* (1981),⁹ where the Supreme Court struck down discriminatory employment rules for female air hostesses, affirming equality in the workplace.

⁷ *Reed v. Reed*, 404 U.S. 71 (1971).

⁸ *Id.*

⁹ *Air India v. Nergesh Meerza*, (1981) 4 S.C.C. 335 (India).

Assimilation feminism evolved as an extension of liberal thought, encouraging women's inclusion in male-defined structures rather than transforming those structures themselves. While it advanced women's participation in law and politics, it was criticized for reinforcing patriarchal standards of merit and success.

Cultural feminism, emerging in the 1980s, emphasized the moral and social value of traditionally feminine traits such as empathy, care, and cooperation. Scholars such as Carol Gilligan argued that these values should be integrated into the legal system to humanize justice. This perspective influenced family and custody law, where the "best interest of the child" standard reflected a more relational understanding of justice.

Radical feminism, championed by Catharine A. MacKinnon and Andrea Dworkin, viewed patriarchy as a pervasive structure embedded within the legal system itself. Law, they argued, is not a neutral instrument but a male construct reinforcing dominance. The Indian Supreme Court in the *Vishaka* case¹⁰ embodies this perspective, recognizing workplace sexual harassment as a constitutional violation of gender equality and dignity.

Post-modern feminism, emerging in the late twentieth century, dismantled essentialist assumptions about "womanhood" and "gender." Influenced by Judith Butler's theory of gender performativity, it argues that gender identities are socially constructed and fluid. Legally, this has influenced the recognition of LGBTQ+ rights, as seen in *Navtej Singh Johar v. Union of India* (2018),¹¹ which decriminalized same-sex relations in India.

Together, these strands illustrate the evolution of feminist legal thought from reformist to transformative, from seeking equality within law to reconstructing law itself as a tool for genuine gender justice.

IV. THEORETICAL FRAMEWORK OF FEMINIST LEGAL THOUGHT

The theoretical framework of feminist legal thought is grounded in diverse intellectual traditions that challenge the neutrality and universality of law. These frameworks expose how legal doctrines and institutions perpetuate gendered power relations, emphasizing the necessity of reconstructing legal reasoning to reflect women's lived experiences. Among the most influential feminist theorists shaping this discourse are Carol Gilligan, Catharine A. MacKinnon, and Kimberlé Crenshaw, each contributing distinct yet interrelated perspectives that have redefined the study and practice of law.

¹⁰ *Vishaka v. State of Rajasthan*, (1997) 6 S.C.C. 241 (India).

¹¹ *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

Carol Gilligan, a key figure in moral and cultural feminism, revolutionized the understanding of gender and ethics through her seminal work *In a Different Voice*.¹² She argued that traditional moral and legal reasoning, shaped by male-centric paradigms, privileges autonomy, rights, and justice while devaluing the relational, care-based moral reasoning often associated with women. Gilligan's "ethic of care" challenged the adversarial and abstract nature of legal systems, advocating a more empathetic, contextual approach to justice. Her framework has influenced family law, child custody, and restorative-justice mechanisms, where decisions increasingly consider emotional bonds and interdependence rather than rigid rights-based reasoning. Indian family jurisprudence, such as *Githa Hariharan v. Reserve Bank of India*,¹³ which recognized maternal guardianship rights, reflects Gilligan's influence in rebalancing care and equality within legal interpretation.

Catharine A. MacKinnon, a leading radical-feminist theorist, exposed how law systematically perpetuates patriarchal dominance under the guise of neutrality. In works such as *Toward a Feminist Theory of the State*,¹⁴ she argued that law constructs and enforces male power, particularly through sexual politics. Her pioneering scholarship on sexual harassment redefined it as a form of sex discrimination, leading to landmark U.S. cases such as *Meritor Savings Bank v. Vinson*,¹⁵ which recognized sexual harassment as a violation of Title VII of the Civil Rights Act. In India, MacKinnon's theoretical insights resonate profoundly in the *Vishaka* case,¹⁶ where the Supreme Court established guidelines for preventing workplace harassment, affirming the constitutional right to dignity and equality. MacKinnon's framework continues to shape legal understandings of consent, sexual violence, and systemic gender oppression.

Kimberlé Crenshaw, through her formulation of intersectionality, illuminated how gender cannot be examined in isolation from race, class, caste, or sexuality. Her foundational essay, *Demarginalizing the Intersection of Race and Sex* (1989),¹⁷ argued that women of color experience discrimination that is not adequately captured by singular categories of identity. Intersectionality has since become central to global feminist legal analysis, influencing anti-discrimination jurisprudence and equality law. In India, this framework finds resonance in cases

¹² CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* (Harvard Univ. Press 1982).

¹³ *Githa Hariharan v. Reserve Bank of India*, (1999) 2 S.C.C. 228 (India).

¹⁴ CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* (Harvard Univ. Press 1989).

¹⁵ *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).

¹⁶ *Vishaka v. State of Rajasthan*, *supra* note 10.

¹⁷ Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine*, 1989 U. CHI. LEGAL F. 139.

such as *Anuj Garg v. Hotel Association of India* (2008),¹⁸ where the Supreme Court emphasized substantive equality and acknowledged gender stereotyping as a constitutional infirmity.

Collectively, Gilligan's ethic of care, MacKinnon's critique of patriarchy, and Crenshaw's intersectionality form a comprehensive feminist legal framework. Together, they expand the scope of jurisprudence from formal equality to transformative justice, urging the law to move beyond neutrality toward empathy, inclusivity, and structural reform.

V. LAW AND GENDER BIAS: EVOLVING DIMENSIONS OF EQUALITY

The intersection of law and gender bias reveals how legal systems across the world, while claiming neutrality, have often reinforced patriarchal hierarchies and unequal power relations. Gender bias in law manifests both substantively, through discriminatory legislation or interpretation, and procedurally, through unequal access to justice. The international legal community has increasingly recognized the structural and institutionalized nature of such bias, responding through treaties, conventions, and judicial pronouncements aimed at promoting gender equality and substantive justice.

At the international level, the modern framework for gender justice was laid by the UN Charter (1945) and the Universal Declaration of Human Rights (1948), both affirming equality between men and women.¹⁹ Real progress, however, began with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979), often termed the “international bill of rights for women.”²⁰ CEDAW obligates state parties to dismantle legal and social structures that perpetuate discrimination, emphasizing both formal and substantive equality. The CEDAW Committee's General Recommendation No. 19 (1992), which explicitly recognized gender-based violence as discrimination under Article 1,²¹ was a pivotal step toward integrating gender perspectives into international human-rights law.

The international judiciary has also played a transformative role. The European Court of Human Rights, in *Opuz v. Turkey*, held that the state's failure to protect a woman from domestic violence constituted discrimination and a violation of the right to life and to protection under Articles 2 and 14 of the European Convention on Human Rights. Similarly, the Inter-American Court of Human Rights, in *González et al. (“Cotton Field”) v. Mexico* (2009), held Mexico responsible for systemic gender-based killings, affirming the state's duty to prevent, investigate, and punish

¹⁸ *Anuj Garg v. Hotel Association of India*, (2008) 3 S.C.C. 1 (India).

¹⁹ U.N. Charter art. 1, ¶ 3; Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

²⁰ Convention on the Elimination of All Forms of Discrimination Against Women, Dec. 18, 1979, 1249 U.N.T.S. 13 [hereinafter CEDAW].

²¹ CEDAW Comm., General Recommendation No. 19: Violence Against Women, U.N. Doc. A/47/38 (1992).

gender-based violence. These cases highlight the evolution of international judicial reasoning from gender neutrality to gender sensitivity, embedding women's lived experiences into the legal fabric of human-rights adjudication.²²

In the Indian context, the constitutional guarantees under Articles 14, 15, and 21 have been judicially expanded to combat gender bias. In *Air India v. Nergesh Meerza*, the Supreme Court struck down service conditions that discriminated against female flight attendants.²³ Later, in *Vishaka v. State of Rajasthan*, the Court adopted international standards from CEDAW to frame guidelines against workplace sexual harassment, affirming India's commitment to global norms of gender equality.²⁴ More recently, *Joseph Shine v. Union of India* decriminalized adultery, recognizing the patriarchal assumptions embedded in colonial-era law.²⁵

Globally, while significant progress has been achieved through international instruments and jurisprudence, gender bias persists within legal and institutional structures. True gender justice demands not merely formal equality but a transformative approach: one that reinterprets law through the lens of experience, intersectionality, and substantive equality. The international standpoint thus continues to evolve toward a vision of law that is both inclusive and emancipatory, transcending traditional gender binaries to ensure genuine human dignity and equality for all.

VI. FEMINIST APPROACH IN NATIONAL LAW: CONSTITUTIONAL FRAMEWORKS AND JUDICIAL TRANSFORMATIONS

The feminist approach in national law seeks to reinterpret and reform legal structures that have historically perpetuated gender inequality. While the Indian Constitution enshrines equality as a fundamental right, feminist jurisprudence reveals that substantive equality requires more than formal parity: it demands recognition of structural disadvantages and gender-specific contexts. The evolution of Indian legal frameworks through constitutional mandates, family laws, criminal statutes, and special legislation demonstrates a gradual movement from protectionist policies toward empowerment and gender justice.

The Constitution of India, under Article 16(1), guarantees equality of opportunity in matters of public employment, while Article 16(4) enables the state to make provisions for the advancement of any backward class, including women. Read with Articles 14 and 15(3), the

²² Hilary Charlesworth, Christine Chinkin & Shelley Wright, *Feminist Approaches to International Law*, 85 AM. J. INT'L L. 613 (1991).

²³ *Air India v. Nergesh Meerza*, *supra* note 9.

²⁴ *Vishaka v. State of Rajasthan*, *supra* note 10.

²⁵ *Joseph Shine v. Union of India*, (2019) 3 S.C.C. 39 (India).

constitutional scheme allows for affirmative action favouring women without violating the principle of equality.²⁶ The Supreme Court in *Air India v. Nergesh Meerza* (1981)²⁷ reinforced this by invalidating service rules that forced women employees to retire upon marriage or pregnancy, affirming that equality cannot coexist with discriminatory employment practices.

In the realm of family law, feminist interventions have challenged patriarchal interpretations that subordinated women within marriage and family structures. The landmark case of *Mary Roy v. State of Kerala* (1986)²⁸ granted Syrian Christian women equal inheritance rights, setting a precedent for gender parity in personal law. Similarly, the *Danial Latifi* case²⁹ upheld a divorced Muslim woman's right to maintenance beyond the iddat period, aligning personal law with constitutional equality principles. Despite such progressive judgments, the coexistence of multiple personal laws continues to produce gender-based inconsistencies, prompting feminist scholars to advocate a uniform civil code grounded in substantive, not formal, equality.

Under criminal law, feminist perspectives have transformed the discourse on sexual violence and dignity. The Mathura rape case³⁰ exposed judicial insensitivity and led to the Criminal Law (Amendment) Act, 1983. Further, *Vishaka v. State of Rajasthan* (1997) introduced workplace-harassment guidelines, linking gender justice to constitutional rights under Articles 14, 15, and 21.³¹ The Criminal Law (Amendment) Act, 2013, enacted after the Nirbhaya case,³² incorporated broader definitions of sexual assault and introduced gender-sensitive procedures, representing a direct outcome of feminist legal advocacy.

With respect to property and inheritance rights, the Hindu Succession (Amendment) Act, 2005 ensured daughters' equal coparcenary rights, a landmark reform grounded in feminist legal reasoning.³³ This reform corrected long-standing inequities in ancestral property rights, affirming that economic independence is integral to women's empowerment.

Finally, special laws such as the Protection of Women from Domestic Violence Act, 2005 and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,

²⁶ INDIA CONST. arts. 14, 15, 16.

²⁷ *Air India v. Nergesh Meerza*, *supra* note 9.

²⁸ *Mary Roy v. State of Kerala*, (1986) 2 S.C.C. 209 (India).

²⁹ *Danial Latifi v. Union of India*, (2001) 7 S.C.C. 740 (India).

³⁰ *Tukaram v. State of Maharashtra*, *supra* note 6; The Criminal Law (Amendment) Act, 1983, No. 43, Acts of Parliament, 1983 (India).

³¹ *Vishaka v. State of Rajasthan*, *supra* note 10.

³² *Mukesh v. State (NCT of Delhi)*, (2017) 6 S.C.C. 1 (India); The Criminal Law (Amendment) Act, 2013, No. 13, Acts of Parliament, 2013 (India).

³³ The Hindu Succession (Amendment) Act, 2005, No. 39, Acts of Parliament, 2005 (India).

2013³⁴ institutionalized feminist concerns within statutory frameworks. These laws embody a transformative vision of justice: moving beyond punitive mechanisms to include protection, rehabilitation, and dignity.

Thus, the feminist approach in national law signifies a shift from paternalistic protection to empowerment through constitutional interpretation, legislative reform, and judicial activism, aligning national jurisprudence with global commitments to gender justice under instruments such as CEDAW.

VII. FEMINIST TRANSFORMATIONS THROUGH JUDICIAL INTERPRETATION

Case law provides a vital lens for understanding the practical application of feminist legal principles, illustrating how courts across jurisdictions have confronted gender bias, expanded women's rights, and reshaped legal norms. Both Indian and international cases reveal the interplay between feminist theory, judicial reasoning, and social change, highlighting the transformative potential of law when aligned with gender justice.

Roe v. Wade (1973),³⁵ a landmark U.S. Supreme Court decision, recognized a woman's constitutional right to privacy in matters of reproductive choice. The Court held that state restrictions on abortion violated the Due Process Clause of the Fourteenth Amendment, marking a pivotal moment in feminist legal advocacy and reproductive autonomy. Although later overruled by *Dobbs v. Jackson Women's Health Organization* (2022),³⁶ *Roe* established the principle that bodily autonomy is central to gender equality.

In India, *Vishaka v. State of Rajasthan* (1997)³⁷ institutionalized workplace sexual harassment as a violation of fundamental rights under Articles 14, 15, and 21. Drawing upon international conventions, including CEDAW, the Supreme Court formulated binding guidelines to ensure protection, accountability, and grievance redressal, pioneering gender-sensitive jurisprudence in the country.

The Nirbhaya case (2012),³⁸ arising from a brutal gang rape in Delhi, catalyzed comprehensive amendments to criminal law in 2013, including stricter penalties for sexual assault and recognition of custodial and systemic failures in protecting women. Similarly, the Shah Bano

³⁴ The Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India); The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, No. 14, Acts of Parliament, 2013 (India).

³⁵ *Roe v. Wade*, *supra* note 4.

³⁶ *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022).

³⁷ *Vishaka v. State of Rajasthan*, *supra* note 10.

³⁸ *Mukesh v. State (NCT of Delhi)*, *supra* note 32.

case³⁹ highlighted conflicts between the constitutional guarantee of equality and personal law, leading to legislative reforms that sought to balance religious freedom with women's right to maintenance.

The Triple Talaq case⁴⁰ abolished instant divorce in Muslim personal law, reinforcing constitutional equality and dignity. The *Joseph Shine v. Union of India* (2018)⁴¹ case decriminalized adultery, rejecting patriarchal notions of female subordination within marital law. In a religious context, the Sabarimala Temple case⁴² allowed women of menstruating age to enter the temple, affirming gender equality over traditional exclusion.

Internationally, *Opuz v. Turkey* (2009)⁴³ before the European Court of Human Rights held that the state's failure to prevent domestic violence violated the right to life and freedom from discrimination. Similarly, *González et al. ("Cotton Field") v. Mexico* (2009)⁴⁴ recognized state liability for systemic femicides, embedding feminist principles in human-rights law.

Collectively, these cases underscore the interplay between feminist theory and judicial intervention, demonstrating how courts can act as agents of social change. They reveal a trajectory from formal equality toward substantive justice, emphasizing women's autonomy, dignity, and protection against systemic and structural discrimination, both in India and globally.

VIII. CONCLUSION

Feminist jurisprudence represents more than a theoretical critique: it constitutes a sustained, transformative project to reconstruct law as an instrument of genuine gender justice. It has evolved from the suffrage movements of the late nineteenth century to the writings of theorists such as Gilligan, MacKinnon, and Crenshaw, and to the many important judicial decisions that have reshaped constitutional, criminal, and family law across the world.

In India, the progressive trend of judicial decisions, from cases such as *Vishaka* to *Shah Bano*, together with newer gender-related laws such as the Hindu Succession (Amendment) Act, 2005 and the Protection of Women from Domestic Violence Act, 2005, has significantly changed the face of the law, owing to the feminist movement and the efforts of feminists both inside and outside the courtroom. Globally, instruments such as CEDAW and cases such as *Opuz v. Turkey* show that gender equality is not simply the concern of a single country or region but a global

³⁹ Mohd. Ahmed Khan v. Shah Bano Begum, (1985) 2 S.C.C. 556 (India); The Muslim Women (Protection of Rights on Divorce) Act, 1986, No. 25, Acts of Parliament, 1986 (India).

⁴⁰ Shayara Bano v. Union of India, (2017) 9 S.C.C. 1 (India).

⁴¹ Joseph Shine v. Union of India, *supra* note 25.

⁴² Indian Young Lawyers Ass'n v. State of Kerala, (2019) 11 S.C.C. 1 (India).

⁴³ Opuz v. Turkey, App. No. 33401/02, Eur. Ct. H.R. (June 9, 2009).

⁴⁴ González et al. ("Cotton Field") v. Mexico, Inter-Am. Ct. H.R. (ser. C) No. 205 (Nov. 16, 2009).

legal obligation that member states must observe as a binding international standard. However, because formal legal reform alone cannot deliver true, material justice and gender equality, or prevent ongoing disparities in family law and the persistent under-reporting of gender-based violence, an intersectional feminist analysis remains necessary. For the law to “emancipate” all women, it must move beyond inclusion toward genuine reform by adopting a proactive, intersectional, and anticipatory jurisprudential approach to the many dimensions of gender inequality, including the impact of digital technology, reproduction, and climate change.

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