

DOI: 10.5281/zenodo.121126345

# EVOLVING JUSTICE: A TRIANGULATED ANALYSIS OF WOMEN-CENTRIC RULINGS BY THE INDIAN SUPREME COURT

Sharmila HS<sup>1</sup>, Dr. Sunitha Abhay Jain<sup>2</sup>

<sup>1</sup>PhD Research Scholar- Law, Christ (Deemed to be University), Bengaluru, Karnataka, India.

<sup>2</sup>Professor, School of Law, Christ (Deemed to be University), Bengaluru, Karnataka, India.

Received: 11/12/2025

Accepted: 25/02/2026

Corresponding author: Sharmila HS  
(sharmila.hs@res.christuniversity.in)

## ABSTRACT

Despite the Supreme Court of India's pivotal role in shaping gender justice, its jurisprudence in women-related cases reflects a fragmented interplay between progressive constitutional ideals and statutory formalism. This study undertakes a qualitative analysis with a purposive sample of 30 Supreme Court judgments from 2000 to 2025, focusing on five major themes: violence against women and criminal justice, maintenance rights and economic security, women's property and inheritance rights, workplace equality and service law, and judicial sensitivity in personal laws. Using a triangulated methodology of thematic analysis, discourse analysis, and jurisprudential mapping, the research reveals how judicial reasoning oscillates across legal positivism, realism, and moral-constitutional interpretation depending on the legal domain and socio-religious context. Thematic trends expose judicial innovations in interpreting maintenance laws, expanding women's inheritance rights, and enforcing equal pay, while highlighting institutional restraint in personal law cases. Discourse analysis uncovers the recurring use of normative frames such as "dignity," "justice," and "protection," especially in judgments on dowry deaths, rape, and economic discrimination. Jurisprudentially, the Court demonstrates increasing reliance on transformative constitutionalism, but its application remains selective and doctrinally inconsistent. This study contributes to legal scholarship by offering a structured framework to understand how gender jurisprudence is constructed, identifying the gaps in doctrinal coherence.

---

**KEYWORDS:** Gender Justice, Supreme Court of India, Transformative Constitutionalism, Judicial Reasoning, Gender Jurisprudence.

---

## 1. INTRODUCTION

The Supreme Court of India has been an essential institution in the making of gender justice *via* constitutional mandates, statutory interpretation and case law precedents. Over the course of years, the judiciary has adjudicated cases of women's rights in varied legal domain such as workplace harassment, inheritance of property, equal pay, as well as domestic violence. Its decisions have played a major role in creating the legal framework of women's rights but tend to have dissimilar and varied reasons behind them. This paper analyses the ways in which the Supreme Court of India interprets gender-related legal provisions in view of the theories, the models of reasoning and the constitutional principles developed by the judges in their judgments.

Gender related legal challenges in India have been dealt in several landmark Supreme Court cases. In *Vishaka v. The Court in State of Rajasthan* (1997) held that sexual harassment at workplace amounts to violation of fundamental rights under Article 14, 15 and 21 on the basis of constitutional as well as international human rights norms. More recently, in *Shayara Bano v. In Union of India* (2017), the Court held that the practice of triple *talaq* violates the constitutional commitment to gender equality and non-discrimination and invalidated what it described as a most inhuman, uncivilized and impermissible practice. Similarly, in *Navtej Singh Johar v. In Union of India* (2018), the Court decriminalized homosexuality on the basis of constitutional morality as an interpretive device. These cases demonstrate the extent of the judicial engagement with gender justice but also reveal how courts utilize varied legal frameworks in adjudicating cases involving marginalized groups, women in specific.

Not only are the different legal theories that explain the Supreme Court's interpretative methods in gender justice cases conditioned by context and nature of the dispute, but also the different legal theories have also been adopted based on context and nature of the dispute. On some others, the decisions are rooted in Legal Positivism, where the judiciary strictly adheres to the force of laws; and on others it takes the course of Natural Law reasoning which looked at the decisions in terms of justice, dignity and morality. Legal Realism has also been utilized in some of the decisions of the Court, both social, economic and political factors having been considered in deciding on the judicial treatment of certain cases. However, not all rulings exhibit a clear theoretical approach,

and judicial reasoning remains case-specific rather than uniform across gender justice cases.

India also must be understood within comparative legal perspective in the evolution of gender jurisprudence. Courts in jurisdictions such as South Africa have used the opportunity to engage in transformative constitutionalism, that is, interpret the law to foster substantive equality rather than just formal equality. For example, in *President of the Republic of South Africa v. In Hugo* (1997), the South African Constitutional Court incorporated an intersectional approach to gender justice, leading to norms that are interpreted for the purposes of eradicating historical disadvantage of women. Despite the use of Constitutional morality in some progressive judgments of the Indian Supreme Court, its readiness to embrace transformative principles in gender related cases is selective and contextual.

The research seeks to answer the main question regarding how the Supreme Court of India develops judicial reasoning alongside legal theory application throughout gender-based legal processes. This research focuses on qualitative examination of Supreme Court rulings across different legal territories to study which constitutional principles and legal theories, along with interpretative frameworks, the judges employed to resolve disputes involving gender issues. An examination of court cases serves this research to discover recurrent judicial decision-making practices while evaluating the existence of standardized legal approaches concerning gender justice in Supreme Court rulings. This evaluation will enhance scholars' understanding of Indian gender law jurisprudence as well as judicial use of Constitutional principles and legal systems' impact on women's rights cases.

## 2. LITERATURE REVIEW

### 2.1. *Prior Studies on Supreme Court Judgments Analysis*

Despite the extensive research on judicial reasoning, legal principles, and the impact of precedent in shaping legal decisions done by the previous studies on the Supreme Court judgments, there has been a little focus on the timing of the judgments. Qualitative and doctrinal methods are used by many studies to analyze structure and interpretative approaches to landmark cases' judgements. Additionally, Suharsono and Prasetyoningsih (2024) conducted a comparative study of Supreme Court justices' legal argumentation used in Indonesia as it resolves

disputes surrounding the management fees relating to transfer pricing, focusing on statutory interpretation and reliance on precedent (Suharsono & Prasetyoningsih, 2024). In a similar line, Nie et al. (2025) used metadata from Norwegian Supreme Court rulings to investigate the impacts of institutional features and small group dynamics on judicial decision making (Nie et al., 2025). It also appears that the extrajudicial factors, such as political shifts and societal values, should matter in shaping Supreme Court decisions.

Additionally, bibliometric and empirical metrics are used to investigate the evolution of the Supreme Court jurisprudence. Maulana and Aristi (2025) explored judicial reliance on comparative legal frameworks through bibliometric methods and identified global research trends in judicial decision-making and human rights law (Maulana & Aristi, 2025). Chongbangjag and Phanwichit (2024) also performed another study on administrative aspects, focusing on how legal mandates affect the Supreme Court's interpretation (Chongbangjag & Phanwichit, 2024). Further, studies like Mikulaco (2024) have been conducted to apply linguistic analysis to the legal documents for examining the role of conceptual metaphors in Supreme Court judgments; examples of the legal language and law (Mikulaco, 2024). The methodological foundations of these prior studies are critical to the analysis of judicial reasoning and trends in Supreme Court rulings in different jurisdictions.

## 2.2. Research Gap Identification

Given the amount of jurisprudence surrounding women's rights in India, much of scholarship exists that encompasses the important things about the interpretative frame that the Supreme Court operates in and the theoretical anchors that drive its decisions on what constitutes gender justice. Scholars have detailed the constitutional and statutory provisions relating to gender equality while there is a conspicuous gap in the formative jurisprudential framework from which the court makes the decisions on women's rights cases (Sharma et al., 2024). Judicial reasoning is often between formal legalism and judicial activism, which yields the inconsistent precedent application and doctrinal fluidity that needs more detailed theoretical study (Goswami & Choudhuri, 2024).

Additionally, paucity of research is conducted on any thematic trends in gender-related rulings beyond the individual holding the case. While landmark cases such as *Vishaka v. State of Rajasthan* (1997), scholars have largely neglected systematic analysis of patterns across all legal domains

(Narasimhan, 2024); however, *Shayara Bano v. Union of India* (2017) have been studied in isolation. Furthermore, the lack of intersectional analysis specifically, with regards to caste, class, religion has hampered the comprehension of the ways in which gender justice is interpreted and applied across different contexts (Chandra and Moti, 2025).

Another major gap remains the absence of empirical estimation of the implementation and consequences of the Supreme Court judgments. However, a few studies assess whether judicial pronouncements have led to concrete improvements in women's work-space equality, access to justice, and protection from gender-based violence (Sharma et al., 2024; Sarkar and Gupta 2024). However, these studies disconnect between normative rulings and socio-legal impact. Thus, it reveals a dearth for an integrated legal and policy analysis.

Current scholarship, however, so far has less investigation of contemporary legal challenges like cybercrimes against women, data privacy violations and the likes of digital harassment, despite its mounting prominence in judicial discourses (Pathak et al., 2025).

Next, the study makes use of a scarcity of comparative and transnational research that considers India's gender jurisprudence comparatively to international frameworks for example the Convention on the Elimination of All Forms of Discrimination Against Women or in relation to global feminist legal theory, particularly regarding the influence and alignment of Indian rulings with international norms (Chandra & Moti, 2025). These gaps necessitate a qualitative analysis of the Supreme Court judgments.

Thus, the authors attempt to understand the patterns of judicial reasoning assessing the coherence and consistency of legal interpretation. It also shed light on the evolution of gender justice in India's constitutional architecture

## 3. RESEARCH METHODOLOGY

This research is a qualitative empirical study based on a purposive sampling of 30 judgments delivered by the Supreme Court of India between the years 2000 and 2025. The doctrinal part includes literature review and introductory part along with jurisprudential aspects. The judgements are collected through online platform and qualitatively coded. Thereafter the analysis was supported by a structured dataset that permitted pattern recognition across a variety of judicial contexts.

#### 4. SCOPE OF THE STUDY AND DATA COLLECTION

4.1. The scope of this study rests upon 30 judgments adjudicated by the Supreme Court of India in the span of a decade, from the year 2000 to 2025. Due to paucity of research time, it is restricted to 30 judgements only. The dataset covers the Supreme Court cases only, as the final verdict is reported and available online on a reliable source such as Manupatra, SCC ONLINE, Supreme Court official website, Indian Kanon. The verbatim version is taken for analysis. Hence the purposive sampling excluding the judgements of the High Courts. Also, the decisions of the Supreme Court of India has a binding court on all the other courts including High Courts.

4.2. As mentioned above the data set includes 30 judgements of the Supreme Court of India from the period of 2000- 2025. Those 30 cases list is supplied at the end of this paper in the endnote. The rationality in choosing the year 2000 is purposive and the year 2000 marked golden jubilee of 50<sup>th</sup> anniversary of the Constitution of India. Additionally, country marked a decade of introduction of liberalization, privatization and globalization which led to urbanization and increase women influx into industries and other workforce, which gave rise to the cases relating to the women's rights, and its intersection with the legal subject areas *viz.*, criminal law, family and personal law, property rights, workplace equality, service law, and constitutional protections. Thus, the selection was based on this subject matter. The reported Supreme Court cases are considered for dataset. The reason for choosing the reported decision is for its bindingness and finality. The reported judgements accessed through online platforms, databases which provides the verbatim reported judgements only *viz.*, Manupatra, SCC ONLINE- Supreme Court Cases Online and Indian Kanon also the judgements from the Supreme Court official website are the main sources of primary sources. The specific keywords used to search in the Supreme Court judgements included if they involved interpretative reasoning on gender-specific statutes *viz.*, Section 304B, IPC - Indian Penal Code, Section 125, CrPC - The Code of Criminal Procedure, Constitutional rights -Articles 14, 15, 21, Constitution of India or broader issues of discrimination, equality, or access to justice for women. Accordingly, the said phrases are used as keywords to search the judgements in SCC Online (Supreme Court Cases Online) and Indian Kanon, Supreme Court official website as well. The key

metadata on each case was prepared in an excel sheet with a tabular column containing serial number, year, gender of petitioner/respondent, type of bench, legal provisions invoked, outcome, and judge authorship. This data is systematically recorded in a structured dataset to enable thematic and discourse-level coding.

#### 5. DATA ANALYSIS

First the judgments are downloaded and metadata on each case is prepared in the excel sheet. Thereafter, it is grouped as core legal and social themes. The underpinning of these themes are the judgements of the Supreme Court of India on issues pertaining to women's legal questions. Thematic trends expose judicial innovations in interpreting maintenance laws, expanding women's inheritance rights, and enforcing equal pay, while highlighting institutional restraint in personal law cases. Discourse analysis uncovers the recurring use of normative frames such as "dignity," "justice," and "protection," especially in judgments on dowry deaths, rape, and economic discrimination. Jurisprudentially, the Court demonstrates increasing reliance on transformative constitutionalism, but its application remains selective and doctrinally inconsistent. This study contributes to legal scholarship by offering a structured framework to understand how gender jurisprudence is constructed, identifying the gaps in doctrinal coherence. This study performs a qualitative analysis of the basis and ground for decisions, statutory interpretation and precedent application by the Supreme Court of India viewing through the lenses of legal argumentation, statutory framing, and evidentiary evaluation in the cases involving women, and its recurring themes and interpretative trends.

Hence the dataset was analyzed in three ways. They are:

1. First, a thematic analysis was conducted to identify core legal and social themes—such as dowry-related violence, maintenance rights, workplace harassment, and judicial restraint in personal law—using open and axial coding strategies.
2. Second, a discourse analysis examined the language, tone, and metaphors used by judges to frame concepts such as dignity, protection, modesty, rights, and victimhood, offering insight into the Court's interpretative posture and normative leanings.
3. Third, a jurisprudential patterning analysis was undertaken to categorize the legal reasoning

styles observed across the judgments, including positivist, realist, moral-constitutional, and formalist approaches. This triadic framework provided both breadth and depth of interpretation; thematic analysis could identify issue level recurrence; discourse analysis revealed judicial narratives and frames; and jurisprudential mapping exposed the legal philosophies underlying the decisions. The triangulation made all the difference so that there would be analytical richness, also reduction in bias in interpretation, and a comprehensive understanding of how the judiciary constructs and articulates gender justice in different legal contexts.

**5.1. Thematic Analysis**

The below Fig.1 is the concept map indicating thematic analysis on India’s Supreme Court Judgements on Women Issues. The typologies of cases and their subject matter are indicated in the

branches. The concept map has five nodes and further arcs.

Nodes I contain violence against women and its Arcs includes the aspects of empathy in social context, domestic abuse, rape or sexual assault, harassment, gender justice. Nodes II indicate family law. The Arcs include maintenance rights, divorce and marital disputes and child custody. Nodes III indicate service and administrative law. The Arcs cover the cases of equal work- equal pay, employment benefits, administrative practices and constitutional rights. Nodes IV shows property rights. The Arcs cover cases relating to inheritance laws, agricultural land rights, *Sridhan* interpretation of Acts and provisions. Nodes V indicates criminal justice system. The Arcs cover cases sentencing and deterrence bail considerations, legislative intent, evidence in women’s causes and precedents.

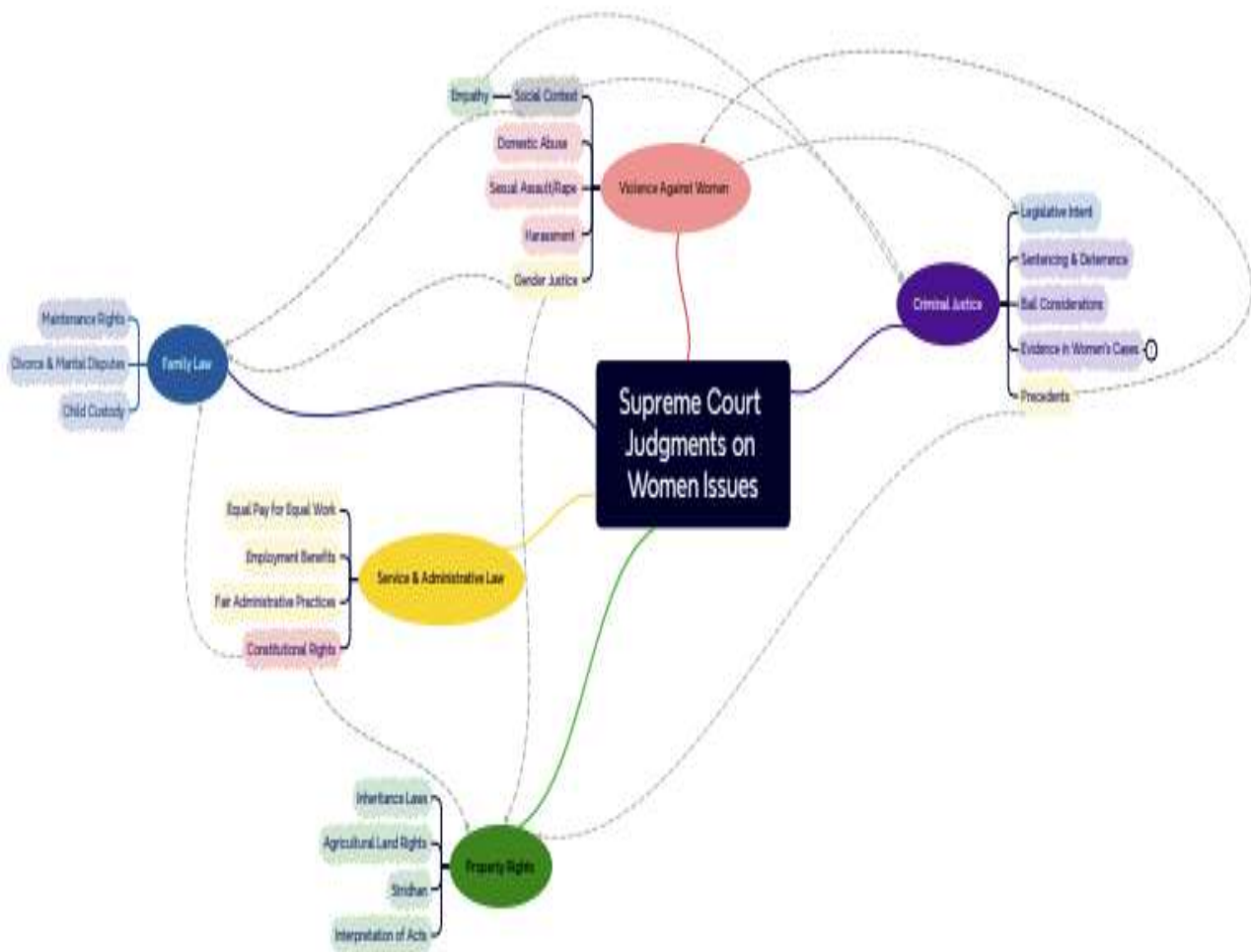


Figure 1: Concept Map - Thematic Analysis on India's Supreme Court Judgements on Women Issues

### 5.1.1. Theme 1: Violence Against Women & Criminal Justice

The Supreme Court of India has played a pivotal role in framing violence against women not merely as criminal acts but as structural violations of dignity, autonomy, and constitutional equality. Among the most prominent areas is the court's interpretation of Section 304B Indian Penal Code on dowry deaths, where it has reinforced a strict presumption of guilt to address the systemic and often concealed nature of domestic violence. In *Ajholi Devi and Anr. v. State of Jharkhand*, the court emphasized that this provision serves not just a punitive purpose but a deterrent and social corrective function. The seven-year presumption rule aims to fill evidentiary gaps that typically protect perpetrators under traditional legal scrutiny.

Supporting this stance, the Court has often invoked Section 113B of the Indian Evidence Act, 1872 which presumes abetment of dowry death when the death occurs in abnormal circumstances within seven years of marriage. In *Anjanappa v. State of Karnataka*, the judiciary reaffirmed that circumstantial and testimonial evidence must be viewed through a gender-sensitive lens, thus ensuring that burden-shifting helps victims' families pursue justice effectively.

The issue of rape and sexual assault has been treated with similarly constitutional urgency. In the landmark *Mukesh and Anr. v. State for NCT of Delhi-Nirbhaya* case, the Court held that rape represents the "ultimate violation of bodily integrity and dignity", thereby justifying the imposition of capital punishment in cases of extreme brutality. The judgment not only reaffirmed the criminality of rape but elevated it to a constitutional crime – implicating Article 14, 21, and the broader framework of gender justice.

Beyond physical violence, the Court has interpreted emotional and psychological abuse as actionable under criminal law. In *Vajresh Venkatray Anvekar v. State of Karnataka*, it extended the application of Section 113A of the Evidence Act, 1872 to cases of abetment to suicide, emphasizing that sustained cruelty and mental harassment constitute serious violations with criminal culpability. This reflects an expanding jurisprudence that understands violence against women in both physical and psychological dimensions.

Another significant jurisprudential intervention lies in workplace sexual harassment, where the Court, in *Vishaka and Ors. v. State of Rajasthan*, filled a legislative vacuum by issuing the Vishaka Guidelines, based on constitutional guarantees and

India's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women). The guidelines later formed the basis for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, highlighting the Court's norm-creating function in preventing institutional violence.

In a broader sense, these rulings exhibit a judicial commitment to deterrent sentencing, gender-sensitive interpretation, and victim-centered legal reasoning. The apex court's evolving approach signals a recognition that violence against women is not just an issue of law and order, but a profound Constitutional crisis, calling for integration of human rights, social justice, and gender equality within criminal jurisprudence. Sexual violence reduces a person to an object used for another person's purposes, whereas justice restores her recognition as a full individual, valued for her own inherent worth.

### 5.1.2. Theme 2: Maintenance Rights & Economic Security

The Indian Supreme Court has increasingly treated maintenance rights not as ancillary relief but as a core instrument of socio-economic justice and gender equality. Through expansive readings of Section 125 of the Code of Criminal Procedure, 1973, the judiciary has underscored the principle that no woman should be left destitute, regardless of the validity or religious context of her marriage. In *Badshah v. Sou. Urmila Badshah Godse and Anr.*, the Court held that technicalities of marriage validity must not be used to deny financial relief when the woman has acted in good faith. This welfare-oriented interpretation affirms that Section 125 Code of Criminal Procedure, 1973 is a secular social justice tool, independent of personal laws, and grounded in constitutional values of dignity, equality, and sustenance under Article 21 of the Constitution of India.

Further advancing this perspective, the Court in *Danial Latifi v. Union of India* upheld the constitutional validity of the Muslim Women (Protection of Rights on Divorce) Act, 1986, but interpreted it in a manner that harmonized it with Section 125 of the Code of Criminal Procedure, 1973, ensuring post-divorce financial security for Muslim women. The Court observed that "reasonable and fair provision" must be read to include long-term maintenance, effectively bypassing gender-discriminatory readings of personal law. By bridging the statutory divide between secular criminal law and religion-specific civil laws, the Court has reoriented maintenance jurisprudence

toward gender-neutral constitutional morality. This thematic trajectory extending financial protections to women regardless of religious identity or formal marital status reflects a significant shift from legal formalism to substantive justice in the economic realm.

### 5.1.3. Theme 3: Women's Property & Inheritance Rights

The Supreme Court of India has contributed significantly to correcting the historical gender imbalances in property rights, particularly by advancing women's coparcenary claims, agricultural land ownership, and inheritance equality. The Court's approach has moved beyond formal legalism to embrace a substantive justice orientation, interpreting property statutes to affirm women's constitutional entitlements under Articles 14 and 15 of the Constitution of India. In *Vaijanath and Ors. v. Guramma and Anr.*, the Court adopted a broad reading of the Hindu Women's Right to Property Act, 1937, rejecting the idea that traditional customs could override statutory entitlements. This position laid the conceptual groundwork for later reforms and judicial pronouncements that explicitly placed women on an equal footing in matters of inheritance.

This trajectory reached a landmark moment with the interpretation of the Hindu Succession (Amendment) Act, 2005, in *Vineeta Sharma v. Rakesh Sharma*, where the Court held that daughters, by birth, acquire equal coparcenary rights in ancestral property, irrespective of whether the father was alive at the time of the 2005 amendment. The judgment definitively removed temporal conditions that had previously restricted daughters' property claims, reaffirming gender equality as a birthright under constitutional morality. Additionally, the Court in *CIT v. Smt. Chandaben Maganbhai Patel* confirmed that "property" includes agricultural land, a crucial clarification that prevents exclusions through narrow textual interpretations. These rulings collectively signal the Court's shift toward rights-based adjudication, ensuring that women's economic agency is not subordinated by patriarchal interpretations of inheritance customs.

### 5.1.4. Theme 4: Workplace Equality & Service Law

The Supreme Court of India has played an instrumental role in promoting gender equity in employment, with a special emphasis on dismantling wage discrimination and employment inequality. Central to this jurisprudence is the constitutional mandate under Articles 14, 15(3), and

39(d) of the Constitution of India, which collectively envision a legal order where remuneration is determined by the nature of work not by gender, employment category, or social status. The Court has consistently held that "equal pay for equal work" is not merely a statutory rule but a constitutional guarantee of equality and non-discrimination. In *State of Punjab v. Jagjit Singh*, the Court extended this principle to cover temporary and *ad hoc* employees, declaring that women workers especially in contractual or informal roles cannot be denied parity solely based on employment status if their job duties are comparable to those of permanent employees. The ruling is particularly impactful for female workers in government schemes like Accredited Social Health Activist ASHA and Anganwadi, who are structurally underpaid despite performing essential services.

Beyond pay parity, the Court has clarified that administrative discretion in hiring and compensation cannot override fundamental rights. In *Government of Andhra Pradesh v. P.B. Vijayakumar*, the Court upheld the constitutional validity of special provisions for women in employment policies under Article 15(3) of the Constitution of India, affirming that affirmative action is not an exception to equality but a form of substantive equality. More recently, in *Punjab State Electricity Board v. Thana Singh*, the Court reiterated that claims for equal pay must rest on factual similarity of duties but cautioned against mechanical comparisons. This balanced jurisprudence shows a deliberate attempt to reconcile bureaucratic realities with gender justice, thereby nudging public institutions to adopt a proactive posture against structural workplace discrimination. The judiciary's interpretive trend thus illustrates a shift from formal equality to structural fairness, reinforcing that women's workplace rights are deeply rooted in India's constitutional fabric. Men and women must be treated equally under the law. This is based on the principle equal work to equal pay. Women who are convicted of capital crimes must be put to death, just like men; women who want to engage in public life must be permitted to speak in public, just like men; women must be employed, taxed, and conscripted, just like men.

### 5.1.5. Theme 5: Judicial Sensitivity in Personal Laws

In adjudicating matters governed by religious personal laws, the Supreme Court of India has often adopted a posture of institutional restraint, balancing between non-interference in religious freedom and the constitutional imperative of gender

equality. A seminal example is *Ahmedabad Women Action Group (AWAG) v. Union of India*, where the Court declined to entertain a constitutional challenge to provisions of Hindu, Muslim, and Christian personal laws affecting women, reasoning that legislative reform not judicial intervention as the appropriate remedy. This decision reflects the judiciary’s cautious respect for India’s legal pluralism, even when such restraint risks prolonging gender-discriminatory outcomes. Yet, by acknowledging the limits of its interpretive reach, the Court implicitly affirmed the need for deliberative democratic reform of personal law systems, especially where they disproportionately disadvantage women on issues such as divorce, guardianship, and inheritance.

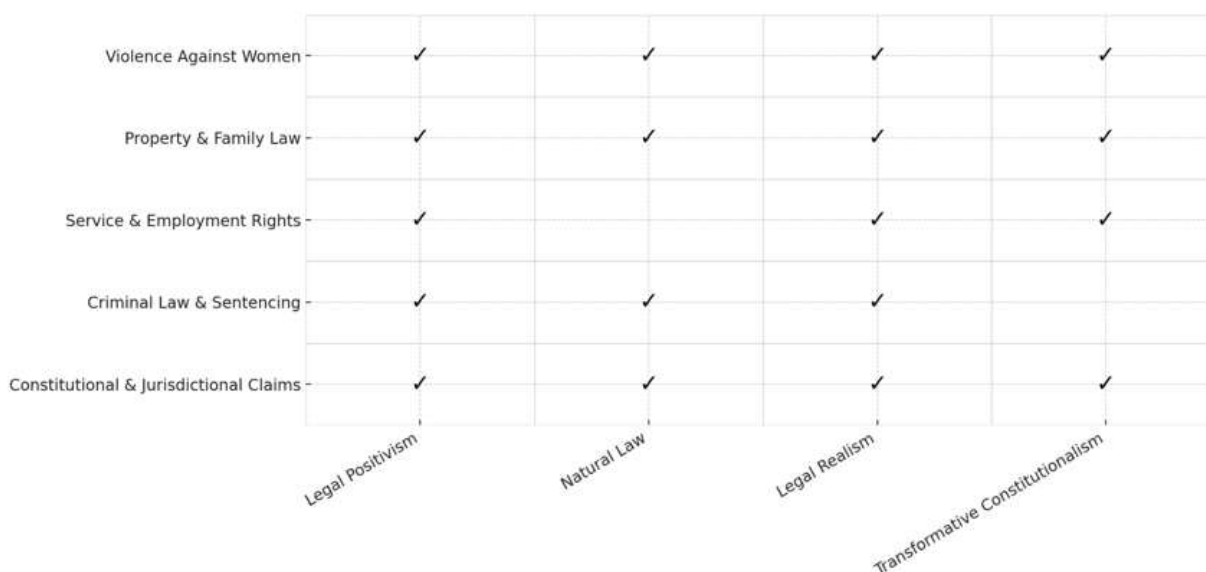
However, this restraint is not uniformly applied. In *Rana Nahid v. Sahidul Haq Chisti*, the court upheld the jurisdiction of Family Courts to adjudicate maintenance claims under Muslim personal law, asserting that gender-neutral access to remedies should not be curtailed by religious barriers. Such rulings reflect a more nuanced judicial strategy one that respects religious identity but does not permit it to override basic rights to dignity and economic protection. The Court has also demonstrated sensitivity to intersectionality, recognizing how religion, gender, class, and marital status compound women’s vulnerability. This is evident in its support for uniform procedural access across family law matters and in advocating reconciliation between personal laws and constitutional principles. The emerging jurisprudence signals a slow but discernible shift toward a transformative constitutionalism, where the protection of religious

freedom is carefully balanced against the fundamental right to gender justice.

**5.1.6. Discussion**

The Supreme Court of India’s evolving jurisprudence on gender justice illustrates a delicate and often inconsistent negotiation between constitutional ideals, statutory constraints, and pluralistic legal traditions. By thematically engaging with issues such as violence against women, economic maintenance, inheritance rights, workplace equity, and religious personal law, the Court has articulated a partial but meaningful commitment to substantive equality. Its use of transformative interpretation, especially in maintenance and property rulings, signals a move toward embedding constitutional morality into domains historically governed by patriarchal norms. Yet, the persistence of selective activism, institutional restraint in personal law, and fragmented doctrinal reasoning limits the creation of a coherent framework for gender justice. This analysis reveals that while the court has made strides in individual cases, its jurisprudence lacks systemic consistency, necessitating a deeper integration of intersectionality, socio-economic realities, and feminist legal theory into judicial reasoning.

Figure 2 illustrates the relationship between major legal themes in gender justice and the jurisprudential theories applied by the Indian Supreme Court. The presence of check marks (✓) indicates where a specific legal theory has been prominently reflected in judicial reasoning within each theme.



**Figure 2: Refined Thematic Mapping of Legal Theories in Supreme Court Gender Judgments.5.2. Discourse Analysis**

The Supreme Court of India's discourse on women-related cases reflects a combination of strict legal enforcement, gender-sensitive interpretation, and broader social justice considerations. In cases of dowry deaths and violence against women, the judiciary has framed such offences as crimes against society, moving beyond the private sphere and reinforcing deterrent sentencing. The use of dying declarations and Section 113B of the Evidence Act, 1872 indicates a legislative-backed presumption of guilt, reducing the burden on victims' families to establish culpability. Usually, the Court's language is replete with strong moral condemnation of such crimes as violations both of constitutional values and of public morality. As in cases of rape and sexual violence, judgments tend to promote psychological trauma and dignity of survivors while striking a warning note against excessive reliance on the technical incongruities in victim testimonies. Societal attitudinal shift is also being requested upon by judicial discourse in the form of propagating gender sensitization programs in education and media, which is a type of advocacy to bring about attitudinal changes from public consciousness.

Further, Figure 3 categorizes the tone of judicial reasoning in the dataset. While constitutional

morality and gender-sensitive perspectives are increasingly present, formalist and neutral reasoning still dominate in a significant share of rulings. In property rights, maintenance and service law cases the Supreme Court's judgments go further than criminal law and portray a discourse of constitutional justice and economic security for women. Disputes arising out of inheritance and *Stridhan* are framed as gender equality within the constitutional mandate, and statutory interpretation is often stretched to ensure women's financial independence. In maintenance cases under Section 125 CrPC, the judiciary oscillates between a social welfare lens ensuring basic sustenance and statutory limitations, particularly when interpreting the Muslim Women (Protection of Rights on Divorce) Act, 1986. Courts uphold equal pay for equal work in workplace rights cases, but defer to administrative discretion in assessing the relative merits of competing job responsibilities, a judicious balance between the constitutional ideal and bureaucratic fact. This judicial discourse involves balancing laws progressively to promote gender justice and then, the statutory limits, legislative intent and the practical enforcement challenge.

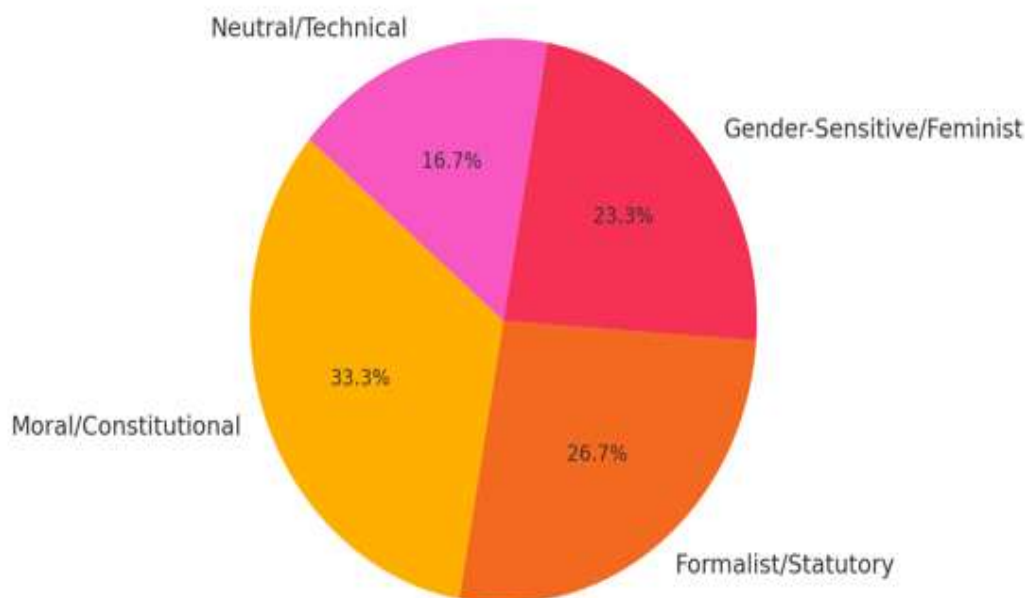


Figure 3: Tone Distribution in Supreme Court Judgments on Women's Issues (2000–2025).

Next, Figure 4 as depicted below presents a word cloud generated from the full text of gender-related Supreme Court judgments. Dominant

terms such as "dignity," "justice," "protection," and "rights" illustrate the normative and constitutional discourse embedded in legal reasoning across diverse case types.



<i>All India Institute of Medical Sciences vs Sanjiv Chaturvedi (2018)</i>	Clarified that promotion is not a fundamental right, requiring a legally enforceable claim.	Employment Law, Fundamental Rights - Limiting judicial intervention in promotions.
<i>Poonam vs State of U.P. (2015)</i>	Restricted judicial review under Article 226, preventing courts from overriding legislative decisions.	Constitutional Law, Judicial Review - Limiting court intervention in policymaking.
<i>Indian Young Lawyers Association and Ors. v. The State of Kerala and Ors.,</i>	Gender justice - exclusion of women of age 10-50 (specifically menstruating women) entry to Sabarimala temple was held as unconstitutional.	Constitutional Law, Gender Justice, Equality, violation of fundamental rights.
<i>Secretary, Ministry of Defence Vs. Babita Puniya &amp; Ors</i>	Allowing the Indian Women Army officers to be part of the Permanent Commission	Equality, Gender discrimination, stereotypes, Constitutional Law

### 5.3. Jurisprudential Patterning

This study also noted the patterns in the Court's legal reasoning styles beyond the thematic clustering and discursive framing. The purposive interpretation along with transformative constitutionalism guided several rulings especially regarding maintenance and workplace equality. In ways contrary, criminal and service law cases relied on strict textualism and precedent based reasoning. Supreme Court's adaptive interpretive strategy toward gender rights in the diverse juridical context is manifest in this jurisprudential diversity. Rather, gender was the axis of analysis but some judgments served to recognize (implicitly or explicitly) the intersection of vulnerabilities. For example, Muslim women, domestic workers and rural litigants have all shown how judicial interpretation can be influenced by religion, economic status, or social stigma. On the other hand, they were inconsistently applied in ways that gave rise to the

### REFERENCES

- Suharsono, A., Prasetyoningsih, N., & Ikrima, N. A. (2024). A Comparison of Supreme Court Justices' Legal Argumentation in Deciding Disputes on Transfer Pricing Management Fees in Indonesia. *Jurnal Jurisprudence*, 213-232.
- Nie, M., Grendstad, G., Shaffer, W. R., & Waltenburg, E. N. (2025). Time After Time: The Effects of Small Group Forces and Institutional Features on the Pace of Adjudication. *European Journal of Empirical Legal Studies*, 2(2).
- Maulana, M. A., & Aristi, S. (2025). Analisis bibliometrik tren penelitian human rights dalam lingkup e-commerce di Indonesia. *Informatio: Journal of Library and Information Science*, 5(1), 19-34.
- CHONGBANGJAG, T., & Phanwichit, S. (2024). Management of Affairs without Mandate in Administrative Aspect: Application in The Administrative Court of Thailand.
- Mikulaco, I. (2024). КОНЦЕПТУАЛЬНАЯ МЕТАФОРА В ХОРВАТСКОМ И РУССКОМ ЮРИДИЧЕСКОМ ДИСКУРСЕ1. *Folia linguistica et litteraria*, (49), 177-202.
- Sharma, Y., Rizvi, Z. F., Hiremath, P. G., & Saikia, P. R. (2024). Gender Justice In The Indian Legal Framework: Analyzing Legal Reforms For Women's Rights And Protection. *Library of Progress-Library Science, Information Technology & Computer*, 44(3).
- Goswami, R., & Choudhuri, A. (2024). Understanding 'consent' in rape laws. In A. K. Sarkar & S. D. Gupta (Eds.), *Understanding women's empowerment in South Asia* (pp. 225-247). Springer.
- Narasimhan, S. (2024). *Essays on the Economics of Labor and Gender* (Doctoral dissertation, University of Colorado at Boulder).
- Chandra, S., & Moti, S. (2025). Jurisprudential Reimagination on Rights to Education and Healthcare in India: In Pursuit of a Coherent Theory. *Liverpool Law Review*, 1-15.
- Pathak, G., Vennimalai, B., & Saxena, P. (2025). The need and means for Pre-Legislative Consultation in India:

call for more systematic doctrinal facing multiple forms of discrimination.

### 6. CONCLUSION

Using thematic, discourse and jurisprudential mapping, the research demonstrates that the court's treatment of women's rights is constituted by interpretively plural readings from constitutional morality and transformative justice to statutory formalism and judicial restraint. There has been some progress, but commitment to progress is limited, as it is not made in all spheres, notably maintenance, workplace rights, and personal laws, and in doctrinal inconsistency and selective application of gender sensitive reasoning. Through a systematic lens, this study contributes to legal scholarship regarding the understanding, evaluation, and refinement of judicial narratives on gender justice toward greater doctrinal coherence and substantive equality.

MyGov and beyond. *The Theory and Practice of Legislation*, 1-31.