

This itself is one of the glowing achievements of Indian democracy when her neighbours, such as Pakistan,²⁶ Bangladesh, Sri Lanka (Ceylon) and Burma, uphold particular religions as State religions.

[For further discussion on "Secularism", see under chapter 8, *Article 25, post.*]

A fraternity cannot, however, be installed unless the dignity of each of its members is maintained. The Preamble, therefore, says that the State, in India, will assure the dignity of the Individual. The Constitution seeks to achieve this object by guaranteeing equal fundamental rights to each individual, so that he can enforce his minimal rights, if invaded by anybody, in a court of law. Seeing that these justiciable rights may not be enough to maintain the dignity of an individual if he is not free from wants and misery, a number of Directives have been included in Part IV of the Constitution, exhorting the State so to shape its social and economic policies that, *inter alia*, "all citizens, men and women equally, have the right to an adequate means of livelihood" [Article 39(a)], "just and humane conditions of work" [Article 42], and "a decent standard of life and full enjoyment of leisure and social and cultural opportunities" [Article 43]. Our Supreme Court has come to hold that the right to dignity is a fundamental right.²⁷

In order to remove poverty and to bring about a socio-economic revolution, the list of Directives was widened by the Constitution (42nd Amendment) Act, 1976, and it was provided that — in order that such welfare measures for the benefit of the masses may not be defeated — any measure for the implementation of *any* of the Directives shall be immune from any attack in the Courts on the ground that such measure contravenes any person's fundamental rights under Article 14 or 19.²⁸

Swamy Vivekananda had said, "*Just as a bird cannot fly with its one wing only, a nation will not march forward if the women are left behind.*" Article 39 in Part IV of the Constitution that deals with Directive Principles of State Policy, provides that the State shall direct its policies towards securing that the citizens, men and women equally, have the right to adequate means of livelihood. Clause (d) of the said Article provides for equal pay for equal work for both men and women and clause (e) stipulates that health and strength of workers, men and women alike, and the tender age of children, are not abused and that citizens are not forced by economic necessity to enter into avocations unsuited to their age or strength.^{28B} The Fundamental Rights and the Directive Principles are the two quilts of the chariot in establishing the egalitarian social order and therefore, it is required to interpret the Fundamental Rights in light of the Directive Principles of State Policy.^{28C} Clause (e) of Article 51A makes it clear that all practices derogatory to the dignity of women are to be renounced. A female candidate is not required to furnish information about her menstrual period, last date of menstruation, pregnancy and miscarriage, as calling of such information are indeed embarrassing if not humiliating.^{28D} The requirement that a married woman should obtain her husband's consent before applying for public employment was held invalid and unconstitutional.^{28E} A female is entitled for "equal pay for equal work" in context to her male counterpart.^{28F} Thus, there cannot be any discrimination solely on the ground of gender. Reservation of seats for women in Panchayats and Municipalities have been provided for under Articles 243D and 243T of the Constitution of India with a view that the women in India are required to participate more in a democratic set-up especially at the grassroots level. The sustenance of gender justice is the cultivated achievement of intrinsic human rights. Equality cannot be achieved unless there are equal opportunities for both men and women and if a woman is debarred at the threshold

Dignity of the Individual and Directive Principles.

Gender Justice and Transgenders as Third Gender.