

Natural Law Theory and development of rights of women in India
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Abstract :

Philosophers such as Aristotle, Thomas Aquinas, and John Locke have contributed significantly to the development of natural law theory, proposing that reason is the ultimate means by which humans can determine right from wrong and understand the moral order of the universe. This essay aims to explore the concept of natural law based on human reason and the relationship between natural law and human rights with reference to the constitution of India.

Natural law theorists argue that these moral principles can be universally known through human reason and are the basis for both personal morality and societal laws. According to natural law theorists, reason allows human beings to discern the good and the just by reflecting on human nature, the world, and their own experiences.

The Indian Constitution stands as a reflection of the moral philosophy that guided the nation's founders. Judicial developments of fundamental rights are in tune with the constitutional morals and values. These constitutional interpretations have emerged through the thoughts and ideologies of natural law. Rights of women are amongst the features of the constitution for which the founders of the nation have strived through. Women were considered as the vulnerable sections of the society like that of minority, SC, ST, etc. The constitution has recognised and protected the rights of women and also directions given to the State to enact such laws that proactively protect the rights of women. Some of these constitutional provisions and significant cases are discussed in this article.

Introduction ;

Natural law theory is a philosophical and ethical framework that asserts that the foundation of morality and law is inherent in human nature, discoverable through human reason. Unlike laws that are created by human authorities or institutions, natural laws are believed to be universal, objective, and rooted in the natural order of the world.

Meaning :

Natural law refers to a system of moral principles and rules that are believed to be inherent in human nature and the universe, discoverable through human reason, and universally applicable to all people, regardless of culture or time period. According to natural law theory, these laws are not created by governments or institutions but are part of the natural order, existing independently of human-made laws. They reflect the fundamental principles of justice, morality, and ethical conduct that guide human behavior.

Reflection on Natural law on the Constitution of India

The Indian Constitution, adopted on January 26, 1950, is the supreme law of India, forming the basis for its political, legal, and administrative systems.

It reflects the nation's ideals and establishes the fundamental principles of governance, rights, duties, and the relationship between citizens and the state. This living document continues to shape India's democracy, ensuring justice, liberty, and equality.

In India, the influence of Natural Law is most visible in the context of human rights and social justice movements. The Constitution, through its Fundamental Rights (Part III), provides the legal

basis for the protection of human dignity, equality, and liberty, all of which are central to Natural Law thought.

The Directive Principles of State Policy (Part IV) guide the government in making social and economic policies to create a just society, such as promoting public health and reducing inequality.

Judicial interpretation of natural law in the light of rights of women

The judiciary in India has frequently invoked Natural Law principles in its interpretations of the Constitution. For example, the Supreme Court's judgments on human rights and personal liberty often reflect Natural Law's moral imperatives.

Courts have continually interpreted these rights in line with Natural Law principles, particularly when addressing issues such as gender equality, discrimination, and poverty alleviation.

For example, gender justice has been one of the most significant areas where Natural Law has shaped judicial outcomes. The Right to Equality under Article 14 has been invoked to challenge discriminatory practices, such as the practice of Triple Talaq (instant divorce in Muslim law), which was declared unconstitutional in 2017.

The judgment, which struck down this practice, was grounded in the Natural Law principle of equality and non-discrimination, arguing that laws that permit unequal treatment based on gender violate the inherent dignity of women, a core tenet of Natural Law.

Similarly, in the context of LGBTQ+ rights, the Supreme Court of India, in the landmark judgment of *Navtej Singh Johar v. Union of India* (2018), decriminalized consensual same-sex relations by reading down Section 377 of the Indian Penal Code.

The Court reasoned that the criminalization of homosexuality was a violation of the fundamental Right to Privacy and Right to Dignity under Article 21, aligning its decision with Natural Law principles that uphold the autonomy and dignity of individuals in making personal choices without state interference.

In addition, the influence of Natural Law Theory extends to the broader development of constitutional jurisprudence in India. The judiciary has often invoked the doctrine of constitutional morality, a principle rooted in Natural Law, to ensure that laws reflect the core values of justice, equality, and human dignity.

This concept, articulated in cases such as *Sabarimala Temple Entry* (2018), emphasized that religious practices and customs must conform to constitutional principles of equality and non-discrimination.

By placing the rights of women and marginalized groups above regressive traditions, the Court underscored that law must be grounded in moral conscience and societal evolution.

Natural Law's impact is also evident in the protection of marginalized communities. The judiciary has reinforced the principle that justice must go beyond legal formalism and consider the moral imperatives of fairness and social equity.

The *Aruna Shanbaug v. Union of India* (2011) case involved the issue of passive euthanasia for a woman in a permanent vegetative state following a tragic assault. The Supreme Court was tasked with deciding whether it was morally and legally acceptable to allow euthanasia under such circumstances.

The Court, in its judgment, recognized the right to die with dignity as a fundamental part of the right to life under Article 21.

The ruling reflected the influence of Natural Law in its moral reasoning, stating that a person's right to dignity and personal autonomy includes the right to choose to end one's life in cases of unbearable suffering.

In cases such as *Maneka Gandhi v. Union of India* (1978), the Court broadened the scope of Article 21 by interpreting "life" to mean more than mere animal existence and to include a life of dignity.

Like in the case of *Vishaka v. State of Rajasthan* AIR 1997 -The Supreme Court framed guidelines to prevent sexual harassment at the workplace, reasoning that the right to a safe environment is integral to the right to equality and dignity. This shows how courts invoke moral principles aligned with natural law.

The judgment acknowledged that the law must protect not just physical survival but also the moral integrity of individuals, ensuring that their suffering is alleviated if they so choose.

This recognition of the right to die with dignity incorporated Natural Law principles, which argue that law should reflect the inherent moral rights of individuals to live and die with dignity.

Similarly, the Court's rulings on social justice issues, such as those related to bonded labor, child rights, and gender equality, often emphasize moral reasoning alongside legal arguments, showing a blend of legal mandates with ethical considerations.

These cases demonstrate how the Indian judiciary has invoked Natural Law Theory to protect fundamental rights, integrating moral values such as dignity, autonomy, and justice into the legal framework.

Conclusion -

The Indian Constitution, particularly Part III on Fundamental Rights, stands as a reflection of the moral philosophy that guided the nation's founders. Natural Law Theory has played a significant role in shaping these rights, ensuring that the legal framework not only provides protection from state interference but also promotes a system of justice that respects and upholds the dignity, equality, and autonomy of individuals.

The courts, through judicial interpretations, have expanded the scope of these fundamental rights to encompass a wide array of moral principles, emphasizing that laws must reflect not just political authority but also universal moral truths.

The interrelationship between law and morality remains a central theme in Indian constitutional law. Through cases such as *Maneka Gandhi*, *K.S. Puttaswamy*, and *Naz Foundation*, the Indian judiciary has underscored that the law must be infused with ethical values such as equality, dignity, and personal autonomy.

The judiciary's ability to interpret the Constitution in ways that reflect evolving moral principles highlights the continued relevance of Natural Law in ensuring that India's legal system remains not only just in form but also just in substance.

References:

- Aquinas, Thomas. *Summa Theologica*. Translated by the Fathers of the English Dominican Province. 2nd ed. New York: Benziger Brothers, 1947.
- Cicero, Marcus Tullius. *De Legibus* (On the Laws). Translated by C. D. Yonge. 1841. Accessed November 24, 2024.
- https://blog.ipleaders.in/applicability-of-natural-law-principles-in-indian-law/#Principles_of_natural_law_under_Indian_law

- <https://www.legalserviceindia.com/legal/article-10491-indian-perspective-of-natural-law-school.html>
- <https://blog.ipleaders.in/fundamental-rights-under-the-indian-constitution-a-comprehensive-guide-with-case-laws/>
- <https://www.sconline.com/blog/post/2023/07/24/a-contemporary-analysis-of-the-confluence-of-natural-law-and-natural-rights/>
- <https://www.britannica.com/topic/natural-law>
- <https://lawbhoomi.com/natural-law-school-theories/>
- <https://www.sconline.com/blog/post/2023/07/24/a-contemporary-analysis-of-the-confluence-of-natural-law-and-natural-rights/>
- <https://blog.ipleaders.in/fundamental-rights-under-the-indian-constitution-a-comprehensive-guide-with-case-laws/>