



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

An Analysis Of Status Of Women Under Indian Constitution With Special Reference To Need Of Uniform Civil Code

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Abstract: the constitution emerges as most comprehensive document which contains the provisions relating to equality and justice, which is aiming at preserving the dignity of every citizen without any discrimination as to race, caste, religion and sex etc. It is assumed as a law of the land. As a supreme law, the Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. The Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantees equal opportunity to all citizens in the matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard. In the constitution of India the gender equality principle have been enshrined in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic policy, our laws, development policies, Plans and programs have aimed at women's advancement in different spheres.As a member of International community, India has ratified various international conventions and Instrument of human rights, committed to provide equal rights of women. One of the key instrument among is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. The uniform civil code in India is a need to eliminate the gender disparity produced by specific religious laws. The UCC will contribute the improvement in women's position in India. There have been number of Judgments of Supreme Court of India which directly or indirectly recommends Uniform civil code.

Introduction:

The constitution emerges as most comprehensive document which contains the provisions relating to equality and justice, which is aiming at preserving the dignity of every citizen without any discrimination as to race, caste, religion and sex etc. It is assumed as a law of the land. The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

In the preamble of the Indian constitution the gender equality principle have been enshrined in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women. Within the framework of a democratic policy, our laws, development policies, Plans and programs have aimed at women's advancement in different spheres. As a member of International community, India has ratified various international conventions and Instrument of human rights, committed to provide equal rights of women. One of the key instrument among is the ratification of the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) in 1993. Constitution is a supreme law of the land. All other laws are made in consonance of the constitutional provisions. It establishes the fundamental rights and duties and structure of the policy. These provisions cannot be easily altered except by the way of amendment procedure given in the Constitution itself. It comprises of articles, schedules, parts and preamble. Whatever is made available in the constitution to the citizens and individuals is known as its provisions. The Constitution needs to have a universal law for all caste, race and religion. The principle of One country and one law does not suits in India, because in India all other religion have their own law and rule. Now Muslims and Christians demanded separate law for them. It is impossible to think that in a democracy every religion wants its own religious law. But the Constitutional provisions cannot be altered as per political conveniences.

Since Independence of our country many legislations were enacted to reform the status of women which were left for implementation. Some significant enactments are the Hindu marriage act, even after implementation of few legislations to support for upliftment of women. The women cannot enjoy all sorts of rights in the society, women suffers all kind of exploitations with silence, and women are considering as a class which is in a disadvantageous position on account of several barriers and hurdles in the society. There is a need to empower the women class in India. Women's empowerment and privileges in the legal, social, political and economic fields are required to be reformed. However the empowerment is based on the gender equality in society. The gender equality always escaped the constitutional provisions like equality before law and equal protection of law. Equality is always supposed to be between equals and since men and women were not equal. The framers of constitution of India at the time of drafting the constitution were very keenly considered the problem of Indian women faced in the society even after independence of the Nation. These provisions of the constitution not only mandates the equality of men and women but also restrict the discrimination in favour of women and children to make up the backwardness. The framers of constitution have drafted the provision in such a manner as it empowers the states to take appropriate action. As India is a secular state it has been enshrined in the Indian constitution, so that it can progress towards the casteless society, which was the great need in India.

Generally the women rights are classified as legal rights and constitutional rights, the legal rights of women are the rights provided by various existing legislations of the state and in new legislations to be enacted by the legislative bodies. But the constitutional rights are those which are provided by Indian constitution under its various provisions. Our constitution contain the provisions to set the frame work and functions of the organs of the state which also states the principles governing the operation of these organs. The fundamental rights in part III of the constitution ensures equal rights and opportunities for both men and women, and latter provided to enact through specific legislation relating to protection of Human Rights.

Preamble of Constitution and women:

To start with the preamble of our constitution, the principle of gender equality is embodied in it and declares that the social, economic and political justice should accrue to all citizens of India. It also ensures the basic rights like 'equal pay for equal work' and absence of any unreasonable or arbitrary distinction among men in political matters, it enshrines the abolition of all sorts of inequalities of opportunities, status, race, religion caste. Therefore, the state should enact some measures to protect the weaker section of the society, so the expression "social and economic justice" implies that it empowers the state to remove the economic inequality and to ratify the various international convention on Human rights of women. One of the convention on elimination of all forms of discrimination against women. Therefore, we can call the preamble of Indian constitution as a gender neutral and aiming to provide the justice to all communities of the society irrespective of class, sex, religion etc. It is deeply look in to the meaning of preamble, it is an effective machinery to achieve the real justice to all. It also empowers the state to adopt measures of affirmative disadvantages in favour of women for neutrality and the cumulative socio economic and political disadvantages.

Political Rights:

During the period of British rule in India the Indian women participated in the struggle of Independence against British. Many women leaders formed their troops and inspired the women to take part in the struggle to fight for independent nation. Many a women were popular then and now. Under Indian constitution women are also enable to take part effectively in the administration of the nation. But it is a fact that there is no encouragement for women to represent in politics. Till now there are only finger counting number of women representing in the constituent assembly and also in Lokasabha, but it is far below than in assembly. Therefore, this is the reason to demand for women reservation up to 33% in politics, both in Vidhanasabha and Lokasabha. In the 73rd and 74th amendments of constitution brings the system of reservation of seats for women in panchayath type of Government. So Panchayath Raj Act provided for reservation of women participation in village, taluk and zillapanchayaths as mandatory. The reasons for the set back of the women participation in politics is lack of education, illiteracy and also lack of political awareness. So to encourage more participation of women in politics the reservation was brought forward.

Economic Rights:

The directive principles of state policy provides to strengthen the women by providing right to work, under this concept state must take action to strengthen the economic rights of women by the policy of providing equal wages for both men and women, and special benefits provided in favour of women to encourage to go for employment namely maternity benefits, According to the Constitution men and women must be treated equally. So all men and women are free to acquire and dispose property in any manner. Women are provided the economic rights and privileges under specific legislations.

Social Justice:

Women claim is regarded as backward claim in Indian society, because of her social backwardness. In Indians are following different personal laws with respect to different religions. Some of these Laws recognizes some social practices which denies the rights of women, even the basic rights are denied. In some of the personal laws, women has privileges to enjoy few rights after the amendments of several provisions in these personal Laws. But there is no uniformity in providing similar rights to women in it. For instance, the right of maintenance is provided to women under Hindu Law, whereas in Muslim Law a Muslim woman is not entitled to any amount of monetary claim as maintenance, but hindu maintenance and adoption act provides right of maintenance to Hindu women. Therefore to provide social justice to women in India, there is a need of codification of the personal laws which is a biggest challenge before the Government to enact it. The bill of Uniform civil code is still pending in both the houses of parliament. Therefore to provide social justice to women, there is a need of strong effort to implement uniform civil code.

Fundamental Rights:

Fundamental rights under Indian constitution contained in part III of the constitution from Article 12 to 35 of the constitution. These fundamental rights guarantee the civil liberties to lead the life with peace and harmony. Fundamental rights are the individual rights of equality, freedom of speech and expression, Freedom of religion, peaceful assembly, right to constitutional remedies for protection of civil rights through writs, the violation of these leads to punishments under criminal law and other specified laws for the time being in force. Article 32 of constitution the Honorable Supreme Court of India has power to provide remedies for violation of Fundamental rights.

Fundamental Rights ensures special privileges to women which are common to all Indians which aimed at overturning the inequalities of pre-independence social practices. Article 14 to 18 of the Indian constitution provides for “equality before law” and “equal protection of law” to every citizen of India. Article 14 embodies the general principles of equality before law and prohibits unreasonable discrimination between persons. Article 14 embodies the idea of equality expressed in the preamble. Both the expressions “equal before law” and “equal protection of law” are not having similar meaning if they seems to be similar then it conveys

different meaning in **state of West Bengal v/s Anwar Ali Sarkar**¹ It was rightly held that the second expressions is corollary of the first and it is difficult to imagine a situation in which the violation of the equal protection of law will not be the violation of equality before law. Thus, in substance these two means one and the same.

Therefore the constitution mandates the state to treat women are equivalent to men in the society and directs to provide the equal status and protection. In **Dimple singh v/s union of India**², the Delhi High Court expressed its apprehension that unless the men's attitude changes the discrimination of women cannot be eliminated.

Article 15 of the Fundamental Rights prohibits any sorts of discrimination against women under clause (1) of Article 15 which gives some privileges to women. It also directs the state not to discriminate against any citizen on ground of religion, race, caste and sex or place of birth or any of them. Under Art 15(3) the state is empowered to make any provision for women. Therefore this provision enables the state to make affirmative action in favour of women, the state shall not hesitate to meet their special needs by enacting laws. The intention of the framers of the constitution is to improve the condition of women by extending protection to women. **Hon'ble Justice Manohar** observed that in the clause (3) of article 15 recognises the fact that in India women are socially, economically and educationally backward. This is the prime reason for the Indian women are not participating in the socio-economic activities of the country in footing the equality. Therefore to bring equality and to eliminate discrimination among men and women clause (3) of article 15 is inserted, which may bring reformation in the status of women. Article 15(4) is inserted to provide special privilege to women, as she is socially, economically and educationally backward in the country. So special treatment is required to maintain equilibrium in the status of men and women. Article 16 which guarantees equal opportunities in thematter of public employment. Art. 16(1) provides that "there shall be equal opportunity for all citizens in the matter relating to employment to any office under the state." In case of **C.B. Muthamma v/s Union of India**³, Muthamma was a senior member of the Indian Foreign service filed a writ petition against the denial of promotion to Grade-I and it was discriminatory as she was a women. The denial of promotion did not have legal reasons. And at the point of time the chairman of the UPSC advised her not to join the Foreign Service. And she was asked to give an undertaking that if she get married she would resign from service. Under the rule 18 of the recruitment and Promotion Rules of the Foreign Service Rules 1961. The married women shall not be entitled to be appointed to the service. Under Rule 8(2) of the Indian Foreign Services Rules 1961, a woman recruited must obtain permission from Government before her marriage was solemnised. This may amount to denial of right of employment of married women. It clearly indicates the discrimination and violation of Art 16 of the

¹1952 AIR 75, 1952 SCR 284

² 94 (2001) DLT 917, 2002 (63) DRJ 216

³ 1979 AIR 1868, 1980 SCR (1).

constitution. The Supreme Court commenting further on the discrimination rules “Discrimination against women, in traumatic transparency is found in this rule. If the women member shall obtain the permission of Government before she marries. The same risk is run by the Government if a male member contracts marriage. **Justice Krishna Iyer** declares that this rule opposes article 16 and further said that “if a man has right to marry the woman must also have right of marriage and the thing being equal among them. As freedom is invisible, so in justice our faith in article 14 and 16 should have been tragically ignored vis-a-vis the half of the Indian’s humanity. As Indian women is a sad reflection on the distance between constitution in the book and law in the action.”

Article 16(4) of the Indian constitution provides for the reservation of the appointments in favour of any backward class, has clearly stated in object. Justice Krishna Iyer has said that “The object of Art 16(4) is empowerment of the deprived backward communities to give them a share in the administrative apparatus and in the Governance of the case,

Government of Andhra Pradesh v/s P.B Vijay⁴ Supreme Court held that the reservation for women Government of candidates to the extent of 30% made in the state services by Andhra Pradesh Government was valid the division bench of Supreme Court has declared that the state has power under Art 15(3) is wide enough to cover the state activity including the employments under the state. The right of speech and expression guaranteed under Art 19 of court. “Thus every one either men and women has fundamental right to form his own opinion on any issue of general concern.

2 Right to live with Dignity:

Under Article 21 of the constitution. The life and personal liberty of everyone men and women shall be protected. Therefore it provides that “No person shall be deprived of the life or personal liberty except according to the procedure established by law” under these. The right to life is the most important right among all other rights amongst rights of the individual or rights of individual all. The word life has got very much wider meaning and it includes all other rights of an individual which are essential for leading life for the existence of human being. The right of ‘personal liberty’ which is embodied in Article 21. The Supreme Court has given wider interpretation to this under **Maneka Gandhi v/s Union of India**⁵ the court identified the various rights which were drawn in to contours of Article 21 By incorporating the concept of law in to the procedure established by law.

In **Vishaka v/s State of Rajasthan and others**⁶ the Supreme Court held that in the absence of the law relating to sexual harassment against women at work place the Supreme Court may laid down some guidelines

⁴ 1995 AIR 1648, 1995 SCC (4) 520

⁵ 1978 AIR 597, 1978 SCR (2) 621

⁶ Air 1997 SC 3011

for the protection of women. Further the Court held that “Gender equality includes protection from sexual harassment and right to work with dignity which is a universally recognised human right. The common minimum requirement of the has received global acceptance. The contents of international interpretation of convention and norms are significance for the purpose of interpretation of the guarantee of gender equality right to work with human dignity in Article 14, 15, 19 (1) (g) and 21 of the constitution and the safeguards against sexual harassment implicit there is and for the formulation of guidelines to achieve this purpose.”

In the case, **Gaurav Jain v/s Union of India**⁷(1997 (8) sec 114) in this case it was highlighted that the condition of prostitutes in general and the plight of the children of prostitutes. The court issued directions for a multipronged approach and mixing the children of prostitutes with other children instead of making distinct provisions for those. The Hon’ble Supreme Court issued directions to prevent the induction of women in various forms of prostitutions it said that women should be viewed more as victims of adverse socio economic circumstances than offenders in our society

3. Right against exploitation:

Under Article 23 (1) & 24 prohibits the Human trafficking and forced labour among men and women so that women are also protected under this provision so it restricts the exploitation of women trafficking and forced labour by women. So state should take action for strictly prohibition of trafficking and forced labour of both men and women any contravention of this shall be considered as an offence punishable by law. But this Article shall not prevent the state from imposing compulsory services for the public purposes and in imposing such services the state shall not make any discrimination on grounds of religion, caste, race and sex or class or any of them. Article 23 has wide and unlimited and it strikes at traffic in human beings, beggar and other similar forms of forced labour whenever they found. The makers of the constitution were of the view that there is a need of changing socio-economic conditions and rejuvenating the socio-economic condition with a view to give full justice to the needy. These fundamental rights in respect of women are embodied in part-III of the constitution certainly aim at the welfare protection of women and to promote the interest of women.

5. Directive Principles of State Policy: The part-IV of constitution states the directive principles of state policy. It directs the state to take action and remedial measures for the welfare of the women. Article 37 states that it is the duty of the state to adopt these directive principles making laws. These principles will be adopted when the states willing to enact special laws and certainly laws regarding the women, In Article 39(a) the state is directed to make policies towards securing for the equality of men and women and the right to adequate means of lively hood. Article 39 (d) states that the men and women equally have the right to “equal pay for equal work” for both men and women. Article 39 (e) provides that the state shall ensure that the health and

⁷ (1997) 8 SCC 114, AIR 1997 SC 302

strength of both men and women are not abused and also they are not forced by economic evocations unsuited to their strength.

Article 39-A provides to promote justice on the basis of equal opportunity to men and women, Free legal aid by securing justice are not denied to any citizen both men and women by reason of economic or other disabilities. This article also provides equal justice and free legal aid to women for providing justice on equality basis and through the appropriate legislations for the purpose of securing justice. Article 42, provides that the state shall make provisions for securing just and human condition of work and for maternity relief the state has considered the directives and implemented by incorporating health provisions and factories act, maternity benefit act, Beedi and Cigar workers act etc. Article 46, the state directed to “promote with special care and educational economic interests of the weaker section of the society, particularly scheduled caste and scheduled tribes and shall protect them from social injustice and all forms of exploitations”. It is true that the woman was considered as backward class in both economically and socially, therefore they need special protection.

Fundamental Duties:

Rights and Duties are two faces of a coin, Rights and Duties are inseparable; therefore, our constitution will not only provides Fundamental rights but also imposes certain Duties upon the citizen of India under Article 51A In 42nd amendment of constitution, It contains the concern and protection of nation and also individual. One should also respect constitution of India, protection of environment and public property and to develop scientific temper. Article 51 brings in to conformity with these treaties. There are originally Ten Fundamental duties, but in 2002 in the 86th amendment of the constitution the 11th fundamental duty was added to it. This duty directs that every child at the age of six to fourteen must be provided opportunities in education, the parents or guardians must ensure to follow this.

1. Abide by the Indian Constitution and respect its ideals and institutions, the National Flag and the National Anthem
2. Cherish and follow the noble ideals that inspired the national struggle for freedom
3. Uphold and protect the sovereignty, unity and integrity of India
4. Defend the country and render national service when called upon to do so
5. Promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities and to renounce practices derogatory to the dignity of women
6. Value and preserve the rich heritage of the country's composite culture
7. Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
8. Develop scientific temper, humanism and the spirit of inquiry and reform
9. Safeguard public property and to abjure violence

10. Strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement
11. Provide opportunities for education to his child or ward between the age of six and fourteen years. This duty was added by the 86th Constitutional Amendment Act, 2002 Importance of Fundamental Duties- Part IV-A Fundamental Duties are an inalienable part of fundamental rights. The importance of these are
 - They remind Indian Citizens of their duty towards their society, fellow citizens and the nation
 - They warn citizens against anti-national and anti-social activities
 - They inspire citizens & promote a sense of discipline and commitment among them
 - 4. They help the courts in examining and determining the constitutional validity of a law

The Directive Principles of State Policy:

Part IV of the Constitution, are directions given to the state to guide the establishment of an economic and social democracy, as proposed by the Preamble.] They set forth the humanitarian and socialist instructions that were the aim of social revolution envisaged in India by the Constituent Assembly. The state is expected to keep these principles in mind while framing laws and policies, even though they are non-justiciable in nature.

Despite being non-justiciable, the Directive Principles act as a check on the state; theorised as a yardstick in the hands of the electorate and the opposition to measure the performance of a government at the time of an election.[35] Article 37, while stating that the Directive Principles are not enforceable in any court of law, declares them to be "fundamental to the governance of the country" and imposes an obligation on the State to apply them in matters of legislation. Thus, they serve to emphasize the welfare state model of the Constitution and emphasizes the positive duty of the state to promote the welfare of the people by affirming social, economic and political justice, as well as to fight income inequality and ensure individual dignity, as mandated.

Article 39 lays down certain principles of policy to be followed by the State, including providing an adequate means of livelihood for all citizens, equal pay for equal work for men and women, proper working conditions, reduction of the concentration of wealth and means of production from the hands of a few, and distribution of community resources to "subserve the common good". These clauses highlight the Constitutional objectives of building an egalitarian social order and establishing a welfare state, by bringing about a social revolution assisted by the State, and have been used to support the Nationalisation of mineral resources as well as public utilities. Further, several legislation pertaining to agrarian reform and land tenure have been enacted by the federal and state governments, in order to ensure equitable distribution of land resources.

Articles 41–43 mandate the State to endeavour to secure to all citizens the right to work, a living wage, social security, maternity relief, and a decent standard of living.[40] These provisions aim at establishing a socialist state as envisaged in the Preamble. Article 39A requires the State to provide free legal aid to ensure

that opportunities for securing justice are available to all citizens including women, irrespective of economic or other disabilities.

Need of Uniform Civil Code:

After the independence of the country The Constitution of India in Article 44 provides that “The State shall endeavor to secure for the citizens a Uniform civil code. The framers of Constitution of India envisaged a uniform civil code governing the India’s personal Laws and so that included in the article 44 in part IV of the Indian constitution which ensures the Directive principles of state policy. Therefore it is necessary for the state to secure for their citizens a Uniform civil code throughout India to reach equality for all its citizens .

Each personal Law has different customs and practices on distinct ideologies. The blame of these religious principles and Fundamental rights may be strike out by the imposition of Uniform civil code. The concept of marriage, divorce, maintenance, succession etc. are the essentials for social life of every individuals in the secular state, these are regulated by Law. Therefore, to bring Uniformity and equality with respect to these factors it is very much necessary to bring Uniform civil code in India.

There was an objection in the Constituent assembly against the making of the Uniform civil code applying throughout India. The first objection was, the uniform civil code infringes the Fundamental right to freedom of Religion mentioned in article 25 and secondly, it would be tyranny to the minority communities. The first objection was misconceived, article 44 does not infringes the right to freedom of religion in any way. Specifically it saves the secular activities associated with religious practices from the guarantee of the religious freedom contained in clause (1) of article 25 of the constitution.

The supreme court of India for the first time directed the parliament to frame a uniform civil code in 1985 in the case of **Mohammed Ahmed khan v/s shabano begum**⁸ , in 1985 the personal law of Muslims is based on the shariat law , since 1937,the unilateral divorce was in practice, polygamy was (up to 4 wives) allowed, the Muslim male can have this right under Muslim law in India as it was in shariat law. In this case **Smt.Shabano** who was exploited by throwing out her in to street by giving divorce by her husband was not able to protect under Muslim Law.

The demand for uniform civil code was put forward by women activists in the beginning of 20th century with the object of bringing uniformity among women rights. Under Shabano’s case in 1985 Supreme Court laid down that section 125 of criminal procedure code which applied to all citizens irrespective religion.

In Sarala Mudugal v/s union of India⁹, The husband performed the second marriage while converted into Islam but without dissolving the first marriage. It was questioned that whether such marriage is valid under Hindu Marriage act of 1955 or not.It was held that the second marriage of Hindu husband was void even after

⁸ 1985 (2) SCC 656

⁹ AIR 1995 SC 1531

conversion of Islam, without dissolving his first marriage under law. The conversion of Islam did not dissolve the marriage which could only be dissolved by a decree of court. The Hon'ble Supreme court has resolved the issue by saying that if there is controversy between two personal laws then such Law should prevail which is serving the purpose best. So, it was held that a conversion to Islam does not amount to dissolution of marriage performed under Hindu law. **Justice Kuldeep Singh** said that "the need of the uniform civil code which help in the cause of National integration by removing contradiction based on ideologies." Therefore in accordance with the Article 44 of the constitution of India, the uniform civil code must be secured has been urged by the Supreme court as it is a matter of urgency. The object behind the article 44 of constitution is to effect the uniformity of law in all communities and bringing it in a common platform on the matter which are having distinct practice and custom. The Domestic violence act is the best example for it. The provisions of this act have common applicability to all religion **Justice Leelaseth** said "These are not the Hindu, Muslim, Christian or Parsi's demand of Law, but these are the cry for gender just Laws for Giving women their Human rights and their mandated constitutional rights. If we can't give them all the rights in one go, let us progress by little but gender just laws and a uniform civil code."

The Supreme Court in **Shabano's case**¹⁰ has regretted that Article 44 has no longer remained a dead letter and recommends early Legislation to implement it. The Supreme court of India in the same case also requested the Government of India must have a fresh look at article 44 and endeavour to secure for the citizens a uniform civil code throughout the territory of India. But there is no serious efforts for introducing a law of uniform civil code in India .

In the application of civil laws including law of marriage, succession, adoption, divorce, maintenance, the Judiciary has recognised the necessity of uniformity in these laws. But as it is only a directives of constitution, hence it cannot be challenged in the court of law.

Sri K.M. Munshi, expressed his opinion that "If the personal law of inheritance, succession etc. is considered as a part of religion, the equality of women can never be achieved."

In October 2015 Supreme Court of India asserted the need of uniform civil code and still it is pending because the religion will say it has right to decide various issues as a matter of personal law. The 12 point document draft of uniform civil code is still pending in the Government since 1950 with no effort of Government to enact it.

¹⁰ Mohammed Ahmad Khan V. Shah Bano 1985 (2) SCC 656.

Conclusion:

Gender inequalities in Indian social practice was a serious issue to be resolved in India is only through Supreme legislation. After Independence of India for the establishment of just and equitable society there shall be a concern for providing social justice through Gender equality. The provisions of this act have common applicability to all religion. As said by Swamy Vivekananda “A bird could not fly with only one wing, likewise the Nation could not march forward if the women are left behind.” The consciousness of the Gender justice was found at the time of drafting our constitution. The framers of our constitution have few sacrosanct ideals in terms of the women’s specific rights in certain provisions of the provisions of this act have common applicability to all religion fundamental rights. These provisions of law would encourage to uplift the status of women in the gender discriminated society. It is not only sufficient to incorporate the exclusive provisions of women rights in the constitution, but also there is a need of proper implementing machinery to reach the benefits of constitution because there is still a long way to reach the very purpose of the constitution in favour of the women. After 73 years ,after the formation of the constitution of India women is being suffering every hour from various forms of crime against her like, dowry harassment, Rape, trafficking, child marriage, Domestic violence and Sexual harassment at workplace etc. are increasing day by day. These situations ensures that, the women left behind to enjoy the rights and privileges which are provided by the constitution. The State and the law makers must share their responsibilities and to fulfil the very object of providing protection to women under constitution. The uniform civil code assist in ending the gender based oppression. The lack of uniform civil code is damaging the true democracy. And all must strive hard to reform legally the gender justice and also to provide equal rights, dignity and equal opportunities to women.

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