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GENDER INCLUSIVITY : ANALYSIS IN THE CONTEXT OF THE INDIAN LEGISLATION

Author –

Shruti Kukreti

Student (BALLB)

Fairfield Institute of Management and Technology

ABSTRACT

The present paper deals with the concept of Gender Inclusion. It tries to explain the promotion of the idea of Gender Inclusivity in Indian Laws. A complete list of various provisions given under the Indian Constitution and Indian Penal Code that guarantees to safeguard women's rights is discussed here. The data is further supported by relevant case laws, precedents, and various other Judicial Pronouncements. Due regard and consideration have been given to various amendments which were made to pre-existing provisions. The paper provides relevant statistical data of crime rates against women in India and throws some light on the topic of Homosexuality and decriminalization of Section 377 of the Indian Penal Code, 1860. By the end of the paper, a brief discussion regarding the need for a Uniform Civil Code for ensuring Gender Inclusivity in India has been given. The discussion aims to put some light on the gender-biased ideology of personal laws in Indian society. At last, this paper tries to carefully analyse the efficiency of Indian Legislations in dealing with gender-specific crimes and promotes a well-implemented Uniform Civil Code for the country.

KEYWORDS - *Constitution, Male Chauvinism, Vulnerable Section, Feminism, Homosexuality, Judiciary, Legislation*

INTRODUCTION

“Diversity and Inclusion are about giving values to every human being, no matter the differences”

- By Frans Indrapradja

Our Indian Culture treats women as goddesses and worships their different forms in temples. But unfortunately, the situation of females is not so good not only in India but worldwide. They have always been treated inferior and as mere sex objects for the entertainment of males. Women have always faced discrimination and unfair treatment from this male dominant, patriarchal society. Many reformers came and fought for equal representation and status for women in society. They came up with a new idea of Gender Inclusion. The concept of Gender Inclusion has its roots in the

problem of gender discrimination. In today's context, the scope of Gender Inclusion has now widened with the inclusion of the third gender.

STATEMENT OF PROBLEM

The purpose of this paper is to analyse the concept of Gender Inclusivity and its position in Indian Laws. It tends to discuss the legal position and status of gender inclusion in Indian society.

OBJECTIVES

The objective of this paper is to develop a clear understanding of the concept of Gender Inclusivity. It aims to analyse various laws enacted by the Indian Legislation to ensure and promote the inclusion of females and the “third gender” in society.

RESEARCH QUESTION

The research question addressed in this paper is that whether the laws enacted by the Indian Legislature are sufficient enough to ensure Gender Inclusivity in India?

HYPOTHESIS

For the purpose of this research, I have come up with my hypothesis,

Null Hypothesis (H₀): The present Indian Legal System is not sufficient enough to ensure and promote Gender Inclusivity in society.

Alternate Hypothesis (H_a): The present Indian Legal System is sufficient enough to ensure and promote Gender Inclusivity in society.

METHODOLOGY

The paper has been written after a lot of substantial and considerable research work. Many judgements, legislations have been used for preparing this paper. It involves analytical research and descriptive study. Secondary sources have been used for the research.

The data collection methods which have been used are:

1. Articles
2. Books
3. Journals

4. Magazines

IMPORTANCE AND SCOPE

The importance of writing this paper is to develop research skills and to throw some light on the present Indian legislation and judicial system which are dealing with the problem of gender discrimination in the country. It is especially important to understand and analyse the effectiveness and implementation of laws dealing with the topic of gender inclusion.

The scope of this paper is limited to the Indian laws and judicial system. This paper mainly focuses on the efficiency of laws enacted by the Indian Parliament for ensuring the overall inclusion of females and the “third gender” in different areas of society. It deals with the problem of gender discrimination in Indian society and measures taken by our lawmakers to deal with the same.

LITERATURE REVIEW

As per distinctive papers accessible in writing, there are a couple of considers that center on the slant investigation of the lawful framework in the Indian locale. The research in the Indian legitimate framework shows long-term patterns. These ponder utilize information from various blogs, guidelines, and judgements of the Hon’ble Supreme Court. An ample amount of Indian legislation has been referred to reflect the legal position of the topic. Various judicial pronouncements, precedents, and commentaries of eminent jurists have been referred to in this paper.

GENDER INCLUSION

Gender Inclusion reflects the true meaning of the concept of equality. It is the idea that all administrations, opportunities, and foundations are open to all individuals. It promotes the idea of providing equal opportunities to females in almost every sphere. It can be social, political, educational, economic, cultural, and any other arena. This concept strictly condemns all the stereotypical ideologies related to females in society. It opposes the idea of Male Chauvinism and patriarchy.

ROLE OF FEMINISM

Feminism has been prevalent in India since the 19th century. It is a movement of fighting and protesting for the rights of women in society. It aims to empower women and ensure their representation in various areas of society. The history of feminism in India is usually studied in three phases. The first phase began with the reformist speaking about the rights of women in society. This phase was marked by the educational and cultural reforms for the women. The second phase emerged during Independence Movement when Mahatma Gandhi came up with the Quit India Movement which involved the representation of women in the freedom struggle for independent India. During this time, many independent organisations which aimed at empowering women were set up in India. The third and the last phase was marked by the fight for representation of women in the political sector and equal opportunities in the workplace.

In 1848, the first school for girls was started by Savitribai Phule who was a very prominent reformer and educationalist from Maharashtra. She is often addressed as “Mother of Feminism”. Tarabai Shinde, an Indian feminist, wrote a book named “Stri Purush Tulana” which was the first feminist text of India in 1882. Most popular reformer, Raja Ram Mohan Roy who is known as “Father of Indian Renaissance” is mainly known for his efforts to abolish the practice of Sati, child marriage, remarriage of Hindu widows, and legal rights of women in the property.

CONSTITUTIONAL PROVISIONS DEALING WITH GENDER INCUSION

The Constitution of India provides many Articles to ensure equal participation and protection of women to provide social justice to them. The Indian Constitution includes women under vulnerable sections of society which needs to be given some special treatment for achieving equity in society.

ARTICLE 14 OF THE INDIAN CONSTITUTION

Article 14 of the Indian Constitution talks about Equality before Law. It says that the state shall not deny to any person equal protection of the laws within the territory of India.¹ It is evident that this Article is divided into two parts: firstly “Equality before Law” and secondly “Equal Protection of Laws”. The term equality before law signifies the prohibition of discrimination on the basis

¹INDIA CONST. art. 14.

caste, religion, race, sex and place of birth. Whereas equal protection of laws aims to attain equality for all by favouring the concept of equity. It allows the State to formulate special provisions and policies for the upliftment of remote and vulnerable classes. Hence it a positive concept.

In *Western U.P. Electric Power & Supply Co. Ltd. v. State of U.P.*², the Apex Court held that Article 14 aims to protect an individual from any discrimination and promises equality among equals. This provision provides equality before law to women.

ARTICLE 15 OF THE INDIAN CONSTITUTION

Article 15 of the Indian Constitution aims to prohibit social discrimination. It says that no person shall be discriminated on the grounds of religion, race, caste, sex, place of birth. Clauses 3, 4 and 5 of Article 15 themselves acts as an exception to clause 1 and 2 of the same provision. Although it prohibits any unreasonable discrimination but it does not prevent legislature to design protective reservation for vulnerable sections of society including women.

In *Rajesh Kumar Gupta v. State of U.P.*³, the U.P. govt. announced 50% reservation of seats for women in BTC training programme. This provision was contended to be violative of Article 15. The Court ruled that reservation designed by the govt. was not arbitrary.

ARTICLE 16 OF THE INDIAN CONSTITUTION

This Article guarantees right to equality of opportunity in Public Employment. It ensures equal opportunity to every citizen in public employment. It says that no person shall be discriminated in regard to public employment on grounds of caste, sex, residence, religion, place of birth or descent. But nothing in this article could prevent the authority to frame reasonable reservation policies in favour of backward classes.

ARTICLE 39 OF THE INDIAN CONSTITUTION

Article 39 of the Indian Constitution comes under the directive principles of state policies. It says that the State must ensure adequate means of livelihood for both men and women. This article promotes the idea of equal pay for equal work for both men and women.⁴ Health and strength of

² (1969) 1 SC 817.

³AIR 2005 SC 2540.

⁴INDIA CONST. art. 39.

the workers, be it men or women, both must be considered and should never be abused in any way. This provision of Indian Constitution somehow tries to achieve economic justice and equality in the country. Similarly, Article 39A aims to provide access to justice and free legal aid to people.

ARTICLE 42 OF THE INDIAN CONSTITUTION

The article too comes under the purview of directive principles of state policy. It talks about the provision related to just and humane condition of workplace and maternity leave for women. It says that the state must provide and assure just and human condition of workplace of individuals and a proper maternity leave during pregnancy of a woman. Hence this is a special provision safeguarding the interest of women in the Indian society. A separate Maternity Benefit Act is designed for ensuring right under Article 42 of the Indian Constitution.

PROVISIONS OF INDIAN PENAL CODE DEALING WITH GENDER INCLUSIVITY

To maintain the Constitutional command, the State has ordered different legislative measures intended to guarantee social equality to prevent gender discrimination and various other atrocities to provide bolster administrations particularly to working females. Indian Penal Code, 1860 provides safeguard to women by categorising separate provision for “crimes against women”.

RAPE AND OTHER SEXUAL OFFENSES

Rape is very old and common offense committed against women not only in India but worldwide. It is the act of ravishing a woman by force against her own will. In case *M v. City of Los Angeles*⁵, the Supreme Court of California has defined rape as the highest in class of all indignities which can never be fully righted and kills the whole humanity.

Section 375 and 376 of the Indian Penal Code, 1860 defines the meaning, element, nature and prescribes punishment for rape. Earlier there was a narrow definition of rape but after very famous “Nirbhaya Rape Case”, lot of changes were introduced in the definition. Modifications and amendments were made on the basis of recommendations given by Justice Verma Committee and

⁵(1991) 54 Cal. 3d 202.

the scope was widened. The aim was to design stricter punishment for the offense. Any sexual act against her will, without her consent, with her consent under false pretext of pretending as her husband, under intoxication or unsoundness of mind or with or without consent of a female under 16 years of age comes under the purview of rape. The punishment for rape is provided in Section 376 which punishes the offender with rigorous imprisonment up to 10 years, or life imprisonment and with fine.

In *State of Punjab v. Gurmeet Singh*⁶, the Court held that Prosecutrix who was first abducted and then later was forced to make sexual relation was raped under Section 375. Even if the consent is obtained by the offender from the victim by way of coercion or undue influence, it would still amount to rape⁷. In *State of Karnataka v. Puttaraja*⁸, Justice Arijit Pasayat observed that the offense of rape not only gives physically injury to the victim but puts an indelible mark in the mind of society around the victim that it becomes difficult for her to live a dignified normal life.

OTHER SEXUAL OFFENSES

There are number of crimes which can be committed against a female in the society. Sexual Harassment still tops the list. As per Section 354A, whoever found guilty of sexually harassing a woman would be punished with imprisonment for maximum three years or fine or both. If anyone tries or outrages the modesty of a woman through force would be punished with imprisonment for maximum five years including fine. Disrobing or compelling a woman to be naked is considered as a serious offense under 354B of penal law. The offender could be imprisoned maximum for a period of seven years plus fine. Commission of Voyeurism is also made punishable under Section 354C prescribing imprisonment for maximum seven years including fine. Even if a person stalks or tries to stalk a woman against her will through physical or electronic mode would be punished with imprisonment for up to three years with fine under Section 354D. As per Section 509 of the Indian Penal Code, if a person by any means tries or insults the modesty of a woman would be imprisoned for up to three years and would also be liable for fine.

⁶(1996) 2 SCC 384.

⁷State of Maharashtra v. Prakash, (1977) 79 BOMLR 217.

⁸AIR 1961 SC 946.

KIDNAPPING & ABDUCTION FOR DIFFERENT PURPOSES

The offense of kidnapping and abduction could be committed for many other illicit purposes. Section 363 of the Indian Penal Code punishes the offender, who kidnaps any person from India or from a lawful guardian, for imprisonment up to seven years with fine. In *State of Haryana v. Raja Ram*⁹, the Prosecutrix was under the age of 14 was constantly persuaded by the accused to leave her home and visit him. One night, she left her home and went to his house where she was subjected to sexual intercourse. This act amounted to offense under Section 376. Section 366 of Indian Penal Code punishes any person who kidnaps, abducts or compels a woman to marry and forces or seduces her to do sexual activities for imprisonment of 10 years with fine. Similarly, Article 366A and 366B prohibits sexual exploitation of minor girls and illicit female trafficking from Jammu Kashmir and outside India.

HOMICIDE FOR DOWRY AND DOWRY DEATHS

Dowry Deaths result from continuous ill-treatment by in-laws and matrimonial home due to greed for dowry. The concept of dowry death relates to death of brides who are killed and driven to commit suicide due to continuous mental and physical torture from their matrimonial relatives and husband. Most of the dowry deaths have been reported in countries like India, Pakistan, Bangladesh and Iran.

Section 304B of Indian Penal Code defines and prescribes punishment for dowry death. It says that if a woman dies, within seven years of her marriage, due to injuries or burns under extraordinary circumstances and it evident that soon before her death she was ill-treated and harassed in relation to dowry then her case would be presumed to be dowry death. The second clause of the above section provides punishment of imprisonment up to seven years which may extend to life imprisonment for the offender. A separate legislation named Dowry Prohibition Act, 1961 was enacted to deal with the cases of dowry deaths and their attempts.

In *Prema Rao v. Yadla Srinivasa Rao*¹⁰, the Court ruled that the expression “soon before her death” deceased was tortured in “relation to dowry” is an ingredient of utmost importance for invoking Section 304B.

⁹AIR 1973 SC 819.

¹⁰(2003) 1 SCC 217.

CRUELTY

Section 498A of Indian Penal Code talks about cruelty by husband or relatives of husband. It defines the meaning of cruelty and provides punishment for the same. It includes any intentional act which drives a lady to commit suicide or to cause gross harm to her life, limb, or both physical and mental well-being. It also includes harassment by relatives and in-laws to force the lady to meet their illicit demand of dowry or anything in relation to the same. It is categorised as physical and mental torture.

In *Inder Raj Malik v. Sunita Malik*¹¹, the Court defined the term cruelty as any harassment which is intended to force a woman to meet any illicit demand for any property or valuable asset. The Court in *Mohd. Hossan v. State of Andhra Pradesh*¹², expressed their view that whether the accused have subjected the victim to cruelty is itself a question of fact. Mental cruelty might be different for different individuals depending upon the sensitivity and tolerance to withstand any such cruelty. It depends and varies from case to case.

The above mentioned section prescribes the punishment for the offense of cruelty. As per Section 498A if a husband or his relatives harasses and treat his wife with cruelty then they will be subjected to imprisonment up to three years and will also be liable to pay fine.

OTHER LEGISLATIONS REPRESENTING THE INTEREST OF WOMEN IN SOCIETY

There are various other legislations enacted by the Indian Legislature to promote and safeguard the interest of women in society.

THE SEXUAL HARASSMENT OF WOMEN AT WORKPLACE ACT, 2013

Women face a lot of sexual harassment at different places be it public or private including their homes. The Act has its roots from a very famous case named *Vishakha v. State of Rajasthan*¹³. In this case Bhanwari Devi, a social activist, working under an NGO came forward and tried to stop

¹¹1986 CriLJ 1510.

¹² 2002 AIR (SC) 3270.

¹³AIR 1997 SC 3011.

child marriage of infant daughter of Ramkaran Gujjar which was a part of her profession. In September 1992, Ramkaran Gujjar along with five other men came and brutally gang raped Bhawari Devi in front of her husband. The hospital in the vicinity refused to aid and treats her. She was manhandled and abused by police constable in the Police Station and was asked to put off her “lehenga” under pretext of collecting evidence. Due to this, she was left with no other option but to wrap her body with her husband’s “dhoti”. The trial court acquitted the accused person in this case. Later a petition was filed before Hon’ble Supreme Court to ensure safety of women at their workplaces. The Court came up with new procedural guidelines popularly named as “The Vishakha Guidelines” in cases of sexual harassment.

After thirteen years, the parliament enacted a separate Act which was made in accordance with the Vishakha Guidelines given by the Supreme Court. The Act came to be known as Sexual Harassment of Women at Workplace Act, 2013. The meaning of sexual harassment is provided in Section 2(n) of said Act. The said Act also describes the whole ambit of a workplace. The whole Act deals with the prohibition, prevention and redressal in cases of sexual harassment. The Act prescribes an Internal Complaint Committee in those organisations where more than ten employees are working. The committee requires less than half of the member to be women. Till the matter is adjudged, the victim is employed to any other department so as to prevent undue influence of the offender. The penalties prescribed under the said Act are strict and noncompliance of the same is way too high.

THE WOMEN’S RESERVATION BILL

The bill for women’s reservation was first introduced by UPA government in month of May 2008. The Women Reservation Bill aims to reserve one third of the total seats in Lok Sabha and State Legislative Assemblies for women. It is devised to guarantee adequate representation of women in political sector of the country. It promotes the idea of rotation of reserved seats to different constituencies in the Union Territories and States. The bills seek termination of reserved seats for women after the commencement of the said Act.

THE MATERNITY BENEFIT ACT

The Maternity Benefit Act, 1961 was modified and got amended by new Maternity Benefit (Amendment) Act, 2016. The new Act came into force from 1st April 2017. The Act provides paid

maternity leave for women who are pregnant for taking care of themselves and their new born kids. It aims to protect the employment of pregnant ladies to ensure economic justice. With the introduction of amended Act, the duration of paid maternity leave has got increased from twelve to twenty-six weeks. The Act is applicable in every organisation or workplace which has ten or more people employed. It includes every organisation, factories, shops, plantations, mines and any establishment under the government.

THE EMPLOYEES STATE INSURANCE (ESI) ACT

Employees State Insurance is a kind of self-financing social security and well-being protections schemes for labourers in India. Its purpose is to provide various benefits to workers during their hard times. It can be pregnancy, or sickness or any other injury related to their employment. The Employee State Corporation was set up under the flagship of the given Act. It is a statutory body which comes and works under the Ministry of Labour and Employment, Government of India. The Act includes many such reliefs such as sickness, medical, dependants, rehabilitation, disablement and maternity benefits. The said Act is applicable to all industries established under the State Government and also Government of India. On 1st January 2017, the monthly remuneration limit was increased from fifteen thousand to twenty-one thousands by the Employee's State Insurance Corporation.

CRIME RATE AGAINST WOMEN

From the beginning of this paper till its end, we have read and researched about many crimes which specifically committed against a woman. It can be rape, dowry death, cruelty, sexual harassment, bigamy, voyeurism, disrobing, outraging and insulting a women's modesty and many more. Although many laws and special legislations have been enacted by the parliament for protection of women from various types of exploitation but still the crime rates of offenses committed against women are at their peak levels.

As per National Crime Record Bureau, a marginal increase has been observed in rape cases and other crimes against women in 2018 in the country. Madhya Pradesh topped the list by having highest number of rape cases and Uttar Pradesh is ranked as the most un safest state of India. After every fifteen minutes, one rape case is reported in India and many such even go unreported. Thirty-

Four thousand assaults against females were reported in year 2018¹⁴. Uttar Pradesh observed maximum no of cases of kidnapping and abduction with 7,525 cases¹⁵. Daman & Diu reported the highest crime rate of 2.5 in cases of immoral trafficking of women as compared to the National average of 0.2¹⁶. Andhra Pradesh, Karnataka and Odisha have highest number of dowry deaths all over the country in year 2011.

STATUS AND LEGAL POSITION OF THIRD GENDER

After centuries of ill-treatments and exploitations, societies are now realising liberty of people representing the 3rd gender. Day of celebration arrived for the LGBTQ (Lesbian, Gay, Bio-Sexual, and Transgender Queer) groups on 6th of September 2018, when the Hon'ble Supreme Court of India decriminalised section 377 of Indian Penal Code. Before that, people representing LGBTQ had no social or legal freedom, they used to hide their real personality and had to live according to the societies. If they raised their voices they were crushed. Even today, homosexuals are seen as criminals and degenerates and homosexuality as an offence in almost seventy two countries.

Many NGO's like NAZ Foundation have played a vital role in the decriminalization of section 377 of Indian Constitution. Individual representatives of LGBTQ groups came ahead and motivated the community to come forward and raise their voice. It is one of the most debated topic in the whole world. In the landmark case of *NAZ Foundation v. The Government of NCT Delhi*¹⁷, the Delhi High court passed judgement in the favour of LGBTQ. The court held that section 377 of Indian Penal Code, which criminalises homosexuality in India to be unconstitutional and violative of Article 14, 15, 19 of Constitution of India and allowing sexual relationships between homosexuals.

After the judgement of Delhi High Court, an appeal was filed before the Hon'ble Supreme Court against the judgement of High Court. In *Suresh Kumar Kaushal v. Naz Foundation*¹⁸, the counsel contended that decriminalizing Section 377 of Indian Penal Code would persuade and motivate

¹⁴Ministry of Home Affairs.

¹⁵ National Crime Record Bureau.

¹⁶Ibid.

¹⁷160 Delhi Law Times 277.

¹⁸Civil Appeal No. 10972 OF 2013.

the young minds of the country towards homosexual activities and would ruin the whole organised and civilized structure of Indian society. The counsel's contentions were considered by the Court. The Apex Court set aside the judgement of Delhi High Court and once again restored Section 377 in Indian Penal Code. Much protest took place and the judgement by Apex Court was highly criticized by liberals.

Later in case *Navtej Singh Johar v. Union of India*¹⁹, once again the question of legalising homosexuality in Indian society was placed before the Apex Court. This time, the Court reversed its judgement of 2013 and partially decriminalised Section 377 of Indian Penal Code. The historic judgement ensures and fully reflects the true spirit of Article 14 in India. the Court condemned the annulled provision as arbitrary and unreasonable and legalised consensual carnal intercourse between two consenting individuals. This judgment was highly appreciated and supported by the youngsters of India.

WHETHER THERE IS A NEED OF UNIFORM CIVIL CODE

The term uniform civil code describes the presence of a non-religious foundation or non-religious rights in a country. Basically, the uniform civil code provides same rights to every citizen of a country, ignoring all of their caste, class and religious differences. Article 44 of Constitution of India provides a uniform civil code to its entire citizen throughout the territory of India. India seems to have the requirement of this code. The uniform civil code might be able to provide a framework to the rights of women, for which our society has been thriving since its beginning. The reason for its requirement is simple, that those laws lack rights for women. Indian Personal laws, like, Muslim law, Sharia law, Hindu Laws are perhaps flooded with such various flaws. The history of our judiciary witnesses these flaws, for example, the Shah Bano begum case.

In *Mohd. Ahmad Khan v. Shah Bano*²⁰, a Muslim lady named Shah Bano was divorced by her husband through triple talaq. When the lady asked for the maintenance, the husband contended that as per Islamic law he is not liable to pay any maintenance to her as she is no longer his wife. The lower court directed him to pay Rs. 25 per month as her maintenance Later when the matter

¹⁹AIR 2018 SC 4321.

²⁰AIR 1985 SC 945.

was taken before the Hon'ble Supreme Court, the Court observed that even a divorced Muslim woman who is unable to maintain herself is entitled to receive maintenance from her husband under Section 125 of Code of Criminal Procedure and hence upheld the judgement given by High Court. Later due to pressure from orthodox Muslim leader, the Central Government passed a bill under which Muslim women is entitle to have maintenance only till her iddat period. The bill was highly criticised by the whole judiciary and public. Later the Court in case of *Daniel Latifi v. Union of India*²¹, upheld the its previous decision and nullified The Muslim Women (Protection of Rights on Divorce) Act 1986. Finally, Apex Court in *Shayara Bano v. Union of India*, gave a historic judgement by criminalising talaq-al-biddat popularly known as triple talaq and thereby gave justice to all those Muslim women who have been victim of exploitation by their husbands.

Many such flaws even existed in personal laws for Hindu which were majorly rectified with Amendment of 2005 where daughters were granted coparcenary right and were made equal to son. So these judicial pronouncement and amendments have proved that these personal laws are based on the customs which are patriarchal in nature. So the probable solution is by implementing a Uniform Civil Code which would be applicable to all citizens of India irrespective of their gender, religion, caste, place of birth. The true essence of gender inclusion could be brought by proper implementation of such gender neutral Uniform Civil Code.

CONCLUSION

There are many laws made for the upliftment of women in society. In this paper, we discussed various provisions under the constitution of India which were designed to guarantee equal representation of women in society. Then we moved forward with provisions and laws given under the penal code of India. There was a complete set of special other legislations enacted by the Parliament to provide social and economic justice to women in this country. We saw and observed numerous amendments in the laws to make them look stricter than earlier.

But when we moved forward with the crime rates which are committed against women, we could easily conclude that crime rates have only increased a lot more in the country. The possible reason behind this problem is the lack of efficient implementation. A good law requires effective

²¹(2001) 7 SCC 740.

enforcement and implementation in society. The mere enactment of strict laws by the legislature is not the correct solution to deal with such problems. So, it can be rightly concluded that the present Indian Legal System with effective implementation of laws is sufficient enough to ensure and promote Gender Inclusivity in society.

The true nature of crime is dynamic due to changing needs and desires of society. Due to this, there comes a need to modify the pre-existing laws and come up with a new set of laws and rules for society. With new judgements, provisions, and judicial pronouncements positive changes could be brought in the society. “One code one nation theory” under Uniform Civil Code could prove to be helpful in this regard. Such vision hopes and prays for a bright and beautiful future of the county.

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