



ANNIHILATION OF GENDER INEQUALITY, THROUGH UNIFORM CIVIL CODE

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ABSTRACT:

Gender Equality and Women and their role and status in the society has always been a hot simmering issue and a bone of contention. The growing demand for women rights provide us with a good occasion to reflect and ponder on the issue of the status of women in India. They way a nation treats its women speaks whether the nation is a civilized one or not . A civilized nation treats its women with respect, dignity and equality. Gender inequality refers to unequal treatment or perceptions of individuals wholly or partly due to their gender.

It is known fact that women always occupied a subordinate position when compare to that of men both in the household as well as in the society because of the patriarchal nature of the Indian society since ancient times in India. In most of the personal matters like matrimony or succession, adoption or even issues related to inheritance , the women were not give equal priority with men in Indian society during those days. Secularism as a value has been accepted by one and all belonging to all religions and communities. However disagreement arises on the idea of secularism when it is translated into the personal laws of its subjects

The unique personal laws which Hindus, Muslims, Christians, and Parsees have in this country have resulted in discrimination with regard to women in the matters pertaining to marriage, adoption, succession, guardianship, divorce of Indian Women. The implemented of Uniform Civil Code in India to the women in the country would provide panacea for most of the evils being faced by the women of the country and will give to them equal rights in the matter of marriage, divorce, property etc.

KEYWORDS: Gender Equality, Patriarchal Society, Personal Laws, Vedic Period, Uniform Civil Code.

MEANING OF GENDER EQUALITY AND UCC

Gender equality is achieved only when women and men are on equal footing on all matters and both enjoy the same rights and have access to equal opportunities across all sectors of society, including economic participation and decision-making, and when the different behaviours, aspirations and needs of women and men are equally valued and favoured

The Uniform Civil Code (UCC), irrespective of the religion, caste etc, provides universal laws and civil rules for all the citizens. It supervenes upon the personal laws and treats equally all religions, tribes and castes and it also deals equally with issues relating to, marriage, adoption divorce, property administration and property acquisition. Article 44 of the Directive Principle of State Policy of Indian Constitution unequivocally states that the State shall exert to guarantee for all the citizens the uniform civil code throughout the territory of India because it helps to curtail violence against women and also does away discrimination in matters pertaining to

marriage, inheritance divorce, . It is with this pious objective in mind that the Government of India intends to modify the personal laws through the implementation of the Uniform Civil Code.

Women, in the ancient Indian society, during the early Vedic age, were treated with great respect, on par with men and were worshiped as goddesses. In early Vedic age, Woman enjoyed good respect and status not only in the family but also in the society. According primacy to women through the worship of goddesses depicts the respect and reverence that the woman had in that society. Woman had overall freedom regarding suggesting their partners (swayamvara), to live as spinsters, Widows were allowed to remarry, Women were educated and there existed neither child marriages nor sati. Dowry existed only symbolically and it did not take the form of a social evil. The women were allowed to take part in religious activities as can be witnessed like husband and wife performing Yagna together. Women were considered equal to men and were treated on par with men. The concept of "Ardhangani" i.e. equal half, was widely prevalent, Women were very educated and just like man, went through "brahmachary" discipline including "upanayana" ritual, Woman contributed largely to Vedic literature as is apparent from the famous woman scholars like Ghosha, Visvavara, Mañtri, Gargi, and the like, The great Indian epics like Mahabharata and Ramayana, also depict woman playing an important role in society.

However,, the status of women, during the mediaeval period in India, got degraded and deteriorated to a great extent. Women, in this period, were treated as objects of lust and as slaves in the society. The roles that were defined for them were like begetting children, bringing them up, taking care of other house hold activities and caring for every family member. The women were confined to their homes and were not allowed to about freely in the society without being escorted by the male member of the society. Women, during this period, were facing umpteen problems because of the male dominated, patriarchal social system, prevalence of old traditional beliefs etc. Though the status of women, in the modern times in India has been improving by leaps and bounds, they continue to encounter problems of Himalayan proportions in their daily life. All these gave birth to new evils such as Sati, Child Marriage, Plight of Widows, Devadasi, and other accompanying socio-economic problems

Social issues like gender inequality continued to haunt and hinder the social and economic progress of women who consisted of half of the population. Though the Indian Constitution has categorically given equal opportunity to men and women in employment through Article 16, the patriarchal mindset of society is making women confine themselves to households and to carry their domestic chores within the four walls of the house. When compared to the Northern States, the Southern states are somewhat better with regard to gender equality and freedom. The discrimination shown to women in the Northern parts of the country is pathetically high. The legislatures in the country through the process of policy making, is bestowing equal opportunities to women along with men as can be seen in the case of 33% or 50% reservation in local bodies that is panchayats and municipalities and schemes for their education, skill development and capital support through various schemes paving the way for making them to contribute their might to societal development.

Some Legal Safeguards of Women Before and After Independence:

Various protective measures have been taken up and various legislations were passed by the British Government and Parliament to eliminate exploitation of women and to provide them with equal status in society.

Infanticide: Lord Bentinck the British Governor- General tried to eradicate female infanticide by making it illegal through law. He got the legislation of Female Infanticide Prevention Act, 1870 which declared infanticide illegal.

Sati: Pioneering efforts in the direction of removal of Sati were made by the Indian social reformer Raja Ram Mohan Roy and Lord William Bentinck made an Act abolishing Sati in 1829.

Widow Remarriage: Vidyasagar made relentless efforts in passing the Hindu Widow Remarriage Act, 1856.

The Sati (Prevention) Act, 1987 was enacted to abolish and make punishable the inhuman custom of Sati.

The Dowry Prohibition Act, 1961 was passed to eliminate the practice of dowry.

The Special Marriage Act, 1954 was created to give rightful status to married couples who marry inter-caste or

inter-religion.

Prevention of Immoral Trafficking Act, 1956 prohibited the selling and buying of women, devadasis and slavery. Equal Remuneration Act, 1976 made it mandatory that gender bias should be absent with regard to payment of remuneration.

Some Constitutional Provisions for Women in Indian:

- 1) Article 14 of the Indian Constitution categorically states that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. This provision confers rights to all citizens (men & women).
- 2) Article 15 of the Indian Constitution provides that the State shall not discriminate against any citizen on grounds of religion, race, caste, sex or place of birth.
- 3) Article 15(3) states that the State is permitted to make any special provisions for women and children.
- 4) Article 23 prohibits traffic in human being and forced labour and any contravention of this provision shall be an offence punishable in accordance with law and to punish the offenders under this Act, the Parliament has made Prevention of Immoral Trafficking Act 1956.
- 5) Article 39(d) which deals with the Directive Principles of State Policy provides for equal pay for equal work for both men and women.
- 6) Article 42 which is part of the Directive Principles of State Policy makes provision for just and human conditions of work and maternity relief.

India's Rank on Global Gender Gap Index

The index measures gender gap as progress towards parity between men and women in four indicators (i) Educational attainment, (ii) Health and survival, (iii) Economic opportunity and (iv) Political empowerment. Countries are ranked based on scores on scale ranging from 0 (lowest i.e. imparity) to 1 (highest i.e. parity). It is released every year by WEF since 2006.

India's Rank on Global Gender Gap Index	
Year	Rank
2014	127
2015	125
2016	87

Source: <https://currentaffairs.gktoday.in>

India was ranked as one of the lowest at 108th position out of 144 countries in Global Gender Gap Index 2017 which was released as part of World Economic Forum's (WEF) Global Gender Gap Report 2017. India slipped by 21 places compared to 87th rank last year (2016). It was 125th rank in 2015, in 2014 India's ranking was 127 out of 152 countries in the List.

UCC for Gender Equality

Gender equality is one of the main thrusts of the Constitution of India. It believes in granting equal rights to both men and women. Gender equality is deemed to be a basic human right and women should be allowed to live with dignity in the society. The Constitution of India consists of various provisions to ensure gender equality in Part III as well as in Part IV. Part IV provides for Directives Principles of State Policy and these directives are fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

The State so far made laws to implement various Directive Principles. Some of the Directive Principles which aim at gender equality such as Art.39 and 42 have been implemented by enacting legislation but the State however, even after 68 years of the commencement of the Constitution of India have not taken any concrete measure to implement the Directive Principles of State Policy provided under Art.44 of the Constitution of India.

Art.44 provides for the Uniform Civil Code throughout the territory of India. Uniform Civil Code is a proposal to replace the personal laws which govern the different religious communities in India with a common set of rules governing marriage, divorce, inheritance, adoption and maintenance. A personal law in India is based on religion, tradition, scripture and culture. Personal laws contain some provisions which are unjust to women e.g. a Muslim husband can marry four wives, he can divorce his wife unilaterally by the word 'Talaq' thrice, her right to receive adequate maintenance from the husband after divorce is not recognized. Many provisions of Muslim personal law are discriminatory towards women and are based on patriarchal ideology. Personal laws relating to Hindus was also discriminatory, however, with the codification of Hindu Personal law many reforms have taken place in order to provide equal right to Hindu women. But it cannot be said that the Hindu Personal law has completely been reformed because in different parts of India some customary law prevails. This customary law is based on caste, beliefs and tradition and plays a vital role in regulating family affairs which are derogatory towards right of women. The State should make an endeavor to reform personal laws of the communities in India in order to ensure gender reform of the personal law should be made in conformity of various Fundamental Rights of the Constitution which seeks to promote gender equality and social justice.

When it comes to the real sense of equality, the Supreme Court of India in certain cases has opined a need for the legislation for a Common Civil Code or Uniform Civil Code. It said in Shah Bano case in 1985, in Saral Mudgal case in 1995 and in Vallamattam case in 2003, in Ahmadabad Women's Action Group (AWAG) vs. Union of India. Noorjehan Safia, Niazand Zakia Soman, co-founders of the Bharatiya Muslims Mahila Andolan (BMMA) in a letter to Prime Minister Narendra Modi in November 2015, observed "From the Shah Bano case in 1985 till date, Muslim women have never been heard in matters concerning their lives thanks to the political leaders in our country, in the matters of reforms Muslim personal law. BMMA conducted survey and it has taken primary sample of 4710 Muslim women across 10 states. Overwhelming 92.1% women want a total ban on oral/unilateral divorce and 91.7% are opposed to polygamy. 83.3% women said that codification of Muslim family law will help Muslim women get justice.

The recent progressive decisions of the Shani Shingnapur and Trimbakeshwar temple trusts to allow entry of women in the wake of a series of protest constitute a welcome development in what has been a long march towards gender equality.

Providing land property rights to women in 29 states of India, Mizoram occupied first place, Tamilnadu has taken second position and Uttar Pradesh got last position (29th position). Southern states are better than Northern states with regard to providing the land property rights to women. In Southern states Tamilnadu occupied the first position, Telangana holds the second position and Andhra Pradesh got 3rd position. If we critical look at constitutional debate, legislative enactment and judicial decisions very clearly we can appreciate the lack of seriousness in ensuring justice to women. Although 84% of married women in the country are participating in household decisions, collectively speaking, there are considerable state-wide disparities which imply that women in our country don't have an equal voice across. There is lack of seriousness to our leaders in women rights. Still even today some social evils existing in the society.

CONCLUSION

It is high time we reflect on the status of women in India. The best measure of a civilised nation is whether its women are treated with respect, dignity and equality. We seem to fall short of that target. Even though they make up nearly half the population, women here have endured discrimination for centuries. The most effective tool is perhaps women's political empowerment. So what is required is a sustained, comprehensive drive to end inequality. A first step would be to improve the access for girls to education to reduce the in-built disadvantages that they have from birth onwards. A second step would be to address market and institutional failures that lock women into low-return, highly vulnerable forms of employment and of self-employment. The government started different programmes for against the women discrimination, empowerment of women and women welfare. But the government didn't focus on the effective implementation of the programmes in the ground levels, so the government must create the awareness among the rural people

The term 'social justice' includes gender justice. The idea of gender justice prohibits discrimination on the ground of sex, be it social, political and economic. The anti discriminatory provisions are applicable to the actions of the state. To prohibit discrimination on the ground of religion, race, caste, sex etc. the state has made uniform laws for all matters other than a uniform law relating to marriage, adoption, inheritance etc. The State has, however, made many changes in the Hindu law of those practices which were manifestly unjust e.g. prohibition of Sati practices, permission to widow's remarriage, prohibition of child marriage, Women's right to inheritance, prohibition of practice of polygamy etc. There is link between Gender Justice and Uniform Civil Code, so the government must implement the Uniform Civil Code or Codified the Personal of different religious, then also women get equal rights in the matter of marriage, divorce, property rights, adoption, etc.

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