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**ANALYSIS ON RELIGIOUS RIGHT OF  
WOMEN WITH SPECIAL EMPHASIS  
ON UNIFORM CIVIL CODE**

*By Palak Kaushik and Vani Parashar  
From Amity Law School, Noida*

**ABSTRACT**

Deliberation on religious rights of women is a topic that requires special attention towards this topic when it comes to women empowerment since religion is an everlasting part of our lives that attach with us forever and also, function as a cicerone in our lives. This makes it way too difficult for women and also most of the time becomes a hindrance when it comes to choosing their rights and duties that they are supposed to be performing in society. Religion has always been a course of action when it comes to suppressing women and showing them inferior from men in society. It has been always way too facile for society for discrimination, atrocities, and whammy against women. Melancholy is that all these religious rights and laws have been interpreted by a human creature only just to satisfy their malevolence intentions towards this woman's gender in particular.

No holy book or any prophets said to suppress the women and discriminate them or to make their lives hell. In the name of their religion, people impose unwanted and cruel rights and laws on women through interpreting them to make it so hard for women even to breathe sometimes which is completely inhuman and obnoxious. Almost every holy book says to serve humanity and believing in helping the world.

Religious rights and laws or any religious practice which creates any kind of discrimination or affecting their life choices and affecting them adversely in any manner need to be abolished.

**INTRODUCTION**

Gender inequality is pretty much all over the world with very little contrast in them which is based on their religion which is sort of requisites with them from the day they are born until they die. The contrast is because of the different religions, historical backgrounds, and geographical differences as well. The mechanisms could be different but the goal is almost the same which is to exploit and to project them as the weaker sex of the society. A few of the rituals and customs which a woman is obliged to follow as per their religion are merely baseless. Religion is one the most sensitive topic to deliberate upon also plays a major role in one's lives and their choices and when it comes to their traditions and customs it's arduous to understand and can't be facile because of the belief and sentiments of the people attached to it. Since most of the rituals and traditions are influenced by historical background hence it is unintelligent to keep them continue in the 21st century because the state of affairs has changed and evolved predominantly and for the good. As the world has evolved so has the customs. But when it comes to women empowerment flaws and disabilities of various religions needs to be addressed. The status of women is undoubtedly influenced by the interpretation of religious texts and the venture of prophets that a respective religion has had and believed in them. It's pretty ironic that after having plenty of laws and conventions by the United Nations and having most of the



countries as signatories even then how many strange rituals and traditions we have in a different religion that discriminates them and equality is concealed on the name of religion. Uncanny is the religion which was among the first one to give equal rights to the women as per their religious texts are the one in the present where women go through the ample amount of discrimination based on their religion which makes it more burdensome to alter such practices. The religion which prays goddess i.e. women god is obstructing a woman to enter into certain pilgrimage places. Why the world has become such an uncomfortable one? Melancholy is that neither these hypocrite are willing to educate themselves but rather just want to complicate it by dragging the name of religion into it and wants to find every possible way to make women submissive and sanctioning them from their life choices which are hideous to even think of, but this is the grim reality of this world which makes women go through some real strain in their lives on the name of religion which is pure and virtuous. A religion gives oneself to live their life optimally and with some good motive. But this doesn't allow to exploit any creatures or to make any gender the weaker one. Any ritual that outrageous to women modesty must not be continued in any religion or any custom that terminates her right to pick decisions for their lives must be discontinued. To accomplish women's empowerment the deliberation on the religious rights of women is consequential.

Religion customs are made as per the likeness of society but not as per the god, then what is even the matter of believing and worshipping your god, whether it's BBHAGWAAN, ALLAH, GOD, GURU, etc.

It's atrocious in itself that still in the 21st-century women have to fight or ask for their equal rights and against discrimination instead of having as many rights in our constitution, which depicts how far we have to go when it comes to women empowerment. The major issue is that whenever any case happens it gets its all the attention until it continues to be the headline in media, but afterwards, the cases are brushed under the carpet.

### SACRED GAMES ON WOMEN

Religion has always been the most crucial part of one's life belief and that's the reason we have a fundamental right for religion from Article 25 to article 28 which empowers each and everyone to propagate their religion. But this doesn't enable anyone to offend anyone else's other fundamental such as Article 14 i.e. right to equality. Yet many times women are exploited and their rights are being infringed because of the beliefs, practices and myths that the patriarchal mindset of the society. Hence, a certain artefact as sacred and certain are profane. Nevertheless, nix should be sanctioned to exploit women and neither on the name of religion or god.

### HINDUISM

India is predominantly Hindu society; Hinduism is one of those religions in which goddesses are worshipped from the time immemorial such as Durga, Saraswati, Laxmi, Kalika etc pursuant by the Hindu scriptures Vedas and Upanishads. Hence, this depicts the amount of respect and honour which was given to the feminine and was given equal rights and opportunities as men without unfairness. However, since we proceeded scenarios got changed and all the respect and honour which was designated to



women got remoulded. Women started facing disrespect, persecution and also inequity, chiefly on the name or creed.

### **Temple Entry Proclamation**

Women are often forbidden in quite a few pilgrimages because of being women; menstruation is the prime reason for the same because it's considered to be impure also the curse given to the women which are highly absurd. How could any biological factor be the curse? Often women are not allowed to perform certain activities while the menstrual cycle days of her. No one should be deprived of worship in the view of the fact of a person's gender. This is a clear violation of Article 14 and 18 of the Indian Constitution Act.

### **Sati Practice**

This is one of the very few examples of customs of Hindu community which was practised by the women in the history which no longer exists in which widow sacrifices her life by sitting on the deceased husband's funeral pyre, basically after the death of the husband women have no right to live. The reason before this is ambiguous; despite was obeyed by the whole Hindu community.

### **Prohibited Widow Remarriage**

Another quintessential of inequity faced by women where women were not allowed to get married after the death of her husband although no such as restrictions on the men. Such practices also depict that how there's no individual value of a woman without her husband.

### **Dowry**

Dowry has always been one of the paramount for the violence that women have faced, this practice hasn't come to an end yet, despite having laws on it. Women faced domestic

violence by their in-laws because of not fulfilling the dowry demands that they have asked for by the bride's family.

### **Inheritance Right**

Before the 2005 September 5 amendment in Hindu succession act, women weren't given any sorts of property rights in the family as the son would get. After these amendment daughters were given equal coparcener right as the son in the same amount from the birth.

### **Fasting**

Accordance with one of the very past rituals in Hinduism is fasting, in which women assumed to be fasting for a certain period which might vary, where refrainment from eating food and also drinking water at times, not for any scientific reason but because of the superstitions such as fasting will give long lives to their husband i.e. Karva Chauth; for the long lives of their sons and even more than meets the eye. Why are always supposed to sacrifice their comfort for men and why can't men perform any of such acts for well being of women?

### **Kanyadaan**

It's one of the essential rituals of the Hindu marriages where the bride's family performs it by doing the Kanyadaan of their daughter i.e. giving away the daughter. Why the bride is treated as a subject of matter or any commodity? The dejection is that girls are still considered to be liabilities on their parents, and all of this comes from a patriarchal society.

### **ISLAM**

Islam is the second-largest religion in India after Hinduism, as per their holy book and



beliefs it was one of the very first religion to provide equal rights to women and still provides so many valid equal rights to women but throughout copious amount, it was often seen that women are being on so many levels and also at times it becomes an extremely hostile environment for Muslim women to even breath. If equality is given by God then why women are equal in the eyes of God but not equal in the eyes of law? Unambiguously the rules and customs are made as per the society likeness.

### **Nikah halalla**

Halala means legal or lawful but when it put after nikah i.e. NIKAH HALALA it entirely flips the actual meaning of the word because this is one of the heinous practices that has been followed by the many of the Islamic believers which entirely sabotage a woman's soul and traumatize them for the rest of their lives, this is pure discrimination against women.

Nikah halala is a religious practice in which to remarry the divorced wife, the women have to marry anyone other than the divorced husband, and after having sexual intercourse with the person, and divorcing him afterwards, only then a woman can get married by the divorced husband. Why Triple talaq is given by men but the deterrence is faced by women?

### **Attire/ Burkha**

Clothing or attire is always significant aspect for one's religion and which must be acknowledged unless and until it snatches women's right to choose for her clothing; it makes women assertive to do so; uncomfortable for any cause.

There's nothing incorrect in embracing religious attire but forcing it with an absurd

cause is erroneous and must not be carried forward every woman must have equal rights to choose what to wear as their body is no one else's property, hence it should be only their decision what to wear, which makes them feel comfortable. Also, putting obnoxious regulations on women in the name of religion is impolitic.

### **Banned entry for women in mosques**

When God doesn't discriminate between gender, then why women aren't allowed to enter the mosque or to perform namaaz as men do. This is pure inequality and which develops differences among the Genders in the name of GOD. It's not even mentioned in the Quran, than who introduced it in the society and why it has been used as a hindrance for women for worshipping.

### **FEMALE GENITAL MUTILATION**

This is one of the gruesome and hideous customs which has been practiced from years now and has no honest-to-goodness and kosher with any religious context. FGM is generally practiced in Islam, Christianity and Jews.

It has no health benefits; in fact, it can cause many more health issues such as severe bleeding and problems urinating, and later cysts, infections, as well as complications in childbirth and increased risk of newborn deaths.

FGM is a process of total or partial removal of the external female genitalia or could be other female genital injuries.

It has four types as following: -

Form 1: partial or complete elimination of the clitoral glands (the visible and external portion of the clitoris that is the responsive



part of the female genitals) and/or the prepuce/clitoral hood (the fold of skin surrounding the clitoral glands).

Form 2: partial or complete removal of the labia minora (the inner folds of the vulva) and the clitoral glans, with or without removal of the labia majora (the outer folds of skin of the vulva).

Form 3: This is the narrowing of the vaginal gap by forming a covering seal, commonly known as infibulation. The seal is created by cutting and repositioning, often by sewing, the labia minora or labia majora, with or without removal of the clitoral prepuce/clitoral hood and gland (Type I FGM).

Form 4: This covers all those non-medical operations that are dangerous to the female genitalia, such as pricking, piercing, incising, rubbing and cauterising the genital region.

Complications will contain immediate:

1. Extreme pain
2. Too great hurt (haemorrhage)
3. Swelling of sex organ tissues
4. fever

For instance, infections like tetanus,

1. About urinary problems
2. Issues in wound healing
3. Injury to organs affecting the sex organ.
4. Shock of shock
5. Hey, death.

It will contain long-term complications:

1. Urinary (painful evacuation, illnesses of the tract) problems;
2. Duct complications (discharge, scratching, vaginosis of the microorganism and possible infections);

3. Discharge complications (painful menstrual cycles, menstrual flow problems, etc.);
4. Keloid and Connective Tissue;
5. Sexual difficulties (pain during sex, pleasure of remittances, etc.);
6. Enhance5d risk of infection of vaginal birth (difficult childbirth, unnecessary damage, caesarean, need to be forced to resuscitate the infant, etc.) and deaths of newborns;
7. For later procedures, for example, the protection or narrowing of the duct gap (Type 3) could result in the eventual opening of the sealed canal to allow for sexuality and vaginal birth later (deinfibulation). Usually, sex organ tissue is sewn again many times, along with once vaginal delivery, so the girl goes through the repeated void and procedures of closing, more increasing each immediate and semi-permanent risks;
8. Psychological questions (depression, anxiety, post-traumatic stress disorder, low shallowness, etc.)

### HOLY BOOKS AND its LITERAL MEANING

Religion is the belief and a ray of light for hopes also one of the purest manners to live your life with the role in the world. This enables oneself to live life with the fullest potential; God is again faith, trust and reliance that allow human to credence in possibility in everything. God and religion are selfsame since both go in hand in hand and gives human life of path, and to server humanity and to help each other and maintaining the world peace irrespective of the situation; how to tackle any situation virtuously.

Religion or God gave us certain objectives and conclusion from the past experiences with quintessential from them lives to make our lives trouble-free, contended and relaxed and not to be harsh on anyone just to satisfy



one's ego. No God or Religion taught us to discriminate and barbaric to any species on this planet, it has not been introduced or broach in a holy book or neither any god whether it's GOD, ALLAH, GURU, BHAGWAN or UNIVERSE. We as humans have interpreted the message of god and entirely adversely altered its actual meaning with our malignity. In the name of religion, we human are exploiting women and they are the one who suffers from agonize.

Similarly, no religion says 'FRUMPINESS DOES NOT EQUAL HOLINESS'; attire is completely one's choice besides it her way to portray herself and the sort of person she is, then how could anyone else decide it. God never designated anyone ever for resolving the clothing choices to crush or wither persona or demeanour of women.

I believe cult can differ from one another but actual demiurge is the one; which does not discriminate among any species in this entire world, and then who are we to give or take women's right? Every religion taught us to do the most from our lives; as humans, we're advantageous with this extraordinary brains and power to help each other and not to make anyone suffer by any means.

How could we avoid the fact that it has always been the women as mothers who gave birth to their Prophets? Despite this fact women are being exploited and humiliated and always looked down; considered as fragile and infirm too. This doesn't make any sense, since women have always been strong enough and history does entire justice.

Women have always proved themselves in every aspect of their lives whether its domestically or professionally; we have to understand that to grow economically and socially there must not be any hindrance in

empowering them. Being in the 21st century we must opt for an analytical and scientific approach and not the superficial one.

While the time changed and moving forward we have to leave past behind us and carrying it with us will not help us in achieving our goals, likewise, our old traditions and rituals since when they devised twain situation and reasons were unlike from now; maybe there were actual prerequisites to have those rituals and traditions, but because the time has evolved and situations are not same either. Hence, it's extremely vital to adapt and change our traditions too and also introducing new If required or could make a difference for good.

### Need for LEGAL REFORM/UCC

#### What is UCC?

The idea is straightforward i.e., 'ONE NATION, ONE LAW'. Uniform Civil Code (UCC) is outlined in our Constitution underneath Article forty-four of Directive Principles of State Policy. It states that the state must secure for the voters a standardized Civil Code throughout the territory of India. In different words, we can say that it suggests that one country one rule, allow us to verify additional concerning the Uniform Civil Code, its professionals and cons.

Uniform Civil Code places a collection of laws to manipulate concern of all voters no matter faith is maybe the requirement of the hour and making certain that their basic and constitutional rights are protected.

#### Past from where uniform laws are derived?

The British Government in 1840 on the idea of Lex Loci report had framed Uniform laws for crimes, evidence, and contract however



personal laws of Hindus and Muslims are left by them somewhere by choice. On the opposite hand, British Bharat Judiciary provided for the appliance of Hindu, Muslim, and English law by British Judges. Also, in those days reformers were raising voice to border laws associated with ladies against the discrimination done by them primarily beneath spiritual customs like Sati, etc.

Constituent Assembly was created to border our Constitution in 1946 in freelance Bharat that consists of each form of members: people who wished to reform the society by adopting the Uniform Civil Code like Dr. B. R. Ambedkar and different was primarily Muslim representatives United Nations agency bear on personal laws. Also, the proponents of the Uniform Civil Code were opposed by the minority communities within the Constituent Assembly. As a result, just one line is another within the Constitution beneath Article forty-four partly IV of DPSP (Directive Principles of State Policy).

#### **Making of the constituent assembly**

It mentioned, "The State shall endeavour to secure for the voters a homogeneous Civil Code throughout the territory of India". Since it is incorporated in DPSP they're neither enforceable in the court nor any political discrepancy been ready to transcend it as a result of minorities chiefly Muslims felt that their laws are profane or abrogated by it. Afterwards, a series of bills were passed to systemize Hindu laws within the category of:-

Hindu wedding Act, 1955

The Hindu Succession Act, 1956

The Hindu Minority and Guardianship Act, 1956

And therefore the Hindu Adoption and Maintenance Act, 1956, sector unit in conjunction referred to as Hindu Code Bill including Buddhist, Sikhs, Jains further as entirely unlike non-secular denominations of Hindus that allows right to divorce and inheritance to girls, created caste digressive to the wedding and put an end to bigamy and marriage.

Also, a mere 3 words relating to UCC not only affect our nation however are enough to divide the state into 2 classes as of that to require a reminder thereon becomes a touch tough. These three words area unit politically, socially, and religiously. Politically, the state is split as BJP propagates the implementation of the Uniform Civil Code (UCC) and therefore the non-BJP like Congress, Samajwadi Party UN agency don't wish to implement UCC. Socially, the literate persons of the country UN agency have analysed the execs and cons of UCC & on the opposite hand illiterate UN agency don't have any plan regarding it and being in hands of political pressure they'll make choices. And religiously, there's a niche between the Hindus that area unit in the majority and therefore the Muslim minority communities.

#### **Why do we need a UNIFORM CIVIL CODE (UCC)?**

Our country is secular which mean that there must not be any kind of division per the religion and every religion will be treated neutrally without any kind or bracket at all. However, we still have personal laws running in our country which is somewhat contradicting with the fact of having a secular state. Also, this will ensure providing equality to women and justice, notwithstanding their religion concerning guardianship,



maintenance, marriage, divorce, inheritance right and adoption etc.

Enforcing uniform civil code unquestionably yield the confidence and faith in them which will lead to abolishing all the unfair practice against women in the name of religion.

Women must not be facing any more torture or persecution because of being women and born in a certain religion. So, those women can't be known as a vulnerable group of society. It is extremely significant to have UCC in the country as central law and not only in Goa to end this SACRED GAMES ON THE WOMAN.

#### **Do you know that the Supreme Court first directed the Parliament to frame a UCC?**

Supreme Court has the highest power of adjudication in the country it's above all lower courts of the country, it mentioned the need of UNIFORM CIVIL CODE in the nation to avoid the plenty of religion connected cases in the court and will assist in providing less workload on the courts and pending cases as well; paramount on abolishing all kinds of differentiations on women solely based on their religions.

#### **MISCONCEPTIONS ABOUT THE UCC?**

People have this misapprehension about the Uniform Civil Code that enforcement of this will lead to Hindu laws and regulation in the country, which is highly preposterous instead it says that all that every citizen of this country will be bound to follow solitary law regarding the guardianship, marriage, divorce, inheritance and adoption etc, and do not terminate anyone's rights to propagate and believing in their religion, it's a mere myth and misunderstanding which needs to be cleared and this will only lead to betterment

in society and will clinch on maintaining equality among all.

#### **CASE STUDIES**

##### **Mohd. Ahmed Khan V. Shah Bano Begum**

(1985 (1) SCALE 767 = 1985 (3) SCR 844 = 1985 (2) SCC 556 = AIR 1985 SC 945)

Shah Bano, a 62-year-old Muslim mother of 5 from Indore, Madhya Pradesh, was unmarried by her husband in 1978.[1] She filed a suit within the Supreme Court of the Republic of India, within which she won the proper to maintenance from her husband. However, the Muslim politicians mounted a campaign for the verdict's nullification. The Indian Parliament reversed the judgment fraught from Muslim orthodoxy. The judgment in favour of the girl during this case induced criticisms among Muslims several whom cited Qur'an to indicate that the judgment conflicted with law. It triggered dispute regarding the extent of getting completely different civil codes for various religions in the Republic of India. This case caused the Congress government, with its relative quantity, to pass the Muslim ladies (Protection of Rights on Divorce) Act, 1986 that diluted the judgment of the Supreme Court and restricted the proper of Muslim divorcées to maintenance from their former husbands for less than ninety days when the divorce (the amount of Iddah in Muslim law), but, within the later judgments together with the Daniel Latifi case and Shamima Farooqui v. Shahid Khan, the Supreme Court of Republic of India understood the act in an exceeding manner consolatory the validity of the case and consequently upheld the Shah Bano judgment and also the Muslim ladies (Protection of Rights on Divorce) Act 1986 was invalidated. Some Muslims together with All Republic of India Shiah Islam



Personal Law Board supported the Supreme Court's order to form the proper to the maintenance of an unmarried Muslim mate absolute.

### **Hamid Ali V. Imtiazan And Ors.**

(1880) ILR 2 All 71

This is also one of the landmark cases in which it depicts that how these customary laws and personal laws are being used against women; in this case, when, the wife insisted and tried persuading for going to her father's house, the husband said to her "Thou art my cousin, my paternal uncle's daughter if thou goest", but wife went to her father's place. But the words used by husband led to divorce. Sometimes customs and traditions were used more for threatening the woman.

### **Kantaru Rajeevaru v. Indian Young Lawyers Association General Secretary and Ors. (SABARIMALA CASE)**

Writ Petition (Civil) No 373 of 2006

This is one of the well-known cases in which women were prohibited to enter into the temple; women who were in the between of 10-50 years of age. Since they might go through the menstrual cycle and certainly it was believed by one of the pundits that it makes women impure and unsuitable to enter in pilgrimage. This was violating the fundamental rights of the constitution.

### **CONCLUSION**

Jawaharlal Nehru had said "You can tell the condition of the NATION by looking at the status of WOMEN. Very accurately said because a woman is the one who shapes the future of the country by directly and indirectly, but in the if the women are still suffering because of these religious traditions

and customs which should not be the case as the religion always plays a significant role in every individual life in directing their choices of life and in nearly in every part of their life. Hence, it must be a burden on anyone one should enjoy and have faith on their God; God is the ray of light and hopes for everyone and there must not be any wrong done to anybody in the name of it. No, god ever discriminated among anybody neither gave the right to anyone to outrage a woman's modesty nor to do many nasty things to her. Religion should not be a burden on anyone because worshipping and believe is the bliss that a human could get through their god and not with any intention of abandoning it because of any superficial, absurd or obnoxious reason behind it. In every spiritual book whether PURANAS, GEETA, QURAN or BIBBLE have always proffered the corresponding advice to respect women's modesty and establishing a pleasant environment for her.

We as a society must focus on creating better chances in the world to make life more subtle and ensuring equality. Religion is faith, believe and dispense bliss in life, hence it should be optimistic and hopeful; not pessimistic load neither on men nor women, precisely for her. Since we do have plenty of harsh and brutal ritual and customs which are absolutely against women's modesty or sometimes even inhumane. Where we worship and pray women as goddesses, however rarely gave a second thought on how they have been suffering from the brutality in the name of religious practices, such as Sati Pratha, Dowry, Child marriages, Kanyadaan, banning their entry in the pilgrimages, Triple Talaq, Nikah halala, Inheritance right, Guardianship right and Divorce related inequality between men and women in Christianity and many more such practices



which have been followed by the women; imposed by the society but not the religion in truth.

Implementation and enforcing Uniform Civil Code will ensure that there's one primary law all over the country irrespective of their gender, religion, caste, creed and whatsoever, this will bring the actual meaning of secularism because it does not hinder anyone to profess, propagate, practising their traditional country. It will secure and guarantee that every single woman in this country gets equal right in terms of Guardianship, Marriage, Divorce, Inheritance rights, adoption rights. Hence the Uniform Civil Code JUST BELIEVES IN EQUALITY FOR ALL.

'BE THE CHANGE YOU WANT TO SEE IN THE WORLD', highly well said if we want to bring the change we have to overcome from the fear of superstition since it's a delusion. Before any law, we have to change our mindset to achieve it utterly.

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