

“A STUDY ON RELIGIOUS ISSUES WHICH ARE UNCONSTITUTIONAL FOR WOMENS”

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ABSTRACT :

In this research, “A STUDY ON RELIGIOUS ISSUES WHICH ARE UNCONSTITUTIONAL FOR WOMENS” the major reason behind this research is to raise the voice in support for women civil human rights where some culture and religious issues are becoming obstacles to their development as a reason Sati, Devdasi, Dowry, Menstruation, Tripel Talaq, Polygamy and Halala etc are the some of the major issues which root are needed to scarped from the system in this research we are not trying to uplift any religion or not comparing greatness of any religion we are discriminating some religious issues which need to be scarped from the system so that womens can develop and have their Rights to Empower theirselves.

Keywords : Women, Sati, Devdasi, Dowry, Menstruation, Triple talaq, Polygamy, Halala, Empower, Religious, Unconstitutional.

LITERATURE REVIEW :

In this Research, 6 Research paper of Various E-journal with ISSN & ISBN no. has been reviewed :

1.TRIPLE TALAQ: UNCONSTITUTIONAL AND ARBITRARY BY- Ms.Nancy Jain & Ms.Janu Rani MODY UNIVERSITY OF SCIENCE AND TECHNOLOGY, Lakshmangarh,Sikar,Rajasthan, India : Marriage is a very sacred relationship and it should be dissolved in very sacrosanct manner irrespective of religion but this sinful practice of Talaq-ul-Biddat violates the basic human rights which are enshrined to each and every human. This practice makes Muslim men superior and Muslim women inferior. This is totally being exercised at the whims and fancies of Muslim men.

2.THE CONCEPT OF SECULARISM VIS- A - VIS UNIFORM CIVIL CODE – WITH SPECIAL REFERENCE TO MARRIAGE AND DIVORCE IN ISLAMIC LAW – A CRITIC. A. Nirmal Singh Heera : . To perform the second marriage in Islam, the procedure followed in Pakistan can be followed. where, to enter into first marriage, the husband/groom has to prove that the first wife is unable to carry out the duties of a wife and he has to prove that he is potent to

satisfy the second wife and has to assure that the equal rights and justice can be provided by him to both the wives. Further permission of legal wife has to be obtained for the second marriage. To follow the above mentioned procedure, an arbitrator has to be appointed (namely Kazi) who will hold an inquiry and during the enquiry he has to consider the following circumstances apart from others.

3.The Contemporary Hindu Women of India: An Overview : Tahira Basharat : It is my analysis over the time which I spent amongst the Hindu women that male supremacy and anti-feminism long run of time. In Indian culture, traditionally men were the sole breadwinners and decision makers and what they said had to be accepted unconditionally by the female members of the family and the children. Women were conditioned and expected to be submissive and at times subservient to the family of male member and community.

4.TRIPLE TALAQ: PREDOMINATION OVER MUSLIM WOMEN - Radhika Belapurkar¹& Sagarika Ramesh²: In this 21st century, this has had a great deal of advancement in technology, makes communication a lot easier. This however, has become a disadvantage to Muslim women as the men to divorce their wife have misused these technologies.

Problem Statement :

We in India treat women as God but we are very back in protecting them and their rights, still there is feeling that women are inferior in society where law also in not able to protect their rights due to religious issues like Devdasi, Dowry, Polygamy, Halala and Triple Talaq etc.so through this research we are trying to bring solution for these social science issues.

HYPOTHESIS FRAMING :

Equal Probability Hypothesis (H₀) : Women in society don't feels Safe, Respected, Superior and enjoy their all rights equivalent to male dominants. Alternative Hypothesis (H₁) : Women in society feels Safe, Respected, Superior and enjoy their all rights equivalent to male dominants.

INTRODUCTION :

India , Populated country with various religion, caste, Culture etc with the population of 125 crores, where Hindu & Muslim majority is present so as there is presence of these religious and cultural there is also presence of issues. Before any Government law these communities and clan were following Religious law which were made by our ancestors but as time is passed

everything has been changes and so a these religious law is outdated which amendment so these unequal law for women can be scarped. With giving them freedom to live their life on their choice. Womens are integral part of society which we cant even imagine society without them as women is our mother, sister, friends etc and if we will not help them to grow its will be soon end of all man kind as its common to hear discrimination about women in every newspaper on average atleast 4 report on women harassment is present is this the way we are developing its like we have became inhuman. India is a land of God and Country of Rich Religion preservance we should protect this but in Favor of development and not for personal misuses.

OBJECTIVES :

The present paper is designed for following objectives,

- 1.To Study Religious Issues of Hindu.
- 2.To Study Religious Issues of Muslim.
- 3.To Study Constitutionality of Triple Talaq.

To Study religious Issues of Hindu :

Hinduism is a religion where women are highly recognized as are treated as god but some of the cultures reflects negative side of it with Sati abolition britisher should have also abolished Devadasi sytem where women to to stay as care taker of god which is very pure task but in this task there is misuse and exploitation of womens by sexual assaulting them which has been reported many times but for few days its in news than matter is compressed and something same like this emerge again killing women soul in Living but no action taken by government law due to it religious obstacle but now its changing with awareness and people mindsets positive towards scraping such law, Dowry again cultural issues which takes female rights form them its like flesh trade in name of religion which has also brought in control by bring up law against it and punishing the victim but actually dowry should be taken form male not female as Female are superior they handle everything not male.

Child Marriage is also discouraged by people after new law and awareness but still in some part of the country it exist in small which should be taken care of. Mentrual religious issues on prohibiting women on periods doing positive activity like Pooja, and is said to stay away from family in this weekend as this will make her family impure this orthodox needed to be abolish as its natural women cycle as they need to be care more in this situation, due to great effort of Trupti desai (Women social activist) it now possible for women to visit temple and people in India are accepting these change to change the law and give womens her wings.

To Study Religious Issues of Muslim :

In muslim marriage is known as nikhaq where two soul make one soul, its pure process to serve god but diresprecting and divorcing is form of curse which is prohibited by quran. It wasn't in practice in the span of first caliph but in the span of second caliph brought this concept of instant divorce came into picture.It came to meet need for urgent basibut Unfortunately, the Hanafis jurists on the strength of this administrative power order of second caliph declared this form of divorce as valid. Triple-Talaq is also known as Talaq-Ul- Biddat which gives a right to a man that whenever he thinks fit, he may give divorce to his wife anytime and which becomes void and irrevocable. It has been said that this rule is being misused by people by not giving women their actual identity in society and making it reduce day by day absence of wife and even if the wife does not have any knowledge of such divorce. And it will become void and irrevocable. In addition to this, the most interesting fact about this is that it is being used by men but consequences are faced by women. If she or he want to remarry each other than they have to go through procedure of Halala meaning making physical relation with other person and than getting divorce from him due to any marriage issue or His new husband is death, the following reason why it is prove that triple talaq is disadvantageous to women :

- 1) They forces wife for dowry which is against their holy book "Quran".
- 2) They divorce because they get attracted to better women or women get abscond from their responsibility.
- 3) Over 50% WOMEN DON'T GET FINANCIAL ASSITANCE AFTER DIVORCE.
- 4) In this community women are given divorce in absence.
- 5) in this community women are treated as trash and man is supreme woman he can marry her by giving an instant talaq to his any of the wives, and because of his that one decision woman has to pay for that.
- 6) divorced women are not allowed to talked with their children in case of sharaya bano this issue was noted.
- 7) after divorce husband even don't provide financial assistance to wife.
- 8) Life of muslim women has been stepped too low as and when their husband feel they can divorce them just by pronouncing words of talaq thrice. It would also not be easy for a divorced woman to get marry again because the society does not accept a divorced woman.
- 9) 8% of the women have asked for repurification through halala procedure.

To Study Constitutionality of Triple Talaq :

Article 15(1) no discrimination on bases of religion, race, caste, sex, place of birth or any of them. Triple talaq distorts the fundamental right of constitution in which any form of discrimination is prohibited. But triple talaq being an obnoxious practice has given all the rights of divorce to men and women has left being the puppets in the hands of male. Muslim women suffer a “triple penalty” on account of their gender Article 21: In order to escape the strictness of law, no one has right to infringe the basic human rights which is the most sacrosanct fundamental right conferred by the law of the laws. Hence, this practice is repugnant to the basic dignity of a woman enshrined under Article-21. Even the Quran teaches to respect a woman and not to abandon her without any reason or for nothing. Article 25(1) – it consist right of freedom of religion, mortality, health spread awareness in unaware region. Article 25 provide conscience freedom and freedom of religion where every citizen is made free to exercise any religion and no one is forced to adopt any particular religion. state shall interfere in the religious practices of the citizens. INDIAN JUDICIARY'S RESPONSE ON TRIPLE TALAQ : Court is place to do seperation of two person through divorce. Even in the holy book Quran, it is nowhere mentioned that talaq-ul-Biddat should be practised to dissolve a marriage. It is also submitted part of legal content that marriage & succession is not religion part and the law should be flexible with time, which finds support from the views expressed by this Honourable Court in John Vallamattom and Prakash v. Phulavati, and there can be no discrimination on the basis of religion. So it can be said from above instances that violate constitution. Therefore, it violates constitution which provides Justice to both men and women equally but it is not justifiable as, it is discriminatory to women and this practice is totally arbitrary in nature which makes it violative of fundamental rights enshrined under constitution. This practice is totally unconstitutional.

RESEARCH ANALYSIS :

Primary data can be explained, therefore, as information collected from sources such as personal interviews of Women Here, Data is collected by interviewing 100 respondents of Women. Secondary data is information is taken from Published Books , E-journal & E-Research papers. Sample Size : Sample size is determined to be 100 respondents of Women from Virar to Vasai area. Sample size according to Tarro Yamane method : $N = \frac{\text{Total number of population}}{1 + \sqrt{\frac{\text{Total number of Population}}{(0.05)^2}}} = \frac{1343402}{3359.505} = 400$ It was determined to test &

interview 400 respondent based on sample size method but due to lack of availability of resources and time we were unable to study that much population as a result to simplify the research data we interviewed 100 respondents.

HYPOTHESIS TESTING :

To test the hypothesis, we used Correlation and ANOVA method to find out positive or negative or null co-efficient and Fluctuation in Variance to Validate the hypothesis.

Responses no.	Favorable	Unfavorable	Total	
1	72	28	100	0.125
2	42	58	100	0.125
3	82	18	100	0.125
4	63	37	100	0.125
5	47	53	100	0.125
6	100	0	100	0.125
7	100	0	100	0.125
8	58	42	100	0.125
Total	564	236	800	
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
	70.5	29.5		
Chi Square	1.7648E-32			

Anova:	Single						
Factor							
SUMMARY							
<i>Groups</i>	<i>Count</i>	<i>Sum</i>	<i>Average</i>	<i>Variance</i>			

Favorable	8	564	70.5	493.1429		
Unfavorable	8	236	29.5	493.1429		
ANOVA						
<i>Source of Variation</i>	<i>SS</i>	<i>df</i>	<i>MS</i>	<i>F</i>	<i>P-value</i>	<i>F crit</i>
Between Groups	6724	1	6724	13.63499	0.002413	4.60011
Within Groups	6904	14	493.1429			
Total	13628	15				

	<i>Favorable</i>	<i>Unfavorable</i>
Favorable	1	
Unfavorable	-1	1

Here we took the help of Excel Statistic to evaluate the data as per psychometric test of women facing social, religious & Cultural issues to evaluate hypothesis based on the responses collected data which show Negative correlation between branches of Women Empowerment & Restriction 4.93 critical value & probability value of 0.002 even Chi square test is Above $0.5 < 1.76$

Hence, after Hypothesis evaluation result are **Women in society dont feels Safe, Respected, Superior and enjoy their all rights equivalent to male dominants.**

DATA ANALYSIS :

DATA INTERPRETATION OF CLIENT:

1)Do feel safe, Respected & Superior than Male?

Ans. Yes or No

Data interpretation :

As per Data Interpretation, 72% of womens feels safe, Respected & superior to male dominant whereas 28% of women feels vice versa it due to Culture in which they are brought up of orthodox system which they fear to go against due to society issues.

2)Do you enjoy your basic civil Rights?

Ans. Yes or No

Data interpretation :

As per Data Interpretation, 42% of women enjoy basic civil rights whereas remaining 58% don't due to cultural & society issues which may result in discarding them from society or clan so they have to walk according to their law.

3) Do you have been Tortured anytime mentally or physically?

Ans. Yes or No

Data interpretation :

As per Data Interpretation, 82% of women have never been tortured in any ways as per responses but 18% are brave to speak truth which says they have faced such things due to drunker husband, family problem, no equal right in society as man.

4) What according to you women are empowered nowadays?

Ans. Yes or No

Data interpretation :

As per Data Interpretation, 63% of women feel they are empowered due to some women in the society like Indira Gandhi, Sania Nehwal, Sakshi Malik, P. V. Sindhu, Kalpana Chawla, Savitribai Phule etc as their contribution has led freedom at least to the women in rural & semi-rural areas due to Media and Advertisement by Government like Beti Bachoo & Beti Padhao whereas 37% of women think vice versa.

5) Do you think Women enjoy equal status as Man nowadays?

Ans. Yes or No

Data interpretation :

As per Data Interpretation, 53% of women think they don't enjoy equal status as Man due to their dominance in society which doesn't give them an opportunity and to obey the command given by male this is bitter truth of our society whereas 47% think they enjoy equal status in society.

6) Do you think Law against women rights needs to be updated with favored one?

Ans. Yes or no

Data interpretation :

As per Data Interpretation, 100% of women think law needs to be updated in favor of women as due to outdated law it has been misused and exploiting women so it needs to be abolished and amendment should be brought in light of women development.

7) What according to you should be prohibited totally?

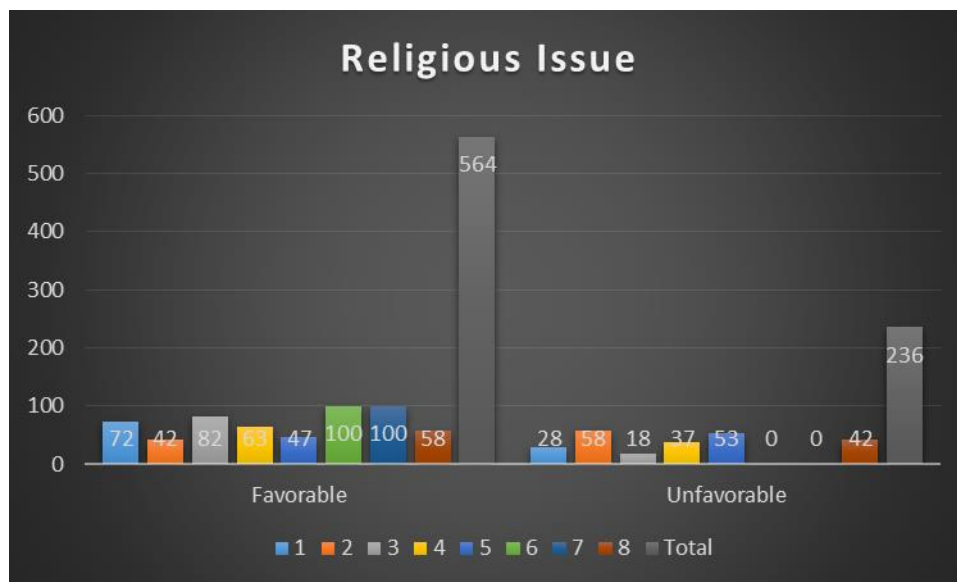
Ans) Devdasi or Child marriage or triple talaq or halala or ALL

As per Data Interpretation, 100% of womens thinks all exploiting law need to be abolished than it is hindu law or muslim law than only women can be truly inspired than india will have secret superstars like Lata Mangeshwar in various field.

8) According to you is rural area mentality is changed regarding Women Empowerment?

Ans) Yes or No

As per Data Interpretation, 58% of womens thinks Rural mentality has changed they are now allowing womens and girl to go to school, take their decision in their life and in family, but still there some stigma which need quatrine whereas 42% womens feels vice versa.



MANAGERIAL IMPLICATION :

As government took decision to ban triple talak, on 22 august , 2017 it need to take such decision for other social evil like devdasi, child marriage , Halala, Haram, Polygamy to curb these social evil which only destroy life of people. Womens needs to be self motivator first to take strict action against such issues so that they can bravely fight back for their own rights so that they can enjoy their basic civil right, For Triple Talaq,

- 1) Husband should talk about the differences with his wife;
- 2)If misunderstanding still exists, both the spouses should make distance from each other physically so that temporary physical separation may stimulate them to unite;

3)If this also does not work then husband is instructed to take third step i.e. to discuss the problems arising between them again with his wife and try to bring reconciliation between them;

4)If the disputes still remain unresolved, the fourth step is to be followed according to which the matter should be placed one of the spouse from each family to arbitre. This practice of giving divorce by its unconstitutional and violative of rights of women by Allahabad high court also.90 days periods should be given like other Islamic country to settle the issue. Now Governement has made Skill development programme, so that women can learn new things and become entrepreneur which will help them to be independent. Instead of Law, if violation is done than strict action should be taken so that other who thinks also to do such thing sewer in sleep. Man community should come forward and understand this issues and help them as all man are not same many are good also. Strong awareness should be spread in Rural areas as in urban area orthodox is not have less following but in rural its still exists. Man are to be made liable for dowry so that they feel how it feels to take pressure amount from someone & Tripple talaq rights should also be given to women.

LIMITATION OF RESEARCH :

this Research has been studied in semi rural area therefore result of urban & rural area may differ due to geographic limitation, Demographic population interviewed in this area was qualified so the result may differ from unqualified population as they may still support orthodox due to fear of society, sample size was taken 100 due to limitation of resources but it test can be conducted with mass population with different testing method like Factor or using SPSS so methodology wise result may differ.

FUTURE SCOPE OF STUDY :

The future of this study can be only decided if government eradicate all social evil by not supporting any political agenda than the true meaning of Ache Din Agaye could be said proudly till than implication of my suggestion is referred for the solution of problem.

INFERENCE & DISCUSSION :

In conclusion, it was seen that women are still fearsome of society and its dirty politics which can change anytime against to civil rights as just to preserved their seats, women don?t think they are safe, respected, superior in society,hindu and Islamic both culture are rich and supports peace but the way of implementation and misusing make it to think twice on religions,Womens should be

taught superior as they are important in every way to life for love, affection, care & we must give them not equivalent status but above it as if they will develop we too develop surely like Chanda Kochar, CEO of ICICI Bank, Shikha Sharma, CEO of Axis Bank, Arundhati bhattacharya, CEO of SBI etc are some of the few examples if given opportunities to women they can grow beyond one imagination and this is must to make India Economically & Financially Strong Country.

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Books :

Research methodology (methods & techniques) –C. R.

Kothari Business research methods – Michael Vaz & Meeta Seta.

Annexure :

Questionnaire For MF-CLIENT: (Please Mark Option Reliable to you)

1) Do you feel safe Respected & Superior than Male?

Ans. Yes or No

2) Do you enjoy your basic civil Rights?

Ans. Yes or No

3) Do you have been Tortured anytime mentally or physically?

Ans. Yes or No

4) What according to you women are empowered nowadays?

Ans. Yes or No

5) Do you think Women enjoy equal status as Man nowadays?

Ans. Yes or No

6) Do you think Law against women rights needs to be updated with favoredone?

Ans. Yes or no 7) What according to you should be prohibited totally?

Ans) Devdasi or Child marriage or triple talaq or halala or ALL

8) According to you is rural area mentality is changed regarding Women Empowerment?

Ans) Yes or No

xxx Thank You xx