

TABLE OF CONTENTS

Topic	Page No.
Declaration.....	i
Certificate of the Supervisor	ii
Anti Plagiarism Report	iii
Acknowledgement.....	iv
Abstract.....	v-vii
List of Content.....	viii-xxi
List of Figures	xxii
List of Abbreviation	xxiii
List of Cases	xxiv-xxx

INTRODUCTION

Evolution of the problem.....	xxxix-xxxiv
Statement of the Problem.....	xxxiv
Research questions	xxxiv-xxxv
Hypothesis	xxxv
Limitation of the Study.....	xxxv
Scope of the Study.....	xxxv
Significance of the Study.....	xxxv
Methodology.....	xxxvi
Objective of the Study.....	xxxvi
Literature Review	
i. Articles Referred	xxxvi-xxxviii
ii. Books Referred.....	xxxix-xli
iii. Literature Survey.....	xlii-xliii
Chapter Summary	xliv-xlvi

CHAPTER I

THEORETICAL AND CONCEPTUAL FRAMEWORK OF

RELIGIOUS LAWS

Introduction.....	1-3
Family Laws synonyms to Personal Laws.....	3
Personal Laws in India	4
i. Neutrality towards the Hindu and Muslim law	7-8
ii. Codification of Laws by the Britishers	8-9
iii. Shift from Neutrality to Legislation	9-10
iv. Personal Laws and the Constitution of India	10-18
Personal Law- Private law or Public Law?	19-23
Are Personal Rights Group Rights or Individual Rights	23-24
Personal Law- Definition and Meaning... ..	25
Sum Up.....	25-26

CHAPTER II POLITICS OF PERSONAL LAWS

Introduction	27-28
Backdrop	28-30
i. Sati Regulation of 1829 and the Widow's Remarriage Act, 1856	30
ii. The Muslim Personal Law (Shariat) Application Act, 1937	31
iii. The Lahore High Court Judgment, 1938	31
iv. The Dissolution of the Muslim Marriages Act, 1939	32- 34
The Jurisprudential Theory	34 -35
Democratic Politics of India	35
i. The Hindu Code	35- 36
ii. The Bill for the Muslim Women	37-39
iii. Shayara Bano Case (Triple Talaq).....	40-43
Righteous Policy, Unpleasant Politics	43-45
Inter State Politics in the Sabrimala Case.....	45-49
Towards Unification.....	50-51
Sum Up.....	51-52

CHAPTER III
PERSONAL LAWS AND THE
ISSUES OF GENDER INEQUALITY

Marriage	53-54
i. Hindu Law.....	54-58
ii. Special Marriage Act, 1954	58
iii. Parsi Law.....	58-59
iv. Christian Law	59
v. Muslim Law	59-62
Nullity of Marriage.....	62-64
i. Hindu Law.....	64
ii. Special Marriage Act, 1954	64-65
iii. Parsi Law	65
iv. Christian Law	66-67
v. Muslim Law	67-70
Maintenance.....	70-71
i. Hindu Law.....	71-75
ii. Special Marriage Act, 1954.....	75-76
iii. Parsi Law.....	76-77
iv. Christian Law.....	77-79
v. Muslim Law.....	79-86
Restitution of Conjugal Rights.....	86
i. Meaning and Status.....	87
ii. Gender Biased Application	87-89
iii. Constitutional Validity.....	89-92
Judicial Separation	92-93
i. Hindu Law.....	93-95
ii. Special Marriage Act, 1954	95
iii. Parsi Law.....	95
iv. Christian Law.....	96

v.	Muslim Law.....	96
	Divorce.....	97
i.	Hindu Law.....	97-99
ii.	Special Marriage Act, 1954.....	100-101
iii.	Parsi Law.....	101-102
iv.	Christian Law.....	103-105
v.	Muslim Law.....	105-111
	Inheritance.....	111
i.	Hindu Law.....	111-114
ii.	Christian Law.....	114-116
iii.	Parsi Law.....	116-117
iv.	Muslim Law.....	117-119
	Guardianship.....	120
i.	Hindu Law.....	120-123
ii.	Special Marriage Act, 1954.....	123
iii.	Christian Law.....	123-126
iv.	Parsi Law.....	126
v.	Muslim Law.....	126-129
	Adoption.....	129
i.	Hindu Law.....	130-134
ii.	Special Marriage Act, 1954.....	134
iii.	Parsi Law.....	135
iv.	Christian Law.....	135
v.	Muslim Law.....	135-137
	Sum Up.....	137-138

CHAPTER IV
JUDICIAL OPINION WHETHER PERSONAL LAW IS A LAW
UNDER ARTICLE 13 OF THE CONSTITUTION OF INDIA

Personal Law.....	139-140
Evolution of Personal Laws.....	140-148
Personal Law and Constituent Assembly Debates.....	148-151
Personal Laws as ‘Laws’ or ‘Laws in force’ under Article 13 of the Constitution of India.....	151
i. Is Personal Laws ‘Laws’ under Article 13 of the Constitution of India?	151-153
ii. Is Personal Laws ‘Laws in force’ under Article 13 of the Constitution of India?	153-157
iii. Is ‘Laws in force’ and ‘Existing Law’ one and the same thing?	158-159
Judicial Pronouncements	159-160
i. Cases where it was held that Personal Laws are immune from judicial Scrutiny.....	161-162
ii. Cases where it was held that Personal Laws need to conform to Part III of the Indian constitution	162-170
Sum Up	170-175

CHAPTER V
COMPARATIVE STUDY OF THE PERSONAL LAWS OF
THE SAARC NATIONS

Afghanistan.....	176
The Constitution of Afghanistan and the Personal Laws	177
i. Marriage	177-179
ii. Maintenance	179-180
iii. Divorce.....	180-181
iv. Inheritance.....	181-182
v. Guardianship.....	182
 Bangladesh.....	 183
The Constitution of Bangladesh and the Personal Laws.....	183-184
i. Marriage	184-188
ii. Maintenance	188-189
iii. Divorce.....	189-191
iv. Inheritance.....	191-192
v. Guardianship	192-193
 Maldives	 193
The Constitution of Maldives and the Personal Laws	193-194
i. Marriage	195
ii. Maintenance	195-196
iii. Divorce.....	196-199
iv. Inheritance.....	199
v. Guardianship	199
 Pakistan.....	 200
The Constitution of Pakistan and the Personal Laws.....	200

i. Marriage	200-203
ii. Maintenance	203
iii. Divorce.....	203-204
iv. Inheritance.....	204-205
v. Guardianship	205
Sri Lanka.....	206
The Constitution of Sri Lanka and the Personal Laws.....	206
i. Muslim Law.....	206
ii. Kandyan Law.....	207
iii. Thesavelamai Law	207-212
Nepal.....	212-213
The Constitution of Nepal and the Personal Laws	213-214
i. Marriage	215
ii. Maintenance	216
iii. Divorce.....	216-217
iv. Inheritance.....	217-219
v. Guardianship	219
Bhutan.....	219-220
The Constitution of Bhutan and the Personal Laws	220-221
i. Marriage	221-223
ii. Maintenance	223-224
iii. Divorce.....	224-225
iv. Inheritance.....	225
v. Guardianship	225-226
Sum Up.....	226-228

CHAPTER VI

INTERNATIONAL INSTRUMENTS RELATING TO GENDER

EQUALITY

Introduction	229-230
Gender and Sex.....	230-231
Gender Equality	232-233
The Stereotypes.....	234-238
United Nations	238-242
International Instruments (General).....	242
i. Universal Declaration of Human Rights.....	242-246
ii. The International Covenant on Civil and Political Rights	246-253
iii. The International Covenant on Economic, Social and Cultural Rights	253-260
International Instruments (Specific)	260
i. Convention on the Political Rights of Women, 1954... ..	260-265
ii. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962... ..	265-269
iii. Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974).....	270-272
iv. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979)	272-284
Beijing Declaration.....	284-290
UNDP Gender Equality Strategy 2018-2021	290-292
Sustainable Development Goals.....	292-294
Critics to the UN responses.....	295
South Asian Association for Regional Cooperation (SAARC).....	295-296

i. Sixth SAARC Summit – Eighteenth SAARC Summit.....	296-307
An analysis of the Gender Gap Report 2020.....	308-312
Sum Up	313-314

CHAPTER VII
SCOPE, AMBIT AND APPLICABILITY OF SECULAR LAWS IN
THE SAARC NATION

Afghanistan.....	315
Religious Demography	315
The Historical Background of Islam in Afghanistan.....	316-317
The Legal System in Afghanistan... ..	318-326
The Constitution of Afghanistan and Religious Freedom.....	326-332
Atrocities in the year 2021... ..	333-334
Status of Government Respect for Religious Freedom.....	334
Status of Societal Respect for Religious Freedom.....	335-336
Bangladesh	336
Religious Demography	336
The Historical Background of Islam in Bangladesh... ..	336-337
Politics behind declaring Islam as the State Religion	337-339
The Controversy on Bismillah and Its Impact on Religious Minorities	
A Religious Debacle	339-344
The Constitution of Bangladesh and Religious Freedom.....	344-347
Conflicts based on religion in the year 2021 in the Republic of Bangladesh	347-348
Status of Government Respect for Religious Freedom.....	348-350
Status of Societal Respect for Religious Freedom.....	350-352
Maldives	352
Religious Demography.....	352
The Historical Background of Islam in Maldives.....	353
The Constitution of Maldives and Religious Freedom	353-356

a. Protection of Religious Unity Act, 1994.....	356-357
b. Defamation and Freedom and Speech Act, 2016	357
c. Maldives Penal Code.....	357-358
Notable Controversies of the last decade	358-359
The Status of Government respect for Religious Freedom	359-360
Status of Societal Respect for Religious Freedom.....	360-364
Pakistan.....	364
Religious Demography.....	364
Historical Background of Islam in Pakistan	364-367
The Constitution of Pakistan and Religious Freedom.....	367-369
Status of Government Respect for Religious Freedom.....	369-372
Status of Societal Respect for Religious Freedom.....	372-374
Sri Lanka.....	375
Religious Demography.....	375
Historical Background of Buddhism in Sri Lanka	375-376
The Constitution of Sri Lanka and Religious Freedom	376-380
Notable Instances of Religious discrimination.....	380-382
Status of Government Respect for Religious Freedom.....	383
The Status of Societal Respect for Religious Freedom.....	383-387
Nepal	387
Religious Demography.....	387
Historical Background of the Constitutional of Nepal	388-392
Politics behind the demand for Secularism in Nepal	392-394
The Constitution of Nepal and the Religious Freedom.....	394-396
The Controversy of Hindutva and its impact on religious minority	396-398
Status of Government Respect for Religious Freedom.....	398-399
Societal Respect for Religious Freedom	400-402

Bhutan	403
Religious Demography	403
Historical Background of Buddhism in Bhutan	403-406
The Constitution of Bhutan and Religious Freedom.....	406-410
Status of Government Respect for Religious Freedom.....	411-412
Status of Societal Respect for Religious Freedom.....	412-414
Sum Up... ..	415

CHAPTER VIII

CONCLUSION AND RECOMMENDATIONS

Conclusion.....	416-433
Recommendations	433
i. Recommendations Specific to improvise the Gender Gap in the SAARC Nations	433-435
ii. Recommendations Specific to the United Nations in Achieving Gender Equality.....	435-436
iii. Recommendations Specific to SAARC in achieving Gender Equality	436-438
iv. Recommendations Specific to the SAARC Nations in framing Gender Just Personal Laws	438-446
Bibliography	447-453
Articles	