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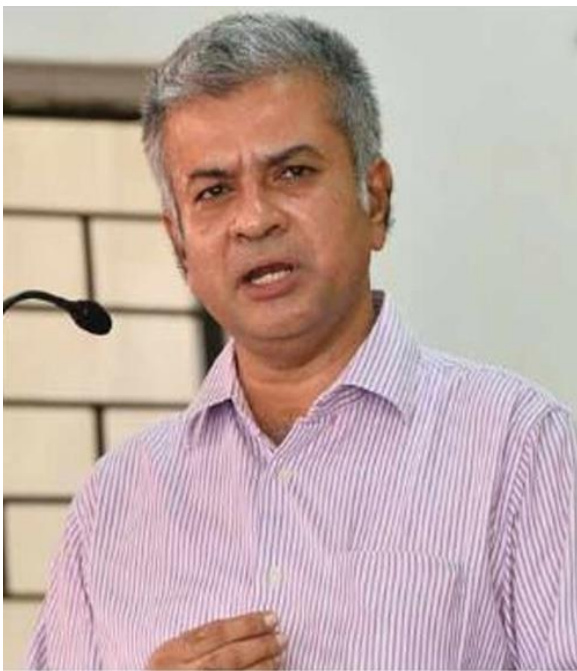
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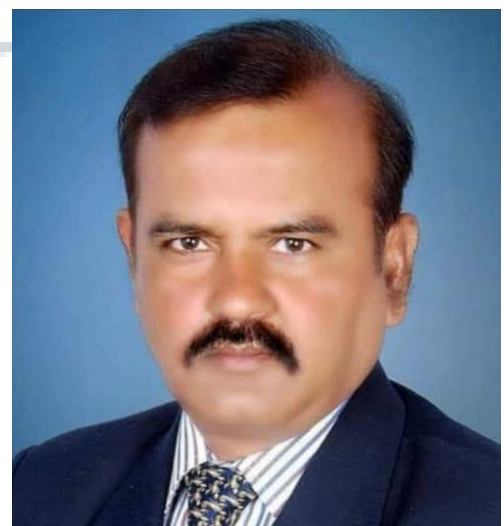
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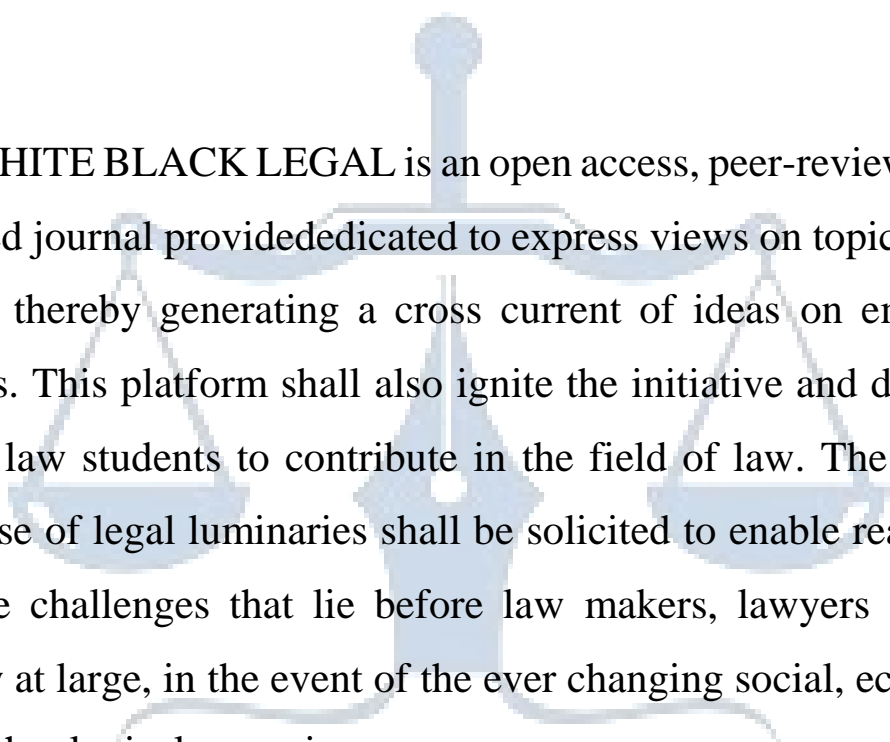


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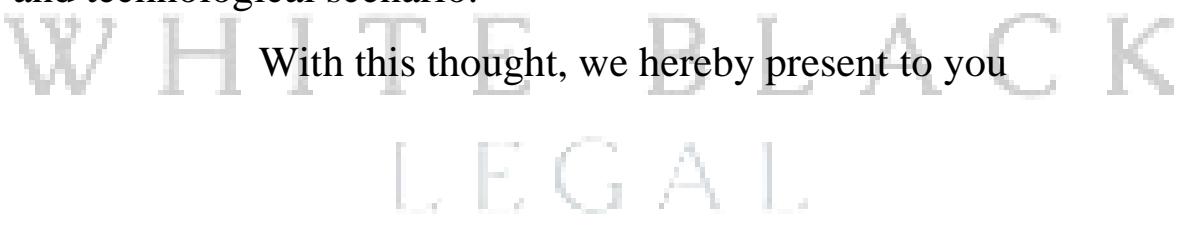
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ABOUT US



WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you



CRIME AND SOCIAL HIERARCHIES: EXAMINING LAW THROUGH THE LENS OF IDENTITY

AUTHORED BY: SHRUNGESH CHENNUR¹ & AYUSH PUROHIT²

Abstract

The relationship between law and culture rooted in values is underlined by the definition of 'ius est ars boni aequi' used by Romans who considered Law to be the art of good and justice. The abstract pertains to make emphasis upon how caste, class, gender, religion, and crime having exerted profound influence on law making like **article 15 and 17** in the Indian constitution. In the context of Indian society, a distinct social structure emerged, organized into four **varnas**. This system contrasted with European guilds, where membership was open to individuals based on their professional inclinations, Examining the various **caste systems** on a global scale reveals discernible differences in their structures and implications.

The ubiquity of the **class system** is a universal phenomenon found in societies across the globe. Esteemed thinkers such as Karl Marx and Max Weber have contributed perspectives on this societal structure. Examining the concept of crime within the framework of law and culture reveals a nuanced interconnection that and Legal codes in societies serve as instruments for maintaining formal social control through laws, which are rules enforced by a political authority.

Religion acts as an institution of **social control** as it defines gender roles and influences the law making. Despite the emergence of democracy, the institution of religion has remained adamant in its approach and has not evolved accordingly. Traditional gender roles might not be able to keep up with contemporary society and lead to oppression. This has enraged conflict between human rights and religious norms and traditions as in the case of Sabarimala temple which shows conflict of **article 21, 25**. This conflict often leads to criminal actions which might be a part of a retarded religious norm, but they lie in the gray area of the legal framework. So, in this abstract we are making a socio- legal analysis of the interplay of caste, class, gender,

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religion and crime via the origin and evolution of these institutions and argue the issues holding back the progressiveness of these institutions and provide an insight into the crunches facing the legal system.

INTRODUCTION

What is Caste and Class?

The caste system is a social structure administered by traditional rules in which people are divided into different groups based on birth. These groups determine a person's freedom, progress, and societal situation, with those at the top having more power and privileges, while those at the bottom have little to no power. Caste is inherited and immutable, and those in the lowest strata, formerly known as outcasts or untouchables, face severe discrimination and exclusion from the system for which there are various provisions for the people who face such discrimination.³ Caste discrimination often occurs in secret, as people from lower castes may avoid declaring their caste to avoid unfairness. In contrast, members of the predominant caste may not determine the advantage they hold and may not see problems with their status. This dynamic has led to caste-based discrimination being likened to "hidden apartheid" because it is not evident to those outside the affected community, in contrast to the more conspicuous nature of apartheid.

The idea of class⁴ is a common concept, which denotes different classes of society with specific statuses that have an effect on their interactions with other classes. Unlike the legally sanctioned classes, social classes are not predetermined and have a relatively wide range. While their foundational economics is based on it, they include more than just economic differences. These classes are representative of industrialized societies that have advanced since the 17th century. Unlike the Estate system, the Class system was not defined by political or religious affiliations. In the 17th century, various factors, beyond just the economy, played a role in shaping this system. Sociologists widely concur that the class system is a hierarchical arrangement of groups, classified based on multiple factors, solely aimed at maintaining order. Scholars have observed the emergence, development, and significance of the class system in different ways over time.

³ Madan, T.N. "caste". Encyclopedia Britannica, 1 Mar. 2024, <https://www.britannica.com/topic/caste-social-differentiation> Accessed 01 March 2024

⁴ Britannica, The Editors of Encyclopedia. "Social class". Encyclopedia Britannica, 3 Jan. 2024, <https://www.britannica.com/topic/social-class>, Accessed 05 March 2024.

What is Gender, Religion, and Crime?

Gender and Religion are the ages old institution which stand at the very core of the Indian society. They both function as a very influential body in society and deeply affect the daily lives of each and every individual. This often has both positive and negative influences on us and is interconnected with various fields of society like law, politics, education and even the economy. This research paper is going to cover the significant changes and events taking place which are directly or indirectly a result of these social establishments. Crime in India has been an everlasting debate in India, and it has often included gender and religious influences in the background of the commission of crime like domestic violence, female feticide, killing of the spouses by the community due to interfaith marriage, mob violence. In the gender aspect, it will deal with the role of gender in the religion, how religion influences gender, how the global circumstances have influenced the Indian social environment and the role of judiciary and law in the progressive development of these institutions. In the religious aspect, it will include the various legal battles and tussles in the society with respect to religion, how religion has played a pivotal role in political scenario of Indian democracy, how it has influenced the family structures, economic aspect of religion and its influence on the education system. It will also cover the methods applied in the collection of data, the objectives of this research and the recommendations for the betterment of society. Recommendations include the changes which can be implemented possible via the gates of law, politics and education for the improvement of society and for the purpose of strengthening the social fabric of the Indian civilization.⁵

Research Objective

To focus upon the discrimination faced by the lower strata people, how they are discriminated against based on their caste and class. There are various laws and acts for the upliftment of the people but still in rural areas still practices like untouchability exist, people are even divided on the basis of their income and lower income people are excluded from doing various activities. The practices are majorly prominent in rural India and majorly in states like Uttar Pradesh, Bihar, Punjab, and some of the north-eastern states.

- To understand the history and origin of casteism in Indian Society, what was the role of britishers which brought caste and discrimination within India, what were the conditions for discrimination before and after independence.

⁵ The saga of women's status in ancient Indian civilization, Bhaswati Pal, July31,2019, <https://sciendo.com/article/10.2478/mgrsd-2019-0012?tab=article>, Accessed on 28 February 2024

- To understand and analyze the problems that are prevalent in India due to Caste System what all acts and laws are there to prevent discrimination like The Protection of Civil Rights Act of 1955, Article 14: Equal protection of laws, article 17 abolishing untouchability, The Scheduled Castes, and Scheduled Tribes Act of 1989 etc.

Examining the historical roots of caste and class system in India also the cultural practices that perpetuate them. Research also includes analyzing the intersectionality of caste with other forms of identity such as gender, religion, class and urbanization and technological change in social hierarchy. Understanding the economic disparities associated with the social class system in India this involves unequal wealth distribution.

To examine the relationship between gender religion crime in India by understanding the interplay of various common factors influencing all of these. To ascertain Historical and Current Trends: Consider regional and chronological variances while examining historical trends and current developments in India's gender-religion intersection. To inspect how gender and religion influence the likelihood of a person's probability of being a victim or a perpetrator of a crime. To explore the social, economic and political factors that result in the commission of a crime in India. Analyze the types of crimes most committed by or against individuals based on gender and religion.

Discover the effect of gender stereotypes and religious beliefs on one's behaviour. Analyze how the criminal justice system handles crimes involving gender and religion. Explain the role of religious and civil societies in the perpetration of religious and gender-based violence and in the formulation of oppressive norms and regulations. Engaging in scholarly deliberations and policy exchanges entails sharing viewpoints that mould forthcoming research advocacy pursuits and policy frameworks regarding gender and religion in India. These exchanges are vital in steering academic inquiries endorsing progressive ideologies and shaping impactful policies. Help the upcoming authors and students of the subject to get a better understanding via this compilation of the data and substances backed by facts and legal decisions which provide a precise understanding of the topic.

Review of Literature

Caste:

The word 'caste' is not an indigenous Indian term. It comes from the Portuguese word 'casta' which has various meanings. In the Indian context, it may be taken to mean a '*Jati*' i.e., a group having a common name, common origin, hereditary membership and which is linked to one or more traditional occupations. Caste system origin and development in India and laws related to protection of people:

Caste system has existed in some form in India from last 3000 years. In India, the caste system categorizes Hindus into diverse social classes based on their occupations. This hierarchical structure includes Brahmins, Kshatriyas, Vaishyas, and Shudras, with Brahmins taking the lead as philosopher and teachers, followed by Kshatriyas as warriors, Vaishyas as tradesman and merchants, and Shudras at the lowermost. This system's foundation and validation are found in ancient written works like the Manu smriti⁶, which is considered the essential source of Hindu law, its spotlight on social order and steadiness.⁷

This discrimination was highlighted or seen by many, voices and social reforms emerged in the 19th century in India. Jyotirao Phule raised voice and questioned this discrimination and opposed the dominating nature of the Brahmin, he also opened school for girls who belonged to lower class, and he also founded Satyashodhak Samaj in the year 1873. Coming to 20th century India was under the rule of British and Britishers put the lower caste under the "Scheduled Caste" list, which is still in use, in here Dr. B R Ambedkar played a very crucial and important role in the fight against caste system and Dalit freedom. He had a prominent role in abolishing untouchability mainly against Dalit. Through a comprehensive legal framework, India ensures the protection of its citizens against caste-based discrimination with the implementation of four crucial laws: the Constitution of India, **the Protection of Civil Rights Act of 1955 (PCRA)**, **the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 (PoA Act)** along with its Rules established in 1995.

Laws related to avoid discrimination in India:

1. The Protection of Civil Rights Act of 1955:

It ensures that individuals have rights stemming from the abolition of "untouchability"

⁶BBC News, <https://www.bbc.com/news/world-asia-india-35650616>, 19 June 2019

⁷ Mehra, Savita, M. L. Sharma, and T. M. Dak. "Caste and Class: A Study of Divergence." *Indian Anthropologist* 14, no. 1 (1984): 13–22. <http://www.jstor.org/stable/41919487>.

under Article 17 of the Indian Constitution. Similar to the US Constitution, it safeguards individual freedom against actions by the federal government.

Lower-caste individuals are bestowed with the opportunity to freely exercise their rights and lead lives devoid of discrimination through the implementation of the Protection of Civil Rights Act of 1955. This legislation directly confronts the feelings of isolation and mistreatment experienced by those who have been subjected to untouchability practices, ensuring that they are not subjected to unfair treatment by those belonging to higher castes. Although this Act signifies a step forward in the fight against caste-based discrimination in India, it is important to acknowledge that this societal issue may continue to persist despite the existence of legal safeguards.

2. Article 15 and 17:

Article 15: Forbids discrimination on grounds only of religion, race, caste, gender, or place of birth. Article 15(4) of the Constitution enables the State to make special provisions for the advancement of any socially and educationally backward classes.

Article 17: Abolition of Untouchability. -"Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

3. The Scheduled Castes and Scheduled Tribes Act of 1989:

The purpose of this law is to provide justice to these communities and ensure that they too feel free from discrimination and become free and valuable members of society.

The purpose of the Act is to prevent crimes against the Scheduled Castes and Scheduled Tribes population. Under the law, special and exclusive special courts should be established for persons accused of atrocities. The legislation aims to integrate Dalits into society and protect their rights in the face of crimes that threaten their social, economic, democratic and political freedoms. Condition. One of the important features of the law is the priority given to speedy penal provisions. This type of offense is discussed in the Indian Penal Code (IPC), 1860. The law also covers offenses not listed in the IPC. Furthermore, a weekly gathering of a 25-member State Monitoring and Vigilance Committee (SVMC) is mandated, along with monthly reports from the District Monitoring and Vigilance Committee (DVMC).

Class:

The class system is a system of stratification of society based on education, property, work/business. Property is divided into capitalist and the poor, education is divided into illiterate and literate people and Business is divided into farmers, clerk officers and industrialists. In general, there are 3 classes, upper class, middle class, and lower class, but due to this feeling of inferiority in middle and lower class because upper class people feel they are superior in some or the other two categories. But Indian Law does not discriminate against anyone. **We have article 14 which is Right to Equality**, where everyone in the society should be treated equally be it a rich or a poor person.

Article 14: Equal protection of laws

This article is applicable to each citizen of the country which means the same law applies to every person. The concept of 'equality before the law' promotes the equality of all individuals to the regular law of the land, which is administered by ordinary law courts, and it states that no one is permitted to be excluded from the law. Conversely, the concept of 'equal protection of laws' mandates that individuals with similar situations should be treated equally under the law.⁸

How did British rule⁹ lead to emergence of class system in India:

After the arrival of the British, the class system developed in India due to agricultural reforms, urbanization, industrialization, and education. In Agricultural reforms the Indian revenue system was revised into Ryotwari, Mahalwari and Permanent systems which divided rural society into two classes: Zamindari and Mahajan. Industrialization and urbanization divided the society into Labor class, Industrial and investors. After India got independence the class system further developed in India due to reasons like green revolution, IT revolution, LPG reforms and Vocational education. After independence this class system was from 1950s to late 1980s after that in 1990 the class system was further divided into Upper class, Lower class, and Middle class. Let's delve into how these classes are identified into society:

- **Upper class:** those who control and regulate wealth and investment and gain profit from wealth and investment, according to the Oxfam report of inequality just 5 percent of

⁸ Dristi Ias, <https://www.dristiias.com/to-the-points/Paper2/inequality-in-india>, Accessed 27 February 2024

⁹ Mehra, S., Sharma, M. L., & Dak, T. M. (1984). Caste and Class: - A Study of Divergence. *Indian Anthropologist*, 14(1), 13–22. <http://www.jstor.org/stable/41919487>

Indians own more than 60 per cent of the country's wealth, while the bottom 50 percent of the population possess only 3 percent of the wealth.

- **Middle class:** Those people who do white collared jobs or in technical or administrative sectors, income range from Rs 15000 to 1.5 lakh per month. This income is such that basic requirements like food, housing, clothing, education and even entertainment are easily met. Historically, the Middle Class has always been the initiator of reforms. The French Revolution was the result of the Middle Class. Middle class acts as the opinion makers in society and challenges the status quo. The Middle Class demands accountability, making the government responsive and transparent.
- **Lower class:** These people do unskilled or semi-skilled work. People falling under this category are India's most of the population like people working on daily wage or their wage is not even fixed for a day.

A case which highlights both caste and class discrimination is **Rajkannu vs State of Tamil Nadu**¹⁰:

Parvathi, a tribal woman, initiated legal proceedings by filing a case. She approached the high court, invoking **Article 226** and seeking a writ of **habeas corpus** to obtain her husband Rajakannu's body. Additionally, she sought compensation for the alleged detention, injuries, and disappearance of Rajakannu at the hands of the respondents and others. Parvathi also raised concerns about the mistreatment she and others experienced from the respondents. It is important to note that Parvathi and Rajakannu were daily wage agricultural laborers with four children. Their arrest by the police was based on false accusations, and they were subjected to severe physical abuse. The court cross-examined important witnesses under the direction of B. Perumalswamy, an Inspector General of Police officer in the Indian Police Service, which advanced the inquiry. The report was filed after Rajakannu died inside the police station, indicating possible foul play. Following thirteen years of legal wrangling, the court declared it to be death in custody, and the involved police officials were sentenced to fourteen years in prison for murder.

In India, individuals experience a life devoid of fear. The Hon'ble judges of the Madras High Court have not only upheld the principles of justice but have also demonstrated exceptional empathy. Throughout the years, significant advancements in criminal investigations have been

¹⁰ Rajakkannu vs State Of Tamil Nadu, H.C.P.(MD) No.754 of 2008.

made as a result of similar rulings by the judiciary. However, the judgment in the case of Rajakannu Vs State Tamil Nadu and Ors serves as a timeless illustration of the court's swift intervention to ensure justice for victims of police misconduct. The essence of truth is indestructible; though a legal case may be lost, the truth will inevitably prevail.

GENDER:

To understand the current circumstances of gender, it is important to understand the historical background from the lenses of sociology.¹¹ Marshall's 1931 publication of the first thorough study of the Indus civilization¹² had a significant influence on almost all subsequent interpretations of Indus culture and its views on gender and sex. Women played a key role in the Harappan period and this era was mostly gender neutral. Often the women were regarded as a prestigious personality and were even honoured in the festivals and processions to such a level that even the gods worshipped were more women than men. Women's freedom to participate in battle, archery, horse driving, public sports, literature education, decision making, and within the choice of male companions has portrayed the character of women's fame inside the social canvas of the Rig Vedic length. The situation worsened after 200BC with beginning of the Age of Manusmriti which codified norms and regulations for women which included restricting their access to education and political power. It was the era of practices of sati, prohibition of property access and women were considered a second-class citizen. This classification continued till the end of British period, and it was only post-independence that they were given equal rights as men. Despite the recognition of rights by Constitution, the practice of equality in the society has been an ongoing battle and there have been substantial improvements in the condition of women. We will now study some significant changes which have occurred since the adoption of constitution.¹³

The Commission of Sati (Prevention) Act 1987 and Dowry Prohibition Act 1961¹⁴:

They have been the showstoppers in the journey of safeguarding the rights of women by eradicating these evils which emerged in the era of Brahminical Patriarchy which was backed

¹¹ MANUSMRITI WOMEN, IGNOU Unit-6 PDF, sub-heading 6.4.2, <https://egyankosh.ac.in/bitstream/123456789/84766/1/Unit-6.pdf>, Accessed on 3 March 2024.

¹² Mohenjo-Daro and Indus Civilization by John Marshall 1931 pp. 48–78, <https://archive.org/details/in.ernet.dli.2015.722>, Accessed on 4 March 2024

¹³ EQUAL RIGHTS ARTICLE 14, The Constitution of India, art. 14, <https://indiankanoon.org/doc/367586/>, Accessed on March 4, 2024

¹⁴ SATI ACT, The Commission of Sati (Prevention) Act 1987, Act 03 of 1987, <https://www.indiacode.nic.in/bitstream/123456789/1814/2/A1988-03.pdf>, Accessed on March 4, 2024

by the Manusmriti and other scriptures. In the recognition of equal inheritance to women in the family properties, **Vineeta Singh vs Rakesh Sharma 2020**¹⁵ judgement of the Supreme Court has been the decider which stated that “The daughters cannot be deprived of their right of equality conferred upon them by Section 6”. To ensure education of women, various scholarships and proportionate percentage of seats are reserved for women in universities and other institutes.

These special reservations are backed by Article 15(3)¹⁶ of the Constitution. With respect to the LGBTQIA+ community, in **Navtej Singh Johar vs UOI** case¹⁷, the Supreme Court of India decriminalized homosexuality by striking down **Section 377** of the Indian Penal Code, which criminalized consensual homosexual acts. This has been a major victory for the community’s recognition. The most important decision in the favour of protection of women came as an aftermath of the 1992 Vishakha Gang-rape which resulted in the formulation of Vishakha guidelines in the Vishakha vs State of Rajasthan judgement of the Supreme Court. This incident was followed by the Nirbhaya Rape Case 2012 in which the final touch to the Vishakha guidelines was given in Mukesh and Anr v. State for NCT of Delhi and Ors. These two incidents lead to the formulation of POSH Act 2013.¹⁸

Religion:

India has been a land of religious diversity as it has evolved with the emergence of various religions. The evidence of the Harappa era suggests the presence of proto-Shiva Idols which confirm the prevalence of Santana Dharma in that era. During that era, forces of nature and animals were worshipped. Later on, with the emergence of Jainism and Buddhism, there existed multiple options for the individuals to choose from and with the invasion of Turks followed by Mughals, Islam established itself in the subcontinent. Being a land where there exist huge differences in the customs of different religion often leads to conflicts and tension in the country. The constitution dissociates the state from religion and ensures protection of all religions and thereby empowers its citizens with the freedom to profess a religion of their

¹⁵ Vineeta Sharma v. Rakesh Sharma AIR 2020 SC 676, https://main.sci.gov.in/supremecourt/2018/32601/32601_2018_33_1501_23387_Judgement_11-Aug-2020.pdf

¹⁶ DOWRY ACT, The Dowry Prohibition Act 1961, Act no. 28 of 1961, https://www.indiacode.nic.in/bitstream/123456789/5556/1/dowry_prohibition.pdf, , Accessed on March 4, 2024

¹⁷ Navtej Singh Johar v. Union of India AIR 2018 SUPREME COURT 4321, <https://privacylibrary.ccgnlud.org/case/navtej-singh-johar-and-ors-vs-union-of-india-uo-i-and-ors#:~:text=The%20five%20Judge%20Bench%20unanimously,sex%20or%20otherwise%2C%20in%20private>

¹⁸ POSH ACT, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, https://www.indiacode.nic.in/handle/123456789/2104?sam_handle=123456789/1362

choice. The Role of religion has been a crucial one in the political, economic, legal, and educational diaspora and has influenced these fields either directly or indirectly since it is one of the basic social institutions of the society. In the Political field, the religion has increasingly become the main pillars of discussion especially after the 1990s when the religious sentiments shot up in the country. The first instance of encounter of Politics and Religion was the death PM Indira Gandhi who was shot by her bodyguards as her actions and orders during Operation Blue-Star were found unacceptable and unjustified by some communities.

Another important instance of intersection of law, politics and religion was the Shah Bano judgement of 1985 which stated that "a large number of middle-aged women who are being divorced without rhyme or reason should not be thrown on the streets without a roof over their heads and without any means of sustaining themselves and their children". After this judgement, the then PM Rajiv Gandhi government introduced The Muslim Women (**Protection of Rights on Divorce**) Act, 1986, that nullified the Supreme Court's judgment in the Shah Bano judgment. This move was criticized by the BJP on the ground that it was an appeasement move for the Muslim community. This move was overturned in the **Danial Latifi vs UOI**¹⁹ decision of the SC.

Another instance where the religious sentiments peaked was Babri Masjid demolition and the Rath Yatra led by BJP Veteran LK Advani. This issue became the election manifesto of the BJP and was one of the reasons due to which it came to the limelight. It was recently settled by the SC judgement on 9 November 2019 where both sides were given their required property titles and hence resolved. Religion has often been the controller of women with its strict customs and traditions and even controlled the dress codes for women. It has also controlled the gender roles of women and men. There have been instances where the religious barriers have become stringent in order to prevent the empowerment of women to the extent of controlling their right to work and has even imposed limits on the selection of mates. Religious beliefs may, in extreme cases, be used as justification for the use of violence against women who are seen to have violated religious or cultural norms, such as by acting rudely or disobediently for example Honour Killings²⁰. The dress code imposition is another interference

¹⁹ DANIAL LATIFI, Danial Latifi & Anr vs Union of India AIR 2001 SUPREME COURT 3958, <https://main.sci.gov.in/jonew/judis/30336.pdf>

²⁰ Law Bhoomi Danial Latifi vs UOI Legal Review, <https://lawbhoomi.com/danial-latifi-vs-union-ofindia/#:~:text=The%20Supreme%20Court%20in%20Danial,extends%20beyond%20the%20iddat%20period.>

where a women's freedom is infringed as in some Hindu societies' women are forced to keep a veil.

One of the prevalent instance when Crime, Gender and Religion came together was the instance when the rape case accused of Bilkis Bano case were honored with garlands and were very much protected by each and every institution of the state government like the police, administrative officials etc. It was only when the Supreme Court came to the rescue by quashing the orders of remission by the Gujarat government, thereby declaring the action as abuse of power. The most shocking instance of regulation of women in Hindu community is the behaviour of the family during the menstrual periods of the women during which they are often seen as impure and are prevented the entry into the temples and kitchens.²¹ Instead they should provide the scientific reasoning behind such restrictions rather than stigmatizing and classifying them as impure.

CRIME:

Some criminals are motivated by financial gain or the pursuit of fame or any other reason which they think they are right, which notion is absolutely wrong, while others may commit crimes for various reasons. One such example of Raman Raghav stands apart. In the 1960s, Raghav terrorized Mumbai by killing numerous people he had no connection to, viewing a disturbing lack of remorse or motive for his actions. DPC Kulkarni, in his book 'The Footprints on the Sand of Crime,' suggests that such criminals defy conventional motives and gain nothing tangible from their crimes; instead, they are simply described as 'incorrigible.' Crime in society happen, in India mainly terrorism is supported by Pakistan, various terrorist cause disruption in the society which in turn damages the society. For solving the issue of crime, we had **Indian Penal Code-1860 (IPC) and Code of Criminal Procedure-1898 (CrPC), but now parliament passed the Bhartiya Nyaya Sanhita and Bhartiya Nagarik Suraksha replacing IPC and CrPC²²**. These are some of the main crime related laws which help in controlling crime in society.

Crime in India has been on a rise with the rise in population. Firstly, we have to understand

²¹Vishaka & Ors vs State of Rajasthan & Ors, AIR 1997 SUPREME COURT 3011, <https://main.sci.gov.in/jonew/judis/13856.pdf>

²²Ipleaders Blog, Criminal Law in India, <https://blog.ipleaders.in/criminal-law-in-india/>, Accessed on 5 Narch 2024

that behind every criminal act there exists some circumstances or motivations which forces the person to act in a certain way. To understand the reasons of the rise in criminal activity, we have to understand the circumstances as a whole to get the better picture of the problem. Most common reason is poverty and unemployment. The inefficiency of the leadership to provide enough support to the unemployed youth forces them to commit crimes like theft, robbery and kidnapping to earn a living. In Politics, often it is seen that politics is overlooked as a cause of criminal actions. Many politicians have some form of criminal charges against them and often the youth wing of parties use violence to oppress and force the poor public in order to gather votes and please their bosses. Forty percent of sitting MPs have declared criminal cases against them, with 25% of legislators being accused of serious crimes including murder, attempt to murder, kidnapping and crimes against women, a news report of 2023, by the Association of Democratic Reforms (ADR) and New Election Watch (NEW) said. Next comes the religion-based crimes. Often it is seen that people are murdered in case of inter faith marriages. Religious fanatics commit several crimes to further their cause by converting others to their faith, or they may use vandalism and destruction to demonstrate their superiority over other religions. Due to the diversity of Caste, often the people of lower castes are the victims of human trafficking even today and they are also the most common victims of domestic abuse. Most common example is the mistreatment of domestic helps who are often subjected to violence. Gender based crimes like female foeticide and Honour killings are some examples of gender-based violence.

Recommendations

1. Various societal organizations, including families, schools, and mass media, must all collectively take part in the responsibility of inculcating a comprehensive perspective in children that will counter casteism. This involves educating people about the harmful effects of perpetuating the traditional caste system. In rural areas, which tend to have a stronger cast of sentiment, it's important to focus on literacy programs and social education in order to reduce the prevalence of casteism. Promoting inter-caste marriages can serve to overcome obstacles and reduce racial prejudice based on castes. Additionally, attempting to equalize cultural and economic standing in all parts of society is essential in combating jealousy and competition, this will in turn, eradicate casteism.²³

²³Vidya Sethy, "inequalities in Income Distribution in India: 7 Measures to Eliminate

2. Government should launch nationwide public campaigns about legal prohibition of “untouchability” and forms of discrimination and violence which are faced by lower classes, campaigns should also include programs of public service announcements in all the states of India aiming at solving the problems of scheduled tribes, scheduled caste etc and creating awareness about their rights. Ensuring that adequate financial resources are allocated for the proper working of government bodies under the 73rd and 74th amendment of the Indian constitution. In every village council seat shall be reserved for scheduled-caste and scheduled-tribe members in proportion to their representation in the population. Immediate action must be taken to prevent further violence, social boycotts, and discrimination against Dalits. This includes deploying law enforcement to ensure the safety of Dalit communities, initiating investigations into recent attacks and discriminatory acts, and swiftly prosecuting those responsible.²⁴
3. In India there is huge disparity between rich and poor, for which programs for the upliftment of rural people should be considered which can be an important step towards poverty alleviation and reduction of income inequality, programs such as Resource and income development program, special area development program etc. End all violence and social exclusion of Dalit communities. Investigate and punish anyone responsible for these attacks and discrimination. Hold accountable any officials or police who ignore pleas for help from Dalit villagers or fail to pursue legal action against violence and discrimination.

Identification and analysis of the prevalent problems of the society beginning with recognition of the root of the issue and later proceeding with the legal and factual backing to our opinion on the prevalent circumstances followed by some recommendations and suggestions by us regarding the smooth and suitable resolution of the issues²⁵. These are the following suggestions: -

1. There should be a change in the perception of the society regarding their age-old gender roles especially those regarding the women. The political and media icons should openly address and present the issues regarding gender roles, they themselves should

It”<https://www.yourarticlelibrary.com/india-2/income-distribution/inequalities-in-income-distribution-in-india-7-measures-to-eliminate-it/63011>

²⁴ Human Rights Watch, <https://www.hrw.org/reports/1999/india/India994-03.htm>, Accessed on 6 March 2024

²⁵ UN Recommendations on Religious Violence Prevention, <https://www.un.org/en/genocideprevention/documents/Plan%20of%20Action%20Advanced%20Copy.pdf>

but the stereotypes and set an example of themselves rather than avoiding the sensitive questions. The education should include various stories with morale backing of equality and present a new and anti-stereotypical view of the gender roles.²⁶

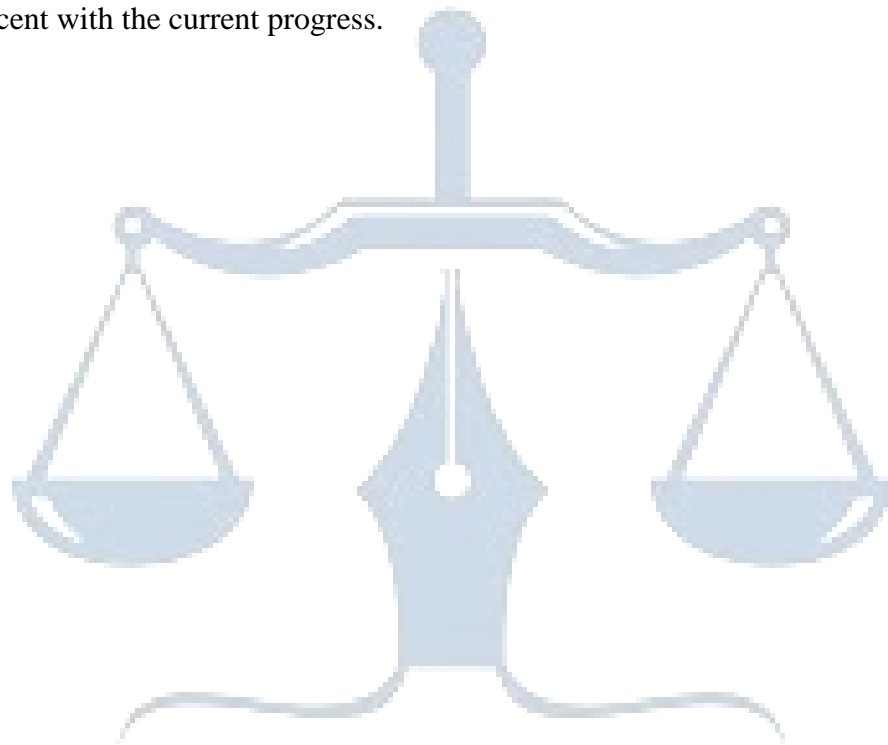
2. The syllabus should also include a segment on sexual awareness in order to provide a better understanding of various sexual medical issues and the teachers shouldn't refrain from answering and discussing these topics in the classroom. The clerics, pandits and spiritual gurus should help in spreading religious equality and shall refrain from attacking or exciting the mob by downgrading and foul commenting on other religions or their leaders. The media should be more strictly regulated in order to prevent the spread of sensitive incidents which occur in society and therefore prevent media from becoming a gossipmonger on these issues and becoming an agent of inciting the general public.

Conclusion

India's caste system, though much transformed, but has not completely eradicated. Legal protections, education, growing cities, political activism, and global influences have all chipped away at its strictness. Despite this progress, achieving true equality and eliminating caste-based discrimination entirely remains a vital goal for Indian society. There can be significant overlap between caste and class, with lower castes often occupying lower socioeconomic positions and higher castes occupying higher socioeconomic positions majorly. This can be due to restricted occupations, limited access to education, and historical disadvantage but as modern, dynamic, and changing society this issue is solving. However, the relationship is not always deterministic. Economic mobility, particularly in modernizing societies, can allow individuals from lower castes to achieve higher class positions also in modern society many lower classes people are raising their voice and are fighting for their and discrimination faced by them. Gender as a social institution has undergone significant progressive development in the society and we can now see people of gender other than men excelling in their respective after they were given the required cushion and protection and were provided with appropriate liberties. Each and every government has contributed in one way or the other in providing the necessary facilities to different genders thereby providing inclusive development of the community as a whole. There have been less changes in the criminal aspect of the society and therefore it needs

²⁶ The Benefits of Sexual Education in Schools, Elizabeth Boskey, PHD JHU, <https://www.verywellhealth.com/support-comprehensive-education-schools-3133083>

a lot of changes in order to be able to cope up with time and come out of the British era mindset of dealing with criminals. As far as religion is concerned, it is an age old conflict which periodically stirs the atmosphere of the country and is trying to cope up with changing times and has even evolved to some extent. But the mindset of the preachers and religious leader needs to be corrected to ensure changes in the psyche of the general public. There also is work to be done in the legal rights of various religions and some laws (Uniform Civil Code) should change at a steady pace rather than hurrying up with it might result in social chaos in the society. Though we have done a lot of work but we still have a lot to work upon and therefore must not be complacent with the current progress.



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