

MUSLIM WOMEN WANT CODIFICATION OF MUSLIM FAMILY LAW AND NOT UCC

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PRESS STATEMENT

The Bharatiya Muslim Mahila Andolan, opposes move to introduce the Uniform Civil Code without taking into account the Constitutional guarantee of freedom of religion. Under Article 25 the Constitution of India gives the right to all including minorities to have personal laws based on respective tenets of different religious communities. Under this provision we demand a gender just reform in the Muslim personal law based on the Quranic values of equality and justice. in line with Article 25 of the Constitution of India. The Supreme Court observation has emanated from the need to bring about a gender-just legal framework and not from desire to impose or force anything on different communities. This must be read as such and not as encouragement for hinduization of all laws and social practices.

As per the BJP manifesto the NDA government wants to impose a family law on all communities with the intention of national integration. It is important to point out that national integration cannot happen by a common family law but by treating all citizens equally. There can be no imposition of any kind as this would impinge on the religious freedom and secularism principles enshrined in the Constitution. Nor would different socio-religious communities accept this.

Like all religious majority and minority community in India, Muslims must also have a codified Muslim personal law based on its religious text. Just as there is a Hindu Marriage Act for Hindus, just as there is a Indian Christian Marriage Act for Christians, just as there is a Parsi Marriage and Divorce [Amendment] Act for the Parsis, Muslims too should have an amended Shariat Application Act to ensure a law for the Muslim community which is in consonance with the Islamic and Constitutional values of justice and equality.

The recent events of targeted violence have led to an atmosphere of insecurity and deep sense of fear within the Muslim community and amongst all minorities. Any talk about of UCC, is only adding to the strongly felt sense of hurt and alienation. This atmosphere of intimidation does not help the cause of women's demand for justice at all. It appears that for the fringe right-wing groups UCC is another stick to beat the community with. There is also a strong fear that in the name of UCC Hindu marriage laws will be imposed on all other religious minorities. Going by the hate

campaign against the minorities since the last year, the fear of the minorities is very real.

It is also time that all religious minority and majority community state their positions on the UCC. A UCC is meant for all communities and not just Muslims. Are all communities willing to give up their personal laws? It is a question that all communities have to ask themselves and state their position in public space.

For all practical purposes there is an optional civil code existing in the form of Special Marriage Act of 1954. Let each couple decide under which law would they like their marriages to be registered.

This document has been taken from the website of Bhartiya Muslim Mahila Andolan (BMMA): <https://bmmaindia.com/2015/10/16/muslim-women-want-codification-of-muslim-family-law-and-not-ucc/>