

NEED FOR A UNIFORM CIVIL CODE

DATE: 14.10.86

VENUE: Constitution Club - Deputy Chairman's Hall

Equality and freedom are two values enshrined in our Constitution. Yet these have stayed on paper only. In the 39 years of our freedom we have inequalities increasing and exploitation rampant in the economic and political field, especially in relation to women. The personal laws which relate to matters of family life and which are different for different communities are based on interpretations of religion, and a person may have more or less rights based on his or her religion.

Though these laws are different for different ~~of~~ communities they have one common thread running through them and that is giving religious sanction to the subordinate position of women. They thus violate the democratic rights of citizens. (Article 14, 15, 16). They do not treat men and women of all communities as equal nor do they treat women and men of one religious community as equal before the law. The British rulers had promoted this because of their policy of divide and rule. But what is preventing the Indian Government from acting on Article 44 of the Directive Principles of the Constitution and giving its citizens a Uniform Civil Code.

As a women's organisation we are unable to understand why religion plays such an important part when it comes to laws relating to family life. Why the religious leadership feels threatened when it comes to giving women equal partnership in family life? Why a common civil code becomes a threat to minority rights? Are not women also a part of the minority and majority groups?

For us in the Joint Women's Programme a Uniform Civil Code is a women's question. At every meeting and workshop of women on the question of women and law the major recommendation has been for a uniform civil code. This is the only way by which equal rights can be given to the oppressed 50% of the total population of India - an important step towards the removal of communal disharmony.

While the JWP is working to mobilise public opinion on the issue of one common code, roundabout the same time, the Bar Council of India will be deliberating on a draft on 'Optional Uniform Civil Code' which according to the Prime Minister Shri Rajiv Gandhi is the need of the hour.

But the JWP feels that a Voluntary Uniform Code will not solve the problem of women. Therefore, its endeavour to educate the people on the need for a Uniform Civil Code will continue. One hopes that nothing will be done in haste, since we have seen the outcome of various Bills that have either been ammended or introduced which do not do justice to women/children and have several loop holes. To quote a few 1) The Dowry Prohibition (Ammdement) Bill, 1986 2) The Suppression of Immoral Traffic in Women and Girls (Ammdement Bill, 1986) 3) The Muslim Women (Protection of rights on Divorce) Bill, 1986 4) The child labour (Prohibition and regulation) Bill 1986. Hence the Joint Women's Programme appeals to all women's groups/concerned individuals to consistently deliberate on the subject of the Uniform Civil Code. The JWP hopes to prepare a draft on the Uniform Civil Code but this will be done only after there has been sufficient thinking on the issue, after receiving feed back from the women's groups as to what they feel about the need for a common code and of course mobilising public opinion on the subject. So even if it means several months before a draft can be prepared, time is not the criterion since we feel that when such a draft on the Uniform Civil Code is prepared it should be done taking all aspects, religious diversity, considering every clause/ sub-clause of the various personal laws, minutely so that the outcome will be ^{one} ~~are~~ that can outright be ^{accepted} ~~accepted~~ by all religious denominations ^{one} ~~are~~ that will be without any discrimination - a law that will unify the diversity of our vast country. When there is a common ^{Criminal Procedure} ~~Civil Proceeding~~ Code and Indian Penal Code - Cannot there be a Common Personal Law to cover matrimonial, succession, adoption, family matters etc.

As a women's organisation we have been concerned about a uniform civil code for several years and have sent recommendations to the Law Ministry with signatures demanding it. We have conducted group meetings and discussions with people, specially women in rural areas, urban slums, colleges and institutions in all parts of the country with the intention of ~~z~~ finding out the feelings of the public regarding this matter. A majority of our participants have strongly felt that one of the ways to break down barriers of caste, creed, religion and sex is to have a uniform civil code. It is with this intention that we have planned the public meeting. The public debate will help people to express their opinion regarding this matter and perhaps bring us a step forward towards the goal of a ^{mandatory} Uniform Civil Code.

The speakers of the meeting are:

1. Ms. Rani Jethmalani, Advocate Supreme Court.
2. Mr. Durrany - Social Worker
3. Ms. Nandita Haksari - Advocate Supreme Court
4. Mr. Bhagwan Das - Advocate Supreme Court
5. Ms. Promila Dandavate, Ex M.P. (Mahila Dakshita Samiti)
6. Ms. Jyotsna Chatterji - Joint Women's Programme.

RECOMMENDATIONS:

1. First step towards Uniform Civil Code is removal of all discriminations in the laws with regard to the women.
2. All Women's organisations are requested to send suggestions as to what is to be included in the ~~the~~ ^{draft for a} Uniform Civil Code. ^{regard}
3. Step by step education of women on the laws with ~~related~~ to themselves.
4. To hold a series of meetings to mobilise public opinion on "Need for a uniform civil code".