

Uniform Civil Code

In almost all the countries there is one civil code for all the citizens. The basic ideology behind the formulation of a civil code is to end discrimination based on religion. It is a cruel fact that women are the worst victims of discrimination under personal laws. Though Muslim women are the worst affected under the Muslim personal law, yet it cannot be negated that women, Hindu, Muslim, Christian, and Sikh are virtually losers under the respective personal laws. Gender discrimination persists despite the constitutional prohibition.

Article 44 of the Constitution says that the State shall Endeavour to secure for the citizens a uniform civil code, throughout the territory of India, yet it has continued to be a highly controversial issue and always politicized and communalized by the vested interests.

Since independence, we have been debating on the necessity of application of Uniform Civil Code for all the citizens, but even after 6 decades, we have this paradoxical situation to continue, where Indian citizens are discriminated on the basis of gender and religion.

On July 23, 2003, the Apex court pleaded for a Uniform Civil Code, while declaring Section 118 of the Indian Succession Act 1925 as unconstitutional, as it was arbitrary, irrational and violates the Article 14 of the constitution. Article 14 says that the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.

Whenever the court impress upon the desirability of having one code, an acrimonious debate once again starts. The various political and religious leaders give arguments as per their political thoughts and religious fanatical approaches. It was a very paradoxical situation, when the constitutional makers had emphasized the necessity of own Uniform Civil Code, but the vested interests always opposed it for taking political mileage. This is not a weapon directed against any particular community or any minority community. It is simply a code which puts all the citizens equal before law, irrespective of caste, community, religion or gender.

No faith, no religion, can allow the discrimination based on gender. No secular state should allow the discrimination based on religion, community, gender. When our constitution guarantees the equality, then allowing discrimination against the women, is totally unlawful and unconstitutional. The time is ripe that all the political and religious leaders should come together, for the well being of all the people,

to come to consensus for adopting the Uniform Civil code for tall the citizens of the country.