

The Uniform Civil Code and the Bharatiya Janata Party



Introduction

Uniform Civil Code (UCC) implies that all people irrespective of the region or religion they belong to will be under one set of civil laws. The UCC is mostly talked about in context of personal laws governing marriage, divorce, succession, etc, as different religions have different personal laws at the moment. The UCC finds mention in Article 44 of Part IV, Constitution of India. The part contains Directive Principles of State Policy (DPSPs). These provisions are not enforceable but are meant to serve as the guiding principles of legislatures. "The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India," says Article 44 of the Indian Constitution.¹

Currently, different laws apply to different religious communities in personal affairs. One key idea behind the UCC is to bring all communities at par with each other as provisions in some personal laws are perceived to be unequal. For example, until the Supreme Court ruled 'triple talaq' to be

unconstitutional in 2017, Muslim men could divorce their wives orally by saying 'talaq' thrice. The maintenance rights of divorced wives were also limited. This was unlike Hindu personal laws where divorce cannot be given orally and women have broader alimony rights.

The Supreme Court too has expressed the need for Uniform Civil Code, most notably in the landmark 1985 Shah Bano judgement. In the judgement, the Supreme Court ruled that a Muslim woman is also eligible for maintenance after being divorced. Under the Muslim law till then, the divorced woman was only eligible for maintenance for the period of *iddat*, which is generally three months. The Supreme Court ruled that Section 125 of the Code of Criminal Procedure (CrPC), under which a man is obliged to provide for his wife after divorce if she can't support herself, also applies to Muslim women. "A common civil code will help the cause of national integration by removing disparate loyalties to law which have contracting ideologies," said the Supreme Court in the verdict."ⁱⁱ

The issue has been at the centre of political narrative and debate ever since India achieved independence from the colonial rule and has been a priority agenda for the Bharatiya Janata Party (BJP) which has been pushing for the legislation in the Parliament.

Uniform Civil Code during the time of Bharatiya Jana Sangh

Ever since its inception as the Bharatiya Jana Sangh, the party has maintained a positive stand on the issue of the UCC.

- In its very first manifesto dated 1951, the BJS mentioned the Hindu Code Bill and emphasized that social reform should not come as imposition from above. It should work from within the society. Any far-reaching changes as envisaged in the Hindu Code Bill, therefore, should not be made unless there are strong ancient roots and ideals which have stood the test of time, in which cooperation between individuals and their social, professional and religious groups for the common good of the whole nation, shall take the place of riotous individualism on the one side and disruptive forces on the other.ⁱⁱⁱ
- The BJS in its 1967 Manifesto made the first clear reference to the Uniform Civil Code by promising to enact it if voted to power, in order to govern the laws of marriage, adoption, inheritance etc of all Indian citizen.^{iv}

The period from 1967-1980 witnessed a considerable turbulence in Indian politics hence the issue of the Uniform Civil Code was somewhat relegated to the background with the focus being on strengthening the party at the grassroots level and forging alliances in order to counteract the growing monopoly and totalitarianism of the Congress party in the Indian political scenario. Following the collapse of the Janta Party Government in 1980, the BJS was reconstituted as the Bharatiya Janta Party (BJP). Following the notorious Shah Bano Case of 1986, the issue of UCC sprang up onto the Indian political spectrum, in the aftermath of what was perceived as a policy of 'minority appeasement' by the Congress.

Uniform Civil Code during the time of the Bharatiya Janta Party

Following the judgement of the Supreme Court in favour of Shah Bano, it elicited a lot of protests from the Muslim intelligentsia and became a national issue. The Muslims felt threatened by what they perceived as an encroachment on the Muslim Personal Law, and protested loudly against the judgment. Upon the passing of this judgement, many leaders in the Congress suggested to the then Prime Minister of India, Mr. Rajiv Gandhi that if the government did not enact a law in Parliament overturning the Supreme Court judgement, the party could face the prospect of decimation in the polls ahead. Hence, in 1986, the Parliament of India passed an act titled The Muslim Women (Protection of Rights on Divorce) Act, 1986, that nullified the Supreme Court's aforementioned judgment. Quite obviously, his act was vehemently criticised by the opposition parties. This act was passed after amending section 125 of the Code of Criminal Procedure.

- **The BJP in its National Executive meet held at Chandigarh from 3-5 January 1986**, termed this step as a 'retrograde move' and passed the following resolution-
 "The Bharatiya Janata Party fully stands by Article 125 of the Constitution which guarantees freedom of conscience and religion to all citizens. But it rejects the Muslim League view that this judgement is an interference in the religious affairs of the Muslims. In fact, the National Executive regards this move to amend Section 125 Cr. P. C. as retrograde, anti-woman and a surrender to obscurantism and bigotry. It also goes counter to the spirit of the Indian Constitution one of whose Directive Principles requires the State to move towards a Uniform Civil Code. Indeed, from a party contemplating such surrender, all claims to modernity and perpetual references to the country's advent into the twenty-first century sound absolutely hollow and fraudulent. The Bharatiya Janata Party demands that the amendment proposal be abandoned forthwith."^v
- **In its National Executive meet held at New Delhi from 9-11 May 1986**, the BJP accused the ruling party of fostering communal divide for political reasons. It passed the following resolution –
 "The communal divide is systematically encouraged and sought to be consolidated by the ruling party for political reasons. In Kerala, the Muslim League is running the Government. In Andhra, the Congress did not hesitate in supporting the Muslim Majlis during the recent Corporation elections. It is really the Government of the Muslim League of which Shri Karunakaran of the Congress (I) is the nominal leader. The Rajiv Government, overriding the well-reasoned decision of the Supreme Court, a large body of enlightened opinions, including those of Muslims, and the views of most Congressmen, has enacted a retrograde law of doubtful validity which will encourage divorces, increase the number of uncared for children, vagrancy and social miseries, ignoring the constitutional mandate requiring the enactment of a Uniform Civil Code. Thereby, the division between Muslims and non-Muslims has been widened and to an extent consolidated..... the surrender to the obscurantist forces led by the Muslim League on the Shah Bano case demonstrates the Prime Minister's capacity to retreat into the 7th century in furtherance of petty political self-interest."^{vi}
- **In its National Executive meet held at Jaipur from 31 January-03 February 1991**, the BJP termed the politics of appeasement followed by the ruling party as a threat to the Indian society. It passed the following resolution-
 " It is singularly unfortunate that in the name of secularism most political parties have been pursuing policies that are creating deep fissures in society. These parties have shown no interest in the emancipation of minority groups from their social or economic backwardness. But they have been assiduously exerting to create in them an intense minority complex by supporting demands for a separate status for Kashmir, retention of separate personal laws

(as against a Uniform Civil Code), establishment of a Minority Commission with constitutional status (as against a Human Rights Commission), setting up of a Special Swift Force (based on communal representation) and so on. All this gravely impairs India's national unity and tends to generate the same divisive attitudes which, four decades ago, led to the arduous partition of our Motherland. Of late, demonstrations have been held on the Gulf War issue, some of them leading to much violence. The BJP would urge upon the people of India not to indulge in any demonstrations in favour or against any side in this War. The Bharatiya Janata Party is committed to the concept of One Nation, One People, One Culture. It rejects the Communist theory of India being a multi-national State. It is committed to a strong and united India, with Equality and Justice for All Citizens, with Appeasement of None."^{vii}

In 1995, the Supreme Court passed another judgement in favor of the UCC when it observed that- "When more than 80 per cent of the citizens have already been brought under the codified personal law there is no justification whatsoever to keep in abeyance, any more, the introduction of 'uniform civil code' for all citizens in the territory of India."^{viii}

- **In its National Executive Meet held in New Delhi from 15-16 July 1995**, the BJP welcomed the aforementioned judgement and passed the following resolutions-

1. BJP Happy with the Supreme Court Judgement

" The Bharatiya Janata Party welcomes the judgement of the Supreme Court emphasising the desirability of enacting a Uniform Civil Code in India. As expected, the pseudo-secularists have joined judgement calls for a nation-wide debate on the real content and meaning of secularism in the Indian context. It was the collective wisdom of the Constituent Assembly that Article 44 was enacted. Article 44 mandates that the State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India. We have today a paradoxical situation in the country where almost all laws are applicable uniformly to all citizens. We have a common criminal law. We have common laws in relation to property, rent, commercial transactions and gift. However, we are permitting personal laws to be applicable to members of various religious denominations."^{ix}

2. Judgement a Stricture on Pseudo-Secularists

"The party also termed this judgement as a stricture on pseudo-secularists who have prevented the legislation of a Uniform Civil Code. The Court had held that - "It appears that even 45 years thereafter, the rulers of the day are not in mood to retrieve Article 44 from the cold storage where it is lying since 1949. The Governments ... which have come and gone have so far failed to make any effort towards unified personal law for all Indians. The reasons are too obvious to be stated." These obvious reasons are directly relatable to vote bank politics which has in recent years proved destructive of the rationalist fabric of Indian polity."^x

3. Personal Laws in Conflict with Fundamental Rights

When the people of India through the Constituent Assembly adopted the Indian Constitution, we gave ourselves fundamental rights. Articles 14 and 15 mandate equality for all citizens. They prohibit discrimination on the basis of sex. Article 21 guarantees the right to life and liberty which includes the right to live with dignity. Gender equality and the right

of every Indian - man and woman - to live with dignity is a part of the basic feature of the Indian Constitution. No citizen can be denied the same. When we look at the different personal laws in India, they present a pathetic spectacle. A Muslim woman can be turned out of her matrimonial house on the three oral utterances of 'Talaq' without an adequate provision for her maintenance. She can be driven to destitution without remedy. She can be compelled to live with three other wives under the same roof. Polygamy has no place in any modern society. A Christian woman is not entitled to the same rights and grounds of divorce as her male spouse is. A Hindu woman may be a co-sharer of residential house but has no right to claim its partition. A flagrant violation of gender equality and the right to live with dignity is visible in different personal laws.^{xi}

4. **All Indian Citizens to have the Same Rights**

The Bharatiya Janata Party feels that successive Governments and Legislatures have failed to implement the mandate of the Constituent Assembly, failed to restore equality and dignity to a large section of our citizenry only because the pseudo-secularists have succumbed to the pressures of fundamentalist groups. The Bharatiya Janata Party feels that 'rituals in relation to marriage and death can be guided by religious practices, but 'rights' emanating from them must be regulated by law. This law should be reasonable, non-discriminatory, based on gender equality and respect-dignity to all citizens-men and women. The existence of different personal laws has been used by the pseudo-secularists to create a separate identity for certain religious groups, thus placing their interest ahead of the nation. The integrated personality of the Indian Nation is diluted when separate personal laws and Constitutional provisions like Article 370, which create a separate psyche, are allowed to exist on the Statute Book. The Supreme Court, while disapproving this separate identity argument, has observed:

"Those who preferred to remain in India after partition fully knew that Indian leaders did not believe in two nations or three nations theory and that in the Indian Republic, there was to be only one nation and no community could claim to remain a separate entity on the basis of religion."^{xii}

5. **Uniform Civil Law-an Imperative Need**

Anachronistic practices, such as Sati, existence of caste system, dowry etc. have been campaigned against by reformers and even through legislation. Separate Personal Laws on the basis of religion are neither permitted in advanced countries of the West, nor in the Islamic countries. Enactment of a Uniform Civil Code in accordance with the mandate of the Constitution, the direction of the Supreme Court, and the requirements of a modern and nationalistic polity of today, is an imperative need. The BJP calls upon the Government to immediately legislate a Uniform Civil Code in accordance with the mandate of the Constitution.^{xiii}

- **In yet another National Executive meet, in New Delhi on 20-21 June 2009**, Shri Rajnath Singh, the then BJP President in his Presidential speech mentioned the following-
" This time in our election manifesto we reiterated, our commitment for building a grand temple on the Shri Ram Jananbhoomi, our clear views for abrogating Article 370 and our appeal for implementing the Uniform Civil Code. Even today we are firm on these issues because we believe that they are the core issues of the unity and integrity of the country."^{xiv}

BJP Election Manifestoes referring to the UCC

- After vociferously championing the cause of the UCC, it was only a matter of time before the BJP took up the matter as an electoral issue. And that is precisely what happened. Successive Election Manifestoes of the Party from 1996 onwards make direct reference to the Uniform Civil Code in its quest to ensure gender equality.

Election Manifesto 1996

- **Nari Shakti: Towards Empowerment**

In its 1996 manifesto, the UCC found its way as an agenda for women empowerment. The BJP promised to introduce a uniform civil code that would:

- (a) Give women property rights;
- (b) Ensure women's right to adopt;
- (c) Guarantee women equal guardianship rights;
- (d) Remove discriminatory clauses in divorce laws;
- (e) Put an end to polygamy.^{xv}

Election Manifesto 1998

- The 'Nari Shakti' agenda remained more or less the same in the Election Manifesto of 1998 as well. The BJP promised to entrust the Law Commission to formulate a Uniform Civil Code based on the progressive practices from all traditions. This Code would:

- (a) Give women property rights;
- (b) Ensure women's right to adopt;
- (c) Guarantee women equal guardianship rights;
- (d) Remove discriminatory clauses in divorce laws;
- (e) Put an end to polygamy;
- (f) Make registration of all marriages mandatory.^{xvi}

Election Manifesto 2004

- The 2004 Election Manifesto of the BJP surprisingly did not make any direct reference to the UCC but it did talk about the much-needed consensus over the UCC in the 'Context' of these elections.

Consensus over Uniform Civil Code

The BJP believes that all laws, including personal laws, must be in accordance with the guarantees available to all citizens under the Indian Constitution. The Constitution calls for the enactment of a Uniform Civil Code. The Supreme Court has reiterated this need. Therefore, this cannot be seen as an issue of any single political party. The BJP views

Uniform Civil Code primarily as an instrument to promote gender justice. We believe that social and political consensus has to be evolved before its enactment.^{xvii}

Election Manifesto 2009

- After being voted out of power in the 2004 Elections, the BJP was leaving no stone unturned in making a comeback to the helm of Indian politics. The 2009 Manifesto spoke about 'Nari Shakti' as a key to Inclusive Development. In order to ensure women empowerment, it was imperative to protect women's rights. Keeping this in mind, the BJP mentioned the following lines in its manifesto-

"Article 44 of the Constitution of India lists Uniform Civil Code as one of the Directive Principles of State Policy. There cannot be real gender equality till such time India adopts a Uniform Civil Code which protects the rights of all women. The BJP, as a first step towards this constitutionally mandated direction, will set up a Commission to draft a Uniform Civil Code, drawing upon the best traditions and harmonising them with the modern times."^{xviii}

Election Manifestoes of 2014 and 2019

- The BJP's Election Manifesto of 2014 and 2019 reiterated the same lines as had been mentioned in 2009. However, this time around, the major thrust was towards the issue of 'Vikas' or development, that propelled the BJP into power after ten years, with a resounding majority in 2014 and also helped them retain power for another term in 2019.

Other References to Uniform Civil Code made by Party Leaders on various occasions

- **Press statement of Shri Arun Jaitley, General Secretary & Spokesperson, dated- 28/06/2005**
Excerpt from the statement

".....The Constitution under Article 44 provides that 'The State should endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India.' Reform in Personal laws has been a major challenge in the evolution of Gender Justice. The BJP believes that Personal Laws should be reformed so as to be in consonance with the Constitutional Guarantees of equality and dignity for Women. The Shah Bano case was a glaring example when the legislature failed this reform process. The Imrana case gives to the Indian Society an opportunity to pause, think and reassert the need for personal law reforms in Islam. The Imrana case throws up challenges to the dignity of women."^{xix}

- **Press Statement regarding Shri Arun Jaitley ji's remarks on fusion of personal laws reforms to ensure equality of women through a uniform civil code, dated - 13/01/2011**

- The Leader of Opposition, Rajya Sabha, Shri Arun Jaitley decried certain political leaders and parties for impeding the process of consensus building on Uniform Civil Code in the country in sheer pursuit of vote bank politics. The result has been the denial of equal rights and privileges to women enshrined in the Constitutions of India.
Speaking on a Panel Discussion on “Personal Law Reforms and Women” organized by BJP Mahila Morcha, Shri Arun Jaitley stated that the founding fathers of the Constitution had opined in favour of achieving the goal of uniform civil code. Yet the scourge of vote bank politics had reached such a nadir that if Dr. Ambedkar were to speak in favour of Uniform Civil Code today, he would have been dubbed communal and reactionary.
- Although the Constitution mandates that no law in violation of Article-13 of the Constitution (enshrining right to equality and right to life including the right to live with dignity) can become a law, yet an erroneous interpretation by the politicians and judiciary has put the customary practices of minorities, both religious and cultural, in the ambit of ‘laws’ while some of these clearly transgress and deny equality of opportunity and rights to women and are in essence in violation of the basic tenets of the Constitution. This erroneous interpretation has even made the judiciary vary of striking these down on the ground of not hurting the sentiments of the minorities and not infringing on the religious practices and customs.
- The practice of vote bank politics has deliberately created these insecurities in the minds of the minorities with an eye on their votes. The fact that the rights of women to live with dignity, pride and equal rights are being trampled upon by non-promulgation of uniform civil laws although uniform laws have no bearing on the customary practices and customs of any community.
- Shri Jaitley cited the perverse and immoral precedent set by the passage of “The Protection of Muslim Women Act” by the Congress Government in 1980s to alter the Supreme Court judgment in the Shah Bano Case. The Act achieved everything except “protect” the rights of vulnerable women.
- He urged the lawmakers and the judiciary to work in unison to achieve the objective of ensuring equal rights to women and to ensure that efforts to prevent the fusion of personal laws with uniform civil code are not allowed to succeed.^{xx}

- **Presidential Address by Shri Rajnath Singh, dated- 29/05/2011**
Excerpt from the address

“.....On the issue of Uniform Civil Code, I wish to remind that founder of the Constitution, Dr. Babasaheb Ambedkar had pleaded for it in the Constituent Assembly. In the last few years, even the Judiciary had stressed on the government the need to implement directions in the Constitution regarding Uniform Civil Code. In these circumstances, I feel that keeping in view the intent of constitution-makers and directions of the Supreme Court of India, all political parties should review the matter and evolve a consensus on the subject.”^{xxi}

- **Article: Shri Arun Jaitley on "Why discriminate on basis of Religion", dated- 11/01/2014**
- The founding fathers of our Constitution envisaged the Directive Principles of State Policy in Part IV of the Constitution. Article 44 of the Constitution states “The state shall endeavour to ensure for the citizens a uniform civil code throughout the territory of India”. Uniform Civil Code can only deal with rights of the citizens and not religious rituals. However, some

people misguided themselves to believe that a uniform civil code would be an interference in their religious rights. The framers of our laws while still permitting separate personal laws dealing with civil rights did not make any exception with regard to criminal law. A crime is a crime irrespective of the birth marks of the criminal. His religious beliefs cannot determine his guilt or innocence.

- The Union Home Minister, Shri Sushil Kumar Shinde, has announced that he would be writing to all Chief Ministers to review terrorism cases against members of the minority communities. Obviously, he has only religious minority and not linguistic minority in his mind. He expects the State Government to set up Review Committees to deal with cases against a category of citizens and not all persons who have been charged for terrorism offences. This raises certain fundamental questions with regard to the propriety and the legality of the move initiated by the Home Minister.
- The move is clearly political. There are several persons charged with offences of terror in India. The provisions have been invoked against those associated with certain radical Islamic groups. In the last few years there are a few members of the majority community also who were charged in a set of cases. Maoists have been charged in terror offences in several parts of the country. The provisions of the anti-terror laws have been invoked against some persons in the North-East and Jammu & Kashmir. There are pre-2004 cases pending under POTA. Subsequent cases are predominantly under the Unlawful Activities (Prevention) Act. A move that only a certain category of cases would be reviewed on the eve of election is intended to link the otherwise uniform application of criminal law with vote bank politics.
- Such a move is clearly unconstitutional. Article 14 guarantees to every citizen a right to equality. There can be a reasonable classification based on an intelligible and distinctive criteria. The criteria that the facility of reviewing terror cases would be extended to persons depending on which faith they believe in or are born into is clearly unconstitutional. A crime does not cease to be a crime because a criminal practices in a particular faith. States are now being mandated by the Union Home Ministry to review cases of only persons belonging to a certain faith. An atheist, agnostic and believers in the Hindu faith would admittedly be kept out. A contradiction would also be there. The believers of Hindu faith would constitute a minority in Jammu & Kashmir and certain States of North-East. Would they be eligible for review in these States or would the majority in these States be treated as national minority and be eligible for review of cases? What would happen to cases (say against the Maoists) where some of the co-accused belong to one religion and others belong to a different community. There can be no doubt that the criteria adopted by the Union Home Minister is clearly violative of the constitutional guarantee of equality since it is not based on rationale or intelligible criteria.
- The power to withdraw a prosecution is circumscribed by section 321 of the Criminal Procedure Code. It is only a Public Prosecutor who after application of mind for 'good reason' has the power to move the court seeking withdrawal of a case. The judge has to apply his mind to allow the withdrawal of a case. Criminal law does not provide for any review Committee for withdrawal of pending cases where charge sheets have been filed. Whenever law makers have felt the need, they have specifically provided for such a Review Committee. An extra-legal review committee which substitutes the discretion of the public prosecutor and the judge follows a procedure unknown to law. The same is clearly violative of even the provisions of criminal law.
- The directive/advisory of the Union Home Minister to the States to discriminate between criminals on basis of religion is based on an improper policy. It violates the constitutional

guarantee of equality. It is violative of the fundamental principles and provisions of criminal law. The States are not bound by such unconstitutional directives of the Home Minister.^{xxii}

- **Press : Narendra Modi writes to Prime Minister on Home Minister's letter to CMs, dated- 14/01/2014**

Excerpt from the letter

".....Article 44 of the Constitution states: "The State shall endeavour to secure for the citizens a Uniform Civil Code throughout the territory of India". Since independence, while we have not made much headway in having a common civil code, we have thankfully had a common criminal procedure code. Our criminal justice system has never taken into account the faith or religion of an accused. The suggestion of the Home Minister is unprecedented and marks a new low for our country. The principles at stake are far too valuable to be sacrificed at the altar of political expediency."^{xxiii}

- **Article: Triple Talaq and the Government's Affidavit" by Minister of Finance and Corporate Affairs, Shri Arun Jaitley, dated- 16/10/2016**

- The issue with regard to the constitutional validity of 'Triple Talaq' is distinct from the Uniform Civil Code. The constitutional framers had expressed a hope in the Directive Principles of State Policy that the State would endeavour to have a Uniform Civil Law. On more than one occasion, the Supreme Court has enquired from the Government its' stand on the issue. Governments have repeatedly told both the Court and the Parliament that personal laws are ordinarily amended after detailed consultations with affected stakeholders.
- On the issue of the Uniform Civil Code, the Law Commission has initiated an academic exercise once again. This academic exercise by the Law Commission is only a continuation of the debate in this country ever since Constituent Assembly had expressed the hope that the State would endeavour to have a Uniform Civil Code.
- Irrespective of whether the Uniform Civil Code is today possible or otherwise, a pertinent question arises with regard to reforms within the personal laws of various communities. Pt. Jawaharlal Nehru's Government had brought about major reforms to the Hindu Personal Laws through legislative changes. Dr. Manmohan Singh's Government brought further legislative changes with regard to gender equality in the Hindu Undivided Family. Shri Atal Bihari Vajpayee's Government, after active consultations with stakeholders, amended the provisions of marriage and divorce relating to the Christian community in order to bring about the gender equality. Reforming the personal laws, even if there is no uniformity, is an ongoing process. With passage of time, several provisions became obsolete, archaic and even got rusted. Governments, legislatures and communities have to respond to the need for a change.
- As communities have progressed, there is a greater realisation with regard to gender equality. Additionally, all citizens, more particularly women, have a right to live with dignity. Should personal laws which impact the life of every citizen be in conformity with these constitutional values of equality and the Right to Live with Dignity? A conservative view found judicial support over six decades ago that personal laws could be inconsistent with

personal guarantees. Today it may be difficult to sustain that proposition. The Government's affidavit in the triple talaq case recognises this evolution.

- There is a fundamental distinction between religious practices, rituals and civil rights. Religious functions associated with birth, adoption, succession, marriage, death, can all be conducted through rituals and customs as per existing religious practices. Should rights emanating from birth, adoption, succession, marriage, divorce etc. be guided by religion or by constitutional guarantees? Can there be inequality or compromise with human dignity in any of these matters? Some people may hold a conservative, if not obsolete, view that personal laws need not be constitutionally compliant. The Government's view is clear. Personal laws have to be constitutionally compliant and the institution of Triple Talaq, therefore, will have to be judged on the yardstick of equality and the Right to Live with Dignity. Needless to say, that the same yardstick would be applicable to all other personal laws.
- As of today, the issue before the Supreme Court is only with regard to the constitutional validity of triple talaq. Governments in the past have shied from taking a categorical stand that personal laws must comply with Fundamental Rights. The present Government has taken a clear position. The academic debate with regard to the Uniform Civil Code can go on before the Law Commission. The question to be answered is that assuming that each community has its separate personal law, should not those personal laws be constitutionally compliant?^{xxiv}
- **Salient points of speech of Hon'ble Union Home Minister and Minister of Cooperation Shri Amit Shah addressing public meetings in Nagrota, Nakikhad, (Jaswan Pragpur) & Mehatpur (Una), dated- 06/11/2022**

Excerpt from the speech

".....The Bharatiya Janata Party government will implement Uniform Civil Code and also get investigated all illegal properties of the Waqf Board. Our government will remove any anomaly in the wages of government employees. Our government will also give three free cooking gas cylinders to women in Himachal Pradesh."^{xxv}

- **Salient points of speech: Hon'ble BJP National President Shri J.P. Nadda after releasing BJP's Sankalp Patra for Gujarat Assembly Elections 2022 at Gujarat State BJP State Office, Gandhinagar (Gujarat), dated- 26/11/2022**

Excerpt from the Speech

".....We will ensure the complete implementation of the Gujarat Uniform Civil Code Committee's recommendation. We will create an Anti-Radicalisation Cell to identify and

eliminate potential threats, and sleeper cells of the terrorist organisations and anti-India forces.”^{xxvi}

Conclusion

A Uniform Civil Code, if enacted, shall ensure that all citizens of India have to follow the same personal laws related to marriage, divorce, inheritance etc irrespective of their religious affiliations. It doesn't imply limiting the freedom of people to follow their religion, it just means that every person will be treated the same. Right now, we have personal laws based on particular religions, which means that while Muslims can marry multiple times in India, a Hindu or a Christian will be prosecuted for doing the same. This is anything but equality. All the laws related to marriage, inheritance, family, land etc. should be equal for all Indians. This is the only way to ensure that all Indians are treated in a just and fair manner. As far as the issue of women empowerment is concerned, it shall go a long way in improving the condition of women thereby helping the '*Nari Shakti*' realise their true potential. Last but not the least, it shall foster a spirit of national unity and integration.

ⁱ Article 44 in The Constitution Of India 1949

<https://indiankanoon.org/doc/1406604/>

ⁱⁱ Mohd. Ahmed Khan vs Shah Bano Begum And Ors on 23 April, 1985.

<https://indiankanoon.org/doc/823221/>

ⁱⁱⁱ Bharatiya Jana Sangh 1952-1980, Party Document, Policies and Manifestoes, Vol. 1 (New Delhi: BJP, 2005), pp. 292-293.

^{iv} *Ibid.*, p. 179.

^v Bharatiya Janata Party 1980-2005, Party Document, Political Resolutions, Vol. 5 (New Delhi: BJP, 2005), pp. 339-340.

^{vi} *Ibid.*, p. 346.

^{vii} *Ibid.*, p. 254.

^{viii} <https://theprint.in/theprint-essential/same-family-laws-for-all-faiths-whats-uniform-civil-code-and-what-courts-say-about-it/693782/>

^{ix} Bharatiya Janata Party, Vol. 5 op. cit., pp. 153-154

^x Ibid., p. 154.

^{xi} Ibid.

^{xii} Ibid., p. 155.

^{xiii} Ibid.

^{xiv} <https://www.bjp.org/speeches/presidential-speech-shri-rajnath-singh-national-executive-meeting-parliament-annexe-new>

^{xv} Bharatiya Janata Party 1980-2005, Party Document, Election Manifesto, Vol. 1, (New Delhi: BJP, 2005), p. 290.

^{xvi} Ibid., p. 210

^{xvii} Ibid., p. 15.

^{xviii} BJP E-Library

<http://library.bjp.org/jspui/handle/123456789/252>

^{xix} <https://www.bjp.org/pressreleases/press-statement-shri-arun-jaitley-general-secretary-spokesperson>

^{xx} <https://www.bjp.org/pressreleases/press-statement-issued-shri-arun-jaitley-personal-laws-reforms-ensure-equality-women>

^{xxi} <https://www.bjp.org/speeches/presidential-address-shri-rajnath-singh>

^{xxii} <https://www.bjp.org/pressreleases/article-shri-arun-jaitley-why-discriminate-basis-religion>

^{xxiii} <https://www.bjp.org/pressreleases/press-narendra-modi-writes-prime-minister-home-ministers-letter-cms>

^{xxiv} <https://www.bjp.org/pressreleases/article-triple-talaq-and-governments-affidavit-minister-finance-and-corporate-affairs>

^{xxv} <https://www.bjp.org/pressreleases/salient-points-speech-honble-union-home-minister-and-minister-cooperation-shri-22>

^{xxvi} <https://www.bjp.org/pressreleases/salient-points-speech-honble-bjp-national-president-shri-jp-nadda-after-releasing>