

Sinister Design of BJP –RSS Behind Uniform Civil Code

D Raja, General Secretary, CPI

"I measure the progress of a community by the degree of progress which women have achieved," declared Dr Ambedkar nearly a century back to a gathering of over 3000 women in 1927. This statement made by Dr Ambedkar still remains a good yardstick to gauge the progress of any society, including ours. Prime Minister Narendra Modi recently made a fervent pitch to "Indian Muslim sisters and daughters" to support the Bharatiya Janata Party claiming that it is the party that delivered gender justice to Muslim women by abolishing the practice of Triple Talaq. In the same voice, he made the case for a Uniform Civil Code for the entire country, saying that there cannot be two laws in one family. When reports of open discrimination with minorities are common and many members of the BJP have made divisive statements, the Prime Minister's concern for the minorities and especially for minority women is surprising. He could have also asked the RSS-ecosystem to stop peddling systematic hatred towards minorities. None the less, his rhetorical delivery in Bhopal has sprung many questions about the Uniform Civil Code, Personal Laws and Gender Justice.

The Uniform Civil Code is part of every BJP election manifesto since 1989. After the BJP was decimated in the 1984 elections, they shunned all shades of moderateness and started pursuing an aggressive Hindutva policy for polarization and electoral gains. BJP's hounding of the Ram Janmabhoomi in Ayodhya created fractures in the society and fuelled riots across the country. The Uniform Civil Code also became a divisive ploy at around the same time. In the 1989 manifesto, there was no reference made towards gender justice when the BJP promised to "prepare a draft with a view to evolve a consensus for a uniform Civil Code." It is not a coincident that the Uniform Civil Code entered BJP's lexicon of divide and rule at a time when they have given up even the semblance of constitutional morality and started on a path of naked demonization of minorities to gain political power. These developments are intertwined aimed at polarization by portraying minorities as foreigners, regressive and with doubtful allegiance to the Indian nation. The history of BJP and Uniform Civil Code, is thus, not directed towards gender justice but towards

fuelling hatred towards minorities. This history makes us question the intent of the prime minister behind the 'sagely' advice to "Muslim sisters and daughters".

Coming to gender justice and the RSS-ecosystem, there hardly was a time when they supported any progressive measure aimed at benefitting the women of our country. Dr Ambedkar toiled hard to codify Hindu laws and to give women equality, right to parental property and parity with men in all manners. The RSS ecosystem vehemently opposed these reforms and stuck to their regressive beliefs that giving rights and agency to women will break the Hindu family, comparing the Hindu Code with "atom bomb" and the draconian Rowlatt Act. Swami Karpatri Maharaj linked the Hindu Code with the caste of Dr. Ambedkar and suggested that an untouchable like him has no place in law-making! For them, the sole authority for legislation were the *Dharmshastras* or religious texts, which discriminated against women. Opposition of Bharatiya Jan Sangh members inside the Parliament and RSS members on the streets to gender justice was naked even without a thread to cover. Their idea of family is not of parity between members but strict patriarchal hierarchy where women are only to serve their father, husband and son. After this questionable history of opposing social reforms and gender justice, the RSS progeny's talk of gender justice to minorities is astonishing.

As many commentators have suggested, the PM's pitch for Uniform Civil Code is directed towards the 2024 general elections. His appeal is not to Muslim women or to gender justice. It is solely towards Hindu men, while giving them nothing but promising to take something from the minorities. It's highly unfortunate that the RSS is trying to create a sadist Hindu society, which should feel elated to see minority rights being snatched, while its own members suffer from unemployment, inequality and price-rise. The Uniform Civil Code pitch is an attempt to divert the attention of the electorate from the colossal failures of governance in the past nine years, with milestones like demonetization and recently, the aflame state of Manipur. The groups that will be most affected by the UCC are tribal communities and they have registered their opposition to any such exercise. BJP leaders like Sushil Modi have asked exceptions to be made for the North East and Tribals, indicating clearly that the proposed law limits it only to Muslims, Christians and Parsis. Not offering gender

justice to Tribal women itself proves that the PM Modi's UCC has nothing to do with gender justice, and has everything to do with polarization before 2024 general elections. Opposition unity has made the BJP camp uncomfortable, and it is a desperate and shameful attempt to create cracks in the society for electoral advantage.

The Prime Minister also tried to admonish the opposition by misinterpreting their reservations to the Uniform Civil Code exercise. While creating a bogey of Muslim men enjoying personal laws, PM tried to convey that the parties who support minority rights should be questioned. PM has tried to create a strict binary. Those who question the UCC are all supporters of the privileges of Muslim men and thereby, anti-Hindu. The question is much more nuanced and needs historical perspective. When Article 35 (now Article 44) of the draft Constitution was debated in the Constituent Assembly, Dr. Ambedkar made the position of the framers of the Constitution very clear. When some Muslim members raised apprehension about a common civil code, he detailed the history behind the evolution of personal laws and suggested that "in the initial stage the application of the Code may be purely voluntary," suggesting the law be evolved and not imposed.

On the question of gender justice, the contrast between the position of the RSS and other fundamentalist bodies and the Left is worth noting. Supporting the Hindu Code, Prof Hiren Mukherjee of the CPI said in Parliament that "the introduction of the daughter as a simultaneous heir along with the son and the widow is really a matter of very great importance, and for this, not only women but all progressive and democratic sections of society have been agitating for so long", and it was at the same moment that RSS supported bodies were gheraoing the Parliament opposing this. When the Parliament legislated to overturn the Shah Bano judgement to the disadvantage of Muslim women, Gurudas Dasgupta of the CPI opposed that tooth-and-nail in the Parliament and fought against religion being the criterion of law-making by saying "when religion is being made the basis of law-making, we strike at the very root of our Constitution, at the foundation of the Indian Republic." Many BJP leaders have gone to the extent of shamefully supporting the Sati Custom. Left's position on gender justice is consistent in favour of a just and equal society. However, the RSS opposed the reforms being introduced to Hindu society by Dr Ambedkar and are trying to use gender justice merely as a ploy to further demonise minorities.

Laws deriving their sanctity from religion often work against the interest of women in society. For our Secular-Democratic Republic, the basis of law-making should also be secular and pro-people. There is a need to arrive at a consensus to strike at the very root of discriminatory laws and practices transcending different religions and communities, upholding the secular character of the State. That consensus has to be evolved, as Dr. Ambedkar suggested, and not imposed. When it comes to gender justice, RSS-BJP's record is abysmal.

CPI MP Geeta Mukherjee heralded the Women's Reservation Bill to ensure women representation in Parliament and State Assemblies and was finally cleared by the Rajya Sabha in 2010. Such is Modi's concern for gender justice that the Bill has not seen the light of the day in his nine year rule. Images of women wrestlers protesting sexual harassment being dragged on street by the Delhi Police are still fresh in public memory. We all know of instances when BJP protected rapists. With this track-record in protecting women's rights, it's natural to question the BJP's intent behind bringing UCC.

Article 44 on UCC is not the only instruction of Directive Principles of State Policy. Chapter IV of the Constitution begins by assigning to the State the responsibility to promote a social order "in which justice, social, economic and political" is central. DPSP also asks for elimination of income inequalities, participation of workers in management of industries and right to work. These progressive measures conveniently escape the attention of the Prime Minister, while he and the RSS ecosystem tries to hide their sinister agenda behind the DPSPs of the Constitution. As said before, Modi's theatrics were only to polarize the society having nothing to do with gender justice. Nine years of RSS rule has resulted in concentration of wealth with few, reinforcement of caste hierarchies and subjugation of women.