

Uniform Civil Code, A Constitutional Promise Swami Dayananda Saraswati

“We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic.”

Underlying the current discussion about the institution of a common civil code for India, is a serious question: Are we willing to uphold the resolve of our Constitution to shape India into a secular, democratic republic ? A secular republic ensures no discriminatory practices on the basis of religion, a welcome assurance to people of all religious and non-religious persuasions.

A democracy ensures that the power of governance is vested in the people, all the people. The promise of such a republic is a truly pluralistic society, a harmonious mosaic of diverse religions and cultures in which the security and dignity of each individual is assured. But conversely, it also ensures no special privileges. In short, no double standards.

The integrity and security of any society, whether as small as a family unit or as large as the global community, is deeply threatened by double standards. They offend our innate sense of fairness; they undermine our natural parity of identity with our fellow human beings, setting individual against individual, community against community, nation against nation. Double standards are the main building blocks of every racist ideology and system. One has to numb the human heart to entertain the idea that double standards are acceptable in the human community.

This innate understanding of every human being is, however, challenged by the frailties of the human heart. The fact is, there are double standards in every sector of our life - and all the strife that they engender.

The question is: Are we going to legislate to indulge our frailties, or are we going to legislate to help us live according to our finer, more noble, and, I would argue, more human tendencies ? Our Constitution has clearly chosen the latter. It is heartening to note that the founding fathers of our fledgling democracy have not failed to understand (Article 44) that this includes a common civil code, which we

have so far not had the moral courage to implement. Such a code, which implicitly means the abolition of double standards, is a basic and long-overdue element of a society which aspires to be secular and democratic. There is good reason for the wide appeal - and success - of secular, democratic societies. These ideals conform to the most basic ethical norms. Without wishing to be harsh, those who oppose the implementation of a common civil code are opposed to these norms.

These very opposing forces talk of religious freedom and raise the spectre of secularism whenever it is convenient for them. Reservations are understandable if such a code is an innovation of the current government.

But it is an existing article of the constitution; the constitution needs to be fulfilled. Reservations are also understandable if such a code is to be imposed in a non-democratic structure. But India has chosen democracy. Let the people speak. In a democracy, there is no question of imposition. Reservations are understandable if such a code violates basic ethical norms.

But, in fact, it upholds them. If India, with her unparalleled richness of thought and culture is to take her rightful place in the global community, the Indian people must overcome their sectarian impulses and raise their vision to a set of universal norms that befits their heritage. In adopting a common civil code, we have an opportunity to demonstrate that we have the courage to honour our deeper moral understanding and make whatever sacrifices we need to in order to help our Constitution fulfill its promise "to secure to all its citizens: Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation."

Om Tat Sat

Compiled by Swamini Agamananda. This is the eighth of nine articles based on Pujya Swamiji's talks on the said subject matter.