

We think that this endeavor of the Law Commission is deeply flawed, unproductive and therefore seems to be politically motivated designed to create disturbance for the following reasons.

The questionnaire equates gender equality with codification of personal laws on uniform lines which is highly problematic. Bringing uniformity or homogeneity in the laws and customary practices that govern matters of marriage, property, children and inheritance of several communities may not be feasible or practical but also have inimical impact on the life and everyday social practices of people. Codification of personal laws or customary practices would therefore not necessarily lead to gender just outcomes but may result in more regulation. There is a need for extensive study of the current jurisprudential norms governing the cases under various personal laws to see where women's rights are being violated and plug the loopholes before attempts at codification are carried out.

The questionnaire also conflates or equates Uniform Civil Code and Codification of Personal Laws by not distinguishing between them. Personal laws of different communities have had their history and evolution of jurisprudence through case law whereas common civil laws also have had their own. The internal complexity of each set of laws cannot be reduced to give yes or no answers or through multiple choice answers. For instance, the question that concerns what the UCC should take into account reflects this reductionist framework.

Public opinion is usually sought by the Law Commission once a draft of any proposed law is prepared. The questionnaire does not accompany any draft and therefore the respondents are at a loss as to what they are endorsing and what they are rejecting. See, for instance, the question number 5 regarding 'optionality' of the uniform civil code.

There are serious problems with the way questions are framed. Some are to be answered in terms of yes or no or multiple options. For instance question number 4. Some are leading questions where they begin with 'do you agree' and thereby do not allow the respondents with much choice in their response. For example, questions 9, 10 and 11. Similarly, some of the questions refer to laws impacting Christian women (Q. 9), Hindu women (Q. 8) or to Muslim women (Q. 7) without specifying the options for restitution under the personal laws of each of these, or different, communities.

Given these flaws in the framework and formulation of the questionnaire we believe it will only elicit responses that are not helpful in a useful discussion of the issue at hand. Moreover in the current charged atmosphere where the minorities, especially Muslims are being targeted about the lacunae in their personal laws, the questionnaire would be used to highlight only the problems in the Muslim personal law, thereby alienating Muslim communities.