

Law Commission on Personal Laws

Why in news?

\n\n

In its recent consultation paper, the Law Commission proposed certain reforms in family laws.

\n\n

\n

Mere existence of difference does not imply discrimination, but is indicative of a robust democracy.

\n

\n\n

What is the Commission's stance?

\n\n

\n

- The Law Commission has rejected the case for a uniform civil code merely for the sake of uniformity.

\n

- It instead, calls for establishing a body of civil law.

\n

- This is intended to promote equality within the law governing each community.

\n

- In other words, it advocates the removal of discriminatory provisions in the law.

\n

- This would address the gender bias and other forms of existing discrimination.

\n

- These may relate to aspects such as marriage, divorce, succession and adoption in all religions.

\n

\n\n

What is the marriage age proposal?

\n\n

\n

- The Law Commission has advocated making 18 the marriageable age for all communities and genders.

\n

- The age of majority and the age of voting, among other indicators of adulthood, stand at 18.

\n

- Given this, there is no rationale for differential treatment in the case of marriage age.

\n

- The present age of 21 for men merely affirms the stereotype that the wife should be younger.

\n

\n\n

What are the other recommendations?

\n\n

\n

- Some of the other recommendations with regards to personal laws include:

\n

\n\n

\n

- i. decriminalising adultery

\n

- ii. making adultery a common ground for divorce

\n

- iii. simplifying the 'no-fault' divorce procedure

\n

- iv. introducing 'irretrievable breakdown' as a ground for dissolving any marriage

\n

\n\n

\n

- The panel also suggests abolition of the 30-day notice period for civil marriages.

\n

- This is to prevent its misuse by those against inter-caste and inter-religious marriages.

- \n
- It also suggests division of property equally after divorce.
- \n
- Besides, it recommends removal of illnesses that can be cured or controlled from possible grounds of divorce.
- \n

\n\n

Why is it reasonable?

\n\n

- \n
- The Law Commission's advice to end discrimination in personal laws is a welcome step.
- \n
- Changes have been put forward to give equal treatment to children and parents of any gender.
- \n
- As per the juvenile law principle, the child's best interest is the 'paramount consideration'.
- \n
- This has been taken up by the Law Commission for universal application.
- \n
- The Commission's stand against the Uniform Civil Code is against the Directive Principles of State Policy.
- \n
- However, in a world that increasingly emphasizes on cultural diversity, this is justifiable.
- \n
- It has upheld equality, non-discrimination, avoidance of taboos and social assumptions.
- \n
- These are universal principles that are applicable in equal measure within every community's set of laws.
- \n

\n\n

\n\n

Source: The Hindu

\n



SHANKAR
IAS PARLIAMENT
Information is Empowering