Law Commission on Personal Laws

Why in news?

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

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

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What is the Commission's stance?

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- The Law Commission has rejected the case for a uniform civil code merely for the sake of uniformity.
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- It instead, calls for establishing a body of civil law.
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- This is intended to promote equality within the law governing each community.
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- In other words, it advocates the removal of discriminatory provisions in the law.
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- This would address the gender bias and other forms of existing discrimination.
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- These may relate to aspects such as marriage, divorce, succession and adoption in all religions.
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What is the marriage age proposal?

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- The Law Commission has advocated making 18 the marriageable age for all communities and genders.
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- The age of majority and the age of voting, among other indicators of adulthood, stand at 18.
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- Given this, there is no rationale for differential treatment in the case of marriage age.
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- The present age of 21 for men merely affirms the stereotype that the wife should be younger.
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What are the other recommendations?

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- Some of the other recommendations with regards to personal laws include:
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i. decriminalising adultery
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ii. making adultery a common ground for divorce
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iii. simplifying the ‘no-fault’ divorce procedure
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iv. introducing ‘irretrievable breakdown’ as a ground for dissolving any marriage
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- The panel also suggests abolition of the 30-day notice period for civil marriages.
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- This is to prevent its misuse by those against inter-caste and inter-religious marriages.

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

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

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