

Interaction of Religious and Civil Laws on Family Relations in Pluralist India

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At the fag end of the sixth decade since India became a Sovereign Democratic Republic legal pluralism in matters of family relations and succession remains the order of the day throughout the country. Laws drawn from various religions have been, and remain, in force together with those imported into the country by the British, French and Portuguese colonial regimes.

The 1950 Constitution declares India to be a secular State and specifically mandates it to “endeavor to secure a uniform civil code for the citizens throughout India.” Neither of these provisions has deterred the State from letting the Nation continue with its age-old dual system of family laws.

Followers of all religions are ordinarily still governed by their own community-specific family laws – codified or uncodified – unless they individually opt out of it and submit to the secular family-law regime co-existing with those religion-based laws. Several statutes of compulsory application to all, both civil and penal, have however been enacted to curb the vices of under-age marriage, marital dowries and domestic violence, etc.

Sixty years of interaction between these community-specific and general laws – optional and mandatory – and legislative and judicial efforts to resolve the conflicts arising therefrom together make a fascinating study.

My conference paper will offer glimpses of this scenario.