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11-year-old's death forced law panel move

New Delhi: The Law Commission's recommendation seeking increase in the age of sexual consent from 15 to 16 emanates from the shocking case of 11-year-old bride Phulmonee, who died after sex with her husband. She had suffered rupture of the vagina after her husband had forced sex with her. Her death resulted in a huge public outcry.

Part-time member of the commission Keerti Singh said, "Right now the age of sexual consent for women is 15. But a married woman below 15 can have consensual sex. We are recommending that there should be no distinction between married and unmarried woman and that the age of sexual consent be increased to 16. If a husband makes love to his wife below 16, even if consensual, he can be held guilty of rape." The commission has suggested deletion of a portion of section 375 of the IPC.

Speaking of the changes in the Succession Act, Singh said that the anomaly in denying father a share of the property of his children who die

without a will would be set right by including the dead property owner's father in the top priority list (Class I heirs) of beneficiaries—along with his widow, son, daughter and mother. In cases where both the father and the mother of a dead property owner are alive, both parents shall together take one share in the property.

The report also suggested elevation of a dead property owner's step-mother, in the Class II list of heirs. It said the step-mother should be elevated in Class II heirs from entry 6 to entry 2 and may be placed along with the dead property owner's brothers and sisters. The commission has also suggested pruning of the list that names heirs up to the third generation of a property owner. With this objective, it has recommended deletion of four categories of heirs from Class II of the schedule.

As for the minimum age of marriage, it has proposed that child marriage below 18 years of age for both girls and boys should be prohibited and that marriages below the age of 16 years be made void.