

More Than Just Cricket, An Exchange of Jurisprudence: Lawyers Call for India to Embrace Australia's Family Law Reforms

Goldman Law article on comparative family law is the first to call for law reform and gender equality for property in family law across multiple cultures

SYDNEY, NSW, AUSTRALIA, December 31, 2024 /EINPresswire.com/ -- More Than Just Cricket. An Exchange of Jurisprudence..

Goldman & Co Lawyers Call for India to Embrace Lessons from Australia's Family Law Reforms

Goldman & Co Lawyers, a leading voice in family law advocacy in Australia and internationally, has urged India to draw

inspiration from Australia's groundbreaking reforms addressing domestic violence in marital property disputes. The call follows Australia's recent amendments to its Family Law Act 1975, which explicitly recognize the economic impact of domestic violence during property settlements.

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Australia and India must push jurisprudence on what is possible- Jas Sekhon Australia's reforms offer unique insights on law and gender inequity. It's time for India to follow- Ekta Jhanjhri”

Goldman & Co Lawyers



Jaswinder (Jas) Sekhon | Goldman Lawyers

An article by Goldman Lawyers today which is the first to compare the law and law reform on the division of property in matrimonial and family law disputes across two countries and three cultures. Expert lawyers from Goldman & Co, qualified in India and Australia respectively, Ms. Ekta Jhanjhri (India) and Mr. [Jaswinder \(Jas\) Sekhon](#) (Australia) provide a sharp comparative analysis. The Principal of Goldman Lawyers & Co, Jaswinder (Jas) Sekhon said that the aim of this comparative family law analysis and call was to:

"Push forward developing fruitful ideas for reform and jurisprudential thought on what is possible in the environment of the Border-Gavaskar Trophy and the Australia- India ECTA."

This article highlights the urgent need for India to reform its fragmented matrimonial property laws to better protect victims of domestic violence.

Australia's Family Law Reforms: A Model for Progress

The amendments to Australia's Section 79(5) represent a landmark shift, requiring courts to account for the effects of family violence on a victim's current and future circumstances when dividing marital property. By addressing financial disadvantages caused by abuse, the law ensures more equitable outcomes for survivors, particularly women.

These reforms build on judicial precedents such as *Kennon v Kennon* (1997), which recognized family violence as a factor diminishing the victim's contributions to the marital estate. Goldman Lawyers describe this holistic approach as a "global benchmark for fairness and justice."

India's Family Law Framework: Urgent Need for Reform

In India, matrimonial property division is governed by religious personal laws, creating disparities between communities:

- **Hindu Marriages:** While maintenance and alimony provisions exist under the Hindu Marriage Act, 1955, there is no codified system of shared marital property.
- **Muslim Marriages:** Under Islamic law, a separate property regime prevails, with the wife's financial security often limited to Mehr (dower).



Ekta Jhanjhiri | Goldman Law



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Goldman Lawyers highlight that India's Protection of Women from Domestic Violence Act, 2005 (PWDVA), provides critical civil remedies but fails to address property division as part of reparative justice. "The absence of a unified legal framework leaves victims, especially women, economically vulnerable," the firm noted.

Goldman Lawyers' Recommendations

1. Introduce a Marital Property Act: India should enact legislation to recognize shared marital property, ensuring equitable division during divorce.
2. Amend PWDVA: The act should include provisions for property adjustments, reflecting the economic impact of domestic violence.
3. Judicial Training: Judges must be equipped to understand the intersection of domestic violence and economic justice, as exemplified by Australia's reforms.

Beyond Commerce and Cricket: A New Arena for Collaboration

As Australia and India deepen their ties through initiatives like the Australia-India Economic Cooperation and Trade Agreement (ECTA) and shared cricketing triumphs, Goldman Lawyers propose expanding this partnership to include family law dialogue.

Ms Jhanjhri also said

"Australia's reforms offer a powerful lesson on how law can address gender inequity. It's time for India to follow suit"

Goldman Lawyers urge policymakers and advocates to take bold steps towards gender-equitable laws, ensuring justice for vulnerable spouses.

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