

THE VICE-CHAIRMAN (SHRI RAMA SHANKAR KAUSHIK) IN THE CHAIR]

THE MARRIAGE LAWS (AMENDMENT) BILL, 2001

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY): Sir, I beg to move:

"That the Bill further to amend the Indian Divorce Act, 1869, the Parsi Marriage and Divorce Act, 1936, the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955, be taken into consideration."

Sir, I propose to this hon. House that the Marriage Laws (Amendment) Bill, 2001, which has been taken up for consideration, be approved by this hon. House. The Government had undertaken a study. We had discussions with several women's organizations, with NGOs, with legal bodies, and with the Law Commission, on the subject of maintenance, as far as women are* concerned, in matrimonial issues, whether there are disputes or otherwise. Two different legislations have been proposed before this hon. House. The first relates to the Marriage Laws (Amendment) Bill, 2001, which has been taken up for consideration now, and the second is section 125 of the Code of Criminal Procedure, for which a Bill was moved in this hon. House this morning. Sir, by virtue of this amendment Bill, there are four different legislations that are sought to be amended -- the Indian Divorce Act, the Parsi Marriage and Divorce Act, the Special Marriage Act, and the Hindu Marriage Act. These laws, in the subject-matter of award of maintenance to wives, have almost been brought to uniformity and the following changes have been proposed, as far as the laws are concerned. The first is that, whereas in the existing legislations, wherever there was a provision for payment of alimony to a wife in a matrimonial dispute by a court, it has been extended to also include the expenses of the proceedings. Some of the laws provided for both, maintenance as also expenses of the proceedings, while some did not. They have been brought at par with each other. The second change that has been made is that educational and maintenance expenses of the children have also been included, as far as maintenance is concerned. The laws have been brought at par, as far as they are concerned. And the third change that will have a very far-reaching effect is that an effort has been made to indicate a time period in which the award of maintenance ought to be decided by the courts. This is within the area of all civil proceedings, relating to matrimonial disputes, which are initiated.

The proceedings with regard to timing indicate that, in the proceedings, where an application for alimony or expenses is made, it shall be the endeavour of the court to dispose it of within a period of 60 days, *i.e.* within a period of, approximately, two months. Currently, what has been observed is this. Across the country, there are lakhs of matrimonial proceedings which are pending. In those matrimonial proceedings-- because the wives, normally, are financially unable to maintain themselves; children are, obviously, unable to maintain themselves - when applications are made for the award of maintenance or alimony or expenses of proceedings, the decision with regard to this itself takes a very long period of time. In certain cases, several years lapse before it is disposed of. And, the wife, being at the receiving end -not being in a position to maintain herself - is normally put to a virtual situation of starvation, when these orders are not passed by the courts. Therefore, a time-limit is being sought to be indicated that, as far as possible, this ought to be done within a period of 60 days. I may also mention that this House - in the next few days — when it is taken up for consideration - will have the opportunity to discuss the Criminal Procedure Code (Amendment) Bill, seeking to amend section 125 of the CrPC. This is a separate amendment which has been introduced. The purpose of introducing this amendment is this. There was an upper limit - a cap- which was fixed by the statute about 41 years ago; the cap itself indicated that the maximum amount which could be awarded was Rs.500/-. The Law Commission had made a recommendation for increasing the amount, but the Government took a view that since the awards were going to be made in relation to the capacity of the husband to pay; it should be left to judicial discretion; so, this cap of Rs.500/- has been removed. Simultaneously, in that legislation, a provision has also been made for the award of interim maintenance, whereas there was no statutory provision to that effect. The time-limit of 60 days has been indicated even in that provision. So, all these legislations are being sought to be brought at par, and an element of expeditiousness is being introduced in respect of awarding the maintenances. This is the purpose of these amendments. I propose to the hon. House that these amendments be accepted and this Bill be passed by the hon. House.

The question was proposed.

SHRI KAPIL SIBAL (Bihar) : Mr. Vice-Chairman, just one second.

THE VICE-CHAIRMAN (SHRI RAMA SHANKAR KAUSHIK) :

Yes.

SHRI KARL SIBAL: First of all, I congratulate the hon. Law Minister for having brought these, amendments. I would like to make one suggestion with regard to the maintenance aspect, where the cap of Rs.500/- has been removed. I suggest that while moving that Bill, you should also mention that once the court has decided the level of maintenance supposing the court says "Rs. 5,000" then, during the course of litigation, it is impossible to change that figure. Being a lawyer you very well know that once the maintenance is decided, it normally remains that figure. Even if it remains that figure, please indicate in that legislation and move an amendment by which whatever the court decides, the maintenance shall be increased and linked to the increased cost of living index, Because, if you relate the present value of Rs.5000 -- suppose the litigation goes on for 10 years--with the value which will be after ten years, you will find a lot of difference. So, if this is indicated, then the person concerned will get a higher level of maintenance, even if it is fixed at Rs.5,000 by the court. Since you raised that issue, I took the liberty of seeking the permission of the Chair and suggesting this to you.

SHRI BP. APTE (Maharashtra): Sir, I rise to support the Bill which really is a part of the process of judicial reforms यहां जो कानून में संशोधन प्रस्ताव के रूप में प्रस्तुत हुआ है, इसमें मुख्यतः लिटिगेशन के चलते जो इन्टरिम मेंटेनेंस की आवश्यकता रहती है और जो एप्लीकेशन्स रहती हैं, उनके बारे में है। सभी न्यायलयों का अनुभव यह है कि ये एप्लीकेशन्स जो जल्दी खत्म होनी चाहिएं, जिन पर जल्दी आर्डर्स होने चाहिएं, ये वर्षों तक पेंडिंग रहती हैं and as the main litigation continues to be pending; even the application for interim relief continues to be pending for years.

Sir, we have already enacted the Family Courts Act, under which, the Family Courts are established in many cities, where the Act itself provides for an outer limit for the completion of the litigation. But, in those Family Courts, which are expressly established to give speedy relief to the matrimonial litigant, cases have been pending for years together, and even an application for interim maintenance and for expenses is kept pending for two to three years, in a city like Mumbai. Therefore, this amendment which seeks to put, as far as possible, an outer limit of 60 days is a welcome amendment, but looking to the way the judicial process winds itself on the road -- I must say frankly - I am doubtful about the efficacy of this amendment. This amendment may put a moral pressure on a judge that there is a provision in law that he must decide an application of this type within 60 days, but the pitfall here is the phraseology; 'as far as possible.' And the judicial process -- as I have seen it for about 40 years - is known

for continuing the delays, as far as possible. Therefore, since this is part of the process of judicial reform, I think, it is time for us to consider having a provision for some kind of accountability in the functioning of the judiciary. A judge takes four years to decide an application for interim relief, and, for that negligence -- if I may use that word - he is not accountable. I believe, in the judicial process, in this country, the time has come where a judge is made accountable for the proceedings before him. All of you know that there is industrial legislation where a time limit is put on everything, but that time limit is, as a rule, ignored. If it is not to happen in respect of this time limit also, at least, some provision should be made, that, if he exceeds that period of 60 days, and if he does not decide an application for interim relief, he should do that by giving reasons for that delay. Under the Code of Civil Procedure and under the directives of the Supreme Court that are issued from time to time, if he is not granting adjournments easily, a judge will be in a position to decide matters within 60 days, if he means to do that. And if he does not mean to do that, he will have to furnish reasons, which he will not have, and he may find some difficulty in delaying the matters. Sir, I am aware that here, I am putting the blame entirely on the judge, even though, in many cases, the litigants themselves contribute to the delays. And it does not depend on whether the litigant is a plaintiff or a defendant. The litigant, for various reasons, including some kind of a '*Muhurat*', delays his own litigation, and, therefore, the litigant is also to blame. But if you want to ensure that a woman -- who is driven out of her house, a woman who must be given maintenance, and which is the responsibility of the husband, under the present laws -- must get the relief when she needs it, we have to do something. Her getting relief when it is already too late will be meaningless. Therefore, if she has to get relief -- in some laws, this proposal for payment of the expenses of the proceedings was not there; in some laws it was already there, in the Hindu Marriage Act, it was there, but in other Acts, it was not there, it is now provided -- then those expenses, which she incurs during the litigation every 'date' on which she comes, must be paid to her immediately. And, therefore, it is laudable that this provision, namely, providing an outer limit of 60 days is sought to be made in all these enactments.

As I said earlier, as far as possible, it will have to be dealt with in a salutary manner, by making the judges accountable, one way or the other, by a legislation here or by an independent legislation.

Sir, when I found that we have several enactments to deal with a single civil situation, where a woman is neglected, or where a woman is entitled to maintenance, I thought that instead of having all these separate enactments to deal with separate sections of the people in the same civil situation, why not they be governed by a common civil code. It is time for the country to have one single law which governs the relationships of persons in their personal life and in their public life. If we have a common property law, why don't we have a common personal law which is de hors from religious Considerations? If people consider that a marriage is not a contract, but a Sanskar, let them have their own Sanskar. But, insofar as the relationships and the legal rights that flow from them are concerned, let there be a common approach, let there be a common civil code. Before that, some common arrangement is sought to be made by this legislation, which is really a laudable one. For it I congratulate the hon. Minister. I would beseech each one of us to support this Bill which seeks to ameliorate the situation to a certain extent.

THE VICE-CHAIRMAN (SHRI RAMA SHANKAR KAUSHIK): Miss Mabel Rebello. The hon. Member is absent.

PROF. (SHRIMATI) BHARATI RAY (West Bengal): Sir, this is a very important Bill, as it deals with the most crucial aspect of the lives of men and women, especially women. The women's movement in India has a long tradition of demand for legal rights. One could speak for hours on the Hindu Marriage Act or the Divorce Act, but I will not do that. I will confine myself only to the points...

श्री मूल चन्द मीणा (राजस्थान): मेरा प्वाइंट आफ आर्डर है।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): क्या प्वाइंट आफ आर्डर है?

श्री मूल चन्द मीणा: हाउस कुछ नियमों से चलता है। पहले हमारी पार्टी की रिबेलो का नाम था। अगर वह नहीं थी तो उसी पार्टी के दूसरे सदस्य को बुलाया जाना चाहिए था।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): आपकी पार्टी के मेंबर कपिल सिब्बल साहब सबसे पहले बोले हैं। आपको भी समय मिलेगा।

श्री मूल चन्द मीणा: ऐसा थोड़े होता है कि आप शकल देखकर किसी को बुलायें। यह तरीका थोड़े है।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): ऐसी बात नहीं है। आपकी पार्टी का बाद में नंबर आएगा।

श्री मूल चन्द मीणा: मैं यह कह रहा हूँ कि हाउस चलता है नियम से। अगर हमारी पार्टी का मेंबर नहीं है तो दूसरे मेंबर को, जिसका नाम इसमें है, उसको बुलाया जाना चाहिए था। यह तरीका थोड़े है कि दूसरी पार्टी के लोगों को बुलवाते जाएं और इनको छोड़ो।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): महिलाओं को पहले मौका दिया जाना चाहिए।

श्री मूल चन्द मीणा: मैं इसका विरोध कर रहा हूँ।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): यह इसलिए है कि यह विधेयक विशेषरूप से महिलाओं के लिए है। इसलिए महिलाओं को पहले मौका दिया जा रहा है। माननीय रिबेलो का पहला नंबर था लेकिन वह नहीं हैं।

PROF. (SHRIMATI) BHARATI RAY: I have no problem if he speaks first.

My concentration has gone. Anyway, I will try to recollect what I wanted to say. I was saying that it is a very important Bill. We can speak on it for a long time, but I will confine myself to only four things. But, before I do that, I would dwell on a very small point.

Sir, women do not seek divorce. They go to the court only when they are compelled. It is because there is so much of social pressure on them. There is so much of social shame and stigma attached to this that they do not like to go for divorce. One has to bear this in mind. Records will show that it is men who go in more for divorce.

SHRI S. PETER ALPHONSE (Tamil Nadu) : Sir, I am on a point of order ...*(Interruptions)*... I don't agree with what the Member has said.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): जब आपका नम्बर आएगा तब बोलियेगा।

PROF. (SHRIMATI.) BHARATI RAY: Most women who ask for divorce do so on grounds of cruelty and adultery. Both of which are very difficult to prove because they are private matters. So, in divorce cases, women should be really given some extra consideration and thought. In this context, I look at the Bill. Mr. Minister, it is really a progressive step. It would help many women who are suffering from failed marriages. Those of us who work among the women who are in distress and who are in trauma know better. Divorce leads to powerlessness and financial helplessness. They will be helped by this Bill because it has got two major points. One, alimony is given, expenses incurred by her in a court are reimbursed. The second very important step is, it is limited to 60 days. So, in these two aspects I will say that it is a progressive step. I thank the Law Minister for this. Having said that, I would like to say that these would be effective only

under certain circumstances. I will refer to the Indian Divorce Act, Clause 36, para 3: "The upper limit in no case will exceed i/s"¹ of the husband's average salary." That is the upper limit. I think that is a retrograde step. Therefore, it should be avoided. I would suggest that the more liberal and humanitarian approach would be to base the maintenance amount on the wife's and husband's status as equal partners in the marriage. ...(*Interruptions*)... Of course, in the original Act it is there.

SHRI ARUN JAITLEY : May I just clarify? In the winter session of Parliament, I had an occasion to introduce a Bill in this House, a comprehensive amendment to the Indian Divorce Act because amendments to the Indian Divorce Act were pending for a long period of time. There were certain provisions which were struck down by courts as being discriminatory against women. There were certain other provisions which required a detailed review. Even before it was introduced, we had a comprehensive discussion with the members of the community, women's organisations, various other Church authorities. Subsequently, it was referred to the Standing Committee. The Standing Committee has also considered the matter at length. In this very session, hopefully after the report of the Standing Committee, all those comprehensive changes will be coming up for a discussion. Then, you can refer to those matters.

PROF. (SMT.) BHARATI RAY: Okay.

The second point that I want to refer to is the Hindu Marriage Act, 1955. The most important point that I want to make is : What will a woman do for 60 days? Where will she stay? That is what I want to know. I request you humbly and very fervently and with all the power that I have at my command, please introduce the woman's right of residence in the matrimonial home. If you send the girl to her parent's place, parents will say, "Doesn't your husband take you?"

Unfortunately, it is a stigma. They cannot stay at their parent's place. They cannot go to their marital homes. Begum Rokeya Sakhawat Hussain, the first feminist in South Asia, wrote a brilliant article in 1905 or 1906. It is entitled "Griha", "Home". " * " We have no homes, either " * ", father's home or ".* "in-law's home. ".* \ You have uncle's home. But women have no homes. No Griha. That was Begum Rokeya in 1906. I have a very good friend who, after 20 years of marriage, came back home and was told that she could not enter the home. She was not able to enter, at least, for two years. Right of residence in

matrimonial home is a must. Mr. Minister, please do something about it. 'Right of residence', 'right of co-tenancy', whatever, I am not a lawyer and I do not know how to frame it. What I want is, women should be able to stay without fear of physical torture, in the house where they entered after marriage.

The second point I want to make is about the provision of monthly payment. It is in line 5, clause 24. The Bangalore Law School, in 1988, recommended that a provisional amount arrived at by division of equal shares for the wife and children, covering three months, should be deposited in the court. Now they have said two months. Monthly payment is a husk. This is a suggestion from the Bangalore Law School.

The third point I want to make is this. Any discussion on the amount of maintenance becomes academic because in a majority of cases, husbands evade payment. Is it possible, if the husband refuses to honour the court verdict, instead of taking him to court again, to attach his salary or to issue a warrant of attachment or DCCP? ...*(Interruptions)*... That is not there.

These are the three suggestions I make. Of these three suggestions, the one relating to right of residence at matrimonial home is the most important. Thank you.

श्री मूल चन्द मीणा: उपसभाध्यक्ष महोदय, दि मैरिज लाज (अमेंडमेंट) बिल, 2001 मंत्री महोदय ने पेश किया है। एक सदस्य ने बताया कि बिल एक अच्छी भावना के साथ एक अच्छे उद्देश्य के लिये लाया गया है। यह बिल भारतीय विवाह विच्छेद अधिनियम, 1869, पारसी विवाह और विवाह-विच्छेद अधिनियम, 1936 विशेष विवाह अधिनियम, 1954 तथा हिन्दू विवाह अधिनियम, 1955 का और संशोधन करने के लिए लाया गया है। इस बिल के पास होने के बाद भारतीय विवाह अधिनियम, 1869 की धारा 36 और धारा 41 का संशोधन हो जाएगा। पारसी विवाह और विवाह-विच्छेद अधिनियम, 1936 की धारा 39 व धारा 49 में संशोधन है। विशेष विवाह अधिनियम, 1954 की धारा 36 व धारा 38 का संशोधन है। हिन्दू विवाह अधिनियम की धारा 24 व धारा 26 का संशोधन है। उपसभाध्यक्ष महोदय, इस देश के अंदर वैसे तो विवाह विच्छेद से संबंधित पति-पत्नियों के संबंध विच्छेद के संबंध में अनेकों केस हैं, हजारों केस हैं, जो कि पेंडिंग हैं। हिन्दू विवाह अधिनियम, 1955 के अंदर धारा 24 के अधीन 670 ऐसे मामले हैं जो कि कोर्टों में चल रहे हैं। ऐसे मामलों के निर्णयों में देरी होने के कारण भारतीय विधि आयोग की 27वीं, 54 वीं, और 129 रिपोर्ट जो आई, उसके आधार पर उसकी सिफारिशों पर अधीनस्थ विधायी संबंधी समितियों की सिफारिशों के आधार पर कानूनों के अंदर जो संशोधन किये जा रहे हैं एक अच्छे कॉज के लिए, अच्छे काम के लिये कि कोर्टों में बहुत लंबे समय तक केस चलते हैं, उसको एक सीमा में रखने के लिए, सीमा में बांधने के लिए, समय निश्चित करने के लिए, साथ ही कई ऐसे मामले होते हैं कि विवाद चलता रहता है, पत्नियों की दयनीय स्थिति होती है, उनके भरण-पोषण

के लिए और खर्चा चलाने के लिए उनके पास पैसा नहीं होता है, ऐसी स्थिति में कई बार तो कई केसेज चल ही नहीं पाते हैं, महिलाएं केस लड़ ही नहीं पाती हैं और उनकी बहुत दयनीय स्थिति होती है, तो उस स्थिति को दूर करने के लिए यह व्यवस्था इसके अंदर की है। लेकिन जो संशोधन आप लाए हैं इसमें कोई भी पत्नी जो पीड़ित है और उसकी आर्थिक स्थिति कमजोर है तो उसको पति से हिस्सा प्राप्त करने के लिए, मंथली हिस्सा प्राप्त करने के लिए, तीन वर्ष की औसत शुद्ध आय का विवरण इसके अंदर दिया गया है। लेकिन गांव के अंदर और शहर के अंदर भी देखने को यह मिलता है कि जिन पति-पत्नियों के संबंध विच्छेद होते हैं, पहले तो उनके नाम प्रॉपर्टी होती ही नहीं, उनकी कोई आय होती ही नहीं और बहुत सारे मामले ऐसे हैं जिनमें पति नौजवान होते हैं और संबंध विच्छेद हो जाते हैं तथा वे कोर्ट में चले जाते हैं। उनके नाम से न कोई मकान होता है, न कोई जायदाद होती है और न कोई व्यवसाय होता है, तो ऐसी स्थिति में तीन साल की आय का पांचवां हिस्सा कैसे तय कर पायेंगे कि उसका भरण-पोषण हो सके? इसलिए ऐसी स्थिति में तीन हजार, चार हजार या पांच हजार रुपया मंथली अगर फिक्स रकम उसको दे दी जाए तो उसका भरण-पोषण हो सकता है। इस आधार से तो कोई लकूने रह गए हैं। इससे कई लोग फायदा उठा जायेंगे और उन बेचारी महिलाओं के साथ अच्छा सलूक नहीं होगा तथा उनका भरण-पोषण नहीं हो पाएगा। दूसरा, इसके अंदर पृथक्करण के जो वाद चल रहे हैं तो इसका सब से ज्यादा असर संतान पर होता है। उनके भरण भोषण की कोई व्यवस्था नहीं होती और शिक्षा की कोई व्यवस्था नहीं होती। ऐसी स्थिति में ऐसी संतानें गलत हाथों में पड़ जाती हैं। कोई आतंकवादियों के हाथों में चले जाते हैं, कोई गलत धंधा करने वाले, मादक द्रव्य बेचने वालों के हाथों में चले जाते हैं। उनके सामने कोई रास्ता नहीं होता। इसलिए उसकी रक्षा के लिए आपने यह जो व्यवस्था की है, उसमें एजुकेशन और भरण पोषण को आधार बनाते हुए, उसके लिए अगर कोई फिक्स पैसा रख दिया जाए तो यह अच्छा रहेगा, नहीं तो महिलाओं और बच्चों के लिए इस बिल को लाने का जो उद्देश्य है वह पूरा नहीं हो पाएगा। कारण यह है कि कई पतियों की आर्थिक स्थिति का पता ही नहीं लगा सकते। न तो उनके नाम कोई जमीन जायदाद होती है, न उनका कोई धंधा होता है और न व्यापार में कोई हिस्सा होता है। ऐसी स्थिति में उनकी औसत आय कैसे निकाली जा सकती है? इसलिए मंत्री महोदय, उनकी रक्षा के लिए कोई फिक्स एमाउंट कर दी जाए तो यह ठीक रहेगा।

दूसरा, इस बिल में संशोधन के लिए आपने यह एक नई बात जोड़ी कि जब केस चल रहा हो, विवाद चल रहा हो तो उस समय भरण-भोषण की एप्लीकेशन पर फैसले के लिए फिक्स अवधि 60 दिन की दी है। अर्थात् उन लेडी के निर्वहन व उनके बच्चों के भरण भोषण और शिक्षा की व्यवस्था के लिए लगाई गई एप्लीकेशन पर 60 दिन के अंदर फैसला करके उसको वजीफा दे दिया जाएगा। लेकिन यह 60 दिन का समय अधिक है, इसे 60 दिन के बजाय 45 दिन का कर दें या 30 दिन कर दें तो उन प्रभावित लोगों को जल्दी लाभ होगा। अगर उन को जल्दी वजीफा मिले, भरण भोषण के लिये राशि प्रति माह मिले तो उन के लिए अच्छी सुविधा हो जाएगी। महोदय, गांवों के अंदर महिलाओं की स्थिति अत्यंत दयनीय है। गांव में संबंध विच्छेद के केसेज चल रहे हैं, लेकिन उन पतियों के नाम न कोई जमीन है, न उन का कोई धंधा है। इस तरह उन महिलाओं के सामने अपने और बच्चों के भरण-भोषण का भंयकर संकट है। इस समस्या को दूर करने के लिए माननीय मंत्री जी जो बिल लाए हैं, उसकी भावना अच्छी है और उनकी महिलाओं के प्रति सोच भी अच्छी है, लेकिन इस में आप एक अमाउंट फिक्सड कर दें जिस से कि वे महिलाएं अपने बच्चों का पालन-पोषण कर, उनकी शिक्षा जारी रख, अपने जीवन का निर्वाह कर

सकें। अगर आप में ऐसी व्यवस्था करें तो इस का मकसद सही होगा। महोदय, मैं इतना ही कहना चाहता हूँ। धन्यवाद।

SHRI P. PRABHAKAR REDDY (Andhra Pradesh): Sir, I rise to support the Marriage Laws (Amendment) Bill, 2001 introduced by the hon. Law Minister. The objects underlying the amendment are, undoubtedly, laudable and there cannot be two opinions about the need for a speedy disposal of the cases under the different marriage laws. But what we have to carefully examine is that merely passing the laws is not going to serve the purpose and achieve the objects. Why I am saying this is, there are similar provisions in the Hindu Marriage Act. For example, section 21(b) of the Hindu Marriage Act stipulates six months' time for original petition and three months for appeal. Similarly, the amended Rule 11(a) in Order 41 of the Cr.P.C. also stipulates the time limit. But we know that, in reality, it is followed more in breach than in practice. In the High Courts—I can tell you about the High Court of Andhra Pradesh—an appeal takes not less than 10-12 years before it is finally disposed of. Therefore, my submission is that merely passing the laws is not sufficient. We must ensure that the cases are disposed of expeditiously.

In this connection, I have two suggestions to make. There must be a provision that if the application is not disposed of within 60 days, the respondent, the husband, should be made to deposit 50% of the amount claimed so that there will be pressure and there will be no frivolous adjournments. This is an important suggestion which I want the hon. Law Minister to take note of. My second suggestion is, similar to the provisions in the Industrial Disputes Act, if an appeal is filed against the orders of the trial court, 50% of the amount awarded must be deposited. Then only the appeal must be allowed.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): माननीय प्रभाकर जी, एक मिनट रुकिए। मैं सदस्यों की राय चाहूंगा। अब 5 बज गए हैं, अगर आप लोगों की राय हो तो इस विधेयक पर विचार जारी रखा जाय।

श्री नीलोत्पल बसु (पश्चिमि बंगाल): सर, इस में एक बात है। इस पर मेरे ख्याल में 3 घंटे का समय तय किया गया है, इसलिए इसे हम ऐसे ही समाप्त नहीं कर सकते।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): ठीक है, जो आप लोगों ने राय दी है, लेकिन 5 बजे की एक अनुपूरक कार्यावली भी आई है जिस में माननीय जसवंत सिंह जी को एक स्टेटमेंट देना है। चूंकि उस के लिए 5 बजे का टाइम दिया हुआ है, इसलिए इसे अब समाप्त करें। यह कल जारी रहेगा।

5.00 P.M.

डा.अलादी पी.राजकुमार (आंध्र प्रदेश): सर, माननीय सदस्य को भाषण समाप्त करने दें, उसके बाद माननीय जसवंत सिंह जी वक्तव्य दे दें।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): अब 5 बज गए हैं और कल वह जारी रहेगा और पहले उन्हीं को टाइम मिलेगा। माननीय जसवंत सिंह जी।

STATEMENT BY MINISTER

Ammunition Rotated Accident in the Laboratory of The Central Ordnance Depot, Jabalpur

THE MINISTER OF DEFENCE (SHRI JASWANT SINGH): Sir, there was a minor ammunition related accident in the Laboratory, located in Ammunition Technical Area, (ATA) of the Central Ordnance Depot, (COD), Jabalpur, on 6^m August, 2001 at approximately 2.30 p.m.

Unserviceable ammunition which was being broken down prior to its disposal, ignited, resulting in some of that unserviceable ammunition, containing pellets, incendiary in nature, igniting. The activity of breakdown of unserviceable ammunition does involve degrees of such risk. That is why it is undertaken in a laboratory.

There was no loss of life. The fire was localised only to the ammunition laboratory. It was brought under control within half an hour.

SHRI SURESH PACHOURI (Madhya Pradesh): Sir, ...(*Interruptions*)...

SHRI JASWANT SINGH: Sir, I have been informed by the Minister of Parliamentary Affairs that the hon. Members would like a fuller discussion in this regard. I think there should be a fuller discussion. I appreciate and share the concern of the hon. Members. It would enable the Government as also the Ministry of Defence to fully clarify the aspects relating to the incidents of fire in Ordnance Depots that have taken place recently. In whatever form the Chair decides, I am told a Calling Attention Motion is being planned, we will certainly do that.

श्री नीलोत्पल बसु (पश्चिमी बंगाल): सर, मेरा सिर्फ एक ही क्लेरिफिकेशन है। सवाल सिर्फ जबलपुर का नहीं है, पिछले दिनों एक के बाद ...

श्री उपसभाध्यक्ष (रमा शंकर कौशिक): बैठिए। यह तय हो गया है, इस पर कार्लिंग अंटेशन आ रहा है।