

प्रो.रामदेव भंडारी: यह सारा देश जानता है कि आप किसे रिप्रेजेंट करते हैं ...**(व्यवधान)**...

MR. CHAIRMAN: Now, we take up further consideration of the Marriage Laws (Amendment) Bill, 2001. Shri Javare Gowda - not present; Shri Nagendra Nath Ozha- not present; Shrimati S.G. Indira - not present ; Shrimati Shabana Azmi ...**(Interruptions)**...

प्रो.रामदेव भंडारी: आप वही लोग हैं ...**(व्यवधान)**... आप वही लोग हैं ...**(व्यवधान)**...

श्रीमती गुरचरण कौर (पंजाब): महिलाओं की हत्या की, बच्चों की हत्या की ...**(व्यवधान)**...

प्रो. रामदेव भंडारी : तुम्हारे राज में महिलाओं के साथ जितना अत्याचार हो रहा है उतना कहीं नहीं हो रहा है ...**(व्यवधान)**...

श्री मोहम्मद आजम खान (उत्तर प्रदेश):सभापति जी अभी सरकार ने कहा है कि पूरे देश में दलित सुरक्षित है और उन पर उत्पीड़न नहीं हो रहा है ...**(व्यवधान)**... अभी सरकार ने कहा था कि पूरे देश में दलित सुरक्षित है और उनका कहीं उत्पीड़न नहीं हो रहा है . यह सरकार ने अभी कहा है लेकिन सरकार ने बिहार के बारे में नहीं बताया ...**(व्यवधान)**...

श्री राजू परमार (गुजरात): गुजरात में क्या हो रहा है दलितों के ऊपर जाकर देखिए ...**(व्यवधान)**... जिंदा जलाया जा रहा है । ...**(व्यवधान)**... जाकर देखिए ...**(व्यवधान)**... आपका रवैया हमेशा ...**(व्यवधान)**...

प्रो . रामदेव भंडारी : बिहार में गरीबों की सरकार है , पिछड़ों की सरकार है इसलिए आपको जलन हो रही है , ...**(व्यवधान)**... एक पिछड़ा मुख्यमंत्री है महिला मुख्यमंत्री है इसलिए जलन हो रही है ...**(व्यवधान)**... बार-बार कोशिश करते हैं सरकार को डिसमिस करने की ...**(व्यवधान)**...

MR. CHAIRMAN: Now, we take up the Bill. Shrimati Shabana Azmi.

GOVERNMENT BILLS

THE MARRIAGE LAWS (AMENDMENT) BILL, 2001

SHRIMATI SHABANA AZMI (Nominated): Sir, I rise to support the Marriage Laws (Amendment) Bill, 2001. It is a matter of great shame that 54 years after Independence, the women in our country face severe discrimination since their birth. In fact, they are not even allowed to be bom. The latest Census figures indicate that, in the age group of 0-6, the

number of girls is less, compared to the boys. Alarming, it has gone down. It should be a matter of concern to all right-minded individuals. Girls are discriminated against and they are also denied equal access to food, nutrition, health, education and employment. Consequently, they end up by being totally dependent on either their father or their brother and later on their husbands. Alongwith this, the mind-set that exists is, the parents think that their primary duty -- in fact, their only duty- towards their daughter is to get her married off and then wash their hands off. यह माना जाता है कि जिस घर में लड़की की डोली जाती है उस घर से सिर्फ उसकी अर्थी वापस आनी चाहिए। Alongwith this, the constant pressure from all sections of the society to keep the marriage alive, under all circumstances, makes it almost impossible for the girl to leave an abusive home. There have been instances when a girl has gone back to her parents and has said, "my husband beats me", and the parents instead of saying, "this should not be allowed" have actually said "पति ही तो है , एकाध थप्पड़ मार दिया तो क्या" and sent her back to that abusive home. Such is the situation; which is why the women have to tolerate the abusive relations in our society. Sir, filing for divorce is an almost impossible exercise, because, firstly, it is a traumatising experience, and, secondly, there is a great drain on the financial resources. She has absolutely no State support. If she goes back to her parents' home, she seriously jeopardises the chances of her younger sister getting married. She has no income of her own. And, so, it becomes an almost impossible exercise.

Under these circumstances, one welcomes the Marriage Laws (Amendment) Bill, 2001. But, Sir, on closest scrutiny, one finds that the Bill seems to have a singular objective of introducing a 'time cap of 60 days' from the date of receipt of notice, on interim applicants for:

- Alimony and expenses or litigation (Section 36 of the Indian Divorce Act, 1869).
- Expenses on the suit, weekly or monthly *pendente lite* maintenance (Section 24 of the Hindu Marriage Act, 1955; Section 49 of the Parsi Marriage and Divorce Act, 1936; and Section 36 of the Special Marriage Act, 1954).
- Maintenance and education of children (Section 26 of the Hindu Marriage Act, 1955; Section 39 of the Parsi Marriage and Divorce Act, 1936; and Section 38 of the Special Marriage Act, 1954).

Now, often, these applications fail on account of the term 'income' of the husband being vaguely defined. Very often, the husbands pass of their life-style maintenance on to the company. That is why it is extremely important that the law should enable the Court to make sure that the lifestyle of the husband is also included; never mind if he pays for it or his company pays for it. Therefore, the following amendment is suggested:

"Provided that any application shall not be determined merely on the basis of income tax returns or any statement produced by the respondent. The court shall take into account the life-style of the respondent as evident from his expenditure on food, clothing, entertainment, housing, personal items and travel, irrespective of whether such expenditure is incurred or borne by the respondent in person or incurred or borne by any other person or company."

Then, there should also be an easy way of recovering the amount of maintenance that is ordered. Accordingly, the law should empower the court to direct the employer to deduct from the husband's salary and pay directly to the wife. And, a similar provision may also be made in the case of debtors. The following amendment is accordingly suggested :

"Where the Court is of the opinion that it is in the interest of justice, notwithstanding anything in any law in force, it may, by an order, direct the employer of the respondent or his debtor, to deduct the amount of monthly allowance of maintenance or expenses payable from his salary or debt and to directly pay the same to applicant."

Sir, often, it becomes difficult to get the Respondent to disclose his assets. Also, often, the woman has to continue with the litigation without any money. Therefore, it is suggested that the Respondent be compelled to make a disclosure of assets, and make self-assessment of his liability (for a period of sixty days, i.e., until the interim application can be decided), which amount has to be deposited with the court for disbursal to the applicant. The following amendment is suggested :

"A person receiving notice of such an application shall be required to submit a self-assessment of his means and a computation of what would be his liability as maintenance expenses payable for a period of sixty days along with his reply to the Magistrate and shall deposit with the Magistrate the amount so computed for disbursal to the applicant. An allowance under this section shall be payable

from the date of the order, or, if so ordered, from the date of the application."

Sir, along with it, Section 25(3) of the Hindu Marriage Act stipulates that maintaining "chastity" is essential to continue to enjoy the right to maintenance. This provision is moralistic and archaic and is often used to harass and embarrass lady litigants. It is recommended that this provision be deleted.

Now, Sir, Section 27 of the Hindu Marriage Act enables the Court to make provisions for the disposal of joint property. However, property acquired during the subsistence of the marriage, in the name of either spouse and all household goods acquired during the marriage, are not covered by this section. This section should be amended to enable the court to allocate all such property in an equitable manner to either party, on the dissolution of the marriage. This will enable the court to take into consideration the contributions made by the woman to build up her matrimonial assets.

In conclusion, while supporting the Marriage Laws (Amendment) Bill, 2001, I wish to reiterate that suitable laws such as the Domestic Violence Bill need to be implemented to reduce the domestic violence and harassment of women.

Sir, the Christian community, by itself, has asked for amendment in the Christian law. It is not being imposed from outside. That Bill is lying before a Standing Committee of Parliament. I demand that it should be brought for discussion and passed by the House as soon as possible.

THE MINISTER OF LAW JUSTICE AND COMPANY AFFAIRS
AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY) : We are passing it today itself.

SHRIMATI S.G. INDIRA (Tamil Nadu) : Sir, I welcome the Marriage Laws (Amendment) Bill, 2001. It is a good measure to help reduce the sufferings of the affected women. Sir, our leader, Dr. Puratchi Thalaivi, has made various programmes for the upliftment of women in the State. I am a practising advocate. I have some suggestions to make on the Amendment Bill.

Sir, there is a clause which specifies that the alimony petition filed by the petitioner i.e. the wife, should be disposed of within 60 days. But, in

the amendment Bill, there is no specific clause in regard to recovery of the money. After the order of the Magistrate is passed, if the husband fails to pay the maintenance amount, the petitioner has to again go to the court for the recovery of the money. That means, she has to file another petition or case *or* suite before the Civil Court. That will also take so many years to be disposed of. In the proposed amendment Bill, there is no specific mention about the recovery of money from the husband. Therefore, I would request the hon. Minister to make the necessary amendment in the parent law i.e. the Civil Procedure Code.

[THE VICE CHAIRMAN (SHRI RAMA SHANKAR KAUSHIK) in the Chair]

श्री गांधी आज़ाद (उत्तर प्रदेश): उपसभाध्यक्ष महोदय। यह विवाह विधि (संशोधन) विधेयक, 2001 स्वागत करने योग्य है क्योंकि इसकी शिकार बहुत सारी अनपढ़ और गरीब गांवों की महिलाएं होती हैं और अज्ञानता के कारण वह कोर्ट भी नहीं जा पाती हैं। कुछ महिलाएँ अगर कोर्ट में मेंटेनेंस के लिए जाती भी हैं तो मुकदमा कई सालों तक चलता है जिसके कारण बाध्य हो कर निराश हो जाती हैं अपना हक नहीं ले पाती हैं। मंत्री जी द्वारा जो वह विधेयक लाया गया है अगर यह सारे मामलों का निपटान 60 दिनों के अन्दर हो जाता है तो यह बहुत स्वागत योग्य है। मंत्री जी से चाहूंगा कि यह केवल कानून ही न बन कर रह जाए बल्कि इसका इंप्लीमेंटेशन भी हो। इस तरह का कोई निर्णय अपनी तरफ से हर न्यायालय को दिया जाना चाहिए। इसके साथ साथ जो पतियों के द्वारा आय को दिखाने की बात होती है। उसे हमेशा कम से कम कर के दिखाया जाता है। इसको पांचवां हिस्सा न कर के बल्कि हमारी राय में इसे आधा हिस्सा कर देना चाहिए। अगर किसी प्रकार की मजबूरी हो तो कम से कम एक तिहाई जरूर दिया जाना चाहिए। इसलिए मैं आशा ही नहीं पूरी उम्मीद करता हूं कि इससे गरीब और महिलाओं को ज्यादा फायदा होगा। जीवन निर्वाह भत्ता निर्णय होने के बाद भी नहीं मिलता है। इसलिए मैं मंत्री जी से कहूंगा कि ये कोई विशेष नियम बनाएं। जब कोर्ट फैसला करता है तो उसी कोर्ट द्वारा यह भी निश्चित किया जाए कि जीवन निर्वाह भत्ता दिया जा रहा है उसके लिए अलग से कोई दावा दाखिल नहीं करना पड़ेगा बल्कि उसी के तहत उसको बाध्य होना पड़ेगा और जीवन निर्वाह भत्ता दिया जा सकेगा। स्वागत करते हुए मैं इस विधेयक का समर्थन करता हूं। धन्यवाद।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): श्री एच. के. जवारे गौड़ा. नहीं है। श्री नागेन्द्र नाथ ओझा नहीं है। श्री रामूवालिया।

श्री बलवन्त सिंह रामूवालिया: थैंक्यु सर। मैं इस संशोधन का समर्थन करता हूं और माननीय मंत्री जी श्री अरुण जेटली जी को बधाई देता हूं कि उन्होंने बहुत जरूरी और योग्य कदम उठाया है। मैं दो बातों पर मंत्री जी का आपके माध्यम से ध्यान खींचना चाहता हूं। एक तो देश में शादी के मामले में महिलाओं के साथ सबसे ज्यादा धोखे की दुकान ये मैरिज ब्यूरो खुले हुए हैं। जगह जगह दीवारों पर लिखा है शादी के लिए मिलो। अखबारों में...(व्यवधान)...

श्री एम वैकैया नायडु (कार्नाटक): आपने उनको क्यों देखा ?

1.00 P.M.

श्री बलवन्त सिंह रामुवालिया: इसलिए देखा कि हम अपनी बहिनों का इस तरह से शोषण बर्दाश्त नहीं कर सकते। इसलिए देखा। आपके माध्यम से मैं कहना चाहता हूँ कि कृपया श्री अरुण जेटली जी, इतना कष्ट करें कि कोई 5-7 मैरिज ब्यूरोज जो खुले हैं उसकी थारो स्क्रुटिनी कराए कि उनमें कैसे काम होता है, कैसे धोखा होता है, उनके जरिए कैसे कैसे महिलाओं का शोषण किया जाता है और शादियों में कैसे दहेज के नाम पर धोखा होता है। दूसरी बात सर मैं आपके माध्यम से कहना चाहता हूँ कि देश में कुछ प्रांत हैं जैसे गुजरात, पंजाब, वहां से लाखों लोग विदेशों में चले गए हैं। यह बहुत गहन बात जो किसी की नोटिस में नहीं है वह मैं सदन के सामने रख रहा हूँ। मंत्री जी से मेरा आग्रह है कि वे जरा ध्यान से आपके माध्यम से मेरी विनती सुन लें की विदेशों में पंजाब से, गुजरात से लाखों लोग चले गए हैं। अब क्या हो रहा है। एक बड़ी बीमारी जिसने हमारी महिलाओं को बरबाद कर दिया है वह यह है कि वहां से लड़के आते हैं और कहते हैं कि मेरी शादी नहीं हुई, जबकी उनकी दो-दो तीन-तीन शादियाँ हो चुकी हैं यहां आकर इश्तेहार दे देते हैं या मैरिज ब्यूरो अथवा किसी के जरिए 35-35, 40-40 वर्ष के लोग युवा बच्चियों से शादी करते हैं। उनको दो-तीन महीने अपने पास रखते हैं। फिर कहते हैं अच्छा मैं जाकर अमेरीका से आपको पेपर भेजूंगा टु ज्वाइन मी, इमिग्रेशन के लिए लेकिन भेजने ही नहीं हैं और चार चार वर्ष के बाद पता चलता है कि यह हो गया है। कई दफा जब दूसरी तीसरी शादी होती है तो पहली शादी वाली को अगर पता चल जाए, सूचना मिल जाए तो पुलिस को ले जाने की कोशिश करते हैं लेकिन पुलिस उसको पकड़ने के लिए मदद नहीं करती है वह दुल्हा जो फ्राडुलेंट है वह देश से दौड़ न जाए शादी गलत करा कर पैसे लेकर दहेज लेकर। उस बेसहारा लड़की द्वारा रिपोर्ट करने पर, जो पहले शादी-शुदा थी, अगर वह नयी शादी कर रहा है तो उसको रोकने कि व्यवस्था एयरपोर्ट पर नहीं होती। मेरा आपसे आग्रह है कि कोई फर्क नहीं पड़ता अगर कोई जाने वाला 24 घंटे रुक भी जाएगा। आप भारत के एयरपोर्ट पर एक सेल खोल दें अगर रियली कोई लड़की है जिससे धोखा हुआ है, ठगी हुई है चीटिंग हुई है अगर वह या उसके पैरेंट्स जिसके नाम पर शिकायत करें या उस बात के लिए कोई पुलिस रिपोर्ट जाए और उसकी स्क्रुटिनी हो जाए तथा उस लड़की को एयरपोर्ट पर रिलीफ मिल जाए तो ऐसी कोई व्यवस्था की जाए। हजारों महिलाओं के साथ हर साल विदेशों में रहने वाले भारतीय शादी के मामले में जो धोखाधड़ी करते हैं उसके लिए मैं सरकार को कुछ करने के लिए आग्रह के करता हूँ। धन्यवाद।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): इससे पहले कि माननीय मंत्री जी अपनी बात रखें, मैं सदन की राय लेना चाहूंगा कि अभी लंच से पहले हम इस विधेयक को पारित कर, दें या जो भी करना हो वह कर दें लेकिन भोजनावकाश का समय बढ़ा दिया जाए। ...**(व्यवधान)**...

श्रीमती सरला माहेश्वरी: महोदय, इससे पहले की मंत्री जी इसे पास करवायें, हम भी चाहेंगे कि मंत्री जी पास करवायें, लेकिन पास करने से पहले मैं आपके माध्यम से और सदन के माध्यम से निवेदन करना चाहूंगी कि मंत्री जी ने यह जो पहलकदमी की है उसके लिए तो मैं इनका स्वागत करती हूँ, लेकिन जहां तक जमीनी हकीकत है हमारे जो महिलाओं से संबंधित कानून हैं, परिवार से संबंधित कानून है वे इतने ज्यादा भेदभावपूर्ण हैं कि उनमें व्यापक संशोधन करने की जरूरत है। यह जो आप छोटा सा संशोधन ले कर आए हैं उससे तो हम कतई

सन्तुष्ट नहीं है, चूंकि आप लेकर आए हैं और आपने पहलकदमी कि है इसके लिए तो आप साधुवाद के पात्र हैं लेकिन आप इन सदन को कम से कम यह विश्वास दीजिए, यह आश्वासन दीजिए कि जितने भी कानून हैं, जो इतने लिंग आधारित भेदभावपूर्ण हैं, उन सब को आप खत्म करेंगे और लैंगिक न्याय के आधार पर आप उन कानूनों को खड़ा करेंगे। मैं आशा करती हूं कि महिला आंदोलन लगातार इस बात कि मांग करता रहा है और लगातार संशोधन देता रहा है लेकिन इसके बावजूद हमारे कानून मंत्री जी या विधि मंत्री जी या हमारी सरकार इस ओर ध्यान नहीं दे रही है। इसलिए अब आप से मेरा अनुरोध है और भारत कि महिलाओं की तरफ से मैं आपसे अनुरोध करती हूं कि आप सदन को यह आश्वासन दें कि आप एक सर्वांगीण कानून ले कर आयेंगे और ये जो लिंग आधारित असमानताएं हैं उनको खत्म करेंगे।

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): माननीय मंत्री जी।

SHRI ARUN JAITLEY : Sir, I am extremely grateful to the Members of this House, who have spoken on the subject, and all of them have supported this legislation. Some of them have also made detailed suggestions about removing anomalies in various other laws, so that women's empowerment, by way of these security measures, can actually take place. Sir, on the one hand, we are speaking in terms of empowerment, political participation, economic development and independence, and on the other hand, here, we are dealing with the law, which actually aims to save one section of the society, which, after a broken marriage, is actually pushed into a state of virtual destitution, and the experience of the society has been, that a large number of these matrimonial disputes have been pending in courts all over the country. There are two, three courts in every district of the country, which are only dealing with these issues.

These disputes go on for years, and most of them eventually get settled at some stage or the other. What the women also expect is some reasonable compensation so that they are in a position to support themselves, and have a life of dignity even after a broken marriage itself. One of the weaknesses in law which had been noticed was, the process of payment of maintenance during proceedings and after proceedings was painfully slow, and being slow, it used to take years before the compensation could be given to them, and women therefore, during this period, had absolutely no resources, either for themselves or even for children, who were dependent upon them. So, the limited object of this law is that, in all such cases, we must endeavour to ensure by a legislative mandate that the courts must endeavour to show that within sixty days of the application being moved, the alimony question can be decided. We have also made laws more or less very similar. These are different personal laws,

and therefore, one of the policies of the Government and the Parliament has been that, when we amend these personal laws, we also see what the reaction of the communities themselves is, and therefore, today, the alimony across the board, will also comprise of maintenance charges, also payment of litigation expenses, educational and maintenance expenses of children, who are dependent upon women, and the effort is that this should be paid within a period of sixty days. Several suggestions have been made. Mr. Kapil Sibal, in fact, made a suggestion that the amounts may have to be periodically increased, and therefore, is it possible to have a legislative change so that they are linked to the cost of living index itself? Sir, orders in terms of maintenance are always interim, and being interim, they are liable to be changed for several factors. They can be changed for the facts suggested by Mr. Kapil Sibal that there has been an increase in the cost of living index, they can be increased because the liability of the woman itself increased, they may be increased because the husband's income and resources went up, and being interim, it may not be proper for the legislature to define it only to a cost of living index, because, inflation may actually increase in a given year by five per cent. But the husband's income will not increase one-and-a-half times. Therefore, the amount has to be increased and, therefore, this discretion of interim payment is always left to courts.

There were three, four other suggestions which were made. One of them was, "Why should the right to residence not be a part of maintenance itself?" Mrs. Ray made this suggestion which has been referred to by others also. One of the difficulties that women normally have, after they are driven out of the matrimonial homes, is where to live. A one suggestion was that they must have a right to continue to live in that home even after a matrimonial break-up. These are all social issues. It may or may not be conducive for her to live in that house because the acrimony in that house itself may be of such a nature, these are all matters which are left to the variables of a given situation. ...(*Interruptions*)...

PROF. (SMT.) BHARATI RAY (West Bengal) : Would you yield for a minute, Mr. Minister? If you give the Woman a right to live in the matrimonial home, then she cannot be driven out forcefully. That is the point.

SHRI ARUN JAITLEY: May I just suggest that this was a question which will be variable depending on each case? There may be circumstances when she may be able to live there if there is a separate

portion. There may be circumstances where the acrimony must be such it may not be in her own interest to live there, but to go and live elsewhere. But the point is very well taken that the cost of residence expenses ...(*Interruptions*)...

श्रीमती सरोज दुबे(बिहार): वह तभी उस घर में रह सकती है जब उसे सुरक्षा मिले क्योंकि जब पति-पत्नी में अनबन होती है तो उस की जान को खतरा बन जाता है। इसलिए कोई ऐसी व्यवस्था होनी चाहिए...(**व्यवधान**)...

SHRI FALI S. NARIMAN (Nominated) : Magistrates should be empowered to make that provision. ...(*Interruptions*)...

SHRI ARUN JAITLEY: That is quite a useful thing. I quite agree with the spirit of that suggestion which has been made, but if we see the trend how law and judgment law is also developed in the last few years, the right to residence now has been specifically held to be a part of the quantum of maintenance, and, therefore, discretions have been given now to courts, that when they determine amounts of maintenance, what the cost of residence will be if she has to separately live and hire a residence for herself or whether she has to live there—these are all factors which judges have to take into consideration. But I agree with the spirit of your suggestion that mere payment of some allowance for food or her children's education itself is not enough. A shelter has to be part of right to residence, and that quantum of residence expenses has to be either a part of the maintenance amount or it has to be separately provided for unless she is in a position, as you have suggested, to live in that same house if her security so ensures. But I may just tell you that now law has been widened enough to include the cost of living, acquiring a residence on rent or otherwise, as a part of the maintenance expenses itself. Therefore, it is already there, and, in fact, we see how it develops because the Supreme Court has, two or three years ago, held that while awarding these maintenance amounts, residence requirement has to be taken into consideration. This has already become a part of our law.

The second suggestion which was made is also very well taken. Shabanaji made this suggestion, and this was supported by some others. Meenaji, in fact, said, "Should we not have a fixed amount which is to be given, prescribed by law?" You can't have a fixed amount because the amount should be variable as per the requirements and as per the resources of the husband. But as far as the income of the husband is concerned, at times, the declared income becomes understated and,

therefore, women may not get justice, and, therefore, now woman life-style and expenses undertaken by the husband are a very relevant consideration in determining what amount of maintenance should be awarded to his wife because she is entitled to live in the same life-style in which she would have lived had she continued to live with her husband. That is whole spirit of the Maintenance Law itself.

DR. ALLADI P. RAJKUMAR (Andhra Pradesh) : At least you can fix some percentage. Instead of a fixed amount, at least, fix some percentage of the resources of the husband.

SHRI ARUN JAITLEY : Percentage is also now a part of this. Once we lay down this law and the maintenance is interpreted, instead of having a fixed percentage of increase, the courts are normally there to provide any amount between one-third and one-fifth, depending on the circumstances. Now, the variables are, who are the children living with; what is the likelihood of the children's expenses; what is the kind of food they are going to get; what is the life-style the husband is having. These are also judicial discretions which have been given. These are very strict guidelines which the courts, repeatedly, over the last few years, have laid down. You are right that it has to be a reasonable part of the husband's income. The requirements linked to his life-style and the requirements linked to the lady's right to residence, where the children would live, are all part of it.

Several suggestions have been made with regard to the other laws which also require a change. We are undertaking a study of a large number of these laws. In fact, suggestions were made that, as far as the Indian Divorce Act for Christians is concerned, the outer limit of one-fifth should be deleted. We introduced the Bill in Parliament. When it went before the Standing Committee, a large number of Christian organisations, including the Church authorities, appeared before it and they themselves volunteered to say, "Please remove this". Therefore, the amended legislation, which is coming up for consideration today, which is listed for today, has also a provision for removing the jurisdiction of the High Courts to annul a marriage, and the marriage could be annulled by the District Judge himself so that they don't have to incur different expenses. A suggestion has been made by Sarlaji that this was a small step forward, I agree with that. But the effect is that it gives a legislative indication that the courts must now expedite the payment of maintenance.

There are a large number of laws where it is necessary to take many steps forward. Some of them we have already reviewed. In fact, three of them are listed before this august House. If there are any suggestions, they are welcome. We are conscious of the fact that there are some discriminatory aspects in some personal laws. But, as I said, the policy with regard to personal laws, normally, is that when you suggest amendments to these personal laws, you consult the community itself, and, therefore, it is a process which has to be gradually undertaken. Even on the Indian Divorce Act, when we discussed it, initially, there was some section which was reluctant. But the women's organisations prevailed upon the entire community and the entire community has now come forward and supported these amendments. I am sure, if the pressures are kept on, the community itself will come forward and support this kind of suggestions. As far as the Government is concerned, we are willing to make as many changes to these laws as are acceptable to the community and the Parliament to ensure that proper rights are given to them. With these observations, I propose to the House that this Bill be accepted.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): अब मैं विवाह विधि (संशोधन) विधेयक, 2001 को वोट के लिए रखूंगा। प्रश्न यह है :-

कि भारतीय विवाह विच्छेद अधिनियम, 1869 पारसी विवाह और विवाह-विच्छेद अधिनियम, 1936 विशेष विवाह अधिनियम, 1954 और हिन्दु विवाह अधिनियम, 1955 का और संशोधन करने वाले विधेयक पर विचार किया जाए।

प्रस्ताव स्वीकृत हुआ

उपसभाध्यक्ष (श्री राम शंकर कौशिक): अब हम विधेयक पर धारावार विचार करेंगे।

धारा 2 से धारा 9 तक विधेयक का अंग बने
धारा 1 अधिनियमन सूत्र और शीर्षक स्वीकृत हुए

SHRI ARUN JAITLEY: Sir, I beg to move:

That the Bill be passed.

प्रस्ताव पर मत लिया गया और वह स्वीकृत हुआ

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): अब हम लोक सभा द्वारा संशोधनों के साथ लौटाए गए 'न्यायिक प्रशासन विधि (निरसन) विधेयक, 2000 पर विचार करेंगे।