लेकिन पिछले तीन चार वर्षों से इस क्षेत्र में अकाल पड़ता रहा और यह कार्य भी ठप्प हो गया है। संस्थाओं के पास पूंजी की कमी आ गयी क्योंकि संस्थाओं के पास भारी मात्रा में ऊनी खादी का स्टाक अवरुद्ध पड़ा है।

प्रांतीय संस्थाओं में बड़ी भारी मात्रा मे लाखों व करोड़ों रुपये की पूंजी उधार खाते में रुकी पड़ी है जिसके कारण सारा उत्पादन व रोजगार बंद हो गया है। मेरा केंद्रीय सरकार से आग्रह है कि सरकार, खादी संस्थाओं द्वारा उत्पादित खादी का माल का सरकारी विभागों में सप्लाई का आदेश करवा कर इन गरीबों को सहयोग प्रदान करें जिससे उनको उनके उत्पादन का लाभ मिल सके। साथ ही मेरा यह भी आग्रह है कि खादी की फुटकर बिक्री पर रिबेट क्लेम करने के लिए खादी कमिश्नर व राज्य बोर्ड व्यवस्था करे। क्योंकि अनुसूचित जाति तथा कमजोर वर्ग की महिलाओं का यह मूल धंधा है, इसलिए खादी की गुणवत्ता बढ़ाने वे अच्छे डिजाइन तैयार करने के लिए बीकानेर शहर में एक डिजाइनिंग सेंटर की स्थापना भी करायी जाए। महोदय, आपने मुझे बोलने का मौका दिया , इसके लिए बहुत बहुत धन्यवाद।

MR. CHAIRMAN: Shri Arun Jaitley.

GOVERNMENT BILL

The inland Waterways Authority of India (Amendment) Bill, 2001

THE MINISTER OF LAW, JUSTICE AND C OMPANY AFFAIRS AND THE MINISTER OF SHIPPING (SHRI ARUN JAITLEY): Sir, I beg to move for leave to introduce a Bill further to amend the Inland Waterways Authority of India Act, 1985.

The question was put and the motion was adopted.

SHRI ARUN JAITLEY: Sir, I introduce the Bill.

The Indian Divorce (Amendment) Bill, 2000

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND THE MINISTER OF SHIPPING (SHRI ARUN JAITLEY): I am extremely grateful to you. Mr. Chairman, Sir. I was also permitted, on Thursday afternoon, to move the Indian Divorce (Amendment) Bill and to explain as to what this Bill was all about. Sir, the Indian Divoice Act, 1869, that was enacted in the last century, was almost an exact replica of the English Matrimonial Causes Act of 1857. Thereafter, there was a great demand for changes and improvements, in terms of gender equality, in the English law, and, in 1923, the English Law itself Was changed. In the last 45 years, we have made several attempts to improve and change several clauses in this lav/. The Law Commission, on 4 occasions, i.e., through its I5thReport, the 22nd

Report, the 19 Report and the 164 Report, had suggested certain changes to the Act itself. Thereafter, several provisions of this Act were also called into question before several High Courts in the country, and two particular provisions, i.e., Section 10 and Section 17, were held to be *ultra vires* and struck down by several High Courts of the country. I had, therefore, in December last year, introduced this Bill, after consultations with members of the community. It has always been a policy of the Central Government that when changes in personal laws are made, we make a concerted effort to have large-scale discussions with the community itself, before those changes are suggested; and when changes had been suggested by us in December, they were suggested essentially to those two provisions which had been struck down by the courts. And, in order to fill the vacuum created by the courts' striking those grounds and consequential changes, those changes were introduced. The Bill was then referred to the Standing Committee itself, and the Standing Committee had extensive discussions. There were several representations made, and a very large number of organisations appeared before the Standing Committee; they had also separately met me -- the Catholic Bishops Conference of India, the National Council of Churches of India, the Joint Women Programme, etc. I am glad to say that almost all of them not only supported the initial two suggestions, but also wanted several new suggestions and improvements to this Bill to be made. The Standing Committee, except one, accepted all the suggestions which were made. And, when the matter came up before the Government, except one suggestion, we have also accepted all the suggestions which were made by the community. The only one suggestion which we have not accepted relates to empowering certain religions authorities to settle certain civil issues relating to marriage and dissolution of marriage itself. We could not accept this suggestion because, under our scheme of law, as far as civil rights are concerned, the power and authority to decide them will only be vested in judicial and court authority, and that power cannot be abdicated in favour of any other agency. If I may, Sir, just explain the changes which have been made as a result of the recommendations of the Standing Committee, which I am also proposing through the amendments which I have moved. Section 7 of the original Act says -- because it was an 1869 Act -- "the law laid down in relation to this Act by the courts in England will apply." The Supreme Court has already held that after 1947, because of our own sovereignty and the sovereign jurisdiction of our own courts, the law laid down by another jurisdiction, in another country, cannot be compulsorily applicable to our laws. Therefore,

Section 7 is proposed to be amended. The most significant change is made to Section 10. Section 10, which had been struck down by about five High Courts in the country, gave different grounds of dissolution of marriage to the husband, and entirely different grounds of dissolution of marriage to the wives. In fact, the case of the wife was very difficult, because even adultery itself was not a ground; something more than adultery has to take place, cruelty with adultery or bigamy with adultery was a ground. This had been struck down on the grounds of its being *ultra vires.* We had suggested certain equal grounds but, after consultations with the representatives of the community, the Standing Committee has suggested a new formulation, where most of the common law grounds which are applicable in other laws elsewhere in the world and in India are equal grounds now sought to be made available both to the wife and the husband. Therefore, the gender bias in Section 10 has been corrected. The rights of the wife and husband are both the same.

There was another discomfort which was caused to the community, by the provisions of Section 17. After evidence was recorded by various district courts, the confirmation of the decree of dissolution had to be made by the High Court, and in the High Court, the matter used to go to a full Bench. Therefore, not only the time consumed was very large, besides time, consumption it was also a costly exercise. This provision had also been struck down by a High Court, and, therefore, now, this provision is sought to be deleted altogether. There are several other provisions; for instance. Provision enabling the husband, in the event of an allegation of adultery against the wife, to start claiming damages from the adulterer who is living with her; compensation in relation to Section 35 in relation to cost to be claimed in the event of adultery; cases where the property of the wife would be taken away and vested either in the husband or in the children, in case one of the matrimonial offences was proved. These are all one-sided provisions since corresponding rights have not been given to the wife. The Standing Committee felt that all these provisions were now required to be deleted. This unanimous report of the Standing Committee, as I said, has been accepted by the Government. With all these amendments, while removing the provisions that created a bias, one very important clause has been changed. About this the Members of the House had commented in relation to other discussions. The outer limit of maintenance for a Christian wife was one-fifth of the husband's income. The Standing Committee felt that this capping was no longer necessary and it was for the judicial authority to decide looking to the merit of the case. We have accepted that

entire recommendation. The members of the community who met us, also felt that even though the title is Divorce Act, yet, since there are segments in the Christian community who do not appreciate the use of that word, in the text of the Act itself, the word used should be 'dissolution of marriage' itself. We have respected that sentiment and, therefore, have used that word. ^

Section 10A again has been suggested by the community to be added as a provision for dissolution of the marriage by mutual consent. This provision was necessary, because.in a case, where the marriage does not work, it was still necessary for one party to make serious allegations against the other, prove those allegations and then only the marriage could be dissolved. The community felt that this was no longer necessary. When both parties are willing, it could be dissolved by mutual consent. We have also accepted that suggestion recommended by the Standing Committee.

Sir, i commend to the House that this Bill be passed.

The question was *proposed.*

MISS MABEL REBELLO (Madhya Pradesh): Sir, I welcome the proposed amendments of the Indian Divorce Act of 1869.

Sir, this is actually an archaic Act of 1869. All other major communities in India have their own laws which govern divorces. They were enacted much later. For example the Hindus, including Buddhists, Sikhs and Jains, are governed by the Hindu Marriage Act of 1955. Parsies are governed by the Parsi Marriage and Divorce Acfof 1936. The Dissolution of Muslim Marriage Act of 1939 provides grounds for Muslim women to obtain divorce. Then there is also a Special Marriage Act for civil marriages in inter-communities. They are all 20th century Acts. Only the Christians have to obtain divorce, - of course, under the Catholic Church, divorce does not exist -- under the 1869 Act for dissolution or annulment of marriage has to be governed by the 1869 Act. That is the pity of the Christian community. As you know, the Christian community is a slightly more educated community as compared to other communities. The Christian women have been struggling for the last 20 years. The hon. Minister knows about it. They have been asking that there should be some changes in the legislation and that they should get some relief. At long last, they have got this relief through these small amendments. Since the hon. Minister has just now spoken about it, I need not speak much. Under

Section 10, there has been a gender discrimination. The husband can ask for dissolution of marriage on the basis of adultery, whereas the woman had to prove adultery plus something else. She has to prove adultery plus cruelty or bigamy or some other thing. So, there was a gender bias or discrimination. Since the Kerala High Court had struck it down and the Bombay High Court had also struck it down, the Government has been forced now to bring in some changes. That will definitely give some relief to Christian women. I welcome it.

Similarly in Section 20, after getting divorce by dissolution or annulment in the District Court, again it had to be affirmed by the High Court, and that too by a three-Member High Court. This would lead to a lot of delays and tensions. Moreover, the women do not have money, ours being a patriarchal society. In our society, whether it is Hindu, Christian or Muslim, it is the man who is the earning member. It is a male-dominated society. Money remains with the man. Because of that the woman had to suffer. There is also a loss of time. Thei. the woman would have to take care of the children also. The children would go with her. So. there used to be a iot of problems. I welcome the amendments that have been brought about. Sir, now, coming to this, the Minister has explained, I would also endorse the same thing. First of all, I would suggest, besides these few amendments which the Standing Committee has suggested, a few more amendments are required to be done. That will give further relief to the Christian women. Just now what he has done for them is not much; more is required to be done. The Government has been forced to bring forth these amendments because of the court's decision. I would be happy if the Minister comes forward, as soon as possible, with some more amendments and give further relief so that the Christian women can also live honourably.

I have a few suggestions to make to the hon. Minister. The amendment of Section 3 confines the jurisdiction of courts only to the place of the last residence. Most of the time, women live with their husbands. If she has to go to the court for dissolution or anni :ment of her marriage, then, it becomes very inconvenient to her./ As soon as there is a dispute, the woman usually goes back to her parents' house, or, if she does not want to go back to her parents' house, she shifts to some other house because all of us know that there is still some sort of stigma attached if a woman goes in for a divorce, particularly, in the lower class, in the economically weaker sections of the society. In the case of upper class women, a woman can have a divorce and still have a social status. But it is

not so in the middle class and the lower class people. Therefore, I request the hon. Minister to keep this in mind -- when he amends this Act -- that woman should be allowed to go to the court from the place where the marriage had taken place, or, from the place where the woman, after having a dispute, dwells, maybe, at her parents' house, or, at some other place wherever she chooses to. It should not be restricted only to the last residence where she was staying, particularly, if she was staying with her husband.

Then, again, I come to Section 7. Actually, this Section has become infructuous. After Independence, after 1947, it doesn't have any relevance at all. Any change made in the British Matrimonial Act is applicable to the Indian Divorce Act as well. Now, after Independence, we are a free country. We don't have anything at all. This needs to be deleted immediately.

Then, a Section needs to be introduced, that is, Section 10 (A). By mutual consent, divorce should be allowed. At present, it is not allowed. You see, every community has that provision. Even in the Western countries, there are lots of Christian communities living there. There, on mutual consent, divorce is allowed. That should be allowed here too for the Christian women. This is my request. Today, most of the Churches are of the opinion that it should be given, because things are changing, the philosophy is changing. They realised that there is a lot of persecution, a lot of harassment, to the Christian women. Therefore, this should be allowed. It will cut down a lot of expenditure, save a lot of time, a lot of harassment both to the women, children and to both the families.

Regarding maintenance, it is one-fifth of the husband's income. The white income of the husband can be taxed, and that can be 10 per cent of his real income. When the Government says that maintenance allowance should be given, I feel, the total income should be assessed, both white money and black money, his landed income, all sorts of income, and, of that, at least, one-third should be given, not one-fifth. Only then the woman will be able to maintain her status because she gets used to a certain type of socio-economic status. She should be enabled to maintain the socioeconomic status even after the divorce or the dissolution of the marriage.

Then, Sections 37, 43 and 44 pertain to permanent alimony, custody and maintenance of children, including dissolution of marriage and annulment and judicial separation. These need to be changed so that the custody of child becomes very easy for the woman. I think, the woman gets

custody of the child up to six years. After that, the father can claim the child and he can go to the father.

But, actually, I think up to the age of at least 14, when the child is in the high school, the child should be in the custody of the mother. And the father should be able to maintain that child by giving all sorts of financial assistance. If the child was earlier studying in a very good school paying high fees, the child should be able to maintain the same standard, the child should be able to go to the same school. The father should be asked or forced to maintain the child and help them to maintain that standard,

Then, again, sections 34 and 35 which entitle the husband to claim damages for adultery of wife. This gives you an idea that the wife is almost a commodity. If the wife commits adultery, the husband can claim the property of the wife. What is this? In a civilised society, I think, this should be struck down altogether. The husband indulges in all sorts of extramarital relations and nothing happens. He harasses the wife, he harasses the family, he does what he wants. It is free for him. The entire world is at his disposal. He can do what he wants. No punishment is levied on him. But if the woman indulges in some sort of adultery, she becomes a commodity. This is an old feudal concept of India. This should be altogether deleted, altogether negated.

Again, section 39 provides for settlement of the adulterous wife's property in favour of her husband and children. This provision, as a bigotry, provides punishment for an adulterous wife and not for an adulterous husband. It is almost the same like sections 34 and 35.

These are some of the amendments that further need to be done to the Indian Divorce Act. I request the hon. Minister to look into them.

SHRI ARUN JAITLEY: Sir, may I just clarify? In respect of each one of the suggestions that Madam has made, I have already introduced an official amendment, accepting each one of them, and I am moving them.

MISS MABEL REBELLO: But, in your earlier Act, it was not there.

SHRI N.K.P. SALVE (Maharashtra): Are you moving an amendment in respect of each of the points, including the assessment of black money? She has said that the black money should be part of the alimony to be paid.

SHRI ARUN JAITLEY: No, not that.

MR. CHAIRMAN: Now, it is going to be 1 o'clock. Shall we take it up again after lunch? The speaker will be Mr. Apte.

SHRI SANGH PRIYA GAUTAM (Uttaranchal): After lunch. Sir.

MR. CHAIRMAN: We now adjourn till 2 o'clock.

The House then adjourned for lunch at fifty-eight minutes past twelve of the clock.

The House reassembled after lunch at four minutes past two of the clock, THE DEPUTY CHAIRMAN in the Chair.

THE DEPUTY CHAIRMAN: Now, we will continue with the discussion on the Indian Divorce (Amendment) Bill, 2000. Shri B.P. Apte.

SHRI B.P. APTE (Maharashtra): Madam Deputy Chairperson, I rise to support the Bill seeking to amend the Indian Divorce Act. In fact, in so far as the Christian marriage is concerned, it was defined by the Common Law to be "a voluntary union for life of one man and one woman to the exclusion of all others". Since that was the Common Law of a Christian marriage, it was also called a civil marriage. There was basic resistance to the concept of divorce. I would say that this is not confined only to the Christian marriage. Amongst Hindus also there was a solemn promise, *dharmecha, arthecha, kamecha nati charami* and, hence, there was no question of one going away from the other until death did them part. Therefore, resistance was traditional, in so far as divorce was concerned. Even when the laws were enacted in the last century, the principle was to preserve the marriage, as far as possible. From that point of view, the grounds on which the divorce was permitted were stringent and were applied strictly, and even when the matter went into litigation, the endeavour of the Judges has always been to try and see that the matrimonial tie is preserved. Human history shows that though matrimony, as a sanctified social institution, has helped the preservation of the society, the man and the woman do not agree to with each other to such an extent that it is impossible for them to carry on together is a reality. The law must accept and find a way out to face such a reality. Therefore, provision for divorce is made in every law. In so far as the Indian Divorce Act is concerned, which itself is an archaic legislation, and, as the Government had thought earlier, it ought to go lock, stock and barrel, and give way to a new enactment. In the archaic legislation there was a clear gender discrimination, which the present legislation seeks to do away with. It is most appropriate that this

step is being taken in this year, which our Government has declared to be the "Year of Empowerment of Women". As the Christian marriage is governed by this legislation, the Hindu marriage, the Muslim marriage and the Parsi marriage are governed by different sets of rules, which designated to be part of the Personal Law. Now, law is basically territorial and coextensive with the sovereignty of the State, and, yet, the concept of Personal Law developed in ancient times, during the Roman Empire, and when the colonial rule came to be established throughout- the country, it came to be established in this country. The history of Personal Law tells us that human relationships, in the earlier era, were not treated to be separable from one aspect or the other, and, actually, all were intertwined, religion, ethics, morality, relationship and law. Therefore, it had something to do with the faith of the individual and the community. The relationships were not merely matters of contract or convenience. Relationships were considered to be ordained in a divine way, and, therefore, were governed by divine laws and that is why there were the canon law and the shastric law. Naturally, religious persuasions were different and the communities had different ideas of human relationships and those ideas were governed by their own rules which were personal to the citizen who belonged to the community which was not necessarily coextensive with the State. One can have a different angle for looking at it and say that the colonial rulers wanted to have a peaceful subject to govern, and, therefore, did not want to disturb the sensibilities or sensitivities of those the ruler wanted to govern. Therefore, 'the ruler was interested in maintaining a *status quo.* The norms which could have been changed through evolution, through social reforms, remained stagnant because stagnancy was the aim of the rulers. After independence, the situation ought to have changed and a new approach ought to have emanated from our own rulers who were interested, who ought to have been interested, not in the maintenance of *status quo* but in a desirable change. Unfortunately, that did not happen with the speed and comprehensiveness which for a national State was possible. There was an attempt at reform in so far as the law governing the Hindus was concerned. Yes, in that also there was resistance. But the resilience of the society coupled with a desire for a change, persuaded the rulers and the people to bring about the necessary change, and comprehensive changes in the Personal Law of Hindus were brought about in 1955 and 1956. Otherwise, *a status quo* was sought to be maintained by the present rulers with the same psyche of the earlier colonial rulers, namely, maintain the *status quo* which will not disturb you being a ruler. Even though the

framers of the Constitution had solemnly said in article 44 that the State shall endeavour to bring about a common civil code, but no endeavour was made till date. At the intellectual plane, at the discussion of a social reform, everybody agrees with this. But when it comes to framing a law and enforcing it, there is reluctance, there is fierce opposition and unfortunately this opposition has taken a new dimension of minoritism as if reform is anti-minority.

The present legislation is a step in the right direction for the removal of gender discrimination. It is also in the right direction by giving jurisdiction, to the court of original jurisdiction in every district, to grant divorce by consent. The present legislation, therefore, is, certainly, a welcome step. But if we look at social reforms from a national point of view, it can be termed to be a step in the right direction, but a step which does not cover much of the ground. When I supported an earlier Bill, which provided for interim maintenance and the time-limit for interim maintenance to be granted, and the various jurisdictions dealing with different personal marriages law, I had urged in this House that it was time the country entered into a national and conclusive debate on the desirability of having a common civil code, and an attempt was made to evolve a consensus for enacting such a code. I had said, and I would like to repeat that this did not impinge upon the concept of human relationship, as enshrined in the religious concepts of each community. The Hindus, for example, don't consider marriage to be a contract. They consider it to be a 'sanskar', a relationship, for which you are answerable to God. But that does not mean that the legal relationship of the two should not be governed by a common law. Each community can have its own ceremony or approach or obligation or form which could be of its own religious persuasion. But the relationship which gives rise to rights and duties should not merely depend on moral obligation, but it should be founded on a legal relationship which can be ordained equitably, equally, to all, without discrimination. An attempt was made by the courts to do this in respect of the Muslim Personal Law, but that attempt was jammed by a legislation brought here, which was really anti-women, anti-community and, therefore, anti-social. I believe, the time has come to change this approach, to consider this country as a whole, to consider the laws of this country as one, and to take steps in that direction. With these observations, Madam, I support The Bill. Thank You.

PROF. (SHRIMATI) BHARATI RAY (West Bengal): Madam, this is a historic Bill, along with the amendments. It is historic because it has come

in response to the demand for reforms, from within the community. It registers a triumph for the women's movement in India, of the power of networking and organising of the Christian women, in particular, and the involvement of the Christian community in India. Madam, this is the best form of reform. I recall that the legislation for widow re-marriage in 1856, spearheaded by the inimitable Ishwar Chandra Vidyasagar, did not really succeed in 19th century Bengal because it was inspired by reforming leadership, but did not arise from within the community. The present Bill is a product of many seminars and debates within the concerned community and suggestions of reforms emerged from the community itself. This is the historical importance of the Bill. The Government has responded to it with sympathy. I congratulate the Minister on this.

Why was this Bill necessary? Because, marriage rules in every community operate against women. Such is the power of patriarchy. With the advancement of civilisation and acceptance of the principles of democracy, equality and equity by women and also by liberal men, and I include the Minister within that group realised that unequal marriage laws operated against both, men and women, against the entire conjugal family. Therefore, they decided to redress the imbalance, and this is the spirit behind the Bill.

There were three glaring defects in the Christian Divorce Act of 1869. First, according to section 7, divorce and matrimonial laws enforceable in courts of England were applicable to Indian Christians, as if Indian Christians were British subjects. This was an insult to the spirit of nationalism of Indian Christians. Secondly, to have a divorce women needed to prove both adultery and desertion or cruelty, while men could have divorce on grounds of adultery alone. This was violation of the principle of legal equality. Thirdly, on dissolution of marriage on grounds of adultery of wife, her property could be settled for the benefit of the husband, whereas there was no corresponding provision for the benefit of the wife. Again, one rule for women and another for men! These three glaring defects have been removed by amendments brought forward by the hon. Minister.

It is also good that section 34 has been removed. It was undignified. Of course, there are still other anomalies there. For instance, section 10 needed another sub-clause because unlike the Special Marriage Act, the Hindu Marriage Act and the Parsi Marriage Act, the Indian Divorce Act which also provides for the passing of a decree of judicial separation,

does not provide for the passing of a decree for dissolution of marriage on grounds that cohabitation has not been resumed from the date of the passing of the decree for judicial separation by a competent court. Moreover, a comprehensive law governing marriage, divorce and other related aspects of Christians in India, would have been more welcome. But I will not hold it against the Minister. As a social historian, I know that in social reforms there have to be few steps at a time. Let demand for further reforms come from within the community itself and let the Government, like this time, be responsive to the demand. I sincerely hope that other steps will follow. With these observations, I support the Bill.

SHRI K. M. SAIFULLAH (Andhra Pradesh): Madam, I welcome the Bill that the Government has brought with regard to the Indian Divorce Act, giving women the opportunity to file divorce cases. But, by the by, I am very sorry to say that it is not practicable in life. I will submit that section 497 on adultery says that without the consent and connivance of the husband, if any person has sexual intercourse with his wife, it is an offence. I have practised law for twenty years. I have not seen a single such case being filed in courts of law. I have not seen even a single person being convicted because this goes with the consent; nobody will go to the court. But the Government has got some intention to help the women. Instead of helping like this, they should have brought the women's reservation Bill giving them 33% reservation. That would have been better. The women would have been satisfied. This is not a practicable thing. *...(Interruptions)...* The intention is to satisfy the women. If you are so generous, you should satisfy them with 33% reservation.

THE DEPUTY CHAIRMAN: But still, they will not be satisfied as far 'tery is concerned.

SHRI K. M. SAIFULLAH: Whatever it may be. I am sorry for the deviation, Madam. There is another thing. The hon. Law Minister is an able advocate. He should have thought before bringing this Bill to the House. He has not applied his mind so far as the criminal law is concerned. He wants to give this right to women to file divorce proceedings in a court of law. But what does section 497 say?

You club section 497 with section 198 of CrPC. Section 198 of CrPC says, "It is only the affected party..." Suppose, A commits adultery with B's wife, only B can file the complaint, but not B's wife. You can amend section 198 CrPC. They would have been satisfied if it went

together. Sections 198, 497 and this one go together. You have provided a right which is quite impossible. But, we should have provided a right by amending section 198 CrPC. Section 198 CrPC says, "For the purpose of sub-section(i), no person other than the husband of a woman shall deemed to be aggrieved by an offence." He is the only person who can file. Why? If A commits adultery with B's wife - suppose, B and C agree, there is no offence. What about 'A's wife? She is also aggrieved. When we make up our mind to bring a Bill in the august House, we should make an equal law. We are answerable to the people. When you amend the civil law, it should be on par with the criminal law. Then, it would be appreciated by the people. But, anyhow, it is only a suggestion to the Law Minister to get it amended.

Apart from this, I had written three-four letters to the then Law Minister and the Law Commission. This is about the very offences which require to be amended and which is not practicable. There are offences - section 160 IPC is there; sections 147 and 148 are there. Madam, kindly listen to me. Section 160 of IPC says, "Two or more than two small ladies fight together in order to disturb the peace and tranquillity." In the CrPC, that has been made a non-compoundable offence. The poor ladies are going to the court, standing under the trees for years together. If you amend it, if you make it under clause 320 and 328 of the CrPC as a compoundable offence, by just fining them fifty rupees, they will go away to their homes. That would have been appreciated. Likewise, what you have done about sections 125 and 127. I am handsup for what you have done to sections 125 and 127. Please do the same thing about section 160. People will appreciate it. Also, 147 and 148, i.e. writing, it is not a major offence, but it goes according to the major offence. As you said, there is a High Court judgment. Yes, there are two High Court judgments. If the major offence is compoundable, the corresponding offence can be compounded. When under 302 murder is not compoundable, 147 and 148 cannot be compounded. If under 324, simple head is compoundable, it can be compounded. Because it is con-compoundable, people are going around the courts. Mr. Minister, this is my suggestion.

Finally, I would like to say something with regard to the lacunae which are there in 497. See, a Muslim marries a Christian lady who believes in Christianity and Judaism. It is a valid marriage according to the Muslim Personal Law. How do you get rid of it? If a Muslim marries a Christian lady who believes in Christianity and Judaism, it is a valid marriage, she need not

be converted into Islam. The children born to them are valid. This is a law which separates the wife and husband who are supposed to live like Snow-Johnes. We must get a law which would be helpful to the poorer people.

Madam, I must submit that some of the Members have pointed out about the Muslim Law -- "Muslim Law is not good, we are doing injustice to our sisters" -- without knowing the consequences of the Muslim Personal Law. Madam, you know very well that the Muslim Law is nothing but a civil contract. There must be offer and acceptance and consideration, and it is a valid marriage. Consideration itself is *mehar.* I submit it to the august House that right from the inception of the Muslim Law, the *mehar* is there. The *mehar* amount is there. The moment the divorce is there, *mehar* will be paid. There are two types of *mehar,* which are known as, preferred *mehar* and deferred *mehar,* which is known as *muwajjal* and *muzall.* One thing, even you are giving the maintenance after divorce, whereas in the Muslim Law, on demand, before going to the nuptial life, you are supposed to pay it on the night itself. That is known as preferred *mehar.* Being a Muslim, we have to accept one thing. Our elders are not keeping a large amount of *mehar.* We must propagate it to keep more *rrehar* so that the ladies should also be benefited. This has to be done by way of congregation of the Muslims. This is a country where Muslims, Hindus and other people are there. There are separate laws for them. We should not use our brains for the sake of amending the personal laws. Rather, we should go in for social laws. This is my suggestion.

Yesterday, our friend was arguing that Muslim ladies were not having any right in the property. Who said it? Only Islam first allowed widow marriage. Our Prophet Mohammed married 4-5 widows. Hats off to Muslims. They have allowed marriage of widows; whereas you are allowing widow marriage only now. But what about the right to property? Right from the inception of the Muslim law, we are giving a share in property to the wife in a 2:1 ratio. In properties, we give a share of one-eighth to our parents also--mother and father. The people, who have commented otherwise, have forgotten that prior to 1956, as per the Hindu personal law, no woman was given any share in property. Only after 1956, as per the Hindu personal law, the Hindu girl was also entitled to a share in property. But Muslim wives and daughters enjoyed share in property, maintenance and dower amount and everything else, right from the inception of the Muslim Personal law. The Islamic law governs Muslims. In order to safeguard our laws, it is better to safeguard ourselves.

Sir, I welcome the Bill. I am only an advocate practicing in mofussil. I need not suggest much to an advocate practicing in the Supreme Court. I request the Minister to amend Sections 160, 147 and 148. Thank you.

THE DEPUTY CHAIRMAN: People don't know one thing. The Muslim woman has a right to divorce her husband but under certain conditions. I think, those conditions are strong enough to take a divorce. There are seven conditions on which a woman can ask for a divorce. They call it *khulla.*

SHRI K.M. SAIFULLAH: There is *khulla,* there is *mubarik* and others are also there.

THE DEPUTY CHAIRMAN: But the men are not allowing them to use their right. You are right in saying that. There should be a social change and not a legal change. I could follow that but the rest of your speech is beyond my understanding. I understand simple laws. I plead my ignorance with regard to the correlation between the criminal and the civil laws.

SHRI KA.RA. SUBBIAN (Tamil Nadu) : Thank you for this opportunity, Madam. I have to congratulate and appreciate our hon. Law Minister for having brought this amendment to the Indian Divorce Act. It was dead old one, which was brought in 1869. From the Objects and Reasons, we can see this. After going through the Law Commission of India's report, and the observations of several High Courts, as also after ascertaining the views of the Christian community, the leaders of prominent churches and the Members of Parliament, the amendments have been brought in this Act. The sole object and intention of the proposed amendments is to avoid inordinate delays that occur in the matrimonial proceedings, if either the husband files a petition or the wife. It is also intended to remove the inequality between the husband and the wife as also to make both the husband and the wife to meet the ends of justice. With this motive the amendment has been brought in. If you go through the Bill, the wife is not discriminated against from the husband.

In order to remove gender inequality in the matter of grounds of divorce in section 10, a major change has been made. Now, as per the amended section, either the husband or the wife can file application to seek the decree of divorce in the court. Several provisions are there in section 10 with regard to the filing of an application by the wife if she wants to seek divorce. The incestuous adultery and bigamy have been omitted and reasonable and equal grounds have been introduced for both. Further in

sections 17 and 20, some major provisions have been introduced because a person whether he is a Hindu or a Christian or a Parsi or a Muslim, he is Indian. He has got equal rights, as far as our Constitution is concerned. But if we see the Hindu Marriage Act, we can file an application under section 13 of the Hindu Marriage Act to obtain the decree of divorce on the grounds which had been sorted out under that section and after getting the decree of divorce, a Hindu need not go to the High Court for confirmation of the decree. In the old Indian Divorce Act this provision was there according to which the decree of divorce has to be confirmed, only subject to the confirmation by the High Court. So the removal of that provision has to be welcomed and appreciated. Nobody thought of making suitable amendments this Act has been there since 1869. Now, I thought that there is no provision in the Bill for filing an application jointly by the husband and wife. In the Hindu Marriage Act, there is a provison under section 13 (b) whereby the husband and wife, if they intend to file an application to obtain a decree of divorce, can file application jointly before the court. I was under the impression that such a provision was not introduced in the Bill because as far as I could see the draft papers, I was not able to see that provision, namely, introduction of 10(a). But when our hon. Minister introduced the Bill, he stated that a new section 10(a) has been introduced. It is a new provision; now, we find in the Hindu Marriage Act a provision under section 13 (b), whereby both the husband and wife, if they intend to file an application, they can file it jointly and obtain on order of decree of divorce. Therefore, that- has to be appreciated. There is only one suggestion that I would like to submit to the hon. Minister. Under section 11 of this Act, if either the husband or the wife want to file an application on the ground of adultery, he or she has to implead the adulterer or the adulteress as a co-respondent in the application. There is no such provision in the Hindu Marriage Act. If they allege that they want to file an application on the ground of adultery, they need not implead any adulterer or the adulteress as co-respondent in the application. Why should there be a discrimination? Further, the hon. Minister has brought this Bill to avoid inordinate delay which occurs in the filing of an application and also in the matter of proceedings. It is a very difficult task if a husband wants to implead the adulteress as co-respondent or if the wife wants to implead the adulterer as co-respondent. Naturally, even if the summons is served on them or a notice is sent, after having been impleaded as co-respondent, we cannot expect that they would appear before the court of law to say, "Yes, I was leading an adulterous life with so and so".

So, my impression and feeling is, as far as that provision is concerned, it is unnecessary. Because, any sane person - whether it is husband or wife -- if he intends to file an application, will not rush to the court hastily. After coming to a definite conclusion that there is no possibility either for the husband or wife to lead a smooth matrimonial life, only then they will approach the court. The allegation, I feel, itself is sufficient and they need not be impleded as co-respondent. If the hon. Minister is of the opinion that such a provision is not necessary, an amendment can be made..*{time-bell)...* I am concluding. And, wherever the word 'wife' is omitted in the Bill, it should be included, so as to maintain equilibrium between the wife and husband. As my learned friend mentioned, our hon. lady Members are demanding 33 per cent reservation. As far as this Bill is concerned, in all aspects, equality has been maintained between the wife and husband. There is no discrimination between the two in this Bill.

Further, wherever the word 'High Court' appeared in the Act, it has been omitted and we can settle the matter in the district court itself, where an application could be filed. The hon. Law Minister should be appreciated and congratulated for having brought this very important amendment to the Personal Law of the Christian Community. With these words, I wholeheartedly support this Bill. Madam, I once again thank you for giving me an opportunity to speak on this Bill. Thank you.

श्रीमती सरोज दुबे (बिहार): माननीय उपसभापति महोदय, मैं आपको धन्यवाद देना चाहती हूं कि इस महत्वपूर्ण बिल पर दो मिनट में दो चार बातें कहने का मौका दे रही हैं क्योंकि मेरी पार्टी का दो ही मिनट टाइम है। इस विधेयक पर तमाम माननीय अधिवक्तगण ने अपनी कानूनी राय और कुछ सुझाव दिये हैं । लेकिन हम महिलाओं में दुर्भाग्य से कोई अधिवक्ता नहीं है। हम जो कुछ सुझाव देते हैं, वह महिला समान अधिकारों के आन्दोलनों के द्वारा हम लोगों को जो व्यावहारिक ज्ञान होता है, उसी के आधार पर हम सुझाव देते हैं।

श्री संघ प्रिय गौतम: मगर आप वक्ता तो हैं।

श्रीमती सरोज दुबे: अधि नहीं हैं, वक्ता तो हैं। भारतीय विवाह विच्छेद (संशोधन) विधेयक, 2000 के द्वारा ईसाई महिलाओं को कुछ हद तक लैंगिक विभेदों से मुक्ति मिलेगी, इसके लिए मैं विधेयक का स्वागत करती हूं। माननीय मंत्री जी को धन्यवाद देती हूं कि महिलाओं के साथ जो असमानता का व्यवहार चल रहा था, उनको समाप्त करने के लिए इन्होंने कदम उठाए हैं। विधि आयोग की 164वीं रिपोर्ट के अनुसार भारतीय ईसाई विवाह अधिनियम, 1862 और भारतीय तलाक अधिनियम, 1869 सारी ईसाई महिलाओं को समान अधिकार नहीं देता, इसलिए सेक्शन 10,17 और 20 के द्वारा आपने जो भी संशोधन किये हैं, वे ईसाई महिलाओं को समानता की ओर ले जाने के लिए स्वागतयोग्य कदम हैं। एक सदी से पुराने भारतीय तलाक

अधिनियम की धारा मे यह लिखा था कि किसी भी विवाहित ईसाई महिला को उसका पति उसके बदचलन होने के आधार पर तलाक दे सकता है लेकिन इसी आरोप पर अगर कोई पत्नी चाहे तो अपने पति को तलाक नहीं दे सकती है। इसके लिए उसको पति को क्रूर, बहुस्त्रीगामी, शराबी और तमाम बातें साबित करनी पड़ती हैं, तब उसके तलाक का ग्राऊंड बनता है। पति का केवल बदचलन होना अकेले उसकोपति से निजात नहीं दिलवा पाता था। यह दोहरा मानदंड स्त्रियों को पुरुषों से विलगा कर दूसरी श्रेणी में ला कर खड़ कर देता था। इस अमानवीय गैर बराबरीपूर्ण विसंगति का न केवल विधि आयोग ने विरोध किया था बल्कि कोलकाता, चेन्नई , आन्ध्र प्रदेश और अन्य माननीय उच्च न्यायलयों ने भी इसकी कटु आलोचना और तीव्र भर्त्सना की थी।

इसी प्रकार धारा 20 के तहत यह जरुरी माना गया था कि अगर किसी तरह से निचली अदालत से तलाक हो जाता है तो उसको वैधता दिलाने के लिए उच्च न्यायलय की सम्मति बहुत जरुरी थी और उच्च न्यायलय से सम्मति के लिए 3 जजों की बेंच होनी बहुत जरुरी थी। यह बड़ी उलझी और कठिन प्रक्रिया थी, इस प्रक्रिया की मुश्किलात से घबड़ाकर महिलाएं अक्सर तलाक लेने से डर जाती थीं और अपने पति का अत्याचार झेलने को मजबूर होती थी। बहुत बार तो इनके ऊपर इतने अत्याचार हुए कि उनको अपनी जान से भी हाथ धोना पड़ा। अतः तलाक लेने की इस दुरुह प्रक्रिया से मुक्ति दिलाकर आपने बहुत ही वाजिब कदम उठाया है।

इसके साथ ही साथ जो आपने और अमेंडमेंट किए हैं जिसमें ग्राउंड के आधार बढ़ा दिए हैं, यह आपने बहुत अच्छा कदम उठाया है क्योंकि पहले ग्राउंड्स कम थे, उसके कारण डाइवोर्स के उचित आधार ढूंढने में कठिनाई होती थी। इसमें भी आपने अनसाउंड माइंड, खतरनाक लगने वाली बीमारियों और सिविल डेथ के बारे में भी बताया है कि 7 साल तक अगर पता न लगे – ये सारे ग्राउंड्स आपने बहुत अच्छे दिए हैं। इससे परस्पर सहमति से जो तलाक लेने में काफी मदद मिलेगी।

इसके साथ ही साथ जो न्यू क्लाज 4ए है इसमें आपने म्यूटुअल कन्सेंट से जो डाइवोर्स की बात की है, यह बहुत अच्छा है। आपने काफी सुधार करने का प्रयास किया है। फिर भी मैं आपसे यह कहना चाहूंगी कि पहले तो अगर पति पत्नी में मनमुटाव होता है तो तलाक प्राप्त करने के लिए दो वर्ष के लिए अलग-अलग रहें। उसके बाद वे पिटीशन दाखिल करें। फिर 6 माह के बाद इसमें तारीख पड़ेगी। उसके बाद 18 माह तक जज उसको विचार के लिए रोक सकता है। पहले 2 साल अलग रहें फिर 6 माह के बाद तारीख पड़े उसके बाद 18 माह तक जज रोक लें। उसके बाद अगर कहीं अपील हो जाए तो फिर स्त्री पुरुष की इतनी उम्र बढ़ जाएगी कि दूसरी शादी का तो वे ख्याल भी नहीं कर पाएंगे। लेकिन इसमें पुरुष को तो कोई खास हानि नहीं होगी लेकिन महिलाओं की उम्र ज्यादा बढ़ जाएगी तो दूसरे विवाह के लिए क्षेत्र संकीर्ण होता चला जाएगा। इसलिए मेरा आपसे अनुरोध है कि जैसे हिंदू मैरिज एक्ट में है वैसे ही अगर दो वर्ष की जगह एक वर्ष करें तो कोई बुराई नहीं है। एक वर्ष का समय भी काफी होता है। आजकल कोई दम्पति डाइवोर्स बिना सोचे समझे नहीं करता है। बहुत सोच समझकर आदमी कदम उठाता है। एक वर्ष उसके लिए काफी है। 6 माह की जो तारीख देते हैं यह भी एक लम्बा समय है। अगर इसे जज के विवेक पर छोड़ दिया जाए तो यह काफी अच्छा रहता। यह जो 18 माह वाली बात है यह तो बहुत ही ज्यादा है। इसलिए मेरा अनुरोध है कि इसमें कुछ सुधार हो सके तो उचित है क्योंकि यह 6 माह, 18 माह और 2 साल और उसके बाद अपील – यह बहुत लम्बा

समय है। इसमें अगर कुछ सुधार कर सकें तो बहुत अच्छा हो सकता है। साथ ही अगर सहमति से, म्यूचअल कन्सेंट से डाइवोर्स होता है तो वह आसानी से हो जाएगा। इसमें इतने लम्बे इंतजार की क्या जरुरत है कि वे अपनी अगले जीवन के बारे मे कुछ न सोच सकें।

इसके अलावा आर्टिकिल 36 में निर्वाह व्यय की बात की है। आपने बताया कि पति की औसत शुद्ध आय के पांचवें हिस्से से अधिक नहीं होगा। इसमें आप सुधार करके एक तिहाई करना चाहते हैं। मैं आपसे यह अनुरोध करना चाहूंगी कि एक तिहाई की भी सीमा रखने की क्या जरुरत है। जैसे अभी आपने सी आर पी सी 125 में कर दिया कि 500 रुपये की अपर लिमिट हटा दी है, तथा जज के विवेक पर छोड़ दिया है उसी तरह से इसमें आप एक तिहाई की सीमा क्यों लगाना चाहते हैं। इसको भी खुला छोड़ दीजिए। मैजिस्ट्रेट के विवेक पर रहे, वह जैसा उचित समझे वैसे उसको मेन्टिनेंस दे सकता है। तो अगर इस बात को भी सोच सकें और हिन्दू ला की तरह से प्रावधान कर सकें तो अच्छा है।

इस के अलावा जो आपने सम्पत्ति में पति पत्नी के समान अधिकार में जो बाधा थी कि पति वयाभिचारी है तो भी सम्पत्ति पर उसका पूरा अधिकार होगा और अगर पत्नी व्यभिचारिणी होगी तो वह सम्पत्ति के अधिकार से वंचित होगी, इसको भी आपने हटाकर बहुत अच्छा किया है। लेकिन महिलाओं की आर्थिक मजबूती के बारे में कोई विशेष जिक्र इसमें नहीं हुआ। तो मैं यह कहना चाहूंगी कि महिलाएं कोई भी लड़ाई तभी लड़ सकती है जब वे आर्थिक रूप से मजबूत होने और आर्थिक रूप से मजबूत होने के लिए और स्वावलम्बी होने के लिए उसको धनराशि चाहिए होती है। पति का सबसे पहला काम होता है कि पत्नी अगर अलग होना चाहे तो सबसे पहले उसका आर्थिक रूप से विकलांग बना दो, उसके पैर जकड़ दो ताकि वह आगे कदम बढ़ाने न पाए और मुकदमा न करने पाए और पति ऐश करता हुआ आराम से रहे। अगर वैवाहिक सम्पत्ति और चल-अचल सम्पत्ति में उसको अधिकार हो जाए, जो आय के स्रोत है उसमें भी उसका बराबर का हिस्सा हो जाए और शादी करने के बाद जब से वह जिस घर में गई है तब से सारी चल अचल सम्पत्ति में उसका आधा-आधा अधिकार हो जाए तभी पत्नी को समानता का अधिकार मिलेगा। इस प्रकार सारी सम्पत्ति का अगर बराबर का बंटवारा होने लगे तो पुरुष भी डाइवोर्स करने से पहले दस बार सोचेगा कि यह तो मेरी सम्पत्ति बांट लेगी इसलिए बिना सोचे-समझे इसमें कोई कदम उठाना ठीक नहीं रहेगा। इस तरह से मैं आपसे यह बताना चाहती हूं कि सम्पत्ति के बराबर अधिकार पर विशेष ध्यान देना होगा वरना बराबरी का दावा करते हुए महिलाएं डाइवोर्स तो ले लेंगी लेकिन डाइवोर्स के बाद फिर वे चौराहे पर खडी हो जायेंगी और वहां से उनकी दुर्दशा शुरू हो जायेगी । आपको तो मालूम है कि इस देश में महिलाओं की स्थिति क्या है। आर्थिक स्थिति कमजोर होने के कारण कभी-कभी अपने बच्चों को पालने के लिए उन्हे अपने तन का भी सौदा करना पड़ता है क्योंकि परित्यक्ता के पास आमदनी का कोई जरिया नहीं होता। आज 12 वीं सदी में हम जी रहे हैं। इसलिए कुछ ऐसा प्रावधान होना चाहिए कि डाइवोर्स के साथ-साथ महिलाओं का आर्थिक सशक्तिकरण हो जाए , वे आर्थिक रूप से मज़बूत हो जाएं ताकि मज़बूर हो कर सड़क पर न आ जाएं और बराबरी से कानूनी प्रक्रिया के माध्यम से उनको जो सुविधा दी गई है वह उन्हें मिल सके तथा महिलाएं भी बराबरी के कानून का फायदा उठा सकें और डाइवोर्स लेकर नया जीवन शुरू कर सकें।

इन शब्दों से साथ मैं एक बार फिर से माननीय मंत्री जी को धन्यवाद और बधाई देना चाहती हूं कि बड़ी तेज़ी के सात वे महिलाओं के बारे में अच्छे कदम उठा रहे हैं और मुझे

विश्वास है कि अभी यह जो आप संशोधन लाए हैं इसका धरातल बहुत कमजोर है, ऊपर से तो बहुत अच्छा लग रहा है , जैसे 60 दिन के अंदर वाली बात है वह पॉसिबल ही नहीं है, इसमें भी महिलाओं के लिए जो आप प्रापर्टी राइट्स वगैर बना रहे हैं तो धरातल को भी मजबूत करने के लिए आप कोई उपाय करें ताकि जैसे ही महिलाओं का सैपरेशन हो वैसे ही उनको आर्थिक रूप से तुरंत मदद मिल जाए, उसको रहने को साया मिल जाए उसके बाद मैदान में दो-दो हाथ हो जाए, क्या पति और क्या पत्नी , फिर बराबरी के सात जब लडेंगे तभी उसको न्याय प्राप्त होगा।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करती हूं और मुझे उम्मीद है कि मंत्री जी और भी विधेयक ला कर महिलाओं की स्थिति को और भी मजबूत करेंगे, चाहे वे किसी धर्म किसी जाति और किसी कास्ट की हों।

इन शब्दों के साथ मैं इन विधेयक का समर्थन करती हूं।

उपसभापतिः मंत्री जी यह शायद आप तीसरी बिल लाये हैं?...(**व्यवधान**)... Three for women अभी चौथा भी 33 परसेंट का आने वाला है। आप बिल्कुल निश्चिन्त रहिए। यह मंत्री रहने चाहिए। मगर प्राब्लम यह होती है कि जो मंत्री हम लोगों के फेवर में होता है वह फौरन ओवरनाइट चेंज हो जाता है . श्री एच.के. जवारे गौडा।

SHRI H.K. JAVARE GOWDA (Karnataka): Thank you, Madam. I welcome the Indian Divorce (Amendment) Bill, 2000, and also welcome the amendment made by the hon. Law Minister on the 25^{m} of this month. It is more effective than the original Bill.

AN HON. MEMBER: How?'

SHRI H.K. JAVARE GOWDA: The reason is very simple. I am not going to dwell on sections 7, 10, 17 & 20. The sole objective of this Bill is to remove the disparities between men and women. Under section 17; it provides for sending the decree of divorce to the High Court, after being passed by the district court, and also sending the matter, referred to under section 20, to the three-judge bench of the High Court. It is somewhat cumbersome because the district Court takes years together to dispose of the main petition. Then, it goes to the High Court, and the High Court also takes its own time. Therefore, it becomes a nightmare for those who seek divorce under the present law.

But the radical changes that have been introduced in this Bill would have far-reaching effects on the scenario of the existing society. I do not think any discrimination is made in this Bill between the Hindus, the Muslims and the Christians. What I mean to say is, more and more people are getting education, particularly, in the cities. Madam, I would draw your attention to one aspect of the matter. Hindus say that it is a scared thing;

someone says that it is a contract, but, irrespective of the different marriage customs, the intention of this Bill is definitely a scared one, that of protecting the children and developing the family. In another way, it is also contributing the development of the culture of this nation. But the thing is, in this changing scenario of economic stability, of fashionable life, particularly, in the cities, the educated people are going in, more and more, for divorces. Whether it is a man or a woman, one is not giving so much' sanctity to the institution of marriage, as was being given earlier. Even at high levels, one wants to have more wives. The women are also not very far behind. I would not go' into all those details. There are many instances like that. But I would like to draw the attention of the Law Minister to one particular aspect. Madam, last week, we had discussed in this House the issue relating to interim maintenance. You had provided a specific time of 60 days for disposing of an interim maintenance application. But, Mr. Law Minister you know very well that even after 60 days, the order on interim maintenance will not be passed. Because you have provided a step to argue in the court, to plead vehemently before the court, that you have to dispose it off within 60 days. But it is not possible to do it because the courts are overloaded with cases from all over the country. You know that the calling work in mofussil area and also in district and taluka areas ends at one o'clock. It is impossible to record evidence before one o'clock. Also, it is not possible to clear the quota of disposal that is provided in our judicial system -- four original suits, four miscellaneous applications. I want to tell you that your intention of speedy disposal of the application will not be fulfilled. It is almost certain. I know that your intention behind this Bill is good. You want to see that the needy, the deserted, and the neglected party -- whether he is a man or a woman, must get justice, as early as possible. But what is happening is, because of lack of infrastructure, lack of courts, lack of judicial officers, lack of staff, like stenographers, lack of typewriters, there is no disposal of work. These are all the reasons why we cannot get speedy disposal *(Interruptions)* Madam, one hon. Member has referred to the uniform civil code. I do not want to comment on that. But we all know what is provided under Section 125 of the CrPC Act. What is the judgement of our courts? Even the Shah Bano case, what judgements have been delivered recently by the Bombay High Court and the Calcutta High Court? Therefore, my suggestion is, make a comprehensive law on marriage and divorce. Those who want to take advantage of a particular law can file an application and seek the relief, under a particular law, overriding the other laws. He may be a Hindu, he

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may be a Christian, he may be a Muslim. Even today, the people of all religions are getting relief under Section 125 of the CRPC. *...(Time-bell)..* Madam, it is the misery of the women, it is the misery of the unfortunate children. They are suffering at the hands of the courts. Madam, I will give you one example. I am not talking against man. It is a case which I have come across. Sir, a marriage was taking place in a village.

The lady had studied up to io^{lh} Class, while the boy was illiterate. They got married. She got a job, as a Class IV employee. After sometime she filed a divorce petition against her husband, on the basis of her financial strength. My point is, discrimination is not against the women alone; it is against men also.

My second point is this. In 1991, the Supreme Court had directed a family court at Bangalore to dispose of the case on a day-to-day basis. Even after the lapse of ten years, the case has not yet been disposed of. Therefore, all these problems^{v} have to be studied in depth. As you have brought changes in the Christian law, a comprehensive law in regard to divorce and marriage was to be brought after considering all aspects of the problem. With these words, I support the Bill.

DR. RAJA RAMANNA (Nominated): Madam, I rise to support the amendment Bill. But I do not support it with all the enthusiasm, as my other colleagues have shown. I believe, as a change from 1869 to now, after a lapse of 130 years or so, it seems to be-a wonderful thing, but looking a little more into the future, as to the rest of the century, which is a long way to go, I have a feeling that the whole system of marriage itself will disappear. Even now in Western countrties , many people do not get married at all. They just decide to live together. When you ask them, the first thing they say is that they do it because they want to avoid lawyers and the law. They avoid going to courts to face the problems that arise at the time of divorce and also the problems of looking after the children. Madam, it is much better if the mother looks after her children. But, since it is the State which is supposed to look after the children, they are financially supported. If marriage is a necessary concomitant of the fact that you are going to have children, and the children have to be brought up properly and if marriage is no longer an easy thing to sustain, then somebody else will have to look after the children. This is the problem that I want to bring to your attention.

In India, as, of course, unlike in the European world, polygamy is a very common thing. In Europe, bigamy was considered a criminal act and they used to take a very strong action in courts. For getting divorce, they had to put up all sorts of shows in a hotels etc. where adultery was facricated and the people were paid for it in the usual corrupt way. That is how, I think, in Edward VIII's times Mrs. Sympson got her divorce, purely by a show and the judge formally declared, "now, I declare divorce". But to insist that you will be able to carry the divorce rules in India in the forfeseeable period of time seems formidable to me, because everything in India takes a long time. It is not simply a fact that it takes a long time, but the social distortions that are put on during the very act of divorce are still very strong. If you go to the villages, they even murder people. This is what I gather from newspaper reports. They murder their own children, becuse of their *izzat.* In towns, where they are supposed to be more progressive, the feeling is, what they are going to do next. In the society, we cannot invite those who are just divorced. All that still goes on. I am talkiing of the state of affairs in India at this particular time. But, as time goes on, I see further problems in making this Bill an ideal one. That is, as you all know, our caste system has not yet been wiped out. In fact, I have a feeling from the time when I was young up till now that the caste system is even stronger. Don't ask me why I say that; I cannot prove it. But the word "caste" is used practically for everything when you want to get things done. Now, added to the caste problem and the dowry problem, I have one more which has come up, and that is the last point I want to make. This is the question of children, which is a very important factor in the marriage and divorce. We will have to take a different view, if the world takes up cloning. Cloning means, you can have children without sex. Man is unnecessary. So, if you have large number of cloned children, the Government has to look after them. The sheep cannot look after a human being. Human beings have to be looked after by human beings. But with the coming of cloning, whether you like it or not, many countries are trying to pass laws to stop cloning. I don't think this is possible. Madam, you yourself are a biologist and you can see what will happen when cloning becomes an immediate possibility. As it is, artificial insemination is already there. It has been done in the case of animals. Now, it is being done in the case of human beings also so that they can have children easily, no matter who the father is, who the mother is. This is an injection tube and modern sterilisation. That is all that matters. So, all these things will have an effect on your divorce laws, on your marriage laws, on your social laws. So, I just wanted to bring these

to the hon. Minister's attention. I am a nominated Member and have always had the benefit of listening to many speakers before I can speak, because nominated Members are allowed only at the end. With that great knowledge, I bring to his attention that we have to look into the future also. The Bill must indicate the coming changes. Many of these things which I have said are something that will come in a short period of time. Therefore, one has to be ready and be prepared to say that these amendments which are passed today may become only five years from now totally out of date. Madam, thank you for listening to me.

THE DEPUTY CHAIRMAN: Mr. Premachandran. You are the last speaker.

SHRI N.K. PREMACHANDRAN (Kerala): Madam Deputy Chairman, I thank you for giving me an opportunity to speak on the Indian Divorce (Amendment) Bill, 2000. First of all, I welcome and support this Bill moved by the hon. Law Minister. When the original Bill was introduce in the House by the then Law Minister, probably, you may recall, there were loud protests from the Churches. The main reason was that they were not consulted while drafting amendments to the present Bill. I want to make a suggestion to the Law Minister that whenever a personal law is going to be amended, the community which is concerned with it, should be consulted because ours is a secular country. When the.original Bill, alongwith official amendments have been brought forth, it is very clear that the hon. Minister has taken into consideration the aspirations of this particular community, especially the Bishops. So, I support the Bill. At the same time, I have some apprehension on this Bill. As far as the canon's law is concerned, the basic principle is man cannot separate what God has united. That is the canon's law basic principle. Even now, the Christian community does not accept the term "divorce" contained in the Canon law. But, recently, Churches have started dissolution of marriages. They have accepted it, more or less, due to compelling reasons. As far as this Amendment Bill is concerned, confirmation from the High Court is taken away. That is a very good thing. The application for the dissolution of marriage has to be presented before the district court and the verdict or the decree of the district court need not be confirmed by the High Court, in order to avoid delay in the proceedings. But what is the binding effect of the decree when it is passed by a civil court having jurisdiction? The dispute or the conflict will remain. Because a decree passed by a civil court is not binding or is not acceptable to the church, or it is not acceptable to the court of the church. There is also the court of the church. There is dissolution of marriage in the court of the

church also. The decision on dissolution of a marriage by the church court is not acceptable to the civil court also. Even though the hon.Minister and the Government are taking very earnest steps to make the amendment so that the delay in the proceedings can be shortened, still, the delay remains; two parallel proceedings are still there. Suppose a civil court decree is there and a church court decision is also there. If both are conflicting, what is the outcome of it? My suggestion is to have a consultation among the churches to have a solution. The Government has to think about it also. After consultation with the churches, a solution has to come out. That is my first point.

My second point is regarding adoption, as far as the Christian law is concerned. Madam, still, there is no law for adoption, as far as Christians are concerned. It is a long-pending demand of the churches that a law for adoption has to be there, as far as Christians are concerned. That has not been fulfilled so far. It is a long pending demand.

The third point to which I would seek the response of the hon. Minister is regarding the Christian Marriage Act, 1872. There was a proposal for a drastic amendment of the Christian Marriage Act. As far as the Christian law is concerned, a marriage is solemnised. In that respect, the ceremonies are different for different sects. According to my limited knowledge, there are 300 sects and 300 different varieties of ceremonies solemnising marriages. Is there any proposal pending before the Government for having uniformity among the Christian community? There was a proposal to have uniformity in ceremonies for marraiges. I am not speaking about a uniform civil code. As far as Christian marriages are concerned, there was a proposal, there was a move.

What happened to the amendments of the Christian Marriage Act, 1872?

I am concluding, Madam. By the amendment to section 10 and the official amendment to clause 4, the gender inequality which has been there for so many decades has been removed. The official amendment to the new section 10(1) is very clear and unambiguous. Also, there is a new provision giving the woman much more importance as far as getting dissolution of marriage, if the man has been found guilty of rape, sodomy or bestiality.

Considering all these aspects, I again suggest that as far as the personal law is concerned, the churches or the concerned community

should be consulted and an amicable solution evolved. With these words, I support the Bill.

THE DEPUTY CHAIRMAN: Different ceremonies show the variety the country has. Ceremony has nothing to do with law. These are customs. Sixteen or fourteen per cent of our law is customary law. Mr. Minister, you know it better.

SHRI ARUN JAITLEY: Madam, we have had the privilege oflistening to the views of a large number of Members. Madam, you rightly made a point in response to what the hon. Member just now said with regard to customs. The hon. Member, in fact, made two very valid points. The first was that always, the community must be consulted, when you amend the personal law. Secondly, even within the parameters of personal laws, there is always to be a distinction maintained between rituals and customs which are personal to the religiosity of the community. The second aspect is in relation to various rights which emanate from either marriages or divorces. I do not think there is any need, by law. at this stage, or at any stage, to say that everybody will follow the same custom because customs in different communities will always be different, and, therefore, that is an area which the communities, as they evolve, are capable of taking care of themselves. We have really to be concerned more as far as the arena of rights is concerned.

Madam, there have been several very important suggestions which have been made. At the very outset, let me suggest this, that even before the initial amendment was introduced in the hon. House, a conference of the leading members of the community had been organised by the Department of Legislation. Their views had been taken. And not only the views had been taken, but it was also a Constitutional duty of Parliament to legislate in relation to two areas, particularly because those areas had been struck down by courts. We could not afford to leave a vacuum, as far as the law was concerned. We had to remove the discriminatory law. We had to bring in a non-discriminatory law and remove the discriminatory law which the courts had struck down. After we introduced, some more consultations were held. Initially, there were many views which were there. The Christian women very strongly argued in favour of a particular viewpoint, and I must be also very grateful both to the Christian women's organisations and to the Church authorities who, subsequently, all converged to a single point of opinion and supported these amendments before the Standing Committee. The Standing Committee also had returned a finding which was unanimous,

and, except one area, the Standing Committee accepted all the suggestions, and we had dittoed it. And that one area is, again, the last one which the hon. Member mentioned: What about the courts created by religious organisations? I am afraid this is something we cannot agree to. I will just quote from what the Law Commission had said in this area. The Law Commisson in its Fifteenth Report which was the first Report on the Indian Divorce Act itself, had said, "It is the courts constituted under the law of this country, that have the exclusive authority to determine disputes relating to civil rights, and there can be no surrender or abdication of that authority." You cannot have parallel proceedings going on before courts which are informally constituted by the people. The only institution of courts which Jaw recognises is courts created under the Constitution and under our law, and, therefore, this suggestion, that there must be a parallel jurisdiction, did not find favour either with the Standing Committee *or* with the Government. And that is the only suggestion of the community, or a section of the community, I may say, which we did not accept. I must say that these are not the only changes. Whenever we speak of legislation, we speak in terms of having comprehensive laws, but there are several aspects of laws which require a reform, and merely that some reforms have not started in some areas is no reason why we must hold up reforms in other areas where a situation has come where reforms are now easily possible. In fact, a study of this law itself will give us an illustration of how consensus within the community itself determines itself. We had, in the last 50 years, several efforts made to reform this law. As I mentioned, this 1869 law is based on the English Act of 1857. England repealed that Act in 1923, and in the second part of the Twentieth Century, we had repeated resistance to the amendment of this Act here in India. But, then, ultimately, all of the community got together and said, "We must change and improve upon this Act."

A very important point was made by Mr. Saifullah. He said, "What is the advantage that women have unless you amend some corresponding provisions of the criminal law?" And the Chair commented that we were unable to comprehend what the relationship between the two was. This is a civil law or a personal law. In this personal law, there were discriminatory grounds given to a man and a woman. There were several other discriminatory provisions. There was also an obsolete provision of going to the High Court. All those aberrations have been corrected. This has nothing to do with the criminal law liability which a husband may incur in the event of his committing a bigamy or a polygamy. The criminal law provision

which Mr. Saifullah was referring to was, under our criminal law, if somebody commits bigamy or polygamy, the right to institute the criminal proceeding vests with the aggrieved wife. Whether there is a need to change this or whether there is no need to change this is an issue which is entirely separate, which can be independently discussed in this hon. House. But that is no ground till we amend that law and give to strangers also the power to initiate prosecutions in the event of bigamy or polygamy. That is no ground till that is done. We stopped the process of reforming a law where reforms, in fact, had been long overdue. There was one suggestion which was made by Mrs. Dubey. She, particularly, stated that when you were removing this one-fifth ceiling, "Why are you limiting it to one-third? Why don't you leave it to the court to determine as to what the quantum of maintenance should be?" I would like to correct her. That is precisely what we have done. The original law fixed one-fifth. We have removed that one-fifth, the maximum that the wife would have. She could get even less than one-fifth. We have removed that condition and, today, it is entirely in the realm of judicial discretion as to what the quantum should be. We have not kept any limitation of one-fifth or one-third, as far as these amendments are concerned. As Mr. Premachandran has mentioned at the end, the Catholic law says that those whom God has united, the law cannot separate. That is the essence behind the respect that the Christians have for their marriage, the reverence that the Christians have for their marriage. The community suggested to us, "Don't use the word "divorce" at any stage in the text of the Act". Therefore, keeping those sentiments in mind, we decided to use the word "dissolution". There are certain other changes that they wanted. For instance, in the Special Marriage Act and in the Hindu Marriage Act, the period of separation for the purposes of consent divorce is one year. But, here, the entire community expressed a view that they wanted a slightly larger period for the couple to really determine it, on account of their tradition, relationship of religion and separation of this kind. Therefore, with the consent of the community, we fixed a period of two years. Since it was a point on which the community had some strong views, we decided to accept and honour those views. There can be conflicting views in this House. But, as I said, since it is a Personal Law reform, we did respect the views of the community itself. There are one or two minor changes that we have. There is a distinction between the Special Marriage Act and this law. Mr. Gowda had raised two valid questions. One was in relation to having a neutral personal law, which defies the religions, where people of any religion can choose to get married.

Yes; we do have the Special Marriage Act for that. It is a law under which you can belong to any religious denomination; you can get married under that Act; you can get divorced under that; you will incur the liabilities under the Act. Even if, today, the Christians choose to marry under the Special Marriage Act, they are welcome to do so. Any person belonging to any religion can do so. In fact, trans-religious marriages are also held under that Act. This is a law which goes beyond that.

[THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) in the Chair]

SHRI H.K. JAVARE GOWDA: What I was emphasising was that they might get married under different laws. My submission is that whatever is the law under which they got married, if they want a divorce under these circumstances, a law has to be made, and that law has to be given overriding powers over the Personal Laws and they should be given relief under that law.

SHRI AURN JAITLEY: Well, I wish we could, in terms of national consensus or Parliamentary consensus, reach a situation of that kind. But we have not done so. Therefore, till the time we do so, it would always be advisable, whatever the provisions of Personal Laws, which otherwise are discriminatory *or* go against human dignity, if we, with the concurrence, consent and participation of the communities, try to correct those aberrations. That is the process which we are currently involved in. There is also a question which you have raised, and with which I completely agree. We are trying to cut short the procedures; we are trying to fix the time limits. But will that ever happen in courts? Let me straightaway start with the confession. As far as the Government is concerned, the Government can actually try at the State level or at the Central level to create the infrastructure. The Parliament will amend the laws, give a mandate, say this is the spirit behind these laws and this is how we want these laws to be operated. Here, we have a time limit. But, ultimately, this is one area where the management and the administration of these laws, particularly, relating to the administration of justice, are entirely within the realm of judges and lawyers. Therefore, the sense of expediency, which we are trying to indicate through these legislations, must also be, simultaneously, reflected in the implementation and administration of these laws by our judges and lawyers. Otherwise, you are right that we may keep on amending the laws; we may keep on indicating the period under which the public policy requires expedition, and you may still face a situation—as in the example of the Bangalore case which you gave, where even the orders

are not being implemented-where we may not be aoie to make any substantial. Dr. Raja Ramanna made some very interesting points. I think some of these points would require legislation at a suitable date to actually consider the consequences of these things. He mentioned that the number of divorces is going up. In India, the number is not so high but in the Western societies the number has increased. But one fact which the most civilized countries have kept in mind is, even when the number of divorces has increased, they have all been trying to make divorce a very costly proposition. When you divorce your wife, it is not very easy to walk out of the marriage without paying for it. Therefore, not only you pay for it, you pay effectively and urgently so that people keep this in mind as a social constraint. He also mentioned that a situation might arise where people may start bypassing the law, the lawyers and the courts. Well, such situations have arisen in some countries. But we have not been confronted with such a situation in a big way. But if at all we are confronted with that kind of a situation, the law would have to take notice of it.

DR. RAJA RAMANNA: The middle class may care for it, but the lower class just do not care for you.

SHRI ARUN JAITLEY: Just as you have a Chapter on alimony, in a situation like this, you may have to provide some suitable compensation so far as children are concerned, so far as other spouses are concerned. Already, there are world jurisdictions which have started recognising palimony. Therefore, the illustrations which you have in mind are not very difficult to envisage. You may try and avoid the law, but the law also has the ability in these kind of situations to catch up with you. But you are right in saying that when technological developments take place, in the case of artificial insemination and in the case of human cloning, there would be questions as to who the spouses would be, what would be the liabilities, who the father would be and what would be the parental rights. At some stage, the law would have to catch up with the technology when these issues do arise. There is a link between the two. I am afraid, today we have no such situation which recognises that. I am glad that you have, in fact, cautioned us about what could be a possible scenario in the decades to come. Sir, I am extremely grateful to the hon. Members who have almost unanimously supported this particular legislation. I think this is one law where reform was long overdue. I am glad that finally it has come. Therefore, I propose to this hon. House to kindly pass this Bill.

SHRI N. K. PREMACHANDRAN: What about the law of adoption?

SHRI ARUN JAITLEY: There are several other aspects. I must tell the House that when the Conference was called, there were several aspects of the Christian law which were taken into consideration. In fact, one of the suggestions was - a draft law was also prepared by us -- the marriage law and the divorce law should be clubbed together so that the whole personal law of Christians becomes one. But there was no consensus on it. Therefore, please permit us to move at the pace at which there is a consensus developing as far as this community is concerned. We have brought those provisions on which there is a consensus. In fact, I may also inform the House that there is yet another provision on which there is a consensus. As many as 23 Christian Members of Parliament have written to me that they still have a law, compared to other communities, where they are discriminated against in the law of succession. We are seriously looking into it. Allow us to do it in stages whereby we can carry the consensus of the community, rather than bring in those provisions where there is still no consensus. These were the reforms which were long overdue. Today, no law can be static. As and when we consult the community and their aspirations are known, I am sure other reforms would also take place. Thank you.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): After such an elaborate and specific reply by the Minister, I put the question:

"That the Bill further to amend the Indian Divorce Act 1869 be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up clause-by-clause consideration of the Bill.

Clause 2 was added to the Bill

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up clause 3 of the Bill. There is one amendment (No.3) by the Minister.

Clause 3 (Amendment of Section 3)

SHRI ARUN JAITLEY: Sir, I move:

(No.3) "That at page 1, for clause 3, the following be *substituted,* namely:-

"3. In Section 3 of the Principal'Act;-

(a) in sub-section (3), *for* the words "or of whose Jurisdiction under this Act" the words "or of whose jurisdiction under this Act the marriage was solemnized or "shall be *substituted;*

(b) sub-sections (6) and (7) shall be omitted."

The question was put and the motion was adopted.
Clause 3, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up the new clause 3A. There is one amendment (No.4) by the Minister.

New Clause - 3A (Omission of Section 7)

SHRI ARUN JAITLEY: Sir, I move:

(No.4) "That at page 1, *after* Clause 3, the following new clause be inserted, namely:-

"3A. Section 7 of the Principal Act shall be omitted."

The question was put and the motion was adopted.

Clause 3A was added to the Bill

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up clause 4. There is one amendment (No.5) by the Minister.

Clause 4 (Grounds for dissolution of marriage)

SHRI ARUN JAITLEY: Sir, I move:

(No.5) "That at page 2, for lines 3 to 18, the following be *substituted*,_namely:-

"10(1) Any marraige solemnized, whether before or after the commencement of the Indian Divorce (Amendment) Act, 2001, may, on a petition presented to the District Court either by the husband or the wife, be dissolved on the ground that since the solemnization of the marriage, the respondent -has committed adultery; or

(i) has ceased to be Christian by conversiont another religion; or

(ii) has been incurably of unsound mind for a

continuous period of not less than two years immediately proceeding the presentation of the petition; or

(iii) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or

(iv) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from venereal disease in a communicable form; or

(v) has not been heard of as being alive for a period of seven years or more by those persons who would naturally have heard of the respondent if the respondent had been alive; or

(vi) has wilfully refused to consummate the marriage and he marriage has not, therefore, been consummated; or

(viii) has failed to comply with a decree for restitution of conjugal rights for a period of two years *or* upwards after the-passing of the decree against the respondent; or

(vii) has deserted the petitioner for at least two years immediately preceding the presentation of the petition; or

(ix) has treated the petitioner with such cruelty as to cause a reasonable apprehension in the mind of the petitioner that it would be harmful or injurious for the petitioner to live with the respondent.

(2) A wife may also present a petition for the dissolution of her marriage of divorce on the ground that the husband has, since the solemnization of the marriage, been guilty of rape, sodomy or bestiality." *The question was put and the motion was adopted.*

Clause 4 as amended was added to the Bill.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We "shall now take up new clause - 4A. There is one amendment (No.6) by the Minister.

New clause - 4A (Dissolution of marriage by mutual consent.)

SHRI ARUN JAITLEY: Sir, I move:

(No.6) "That at page 2, *after* Clause 4, the following new Clause be inserted,namely:-"4A. After Section 10 of the Principal Act, the following Section shall be inserted, namely:- 10A (1). Subject to the provisions of this Act and the rules made thereunder, a petition for dissolution of marriage may be presented to the District Court by both the parties to a marriage together, whether such marriage was solemnized before or after the commencement of the Indian Divorce (Amendment) Act, 2001, on the ground that they have been living separately for a period of two years or more, that they have not been able to live together and they have mutually agreed that the marriage should be dissolved. (2) On the motion of both the parties made not earlier than six months after date of presentation of the petition referred to in sub-section (1) and not later than eighteen months after the said date, if the petition is not withdrawn by both the parties in the meantime, the Court shall, on being satisfied, after hearing the parties and making such inquiry, as it thinks fit, that a marriage has been solemnized and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of decree."

The question was put and the motion was adopted.

Clause 4A was added to the Bill.
Clauses 5 to w were added to the BilL

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up clause 17. There is one amendment (No.7) by the Minister. *Clause 17 (Omission of Section 34)* SHRI ARUN JAITLEY: Sir, I move:

(No.7) "That at page 3 *for* lines 23 to 37, the following be substituted, namely: -

"17. Section 34 of the Principal Act shall be omitted:-" 251

The question was put and the motion was adopted.
Clause 17, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up clause 18. There are two amendments (No.8 and 9) by the Minister. *Clause 18 (Omission of Section 35)* SHRI ARUN JAITLEY: Sir, I move:

(No.8) "That at page 3, *for* lines 38 to 44, the following be substituted namely: -
"18. Section 35 of the Principal Act shall be omitted."

(No.9) That at page 4, *for* lines 1 to 8 be *deleted."*

The questions were put and the motions were adopted.
Clause 18, as amended, was added to the BilL

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up clause 19. There is one amendment (No. 10) by the Minister.

Clause 19 (Amendment of Section 36)

SHRI ARUN JAITLEY: Sir, I move:

(No. 10) "That at page 4, *for* lines 9 and 10, the following *be substituted,* namely:-"19. In Section 36 of the Principal Act, the proviso shall be omitted.""

The question was put and the motion was adopted.

Clause 19, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up New Clause 20A. There is one amendment (No. 11) by the Minister.

New Clause -20a (Omission Of Section 39)

SHRI ARUN JAITLEY: Sir, I move:

(No.11) "That at page 4, *after* line 14, the following new clause be inserted, namely:-"20A. Section 39 of the Principal Act shall be omitted.""

The question was put and the motion was adopted.

Clause 20A was added to the Bill.

Clauses 21 to 29 were Added to the Bill.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up Clause 1. There is one amendment by the Minister.

Clause -- 1 (Short title, and commencement)

SHRI ARUN JAITLEY: Sir, I move:

(No.2) That at page 1, line 3 *for* the figure "2000" the figure "2001" be *substituted.*

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up the Enacting Formula. There is one amendment by the Minister.

ENACTING FORMULA

SHRI ARUN JAITLEY: Sir, I move:

(No.4) That at page 1, line 1, for the words

"Fifty-first" the words "Fifty-second" be *substituted.*

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill. The Title was added to the Bill.

SHRI ARUN JAITLEY: Sir, I move:

"That the Bill, as amended, be passed".

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up the consideration of the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Bill, 2001.