

Requirement of mutual consent in divorce

1898. SHRI KALRAJ MISHRA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission has recommended to dispense with the requirement of mutual consent in case of divorce under Hindu Law especially in cases where both the parties are living separately for years; and

(b) if so, Government's response/decision in this regard?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a) and (b) The Law Commission, in its 217th Report on 'Irretrievable Breakdown of Marriage- Another Ground for Divorce', has recommended that immediate action be taken to introduce an amendment in the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 for inclusion of 'irretrievable breakdown of marriage' as another ground for grant of divorce.

Since the subject matter of the said Report falls under List III -Concurrent List of the Seventh Schedule to the Constitution, comments/views of the State Governments and Union territory Administrations have been solicited before a decision in the matter is taken.

Setting up of Judicial Service Commission

1899. DR. JANARDHAN WAGHMARE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government has decided to establish Judicial Service Commission to appoint judges in lower courts;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY): (a): No, Sir.

(b) Does not arise.

(c) Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court. Further, in exercise of powers conferred under proviso to article 309 read with articles 233 and 234 of the Constitution, the State Government frames rules and regulations in consultation with the High Court. The members of the State Judicial Service are governed by these rules and regulations. Therefore, the service conditions, including appointment, promotion, reservations etc. of judicial officers of the District/Subordinate Courts are governed by the respective State Governments.