

[Shri S. W. Dhabe] step in the matter of marriages and other rights.

With these words, Sir, I support the Bill.

ALLOCATION OF TIME FOR DISPOSAL OF GOVERNMENT AND OTHER BUSINESS

MR. DEPUTY CHAIRMAN : I have to inform Members that the Business Advisory Committee at its meeting held today, the 12th May, 1976, allotted time as follows for Government Legislative and other Business to be taken up during the current Session of the Rajya Sabha :— *Business and time Allotted*

1. Consideration and passing of the following Bills :—

- (i) The Marriage Laws (Amendment) Bill, 1976—2 hours.
- (ii) The Tariff Commission (Repeal) Bill, 1976.—1 hour.
- (iii) The Merchant Shipping (Amendment) Bill, 1976.—1 hour.
- (iv) The Pharmacy (Amendment) Bill, 1975.—2 hours.
- (v) The National Library Bill, 1972. —1 hour.

2. Consideration and passing of the following Bills, as passed by the Lok Sabha :—

- (i) The Finance Bill, 1976.—2 days, (ii) The Appropriation (No. 4) Bill, 1976.—2 days.

3. Consideration and passing of the following Bills, as passed by the Lok Sabha :—

- (i) The Tea (Amendment) Bill, 1976. —2 hours.
- (ii) The Additional Emoluments (Compulsory Deposit) Amendment Bill, 1976.—3 hours, (iii) The Coal Mines (Nationalisation) Amendment Bill, 1976—2 hours.

4. Discussion on the Resolution regarding export duty on hides, Skins and Leather, tanned and untanned. —1 hour.

The Committee recommended that the House should sit up to 6.00 P.M. daily and beyond 6.00 P.M., as and when necessary, for the transaction of Government Business. The House stands adjourned till 2.00 P.M.

The House then adjourned for lunch at three minutes past one of the clock.

The House reassembled after lunch at two minutes past two of the clock, Mr. Deputy Chairman in the Chair.

THE MARRIAGE LAWS (AMENDMENT) BILL, 1976- *contd.* SHRI KRISHNARAO NARAYAN

DHULAP (Maharashtra) : Mr. Deputy Chairman, Sir, with your permission I will like to put forth some of my views on the Bill No. XXII of 1976, i.e. The Marriage Laws (Amendment) Bill, 1976. At the outset, I would congratulate the Minister for bringing about a Bill comprising the demands of the social workers, political thinkers and social reformers of this country. There are some salutary changes, brought about through this Bill in the Hindu Marriage Act, 1955 and the Special Marriage Act of 1954 in which many people of this country are vitally interested. The Bill is seeking to bring about certain amendments which have been enumerated in the Statement of Objects and Reasons as such. They are:

"(1) To liberalise the provisions relating to divorce:

(2) to enable expeditious disposal of proceedings under the Act; and

(3) to remove certain anomalies and handicaps that have come to light after the passing of the Acts."

In the Civil Procedure Bill which has been passed recently, the main intention of the framers of the Bill was to bring about expeditious disposal of civil matters and to curtail the expenses involved in civil proceedings. Here, Sir, as far as the time limit is concerned, it has been curtailed wherever it was possible. In section 14, three years' time was there. It has been curtailed to one year. For the reconciliation activities which are going on in the court itself, only 15 days' time is given for such activities. In this way, it has been scrupulously observed that the time should be curtailed as far as possible. That is a good feature of the Bill itself.

[Shri Krishnarao Narayan Dhulap] Secondly, as far as the curtailment of expenditure is concerned, according to the new provision on page 14, sub-clause (4), a provision has been made in which copies of the decree shall be given to both the parties free of cost. This is a good sign. Some expenditure has been curtailed by that. I will go further and make certain suggestions to this effect. As far as both the parties in the divorce proceedings or judicial separation proceedings are concerned, the other party, i.e. the fair party, the woman concerned, is always at a disadvantage. Almost in 90 per cent cases, it is very difficult for the women to get money to proceed in a court of law to get justice. In our society, orthodox parents are still there. They say that marriages are made in heaven—even though they are solemnised, in this world, they are made in heavens. And once a daughter is given away in marriage, she is dead for the family in which she was born—some such orthodox parents are still there in this country—and if there is any trouble in the family, the parents are not prepared to take the daughter back in their house, in the first place, and they are not prepared to face the expenditure that is likely to be incurred in the proceedings in a court of law, in the second place. So this aspect should be taken into consideration. It is all right, copies of the judgment are given free. But who is there to help her, if the parents are not prepared to bear the expenses and see her suffering in the house of the husband? The only way out is that the Government should come to the rescue and help of the distressed women. She should be given asylum in the home for women being run by the State Government or the Central Government or in any philanthropic institution, the expenses being borne by the Government. She is not able to live in her husband's house; the parents are not taking her back into their house, and if she is left to her own fate, she will be thrown on the street without any help and she will fall into the clutches of the unscrupulous elements or the anti-social elements. Such types of incidents are happening in the country. So, the Government should make it a point to see that asylum is given to such women.

Then, free legal aid should also be given to such women. In the context of the 20-

Point Programme, free legal aid to the Scheduled Castes and the Scheduled Tribes and to the weaker sections of the society is being thought of and is being given at different levels. So, one more category of such displaced and distressed women—should also be added; women who seek justice against their husbands should be given free legal aid in the case of any proceedings before the court.

My second suggestion is about the proceedings before a court. Section 33 of the Special Marriage Act, 1954 says—

"A proceeding under this Act shall be conducted *in camera* if either party thereto so desires or if the district court so thinks fit to do."

That is the old provision. Now, under the new amendment provision, every proceeding before a court will be *in camera*. That is a good provision because it was the demand of a section of the society that the proceedings should be held *in camera*. The new provision is—

Every proceeding under this Act shall be conducted *in camera* and it shall not be lawful for any person to print or publish any matter in relation to any such proceeding except a judgment of the High Court or of the Supreme Court printed or published with the previous permission of the Court.

So, the permission of the court has been made compulsory and obligatory. If permission is not granted by the High Court or the Supreme Court and if the judgment of the court is published or printed by somebody, then in that case, a provision has been made for punishment. And what is that?

"(2) If any person prints or publishes any matter in contravention of the provisions contained in sub-section (1) he shall be punishable with fine which may extend to one thousand rupees."

The fine is to the extent of Rs. 1000. I think that whatever provision is made in sub-clause (1) is taken away by sub-clause (2). Why should a fine be imposed for publishing or printing any such judgment? Whatever things happened between the couple during their life together should be

[Shri Krishnarao Narayan Dhulap] kept secret. The conjugal relations, whatever were there during their life together, should be kept secret. That is the intention behind it. Therefore, a good provision has been made that the permission of the High Court or the Supreme Court is necessary for the publication of the judgment of the court concerned. Now suppose somebody wants, either the husband or the wife wants, to libel or slander or make scurrilous references and they publish something, or somebody else who is interested in slandering or libelling one of the parties to the proceedings, publishes the whole thing, the fine will be up to an extent of Rs. 1,000. It is left to the discretion of the court. It is not Rs. 1,000. It can be less than Rs. 1,000, it can be Rs. 50 or Rs. 100 or whatever it is. It is left to the discretion of the court. This is something which I do not understand. This is something which is not contemplated in the first clause. Therefore, it should be provided in the Act itself that there should be not only fine but there should be compulsory imprisonment for a minimum period of one month. It should be there. If it is not there, then whatever protection is being given in the first clause is being taken away, because payment of Rs. 1,000 as fine for an act in which he is vitally interested is nothing for the person who wants to write something scurrilous, libellous or slanderous against the party concerned. Therefore, there should be compulsory imprisonment. Otherwise what I would suggest is that contempt of court proceedings should be initiated against the party who is printing the judgment of the High Court or the Supreme Court without their permission. It has been specifically mentioned that if the permission is not sought, then it should not be published. If it is published, then it should be treated as contempt of court. If that is done and contempt of court proceedings are initiated, then I have nothing to say. If not, a fine of Rs. 1,000 only is nothing and the protection given is practically nullified.

The second point that I would like to make is that in section 8 of the original Act, a provision for registration of marriage has been made. My friend, Mr. Dhabe, also referred to it. It should be made compulsory. Of course, there are some difficulties so far as backward States are con-

cerned. But apart from tribal and other areas, in certain areas, in certain States, it should be made compulsory. (*Time-bell rings*).

Then I will refer to my last point, to which I would like to draw the attention of the hon. Minister. It is regarding clause 28, that is, the new section 27A. Here the grounds for judicial separation are the same as for divorce proceedings, but the discretion is given to the court.

"In any proceeding under this Act, on a petition for dissolution of marriage by a decree of divorce, except in so far as the petition is founded on the ground mentioned in clause (h) of sub-section (1) of section 27, the court may, if it considers it just so to do having regard to the circumstances of the case, pass instead a decree for judicial separation."

When the parties go before the court for a > divorce, the proceedings are conducted under the divorce provision. Then I do not understand why a decree of judicial separation is also left to the discretion of the court, because whatever grounds are given there, when they find it absolutely impossible to stay together, then provisions are there in the Act for a divorce and they go before the court to get their marriage dissolved. At that time if the court gives the judicial separation, then I think the purposes for which the amending Bill has been brought forward are likely to be nullified. This discretion should not be given to the court.

श्री नागेश्वर प्रसाद शाही (उत्तर प्रदेश :
उपाध्यक्ष महोदय, मैं इस विधेयक का
समर्थन करता हूँ। इस विधेयक के उद्देश्य में
जो लिखा गया है उससे आभास मिलता है
और सही मिलता है कि महिलाओं के अधिकारों
की सुरक्षा के प्रति विशेष ध्यान देकर यह
विधेयक लाया गया है। श्रीमन्, जिस तेजी
से ये चीजें चल रही हैं वह दिन दूर नहीं
जब पुरुषों के अधिकारों की सुरक्षा की बात
भी संसद के सामने आये। यह हिन्दू मैरेज
एक्ट 1955 के संशोधन के लिये जो
विधेयक प्रस्तुत है उससे पता लगता है कि
हमारा संक्यूलरिज्म अभी कहां तक पहुंच पाया

है। एक विद्वान लेखक ने लिखा कि लाखों वर्षों की प्रगति के बाद भी अभी तक इंसान चारपाई के ऊपर नहीं उठ सका है, उसकी सभ्यता, चारपाई तक ही सीमित है। वैसे ही हमारी सारी कोशिश के बावजूद अभी तक हमारा सेक्यूलरिज्म जो है वह हिन्दू-मुस्लिम से ऊपर नहीं उठ पाया है। हमने जो संस्थायें बनाई हैं उनमें भी हिन्दू संस्थायें और मुस्लिम संस्थायें बनाई। आज भी दो विश्वविद्यालय जो भारत सरकार के रुपये से चल रहे हैं हिन्दू विश्वविद्यालय और मुस्लिम विश्वविद्यालय हैं। तीस साल के बाद भी हमारी हिम्मत नहीं हो पाई है कि हम मुस्लिम विश्वविद्यालय में किसी हिन्दू को वाइस-चान्सलर नियुक्त कर सकें या हिन्दू विश्वविद्यालय में किसी मुस्लिम को वाइस चान्सलर नियुक्त कर सकें और इसका नतीजा यह है कि हिन्दू विश्व विद्यालय में हिन्दू वाइस-चान्सलर और मुस्लिम विश्वविद्यालय में मुस्लिम वाइस-चान्सलर और उनकी नियुक्ति करती है भारत सरकार। आफिशियेटिंग तौर पर महीने दो महीने के लिये एक हिन्दू भेज दिया गया था अलीगढ़ मुस्लिम यूनिवर्सिटी में तो तहलका मच गया और तुरन्त सरकार को उस आफिशियेटिंग हिन्दू को हटाकर मुस्लिम वाइस-चान्सलर भेजना पड़ा। हमारे देश में हिन्दू होटल और मुस्लिम होटल हैं और सरकार जो कानून बनाती है वह भी हिन्दू कानून और मुस्लिम कानून। कब हम पहुँचेंगे वहाँ तक जहाँ पहुँचने की हम कल्पना करते हैं। श्रीमन्, मुझे याद है कि जिस समय पंडित जवाहरलाल जो के नेतृत्व में हिन्दू मैरेज सिस्टम को कोडीफाई करने के लिये हिन्दू मैरेज ऐक्ट बनाने के लिये संसद् में विधेयक लाया गया देश भर के सारे पोंगा पंडित उसके विरोध में खड़े हो गये और अगर वे पोंगा पंडित खड़े न हो गये होते तो आज जो संशोधन हम लाने जा रहे हैं वह उसी समय पास हुआ होता।

जो मूल विधेयक था उसका प्रारूप करीब

करीब वही था जो आज हम इस संशोधन के माध्यम से लाने जा रहे हैं। लेकिन उन पंडितों और पोंगाओं के दबाव के कारण सरकार झुकी और झुकने के बाद जो स्वरूप उस ऐक्ट का हुआ वह हमारे सामने है और उसी को आज हम तबदील करने जा रहे हैं। मैं यहाँ जिक्र कर रहा हूँ कि इसी तरह से जिस तरह से हिन्दू आर्थोडाक्स लोग इस तरह के सामाजिक सुधारों के कदमों का विरोध कर रहे हैं उससे ज्यादा आगे बढ़ कर यह मुस्लिम मुल्ला लोग हर एक सुधार का विरोध करते हैं और मुझे तकलीफ इस बात की है कि आज इमरजेन्सी में भी मुल्लाओं को छूट है और वह जो चाहते हैं कर रहे हैं। वह मुल्क में दंगे करा रहे हैं, हिन्दू मुस्लिम दंगे करा रहे हैं। आग लगा रहे हैं और दूर तो दूर दिल्ली में ही करा रहे हैं और हम उनके खिलाफ कोई मजबूत कदम नहीं उठा पा रहे हैं। श्रीमन्, इसी सदन का एक विधेयक है चिल्ड्रेन एडाप्शन बिल। वह सलैक्ट कमेटी के सामने है। वह कमेटी देश भर में आई और सैकड़ों की संख्या में मुस्लिम महिलाओं ने उस विधेयक का समर्थन किया। सैकड़ों की संख्या में मुस्लिम विद्वानों ने उस का समर्थन किया। लेकिन चन्द मुल्ला लोगों ने उसका इस आधार पर विरोध किया कि एडाप्शन हमारी शरीयत के खिलाफ है। मैंने एक मुल्ला साहब से सवाल कर दिया कि मुल्ला साहब, इस्लामिक कंट्रीज में, टर्की में, इंडोनेशिया में और दूसरे इस्लामिक कंट्रीज में तो एडाप्शन प्रिविलेंट है। तो मुल्ला साहब ने जोर से कह दिया कि वहाँ के मुसलमान मुसलमान नहीं हैं। टर्की और इंडोनेशिया के मुसलमानों को वह कहते हैं कि वह मुसलमान नहीं हैं। यह जुर्रत हुई उनको कहने की और यह महज इसलिए कि यहाँ पर उन मुल्लाओं को इस बात की छूट है कि जो चाहे वह कह सकते हैं। जो चाहे वह कर सकते हैं। और आज भी उनको छूट है। आज भी मजबूती से हम उनका मुकाबला नहीं कर

[श्री नागेश्वर प्रसाद शाही]
सकते और जहाँ उनकी जगह है होनी चाहिये वहाँ हम उनको रख नहीं सकते। वह बाहर है। श्रीमन्, मैं दरखास्त करूँगा कि अब भी समय है। हमारे मंत्री जी विचार करें। यह हिन्दू मैरिज, मुस्लिम मैरिज और क्रिश्चियन मैरिज इस तरह के विधेयक को वह वापस लें और इंसान की मैरिज की बात सोचें जिसमें सारे इंसानों के लिये एक तरह का कानून हो। शादी तो सभी करते हैं। हिन्दू, मुस्लिम और क्रिश्चियन सभी की शादी होती है। इस के आब्जेक्टिव में लिखा हुआ है:

"It applies to all Hindus, Buddhists, Jains or Sikhs. It applies also to other persons who are not Muslims, Christians, Parsis and Jews, etc., etc."

तो कब तक यह चलेगा। कब तक आप मुसलमानों के लिये दूसरा कानून और हिन्दुओं के लिये दूसरा कानून बनाते रहेंगे। यह आपके कांस्टीट्यूशन के खिलाफ है। जिस संविधान के प्रति आप यहां शपथ लेते हैं उसके उद्देश्यों और मूलभूत सिद्धांतों के यह खिलाफ है। श्रीमन्, मैं इस विधेयक का पूरा-पूरा समर्थन करते हुए भी यह कहता हूँ कि अभी भी मंत्री महोदय, सोचें कि इस तरह के हिन्दू होटल और मुस्लिम होटल, हिन्दू कानून और मुस्लिम कानून की बात को अब समाप्त किया जाय और एक सिविल मैरिज का कानून वह लायें जो सभी के लिये हो।

एक बात और इस विधेयक में है जिसकी ओर मैं माननीय मंत्री जी का ध्यान दिलाना चाहता हूँ। यह रिपुडियेशन की बात है। यह प्रावधान इसलिये किया गया है कि चाइल्ड मैरिज ऐक्ट का उल्लंघन हो रहा है बड़े व्यापक रूप से उसको रोकने के लिये रिपुडियेशन का प्रावधान इसमें किया गया है कि 18 साल की उम्र प्राप्त करने के बाद लड़की अगर उसकी शादी पहले हो गई है तो उसकी रिपुडियेशन कर सकती है। मैं मंत्री जी से जानना चाहता हूँ कि यह जो व्यवस्था है वह केवल लड़की के लिये है, लड़के के लिये क्यों नहीं है। अगर लड़के की शादी

18 साल से पहले हो गई तो उसको भी ऐक्ट पार होना चाहिए कि 21 साल की उम्र प्राप्त करने के बाद वह शादी ठीक नहीं हुई तो उसकी रिपुडियेट करना चाहिये। यह डिस्क्रीमिनेशन, यह भिन्नता किस आधार पर रखी गई है, यह मंत्री जी कृपया बतलायेंगे कि लड़की को रिपुडियेशन का अधिकार दिया है कि वह शादी को 18 साल की उम्र हासिल करने के बाद रिपुडियेट कर सके, लेकिन लड़के को अधिकार नहीं दिया गया है। मालूम नहीं होता कि उसमें क्यों ऐसा रखा गया है। श्रीमन्, गांवों में आज भी व्यवस्था है कि 5 साल के लड़के की शादी 15 साल की लड़की से हो जाती है, लड़के को मालूम नहीं होता कि क्या हो रहा है। डोली में बैठकर 5 साल का बच्चा गया और 15 साल की लड़की से उसकी शादी हो गई। आमतौर पर यह प्रेवैलेंट है यू० पी० और बिहार में जहाँ 5-6-7 साल में शादी होती है और जब वह जवान होते हैं 20 साल के तो उनकी पत्नी माता की उम्र की हो जाती है। उसके पीछे क्या-क्या होता है, मैं नहीं कहना चाहता। तो लड़के को भी अधिकार होना चाहिए कि 21 साल की उम्र हासिल करने के बाद वह रिपुडियेट कर सके।

एक सुझाव और मैं मंत्री जी को देना चाहता हूँ कि इस विधेयक में यदि यह भी व्यवस्था हो कि अगर दो या दो से अधिक बच्चे किसी पुरुष या स्त्री के हों, तो उनको पुनः शादी का अधिकार नहीं होना चाहिए। आपने इस तरह की कोई व्यवस्था नहीं रखी है। दो या दो से अधिक बच्चों वालों को शादी का अधिकार न हो, यह रोक आपने इसमें नहीं लगाई है। इन शब्दों के साथ मैं इस विधेयक का समर्थन करते हुए मंत्री जी से कहना चाहता हूँ कि वह अपनी चारपाई के लेवल से ऊपर उठें जहाँ तक आपकी सम्मति पहुँची है। इति

SHRI NARASINGHA PRASAD NANDA (Orissa) : Mr. Deputy Chairman, Sir, though I am new to this House, I have been a practising advocate for 35 years, and

within the limited time available at my command I have hurriedly gone through the Marriage Laws (Amendment) Bill, 1976. I would like to make some points.

Law is considered to be an instrument of social transformation and legislatures are also responsive to social changes. What was noticed in the outside world is that unless the legislatures are responsive to those changes, the legislatures will remain far behind the society. I feel that this amendment has been brought forward in consonance with the desires of the society to effect changes in the matter of matrimonial law.

The object and reasons are stated to be three ; (1) to liberalise the provisions relating to divorce; (2) to enable expeditious disposal of proceedings under the Act; and (3) to remove certain anomalies and handicaps that have come to light after the passing of the Acts. Mr. Deputy Chairman. Sir, some people have the tendency of raising the bogey of communalism whenever an amendment of this nature is brought forth in the legislature. The present amendment is to the parent Act which was enacted in the year 1955 and the lengthy parliamentary debates disclosed that whatever points were made regarding the so-called discrimination made between the Hindus and the Muslims had been made 26 years ago. I would submit that these amendments, in no way, affect the basic structure of the Indian community. This would be clear from the Statement of Objects and Reasons. These amendments have been brought forth for the limited purpose of liberalising the provisions relating to divorce and so on and so forth.

Sir, I have found in the course of law that under Section 13 of the old provision it was very difficult for either party to prove the grounds. Now that cruelty and desertion have been added in the grounds for divorce. I think it would be easier for either party to secure a divorce in case it becomes necessary. The most important thing that I have noticed in the new Bill is expeditious trial of cases. Sir, justice delayed is justice denied. I know that matrimonial cases lingered for years and became never-ending affairs. It caused so much hardship to the parties.

Section 21(a) of the Bill effects another very important change. What happened in the past was that if the husband was living in Delhi and the wife was living in Madras, the wife initiated a case in Madras and the husband initiated another case in Delhi. The Delhi court tried the case initiated by the husband and the Madras court tried the case initiated by the wife. Under the old Act, the wife had to run all the way to Delhi and the husband had to run all the way to Madras. In this way, there was protracted litigation and it never came to an end. Section 21(a) of the new Bill says that both the petitions must be tried together and the latter petition must be joined with the earlier petition. I think it is a wholesome provision and it is very much welcome.

Section 2Kb) speaks of expeditious trials. It is good that matrimonial proceedings should end within a reasonable period of time. It has been said that as far as possible the trial of cases under this Act should be over within six months and the appeal should be heard within three months from the date of notice to the respondent. As I have said earlier, this will mean administering justice as expeditiously as possible. Another very important provision made in the Bill is the addition of an explanation to Section 9 regarding burden of proof. I know, Sir, that in matrimonial proceedings, under section 9, for the restitution of conjugal rights, the question before the court of law was as to who was to prove the reasonable excuse. And on that question, the judicial opinion of the various High Courts was sharply divided and, therefore, this 'explanation' to section 9 which lays the burden—"Where a question arises whether there has been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society." Settles that controversy therefore, this is another welcome provision which will also help in the expeditious trial of cases.

Sir, so far as the legal aid is concerned, the State from which I come, the State Government there has made a provision for giving legal aid to either party coming under the provisions of the Hindu Marriage Act in certain circumstance and I hope such

[Shri Narasingha Prasad Nanda] 1
provisions will also be made in due course | in
other States also.

One more point and I will close, Sir, and that is regarding the registration under section 8. I would submit that registration is now optional, but the rule-making power is there. And under the rule-making power, this can be made compulsory. That is all I want to say, Sir. Thank you.

DR. V. A. SEYID MUHAMMAD : Mr. Deputy Chairman, Sir, I feel very gratified that there is almost universal support for the amending Bill. I am grateful to those in particular who spoke on the Bill and made very valuable contribution in the debate. It is not with a sense of obstinacy that we are not accepting immediately some of the suggestions made. It is mainly because the provisions which are proposed to be introduced today, we thought, would meet the strict requirements and necessities of the situation. But I can assure those who made valuable suggestions that as and when we find that the present proposed provisions are not adequate or do not meet the necessities of the occasion, certainly we will keep an open mind and accept those suggestions which will meet those requirements and compulsions.

Sir, before I deal with the details of the provisions, I wish to express my admiration to the Hindu society which has the tremendous capacity of adjusting itself to the changing conditions, of examining their laws and readily accepting changes for their own improvement. I hope the other sections in India will deal with their own problems and their social necessities in the same light

---(Interruption by Mr. Shri Omprakash

Tyagi). Please do not interrupt me. You had your say. I am coming to what you have said. So, I hope, Sir, the same approach, voluntary approach if I may say so, by the various sections to their own laws will be made, and for their own good, if they find it necessary.

Sir, while I moved the Bill for the consideration of the House, I gave shortly a comparative analysis of the parent Act, if I may call so, and the proposed amendments. Some of them which I left out, with your permission, Sir, I may state now. One change which is proposed to be introduced

is that the grounds for both judicial separation and divorce are brought on par. Secondly, a single adulterous conduct is an enough ground, as against the previous provision that a person should live in adultery, for divorce. Another thing is, a provision is made for divorce by mutual consent. This is specifically brought out because of the recommendation of the Committee on Status of Women.

Another point which I did not deal with or I did not mention in the morning is that by the amendment, the new law will be made applicable to the pending proceedings. Alternate relief and counter claim are permitted in some cases according to the proposed amendment. All petitions are to be heard in the court where the first petition is instituted.

Provision for expeditious trial has been elaborated. With the whole idea of bringing about a settlement between the parties when they go to the court of law, provisions are made in detail in the proposed amendment.

Another provision which is made is the provision of hearing the *proceedings in camera*. Formerly, it was so only when the parties or the Presiding Officer thought, it necessary.

These are some of the changes proposed to be brought about by the amendments.

Sir, within the short time, I shall try to answer some of the criticisms made by the hon. Members during the course of the debate. Mrs. Margaret Alva thought that because of certain reasons for example there was a reduction of period from three years to one year and the change in the ground of adultery it will make the divorce easy and she thinks that it is not a desirable thing. I should say generally, not according to each point, what has been attempted in the whole amendment as well as the Act is a balancing between the necessities and compulsions and the possibility of abusing or misusing the provisions of the law which the law-makers have to take into consideration. And we have taken them into consideration in the proposed amendment as well. We hope that the unfortunate consequences which Mrs. Alva apprehended, will not follow.

Mr. Omprakash Tyagi started his speech with a statement that this proposed amendment Bill smelt of communalism. Sir, with

a rather sensitive nose I could not detect any communalism in this Bill. I can say one thing, Sir, that the whole of his speech not only smelt of communalism but it stank to high heavens, his particular brand of communalism. He was pleading, rather vehemently, for a common or uniform civil code. Also he asked, why this law is not applicable to Muslims particularly and Christians, etc. I can assure him that it is the virulent speeches and statements from quarters of Mr. Tyagi's hue and colour which make the Muslims and the minorities more stubborn and more resistant to the introduction of any reforms because they know that you do not mean well for them. They know well that you do not mean well for them. Therefore, instead of facilitating the evolution of a common civil code or a uniform civil code, these types of provocative arguments and speeches make it more difficult for the communities concerned and for the Government to bring about that reform.

He also asked why it has not been made applicable to Christian, Muslim and others. The reason is simple. This amendment Bill is in regard to the Hindu Marriage Act. By this amendment Bill, we do not propose to affect the personal laws of other communities. I do not think it is necessary for me to speak more on what he had said because all of us have heard him and the stink still persists.

Another criticism was that compulsory registration has not been provided for in section 8. It is provided in section 8 that if the State Governments so desire, they can make it compulsory by their rule-making power. There were two cogent reasons for doing so. One is that compulsory registration will necessarily have to be followed by another section in regard to penal provisions. Otherwise, there is no meaning in it. The Government thought that in the circumstances, introducing another penal provision may not altogether be desirable subjecting people to prosecution and all that. This was not justified. Secondly, we thought that the State Governments are the best authorities to assess and feel the pulse and if they found it necessary, they could very well do it.

Sir, I do not wish to take much of your time. As I said, very cogent and useful

suggestions and criticisms have been made. If I do not refer to them, it is not because I do not consider them important or I do mean any disrespect to these opinions, but only because I am not in a position to reply to each and every point within the short time available. As I said in the beginning very valuable suggestions have been made and I would assure the House that when the occasion arises, we would certainly take them into consideration and adopt them if found necessary. With these words, Sir, I commend the Bill to the House.

MR. DEPUTY CHAIRMAN : The question is :

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

The motion was adopted. MR. DEPUTY CHAIRMAN : We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 18 were added to the Bill. Clause 19—(Substitution of new sections for section 28)

DR. V. A. SEYID MUHAMMAD : Sir, I beg to move :

1. "That at page 9, line 2, the words 'of this Act' be *deleted*."

2. "That at page 9, lines 3 and 4, the words 'in the nature of' be *deleted*."

The questions were put and the motion

were adopted. MR. DEPUTY CHAIRMAN : The question is :

"That clause 19, as amended, stand part of the Bill." *The motion was adopted.*

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

Clauses 20 to 34 were added to the Bill. Clause 35—(Substitution of new section for section 35)

DR. V. A. SEYID MUHAMMAD : Sir, I beg to move :

3. "That at page 14, line 22, for the words 'ground of adultery' the words 'ground of petitioner's adultery' be substituted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 35, as amended, stand part of the Bill."

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Clause 36 was added to the Bill.

Clause 37—(Substitution of new sections for section 39)

DR. V. A. SEYID MUHAMMAD : Sir, I move :

4. 'That at page 15, IThe 3' for the words 'and such' the words "and every such" be substituted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 37, as amended stand part of the Bill."

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Clause 38—(Insertion of new sections 40A, 40B and 40C)

DR. V. A. SEYID MUHAMMAD : Sir, I move :

5. "That at page 15, —

- (i) line 22. for the words 'any other' the word "another" be substituted;
- and (ii) line 26. for the words 'in different' the words 'in a different' be substituted."

The question was put and the motion was adopted.

MR. DEPUTY CHAIRMAN : The question is :

"That clause 38, as amended, stand part of the Bill." *The motion was adopted.*

Clause 38, as amended, was added to the Bill.

Clause 39 was added to the Bill. Clause I, the Enacting Formula and the Title were added to the Bill.

DR. V. A. SEYID MUHAMMAD : Sir, I beg to move : "That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE TARIFF COMMISSION (REPEAL) BILL, 1976.

वाणिज्य मंत्रालय में उप मंत्री (श्री विश्व नाथ प्रताप सिंह) : माननीय उपाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि, टैरिफ आयोग अधिनियम, 1951 का निरसन करने वाले विधेयक पर विचार किया जाय ।

मान्यवर, अभी तलाक और विदाई पर चर्चा हो रही थी । मैं समझता हूँ कि टैरिफ आयोग की सामयिक विदाई पर शायद ही कोई दुख प्रकट करेगा क्योंकि इस आयोग को बनाने के जो मूल कारण थे और जो मुख्य उद्देश्य थे । यानी एक स्वदेशी उद्योग के संरक्षण की जांच करना और दूसरे विदेशी वस्तुओं की कीमतों की जांच करना । इन उद्देश्यों की पूर्ति के लिये यदि टैरिफ आयोग के कार्य को देखा जाय, तो इस बदली हुई स्थिति में, टैरिफ आयोग का उपयोगिता नहीं रही है । जो आयात नियम बनाये गये, जो कदम उठाये गये उनसे उद्योग को इससे संरक्षण मिला है, प्रभावी ढंग से संरक्षण मिला है इस लिये टैरिफ आयोग के माध्यम से संरक्षात्मक उपायों की कोई उपयोगिता नहीं रह गई है । अगर हम आंकड़ें देखें, यथार्थता को देखें तो यही स्थिति होती है । 1952 में 42 संरक्षण प्राप्त उद्योग थे । उसके बाद केवल 16 आरम्भिक जांचें आयोग को दी गयीं और अंतिम जांच 1957 में की गयी और इस दौरान में जो संरक्षित उद्योग थे वह भी असंरक्षित कर दिये गये और इस समय केवल दो उद्योग रजक मध्यवर्ती पदार्थ तथा रेशम उद्योग ही संरक्षित हैं । तो संरक्षण की जो उपयोगिता, उसकी जांच की जो उपयोगिता इस आयोग के द्वारा थी, वह शून्यःशून्यः क्षीण हो रही है और जो हमारे आयात नियन्त्रण के विनियम हैं उनके द्वारा प्रभावी ढंग से यह