

this particular clause 22 which expressly says :

“Notwithstanding anything to the contrary contained in the Indian Divorce Act, 1869 that Act shall apply to all marriages solemnized under this Act, and any such marriage may be declared null or dissolved in the manner therein provided, and for the causes therein mentioned, or on the ground that the marriage contravenes one or more of the conditions, specified in section 4 of this Act.”

As I said, this corresponds to section 17 of the Special Marriage Act of 1872 and there all these conditions are set out. It is not necessary for me to enter into them in detail here. The conditions mainly are that you can have divorce on the ground of adultery ; you can have dissolution of marriage under other conditions also, if the marriage is.....

**SHRI B. RATH (Orissa) :** Sir, is not the Law Minister taking too much time ?

**SHRI C. C. BISWAS :** If the hon. Member does not wish me to draw the attention of the Council to the important features of the Bill, I shall only be too glad to be relieved of so much trouble.

We now come to the last Part and that relates to a matter of procedure, except that there are two clauses, which not only impose a penalty on a married person marrying again under this Act, as well as a person marrying under this Act and then marrying again, but declare the second marriage in such case to be void.

Sir, that is all. I move.

**DR. P. C. MITRA :** Just one question, Sir

**MR. CHAIRMAN :** Let me place it first before the House.

Motion moved :

That the Special Marriage Bill, 1952, be circulated for the purpose of eliciting opinion thereon by the 31st December 1952.

This is the motion before the House. But before I ask the hon. Member who has given notice of amendment to move, the Secretary has a message to communicate to the Council.

**DR. P. C. MITRA :** Sir, one question before we.....

**MR. CHAIRMAN :** No question now. Please sit down.

### MESSAGE FROM THE HOUSE OF THE PEOPLE

#### PREVENTIVE DETENTION (SECOND AMENDMENT) BILL, 1952

**SECRETARY :** Sir, I have to report to the Council the following message received from the House of the People, signed by the Secretary to the House :

“In accordance with the provisions in Rule 115 of the Rules of Procedure and Conduct of Business in the House of the People, I am directed to enclose herewith a copy of the Preventive Detention (Second Amendment) Bill, 1952, as reported by the Joint Committee which has been passed by the House of the People at a sitting held on the 6th August 1952.”

Sir, I lay the Bill on the Table.

#### TIME TABLE FOR DISCUSSION OF THE PREVENTIVE DETENTION (SECOND AMENDMENT) BILL, 1952.

**MR. CHAIRMAN :** Now, I would like to say that I took the advice of the Business Advisory Committee to consider the question of allocation of time for the consideration and passing of the Preventive Detention (Second Amendment) Bill, 1952, as passed by the House of the People. The Committee recommends the following programme :—

Friday, 8th August 1952, that is tomorrow, 8.15 a.m. to 1 p.m. and 3 p.m. to 6 p.m. ; and

[Mr. Chairman.]

Saturday morning 8.15 a.m. to 1 p.m.—General discussion.

Saturday afternoon 3 p.m. to 6 p.m.—Clause-by-clause consideration.

Monday, 11th August 8.15 a.m. to 1 p.m., and 3 p.m. to 6 p.m.—Clause-by-clause consideration.

Tuesday the 12th August 8.15 a.m. to 1 p.m. and 3 p.m. to 6 p.m.—Third reading and passing of the Bill.

To give effect to this recommendation, it will be necessary for the Council to sit up to Tuesday the 12th August and will have to have both morning and afternoon sittings on the 8th, 9th, 11th and 12th. The morning sittings will be from 8.15 a.m. to 1 p.m. and afternoon sittings from 3 p.m. to 6 p.m. This would mean that the House would get in all 31 hours for going through all the stages of the Bill. I hope hon. Members will find this arrangement to be quite satisfactory.

DR. P. C. MITRA : On Sunday also we sit ?

MR. CHAIRMAN : No, not on Sunday. I take it that the House is agreeable to the proposed timetable.

SHRI S. N. MAZUMDAR (West Bengal) : May I suggest that two days may be allotted for the general discussion on the Bill ?

MR. CHAIRMAN : At present we have, we are having one and a half days ; but we are not having it very rigidly. The rigidity exists only here, that we start on Friday at 8.15 a.m. and we close at 6 p.m. on the 12th. In the meantime some slight adjustments here and there may be made. But these two limits are fixed. We start tomorrow morning at 8.15 a.m. and we must close on Tuesday at 6 p.m. In the meantime

as the discussion proceeds, if I find it necessary, we can adjust an hour from the clause-by-clause consideration this side or that side. But my own impression is that one side is going to talk about the abuse of the Act and the other side is going to talk about the necessity for the Act, in view of the existing anti-social forces. The rest of it is all embroidery.

SHRI S. N. MAZUMDAR : Yes, Sir.

MR. CHAIRMAN : Thank you.

Now what I have to say is, Janab Ismail Saheb will move his amendment and both the motion and the amendment will be open for discussion thereafter.

SHRI H. P. SAKSENA (Uttar Pradesh) : Sir, what is this 'Janab'? Does it form part of the proper name or is it simply put in before it ?

*(The Leader of the Council rose in his seat.)*

MR. CHAIRMAN : Now, let us hear the Leader of the Council.

THE LEADER OF THE COUNCIL (SHRI N. GOPALASWAMI) : Sir, I only want to get one point clear. I want to know when we will adjourn. I find that according to your acceptance of the Business Advisory Committee's recommendations, the Preventive Detention Bill which will be taken up tomorrow will end at 6 p.m. on Tuesday the 12th of this month. We have at present a certain amount of other legislative business to get through. Whether we shall get all of it through before this evening is more than I can say. Apart from that there will be some other legislative business coming to this Council from the other House on account of the activities of the other House during the time that

we may be engaged on the Preventive Detention Bill. I should like the House to realise that it may be necessary for them to sit beyond the 12th.

MR. CHAIRMAN : All that I would beg the House to consider is to have some consideration for time. So far as this particular Special Marriage Bill is concerned, it is going to be circulated for getting public opinion and it may not be in the same shape as it is, when it comes from the Select Committee. Then we will have adequate time for the consideration of the detailed provisions of the Bill. But since the Law Minister himself has entered into some of the provisions of this Bill, there will be the temptation on the part of other Members also to refer to the same matter,—I am merely giving the possibility of it. When we want a general discussion only, we must ourselves set the example and say that the details are not for us to consider now, but these are the main items and then consider them. But if we speak about *coasanguinity*, *divorce* and all the rest of it, then of course, everybody would say, "Since you have started, why not I?" I mean, the temptation is there. But as I said the attempt should be to resist the temptation.

PANDIT S. S. N. TANKHA (Uttar Pradesh) : May I know how many more days beyond the 12th are we likely to sit? Could we get some rough idea?

SHRI N. GOPALASWAMI : There is one Bill that I shall have to handle in the other House tomorrow—the Air Ports Reserves Bill—and that will be passed by the other House when we are engaged on the Detention Bill and after being passed, it has to come here ; and I do not think it will take much time because there has been a great deal of agreement in the Select Committee. But.....

MR. CHAIRMAN : But it all depends.....

38 C.S.D.

SHRI N. GOPALASWAMI : Yes.

### THE SPECIAL MARRIAGE BILL, 1952—continued.

DR. P. C. MITRA : Sir, before the amendment is moved.....

MR. CHAIRMAN : No, the amendment comes first.

DR. P. C. MITRA : Sir, only just one question, if you will permit me.

MR. CHAIRMAN : What is it Dr. Mitra ?

DR. P. C. MITRA : Sir, in 1793 the Government of India declared that all courts should decide in the case of all marriages whether the Hindu or the Mohammedan Law will apply. After that, in 1872 the law was amended because the members of the Brahmo Samaj pressed on the Government the fact that the courts had declared their marriages invalid and their progeny illegitimate. And so in 1872 a fresh law was enacted. Now, I want to know under whose insistence this proposed law is coming up. That is my question.

MR. CHAIRMAN : That is not a question.

JANAB M. MUHAMMAD ISMAIL SAHEB (Madras) : Sir, I move :

That at the end of the motion for the word and figures '31st December 1952' the word and figures '31st January 1953' be substituted.

Sir, this means that if the amendment is accepted the period will be extended by one month. The hon. Law Minister was pleased to place a sort of interdict on putting to him questions on the provisions contained in this Bill.