MR. CHAIRMAN : The questionis:

That clause i, the Title and the Enact-ng Formula stand part of the Bill.

The motion was adopted. Clause i, the Title and the Enacting Formula were added to the Bill.

SHRI C. C. BISWAS : Sir I move : That the Bill be passed. MR. CHAIRMAN : Motion moved : That the Bill be passed. Apparently, nobody wishes to speak. I shall put it to the vote of the House.

MR. CHAIRMAN : The question is : That the Bill be passed. The motion was adopted.

THE SPECIAL MARRIAGE BILL, 1952

MR. CHAIRMAN ; We now take up the next item. Ihe Law Minister.

THE MINISTER FOR LAW (SHRI C. C. BISWAS) : Sir, I move;

That the Special Marriage Bill, 1952 be circulated for the purpose of eliciting opinion thereon by the 31st Decembei 195Z.

Sir, I confess to a sense of pride that it has been given to me to sponsor this Bill. It is a great step forward in social legislation. As I said, Sir, at the time I introduced the Bill, this may be only the first step towards attainment of the objective of a uniforir. civil code contemplated in article 44 of the Constitution. I recognise that the Bill lacks the element of compulsion. It is only a permissive measure which enables any two persons, being citizens of India, to marry according to its provisions.

Sir, I am one of those who believe that social reforms cannot and should not be forced upon a community by compulsory legislation. Legislation, in my humble opinion, is not a fit instrument of social reform except to a limited extent. Changes must come from within by a process of natural evolution and cannot be imposed by external authority-Sir, I w41 just give an example. Take the Widow Remarriage Act, which was passed as far back as 1856. That Act, Sir, declared that its object was to remove all Lgal obstacles to the marriage of Hindu widows and that such removal would tend to promote good morals and public welfare. But, Sir, what do we find ? How many cases have there been where people have taken advantage of the facilities provided by this legislation ? Of course, no society can remain static. It must move on. But it is only when, in the course of its progress changes have taken place and have been accepted by the community, it should be the normal function of law to intervene at that stage and stabilise such progress. I shall again illustrate my point. Take the question of marriageable age of Hindu girls. Under the *Shauras* it was considered veiy mentorious to marry a girl at the tender age of 9. Now, we know, as a result of many forces, as a result of economic conditions and as a result of education, nobody would think of marrying a girl at the age of 9. Today, 16, 17. 18 or 19 years is regarded as the normal age for marrying a girl. Now, Sir, if it is proposed that legislation should be introduced raising the marriageable age, nobody would object and this will be quite in consonance with actual conditions. But, suppose, at the time when 9 years was regarded as the proper age for marriage and, suppose, that was the age prescribed by ancient law, if you had tried to impose a higher age, there would have been revulsion to it and society would not have accepted the change which otherwise it might have agreed to do.

Take, again, for instance, the other question, that of monogamy or bigamy. Bigamy is permitted by orthodox Hindu law, but we all know that bigamy has almost completely gone out of fashion, so to say. The normal rule now is monogamy. Therefore, Sir, if you now make monogamy a rule of law, there would not be and cannot be any serious objection* That is, in my humble judgment, the way legislation should be invoked for the purpose of tackling

[ShriC. C. Biswas] questions of social reform. Sir, in other words, what I say is this that in enacting legislation of this kind it is bad policy, not to put it higher, to try to force the pace. There are many spheres of life and activity where we will not attempt such a course. So, in the field of legislation* too, I say the wisest maxim will be to hasten slowly. There is little to gain but possibly very much to lose by creating unnecessarily a tremendous upheaval in society that may defeat the verv object which you have in view. Unwanted legislation can never be effective.

Sir, it is these considerations which have impelled me to introduce the Bill on a permissive basis, not en a basis of compulsion. I apprehend the country is not yet ripe for this legislation on a compulsory basis which will make it uniformly applicable to all communities in India. Sir, even on this permissive basis, the Bill has already evoked opposition. I had expected, Sir, when introducing the Bill, that it would go through without much criticism, or without any opposition, but I find that I am mistaken. Even at ths stage of introduction my hon. friend over there did enter a caveat. Since then there have been comments in the Fress about it, and I find opinion is sharply divided. Some, no doubt, are very much in favour of it, while others are frankly hostile, and between these two extremes are persons who say that the Bill has gone too far ; others who say that it has not gone far enough. In these circumstances, I think tne wisest course is to move for circulation cf tbe Bill in order that public opinion may have the fullest opportunity to express itself on its provisions.

Sir, in making this motion, I think it would be advisable for me to give a short background history of this legislation so that hon. Members may appreciate what it is and what it proposes to achieve. Sir, to put it very broadly, the Bill may be regarded, as an amendment of existing legislation, the existing legislation being embodied in the Special Marriage Act, 1872. It may be asked and I have been asked, "Why don't you have a simple amending Bill—a Bill amending certain sections of the Special Marriage Act—either adding some new sections or altering some existing sections?" The reason,. Sir, why that course has not been adopted is that, in my humble judgment,, the Bill represents a striking departure from existing law of a very fundamental character. So far as I lrnow, the marriage laws in this countiy, whether for Hindus or for Muslims or for Christians or for any other communities,, and whether they are embodied in sta-j tutes or are based on scriptural authority or on the authority of custom or usage, all proceed en the assumption, and require that the parties to the marriage must both be professing the same-religion, the same faith, or professing no religion or no faith at all. We all know that under scriptural law a Hindu can only marry a Hindu, a Muslim a Muslim, a Christian a Christian and* so on.

KHWAJA WAIT ULLAH (Bihar) : In Muslim law, a Muslim can marry others.

DR. P. C. MITRA (Bihar) : No, no.

KHWAJA INAIT ULLAH : I know Muslim law more than you.,

MR. CHAIRMAN : Order, order. The Law Minister is speaking,

SHRI C. C. BISWAS: By the Special Marriage Act cf 1872, under certain circumstances to which I shall presently refer, for the first time the legislature made a fundamental departure from that rule. It declaied that marriages may be celebrated as between persons neither" of whom professes the Christian or Jewish or Hindu or Muhammadan or Parsi or Buddhist or Sikh or Jain religion. The bridegroom and the bride—each of them—would have to sign a declaration that he or she doc s not profess any of these religions. Then came Sir Hari Singh Gcur's amendment in 1923. In the original Act, as I have stated, the parties had to sign a declaraticn to the effect that they did not profess any of the religions mentioned. By tne amendment of 1923, persons were enabled to marry without making a declaration like that, but they had te make a declaration of a different kind and that was that *tcih*

of them belonged to the same faith— (namely, the Hindu, Buddhist, Sikh ot Jain religion. So, Sir, you see, aftet this amendment the position as it stood was like this: and that is also the position now, namely, that either none of the parties to a marriage should belong to any of the religions specified in the original Act, or both of them should belong to one or the other of the religions mentioned in the later amendment.

Sir, there are many smaller Acts in some of the different States affecting some special communities regarding marriage. I do not think I need refer to them for the purpose of my argument, but I may just mention a few. There is the Arya Samaj Validation Act which validates all marriages between persons who are at the time of the marriage Arya Samajists, whether or not they belong to different castes or different sub-castes of Hindus or to religions other than the Hindu religion. Then, there is also the Anand Marriage Aa to validate marriages among Sikhs according to the Sikh marriage ceremony called *Anand.* But none of these Acts affects the position created by the Special Marriage Act, 1872, as amended in 1923. Then, there is the Travancore Special Marriage and Succession Act, 1943, which permits marriages under that Act between persons, marriage between whom is not sanctioned or regarded as valid under any law or custom by which such persons are governed. There are also the Madras Act, and two Acts in Bombay by which bigamy has been banned and divorce has been allowed to Hindus.

If the present Bill becomes law, it will make a fundamental change in the basic condition of a valid marriage in so far as it depends on religion. From that point of view the Bill represents a marked advance upon the existing Special Marriage Act. No longer will it be necessary for the parties to a marriage to declare either that they do not belong to any religion or that both of them belong to the same religion, either Hindu or Buddhist or Sikh or Jain, We know that before the amendment of 1923 people would often make false declarations—there are many cases of such false declarations—and that is why Dr. Gour introduced that amending Bill. The contracting parties did not intend to renounce their religion j and yet as the law stood, they could not marry without making a declaration that they were not Hindus. The present Bill removes that difficulty and, it is because of this outstanding feature which has to be emphasised that it has been thought fit to enact it as a complete, self-contained measure.

There are other reasons also, as you will find when you look at the Bill. It is proposed to give it extra territorial operation. It will apply to marriages solemnized between citizens of India who are now outside India. Then, there is another important provision, that is to say, persons who were married under other forms will be entitled to register their marriages under this Act and such marriages, although solemnized under other forms, will be regarded as if they had been solemnized under the present law. All that, we do not find in the Special Marriage Act.

Some other clauses of a minor character have also been added in the Bill.

The Bill, I claim, fills a lacuna in the existing marriage legislation in the country, and from that point of view it should be welcomed. It supplies a lacuna in so far as it removes the barrier of religion in all cases. The Special Marriage Act might be regarded as doing away with the barrier of religion only in so far as it permits a marriage on a declaration that neither of the contracting parties professes any of the religions specified; which means in many cases requiring the parties to forswear the religion which they are professing. The present Bill makes no such demand. That is the merit of this Bill.

Sir, it is not that the necessity for such a Bill is theoretical. May I at this stage refer to a case in which an hon. Member of this House was concerned ? I have got his permission to mention his name, and that is why I do so. He is Shri Venkat K. Dhage, a Hindu. [1] He wanted to marry a Parsi girl. But

[Shri C. C. Biswas.] neither of them wanted to renounce his or her religion. He wanted to remain a Hindu, and she wanted to remain a Parsi. How could they marry ? There was no law available under which they could marry. And still they were anxious that they should contract a valid marriage which would be recognised in society, but which would not require them to renounce their religion. They did not act in haste. They took legal opinion. The legal opinion was that there was no statutory law and no customary law which would permit such marriage. But the lawyer, who was a Judge of the Hyderabad High Court, gave the advice that they could enter into a contract of marriage as if it were an ordinary contract. After all, under the Special Marriage Act, marriage is regarded not as a sacrament but as a contract ; why then should it not be possible for any two persons to enter into a contract of matrimony ? And they did so. They invited their friends, and a large number of officials also. I happened to see the invitation card; it was headed "Declaration of Marriage............." or some such words. These invitations went round on that basis, and there was a very good attendance. Probably my hon. friends will allow me to place some of the clauses of that contract before the House. They are of great interest, and they are of a very remarkable character. After the preamble, they say:

"In accordance with juristic, ethical and natural principles of marriage, our alliance is proper and valid ; and we, Tehmina P. Mehta, Parsi Zarthosti, and Venkat K. Dhage, Hindu, do hereby contract marriage between us by mutual consent and hereby declare ourselves as man and wife, and mutually agree to be bound as follows :

1. We shall have a common aim in life and that shall, as far as possible, be the service of the people, socially, politically, culturally and economically.

2. We shall be physically and mentally faithful, honest and helpful to each other.

3. We believe that for a full life there must, at least, be one child to every alliance. We believe, that by the adoption of scientific methods, children should be planned, provided children are advisable to have on eugenic and hygienic principles. And, as the population oro-blem has assumed .an appalling condition and as food is not available for all, we plan not to have children for the present.

4. We Relieve that is the right of the women to choose to have or not to have a child and the time for it.

5. We may separate at will and, particularly on the following grounds :

Physical and mental cruelty, imprisonment for a crime for two years, suffering from any loathsome and venereal disease, and dishonest physical and mental behaviour.

6. On separation, no one shall claim maintenance from the other, and, if any children, they shall either be given the choice to remain with whomsoever they choose between us or shall with the consent of the children, be equally shared between us, or both of us, as may be agreed, shall look after them irrespective of our separation. In any case, the responsibility for bri ngir g them up shall, as long as we are alive, be shared by us equally.

7. Both of us shall have equal rights and obligations in all respects and shall have freedom of action, belief and faith.

8. Each one of us shall possess property independently and shall have full right over its disposal in the manner one likes.

9. We believe that the existing Laws of Inheritance and Succession are not just and fair and they tend to promote inactivity, poverty and misery and, as such, any property inherited by us from our relations will be made into a Charitable Trust for such objects as may be indicated at the time.

io. We propose that on our death any property left intestate by us may belong to the State, provided the State shall undertake the education and bringing up of our children, if any, till the age of 25, and utilise the properties for the good of the people. In the alternative, a Trust may be created of such property left intestate with any surviving party to this allisnce as ihe sole trustee or as one of the trustees for the purpose of education and bringing up of the children, if any, till the age of 25, after which, it shall become a Charitable Trust, the objects of which may be indicated during the life time.

11. We believe that each one of us is free to continue to have his or her surname or family name or to adopt a new one and that it is not incumbent that the woman shall adopt the surname or family name of the man.

12. When we die, our bodies shall be handed over to a Medical College for students to study Anatomy by practising dissection. When there is no such use left of our bodies, they shall be cremated."

It was not necessary for me to read the whole of this contract. But the document appeared to me so interesting

that I thought I should let my hon. friends also know about it, My hon, friend, a Member of this House, was good enough after the Special Marriage Bill was introduced to come to me accompanied by his wife, and to say: "We are a living example which proves the necessity of such legislation." And that is how 1 came to know cf this., Sir. I was suggesting, judging ft om such •cases, that there was the necessity for such legislation.

May I at this stage remove certain misapprehensions .which I find exist about this Bill ? There is ah impres sion in certain quarters that the Bill merely extends its benefits to all communities and not, as at present, to Hindus, Buddhists, Sikhs and Jains and pei-sons who declare that they will net profess any of the faiths referred to in the Special Marriage Act. Well, Sir. rhe statement is correct only in a resiiicted sense, that is, if the benefits are enly monogamy and right of divorce. As a matter of fact, as I have already stated, this Bill permits marriage between any two persons irrespective of religion Under the Special Marriage Act, as it row stands, that is not tbe case. True, the Biil dees not affect Hindus only, but persons cf all religions, but the basic feature of it is something else as I have already explained. Then, it is said : "Well, under the pioposed draft Hindu Code, which had come before the last Parliament, monogamous marriage with iight of divorce under certain conditions was to be compulsory. This is optional under the present Bill." It is not optional. For those who wil! many under this Bill when it becomes law, these tights will be theirs ss of right and these piovisions will be compulsory. They cannot marry except on the terms stated, i.e., only on the basis of the marriage being a monogamous marriage and on the basis that rights of divorce will be permitted under specified conditions. So there is no question oi option. It is compulsory so far as il goes. But the main point is, I sa j again that it will be available not only to Hindus bur to all persons irrespective of their religion. That is the main thing, It will apply not merely when bjtn tne parties are Hindus, but also when one of them is a Hindu and the other a non-Hindu. Therein lies the great difference.

SHRI M. VALIULLA (Mysore) : Under what law did Mr. Jinnah marry a Parsi lady ?

SHRI C. C. BISWAS : Sir, I do not know. It is not for me to answer these questions as to how one person may have married another or whether that is a valid marriage or not.

MR. CHAIRMAN. : In the light of the documents just now read cut.

SHRI C. C. BISWAS : Sir, I am coming now tc Brihmo marriages. It was in fact at the instance of the Brahmos that the Special Marriage Act of 1872 was passed. The original sect of Brahmos, now called the Adi or conservative Biahiro Samaj, was founded by Ram Mohan Roy more than a century ago. Then came rhe progressive Brahmos—a branch of the former. Now so far as the Adi Brahmo Samaj is concerned, Sir, members of that sect did not say that they were not Hindus. In fact they refused to declare themselves as outside the pale of Hinduism, and retained portions of the orthodox Hindu ceremony of marriage. It was the progressive Brahmos who came later, who assumed a different attitude. They would not say that they were Hindus, They did not believe in the thirty crcres cf gods and goddesses who peopled the Hindu pantheon. They discarded the orthodox form of marriage as laid down in the *Shasttas* altogether. They substituted for it a special fom of marriage cf their own consisting *oi* the exchange of mutual premises oecween the bride and the bridegroom, accompanied by ceitain prayers. Then, Sir, questions were raised by many members of the community itself as co whether the marriages which they were celebrating according to their special forms were valid in law. T hey consulted the then Advocate General Mr. Cowie and Mr, Cowie advised that they were not valid. These marriages were not in accordance with the Hindu *Shanrai.* Nor could

[Shri C C. Biswas.] the authority of custom or usage be invoked in support of the validity oi such marriages. There are certain requisites of a valid custom, antiquity, reasonableness, etc. The claim of antiquity could not be put forward here, because the community itself was of very recent origin. Then, they petitioned the Legislature for a special Act, and in view of the fact that those persons were themselves not prepared to admit thac they were Hindus, the Legislature adopted the formula that marriages could be legally solemnized between persons who declared that they were not Hindus, and when they said Hindus, they also added other religions, to give the law wiaer application. This was the genesis ot the Act of 1872. Then, of course, the sequence was interesting. When questions cf succession arose, some of the members of this sect who were so anxious to declare that they were not Hindus for purposes of marriage were equally anxious that they should be subject to the Hindu law of succession. Of course, the Hindu iaw of succession did not apply under the Act, and so when this did not suit them, they were prepared to say that they were still Hindus notwithstanding the declaration to the contrary effect which they might have signed at the time of marriage. They would justify this discrepancy by saying that the declaration was only for purposes of marriage and that they were Hindus for other purposes. However, this state of uncertainty continued til] the Privy Council, in a well-considered judgment said that all Brakrr.os, whether Adi Brahmos or the Progressive Brahmos, were Hindus for purposes or succession. A departure from orthodox forms of Hinduism would not put them outside the pale of Hindu society for legal purposes This solved their difficulties, Tnat is how this Aa of 1875 came to be enacted.

I do not think I need say very much more except to draw attention to some of the important clauses of this Bi.'l As the motion is for circulation, Sir, I will not go into details or enter upon a discussion of these provisions* When opinions are received, they will be placed before a Select Committee, and tbat will be the appropriate stage when we may consider these provisions on their merits in the light of the suggestions received and in-the light of tlie views which may be expressed by Members of this House in. the Select Committee. Incidentally, 1 may give the assuiance here that in that Select Committee ladies will be fully represented. 1 hav e 1 tceived many requests from them, ana I should like to assure them that their views wiH receive the fullest consideration.

If you will look at the Bill you will find that it is in five Parts. The first Part is preliminary. The only thing to notice in this Part is that this law is made applicable also to citizens of India outside India, and for that pur pose it is provided in....................

DR. RADHA KUMUD MOOKER-Jl (Nominated) : Will it be called the Indian Special Marriages Act or simply Special Marriages Act?

SHRI C. C. BISWAS: The Special Marriage Act.

SHRI KISPIEN CHAND (Hyderabad) : WiH it not oe better for the hon. Minister to reserve these answers after the Members have expressed their opinions ?

SHRI C. C. BISWAS: I do not want these interruptions. But if I do not answer these questions hon. Members may think that I am showing them discourtesy. Sir, if I am allowed to go on now, these questions may be put at the end.

Clause 3, sub-clause (2), says that for purposes of this Act in its application to citizens of India outside India, the Central Government may appoint one er more diplomatic or consular officers to be Mairiage Officers for any country, place or area outside India. Then comes Part IL This is practically one of the most viral Pans of the Bill.. It lays down in clause 4 the conditions necessary for a valid marriage under this Bill :

"Novwithstandirg srjihing ccntair.td in any other isw for the time being in fore

ʳelating to the solemnization of marriages a 1 marriage between any two persons may .... "

No reference to any religion here:

" ...... be solemnized under this Act, iif at the time of the marriage the following conditions are fulfilled, namely :—

(a) neither party has a spouse living ;

(b) neither party'is an idiot or a lunatic;

(c) the parties have completed the age of eighteen j'ears ;

.*(d)* each party, if he or she has not completed the age of twenty one years, has obtained the consent of his or her father or guardian to the marriage ;

0) the parties are not within the degrees of prohibited relationship; and

(/) where the marriage is solemnized outside India, beth parties are citizens of India."

Now, Sir, all these conditions, I am quite sure, will raise a great deal of controversy. One will be the question pf age. Well, when amendments are received, it will be time enough then to consider what should be the age to be prescribed. We have followed in one matter the existing provision in the Special Marriage Act, namely that, where the bride or bridegroom is below 21, the consent of the father or guardian is necessary. Otherwise, the marriage age will be 18, the same for both the contracting parties. Then, as regards prohibited degrees, the Special Marriage Act lays down the prohibitions on the basis of consanguinity or affinity. It would be very much simpler, if the relationships which would come within the prohibited limits were categorically specified. That has been attempted here :

"Two r>arti°s are said to be within 'the degrees of prohibited relationship' if one is a lineal ascendent of the other, or was the wife or husband of a lineal ascendent or descendant of th? other, or if the two are brother and sister, uncle and niece, aunt and nephew, er the children of iwo brothers or of two sisters."

Sir, I have already received letters •stating that in some parts of the country marriages are celebrated between relations which are banned in this •clause. This is a matter which will have to be considered. There are, I think, places where under custom marriages between such relations are permitted.

Then there are some procedural matters. If any person intends to marry, he has to give notice for a certain period and he goes to the marriage officer, and then if there is anybody who wants to raise an objection, he is permitted to do so within a specified time. When an objection is on the ground that the parties don't satisfy the conditions laid down in clause *4,* that is not to be decided by the marriage officer. He will refer the parties to a court and stay his hands. These rules have been laid down, and I nee d not dwell upon them at any length here. After the marriage is solemnized there will be a certificate granted by the marriage officer, and if the marriage is not solemnized within 3 months, a further notice of marriage will have to be given.

We then come to Part III. That is an important Part, because it provides for registration undei- this Act of marriages which may have been solemnized otherwise, and in that case it is laid down that the rights and obligations which are here provided for persons marrying under this Act will also be available to those people. But the important fact to which I would like to draw attention in this connection is that this application for registration will have to be mede by both the parties to the marriage.' I draw attention to this, because I had an enquiry whether or not one of the parties to the marriage, the wife, for instance, could alone ask for registration, because possibly in that case, there was difference between the husband and the wife and the wife was anxious to get a divorce and wanted to know whether she could act unilaterally and ask for registration. I say that under the new Act both parties must agree to make an application for registration.

Then comes Part IV. That is also important, because it deals with the question of consequences of marriage under this Act. At one time it was suggested that it should be open to

[Shri C. C. Biswas.] those who marry under this Act to enter into a contract to regulate the devolution of their property, and also to regulate the religion which the issue of such marriage will have. The suggestion was that the father and the mother if they belonged to different religions, could enter into a contract and say that one child would be brought up, say, as a Hindu, the religion of the father, another as a Muslim, the religion of the mother, and so on, and it would be an irrevocable agreement which would be binding on all. Supposing there was a question of guardianship and the matter went to a court; even then the court would not be able to say that in the interest of the child, he should be brought up otherwise. The court also would be bound by that contract. That was the idea. It did not appeal to me and I discarded it. It is much better to have a simpler formula as we have in this Special Marriage Bill. Whatever the religion may be, so far as rights of succession are concerned, the Indian Succession Act should apply. We are now going to enact a territorial law of marriage. There is no reason why the territorial law of succession should not apply as well. From that paint of view, the present proposal in the Bill is that the Succession Act will apaly in such cases. It is further provided in clause 18 and this applies only in the case of Hindus, Buddhists, Sikhs and Jains—that once a marriage takes plade under this Act, then that marriage will effect a severance from the joint family. That is only right and proper. That is already there in the Special Marriage Act.

Then it will be seen that certain rights which are secured to a Hindu under the Caste Disabilities Removal Act, 1850, namely, that if he is converted to some other religion or is deprived of his caste, that will not affect his rights of property, or inheritance, are extended to those who will marry under this new Act. The Bill provides that:

"Subject to the provisions of section r8, any person whose marriage is solemrized under thi s Act, shall have the same rights and shall be subject to the same disabilities in regard to the right of succession to any properly as a person to whom the Caste Disabilities Removal Act, 1850 applies." *

What will be the actual effect of this in particular cases, I don't propose to go into. That will take us to a wide field of controversy and I hope-hon. Members will not put such questions or any questions of interpretation as to what will happen, what is the meaning of this, or does it mean this or that? Those questions will be more appropriate in the Select Committee after we get the opinions of the public.

Then we have made a provision regarding adoption. That will also apply to Hindus—I don't know whether other communities have also the practice of adoption prevailing among them. What is the position among Hindus ? If a Hindu has a son and the son dies, he can adopt. The question is what will happen if a Hindu has a son and he does not die but marries under this Act, and is thus for all practical purposes lost to the family. Will that entitle the Hindu father to adopt ? So far as the parties to the marriage are concerned we have said: "No person who has his marriage solemnized under this Act shall have any right of adoption." It may be that both of them are Hindus but still it is said they will not be entitled to adopt under the Hindu law.

SHRI K. B. LALL (Bihar) : Why not?

SHRI C. C. BISWAS : I asked you not to put such questions now. This is not the stage for it. But, as regards the father or mother of a person who marries under this Act, they have their right to adopt expressly secured, because their son will be deemed to have been lost to the family.

Then comes the provision regarding divorce. We have adopted the provision which exists in the Special Marriage Act. Many people asked me : "Why have you not mode any provision for divorce ?" They overlook

this particular clause 22 which expressly says :

"Notwithstanding anything to the contrary contained in the Indian Divorce Act, 1869 that Act shall apply to allmarrisges solemnized under this Act, and any such marriage may te declared null er dissolved in the manner [herein provided, and for the causes therein mentioned, or en the ground that the marriage contravenes one or more of the conditions, specified in section 4 oi this Act."

As I said₃ this corresponds to section 17 of the Special Marriage Act of 1872 and there ail these conditions are sft out, It is not necessary for me to enter into tnem in detail here. Ibe conditions mainly are that you can *hdve* divorce on the ground of adultery ; you can have dissolution of maniage under other conditions also, if the mar riage is...............

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

SHRI C. C'. EISWAS: If tbe hon. Member does net wish me to draw the attention of the Council to the important features *of* the Bi]], 1 shall only be toe glad tc be relieved cf so much trouble.

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

Sir, that is alb I move

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

MR. CHAIRMAN : Let me place it first before tne House.

Motion moved :

Th?.t the Sptcial Mrrnsge Bill. 1952, be circulated foi the purpose of e'ici'rmg opinio:: thereon by rr>p ?m December 1952.

J. his is the motion before the House. But before I ask the hon. Member vho has given notice of amendment :o move, the Secretary has ?. message to xmrnunicate to the Counci.

DR. P. C. MITRA : Sir, one ques tion 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