

**GOVERNMENT OF INDIA  
LAW AND JUSTICE  
LOK SABHA**

UNSTARRED QUESTION NO:4839

ANSWERED ON:23.04.2015

DIVORCE LAWS

Senthilnathan Shri PR.;Udhayakumar Shri M.

**Will the Minister of LAW AND JUSTICE be pleased to state:**

- (a) the details of various Acts and Laws under which divorce cases are settled in the country;
- (b) whether such Acts and Laws are different for different religions and if so, the details thereof along with the reasons therefor;
- (c) whether the Government proposes to bring uniformity in such Acts and Laws for all the religions in the country; and
- (d) if so, the details thereof and if not, the reasons therefor?

**Answer**

MINISTER OF LAW AND JUSTICE (SHRI. D.V.SADANANDA GOWDA)

(a) and (b) The people of country belong to different religious denominations and faiths and they are governed by different sets of personal laws in respect of matters relating to marriage, divorce, succession, etc. The following are the various enactments under which divorce cases are settled in the country:-

- (i) the Divorce Act, 1869 (4 of 1869);
- (ii) the Parsi Marriage and Divorce Act, 1936 (3 of 1936);
- (iii) the Dissolution of Muslim Marriages Act, 1939 (8 of 1939);
- (iv) the Special Marriage Act, 1954 (43 of 1954); and
- (v) the Hindu Marriage Act, 1955 ( 25 of 1955).

(c) and (d) The object of article 44 is to introduce a uniform personal law for the purpose of national consolidation. The Uniform Civil Code is based on the assumption that the personal laws based on scriptures and customs of each religious community in the country be replaced with a common set governing every citizen in a civilised society. The Uniform Civil Code covers marriages, divorce, inheritance, adoption and maintenance.

Dr. B.R. Ambedkar explained in the Constituent Assembly (Vol. VII CAD p. 550) that in fact, the bulk of these different items of civil laws have already been codified during the British rule and the only major items still remaining for a Uniform Code are marriage, divorce, inheritance and succession (adoption, guardianship).

In view of the importance of the subject matter and sensitivity involved, wide consultation with stakeholders would be required in this regard.