

Title: Discussion on the Marriage Laws (Amendment) Bill, 1999. (Bill passed.)

MR. CHAIRMAN: Now, the House will take up the Marriage Laws (Amendment) Bill.

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): Sir, I beg to move:

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

Sir, this is another non-controversial Bill. Again, the wisdom contained in the Bill is not mine. I have inherited it from the previous Government ... (Interruptions) It is very simple.

Sir, Epilepsy is one of the grounds either for annulment of marriage or for divorce. Now, modern medical science has shown that Epilepsy is not such a dangerous disease as it used to be considered once upon a time. Once upon a time it was considered almost an equivalent to insanity. Some people who suffered from Epilepsy was supposed to be possessed by the Devil. But modern medical science says that it is curable and affected persons can perform normal functions.

Sir, our practice has shown that it is operating very unfairly against the women in this country. As soon as a poor women gets a fit of Epilepsy, the husband instead of taking care of her gets a ground of divorce. Women organisations have supported this Bill and hon. Members would trust us that we have as much concern for women as anybody else. I commend that this Bill can be passed without a debate. All that is being done is that from the two pieces of legislation, the word "Epilepsy" is being dropped.

MR. CHAIRMAN: Motion moved: "That the Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954, as passed by Rajya Sabha, be taken into consideration."

Smt. Renuka Chowdhary -- Not present.

Shri P.R.Dasmunshi -- Not present.

Shri Prakash Jaiswal -- Not present.

Shri A.C.Jos -- Not present.

SHRI SIMRANJIT SINGH MANN (SANGRUR) : Mr. Chairman, Sir, I as a Sikh have a great deal of objection to foisting the Hindu Marriage Act on the Sikhs. It is repugnant to the Sikh mind that we are bracketed with honourable members of the Hindu religion. We have a separate history, a separate culture, a separate language, separate customs and separate ceremonies. As such, in 1909 the British passed the Anand Marriage Act and it was signed by Viceroy and the Governor-General.

">I want to know from the hon. Law Minister whether he would like to separate us and make the legislation which was passed in 1909 applicable to the Sikhs.

">SHRI RAM JETHMALANI: Mr. Chairman, Sir, I can only tell my learned friend that I have received some representation from other Sikh organisations also. This is a matter under consideration and the wishes of the Sikh community will certainly be borne in mind in enacting any future legislation. At the moment, there is no question of really separating the two.

*SHRIMATI MINATI SEN (JALPAIGURI): Sir, thank you for giving me an opportunity to speak on the Marriage Laws (Amendment) Bill, 1999, which is going to amend the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954. My party and I feel that the word epilepsy in the Hindu Marriage Act, 1955, and the Special Marriage Act, 1954 should be omitted. Sir, the whole world has been brought inside our bedroom through satellite and high tech modern technology. There is immense development in medical science. Many complicated and serious diseases are well controllable. Of course it is true that medical facilities are out of the reach of the downtrodden and the poor. Epilepsy nowadays is curable. So it is inhuman to equate epilepsy and insanity together for divorce or annulling a marriage. It is true that our constitution makers guaranteed certain rights and privileges to women and the lawmakers also have enacted many laws keeping in mind the equal rights for both men and women enshrined in the Constitution and for ameliorating the condition of women. But in a country like India where class-divided society and socio-economic discrimination is still prevailing, the poor and the downtrodden are deprived of the constitutionally and legally provided facilities. That is why the legislative provisions are never implemented in reality. Successive legislative provisions have not made much difference in the social status and economic freedom of women. In the words of Tagore, "The verdict of justice weeps in silence and solitude."

">Women as part of the poor section in the society have been the most exploited in a feudal social set up. She becomes the victim of the most pathetic and unbearable situation due to sex discrimination. The gender bias continues unabated. Although in the forum for international year for women, the woman decade, woman welfare, the recently held world conference of the

">*Translation of speech originally delivered in Bengali.

">international fortnight violence against woman, the conference from Mexico to Beijing, focussed on the problem of women, the suggestions and demand to solve those problems. Yet no headway has been made towards ameliorating the pathetic condition of women. Still femalefoetuses continues. Child marriage though legally banned continues unabated just under the nose of the administration in Rajasthan and despite ban on sati the glory of sati is eulogised in UP. Rup Kanwar was burnt in the name of sati in Rajasthan and Chunri festival is held in her name although we have Anti Sati Act and inspite of Anti Dowry Act, bride burning has become the order of the day. Retrenchment of women continues in organised and unorganised sector. There is no wage parity, no

employment assurance and job security and women have been deprived of Labour Protection Act. Despite the Supreme Court verdict, women face sexual harassment and exploitation either by the employer or the agent in their place of work. I quote a news item from the Statesman. "In every 26 minutes a woman is molested, a rape occurs every 34 minutes." In a land of 29 crore illiterates, 18 crore women are illiterate. 5-10% women can sign their names. It is a matter of regret even after so many legislations to safeguard their interest, the women are lagging behind in every aspect. The only pride that our country can boast of now is in beauty contest. We are super power in beauty. Fashion show and fashion parade are the talk of the day. The organisers of all these contests are the multi-nationals because they want to capture the market in the third world. We are overwhelmed by their performance and do not register any protest against them.

">MR CHAIRMAN: Please conclude.

">SHRIMATI MINATI SEN: Sir, I am taking a little more time. We talk of equal partnership of men and women in the decision making. Then why the Women Reservation Bill could not be introduced in the House. Mere legislation is not enough. There must be a drastic change in the prevailing scenario, there must

">be social justice, poverty alleviation programme and compulsory free education for girl child. After supporting the Amendment Bill I would furnish some suggestions.

">1. Whenever a petition for divorce, judicial separation, annulment, etc., is filed, the court shall suo motu enquire what are the provisions that have been made by the parties to provide further maintenance and residence of the children and the wife, and the court, in the first instance, direct parties to provide for the same.

">2. A change in section 27 of the Hindu Marriage Act. The gift in cash and kind (Streedhan) in the name of dowry from the girl's father should be returned to the girl. The property acquired after marriage will belong equally to both the parties and should be decided by Court.

">3. The court must decide about the custody and visitation within three months of the petition filed.

">MR CHAIRMAN: You can directly meet the Minister and seek clarification. Please conclude now.

">SHRIMATI MINATI SEN: I am concluding, Sir. With these suggestions I thank again for giving me an opportunity to speak on this Bill. After supporting the Bill, I conclude my speech.

">SHRI RAM JETHMALANI: Sir, I share all the sentiments that have been expressed by the hon. lady Member, and steps will be taken. One of the remedies is higher political empowerment of the women, and we are committed to that kind of legislation and that shall soon be introduced.

">Sir, the hon. Member is free to communicate with me and we will sort out whatever problems she is mentioning. In the meantime, I request that this Bill, as passed by the Rajya Sabha, be passed.

">MR. CHAIRMAN: The question is:

">"That the Bill further to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954, as passed by Rajya Sabha, be taken into consideration."

">The motion was adopted.

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">MR. CHAIRMAN: The House shall now take up clause-by-clause consideration of the Bill.

">The question is:

">"That clauses 2 and 3 stand part of the Bill."

">The motion was adopted.

">Clauses 2 and 3 were added to the Bill.

">MR. CHAIRMAN: The question is

">That clause 1 the Enacting formula

">and the Title were added to the Bill

">The motion was adopted.

">Clause 1, the Enacting Formula and the Title were added to the Bill.

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">SHRI RAM JETHMALANI: Sir, I beg to move:

">"That the Bill be passed."

">MR. CHAIRMAN: The question is:

">"That the Bill be passed."

">The motion was adopted.

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">SHRI RAM JETHMALANI: Sir, in an answer to your query, the legislation on the Indian Divorce Act is separately almost ready, and it will be introduced at a proper time.

">MR. CHAIRMAN: Thank you.