

[Shri A. K. Gopalan]

If the hon. Minister is prepared to give us an assurance on these lines, then I shall certainly be prepared to withdraw the Bill, because I know that there is no use of putting this Bill to vote, and I had brought this forward only to draw the attention of Government to this matter because it is high time that something is done to improve the conditions of these workers.

Shri Hathi: If the hon. Member requires any assurance, I would say that we shall see that the condition of the beedi workers is improved by suitable legislation in the States.

As regards all-India legislation—take for example, the question of fixing wages, different wages have to be fixed according to various localities. Perhaps legislation is not the remedy for it. The remedy is to have a joint board of neighbouring States, four or five. They can fix the rates, decide the conditions etc. I can say here and now that we shall have such joint boards for three or four neighbouring States. The question is of migration and other things.

Shri A. K. Gopalan: Also implementation.

Shri Hathi: We have already decided to have joint boards of neighbouring States.

Shri Narendra Singh Mahida: May I seek some information? There are various tobacco associations in the country. Can you not persuade them, if they do not come under the Factories Act, at least on humanitarian grounds to pay heed to you?

Shri Hathi: The point here is that there are certain provisions which are covered in the Factories Act. That they are bound to observe. The question is of fixing the rate of wages. If rates are fixed higher in one area as compared to a neighbouring area,

then there is the question of migration. Therefore, it is that three or four neighbouring States would have a joint board. We have already done that. They can consult the employers' organisations and workers' unions or individuals and then have a wage fixing machinery which will look into these things. We will have those joint boards.

Shri A. K. Gopalan: This is the second time I am bringing this matter to the notice of Government. In view of the assurance of the Minister that their conditions will be looked into and also in view of his statement that certain things have already been discussed and he will take action, I beg leave of the House to withdraw the Bill.

Mr. Deputy-Speaker: Has the hon. Member leave of the House to withdraw the Bill?

Some Hon. Members: Yes.

The Bill was, by leave, withdrawn.

15.33 hrs.

CONSTITUTION (AMENDMENT)
BILL*

(Amendment of articles 136, 226 etc.)
by Shri Shree Narayan Das.

Shri Shree Narayan Das (Darbhanga): May I seek your indulgence to introduce my Bill?

Mr. Deputy-Speaker: He was absent when called.

Shri Shree Narayan Das: I was in a meeting of the Estimates Committee.

Mr Deputy-Speaker: He may move for leave to introduce it.

Shri Shree Narayan Das: I beg to move for leave to introduce a Bill further to amend the Constitution of India.

Mr. Deputy-Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

Shri Shree Narayan Das: I introduce the Bill.

15.34 hrs.

HINDU MARRIAGE (AMENDMENT)
BILL

(Amendment of section 23) by Shri
J. B. S. Bist.

Shri J. B. S. Bist (Almora): I beg to move:

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

Amongst Hindus, marriage was a solemn tie and sacred and it was never to be dissolved. But the progress of time and circumstances made us adopt the Hindu Marriage Act. In that Act, judicial separation and divorce is provided for under section 10 which reads:

"Either party to a marriage, whether solemnised before or after the commencement of this Act may present a petition to the district court praying for a decree for judicial separation on the ground that the other party has deserted the petitioner...."—I am quoting (f) with which I am concerned—"has, after the solemnization of the marriage, had sexual intercourse with any person other than his or her spouse."

Section 13 which provides for the dissolution of marriage by a decree

of divorce also provides nearly the same grounds. In sub-clause (1) of clause 13, we have the words 'is living in adultery'. These two items are the subject matter of my amendment. In section 23, we have the procedure which is adopted by courts in granting or disallowing the decree of awards of judicial separation. I have proposed that:

"In section 23 of the Hindu Marriage Act, 1955, after sub-section (2), the following sub-section shall be inserted, namely:

'(3) In any proceedings under this Act, whether defended or not, if the court comes to the finding that the ground of the petition is the ground specified in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 and that such ground is false, it shall grant damages by decree in favour of the person defamed thus in the same proceedings upto a maximum of five thousand rupees, whatever be the fate of the petition on other grounds.'

In my statement of objects and reasons, I have observed:

"It has been observed that false and frivolous allegation of the nature mentioned in clause (f) of sub-section (1) of section 10, or in clause (i) of sub-section (1) of section 13 of the Hindu Marriage Act, 1955, are made in the position under this Act to coerce or defame the other party, which ultimately fail but cause harm to the reputation and character of the aggrieved party."

I thought a deterrent was needed to keep this kind of allegation out of the proceedings unless of course it was true and could be proved.

It is true that this ground of adultery on the part of one of the partners—having sexual intercourse with a person who is not wedded to the party—is very hard to prove, esp-