

NOES—Contd.

Kanungo, Shri
 Kedaria, Shri C. M.
 Khadilkar, Shri
 Khan, Shri Shah Nawaz
 Khanna, Shri Mehar Chand
 Khanna, Shri P. K.
 Kindar Lal, Shri
 Koujalgi, Shri H. V.
 Koya, Shri
 Kripa Shankar, Shri
 Krishnamachari, Shri T. T.
 Lalit Sen, Shri
 Laskar, Shri N. R.
 Mahtab, Shri
 Mahishi, Shrimati Sarojini
 Malachami, Shri
 Malaviya, Shri K. D.
 Marandi, Shri
 Maruthiah, Shri
 Mathur, Shri Shiv Charan
 Mehrotra, Shri Braj Bihari
 Mehta, Shri Jashvant
 Melkote, Dr.
 Menon, Shri Krishna
 Minimata, Shri
 Mishra, Shri Bibhuti
 Mishra, Shri M. P.
 Misra, Shri Shyam Dhar
 More, Shri K. L.
 Mukane, Shri
 Murthy, Shri B. S.
 Murti, Shri M. S.
 Musafir, Shri G. S.
 Muthiah, Shri
 Naik, Shri D. J.
 Nanda, Shri

Nigam, Shrimati Savitri
 Niranjan Lal, Shri
 Oza, Shri
 Pande, Shri K. N.
 Panna Lal, Shri
 Pant, Shri K. C.
 Patel, Shri Chhotubhai
 Patel, Shri P. R.
 Patil, Shri J. S.
 Patil, Shri V. T.
 Pillai Shri Nataraja
 Prabhakar, Shri Naval
 Pratap Singh, Shri
 Rai, Shrimati Sahodrabai
 Rajdeo Singh, Shri
 Raju, Dr. D. S.
 Raju, Shri D. B.
 Ram Sewak, Shri
 Ram Subagh Singh, Dr.
 Ram Swarup, Shri
 Rampure, Shri M.
 Rane, Shri
 Rao, Shri Jagannatha
 Rao, Shri Rajagopala
 Rattan Lal, Shri
 Reddy, Shrimati Yashodai
 Roy, Shri Bishwanath
 Sadhu Ram, Shri
 Saha, Dr. S. K.
 Saigal, Shri A. S.
 Samanta, Shri S. C.
 Sanji Rupji, Shri
 Satyabhama Devi, Shrimati
 Sen, Shri P. G.
 Shah, Shri Manubhai
 Shakuntala Devi, Shrimati

Sharm Nath, Shri
 Sharma, Shri D. C.
 Sheo Narsain, Shri
 Shree Narayan Das, Shri
 Siddananiappa, Shri
 Sidheshwar Prasad, Shri
 Singh, Shri R. P.
 Sinha, Shri Satya Narayan
 Sinha, Shrimati Ramdulari
 Sinha, Shrimati Tarkeshwari
 Sonavane, Shri
 Soy, Shri H. C.
 Srinivasan, Dr. P.
 Subbaraman, Shri
 Subramaniam, Shri C.
 Subramanyam, Shri T.
 Sumat Prasad, Shri
 Swamy, Shri M. P.
 Tahir, Shri Mohammad
 Tiwary, Shri D. N.
 Tiwary, Shri K. N.
 Tiwary, Shri R. S.
 Tombi, Shri
 Tripathi, Shri Krishna Dev
 Tula Ram, Shri
 Tyagi, Shri
 Uikey, Shri
 Upadhyaya, Shri Shiva Dutt
 Vashya, Shri M. B.
 Varma, Shri Ravindra
 Veerabasappa, Shri
 Vijaya Ananda, Maharajkumar
 Wadiwa, Shri
 Wainik, Shri Balkrishna

Mr. Speaker: The result of the division is as follows:

Ayes 23; Noes 157.

The motion is not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting. Therefore, it falls through.

The motion was negatived.

15.40 hrs.

HINDU MARRIAGE (AMENDMENT) BILL

(Amendment of Section 13)

Shri D. C. Sharma: (Gurdaspur):
 Sir, I beg to move:

"That the Bill further to amend

the Hindu Marriage Act, 1955, be taken into consideration."

I have also tabled certain amendments. My first amendment is that on page 1, line 1 of the Bill, for "thirteenth year", we should substitute "fifteenth year". This is of course, in the Enacting Formula. My second amendment is that on page 1, line 4, for "1962", we should substitute "1964". My third amendment is that on page 1, for lines 12 to 14, we should substitute "(1A) Either party to a marriage, whether solemnised before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground . . ."

Sir, I do not want to give a very long speech, but I want to bring home

one or two points to the hon. Members of this august House. My first point is this. The Hindu Law has been a very, very vast subject. As the Hindus have had many shastras so the Hindus have had many law-givers so far as social polity is concerned. Therefore, there has been no uniformity so far as Hindu Law is concerned, whether with regard to property or adoption or marriage or solemnisation of the marriage or dissolution of the marriage, etc. The map of Hindu Law, as I have said already, has been a very, very varied map.

15.44 hrs.

[SHRI SANAVANE in the Chair]

But there has also been another factor which has been operative in Hindu society and amongst the law-givers of Hindu society. I do not want to mention the names of Yajnavalkya, Manu and all those great rishis who have adorned the pages of Indian history. I only want to suggest one thing and that is this, that the Hindu religion, apart from its fundamentals, has shown rather a degree of adjustability and flexibility. The Hindu religion, so far as its social organisation is concerned, has been a religion moving with the times, adjusting itself to new circumstances and changing under new pressures. In other words, Hindu religion and Hindu shastras have been dynamic. They have not shown any rigidity of approach or any inflexibility so far as the matter of acceptance goes. Every age has new social pressures and new social adjustments to make. Every age is confronted with new social forces, new economic trends and new changes so far as the organisation and structure of the society is concerned. If I look back upon the Hindu society, I must say that we have undergone innumerable changes and most of those changes have been for the better. They have enabled us to live in accordance with new circumstances and in accordance with new social motivations. But nowhere has the

change been as rapid and kaleidoscopic as in the twentieth century. Twentieth century has been a century of cataclysmic changes. At one stroke we have emerged from the scientific age into the technological age and, naturally, this has been responsible for some of the changes in the social structure also. It was in view of these changing mores of society that the Hindu Code Bill was passed by this august House sometime back.

I remember one foreign journalist going to our late Prime Minister, Shri Jawaharlal Nehru and talking to him about some of the good things which he had done to this country. I do not want to go into those details, but nobody can deny that modern India in every respect bears the imprint of his great personality. While that gentleman was talking about Five Year Plans, this thing and the other things, Pandit Nehru said that people had been very sensitive to what he had done in the economic field and international field and also in the field of diplomacy, but there was one thing about which he felt very happy and that was about the social legislation for which he had been responsible, but very few persons had taken note of that. I believe that the social legislation which was sponsored under his leadership is one of the great factors of our life today. In that social legislation there is the Untouchability Offences Bill and so many other things. There is also the Hindu Code Bill. Those of us who were Members of the House at that time remember that so far as the Hindu Code Bill was concerned, it referred to three things. First is the sanctity of Hindu marriage. I do not think our Government has done anything to vitiate that sanctity. It has tried to keep that sanctity intact. That sanctity which is for us the heritage of our forefathers and ancestors has not been touched. The Hindu marriage is still, by and large, a sacred covenant made before the sacred fire, postulating fidelity. That is one thing.

[Shri D. C. Sharma]

Secondly, there came a time when a Hindu could take as many wives as he wanted. The right of a Muslim was restricted, but the right of a Hindu was unrestricted. It was like China. Of course, in China the position was much worse than what we had. In China, one could have a whole shipload of concubines. I am sure they could practise it even now though they may not openly admit it in public. But, in our country, we used to have the right for a Hindu to have more than one wife. If there is anything today of which I feel proud, it is this, that now Hindu marriage is a monogamous marriage. The principle of monogamy has been enshrined in the Indian Constitution, in our Acts of Legislature; it is observed by our courts of law and it is the prevailing practice all over India. If nothing else, the Hindu Code Bill has made this thing possible, and I think it has very far-reaching effects.

The third thing for which it was responsible was laying down the conditions for the dissolution of marriage. There was a time when we used to say that marriages are made in heaven. I can tell you that when once I went to an astrologer before I became a Member of the Lok Sabha, he told me that my mother was my mother in my previous life, that my father was my father in my previous life and my wife in this life had been my wife in my previous existence also. Now, that may or may not be true. But this kind of feeling used to exist.

Now, we are living in a different age. Arthur Koestler has been discussing Japan in some of his articles; he says Japan is full of contradictions. So is every country, so is every nation, he says. On the one hand, Japan is industrialised, westernised and transistorised; on the other hand, it believes in various primitive things. We also have a predilection for getting westernised. We may deny it but in so many of our habits we are getting westernised. Take, for

instance, the habit of taking tea. I do not know whether it is a good habit or a bad habit, but I acquired it from the ~~front~~ land of my home colleague, Professor Hiren Mukerjee. I had never tasted tea before I went to Bengal to study for my MA class. Tea is a symbol of the westernisation of society; it is a symbol of the industrialisation of society. We are having so many other things. These things which we are experiencing these days are also leading to many more things. One of those things is marriage.

Marriage is the keystone of the social fabric of every country. It is the foundation on which our social structure stands. But marriage is also subject to many kinds of pressures, social, economic, psychological and others. Could a gentleman of the 18th century talk of social pressures? Could a gentleman of the 19th century talk of social progress or psychological pressures? Psychology is a new-born baby. But it has become very, very lusty. It has acquired the strength of a giant and it is overshadowing whatever we do. Even today when we are talking about article 370 of our Constitution our Home Minister referred to the Psychological aspect of it. So, everything has a psychological aspect; marriage also is not free from that. It is in view of this that I have brought forward this Bill.

Now, what do I want? I want that the right to apply for divorce on the ground that cohabitation has not been resumed for a space of two years or more after the passing of a decree for judicial separation, or on the ground that conjugal life has not been restored after the expiry of two years or more from the date of decree for restitutional or conjugal rights should be available. I want to underline the next words, to both the husband and the wife, as in such cases it is clear that the marriage has proved a complete failure. There is, therefore, no justification for making the right available only to the party

who has obtained the decree in each case. For instance, a husband gets a decree for judicial separation and does not meet his wife in his home. Then the decree becomes a farce. Or a wife obtains a decree for judicial separation and keeps the husband at arms length, away from her. Even then it is not workable. In this egalitarian society which we are building up, I think it should not be left to one person, either the wife or the husband, to be the arbiter of the other's destiny; both of them should be co-arbiters. Both of them should be placed on the same footing, so far as the law is concerned; both of them should be put on par, so far as legal proceedings are concerned. Now the person in whose favour the decree is given has a whip hand and the person against whom the decree is given plays, I would say, the second fiddle. I think obviously it is unjust. Apparently, it is unworkable. Quite honestly I would admit that it is something that is not to be permitted in society. Therefore, I say:—

16.00 hrs.

"In section 13 of the Hindu Marriage Act, 1955,—

- (i) in sub-section (1),—
 - (a) the word "or" at the end of clause (vii) shall be omitted; and
 - (b) clauses (viii) and (ix) shall be omitted;
- (ii) after sub-section (1), the following sub-section shall be inserted, namely:—
 - "(1A) Either the husband or the wife may also present a petition for the dissolution of his or her marriage by a decree of divorce on the ground—

both of them are placed at par with each other—

"that there has been no resumption of cohabitation

as between the parties to the marriage for a period of two years or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

that there has been no restitution of conjugal rights as between the parties to the marriage for a period of two years, or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties."

At the same time, in order to avoid any hardship of which I am aware and of which the Ministry of Law is also aware—I think, it is much more aware than I am—I have said that either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the grounds specified. That is to say, this Bill will have retrospective effect.

This Bill has been discussed in books. There is a book, *Hindu Law of Marriage*—I do not want to read the whole of it—and in that book also it has been said that this is a very arbitrary clause. Then, another gentleman has also written a book on the Hindu Marriage Act and he has also supported me. He has said:—

"Withdrawal of society without reasonable cause gives rise to the action for restitution of conjugal rights. The essence of this action is that married persons are bound to live together. In spite of such a decree the court cannot compel the respondent to live together with the applicant."

It cannot be an act of compulsion; it has to be an act free will and free will is lacking in it.

[Shri D. C. Sharma]

Then, there was a High Court judgment in the Punjab in Kamlesh Kumari *versus* Kartar Chand 1962, Punjab 156, in which Mr. Justice A. N. Grover has thrown light on this subject obtaining in Great Britain and India. So far as Great Britain is concerned:—

“Section 5 of the English Matrimonial Causes Act, 1884 contained a provision to the effect that if the respondent shall fail to comply with a decree of the Court for restitution of conjugal rights such respondent shall thereupon be deemed to have been guilty of desertion without reasonable cause, and a suit for judicial separation may be forthwith instituted and when any husband, who has been guilty of desertion by failure on his part to comply with a decree for restitution of conjugal rights has also been guilty of adultery, the wife may forthwith present a petition for dissolution of her marriage. Section 13 of the English Matrimonial Causes Act, 1950 makes a provisions for judicial separation by which a decree can be granted at the instance of either the husband or the wife on the ground of failure to comply with a decree for restitution of conjugal rights.”

Therefore if I say that, I think, we are doing something which will be in consonance with the provisions of the English Matrimonial Causes Act. I do not want to elaborate this point and do not want to read out the whole judgement of Mr. Justice A. N. Grover of the Punjab High Court; but I must say that this is something to which, I am sure, the whole House will agree.

Sir, I want to make an appeal to the hon. Deputy Minister of Law and I hope my appeal will not fall on deaf ears.

The Deputy Minister in the Ministry of Law (Shri Jagamatha Rao): My ears are not deaf.

Shri Man Sinh P. Patel (Mchsana): He is clearing his ears.

Shri D. C. Sharma: I want to request him to accept this Bill, to deal with this Bill tenderly, gently and sympathetically, to deal with this Bill in such a way that he accepts it. This thing has been before the public for such a long time. So many newspapers have commented upon it. Even the Swatantra newspaper of Delhi, the *Hindustan Times*, has been in favour of it at one time or another. So, the progressive newspapers of India and also the Swatantra daily of India, the *Hindustan Times*, I think, are not averse to a Bill of this kind. I, therefore, move that this Bill be taken into consideration.

Mr. Chairman: Motion moved.

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

Shri Man Sinh P. Patel: Mr. Chairman, I support the amending Bill of my hon. friend. The history of the law of divorce in this country is a long one. It appears that in the last codification of the Hindu Marriage Act, as it has been drafted, in section 13 there is some anomaly where even though the marriage is declared to be a failure by a particular act and conduct of both the parties, the remedy can never be enjoyed by either of the parties, specially by the aggrieved party, without the consent of the person who has done the grieving part of it.

Let us read the original section 13 of the Hindu Marriage Act. There are about nine clauses whereby the dissolution of a marriage can be availed of. Looking to sub-clauses (i) to (vii) one finds that if there is an action on one of the sides, the remedy can be availed of by the other side without going through the numerous

difficulties; but as far as clauses (viii) and (ix) are concerned, the failure may be from both the sides, even then the remedy available is only to the person who has initiated the proceedings of judicial separation. But even though a dissolution has been declared or a judicial separation has been given, when the party who initiated the proceedings does not want to avail of a divorce later on, the other party has also to wait for a number of years.

Now there are incidents in society when, after obtaining the judicial separation, the person, who has availed of this opportunity of proceeding in a civil court and has obtained judicial separation, has not taken recourse for two years to any opportunity available to him by joining into a marriage, and starts a different life taking another partner. It may be unofficial, in an illegal manner. But the second partner also has to take the same recourse.

So I see the point of the amendment brought forward by my hon. friend Shri D. C. Sharma. The only change suggested is that when there is an erring party who himself or herself takes recourse to judicial proceedings, that party can avail of it even if the second party has not joined—up to clause (vii). But where there is a fault on both sides, that is, when there is a decree got by one party and he is not fulfilling that decree by the action of the other party also, the remedy should be available to both sides.

If, once happy married life is not successful, litigation is started in a court of law, judicial separations are being obtained. Then, in a number of years, call it either by repentance, or by some goodwill prevailing on either side, by act of man or by act of God or of society, if they come together, it is all right. Their life can change. But if by misfortune nothing of that sort happens, it may be not by the fault of one party, but by the fault of both the parties; then, simply because the original proceedings were availed

of by one party, the remedy should not necessarily be available to only one party: it should be available to both parties. And if later on the original party wants to harm or hurt the normal life of the other party, the remedy should be available to the other party.

Therefore, the spirit of the original Act is being put in a better form and there may not be any legal lacuna. I endorse the principle behind the amendment and I support the Bill.

Shrimati Yashoda Reddy (Kurnool): Sir, there is nothing much to say on the Bill that Mr. Sharma has brought forward except to say that the hon. Minister will have absolutely no difficulty in accepting it. The framers of the Hindu Marriage Code provided for a divorce with all good intentions. If the husband and wife cannot pull together, they have given a right to either party to ask for dissolution of the marriage. If by any chance the parties could come together and make a success of the marriage, well and good. But if it cannot be done—it is no matter whether the husband or the wife went to the court—if it has been proved a failure, I think the law should be such that the party who got the original decree, whether it was the husband or the wife, should not be the dictator after two years. The other party should also be given the right. Once it is proved a failure, there is no meaning in making the other party wait. So in all fairness this Bill should be accepted, and we congratulate Mr. Sharma on having brought it before the House.

श्रीमती सावित्री निगम (बांदा) :

सभापति महोदया, माननीय सदस्य श्री डी० सी० शर्मा, जो संशोधक-विधेयक इस सदन के सामने लाये हैं, मैं उस का हादिक समर्थन करती हूँ।

इस में कोई सन्देह नहीं है कि जब बहुत सोच-समझ कर, काफी छान बीन करने के बाद हिन्दू मैरिज एक्ट में डाइवोर्स का प्राविजन रखा गया था, तो उस का उद्देश्य

[श्रीमती सावित्री निगम]

यही था कि जब स्थिति इतनी भयावह हो जाय और दोनों पार्टियों में मन-मुटाव इतना अधिक बढ़ जाये कि दोनों का अलग होना अवश्यमात्री हो जाये और उस के अनावा कोई चारा न रहे, तब दोनों पार्टियों को डाइवोर्स करने की अवमति कानूनन मिल सके। आप का यह तो मालूम हो है कि यह डाइवोर्स का कानून कुछ ही वर्ष पहले हमारे देश में आया। तब तक केवल एक ही पक्ष को पुनर्विवाह करने की सहमति कानून से मिलती थी। जहाँ तक दूसरे पक्ष अर्थात् स्त्री का सम्बन्ध है, चाहे उस का पति उसे हमेशा के लिए छोड़ दे, उन को सताए, उस पर क्रूरता करे, स्त्री को अपने पति से अलग होने और पुनर्विवाह करने का कोई अधिकार न था।

उस का नतीजा यह हुआ कि हमारे समाज और सोसाइटी में अनेकानेक कुरीतियाँ आ गईं और उस के पश्चात् लोगों ने यह महसूस किया कि सम्बन्ध-विच्छेद का यह अधिकार दोनों ही पार्टियों को—और विशेष रूप से स्त्री को—अवश्य ही मिलना चाहिये। यद्यपि डाइवोर्स सम्बन्धी सात धाराओं में दोनों ही पक्षों को यह पूरा अधिकार मिला कि जब स्थिति इतनी खराब हो जाये कि वे लोग इकट्ठे न रह सकें, फिर उन में एका या मेल होने की सम्भावना न हो, तो दोनों अलग हो जायें, लेकिन दुर्भाग्यवश इस सम्बन्ध में फिर एक लेकुना रह गया। हालांकि दोनों ही पक्षों को इस लेकुना की वजह से कष्ट हो रहा है, लेकिन आज भी अधिकांश ऐसी बेचारी महिलायें हैं, जो इस लेकुना के कारण कष्ट का शिकार हो रही हैं।

आप जानते हैं कि अब भी समाज में कुछ ऐसी मर्यादायें हैं, जिन को विशेष रूप से स्त्रियाँ ही पालन रकरती हैं। इसलिये अक्सर यह होता है कि जब एक अन्यायी पक्ष की ओर से—पति की ओर से—

जुड़िसल सेपेरेशन के लिए कोई प्रोसीजिंग होती है, तो वह सताने के लिए दोबारा विच्छेद करने की कोई कोशिश नहीं करता है। नतीजा यह होता है कि वह तो खुले-आस मनमाना अमानिस्त अवाक बिताता रहता है, लेकिन बेचारी स्त्री हमेशा उसके साथ उसी प्रकार बंधी रहती है और स्वतन्त्र हो कर अपना जीवन आरम्भ नहीं कर सकती।

इस लिये मेरा अनुरोध है कि जब कांग्रेस सरकार और इस सदन ने विवाह-विच्छेद का कानून पास किया है, तो उस में इस प्रकार का लेकुना रहने देना अन्याय है, न्यायोचित है, ज्यावर्ती है और इस लिये उपमन्त्री जी का यह विधेयक स्वीकार कर लेना चाहिये, ताकि यह कानून परिपूर्ण बन जाए और जब लोग बिल्कुल साथ न रह सकें तथा उनका मरिज फेल हो जाये, तो उन को अलग रहने का अपना स्वाभाविक अधिकार, फंडामेंटल राइट, मिल सके।

Shri Jagantha Rao: I congratulate my hon. friend Shri D. C. Sharma on his having brought forward this Bill. I am also glad that the two Members who have taken part in the debate, both of them lady Members have also supported the Bill. It is true that Hindu law never recognised divorce unless it was allowed by custom. Later, it was made statutory by introducing section 13 in the Hindu Marriage Act, 1955. The Hindu law proceeded on the basis that marriage should continue, and it was more than a contract and it was a sacrament, and every opportunity should be given to the parties to come together and sink their differences.

Sub-sections (8) and (9) of section 13 of the parent Act have given the right to the person who obtains a decree either for restitution of conjugal rights or for judicial separation to obtain a divorce after a period of two years or more for non-compliance. It was not the decree-holder that was required to execute the decree; it was

for the respondent or the judgment-debtor to comply with it. But it has come to the notice of Government that there are cases where the husband having obtained a decree either for restitution of conjugal rights or for judicial separation, even though two years or more have passed, never pursued it by filing a petition for divorce, the result being that the very object of the Act, namely to give *locus poenitentiae* to the parties to come together is defeated. He would not file a petition for divorce, and the wife has no right to file a petition for divorce, and the result has been that the marriage must be deemed to be continuing all along, and it is not open to the woman to marry again. It is really a hardship for the woman. So many cases of this type have come up, and Government have also been feeling that this hardship should be removed.

In 1958 a similar Bill was brought forward by Shri Barlingay in the Rajya Sabha, but somehow or other that Bill lapsed. My hon. friend Shri D. C. Sharma has taken up the thread and introduced this Bill in 1962. The object of the Bill is laudable.

Dr. M. S. Aney (Nagpur): The hon. Minister has said that two ladies have expressed their opinion. On behalf of the gentlemen Members of the House, may I say that they are also in agreement with the object of the Bill?

Shri Jaganatha Rao: My hon. friend Shri D. C. Sharma represents the male Members, while the two hon. Members who took part in the debate were representing the lady Members. Therefore, I take it that both male as well as female Members are in agreement with the object of the Bill.

Mr. Chairman: But Dr. M. S. Aney had not asked for an opportunity to express his feelings on this Bill.

Shrimati Yashoda Beddy: He has said that in one sentence now.

Shri Jaganatha Rao: The object of the Bill is very laudable, and Government see no reason to oppose the Bill.

I accept it with pleasure, with the amendments moved or given notice by the hon. Mover.

Mr. Chairman: I shall put the consideration motion to vote now.

Shri Hari Vishnu Kamath (Hoshangabad): On a point of order. The measure is very welcome, but I suppose that it is a salutary rule of parliamentary practice all over the world that no measure, however good or however bad it may be, should be adopted by the House without at least the quorum being present.

Shri D. C. Sharma: The Government of India Bill was passed by the House of Commons with only 17 Members present. It is there on record. And yet my hon. friend is always raising this point.

Shri Ranga (Chittoor): We are all going to support the hon. Member. So, why should he be worried?

Mr. Chairman: All right, let the bell be rung—Even after the first bell, there is no quorum. So, I order that the bell be rung for a second time—Now, there is quorum and I shall put the consideration motion to vote. But before that, I would like to know whether Shri D. C. Sharma wants to reply.

Shri D. C. Sharma: I only want to thank the hon. Deputy-Minister of Law for having accepted this Bill. I hope that his generosity will continue to be showered on me and on the other Members in the future also.

Mr. Chairman: The question is:

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

The motion was adopted.

Mr. Chairman: We shall now take up the clauses. First, we shall take up clause 2.

Clause 2.—(Amendment of Section 13,

Mr. Chairman: There is an amendment to this clause by Shri D. C. Sharma. I think the hon. Minister is accepting it.

Shri Jagnatha Rao: Yes, I am accepting it.

Amendment made:

Page 1, for lines 12 to 14 substitute—

“(1A) Either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground.....”. (3)

(Shri D. C. Sharma)

Mr. Chairman: The question is:

“That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1—(Short Title)

Amendment made:

Page 1, line 4,—for “1962” substitute “1964”. (2).

(Shri D. C. Sharma)

Mr. Chairman: The question is:

“That clause 1, as amended, stand part of the Bill.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—for “Thirteenth Year” substitute “Fifteenth Year”. (1)

(Shri D. C. Sharma)

Mr. Chairman: The question is:

“That the Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

Shri D. C. Sharma: I beg to move:

“That the Bill, as amended, be passed”.

Mr. Chairman: The question is:

“That the Bill, as amended, be passed”.

The motion was adopted.

16.35 hrs.

REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL

(Amendment of sec. 7)

Shri D. C. Sharma (Gurdaspur): I beg to move:

“That the Bill further to amend the Representation of the People Act, 1951, be taken into consideration”.

This is a harmless and non-controversial Bill. It is a Bill which is in conformity with the sentiments of the majority of the people of India.

Shri Ranga: There is no quorum.

Mr. Chairman: The bell is being rung—Now there is quorum. He may continue.

Shri D. C. Sharma: As I was saying, this is a very non-controversial and harmless Bill. When passed into law, this Bill will be called the Representation of the People (Amendment) Act. Of course, necessary amendments to clause 1 to change it from ‘1962’ to ‘1964’ and to the Enacting Formula to change it from ‘Thirteenth Year’ to ‘Fifteenth year’, will be tabled in due course.

Shri Ranga (Chittoor): There is no quorum, Sir. It seems we deceived ourselves.

Mr. Chairman: Is he challenging quorum?

Shri Ranga: Yes.

Shri D. C. Sharma: I have already moved the motion for consideration.

Mr. Chairman: The bell is being rung.