

(Part II—Proceedings other than Questions and Answers)

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**LOK SABHA**

*Saturday, 25th September, 1954*

*The Lok Sabha met at Eleven of the Clock.*

[Mr. SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(No Questions: Part I not published)

**PAPERS LAID ON THE TABLE**

**ANNUAL REPORT OF DAMODAR VALLEY CORPORATION—(PART TWO)**

**Mr. Speaker:** There is no Question-Hour today. No questions. Papers to be laid on the Table.

**The Deputy Minister of Planning (Shri S. N. Mishra):** With your permission, I beg to lay on the Table, on behalf of Shri Gulzarilal Nanda, a copy of the Annual Report of the Damodar Valley Corporation (Part Two), 1951-52, under sub-section (5) of section 45 of the Damodar Valley Corporation Act, 1948. [Placed in Library. See No. S-360/54.]

**DECISIONS ON RECOMMENDATIONS CONTAINED IN DAMODAR VALLEY CORPORATION ENQUIRY COMMITTEE REPORT**

**The Deputy Minister of Planning (Shri S. N. Mishra):** I beg to lay on the Table, on behalf of Shri Gulzarilal Nanda, a copy of the statement containing Decisions on Recommendations Nos. 73 to 75, 78 to 81 and 88 to 91 of Chapter VIII of the Damodar Valley Corporation Enquiry Committee Report, laid on the Table on the 21st May, 1954. [Placed in Library. See No. S-361/54.]

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**MESSAGES FROM THE RAJYA SABHA**

**Secretary:** Sir, I have to report the following three messages received from the Secretary of the Rajya Sabha:—

(I) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 23rd September, 1954, agreed without any amendment to the Chandernagore (Merger) Bill, 1954, which was passed by the Lok Sabha at its sitting held on the 20th September, 1954."

(II) "I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 24th September, 1954, has passed the following motion further extending the time for presentation of the Report of the Joint Committee of the Houses on the Hindu Marriage and Divorce Bill, 1952:—

**MOTION**

"That the time appointed for the presentation of the Report of the Joint Committee of the Houses on the Bill to amend and codify the law relating to marriage and divorce among Hindus be further extended upto the last day of the first week of the next session."

(III) "In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok

[Secretary]

Sabha, that the Rajya Sabha, at its sitting held on the 23rd September, 1954, agreed to the following amendments made by the Lok Sabha at its sitting held on the 17th September, 1954, in the Special Marriage Bill, 1954:—

1. That at page 1, line 1, for 'Our Republic' substitute 'the Republic of India'.

2. That at page 3, for line 6, substitute:

'(c) the male has completed the age of twenty-one years and the female the age of eighteen years;'

3. That at page 3, lines 16 and 17, for 'fourteen' substitute 'thirty'.

4. That at page 6, for lines 13 to 16, substitute:

'(e) the parties are not within the degrees of prohibited relationship:

Provided that in the case of a marriage celebrated before the commencement of this Act, this condition shall be subject to any law, custom or usage having the force of law governing each of them which permits of a marriage between the two; and'

5. That at page 6, after line 47, add:

'Provided that nothing contained in this section shall be construed as conferring upon any such children any rights in or to the property of any person other than their parents in any case where, but for the passing of this Act, such children would have been incapable of possessing or acquiring any such rights by reason of their not being the legitimate children of their parents'.

6. That at page 7, line 19, add at the end:

'and for the purposes of this section that Act shall have effect

as if Chapter III of Part V (Special Rules for Parsi Intestates) had been omitted therefrom'.

7. That at page 7, after line 35, insert: '

'and the court on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly'.

8. That at page 8, after line 46, add:

'Provided that nothing contained in this section shall be construed as conferring upon any child of a marriage which is declared to be null and void or annulled by a decree of nullity any rights in or to the property of any person other than the parents in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents'.

9. That at page 9, line 20, for 'five years' substitute 'three years'.

10. That at page 9, line 22, for 'five years' substitute 'three years'.

11. That at page 9, line 26, for 'five years' substitute 'three years'.

12. That at page 9, (i) line 38, omit 'or'; and (ii) omit lines 39 to 41.

13. That at page 9, after line 44, insert:

"27A. Divorce by mutual consent.—(1) Subject to the provisions of this Act and to the rules made thereunder, a petition for divorce may be presented to the district court by both the parties together on the ground that they have been living separately for a period of one year or more, that they have not been able to live

together and that they have mutually agreed that the marriage should be dissolved.

(2) On the motion of both the parties made not earlier than one year after the date of the presentation of the petition referred to in sub-section (1) and not later than two years after the said date, if the petition is not withdrawn in the meantime, the district court shall, on being satisfied, after hearing the parties and after making such inquiry as it thinks fit, that a marriage has been solemnized under this Act and that the averments in the petition are true, pass a decree declaring the marriage to be dissolved with effect from the date of the decree.'

14. That at page 10, line 4, for 'the marriage' substitute:

'entering the certificate of marriage in the Marriage Certificate Book'.

15. That at page 11, after line 16, insert:

'(bb) when divorce is sought on the ground of mutual consent, such consent has not been obtained by force, fraud or undue influence; and".'

16. That at page 11, (i) line 8, after 'decrees.—' insert '(1)'; and (ii) after line 24, add:

'(2) Before proceeding to grant any relief under this Act it shall be the duty of the court in the first instance, in every case where it is possible so to do consistently with the nature and circumstances of the case, to make every endeavour to bring about a reconciliation between the parties'.

17. That at page 13, line 45, omit 'truth of the '.

18. Consequential amendments adopted at the Third Reading stage—

(i) That the re-numbering and re-lettering of the clauses and

sub-clauses consequential on the amendments made by the House be carried out together with corrections of cross-references;

(ii) that the various definitions in clause 2 be re-arranged according to alphabetical order; and

(iii) that the word 'and' occurring in clause 16 at page 6, line 26, be omitted."

## ELECTION TO COMMITTEE

### PUBLIC ACCOUNTS COMMITTEE

**Shri B. Das** (Jajpur-Keonjhar): I beg to move:

"That the members of this House do proceed to elect, in the manner required by sub-rule (3) of Rule 238 of the Rules of Procedure and Conduct of Business in the Lok Sabha, one member from amongst their number to serve on the Committee on Public Accounts for the unexpired portion of the year 1954-55 *vice* Shri Khandubhai Kasanji Desai resigned."

**Mr. Speaker:** The question is:

"That the members of this House do proceed to elect, in the manner required by sub-rule (3) of Rule 238 of the Rules of Procedure and Conduct of Business in the Lok Sabha, one member from amongst their number to serve on the Committee on Public Accounts for the unexpired portion of the year 1954-55 *vice* Shri Khandubhai Kasanji Desai resigned."

*The motion was adopted.*

**Mr. Speaker:** I have to inform Members that the following dates have been fixed for receiving nominations and withdrawal of candidatures and for holding election, if necessary, in connection with the