

RAJYA SABHA
NOTICE OF AMENDMENTS
THE MARRIAGE LAWS (AMENDMENT) BILL, 2010
(As introduced in the Rajya Sabha)
[To be moved at a sitting of the Rajya Sabha]

ENACTING FORMULA

BY SHRI KAPIL SIBAL:

1. That at page 1, line 1, ***for*** the word "Sixty-first", the word "Sixty-fourth" be ***substituted***.

CLAUSE 1

BY SHRI KAPIL SIBAL:

2. That at page 1, line 4, ***for*** the figure "2010" the figure "2013" be ***substituted***.

CLAUSE 2

BY SHRI KAPIL SIBAL:

3. That at page 1, ***for*** lines 10 to 14, the following be ***substituted***, namely:-

"Marriage Act), in section 13B, in sub-section (2), the following provisos shall be inserted, namely:-

"Provided that on an application being made by both the parties, the court may reduce the period specified under this sub-section to a lesser period and the court may waive off the requirement for moving the motion by both the parties, if it is satisfied that the parties to the marriage are not in a position to reconcile their differences:

Provided further that where one of the parties fails to appear before the court within a period of three years from the date of presentation of the petition under sub-section (1), the court may, on an application made by the other party, waive the requirement of moving the motion by both the parties."

CLAUSE 3

BY SHRI KAPIL SIBAL:

4. That at page 2, line 46, ***after*** the words "minor children", the words "including adopted children" be ***inserted***.
5. That at page 3, ***after*** line 3, the following be ***inserted***, namely:-

"13F.(1) Without prejudice to any custom or usage or any other law for the time being in force, the court may, at the time of passing of the decree under section 13C on a petition made by the wife, order that the husband shall give for her and children as defined in section 13E, such compensation which shall include a share in his share of the immovable property (other than inherited or inheritable immovable property) and such amount by way of share in movable property, if any, towards the settlement of her claim, as the court may deem just and equitable, and while determining such compensation the court shall take into account the value of inherited or inheritable property of the husband.

Special provision relating to share in immovable and movable property in proceedings under section 13C.

(2) Any order of settlement made by the court under sub-section (1) shall be secured, if necessary, by a charge on the immovable property of the husband.”.

CLAUSE 6

BY SHRI KAPIL SIBAL:

6. That at page 3, for lines 13 to 17, the following be substituted, namely:-

‘Marriage Act), in section 28, in sub-section (2), the following provisos shall be inserted, namely:-

“Provided that on an application being made by both the parties, the court may reduce the period specified under this sub-section to a lesser period and the court may waive off the requirement for moving the motion by both the parties, if it is satisfied that the parties to the marriage are not in a position to reconcile their differences:

Provided further that where one of the parties fails to appear before the court within a period of three years from the date of presentation of the petition under sub-section (1), the court may, on an application made by the other party, waive the requirement of moving the motion by both the parties.”.

CLAUSE 7

BY SHRI KAPIL SIBAL:

7. That at page 4, line 14, after the words “minor children”, the words “including adopted children” be inserted.

8. That at page 4, after line 19, the following be inserted, namely;

“28D.(1) Without prejudice to any custom or usage or any other law for the time being in force, the court may, at the time of passing of the decree under section 28A on a petition made by the wife, order that the husband shall give for her and children as defined in section 28C, such compensation which shall include a share in his share of the immovable property (other than inherited or inheritable immovable property) and such amount by way of share in movable property, if any, towards the settlement of her claim, as the court may deem just and equitable, and while determining such compensation the court shall take into account the value of inherited or inheritable property of the husband.

Special provision relating to share in immovable and movable property in proceedings under section 28A.

(2) Any order of settlement made by the court under sub-section (1) shall be secured, if necessary, by a charge on the immovable property of the husband.”.

New Delhi;
August 2, 2013.

SHUMSHER K. SHERIFF
SECRETARY-GENERAL