

Bill No. 148 of 2018

THE PERSONAL LAWS (AMENDMENT) BILL, 2018

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BILL

further to amend the Divorce Act, 1869, the Dissolution of Muslim Marriages Act, 1939, the Special Marriage Act, 1954, the Hindu Marriage Act, 1955 and the Hindu Adoptions and Maintenance Act, 1956.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Personal Laws (Amendment) Act, 2018.

Short title and commencement.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

CHAPTER II

AMENDMENT TO THE DIVORCE ACT, 1869

10 2. In the Divorce Act, 1869, in section 10, in sub-section (1), clause (iv) shall be omitted.

Amendment of section 10 of Act No. 4 of 1869.

CHAPTER III

AMENDMENT TO THE DISSOLUTION OF MUSLIM MARRIAGES ACT, 1939

Amendment
of section 2
of Act No. 8
of 1939.

3. In the Dissolution of Muslim Marriages Act, 1939, in section 2, in ground (vi), the words "leprosy or" shall be omitted.

CHAPTER IV

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AMENDMENT TO THE SPECIAL MARRIAGE ACT, 1954

Amendment
of section 27
of Act No. 43
of 1954.

4. In the Special Marriage Act, 1954, in section 27, in sub-section (I), clause (g) shall be omitted.

CHAPTER V

AMENDMENT TO THE HINDU MARRIAGE ACT, 1955

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Amendment
of section 13
of Act No. 25
of 1955.

5. In the Hindu Marriage Act, 1955, in section 13, in sub-section (I), clause (iv) shall be omitted.

CHAPTER VI

AMENDMENT TO THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

Amendment
of section 18
of Act No. 78
of 1956.

6. In the Hindu Adoptions and Maintenance Act, 1956 in section 18, in sub-section (2), clause (c) shall be omitted.

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STATEMENT OF OBJECTS AND REASONS

Leprosy patients were isolated and segregated from society as the leprosy was not curable and the society was hostile to them. However, as a result of intensive healthcare and availability of modern medicine to cure the disease, the attitude of the society towards them began to change. The discriminatory provisions contained in various statutes against the persons affected with leprosy were made prior to the medical advancements rendering leprosy a curable disease. Presently, leprosy is completely curable and can be treated with multidrug therapy. However, old legislative provisions discriminating the persons affected by leprosy continued in various laws.

2. The United Nations General Assembly adopted a Resolution in 2010 on the 'Elimination of discrimination against persons affected by leprosy and their family members'. India has signed and ratified the said Resolution.

3. The National Human Rights Commission in its meeting held on the 3rd January, 2008 had, *inter alia*, recommended amendments in certain personal laws and other legislations. Further, the Committee on petitions of Rajya Sabha in its 131st Report on "Petition Praying for Integration and Empowerment of Leprosy Affected Persons", had examined various statutes and desired that the concerned Ministries and State Governments would urgently consider amendments to such anachronistic and discriminatory provisions in the concerned legislations. The 20th Law Commission of India in its 256th Report titled "Eliminating Discrimination Against Persons Affected by Leprosy", also recommended for removing the discriminatory provisions in various statutes against the persons affected with leprosy.

4. Recently, the Supreme Court has, *inter alia*, directed the Union Government as well as the State Governments to take necessary steps for rehabilitation and integration of the leprosy affected persons into the mainstream including the steps to repeal the provisions where leprosy has been treated as a stigmatic disability.

5. Having regard to the recommendations of the National Human Rights Commission, the observations of the Committee on Petitions of the Rajya Sabha, recommendations of the Law Commission and the observations made by the Supreme Court, the Government has decided to omit such discriminatory provisions from the Personal Laws.

6. Therefore, the Personal Laws (Amendment) Bill, 2018 seeks to amend the Divorce Act, 1869 (4 of 1869), the Dissolution of Muslim Marriages Act, 1939 (8 of 1939), the Special Marriage Act, 1954 (43 of 1954), the Hindu Marriage Act, 1955 (25 of 1955) and the Hindu Adoptions and Maintenance Act, 1956 (78 of 1956) so as to omit the provisions contained therein that the discriminatory to the leprosy affected persons.

7. The aforesaid Bill would ensure elimination of discrimination against the leprosy affected persons and provide for their integration into the mainstream of the society.

8. The Bill seeks to achieve the above objects.

NEW DELHI;
The 2nd August, 2018.

RAVI SHANKAR PRASAD

ANNEXURE

EXTRACT FROM THE DIVORCE ACT, 1869

(4 OF 1869)

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III.-DISSOLUTION OF MARRIAGE

Grounds for dissolution of marriage.

10. (1) Any marriage solemnized, whether before or after the commencement of the Indian Divorce (Amendment) Act, 2001, may, on a petition presented to the District Court 51 of 2001. either by the husband or the wife, be dissolved on the ground that since the solemnization of the marriage, the respondent—

* * * * *

(iv) has, for a period of not less than two years immediately preceding the presentation of the petition, been suffering from a virulent and incurable form of leprosy; or

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EXTRACT FROM THE DISSOLUTION OF MUSLIM MARRIAGES ACT, 1939

(8 OF 1939)

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Grounds for decree for dissolution of marriage.

2. A woman married under Muslim law shall be entitled to obtain a decree for the dissolution of her marriage on any one of or more of the following grounds, namely:—

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(vi) that the husband has been insane for a period of two years or is suffering from leprosy or virulent venereal disease;

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EXTRACT FROM THE SPECIAL MARRIAGE ACT, 1954

(43 OF 1954)

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Divorce.

27. (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 either by the husband or the wife on the ground that the respondent—

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(g) has been suffering from leprosy, the disease not having been contacted from the petitioner; or

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EXTRACT FROM THE HINDU MARRIAGE ACT, 1955

(25 OF 1955)

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13. (1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party—

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(iv) has been suffering from a virulent and incurable form of leprosy; or

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EXTRACT FROM THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

(78 OF 1956)

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CHAPTER III

MAINTENANCE

18. (1)* * * * * Maintenance of wife.

(2) A Hindu wife shall be entitled to live separately from her husband without forfeiting her claim to maintenance,—

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(c) if he is suffering from a virulent form of leprosy;

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LOK SABHA

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BILL

further to amend the Divorce Act, 1869, the Dissolution of Muslim Marriages Act, 1939, the Special Marriage Act, 1954, the Hindu Marriage Act, 1955 and the Hindu Adoptions and Maintenance Act, 1956.

(Shri Ravi Shankar Prasad, Minister of Law and Justice)