



Standing Committee Report Summary

The Marriage Laws (Amendment) Bill, 2010

- The Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice submitted its 45th Report on ‘The Marriage Laws (Amendment) Bill, 2010’ on March 1, 2011. The Chairperson was Shrimati Jayanthi Natarajan.
- The Bill seeks to amend the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 to (a) provide for irretrievable breakdown of marriage as a new ground for divorce; (b) provide certain safeguards to protect the interests of the wife and children; and (c) remove the six months waiting period for moving a joint petition for grant of divorce by mutual consent.
- The Committee was in agreement with the broad objective that ‘irretrievable breakdown of marriage’ should be introduced as new ground for granting a divorce. However, the Committee felt that there are certain important social and legal issues that need to be addressed before introducing this new ground of divorce.
- The Bill proposes to remove the six month waiting period required before moving a joint motion in case of divorce by mutual consent. The Committee was of the view that there is no connection between the proposed amendment and the main objective of the Bill. Therefore, the existing waiting period should be retained in order to protect the institution of marriage.
- The Committee was of the opinion that the Bill should provide additional safeguards in order to prevent the misuse of the new ground of divorce. The Committee also recommended that the term ‘irretrievable breakdown of marriage’ should be defined
- Under the proposed Bill, the wife has been given a right to oppose the grant of divorce on the ground that would result in ‘grave financial hardship’ to her. The Committee noted that the said term was ambiguous and capable of different interpretations. It therefore, recommended that the term ‘grave financial hardship’ should be defined. It further recommended that there should be a review of the provisions of these provisions of the Bill to protect the interests of women in divorce proceedings.
- As per the proposed Bill, the court before granting the divorce has to satisfy itself that adequate provisions have been made for maintenance of ‘children born out of marriage’. The Committee opined that this provision could exclude ‘adopted children’ and therefore, the government should clarify the position regarding adopted children.
- The Committee recommended that the government should make adequate provisions in the matrimonial laws to ensure that the courts at that time of divorce decide upon the women their share in the matrimonial property, to which they have contributed during the marriage.
- The Committee despite being in agreement with the main objective of the Bill felt that some of the provisions could be misused against women. It recommended that the government should reconsider the various clauses of the Bill in view of the Committee’s apprehensions and introduce a revised comprehensive bill.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research (“PRS”). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.

