

AS PASSED BY THE RAJYA SABHA
ON 17TH AUGUST, 2010

Bill No. XXV-C of 2010

THE PERSONAL LAWS (AMENDMENT) BILL, 2010

(AS PASSED BY THE RAJYA SABHA)

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BILL

further to amend the Guardians and Wards Act, 1890 and the Hindu Adoptions and Maintenance Act, 1956.

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

CHAPTER I

PRELIMINARY

1. This Act may be called the Personal Laws (Amendment) Act, 2010.

Short title.

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CHAPTER II

AMENDMENT TO THE GUARDIANS AND WARDS ACT, 1890

2. In section 19 of the Guardians and Wards Act, 1890, for clause (b), the following clause shall be substituted, namely:—

Amendment of
section 19 of
Act 8 of 1890.

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"(b) of a minor, other than a married female, whose father or mother is living and is not, in the opinion of the court, unfit to be guardian of the person of the minor, or".

CHAPTER III

AMENDMENTS TO THE HINDU ADOPTIONS AND MAINTENANCE ACT, 1956

Substitution of new section for section 8.	3. In the Hindu Adoptions and Maintenance Act, 1956 (hereafter in this Chapter referred to as the Hindu Adoptions and Maintenance Act), for section 8, the following section shall be substituted, namely:—	78 of 1956. 5
Capacity of a female Hindu to take in adoption.	"8. Any female Hindu who is of sound mind and is not a minor has the capacity to take a son or daughter in adoption: Provided that, if she has a husband living, she shall not adopt a son or daughter except with the consent of her husband unless the husband has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind."	10
Amendment of section 9.	4. In the Hindu Adoptions and Maintenance Act, in section 9,— (i) for sub-section (2), the following sub-section shall be substituted, namely:— "(2) Subject to the provisions of sub-section (4), the father or the mother, if alive, shall have equal right to give a son or daughter in adoption: Provided that such right shall not be exercised by either of them save with the consent of the other unless one of them has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind."; (ii) sub-section (3) shall be omitted.	15 20

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Adoptions and Maintenance Act, 1956.

(As passed by the Rajya Sabha)