

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT

LOK SABHA

UNSTARRED QUESTION No. 246

TO BE ANSWERED ON WEDNESDAY, THE 12TH DECEMBER, 2018.

Hindu Marriage Act

246. SHRIMATI KAMLA DEVI PAATLE:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is considering to amend the Hindu Marriage Act, 1955 and Special Marriage Act, 1954;
- (b) if so, the details thereof and the present status thereof;
- (c) the details of various Acts and Laws regarding disposal of matters related to divorce/null marriages in the country;
- (d) the number of divorce cases filed/disposed of, court-wise by various courts in the country including those of Chhattisgarh during each of the last three years;
- (e) the procedure followed by the Government to dispose of the divorce cases in a time-bound manner;
- (f) whether any maximum time-limit is fixed for the disposal of divorce cases, if so, the details thereof; and
- (g) the other measures taken by the Government for the speedy disposal of such cases?

A N S W E R

MINISTER OF STATE FOR LAW AND JUSTICE

AND CORPORATE AFFAIRS

(SHRI P.P. CHAUDHARY)

- (a) and (b) Yes, Madam. The Personal Laws (Amendment) Bill, 2018, introduced in Lok Sabha on the 10th August, 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 that are discriminatory to the leprosy affected persons contained therein. Notice is given for consideration and passing of the said Bill in the current session.

- (c) The following are various enactments under which the divorce cases are settled in the country:—
- (i) the Divorce Act, 1869 (4 of 1869);
 - (ii) the Parsi Marriage and Divorce Act, 1936 (3 of 1936).
 - (iii) the Dissolution of Muslim Marriages Act, 1939 (8 of 1939);
 - (iv) the Special Marriage Act, 1954 (43 of 1954); and
 - (v) the Hindu Marriage Act, 1955 (25 of 1955);
- (d) The Government does not maintain any data relating to divorce cases filed/disposed of by various courts in the country.
- (e) & (f) The Family Courts Act, 1984 (66 of 1984) has been enacted to provide for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs and for matters connected therewith. However, no time limit has been prescribed therein for disposal of cases.
- (g) Section 3 of the Family Courts Act, 1984, provides for establishment of Family Courts. Clause (a) of said section, *inter alia*, mandates the State Governments to establish Family Courts for every area in the State comprising of a city or a town, whose population exceeds one million. Further, clause (b) of the said section, *inter alia*, provides for establishment of Family Courts for such other areas as it may deem necessary.

