



Bill Summary

The Marriage Laws (Amendment) Bill, 2010

The Marriage Laws (Amendment) Bill, 2010 was introduced in the Lok Sabha on August 4, 2010 by the Minister of Law and Justice, Shri M. Veerappa Moily. The Bill was referred to the Standing Committee on Personnel, Public Grievances, Law and Justice, which is scheduled to submit its report within two months.

- The Bill amends the Hindu Marriage Act, 1955 which codifies the law relating to marriage among Hindus and the Special Marriage Act, 1954 that provides for special form of marriage in certain cases.
- Both Acts allow a petition for grant of divorce on the ground of mutual consent. This petition has to be presented by both parties together before the court. The Bill deletes this requirement allowing one party to the marriage to present the petition.
- The Bill adds a provision to both Acts that allows both parties to file for divorce on the ground of irretrievable breakdown of marriage. Both parties have to live apart for at least three years before filing for such a petition.
- The wife has the right to oppose the grant of a divorce on the ground that the dissolution shall result in grave financial hardship. The court shall consider all circumstances including conduct of parties, children before deciding whether a divorce would result in hardship. Also, court has to be satisfied that adequate financial provision has been made for any children (including unmarried or widowed daughters).

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