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# Swift divorce

7 years ago 4 Replies

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ABHISHEK KUMAR VATSA

Freelancer

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The Union cabinet has cleared the way for couples to obtain a swift divorce in situations of "irretrievable breakdown of marriage". The Marriage Laws (Amendment) Bill 2010 seeks to amend two acts governing marriage - the Hindu Marriage Act 1955 and the Special Marriage Act 1954.

Sometimes, couples decide to divorce on mutual consent but later one party does not come to court or wilfully avoids the court to keep the divorce proceedings inconclusive. The amended law will save the other party such unnecessary delays and harassment.

The Bill was approved on Thursday by the cabinet chaired by Prime Minister Manmohan Singh. The Bill has been prepared on the recommendations of the Law Commission as well as the Supreme Court that "irretrievable breakdown of marriage" should be incorporated as "another ground for grant of divorce".

Welcoming this move, Jyotsna Chatterji, director of the Joint Women's Programme said: "This will make it possible for couples who have decided on divorce by mutual consent to be granted a swift divorce. It will help prevent the retractions, lies, etc. which happens in case of long delays." Chatterji who has earlier worked on the amendment to the Indian Divorce Act, added:

"There is the probability that the woman becomes the sufferer as Indian society doesn't take too kindly to single women and that too divorced."

But at the same time, she said a swift divorce at times would help women from agreeing to continue in a bad marriage. This new clause - the "irretrievable breakdown of marriage." - will

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be in addition to the existing grounds for divorce, which include adultery, cruelty, desertion, conversion to another religion, unsoundness of mind, virulent and incurable form of leprosy, venereal disease in a communicable form, renouncement of the world and not heard as being alive for a period of seven years.

Apart from this, Section 13-B of the Hindu Marriage Act and Section 28 of the Special Marriage Act also provide for divorce by mutual consent as a ground for presenting a petition for divorce. Such a petition, if not withdrawn before six months after its presentation or not later than 18 months, then the court may, on being satisfied, grant decree of divorce by mutual consent.

In cases of mutual consent, it has often been found that one of the parties suddenly abstains himself or herself from court and keeps the divorce proceedings inconclusive, causing considerable hardship to the party. This will help such parties from the long drawn harassment in courts.

Ranjana Kumari of Woman Power Connect said: "Such a move would ordinarily be welcome. But in a patriarchal society where the decision to break a marriage largely rests with the man, he can also prove easily the irretrievable breakdown of marriage to suit himself. Moreover, most marriages in India are arranged marriages where the woman has no say. So before deciding to make this major change in the law, considerable thought needs to go into it and we must act with caution."

Madhu Kishwar of 'Manushi' - a women's rights group - welcoming the move, added a note of caution. "What if one partner feels there is an irretrievable breakdown of the marriage but the other does not?"

↩ Reply



🕒 7 years ago

wah wa - Kya baat hai :P :P



Shantanu  
Wavhal ▾

Worker

👍 Likes: 513

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🕒 7 years ago



rajiv\_lodha ▾

ZZ

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But it was **not made GENDER NEUTRAL WHEN PROPOSED!** What about the version they have approved in cabinet?

Unless male members may take this option too, there is nothing +ve in it

Other thing which was bad in original draft was **HUSBAND CAN NOT DEFEND IF WIFE WANTS TO TAKE THIS GROUND.**

**What happened to this clause?**

↩ Reply

🕒 7 years ago



Chetan Joshi  
▾

Advisory/Advocac:

👍 Likes: 55

This has been on for a while....The bill got approved lets see if it gets passed....But what do you think are gonna be the consequences.....???

Regards

Chetan(dot)7679(at)gmail(dot)com

Points: 1440

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7 years ago



Kindly update all as it seems to be old news...

cm jain sir ▾

CCC

👍 Likes: 82

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