

THE DIVORCE ACT (KERALA AMENDMENT) BILL

On amendment of Section 10 of the Indian Divorce Act by the amending Act 51 of 2001, right to seek a decree for divorce under the Act has been conferred to District Court alone and as such there is no legal justification to continue Section 16 of the Divorce Act. Therefore, Be it enacted in the Fifty ninth year of the Republic of India, as follows:—

1. *Short title, extent and Commencement.*—(1) This Act may be called The Divorce Act (Kerala Amendment) Act,—
(2) It extends to the whole of the State of Kerala
(3) It shall come into force at once.
2. *Deletion of Section 16 of Divorce Act 1869.*—On after the commencement of this Act Section 16 of Divorce Act 1869 shall stand deleted.
3. *Amendment has only prospective effect.*—Notwithstanding the deletion of Section 16 by this Act any decree nisi passed before the commencement of this Act will be governed by Section 16 of the Parent Act itself.

Statement of Objects and Reasons

As amended Section 10 of The Divorce Act confers power to apply for Divorce under the Act only to District Courts and not to High Court as such there is no justification to continue the provisions in Section 16 of The Divorce Act which allows the High Court to pass a decree nisi for divorce. For the above reason to achieve the object of deleting the provisions in Section 16 of the Act the Bill has been drafted.
