

## **Now, women will get share of husband's inherited property on divorce**

A wife will have a share in her husband's inherited or inheritable marital property on divorce, though the exact quantum of the compensation has been left to the discretion of the judge, according to a legislation that was cleared by the Union Cabinet on Wednesday.

The Cabinet also cleared the proposal that in cases where divorce has been sought on mutual consent of both parties the judiciary has been given the discretion to grant divorce to one party after a period of three years, even if the man and the wife are no longer on the same page. These were part of the recommendations of the GoM on Marriage Laws Amendment Bill which will now be amended suitably before being brought to Parliament during the monsoon session, beginning August 5.

By not quantifying the amount of compensation the government has moderated its earlier proposal to give a wife "equal" share in marital property. The ministers felt that a judge could decide on the quantum of compensation after taking into account an entire set of considerations such as the disposable income of both husband and wife, conditions like who will bear the primary responsibility of raising the children and claimants on the "inheritable property."

The proposal to give a woman share in "inheritable" property had run in to rough weather in May because of a conflict of opinions within the government. While the law ministry had proposed an equal share in both inherited and inheritable property, the ministry of [women](#) and child development (WCD) had expressed concern over the implementation of the decision. Faced with conflicting views the cabinet had referred the matter to the group of ministers (GoM) whose recommendations to leave the final decision with the judge has been accepted.

While the bill has a provision for share in a husband's self-acquired property, a new clause, 13F, was discussed by the GoM, headed by defence minister A K Antony.

It says if the ancestral property cannot be divided, then the woman should get sufficient compensation by calculating husband's share in it. The amount of the compensation can be worked out by the court hearing the divorce case.

The GoM was also asked to take a view on whether a judge can exercise discretion in granting divorce if one of the partners does not move a second 'joint application' for divorce with mutual consent.

The Cabinet has also left it to the judge's discretion granting of divorce applied for under mutual consent after a three year period. According to sources, there are instances when one party develops cold feet or changes his or her mind after applying for divorce under mutual consent clause. "This can lead to unnecessary harassment of one party. So an amendment has been introduced to allow the judge to grant a divorce if one party does not appear in court," the source said.

*(Times of India)*