NAVIGATING THE HINDU MARRIAGE ACT OF 1955: A JOURNEY OF LAW, SOCIETY AND CHANGING TIMES

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ABSTRACT

Marriage has served a fundamental social institution since ancient times. Laws and rules pertaining to marriage have experienced metamorphosis with changing times. The Hindu Marriage Act of 1955 which came into existence on May, 1955 provides for a comprehensive framework for marriage among Hindus. The article aims to provide an extensive analysis of the statute. While discussing its various provisions, we shall explore the concept of marriage among Hindus, the origin and historical context of the statute, and its salient features, among others. We shall traverse the interplay between the ancient Hindu texts and the present statute. Does the Hindu Marriage Act, 1955 capture the essence of the traditional concepts or does it cater to the modern and evolved needs of the times? The article undertakes an in-depth analysis of the Act, utilizing landmark judgements and opinions. Domains such as jurisdiction, capacity to marry, ceremonies, nullity of marriage, matrimonial reliefs, are duly accounted for. Lastly, the article highlights the absence of "Irretrievable breakdown of marriage" as ground for divorce calling for reform.

I. Introduction:

"An act to amend and codify the law relating to marriage among Hindus".

The Preamble to the *Hindu Marriage Act of 1955* (Hereinafter, referred to as the *'HMA'*) solemnly adheres to providing for amendment and codification of the law regarding marriage among Hindus. Although the Preamble fairly apprises the objective of the Act, it prompts specific peripheral questions significant for understanding and analysing the Act in its true sense.

What is the Concept of Marriage among Hindus?

Marriage in Hinduism accounts for a *"Samskara"* or a *"Sacrament"*, a holy union for discharging the religious obligations.[1] For a Hindu, marriage forms a necessary ceremony, whereas the sole for a woman.[2] It is a union of *Bone to bone* and *Flesh to flesh*.[3] Hindu law recognizes **eight forms** of marriage.[4]

First is the **Brahma form,** described by Manu as the best form in which the bride's father, regardless of any consideration other than the fitness of the groom, voluntarily gifts his daughter's hand to a person *Learned and adept in Vedas.* Next is the **Daiva form,** which entails the presentation of the bride to the Family priest when giving a sacrificial fee. The **Arsha form** constitutes the third type. In this, the bride's father hands her away in return for one or two pairs of cows.[5]

The fourth form is **Prajapatya,** wherein the bride's father hands her away with prestige by uttering peculiarly – *"May both of you perform your civil and religious duties together".* The fifth form is **Asura,** wherein the bride's father receives wealth in exchange for voluntarily taking his daughter. Another one is the **Gandharba form,** stemming from sensual inclination and mutual consent of the bridegroom, and can be compared to modern-day Love marriages. The last two are **Rakshasa and Paisacha,** the basest forms. In the former, the groom

[1] 19 HALSBURY'S LAWS OF INDIA (FAMILY LAW I), 2nd ed, 2014.
[2] B.N. Sampath, *Hindu Marriage as a Samskara: A Resolvable Conundrum*, 33, JILI, 319, 1991.
[3] Anuradha Samir Vennangot V. Mohandas Samir Vennangot (2015) 16 SCC 596.
[4]Four of which are approved (Brahma, Daiva, Arsha, Prajapatya) and the other four disapproved (Asura, Gandharba, Rakshasa, Paisaicha).
[5] Gooroodass Banerjee, *Hindu Law of Marriage and Stridhan* (1879).

apprehends the bride through force and coercion, and fraud and deceit in the latter.[6]

How did the HMA come into being?

Until the early British period, a part of *Dharmashastra* known as the *Vyavahara* or the *Court law* was administered in matters of Hindus, which, owing to a variety of reasons, became too technical and complex to apply.[7] It is against this backdrop that opinions in favour of *Codification* of the law were expressed and spanning through a long period many committees were set-up for the same. One such committee was constituted by the Government of India in 1941, which came to be known as the ***Rau Committee***.

After considering the environment, the Committee advocated ***Piecemeal Codification*** of Hindu law, which obtained the assent of the Government of India. In furtherance, the committee presented two draft bills before the Government in 1942, one on *Intestate succession* and the second on *Law of marriage.* After a period of scrutiny and revision, the then Minister of Law, *C.C. Biswas,* introduced the Bill as the ***Hindu Marriage and Divorce Bill*** in the Rajya Sabha in 1952 and was unanimously passed on December 16, 1954. Before doing this, the title of the Bill was changed to the ***Hindu Marriage Bill***. Finally, the Hindu Marriage Act came into being in May 1955.[8]

What are the salient features of the HMA?

In *Jagraj Singh V. Birpal Kaur* the Hindu Marriage Act, 1955 was described as a *"Special Act dealing with the provisions relating to marriages, restitution of conjugal rights and judicial separation as also nullity of marriage and divorce".*[9] The Act flags various changes and, for the first time, prohibits bigamy and mandates monogamy among Hindus, provides for dissolution of marriage, sets a marriageable age for both men and women, recognizes the legitimacy of children under void and voidable marriages, among others.[10]

II. Jurisdiction and applicability of the act:

Having been passed by the Parliament of India the jurisdiction of the HMA, 1955 naturally

[6] *Id*
[7] Gunther-Dietz Sontheimer, *Recent Developments in Hindu Law,* 8 INT'l & COMP. L.Q. SUPP. PUB. 32 (1964).
[8] G.R. Rajagopaul, *The Story of the Hindu Code*, 17, JILI, 1975.
[9] Jagraj Singh V. Birpal Kaur (2007) 2 SCC 564.
[10] Halsbury, *supra* note 1.

extends to the whole of India.[11] Furthermore, the Central Act applies to Hindus Domiciled in India, residing in territories beyond Indian domain.[12]

In *Sondur Gopal V. Sondur Rajini*[13]**,** it was maintained that the 1955 Act will apply to Hindus domiciled in India even if they reside outside India. Assuming that the requisite of Domicile in India is disregarded, then the HMA will lose any Nexus with India, hence restricting extra-territorial intervention. The domicile condition provides a sufficient reason to interfere in a foreign domain, which would otherwise be considered as *Ultra Vires.*

Certain things must be considered, when ascertaining the jurisdiction of the Act seems challenging. **Firstly,** the concept of Domicile includes two elements – (i) A residence of a particular kind, (ii) an intention of a particular kind.[14] **Secondly,** the Domicile of origin remains unchanged for an individual, till it is abandoned, and robust proof is needed to establish that the person concerned has indeed obtained a new domicile of origin, while abandoning the initial one.[15]

For instance, *A's* (A Hindu, having solemnised his marriage as per Hindu rites in Mumbai) domicile of origin was in Mumbai while he resided in the USA. *A* purchased a property in India and continued to hold it in his own name. The Court of law deduced that *A* had an Intention to return to his domicile of origin and hence the applicability of the HMA, 1955 remained intact.[16]

Insofar the *applicability* of the Act is concerned, it only applies to persons practising the Hindu religion. It also encompasses all the sects stemming from the religion such as *Arya samaj, Brahmo samaj*, among others, and people from *Buddhist, Sikh, and Jain communities.* The Hon'ble Court in *Central Bank of India Ltd V. Ram Narain,* held that the HMA cannot apply to any person who is a Christian, Parsi or Muslim by religion but to persons belonging to the Buddhist, Sikh, and Jain communities.[17] If a Hindu marries a person professing a different faith, according to the Hindu customs, it would not bring the marriage under the purview of

[11] Made applicable to the Union Territory of Jammu and Kashmir vide notification No. S.O. 3912(E).
[12] The Hindu Marriage Act, 1955, § 1, No. 25, Acts of Parliament, 1955 (India).
[13] Sondur Gopal V. Sondur Rajini (2013) 7 SCC 426.
[14] Moina Khosla V. Amardeep Khosla (1986) SCC Online Del 42.
[15] Ajay Sharma V. Neha Sharma (2018) SCC Online MP 1650.
[16] Ravindra Harshad Parmar V. Dimple Ravindra Parmar (2014) SCC Online Bom 1842.
[17] Central Bank of India Ltd V. Ram Narain AIR 1955 SC.

HMA, 1955.[18]

Notably, the Act is inapplicable to members of the Scheduled castes and Scheduled tribes if they do not practice Hinduism sufficiently.[19]

III. Capacity to marry under the act *(section 5):*

The HMA advances specific eligibility criteria for marriage among Hindus. **Firstly**, the HMA prohibits Bigamy under Section 17 and mandates under Section 5(i) that a Hindu does not have a spouse living at the time of marriage is eligible to marry. In *Lily Thomas V. UOI,* the Hon'ble Court clarified that, the lawmakers have Bodily lifted the outlines of Ss. 494 and 495, IPC and enveloped it in Section 17 of the HMA.[20]

Secondly, Soundness of mind has been prescribed as a criterion. **Thirdly,** Marriageable age has been stipulated for eligibility, i.e., 21 for males and 18 for females under Section 5(iii).

Fourthly, Section 5(iv) stipulates that the intended bride/groom are not in the degrees of prohibited relationship, except when their governing customs and usages permit so.

Lastly, the HMA under Section 5(v), mandates that the intended bride/groom are not Sapindas of each other. To elaborate on concept the of Sapinda relationship, traditionally, the idea was connected to the Oblations that a Hindu offered to his departed ancestors. When two persons offered Pinda (Offering of rice ball) to the same ancestors, they became Sapindas to each other.[21]

Vijnaneshwara modified the meaning of Pinda from rice ball to particle. Now, Sapinda relationship implies two persons linked by Particles of the same body or common ancestors. Realizing that this definition makes the ambit of Sapinda relationship too wide, he limited it up to 7 degrees on the Paternal side and 5 degrees on the maternal side.[22] Currently, as per the HMA, it is 3 and 5 generations on maternal and paternal side, respectively.

[18] Gullipilli Sowria Raj V. Bandaru Pavani (2009) 1 SCC 714
[19] Sapna V. State of Kerala AIR 1993 Ker
[20] Lily Thomas V. UOI (2000) 6 SCC 224
[21] PARAS DIWAN, LAW OF MARRIAGE AND DIVORCE, 86-87, 2016
[22] *Id*

IV. Ceremonies:

Ceremonies form the core of a Hindu marriage. The requisite of elaborate ceremonies in Hindu marriages is founded on two main rationales: **firstly,** to prevent unmindful and thoughtless marriages; extensive ceremonies accord time for deliberation to the parties and **secondly,** to eliminate any uncertainty about the nature of relation actualized.[23]

Section 7 of the HMA incorporates the solemnization of Hindu marriage by the Customary rites and Ceremonies observed by either of the intended bride/groom.

Against the backdrop of the prevalence of diverse ceremonies and customary practices, the question is, what ceremonies are essential for a valid Hindu Marriage? When looked through the lens of judicial precedents, the practices of Saptapadi and Homa assume importance. Often, the Courts of law, through their pronouncements, have crystallized this position.

For instance, the Hon'ble Apex Court in *Sumitra Devi V. Bhikan Choudhary* propounded that the Supreme Court considers Invoking the sacred fire and performing Saptapadi around it as the two basic requirements for a Hindu marriage to be valid. [24]

To further corroborate, the Hon'ble Court in *Venkata Subbarayudu Chetty V. Tanguturu Venkatiah Shresti*, while citing an extract from Mulla, maintained that firstly, invocation before the sacred fire and secondly, Saptapadi, are the two ceremonies essential for a valid Hindu marriage.

Also, when we delve into the historical context, Manu propounds that a marriage is deemed to have actualized on "the seventh step of the married pair".[25] Likewise, Yama avers that *"Neither by water poured on her hands nor by verbal promise, is a man acknowledged as husband of a damsel; the marital contract is complete after the ceremony of joining hands on the seventh step of the married pair".*[26] Other sages such as Kulluka, Raghunandan and Jagannath as well adopt the stance that marriage is not materialized in the absence of Saptapadi. [27]

[23] Banerjee, *supra* note 5.
[24] Sumitra Devi V. Bhikan Choudhary (1985) 1 SCC 637
[25] Banerjee, *supra* note 5.
[26] *Id*
[27] *Id*

It is noteworthy, that by no means the above discussed ceremonies are mandatory to solemnise a Hindu marriage as also accounted by Section 7 of the HMA. However, presently, the two practices have assumed significance and prevalence.

V. Nullity:

(a) Valid marriages:

The Hon'ble Court in *Sarup Chand V. State*, proclaimed that a Hindu marriage is deemed to be Valid when it duly adheres to the conditions embodied in Sections 5 and 7 of the HMA.[28] In *Sudhir Mohan Shetty V. Jyoti Devdas*, it was advanced that Registration under Section 8 of the HMA is recognized by the Courts as evidence of a valid marriage.[29]

Presumption of Marital Status:

Judicial precedents have coalesced a trite law that when a man and a woman have cohabited for a substantial period as husband and wife, a presumption of marital status arises. In *Reema Agarwal V. Anupam*, the Hon'ble Supreme Court maintained: *"Where a man and a woman have been proved to have lived together as husband and wife, the law will presume, until the contrary is proved, that they were living together in consequence of a valid marriage and not in a state of concubinage".* Further elucidating, when friends and relatives have conceded the marriage as legitimate for a long time, it is rendered valid. It is presumed that required rites and ceremonies have been observed, unless something points to the contrary.[30]

For instance, in *Chanmuniya V. Virendra Kumar Singh Kushwaha*, the appellant, *A*, and her brother-in-law were living under the same roof. As per social custom they were living as husband and wife on the death of *A's* husband and their marriage was solemnized through Katha and Sindoor. They were presumed to be in a valid marriage.[31]

(b) Void marriages:

Section 11 of the HMA lays down that, marriages solemnised subsequent to the

[28] Sarup Chand V. State (1973) SCC Online Del 195.
[29] Sudhir Mohan Shetty V. Jyoti Devdas, 2016 DMC.
[30] Reema Agarwal V. Anupam (2004) 3 SCC 199.
[31] Chanmuniya V. Virendra Kumar Singh Kushwaha (2011) 1 SCC 141.

commencement of the Act and being bigamous, in sapinda relationship or in scope of the prescribed prohibited degrees of relationship are rendered Null and Void.[32] For instance, when in *Ramesh Chandra Rampratapji Daga V. Rameshwari Ramesh Chandra Daga*, the wife obtained a Chhor Chitthi from her previous husband and married another person, irrespective of the fact that such a customary divorce is not established in the Vaish community, the marriage was considered void.[33]

(c) Voidable marriages:

The HMA, through Section 12, enumerates specific grounds that render a marriage voidable, i.e., void at the option of the aggrieved party. They are, namely – impotence, unsoundness of mind or susceptibility to recurrent attacks of insanity, absence of Free consent, and pre-marriage conception by the respondent with a person other than the petitioner. A Voidable marriage remains valid and binding till a decree annulling the same is passed.[34]

Status of Children born out of Void and Voidable Marriages:

Section 16 of the Act, accords legitimacy to children born out of void and voidable marriage. An instance on this point would be *Bakulabai V. Gangaram*, wherein the Hon'ble Court stated that even though a bigamous marriage under the HMA renders the second marriage void, if subsequent to such marriage, the parties have cohabited for an extended period and a child is born as a result of such union, it will acquire legitimate status. Ignoring the factum of the marriage the child is to be considered legitimate.[35]

As underscored in *Jinia Keotin V. Kumar Sitaram Manjhi*, children born out of a void and voidable marriages are entitled to a share in self-acquired properties of parents and not the ancestral coparcenary property.[36]

VI. Matrimonial reliefs:

(a) Divorce:

[32] Krishnaveni Rai V. Pankaj Rai (2020) 11 SCC 253.
[33] Rameshchandra Rampratapji Daga V. Rameshwari Rameshchandra Daga (2005) 2 SCC 33.
[34] T. Sivakumar V. Inspector of Police 2011 SCC Online Mad 1722.
[35] Bakulabai V. Gangaram (1981) SCC 537.
[36] Jinia Keotin V. Kumar Sitaram Manjhi (2003) 1 SCC 730.

Prior to the HMA, the right to divorce was unavailable. Divorce was not recognized as a means to end a marriage in Hindu law, the only exception being that it was recognized by custom.[37] Section 13 of the HMA recognizes nine grounds for divorce. Moreover, Section 13B, added to the HMA via an amendment in the year 1976, recognized the dissolution of marriage through Mutual consent.[38] The HMA enumerates various grounds of divorce available to both the spouses: Adultery, cruelty, insanity, leprosy, venereal diseases, conversion, renunciation of the world and presumption of death. While specific grounds such as pre-act polygamous activities, and conviction of husband for unnatural offenses such as rape, sodomy and bestiality, among others as embodied in Section 13(2) are accessible by the wife only.

Some of the grounds are discussed as follows:

Cruelty - The ambit of the term Cruelty is notoriously difficult to define. The Distinguished Court in *N.G. Dastane V. S. Dastane* articulated that cruelty may be subtle or brutal, physical or mental, or by words or mere silence.[39]

Adultery - If either party to the marriage, subsequent to the solemnization of the same, indulges in voluntary sexual intercourse with someone else than each other, even once, the aggrieved is entitled to file for a divorce.

Insanity - Insanity as a ground for divorce holds good only when it is established that the signified mental disorder is of such degree that it renders ordinary cohabitation unfeasible. The Hon'ble Court in *Sharda V. Dharmpal* held that medical evidence though imperative in proving the unsoundness of mind of the respondent, is not Conclusive. The Onus to prove ultimately lies on the applicant.[40]

Desertion - Desertion entails abandoning a spouse by the other without probable cause for a substantial period. The Hon'ble Court in *Sanat Kumar Agarwal V. Nandini Agarwal* held that the question of desertion is to be ascertained based on the inferences drawn from the facts and circumstances of each case, coupled with the conduct of the parties, both before and after the

[37] Subramani V. Chandralekha (2005) 9 SCC 407.
[38] Amardeep Singh V. Harveen Kaur (2017) 8 SCC 746
[39] N.G. Dastane V. S. Dastane (1975) 2 SCC 326.
[40] Sharda V. Dharmpal (2003) 4 SCC 493.

act of separation.[41]

(b) Divorce through mutual consent –

To succinctly put the concept of dissolution of marriage through mutual consent, if a married couple realises that they cannot co-exist anymore or that their marriage has degenerated beyond reparations, they can mutually agree to dissolve their marriage as also embodied under Section 13B of the HMA. The Hon'ble Court in *Amardeep Singh V. Harveen Kaur*, while elaborating on the purpose of the provision in discussion, stated that the provision not only recognises the right of the parties to sever their relationship mutually but also accords an opportunity to reconsider their decision and not fall prey to a hasty judgement.[42]

(c) Irretrievable breakdown of marriage as a ground for divorce –

The HMA does not provide divorce on the grounds of Irretrievable breakdown of marriage alone. The Courts of law have expressed their inability to interpret Section 13 as including one, on the basis that it amounts to an encroachment on the functions of the legislature.[43] The requirement of the irretrievable breakdown of marriage as a ground for divorce was acknowledged in *Naveen Kohli V. Neelu Kohli*. The Court addressed the inadequacy of law of divorce based mainly on fault, in attending to a collapsed marriage.[44]

(d) Judicial separation:

Section 13-A of the HMA accords discretion to the Court, to pass a decree of judicial separation instead of passing a decree of divorce.[45]

The Hon'ble Supreme Court, in *Gaurav Nagpal V. Sumedha Nagpal*, at length discussed the rationale behind judicial separation maintaining, that due efforts by the Courts should be put in for bringing about conciliation between the parties. The Apex Court averred that the emphasis is on saving marriages rather than breaking them, which perfectly aligns with the spirit of S. 13-A. Merely because provisions for divorce are present in the HMA, it is not prudent to opt

[41] Sanat Kumar Agarwal V. Nandini Agarwal (1990) 1 SCC 475.
[42] Amardeep Singh V. Harveen Kaur (2017) 8 SCC 746.
[43] Visnu Dutt Sharma V. Manju Sharma (2009) 6 SCC 379.
[44] Naveen Kohli V. Neelu Kohli (2006) 4 SCC 558.
[45] Leena V. Prashant (2021) SCC Online Bom 2361, also see Abhishek Parashar V. Neha Parashar (2023) SCC Online MP 277.

unless the marriage has come to a breaking point, more so in cases where children bear the brunt of the dissolution of marriage.[46]

A pertinent question arises as to whether the Court can grant a decree for judicial separation even when no ground for divorce exists between the parties? The Bombay High Court clarified the position in *Prabhakar V. Satyabhama*: when prima facie it is observed that no ground for divorce exists, a decree for judicial separation cannot be granted. Further elucidating, the Learned Bench maintained that the legislature, in enacting S.13-A of the HMA, certainly did not intend to grant a decree for judicial separation where no ground was made out. Instead, what the provision images is to preferably opt for judicial separation in cases where a ground for divorce is present, and the facts allow so.[47]

(e) Restitution of conjugal rights:

Restitution of conjugal rights refers to the restoration of abandoned marital obligations between the parties and is incorporated in Section 9 of the HMA. The provision is often interpreted as being implausible and an infringement of the right to life and privacy, as was the stance taken in *T. Sareetha V. T Venkata Subbaiah*. However, the current legal position clarifies that the concept, does not violate fundamental rights.[48]

VII. maintenance and alimony:

Remarkably, the HMA accommodates equitable provisions concerning maintenance and alimony. With broad discretion in the hands of the judges, the grant extended is not absolute and indefinite. If subsequently, the Court observes that there is a change in circumstances of either party[49] or the favoured party has remarried or not remained chaste[50], the Court can vary, modify or rescind its grant.

(a) Interim Maintenance -

At the outset, the HMA recognizes the right of either spouse to interim maintenance. Section 24 declares that either of the spouses can claim interim maintenance if, firstly, the Court deems

[46] Gaurav Nagpal V. Sumedha Nagpal (2009) 1 SCC 42.
[47] Prabhakar V. Satyabhama (2008) SCC Online Bom 334.
[48] Saroj Rani V. Sudarshan Kumar Chadha (1984) 4 SCC 90.
[49] The Hindu Marriage Act, 1955, § 25(2), No. 25, Acts of Parliament, 1955 (India).
[50] The Hindu Marriage Act, 1955, § 25(3), No. 25, Acts of Parliament, 1955 (India).

it so fit as deduced from the proceedings and secondly, on initiation by either of the parties.[51]

Although the provision makes the position very clear, the question that presents itself is, what are the criteria for the Court to deduce the requirement of maintenance pendente lite aka Interim maintenance? While addressing the issue, the Hon'ble Bench in *Jasbir Kaur Sehgal V. District Judge, Dehradun* proposed the facts and circumstances of the case and the discretion of the Court to be the yardstick.

The Hon'ble Court also observed that specific factors would have to be considered when granting interim maintenance to the wife. Firstly, the status of the parties; secondly, the wife's accustomed lifestyle; and lastly, the capacity of the husband to pay after attending to his expenses. Adding to this, the Court maintained that maintenance pendente lite or interim maintenance should act as an instrument to accord the ability on the wife to defend her cause and not a predatory sanction on the husband. [52]

(b) Permanent Maintenance and Alimony –

Section 25 of HMA provides for permanent maintenance/alimony. Generally, in granting permanent maintenance/alimony, determinants are the social status, Conduct and lifestyle of the parties paired with other supplemental aspects.[53]

The Hon'ble Court in *Vinny Paramvir Parmar V. Parmvir Parmar* opined that no fixed formula can be devised to fix the quantum of maintenance. The nature of things derived from each case and the various facts and circumstances must be considered. However, in a broader sense, the salary, status and other income of the parties must be considered.[54]

VIII. Lacuna: Irretrievable breakdown of marriage not a ground for divorce –

As mentioned earlier, the irretrievable breakdown of marriage is not a ground for divorce under the HMA, irrespective of its pressing need. Time and again, the Courts of law have emphasised the compelling demand for a ground for divorce that is not just based on the "Fault-theory".

[51] The Hindu Marriage Act, 1955, § 24, No. 25, Acts of Parliament, 1955 (India).
[52] Jasbir Kaur Sehgal V. District Judge, Dehradun (1997) 7 SCC 7.
[53] Vishwanath Agarwal V. Sarla Vishwanath Agarwal (2012) 7 SCC 288.
[54] Vinny Paramvir Parmar V. Parmvir Parmar (2011) 13 SCC 112.

Currently, available grounds of divorce under the HMA are structured upon matrimonial offence or fault theory. The aggrieved must approach the Court with clean hands. Only a commission of offence by one spouse allows the other to seek divorce.[55]

The Hon'ble Bench in *Ram Kali V. Gopal Das* observed, *"It would not be practical and realistic approach indeed it would be unreasonable and inhumane, to compel the parties to keep up the facade of marriage even though the rift between them is complete and there are no prospects of their ever living together as husband and wife".*[56]

The Law Commission, in its 71st Report, underscored the shifting judicial trend in this respect and, most notably, the common opinion of the public in favour of such a change while advocating for the same. Bearing these things in mind, the Rajya Sabha introduced the Marriage Laws (Amendment) Bill, 2010, proposing the addition of a new provision – S. 13C commending irretrievable breakdown of marriage as a legitimate ground for divorce.

The suggested provision is not only proposed to account for the need for such a ground but also provides a defined position of when a marriage is considered to have broken irretrievably, paired with reasonable restrictions.

Three years later, in 2013, the Rajya Sabha considered and approved the aforementioned bill as the Marriage Laws (Amendment) Bill, 2013. The Lok Sabha, could not consider the Bill, while the fifteenth Lok Sabha dissolved, lapsing the Bill.

Although the attempt made by the parliament is commendable, it is submitted that as long as the proposed Bill assumes force and validity, it becomes redundant for the general public.

IX. Conclusion –

The Hindu Marriage Act of 1955, incorporates an ideal balance of ancient Hindu laws and modern standpoints. The spectrum of the statute is ever-encompassing, continuously eliminating principles that have turned redundant and embracing the needs of the hour. Various amendments have been a testament to it.

[55] Darshan Gupta V. Radhika Gupta (2013) 9 SCC 1.
[56] Ram Kali V. Gopal Das Mary Sonia Zachariah V. UOI (1995) SCC Online Ker 288.

The Act does not disturb the core of the Hindu law for marriage. It recognizes the precedence of Shastric laws and customs; Section 7, among others, standing witness to it. While adopting an equitable approach, it contributes to the development of Hindu marriage laws and the people governed by it.

Succinctly, the Hindu Marriage Act of 1955 comprehensively provides for Hindu marriage laws on every parameter while increasingly integrating the requirements of a modern society.