

The Hindu Laws



Dr. K. SHEIK FAREETH

Assistant Professor of Social Work
Jamal Mohamed College (Autonomous),
Trichy.

Introduction

- A family arises as a **result of marriage**.
- The single most important factor which influences the **quality of life** is the quality of the marriage that supports it.
- Marriage is a **sacrament** in Hinduism and other major religions, except Islam.



Laws



§ Hindu Marriage Act, 1955

§ Hindu Adoption and Maintenance Act, 1956



§ Hindu Succession Act, 1956



§ Hindu Minority and Guardianship Act, 1956.



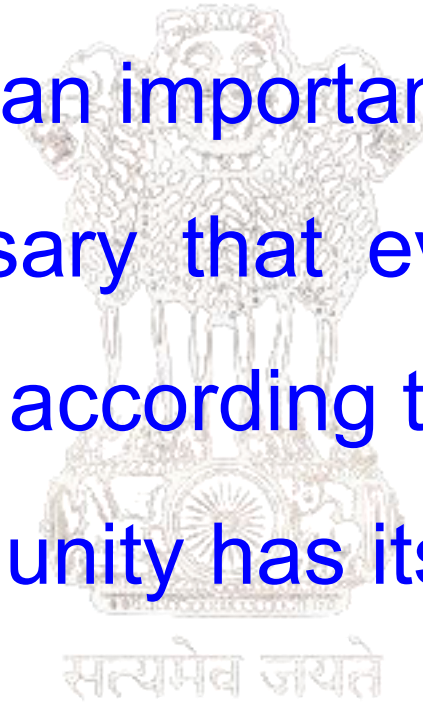
Who is a Hindu?

- Any Child Legitimate or illegitimate
- Both of whose parents are Hindus
- Any Child one of whose parents is a Hindu
- Converts or Reconverts to Hinduism
- The Buddhist, Jain and Sikh religions are offshoots of Hinduism.



Hindu Marriage Act, 1955

- Marriage is an important part of family life.
- It is necessary that every person should get married according to the law.
- Each community has its own traditions and customs.
- Act came into force from 18.5.1955



Conditions for a Valid Hindu Marriage

- Both the man and woman must be Hindus
- Neither party should be Hindu
- In accordance with the customary rites and ceremonies.
- Which such rites include the **‘Saptapadi’**

***‘Saptapadi’ means taking seven steps
around the sacred fire.***



Void Marriage

- If either party is a **lunatic or an idiot**
- **Contravening Age**
- **Decree of Nullity**
- **Bride being Pregnant** by some other persons
- If somebody misleads or conceals the bridegroom's
 - *age, Occupation, Identity of any serious disease*
- Not be within degrees of Prohibited Relationship



Prohibited Relationship



- A Lineal Ascendant

e.g . Father and Daughter and Son and Mother

- Wife or Husband of a Lineal Ascendant or descendent

e.g. Father in Law and windowed daughter in Law

- Widow of the Brother or of a father's brother or of Mother's Brother or of grandfather's brother or of grandmother's brother.
- Brother and Sister : Uncle and Niece: Aunt and Nephew

In South India marriages between children of brother and sister and between a male and his sister's daughter are common and are valid by custom

Divorce

The Hindu Marriage Act defines divorce as **a dissolution of the marriage.**

For the interest of the society, the marriage or the marital relationship needs to be surrounded by every safeguard for the cause specified by law.

Divorce is permitted only for a grave reason otherwise given other alternative.



Grounds of Divorce

- # Sexual Intercourse with third person
- # Renounced the world by entering a religious order or has ceased to be a Hindu or conversion to another religion.
- # Incurably of unsound mind, or suffering from incurable leprosy or a venereal disease in communicable form.
- # Not been heard of for seven years.
- # Not complied with a decree for restitution of conjugal rights for one year or more after the passing of the decree.
- # Not resumed cohabitation for one year or upwards after the passing of a decree for judicial separations.



Wife has Additional Grounds of Divorce