

AS INTRODUCED IN LOK SABHA

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Bill No. 9 of 2022

THE HINDU MARRIAGE (AMENDMENT) BILL, 2022

By

DR. DNV SENTHILKUMAR S., M.P.

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BILL

*further to amend the Hindu Marriage Act, 1955.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 2022.

Short title and  
commencement.

(2) It shall come into force on such date, as the Central Government may, by  
5 notification in the Official Gazette, appoint.

Insertion of  
new section  
7A.

Special  
provision  
regarding self  
respect  
Marriage.

2. After Section 7 of the Hindu Marriage Act, 1955 the following section shall be inserted, namely:— 25 of 1955.

“7A. (1) This section shall apply to any marriage between two Hindus, called as self respect marriages or any other name, solemnized in presence of relatives, friend or other person — 5

(a) by each party to the marriage proclaimed in any language understood by the parties that each takes the other to be his wife or, as the case may be, her husband; or

(b) by each party to the marriage garlanding the other or putting a ring upon any finger of the other; or 10

(c) by the tying of the mangal sutra or thaali.

(2) Notwithstanding anything contained in section 7, but subject to the other provisions of this Act, all marriages to which this section applies solemnized after the commencement of the Hindu Marriage (Amendment) Act, 2022, shall be good and valid in law. 15

(3) Notwithstanding anything contained in section 7 or in any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of the Hindu Marriage (Amendment) Act, 2022, or in any other law in force immediately before such commencement or in any judgement, decree or order of any court, but subject to sub-section (4), all marriages to which this section applies solemnized at any time before such commencement shall be deemed to have been, with effect on and from the date of the solemnization of each such marriage, respectively, shall also be good and valid in law. 20

(4) Nothing contained in this section shall be deemed to—

(a) render valid any marriage referred to in sub-section (3), if before the commencement of the Hindu Marriage (Amendment) Act, 2022,— 25

(i) such marriage has been dissolved under any custom or law; or

(ii) the women who was a party to such marriage whether during or after the life of the other party thereto, lawfully married another, or

(b) render invalid a marriage between any two Hindus solemnized at any time before such commencement, if such marriage was valid at that time; or 30

(c) render valid a marriage between any two Hindus solemnized at any time before such commencement, if such marriage was invalid at that time on any ground other than that it was not solemnized in accordance with the customary rites and ceremonies of either party thereto: 35

Provided that nothing contained in this sub-section shall render any person liable to any punishment whatsoever by reason of anything done or omitted to be done by him before such commencement.

(5) Any child of the parties to a marriage referred to in sub-section (3) born of such marriage shall be deemed to be their legitimate child: 40

Provided that in a case falling under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (4), such child was begotten before the date of the dissolution of the marriage or, as the case may be, before the date of the second of the marriages referred to in the said sub-clause (ii)."

## STATEMENT OF OBJECTS AND REASONS

As per the existing Hindu Marriage Act, 1955, a Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto.

However, the Hindu Marriage (Tamil Nadu) (Amendment) Act, 1967 sowed the seeds of self-respect marriages as legalized one adding to the conventional Hindu Marriages where one can have the choice to marry without the priest, language in which each understands, doing customary rites and even tying thalli is optional. This Act, in turn, was inspired from great social reformer E.V. Ramasamy (Thanthai Periyar as he fondly called by the people) Self-Respect Movement wherein it is quoted and may be called Self Respect marriage or Seertheerutha (Reform) marriage. The self-respect movement had an impact on the Tamil Diaspora population in Singapore and Malaysia where there is the event of Self-Respect marriages.

The advent of self-respect marriage ensures dignity and breaking away from patriarchy as it does not impose any customs or rituals which convey women should be sub-ordinate. Self-Respect marriage ensures total equality to both the party to the marriage and will act as a companion. There is a famous Vow which is followed at the self-respect marriages, it goes on like this "We swear to share the joy and suffering which occur in our life, we both have equal right and live like a companion. Whatever the privilege you have the right to expect of me in our future, I have equal right to expect the same of you" is the vow taken by both the party to the marriage. This gives a glimpse of the objective of proposed amendment.

The present Bill act promotes inter-caste marriage and in the eyes of law, their dignity is ensured through this marriage. More marriages happening in the State of Tamil Nadu with respect to Self-Respect marriages are inter-caste marriages and widow remarriage too. It also does away with huge spending on marriage and eliminates dowry as the whole process of marriage is made simple and rational, it gives a psychological push not to spend a huge amount on marriage.

As this Act has tested the time in the State, the need is to promote Self-Respect Marriage as one of the choice adding to conventional marriages throughout the court. In a nutshell, the proposal to Hindu Marriage Act, 1955 intends to promotes Inter-caste marriage, ensures gender equality, dignity, widow remarriage and rationality.

Hence this Bill.

NEW DELHI;  
7 December, 2021.

DNV SENTHILKUMAR S.

LOK SABHA

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*(Dr. DNV Senthilkumar S., M.P.)*