

Bill No. II of 2024

THE HINDU MARRIAGE (AMENDMENT) BILL, 2024

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BILL

further to amend the Hindu Marriage Act, 1955.

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

1. (1) This Act may be called the Hindu Marriage (Amendment) Act, 2024.

Short title and
commencement.

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

2. In the Hindu Marriage Act, 1955, after section 7, the following new section shall be
inserted, namely:

Insertion of new
section 7A.

“7A. (1) This section shall apply to any marriage between any two Hindus, whether
called *suyamariyathai* marriage or *seerthiruththa* marriage or by any other name, solemnized
in the presence of relatives, friends or other persons-

Special
provision
regarding
suyamayathai
and
seerthiruththa
marriages

(a) by each party to the marriage declaring 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

(c) by the tying of the *thali*.

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(2) (a) 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, 2024 shall be good and valid in law.

(b) 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, 2024 or in any other law in force immediately before such commencement or in any judgment, decree or order of any court, but subject to sub-section (3), 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, good and valid in law.

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(3) Nothing contained in this section shall be deemed to-

(a) render valid any marriage referred to in clause (b) of sub-section (2), if before the commencement of the Hindu Marriage (Amendment) Act, 2024,-

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

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

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(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

(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:

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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.

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(4) Any child of the parties to a marriage referred to in clause (b) of sub-section (2), born of such marriage shall be deemed to be their legitimate child:

Provided that in a case falling under sub-clause (i) or sub-clause (ii) of clause (a) of sub-section (3), such child was begotten before the date of 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). ”

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STATEMENT OF OBJECTS AND REASONS

The Self-Respect was a social movement founded by *Thanthai* Periyar. One of the major sociological changes made through the movement was the self-respect marriage system, which encouraged inter-caste marriages, widow re-marriages which were opposed vehemently by conservative groups. It was the vision of Periyar to do away with the unnecessary rituals and ceremonies of conventional marriages, which were often dominated by Brahmin priests and often put the families under the burden of debt and dowry. Further, the then Hindu marriage ceremonies were conducted in Sanskrit, which the Tamil people did not understand, and hence the rituals and practices were based solely on blind adherence.

Furthermore, due to the prevalent practice of child marriage and very poor health facilities, there were a high number of widows in the society. However, women like Sivagami Ammaiyar, who were widowed at the age of 11 years, were given a new lease of life by the widow re-marriage principles of the self-respect movement.

Self-respect marriages have been in practice since 1928. Tamil Nadu became the first state to legalize Hindu marriages conducted without a Brahmin priest. This was implemented through the Hindu Marriage Act (Tamil Nadu Amendment) Act, 1967 (Tamil Nadu Act 21 of 1967), which inserted Section 7A after section 7 of the Hindu Marriage Act, 1955 (Central Act 25 of 1955), to render *Suyamariyathai* (self-respect) and *Seerthiruttha* (reformist) marriages as legal when solemnized in the presence of friends, relatives. It is felt that it would be in the interest of the people at large to include this amendment into the Central legislation thus making it applicable to the entire country.

Hence this Bill.

R. GIRIRAJAN

RAJYA SABHA

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BILL

further to amend the Hindu Marriage Act, 1955.

(Shri R. Girirajan, M.P.)