

**Bill No. XXXI of 2010**

**THE HINDU MARRIAGE (AMENDMENT) BILL, 2010**

A

**BILL**

*further to amend the Hindu Marriage Act, 1955*

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

- |   |  |   |
|---|--|---|
| 5 | <p><b>1.</b> (i) This Act may be called the Hindu Marriage (Amendment) Act, 2010.</p> <p>(ii) It shall extend to the whole of India except the State of Jammu and Kashmir.</p> <p>(iii) It shall come into force at once.</p> <p><b>2.</b> In section 5 of the Hindu Marriage Act, 1955, after clause (iv) the following clause shall be inserted, namely—</p> <p>(v) the parties are not belonging to the same Gotra/Parivara and residing in the same village.</p> | <p>Short title, extent and commencement.</p> <p>Amendment of Section 5.</p> |
|---|--|---|

## STATEMENT OF OBJECTS AND REASONS

Social fabric and mutual ties are so strong in rural areas of the country that any violation of their established norms are not accepted. Entire village is considered as one unit and its young folk as brothers and sisters as per the age old custom and tradition. Elderly persons treat them as their sons and daughters. This cultural commitment has gone a long way in ensuring dignity and safety of women in day-to-day activities at their place of work and residence. Marriage, as an institution of personal law, has been playing an extremely significant role for social life and healthy society.

Vedic literature and the seers prohibited marriages in the same Gotra or Parivara. Further, custom and age long tradition prohibited marriages in the same village and in the same Gotra and Sapindas of each other. In recent past, some unscrupulous youth have started violating the settled customs and values of the society by nuptial ties which are prohibited otherwise. This has caused a stir in the society and a mass movement to condemn such relationship has started. To check this trend of marriages, it is a fact that there should be a suitable legislative measure in place. It is therefore, high time that the Hindu Marriage Act should be amended for barring marriages in the same Gotra and Parivara, in the same villages.

Hence this Bill.

SHADI LAL BATRA

*ANNEXURE*

EXTRACTS FROM THE HINDU MARRIAGE ACT, 1955

\* \* \* \* \*

"5. A marriage may be solemnized between any two hindus, if the following conditions are fulfilled, namely:—

(i) neither party has a spouse living at the time of the marriage;

(ii) at the time of the marriage, neither party—

(a) is incapable of giving a valid consent to it in consequence of unsoundness of mind; or

(b) though capable of giving a valid consent, has been suffering from mental disorder of such a kind or to such an extent as to be unfit for marriage and the procreation of children; or

(c) has been subject to recurrent attacks of insanity or epilepsy;

(iii) the bridegroom has completed the age of 21 [twenty-one years] and the bride the age of 18 [eighteen years] at the time of the marriage;

(iv) the parties are not within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two;

(v) the parties are not sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two."

\* \* \* \* \*

RAJYA SABHA

---

A  
BILL

further to amend the Hindu Marriage Act, 1955.

---

*(Shri Shadi Lal Batra, M.P.)*