

The Hindu Marriage Act, 1955

Family Law · Marriage & Succession

1. Objective and Scope

The Hindu Marriage Act, 1955 codifies and reforms the law relating to marriage among Hindus (as defined broadly in Section 2, including Buddhists, Jains and Sikhs). It sets out the conditions for a valid marriage, grounds for judicial separation, divorce and nullity, and provisions for maintenance and custody.

2. Conditions for a Valid Hindu Marriage (Section 5)

- Neither party has a living spouse at the time of marriage (monogamy).
- Neither party is incapable of giving valid consent due to unsoundness of mind, or otherwise unfit for marriage and procreation of children.
- The bridegroom has completed 21 years and the bride 18 years of age.
- The parties are not within the degrees of prohibited relationship, unless custom permits.

3. Matrimonial Remedies

- **Section 9** — restitution of conjugal rights.
- **Section 10** — judicial separation.
- **Section 11–12** — void and voidable marriages.
- **Section 13** — grounds for divorce, including adultery, cruelty, desertion, conversion, unsoundness of mind, and mutual consent (Section 13B).

4. Exam-Focused Summary

- Distinguish a void marriage (Section 11) from a voidable marriage (Section 12) with one ground each.
- List the grounds for divorce by mutual consent under Section 13B and the statutory waiting period.
- Explain 'cruelty' as a ground for divorce with reference to its evolving judicial interpretation.