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Hindu Marriage Act Last updated: July 6 min read The following is a summary of the Hindu Marriage Act , which aims to allow a reader to understand the key points within the Act without having to read the Act itself. Introduction India, being a cosmopolitan country, allows each citizen to be governed under personal laws relevant to religious views. This extends to personal laws inter alia in the matter of marriage and divorce. As well as regulating the institution of marriage including validity of marriage and conditions for invalidity , it also regulates other aspects of personal life among Hindus and the applicability of such lives in wider Indian society. The Hindu Marriage Act provides guidance for Hindus to be in a systematic marriage bond. It gives meaning to marriage, cohabiting rights for both the bride and groom, and a safety for their family and children so that they do not suffer from their parental issues. Applicability The Act applies to all forms of Hinduism for example, to a person who is a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samam and also recognises offshoots of the Hindu religion as specified in Article 44 of the Indian Constitution. Notably, these include Jains and Buddhists. The Act also applies to anyone who is a permanent resident in the India who is not Muslim, Jew, Christian, or Parsi by religion. Although the Act originally applied to Sikhs as well, the Anand Karj Marriage Act gives Sikhs their own personal law related to marriage. Conditions for marriage Section 5 of The Hindu Marriage Act specifies that conditions must be met for a marriage to be able to take place. If a ceremony takes place, but the conditions are not met, the marriage is either void by default, or voidable. Void marriages A marriage may be declared void if it contravenes any of the following: Either party is under age. The bridegroom should be of 21 years of age and the bride of 18 years. Either party is not of a Hindu religion. Both the bridegroom and the bride should be of the Hindu religion at the time of marriage. Either party is already married. The Act expressly prohibits polygamy. A marriage can only be solemnized if neither party has a living spouse at the time of marriage. The parties are sapindas or within the degree of prohibited relationship. Voidable marriages A marriage may later be voidable annulled if it contravenes any of the following: Either party is impotent, unable to consummate the marriage, or otherwise unfit for the procreation of children. One party did not willingly consent. In order to consent, both parties must be sound of mind and capable of understanding the implications of marriage. If either party suffers from a mental disorder or recurrent attacks of insanity or epilepsy, then that may indicate that consent was not or could not be given. Likewise, if consent was forced or obtained fraudulently, then the marriage may be voidable. The bride was pregnant by another man other than the bridegroom at the time of the marriage. Ceremonies Section 7 of the Hindu Marriage Act recognises that there may be different, but equally valid ceremonies and customs of marriage. As such, Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either the bride or the groom. These rites and ceremonies include the Saptapadi and Kriya. Registering a marriage A marriage cannot be registered unless the following conditions are fulfilled: Section 8 of the Hindu Marriage Act allows state government to make rules for the registration of Hindu marriages particular to that state, particularly with respect to recording the particulars of marriage as may be prescribed in the Hindu Marriage Register. Registration provides written evidence of marriage. As such, the Hindu Marriage Register should be open for inspection at all reasonable times allowing anyone to obtain proof of marriage and should be admissible as evidence in a court of law. Divorce Although marriage is held to be divine, the Hindu Marriage Act does permit either party to divorce on the grounds of unhappiness, or if he or she can prove that the marriage is no longer tenable. A petition for divorce usually can only be filed one year after registration. However, in certain cases of suffering by the petitioner or mental instability of the respondent, a court may allow a petition to be presented before one year. Grounds for divorce A marriage may be dissolved by a court order on the following grounds: Adultery - the respondent has had voluntary sexual intercourse with a man or a woman other than the spouse after the marriage. Cruelty - the respondent has physically or mentally abused the petitioner. Desertion - the respondent has deserted the petitioner for a continuous period of not less than two years. Conversion to another religion - the respondent has ceased to be a Hindu and has taken another

religion. Unsound mind - the respondent has been diagnosed since the marriage ceremony as being unsound of mind to such an extent that normal married life is not possible. Disease - the respondent been diagnosed with an incurable form of leprosy or has venereal disease in a communicable form. Presumption of death - the respondent has not been seen alive for seven years or more. No resumption of cohabitation after a decree of judicial separation for a period of at least one year. In addition, a wife may also seek a divorce on the grounds that: In case of marriage that took place before the Hindu Marriage Act was enacted, the husband was already married and that any other wife of the husband was alive at the time of the marriage ceremony. The husband, after marriage, has been found guilty of rape, sodomy or bestiality. The wife was under-age when she married and she repudiates the marriage before attaining the age of 18 years. Alimonies permanent maintenance At the time of the decree of divorce or at any subsequent time, the court may decide that one party should pay to the other an amount for maintenance and support. This could be a one off payment, or a periodical such as monthly payment. The amount to be paid is at the discretion of the court. Remarriage Remarriage is possible once a marriage has been dissolved by a decree of divorce and no longer able to be appealed whether there was no right of appeal in the first place, or whether the time for appealing has expired, or whether an appeal has been presented but dismissed. Full text of "Hindu Marriage Act " available here Please note that the information provided on this page: Does not provide a complete or authoritative statement of the law; Does not constitute legal advice by Net Lawman; Does not create a contractual relationship; Does not form part of any other advice, whether paid or free. Contact us about this article We would love to hear what you think about this article and how we could improve it. Please do let us know. If you have a question about a document, please contact us. Nothing is too small or too big. Send your message on this feedback page. What Our Clients Say "Easy and fulfilled my needs. The documents are accepted by the other parties solicitors without my waiting for my own solicitors to act. Professional documents, easy to use saved my time and money. I have you in my "favourites" Easy to navigate website - clearly displayed and simple to understand. Very easy to use and edit document in clear English. It has enabled me to present a professional and relevant document to my customers with ease. I will recommend Net Lawman due to easy to use website, documents in clear English and easy to edit, very reasonable and prompt. I will recommend Net Lawman due to ease of usability.

Chapter 2 : Law of India - Wikipedia

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Tax law[edit] Indian tax law involves several different taxes levied by different governments. Customs and excise duties are also levied by the Central government. Sales tax is levied under VAT legislation at the state level. The authority to levy a tax is derived from the Constitution of India which allocates the power to levy various taxes between the Centre and the State. An important restriction on this power is Article of the Constitution which states that "No tax shall be levied or collected except by the authority of law. The Central Board of Revenue as the Department apex body charged with the administration of taxes came into existence as a result of the Central Board of Revenue Act, Initially the Board was in charge of both direct and indirect taxes. However, when the administration of taxes became too unwieldy for one Board to handle, the Board was split up into two, namely the Central Board of Direct Taxes and Central Board of Excise and Customs with effect from 1 January Income Tax Act of [edit] The major tax enactment is the Income Tax Act of passed by the Parliament , which establishes and governs the taxation of the incomes of individuals and corporations. Act was referred to Parliamentary standing committee which has submitted its recommendations. Act is expected to be implemented with changes from the Financial Year â€” This method allows GST-registered businesses to claim tax credit to the value of GST they paid on purchase of goods or services as part of their normal commercial activity. Administrative responsibility would generally rest with a single authority to levy tax on goods and services. Exports would be considered as zero-rated supply and imports would be levied the same taxes as domestic goods and services adhering to the destination principle in addition to the Customs Duty which will not be subsumed in the GST. Amalgamating several Central and State taxes into a single tax would mitigate cascading or double taxation, facilitating a common national market. The simplicity of the tax should lead to easier administration and enforcement. GST is applicable from 1 July Trust law[edit] Trust law in India is mainly codified in the Indian Trusts Act of , which came into force on March 1, Indian law follows principles of English law in most areas of law, but the law of trusts is a notable exception. Indian law does not recognise "double ownership", and a beneficiary of trust property is not the equitable owner of the property in Indian law. Family law â€” Personal law[edit] Main article: Dowry law in India Family laws in India are different when Warren Hastings in created provisions prescribing Hindu law for Hindus and Islamic law for Muslims, for litigation relating to personal matters. Recent reform has affected custody and guardianship laws, adoption laws, succession law, and laws concerning domestic violence and child marriage. Though the attempt made by the first parliament after independence did not succeed in bringing forth a Hindu Code comprising the entire field of Hindu family law, laws could be enacted touching upon all major areas that affect family life among Hindus in India. The portion of the fiqh applicable to Indian Muslims as personal law is termed Mohammedan law. Despite being largely uncodified, Mohammedan law has the same legal status as other codified statutes. The contribution of Justice V. Krishna Iyer in the matter of interpretation of the statutory as well as personal law is significant.

Chapter 3 : Free Law Books Download | Ebooks Online TextBooks

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If there is conflict between Purana and Smriti, Smriti shall prevail. Where there is a conflict between a custom and the text of the Smritis, such custom will override the text. Collector of Madura v. If a custom meets the abovementioned requirements, it becomes binding. It also includes the customs and usages which the commentators found prevailing around them. Despite the fact such commentators have modified the original texts in order to bring them in line with the local customs and conditions, the commentaries are now considered to be more authoritative than the original texts themselves. Collection of commentaries is called Digests. Features of commentary and digest- i They have tried to make the subject simple and easy to understand. A lot of commentaries have been made on Manusmriti. These are called Manu Tika. Commentaries were started to be written down from century and digests were from 12 century. Authority of commentary and digest- Atmaram v. Bajirao – If Commentary and digest conflict with Smriti or Purana, Commentary and digest shall prevail. It is not codified. Mitakshara School prevails throughout India except in Bengal. It is a running commentary on the code of Yagnavalkya. Mitakshara is an orthodox School whereas the Dayabhaga is Reformist School. The Mitakshara and Dayabhaga Schools differed on important issues as regards the rules of inheritance. However, this branch of the law is now codified by the Hindu Succession Act, which has dissolved the differences between the two. Today, the main difference between them is on joint family system. Mitakshara- Rights in the joint family property is acquired by birth, and as a rule, females have no right of succession to the family property. The right to property passes by survivorship to the other male members of the family. Dayabhaga- Rights in the joint family property are acquired by inheritance or by will, and the share of a deceased male member goes to his widow in default of a closed heir. Differences between the two Schools in Coparcenary- Mitakshara Dayabhaga i Right of a son by birth in the ancestral property equal to the interest of his father. The father is the absolute owner of his property in his lifetime. His right is applicable to the property of his grandfather and grand-grandfather. This right is not available within the property of his father, grandfather or grand-grandfather. Their shares are not defined. They have only the commodity of ownership. In that case, it will be partitioned as it was in case of the father. But a Separate property is partitioned to the descendants. Dayabhaga- Property is of two types- a Joint, b Separate. The descendants inherits the property whatever type it is. Mitakshara- In default of close heir, brother and immediate survivors inherit, the wife does not inherit. Dayabhaga- If coparcener dies, his widow will get the property in default of a close heir but she cannot alienate. Mitakshara- The order of heirs is decided by mereness of blood. Dayabhaga- The order of heirs is decided by the competence to offer Pinda and Sraddho to the deceased. Effect of migration A person follows the school of his area. But if he migrates to another place, he will follow the School of that locality. This has been decided in various cases- Gope v. Manjura Govalin- The burden of proving migration lies on him who pleads it. The original place of a family can be inferred from the chief characteristics of that family. Swadeshrao, Migration means leaving to another place forever. But if a place is divided into two administrative area, that will not be regarded as migration. Amrita Bai- A person migrates will all of his personal laws. Personal law unlike local law moves with whom he covers. Subba Raya- A person can be given an option to give up the law of the old place and adopt the new one. Hindu Marriage Hindu marriage is a religious sacrament. Unlike Islami law, it is not contract. Hindu philosophers treated Hindu marriage as a part of Achar custom but not a part of law vyavahar. It is an act by performance of which a thing becomes fit for a certain purpose. These purposes are- i Performance of sacrifice ii Pleasure and procreation of children Children save their fathers from hell-fire Marriage is compulsory for all Hindus except for lifetime students. Forms of marriage- There are 8 forms of marriage, 4 of them are approved and 4 of them are not approved.

Chapter 4 : Law Notes (LL.B Notes): ENVIRONMENTAL LAW

Download LLB Books & Notes For All Semesters in PDF - 1st, 2nd, 3rd calendrierdelascience.com Full form is Bachelor of Legislative Law. LLB (Bachelor of Legislative Law) Course is the most common undergraduate course of legal Law education offered by many law colleges and universities in India.

For example, the rule of Damdupat is hit by Article 15 1 of the Constitution and as such would be void under Article 13 1. These sources can be divided into four categories: It is believed that the rishis and munis had reached the height of spirituality where they were revealed the knowledge of Vedas. Thus, shrutis include the four vedas "rig, yajur, sam, and athrava along with their brahmanas. The brahmanas are like the appendices to the Vedas. Vedas primarily contain theories about sacrifices, rituals, and customs. With Smritis, a systematic study and teaching of Vedas started. Many sages, from time to time, have written down the concepts given in Vedas. So it can be said that Smritis are a written memoir of the knowledge of the sages. Immediately after the Vedic period, a need for the regulation of the society arose. The Dharmansutras were written during to BC. They were mostly written in prose form but also contain verses. It is clear that they were meant to be training manuals of sages for teaching students. Dharmashastras were mostly in metrical verses and were based of Dharmasutras. However, they were a lot more systematic and clear. This is the earliest and most important of all. It is not only defined the way of life in India but is also well know in Java, Bali, and Sumatra. The name of the real author is not known because the author has written it under the mythical name of Manu, who is considered to the the first human. Though written after Manusmriti, this is a very important smriti. Its language is very direct and clear. It is also a lot more logical. He also gives a lot of importance to customs but hold the king to be below the law. Narada was from Nepal and this smriti is well preserved and its complete text is available. This is the only smriti that does not deal with religion and morality at all but concentrates only on civil law. Commenatries and Digests After AD, most the of work was done only on the existing material given in Smrutis. The work done to explain a particular smriti is called a commentary. Commentaries were composed in the period immediately after AD. Digests were mainly written after that and incorporated and explained material from all the smrutis. As noted ealier, some of the commentaries were, manubhashya, manutika, and mitakshara. Customs Most of the Hindu law is based on customs and practices followed by the people all across the country. Even smrutis have given importance to customs. They have held customs as transcendent law and have advised the Kings to give decisions based on customs after due religious consideration. Customs are of four types: These are the customs that are followed in a given geographical area. These are the customs that are followed by a family from a long time. These are applicable to families where ever they live. Class or Caste Custom: These are the customs that are followed by a particular cast or community. It is binding on the members of that community or caste. By far, this is one of the most important source of laws. These are the customs that are followed by traders. Requirements for a valid custom Ancient.

Chapter 5 : Hindu Succession Act, - Wikipedia

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