

LAW COMMISSION

Report on the validity of marriages amongst Hindus, Brahmos, Buddhists, Jains and Sikhs and their different castes, sub-castes and sects

Hindus, Brahmos, Buddhists, Jains, and Sikhs and their different castes, sub-castes and sects are governed by the existing principles of Hindu law. But in matters of marriage amongst them this customary law has so far prohibited intermarriage. With the social change in practice such marriages are widely prevalent in the society without remonstrance from any one. In the absence of any statutory recognition the spouses of such marriages and their offspring may face various legal difficulties in respect of legitimacy of children, inheritance, adoption, right of maintenance, etc. In order to remove all the difficulties it is felt expedient that marriages among all the above classes should be given statutory recognition.

For the sake of convenience and ready reference a draft bill is also enclosed herewith as Annexure A.

Recommendation

We, accordingly, recommend that enactment of an Act as follows:-

1. Short title, extent and application.- (1) This Act may be called the Hindu Marriages Validity Act, 2001.

(2) It extends to the whole of Bangladesh.

2. Definition.- In this Act, the word “Hindus” includes persons professing the Brahmo, Buddhist, Jain or Sikh religion.

3. Validity of marriages between Hindus.- Notwithstanding anything contained in any other law for the time being in force or in any text, rule or interpretation of Hindu law or in any custom or usage, no marriage between Hindus shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to different religions, castes, sub-castes or sects.

Justice Naimuddin Ahmed
Member-2

Justice B.B. Roy Choudhury
Member-1

Justice Kemal Uddin Hossain
Chairman

Annexure A

Bill No. of 2001

An Act to provide for the validity of marriage between Hindus, Bharmos, Buddhists, Jains and Sikh and their different castes, sub-castes and sects.

Whereas it is expedient to provide that marriage between Hindus, Brahmos, Buddhists, Jains or Sikh and their different castes, sub-castes and sects are valid;

It is hereby enacted as follows:-

1. Short title, extent and application.- (1) This Act may be called the Hindu Marriages Validity Act, 2001.

(2) It extends to the whole of Bangladesh.

2. Definition.- In this Act, the word “Hindus” includes persons professing the Brahmo, Buddhist, Jain or Sikh religion.

3. Validity of marriages between Hindus.- Notwithstanding anything contained in any other law for the time being in force or in any text, rule or interpretation of Hindu law or in any custom or usage, no marriage between Hindus shall be deemed to be invalid or ever to have been invalid by reason only of the fact that the parties thereto belonged to different religions, castes, sub-castes or sects.