

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:3314

ANSWERED ON:12.02.2014

DIVORCE UNDER HINDU MARRIAGE ACT

Dhruvanarayana Shri R. ;Krishnaswamy Shri M.;Shetkar Shri Suresh Kumar;Siricilla Shri Rajaiah

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether a Hindu married to a Non-Hindu cannot get divorce under the Hindu Marriage Act; and

(b) if so, the details thereof?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF LAW AND JUSTICE AND COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI KAPIL SIBAL)

(a) Yes, Madam.

(b) Section 5 of the Hindu Marriage Act, 1955, inter alia provides that a Hindu marriage may be solemnized between two Hindus, if the conditions provided under that section are fulfilled. Section 13 of the Hindu Marriage Act, 1955 provides for divorce under the Act and the Act applies where both the parties are Hindus only. If one of the party is not a Hindu, the provisions of Special Marriage Act, 1956 are applicable and divorce can be obtained under that Act.