

## **Hindu Law: Who are Hindus?**

### **A. Definition**

The Hindu Marriage Act, 1955 (**Act**) is applicable to following types of persons:

- (i) By religion and birth: Those who are Hindus, Sikhs, Jains or Buddhist by religion or by birth;
- (ii) By not belonging to a non-Hindu religion: Those who are not Muslims, Christians, Parsis or Jews by religion or by birth;
- (iii) Domicile in territory: To any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with herein if this Act had not been passed.

### **Important Points**

- (i) The definition includes those who convert and re-convert to any form of Hinduism mentioned in definition.
- (ii) The person does not cease to be Hindu if he does not practice the religion or become atheist.
- (iii) Hindu by religion include practicing religion in any of its forms including Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,

### **Exception**

Section 2(2) of the Act says that this definition does not apply to Schedule Tribes even if Hindus unless Central Government by law defines them so by issuing a notification in official gazette.

### **B. Hindu by Birth**

The person whether legitimate or illegitimate child is classified as Hindu by birth irrespective of his religion if:

- (i) If one parent is Hindu
- (ii) If both the parent is Hindu

### **Important Points**

The child would continue to be Hindu, in the above case, even if the parents convert to other religion unless the child also converts to other religion.

## **Sections to Remember**

<b>Section 2</b>	Application of the Act
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