
SAPINDA RELATIONSHIP AS A CONDITION FOR MARRIAGE UNDER HINDU LAW: AN ANALYSIS

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I. INTRODUCTION

“In Hindu Law Marriage was a sacrament, a union an indissoluble union of flesh with flesh, bone with bone to be continued even in the next world.”¹

In Hindu Society, marriage is considered one of the most sacred rites. It is not merely a contractual agreement rather regarded as a lifelong union with deep spiritual, cultural and societal roots. Over centuries, Hindu laws governing marriages were shaped by customary practices, religious texts and societal expectations. But with times and advancement of modern society, it become necessary to bring a codified set of rules to govern the institution of personal laws.

The Hindu Marriage Act of 1955 marked a significant step in codifying the personal laws to ensure clarity, equality and legal enforceability. It established the valid grounds for marriage under S. 5 of HMA.² Among these the prohibition of marriage with certain degrees of relationship, most notably the Sapinda relationship serves both as moral and genetic purpose. Defined under S.3(f), Sapinda relationship extends up to five generations on father's side and three on the mother's side, creating a legal boundary to avoid close-kin marriages.³ Additionally, Section 3(g) defines degrees of prohibited relationship, which prohibits marriages between direct lineal ascendants and certain collateral relatives.⁴

S.11 of HMA, renders a marriage void if performed within the ambit the S.5 (v) sapinda relationship and S.5 (iv) prohibited relationship, unless a custom governing the party permits them so.⁵

¹ Tekait Mon Mohini Jemadai v. Basanta Kumar Singh, 1901 SCC OnLine Cal 60.

² Section 5 The Hindu Marriage Act 1955.

³ Section 3(f) *Ibid.*

⁴ Section 3(g) *Ibid.*

⁵ Section 11 *Ibid.*

Given India's pluralistic society, with its wide range of customs, lineages and community practices, courts have to often interpret this provision and decide upon its enforceability and exceptions. This paper seeks to explore the judicial interpretation of S.(v) of HMA, and how they have interpreted especially the burden of proof regarding customs and have evolved to meet the needs of today's society. Through a doctrinal analysis of landmark judgments and statutory developments, the paper explores whether the Sapinda prohibition has retained its relevance in a contemporary legal and social context.

II. RESEARCH OBJECTIVES

- To examine the judicial interpretation of Sapinda relationship and the legal standards applied by Indian courts in determining the validity of customs.
- To analyse the relevance of Sapinda prohibition in the context of contemporary society, with focus on its moral, genetic and legal rationale.

III. RESEARCH QUESTIONS

1. How have India court interpreted the relevance and scope of Sapinda relationship and prohibition?
2. What all evidence are applied in proving a valid custom as an exception?
3. To what extent does the prohibition of sapinda relationship continue to serve its intended legal and social purpose in contemporary India?

IV. RESEARCH METHODOLOGY

This research follows a doctrinal method, relying on secondary sources like statutes, classical Hindu texts, court judgments, and academic writings. The focus is on understanding how courts interpret the Sapinda prohibition. Care has been taken to use authentic, credible sources to ensure a clear and meaningful legal analysis.

V. RESEARCH PROBLEM

Hindu marriage law has been defined in The Hindu Marriage Act, 1955. However, due to various customs and difference in judicial interpretation, there has been difficulty in proving

customs, and interpretation of the Sapinda relationship.

VI. HISTORICAL BACKGROUND AND CUSTOMS

Marriages under Hindu society has been governed by blend of customary practices, sacred texts and religious doctrines. Prohibition of sapinda or close kin marriages find their roots in Hindu jurisprudence. The evolution of this concept from hindu scriptural doctrines to codified laws has reflected a complex interplay of religious tradition, custom and colonial influence.

6.1 Ancient Hindu Texts and Smritis: Mitakshara and Dayabhaga

The concept of sapinda relationship has been referred in Hindu scriptures like the Manusmriti, Yagnavalkya Smriti and later commentaries like Mitakshara and Dayabhaga.

Mitakshara school, commentary of Yagnavalkya Smriti prevailed in most part of India except Bengal and Assam. In accordance to this school sapinda relationship was prohibited as they were believed to share common bodily particles from a common ancestor.⁶ Whereas, Dayabhaga school prevailed in the states of Bengal and Assam. It also recognized Sapinda relations but often differed in terms of inheritance and ritual priorities.⁷

6.2 Gotra and Exogamy: North and South Indian Practices

Gotra is a lineage system which helps in tracing descent from a common male ancestor. Under orthodox Hindu, it is believed that individuals belonging to the same gotra are considered siblings and therefore are prohibited from marrying each other.⁸

Specifically observed in North India, it is observed among many caste, particularly among Brahmins and Rajputs. However, in South India customs place more emphasis on Pravara (lineage of sages) and often permits cross-cousins marriages. Such regional diversity has eventually shaped the inclusion of customary exceptions in the HMA.

6.3 Theories Explaining Sapinda Prohibition

Two major jurisprudential theories explain the ancient basis for the Sapinda prohibition:

⁶ Venkatachariar, S. (1908). The Mitakshara Theory of Sapindaship in Hindu Law. *Allahabad LJ*, 5, 103.

⁷ Vencatachariar, S. (1908). Dayabhaga Theory of Sapindaship in Hindu Law. *Allahabad LJ*, 5, 273.

⁸ Madan, T. N. (1962). Is the Brahmanic gotra a grouping of kin?. *Southwestern journal of anthropology*, 18(1), 59-77.

(a) The Oblation Theory (Jīvatāmahāna/Jīmatavāhana's View)

According to the oblation theory, the prohibition arises from the belief that Sapindas are those who offer oblations (*pindas*) to the same ancestors. Since rituals like *shraddha* were offered jointly for these common ancestors, intermarriage between such individuals was seen as ritually and spiritually inappropriate.

(b) The Particle of the Same Body Theory (Vijñāneśwara's View in Mitakshara)

This theory holds that Sapindas are individuals who share the same bodily particles that is, they are biologically connected through common ancestors. This explanation aligns more closely with modern genetic concerns and was later echoed in legal reforms that recognized biological proximity as a basis for restricting marriage.

These theories, though theological in origin, had real implications for social order and personal conduct in ancient Hindu communities, influencing both marriage alliances and ritual observances.

6.4 Colonial Interpretation and codification

Established in 1941, the B.N. Rau Committee played a vital role in shaping modern Hindu personal laws.⁹ Tasked with unifying and reforming diverse customs, the committee studied ancient scriptures and global legal systems to draft the first Hindu Code Bill. This draft laid the foundation for Dr. B.R. Ambedkar's 1948 version of the Bill. Though it was met with strong opposition and eventually withdrawn, it sparked nationwide debate on social reform and religious tradition. The ideas it introduced later led to the passage of four key laws between 1955–56, transforming Hindu family law in areas like marriage, inheritance, adoption, and guardianship.

VII. CONCEPT AND STATUTORY FRAMEWORK

The idea of Sapinda in Hindu law stems from ancient scriptures and has traditions, which were eventually codified in the Hindu Marriage Act, 1955 (hereinafter referred to as "HMA").

⁹ Narayan, U. (2016). The Constituent Assembly of India: Recollecting Contributions of Sir Benegal Narsing Rau, the Constitutional Adviser. *International Journal of Legal Information*, 44(3), 225–234. doi:10.1017/jli.2016.40.

Section 3(f) of the Act defines the Sapinda relationship as a relationship between two persons who are lineal ascendants or descendants to a certain degree of closeness (here is where the comparison comes in). To be specific, the definition includes that the relationship is extended to the third generation (inclusive) ascending through the mother and to the fifth generation (inclusive) ascending through the father, with the person in question counted as the first generation.¹⁰ This provision sets an identifiable genealogical premise, beyond which, a marriage may be solemnized.

The codification preserves, on the one hand, the purity of religion and on the other hand, preserves genetic integrity and therefore, demonstrates the legislature's ambition to intertwine religion as a tradition with science. Accordingly, although the need to codify the definition, is born out of a ritual context, the definition now serves a purpose of delineating a legal boundary to prevent marriage between closely biologically related individuals.

7.1 Rules for determining Sapinda Relationship

The calculation of Sapinda relationship under the HMA is based on the number of degrees of ascent to a common ancestor. Section 3(f) states the rule in a manageable way: the calculation starts from the individual and moves upward from that individual by the number of generations of individuals from mother or father, and it is gender-neutral, meaning it is unimportant whether the Hindus involved are male or female.¹¹

In addition, one generation is one degree of ascendance. For example, a father and daughter would be in the first degree. A grandfather and granddaughter would be in the second degree, etc. This aspect of counting ascendants is helpful to the court in determining whether a proposed marriage would be prohibited Sapinda.

7.2 Degrees of Relationship

According to Section 3(g) of the HMA, the degrees of prohibited relationship are defined as:

- (a) Direct lineal ascendants and descendants; and
- (b) Certain collateral relatives, such as brothers and sisters, uncles and nieces, or aunts and

¹⁰ The Hindu Marriage Act, 1955, S 3(f).

¹¹ Ibid.

nephews, related by whole blood, half blood, or uterine blood.¹²

The requirement of Sapinda relates more to having lineal descent traced downwards from parents, while the degrees of prohibited relationship concern lineal and collateral relations and emphasizes the proximity of kin, rather than counting generations. In other words, the Act prohibits close-kin marriages of both types, with a concern for social morality and biological distance.

7.3 Rationale behind the Prohibition

The basis for forbidding Sapinda marriages lies on three intertwining grounds:

Religious and Ethico-Moral Basis: Based on the ancient Hindu texts, Manusmriti, and Mitakshara envision Sapinda marriages as disturbing ritual purity/ancestral obligations.¹³

Genetic and Biological Basis: The modern legal interpretation, and science, of this prohibition is thus: individuals, and society, are invested in preventing potential hereditary and genetic disorders caused by related partners marrying.¹⁴

Social Cohesion: This prohibition creates variety in marital unions and preserves decent social structures and exogamy.

Courts have ruled that this prohibition is consistent with constitutional morality and does not violate individual liberty.¹⁵

7.4 Difference Between Sapinda and Degrees of Prohibited Relationship

The distinction between a sapinda relationship and a prohibited relationship under Hindu law lies in their respective genealogical limits and the legal justification. A sapinda relationship only deals with lineal ascendants or descendants within certain generations, which does not exceed three generations of the mother and five generations of the father, excluding the individual as the first generation. In this regard, a sapinda relationship is strictly to avoid marriage between close biological relatives to preserve genetic integrity and maintain ritual

¹² The Hindu Marriage Act, 1955, S 3(g).

¹³ Derrett, J. Duncan M., Introduction to Modern Hindu Law (Oxford University Press, 1963).

¹⁴ Diwan, Paras, Modern Hindu Law (22nd edn., Allahabad Law Agency, 2020).

¹⁵ Neetu Grover v. Union of India, 2024 SCC OnLine Del 394.

purity of the family. On the other hand, degrees of prohibited relationship can pertain to lineal and certain collateral relatives such as brother-sisters, uncle-niece and aunt-nephew regardless of the generations. In fact, degrees of prohibited relationship is much broader and encompasses both social and moral concerns of watered down the regulation of marriage between persons related by blood, half blood or uterine blood, which includes incest beyond the generational calculation of a sapinda relationship. Essentially, while sapinda relationship is determined by generations of closeness, degrees of prohibited relationship is determined by the type of kinship depicting a more expansive approach to the regulation of valid Hindu marriages.

7.5 Customary Exceptions

The exception to Section 5(v) of the HMA acknowledges that marriages that may be within Sapinda or prohibited degrees would be valid if a custom or usage existed to allow the marriage.¹⁶

To be considered as valid custom, the use of the custom needs to comply with the requirements of *Tekait Mon Mohini Jemadai v. Basanta Kumar Singh*, where the Calcutta High Court noted a custom should be ancient, certain, continuous and reasonable.¹⁷ Again, the custom may not be contrary to public policy or morality. For example, South India community practices surrounding cross-cousins have been upheld as exceptions by the courts as it is a custom or usage.

7.6 Burden of Proof for Proving Customs

The individual who asserts a valid custom must assume the burden of proof. The Supreme Court has held consistently that custom is an exception, is to be specifically pleaded and, in most cases, strictly proven, with evidence supporting the custom being required.¹⁸ In *Harihar Prasad v. Balmiki Prasad*, the Allahabad High Court held that oral testimony that is not supported with documentary proof or community acceptance is insufficient to uphold a custom.¹⁹

Each instance of recognition is based upon sufficient evidence of community obligation,

¹⁶ The Hindu Marriage Act, 1955, § 5(v) proviso.

¹⁷ *Tekait Mon Mohini Jemadai v. Basanta Kumar Singh*, 1901 SCC OnLine Cal 60.

¹⁸ *Collector of Madura v. Moottoo Ramalinga Sathupathy*, (1868) 12 MIA 397

¹⁹ *Harihar Prasad v. Balmiki Prasad*, AIR 1975 SC 733.

continuity and non-constraining public policy.

7.7 Genealogy Charts as Evidentary Tools

Genealogy charts are crucial for establishing if a couple falls within Sapinda or prohibitory degrees. In matrimonial cases, courts typically rely on proof of lineage documentation to quantify a generation of separation. Genealogical record documentation, family register (vahis), and/or credible witness testimony may help bolster the proof of lineage. Thus, the reliability of genealogy charts is part of the burden of proof in cases requiring Sapinda determination.

A Sapinda relationship, as defined under section 3(f) of the Hindu Marriage Act, 1955, extends to the third generation on the maternal line and to the fifth generation on the paternal line, inclusive of the parties themselves. To put it in layman's terms, the ascending generations are tracked upwards, with the party being counted as the first generation. On the maternal side, this means, you cannot marry a sibling (first generation), a parent (second generation), a grandparent (third generation), or anyone who would share a familial relationship that fall within these generations. The paternal side goes further in that you cannot marry beyond the great-great-grandparents (the fifth generation) or anyone who shares the same common ancestry, inclusive of the great-great-grandparents.²⁰

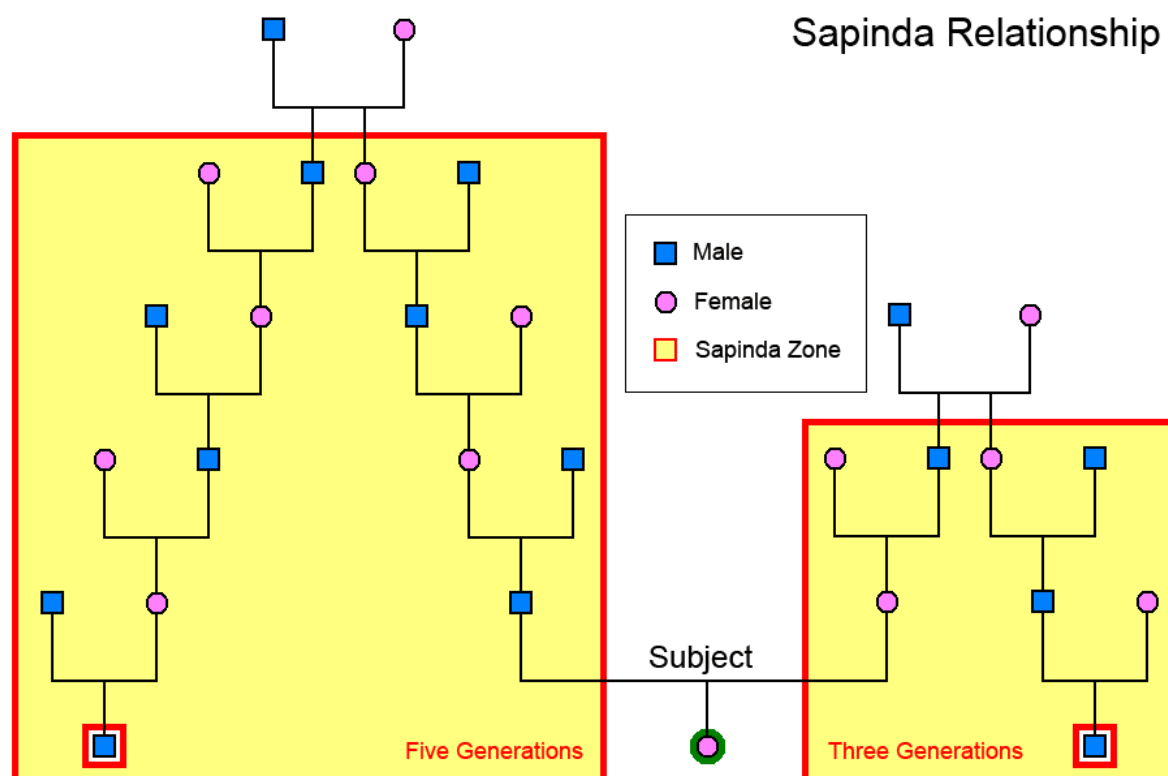
These restrictions are based on the practices of Sapinda exogamy, intended to limit close blood relationships for moral, ritualistic, and genetic purposes. If you married someone who fell within this prohibited degrees of consanguinity and there has not been a local custom or usage existed for such a relationship, then the marriage is void ab initio, in other words it is treated as if it never existed in the first instance, it is treated to have no legal effect.²¹ The provision balanced religious purity, as taken from Hindu texts such as the Manusmriti, and concern for hereditary and genetic issue.

Thus, through the genealogical chart and statutory definition, the law ensures that marital boundaries are maintained across lineages, promoting both social order and biological

²⁰ Drishti IAS. (2024, January 30). Prohibition on Sapinda marriage. Retrieved from <https://www.drishtias.com/daily-updates/daily-news-analysis/prohibition-on-sapinda-marriage> (accessed on 1 October 2025).

²¹ Ibid.

soundness.



7.8 Punishment under Section 18(b)

In accordance with section 18(b) of the HMA, a penalty is imposed for breaching the restrictions in Section 5. Consequently, if a marriage is solemnized in violation of clause (iv) or (v) – i.e., involving prohibited or Sapinda relationships without the sanction of custom – the individual will be subjected to simple imprisonment for one month or to a fine not exceeding one thousand rupees or both.²²

Though the punishment may seem insignificant in length for social propriety, it demonstrates the intention of the lawmakers to prevent unlawful marriages while still retaining some minimum social and genetic propriety.

The idea and statutory framework of the Sapinda prohibition capture the troublesome intersection of tradition and reform. The Hindu Marriage Act presents distinct degrees, dignifies customs, and demonstrates some procedural protections for parties. The Act indicates

²² The Hindu Marriage Act, 1955, S 18(b).

a thoughtful attempt to balance ancient social values and modern legal sensibilities. Judicial interpretations will continue to ensure the rule remains relevant, rational, and consistent with constitutional principles.

VIII. JUDICIAL INTERPRETATION

The legal context concerning Sapinda prohibition under the Hindu Marriage Act of 1955 is indicative of a delicate tension between legal obligations and existing customs and it is worth highlighting a number of decisions that have shaped the current position.

In Harihar Prasad v. Balmiki Prasad (1974), the Allahabad High Court enunciated a principle that remains true today: when a custom is claimed to justify a Sapinda marriage, the custom must be proved by "clear unambiguous and cogent evidence". The court further stated that customs recognized as exceptions to Section 5(v) must be "ancient, uniform and reasonable". This case serves as an important reminder that the evidentiary burden must be high to prevent parties from abusing the statutory prohibition.²³

The case of Arun Laxmanrao Navalkar v. Meena Arun Navalkar (2006) emphasizes a similar approach by confirming that when a custom is satisfactorily proven, then marriages within both Sapinda and prohibited degrees, should be made null and void. Arun Laxmanrao reconfirms the need for courts to review customs to ensure they do not undermine the public policy elements found within the HMA, which deals with social morality and genetic well being.²⁴

Recently, the Delhi High court ruled in Neetu Grover v. Union of India & Ors. (2024), where the Court upheld the constitutional validity of Section 5(v) of the HMA. The Court rejected the challenges to the prohibition of Sapinda marriages, while stating that the regulation is just and promotes a legitimate aim of preventing incest. The Court emphasized that "strict" proof of custom is required and that familial consent or the prevalence of a family tradition was not enough to grant the exceptions under the Act.²⁵

Also of note is the Supreme Court's prior ruling in Tekait Mon Mohini Jemadai v. Basanta Kumar Singh (1901) still serves as a standard for custom validation. The Court established the type of custom that could be legally recognized, specifically that the custom must be ancient,

²³ Harihar Prasad v. Balmiki Prasad, AIR 1975 All 292.

²⁴ Arun Laxmanrao Navalkar v. Meena Arun Navalkar, 2006 SCC OnLine Bom 62.

²⁵ Neetu Grover v. Union of India & Ors., Delhi High Court, 2024.

certain, continuous, and reasonable.²⁶ Those principles still apply today in the determination of custom allowing Sapinda marriages.

IX. COMPARATIVE ANALYSIS WITH OTHER PERSONAL LAWS

The prohibition of Sapinda relationships under the Hindu Marriage Act, 1955 is a unique legal principle in Indian personal laws that aims to manage marital relations amongst Hindus based on lineage and degree of relationship. By examining and comparing the notion of seclusion and the degrees of prohibited relationships under various personal laws, we can more fully appreciate the pluralistic legal realm regulating familial matters in India.

9.1 Hindu Personal Law vs. Muslim Personal Law

Hindu law, as written, in the Hindu Marriage Act provides a more definitive and clearly established basis for both prohibited relationships, as well as degrees of prohibited relationships, with generational limits - three generations for the maternal line and five for the paternal line for Sapinda relationships, and other collateral exclusions. It is worth noting that Hindu law provides exceptions to the prohibitions of relationships based on customs recognized by the courts.

Conversely, Muslim Personal Law, which is governed by the Muslim Personal Law (Shariat) Application Act, 1937, regulates a prohibited degree of marriage relationships, but does not create a formal codification of Sapinda relationships as Hindu law does. Instead, Muslim law prohibits marriage with 'mahrams' (blood relatives close to you) such as parents, siblings, uncles, aunts, etc., without specifying generations in the same way that Hindu does. Furthermore, the focus is on biological connections and 'mahram' status as opposed to a generational connection, and there is much less room for customary exceptions within Muslim law than there are within Hindu law.²⁷

9.2 Hindu Personal Law vs. Christian Personal Law

Christian personal law in India, governed by the Indian Christian Marriage Act, 1872, also prohibits marriage within some degrees of relationships as close blood relations and affinity.

²⁶ Tekait Mon Mohini Jemadai v. Basanta Kumar Singh, 1901 SCC OnLine Cal 60.

²⁷ The Muslim Personal Law (Shariat) Application Act, 1937; Qureshi, Azhar, Muslim Personal Law in India (2018).

The Christian Personal Marriage Act has similar prohibitions against marriages of blood relatives with close connections, but the Act does not use the Sapinda concept with the same specificity of specifying the generations. The Act expressly prohibits marriage between ancestors, descendants, siblings, and other close relatives, while more generally aligning with Western legal constructs of familial relatedness. In addition, the customary rule has virtually no application in Christian law, which makes it much more rigid in application than Hindu law.²⁸

9.3 Hindu Personal Law in Contrast to Parsi Personal Law

The Parsi Marriage and Divorce Act of 1936, which governs the marriage relationships of adherents to Parsi religion, freely borrows Sanskrit terms but, similarly to the aforementioned customs, prohibits marriages within certain degrees of blood relationship, swift to highlighting relationships through direct lineage and cognate relationships. While the specific concept of Sapinda is not central to Parsi personal law, it does prohibit relationships with close blood relatives, akin to degree prohibitions in canon law. There are rare exceptions made for customs, but they are less entrenched in law than Hindu law.²⁹

Socio-Legal Variations of the Hindu Marriage Act sapinda provision can be characterized as a hybrid combination of religious theology, biological rationale, and social policy, which also contains an invitation for valid customary practices presented within the context of a complex, pluralistic scheme. The plurality of allowing certain local customs to override statutory law distinguishes this provision from other personal laws in India which, again, apply a more categorical understanding of prohibited relationships by emphasizing biological proximity without the qualification of generations nor the allowance of custom. This distinction points directly to further complications in even interpersonal relationships, particularly in relation to issues of interfaith marriages or the legal uniformity debate.

9.4 International Context

In comparison, numerous jurisdictions in the West prohibit marriages between close blood relatives with no use of sapinda-like generational calculations. For example, in the United States and most European countries they prohibit marriages between direct ancestors, direct

²⁸ The Indian Christian Marriage Act, 1872; Fernandes, B., *Christian Personal Law in India* (2020).

²⁹ The Parsi Marriage and Divorce Act, 1936; Engineer, Asghar Ali, *The Parsis of India* (2015).

descendants, siblings, and certain in laws, preferring to use a stricter biological proximity test with no exceptions for customs.³⁰

X. ANALYSIS AND CONTEMPORARY RELEVANCE

The prohibition against Sapinda relatives, which is codified in the Hindu Marriage Act, 1955 under s. 5(v), is once more an intersection of vital elements of a traditional past, scientific reasoning, and contemporary statutory policy. The Hindu Marriage Act set this prohibition in place as an ethical safeguard in law based on scriptural and customary authority, and as a scientific strategy that was motivated by biological risks of close-kin marriages.³¹ Today, the analytical underpinning of the prohibition against Sapinda can be understood in terms of overlapping social, genetic, and legal analysis.

Social and cultural analysis views the prohibition against Sapinda as a regulatory framework for facilitating continuity for the Hindu family structure. This prohibition blends ancient ideas about the purity of lineage and exogamy with connecting with the larger community. The statutory framework is meant to channel these classical beliefs and allow for alternative interpretations of the provisions of the tree of "family" in relation to changing family practices and the increasing interconnectedness between communities. The law's provision to incorporate customary exceptions demonstrates the law's willingness to adapt to genuine cultural practices within society, but not without challenging judges to provide rigorous and substantive support for their application.

The genetic basis for the prohibition is for preventing possible genetic conditions arising from consanguineous marriages has intensified in rationality with the advancement of medical science. Current genetic scholarship reinforces the legislative goal of minimizing negative health outcomes generated by marriages between very near blood relations, and thus supports the continued applicability of the law in the interest of public health and public welfare.³²

Legally, recent case law affirms the enforceability of the Sapinda prohibition and its relevance in the current time. Courts, particularly in cases like *Neetu Grover v. Union of India* (2024),

³⁰ Reichman, Alan and Law, Kristine, *Comparative Family Law* (2019).

³¹ Chegg India. (2025, September 8). 10 powerful insights into Sapinda marriage & its legal dimensions. Chegg India Knowledge Base. <https://www.cheggindia.com/general-knowledge/sapinda-marriage> (accessed on 1 October, 2025).

³² Ibid.

have affirmed the constitutionality and rationale of these prohibitions on marriages, and have found them to be a reasonable restriction for the sake of genetic health and public order.³³ The procedural strictness required to recognize customary exceptions to the Sapinda prohibition offers further insulation from arbitrary or invalid departure from the Sapinda principles.

Nonetheless, the rule faces challenges in light of changing social values, increased migration, and increasing individuality in terms of choosing a partner for marriage. Some critics argue that these statutory limits may seem outdated and at odds with changing notions of the individual liberty. Still, the careful judicial balancing of custom, public health, and individual rights affirms the continued importance of the Sapinda prohibition to Indian family law.

In conclusion, the Sapinda prohibition continues to be sound both analytically and socially. In preserving fundamental societal and genetic values, it serves as a dynamic measure that adjusts to the evolving nature of law and society, ensuring that the purposes of the Hindu Marriage Act remain satisfied in a contemporary manner.

XI. CONCLUSION

The banned marriage with Sapinda under Section 5(v) of the Hindu Marriage Act, 1955 is a successful attempt to codify complex socio-religious and scientific concerns. Rather than a mere historical vestige, statutory ban has important contemporary significance, representing a necessary public policy protecting genetic health and promoting social exogamy. The judicial interpretation where the constitutional validity of the rule and objective rationality are established in contemporary decisions such as *Neetu Grover v. Union of India* (2024). The law also allows for exceptions from the customary rule, although the courts apply a strict and high burden of proof to avoid deviating from the customary rule without a genuine, ancient, and public policy rationale. Overall, the Sapinda prohibition is a living example of Indian family law's compatibility, intertwining archaic ethical concerns regarding ritual purity and lineage, with contemporary scientific discourse, ensuring that marriage as an institution serves the best interests of the individual and society in an orderly manner.

³³ Economic Times Legal, "HC upholds constitutional validity of law prohibiting 'Sapinda' marriages between Hindu couples", January 24, 2024 ; *Neetu Grover v. Union of India*, Delhi High Court, 2024. (accessed on 10 October 2025).

REFERENCE

- I. Satyaajeet Desai (rev.), D.F. Mulla, *PRINCIPLES OF HINDU LAW*, Vol. I 23rd ed. 2022, LexisNexis, Gurugram.
- II. Rangnath Mishra and Vijender Kumar (rev.), John D. Mayne, *TREATISE ON HINDU LAW AND USAGE*, 17th ed. 2014, Bharat Law House, New Delhi.
- III. Paras Diwan and Peeyushi Diwan, *FAMILY LAW*, 4th ed. 1998, Allahabad Law Agency, Allahabad.
- IV. R.K. Agarwal, *FAMILY LAW IN INDIA*, 3rd ed. 2020, Central Law Publications, Allahabad.
- V. Werner F. Menski, *HINDU LAW: BEYOND TRADITION AND MODERNITY*, 1st ed. 2003, Oxford University Press, New Delhi.
- VI. B.N. Rau Committee Report on Hindu Law Reform (1941), Government of India, New Delhi.
- VII. Archana Parashar, "Revisiting Hindu Marriage Laws: Between Custom and Reform," (2019) 61(4) *Journal of the Indian Law Institute*, The Indian Law Institute, New Delhi.
- VIII. *Tekait Mon Mohini Jemadai v. Basanta Kumar Singh* (1901) 28 Cal. 751.
- IX. *Harihar Prasad v. Balmiki Prasad* AIR 1975 All 322.
- X. *Arun Laxmanrao Navalkar v. Meena Arun Navalkar* 2006 SCC OnLine Bom 297.
- XI. *Neetu Grover v. Union of India & Ors.* 2024 SCC OnLine Del [exact citation no. to be added later].
- XII. The Hindu Marriage Act 1955.
- XIII. The Muslim Personal Law (Shariat) Application Act 1937.
- XIV. The Indian Christian Marriage Act 1872.
- XV. The Parsi Marriage and Divorce Act 1936.