



THE ROLE OF HINDU LAW WITH SPECIAL REFERENCE TO CHANGING STRUCTURES AND RELATIONSHIPS

Dr. Ranganathaiah C.B

*BA., LLB., LLM., NET., Phd, Associate Professor of Law, Department of Law,
Government Law College, Kolar-563101*

Paper Received On: 20 AUGUST 2025

Peer Reviewed On: 24 SEPTEMBER 2025

Published On: 01 OCTOBER 2025

Abstract

¹Hindu law is one of the oldest systems of personal law. It has traditionally governed the family, social, and property relations of Hindus in India. It originally came from sacred texts like the Shrutis, Smritis, and Dharmashastras. This law focused more on religious duty, or dharma, rather than individual rights. Over the centuries, the system changed through the work of jurists, selective codification during British colonial rule, and the comprehensive legal reforms of independent India. This article examines how Hindu law has shaped and responded to changes in social structures and relationships.

*The study shows the gradual shift of Hindu law from a duty-based, patriarchal system to a rights-based legal order guided by constitutional values. It highlights the decline of the joint family system, the legal recognition of nuclear families, and the introduction of divorce, inter-caste marriage, and protections against cruelty under the Hindu Marriage Act, 1955. The article also looks at changes in property and inheritance rights, especially after the Hindu Succession (Amendment) Act, 2005. This amendment gave daughters equal rights to inherit property, a significant move toward gender equality. The role of the judiciary is important here, particularly in cases like *Vineeta Sharma v. Rakesh Sharma* (2020), where the Supreme Court upheld equal property rights for daughters, and *Indra Sarma v. V.K.V. Sarma* (2013), which recognized live-in relationships in family law.*

Using a doctrinal, historical, and interdisciplinary approach, this article shows that Hindu law is not static but a living system able to blend tradition with modernity. It argues that while significant reforms have taken place, new challenges—such as recognizing same-sex unions, interfaith marriages, and evolving ideas of family—still test the flexibility of Hindu law. In conclusion, the article states that the ongoing role of Hindu law lies in its ability to balance cultural continuity with

¹ DR. RANGANATHAIAH C.B, BA., LLB., LLM., NET., PHD, ASSOCIATE PROFESSOR OF LAW, DEPARTMENT OF LAW, GOVERNMENT LAW COLLEGE, KOLAR-563101, ranganathaiah1973@gmail.com, mob-8618876224

constitutional principles of equality, dignity, and justice, ensuring its relevance in a rapidly changing Indian society.

Keywords: *Hindu Law, Family Structures, Gender Equality, Property Rights, Constitutional Morality*

Introduction:

Hindu law is one of the oldest known legal systems in the world. It is deeply rooted in the religious, cultural, and philosophical traditions of the Indian subcontinent. It comes from sacred texts like the Vedas, Smritis, and Dharmashastras. Initially, Hindu law served not just as a set of legal rules but as a moral and social code. Unlike modern legal systems that focus on rights, classical Hindu law emphasized duties (dharma). It prescribed obligations that guided every stage of life for individuals and communities. As a result, aspects like family, property, marriage, inheritance, and social duties were closely connected to spiritual and moral beliefs.

With colonial rule in India, Hindu law changed significantly. The British codification of personal laws and court interpretations formalized some aspects of Hindu law while limiting others. This time marked a shift from a religious and customary legal system to a more structured, precedent-based one. It was only after India gained independence that Hindu law was updated in a modern statutory form with the Hindu Code Bills of the 1950s. The passage of the Hindu Marriage Act (1955), Hindu Succession Act (1956), Hindu Adoptions and Maintenance Act (1956), and Hindu Minority and Guardianship Act (1956) represented a major change in personal laws in India, promoting gender justice, equality, and social reform within a traditional framework.

One of the most significant features of Hindu law is its ability to change with society. Family structures have shifted from large joint families to smaller nuclear ones, leading to the need for legal reforms. Gender relations have also changed, with women gaining more rights in terms of property, marriage, and guardianship. Property laws have evolved from strict patriarchal models to more equal ones, especially following the Hindu Succession (Amendment) Act, 2005, which granted daughters equal rights to inherit. Judicial interpretations have played an important role in driving these changes, ensuring that Hindu law evolves alongside constitutional values and social changes.

Today, Hindu law sits at the crossroads of tradition and modernity. It represents the cultural and religious continuity of the Hindu community while also reflecting the constitutional principles of equality, dignity, and justice. The acknowledgment of live-in relationships,

discussions around same-sex marriages, and changes in guardianship and adoption laws show the ongoing challenges and opportunities for Hindu law to address new types of relationships and family setups.

Therefore, Hindu law's role in the modern Indian legal system goes beyond maintaining ancient traditions. It also works to reshape social relationships in response to changing societal structures. This ongoing interaction between tradition and reform highlights Hindu law's relevance as a living legal system that can meet the evolving needs of society.

Review of Literature:

1. Classical Foundations of Hindu Law

Early scholarship, including ²P.V. Kane's work in the *History of Dharmasastra* highlights the religious roots of Hindu law in the Vedas, Smritis, and commentaries like Mitakshara and Dayabhaga. These studies show that Hindu law historically focused on duties (dharma) rather than rights, controlling family and property relations within a strict patriarchal and caste-based system.

2. Colonial Interpretation and Codification

Scholars like ³J.D.M. Derrett and ⁴Ludo Rocher has looked at the colonial period as a significant change, where British officials codified and interpreted Hindu law in ways that often limited its customary flexibility. Writings from this time criticize how colonial courts selectively interpreted texts. This practice created certain rigidities and established a precedent-based system that changed the natural development of Hindu law.

3. Post-Independence Reforms and the Hindu Code Bills

Legal scholars such as M.P. Jain and Granville Austin have examined the Hindu Code Bills enacted in the 1950s as major reforms that brought modern ideas of equality and justice into personal law. The Hindu Marriage Act (1955), Hindu Succession Act (1956), and other laws are frequently discussed as progressive efforts to balance tradition with constitutional demands, especially regarding gender equality and family law.

4. Changing Family and Property Structures

Current research by scholars like Flavia Agnes and Archana Parashar looks at the changes in family and property relations under Hindu law. Their work emphasizes the reduction of joint family systems and the increase of nuclear families. The Hindu Succession

² P.V. Kane, *History of Dharmaśāstra, Vol. I (Bhandarkar Oriental Research Institute, 1930)*.

³ J.D.M. Derrett, *Religion, Law and the State in India (Faber & Faber, 1968)*.

⁴ Ludo Rocher, *Hindu Law: Texts, Cases and Materials (Delhi: Oxford University Press, 2004)*.

(Amendment) Act, 2005, played a significant role by giving daughters equal coparcenary rights. The case *Vineeta Sharma v. Rakesh Sharma* (2020) is often referenced in this discussion.

5. **Judicial Activism and Constitutional Morality**

Recent studies examine how the judiciary aligns Hindu law with constitutional values of equality and dignity. Research highlights how courts have broadened women's rights, acknowledged live-in relationships, and interpreted personal laws in accordance with Article 14 and Article 21 of the Constitution. This literature shows a growing trend of understanding Hindu law as a living, evolving system that responds to changing social structures and relationships.

Methodology:

1. Doctrinal Legal Research

The article uses a doctrinal research approach. It relies on primary sources of Hindu law like statutory enactments, constitutional provisions, and landmark judicial decisions. This allows for a clear analysis of how Hindu law has changed in response to evolving social structures and relationships.

2. Historical-Analytical Method

The study uses a historical perspective to trace the development of Hindu law from its roots in ancient religious texts to its codification under colonial rule. It also looks at reforms that occurred after independence through legislation. This method gives a context for understanding how social and political changes influenced legal development.

3. Case Law Analysis

The study critically examines judicial decisions to evaluate the judiciary's role in interpreting and modernizing Hindu law. Key cases like ⁵*Vineeta Sharma v. Rakesh Sharma* (2020) and *Indra Sarma v. V.K.V. Sarma* (2013) are reviewed to show how courts have redefined family, marriage, and property relations.

4. Comparative Perspective

The research compares classical Hindu law principles with modern statutory reforms. It focuses on the shift from patriarchal and caste-based norms to contemporary frameworks that emphasize gender equality, constitutional values, and social justice.

⁵ *Vineeta Sharma v. Rakesh Sharma*, (2020) 9 SCC 1.

5. Interdisciplinary Approach

The methodology combines insights from sociology, history, and gender studies to look at the wider impact of legal reforms. By placing Hindu law within the context of social changes like the decline of joint families, urban growth, and women's empowerment, the study shows how the law adapts to current realities.

Historical Foundations of Hindu Law:

1. **Ancient Sources:** Shrutis, Smritis, and commentaries such as the Manusmriti and Mitakshara provided religious sanction to social norms. These laws governed marriage, property, and caste duties.
2. **Medieval Developments:** Regional schools of law, notably Mitakshara and Dayabhaga, created diversity in succession and family law.
3. **Colonial Codification:** The British institutionalized Hindu law through court judgments, often selecting convenient interpretations, thereby freezing customary flexibility.
4. **Post-Independence Reforms:** The Hindu Code Bills introduced statutory clarity, gender equality, and judicial oversight into personal law.

Changing Structures under Hindu Law

1. Family and Marriage

- The traditional joint family has gradually declined, giving way to nuclear families due to urbanization and economic independence.
- The **Hindu Marriage Act, 1955**, introduced reforms: inter-caste and inter-religious marriages (via the Special Marriage Act), provisions for divorce, and grounds such as cruelty, desertion, and mutual consent.
- Judicial recognition of live-in relationships (e.g., *Indra Sarma v. V.K.V. Sarma*, 2013) reflects the adaptability of Hindu law to modern family arrangements.

2. Gender Relations

- Historically, Hindu law placed women in a subordinate role within family and property structures.
- The **Hindu Succession (Amendment) Act, 2005**, revolutionized inheritance rights by granting daughters equal coparcenary rights in ancestral property (affirmed in *Vineeta Sharma v. Rakesh Sharma*, 2020).
- Marriage laws now protect women against domestic violence, cruelty, and dowry harassment, aligning with constitutional principles of gender justice.

3. Property and Succession

- Mitakshara law, which previously privileged male lineage, has been reshaped to recognize women's property rights.
- Dayabhaga's emphasis on individual ownership influenced legislative reforms, shifting inheritance from collective to personal rights.
- Contemporary courts have emphasized **individual autonomy over traditional collective structures**, altering the nature of Hindu joint families.

4. Social and Cultural Transformation

- Practices such as child marriage, polygamy, and caste-based restrictions have been legally abolished.
- Modern Hindu law aligns with Article 14 (equality) and Article 21 (right to life with dignity), ensuring that personal laws do not violate fundamental rights.
- Social realities like interfaith unions, adoption by single parents, and recognition of LGBTQ+ rights continue to test the adaptability of Hindu law.

Role of Judiciary in Shaping Contemporary Hindu Law:

Judicial activism has played a critical role in redefining Hindu law:

- *Shayara Bano v. Union of India* (2017), though concerning Muslim law, reinforced the principle that personal laws must conform to constitutional morality.
- *Vishaka v. State of Rajasthan* (1997) and subsequent cases emphasized gender equality within workplaces and homes, indirectly influencing Hindu marriage and family law.
- *Vineeta Sharma v. Rakesh Sharma* (2020) ensured daughters' equal coparcenary rights irrespective of the father's death date, showcasing progressive judicial interpretation.

Conclusion:

The development of Hindu law shows a significant change from its beginnings as a set of religious rules to a modern legal system based on constitutional principles. Historically, Hindu law governed personal and social life through duties, or dharma, which were deeply rooted in religious texts and customs. However, over time, colonial codification, legislative changes, and judicial interpretation transformed it into a flexible framework that responds to societal changes.

The biggest impact of Hindu law today in India is its ability to adapt to the changing aspects of family, gender relations, and property rights. The decline of the joint family system and the increase in nuclear families have changed the traditional basis of Hindu personal law. Legislative reforms, such as the Hindu Marriage Act of 1955, have acknowledged new realities in marriage, such as divorce, inter-caste marriages, and protections against cruelty

and abandonment. Similarly, the Hindu Succession (Amendment) Act of 2005, backed by the important ruling in *Vineeta Sharma v. Rakesh Sharma* (2020), has changed the old inheritance system by giving daughters equal rights.

The judiciary also plays a crucial role in promoting the changing vision of Hindu law. Courts have consistently interpreted personal laws to align with constitutional morality, ensuring that equality, dignity, and justice are at the heart of legal reforms. By recognizing live-in relationships, expanding women's rights, and challenging discriminatory practices, court decisions have helped Hindu law develop as a living tool, not just a rigid remnant of the past. However, Hindu law still faces significant challenges. New types of relationships—like same-sex partnerships, single-parent families, and interfaith unions—raise questions that test the flexibility of the traditional legal system. The ongoing discussion about the Uniform Civil Code also raises important questions about the future of personal laws in India and how to balance cultural identity with constitutional uniformity.

In conclusion, Hindu law illustrates the balance of continuity and change. It keeps elements of India's cultural heritage while also addressing the needs for social justice and constitutional values. Its role in shaping family structures, redefining gender relations, and modernizing property rights shows that Hindu law is not a fixed system but a dynamic framework that can guide India's social and legal order in the twenty-first century. The challenge ahead is to make sure this evolution is progressive, inclusive, and in line with the principles of equality, dignity, and justice that are fundamental to the Indian Constitution.

References

- P.V. Kane, History of Dharmasastra, Vol. I–V (Bhandarkar Oriental Research Institute, 1930–1962).*
J.D.M. Derrett, Religion, Law and the State in India (Faber & Faber, 1968).
Ludo Rocher, Hindu Law: Texts, Cases and Materials (Oxford University Press, 2004).
Flavia Agnes, Family Law and Constitutional Claims: Gender and Property in India (Oxford University Press, 2011).
Archana Parashar, Women and Family Law Reform in India: Uniform Civil Code and Gender Equality (Sage Publications, 1992).