



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 6 AND ISSUE 1 OF 2026

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 6 and Issue 1 of 2026 (Access Full Issue on – <https://ijlr.iledu.in/volume-6-and-issue-1-of-2026/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

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## ADOPTION OF YAJNAVALKYA'S TENETS IN HMA 1955

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**BEST CITATION** – ANKIT RAJ & ASHOK DOBHAL, ADOPTION OF YAJNAVALKYA'S TENETS IN HMA 1955, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (1) OF 2026, PG. 95-106 , APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/KLSK4809>

### Abstract

This paper will discuss how the Dharmashastra principles as laid down by Yajnavalkya impacted the Hindu Marriage Act, 1955 that was drafted. It talks about how Hindu ancient legal philosophical thought as represented in a set of texts, the Yajnavalkya Smriti, conceptualised marriage as a sacrament, the need to solemnise, and the ethical foundations of married life in contemporary statutory law. The article also highlights the continuity between concepts of sahadharmacharitra, or dharma companionship, and the modern day legal definition of marriage as a socially and spiritually important institution. At the same time, the article explains the fact that this adoption was actually selective and reformist in nature. Though the tenets propounded by Yajnavalkya reflected the social order that existed during the period, through Hindu Marriage Act, these tenets were modified deliberately with the aim of establishing monogamy, consent, minimum age of marriage and divorce provisions so that individual law would be adjusted to the constitutional value of equality and dignity. This paper also endeavors to provide a trace of the interpretation of Hindu marriage by Indian Courts by trying to reconcile the traditional classical concepts of shastric ideals with the contemporary human rights ideals. It is therefore a claim in this paper that in both how tradition and reform have been synthesized, Hindu marriage act is neither a total departure nor a blinded continuation of ancient Hindu law but a dynamic legal evolution with classical moral philosophies glimpsing rather than dictating statutory provisions. The paper, therefore, ends by concluding that the lasting value of Yajnavalkya is his moral conception of marriage as a communal spiritual and social duty which continues to drive the form and spirit of the Hindu matrimonial law in the contemporary India.

### 1. Introduction: Yajnavalkya and the Foundations of Hindu Personal Law

The Hindu personal law has deep roots in the antiquity tradition of Dharmashastra, which was never preoccupied with the control of religious obligations only, but also morality, social, and legal codes of behavior. Among the old law-givers Yajnavalkya occupies an honourable niche with his famous work, the Yajnavalkya Smriti,<sup>1</sup> which was the more theoretical and logical elaboration of Hindu law. In contrast to the previous literature, the work by Yajnavalkya no longer had an examinable only of the

ritualistic injunctions but established transparent guidelines that controlled marriage, inheritance, property, and responsibilities of the persons in society. These were those principles which extend until the present affect modern Hindu personal law, even the codified laws, including the Hindu Marriage Act, 1955. Dharma is more than a religious duty—a notion in classical Hindu law which is quite similar to law, justice, morality as well as social order. Yajnavalkya describes that the law must be on righteousness in life and social obligation. This is manifested in the next sloka:

“धर्मोण हीनः पशुभ्रः समानः”<sup>2</sup>

*(One who is devoid of dharma is equal to a beast.)*

This is indicative of the idea that morality was inseparable of law, and social peace was based on the observance of righteousness. In trying to strike a balance between individuals and the society, modern Hindu personal law, however secular in its shape, still follows the line of its moral foundation. The other significant theory formalised under Yajnavalkya is sources of Hindu law which was later a foundation in the British and post-independence codifications. Yajnavalkya had acknowledged the power of the Vedas, Smriti, customs and usages, and the conscience of the wise.<sup>3</sup> This is reflected in the classical definition of the legal sources:

“वेदोऽखिलो धर्ममूलम् स्मृभिशीले च िभिदार्म”

*(The Veda is the primary source of dharma, and Smritis and the conduct of those who know the Vedas are its secondary sources.)*

Such exceptional status of sources of law affected how the colonial courts came to interpret Hindu law later came to shape the scheme that culminated in acts like the Hindu marriages act in 1955. One of the greatest contributions made by the Hindu legal philosopher Yajnavalkya is his comparatively liberal attitude in social justice and legal rationality. Yajnavalkya was more humane in his law, creating greater clarity, less rigidity and more humane law than, Manu and other predecessors. He went into detail concerning the ideal marriage as a religious and righteous institution and recognized the social realities that had to be controlled via legal means. In fact even the factual conception that a marriage establishes both legal and religious obligations between the married cannot be indicated unless mother to mother to him of the Obligations of the householder:

“पत्नी धर्मस्य साधका”<sup>4</sup>

*(The wife is the partner in the performance of dharma.)*

This notion is the philosophical foundation of the contemporary Hindu law of marriage as a partnership but not as a contract. The significance of Yajnavalkya Smriti is not only due to its age but also to the fact that it denounces the religious morality and also provides a medium between the religious morality and the legal framework. The old works were not discarded directly by the lawmakers when the modern India undertook the project of codifying Hindu law after independence. Conversely, they chose to hold on to principles that were favorable to the values of equality, dignity, and social justice that resonated with the constitutional value. Even the Hindu Marriage Act 1955 that is relatively secular and reformist in its nature is not without the influence of the traditional Hindu idea, the sacramental nature of marriage, and the importance of customary rites. That is, Yajnavalkya offered an intellectual and moral foundation of Hindu personal law by organising dharma into rules of operation. His concept of law as a means of moral rather than mere coercive control finds some reflection in the process of the contemporary Hindu family law. The fact that his teaching remains contemporary bears witness to the fact that Hindu tradition would be frozen in law theory, but rather it is a dynamic system, which has sufficient capacity to remodel the ancient tradition to be applicable to the present needs.

## 2. Concept of Marriage in Yajnavalkya Smriti and the Hindu Marriage Act, 1955

Marriage, traditionally, has never been considered by the Hindu as a social contract;<sup>5</sup> marriage is a sacrament—a *samskara*—that united not just social and emotional realms between the bridegroom and the bride, but also spiritual and even religious. The origin of this nature of marriage is in the old texts of Dharmashastra, and especially in the Yajnavalkya Smriti, and is carried on, though in a modified form in the Hindu Marriage Act, 1955.

### Marriage in Yajnavalkya Smriti

The Yajnavalkya Smriti provides marriage as a

sacred union where indissolubling is done between the man and woman. Marriage was taken as an easy subject or dharma that was needed to perform the religious rituals and lineage. Another way in which marriage is sanctified is in the idea of husband and wife as spiritual companions of life and later on too. With his wife the husband shares his religious work:

Shloka (Yajnavalkya Smriti): “सहधर्मचारिणी ाराम  
स्वर्मस्यैकं भह कािणर्मी”<sup>6</sup>

*Translation:* The wife is the partner in dharma and is a principal cause of attaining heaven.

This shloka creates a reflection that marriage was not about companionship or even sexual fulfillment; but was perceived to be very necessary in order to accomplish religious duties like Yajnas (sacrifices) and Shraddha (ancestral rites). Yajnavalkya identified eight types of marriage, but he used to treat some of it as more virtuous as compared to the others. The most perfect one was Brahma Vivaha<sup>7</sup> (gift of the bride after ritual and dowry-free ceremony). Marriage was also perceived to be a lifelong commitment. The meaning of divorce in today is not found in the classical Hindu law. Once married a woman was supposed to stay faithful to a single husband forever:

Shloka: “न स्त्री स्वािन्त्र्यर्महमभि”

*Translation:* A woman is not fit for independence.

This was controversial according to the modern standards, but it was the patriarchal foundation of the ancient society, where marriage was one that established hard and fast gender roles and responsibility.

### Essential Rituals of Marriage in Yajnavalkya Smriti

Sacred rituals were not seen as complete marriage. The rituals that were the most important were:

1. Homa (sacred fire ritual)
2. Panigrahana (reaching out to the bride);
3. Fire: Seven Sacred Steps about Fire.

The significance of these ceremonies could be traced in classical literature:

Shloka: “सप्तपदी रवेि् मैत्री”

*Translation:* Friendship and union are established by taking seven steps together.

In this shloka, we can see that the Saptapadi was even the bond of marriage, and thus, the relationship was sacred, permanent, and irreversible.<sup>8</sup>

### Concept of Marriage under the Hindu Marriage Act, 1955

With the Hindu marriage law being old-fashioned and religious in nature, the Hindu marriage Act, 1955 was instated to codify and modernise the Hindu law of marriages and to maintain its religious ground. Under the Act, marriage is a sacrament and a law institution. The effect of the HMA is evident in Section 7, which is the direct input of the Yajnavalkya Smriti in the acknowledgment of the customary Hindu rituals: “A Hindu marriage shall be solemnized in conformity with the usual rites and ceremonies of either or both. Additionally, it also sees the significance of Saptapadi: “When such rites are accompanied by the Saptapadi, then the marriage is complete when the seventh step is made. This is a clear indication that the ancient spiritual ceremony of Saptapadi is legally enforceable even in the contemporary statutory law and a case of direct transfer of the ancient Hindu values.

### Shift from Sacrament to Regulated Institution

Whereas the Yajnavalkya Smriti looked at the institution of marriage as a sacred and indissoluble union, the HMA introduced the institution of regulated dissolution which is of a divorce. This is a major importation. But the Act is not non-spiritual in the sense that:

1. Demanding conventional ceremonies.
2. Distrust in religious customs.
3. Maintaining the figurative meaning of the sacred fire and rites.

**Monogamy: A Major Departure from**

## Yajnavalkya

Thus, marriage according to the HMA is a form of hybrid: it is sacramental in nature but the contractual implication. According to classical Hindu law, such as Yajnavalkya Smriti, kings and those of the high caste are permitted to practice polygamy. Marriage was an obligation and in some cases, polygamy of many wives was accepted socially. Section 5(i) of the HMA on the other hand imposes a strict monogamy.<sup>9</sup> Section 11 of Hindu marriage voids the marriage in case either party to the marriage has a living spouse. This is a reformatory break with the old precepts in that even though the spiritual parts were still there, the social ones were reorganized so that they were in line with the constitutional values.

### Consent and Capacity: Ancient vs Modern Views

In Yajnavalkya Smriti, marriage, in the primary, was a religious obligation that was decided by the family and that the approval of the bride was not necessarily the highlight. This is modernised by the HMA that introduces legal terms of marriage that include:

1. Minimum marriageable age
2. Mental capacity
3. Free consent

Even the legal protections which have been inserted however, do not alter the essence of marriage as a ritual being a sacred language.

### Continuity of Sacredness in Modern Law

The Hindu marriage act has not regarded marriage as a civil contract as seen in some legal systems in the West regardless of the reforms. Courts have on more than one occasion appreciated the fact that Hindu marriage retains the sacramental essence. This line of thinking of the judicial system dates back to the philosophy of Yajnavalkya, who considered marriage as a religious and moral relationship rather than sexual and social. Although the Yajnavalkya Smriti considered marriage as a sacrament and a lifetime

commitment a relationship that was cemented with the mutuality of the spiritual development and social bonds, the Hindu Marriage Act, 1955, though modernized in marital relationships with legal reforms that include monogamy, divorce, and consent, has made a deliberate move to preserve a ritualistic and sacramental nature of marriage in ancient Hindu marriage. Still, the fact that the customary rites, as well as the Saptapadi, are still recognized by the law, according to the Section 7 of the Act, proves that modern law has nothing to reject, but it is a refined version of what Yajnavalkya believed in. The HMA is, therefore, a living repository of continuity and change in Hindu matrimonial law that constitutes both continuity and change between ancient Hedonic tradition and modern values of the law.

### 3. Conditions of Valid Marriage: Ancient Principles and Statutory Form

The concept of a valid marriage in Hindu law has undergone a transformation from ancient religious and moral duties described in the Dharmashastras to the modern statutory framework under the Hindu Marriage Act, 1955 (HMA). While the ancient texts such as the Yajnavalkya Smriti treated marriage as an indissoluble sacrament-samskāra, the modern legal system views it essentially as a social institution regulated by law. Yet, this transformation has not changed the fact that several foundational concepts of valid marriage under the HMA have their roots in classical Hindu legal thought.

The Yajnavalkya Smriti did not view marriage as a purely civil contract but as an essentially sacramental union that was helpful for the performance of religious duties, or dharma; procreation, or praja; and companionship, or rati.<sup>10</sup> The classical definition of marriage has its basis within the concept of unity between the bride and groom in pursuit of spiritual and worldly obligations. This finds reflection in the famous verse:

“सहधर्मचरिणी राराम”

(Sahadharmachārīnī bhāryā)

Meaning: *The wife is the partner of her husband in the performance of dharma.*

According to this principle, marriage established a spiritual and moral union and not just a legal bond. The Hindu Marriage Act retains this philosophy insofar as it recognizes marriage as not merely a contract but also a relationship with both moral and legal consequences, including mutual support and cohabitation.<sup>11</sup>

### Mental Capacity and Consent

Ancient Hindu codes recognised mental fitness and voluntary acceptance as the essentials for a valid marriage, although, in practice, arranged marriages were dominant. According to Yajnavalkya, defects such as insanity or grave mental disorder disqualified a person from entering into a valid marriage:

“उन्मत्तो भवभिप्तो वा भववाहे न प्रशस्यते”<sup>12</sup>

(*Unmatto vikṣipto vā vivāhe na praśasyate*)

Meaning: *One who is insane or mentally disturbed is not considered fit for marriage.*

This view finds statutory articulation in Section 5(ii) of the Hindu Marriage Act, 1955, whereby neither party should be incapable of giving valid consent in consequence of unsoundness of mind, or suffering from mental disorder or insanity, which renders them unfit for marriage and procreation. Therefore, the traditional engagement with issues of mental capacity has been converted into a lawful threshold of consent under contemporary law.

### Age and Physical Maturity

In ancient Hindu law, biological maturity and not chronological age was deemed important. Early marriage was socially sanctioned, and the minimum marriageable age was not fixed in terms of years. However, Yajnavalkya did recognise the importance of physical fitness and maturity for marital life and procreation:

“ऋकालो भू कन्यारं भववाहस्य भवधीरिति”<sup>13</sup>

(*Ṛtukālo hi kanyāyā vivāhasya vidhīyate*)

Meaning: *Marriage of a girl was prescribed at the appropriate stage of maturity.*

The modern statutory law has strayed considerably from this. The Hindu Marriage Act stipulates, under Section 5(iii), the age of the bridegroom to be at least 21 years and that of the bride to be at least 18 years. This obviously conforms to the constitutional imperatives of protection, equality, and welfare of children, albeit echoing the ancient concern for physical and psychological preparedness.<sup>14</sup>

### Monogamy and Prohibited Degrees of Relationship

While ancient Hindu law does allow for polygamy in certain exceptional cases, especially among kings and the higher varnas, fidelity to one wife is considered the ideal. Yajnavalkya, on his part, mentions the moral preference for one wife but permits exceptions:

“एकपत्नीं श्रेष्ठं धर्म्यं सवामर्मसाधकम्”

(*Ekapatnīvrataṁ śreṣṭham dharmyam sarvārthasādhakam*)

Meaning: *The vow of one wife is the (best) and righteous path leading to all virtues.*

As was expected, the HMA turned this principle on its head by making monogamy an imperative condition (Section 5(i)) and pronouncing marriages a nullity where a second marriage is contracted (Section 11). What earlier was an ethical ideal has now become a strict rule of law. Equally, ancient texts put a strong taboo on marriage between close blood relations and within the same gotra.<sup>15</sup> In Yajnavalkya's words:

“सभपण्डानां न भववाहः”

(*Sapindānām na vivāhaḥ*)

Meaning: *Marriage among sapindas (close blood relatives) is prohibited.*

The same has been codified under Section 5(iv) and 5(v) of the HMA, by declaring marriages falling within degrees of prohibited relationship and sapinda relationship as invalid, except in cases permitted by custom.

### Ceremonies and Rituals

Under the classical Hindu law, a marriage was considered valid only when solemnised by religious ceremonies, particularly Saptapadi (seven steps taken jointly before the sacred fire). Yajnavalkya describes the sacred nature of these rites:

“सप्तपदं पूर्वा कृत्वा गृहस्थो त्वभि भिजः”

(*Saptapadam purā kṛtvā gṛhastho bhavati dvijaḥ*)

Meaning: After completing the seven steps, one truly becomes a householder.

This idea is directly reflected in Section 7 of the Hindu Marriage Act, which recognises customary ceremonies and expressly states that marriage becomes complete and binding at the taking of the seventh step where such ceremony is part of the custom.

### Other Disqualifications and Ethical Conditions

Ancient Hindu law also prohibited marriages involving fraud, coercion, or serious deception. Though less systematically discussed in ancient texts, the ethical basis was clear:

“न बलात् न वञ्चनया भववाहः धर्म्यः”

(*Na balāt na vañcanayā vivāhaḥ dharmyāḥ*) A marriage by force or deceit is not righteous.

This is furthered in modern law through the provisions on void and voidable marriages under Sections 11 and 12 of the HMA, particularly where consent has been obtained through force or fraud. Thus, the requisites for a valid marriage under the Hindu Marriage Act, 1955, demonstrate a careful integration of ancient principles as enunciated by Yajnavalkya Smriti and modern constitutional values. While the sacramental character of marriage, consent, mental capacity, prohibited relationships, and ceremonies have been retained, far-reaching reforms have been provided to ensure gender justice, protection of the best interests of the child, and social equality. The modern statutory law does not indiscriminately borrow from ancient law but instead selectively adopts,

adapts, and rationalizes the classical precepts to meet the requirements of a contemporary democratic society. In this manner, the conditions for a valid marriage under the HMA stand as a bridge between timeless Hindu jurisprudence and modern legislative wisdom.

### 4. Gender Roles and Women's Rights: Continuity and Reform

The imbalance between reverence, restriction, protection, and control has always been historical in the status, which granted women under Hindu law. In the Yajnavalkya Smriti, a secondary source of Dharmashastra gender roles were pronounced and defined in patriarchal society. Instead, Hindu Marriage Act (HMA) of 1955 is featured in a major legislative change in the face of attempting to redefine and restructure these ancient ideals to constitutional values of equality, dignity, and autonomy. The connection between the tenets of Yajnavalkya and modern law of matrimony shows a continuity of the past as well as reform by the intervention of the statute. The Yajnavalkya Smriti has inalienably and inherently connected the identity of a woman with the issue of a wife and a protector of household dharma. The moral and religious duty of the woman in a marriage life is greatly emphasized on the Smriti. One of the main themes which can be identified is summed as in the now-famous typification of feminine dependence:

श्लोकः भपि ििभि कौमाििे, रिाम ििभि  
रौवने। पुत्रास्तु स्थाभवि ििखि, न स्त्री स्वाििन्महमभि।

“The father protects a woman in childhood, the husband protects her in youth, and the sons protect her in old age; a woman does not deserve independence.”<sup>16</sup>

And even in Manusmriti, though being traditionally ascribed to him, this was an ideology circulated through the wider Dharmashastric context, and is echoed in the conceptual framework of Yajnavalkya. This shloka reminds of the ancient thought that a woman did not know autonomy but lived under

the authority of a man. This is the continuity dimension as regards to ideological foundations of gender roles in the Hindu society. Yajnavalkya was not against the dignity of the woman altogether, however. The wife was considered by him as an equal partner in religious life in a marriage. Marriage was in fact regarded as a sacrament or samskara in Hinduism and a wife was thought to be ardhangani, a part of husband as far as spirituality was concerned. This idea is reflected in the Dharmic ethos as it is stated in several works:

श्लोकः अधो ाराम मनुष्यस्य, धर्ममर्मस्य च साधनम्।

“The wife is half of the man and a means for the fulfilment of dharma and worldly duties.”

This idea proves that although women were socially restricted, they were spiritually inalienable and symbolically elevated. Section 7 of the Hindu marriage act, 1955,<sup>17</sup> reflects such continuity by appreciating rites of a particular custom like the Saptapadi whereby the bride and the groom worship by walking seven steps. This conserves the concept of alliance dating back to the ancient philosophy. However, the Hindu Marriage Act is a turning point when the traditional framework is replaced by the legal one. The first significant reform is the acknowledgement of the free consent and the denial of the forced marriages.<sup>18</sup> Consent was mediated by the norms of Smriti conventionally under the family settings and not by individuals themselves. HMA, which is especially Section 5, puts in place consent and mental capacity circumstances and implicitly acknowledges the agency of the woman in a marriage. This is in bitter opposition to the historical assumption of female passivity. Mono-gamy is another issue on which there is acute reform. The ancient Hindu law though morally inclined by emphasizing fidelity, permitted polygamy under some circumstances. Yajnavalkya restrained with ethics, but was not offensive about polygamy. Section 5(i) and Section 11 of the Hindu Marriage Act criminalizes bigamy and makes these marriages invalid. This reformation

is a big step towards enhancing legal rights of women since it avoids economic and emotional exploitation of women who may be forced to be married to a man more than once. The field of divorce and matrimonial rights is, perhaps, the most radical one. Divorce was not out of mutual civil rights as per the classical Hindu law. Marriage was indissoluble. Yajnavalkya came up with the idea of marriage as a sacrament that can never be broken. Nevertheless, the HMA provisions of Section 13 provide statutory reasons of divorce, which are cruelty, desertion, adultery, and mental disorder. The legal profession of this reformation admits women to seek a legal remedy, when it comes to oppressive and violent marriages, in which, in essence, such avenue was not open to them in ancient law. Although these reforms have manifested, traditional gender roles still shed their shade in the social practices. Stridharma (motherly duty) is still the classical principle of the wife being self-sacrificing, long-suffering, and a family woman. The next shloka is a statement of the ideal of submission of wives:

श्लोकः पभित्ति स्त्री स्वरं ढाभि, र्ि पुण्यं िदवाप्नुर्ाि।

“A devoted wife attains heaven and earns the highest merit.”

Although this religious ideal is no longer a legally binding one, it has still some effect on the social attitudes, which are morally shaped. Such responsibilities are not put down on paper in the HMA but coexist in a social context formed by these beliefs that lasted over time. This demonstrates that the legal reform does not eliminate cultural continuity. The last few decades have witnessed the broadening of the scope of women rights in the marriage as a result of judicial interpretation. Marital cruelty, mental harassment, and suicide abetment are some of the abuses that are regarded by courts as major violations. The status of the women has been further fortified by the constitutional values in Articles 14, 15 and 21 under the Indian constitution. Cases like Sarla Mudgal v. Shayara Bano v Union of India and Shayara Bani. The policies in Union of India are an indication of the

fact that the judiciary would like to bring family law closer to gender justice even at the expense of conservative traditions. Therefore, the connection between the tenets of Yajnavalkya and the Hindu Marriage Act is a path to duty-based sacramental roles to be rights-based legal positions. The symbolic respect bestowed so far on women as partners in religious and moral life is continuous, but there is much reform in the acknowledgment of women as independent legal persons. Lastly, although the philosophy of Yajnavalkya embraced women as a morally worthy, but socially weak gender, the Hindu marriage act of 1955 changes this scenario by legally acknowledging equality and dignity and freedom of choice. The ancient shlokas keep reminding us of how a great cultural tradition the Hindu matrimonial life was and the modern statute is an indication of how much India is constitutionally obligated to uphold the principle of justice and equality. They depict collectively not the complete abandonment of tradition but the deliberate reconstitution of the tradition to suit the needs of the evolving society.

##### 5. Judicial Interpretation and Contemporary Relevance of Yajnavalkya's Tenets under the Hindu Marriage Act, 1955

The Hindu Marriage Act of 1955 represents a unique synthesis of ancient Hindu jurisprudence and modern constitutional values. Although the Act was a piece of legislation with roots in post-independence reform, courts in India repeatedly acknowledged that its roots went back to classical Hindu texts, especially the Yajnavalkya Smriti, which played a central role in shaping the traditional Hindu marital norm. Judicial interpretation has been used to harmonize these ancient precepts with contemporary constitutional mandates of equality, dignity, and individual liberty. Among many, one significant area where courts have acknowledged the influence of Yajnavalkya relates to the concept of marriage as a sacrament and not merely a contract. Yajnavalkya referred to marriage as the sacred

bond that is indispensable in the spiritual and moral life of a Hindu. As Yajnavalkya pronounced:

“सख्यं भववाहसंस्कारिः धर्ममर्मकर्मसाधनम्”

*(Marriage is a sacrament essential for the pursuit of dharma, artha and kama.)*

Indian judiciary has relied on this sacramental understanding in several cases. In Bhaurao Shankar Lokhande v. State of Maharashtra (1965), the Supreme Court held that a Hindu marriage is not complete unless the essential ceremonies, as recognised by Shastric law, are performed. The above interpretation resonates with the authority accorded to Section 7 of the HMA recognizing customary rites and ceremonies, which have directly been derived from smriti tradition such as that of Yajnavalkya. However, courts have also shown that ancient precepts are not applied mechanically but are instead interpreted through the prism of constitutional morality. Yajnavalkya acknowledged the importance of consent and mental preparedness in marriage, though articulated within the traditional frameworks of his time. He said:

“भववाहे रोग्यां बुद्ध्या कुरामि कन्यादानं”

*(A person should give the bride only after assessing mental and moral fitness.)*

This principle has been extended by modern courts to uphold contemporary doctrines of valid consent. In Sureshta Devi v. Om Prakash, the Court held that true consent, without pressure of any kind, is the basis of a valid marriage. Though Yajnavalkya's schema thus had a patriarchal tint, judicial interpretation extracted from it the spirit of consent and applied it to modern standards of individual autonomy.

The other major area of judicial interpretation has to do with the status of women in marriage. In Yajnavalkya Smriti, the wife was regarded as an integral part of the husband's spiritual life, captured in the famous concept:

“अधामभिनी पत्नी”

*(The wife is the equal half of the husband's being.)*

Courts have repeatedly sought shelter in this philosophical basis to defend the principle of equality of genders in Hindu marriage and discard discriminatory practices. In *Tulsamma v. Sessa Reddy* (1977), the Supreme Court observed that Hindu law has always recognised a woman's dignity and proprietary rights, even if these were historically restricted. The Court used ancient textual traditions to show that women's rights were not alien to Hindu jurisprudence but were suppressed through patriarchal social practices rather than scriptural mandates:

*“धर्मेण सह विराराम पत्या सहावसन्”*

*(A wife and husband must live together in righteousness.)*

Judicial interpretation has been especially progressive in matters of divorce and matrimonial reliefs. Yajnavalkya accepted that marriage could not be reduced to mere physical cohabitation and recognised moral and ethical obligations between spouses. One of the interpretative shlokas states :

This principle has been applied by Indian courts to hold that when the moral and emotional substratum of marriage collapses, the law must intervene to bring relief for the parties. In the case of *Naveen Kohli v. Neelu Kohli* (2006),<sup>19</sup> the Supreme Court advocated the concept of “irretrievable breakdown of marriage,” reasoning that forcing parties to continue in a dead marriage is a violation of dignity. While modern, this resonates with the shastric emphasis on righteous cohabitation rather than mere physical union.

In contemporary times, courts have also balanced Yajnavalkya's ideals with constitutional principles of equality and secularism. While ancient texts were community-specific, the judicial approach under HMA has been to universalise core ethical values. In *Shayara Bano v. Union of India* (2017),<sup>20</sup> though dealing with Muslim law, the Supreme Court laid down the broader principle that

personal laws must conform to constitutional morality. The same logic has influenced Hindu law cases, where courts interpret shastric concepts like dharma and pativrata not as tools of control, but as values supporting mutual respect, companionship, and shared responsibility. We can see the relevance of Yajnavalkya's tenets to the contemporary world in the evolution of judiciary interpretation of marriage as a partnership of equals. While the classical texts assumed hierarchical roles, courts apply the philosophical essence rather than the literal command from the texts. The modern interpretation of the following sentiment from Yajnavalkya is important:

*“सहधर्मचारिणी राराम”*

*(The wife is the companion in the path of dharma.)*

The judicial courts have made this be a partnership model with the two partners all having the right to dignity, choice and personal development. Article 23.3 of the Family Law has also stated that courts have come to accept the notion of forced cohabitation as a denial of personal autonomy in a manner in which such cohabitation does not eschew clouding into traditionalist rigidity but respects the moral anchoring of companionship. In brief, judicial interpretation has been critical in ensuring that the tenets of Yajnavalkya are not tied in hard stone, they are subject to change as time goes by. The Indian courts never discarded the ancient wisdom in large chunks such that they blindly obeyed it. They took its moral essence and redefined its social usage by the ideal in the constitution. The Hindu marriage act of 1955 is therefore a living example of the co-existence of the ancient and the modern jurisprudence and justice. The concept of marriage as a moral, spiritual, and social institution introduced by Yajnavalkya appears to have an impact on the modern legal ideas. The nature of his philosophy has not been ripped off in judicial creativity which concerns as dharma, mutual respect and ethical cohabitation. The discriminatory and outdated elements were

changed. That is the sole means of having Hindu marriage law more tradition attentive yet not less attentive to the demands of the modern egalitarian society.

## 6. Conclusion

To conclude the Hindu marriage act 1955 is a deliberate effort to bring modernisation to the Hindu personal laws but do not backwardly ignore the spiritual and philosophical principles as developed by the ancient law givers of the ancient times such as Yajnavalkya. Instead of discarding the conservative Dharmashastra model, the Act arbitrarily picked up its religious ethics and sacramentology in order to draw a line between the religious continuity and constitutional modernity. Yajnavalkya also considered a marriage as a social contract but as a lifelong sacred obligation. This can be summed up in the next shloka:

“सहधर्मचारिणी साराम” (sahadharmachārīnī bhāryā), “The wife is a companion in the pursuit of dharma.”

This ethos is further entrenched therein in the Hindu Marriage Act which is more vocal on the inviolability of Ties of marriage and the recognition given to customary ceremonies under the Section

7. It is the solemnisation of ritual, necessitated by the insistence on saptapadi being a vital ritual that renders the solemnisation of rites akin to the injunction provisioned by Yajnavalkya:

“सप्तपदी भववाहस्य प्रमणिं”,

“The taking of seven steps is the essence of a valid marriage.”

Simultaneously, this Act transcends the weaknesses of old writings by inculcating the constitutional principles of equality and dignity. Assuming that the writings of Yajnavalkya were influenced by the patriarchy that existed during the time of writing such, the contemporary law fails to perpetuate inequality by supporting monogamy, legal minimum marriage age and entitlement to divorce and legal separation. The reformation spirit can be made to go in

harmony with the wider ethical perspective regarding Yajnavalkya in the maxim:

“धर्मणैवै अर्म्ः कामश्च”

“Dharma must guide both wealth and desire.”

The Hindu Marriage Act 1955 thus is not just a blind copying of the articles of faith that are proclaimed and propounded by Yajnavalkya but an effective modification of the same. It still has the essence of the old sacramental conception, but it is remodelled to fit the principles of justice, equality and human dignity. Synthesis accomplished therein, in effect, determines the relevancy of the classical Hindu jurisprudence, as not as something fixed and uncompromising, but as an ethical guide towards the contemporary model of the family code.

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