



“The Future of RCR in Indian Matrimonial Law: Reform and Retain.”

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“The union of husband and wife is the most sacred of all human relations.”
----- Justice Krishna Iyer

ABSTRACT:

In all matrimonial laws Marriage confers both legal rights and marital duties to spouses. It has accepted under all religions personal laws and parties will stay together as a husband and wife.¹ Marriage is one of the most important social pillars and is defined as the legal marriage of a man and a woman.² Although, marriage is an institution where Hindu conceived of their marriage as a union primarily meant for the performance of spiritual and religious duties. Marriage cannot be dissolved because it is a permanent relationship that, once tied, cannot be untied.³ The primary goal of marriage is to live together, and each spouse is entitled to the comfort of the other. After the solemnization of marriage, both spouses are legally bound to maintain the life of each other. A spouse is entitled to cohabitation and where one spouse abandons the others without any excuse. Under sec 9, the aggrieved party has a right to file a petition for restitution of conjugal rights before court.⁴ The principal of restitution of conjugal rights has been borrowed from English law and thereafter the Indian courts under British law also passed restitution decree without any statutory law. Restitution of conjugal rights is those rights which are accrued upon the person by status of having married.⁵ The term of restitution of conjugal rights is relief to people who deserts the other then the matrimonial relief provides them great relief by enforcing codified personal law to restore their status. The restitution of conjugal rights is a positive remedy that requires parties to cohabit, and forcing them to do something they do not want to do can harm their

¹ Arsheya Chaudhry, *Restitution of Conjugal Rights –An Analysis*, Journal on Contemporary Issues of Law Vol.7 Issues 6, New Delhi.

² Ashish Ranjan And Kishan Kumar, *Restitution of Conjugal Right: It's Constitutionality with respect to Marital Privacy*, vol.4 Issues 4, 2021.

³ Paras Diwan, *Modern Hindu Law*, Allahabad Law Agency, Haryana 2008.

⁴ Ekta Kumari, *Restitution of Conjugal Rights: An Analysis*.

⁵ Agrim Jain & Abhinav Aggarwal, *Restitution Of Conjugal Rights: Is It Still Relevant*, Amity Law School.

marriage. This research paper attempts to assess the constitutional legitimacy of RCR on the basis of the Fundamental Rights guaranteed by the Indian Constitution. The concept of restitution of conjugal rights arises from a legal and lawful marriage.⁶

Keywords: Marriage, Sacrament, Hindu Marriage Act, 1955, Restitution of Conjugal Right, Constitutional Validity.

INTRODUCTION:

Marriage is an important part of society where people live their whole lives. Hindus saw marriage as a holy union, or sacramental union. This means a few things first, the marriage between a man and a woman is a holy or religious one, not a business deal. Second, a sacramental union means that it is a permanent union. A marriage is a bond that can't be broken. This implies that a marriage remains unbreakable. Third, the sacramental union means that it is an eternal union that is valid not only in this life but also in the next.⁷ In the Vedic era, after the marriage the woman had a duty to assist her husband in all circumstances and to remain with him for the duration of his life. However, customs have changed as time has gone by. Now, if the woman is dissatisfied and unhappy with the marriage, she cannot be forced to remain in her marital residence. Despite her desires, the woman is not required to live with her husband for the rest of her life. Nowadays, the offended party has every right to apply for the restoration of conjugal privileges, and both spouses are free to leave the married society whenever they so want. The aggrieved party has a right for a decree of restitution of conjugal rights and file a petition before district court.⁸

Thus, the concept of Restitution of conjugal rights raises the question that if one spouse has withdrawn from his or her society and house without giving any justification and proper reason, then the act of compelling that party to live with the other party is constitutional or unconstitutional. Restitution of conjugal rights is an English concept and it was controlled by the Ecclesiastical court which looked after all marriage related matter and cannot recognised desertion. The concept of restitution of conjugal rights came in India with British and it was firstly introduced in the year 1866 by the Privy Council in the case of "*Moonshee Bazloor vs. Shamsoonaiisa Begum*".⁹ In "*Harvinder Kaur vs. Harmander Singh and Saroj Rani*"¹⁰ vs. *Sudarshan Kumar Chadha*.¹¹ The court declared it as constitutional and positive approach to protect the marriage.¹²

⁶ Soumi Chatterjee, *Restitution of Conjugal Rights- An Analysis, International Journal Vol.6 Issues1, (2018)*.

⁷ Diwan Paras., *Modern Hindu Law*, 64 (Allahabad law agency, 21st ed. 2012)

⁸ Amrita Atul Deshmukh, "*Constitutional Validity and Ethicalness of Restitution of Conjugal Rights in India.*" *Symbiosis Law School Pune, 2018*.

⁹ (1866-67) 11 M.I.A., 551.

¹⁰ AIR 1984 Del.66.

¹¹ AIR 1984 4 SSC 90.

HISTORICAL BACKGROUND:

In Indian jurisprudence, the restitution of conjugal rights is a new concept. It originated from the Jewish laws; which were enforced by the Ecclesiastical court by removing the guilty parties. The remedy Of RCR also followed such principle. Therefore, Hindu law was unaware of the remedy until the British introduced it. Without any statutory legislation, Indian courts operating under British law issued orders restoring conjugal rights in cases involving all communities.

In the dictionary of English law Earl Jowett defines conjugal right thus:

“The right which husband and wife have to each other’s society and marital intercourse. The suit for restitution of conjugal rights is a matrimonial suit, cognisable in the divorce court which is brought whenever either the husband and the wife lives separately from the other without any sufficient reason, in which the court will decree restitution of conjugal rights under the matrimonial causes act, but will not enforce it by attachment, substituting however for attachment, if the wife be the petitioner, an order for periodical payments by the husband to the wife.”¹³

***Black’s Law Dictionary** defines “conjugal Rights” to mean: “The rights and privileges arising from marriage relationship, including the mutual relationship of companionship, support and sexual relations.”¹⁴*

Matrimonial home means premises in which the husband and wife resides together; in the case of an unmarried couple the premises in which they live together in the same home as a husband and wife. It provides remedies for unmarried as well as married couples under the 1976 Domestic Violence and Matrimonial Proceedings Act, 1976.

After independence, the remedy of restitution of conjugal rights found in the year 1955 Hindu Marriage Act. Neither the Dharamashtra nor the Muslim law recognized the remedy of Restitution of Conjugal Rights.

In Modern India, The remedy under section 9 RCR is available to Hindus under Hindu Marriage Act, 1955, section 32 of Indian Divorce Act, 1869, Paris under section 36 of the Paris Marriage and Divorce Act, 1969, and to persons married according to the provisions of the Special Marriage Act under section 22 of this act. In the 1867 case of “*Moonshee Buzloor Ruheem vs. Shumsoonissa Begum*”, the idea of restitution of conjugal rights first came to light in India. Wherein such acts were considered for particular performance.¹⁵ However, this remedy was strongly criticized: *Mr. Khardekarhad* opposed the remedy, stating that it caused a great deal of debate between the act's drafters and makers.

¹²Ibid, 5.pg1.

¹³ Mookerjee’s, Marriage Separation and Divorce, Kamal Law House, Kolkata 2005.

¹⁴ Black law dictionary.

¹⁵ Id, 3.Pg.2.

“To say the least this particular cause is uncouth, barbarous and vulgar. That the government should be abettors in a form of legalized rape is something very shocking.....” In *Russell v. Russell*, one of the bench's judges made a remark opposing this idea, “I have not once known a restitution petition to be genuine, that these merely a convenient device either to enforce a money demand or to obtain divorce.”

Under the Muslim Law of marriage, restitution of conjugal rights is equated with the freedom to enjoy or secure the enjoyments of legal rights to the spouse. Previously, a contract of marriage was attached with the concept of specific performance. But later, it was decided in the case of *Abdul Kadir vs. Salima*.¹⁶ Those conjugal rights dealt on the basis of Muslim law and not the concept of Justice Equity and Good Conscience.

MEANING OF RESITUTION OF CONJUGAL RIGHTS:

Restitution of conjugal rights mainly comprises two major words, “restitution” and “conjugal rights”. Restitution means the restoration of something lost and conjugal rights means the rights relating to marriage or the relationship between husband and wife. Therefore, it means restoration of matrimonial rights of the aggrieved in case these rights have been violated. Hence, if either party to a marriage withdraws from the society of the other without any reasonable excuse. Then in that case the aggrieved party has a right to file a petition in the court claiming the relief of restitution of conjugal rights .If there is no legal bar to such decree then court grant relief to the parties. Restitution of Conjugal Rights was treated as a positive concept but has been misused thereby adversely affecting the sanctity of a wife.

Restitution is a remedy to protect the institution of marriage provided in general law and specifically under Section 9 of Hindu Marriage Act, 1955.¹⁷

The concept of Restitution of Conjugal Right was introduced in India for the first time in the case of *Moonshee Buzloor v. Shumsoonissa Begum*¹⁸ where such actions were regarded as considerations for certain performance. The Hon’ble Privy Council laid down that it was available to Muslims in *Kateeram Dokanee v. Mst. Gendhenee*¹⁹, so on the basis of this decision it was held by the court that such a suit was also allowed for the Hindus as well as mutatis mutandis. This was further followed in the case of *Jogendronundini Dossee v. Hurry*

¹⁶ (1886)ILR 8 ALL 149

¹⁷ Section 9HMA: “Restitution of conjugal right. without reasonable excuse, withdrawn from the society of the other, the aggrieved party may apply, by petition to the district court, for restitution of conjugal rights and the court, on being satisfied of the truth of the statements made in such petition and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly. [Explanation. been reasonable excuse for withdrawal from the society, the burden of proving reasonable excuse shall be on the person who has withdrawn from the society.]

¹⁸ *Kateeram Dokanee v. Mst. Gendhenee*, 1875 23 South W.R. 178 (India).

Doss Ghose,²⁰ *Brindabun v. Chundra*²¹, *Binda v. Kaunsila*²² and *Dadaji Bhikaji v. Rukmabai*²³. Then onwards the matrimonial remedy in the nature of the Conjugal rights was also available to the Hindus which can be enforced by civil courts. After the passing of the Hindu Marriage Act, 1955, Section 9 incorporates a statutory sanction to a proceeding for the restitution of the conjugal rights. This section in the Hindu Marriage Act is the reproduction/genesis of the Section 32 and Section 33 of the Indian Divorce Act.²⁴

In *Ranjana Kejriwal v. Vinod Kumar Kejriwa*²⁵, the Petitioner Wife alleged that the husband was already married and had conquered the fact from her. The Hon'ble Court held that the petition for the restitution of the conjugal rights is not maintainable in the present case since there is no legal marriage. In *Sushila Bai v. Prem Narayan*²⁶, the husband deserted his wife and afterwards was totally insensitive towards her. This behavior of the husband was held enough to show that he had withdrawn himself from the society of his wife, and therefore the wife's petition for the restitution of conjugal rights was allowed in this case. The defence to this principle reclines in the conception of a 'reasonable excuse'. If the respondent has withdrawn himself/herself from the society of his/her spouse for a valid reason, it is a complete defence to any restitution petition.²⁷ In *Gurdev Kaur v. Sarwan Singh*²⁸, the wife's appeal against a decree of the restitution of conjugal rights was given in favour of the husband. It was held by the Hon'ble Court that there was presence of the reason to believe that the actions of the husband were taken by way of a 'reasonable cause' and thus the conjugal rights had to be reinstated.

RETAIN AND REFORM:-

Marriage is considered essential elements in the society because it is the basis for the survival of the race and the existence of the family. Marriage in Indian tradition is not just about bringing a man and woman together; it's also about bringing their families together as one. Under Indian society marriage and family is the strongest pillar. These terms are considered highly sacrosanct. Restitution of Conjugal Rights is a remedy to protect the marriage. It is only the remedy to allow the spouse to the return of the other spouse who left home without any reasonable grounds. This remedy is a means to protect the marriage by encouraging reconciliation rather than separation. If any spouse withdrawn from the society of the other spouse without reasonable excuse, then either spouse husband or wife has right to file for restitution of conjugal Rights in district court. In present scenario, the decree of restitution of conjugal rights is very hard. Because court cannot compel the parties for personal

²⁰ *Jogendronundini Dossee v. Hurry Doss Ghose*, I.L.R (1880) 5 Cal. 500 (India).

²¹ *Brindabun v. Chundra*, I.L.R (1996) 12 Cal. 140 (India).

²² *Binda v. Kaunsila*, (1899) I.L.R. 13 All. 126 (India).

²³ *Dadaji Bhikaji v. Rukmabai*, (1886) I.L.R. 10 Bom. 301 (India)

²⁴ Section 32 & 33, The Indian Divorce Act, 1929

²⁵ *Ranjana Kejriwal v. Vinod Kumar Kejriwal*, A.I.R. 1997 Bom. 380 (India).

²⁶ *Sushila Bai v. Prem Narayan*, A.I.R. 1964 M.P. 225 (India).

²⁷ *Shakuntala v. Babu Rao*, A.I.R. 1963 M.P. 10 (India)

²⁸ *Gurdev Kaur v. Sarwan Singh*, A.I.R. 1959 P & H 162 (India)

relationships through force or arrest. If any spouse disobeyed RCR decree then court may order to attach the property of that person under order 21 Rule 32 of CPC. Spouse can file for divorce under section 13(1-A) (ii) HMA, if decree is not complied with for one year. Non-compliance of this decree became a ground of divorce under Hindu law, RCR is rarely enforced. Court not force spouse to live together but rather encourage mediation, conciliation and mutual consent.

Restitution of conjugal rights should be reformed or retained. Restitution of conjugal rights should be retained because it protects the institution of marriage. It is one of the legal civil remedies by which a deserted spouse can come back. This remedy is known as a cooling-off period and to resolve misunderstanding between the parties. Restitution of conjugal rights should be reformed properly because it violated the autonomy and privacy of an individual and compels the other spouse to live with him against her wishes. RCR can be misused to harass the other partner legally by the husband. It also affects women harshly due to patriarchal pressure and societal.²⁹ It also violated the dignity, personal liberty, and privacy of an individual interpreted in *K.S Puttaswamy vs. Union of India*.³⁰

INDIAN LEGAL PROVISIONS RELATING TO RESTITUTION OF CONJUGAL RIGHTS:

The purpose of section 9 of the Hindu Marriage Act, 1955 is to maintain the sacrificial aspect of marriage by eliminating disparities that arise between spouses. This can be accomplished by granting section 9 relief of restitution of marital rights. This remedy is a beneficial privilege because it allows divorced spouses to be together and cohabit. However, it is also used incorrectly in several instances. Over the past few years, the concept of Restitution is dealt with by section 13³¹ of the Hindu Marriage Act, which is considered a major problem as the section itself is complicated. Section 13 provides the right to married couples to claim for divorce within one year of the passing of a decree of Restitution if the couple can't comply with the decree.³² This remedy is also used as a defence in maintenance cases regarding section 125³³ of the Cr. P.C.

Other than the Hindu Marriage Act, there are special provisions in other personal laws in India dealing with the Restitution or restoration of Conjugal Rights. Under these personal laws, either the husband or wife who has been separated from society can petition the court for Restitution of Conjugal Rights judgment. The following are the provisions:

- S. 22 of Special Marriage Act, 1954
- S. 32 of Indian Divorce Act, 1869
- S. 36 of Parsi Marriage and Divorce Act, 1936.

²⁹ Keerthi Gandreti, *Restitution of conjugal rights: Retain or remove* 2.1 JCLJ (2021) 868.

³⁰ AIR 2018 SC 1841.

³¹ Hindu Marriage Act, 1955, s. 13

³² Ibid

³³ Criminal Procedure Code, 1973, s. 125

JUDICIAL PERSPECTIVE: STRIVING FOR BALANCE BETWEEN FUNDAMENTAL RIGHTS AND MORALITY

Marriage gives rise to a very sensitive but complicated relationship between the spouses and also imposes some rights and responsibilities on each other. These obligations and rights are constituted as conjugal rights and are also regarded as the quintessence of the marital union³⁴. In general, each spouse is obligated to comfort and care for the other. If one spouse abandons the other for no reason, the aggrieved spouse can petition the court for restitution or restoration of conjugal rights ruling.³⁵ In Hindu, Christian, and Parsi law, this remedy is usually governed by particular regulations, however, in Muslim law, it is used based on justice, equity, and good conscience, as adopted from British common law.

In *T. Sareetha v. T. Venkata Subbaiah*³⁶, the court observed the facts and passed a decree granting the relief of restitution or restoration of conjugal rights by the civil court was not only mentioning cohabiting together but also forcing the separated spouse to perform marital intercourse with the other party. The decree is undoubtedly interfering in the choices of either to have or not to have marital intercourse with the other person and also by enforcement of decree the person should surrender his rights by allowing his or her body as a tool for the usage of another person.³⁷ So, the enforcement of this decree of restitution or restoration of conjugal rights is no doubt an infringement and violation of the fundamental rights of a person. This decree leads to invasion of marital privacy and further offends the integrity of the persons. No person should be forced against his will to perform the act of sex if forced so then nothing is more outrageous and degrading to the human spirit and dignity of humans. No person is subjected to a positive sex act under the order of law. So, the Honorable high court of A.P. ruled that the decree restitution or restoration of conjugal rights is no doubt but this relief was also struck down as a blatant breach of Article 21³⁸ of the Indian Constitution since it infringed on the right to privacy and human dignity.

On the contrary, Delhi made its emphasis on the importance and morality of marriage and opined that sacred marriage is only preserved through the Restitution of Conjugal Rights. Hence, in *Harvinder Kaur v. Harmander Singh Choudhry*³⁹, the court viewed that the preservation of marriage is only done through the relief of Restitution or restoration of Conjugal Rights dealt with under section 9. The decree was enforced only

³⁴ M Gangadevi, 'Restitution of Conjugal Rights: Constitutional Perspective' (2003) 45 Journal of the Indian Law Institute 453.

³⁵ Ibid

³⁶ *T Sareetha v. T Venkata Subbaiah*, AIR 1983 SC 356

³⁷ I bid

³⁸ Constitution of India, art. 21

³⁹ *Harvinder Kaur v. Harmander Singh Choudhry*, AIR 1984 SC 66

for cohabitation of spouses but not the sexual intercourse as the respondent only agreed to live together and cohabit with the appellant but not agreed for marital intercourse.⁴⁰ Further, the court stated that section 9⁴¹ is the extension of sub-section (2)⁴² and (3)⁴³ of section 23 of the act. The principle behind the Hindu Marriage Act is for the maintenance of marriages but not to dissolve marriages. Hence, the Delhi High court further observed that this legislation has its purpose to serve and has an important role to play. The court finally held that the legislature has to strike down legislation but not courts on the ground as it is constitution so Section 9 is constitutionally valid.

Further, to resolve the conflicting views in this regard by the High courts, the Supreme Court looked into the matter of constitutional validity of section 9 in *Sudharshan Kumar v. Saroj Rani*.⁴⁴ In this case, the Supreme Court stated that conjugal rights are rights or the responsibilities imposed on either husband or wife to look after their spouses. The court further held that passing a decree or judgment granting the relief of restitution or restoration of conjugal rights is to give a chance to separated wife and husband to live together and to settle up their inequalities. The aim and purpose of this section are to serve and preserve the sacred institution of marriage and this section is serving its purpose.⁴⁵ The court further stated the High court of A.P. regarded interpreted this section 9 incorrectly as the section is constitutionally valid and is no violation under article 14⁴⁶ and article 21 if this section is utilized properly.

Further in *Booz Allen and Hamilton Inc. v. SBI Home Finance Ltd.*⁴⁷ Supreme Court stated that the marital disputes in matters of judicial separation, divorce, and Restitution of Conjugal Rights are “non-arbitrated disputes” so it is solely on the parties concerned to resolve and settle the dispute among themselves. If the recent judicial decisions are taken into consideration, then the Supreme Court is giving more importance to the fundamental rights of the persons and also interpreting cases based on the ground of morality.⁴⁸ In one of the recent case laws *Shafin Jahan v. Asokan*⁴⁹, the Supreme Court viewed that the choice of a partner of his own choice exclusively lies under the domain of an individual. The interests or intimacies of marriage lies within the matters of right to privacy and should not be violated under any circumstances.

⁴⁰ *ibid*

⁴¹ Hindu Marriage Act, 1955, s. 9

⁴² Hindu Marriage Act, 1955, s. 23(2)

⁴³ Hindu Marriage Act, 1955, s. 23(3)

⁴⁴ *Sudharshan Kumar v. Saroj Rani*, (1984) 4 SCC 90 : AIR 1984 SC 1562

⁴⁵ *Ibid*

⁴⁶ Constitution of India, Art. 14

⁴⁷ *Booz Allen & Hamilton Inc v. SBI Home Finance Ltd.*, (2011) 5 SCC 532 : AIR 2011 SC 2507

⁴⁸ *Ibid*.

⁴⁹ *Shafin Jahan v. Asokan*, (2018) 16 SCC 368 : AIR 2018 SC 1933

Further in *Justice K.S. Puttaswamy v. Union of India (UOI)*⁵⁰, The court stated that a person's right to privacy is safeguarded and protected by Article 21 of the Indian constitution, which guarantees and protects the right to life and personal liberty. It is the choice of an individual to choose regarding matters involving with whom to live and to be in what relationship.⁵¹ The right to privacy of a person must be protected by family; procreation and sexual intercourse as these all are the important aspects and features of human dignity. So, it was finally interpreted that the choices made by the individuals should have prevailed over the societal interests. Therefore, the view in *Puttuswamy's Case*⁵² is again the same view of the *T. Sareetha case*⁵³ The court came to the same conclusion that the decree of Restitution or Restoration of Conjugal Rights is nothing more than a breach of a person's basic fundamental rights, although the decree does not mention or underline a basic fundamental right covered by article 21. *Vinod Kumar Sethi vs. State of Punjab*⁵⁴. In this case court held that held that the law of rcr aims to prevent breakdown of marriage and promote cohabitation. *Warika Prasad Satpathy V. Bidyut Prava Dixit*.⁵⁵ The Court emphasized the importance of preserving matrimonial ties and gave scope to consider reconciliation before proceeding with divorce. *R. Lakshmanan v. T.R. Madhavan*⁵⁶ Held that matrimonial law provisions (including RCR) aim to restore the sanctity of marriage. *N.G. Dastane v. S. Dastane*⁵⁷ Court held that a reasonable chance of reconciliation should be explored to protect the marriage before granting divorce.

CONCLUSION

“A Horse can be brought to the water pond but cannot be compelled to drink”.⁵⁸

The Restitution or Restoration of Conjugal Rights is to save and preserve the broken marriages and also to preserve the sanctity of the marriages. The intentions behind passing the decree or judgement of granting relief of Restitution or Restoration of Conjugal Rights are positive and good faith. But on the contrary, when a person is separated emotionally from another, then it becomes really difficult to unite them. Thus, Restitution of Conjugal Rights is such a Matrimonial remedy, which will force the person to save the marriage but it cannot guarantee its effectiveness. Some section of people also says that it is against the concept of natural law theory. It should not intrude the privacy of a person by forcing them to act against their will. Therefore, this matter is sensitive and complex so the courts should look into the matter carefully and the courts should maintain the balance between morality and individual rights. So, the courts should not follow any strict approach leading to

⁵⁰ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 : AIR 2017 SC 4161

⁵¹ *Ibid*

⁵² *Puttuswamy* (n. 24)

⁵³ *Sareetha* (n. 11)

⁵⁴ AIR 1982 P&H 372

⁵⁵ AIR 1999 SC 3348.

⁵⁶ AIR 1979 SC 974.

⁵⁷ AIR 1975 SC 1534.

⁵⁸ *“Restitution of Conjugal Rights: Constitutional Perspective”*, National Digital Library,

<http://ndl.iitkgp.ac.in/document/718w>, Accessed on 23 July 2018.

the imbalance either to an individual or a society. Thus, it is solely left to the discretion of courts decided whether the Restitution of Conjugal Rights is relevant or not.

SUGGESTION:

Restitution of conjugal rights is a remedy in such cases the court will make effort to restore the marriage when understanding between the parties in marriage is unclear; they are incapable to win over each other. The court must be given opportunity to familiarize themselves with the system and to settle into this new process. So that they fully understand this procedure and are able to avail the facilities that are available to them the legal system. In case of Restitution of Conjugal Rights, it is proposed that to form an Independent Committee which is not supervise by the judiciary although in cases where it is to decide by the committee on its own, they can take the advice of the judiciary. However, if the matter of marriage not solve by the committee then it is the duty of the court to solve such matter liberally by giving the equal opportunity of being heard.

REFERENCES:

- 1) Paras Diwan, Law of Marriage and Divorce, 3rd ed., Universal Law Publishing.
- 2) R.K Agarwala, Hindu Law, Central Law Agency 17th ed., Allahabad, 1993.
- 3) Mitra, Hindu Law, Orient Publishing Company New Delhi, 2nd ed., Allahabad, 2006.
- 4) Dr. Basant K. Sharma, Hindu Law, Central Law Publication, Allahabad, 2007.
- 5) Dr.U.P.D Kesari, Modern Hindu Law, Central Law Publication, Allahabad, 2007.
- 6) Mulla, D.F, Principles of Hindu Law, Bombay, 1973.
- 7) Arsheya Chaudhry, *Restitution of Conjugal Rights –An Analysis, Journal on Contemporary Issues of Law Vol.7 Issues 6*, New Delhi.
- 8) Paras Diwan, Modern Hindu Law, Allahabad Law Agency, Haryana 2008
- 9) Ekta Kumari, *Restitution of Conjugal Rights: An Analysis*.
- 10) Agrim Jain & Abhinav Aggarwal, *Restitution Of Conjugal Rights: Is It Still Relevant*, Amity Law School.
- 11) Soumi Chatterjee, *Restitution of Conjugal Rights- An Analysis, International Journal Vol.6 Issues 1*, (2018).
- 12) Amrita Atul Deshmukh, “*Constitutional Validity and Ethicalness of Restitution of Conjugal Rights in India.*” *Symbiosis Law School Pune*, 2018.
- 13) Mookerjee’s, Marriage Separation and Divorce, Kamal Law House, Kolkata 2005.
- 14) Aditya Swarup, Constitutional Validity of Restitution of Conjugal Rights, Nalsar university of Law, Hyderabad, 2008.
- 15) Hindu Marriage Act, 1955.
- 16) Indian Divorce Act, 1869.
- 17) Special Marriage Act, 1954.
- 18) The Civil Procedure Code, 1908.
- 19) The Constitution of India, 1950.
- 20) Marriage Laws (Amendment Act), 1976.
- 21) Paris Marriage and Divorce (Amendment Act) 1988.