

# Restitution of conjugal rights under hindu law



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Introduction: Family and marriage are the basic institutions of any society. Every society has certain norms and rules which have led to the development of key concepts such as customs and usages. Marriage as an important institution has been recognized in the personal laws of all the religions. With the passage of time, the complexities increased with areas such as divorce, judicial separation and conjugal rights came up in personal law and it became necessary to codify the laws relating to marriage in India. The Hindu law recognized the sacredness of the marriage tie. The wife was given an honoured position as "women is half her husband and completes him". Hindu law enjoined on the spouses to have the societies of each other. After the marriage bride becomes the member and backbone of the groom's family. The remedy of restitution of conjugal rights was not recognized in the . As the phase changed with globalization and modernization the Jewish law provided the remedy of restitution of conjugal rights. From Jewish law the remedy was adopted in English law and latter it came to Indian law.

Marriage is the existence of rights between spouses. These rights may also be called restitution of conjugal rights, offered to the disadvantaged party. The guarantee given by the Indian Constitution to every citizen with respect to the protection of fundamental rights has left some scope for ambiguity in this provision. This has led in recent times to a heated debate as to the constitutional validity of the concept with regard to the personal laws existent in the society. Meaning of Restitution Restitution basically means restoring to a party to its original place.