

~~~~~  
**Hindu means those who submit before multiple gods.**

The historical and etymological genesis of the word “Hindu” has given rise to a controversy among Indologists; but the view generally accepted by scholars appears that the words “Hindu” is derived from the river Sindhu otherwise known as Indus which flow from the Punjab.^1 It is only by subsequent usage and extension of the meaning that the word acquired a religious sense.^2 Privy Council in **Bhagwan Koer Vs J.C Bose**^3 had enunciated that:

“Hindu religion is marvellously catholic and elastic. Its theology is marked by eclecticism and tolerance and almost unlimited freedom of private worship. Its social code is much more stringent, but amongst its different castes and section exhibits wide diversity of practice.”

This was upheld by the Supreme Court in **CWT Vs R Shreedharan**^4 as follows:

The term of “Hindu Religions” hold within told it told men of divergent views and tradition who have very little in common expect in vague faith in what may be called the fundamental of Hindu religion.

Hindu religion, therefore, incorporate all forms of belief without mandating the selection or elimination of any one single belief.^5

---

<sup>1</sup> Shastri Yagna Purushdas Ji Vs Muldas Bhundardas Vaishya AIR 1966 SC 1119 cited in Aiyar 2013 v 2 p 2182

<sup>2</sup> Commissioner HRCE Mysore Vs Ratna Verma Hegde AIR 1977 SC 525 cited in Aiyer v 2 p 2182

<sup>3</sup> 1904 ILR 31 Cal 11 cited in Aiyar 2013 v 2 p 2184

<sup>4</sup> 1976 (4) SCC 489 cited in Aiyar 2013 v 2 p 2184

<sup>5</sup> Aadi Saiva Sivachariyagal Nalasangam Vs The Government of Tamil Nadu (2015) cited in Mulla 2016 p 84

Definition of Hindu

~~~~~

And, the word “Hindu” conveys the image of diverse group of communities in India.⁶

And, therefore, one can find a deliberate absence of definition of “Hindu” in statutes as well as in the Constitution of India for the simple reason that the vagueness of the term made it wide enough to include within its ambit every Indians except those who are “Muslim, Christians, Parsis or Jews by religion”⁷.

For example, **Hindu Marriage Act 1955** has been expressly applied to a Hindu as follows:

Section 2 - Application of Act – (1) This Act applies:

- (a) To any person who is a Hindu by religion in any of its forms or developments, including a Virashaiva, a Lingayat or a follower of the Brahmo, Prarthana or Arya Samaj,
- (b) To any person who is a Buddhist, Jain or Sikh by religion, and
- (c) To any other person domiciled in the territories to which this Act extends who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any such person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with here in if this Act had not been passed.

Explanation – The following persons are Hindus, Buddhists, Jainas or Sikhs by religion, as the case may be:

- (a) Any child, legitimate or illegitimate, both of whose parents are Hindus, Buddhists, Jain or Sikhs by religion;
- (b) Any child, legitimate or illegitimate, one of whose parents is a Hindu, Buddhist, Jain or Sikh by religion and who is brought

⁶ Bal Patil Vs UOI 2005 (6) SCC 619 cited in Aiyar 2013 v 2 p 2183

⁷ Suresh Khullar Vijay Khullar AIR 2002 Del 347 cited in Ayyar 2013 v 2 p 2183.

~~~~~

**Definition of Hindu**

~~~~~

up as a member of the tribe, community, group or family to which such parent belongs or belonged; and

(c) Any person who is a convert or re-convert to the Hindu, Buddhist, Jain or Sikh religion.

(2) Notwithstanding anything contained in sub-section nothing contained in this Act shall apply to the members of any Scheduled tribe within the meaning of clause (25) of article 366 of the Constitution unless the Central Government, by notification in the Official Gazette, otherwise directs.

(3) The expression "Hindu" in any portion of this Act shall be construed as if it included a person who, though not a Hindu by religion, is, nevertheless, a person to whom this Act applies by virtue of the provisions contained in this section.

Similarly, **Hindu Succession Act 1956 s 2, Hindu Minority and Guardianship Act 1956 s 3, Hindu Adoption and Maintenance Act 1956 s 2** applies the Act in similar fashion to a Hindu.

While guaranteeing freedom of conscience and free profession, practice and propagation of religion, the **Constitution of India in Art 25(2)** refers to “Hindu” as follows:

Explanation-2. In sub-clauses (b) of clause (2) the reference to Hindus shall be construed as including a reference to person professing Sikh, Jain, Buddhist religion and the reference to the Hindu religious institutions shall be construed accordingly.

Thus, for legal purposes, the word “Hindu” means not only a person who is ethnologically a Hindu but also a person who has the legal status of a Hindu and is governed in the matter of inheritance by the Hindu law.⁸

⁸ ILR (1946) Nag 159 cited in Aiyar 2013 v 2 p 2183

~~~~~