



Offences Relating to Marriage in India under the Indian Penal Code: A Socio-Legal Study

Aarvi Sunger^{a, *} 

Dr. Ramesh Kumar^{b, **} 



^aLL.M., School of Law, Lovely Professional University, Phagwara, Kapurthala, Punjab-144411, India,

^bAssistant Professor in Law & Research Coordinator of Law, School of Law, Lovely Professional University, Punjab, India.
Human Rights Law Activist, Madhya Pradesh, India.

KEYWORDS

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ABSTRACT

The foundation of marriage has existed in every society. It has been explained in the Rigveda and other various sacred texts, that females in ancient India had an eminent place with regards in public. In ancient times, marriage was seen as an important ceremony, and women had the same importance as men in society. In the past, marriage was seen as a very important event, but it made women have less power. Over time the financial, social, and political ways of life, females lost their status and regard in the society. Chapter XX of the Indian Penal Code (IPC) encompasses offenses related to marriage. All these offenses fall under the jurisdiction of the institution of marriage. The present socio-legal study focuses on factors responsible for the offences related to marriage in India. There are laws for the protection of women related to marriage abuse but still the crime is in increasing trend. Moreover, most of the crimes are not reported and, in our society, those crimes are considered part of married life for a woman. With the help of this doctrinal and non-doctrinal research methodology. This research paper emphasized the factors contributing to crime. Challenges to control and in the last part consider the suggestions which can help at least in reducing if not eliminating these types of crime.

Introduction

Marriage is one of the most important social institutions of any society. As a social institution, it forms a recognized relation for entering a long-lasting heterosexual relationship for having future family and children. It is the oldest way of legally regulating human reproduction in any country. This reproduction also has a sociological approach.¹ The main aim of marriage is not only just to have children but also to include emotional, financial,

psychological, and physical support. Marriage has the main feature of companionship. From ancient times, across world, all societies have emphasized marriage as a social obligation and share equal responsibility to support a family.²

The legitimate marriage guideline is a subject of essential significance in the advancement of government assistance to the public in its totality. Such an approach incorporates setting down specific law standards and endorsing authorizations

Corresponding author

*E-mail: aarvi.sunger@gmail.com (Aarvi Sunger).


**E-mail: jmsdrameshkumar@gmail.com (Dr. Ramesh Kumar).


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 <https://orcid.org/0009-0009-1925-7133>

 <https://orcid.org/0000-0003-2771-7274>



to penetrate. Those standards through relevant enactment. Since the approvals for a break of lawful means are as significant as the standards themselves. Consequently, the investigation of these standards should be considered an issue of incredible down-to-earth significance.³

Since the commencement of marriage, it has been a disputable inquiry with respect to what ought to befall those relationships which neglect to satisfy even certain fundamental or authentic articles. The customary view, that a marriage must be safeguarded at any cost drove the couples, especially the females, to live under a similar rooftop and some way or another endure the wretchedness of friction, no matter what. Those were straightforward occasions. Social dissatisfactions, social versatility and urbanization were insignificant. In current occasions, this view no longer holds great. The consistent perspective on sociologists, administrators, mediators, and present-day authors is that when family connections are decimated and the severe impacts of this on the kids and network are heightened, it adds up to the corruption of marriage, and an emphasis on its safeguarding baffles the motivation behind marriage and turns into a gadget for discipline.

The legal aspect of marriage is particularly crucial as it provides a structured framework for defining the rights, responsibilities, and protections afforded to individuals within a marital relationship. Legal systems around the world have established specific provisions and regulations governing marriage, covering aspects like eligibility requirements, consent, rights of spouses, property rights, and dissolution procedures.

Understanding the judicial approach to marriage involves examining how courts interpret and apply the law concerning marriage-related issues. This includes addressing matters such as the recognition of different types of marriages, the rights and obligations of spouses, grounds for divorce or annulment, and the evolving landscape of marriage laws in response to societal changes.

Research questions

- What are the Contemporary challenges in the context of marriage and family life in India?
- What potential reforms are required in Marriage laws in India?
- Whether the women who are the victims of marriage abuse are aware of their rights are laws available to support them.
- Whether the offenders are aware of the laws and consequences of the offenses?
- Whether our laws and legal framework related to marriage offences are sufficient or need reforms?
- What are the international perspectives related to offences related to marriage?
- What are the core factors responsible for contributing to offences related to marriage in India?

Hypothesis: There is a need to educate and make aware to society for the offenses related to marriage against women in India.

Research Methodology

The present research study is a mixed study of doctrinal and non-doctrinal to understand the offenses related to marriage in India. The primary

source of the data collected is a questionnaire survey to identify the core reasons for marriage offenses, and why even having strict laws still the offenses related to marriage are higher trend. The secondary sources, which include books, articles, statutes, journals, reports, and case laws have been utilized for this study. Random sampling size of 60+ from women who are homemakers, working, Advocates, students, and public mainly residing in north India.

Review of literature

It has been explained in the Rigveda and other various sacred texts, that females in ancient India had an eminent place with regards in public. In ancient times, marriage was seen as an important ceremony, and women had the same importance as men in society. In the past, marriage was seen as a very important event, but it made women have less power. Over time the financial, social, and political ways of life, females lost their status and regard in the society. Numerous malicious ethnicities and customary rules stepped in which subjugated the females and attached them to the limits of their house.⁴ On one hand, there is a decrease in the sex proportion, well-being status, education rate, and so forth., while on the other, the spread of social wrongs like share deaths, youngster relationships, aggressive behavior at home, conjugal assault, savagery and so on are expanding in various pieces of India.⁵

The United Nations characterized "Viciousness against Women" in 1993 in "Declaration on the Elimination of Violence against Women. It characterizes it as any demonstration of sex-based savagery that outcomes in, or is probably going to

bring about, physical, sexual, or mental damage or enduring to females, including dangers of such acts, pressure, or discretionary hardship of freedom, in the case of happening" openly or private life.⁶

Marriage History: How Love Conquered

Marriage" by Stephanie Coontz: This book traces the historical evolution of marriage from ancient times to the present day. It explores how marriage has been shaped by economic, social, and cultural factors, moving from arranged unions based on economic and political considerations to marriages based on love and companionship. Coontz discusses the legal transformations that have occurred, such as the recognition of women's rights within marriage, changes in divorce laws, and the expansion of marriage to include same-sex couples. The book highlights the evolving nature of marriage as an institution, reflecting broader societal changes and shifting attitudes towards gender roles, individual autonomy, and intimacy within marital relationships.⁷

Marriage and Divorce Laws of the World" by

Hyacinthe Ringrose: This reference book provides a comparative analysis of marriage and divorce laws from different countries globally. It explores legal frameworks, eligibility criteria, rights and obligations of spouses, dissolution procedures, and international perspectives on marriage. The book offers insights into the diverse approaches to regulating marital relationships across cultures and legal systems, highlighting variations in marriage laws based on religious, cultural, and historical contexts.⁸

In Indian law, marriage is legally recognized as a union between two individuals that is historically a

sacred bond defined by religious and cultural practices. Landmark cases such as **Shayara Bano v. Union of India (2017)** and **Navtej Singh Johar v. Union of India (2018)** have contributed to a broader understanding of marriage, emphasizing principles of equality, dignity, and individual rights within marital relationships. The evolution of marriage laws in India reflects a shift towards inclusivity, addressing issues of gender discrimination, marital abuse, and recognizing the autonomy of spouses. Overall, the Indian judiciary's definition of marriage encompasses legal recognition, rights, and responsibilities while adapting to evolving societal values and constitutional principles. Since in January 2022, the Indian Supreme Court has rendered several significant decisions about marital equality and associated matters. Here are a few noteworthy decisions and cases related to marriage equality and related matters in India:

In **Smt. Bibbe vs. Smt. Ram Kali and Ors., (1982)**, The Allahabad High Court said that the wedding ceremonies don't have to be done in a certain way. If a wedding has some ceremonies, it may not be the only ceremony required by law. It depends upon the customs and traditions of the people getting married.⁹

Ram Chandra Bhagat vs State of Jharkhand, in 2010, the Supreme Court said that a marriage between people of different castes can be done according to the customs of either the boy's caste or the girl's caste.¹⁰

In **Navtej Singh Johar v. Union of India (2018)**, the Indian Supreme Court rendered a landmark decision, holding that Section 377 of the Indian

Penal Code—which made consenting to gay intercourse illegal—was unconstitutional. The acknowledgement of the rights of LGBTQ+ people, particularly their freedom to select their partners and live-in society without facing prejudice, was greatly aided by this ruling.¹¹

Shayara Bano v. Union of India (2017): This case dealt with the practice of triple talaq (instant divorce) among Muslims in India. The Supreme Court declared the practice of triple talaq unconstitutional, emphasizing the rights of Muslim women in marital relationships and the need for gender equality.¹²

Hanmuniya v. Virendra Kumar Singh Kushwaha Considering Sec 7 of the Hindu Marriage Act, 1955¹³ “the marriage performed in absence of customary rites and ceremonies of either party to the marriage is not valid. And Mere intention of the parties to live together as husband and wife is not enough. Further, there is no scope to include a woman not lawfully married within the expression of ‘wife’ in Section 125 of the Code should be interpreted to mean only a legally wedded wife”.¹⁴

Joseph Shine v. Union of India (2018): In this case, the Supreme Court struck down Section 497 of the Indian Penal Code, which criminalized adultery. The court emphasized the importance of individual autonomy and privacy within marital relationships, marking a significant development in recognizing the rights of spouses.¹⁵

Lata Singh v. State of U.P. (2006): While not a Supreme Court ruling, this case before the Allahabad High Court is noteworthy. The court held that individuals have the right to choose their life partners, irrespective of caste or religion, and

that society and families cannot interfere with such choices.¹⁶

Indu Malhotra v. Union of India (2018): In this case, while dealing primarily with the issue of adultery, the Supreme Court also emphasized the importance of equality and mutual respect within marital relationships. The judgment reflected evolving societal norms and expectations regarding marriage and individual rights.¹⁷

Aruna Ramchandra Shanbaug v. Union of India (2011): While not specifically about getting married, this situation is important because it talks about the right to pass away in a respectful way. The Supreme Court said it's okay for people to choose to stop medical treatment if they're very sick and don't want to live anymore. This means people have the right to make decisions about their health and how they want to be treated at the end of their life.¹⁸

Danial Latifi v. Union of India (2001): This case was about the rights of Muslim women to get money from their ex-husbands after they get divorced. The Supreme Court said that Muslim women can get money even after the waiting period after a divorce. This decision helps them have financial rights in their marriages.¹⁹

Sarla Mudgal v. Union of India (1995): In this situation, the Supreme Court decided about getting married to two people and changing to Islam to do it. The court said it's important to stop people from using religion to get around the laws for marriage and personal rights.²⁰

Smt. Seema v. Ashwani Kumar (2006): This case showed how women in live-in relationships have rights. The Supreme Court said that a woman in a

live-in relationship can ask for money to support herself in some situations. This is to help pro AIR 2006 SUPREME COURT 1158, tact women who are not married but live with their partner.²¹

Vineeta Sharma v. Rakesh Sharma (2020): This case was about whether daughters have the right to inherit property under Hindu inheritance laws. The Supreme Court said that girls should get the same share of family land as boys, no matter when they were born.²²

Goolrokh M. Gupta v. Burjor Pardiwala (2019): This case addressed the issue of inter-faith marriages and conversion. The Supreme Court upheld the right of individuals to choose their religion and life partner freely, emphasizing the importance of consent and personal autonomy in matters of marriage and religious conversion.²³

Contemporary challenges in the context of marriage and family life

Contemporary challenges in the context of marriage and family life encompass a range of complex issues influenced by societal changes, legal developments, and cultural shifts. Some key contemporary challenges include:

Changing Family Structures: The traditional nuclear family model is evolving, with increasing diversity in family structures such as single-parent families, same-sex parent families, blended families, and multi-generational households. This diversity brings both opportunities and challenges in terms of legal recognition, support systems, and societal acceptance.

Equality: The ongoing struggle for marriage equality and LGBTQ+ rights continue in many parts of the world, with debates and legal battles over the

recognition of same-sex marriages, adoption rights, and anti-discrimination protections for LGBTQ+ individuals and families.

Divorce and Separation: High divorce rates and the prevalence of separations pose challenges related to co-parenting, child custody arrangements, financial support, and emotional well-being for divorcing couples and their children. Access to affordable and effective divorce mediation and counselling services is crucial.

Gender Roles and Equality: Despite progress, gender inequality and traditional gender roles persist in many societies, affecting marital dynamics, division of labour, decision-making power, and access to opportunities for men and women within marriages and families.

Technology and Relationships: The digital age brings new challenges to relationships, including issues related to online infidelity, social media's impact on marital satisfaction, technology addiction affecting family time and communication, and the use of digital tools for harassment or abuse within relationships.

Work-Life Balance: Balancing work and family life remains a significant challenge, particularly with the rise of dual-income households, demanding careers, long work hours, and the need for adequate parental leave and flexible work arrangements to support caregiving responsibilities.

Parenting in the Digital Age: Parenting challenges have evolved with the prevalence of digital media, screen time, cyberbullying, online safety concerns, and the need for digital literacy skills to navigate technology's impact on children's development and well-being.

Economic Pressures: Financial stress, economic instability, housing affordability, and inequalities in income and wealth can strain marriages and families, leading to conflicts over financial management, budgeting, and long-term planning. Dealing with these modern problems needs a variety of ways like changing the law, making new rules for society, teaching people, helping communities, and finding ways for people to be stronger. Effective communication, fairness, understanding, and a promise to treat each other equally are important in dealing with the challenges of today's marriages and families.

Same-sex marriage debates: The debates surrounding same-sex marriage are deeply rooted in conflicting perspectives on civil rights, social values, and legal recognition. Advocates for same-sex marriage emphasize principles of equality and human rights, arguing that denying LGBTQ+ couples the right to marry constitutes discrimination and a violation of fundamental freedoms. They highlight the importance of legal protections and benefits that come with marriage, such as inheritance rights, healthcare access, and parental recognition, while also stressing the positive impact on social acceptance and family stability. On the other side, opponents often draw on religious beliefs and traditional definitions of marriage, expressing concerns about potential societal changes, religious freedoms, and the impact on children and family structures. These debates reflect broader discussions on individual liberties, cultural norms, and the evolving landscape of LGBTQ+ rights in contemporary society.

Polygamy and polyamory considerations:

Polygamy and polyamory are both forms of consensual non-monogamous relationships, but they differ in keyways, especially in terms of legal recognition, cultural acceptance, and social considerations.

Polygamy: Polygamy means being married to more than one person at the same time. It can look different, like when one man has many wives, or when one woman has many husbands. Here are some things to think about when it comes to polygamy.

Legal Status: Polygamy is illegal in many countries and jurisdictions, where marriage laws typically recognize monogamous relationships only. In places where polygamy is permitted, there are often specific legal requirements and regulations governing such marriages.

Cultural and Religious Context: Polygamy has historical and cultural roots in various societies, often associated with religious beliefs or traditional practices. It may be accepted or even encouraged in certain cultural contexts while facing stigma or legal consequences in others.

Family Dynamics: Polygamous families can be complex, involving multiple spousal relationships, parental roles, and household structures. Issues such as inheritance, property rights, and child custody can be more complicated in polygamous arrangements.

Gender Dynamics: In polygynous marriages (one man with multiple wives), questions arise about gender equality, power dynamics, and the well-being of all spouses and children within the family unit. These dynamics can vary widely based on cultural norms and individual relationships.

Polyamory: Polyamory is when people have romantic or sexual relationships with more than one partner and everyone knows and agrees to it. Polyamory is different from polygamy because it's not always about getting legally married to multiple people. Instead, it's about having emotional connections with more than one person and practicing non-monogamy in an honest and ethical way. When thinking about having multiple romantic partners, things to think about include:

Consent and Communication: Polyamorous relationships prioritize open communication, honesty, and mutual consent among all partners. This includes discussing boundaries, expectations, and agreements to ensure ethical and respectful interactions.

Relationship Structures: Polyamorous relationships can take various forms, such as closed triads (three people in a closed relationship), open networks (multiple partners with varying degrees of connection), or hierarchical arrangements (primary, secondary partners).

Legal and Social Recognition: Polyamorous relationships often lack legal recognition and face challenges in areas such as healthcare decision-making, inheritance rights, and parental rights. Social acceptance and understanding of polyamory also vary widely.

Emotional Dynamics: Managing multiple romantic relationships requires emotional intelligence, time management, and conflict resolution skills. Jealousy, insecurity, and communication challenges can arise and need to be addressed within polyamorous dynamics.

Potential reforms required in Marriage laws.

Potential changes in marriage laws may include several key areas of focus and reform, reflecting evolving societal values, legal precedents, and emerging challenges. Here are some potential changes that could be considered in marriage laws:

Marriage Equality: Continued efforts to promote marriage equality may lead to legal reforms ensuring equal rights and recognition for same-sex couples in areas such as marriage, adoption, inheritance, and spousal benefits. This includes expanding legal protections and non-discrimination policies to support LGBTQ+ individuals and families.

Consent and Age Requirements: There may be discussions about reviewing and updating age requirements for marriage, ensuring that individuals enter marriage voluntarily and with informed consent. This includes addressing issues of child marriage, coercion, and forced marriages through legislative measures and awareness campaigns.

Polyamorous and Non-Monogamous Relationships: As awareness of consensual non-monogamous relationships grows, there may be debates about legal recognition, rights, and responsibilities for individuals in polyamorous or open relationships. This could involve developing legal frameworks to address issues such as inheritance, custody, and financial support within non-traditional relationship structures.

Cohabitation Rights: With an increasing number of couples choosing to cohabit without formal marriage, there may be discussions about legal rights and protections for cohabiting partners, including property rights, financial support, and

access to healthcare and benefits.

Family Planning and Reproductive Rights:

Changes in marriage laws may also encompass areas related to family planning, reproductive rights, and assisted reproductive technologies. This could involve updating laws on surrogacy, fertility treatments, parentage rights, and access to reproductive healthcare services for couples and individuals.

Divorce and Dissolution Processes: Reforms in divorce and dissolution processes may focus on promoting alternative dispute resolution methods, simplifying procedures, addressing issues of spousal support and asset division, and ensuring the well-being of children involved in divorcing families.

Financial and Property Rights: There may be considerations for updating laws related to financial responsibilities, property ownership, and economic rights within marriages, including provisions for prenuptial agreements, post-marital agreements, and equitable distribution of assets.

Cross-Border Marriages: Given the globalization of relationships, there may be efforts to harmonize laws and regulations for cross-border marriages, addressing issues of jurisdiction, recognition of foreign marriages, and international child custody disputes.

Technology and Digital Relationships: As technology plays a greater role in relationships, there may be discussions about legal frameworks for digital assets, online divorces, virtual marriages, and addressing cyber-related issues such as online harassment, revenge porn, and digital privacy within marital relationships.

These potential changes in marriage laws reflect ongoing societal shifts, advancements in legal understanding, and the need to adapt legal frameworks to meet the evolving needs and complexities of modern relationships and family structures.

International Perspectives

International perspectives on annulment and dissolution of marriage vary widely based on legal systems, cultural norms, and religious beliefs across different countries. In many Western countries, such as The United States of America, Canada and European nations, divorce is a common legal recourse for ending marriages, typically based on no-fault grounds such as irreconcilable differences or irretrievable breakdown of the marital relationship. These countries often have well-established legal frameworks and procedures for divorce, including division of assets, child custody arrangements, and spousal support.

In some countries where most people are Muslim, Islamic law controls marriage and divorce. There are different ways to get a divorce, like when the husband starts it, or when the wife starts it, or when it's decided in court. These countries might allow annulment in certain cases, like when the marriage is invalid or involves deceit, lack of agreement, or forbidden relationships.

In countries with a strong influence of Catholicism, such as some Latin American nations and the Philippines, annulment is more prevalent than divorce due to religious beliefs. An annulment in these contexts typically requires proving grounds such as fraud, impotence, lack of consent, or inability to fulfil marital obligations.

In Asian countries like Japan and South Korea, divorce laws may vary based on cultural and legal factors, with provisions for both fault-based and no-fault divorces. In China, divorce rates have increased significantly in recent years, leading to changes in divorce laws and procedures to accommodate the growing demand for marital dissolution.

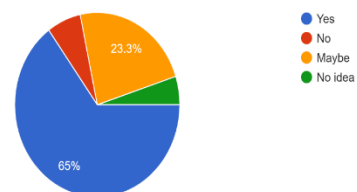
Overall, international perspectives on annulment and dissolution of marriage reflect the diverse legal, cultural, and religious landscapes across different regions, with varying approaches to addressing marital disputes, ending relationships, and protecting the rights and interests of spouses and children involved.

If we do the research to understand the offences related to marriage at international level. There the reasons are quite different as compared to India. There the main reasons are due to factors such as migration, cross-border marriages, human trafficking, and international law enforcement. Developed countries have come up with systematic approach to address these issues. The Govts, NGOs, law enforcement agencies play a vital role in controlling these marriage related offences.

Empirical Work

Figure. 1.

Are you aware of the legal provisions in India regarding offences relating to marriage?
60 responses

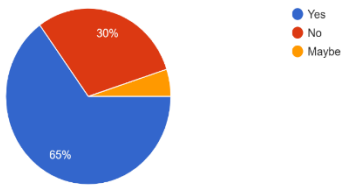


Result: Yes 65%, Maybe 23.3%, No 4% and with No idea 5%.

Analysis: 65% of the population is positive and they are aware of the Offences, 23.3% are not confident about their knowledge but on positive side. This result shows that most of the people are aware of that there are Laws related to the Offences to Marriage. It is a positive sign.

Figure. 2.

Have you or anyone you know ever faced any issues or offences relating to marriage in India?
60 responses

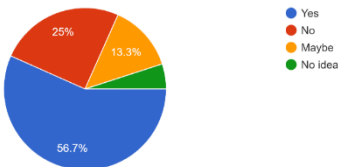


Result: Yes 65%, No 30% and with Maybe 5%.

Analysis: 65% of the sample population has faced the issue and 5% are not sure. It shows an alarming situation.

Figure. 3.

Have you ever witnessed or experienced discrimination or bias within the legal system while dealing with cases related to offences relating to marriage?
60 responses

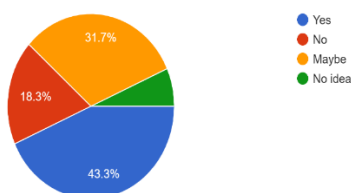


Result: Yes 56.7%, No 25%, Maybe 13.8% and No idea 5%.

Analysis: 56% say Yes and 13.8% are maybe. Both are on the positive side, which is alarming.

Figure. 4.

Do you believe that existing laws in India adequately address offences such as dowry harassment, domestic violence, or marital rape?
60 responses

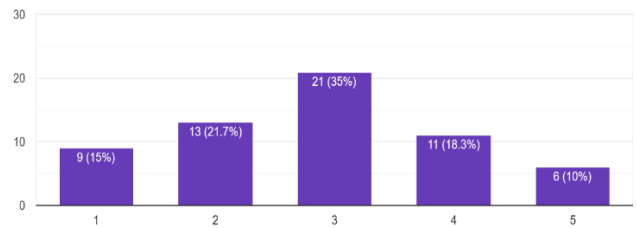


Result: Yes 43.3%, Maybe 31.7%, No 18.3% and with No idea 6.7%.

Analysis: 43.3% come up with yes and 31.7% with Maybe. It shows that people feel that Laws are good and sufficient.

Figure. 5.

How confident are you in the legal system's ability to provide justice to victims of offences relating to marriage?
60 responses

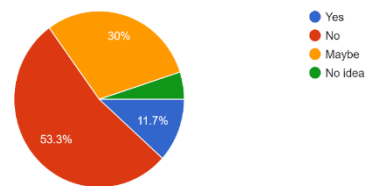


Result: 1 – 15%, 2 – 21.7%, 3 – 35%, 4 – 18.3% and 5 - 10%.

Analysis: With this data it seems that people are nightery happy nor against of the justice system. Maybe more research is required to understand why the result is on average side.

Figure. 6.

Do you think there is enough awareness among the general public about the consequences of committing offences relating to marriage in India?
60 responses



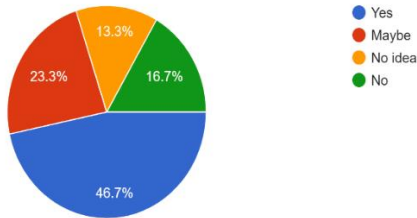
Result: Yes 11.7%, No 53.3%, Maybe 30% and with No idea 5%.

Analysis: With this data it seems people are not aware of the consequences. This data need be analyzed with the other questions because people are aware of the laws, they feel laws are sufficient and more over majority of people are already

experienced with these offences. This needs further study.

Figure. 7.

Do you think that the existing laws are favourable to women especially towards a wife?
60 responses

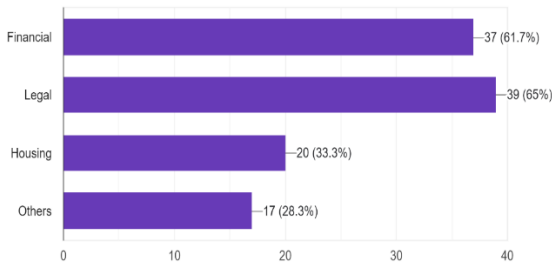


Result: Yes 46.7%, No 16.7% Maybe 23.3% and with No idea 13.3%.

Analysis: This data shows that most of the people feel that the marital laws are favorable to women, especially to wife. This question is already in news and even Judiciary has also made many judgements on this.

Figure. 8.

What support services do you think should be made available to victims of offences relating to marriage in India?
60 responses



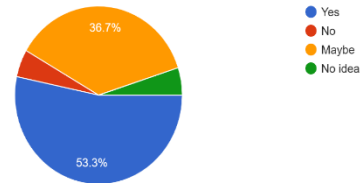
Result: Finance 61.7%, Legal 65%, Housing 33.3% and Others 28.3%.

Analysis: This is a very interesting question and people find it very interesting. People were very excited to know more about this support system. This shows that people are still struggling to get Legal support, or they are not satisfied with the provisions. Financial support, that can be

understood that if a person is vulnerable and worried about Legal then there will be this issue, which is correlated.

Figure. 9.

Do you believe that cultural or societal norms play a significant role in perpetuating offences relating to marriage in India?
60 responses

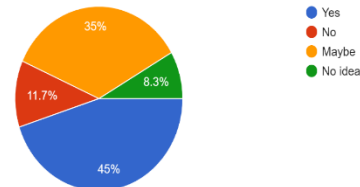


Result: Yes 53.3%, No 5% Maybe 36.7% and with No idea 5%.

Analysis: We can understand that in India society plays a big role in family matters. Relatives and friends share their personal issues. Most of the time the issue is with family members itself.

Figure. 10.

How do you think the media and public discourse shape perceptions and responses to offences relating to marriage in India?
60 responses



Result: Yes 45%, No 11.7% Maybe 35% and with No idea 8.3%.

Analysis: This data shows a positive sign that people feel that the media and awareness related to these offenses are made public.

Conclusion

In India, personal law is the product of a multi-cultural system which has developed over generations. Although the relationship between personal law and religious belief is very remote because people are sentimental about the living law

of tradition, the challenge of achieving social justice in this area is resisted either directly or indirectly by orthodox sections of society. However, most of the population has reacted positively to the implementation of social reforms in personal laws. Marriage was seen as a very important and permanent union in Hindu society. Since marriage was seen as a sacred act, people didn't focus on the legal side of it. Hindus think of their marriage as something different from a contract. The traditional marriage among Hindus has three special qualities. First, it is a strong and unbreakable bond between the bride and groom. Secondly, it lasts forever and thirdly it is a sacred union. Under the Hindu Marriage Act, 1955, divorce is allowed, so marriage is not seen as an unbreakable bond. Some people think that the idea of being together forever was ruined because widows got married again. One cannot say that Hindu marriage is not sacred anymore because the government sees widow remarriage to make things better. Still, the third character has stayed somewhat. In Hindu weddings, a special religious ceremony is usually required. The Hindu wedding has many parts. This is a common wedding ceremony, but it can be different depending on where you are. Some of the steps might not be followed or might be changed according to the traditions of the area or family. The problem is that not all marriage ceremonies are the same. Hindu weddings do not have standard ceremonies, traditions, rituals, or customs that are the same everywhere. There are no strict rules in Hindu law for marriage and Hindu pundits don't all agree on the ceremonies couples should have. Different groups of people have different customs

or rituals. These customs can vary depending on where you are from, what group you belong to, or what family you are part of.

The Hindu Marriage Act, 1955 made a set of rules for Hindu marriages. Section 2 of the Hindu Marriage Act, 1955 says that the Act applies to anyone who is a Hindu in any of its forms. However,

Section 29 of the Hindu Marriage Act, 1955 says that the Act does not change any rights given by tradition or special laws.

Passing the same law again. Under the Hindu Marriage Act, 1955, a Hindu wedding can be performed according to the customs of either person getting married. This includes the saptapadi ceremony. The wedding is official after the seventh step is taken.

The Courts said that couples must do saptapadi in front of a sacred fire, but they don't have to chant mantras. However, it thinks that kanyadanam is also a very important ceremony. But it was seen that, even though.

The Hindu Marriage Act, 1955 does not say if a marriage without important ceremonies is okay or not. In most cases, the Courts said that a marriage can't happen without the right ceremonies. So, a marriage without the right ceremonies isn't valid. The Hindu Marriage Act says that a Hindu marriage is a ceremonial marriage. It must be done with the traditional customs of one of the two people getting married. If the marriage is not done with the right ceremonies and procedures, it cannot be considered official.

The Supreme Court says that just wearing Mangalasutra or Sindoor is not enough to be legally

married. There needs to be other rituals like saptapadi in front of a holy fire. Simply going through certain ceremonies with the intention of being married does not make them legal or approved by any established custom. This means that if people haven't had any religious ceremonies, then their marriage is not considered valid. When we watch certain ceremonies, we wonder if they follow the Panigrahanika ritual with Saptapadi, or if they follow the usual customs for the bride or groom.

In Hindu marriages, there are no set ceremonies that must be followed. To decide if the marriages are valid, the courts will check if they were done according to traditional rituals or customs. In simple words, we can say that Hindu marriage is not just a religious sacrament or a legal contract but has elements of both. Marriage is like a contract because the bride and groom's agreement are important for it to happen. Marriages are like a sacrament and the ceremony is still important.

In the early stages of Muslim legal thinking, Muslim personal laws saw marriage as a civil contract, like how it was seen in the Western World after the Industrial Revolution. The husband was in charge, which was common in a society where men had the most power. However, people have different views on what Muslim marriages are like.

Some experts think that Muslim marriage is just a legal agreement, while others think it is a religious ceremony. Some people believe that marriage is not just a legal agreement, but also a sacred act in their religion. This belief is traditional and is also recognized by the courts. In previous cases, the courts thought that a Nikah under Muslim law is a

religious ceremony. It has made the view of Muslim marriage fair by recognizing it as both a legal agreement and a religious ceremony. In Muslim marriage, it's like making a promise. But if they decide to end it, the husband has more power.

The Central Government has not made any rules yet for making marriages registration mandatory. India has different laws for different communities based on their religions. All Christian marriages in India must be registered according to the Indian Christian Marriage Act of 1872. In the Act, the marriage register of the Church is filled out right after the ceremony. The bridegroom, bride, priest, and witnesses all sign it. The Parsi Marriage and Divorce Act, 1936 says that people must register their marriages. In the laws of Islam, a marriage is seen as a legal agreement. The person performing the marriage ceremony also writes down the details of the marriage in a document called a Nikahnama, which is given to the couple. Section 8 of the Hindu Marriage Act, 1955, says that marriages should be registered. The state governments can make the rules for how this should be done. The highest court says all marriages must be officially recorded. In India, couples can get married under two different laws, the Hindu Marriage Act of 1955, or the Special Marriage Act of 1954. The Hindu Marriage Act is only for Hindus, but the Special Marriage Act, 1954 is for all people in India no matter what religion they are. It seems that only four states have made it necessary for people to officially register their marriages. The laws that deal with registering marriages in Maharashtra, Gujarat, Karnataka, Himachal Pradesh, and Andhra Pradesh are The Bombay Registration of Marriages Act, 1953, The

Karnataka Marriages (Registration and Miscellaneous Provisions) Act, 1976, The Himachal Pradesh Registration of Marriages Act, 1996, and The Andhra Pradesh Compulsory Registration of Marriages Act, 2002. Some states and territories stayed silent, while others only reported on Hindus. It was discovered that changes are needed in the Hindu Marriage Act, 1955 to make it a requirement to register marriages after they are done.

The government must make rules for how Hindu marriages are performed. Due to the problems in the Hindu marriage law, some Hindu women are being hurt and taken advantage of by men. The government needs to change the Hindu Marriage Act, 1955 to fit with the needs of society now. During the wedding ceremony, the priests should be allowed to give a certificate that the marriage took place with all the Hindu customs. Marriage should be proof that it is a real and valid marriage. The stability of marriage is the essence of every civilized society. As the instruments of social control to promote harmony in society the State has recognized and enacted the matrimonial remedies under various personal laws. Matrimonial reliefs are granted not only as of the personal claims of the spouses but also to ensure peace and stability towards the society which is initiated by the efforts of man and woman i.e., the husband and wife. So, there is every possibility that some differences may arise between the spouses and sometimes the differences may be serious also.

The public policy which finds expression in the statutes authorizing matrimonial reliefs is based upon the assumption that it is better for the spouses

who have been living in extreme hardships and have found that reconciliation is hopeless, to have an opportunity to end their relationship as a husband and wife and an opportunity be given to the parties to remarry and re-establish a family relationship with some other person.

India is transitioning. Last few years the technology and improving in laws to address these issues related to offences provide awareness. We cannot say that the number of offences has been increased infact we should view it in a way that now the number of issues is being reported more frequently. Women education and self-dependency help a woman to raise her voice for injustice, which was not raised due to multiple factors.

We cannot compare India vs western countries as the base issues are different. There is a cultural, social, financial difference. New laws and support mechanism is more visible and easily available. Though lot of improvement is still required but good is, it is improving.

The above-mentioned suggestions are just a few areas which need to be addressed. Mostly the root cause of the offences related to marriage need to be evaluated periodically. The social, economic, and cultural, laws are getting change drastically. Moreover, the deep root of the problem for a rural victim would be different than that of the victim of urban. It needs to be evaluated deeply and continuously. Above that the implementation mechanism needs to be addressed and must be implemented as per the phase of the changes at the ground level.

Endnote

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