



INDIAN MARRIAGE SYSTEM, WOMEN AND IMPORTANCE OF MAKING CHANGES IN THE MARRIAGE ACT 1955 WITH THE PROGRESS OF TIME, EDUCATION AND SOCIAL SYSTEM IN INDIAN SOCIETY.

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Abstract:

This paper highlights the crucial role of women in society and the need for reforms in India's marriage laws to ensure their peaceful existence and promote gender equality. The essay begins by acknowledging Aristotle's observation that man is a social animal, dependent on women at every stage of life. Despite women's significant contributions to social, economic, and overall development, they suffer in their married lives due to outdated marriage systems.

The study identifies the prevalence of violence, discrimination, and the persisting dowry system as major challenges faced by married women. It emphasizes the importance of registering marriages and calls for uniform marriage laws applicable to all citizens, regardless of their religion or creed. The research underscores the necessity of a transparent contract, signed by both parties, to prevent marital complexities and deceit.

Drawing from Vedic scriptures, the article advocates for an understanding of marriage as a sacred union of souls, emphasizing mental bonding and spiritual love rather than excessive focus on physical relations. The paper explores the potential of implementing a system of social approval for divorces, ensuring fair and just proceedings for both parties.

Furthermore, the study urges the government to introduce compulsory marriage registration and stricter adherence to marriage and divorce laws. It highlights the critical role of education in empowering women and advocating for one-child policies to manage population growth effectively.

Overall, the essay calls for comprehensive reforms in India's marriage laws to protect women's rights, promote gender equality, and foster social development. By fostering a society that values women's contributions, India can achieve lasting progress and prosperity for all its citizens.

Keywords: Women, Gender Equality, Marriage Laws, Social Justice, India, Peaceful Existence, Gender Empowerment, Marriage Registration, Dowry System, Divorce Proceedings, Vedic Scriptures, Population Control, Education, Gender Discrimination.

INTRODUCTION

"Man is a social animal" and everywhere he is in chains, said by Aristotle, which is very true. Human beings can't live alone; at every step, they need women from birth to death. Women contribute significantly to the social, economic, and overall development of society and the country. However, they suffer a lot in their married life due to the faulty system of marriage, struggling for their existence. So, for their peaceful existence and a happy life, some changes are required in the Marriage Act of 1955 and diverse acts so that women would get relief in their post-married life.

Women and girls contribute and have a great influence in building sustainable peace and development. Still, they are struggling for their rights and privileges, and generally, women suffer violence and discrimination. They are neglected in the political and economic decision-making process.

MARRIAGE, MARRIAGE ACT AND WHY SHOULD IT BE CHANGES?

Generally, marriage is a sacred union of a male and female adult with approval of society for creation of children to make a family with religion and righteousness and a formal commitment to give support to each other without a contract. Now in almost all countries marriage registration would be adopted. In India also, it is declared that though marriage registration is compulsory, then also almost all disobey the law which is framed in the year 1955.

India is a secular country and though there are differences in religion, language, dress, and other activities, still there is oneness feeling among Indians. It's wonderful. Everyone is equal before the law, everyone has equal right and privileges, then why family law is different for Hindu, Muslims, and Christians? Why marriages are performed according to religious beliefs? One boundary, one law is my slogan. Though there are few differences in custom and beliefs in different religions, but in Hindustan, the Sanskrit mantra in all marriages is chanted by a Brahmin in Hindu marriages.

Muslims perform their marriages, which is just an unwritten contract called nikah with consent of bride and groom, and it is also performed with approval of society. According to Christians, marriage is a God-ordained, convenient relationship between a man and a woman.

It is said that marriages are fixed in heaven but performed on earth. It's true, but as it is performed on earth and according to the decision of both family and both bride and groom allowed sexual relation with approval of society, we can change the law made for both and also fix some conditions, as income is very necessary to make a family. As haphazardly marriages are performed, the population grows rapidly and poverty cannot be eradicated. Without a plan, nothing can be achieved, so to make our country beautiful and marvelous, we should make some important changes in marriage law.

Marriage is a sacred union of a male and female adult with approval of society for creation of children to make family with religious and righteousness and a formal commitment to give support to each other without a contract. Now in almost all countries, marriage registration would be adopted. In India also, though it is declared that registration is compulsory, then also almost all disobey the marriage act, which is not in an order for which many

women suffer a lot in their law's family due to dowry system, domestic violence, mental and physical abuse by the husband.

Still, dowry system is going on and women suffer as a Hindu girl is given to the husband as a dana called kanya dana. Previously from childhood, parents give their girl to a man to serve the family, so it was called kanya dana. India progresses very speedily and the status of human being increases, education develops, but the thought of people remains the same, that the life of women is to serve the men. It is very shameful. With the development of female and male education, the old thought of people should be developed and broadened. The age limit of marriage is 21 for males and 18 for females, is fixed by our Law. Still, we call it kanya dana. A girl is also a human being and according to the law, a daughter and a son are equal and having equal rights and privileges. So, a girl is not a thing of dana. Dana means once we give, we can't return it in any circumstances, so this type of Ku samskara should be reformed. Actually, the girl before maturity is a kanya. The definition is contradictory.

It is necessary for a girl to know all about the family before marriage along with information like with income of husband. Due to the illegal procedure of marriage, women suffer a lot. There should be some contract paper signed by both the couple before marriage and exchanged at the time of marriage, i.e., registration in the presence of both the family.

Actually, we have a religious practice and a function has been made in marriages. There is a strong philosophy behind marriage, which is a samskara and union of soul, which creates a mental bonding, a spiritual love, caring, and understanding which is written in Veda. Nowadays, no one understands the philosophy. To understand the philosophy of marriages, a script should be made by the government of India from Sanskrit sloka chanted at the time of marriage by modifying it according to the needs of the day. It should be translated into all state languages and in English. The script should be given to both bride and bridegroom. Nowadays, no one knows it and no one has an interest to know about the samskara.

Legally, some certificates should be obtained at the time of marriage and exchanged by both. So that no complexity arises after marriage. Like:

- 1- Aadhar card
- 2- Residential proof
- 3- Personal property payments
- 4- Income certificate
- 5- Recent photograph
- 6- Educational certificates
- 7- And, if needed, parental property statement

It is found that in many cases, people say lies to a girl or woman before marriage. So that women's married life is miserable. She is struggling lifelong for livelihood and household.

In fact, marriage registration should be compulsory in India, irrespective of caste, creed, and religion because we all are equal before the law. The law made at the center should be obeyed by

all. In violation of it, punishment must be given by the authority in charge. Like birth and death certificates, all should have a marriage certificate.

God is unique and one. The aim of all religions is one. The reason for marriage is also the same for all, irrespective of religion. Marriages are made with social approval in all religions. So, legally, if we bind both bride and bridegroom, the relation is stronger, and it is difficult to divorce each other without sufficient reason. Actually, marriage, according to law and science, is the union of flesh with flesh, bone with bone, and blood with blood. In other words, it's the union of soul, body, and mind in the future course of life. So, there is no need for a function. People spend money on the party, but if that amount would be given to the bride in the shape of money, then it will be better. And we say this is the right expenditure.

The dowry system is prohibited in Indian law, but no one obeys it. This practice is going on openly in India. I oppose it strongly. This Dakshina with dana is wrong and Ku samskara. Rather than giving dowries, the money should be deposited in the name of the bride so she can spend it at the time of need. Actually, the bridegroom should arrange all household goods at his own expense before marriage. The parental property should be given at the time of marriage or a legal commitment to give the property at the time of partition. The contract should be transparent.

The purpose of marriage is:

1. To make a family and create children to contribute to a good citizen and a good person who serves the parents and country.
2. To get a soul mate, friend, or life partner for living a better life.

One child for one couple is the need of the day as the population grows at a galloping speed and in the near future, it exceeds the population of China and will be the no. 1 populous country soon.

In the creation of God, half are women in India and also in the world. We can't change it, but we can make laws and enhance their stability and make changes in some existing rules and regulations. Without the development of that 50%, the country could not progress. Their peaceful existence, financial and economic development, enhancement of social status is very, very important. If we do it, then the women society develops, and we can bring them to the level of men. As the wheels of a cart are the same, without which it can't run smoothly, if men and women are not the same, then the country cannot run smoothly, and an accident must happen. To elevate women to the level of men in all fields, women are given opportunities.

In Indian society, arranged marriages have been performed, which is the life of their children by parents and other respected family members. Nowadays, parents are anxious about the life of their daughter and take consent from their child. In most cases, dowry must be compulsory, and it is decided by the law's family. It is not possible in all cases for parents to fulfill the demands of the laws' family, which is a big issue and leads to conflicts between two families, and lastly, the women suffer. It is better if the male purchases all things for the household before marriage. Yes, only sridhana and wears can be given to a woman according to the capacity of the parents of the girl.

Marriage is a sacramental marriage in Catholicism, and it is a civil right of a person in India, nikah in Islam.

According to Hinduism, it is a sacred union, legally permissible of two healthy bodies of opposite sex. Marriage is a legally and socially sanctioned union of a man and a woman, which is regulated by laws, rules, custom, beliefs, and attitudes prescribed the rights and duties of partners. It provides structure such as:

1. Sexual gratification and regulation
2. Division of labor between sexes
3. Economic production and consumption
4. Sanctions of personal needs for affection
5. Sanctions of status and companionship

The strongest function is the care of children, their education, and socialization. The Hindu Marriage Act came into force in the year 1955 but was not strictly followed by people.

Under normal circumstances, it is not necessary to have a sexual relation. It is true that sexual relations bring closeness, physical, and mental well-being. But it is not essential. The meaning of marriage has a deep sense beyond sex. More sex in life causes diseases and harms women's bodies. Heavy bleeding, recurring pregnancy, repeated abortions make a woman's body physically weak, tumor in the ovary, and many such issues occur. According to mythology, limited sex is desirable and beneficial to the human body. What is the meaning of making a law for marriage for Hindus, if no one obeys it? Nowadays, the supreme court itself contradicts the law in some cases. Before the law, we are all equal. So, one marriage and divorce act should be made for all Indians, irrespective of religion.

Sex is not so important for a romantic relationship. Everyone differs from one another. There are many couples who are living happily having limited sex in their life. Mental bonding is more important than physical relationships. Understanding, love, care, reproduction, and peaceful existence are the motto of marriage. Enjoyment is not the motto because this is not the permanent source of happiness in life.

As till now marriage is made with social approval. Like this, divorce should be made with social approval. In a function, the bride erases the sindhur, and the opposite pheri should be done around Agni and return all things given by both families. Because women suffer a lot when they become divorcees. The marriage system should be changed, and the divorce act should be strict. There are some conditions fixed for marriages:

1. Blood group test
2. Either of them has an income source or parental property
3. Both have consent
4. Any other needed condition

CONCLUSION

If people are legally bound, then it is not easy to divorce. The legal binding makes the marriage strong and strong. So, marriage registration should be compulsory, and the government should be very strict in this matter, and also follow up action should also be taken in violation of it.