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Marriage in India: An Overview of Its Forms, Varieties, and Its Legality

MEERA P.M.[1] AND SHRUTHI SARANG S. KAMATH[2]

ABSTRACT

This page explains the genuine concept of marriage, its different varieties, and how marriages are performed in various religions. Marriage is performed according to the traditions and customs of each religion. Marriage is commonly viewed as the legal sanction for a man and woman to cohabit. It is possible to comprehend the various forms of marriages in India as well as the aims of marriage. It has also addressed modern challenges in marriage in today's society. The legitimacy of marriage is determined by many laws and acts enacted by India's parliament. This paper also mentions the Hindu Marriage Act of 1955, the Muslim Marriage Act of 1954, the Christian Marriage Act of 1872, etc. The article was completed by referring to prior articles and research papers on the subject.

Keywords: *Marriage, Types of marriage, Rituals under various religions, Contemporary changes in marriage, Legal framework.*

I. INTRODUCTION

Marriage is a legally recognised union of two persons. Marriage is regarded as a highly important and necessary step in one's life. Marriage has numerous objectives. Some of them are sexual desires, fulfilment, kid propagation, and so forth[3]. As you can see in this article, weddings have four times in common. Marriages are conducted in accordance with the rituals and customs of the individual's religion. The individual who is ready to marry should follow the rules of the marriage act of the concerned religion.

Marriage is a legally and socially sanctioned relationship, usually between a man and a woman, governed by laws, regulations, conventions, and beliefs. In our society, marriage is highly valued. It serves a variety of purposes that benefit both society and individuals.

For a man and a woman, creating a lasting tie is the primary purpose of marriage. Marriage helps to satisfy each other's sexual needs.[4] They join together to become friends and to share their lives. Through thick and thin, they can look out for and support one another. Individuals

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who are married experience love, camaraderie, and emotional support.[5] The spouse develops into the person's closest friend, providing the emotional support, love, and devotion they require. They share life's pleasures and tragedies with one another.The foundational unit of society, the legal family, is formed with the aid of marriage. A family shapes the next generation and offers a wholesome atmosphere for rearing children.

II. TYPES OF MARRIAGE

Typically, there are four kinds of marriages in India i.e., Polygyny, Polyandry, Monogamy, Group marriage,

POLYGYNY

One man who marries multiple women at the same time is said to be polygynistic. Though polygyny is not as common as monogamy, it is more widespread than polyandry. It was standard procedure in prehistoric societies. Primitive tribes like the Crow Indians, Baigas, and Gonds of India may still be home to it today.[6]

POLYANDRY

The marriage of one woman to multiple men is known as polyandry. The Marquesan Islanders of Polynesia, the Bahamian people of Africa, and the Samoan tribes all practice it. It is still common among the Tiyan, Toda, Kota, Khasa, and Ladakhi Bota tribes in India.

MONOGAMY

A monogamous marriage is one in which only one man marries the lady. Monogamy is generally practiced, giving all individuals with marital opportunities and fulfillment. It encourages husband and wife love and affection.[7] It promotes family harmony, unity, and happiness. Monogamous marriages are stable and long-term. It lacks the disputes that are frequent in polyandrous and polygamous families. Monogamous marriages prioritize the socialization of their offspring. Women have an extremely low status in polygyny, and their rights are seldom honored. Women have a higher social prestige when they are monogamous.

Monogamy is of two types;

1. Serial monogamy:

In many civilisations, people are allowed to remarry following a divorce or the death of their first spouse, but they are not allowed to have more than one marriage at the same time.

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[5] E. Cantarella,Friendship, Love and Marriage.
[6] Shivani Gupta, Marriage in india.
[7] Sambit Rath,What is Monogamy.

2. Straight monogamy:

Individuals who practice straight monogamy are prohibited from getting married again.[8]

GROUP MARRIAGE

When two or more women marry two or more men, it's referred to as a group marriage. In this case, the wives are common wives, and the husbands are common husbands. Children are thought of as belonging to the group as a whole.

III. MARRIAGE RITUALS UNDER VARIOUS RELIGION

Different religions perform marriages differently. The rites, traditions, and modes of conduct vary throughout religions. The viewpoint from which a religious marriage is viewed will also differ. For instance, marriage is viewed as a contract between spouses in the Muslim faith, but as a sacrament in the Hindu religion. Here we can see how marriages are differing in Hindu, Islam and Christian religion.

HINDU MARRIAGE

Marriage in Hinduism is a sacred bond between partners. It includes several rituals and traditions that bring two families together besides the couple. Families and friends get together, perform rituals and enjoy the festivities.

There are multiple forms of marriage under Hindu law. They are:

1. Daiva Marriage

The suitor in such a marriage is an official priest. Initially, it was necessary for a person to have a strong character, a good family background, and knowledge of the Vedas. The bride's father presents her to the husband as a sacrifice or gift.

Lord Manu, Lord Brahma's mind-born son, believed that a child born from this union would atone for the sins of the previous seven generations of ancestors. This type of marriage is exclusive to Brahmins.

2. Brahma Marriage

It is the most common type of marriage among Hindus. The Hindu Sastrakaras regarded it the most pure and refined means of bringing two individuals together.

People had to maintain respectable behavior at social events and follow all religious customs under this marriage. It is also the mutual consent marriage of two adults. In such a circumstance,

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[8] David de la Croix & Fabio Mariani,From Polgyny to Serial Monogamy: A Unified Theory of Marriage Institutions.

the father marries his daughter to a man whom he has authorized. Elders from both families are required to follow wedding traditions and to be present during the rites.

3. Prajapatya Marriage

Marriages between commoners who cannot afford to practice rites are referred to as this type of union. Many customs include family members exchanging gifts, clothes, and money. However, a sizable portion of the population cannot afford a luxury lifestyle.

As a result, the bride and groom sides would congregate in one location, such as a marriage hall or temple, to exchange garlands and complete basic ceremonies. It contains both families' approval.Court weddings are in this category.

4. Arsha Marriage

In the past, and even now, many parents would trade their daughter for a cow or bull. In such a circumstance, no money is exchanged, but rather animals that the bride's family can use in their farms or sell as dairy products. It was very common in priest families.

5. Gandharva Marriage

Two people become a couple out of mutual consent and admiration for each other in such a marriage. It is a two-person consensual union that is one of the most common in tribal communities. The bride and groom married without the agreement of their family in such a wedding.

6. Paishacha Marriage

In Hinduism, a sinful marriage is regarded as the lowest in the marriage hierarchy. In such a marriage, the husband utilizes force or deception to have physical intercourse with the girl. Previously, the girl was forced to marry the person with whom she had relations, willingly or unwillingly.

7. Asura Marriage

In such a marriage, the father would give his daughter away in exchange for a bride price. In exchange for taking her home, the groom's family must pay a suitable sum to the bride's family. The groom, on the other hand, cannot take the bride against her will.

In many circumstances, a bride comes from an impoverished family, and her father may send her away against her will in order to save money. In such a circumstance, a guy who can afford to pay a large sum for the bride might take her home as his wife. It is prohibited in India.

8. Rakshasa Marriage

Previously, there was a segment of society where the groom would use force to marry the woman of his choice. He would kidnap or threaten the girl into marrying him. This type of marriage is now illegal.

Hindu marriage is particularly common since Hinduism is practiced by the majority of Indians. Though there is much variance in Hindu religious rituals according to areas and communities, the overall customs remain consistent. The Hindu wedding takes place in a large marquee, either in the bride's backyard or in a rented wedding venue. Various rituals are performed prior to marriage, on the wedding day, and after the wedding.

There is no universal Hindu marriage ceremony. The sequence of rites that comprise the ceremony varies according to region. There is also a lot of leeway within each rite. Variation reflects family customs, neighborhood traditions, family resources, and other things. The following three main rites predominate

1. *Kanyadana* - the father's giving away his daughter.

2. *Panigrahana* - a fire-related ritual in which the groom grabs the bride's hand as a symbol of their unity.

3. *Saptapadi* is an important rite. The phrase translates as "seven steps," with each step representing a set of vows: groom to bride and bride to groom. The vows are said in Sanskrit and sometimes in the couple's native language.[9]

The other rituals include;

4. *Vaakdaanam* - This step is a part of Kanya Varanam, where the groom-to-be sends two elders on his behalf to the father of a girl whom he wishes to marry. The elders convey the message of the brahmachari and ask for the daughter's hand.

5. *Vara prekshanam* - The bridegroom worries about any doshas that the bride might have and prays to the gods Varuna, Brihaspati, Indra and Surya to remove every defect and to make her fit for harmonious and long marriage life blessed with progeny and happiness

6. *Ardhāsana*

This ritual originates from South India and places the groom and bride welcoming their respective families together to witness the exchange of testimonies accompanied with a simultaneous exchange of rings' or necklaces'.

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[9] Sabita Singh,Interpretation of Marriage in Medieval Rajasthan.

MUSLIM MARRIAGE

Muslims, after Hindus, constitute a sizable proportion of Indian society. In India, Muslim weddings are also celebrated with the same pomp and gaiety. They have a variety of pre-, wedding, and post-wedding traditions. Each ceremony is significant in its own right. The Mehndi ceremony is an integral part of the pre-wedding customs. It is usually held at the bride's house on the eve of the wedding or a few days before the wedding. There are rituals on the wedding day, such as welcoming the baraat. The Nikaah is the main wedding ritual in Muslims. It is usually hosted at the bride's home or another familiar location. In the presence of intimate friends and relatives, the Maulvi (priest) conducts the ritual. The salient passages from the Quran are then recited by the priest. After that, the groom sends his proposal to the bride through the Ijab-e-Qubul (proposal and acceptance) process.[10] Only after the girl gives her assent is the marriage considered to be solemnized.

CHRISTIAN MARRIAGE

Like Muslims and Hindus, Christians make up the great majority of people in India. In India, a Christian wedding ceremony is modest but endearing. The church serves as the venue for the wedding ceremony. The best man presents the bride with a bouquet on the wedding day. A close friend of the bridegroom is the best man. Her father then goes with her to the altar. The bride and groom formally proclaim themselves to be husband and wife in front of two witnesses from each side. The bridegroom says his vows. The priest blesses and identifies the newlyweds as husband and wife after the couple exchanges rings. Next, the pair makes their way down the aisle together.

Their rituals for marriage includes:

(i) Wedding ceremony: Christian marriages are normally performed in a church or other place of worship, officiated by a minister or priest.

(ii) Processional: The groom and his groomsmen approach from the side of the altar, while the bride is customarily escorted down the aisle by her father or another family member.

(iii) Exchange of vows: Using customary or specially written vows, the couple publicly professes their love for one another.

(iv) Ring exchange: As a sign of their love and devotion, the bride and groom exchange rings.

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[10] Ashi,Matrimonial Laws in India: An Overview.

(v)   Christian couples may choose to have a unity candle lit or a sand ceremony in which they combine two hues of sand into one container to represent the unification of their lives.

(vi)   Communion: The sacrament of communion is observed at some Christian weddings, in which the bride and groom partake of bread and wine to represent the flesh and blood of Christ.

(vii)   Scripture reading: During the ceremony, a verse from the Bible is typically read. These verses usually have to do with marriage or love.

(viii) Marriage blessing: The clergyman will bestow a blessing on the couple and pray for God's direction and guardianship.

(ix)   Recessional: The wedding party and guests follow the newlyweds as they leave the church together.

(x)   Reception: Following the ceremony, attendees are invited to a supper, dancing, and other celebrations at the reception.

(xi)   Wedding cake: It's customary to cut the wedding cake together to represent the couple's shared existence.

IV. CONTEMPORARY CHANGES IN MARRIAGE

Changes in society are inevitable. As new circumstances arise, a society adapts, restructures, and transforms to meet these problems. Marriage and the family are two of the most important institutions that have shaped human civilization.[11] These together serve as both the center of the populace's social life and the cradle of our future society. Similar to other social institutions, marriage has gradually changed and adjusted throughout history to fit various contexts and periods. The customs and traditions surrounding marriage in rural areas will inevitably adapt to accommodate evolving needs and expectations. Numerous juridical, political, socioeconomic, and cultural elements all work together to influence the institution of marriage in metropolitan families at the same time. The current study attempts to understand the evolution and continuity of marriage in India's urban society.

1. Change in the exogamy and endogamy rules

2. Change in marriage rites and rituals

3. Increase in the age of marriage

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[11] H. Griffiths, What is Marriage? What is a Family?.

4. Decline of parental control over the arrangement of marriage

5. Instability in marriage

6. Changes in the aims of marriage

7. Changes in consideration in the choice of mates

8. Prohibition of polygamy

LEGAL FRAMEWORK

The institution of marriage unites two people for all time. India is a secular nation where individuals are free by constitution to practice any religion they choose.[12] India has a variety of religious personal laws that establish marital regulations.

1. The Hindu Marriage Act of 1955, which applies to Hindus, Buddhists, Jains, and Sikhs, prohibits individuals from marrying outside of these four communities.

2. Muslim marriages are governed by Muslim law, which has its own provisions. Under this legislation, a man may marry a woman from one of the communities considered to be Ahl-e-Kitab (People of the Book).[13]

3. The Indian Christian Marriage Act 1872 says that apart from Christian marriages the marriage of a Christian with a non-Christian must also be solemnized under this Act (Section

4. The Special Marriage Act is available also for inter-religious marriages and does not exempt any community from its provisions in this respect. Any two people (regardless of religion) can marry under its terms.Unlike the original Special Marriage Act of 1872, the 1954 Act has detailed provisions on divorce, nullity, and other matrimonial remedies.

V. CONCLUSION

To conclude the article, Marriages in India are done in different types under different religions. As religion changes, the way of conducting marriages, the rituals and customs also change. The importance of family in marriages are getting diminished in the current scenario. Also there are many issues rising in relation to marriages in the upcoming society. Laws have been enacted for the legality of marriages in India. Hindu marriage act for Hindu marriages, Mohammedan law for muslim marriages and christian marriage act for christian marriages are some of them.

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[12] R. Rajarajan, Secularism in India Politics: Theory and Practice.
[13] Ismail Albayrak, The People of the Book in the Qur'an.