

HINDU MARRIAGE

The Hindus have been giving great importance for marriage since time immemorial. Marriage is almost obligatory and unavoidable for an average Indian. Life without marriage is almost unthinkable in this country and there is a sharp social stigma attached to those who remain unmarried for long. There is a deep-rooted, long standing and widespread tradition here in favour of marriage as a basic ritual. Hence C.B. Mamma rightly commented that “we are a much marrying people, We marry early and we marry in large number.”

Hindu Marriage: A Religious Duty and Not a Contract

Marriage is a matter of religious duty for the Hindus. Every Hindu is committed to marriage for the regards it as a great sacrament. [sacred Vivaha Samskara]. For the Hindus, marriage is not a matter of “social contract”, nor is it deemed as “a licence for sex life”. In the Hindu scheme of the Ashramas, one can enter the much praised “grihasthashrama” only after the marriage. With the marriage sacrament, man and woman as husband and wife establish the family, the home or “griha”.

HINDU MARRIAGE: A SACRAMENT

Among the Hindus, marriage is not a social contract; it is religious sacrament. Marriage to a Hindu is of great individual and social significance. It is a socially approved union of man and woman aiming at procreation, pleasure and observance of certain social obligations.

The Hindu ideal emphasises the individual as well as social aspects of marriage. K.M. Kapadia in his “Marriage and Family in India” has given much information in support of the view that Hindu marriage is a sacrament. His explanation can be analysed from three angles: 1. aims of the Hindu Marriage; 2. Main rituals which are involved in the Hindu marriage. and 3. the basic beliefs and values underlying the Hindu marriage.

Aims of Hindu Marriage

As Kapadia has pointed out, the main aims of the Hindu marriage are: ‘dharma’, ‘praja’ and ‘rati’. Of these a dharma is given the first place, ‘rati’ or pleasure is given only the third place, and ‘praja’ or progeny is given the second place

(i) Dharma: The Hindu thinkers regarded Dharma as the first and the highest aim of the Hindu marriage. Marriages desired not so much for sex or for children as for

acquiring a partner for the fulfilment of one's religious duties. On the marriage, the sacred fire is enkindled, and it is the duty of the householder to offer "panchamahayana" daily in the company of his wife. These obligations would cease to exist only on the death of the householder. They get disturbed on the death of the wife, and hence the householder could marry immediately a second wife. The basic aim of marriage is Dharma for it necessarily involves the fulfilment of a number of moral duties.

(ii) Praja [Progeny]: The desire to get issues or children is completely felt by all the people. Psychologists call parental instinct. The desire for 'praja' or progeny is regarded by the Hindu Shastrakaras as one of the sacred purposes of marriage. The Upanishads have also stressed the continuance of the line of progeny. Getting a son is essential for a Hindu, for it is believed that one can fulfil one's "Pitri Rina" [paternal obligations only by getting a son. It is "Kutumba Dharma"[family obligation] also. In one of the important marriage rituals called "saptapad" also the husband prays to the wife to fetch children for the family.

(iii) Rati [Kama or Pleasure]: Though sex is one of the functions of marriage it is given the third place. It is less desirable aim of marriage. To stress the lower role of sex in marriage, the marriage of a Shudra is said to be in pleasure only. The Brahmanic legislations enjoin that the Shudra wife would be taken only for pleasure. However, sex is never condemned or degraded. It is given the third place because dharma is more expected of "vivaha" than 'kama'.

Sacred Beliefs and Values involved in Hindu Marriage

The Hindu marriage is a sacrament from the point of view of the sacred beliefs and values involved in it.

(i) Indissoluble marital bond: According to the traditional Hindu belief, marital bond is said to be inseparable and irrevocable. The parties to the marriage cannot dissolve it at will. They are bound to each other until the death of either of them. The belief states that the wife is supposed to be bound to her husband even after his death.

This concept of marriage that is indissoluble, is itself a sublime one which makes the husband and the wife to adjust their tastes, tempers, ideals, interests, choices and preferences. It thus involves sacrifices on the part of both the husband and the wife for each is called upon to bear with the other. Each individual is here called upon to make marriage a success by means of compromise and adjustment.

(ii) Belief that marriage is a social duty towards the family and the community: The question of conflict between the husband and the wife did not perhaps arise in

the old days for it never involved purely individual interests. The husband never expected any intellectual co-operation from his wife. The wife was more of a passive partner in the performance of religious duties than an intellectually active participant in all his affairs. "Marriage was a social "duty toward the family and the community and there was little idea of individual interest. The social background provided by the authoritarian joint family and the semi-sovereign caste never gave any scope for the recognition of any personal factor, individual interests or aspirations, in the relations between the husband and the wife.

(iii) The ideal of 'Pativratiya' associated with marriage: As per the ideal 'Potivratiya' popularised by the puranic writers, the wife is expected to be devoted to her husband alone. It implies that fidelity and modest service to the husband are the sole duty and main purpose in her life. As a river merging itself in the ocean loses its identity so a wife is supposed to merge her individuality with that of her husband. Her only concern in life is to provide all services to the husband; for the satisfaction of her husband is her sole joy in life. The wife is expected to prove herself as a real "sati" with all dedication and reverence to the husband.

- **The glorification of 'Sati' System.** The ideal of 'Pativratiya' was stretched too much. It made the wife to be not only attached to the husband as long as he lived, but even after his death, because a 'sati' could never conceive of a second marriage or a second husband. Hence on the death of the husband the wife had either to live chastely, renouncing all the joys of life, or to follow her husband by jumping into the funeral ideal of pativratiya gave rise to and glorified the practice of 'sati or self-immolation.

With the passing of time, the ideal of Pativratiya became to deeprooted in the mind of the Hindu woman that immolation became not only customary but a woman's highest aspiration.

- **Marriage, the only sacrament for women.** The Hindu marriage is a sacrament in another sense also. A Hindu male goes through the performance of several sacraments during the course of his life. These begin with the laying of the foetus and end with the cremation of his body. For the Hindu woman marriage is said to be essential for it is the only sacrament that can be performed for her. The Hindu women normally prefer to marry and aspire to marry for they know that the unmarried women are always put to hardship in the Indian social set up.

Three Significant Changes

Three significant changes in the Hindu marriage may be noted here.

1. The Hindu young men and women today marry not very much for performing religious duties but for life long companionship.
2. The martial relations are no longer treated as unbreakable, or irrevocable, as divorce is socially and legally permissible, and
3. The ideal of 'pativrata' has lost its significance for there is legal provision for widow remarriage and divorce.

Hindu Marriage Continues to be a Sacrament

The above cited changes in the Hindu marriage have not affected its main character. "Widow remarriages and divorces have not become the order of the day. Though they are legally permitted, they are still looked down upon socially. Mutual fidelity and devotion to the partner are still considered to be an essence of marriage. "So long marriage is not performed for sex gratification alone but for "living together" and "begetting children", marriage will continue to be a sacrament for Hindus. Freedom in marriage [mate selection, etc.] does not destroy but rather confirms the stability of marriage and purifies its practice."

RECENT TRENDS IN HINDU MARRIAGE

The Hindu marriage system has undergone radical changes especially after independence. Even though the basic religious beliefs associated with marriage have not crumbled down, many of its practices, customs and forms have changed

The recent trends in this regard may be briefly discussed here.

1. **Changes in the form of marriage:** The traditional forms of Hindu marriages (as described by Shastrakara Manu such as-1. Brahma, 2. Daiva, 3. Arsha, 4. Prajapatya, 5. Asura, 6. Gandharva, 7. Rakshasa and 8. Paisacha no more in practice. Polygamy, polyandry and even bigamy are also not found for they are legally prohibited. Only monogamous marriages are universally practised.
2. **Change in the aim or purpose of marriage:** The traditional Hindu marriage considers "dharma" as its primary object whereas the modern Hindus give more importance to "life-long companionship" between husband and wife. Marriage is taking place not very much for the performance of religious duties, but for obtaining "lifelong companionship" of the individuals of the opposite sex.
3. **Change in the process of mate selection:** In the three areas of mate selection we find significant changes today

(i) Field of selection has become very wide: It is wide enough to include inter subcaste and intercaste marriages

(ii) Party to selection: Parents do not take an active role in the selection of life-partners of their children. The practice of young men and women selecting their life-partners by themselves is becoming popular today

(iii) Criteria of selection. Much importance is given to individual interests, preferences and considerations rather than to family considerations. This trend is reflected in the increase in the instances of love marriages.

4. **Change in the age at marriage:** Child marriages [at least at the level of middle and upper class people and educated people] are virtually not found now. As per the present marriage Act [that is 1978 amendment to the Child Marriage Restraint Act, 1929] a boy below 21 years and a girl below 18 years cannot marry. Pre-puberty marriages have thus given place to post- marriages.
5. **Change in the stability of marriage:** Legislative provision for divorce has virtually affected the stability of the marriage. Hindu marriage is no more regarded as indissoluble. The legislative provisions for divorce and widow remarriage have undermined the importance of the value of “patirratya”. The concept of equality of sex has also affected the value of ‘patirratya’.
6. **Change in the economic aspect of marriage:** The practice of paying dowry is associated with marriage. This practice has grown into a big social evil today. Bride’s parents are compelled to pay a huge amount of money as dowry. This practice has made marriage a costly affair. Marriages are often settled only on considerations of dowry. Marriage ceremony is also becoming a costly affair since huge amount of money is lavishly spent on decorations, processions, band sets, video-shooting, music, orchestra and so on.
7. **An increase in the instances of divorce and desertion:** Though the Hindu marriage is regarded as a sacrament instances of divorce and desertion are on the increase.

Though these new trends are observed today the importance of marriage has not diminished. It is still universally practised. Though its sanctity is affected a little, it is not reduced to the level of a mere civil contract. Hindu men and women are still emotionally involved in their marriages. There is no apparent danger as such to the Hindu marriage at present.

FACTORS AFFECTING HINDU MARRIAGE

The Hindu marriage has undergone vast changes during the recent years. Traditional values of marriage, the form of marriage, type of marriage ceremony, the way of selection of life-partners in marriage, age at marriage – and in such other areas significant changes have occurred. These changes have been caused by a number

of factors among which the following may be noted: Industrialisation, urbanisation, education and legislation.

Influence of Industrialisation

Industrialisation refers to the phenomenal growth of modern sophisticated industries and its consequent dominance over agriculture. "Industrialisation is a term covering, in general terms, the growth in a society hitherto mainly agrarian, of modern industry with all its attendant circumstances and problems, economic and social." Industrialisation directly affected the institutions of family and marriage and brought about changes in both.

Modern industries have minimised economic functions of the family and reduced its size. Nuclear families have replaced joint families. People have started "going out of family" for work, for eking out their livelihood. Women also have joined men in the process of finding out jobs and earning money. This has boosted the self-respect and self-confidence of women. Men could no longer boss over women and suppress their attempt to become self-reliant. These developments have affected the institution of marriage.

Employed women today take an active role in the selection of their life-partners. They do not just leave it to the decision of their parents. In addition to a girl's beauty, family to which she belongs, education and character and such other considerations, due importance is given today to her job and the salary she gets before she is selected as a life-partner. Daughters', earnings in many instances have reduced the financial burdens of their parents in marriage. Daughter's job itself may function as a substitute for dowry. Parents who were searching a suitable match for their daughters within the narrow circle of relatives and friends are now ready to go beyond the borders of even the state, because they want to fix a suitable and a good life-partner for their daughters. Instances of young men and women working in the same industry or office falling in love with each other and getting married are also not uncommon today.

Impact of Urbanisation

Industrialisation and urbanisation normally go together. Industrialisation accelerates the process of urbanisation. "Urbanisation" refers to the phenomenal growth of towns and cities or urban centres. It "denotes a diffusion of the influence of urban centres to a rural hinterland." It is "a process of becoming urban, moving to cities, changing from agriculture to other pursuits, common to cities and corresponding change of behaviour patterns.

Growth of cities and city environment has its impact on the institutions of family and marriage. Selection of life partners, age at marriage, nature and type of marriage ceremony, expenses of marriage etc., are affected by the modern urban environment. Normally young men and women of cities want to select their life-partners on their own. Arranged marriages have become rarer in cities. In comparison with villagers, urban people delay their marriages. Child marriages normally do not take place in cities.

Marriage is often held in cities more as a social or a civil ceremony than a religious ceremony. Non-availability of seasoned priests, scarcity of and too expensive choultries or 'kalyana manap', difficulties involved in collecting number of items necessary for the conduct of a traditional type of marriage-all must have added to this new trend in marriage. Hence marriage ceremony in cities is tending more towards modernity than to traditionality. Huge amount is spent [sometimes running to a couple of thousands, and even a few lakhs] on the ceremony to make it a 'grand gala'. Money is spent lavishly for decorating marriage manap, putting up pandals, arranging grand dinner, take-home sweets, music orchestra, video shooting, photography, marriage procession, etc. The duration of marriage ceremony is also cut short in city. Elaborate customs are either avoided or shortened. Then, the whole ceremony is over within a couple of hours. It is rarely stretched over for several days.

It is generally observed that in a city a bigger number of instances of divorce, desertion, separation etc. is found than in a village. There is greater scope for developing pre-marital and extra-marital sex relations in cities.

Role of Education

Modern education has played its role in initiating some changes in marriage. It is through modern education that some of the modern values and western ideologies such as rationalism, individualism, equality of sex, democracy, individual freedom, secularism, etc., have influenced the outlook of our educated young men and women. Hence, they want to their independent decisions on the main events of their life such as line of education, job and marriage. Thus our educated youths have their own views and stand on matters like to marry or not to marry, when to marry, whom to marry, how marry etc. They do not want their families to decide these matters.

Educated youths do not hesitate to go beyond the boundaries of family ties to select for them suitable life-partners. For this purpose they sometimes contact "marriage bureaus" and give advertisements in the matrimonial columns of the newspapers.

In the circle of the college educated young men and women marriage is becoming a simple ceremony losing many of its rigid traditional customs. They give more

importance to personal preferences and choices in marriage rather than to the gotra rules, family traditions and rules of horoscope. Some of them are even ready for intercaste marriages and if necessary even for registered marriages.

Modern education has influenced marriage in different ways. Parents cannot impose any unwanted marriage on their educated daughters in the name of “family decision or prestige”. Well educated people are expected not to insist on dowry in marriage. In India paradoxically, higher educated modern men demand a higher dowry than the uneducated or less educated. Educated and employed women are also not able to resist such a demand. They normally yield to its pressure and some of them even become victims of dowry disasters. Instances of divorce, desertion and separation are found in a larger number in the circle of educated persons than in the midst of the uneducated.

Influences of Legislations on Marriage

Many of the beliefs, values, ideals and rules of marriage laid down by the Hindu shastrakaras have lost their original meaning and purpose now. As a result, the Hindu marriage has developed some defects. Attempts were also made by some of the social reformers to remove these defects and correct the system. During the British rule and also after independence legislations were passed in order to bring about desirable modifications in the Hindu marriage system.”

The laws enacted in India relate to: (1) age at marriage; (ii) field of mate selection; (iii) number of spouses in marriage, (iv) breaking of marriage; (v) dowry to be given and taken and (v) remarriage. The most important legislations relating to these six aspects of marriage passed from time to time could be briefly explained here.

1. **The Prevention of Sati Act, 1829:** The glorification of the ideal of “Pativradya” had led to the inhuman practice of “Sati”. Widows were often forced to make a vow or “sankalpa” to die after their husbands. Some were forcibly pushed to their husbands’ funeral pyres. Famous Brahmo Samajist, Sri Raja Ram Mohan Roy took up the cause of women and impressed upon Lord Bentick who was the then British Governor General of India to bring out a legislation prohibiting the practice of “Sati”.

The Prevention of Sati Act, 1829 made the burning or burying alive of widows culpable homicide punishable with fine and /or imprisonment. This legislation could save the lives of a number of widows though it could not immediately stop the practice in total.

2. **The Hindu Widow Remarriage Act, 1856:** This legislation was complementary to the previous legislation, that is, Prevention of Sati Act of 1829'. Though widows were saved from the jaws of death they were subject to exploitation and humiliation. To remove the deplorable condition of the Hindu widows, a leading social reformer of the day. Pandit Ishwara Chandra Vidya Sagar brought pressure on the British Government to make legal provision for widow marriages. The Hindu Widow Remarriage Act of 1856 was hence passed.
3. **The Civil for Special] Marriage Act, 1872:** This legislation treated Hindu marriage as a "civil marriage and provided legal permission for intercaste, inter-religious and even "registered" marriages. [This Act was repealed by the Special Marriage Act of 1954. According to this Act, the parties interested in registered marriage must notify the marriage officer at least one month before the date of the marriage. It insists on the presence of two witnesses for marriage].
4. **The Child Marriage Restraint Act, 1929:** This Act came into force on April 1, 1930. The Act restrains the marriage of a child. According to this Act, marriage of boys under 18 and girls under 14 years of age was an offence.

Latest Amendment. The Act was amended in 1978 which further raised the age for boys to 21 years and for girls to 18 years. The violation of this Act prescribes penalty. It provides punishment (three months of simple imprisonment and a fine of upto 1000] for bridegroom, parent, guardian and the priest who are party to the marriage. No woman is, however, punishable with imprisonment under this Act.

5. **The Hindu Marriage act, 1955:** This Act which came into force from May 18, 1955 brought revolutionary changes not only in the marital relations but also in various other social aspects. This Act applies to the whole of India, except Jammu and Kashmir. The word "Hindu" in the Act includes Jains, Sikhs, Budhists and the Scheduled Castes.

Conditions for valid marriage as provided in this Act. (1) neither party has a spouse living; (2) neither party [bridegroom or bride] is an idiot or a lunatic; (3) the groom must have completed 21 years and the bride 18 years of age as per the 1978 Amendment brought to this Act; (4) the parties should not be 'sapindas' of each other unless the custom permits such a marriage.

Conditions under which divorce is permitted as per this Act. (1) The spouse must have been impotent at the time of marriage and continues to be so even afterwards; (ii) party to the marriage was an idiot or lunatic at the time of marriage; (iii) consent of the petitioner or of the guardian was obtained by force or fraud; (v) the wife was pregnant by some person other than the petititoner at the time of marriage. Other conditions providing for divorce. The dissolution of marriage may be obtained on the

grounds of adultery, conversion of religion, unsound mind, leprosy, venereal disease, renunciation, desertion for seven years and cohabitation not resumed after two years after judicial separation.

Other important aspects of marriage. (i) This Act gives permission for intercaste and inter-religions marriages; (ii) It provides for equality of sex; (iii) It provides equal rights for men and women in marriage, divorce or separation; (iv) Its 1986 amendment permits divorce on the ground of incompatibility and mutual consent, (v) During judicial separation and after divorce, both husband and wife have the right to claim maintenance allowance.

6. **The Dowry Prohibition Act, 1961:** This Act which prohibits the practice of dowry was passed on May 20th 1961. The Act does not apply to Muslims. It permits exchange of gifts for not more than 2000. It prescribes the penalty of 6 months imprisonment or a fine upto 5,000 or both for its violation. This Act got amended in 1986 and thereafter its rules have become still more stringent.

The above mentioned legislations in addition to many other social legislations, have affected the Hindu marriage in several ways. These legislations, however, have not transformed it into a mere legal contract. The Hindu beliefs and values relating to marriage are still alive and legislations have only strengthened it by removing some of the anomalies associated with it.