

Changing Dimensions of Marriage and Divorce in Indian Society : A Socio-Legal Study

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Abstract: *Marriage has traditionally been considered a sacred and indissoluble institution in Indian society, deeply rooted in religious, cultural, and moral values. However, with the passage of time, modernization, urbanization, and constitutional developments have significantly transformed its meaning and practice. The evolution of marriage from a sacrament to a contract, the rising incidence of divorce, and the changing gender roles have redefined family structures and social relationships. This research paper analyses these changing dimensions of marriage and divorce in India through a socio-legal lens. It studies constitutional guarantees, personal laws, judicial interpretations, and socio-economic influences shaping modern marital relations. The study also examines recent amendments, landmark judgments, and the impact of globalization, feminism, and individualism on Indian matrimonial law. The paper concludes that while marriage continues to hold emotional and cultural importance, the growing acceptance of divorce and live-in relationships reflects the dynamism of Indian society, balancing tradition with modern values.*

Keywords: Marriage, Divorce, Family Law, Gender Equality, Personal Laws, Judicial Interpretation, Modernization, Indian Society

I. INTRODUCTION

Marriage, in the Indian context, has always been regarded as one of the most sacred social institutions. It is not merely a union between two individuals but a sacramental bond binding two families and generations. Ancient Hindu texts described marriage as a *sanskara*—an essential religious duty ensuring social order and continuity of lineage. Muslim law treats marriage (*nikah*) as a civil contract aimed at the legitimization of procreation and regulation of sexual relations. Christian and Parsi laws similarly embody both spiritual and contractual aspects of the institution. However, the meaning and perception of marriage have undergone substantial transformation in the post-independence era. The introduction of constitutional rights, secular laws, and evolving judicial interpretations have redefined marriage as a partnership based on equality, consent, and mutual respect.

II. HISTORICAL BACKGROUND OF MARRIAGE AND DIVORCE IN INDIA

In ancient Hindu society, marriage was considered a permanent and sacred bond, and divorce was almost unknown. The *Dharmashastras* emphasized the duty of a wife to remain loyal to her husband throughout life. Muslim law, on the other hand, treated marriage as a contract with provisions for divorce. The colonial period introduced codified personal laws, and reform movements began questioning patriarchal norms. Post-independence reforms such as the Hindu Marriage Act, 1955, and Special Marriage Act, 1954, recognized divorce and equality between spouses.

III. LEGAL FRAMEWORK GOVERNING MARRIAGE AND DIVORCE IN INDIA

India's plural legal system accommodates Hindu, Muslim, Christian, Parsi, and secular marriage laws. The Hindu Marriage Act, 1955, provides grounds for divorce like cruelty and desertion. The Special Marriage Act, 1954, allows inter-faith unions and mutual consent divorce. The Muslim Women (Protection of Rights on Marriage) Act, 2019, criminalized instant triple *talaq*. Christian and Parsi laws have also evolved to ensure gender parity.



IV. CHANGING SOCIAL DIMENSIONS OF MARRIAGE

Marriage has shifted from being a sacrament to a contract based on mutual respect. Gender roles are changing, and live-in relationships and inter-caste marriages have gained acceptance. Judicial recognition of such unions demonstrates the modernization of family law. The debate on LGBTQ+ marriages further reflects evolving notions of equality and freedom.

V. CHANGING DIMENSIONS OF DIVORCE

Divorce rates in India are rising due to social awareness, economic independence, and changing attitudes. Legal provisions for mutual consent divorce and grounds like cruelty and irretrievable breakdown have made the process more humane. Courts have played a vital role, as seen in cases like Naveen Kohli v. Neelu Kohli (2006) and Shilpa Sailesh v. Varun Sreenivasan (2023). Maintenance and alimony provisions safeguard financial stability post-divorce.

VI. SOCIO-CULTURAL AND ECONOMIC FACTORS INFLUENCING CHANGE

Education, urbanization, media influence, and globalization have collectively reshaped marital relationships. Women's empowerment, financial independence, and exposure to global cultures promote equality and challenge traditional patriarchal structures.

VII. CONTEMPORARY CHALLENGES

Despite progress, divorce still carries stigma in many regions. Delays in legal proceedings, child custody disputes, and non-recognition of LGBTQ+ marriages remain issues. There is also concern about misuse of certain protective laws and the need for balanced reforms.

VIII. JUDICIAL AND LEGISLATIVE TRENDS

Recent legislative measures such as the Triple Talaq Act (2019) and judicial advocacy for irretrievable breakdown as a ground for divorce indicate a progressive shift. The ongoing debate on Uniform Civil Code emphasizes harmonizing equality and diversity in family law.

IX. ANALYSIS AND DISCUSSION

The evolution of marriage and divorce in India mirrors the broader socio-economic transformation. Urban acceptance of divorce contrasts with rural conservatism. The balance between tradition and modernity is delicate, but the trajectory is toward freedom and equality within marriage.

X. CONCLUSION

Marriage and divorce in India are undergoing profound transformation. While marriage remains culturally significant, its legal and social meanings are expanding. Divorce, once taboo, is now recognized as a right ensuring dignity and liberty. Future reforms must focus on inclusivity, efficiency, and gender neutrality to reflect the spirit of the Constitution.

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