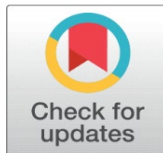


CONTEMPORARY CHALLENGES BEFORE THE INSTITUTION OF MARRIAGE IN INDIA

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DOI
[10.29121/shodhkosh.v5.i6.2024.6311](https://doi.org/10.29121/shodhkosh.v5.i6.2024.6311)

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

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ABSTRACT

Marriage, as a social institution, has always been central to Indian society, holding deep cultural, religious, and familial significance. Though practiced in diverse forms, one of its key features is the conjugal union of a man and woman, believed to provide mutual satisfaction of biological, psychological, social, and economic needs. Marriage is also recognized as an institution with legal and moral authority. However, in recent decades, the institution of marriage in India has faced a series of challenges that are reshaping its traditional form and function. These challenges are multifaceted, encompassing socio-economic, cultural, legal, and technological dimensions. Objective: The primary objective of this paper is to critically examine the contemporary challenges confronting the institution of marriage in India. It aims to analyze the influence of changing social norms, shifting gender roles, economic pressures, globalization, and technological innovations on marital practices. Additionally, it seeks to assess the implications of recent trends such as the recognition of live-in relationships, same-sex partnerships, debates on polygamy, and the growing role of digital platforms in matchmaking. Methodology: This research adopts a doctrinal methodology, focusing on a critical examination of constitutional provisions, statutory frameworks, and landmark judicial pronouncements. It also incorporates secondary sources, including books, journal articles, reports, and contemporary surveys, to contextualize these developments. A comparative perspective has been applied to situate India within global trends in marriage and family law. Significance: By combining legal and sociological perspectives, the paper contributes to the understanding of how marriage in India is being reshaped in the twenty-first century. It argues that addressing these challenges through empathetic reforms and constitutional morality can pave the way for a more inclusive and resilient marital framework.

Keywords: Marriage, Divorce, Personal Laws, Matrimonial Challenges, Live-In Relationships

1. INTRODUCTION

Marriage has been described as the foundation of human society, both in Indian traditions and in global contexts. In traditional Indian society, marriage has always been more than a personal or romantic union—it has been regarded as a lifelong commitment between families, a social contract, and a crucial stage of life. Historically, marriage was shaped by religious, cultural, and legal factors, making it neither a purely social, religious, nor legal institution, but a socio-legal-religious and economic one.

The Supreme Court, in *Bhaurao Shankar Lokhande v. State of Maharashtra* (1965), emphasized that a Hindu marriage must follow prescribed religious and statutory rites to be valid, reinforcing marriage as a legal and religious duty rather than a mere agreement between two individuals. Similarly, Manusmriti and the Vedic texts referred to marriage as a sacred obligation necessary for fulfilling dharma and ensuring social order.

However, in the 21st century, globalization, urbanization, technological transformation, and increasing individual autonomy have redefined the institution of marriage. This paper seeks to analyze the contemporary challenges that

threaten or reshape marriage in India. It will examine key themes: shifting social norms, changing gender roles, economic pressures, evolving legal frameworks, and the transformative impact of technology.

2. LITERATURE REVIEW

The study of marriage in India has engaged scholars across disciplines: law, sociology, anthropology, and gender studies. Patrick Olivelle's translation of the Law Code of Manu (2004) highlights ancient Hindu conceptualizations of marriage as both duty and sacrament. Scholars such as Srimati Basu (2006) have explored how plural legal frameworks in India complicate divorce and marital negotiations, especially in urban contexts like Kolkata. Gender scholars, including Amato and Irving (2006), have emphasized the psychological impact of marital instability, while White (1990) analyzed determinants of divorce in comparative sociological contexts. (Olivelle, 2004)

Indian legal scholars such as Dr. Gangotri Chakraborty (2013) have stressed the impact of globalization on marital norms, pointing to challenges in preserving traditional practices amidst modernity. Mohana Rao Pedada (2020) examined matrimonial disputes and their regulation under Indian personal laws. International scholarship also reveals parallels—Ehoro and Badey (2021) analyzed how social media use destabilizes new marriages in Africa, which resonates with similar trends in Indian urban society. (Chakraborty, 2013)

Despite rich literature, there is relatively less focus on men's experiences in matrimonial disputes and on comparative analysis of India's plural marriage laws with global legal frameworks. This paper aims to fill that gap by situating Indian debates within a broader socio-legal context.

3. CHANGING SOCIAL NORMS

3.1. DECLINE OF ARRANGED MARRIAGES

Arranged marriages have historically dominated Indian matrimonial culture, reflecting family authority and caste/community boundaries. The colonial era introduced Western notions of individuality, gradually weakening ritualistic traditions. In post-liberalization India, individualism, urban education, and exposure to global media have accelerated this shift.

A 2023 WeddingWire India survey revealed arranged marriages fell from 68% in 2020 to 44% in 2023, while love marriages have grown substantially. This shift is further supported by sociological evidence that Millennials and Gen Z prioritize compatibility and autonomy. However, conservative segments still view love marriages as disruptive to family honor and community structures. The Lata Singh v. State of U.P. (2006) case upheld the right of inter-caste love marriages, signaling judicial protection of personal liberty under Article 21 of the Constitution. (WeddingWire Survey India, 2023)

3.2. DELAY IN MARRIAGE AGE

Historically, Vedic texts suggested maturity as a prerequisite for marriage, with Rigveda describing girls choosing their own partners. Modern India, however, witnesses delayed marriages due to higher education, career aspirations, and economic insecurity. Legally, the Prohibition of Child Marriage (Amendment) Bill, 2021, equalized the minimum age of marriage to 21 years for both men and women. Yet, Muslim personal law still recognizes marriage upon attaining puberty, creating contradictions. The persistence of child marriage, despite laws, highlights implementation challenges.

3.3. BREAKING CASTE AND COMMUNITY BARRIERS

Interfaith and inter-caste marriages under the Special Marriage Act, 1954, reflect constitutional ideals of equality. The number of such marriages has steadily increased in urban centers, though they remain contested in rural India. The Supreme Court in Shafin Jahan v. Asokan K.M. (2018) reaffirmed the constitutional validity of interfaith marriages and protected individual choice against societal interference, particularly in so-called "love jihad" cases.

4. GENDER ROLES AND CHANGING EXPECTATIONS

4.1. SHIFTING GENDER DYNAMICS

Traditional gender roles placed men as breadwinners and women as caregivers. However, the increasing presence of women in education and the workforce has altered marital dynamics. The rise of dual-income households and shared responsibilities has reshaped expectations. Sociologist Linda White (1990) found similar global patterns, where greater economic equality led to shifting spousal roles. (White, 1990)

4.2. FEMINIST INTERVENTIONS

Feminist advocacy has played a crucial role in reshaping marital law. The Shayara Bano v. Union of India (2017) case outlawed instant triple talaq, marking a victory for gender justice. Likewise, Vineeta Sharma v. Rakesh Sharma (2020) upheld daughters' equal right to coparcenary property, strengthening gender equality within marital and familial contexts.

4.3. MARRIAGE AS PARTNERSHIP

Modern Indian marriages increasingly emphasize companionship, emotional support, and equality. Family studies classify households into husband-dominant, wife-dominant, syncretic, and autonomic decision-making models. Young Indians often seek syncretic or equal models, aligning with global trends in recognizing marriage as a partnership rather than hierarchy.

5. ECONOMIC PRESSURES

5.1. COST OF MARRIAGE AND DOWRY

Despite legal prohibitions, dowry persists, often disguised as "gifts." Extravagant weddings have become a symbol of social status, imposing immense financial strain. The National Crime Records Bureau (NCRB) continues to report dowry-related deaths annually, demonstrating the resilience of this harmful practice.

5.2. ECONOMIC INSECURITY

Rising unemployment, underemployment, and inflation affect marital decisions. The cost of maintaining middle-class lifestyles has made young Indians hesitant to marry early. Sociologists argue that economic instability has delayed or reduced interest in marriage, contributing to declining marriage rates.

5.3. WOMEN'S ECONOMIC INDEPENDENCE

Women's financial autonomy enables them to leave abusive marriages, leading to higher divorce rates. However, it also creates tensions in traditional households where male dominance is expected. In Preeti Gupta v. State of Jharkhand (2010), the Supreme Court cautioned against misuse of Section 498A IPC but acknowledged the need to protect women against genuine dowry harassment. Balancing these tensions remains a major challenge.

6. LEGAL FRAMEWORK AND MARITAL RIGHTS

6.1. LEGAL AGE AND CONSENT

Contradictions persist between statutory laws and personal laws. The Independent Thought v. Union of India (2017) case criminalized marital rape of minor wives, signaling progressive judicial intervention. However, the absence of marital rape as an offense for adult women indicates unfinished reform.

6.2. WOMEN'S RIGHTS WITHIN MARRIAGE

Legal reforms such as the Protection of Women from Domestic Violence Act, 2005, and the Hindu Succession (Amendment) Act, 2005, significantly advanced women's rights. Yet implementation gaps persist. The Joseph Shine v. Union of India (2018) decision decriminalizing adultery reflects evolving notions of autonomy and privacy.

6.3. DIVORCE AND SEPARATION

Divorce carries stigma despite being legally accessible. Family courts were established to make the process less adversarial, but cases remain protracted. In *Sarla Mudgal v. Union of India* (1995), the Supreme Court highlighted the misuse of conversion to contract bigamous marriages, reiterating the need for a Uniform Civil Code. Comparative studies reveal that while divorce rates in India remain lower than in Western societies, the trend is rising, particularly among urban youth.

7. THE IMPACT OF TECHNOLOGY

7.1. DIGITAL MATCHMAKING

Online matrimonial platforms such as Shaadi.com, Jeevansathi, and BharatMatrimony.com have revolutionized the practice of matchmaking by expanding choices and transcending geographical boundaries. They have provided opportunities for individuals from diverse communities, castes, and regions to interact beyond the control of traditional kinship networks. These platforms also facilitate greater autonomy for women and men in the selection process, offering filters for education, occupation, and interests. However, scholars note that these same filters often reinforce older hierarchies by privileging caste, income, physical appearance, or religious identity. As a result, while technology appears to democratize matchmaking, it often reproduces social inequalities in a digital format. Concerns also exist about the safety of users, misuse of personal data, and fraudulent profiles, prompting calls for stricter regulation and transparency.

7.2. DATING APPS AND CHANGING CULTURES

Dating applications like Tinder, Bumble, and Hinge signify a cultural shift from marriage-centered platforms to casual dating and exploration of relationships. They are popular among urban youth, particularly professionals and university students, who increasingly view relationships as spaces for personal growth before considering long-term commitments. These apps challenge the traditional Indian view that romantic involvement must culminate in marriage. While they normalize pre-marital relationships, they remain stigmatized by conservative communities who view them as contrary to cultural values. Their popularity also raises questions about changing perceptions of intimacy, gender roles, and even the commodification of affection through algorithms and swipes. Unlike matrimonial websites, which are still embedded in family approval processes, dating apps emphasize individual autonomy, leading to generational debates about morality, freedom, and the future of marriage.

7.3. SOCIAL MEDIA

Social media platforms such as Instagram, Facebook, and WhatsApp have blurred the line between private and public life. Couples increasingly curate their relationships for public display, often leading to comparisons, jealousy, and pressures to maintain idealized images. Excessive engagement with social media has been linked to infidelity, mistrust, and emotional alienation. Sociological studies note that online interactions sometimes replace genuine communication, contributing to misunderstandings in marital life. In India, courts have begun admitting social media evidence—such as messages, posts, or photographs—in divorce litigation, demonstrating the extent to which digital behavior shapes legal and personal outcomes. At the same time, social media can also support long-distance relationships, enable expressions of affection, and provide spaces for communities advocating progressive marital norms, such as LGBTQ+ unions. Thus, technology's impact is deeply ambivalent: it offers opportunities for connection but also risks destabilizing traditional bonds.

7.4. EMERGING CONCERNS: AI AND PRIVACY

The latest challenge in digital matchmaking is the integration of Artificial Intelligence (AI) and machine learning in suggesting partners. While these technologies increase efficiency, they also raise ethical concerns about algorithmic bias and data privacy. For example, algorithms may prioritize caste or income without transparency, perpetuating discrimination. Additionally, there are fears of commodifying relationships by reducing compatibility to data points. The absence of comprehensive data protection laws in India exacerbates these risks, making digital regulation an urgent necessity.

8. POLICY SUGGESTIONS

Policy reforms are essential to address the evolving challenges facing the institution of marriage in India and to align it with the ideals of justice, equality, and dignity guaranteed by the Constitution. One of the most pressing needs is the gradual implementation of a Uniform Civil Code (UCC), which would establish a religion-neutral and gender-equal framework, ensuring that personal laws reflect constitutional morality rather than discriminatory traditions. While the UCC remains politically sensitive, careful drafting with cultural sensitivity and wide consultation could harmonize India's fragmented matrimonial laws. Alongside this, stricter enforcement of existing laws is necessary to combat practices such as dowry and child marriage, which continue despite decades of prohibition. Effective grassroots implementation, community awareness programs, and collaboration with local governance institutions can strengthen compliance and reduce social resistance.

Equally important is the institutionalization of pre-marital and marital counseling, as well as mediation centers, which can offer couples constructive ways of addressing conflict before resorting to adversarial litigation. Such initiatives, already experimented with in family courts in metropolitan areas, can reduce the emotional trauma and financial costs associated with divorce. In the digital era, matrimonial websites and dating applications require comprehensive regulation to safeguard users' privacy, prevent fraud, and establish accountability in the use of personal data. Recent data protection concerns in India underscore the urgency of introducing strong cyber laws for the matrimonial sector.

Moreover, policy reforms must extend social security support to divorced individuals and single parents, particularly women and children, who often face acute economic vulnerabilities after marital breakdown. State-sponsored welfare schemes, skill development programs, and affordable housing initiatives could play a critical role in enabling them to rebuild their lives with dignity. Finally, the recognition of LGBTQ+ marriages represents an overdue reform in light of the *Navtej Singh Johar v. Union of India* (2018) judgment, which decriminalized same-sex relations under Section 377 IPC. Legalizing same-sex marriages would ensure substantive equality under Articles 14 and 21 and would mark India's commitment to inclusivity and human rights. Collectively, these reforms not only modernize the institution of marriage but also balance tradition with the imperatives of a diverse, democratic, and rights-based society.

9. CONCLUSION

The institution of marriage in India today stands at a historical crossroads, confronted by the combined pressures of globalization, gender reforms, legal pluralism, and rapid technological change. On one hand, deep-rooted challenges such as dowry, child marriage, and rigid social norms continue to destabilize the ideal of marriage as a space of equality and dignity. On the other hand, new issues such as digital matchmaking, the rise of dating apps, and the pervasive influence of social media have introduced complexities unimaginable in traditional frameworks. These shifts reveal that marriage in contemporary India is no longer a static sacrament but a dynamic institution, constantly being redefined by cultural, legal, and technological forces.

While these transformations pose undeniable risks—ranging from commodification of relationships to rising divorce rates—they also open new pathways for creating more equitable and inclusive partnerships. For instance, delayed marriage age and the decline of rigidly arranged marriages signal the growing emphasis on personal choice and individual autonomy. Similarly, feminist interventions and progressive judicial rulings, such as *Shayara Bano v. Union of India* (2017) and *Joseph Shine v. Union of India* (2018), have laid the foundation for dismantling discriminatory practices.

The recognition of same-sex rights in *Navtej Singh Johar v. Union of India* (2018) further highlights that constitutional morality can guide the evolution of marital laws in inclusive and just directions.

Strengthening the institution of marriage, therefore, requires reforms that are empathetic, evidence-based, and forward-looking. Policymakers must balance the weight of tradition with the demands of modernity, safeguarding individual freedoms while maintaining social stability. Greater emphasis on counseling, mediation, and welfare support for vulnerable groups can reduce the adversarial nature of matrimonial disputes. At the same time, robust regulation of digital platforms and the gradual move toward a Uniform Civil Code could create a more coherent legal framework.

Ultimately, the resilience of marriage in India will depend on its ability to adapt to shifting cultural realities while upholding the constitutional promises of equality, liberty, and dignity. By embracing comparative global insights, promoting inclusivity across caste, gender, and sexuality, and anchoring reforms in constitutional morality, India has the opportunity to reimagine marriage not as a burden of tradition but as a conscious, equitable, and fulfilling partnership suited to the 21st century.

CONFLICT OF INTERESTS

None.

ACKNOWLEDGMENTS

None.

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