

## **Primary Modifications IN own Family Regulation over time: A CASE take a look at OF INDIA**

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### **Abstract –**

Indian family law has evolved from traditional, fragmented systems into a rights-based framework, driven by legislative milestones like the Hindu Succession (Amendment) Act, 2005, and judicial interventions. This study indicates a shift towards gender equality and constitutional morality, marked by the invalidation of Triple Talaq and the recognition of live-in relationships, despite ongoing debates surrounding a Uniform Civil Code.

### **INTRODUCTION**

Family laws consist of a wide range of rules that deal with matters related to family life, such as marriage, divorce, inheritance, and other related issues. When these relationships are affected by illegal actions, certain legal rights and responsibilities are maintained. The purpose of these laws is to protect individuals' reputations and ensure that standards of behavior are upheld, which are essential for maintaining human dignity. Another important role of these laws is to act as tools that help improve people's status and standing within their communities. In India, there are five major sets of Hindu family law recommendations that have been turned into official regulations. These include:

- 1. The Hindu community, along with Buddhists, Jains, and Sikhs;**
- 2. Islamic law for Muslims;**
- 3. Christian law for Christians;**
- 4. Parsi law for Parsis;**
5. Secular legislation, such as the Special Marriage Act, among others. Spiritual literature are the source of the laws based on religion. The parliamentary process has been used to periodically modify the legislation. The extensive regulations implemented after independence have significantly changed Hindu law. In the last few decades, Christian and Parsee laws have been changed more recently through legislation. The majority of the content and interpretation of the cases from when its spiritual writings were produced are still present in Muslim law rules since they have also undergone the least modification. 1

Muslim own family legal guidelines where how marriages have come about and if there were any home violence acted upon them what treatments to be furnished in India.

The husband wrongly claims that this marriage doesn't meet the requirements to be officially recognized and announces triple talaq, which is not allowed and against the law under the Muslim Women (Protection of Rights on Marriage) Act, 2019. This is because triple talaq is not just illegal but also a criminal act.

This law helps Muslim girls escape discrimination and domestic violence that they face in their daily lives. It gives them dignity and courage to fight for their rights and supports women's empowerment, boosts their confidence, and gives them respect and a sense of identity. By making this law, their democratic, constitutional, and fundamental rights are protected in comparison to the practice of triple talaq in India.

This law also includes punishments like imprisonment for up to three years or a fine, or both, for any husband who uses the concept of instant triple talaq. They cannot just end the marriage based on their own feelings or situations. Divorce should always be based on mutual consent between the husband and wife, and it must go through proper legal procedures in a court.

The ban on triple talaq was approved by the Supreme Court, the highest court in India, when Shayara Bano challenged the practice, saying it was discriminatory and disrespectful to women. This form of talaq violates Article 14 of the Indian Constitution, which guarantees equality before the law. This is how legislative changes were made in India regarding this issue.

The law protects Muslim women under the Muslim Women (Protection of Rights on Marriage) Act, 2019 after a divorce, especially if they have faced domestic violence. It also outlines the kinds of support and treatment they should receive in India.

### **Mohd. Ahmed Khan v. Shah Bano Begum Case**

After this situation, it was decided that there is nothing in the regulations that supports the idea that talaq (divorce) takes effect when the wife becomes aware of it. The iddat period, which is the waiting time after divorce, will start immediately. Similarly, the period during which she can seek restoration of her deferred dower will also begin from the date she became aware of the talaq. The husband can also provide maintenance to his wife until the actual notification of talaq reaches her.

Under sections 3, 4, and 5 of the Muslim Women (Protection of Rights on Marriage) Act, 2019, a subsistence allowance can be given to divorced Muslim women if the pronouncement of triple talaq was made in any form—spoken, written, electronic, or in any illegal and void manner. The amount of this allowance will be decided by the magistrate.

### **MAINTENANCE UNDER HINDU LAW:**

1. Under the Hindu Marriage Act, if in any intending under this Act, the Court concludes that both the spouse or the husband has no separate supply of income sufficient for

their assist, it may order the fee of month-to-month preservation to the petitioner through the respondent.

2. A divorced woman has the privilege (right) to assert renovation under Hindu law.

### **MAINTENANCE UNDER MUSLIM LAW:**

1. As per Islamic law, a husband is obligated to provide for his wife and family, and the word "renovation" refers to the amount he may not be able to pay for the same.
2. In Muslim law, maintenance is referred to as nafaqa and includes housing, food, and sustenance
3. Even though she has the resources to support herself, a wife usually has the right to receive maintenance from her husband
4. The Muslim Women (Protection of Rights on Divorce) Act of 1986, which manages the protection of divorced girls.
5. A wife has a claim against her ex-husband for a reasonable amount of maintenance during the allotted iddat term.
6. If the wife becomes pregnant after or during the divorce, she will be entitled to a reasonable amount of maintenance for a minimum of two years from the date of the baby's birth.
7. If the wife has an infant at the time of the divorce, she may still be able to claim protection for her child until she remarries or the child becomes dependent.
8. The marriage settlement may also specify the payment of special allowances through the husband, in which case the husband will be responsible for paying those to the wife. These reimbursements are known as kharch-e-pandan.

The family has always been a key area of study to understand and improve human development. Looking at changes within family structures and how they relate to social, cultural, and economic changes is also very important. To the best of our knowledge, there is very little research in India on the size of families and how relationships within and outside the family are formed and change. Some studies have looked into the possible reasons or influences behind these changes and their effects on demographics, economy, and society. However, according to our understanding, there is no clear evidence about who benefits and who suffers from these changes in family structures in India. This work has two main purposes. First, it aims to explore and expand the field of family demography in India by examining existing research and related areas to understand how families influence the behavior and decisions of individuals and communities, which can lead to major social, economic, and demographic changes. Second, it also highlights the gaps and opportunities in the study of family demography in India compared to developed countries, offering directions for future research in this area.

## PROBLEMS OF DOWRY

Let's now look at the growing problem of dowries, which has become one of the worst social issues in Indian society in recent years. The term "dowry," also known as the "bridegroom rate," refers to a one-time payment made by the bride's family to her future husband before the marriage is officially held. This payment may or may not include some important items that are part of the agreement. Sometimes, a daughter's wedding is followed by or includes a dowry. The situation with dowry and related problems has gotten so bad that, in recent years, daughters' weddings have often led to stressful experiences for parents trying to meet expectations.

The Indian government had to pass the Dowry Prohibition Act in 1961, which was later amended in 1986, due to the increasing danger posed by dowries. However, the attempts to stop this practice have not been very effective so far. All social groups and regions have accepted dowry as a socially acceptable thing. If there is a disagreement about the amount or type of dowry between the bride's and groom's families, it can cause marriage talks to fall apart. As mentioned earlier, dowry has become so important in marriage that it's almost impossible to have a wedding without it.

It might seem like a helpful thing for starting a family in modern-day India. Dowry requirements are only rarely waived. The bride's parents may not always demand a dowry, even though it's considered a social problem in India, especially if the groom's parents gain more financially or personally from the arrangement, even if the bride gets the dowry in cash. The bride can sometimes be mistreated, harmed, or tortured when the amount of the dowry is not enough or when the expected items are not easily provided.

It might seem like a helpful requirement for starting a family in modern India. However, dowry demands are rarely given up. For instance, if the groom's parents benefit more financially or personally from the marriage, even if the bride gets the dowry in cash, her parents might not feel forced to ask for a dowry, considering it a harmful practice in Indian society. When the expected needs aren't easily met or when the dowry isn't seen as enough, the bride may face oppression, mistreatment, and even torture. The bride can't take revenge for the forced actions or movements of others because she is physically helpless in her new home. Few girls in a traditional and developing country like India have the courage to leave their abusive husbands, as they have nothing to rely on. The disturbing truth about dowry-related violence is that it doesn't target any specific group, class, region, or religion. Instead, it's seen as a widespread problem that crosses all barriers. It's reportedly growing rapidly across the country. It's been reported that around 20,000 girls in the United States died due to dowry-related suicides between 1990 and 1993. Also, it's stated that in the state of Karnataka, at least three women are burned every day to fulfill dowry-related demands. This shows a serious problem, as dowry deaths are a common issue in Indian society (Singh, 2005: 199–220). Because of the country's ongoing failure in legislation, civil society must step up to address the risks of dowry. The main issue is that families with more sons or those that favor males are usually involved in this problem. The idea of a national civil code is opposed by 12.4% of Indians who are Muslim. But before moving forward, one must understand the challenges Indian

culture faces. Here, we aim to highlight the core issues that affect Indian society as a whole and individual families in particular.

To ensure the well-being of one's own family as a social group, it's important to understand the difficulties involved in creating a safe and harmonious social environment across generations. According to the 2001 census, India has 192.7 million households, spread across 0.59 million villages and over 5,000 towns. Indian society is known for its vast differences in location—between rural and urban areas—education, and also among different castes, religions, and ethnicities. In reality, Indian society is made up of many small areas and distinct subcultures, and the differences between them are significant from a sociological perspective.

There are also differences in how women are viewed in terms of their skills, the gender ratio, age at which people get married, the rate of divorce, family size, the cost for young women to join the workforce, marriage customs, how families are structured, and the power dynamics within families.

Most family types also show traits that are part of Indian culture. For example, the traditional joint family has almost disappeared in urban areas. However, the average life expectancy for women has gone up from 23 years in 1901 to 65 years in 2009, which is three years more than men. There has been an increase in the number of households headed by women, a drop in the average age of the head of the household, and more cases of separation and divorce. This has led to more stress and tension between spouses, parents and children, and among siblings. It has also resulted in more freedom in choosing a spouse, less close family ties, more conversations between sons and parents, greater involvement of women in household decisions, and a rise in the average age at marriage for women from 13 years in 1901 to 1918.

These changes in the family system—its structure, functions, values, and rules—have been clearly shown over the years, especially in 2001, along with better education for women and a decrease in the overall birth rate from 4.9 in 1971 to 2.76 in 2009 (Singh, 2004: 129-166).

Many new problems have emerged because of these changes, while some long-standing issues—such as dowries, divorce, loss of closeness between generations, fights among siblings, and gender-based violence—have become even worse.

## **CHANGES IN MARITAL PRACTICES**

Indian civilization, especially Hindu society, has traditionally centered around certain beliefs that encouraged early marriage for women. In India, marrying before full maturity or during childhood was common among specific groups. During the 19th century and even earlier, the average age for marriage for women was quite low. Census data from 1901 to 1931 shows that the average age of marriage for women was about 13 years, and this did not vary much between different groups. The Child Marriages Restraint Act of 1929 (with later changes in 1949, 1955, and 1978) was considered one of the strongest laws against this practice.

After India gained independence around 1950, there was a noticeable increase in the marriage age.

In 1978, the law was updated to raise the marriage age to 18 for girls and 21 for boys. Over the past century, data from national censuses shows a clear trend toward higher marriage ages for women. In parts of the United States, the marriage age increased by four to seven years between 1891 and 1991.

The National Family Health Survey-2 (1998–1999) highlighted a similar increase in the average marriage age for women in the U.S. from 18.5 to 21.5 years. In India, it is very rare for a woman to have a child before marriage because it is considered socially unacceptable. A new law against child marriage was ruled invalid in December 2006, but courts can still use the law to prevent young marriages through living orders.

The National Family Health Survey-2 found that 65% of Indian women married before they turned 18.

Child marriages are still legally accepted during certain festivals like Akha Teej, Ram Navami, Basant Panchami, and Karma Jayanti. According to the UNICEF report 'State of the World's Children-2009', 47% of Indian women aged 20 to 24 who married before the legal age of 18 lived in rural areas. The Indian government was compelled to pass the Dowry Prohibition Act in 1961 (amended in 1986) due to the rising problem of dowry demands, but efforts to end this practice have not been very effective.

Dowry-related violence is a serious issue that affects all social groups, classes, regions, and religions.

It is often seen as a common problem that occurs across various barriers. It has been reported that every twelve hours, over 20,000 women died due to dowry-related issues in the U.S. between 1990 and 1993. In Karnataka, at least three women are burned every day to meet dowry demands.

This situation reflects a deep-rooted issue in Indian society, as dowry death is a common problem (Singh, 2005: 199–220).

Civil organizations must take the lead in fighting against the dowry problem. The main issue is that families with more sons than daughters often tolerate this behavior. Violence in the family is usually a male-dominated activity, and women and children are the main targets. Women in Indian society have faced abuse and humiliation throughout documented history.

Many Indian women continue to face violence and discrimination despite over 150 years of laws and policies aimed at empowering women, improving education, and promoting financial independence.

Data shows that 40% of Indian women have experienced abuse from their partners. These statistics reveal the reality that, although homes are often places where women support each other, they can also be sites of coercion and abuse for millions of girls.

A study in five areas of Uttar Pradesh found that 30% of married men physically abuse their wives.

A survey by the International Clinical Epidemiologists Network (INCLIN) reported that one in five married women had been hit, kicked, physically overpowered, or slapped by their husbands. About 50% of those who experienced physical abuse during their marriage also reported abuse during pregnancy. The 2005 Anti-Home Violence Act is expected to significantly help in addressing gender-based violence against Indian women.

There's more to the story of domestic abuse that hasn't been fully uncovered, especially by feminist writers. It's estimated that more Violence Act and the Antidowry Regulation. Because of these laws, criminal behavior continues to openly ask for money from husbands and their families. Over 52,000 married men are losing their lives due to different types of domestic violence and harassment from their wives. This includes verbal, financial, intellectual, sexual, and relationship-based or cheating abuse, among other forms. than 58,000 educated women harm their husbands' lives each year by misusing the Domestic

### **PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005:**

This law helps protect a wife or a female partner who lives with her partner from abuse by her husband, the male partner, or any of his family members. It also protects other female family members, like sisters, widows, and mothers. The role of women in creating family courts is important. The Family Courts Act gives governments the power to set up family courts in cities and towns with a population of one million or more. For areas with fewer than one million people, governments have the choice to set up such courts or not. However, many governments have not created their own family courts because of issues like geography, money, or legal challenges.

Family courts mostly came into being because of the work of women's groups and other organizations.

In the 1980s, groups fighting for girls' rights pushed for changes in the law. They wanted special courts to handle family law matters and address violence against women, including rape, dowry-related abuse, and even killings of wives. Issues of gender justice were a big part of why these courts were created. The idea was to create courts that are more friendly to women, less formal, and easier for them to access, especially those from groups that are often overlooked.

The goal of family courts was to help people in conflicts find solutions they can agree on. These courts were meant to rely more on counselors rather than traditional lawyers. The counselors helped women have a stronger say in matters like reconciliation, post-divorce support, child custody, protection from abuse, and living in the family home. Smt. Durga Bai Deshmukh first highlighted the need for family courts in 1953, after she saw how family courts worked in China. She shared details about the judges at the time, including Hon'ble Mr. Justice P.B. Gajendragadkar and Hon'ble Mr. Justice M.C. Chagla from the Bombay High Court. She also mentioned that Prime Minister Pandit Jawahar Lal Nehru had not been able to set up family

courts yet. Many women's groups, social service groups, and individuals supported the creation of family courts as a way to have a fast and effective place to settle family problems.

## **CRIMINAL PROCEDURE CODE: MAINTENANCE PROVISION**

A part of section 488 from the old CrPC 1898 was brought back as section 125 of the CrPC 1973. This section also broadened the original rules by allowing more dependents to get maintenance payments. It was introduced to protect vulnerable groups such as women and children. The relevant rules in the CrPC 1973 are found in Chapter IX, sections 125 to 128. These rules cover parents of minor children, whether they are biological or adopted, and also include wives, whether they are married or divorced.

A Justice of the Peace can, among other things, order a man or woman who neglects or refuses to support their child to provide a monthly allowance for the child's welfare if the child is unable to support itself. This applies to both male and female children, whether they are married or not, and whether they are legitimate or not.

Sections 125 to 128 offer a simple and fast way to ensure that a person supports their spouse, children, or parents. These rights are established by law and are not affected by personal laws. The term "infant" has been removed from the CrPC, but under the Indian Majority Act of 1875, it now refers to someone under the age of 18 who cannot enter into contracts or make legal claims.

According to subsection (1)(c), a child does not need to be a minor, but they must be unable to support themselves due to physical or mental disability. The father's paternity determines the maintenance, but the Supreme Court ruled in the case of Sumitra Devi v. Bhaaikan Choudhary that the legitimacy of the child is no longer a factor. Therefore, even an illegitimate child is entitled to maintenance.

In the case of Ramesh Chandra Kausal v. Mrs. Veena Kausal, the Supreme Court said that section 125 is a social justice measure meant to help young women and girls. This is backed by Article 15(3) of the Constitution and also Article 39. Courts are required to act in a way that reflects social needs rather than being strict.

Notably, the CrPC does not have any rules about widowed adult daughters who are not minors. This seems to be a gap in the law. If such a daughter cannot support herself, her parents or in-laws cannot be forced to help her through the CrPC.

However, section 125 also provides for "destitution," which is different from maintenance as it does not require the person to be poor. The rules on marriage have handled the maintenance of divorced wives under different private laws. But section 125 still applies to the maintenance of children and parents.

## **RIGHTS OF WOMEN UNDER HINDU LAW**

### **DEFINITION OF INHERITANCE**

The term "inheritance" is specifically used when talking about succession. When someone passes away, their property, titles, debts, and responsibilities can go to their heir. Both physical and non-physical property are usually considered part of inheritance, though different communities may have their own views on this. The "Hindu Succession Act" was updated in 2005, which gave daughters equal rights to property as sons. Before this change, sons had rights to their father's property, while daughters only had those rights if they were unmarried.

It was found that when a girl marries and joins her husband's family, she also gets privileges within that family's Hindu Undivided Family (HUF).

Now, both married and unmarried daughters have the same rights as their brothers over their father's property. They also share the same responsibilities and rights as their brothers. In 2005, it was ruled that as long as both parents were alive on September 9, 2005, a daughter had the same rights as her father. The Supreme Court also decided in 2018 that a daughter can inherit her father's property, regardless of whether her father was alive on that date. In this process, women also took part in the everyday task of coparcenary. They can claim a share of the property.

*The right of daughters to inherit their parents' self-obtained assets and any other assets in which they may be absolute proprietors was established by the Supreme Court in 2022. The court went on to say that even in cases where a daughter's parents died intestate prior to the codification of the Hindu Succession Act, 1956, this rule might be applicable.*

### **SHARE OF MARRIED DAUGHTERS IN FATHER'S ASSETS**

How much of their father's assets can married daughters claim? A daughter has the same rights as her brothers when it comes to her father's ancestral property, as decided by the Supreme Court. However, this does not mean that the father's property will be divided equally between a son and a daughter. The division of assets depends on the share each heir is entitled to under the applicable inheritance laws, which also take into account the rights of other deceased heirs. If a married daughter gets the same share of her father's assets as her brother, she will also be entitled to an equal share.

### **PROPERTY RIGHTS AND INHERITANCE OF MOM ON SON'S PROPERTY**

A mother inherits her deceased son's possessions with a criminal record. As a result, if a person passes away, his mother, wife, and children will all inherit the same rights over his possessions. Please take note that in the event that the mother dies without creating a will, her portion of her son's estate will transfer to her criminal heirs, which may include her other children.

## **INHERITANCE OF AN ADOPTED TODDLER**

Adopted children have all the rights accorded to organic toddlers and are also Class-I heirs. Adopted children, however, are not entitled to inherit their adoptive father's possessions should he be banned from doing so because of any criminal offenses he may have committed. Even in the following scenario, the adopted child cannot inherit the ancestral assets if the father changed to a different religion and the adopted child also practices that religion.

## **PROPERTY RIGHTS AND INHERITANCE OF AN DESERTED FIRST SPOUSE**

Suppose a Hindu man marries someone else without officially ending his first marriage. In this case, his first wife and their children are considered lawful heirs. His previous marriage isn't legally canceled. If he divorces, the first wife gets all the property and can't claim anything from it. It's very important to have clear records showing each spouse's share of the money or assets, even if both contributed together. This is especially crucial if you need to file a case for property possession.

## **INHERITANCE OF THE SECOND SPOUSE**

The second wife would have full criminal rights over her husband's property if her husband's first spouse passed away or divorced before the husband remarried. Her kids have equal rights according to their father's share, just as the kids from the previous marriage. In the event that the second marriage is lawful, the children of the first wife are not entitled to inherit the husband's family assets while they are in prison.

## **WOMEN'S ASSETS UNDER HINDU LAW**

A number of social reformers worked to have the Hindu Women's Right to Property Act passed in 1937. The aforementioned Act changed the curriculum of all Hindu schools, granting more privileges to Hindu girls. This Act led to contemporary changes in the rules governing alienation, inheritance, partition, and adoption in addition to the regulation of coparceners. It prevented a widow from becoming a coparcener, but it did permit her to take an identical component with her son. Consequently, widows were limited to a portion of their late husband's possessions, which they may ask to be divided.

The "Hindu Women's Right to Property Act,1937" was intended to provide all Hindu women more property rights, but in the end, it was only concerned with improving the rights of widowsâ€”not women in general. The aforementioned Act of Legislature preserved the reputation of a daughter's right to inherit. The Hindu Women's Right to Property Act of 1937 drew a lot of criticism, therefore the Parliament resolved to make a stronger law to protect women's property rights. This resulted in the Hindu Succession Act of 1956.

## STRIDHAN

According to the Smritikars, a "Stridhan" refers to a type of property that a woman acquires from her family members, mainly consisting of movable assets. It is also mentioned that Stridhan includes gifts received by a woman from her wedding guests during the bridal procession and the wedding ceremony. In the case of "Bhagwandeem Doobey v. Maya Bae (1869)," the Privy Council ruled that estates inherited by a Hindu girl from men are no longer considered part of Stridhan. Instead, such residences may be classified as "women's estate."

In the case of "Kasserbai v. Hunsraj (1906)," the Bombay High Court upheld the Bombay School's principle, which says that property inherited by a woman from other women may be considered as Stridhan.

In the well-known case of "Debi Mangal Prasad Singh v. Mahadeo Prasad Singh (1912)," the Allahabad High Court observed that under the Mitakshara and Dayabhaga systems, any share a woman receives after division is considered her personal property, not Stridhan. After the Hindu Succession Act of 1956 was passed, the property obtained through division became absolute property, which is also considered Stridhan.

As the owner of absolute property, a woman has complete rights to dispose of it as she wishes, including using it for gifts, business, rental income, loans, and other purposes. In the 1985 case of "Pratibha Rani v. Suraj Kumar & Anr," the Supreme Court of India noted that according to the Mitakshara and Dayabhaga Schools, Stridhan includes all property held by a woman, whether she is married, widowed, or a maiden.

- i. Presents given prior to the wedding fireplace.
- ii. Presents offered during the bridal procession.
- iii. Presents from her father-in-law or mother-in-law as a token of appreciation when she got married.
- iv. Presents made by the mothers, dads, and brothers of the women.

In the 1996 case of Smt. Rashmi Kumar vs. Mahesh Kumar Bhada, the Supreme Court ruled that if a wife gives her Stridhan property to her husband or another family member who controls it, and that person dishonestly takes or uses the property for their own benefit, or intentionally allows someone else to do so, they are committing a criminal breach of trust. Sections 15 and 16 of the Hindu Succession Act, 1956, outline the rules about how property is passed on to female Hindus and the order in which their heirs can inherit.

In the Sundari and Ors v. Laxmi and Ors case from the 1980s, the Supreme Court of India stated that Sections 15 and 16 of the 1956 Act deal with intestate succession for a woman Hindu. The term "inherited" in Section 15(2) means "to become an heir," which refers to inheriting through descent, not through a will. In the 1990 case of Komalavalli Ammal & Others v. T.A.S Krishnamachari & Others, the Madras High Court agreed with this interpretation.

## CHANGES IN MARITAL PRACTICES

Indian society, especially the Hindu community, has traditionally followed certain beliefs that encouraged early marriages for women. In the past, it was common for girls to get married at a very young age, often before they reached puberty. This was seen as normal and was supported by cultural norms. During the 19th century and earlier, the average age of marriage was quite low. However, between the 1901 and 1931 censuses, the average age at which women married increased by about 13 years, and this trend was similar across different areas of the country.

The Child Marriages Restriction Act of 1929, along with later updates in 1949, 1955, and 1978, was a significant piece of legislation aimed at preventing child marriage. In the years following independence, up to 1950, there was a noticeable rise in the age at which people married. In 1978, the law was further changed, raising the legal marriage age to 18 for girls and 21 for boys. Over the past century, data from national censuses show a clear trend of increasing marriage ages for women. In some parts of the U.S., the marriage age rose by four to seven years between 1891 and 1991. The NFHS-2 (1998–1999) data also shows that the average marriageable age for women increased from 18.5 to 21 years.

At the national level, the fertility rates in India experienced significant changes over five years, as reflected in the 2001 Census, which estimated a lower average age at marriage. In India, being unmarried was considered unusual and even unacceptable. In December 2006, a new law that banned child marriage was struck down, but it provided the court with useful tools to prevent such marriages through measures like stay orders. According to the National Family Health Survey-2, 65% of Indian women married before the age of 18.

In some cases, child marriages are still recognized through cultural festivals like Akshaya Tritiya, Akha Teej, Ram Navami, Basant Panchami, and Karma Jayanti. Based on UNICEF's 'State of the World's Children-2009' report, 47% of Indian women aged 20 to 24 married before reaching the legal age of 18, with 56% of them living in rural areas. Child marriage has been a common practice in many societies throughout history, but as countries have become more urbanized and lifestyles have changed, this practice has become less common. The decline in child marriage has been driven by growing awareness and advocacy for human rights, especially regarding the rights of women and children.

In countries where cultural traditions still strongly support child marriage, it remains widespread. Despite being illegal in the past, South Asia today has the highest rate of child marriage globally, according to UNICEF (2009: 34). India is particularly notable in this regard. Consanguineous marriage, or marriage between close relatives, is another important tradition in Indian society. In South India, it was common for people to marry their own sister's daughter or the daughter of their mother's brother.

In recent times, the practice of consanguineous marriage in South India has declined due to the rise of dowry customs. However, for many North Indian Hindus, such marriages are still considered forbidden. The "Divorce Act of 1955" and the "Hindu Marriage Act, 1955" prohibit

"sapinda marriages," which are unions between close relatives. Sapinda relationships include relatives up to the third degree on the mother's side and the fifth degree on the father's side.

Simple Muslims, some scheduled castes, and some scheduled tribes in North India are more likely to practice consanguineous marriages. It has been reported that most tribal communities engage in consanguineous marriages, which include marriages with the daughters of the mother's brother, the father's sister, and the elder sister. True endogamy has always been a part of Indian society. Marriages within the same subcaste have been closely observed. Additionally, the intended clans often practice endogamy; however, a large number of ancestral offices engage in faction exogamy (Singh 1997: 8). Especially polygyny, polygamy has been one of the great assets of Indian households. Muslims have been more aware of it than Hindus have.

It is not typically recommended that polygyny be more common than monogamy in this situation.

The age-old sacred literature and fantastic tales were oftentimes a source of assistance for the polygamous adult males. In any event, these kinds of partnerships were practiced, especially by those who had no problems with their significant other. Even among Muslims, polygyny has decreased as proficiency levels have increased, despite the fact that these relationships have received full social and legal acceptance. Although monogamy is the most common form of marriage, there are many different clans that practice both sororal and non-sororal polygyny (Singh 1997: 08). The act of arranging for someone to be a determined person who isn't constantly in reality or controlling his child is known as adoption.

This is the method used to establish up a criminal relationship between a newborn and discern who are not really biologically related. It can also mean the process by which people raise a toddler who is no longer biologically their own and include her or him in their family tree. The primary purpose of the pre-adoption item is to facilitate the execution of the burial rites and maintain one's genealogy. The Hindu Adoption and Maintenance Act, 1956 is the only law in India that regulates adoption. Its scope is limited to Hindus alone. Adoption laws do not apply to Muslims, Parsis, or Christians.

A man or woman who falls into one of these categories is required under the Guardians and Wards Act of 1890 to appoint themselves as guardians.

All castes and communities are covered by this Act. However, the court will consider the minor's private law concurrently with designating or designating a parent under this Act. When someone is designated as a parent or guardian, they must follow the guidelines set forth in the Guardians and Wards Act of 1890.

## **INTERCOUNTRY ADOPTION**

The Supreme Court provided an extensive ruling in **Lakshmi Kant Pandey v. Union of India**, outlining the procedural and normative precautions that must be followed when making an international adoption. It aims to hold every birthday party involved in the adoption process

accountable. The Central Adoption Resource Agency, the Scrutinizing Agency, the Voluntary Coordinating Agency, and the Diagnosed Child Welfare Agency (Placement Agency) are among the regulatory organizations that the ruling recommends. In order for the child to be legally released for adoption, the Child Welfare Agency handling the foreign program must present sufficient evidence in court.

## CONCLUSION

Indian society is still working to remove all kinds of discrimination and adjust to modern ways of living. Traditional norms are changing because of new situations, and because of that, laws related to families have also changed. The main goal of giving equal rights to both genders is to encourage fairness and stop discrimination. However, even with these new rules, many problems remain. Due to a lack of education, women often don't know their basic rights, and there are still people in society who treat them as if they are not equal. Laws need to be made in a way that completely ends discrimination.

The way society thinks about gender justice hasn't changed much, even though there are many laws and rules in place. This shows that the current laws aren't enough and that big changes are needed to change people's ideas. It's true that the courts have made progress, tried to fight against bias, and helped keep women's position in Indian society. But there are still gaps that can be fixed by teaching people, holding local events, offering legal help, and spreading awareness.

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