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Laws and Problems of Marriage

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Laws

- **Changes & legislation** on marriage in India –
Marriage acts
- Legislation defined as the process of making
or enacting laws.

Changes & legislation on marriage in India

Marriage acts

- The prevention of Sati Act 1829.
- The Hindu widow Remarriage Act 1856.
- The Civil (or special) Marriage Act 1872.
- The Hindu Marriage Act 1955.
- The Dowry Prohibition Act 1961.
- The Child Marriage Restraint Act 1929.
- The Hindu Adoption and Maintenance Act 1956.
- Medical Terminal of Pregnancy Act 1971.
- Family Court Act 1984.

The prevention of Sati Act 1829

- Widows are often forced to make a vow or sankalpa to die after their husband's death.
- Sri Rajaram Mohan Roy took up the causes of women and impressed upon.



- Lord Bentinck, the British Governor General of India brings out a legislation prohibiting the of “Sati”.
- The formation of Sati Act, 1829 includes saving the lives of widows, and punishing and fining those instigates the practice of “Sati”.



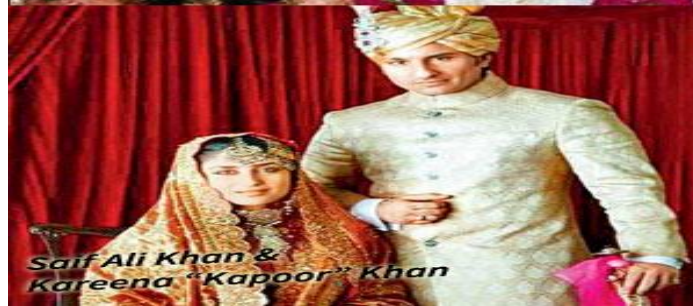
Hindu Widow Remarriage Act 1855

- Through prevention of Sati Act, even though widows were saved, but they were subjected to exploitation and humiliation.
- Pandit Ishware Chandra Vidya Sagar brought pressure on the British Government to make legal provision for widow remarriage.



The Civil (or Special) Marriage Act 1872.

- This is provided legal permission for inter-caste, inter-religious and registered marriages.
- It was modified in 1954.
- Couple has to inform the marriage officer a month before the scheduled marriage and two witnesses has to be present during the time of marriage.



The Hindu Marriage Act 1955

- This Act is applicable for the total India and Jains, Sikhs, Buddhists and the scheduled castes.
- Condition for Valid Marriage as Provided under this Act; Prohibits polygyny, polyandry and child marriage.
- The bridegroom must have completed 21 years of the age and bride 18 years of age.
- Equal rights for men and women in marriage.
- Given permission for inter-caste and inter-religion marriages.

Divorce as per this Act

Lunatic (mad) at the time of marriage.

- The spouse must have been impotent (useless) at the time of marriage. The wife was pregnant by some person other than the petitioner at the time of marriage.
- The dissolution of marriage may be obtained on the grounds of cohabitation not resumed after 2 years judicial separation, adultery, unsound mind, rejection, conversion of religion; sexual transmitted disease, leprosy, desertion for 7 years.

Dowry Prohibition Act 1961.

- It permits exchange of gifts for not more than Rs.2000/
- It prescribes the penalty of 6 months imprisonment or a fine up to Rs. 5000/- or both.
- The act got amended in 1986 and there after its rules became still more severe.
- It does not apply to Muslims.

Child Marriage Restraint Act 1929

- According to this Act boys under 18 years of age, girls under 14 years of age, if get married is an offence.
- Later the Act was amended in 1978 to 21 years of age for boys and 18 years of age for girls. Violation of the Act prescribes penalty of 3 month imprisonment and Rs.1000/- fine.



The Hindu Adoption and Maintenance Act 1956

- It provides provision for childless women the right to adopt a child.
- To claim maintenance from the husband is she is divorced.



Medical Termination of Pregnancy Act 1971

- legalizes abortion conceding the right of a woman to undergo abortion on the ground of physical and mental health.



**"Medical Termination
of Pregnancy
(Amendment) Act,
2021 receives
President's assent"**



Marriage Problems in INDIA



Problems

- Lack of Trust
- instability
- Change in relationship between man and woman
- Sex Laxity
- Economic Imbalance
- Sexual heterogeneity
- Decline of religious control



Continue...

- Decline of moral
- Divorce, separation
- Dowry system
- Impact of western family system
- Inferiority and superiority complex



Dowry System

- **Dowry is** a gift from the bride's family to the groom's family upon marriage
- Dowries may be in the form of : Goods (clothing or jewelry) Assets (livestock, land, or cash)

- **We can** date the history of Dowry as far back as 1700 BC when the Code of Hammurabi was written.
- This code stated that in the death of her husband or through divorce, the wife would receive back the Dowry that she paid to him.

- Mahatma Gandhi

Nothing but sales of girls

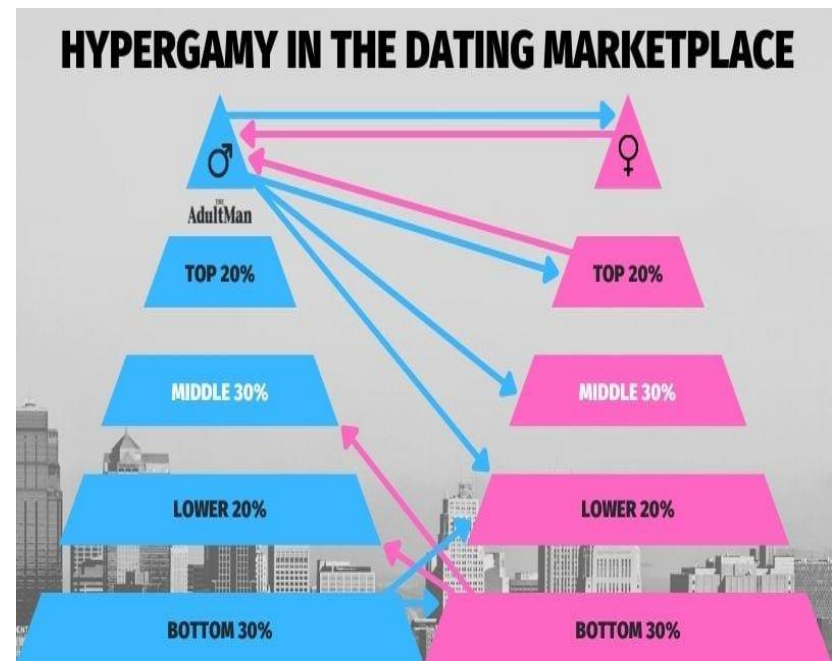
Definition

- Property or money brought by a bride to her husband when she marries him.
- The property which a man receives from his wife or her family at the time of marriage according to the capacity and wishing giving.

- **The initial** role of dowry was to financially provide for the bride because she was moving into a joint family with the groom.
- Women were not allowed to work and earn a living outside of the home, so dowry was suppose to serve as her income and her contribution to the home

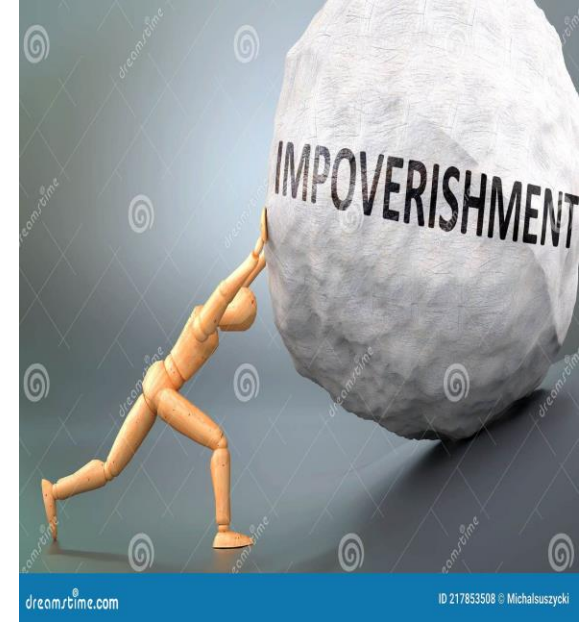
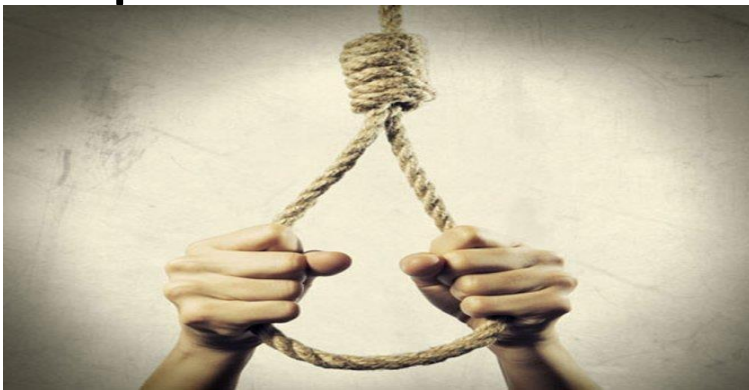
- **The family** of the bride gives the groom and/or his family dowry to ensure that their daughter will be well taken care of.
- Dowry is a form of assurance that the bride will be well treated. If not, it can be revoked. [?] In the event that the husband dies, the wife will be financially stable through inheritance of the dowry she paid

- **Factors that favours this social evil ...**
- Early Marriages for girls
- Hypergamy
- Educational status
- Patriarchy
- Economic prosperity



Consequences...

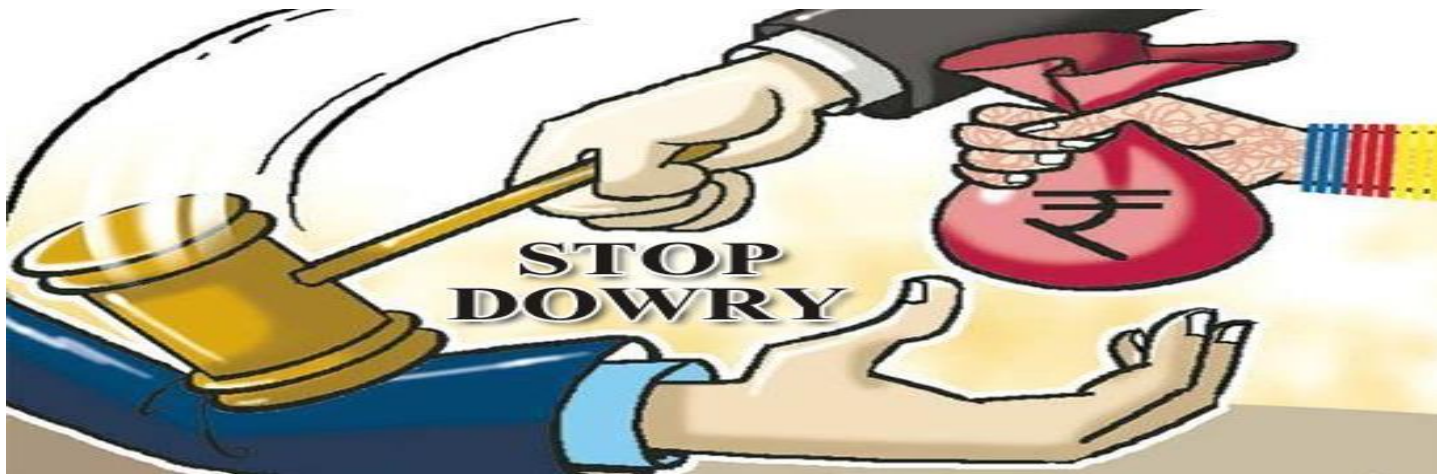
- **Late marriages** for girls
 - Lowering of women's status
 - Breakdown of marriage
 - Increase of immorality
 - Suicide
 - Impoverishment



- **According to** the Indian National Crime Records Bureau(NCRB) there were approx. 6787 reported dowry deaths in India in 2005.
- The NCRB also reported that there were 2,276 female suicides related to dowry in 2016 which amounts to 6 deaths per day.

- **As times** have changed, Dowry is now considered a way for a groom and his family to extort money and gifts from the bride and her family.
- Families often go broke because they are unable to supply the Dowry to the groom.
- Majority of these women come from poor to middle class homes in which their parents save for years in order to provide Dowry to the groom

- **In July 1961**, Indian officials created The Dowry Prohibition Act
- which prohibits the demand, receipt, or payment of dowry in marriage.
- Punishment for receiving or giving dowry is imprisonment up to 6 years and/or a fine of 5000 Rupees or the amount of dowry which was paid (whichever is more).



- **Despite the Dowry Prohibition Act and Indian Penal Code(304b)** dowry and dowry death are still occurring in India.
- Although dowry death maybe investigated convictions are slim to none.
- The accused party states that their” beloved bride” is dead as a result of a kitchen fire.

A bouquet of white daisies with yellow centers and green foliage is the background. In the foreground, a piece of light-colored, textured paper with a deckled edge is pinned to the right with a small red and black ladybug-shaped clip. The text "Thank you!" is written in a black, cursive font on the paper.

Thank
you!