



## Evolution of Hindu Marriage: From Sacred Samskara to Codified Legal Institution in Contemporary India

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### Abstract

Hindu marriage has undergone a significant transformation from being a purely religious sacrament (samskara) to a legally regulated institution governed by statutory provisions in modern India. Traditionally, Hindu marriage was considered indissoluble, rooted in dharma, and primarily aimed at fulfilling religious obligations and ensuring continuity of lineage. However, socio-legal reforms, colonial interventions, and post-independence legislation—especially the Hindu Marriage Act, 1955—have reshaped its structure, purpose, and legal implications. This paper examines the historical evolution of Hindu marriage through Vedic, Smriti, medieval, colonial, and modern phases. It critically analyses the shift from a sacramental to a contractual and legal framework, emphasizing gender justice, individual rights, and judicial interpretation. The study adopts a doctrinal and analytical methodology, drawing upon classical texts, legal statutes, and judicial precedents to highlight the dynamic interplay between tradition and modernity.

**Keywords:** Hindu Marriage, Samskara, Hindu Marriage Act 1955, Legal Reform, Gender Justice, Indian Family Law

### 1. Introduction

Marriage in Hindu society has historically been regarded as a sacred and religious union rather than a mere contractual arrangement. Rooted in Vedic traditions, it was considered one of the essential *samskaras*, symbolizing not only the union of two individuals but also the merging of two families and the fulfillment of spiritual and dharma (Sharma, 2012; Kane, 1974). In classical Hindu jurisprudence, marriage was viewed as an indissoluble bond, extending beyond a single lifetime and forming the of social and religious order (Derrett, 1968). Unlike Western notions of marriage as a contract based on mutual consent and dissolution, Hindu marriage traditionally emphasized permanence, duty, fidelity, and procreation as central objectives (Paras Diwan, 2001; Altekhar, 1959).



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Furthermore, ancient texts such as the *Manusmriti* and *Dharmashastras* reinforced the idea that marriage was essential for performing religious rites, as a wife was considered indispensable for yajnas and other sacred obligations (Apte, 1965; Kane, 1974). The concept of *ardhangini* further highlighted the spiritual partnership between husband and, establishing marriage as a rather than a civil agreement (Sharma, 2012).

However, with the advent of socio-religious reform movements in the 19th century, such as those led by Raja Ram Mohan Roy and Ishwar Chandra Vidyasagar, the rigid and patriarchal features of Hindu marriage began to be questioned (Agnes, 1999). Colonial legal interventions introduced statutory changes aimed at eliminating social evils like child marriage and restrictions on widow remarriage, gradually shifting marriage towards a more regulated framework (Derrett, 1968). In the post-independence period, constitutional values such as equality, dignity, and individual liberty further accelerated this transformation (Baxi, 2010). The enactment of the Hindu Marriage Act, 1955 marked a significant turning point by codifying Hindu personal law and introducing modern legal concepts such as divorce, judicial separation, monogamy, and restitution of conjugal rights (Diwan, 2001). This legislative shift redefined Hindu marriage from a purely sacramental union to a legally enforceable institution with rights and obligations for both spouses.

Thus, the evolution of Hindu marriage reflects a dynamic interplay between tradition and modernity, where ancient religious values coexist with contemporary legal principles. This paper seeks to trace this historical transition and critically examine its implications in the context of present-day Indian society (Agnes, 1999; Baxi, 2010).

## 2. Concept of Hindu Marriage in Ancient India

### 2.1 Vedic Period: Marriage as a Sacred Duty

In the Vedic period, marriage was regarded as a divine institution ordained by religious scriptures. It was considered obligatory for the performance of religious rituals and continuation of lineage (Manu Smriti IX.96). The wife was regarded as “ardhangini” (half of the husband), essential for performing yajnas and other rituals (Apte, 1965).

### 2.2 Types of Hindu Marriages

Ancient Hindu law recognized eight forms of marriage, classified in texts such as Manusmriti:

- Brahma Marriage
- Daiva Marriage
- Arsha Marriage
- Prajapatya Marriage



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- Gandharva Marriage
- Asura Marriage
- Rakshasa Marriage
- Paisacha Marriage

Among these, Brahma marriage was considered the most virtuous (Derrett, 1968).

### 3. Marriage in Smriti and Medieval Period

During the Smriti and medieval periods, Hindu marriage became more rigid and patriarchal in nature. Practices such as child marriage, prohibition of widow remarriage, and polygamy became prevalent, reflecting (Altekar, 1959). Women's autonomy was significantly restricted, and marriage was regarded as an unbreakable and eternal bond, often symbolically described as lasting "seven lifetimes." The wife was expected to adhere strictly to the ideals of *pativrata dharma*, emphasizing obedience, chastity, and devotion to the husband (Kapadia, 1966). The Smriti texts, particularly those attributed to sages like Yajnavalkya and Narada, further institutionalized patriarchal norms by assigning a subordinate status to women within the family and society (Lingat, 1973). Marriage was not merely a personal relationship but a, where individual choice had minimal significance and familial authority dominated decision-making (Karve, 1998).

The concept of divorce was virtually absent, reinforcing the sacramental and indissoluble nature of marriage (Paras Diwan, 2001). Separation, if it occurred, was socially stigmatized and legally unrecognized. Additionally, widowhood imposed severe restrictions, including social isolation and denial of remarriage, which further highlights the gendered inequalities embedded within the institution (Oldenburg, 2002). Moreover, property and inheritance rights were largely denied to women, making them economically dependent on male members of the family (Menski, 2003). The cumulative effect of these practices transformed Hindu marriage during this period into a highly regulated institution aimed at preserving caste purity, social hierarchy, and patriarchal control rather than individual fulfillment or mutual companionship.

### 4. Colonial Influence and Legal Reforms

The colonial period marked the beginning of legal intervention in Hindu personal laws. British administrators codified certain aspects of Hindu law, often relying on Brahmanical interpretations. Key reforms included:

- Hindu Widows' Remarriage Act, 1856
- Child Marriage Restraint Act, 1929



These reforms aimed to address social evils and introduce elements of justice and equity (Agnes, 1999).

## 5. Post-Independence Legal Framework

### 5.1 Codification under the Hindu Marriage Act, 1955

The enactment of the Hindu Marriage Act, 1955 marked a watershed moment in the transformation of Hindu marriage from a purely sacramental institution to a legally regulated framework. It introduced the concept of divorce under specific grounds such as cruelty, desertion, and adultery, thereby challenging the traditional notion of indissolubility (Diwan, 2001). The Act also legally enforced monogamy, prohibiting polygamous marriages among Hindus and ensuring equality between spouses (Mulla, 2010).

Further, it established minimum age requirements for marriage, aiming to curb child marriage and promote social reform (Agrawal, 2013). The Act also provided remedies such as judicial separation, restitution of conjugal rights, and maintenance, thereby strengthening the legal protection available to spouses, particularly women (Kusum, 2015). This codification clearly reflects a shift towards a quasi-contractual institution governed by legal rights and obligations (Derrett, 1970).

### 5.2 Judicial Interpretation

The Indian judiciary has played a transformative role in interpreting and expanding the scope of marriage laws in light of constitutional principles. In *Shayara Bano v. Union of India* (2017), the Supreme Court emphasized gender justice and struck down arbitrary practices, reinforcing the importance of dignity and equality within marital relationships (Choudhry, 2018). Although the case pertained to Muslim personal law, its broader impact lies in promoting constitutional morality across all matrimonial laws. Similarly, in *Sarla Mudgal v. Union of India* (1995), the Court addressed the issue of bigamy through religious conversion and highlighted the need for a uniform approach to marriage laws (Menski, 2003). The judgment underscored the misuse of personal laws and advocated for legal consistency and protection of women's rights. These judicial pronouncements demonstrate the active role of courts in harmonizing personal laws with constitutional values such as equality, secularism, and justice (Baxi, 2010).

**Table 1: Key Features of Post-Independence Hindu Marriage Framework**

Aspect	Traditional Hindu Marriage	Post-1955 Legal Framework
Nature of Marriage	Sacred sacrament (Samskara)	Legal + quasi-contractual institution
Divorce	Not recognized	Legally permitted under specific grounds

Polygamy	Allowed in certain cases	Strictly prohibited (monogamy enforced)
Age of Marriage	No fixed legal age	Minimum age prescribed by law
Rights of Women	Limited	Enhanced legal protection and rights
Judicial Role	Minimal	Active interpretation and enforcement

## 6. Changing Nature of Hindu Marriage in Contemporary India

Modern Hindu marriage reflects a blend of tradition and modernity:

- Increased acceptance of divorce
- Rise of love marriages and inter-caste unions
- Recognition of individual autonomy
- Growing emphasis on gender equality

The influence of constitutional values such as equality (Article 14) and personal liberty (Article 21) has significantly reshaped marital relations (Baxi, 2010).

## 7. Critical Analysis: Sacrament vs Contract Debate

The nature of Hindu marriage has been a subject of continuous scholarly debate, particularly in the context of its transformation from a purely religious institution to a legally regulated framework. Traditionally, Hindu marriage was regarded as a *samskara* (sacrament), emphasizing spiritual union, permanence, and religious duty. However, with the advent of modern legislation and judicial interpretation, it has increasingly acquired characteristics of a contractual relationship based on rights, obligations, and legal enforceability (Derrett, 1970; Diwan, 2001).

In contemporary India, Hindu marriage reflects a synthesis of both these dimensions. While rituals such as *saptapadi* and *kanyadaan* continue to hold cultural and religious significance, the legal framework—particularly under the Hindu Marriage Act, 1955—introduces elements such as consent, divorce, maintenance, and judicial remedies (Kusum, 2015). This dual character highlights the evolving nature of marriage as both.

**Table 2: Key Dimensions of the Sacrament vs Contract Debate**

Basis of Comparison	Sacramental Nature of Marriage	Contractual Nature of Marriage
Concept	Sacred union ( <i>Samskara</i> )	Civil/legal agreement
Objective	Dharma, procreation, spiritual duty	Mutual rights, obligations, companionship



Permanence	Indissoluble, lifelong bond	Can be dissolved through divorce
Role of Consent	Traditionally limited	Essential element
Rituals	Rituals necessary	Ceremonies optional/legal recognition sufficient
Legal Intervention	Minimal	Significant (courts regulate disputes)
Status of Women	Subordinate (historically)	Increasing equality and legal protection

Thus, Hindu marriage in its present form cannot be strictly classified under a single category. It is best understood as a “hybrid institution”, where traditional sacramental values coexist with modern legal principles, reflecting the dynamic interplay between culture and constitutional justice (Baxi, 2010).

## 8. Conclusion

The historical evolution of Hindu marriage demonstrates a gradual transition from a rigid, sacramental institution to a flexible, rights-based legal framework. While ancient traditions emphasized duty and permanence, modern law prioritizes equality, justice, and individual autonomy. The Hindu Marriage Act, 1955 serves as a cornerstone in this transformation, reflecting the dynamic nature of Indian society. However, challenges remain, including social stigma around divorce, gender disparities, and conflicts between tradition and modern values. A balanced approach that respects cultural heritage while promoting constitutional principles is essential for the continued evolution of Hindu marriage.

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