

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**
[ISSN 2581-5369]

Volume 3 | Issue 4

2020

© 2020 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at editor.ijlmh@gmail.com.

Divorce: Laws and the Position of Women in Indian Society

HARIOM KR PODDAR¹

ABSTRACT

India is a country where Women are worshipped as goddesses since ancient era as per the Hindu beliefs. People of all religions have different views regarding Marriage, Divorce, Maintenance and Adoptions. In earlier days, people used to follow the concept of "SATI" where alive woman was burnt along with their dead husband. But today India is also not unaware of the concepts of LGBTQ marriages, inter-cast marriages and even live-in relationships. Marriage is very important stage of any woman's life and if she does not get a perfect match, she feels cheated in life. She cannot even express her feelings out because of the fear of Society. Divorce and marriage are subjected to personal laws in India and also every individual can freely practice, profess and propagate any religions under Article 25 of the Constitution of India. The person who doesn't believe in any religions has Special Marriage Act, 1954.² Today if any of the spouses wants to separate out from marriage they need to take court permissions and if the genuine reason is observed by the Hon'ble court, then they are allowed. But for women it's very hard to get divorce in this patriarchal society. Even if she thinks about divorce, she may be tortured in the matrimonial house and because of unawareness of the Domestic violence Act, she continues to get tormented. If she wants to divorce, remarry, adopt a child or live alone as an independent woman it's her right to do so. This paper is regarding the status of married women in the country and the rights and remedies they have if they are in an unhappy marriage. The paper tries to deal with the newly involving concepts of live-in relationships and also the options of remarriages available to a woman after her Divorce.

Keywords: Divorce, cruelty, remarriages, live-in relationship, custody, women rights, patriarchal, development.

I. INTRODUCTION

Divorce matters are subject to personal laws in India. We all know that India has a secular foundation in constitution. The person of any religion irrespective of minority or majority in

¹ Author is a student of Indian Institute of Legal Studies, Siliguri, Darjeeling (WB), India.

² INDIAN LAWS FOR THE PROTECTION OF WOMEN'S RIGHTS AGAINST DOMESTIC VIOLENCE, Shodhganga, (July 14, 2020, 08:31 PM), https://shodhganga.inflibnet.ac.in/bitstream/10603/63917/10/10_chapter%203.pdf

population can freely profess, practice and propagate one's own beliefs and customs as per Article 25 of the Constitution of India. According to the census of 2011 India has 79.8% Hinduism, 14.2% Muslims, 2.3% Christianity, 1.7% Sikhs, 0.7% Buddhism, and 0.4% Jainism populations respectively.³

People of different religions have different views regarding Marriage, Divorce, Maintenance and Adoptions. As per the Hindu religion, Divorce was not recognized earlier. At the same time, Indian society was also not familiar and tolerant with the concepts of LGBTQ marriages, inter-cast marriage or live-in relationships. Nowadays, these all have become a part of regular practices. Laws are dynamic in nature; it changes according to the need and necessity of times. And thus India is also having some changes in this regards. Recently the LGBTQ+ was recognized as a third gender and live-in relationship also got various rights and relief similar to those that the normal married couples have.

In ancient era India was and even today is a Patriarchal country- the arc is still visible in the whole country. When our Constitution was framed Women and children were considered as the most vulnerable section of the society. Article 15(3) of the Constitution of India gives permission to make special provisions for women and children, even Article 39 and Article 40 also promote equality in the society. The recent Domestic violence Act, 2005 is also a step towards protection of women.⁴

If we see the Divorce in Indian context, the common people's perception is not too supportive. In sociological aspects marriage is a great part of our society. Marriage is considered as a sacrament in Hindus and even in Christians. Hindus believe that if once any couple enters into a marriage it cannot be dissolved on any grounds whatsoever. In earlier times Hinduism itself had a concept of 'SATI PRATHA'- which involved sacrificing the life of the Women after the death of their husband, which was abolished. Gradually, the society has developed and the conscience and reasoning capacity of people have upgraded. These concepts have an ultimate effect on the dignity of women in India. Now, India has various laws that assure the all rights being provided to the women and maintain their dignity in the society.

But unfortunately till today, many women face physical and mental torture in this society. Government always tries to minimize the offences against women. Within the territory of India many statutes have been passed for the protection of women from matrimonial and other

³ See also Interfaith Marriage and Divorce Laws, Interfaith Shaadi, (July,14,2020, 09:00 PM) <http://interfaithshaadi.org/indian-marriage-and-divorce-laws/>

⁴ See also International Religious Reports, US Department of State, (July 14, 2020, 09:15 PM) <https://www.state.gov/report/custom/ebc65bdb4a/>

offences. Today in the 21st century, the position of women in this society is far better than earlier. India has very supportive legislations regarding protection of women in every field.⁵

II. MARRIAGES IN INDIA

Marriage is a legally and socially sanctioned union that binds two people together for eternity. It is not mere meeting of two souls but also connects two families. In India marriages mainly happen through two methods either according to the religious and customary beliefs or legally in courts. India is a secular country- here any person has constitutional rights to practice any religions he wants.

In India with such a diverse tradition and culture marriage is done following many rituals and customary practices. Marriage is governed by the personal laws- different religions have their own practice regarding marriage ceremony. Marriage in Hinduism and Christianity is considered as a sacrament. The Satwik Hindu law regarded marriage as one of the essential samskar. As per Hinduism every person must marry. The Vedas say Dharma must be practiced by man together with his wife.⁶ Generally it can be seen at any places in India. It does not only gratify one's physical need but is primarily made for the performance of religious and spiritual duties. When once someone enters into a marriage, it cannot be dissolved till the death of the spouse. The relation of spouses does not only end with procreations of child but is also the union of the soul, body and mind.

Article 25 of the constitution of India provides a fundamental right to practice any religions to every individual. *Indra v. Rajnarayan*⁷ in this case the basic feature of the secularism was explained by the Hon'ble Supreme Court of India and held that, Secular nation means the state shall not have any faith of its own. All people of the state are equally entitled to make own decisions to practice, profess or propagate any faith.

The ingredients of a valid marriage needed for Hindus are given under the Hindu Marriage Act, 1955. If any of the spouses does not follow these conditions then the marriage is considered as a void marriage. All the rights and obligations are created only for the valid married spouses and are nullified with a void marriage.

In Muslims, Marriage is governed by the Mohammeden Law where marriage is considered as a contract between two spouses. This statute describes all essential conditions of marriage and

⁵ See Indo-Caribbean Feminisms: Charting Crossings in Geography, Discourse and Politics, Caribbean Review of Gender Studies (July 15, 2020 08:02 AM) https://issuu.com/igdssau/docs/crgs_issue_6_march_2013

⁶ Vasundhara Rastogi, Caste and Conversion in India, Legal Service India.com (July, 15, 2020, 10:20 AM) <http://www.legalservicesindia.com/article/1521/Caste-and-Conversion-in-India.html>

⁷ 1975 AIR, S.C 2299

all Muslims are bound to follow them. Similarly, Sikh, Jain, Buddhism, Christians marry as per their own personal laws and beliefs.

Second method of marriage is the court marriage. It is generally adopted by those people who do not have belief in any of the religions, people from different community who want to have an inter-caste marriage or those who want to avoid religious rituals. They can constitute marriages in the court under the Special marriage Act, 1954.

III. SOCIETAL ASPECTS OF DIVORCE IN INDIA

In India marriage is regarded as virtually non-dissoluble in the society. In Hindus separation from marriage was not recognized. But later on when the society started to change the concepts also changed along with. Now, a turn from sacramental features has been taken to break down after the Hindu Marriage Act, 1955 came in to existence. India is a signatory of UDHR where Article 12- Right to marry is recognized as fundamental human rights. The practice of forced marriage or marriage conducted without free consent of the parties has been explicitly considered as abuse of human rights. Article 16 of UDHR says men and women both have equal rights during marriage and also at the time of dissolution.⁸The decision of marriage must be obtained by free consent and spouses must consent regarding all the three aspects of marriage i.e., whether, when, and whom to marry under Article 16(2) of UDHR. As per the Constitution of India the wife is entitled to the society comfort and consortium of the husband and those rights are come within her rights to personal liberty under Article 21⁹. In the case of *Maneka Gandhi v. Union of India*¹⁰ Hon'ble court stated that Article 21 not only guarantees the right to life but also defines life as a right to live with dignity. So, this article ensures the dignity of women at matrimonial home.

Unfortunately today also the society sees the divorced spouses in a sneer view. Divorce is still stigmatized in the society. Preferably divorced, deserted, and helpless women do not get a rightful status in the family or she is taken to be a very easy woman. In this male dominant society man thinks he can do anything with her. Irrespective of any religions there are many reasons of divorce in the society but basic three main reasons are-

A. DOMESTIC VIOLENCE ON WOMEN

We not deny on the facts that practice of dowry still professes in the Indian society. Dowry is

⁸ See also Krishnendra Joshi, Fundamental Rights in the Constitution of India, iPleaders (July,15, 2020, 11:00 AM) <https://blog.iplayers.in/fundamental-rights-in-the-constitution-of-india/>

⁹ See also Adv. Prachi Patil, The rainbow of secularism is fading, Kartavyasadhna (July, 15, 11:30 AM) <https://kartavyasadhna.in/view-article/the-rainbow-of-secularism-is-fading-writes-adv-prachi-patil>

¹⁰ 1978 AIR 597 SC 621

nothing but a demand of money or property by the groom or his family from the bride side. Under the Dowry Prohibition Act, 1985, give and take of dowry is a totally illegal act. If anyone is found in violation of this act, he shall be punished. Dowry is one of the core reasons of domestic violence and this leads to separation and dissolution of marriages in the society.

B. SPOUSES UNABLE IN PROCREATIONS OF CHILD

The main objective of marriage is to move the heredity of that family. For this reason the birth of a child becomes a very essential element of marriage. According to the Hindu beliefs, without son a person would not get 'Moksha' after death. That is why we see in many cases that the groom's family creates pressure and tortures the bride to give birth to a male child. This has also become one of the main reasons for the dissolution of marriages.¹¹

C. MUTUAL CONSENT

Sometimes what happens is that both the spouses mutually agree to dissolve a marriage. It is also possible that the main reason behind the dissolution is different but for the easement in court proceedings they take a plea of mutual consent.

IV. GROUNDS OF DIVORCE

The procedure of marriage in India is easy but to get separated after marriage is a big deal. Parties to the marriage must have to take divorce legally through court only. Every spouse who wants to dissolve the marriage has to claim under personal laws governing them. There is no other option for dissolution of marriage in India.

According to Section 13 of the Hindu Marriage Act, 1955 grounds of divorce have been prescribed.

1. Adultery is one of the grounds of divorce.
2. No one has right to hurt somebody, cruelty is the ground for divorce.
3. If spouses were deserted for a minimum period of 2 year.
4. If any of the party to marriage is Insane or lunatic.
5. Conversion of religion is also a ground.
6. Someone suffering from leprosy in an incurable form.
7. Any venerable disease in a communicable form.

¹¹ See also Shubhi, Nullification of Marriage – An Annulled Marriage, FamilyLawyers in India (July, 15, 12:00 PM) <http://www.legalserviceindia.com/article/1152-Nullification-of-Marriage---An-Annulled-Marriage.html>

8. Court easily grants divorce if either of them renounces the world.
9. If either of them is presumed to be dead.¹²

Section 13(b) states that if the spouses have been living separately since at least 1 year and both parties not able to live together or they have mutually agreed that the marriage should be dissolved. In the case of *Arun Chawla v. Reena*¹³ it was held that if once an earlier application of dissolution of marriage on any other ground sought to be converted for dissolution on mutual consent (and if such prayer is allowed) the period of 6 month would be reckoned from the date of filing of the application.

Section 28 of Special Marriage Act, 1954 also prescribes the provision of divorce by mutual consent. In the case of *Kiran v. Sharad Dutt*¹⁴ the parties lived separately for eleven years during the litigation. When the matter went up to the Supreme Court of India by Special leave petition, then the both parties agreed to amend the original petition in to a petition of dissolution of marriage on mutual consent. Under the proviso of Article 142 of the constitution of India, the Supreme Court allowed the prayer and the divorce petition was amended accordingly after that marriage was dissolved by mutual consent, and agreement between the parties regarding payment of alimony amount and monthly maintenance was directed to be made part of the decree.

Different religions have their own personal laws according to which they dissolve the marriages. Section 10 of The Divorce Act 1869 (amended in 2001) or, Special Marriage Act, 1954 has provision of divorce in irrespective of religion.

V. RIGHT TO MAINTENANCE

The principles of social justice says that, it is the natural duty of a man to provide all basic amenities like food, clothing, shelter, and other necessary requirement to live in a dignified manner. India is a country where man has dominant role and generally full family is dependent on the male adult person. In matrimonial cases also parties who have less income need to be maintained by the other spouse irrespective of their gender.

Personal laws are applicable to the people belonging to that particular religion. A Hindu wife can claim maintenance under Hindu Adoption and Maintenance Act, 1956 if she is unable to maintain herself financially. Before awarding maintenance to the wife, the court will see some

¹² See also Gadhre, Law and religion, Legal Service India.com (July, 16, 2020, 10:00 AM) <http://www.legalservicesindia.com/article/1852/Law-and-Religion.html>

¹³ (1999) DMC 18

¹⁴ (2000) DMC 503 SC, JT 2000(1) SC 532

points strictly like the reason she got separated from her husband, Custody of the child and will also consider the financial position of the husband. Even Women can also have a claim over the father's property under the Hindu succession Act, 1956.¹⁵

In Muslim laws wife can get maintenance under the Muslim Women (Protection of Rights on Divorce) Act, 1986. Muslim wife gets reasonable and fair maintenance during her Iddat period and is also returned back the Mahr amount which was agreed to at time of marriage. Similarly Parsis, Christians etc. can also demand maintenance from husbands under personal laws.

Under section 125 of the Code of Criminal Procedure Code, the spouse irrespective of religion, race, caste, creed or sex can file a petition for maintenance in India. In the famous case of *Md. Ahmad Khan v. Sahabano Begum*¹⁶, Sahabano sought for maintenance from her lawyer husband. At the same time she also challenged the validity of Triple Talaq in the year of 1985 and at last in 2019 Triple Talaq was criminalized. Where the personal laws do not support the women then Section 125 of Cr.P.C comes to their rescue.

There are two types of maintenance given in matrimonial cases to the parties of marriage.

1. *Interim maintenance*: Interim maintenance is that which is granted for the payment of all expenses starting right from filing of the case till the dismissal of the suit. Here, it includes all expenses of proceedings as well as other expenses occurred due to dissolution of marriage.
2. *Permanent maintenance*: Permanent maintenance is paid by one party to another after the judicial decision has been passed by the Hon'ble court that results in the dissolution of marriage or Judicial separation.¹⁷

VI. CUSTODY OF THE CHILD

When two spouses have decided to dissolve the marriage, there is a big question that arises as to whether the custody of child will be granted to the father or the mother. Court decides the custody at the time of proceedings of divorce suit or after the divorce. In this kind of matters the future growth and the quality life of the minor child is paramount concern. Court will look into the capabilities of both the parties and decide who will be the best to take care of the minor child. If the child resides with the wife then husband has to give all necessary monetary expense

¹⁵ See also Md. Tajul Islam and co., Customary Laws, Norm and Practices in Bangladesh, issue (July,16,2020 01:00 PM) https://issuu.com/strategicpartnerships/docs/final_report_by_norms___practices_f

¹⁶ AIR 1985 SC 945

¹⁷ See also S. Nambi, Marriage, Mental health and the Indian Legislaton, PMC (July,17,2020 10:00 AM) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2918313/>

to the wife for living in a dignified manner and the maintenance of the child as well.

But the questions that come to mind are that what happens if the child is born out of a void marriage? Who is supposed to take the responsibility of the child? Whether that child is to be recognized as a legal child or not?

Law has a clear concept in this regard, court proceeds in this matter with the concept that no child is illegitimate. After the confirmation that the particular child belongs to the spouses through DNA report or other evidences, the child is treated as a normal child and gets all the rights same as legitimate child would have. He/she has full right over the property of the father and mother but they do not have any rights over the ancestral property.

If any woman wants to live alone she can adopt a child. This right is provided under the Hindu Adoptions and Maintenance Act, 1956. Only she has to fulfill the criteria of adoptions of minor child.

VII. REMEDIES FOR WOMEN

The Hindus and the Catholic have faith that marriage is permanent union of men and women and not even death can separate them, for they would be joined once again in the afterlife. The laws also never want to dissolve a marriage. So, the Judges always try to settle the dispute between them by the virtue of mediation under the Alternative Dispute Resolution mechanism. Apart from that if any spouse deserted another spouse for no valid reasonable ground then women can file a suit for restitution of conjugal rights under Section 9 of The Hindu Marriage Act, 1956. If any woman finds herself uncomfortable in her matrimonial life and the reason is one of those prescribed under Section 13 of Hindu Marriage Act, she can file a suit for ending the marriage.¹⁸ By the observation of society, the Indian government found many major problems in matrimonial life, after which the government passed several many legislations to protect women. In the case of *Apurba Mohan Ghosh v. Manashi Ghosh*¹⁹ it was clearly held by the Apex court that when the court comes to conclusion that the marriage has irretrievably broken down and there is no possibility of reunion or reconciliation between the spouses and the consent has not been obtained by fraud, force or, undue influence, the court shall have to pass a decree for dissolution of marriage.

The country India still witnesses the ritual of child marriages in many rural areas. Despite the laws, it is socially acceptable in the society and this is the main reason why less number of

¹⁸ See also Maintenance, The Divorce Law Firm (July,17,2020 02:00 PM) <https://www.thedivorcelawfirm.in/pdf/Maintenance-for-wife-and-children.pdf>

¹⁹ AIR 1989 CAL 115

cases is reported in India. We have the legislation of Child Marriage Restraint Act, 1978 which again got amended in 2006. If anyone is forced into child marriage, the marriage itself becomes voidable and court always tries to protect the interest of girl child.

Dowry is the key factor of violence in Indian families. Indian legislature framed the Dowry Prohibition Act, 1961 but even now it is ineffective at times- the reason being the orthodox Indian society and many a times the irresponsibility of enforcing agencies is a reason.

The Justice delivery in Indian Judicial system is a time taking process. It is a fact that is not hidden from any one and it is also one of the major drawbacks also. Because of this the aggrieved women are afraid to take the way of judicial process and are tortured in matrimonial home. Taking into consideration these things, the government made various legislations for granting speedy remedies to the women and in the same purview passed the Domestic Violence Act, 2005. Under this act the definition of Domestic violence has been considered very widely and includes all family torture, physical torture, mental pressure- even one time tortured is sufficient to prove the case. Victim women can take help from any NGO to file a complaint and the magistrates have to take cognizance within 3 days. If women are helpless and needs residential or any other help, the court can pass protection order, resident order or interim relief by the way of money. This act gives speedy remedies to the victim and disposal of the case within 60 days from the date of 1st hearing.

Today women do not only live in houses and work for the husband and family. Government has empowered women in every sector. Now married women also have the right to work and do any recognized respectable job from home as well along with taking care of her family. She is entitled for maternity leave with pay during the time of pregnancy and these rights are protected under Maternity Benefit Act, 1961 lastly amended in 2017. During the time of maternity no one can remove women from employment her job stays secured. Where at least 10 women work together, the employer has to make a committee that listens to the complaint of sexual offences and thus protect them under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

VIII. CONCEPT OF RE-MARRIAGES IN INDIA

If we see the history, in Vedas also the concept of remarriage was not familiar in the society. During the British colonial rule The Hindu Widow's Remarriage Act, 1856 was introduced in India. As per this Act, remarriages in India was legalized. Earlier it was only the lousy mentality of the male dominant society to maintain the caste hierarchy and to suppress women in every step of life. After the death of her husband women would face one of the greatest traumas of

her life. Widows may or may not be welcomed in her parental home. Many a times the matrimonial houses of the women also do not play a supporting role. Same problem is faced by almost many a divorced women; they are treated worst in the society. It is not easy for women to start a new life as compared to a man. Women have to struggle more to move out of the various kinds of rumors that spread about her on account of her divorce. Legally divorced spouses have full right to remarry and start a new life but till now societal acceptance of a divorced woman as a bride in their houses is questioned. We need more awareness programs in this stigmatized society so that they do not mentally traumatize the divorced women in this society.

IX. LIVE-IN RELATIONSHIP- A NEW CONCEPT IN INDIA

With the changes in human psychology in the society the concept of live-in relationship has also evolved. Nowadays it is very popular among youths and in urban societies. Live-in relationship is a form of relation where, two couple co-habit, and live together without any legal obligations which generally arises after marriages.²⁰

Supreme Court of India, in the case of *D. Velusamy v. D. Patchaiammal*²¹ defined who can be brought under the definition of live-in relationship. The apex Court laid down 5 ingredients to call any relationship as live-in relationship which are as follows:

1. Couple is recognized as a husband and wife in the society.
2. They must have valid legal age of marriage.
3. Pair should qualify to enter in to a marriage.
4. Both of them cohabit voluntarily for a significant period of time.
5. They must live in shared household.

Hon'ble Court observed that live-in relationship will amount to a relationship in a nature of marriage to get the benefit of the Domestic Violence Act, 2005. If somebody commits any offence with living patterns it will be treated the same as prosecuted for Domestic violence and women are still protected under this act.

In the year of 2018 another judgment had come in the case of *LalitaToppo v. State of Jharkhand*²² here, the woman who had been with a man in a live-in relationship had made a

²⁰ See also Varun, The Socio-Legal Dimensions of Live-In Relationships, LAWyersclubindia (July, 20,2020 10:00 AM) <https://www.lawyersclubindia.com/articles/The-Socio-Legal-Dimensions-of-Live-In-Relationships-3966.asp>

²¹ CRIMINAL APPEAL NO. 2028-2029 of 2010 (crl.) Nos. 2273-2274/2010

²² CRIMINAL APPEAL NO. 1656/2015

claim of maintenance under section 125 of Criminal Procedure Code. Under section 125 of Cr.P.C for claiming maintenance it is required to prove he/she is the legally wedded wife. But in this case she had lived in a live-in relationship not as a wedded spouse. The Hon'ble court viewed that, under the Domestic Violence act, she is the so called wife in a live-in relationship. So, she can get maintenance under the Domestic Violence Act.

X. CONCLUSION

Women are one of the main pillars of our society. Without women men will never be in a stable position. If we see the cultural history of India women have theoretically enjoyed the status of Goddess (Devi) as described in various Holy Hindu religion books. Despite this fact, the patriarchal society never gave that importance and honor to the women. Till now it is a bitter truth of Indian women who have a lower status with reference to power and influence than men in all spheres of life.

India is a largest Democracy in the world. India has an unbiased Constitution where male, female and every section of the society is promised equal rights. Women and children are considered as the most vulnerable section and under Article 15(3), the Constitution of India tries to empower the women. Government is running various policies and has passed many statutes for the protection of helpless women like the Domestic Violence Act, POSH Act, POSCO Act, etc. After independence, Indian government has worked on every field be it legal, social, economic or political to remove the traditional past of women. But a lot more work still needs to be done. Awareness and knowledge of women's rights to equality has to be created among women first who believe themselves to be doomed. There is a great need of creating social awareness among women. The Government has also framed the statutes in a way that if women have strong will they can get all the benefits and remedies very quickly. They can get maintenance, all expenses occurred during the suits, and main important thing- their own dignified life which is guaranteed by our Constitution under Article 21.

XI. REFERENCES

1. Agarwala R.K. - "Hindu Law", 21st edn. 2003, Central Law Agency, Allahabad
2. Apurba Mohan Ghosh V. Menasha Ghosh AIR 1989 CAL 115
3. Aqil Ahmad- "Mohammedan Law", 21st edn. 2004, Central Law Agency, Allahabad
4. Arun Chawla V. Reena II (1999) DMC 18
5. Article 15, 21, 25 of The Constitution of India.
6. Article 12, 16 of UDHR.
7. Bakshi, P.M. : "Divorce by Mutual Consent: some reflections", Supreme Court Journal, (1986)2 p.27-30
8. D. Velusamy V. D. Patchaiammal CRIMINAL APPEAL NO. 2028-2029 of 2010 (crl.) Nos. 2273-2274/2010
9. Dr. Mohammad Nazmi- "Mohammadan Law", 2nd edn. 2008, Central Law Publications, Allahabad
10. Dr. Paras Diwan- "Modern Hindu Law", 18th edn. 2007, Allahabad Law Agency, Faridabad (Haryana)
11. Indra V. Rajnarayan 1975 AIR, S.C 2299.
12. K.D. Gaur- "A Text Book on The Indian Penal Code", 3rd edn. 2004, Universal Law Publishing Co. Pvt. Ltd., Delhi
13. Kiran V. Sharad Dutt II (2000) DMC 503 SC, JT 2000(1) SC 532
14. Kusum. : "Divorce by Mutual Consent" Journal of Indian Law Institute, 1987, Vol. 29:1, p.110-114.
15. Lalita Toppo V. State of Jharkhand CRIMINAL APPEAL NO. 1656/2015
16. Maneka Gandhi V. Union of India 1978 AIR 597 SC 621
17. Md. Ahmad Khan V. Sahabano Begum AIR 1985 SC 945
18. Sampath, B.N.: "Hindu Marriage as a Samskara: A resolvable conundrum". Journal of the Indian Law Institute, 1991, Vol. 33:3 p.319-331
19. Sarkar, L.: "Status of women and Law as an instrument of social change", Journal of the Indian Law Institute, 1983, Vol. 25:2, p.264-269
20. The Child Marriage Restraint Act, 1929.8

- 21.** The Hindu Marriage Act, 1955.
- 22.** The Marriage Laws (Amendment) Act, 1976
- 23.** The Prohibition of Child Marriages Act, 2006
- 24.** The Criminal Procedure Code, 1973.
