THE LEGALITES LEXSCRIPTA

ISSN 3108-2416 (ONLINE)
Editor-in-Chief: - Prof. (Dr.) Aryendu Dwivedi
Volume II Issue IV (October – December, 2026) Page No.: - 679 to 693

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An Open Access Publication
DOI :- https://doi.org/10.5281/zenodo.23096939

Social Transformation and the Changing Institution of Marriage: A Legal Study under the Hindu Marriage Act, 1955

- Received on :- 28.09.2026
- Revised on :- 01.10.2026
- Published on :- 03.10.2026

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ABSTRACT

Hindu philosophy has regarded marriage not merely as a social institution but as a sacred sacramental union, deeply rooted in the religious, moral, and spiritual ethos of Hindu life. It is traditionally recognized as one of the sixteen majors Sanskaras , signifying its profound significance in the Hindu conception of individual and social existence. However, as society continued to progress, the nature and institution of marriage also began to change day by day. While women were earlier given the status of a goddess, at the same time, atrocities against them were increasing day by day. Women, too, continued to tolerate such atrocities by accepting them as their destiny, because they were taught by their own families that "*a husband is like God (Pati Parmeshwar*)" and that "*a girl leaves her parental home in a palanquin and returns only on her funeral bier"*. Then came the day of 18 May 1955, when the Hindu Marriage Act, 1955 came into force. After the implementation of this Act, the nature and institution of marriage began to change within society. The changing nature of marriage and its implications will be discussed in the present research paper. The main objective of this research is to demonstrate the changing nature of marriage after the enforcement of the Hindu Marriage Act, 1955, and to understand the impact that the increasing number of divorce cases is having on society. This study will also analyse the manner in which the law and judicial

approach have recognized the rights, dignity, equality, and personal autonomy of individuals, while at the same time maintaining the sanctity of marriage. The increasing number of divorce cases should not be considered appropriate to view merely as a weakening of the institution of marriage, rather it may also be regarded as a result of the increasing legal recognition of individual rights and freedom.

Keywords: - *Hindu Marriage, Divorce, Marital Dissolution, Matrimonial Rights, Cruelty, Desertion and Socio-Legal Analysis*

1. Introduction

Marriage has historically been one of the significant social institutions of Indian society, closely connected with family formation, kinship, social norms, and the organization of social life.[1]. In Hindu philosophy, marriage is not merely considered a contractual relationship between two people, but is regarded as a sacrament. It is considered one of the sixteen Sanskaras of Hinduism. Traditionally, marriage in Hindu society has been regarded as a permanent and lifelong relationship, in which marriage is considered to be much more than a legal relationship between two individuals. Marriage also establishes an emotional, social and religious bond between the husband and wife. Marriage has been associated with commitment, duty, sacrifice, companionship and the preservation of the family institution[2]. However, with the passage of time, society has undergone numerous changes, which have also affected the institution of marriage. With the growth of education, urbanization, economic development, changing social values and awareness regarding individual rights, the traditional nature of marital relationships has gradually changed. In the present time, remaining forcibly bound in a marriage is not considered necessary, particularly when the relationship becomes oppressive, unequal or emotionally harmful. The changing position of women, along with their access to education and economic independence, has also strengthened the demand for personal autonomy. A significant legal change took place on 18 May 1955, when the Hindu Marriage Act, 1955 came into force. This Act provided a comprehensive legal framework for regulating Hindu marriages. While recognizing the sanctity of marriage, the Act also

[1] Archana Singh, Family, Marriage and Kinship, Block 3, Interrogating Indian Society-II, Indira Gandhi National Open University (2020)
[2] Paras Diwan & Peeyyushi Diwan, Modern Hindu Law, 28th ed. (2026)

provided provisions relating to judicial separation, divorce and other matrimonial remedies. The legal recognition of divorce under the Hindu Marriage Act was an important statutory development because it recognized that, under certain circumstances, continuing a marriage may be contrary to the dignity, welfare and interests of the individuals involved. After the enforcement of the Hindu Marriage Act, 1955, several changes have been witnessed in the institution of Hindu marriage. The increasing number of divorce cases is not merely a result of legal developments but also reflects the changing social circumstances. Factors such as cruelty, desertion, adultery, mutual incompatibility, changing social values, economic independence, lack of communication and increasing expectations related to marriage have emerged as significant causes of marital breakdown. In this context, an important question arises: Does the rising trend of divorce in India indicate the breakdown of the institution of marriage? The objective of the present study is to undertake a socio-legal analysis of the changing institution of Hindu marriage and the increasing number of divorce cases in India after the enforcement of the Hindu Marriage Act, 1955. This research examines the relationship between legal developments and changing social circumstances. Along with this, the causes of marital dissolution will also be analyzed, as well as the manner in which law and judicial approaches have attempted to establish a balance between the sanctity of marriage and the rights and freedom of individuals. The overall purpose of this research is to understand the evolving nature of Hindu marriage and to highlight the need for a balanced approach between the preservation of the institution of marriage and the protection of individual rights.

2. Concept and Nature of Hindu Marriage

The institution of marriage has undergone significant transformations in the 21st century, with changing societal norms and values placing a greater emphasis on individual autonomy and freedom of choice[3]. Hindu marriage is regarded in Indian society as a sacrament and a religious institution. According to the traditional concept of Hindu law, marriage is not merely a relationship between a husband and wife, but also a religious and social obligation. Its main purpose was not only companionship or family formation, but

[3] Dr. Prashant Kumar Varun, Revitalizing the Hindu Marriage Act, 1955: The Urgent Need for Reform and Modernization, Indian Journal of Law and Legal Research (IJLLR), Vol. VII, Issue V (2025)

also the fulfilment of objectives such as Dharma. Through marriage, the husband and wife entered into a relationship which was traditionally considered to be lifelong and permanent. Therefore, in traditional Hindu marriage, greater importance was given to family, social duties, religious obligations and community values as compared to individual choice[4]. As we know, Hindu marriage is regarded in India as a Sanskar or sacrament. In Hindu tradition, marriage is considered one of the sixteen Sanskaras. According to this concept, marriage is a religious ceremony through which an individual fulfils his or her social and religious duties. Under traditional Hindu law, marriage was generally regarded as a sacramental union, which could not ordinarily be dissolved[5]. Rituals such as *Saptapadi* and *Kanyadaan* reflect the traditional religious character of Hindu marriage. The main objective of marriage was not only to establish companionship between the husband and wife but also to maintain family continuity, religious duties and social stability. Some of the essential characteristics of traditional Hindu marriage were its sacramental nature, permanence, family involvement, religious ceremonies, social obligations and mutual duties. Marriages were generally concluded with the involvement of the family and community rather than being based solely on individual decision-making. In earlier times, the concept of arranged marriage was widely recognized, and factors such as caste, family status, social compatibility and religious considerations were given significant importance. Traditionally, there was very limited scope for dissolution of marriage, and women's matrimonial rights and opportunities for independent decision-making were comparatively limited. Therefore, marriage was considered a central foundation of the family and social structure. However, with changing social, economic and legal circumstances, the concept of Hindu marriage has also gradually changed. Education, urbanization, modernization, women's economic independence, individual choice, gender equality and increasing awareness of human rights have transformed the nature of marriage. In the present time, marriage is not viewed only as a religious sacrament but is also understood as a legal, social and personal relationship. The Hindu Marriage Act, 1955 provided a statutory framework for Hindu marriage and gave legal

[4] Paras Diwan & Peeyushi Diwan, Modern Hindu Law (Codified & Uncodified), 28th ed., Allahabad Law Agency (2026).
[5] Id., chapter on Concept of Marriage and Theories of Divorce.

recognition to divorce, judicial separation, restitution of conjugal rights and other matrimonial remedies. This legal development modified the traditional concept of the permanence of marriage and provided individuals with a legal option to exit a marital relationship under certain circumstances[6]. Thus, contemporary Hindu marriage incorporates elements of both sacrament and legal relationship, while increasing importance is being given to individual rights, dignity, equality, autonomy and personal choice.

3. Hindu Marriage Act, 1955: An Overview

The Hindu Marriage Act, 1955 represents one of the most significant stages in the statutory transformation of Hindu matrimonial law in independent India. Prior to its enactment, Hindu marriage was governed by a combination of religious texts, customary practices, usages and different schools of Hindu law. The legal position was therefore not entirely uniform, and the nature and validity of matrimonial relationships could depend upon the applicable school, custom and prevailing social practice. The enactment of the Hindu Marriage Act sought to bring greater certainty and uniformity to this area of personal law while retaining the importance of customary ceremonies and the social character of Hindu marriage[7]. Hindu family and the emergence of modern India, places the Hindu law reforms of the 1950s within the larger transformation of the relationship between family, gender, citizenship and the modern Indian State. According to her historical analysis, the codification of Hindu family law was not merely a technical exercise in consolidating existing rules; it was also connected with wider questions concerning family structure, women's rights, individual status and the changing relationship between society and the State[8]. The Hindu Marriage Act may therefore be understood as part of a broader process through which traditional personal law was brought within a modern statutory framework. Hindu matrimonial law through the interaction between its traditional foundations and its codified statutory rules. Their treatment of the Hindu Marriage Act covers the legal requirements of marriage, matrimonial rights and remedies, restitution of conjugal rights,

[6] The Hindu Marriage Act, 1955, ss. 7, 9, 10, 13 and 23.
[7] The Hindu Marriage Act, 1955, Act No. 25 of 1955, Preamble.
[8] Eleanor Newbigin, The Hindu Family and the Emergence of Modern India: Law, Citizenship and Community 128–62 (Cambridge University Press, 2013). Newbigin specifically examines the Hindu Code Bill, marriage, caste and the emergence of the modern Hindu legal subject.

judicial separation, nullity and divorce, demonstrating that the modern law of Hindu marriage operates through both the preservation of certain traditional elements and the recognition of statutory rights[9]. At the center of the legislation is the legal regulation of Hindu marriage. The Act prescribes the conditions which a marriage must satisfy in order to receive legal recognition. At the same time, it recognizes the importance of customary rites and ceremonies in the solemnization of marriage. Thus, the statutory framework does not completely detach Hindu marriage from its traditional and cultural foundations; rather, it places those foundations within a legally enforceable framework[10]. The Act also provides for registration of Hindu marriages. Registration has acquired considerable practical significance because matrimonial relationships increasingly involve questions of documentary proof, succession, maintenance, legitimacy, residence and other legal consequences. The statutory recognition of registration therefore strengthens the evidentiary and legal dimensions of marriage without changing the basic requirement relating to solemnization[11]. An important feature of the legislation is its recognition of matrimonial remedies. Marriage is not treated merely as an institution imposing duties upon the spouses; the law also provides legal remedies when matrimonial rights are affected. Restitution of conjugal rights and judicial separation are examples of remedies through which the law attempts, in different ways, to address disruption in marital relationships[12].These remedies demonstrate that matrimonial law is concerned not only with the formation of marriage but also with its continuation and the consequences of serious disputes between spouses. The Act further recognizes that certain marriages may suffer from legal defects of such a nature that the law cannot treat them in the same manner as valid marriages. It consequently provides a framework dealing with void and voidable marriages. This distinction is significant because it enables the law to differentiate between marriages which are legally invalid from the beginning and those which may be annulled at the instance of an aggrieved party under prescribed circumstances[13]. The most transformative aspect of the Hindu Marriage Act is, however, the statutory recognition of

[9] Paras Diwan & Peeyushi Diwan, Modern Hindu Law (Codified & Uncodified), 28th ed. (Allahabad Law Agency, 2026). The current edition specifically covers marriage, restitution, judicial separation and divorce.
[10] The Hindu Marriage Act, 1955, s. 5; id. s. 7.
[11] Id. s. 8.
[12] Id. ss. 9–10.
[13] Id. ss. 11–12.

divorce. Traditionally, Hindu marriage was predominantly understood as a sacramental and enduring relationship, with considerable emphasis upon permanence, duty and the continuation of the marital bond. The statutory introduction of divorce did not simply replace this understanding with a contractual model; rather, it created a legal mechanism through which a marriage could be dissolved in circumstances recognized by law[14].Divorce consequently became an important point of transition between the traditional understanding of marriage and the modern recognition of individual rights within marriage. Recent developments in family law place marriage, matrimonial remedies, nullity and divorce within a broader framework of constitutional values and contemporary legal developments. Increasing importance is being attached to the principles of dignity, equality, autonomy and individual rights in understanding matrimonial relationships in contemporary India.[15]. This development is particularly relevant to the present study because the changing perception of marriage cannot be understood only through the number of divorce proceedings; it must also be examined in the context of changing expectations regarding equality, companionship, personal choice and dignity within marriage. The legislation also provides for divorce by mutual consent. This development is particularly important from the perspective of social transformation because it recognizes that the continuation of a marital relationship may, in certain circumstances, no longer correspond with the wishes or interests of both spouses. Mutual consent divorce consequently introduces an element of individual autonomy into the legal structure of marriage while still requiring judicial supervision and compliance with statutory requirements[16].

The Hindu Marriage Act further deals with matters arising during and after matrimonial litigation, including maintenance during proceedings, permanent alimony and maintenance, custody and education of children, and certain questions relating to property. These provisions demonstrate that matrimonial law extends beyond the simple question of whether a marriage should continue or be dissolved. It also seeks to address the financial,

[14] Id. s. 13.
[15] Manju Arora Relan, *Family Law–I* (Taxmann Publications, 2025). The book covers Hindu marriage, matrimonial remedies, nullity and divorce within a contemporary, case-law-led and constitutional framework
[16] The Hindu Marriage Act, 1955, s. 13B.

personal and familial consequences that may follow from matrimonial disputes[17]. Another important aspect of the statutory scheme is the role of the court. Matrimonial relief is not granted merely because a dispute exists between spouses. The court is required to examine the statutory conditions and relevant circumstances before granting relief. The legislation therefore seeks to maintain a balance between the preservation of marriage, the possibility of reconciliation and the protection of legitimate individual rights[18]. From a socio-legal perspective, the Hindu Marriage Act, 1955 may therefore be viewed as a bridge between tradition and modernity. It preserves certain traditional features of Hindu marriage, particularly the importance of solemnization through customary rites, while simultaneously introducing a modern legal framework dealing with matrimonial rights, separation, nullity, divorce and financial and familial consequences. The significance of the legislation lies not merely in the fact that it regulates marriage, but in the manner in which it has contributed to the gradual transformation of the understanding of marriage itself. The Act thus marks an important shift from a predominantly community- and tradition-oriented regulation of marriage towards a statutory framework in which the rights, duties, dignity and autonomy of the spouses receive increasing legal recognition. The changing patterns of marital dissolution in contemporary India must therefore be understood against this larger historical and socio-legal transformation rather than being attributed solely to the enactment of divorce provisions.

4. Changing Institution of Hindu Marriage After the Enforcement of Hindu Marriage Act, 1955

After the enforcement of the Hindu Marriage Act, 1955, significant changes have been observed in the traditional institution of Hindu marriage. In earlier times, Hindu marriage was considered a sacramental, permanent and family-oriented relationship, in which social customs and religious obligations played an important role. However, changing circumstances and the legal framework introduced by the Hindu Marriage Act have gradually transformed the concept of marriage from traditional to modern. In the present time, individual choice and personal autonomy are being given greater importance, and individuals have greater freedom to choose their life partners and make decisions regarding their marriage. With the

[17] Id. ss. 24–27.
[18] Id. s. 23.

development of gender equality, the rights and responsibilities of both husband and wife are increasingly recognized on an equal basis. The role of women has also undergone several significant changes. Education, employment, economic independence and legal awareness have provided women with greater participation and independence in decisions relating to marriage and family. Along with this, significant changes have also taken place in the traditional joint family system, with the growth of nuclear families, giving greater importance to individual decision-making and personal space. Thus, after the enforcement of the Hindu Marriage Act, 1955, Hindu marriage has emerged as an institution where, along with tradition and family values, individual choice, equality, dignity, autonomy and legal rights have also been given an important place.

5. Concept and Legal Grounds of Divorce under Hindu Marriage Act, 1955

Divorce means the dissolution or termination of a valid and legally solemnized marriage through a decree of the court, after which the matrimonial relationship between the husband and wife legally comes to an end. The Hindu Marriage Act, 1955, under Section 13, provides various statutory grounds for divorce. The major grounds include *cruelty, desertion, adultery, conversion of religion, mental disorder,* etc. Cruelty means an act or conducts that seriously affects the matrimonial relationship, while desertion means the abandonment of one spouse by the other without reasonable cause and without consent. Adultery refers to a spouse having a voluntary sexual relationship with another person after marriage. Conversion means that if one spouse ceases to be a Hindu by converting to another religion, divorce may arise as a ground subject to the statutory requirements. Section 13 also recognizes mental disorder, subject to the specific conditions prescribed under the Act, as a ground for divorce. Section 13B provides for divorce by mutual consent, under which both husband and wife may jointly present a petition for divorce, provided that they have been living separately for at least one year, have been unable to live together, and have mutually agreed to dissolve their marriage. According to the provisions of the Act, the court may grant a decree of divorce after being satisfied that the prescribed requirements have been fulfilled. Thus, the Hindu Marriage Act, 1955 recognizes divorce as a statutory legal remedy through which a matrimonial relationship may be legally dissolved under specified circumstances. The enactment of the Hindu Marriage Act, 1955

and the statutory recognition of divorce have brought significant changes in the legal and social character of the institution of Hindu marriage. Traditionally, Hindu marriage was considered a permanent and sacramental relationship; however, the Hindu Marriage Act, 1955 provides for the legal dissolution of marriage under certain prescribed circumstances. This legal change has not completely rejected the traditional permanence of marriage; rather, it has also recognized individual rights and legal remedies within the institution of marriage. In this way, divorce law has contributed to the development of the institution of marriage into a framework where, along with marriage, importance is also given to individual dignity, equality, autonomy and the right of choice. A close relationship can be observed between legal reform and social change. Law recognizes changing social values and, in many situations, also facilitates social change. The Hindu Marriage Act, 1955 placed divorce, judicial separation and other matrimonial remedies within a legal framework and provided individuals with legal solutions to matrimonial disputes. At the same time, social factors such as education, urbanization, women's economic independence, modernization and changing social conditions have also influenced perceptions of marriage and divorce. Therefore, the changing institution of marriage cannot be considered solely the result of legal reform or solely the consequence of social change. Law and society influence each other. An important issue is the need to maintain harmony between individual rights and the sanctity of marriage. Marriage is an important social and family institution; therefore, its stability and sanctity are significant. However, the sanctity of marriage should not mean that a person is compelled to continue indefinitely in a relationship involving cruelty, violence, exploitation or an unhealthy matrimonial environment. At the same time, divorce should not be treated as an automatic solution to every matrimonial disagreement. Therefore, the legal system should adopt a balanced approach, in which reconciliation and preservation of marriage are encouraged in appropriate cases, while in genuine cases involving cruelty, violence, desertion, serious matrimonial breakdown and other legally recognized grounds, the rights and dignity of individuals are protected. Thus, the changing institution of Hindu marriage reflects a transition from a purely traditional and sacramental understanding towards a more rights-oriented legal and social framework. The Hindu Marriage Act, 1955 has not simply weakened the institution of marriage; rather, it has attempted to regulate matrimonial

relationships while recognizing that marriage and individual rights must operate within a framework of equality, dignity, autonomy, justice and mutual responsibility.

6. Rising Trend of Divorce in India After the Hindu Marriage Act, 1955

The enactment of the Hindu Marriage Act, 1955 (HMA) marked a significant transformation in Hindu matrimonial law in India. Prior to the statutory codification of Hindu marriage law, marriage was traditionally regarded as a largely indissoluble social and religious institution. The Hindu Marriage Act, however, introduced legally recognized grounds for matrimonial relief, including judicial separation, nullity of marriage and divorce. Thus, the Act created a formal legal framework through which a matrimonial relationship could be brought to an end under specified circumstances[19]. Santosh and Amir Khan observe that the development of divorce law in India represents a significant transformation in the legal treatment of Hindu marriage and reflects the changing social and legal understanding of matrimonial relationships. The legal framework governing divorce has subsequently undergone important changes. In particular, the Marriage Laws (Amendment) Act, 1976 expanded and liberalized several provisions relating to matrimonial relief under the Hindu Marriage Act. These developments demonstrate that Indian matrimonial law has gradually responded to changing social realities[20] and the increasing recognition of individual rights within marriage. The evolution of divorce law therefore cannot be viewed merely as a legal development; it also reflects broader changes in social attitudes towards marriage, individual autonomy and the continuation of dysfunctional marital relationships. In recent years, the issue of increasing marital dissolution in India has received greater scholarly attention. Surya Nath Maiti, in his empirical study based on the fourth round of the District Level Household Survey, observes that India historically had a low incidence of divorce, but marital dissolution has been increasing. His study found an association between educational differences between spouses and the likelihood of divorce or separation[21], particularly where women had higher

[19] Santosh & Amir Khan, Research Paper on Recent Trend of Divorce in India: Exploring the Evolution and Uniformity of Laws on Dissolution of Hindu Marriage in India, 16(1) Journal of Advances and Scholarly Researches in Allied Education 1917–1922 (2019).
[20] Marriage Laws (Amendment) Act, 1976, Act No. 68 of 1976; see also Law Commission of India, The Hindu Marriage Act, 1955 and Special Marriage Act, 1954, 59th Report (1974).
[21] Surya Nath Maiti, Gaps in Education and Marital Dissolution: Evidence from India, 74(252) International Social Science Journal 277–298 (2024), doi:10.1111/issj.12458.

educational attainment than their husbands. Maiti's findings are significant because they indicate that the contemporary phenomenon of marital dissolution needs to be examined not only from the perspective of matrimonial law but also in relation to women's education, autonomy, employment and changing patterns of family relationships. The increasing visibility of divorce in contemporary India therefore represents the interaction of legal reform and changing socio-economic conditions. The Hindu Marriage Act, 1955 provided the legal mechanism for dissolution of marriage, while subsequent amendments and social transformations have contributed to a broader acceptance of legally ending marriages that have become unsustainable. The contemporary study of divorce consequently requires an interdisciplinary approach combining family law, constitutional values, sociology, gender studies and empirical evidence.

7. Major Causes of Rising Divorce in India

The increasing trend of divorce in India is influenced by various legal, social, economic and personal factors. While cruelty, including physical and mental harassment, can have a serious negative impact on marital relationships, desertion occurs when one spouse leaves the other without any reasonable cause. Adultery also weakens the foundation of trust in marriage and adversely affects the relationship between spouses. In addition, mutual incompatibility, or differences between husband and wife in terms of values, personalities, priorities and lifestyles, can increase marital conflicts. Due to changing social values, traditional expectations regarding marriage have also changed, and individuals now give greater importance to equality, companionship, dignity and personal satisfaction. Economic independence, particularly women’s education, employment and financial independence, provides individuals with greater ability to take independent decisions regarding unhealthy or unsatisfactory marriages. In the present time, the changing expectations from marriage, such as emotional support, equality, compatibility and personal space, may differ from traditional expectations. Furthermore, excessive interference by family members or in-laws may also contribute to conflicts within marriage. Domestic violence, including physical, mental, verbal and economic abuse, can become a significant factor leading to the breakdown of marriage. Thus, the increasing number of divorces cannot be attributed to any single factor; rather, it reflects the combined influence of matrimonial conflicts, changing social values, individual autonomy, economic

conditions and changing expectations from marriage.

Therefore, the increasing number of divorce cases in India has implications not only for individuals but also for women, children, family structures, and society at large. With regard to women, divorce, in certain circumstances, provides a lawful means of exiting an abusive, oppressive, or unhealthy marriage and may strengthen their dignity, autonomy, and legally recognized rights. However, the consequences of divorce may also include financial insecurity, social pressure, and challenges associated with rebuilding and adjusting to life after the dissolution of marriage. In the case of children, the separation of parents may create emotional and psychological challenges and may also affect their social and educational adjustment. However, the impact of divorce is not uniform and may vary considerably depending upon the circumstances of each family, including the nature of the parental relationship, the age of the children, the economic condition of the family, and the support available to them. The changing pattern of marital dissolution has also influenced traditional family structures. The increasing prevalence of nuclear households and single-parent families can be viewed as one aspect of this broader social transformation. Divorce may also have economic and social consequences, including issues relating to maintenance, child support, division or settlement of property, establishment of separate households, and expenses associated with matrimonial litigation. At the societal level, changing patterns of divorce have also contributed to changes in attitudes towards divorced individuals and towards the institution of marriage itself. Alongside these developments, the perception of marriage has gradually evolved. Marriage is increasingly understood not only as a permanent social and religious institution but also as a relationship based upon companionship, equality, mutual respect, individual dignity, and personal choice. In this sense, the changing pattern of divorce may be understood as part of a broader process of social transformation in which traditional notions of marital permanence are being reconsidered in the light of individual rights, changing social values, and contemporary expectations from marital relationships.

8. Role of Judiciary in the Changing Concept of Hindu Marriage

The Indian judiciary has played an important role in shaping the changing nature of Hindu marriage after the enactment of the Hindu Marriage Act. In various judgments, the Supreme Court has recognized the traditional sanctity of marriage while also giving

importance to individual rights, dignity, autonomy and emotional well-being. The judiciary has not limited the interpretation of cruelty only to physical violence but has also considered mental cruelty depending upon the circumstances of each case. In Samar Ghosh v. Jaya Ghosh (2007), the Hon'ble Supreme Court clarified that mental cruelty cannot be defined through any single fixed formula and that the facts and circumstances of each matrimonial relationship must be examined. The judiciary has also considered the issue of irretrievable breakdown of marriage. In Shilpa Sailesh v. Varun Sreenivasan (2023), the Supreme Court clarified that irretrievable breakdown of marriage is not a statutory ground under the Hindu Marriage Act; however, the Supreme Court may, in appropriate cases, exercise its constitutional powers under Article 142 to dissolve a marriage. This judicial development reflects that courts, while maintaining the sanctity of marriage, also consider individual dignity, autonomy and the right to live with dignity. Thus, without completely rejecting the traditional concept of Hindu marriage, the judiciary has developed its legal interpretation in accordance with changing social realities and individual rights.

9. Conclusion and Suggestions

This research shows that the institution of Hindu marriage has changed significantly over time. Traditionally, Hindu marriage was considered a sacred and lifelong relationship in which family values, social responsibilities and religious duties were given great importance. After the enactment of the Hindu Marriage Act, 1955, marriage received a clear legal framework, and divorce became legally available on specific grounds. This brought an important change in the traditional understanding of marriage.

The main finding of this study is that the rising trend of divorce cannot be explained by one single reason. Various factors such as cruelty, domestic violence, desertion, adultery, lack of communication, incompatibility, changing expectations, economic independence, education, urbanization and changing social values may contribute to marital breakdown. At the same time, greater legal awareness and individual freedom have made people more aware of their rights and available legal remedies. The study also shows that divorce does not always mean that the institution of marriage has completely lost its importance. In some situations, divorce may provide a legal way for a person to come out of a harmful, abusive or unhappy marriage. However, every marital disagreement should not necessarily lead to

divorce. Counselling, communication, mediation and family support can help couples resolve genuine differences where reconciliation is possible.

Therefore, a balanced approach is needed. Marriage should continue to be respected as an important social and family institution, but its stability should not come at the cost of an individual's dignity, safety, equality and basic rights. The Hindu Marriage Act, 1955 has helped create a legal balance between the importance of marriage and the rights of individuals. Ultimately, a healthy marriage should be based on mutual respect, understanding, equality, consent, trust and responsibility. This balance between family values and individual rights is essential for dealing with the changing nature of Hindu marriage in modern Indian society. To reduce the rising number of divorce cases and promote healthier marriages, the existence of legal provisions alone is not sufficient. Families, society and the legal system need to work together to address matrimonial problems. First, marriage counselling should be encouraged so that husbands and wives can peacefully discuss their differences, misunderstandings and emotional problems. Mediation can also be a useful method for resolving matrimonial disputes, where a neutral mediator helps both parties reach a mutually acceptable solution. At the same time, people should have adequate legal awareness so that they understand the basic rights and duties of spouses, grounds for divorce, maintenance and other matrimonial remedies available under law. Pre-marital counselling can also be helpful, as it can provide couples with an opportunity to understand issues relating to communication, financial responsibilities, expectations, family relationships and conflict management before marriage. Special attention should be given to the prevention of domestic violence, and victims should receive timely protection and legal assistance. Families should also avoid unnecessary interference and instead provide couples with emotional support, understanding and privacy. In addition, effective case management, mediation facilities and accessible legal services should be strengthened in courts to ensure the faster resolution of matrimonial disputes. In this way, by combining prevention, counselling, mediation, legal awareness and timely justice, it is possible to protect not only the stability of marriage but also the dignity, safety and rights of individuals.