

## Challenging Gendered Marriage Practices in India: A Legal and Social Analysis of Early Marriage, Mangalsutra, and Patrilocality

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Received: 19 June 2025; Revised: 27 June 2025; Accepted: 29 June 2025; Available Online: 30 June 2025.

### Abstract

*Traditional marriage practices in India, including early marriage ages for women, the exclusive use of the mangalsutra as a marital symbol for women, and patrilocal residence, perpetuate gender inequality and limit women's autonomy. These practices, rooted in patriarchal norms, are linked to broader issues such as son preference and menstrual taboos, which further marginalise women. This article examines the historical, cultural, and economic drivers of these practices, their impact on women's rights, and the legal frameworks available to challenge them, including the Prohibition of Child Marriage Act, 2006 (amended 2021), the Protection of Women from Domestic Violence Act, 2005, and the Hindu Succession (Amendment) Act, 2005. Drawing on data from the National Crime Records Bureau (NCRB) and National Family Health Survey (NFHS-5, 2019–21), we argue that these practices violate constitutional principles of equality and exacerbate vulnerabilities, such as domestic violence (31.4% of crimes against women in 2022). We propose strategies for advocacy, including community education, legal enforcement, and gender-neutral practices, to align marriage customs with modern human rights standards.*

**Keywords:** Gender Inequality, Marriage Practices, Early Marriage, Mangalsutra, Patrilocality, Menstrual Taboos, Indian Law, Women's Rights, Supreme Court Rulings.

### 1. Introduction

Marriage in India is a social institution deeply embedded in cultural, economic, and patriarchal norms. Practices such as early marriage for women, the *mangalsutra* as a gendered marital symbol, and patrilocal residence—where women relocate to their husband's household—reflect systemic gender disparities. These customs are intertwined with related issues like son preference and menstrual taboos, which reinforce women's perceived inferiority. The National Family Health Survey (NFHS-5, 2019–21) indicates that 23.3% of women aged 20–24 were married before age 18, compared to only 2.6% of men, highlighting the persistence of early marriage despite legal reforms. Similarly, the NCRB's Crime in India 2022 report notes that 31.4% of crimes against women involve domestic violence, often linked to patrilocal systems. This article examines the unfairness of these practices through a legal and social lens, drawing parallels with global human rights concerns, such as those in nuclear liability frameworks, where accountability and harm prevention are prioritised. Just as the Civil Liability for Nuclear Damage Act, 2010 holds operators accountable for harm, Indian laws like the Prohibition of Child Marriage Act and the Domestic Violence Act aim to protect women from gendered harms. We explore the historical roots of these practices, their societal impact, landmark Supreme Court rulings, and the legal tools available to challenge them, advocating for reforms to promote gender equality.

### 2. Methods

This study employs a legal and social analysis to examine gendered marriage practices in India. We reviewed:

1. **Statistical Data:** Data from the *National Family Health Survey (NFHS-5, 2019–21)* and *National Crime Records Bureau (NCRB, 2022)* to quantify the prevalence and impacts of early marriage, patrilocality, and related issues.
2. **Legal Frameworks:** Key legislation, including the *Prohibition of Child Marriage Act, 2006 (amended 2021)*, *Protection of Women from Domestic Violence Act, 2005*, *Hindu Succession (Amendment) Act, 2005*, *Dowry Prohibition Act, 1961*, and *Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994*, accessed via **Indian Kanoon** (<https://indiankanoon.org>) and other legal repositories.
3. **Judicial Rulings:** Landmark Supreme Court cases (e.g., *Vishaka v. State of Rajasthan*, *Vineeta Sharma v. Rakesh Sharma*) from the Supreme Court of India (<https://main.sci.gov.in>) to assess judicial interventions.
4. **Comparative Analysis:** Parallels with nuclear liability frameworks (e.g., *Civil Liability for Nuclear Damage Act, 2010*) to frame accountability and victim protection.

The analysis synthesises these sources to identify drivers, impacts, and reform strategies, focusing on constitutional principles (Articles 14, 15, 21) and human rights standards.

### 3. Results

#### 3.1 Early Marriage Age for Women

Historically, Indian society prioritised early marriage for women to ensure their integration into their husband's family, often before they could pursue education or independence. This practice was driven by patriarchal norms that viewed women's primary roles as reproductive and domestic. The NFHS-5 (2019–21) reveals that 23.3% of women aged 20–24 were married before 18, compared to 2.6% of men, indicating a lag between social practices and the legal marriage age of 21 for both genders, established by the *Prohibition of Child Marriage (Amendment) Bill, 2021*. Early marriage restricts women's access to education (only 41% of women aged 15–49 have 10+ years of schooling) and increases vulnerability to health risks and domestic violence.

#### 3.2 Mangalsutra as a Gendered Symbol

The *mangalsutra*, a necklace tied by the groom during Hindu marriage ceremonies, symbolises a woman's marital status and commitment. Its absence for men reflects a patriarchal double standard, where women's fidelity and modesty are socially scrutinised, while men face no equivalent marker. This practice, rooted in Hindu traditions, reinforces women's subordination by visibly marking their transition to the husband's family. Organisations like Oxfam India (<https://www.oxfamindia.org>) note that such gendered symbols perpetuate inequality, though modern couples are adopting mutual symbols like wedding rings.

#### 3.3 Patrilocal Residence

India's patrilocal system, where the bride relocates to the groom's household, is rooted in patrilineal inheritance and economic structures. Historically, men inherited property, while women were excluded, as noted by Landesa (<https://www.landesa.org>). The NFHS-5 indicates that 88% of married women live in their husband's household, increasing their isolation and vulnerability to domestic violence (31.4% of crimes against women in 2022, per NCRB). Exceptions exist in matrilineal communities like the Khasi in Meghalaya, but these are rare.

### 3.4 Son Preference and Menstrual Taboos

1. **Son Preference:** Driven by beliefs that only males can carry the family lineage or perform religious rites, this exacerbates gender inequality. Phrases like *Beti paraya dhan hai* (“a daughter is someone else’s wealth”) devalue girls, contributing to practices like early marriage and patrilocality.
2. **Menstrual Taboos:** Rooted in ancient texts like the *Manusmriti*, menstruating women are labelled impure, restricting their access to religious spaces. These taboos reinforce women’s perceived inferiority, aligning with the broader patriarchal framework that justifies gendered marriage practices.

### 3.5 Legal Frameworks

India’s legal system provides robust mechanisms to address these inequalities, aligning with human rights principles similar to those in nuclear liability laws, which emphasise accountability and victim protection:

1. **Prohibition of Child Marriage Act, 2006 (Amended 2021):** Sets minimum marriage age at 21 for both genders, promoting equal opportunities for education and autonomy. Counters early marriage by imposing penalties for violations.
2. **Protection of Women from Domestic Violence Act, 2005:** Addresses domestic violence by providing protection orders, residence rights, and monetary relief. 31.4% of crimes against women in 2022 being domestic violence (NCRB), crucial law.
3. **Hindu Succession (Amendment) Act, 2005:** Grants women equal inheritance rights, undermining the economic basis of patrilocality.
4. **Constitutional Provisions:** Articles 14 (equality), 15 (non-discrimination), 21 (life & liberty) mandate equal treatment in marriage and residence.
5. **Dowry Prohibition Act, 1961:** Bans dowry, a law of early marriage and son preference.
6. **Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994:** Prohibits sex-selective abortions, addressing son preference.

### 3.6 Landmark Supreme Court Rulings

1. **Vishaka v. State of Rajasthan (1997):** Established guidelines against workplace harassment, indirectly empowering women to delay marriage and pursue careers.
2. **Lata Singh v. State of Uttar Pradesh (2006):** Upheld a woman’s right to choose her spouse, affirming Article 21’s liberty protections.
3. **Vikas Yadav v. State of Uttar Pradesh (2016):** Reinforced penalties for dowry deaths, emphasising zero tolerance for such practices.
4. **Prakash v. Phulavati (2015) & Vineeta Sharma v. Rakesh Sharma (2020):** Strengthened women’s inheritance rights under the Hindu Succession Act, challenging patrilocality and son-preference norms.

### 3.7 Social and Legal Impacts

1. **Domestic Violence:** NCRB (2022) reports 445,256 crimes against women, with 31.4% involving cruelty by husbands or relatives.
2. **Education:** Only 41% of women aged 15–49 have 10+ years of schooling (NFHS-5).
3. **Property Rights:** Judicial rulings like *Vineeta Sharma* empower women to inherit, fostering independence.
4. **Cultural Symbols:** *Mangalsutra* and menstrual taboos reinforce subordination.

## 4. Discussion

### 4.1 Parallels with Nuclear Liability

The Civil Liability for Nuclear Damage Act, 2010, emphasises accountability and victim protection. Similarly, gender laws aim to shield women from patriarchal harms. Both face enforcement challenges due to resistance and loopholes. Transparency and compliance, core to IAEA nuclear principles, can guide gender reforms.

## 4.2 Strategies for Advocacy and Reform

1. **Community Education:** Awareness workshops on laws, debunking son preference myths, and menstrual purity myths.
2. **Legal Enforcement:** Stronger implementation of the *Domestic Violence Act* and *Dowry Prohibition Act*, women's helplines (181), and strict PCPNDT enforcement.
3. **Promote Gender-Neutral Practices:** Mutual marital symbols (rings), nuclear/matrilocal households, leveraging inheritance rights.
4. **Engage Men as Allies:** Education on patriarchal harms, shared household responsibilities.
5. **Media & Storytelling:** Share success stories of empowered women to challenge stereotypes.

## 5. Conclusions

Gendered marriage practices in India—early marriage, the mangalsutra, and patrilocality—perpetuate inequality, reinforced by son preference and menstrual taboos. These practices violate constitutional guarantees (Articles 14, 15, 21) and heighten women's vulnerability to domestic violence and economic dependence. Legal reforms such as the *Prohibition of Child Marriage Act*, *Domestic Violence Act*, and the *Hindu Succession Act*, strengthened by Supreme Court rulings (*Vineeta Sharma*, *Vikas Yadav*), provide tools to challenge these norms. Community education, legal enforcement, and adoption of gender-neutral practices can dismantle patriarchal traditions, fostering equality.

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## Annexure

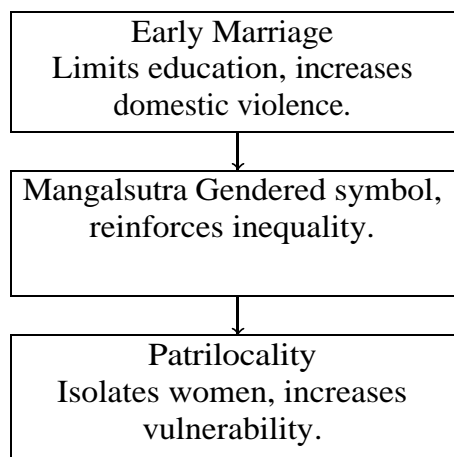
### Tables

**Table 1: Key Statistics on Gendered Marriage Practices in India**

Metric	Value
Women aged 20–24 married before 18	23.3% (NFHS-5, 2019–21)
Men aged 20–24 married before 18	2.6% (NFHS-5, 2019–21)
Women aged 15–49 with 10+ years of schooling	41% (NFHS-5, 2019–21)
Married women in the husband’s household	88% (NFHS-5, 2019–21)
Crimes against women (2022)	445,256 (NCRB, 2022)
Domestic violence as % of crimes against women	31.4% (NCRB, 2022)

### Figures

**Figure 1: Interconnected Impacts of Gendered Marriage Practices in India**



**Author Contribution Statement:** NIL.

**Author Acknowledgement:** We thank the anonymous reviewers for their constructive feedback.

**Author Declaration:** I declare that there is no competing interest in the content and authorship of this scholarly work.



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