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RESEARCH ARTICLE

CRITICAL ANALYSIS OF IMPACT OF LIVE IN RELATIONSHIP & HINDU SUCCESSION AMENDMENT ACT 2005 UNDER THE SCOPE OF HINDU MARRIAGE ACT 1955

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ABSTRACT

Purpose of this research is that the time has come to evaluate our societal structure to preserve the root of our Hindu culture and protect the our Hindu Santana Sanskrit. We are in 21st century, in the Era of Globalization and Hi-Tech Technologies and thus world has become global village in the form of mobile in every human hand. In such a fast changing world, its our duty to preserve our original Root of Santana Dharma, Hindu culture is so Rich and progressive since ages, its traces are found since back 5000 years. The institution of marriage is an oldest social institution and provides a foundation on which whole super structure of civilization and prosperity is built, its our duty to protect essence of Hindu Marriage and its uniqueness.

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INTRODUCTION

Live in relationship & Hindu marriage is the contemporary issue in the recent generation in India. "marriages are made in heaven" means that in ancient times it was considered that marriages are decided by god and some sort of divinity. the live in relationship is consider as a liability free lifestyle , for the reason that it creates hue and cry to destroy our cultural and traditional institution of marriage. The legal and institutional obligation is also not satisfactory to tackle this situation. Hindu marriage act 1955 does not have any relief of this system.

Meaning and Concept of live in relationship

- No legal Definition.
- Generally a voluntary arrangement between two adults to live together on a permanent or long term basis in a sexually and/or emotionally intimate relationship.
- Free from legal books and commitment
- Also called walk in & walk out relationship
- Alternative to marriage in Metropolitan cities.
- Not recognized by any statutory law in India.
- Live in relationship & Hindu marriage is the contemporary issue in the recent generation in India. "marriages are made

in heaven" means that in ancient times it was considered that marriages are decided by god and some sort of divinity. The live in relationship is consider as a liability free lifestyle. for the reason that it creates hue and cry to destroy our cultural and traditional institution of marriage. the legal and institutional obligation is also not satisfactory to tackle this situation . Hindu marriage act 1955 does not have any relief of this system.

Hindu succession amendment act 2005, Removal of discrimination against daughter

- The Preamble to the amending Acts indicates the objective as the removal of discrimination against daughter inherent in the Mitakshara coparcenary and there by eradication of the baneful system of dowry by positive measures thus ameliorating the condition of women in the human society. There is need for social awareness and to educate people to change their attitude towards the concept of gender equality. The need of hours is also to focus attention on changing the social attitudes in favor of equality.

LUKE & MUNSHI 2007 & DYSON & MOORE 1983: The amendment significantly increased women's likelihood to inherit land also we find an increase in women age at marriage relative to men suggesting an effect of stronger inheritance rights on women's marriage market outcome. A research also point out towards a positive and significant impact on the

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women's educational attainment. In the Indian context, better dissemination of the recent 2005 national level change could significantly increase in the potential impact on women's economic or social outcomes. In India exogenous increase in female income among lower castes significantly increased investment in schooling, particularly for girls. Increase in women's bargaining power helped reduce fertility and rates of child mortality., studies in a range of countries find that children's wellbeing is strongly correlated with females' income relative to men's as female devote a higher portion a higher proportion of their income to family needs than do men and that female owning immovable property face lower risk of marital violence than those without property in India.

- According to the Hindu marriage act 1955 of India, the circumambulation around Agni and the seven step Ceremony are recognized as the essence of Hindu wedding., the sentiment expressed here provide the essence of the wife's role in the marriage in the traditional brahma Vivaah, the groom addresses the bride and expresses seven wishes for the married life after each statement he repeats "become one with me in thought and action, may we be blessed with many children and may they enjoy a long life.
- Take the first steps for the abundance of nourishment in life.
- Take the second step for strength in life.
- Take this third step for prosperity in life.
- Take this fourth step for the fulfillment of all earthly desires.
- Take this fifth step for procreation.
- Take this sixth step for the enjoyment of the various seasons of life.
- Take the seventh steps for a lifelong friendship groom now that we have taken seven steps together, we will be inseparable friends through the journey of life may Ishwar give us life long enough to watch our many children and grandchildren grow and prosper.

Hindu marriage is a sacrosanct union. it is also as an important social institution. marriage in India are between two families , rather two individuals, arrange marriage and dowry are customary. the society and Indian legislation attempt to protect marriage. Indian society is predominantly patriarchal, there are stringent gender roles, with women having a passive role and husband an active dominating role. Marriage and motherhood are the primary status roles for woman. When afflicted mental illness married women are discriminated against married men. in the setting of mental illness many of the social values take an ugly turn in the form of domestic violence .dowry, harassment, abuse of dowry law, deaths due to dowry, separation, and divorce. Societal norms are powerful and often override the legislative provisions in real life situations .with the passage of the time there are various change in behavior pattern, responsibility, caring capacity. when it comes to right age, in Indian context, some say an early marriage gives a girl time to settle according to environment while other say that the right age of marriage for girl is after 25, which gives them enough time for study and make their carrier and take their decision on own. the second question which comes in to light is the changing pattern observed in the women behavior, before and after the marriage. India is still looked by the world as a country where marriage occupies a sacramental position both philosophically and practically. But with the change in the

modern setup the traditional concept of marriage has changed and now-a-days a change is visible in our society from arrange marriage to love marriage and now to live-in relationship as well as gay marriages'. Despite all these development and even granting a level of legal legitimacy to the live in relationship or gay relationship , it is still largely perceived to be immoral relationship in our society. In the absence of legislation to deal particular on live in relationship in India, the partners in these types of relationship often face hardship. At last , the judiciary looked upon as the last resort to deal with such issues. Vedic era was considered as golden era of the Hindu society. Hindus described marriage as the most important of all samskaras and the only samskara for women. Every Hindu was enjoined to marry, to enter the "Grishastha ashram". According to vedas marriage is a union of "bones with bones, flesh with flesh and skin with skin, the husband and wife become as the were one person(U.Csarkar,1972) . The purpose of marriage was to enable a man by becoming a householder, to perform sacrifices to the Gods and to procreate sons (Rig Veda X 85.36) (P.V Kane 1974).

- Marriage meant unity of personality as in Rig Vedas it is enshrined "Be thou mother of heroic children, devoted to the Gods, be thou queen in the father- in-laws household, may all Gods unite the heart of us into one". The term of marriage is used by Hindus is "VIVAHA" which literally means carrying away bride but Hindu marriage could be consecrated in broadly eight Form. The first Four namely, Brahma, Daiva, Arsa and prajapatya were Dharmaya (proper or approved) and Asura, Gandharva, Rakshash and Paisacha were called adharma (improper or unapproved). A marriage was legally completed only when the proper rites like Homa (offering in the sacred fire), Panigrahana(taking the hand of the bride) and Saptapadi (the bride and Groom taking seven steps together.
- PORPOSE of this research is that the time has come to evaluate our societal structure to preserve the root of our Hindu culture and protect the our Hindu Santana Sanskrit. We are in 21st century, in the Era of Globalization and Hi-Tech Technologies and thus world has become global village in the form of mobile in every human hand. In such a fast changing world, its our duty to preserve our original Root of Santana Dharma, Hindu culture is so Rich and progressive since ages, its traces are found since back 5000 years. The institution of marriage is an oldest social institution and provides a foundation on which whole super structure of civilization and prosperity is built, its our duty to protect essence of Hindu Marriage and its uniqueness.
- When Constitution of India were emerged post independent in 1950, that time India's prime most priority was to intact and protect our country's integration., and thus the entire LAW were prepare according through colonial glasses. After post independence almost 70 decade's have passed ,the entire societal structure of our country has changed and now time has come to see our Hindu culture from the glass of Santana Dharma rather then of colonial glasses and thus time has also come to amend our laws according to 16 sansakara are mentioned in our Vedas which is a Basic concept of living lifestyle for human being on earth.

My proposal is to protect the Essence and sanctity of HMA1955., by some amendment on certain ground like;

- Gender justice concerning the age of marriage should be equal 21 year because education system of India like; Medical, LL.B, Engineering all kind of degree courses complete at the age of 21.
- When a youth can choose lawmaker at the age of 18 without gender discrimination, then why gender discrimination at the time of marriage.?
- In India at the age of 18, the youth is called major & eligible for license and Aadhar card as well Pan Card without gender discrimination then why the marriage age is different?
- The difference of age for marriage, change the attitude of society towards girl child automatically, the upbringing of girl child reflect discrimination since her birth in a family.

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