

UNIT – II

Family, marriage and kinship

Joint family · Marriage · Change · Kinship · Statutes

Explanatory Lecture Slides

Indian Society: Continuity and Change · Minor-II-2 · Semester II

INDIAN SOCIETY: CONTINUITY AND CHANGE

Topics covered in this unit

01

Define joint family and its traditional features

02

Explain changes in the Hindu joint family

03

Marriage among Hindus, Muslims, Christians in outline

04

Place kinship and regional variation

05

Name the governing statutes

06

Avoid dumping the entire family-law paper

How this unit is organised

01	02	03	04	05	06
Joint family	Traditional features	Change	Hindu marriage	Other marriages	Kinship

Hindu joint family — traditional features

A coparcenary-centred kin group, common kitchen and worship, male coparceners (until 2005), Karta, survivorship (now heavily statutory).

- PYQ: define joint family, traditional characteristics (2023, 2025).
- Features: four generations ideally, common property, Karta's power, sapinda-world, patriarchy, unseparated status.
- Do not confuse joint family (sociology) with HUF (tax) or coparcenary (Mitakshara law) — a one-line distinction fetches marks.

Hindu joint family — traditional features

SOCIAL

- Common roof / kitchen.
- Authority of elders.
- Ascribed status.

LEGAL

- Coparcenary.
- Karta.
- HSA 1956 / 2005 amendment.

Changes in the joint family

PYQ: factors responsible for change (2021); merits and demerits (2022).

- Factors: urban jobs, migration, education, law (HSA, tax, maintenance), women's property, fertility fall, individualism.
- Merits of joint: insurance, socialisation, care of aged. Demerits: suppressed persons, disputes, drag on mobility.
- It has not 'vanished'; it has nucleated and recombined (weekend jointness, remittance jointness).

Changes in the joint family

FACTORS

- Urbanisation.
- Law.
- Jobs.
- Fertility.
- Education of women.

NOW

- Nuclear residence, joint ritual and property traces.

Hindu marriage — recent trends

From sacrament toward a mixed sacrament-contract. HMA 1955: conditions, registration optional in many States, divorce arrived late but arrived.

- PYQ: recent trends in Hindu marriage (2021); legislations relating to Hindu marriage (2021 6-mark).
- Trends: later age, more divorce (still low globally), inter-caste (thin), love+honour violence, live-in (later case-law), registration drives.
- Statutes: HMA 1955, HSA 1956, HAMA 1956, Dowry Prohibition, D.V. Act 2005, PCMA.

Hindu marriage — recent trends

CONTINUITY

- Ritual.
- Natal caste pressure.
- Patrilocality often.

CHANGE

- Divorce.
- Widow remarriage (legal long ago, social slower).
- Daughter as coparcener (2005).

Muslim, Christian, civil marriage — outlines

PYQ: marriage among Christians; Muslim marriage; consanguinity and affinity (2021).

- Muslim: contract (nikah), mehr, talaq (now criminalised in instant form — 2019 Act), Iddat, polygyny legally limited by criminal law and by constitutional challenge history.
- Christian: Indian Christian Marriage Act 1872; divorce under the 1869 Act as amended.
- SMA 1954: the civil, secular form — the lawyer's tool for inter-faith couples.
- Consanguinity / affinity: prohibited degrees — every personal law has a list; SMA has its own.

Muslim, Christian, civil marriage — outlines

MUSLIM

- Contract.
- Mehr.
- Personal law + 2019 Act.

CIVIL

- SMA 1954.
- Notice.
- Objections.

Kinship — regional variations

PYQ: regional variations in kinship organisations (2023).

- North: broadly patrilineal, village exogamy, cousin-marriage often banned.
- South (many groups): cross-cousin marriage historically preferred; different household.
- Kerala / some groups: matrilineal traces (Marumakkathayam — largely legislated away).
- Northeast: a different map again — do not say 'India is patrilineal' and sit down.

Kinship — regional variations

NORTH

- Gotra / village exogamy.
- Patrilineal.

SOUTH / OTHER

- Cross-cousin in some castes.
- Matrilineal traces.

Statutes a sociology answer may name

HMA, SMA, HSA (2005), HAMA, Indian Divorce (Christian), 2019 talaq Act, PCMA, D.V. Act, Art. 44 as a debate not a decree.

- Art. 13, 14, 15, 21, 25, 44 are the constitutional frame of this unit.
- Do not write a family-law problem answer here; name the Act and the social trend.

Statutes a sociology answer may name

HINDU

- HMA.
- HSA 2005.
- HAMA.

ACROSS

- SMA.
- PCMA.
- D.V. Act.
- Art. 21.

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Cases a KSLU answer should name

CASE

Vineeta Sharma v Rakesh Sharma

(2020) 9 SCC 1

Daughter as coparcener — law rewriting the joint family.

CASE

Shayara Bano v Union of India

(2017) 9 SCC 1

Instant talaq void; society, faith and equality.

CASE

Lata Singh v State of U.P.

(2006) 5 SCC 475

Choice of a major in marriage against caste-family honour.

Provisions & materials to quote

HMA 1955

Hindu marriage as a statutory form.

HSA 1956 / 2005

Joint family property recoded.

SMA 1954

Civil marriage.

D.V. Act 2005

Household as a site of rights.

Muslim Women (Protecti

Instant talaq as offence.

10 / 16-mark frames from this unit

Q1

Define joint family. Bring out its traditional characteristics and recent changes.

Q2

Explain recent trends in Hindu marriage. Name the principal statutes.

Q3

Write short notes: Muslim marriage; Christian marriage; consanguinity and affinity.

Q4

Discuss regional variations in kinship in India.

Unit recap

- 1 Joint family ≠ coparcenary ≠ HUF — one line of distinction.
- 2 Change factors: urban jobs, law, fertility, women's education.
- 3 HMA + HSA 2005 + SMA are the statute trio.
- 4 North/south kinship is a standard 10-mark.
- 5 Vineeta Sharma and Shayara Bano are the cases of this unit.