

MARRIAGE AS A SACRAMENT AND AS A CONTRACT

By: Madhumita Acharjee & Fakhru Islam Choudury
Department of Law Assam University Silchar

Marriage in the general sense is the relationship between a husband and wife. It is like seeking permission from the society after which a man and a woman can cohabit together. The origin of marriage which was mainly to determine the patriarchy, led to the establishment of an organized society with regularized sexual relations. Marriage is a union of body with body and soul with soul. Under different communities the institution of marriage is existing and is performed in different ways. Though, in contemporary times, many relations are subsisting in the society that includes living together without tying the knot of marriage which may also lead to the female partner a maintenance right as decided by judiciary time and again. Moreover, the youth of present time is losing belief in the institution of marriage. More number of divorce cases and increasing number of extra-marital relation in the society are the prominent reasons for the same. Moreover, a large section of people in present time prefers a simple marriage that is only by registering it, that is to attain the status of husband and wife in the eyes of law. But, in our country marriage is still considered to be one of the most important part in anyone's life In this article a detailed analysis is made of marriage whether it is a sacrament or a contract.

Introduction

Marriage is a universal form of social institution. From primitive early society to present modern society it is found everywhere. But, the forms and patterns of marriage differs from society to society and age to age. In this respect, every society has prescribed their own norms and regulations according to their traditions, customs and customary laws. Marriage whether considered as a sacrament or as a contract give rise to a status. It confers a status of husband and wife on parties to a marriage, and a status of legitimacy on the children of the marriage. For a valid marriage in most system of law two conditions are necessary: (a) parties must have capacity to marry and (b) they must undergo the necessary ceremonies and rites of marriage. In some ancient communities both the requirements were nominal. Any two persons a man and a woman can live together as husband and wife if they intend to do so. Even today in some system of law the requirements of capacity and formalities are not very stringent though most systems require that some conditions must be satisfied. Some modern system still lay down some stringent conditions of capacity and prescribes very elaborate ceremonies and rites of marriage. Some insist on the performance of some public ceremonies while in others performance of private ceremonies is enough. In our contemporary world in most system marriage is

considered as a contract and the requirements of capacity are laid down by law. Most system even today insists on performance of some ceremonies of marriage religious or secular elaborate or simple.

2. Definitions of Marriage

Some of the important definition of marriage includes:

(i) **Harton and Hunt**:- "Marriage is the approved social patterns whereby two or more person established a family".

(ii) **Malinowski**:- "Marriage is a contract for the production and maintenance of children".

(iii) **Lundberg**:- "Marriage consists of "the rules and regulations which define the rights duties and privileges of a husband and wife with respect to each other".

(iv) **D.N.Majumdar and T.N.Madan**:- "It involves the social sanctions generally in the form of civil and religious ceremony authorizing two persons of opposite sexes to engage in sexual and other consequent and correlated socio-economic relations with one another".

3. History or Origin of Marriage

Morgan, Spencer and others made an attempt to interpret the origin of marriage in an evolutionary manner. The evolutionary theory of Lewis's Morgan based on certain rudimentary folkways and social practices conclude that in the earliest form of groupings of people, sex was absolutely unregulated and the children were considered to be the children of the group. Believing that human societies have evolved from lower into higher types, Morgan set forth certain hypothetical stages in the evolution of marriage. According to him, marriage institution started with group marriage, then polygamy and lastly monogamy.

Westermarck is of the opinion that the history of marriage began with its monogamous form. He concluded this on the basis of his assumption that the male has by nature been an acquisitive and possessive creature.

Robert Briffault states that, at the initial stage of marital relationship, mother had the supreme authority. He rejects patriarchy as claimed by Morgan and monogamy as claimed by Westmark to be the initial forms of marriage and family.

The ideal of Hindu marriage has been high. From the beginning of the Vedic period, the sacredness of marital union has been recognized. Whatever legal position the wife might have had, she enjoyed a respectable position of in the house. Polygamy was recognized, but at no stage of development of Hindu law, polygamy has been approved or acclaimed. It was always held in low esteem, though it was tolerated; it was practiced by a very few people. In some parts of India, polyandry also prevailed, but it was confined to some hilly tracts. The patrilineal was the widespread system, though matrilineal system prevailed, and still prevails, in some parts of South India.

4. Hindu Marriage

The Sanskrit word 'Vivaha' literally means the ceremony of 'carrying away' the bride to the groom's house. But, it has long come to mean the entire ceremony of wedlock. The definition given by R.N. Sharma of a Hindu marriage seems to be the most appropriate one. He views it as "a religious sacrament in which a man and a woman are bound in permanent relationship for the physical, social and spiritual purposes of dharma, procreation and sexual pleasure". For the Hindus, vivaha is nothing short of a 'vidhi', i.e. it is something of a religious injunction. The Vedas lay down that dharma performed by a man alone without his wife is no dharma and will yield no fruit whatsoever. The Vedas hold marriage to be one of the important sacraments sanctifying the body. That is why; marriage is given great importance by the Hindus. It is said, "That man who does not win a wife is really half, and he is not the full man as long as he does not beget an offspring". A wife is also hailed as the very source of the Purusharthas, not only of Dharma, Artha and Kama but even of Moksha. Hindu marriage is a socially approved union of man and woman aiming at dharma, the religious and divine aspect, procreation, sexual pleasure and observance of certain obligations. Hindu marriage is that it is a sacred band, a religious sacrament. Marriage binds the wife and the husband into an indissoluble band which lasts beyond death.

Objects or Aims of Hindu Marriage

(i) As a sacrament Hindu marriage aims to fulfill certain religious obligations. Marriage is a gateway to Grihasth ashram.

(ii) It is very essential for a Hindu to be married for the fulfillment of religious duties like dharma (practice of religion), praja (procreation) and rati (sexual pleasure).

(iii) Marriage is one of the sarir sanskar or sacraments sanctifying the body.

(iv) A Hindu grihasth is expected to perform daily fire sacrifices along with his wife without the active participation of his wife, a man cannot perform these duties of Deva yajn, Bhut yajn and Pitri yajn by daily chanting Vedic mantras.

(v) Marriage is essential for repaying pitririn and the individual repays it by being the father of a son. Role of a wife is essential for completion of grihasth dharma and performing religious rites.

Some of the provisions of Hindu Marriage Act, 1955 which indicates sacramental character of marriage under Hindu law includes:

5. **Hindu Marriage as a Sacrament**

Performance of certain shastric ceremonies is still necessary for a valid Hindu marriage. The ceremonies have been laid down in minute details in the Grihya Sutras. These may be briefly summarized. On the forenoon of the day, when marriage is scheduled to be performed, the father of the bride or in his absence, the

next nearest male relative, performs the Vridhi sraha that is offerings are made to the departed ancestors with a view to obtaining their blessings for the marriage. On the same forenoon, the ceremony of giving bath to the bride takes place. In the evening, the bridegroom comes in a procession (barat) to the bride's place, where he and his party are received with great hospitality. Anciently a cow was set apart for the wedding feast. Later on this was abandoned though the practice of tying a cow and then letting it loose is still observed in some parts of the country.

After the arrival of the bridegroom at the bride's house, the first ceremony that is performed is known as Sampradana consisting of water (padya) for washing the feet, water mixed with flowers, durva grass, rice and sandal paste for washing the head, a cushion for sitting, and a mixture of honey, curd and ghee. These gifts are made amidst the chanting of certain mantras. This is followed by one of the main ceremonies of marriage, the Kanyadan. The father of the bride, or in his absence, the next guardian for marriage, pours out a libation of water-symbolizing the gift of the bride. Sometimes the hands of the bride and bridegroom are together with the kush grass. In this manner, the bride is formally given in gift to the bridegroom who recites the kama sukta and accepts the gift. Certain presents are also made to the bridegroom that includes a piece of gold as dakshina. Then the bride's father invokes the bridegroom and tells him never to fail the bride in the pursuit of dharma, artha, kama and moksha, to which the bridegroom replies thrice that he shall never fail her.

Then comes the next important ceremony; the vivaha-homa that is lighting of the holy fire symbolizing it as a divine witness and sanctifier of the vivaha sanskara. On the west of the fire is placed a millstone and on the north-east is placed a water-pot. The bridegroom offers oblations to the holy-fire in which the bride participates by grasping the hand of the bridegroom. These oblations include mahavayahritu-homa, that is oblations are offered in honour of earth, sky and heaven. The bridegroom also recites certain sacred mantras. This is followed by the third important ceremony, the panigrahana, the bridegroom takes the hand of the bride. According to the Grihya Sutra, this is to be done by the bridegroom standing up and facing west, while the bride sits in front of him facing east. Holding the hand of the bride, the bridegroom recites certain Vedic hymns. Then is performed the laja-loma by the bride in which she offers oblations to Aryama, Varuna, Pushan and Agni, so that the Gods may be pleased to free her from their bonds. The next in order is the ceremony of Agni-parinayana (popularly known as pheras, which according to the Grihya Sutras are three, though in practice they are usually five or seven). This is the rite of going around the holy fire, where the bridegroom leads the bride three times, round the nuptial fire and water-pot, the couple, keeping to the right side of the nuptial fire and water-pot.

At the end of each round the bride mounts the millstone with the helping hand the bridegroom. The bridegroom recites certain hymns. At the end of the final round, the bridegroom loosens two locks of her hair chanting the hymns, "I release thee from Varuna's bondage".

Then come the fourth and the most important and indispensable ceremony: the saptapadi. Near the vivahamandap the bridegroom leads the bride for seven steps in the north-eastern direction while reciting certain hymns. This is followed by an address by the bridegroom to the bride. Water is then poured on the hands of the couple and certain prayers are recited. Upon the completion of the prayer, the bridegroom joins hand with the bride and says to her, "Give thy heart to my religious duties, may thy mind follow mine. Be thou consentient to my speech. May Brihaspati unite thee unto me"?

Section 7, Hindu Marriage Act.

Section 7(1), Hindu Marriage Act, 1955, says that a Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto. Sub-Section(2) of the Section 7 lays down that when such rites and ceremonies include the saptapadi, the marriage becomes complete and binding when the seventh step is taken. The ceremony and rite fall under two heads:

- (a) The shastric ceremonies and rites as prescribed by Hindu law, or
- (b) The customary ceremony and rites which prevail in the caste or community to which one of the parties(or both) belongs.

Thus, the shastric ceremonies and rites are still necessary. These can be dispensed with only if one of the parties to the marriage can establish a customary ceremony in substitution of the shastric ceremony.

Necessary shastric ceremonies and rites: Kanyadana, panigrahan, vivahoma and saptapadi are the four main shastric ceremonies. Of these four, saptapadi is absolutely necessary for all Hindus. Whether the other ceremonies are also necessary for the validity of marriage is not clear.

In Appibai vs. Khimji[3] and Modi vs. Modi[4]

It has been held that vivaha homa is an essential ceremony. The presence of a priest is not necessary. The Madras High Court, after examining the texts, came to the conclusion that there are two essential ceremonies necessary for the performance of a Hindu marriage: one, a secular ceremony, viz., the gift of the girl or kanyadanam and the other a religious ceremony, viz., panigrahana and saptapadi. It is also a settled law that in the Gandharva form, the ceremony of kanyadanam is not essential. Among the Sudsras, vivaha-homa is not a necessary ceremony. Saptapadi is indispensable; if it is omitted and all other ceremonies are performed, the marriage cannot be valid. Thus, saptapadi is indispensable among all classes of Hindus, while among

the first three classes vivaha-homa also seems to be necessary. No other ceremony need be performed. Among the Arya Samajist, saptapadi is a necessary ceremony. On performance of necessary ceremonies, the marriage is valid.

Customary ceremonies:- If a customary ceremony is prevalent on the side of either party, its performance will be enough for the validity of the marriage. Customary rites and ceremonies to be accepted must be shown that such custom had been followed definitely from ancient times and that the members of the caste, community or sub-caste, had recognized such ceremony as obligatory. Customary ceremony may not include anyone of the shastric ceremonies. Saptapadi is a shastric ceremony and not essential for every Hindu wedding. There can be customary ceremony. It may be totally a non-religious ceremony or a very simple ceremony. For instance, among Santhals smearing of vermilion by bridegroom on the forehead of the bride is the only essential ceremony. Among the Nayahans of the South India, the only ceremony necessary is the tying of a vadu veeta thali around the neck of the bride. Similarly, pat marriage (the marriage of widow) is a valid marriage in approved form. In the chadar andazi marriage among the Jats, no ceremony is necessary. Among the Buddhists, no ceremony is necessary: mutual consent is enough; in the karewa marriage, which is prevalent among the lower castes of Hindus, no ceremony is necessary: if parties live together as husband and wife with an intention to live as such, that is enough for the validity of the marriage.

Some contractual nature in Hindu Marriage--: - The fact is that consent of the boy and girl is required means that it is contractual. If the consent is obtained by force or fraud, the marriage is voidable. Marriage is no more permanent since divorced is available by mutual consent. Marriage is no more holy because a marriage can be done without all the ceremonies such as vivah homa. Only Saptapadi is required.

Registration of Marriage:- Registration of marriage is a mode of proof of marriage. A transaction which is registered is deemed to have been taken place. Traditionally, the Hindu had no law of registrations. Till 1955, registration of marriage was neither compulsory nor any provision for registration of marriages existed. It is because Hindu marriages have always been performed in public with wide publicity and have been entered into genealogical books. Even the Hindu Marriage Act does not make registration compulsory, though it stipulates that facility for registration of marriage may be provided. Under the Act, marriage between two Hindus can only be registered. Marriage between a Hindu and a Christian cannot be registered.

For registration of marriage presence of both the parties before the Registrar is not necessary. If the

Registrar doubts the identity of one of the parties, only then it is needed.

The Madras High Court has opined that registration of marriage should be compulsory. However for registration of marriage, application must be within 15 days of solemnization of marriage. Section 8 states that State Governments may make rules for keeping of marriage therein. Section 8(5) specially states down that failure to register a Hindu marriage shall, in no way, affect its validity.

Seema vs. Aswani Kumar[5]

In this case, the Supreme Court has held that the registration of marriage falls within ambit of "vita statistics" as provided in Entry 30, List-3, of the Constitution of India. Therefore, marriage of all citizens of India belonging to various religions should be made compulsorily registrable in the States where they are solemnized. In this case, the Supreme Court has given direction to all state and Union Territories to file compliance report. States of Andhra Pradesh, Bihar, Chhattisgarh, Goa, Madhya Pradesh, Karnataka, Meghalaya, Mizoram, Rajasthan, Sikkim, Tamil Nadu, Tripura complied with directions. But some States and Union Territories to be quite, whereas some States filed report only with respect to Hindus. The court had further granted a period of 3 months for the compliance.

When a runaway marriage takes place among two competent persons, recognition by community or parents is not necessary for the validity of the marriage. If no ceremony of marriage has taken place, mere registration has no meaning. Registration will be null and void. Certificate of registration does not validate an otherwise invalid marriage.

6. Muslim Marriage

Marriage, that is, nikah in pre-Islamic Arabia, meant different forms of sex relationship between a man and a woman established on certain terms, In pre-Islamic days, women were treated as chattels, and were not given any right of inheritance and were absolutely dependent. It was Prophet Mohammad who brought about a complete change in the position of women. The improvement was vast and striking and their position is now unique as regards their legal status. Prophet Mohammad placed women on a footing of almost perfect equality of men in the exercise of all legal powers and functions, which stand in hold relief when compared with the state of law amongst the ancient Arabs of the pre-Islamic days. Under the Muslim law marriage is considered as civil contract. After marriage, a woman does not lose her individuality. She remains a distinct member of the community; her existence of personality is not merged into that of her husband. The contract of marriage gives no power to anyone over her person or property in any way she pleases without any extraneous control of her husband. She can enter into binding contracts with her husband and proceed against him in law courts, if necessary. The woman enjoys this position through the

injunction of the Quran. There are four required parties in any Muslim marriage recognized as valid by the Muslim Personal Law: (i) the bridegroom, (ii) the bride, (iii) the Kazi, and (iv) witnesses (two male or one male and two female witnesses).

The requirements of a valid Muslim marriage under Muslim law are:-

(i) There should be proposal (Ijab) and acceptance (Qubul) made and given at the same meeting.

(ii) The parties of the marriage should have the capacity to marry or to be married.

There is no particular form in which the proposal and acceptance should be made. The words ijab and qubul may be uttered by the contracting parties or their agents in each other's presence and hearing and the whole transaction must be completed at one meeting. Among the Sunnis, the proposal and acceptance should be made in presence and hearing of two adult male witnesses or one male and two female witnesses. Among Shias, the presence of witnesses is not essential for marriage but only at the time of dissolution of marriage. If they agree 'voluntarily', their marriage contract is sanctioned. It is called Nikahnama. This contract includes the amount of Mahr or bride wealth which the bridegroom has to give to the bride as part of the contract at the time of the marriage or later as agreed upon. The formal conclusion of the contract of marriage is termed as akd.

There are three types of Muslim marriages- Valid (Sahih), Void (Batil) and Irregular (Fasid). Irregular marriage can be converted into regular marriage. Irregular marriages occur in case of:-

(i) Absence of witnesses.

(ii) Fifth marriage of a man.

(iii) Marriage of a woman during the period of iddat.

(iv) Difference of religion between wife and husband.

(v) Marriage contrary to the rules of unlawful conjunction.

There is a temporary lawful marriage of Muta for a limited period around the 'Athna-Asharia' school of Shias. However, it is a void marriage according to the Sunni law. It is entirely different from Nikah. The meaning of 'muta' is 'enjoyment' or 'use'. The essential of muta marriage are:

(i) The period of cohabitation must be fixed. The contract comes to an end at the fixed period;

(ii) Some dower must be specified.

7. Nature of Muslim Marriage

There is divergence of opinion with regard to the nature of Muslim marriage. Some jurists are of the opinion that Muslim marriage is purely a civil contract while others say that it is religious sacrament in nature. In order to better appreciate the nature of Muslim marriage it would be proper to consider it in its different notions.

Muslim marriage, by some text writers and jurists, is treated as a mere civil contract and not a sacrament. This observation seems to be based on the fact that marriage, under Muslim law, has similar characteristics as a contract. For instance-

(i) As Muslim marriage requires Ijab (proposal) from one party and Qubul (acceptance) from the other, the same is in the contract.

(ii) There can be no Nikah without free consent and such consent should not be obtained by means of coercion, fraud, undue influence etc. Similar is the case in a contract.

(iii) Just as in case of contract, entered into by a guardian, on attaining majority, so can a marriage contract in Muslim law, be set aside by a minor or attaining the age of puberty.

(iv) The parties to a Muslim marriage may enter into any ante-nuptial or post-nuptial agreement which is enforceable by law provided it is reasonable and not opposed to the policy of Islam. Same is the case with a contract.

(v) The terms of a marriage contract may also be altered with legal limits to suit individual cases.

(vi) Although discouraged both by the holy Quran and Hadith, yet like any other contract, there is also provision for the breach of marriage contract.

(vii) There must be Mahr (consideration) from the bridegroom.

(viii) The marriage should be for a lawful object.

Proposal and acceptance:- Marriage like any other contract is constituted by ijab-o-qabool, that is by declaration and acceptance. One party to the marriage must make an offer (ijab) to the other party. The marriage becomes complete only when the other party has accepted that offer.

Free will and consent:- The parties contracting a marriage must be acting under their free will and consent. The consent should be without fear or undue influence or fraud. In the case of a boy or girl who has not attained the age of puberty, the marriage is not valid unless the legal guardian consented to it. The 'consent may be express or implied'—Smiling or laughter or remaining silent may be construed to imply consent.

Age of marriage:- The parties to a marriage must have capacity to entering into a contract. In other words, they must be competent to marry. Muslim who is of sound mind and who has attained puberty may enter into a contract of marriage. Puberty and majority are in the Muslim law one and the same. The presumption is that a person attains majority at the age of 15 but the Hedaya lays down that the earliest period for a boy is 12 years and a girl 9 years.

Option of Puberty:- In certain circumstances, a minor contracted in marriage by the guardian for marriage has the right of repudiating or ratifying the marriage contract on attaining puberty, the right of the minor is known as the option of puberty. Thus, "option of puberty" is the right of a minor boy or girl, whose marriage has been contracted through a guardian, to repudiate or confirm the marriage on attaining puberty.

Abdul Kadir vs. Salima [6]

In this case, Justice Mahmood held that marriage among Muhammedans is not a sacrament, but purely a civil contract; and though it is solemnized generally with a recitation of certain verses from the Quran, yet the Muhammedan law does not positively prescribe any service particular to the occasion. That it is a civil contract is manifest from the various ways and circumstances in and under which marriages are contracted or presumed to have been contracted. And though a civil contract, it is not positively prescribed to be reduced to writing, but the validity and operation of the whole are made to depend upon the declaration or proposal of the one, and the acceptance of consent of the other contracting parties, or of their natural and legal guardian before competent and sufficient witnesses; as also upon the restrictions imposed, and certain of the conditions to the peculiarity of the case.

The dower (mahr) in Muslim marriage should not be confused with consideration in the context of civil contract. Justice Mahmood has himself cautioned when he says in the same case-

"Dower, under the Mohammedan law, is a sum of money or other property promised by the husband to be paid or delivered to the wife in consideration of marriage".

In Hedaya, it is laid down, "The payment of dower is enjoined by the law merely as a token of respect for its object (the women), wherefore the mention of it is not absolutely essential to the validity of a marriage, and, for the same reason, a marriage is also valid, although the man were to engage in the contract on the special condition that there should be no dower". Thus we see that the similarities of a Muslim marriage to a contract are so pronounced that some jurists have treated it entirely as a civil contract. Mohammad Ali says that the contract of marriage is sanctified by a sermon before the parties announce their acceptance. He says that the Khutbah or sermon at marriage helps the publicity of the marriage and serves the double purpose of sanctifying the marriage contract and informing the parties of their responsibilities. This creates a sort of feeling in true Muslim to observe the sacred marriage tie in its spirit and essence and not to make a mockery of it.

If marriage is nothing but a civil contract, then keeping in view the above traditions we could say; "He who

enters into a civil contract completes half of his religion; the Almighty Himself has undertaken to help the person who enters into a civil contract; civil contract is equal to jihad; it is obligatory on every physically fit Muslim to enter into a civil contract; and so on. All these inferences are patent absurdities. It means Muslim marriage is something more than a civil contract. In the words of Baillie, marriage is "for the solace of life it is therefore lawful in extreme old age after hope of offspring has ceased and even in the last or death-illness".

There are some opposite view in the Muslim about the nature of marriage. Another view is that marriage is not purely a civil contract but a religious sacrament too. Though sacramental nature of marriage is considered as an orthodox view but it is also supported by the Judiciary.

Anis Begum vs. Mohammad Istafa [7]

In this case C.J. Sir Shah Sulaiman has tried to put a more balanced view of the Muslim marriage by holding it both a civil contract and a religious sacrament.

While reviewing the Abdul kadir's case, Justice Sulaiman in Anis Begum;s case observed: "It may not be out of place to mention that Maulvi Samiullah(D.J. Raibareilly) collected some authorities showing that marriage is not regarded as a mere civil contract but as a religious sacrament. Though the learned C.J. does not himself say that he supported the view of Maluvi Samiullah. Taking religious aspect into account Muslim marriage is an ibadat (devotion act).

The Prophet is reported to have said that marriage is essential for every physically fit Muslim who could afford it. The Prophet says "O assembly of youths, whoever among you is able to have, he should marry, for it is restraint to the looks and he who is not able let him keep fast".

Moreover the following traditions may also considered: "He who marries completes half of his religion it now rests with him to complete the other half by leading a virtuous life in constant fear of God".

"There is no monkery in Islam".

"There are three persons whom the Almighty himself has undertaken to help, first, he who seeks but his freedom, second, he who marries; and third, he who fights in the cause of God".

"..... Whoever marries a woman in order that he may retain his eyes-God putteth blessedness in her for him for her. The prophet is reported by some of the writers to say that marriage is equal to Jihad (holy war); it is sinful not to contract a marriage; it is a Sunnah; and is obligatory on those who are physically fit.

"There is no act of worship except marriage and faith, which has continued from the days of Adam and which will continue in paradise as well".

Prophet again stated that-

"I keep fast and break it. I pray and sleep and I am married, so whoever inclines to any other way that my Sunnah, he is not of me".This is because marriage

elevates that moral and spiritual standard of man. Nikah is my percept. Those of you who are unmarried, are the unworthy of the deed.

8. **Conclusion**

As we live in a society where we can finds all religion and their practices. Marriage is very important for a human being. In Hindu those who had not marriage are seems to be not completed their Sanskaras. Men is only half not complete until he marries. "Marriage is one of the essential sanskars (sacrament) for every Hindu". In Muslim I would like to quote a line which said by Prophet Mohammad, "Marriage is my sunna and those who do not follow this way of life are not my followers". As in the Hindu marriage we can see that it only followed religious duties and ceremonies. It is proved that it is having a nature of sacrament. In Muslim we can find all the essential condition of a valid contract. But one controversy is also there i.e., it is also having religious rites because the rules are taken from the Quran. As we believed that Quran contains the revelations of God to His Prophet Mohammad, through angel Gabriel. Though there may be so many views about the nature of Muslim marriage but I can say that it is having a nature of contract.

References

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