



COERCED CONJUGALITY: VIOLATION OF HUMAN RIGHTS IN THE GUISE OF TRADITION

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Abstract

Marriage is a traditionally endorsed relationship between a male and a female that defines each partner's lifelong rights and duties in accordance with established legal and social standards, customs, beliefs, and attitudes. Being married requires it. It takes place when two free people, one man and one woman, voluntarily choose to spending the rest of their lives together in the kind of union that a lawfully binding contract between husband and wife should establish. In a marriage, consent ought to be freely given and unaffected by coercion or danger. Abducting the groom is a new habit that is emerging in Uttar Pradesh and Bihar areas. The bride's relatives kidnap the grooms at gunpoint and force or frighten them into marriage. Emerging in response to the problem of dowry, "Pakadwa Vivah" demonstrates a reversal of traditional gender roles in marriage-related offenses in India. This paper examines the socio-legal implications of groom kidnapping, specifically its genesis in dowry inflation, rural poverty, and entrenched patriarchy, as well as the absence of law in the Indian criminal justice system where male victims of coercive marriage are considered. Provisions under the Bharatiya Nyaya Sanhita, 2023 criminalize abduction of a person and coerced marriage, but these provisions are inherently gendered and fail male victims of per coercive weddings. This paper aims for a perspective shift in law

and society, and identifies a gap in the legislation as well as an approach to address the issue of forced marriage regardless of the gender of the victim.

Keywords: Marriage, Pakadwa Vivah, Groom Kidnapping, Forced marriage and Gunpoint Wedding

Introduction

"History of Human Marriage defines marriage as the more or less durable connection between male and female lasting beyond the mere act of propagation till after the birth of offspring".³

"Marriage is one of the general social organisations set up to control and direct the existence of humankind; it is the endorsed social example by which at least two men set up a family." Marriages are traditionally transformed into the responsibilities of two individuals and are closely associated with culture and society. The institution of marriage has different cultural implications and is generally linked with family; it has presented various functions to society and is used to regulate family life. Marriage is a very important social institution that forms a bond between two individuals and also provides a framework for bearing and rearing children. In terms of succession, it is essential for controlling reproduction and giving legal status to children born within marriage.⁴ In Indian civilisation, it

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3. EDWARD WESTERMARCK, THE HISTORY OF HUMAN MARRIAGE (New York: Macmillan 1901).
4. S.S.H. Kazmi, G. Singh & S. Jaiswal, *Mate Selection in Tribal India* (Dec. 15, 2019) (unpublished manuscript), <https://ssrn.com/abstract=3504582>

is a holy relationship with deep roots in spiritual, cultural, and customary traditions rather than just a personal or sexual marriage. It is frequently seen as the cornerstone of social continuity, family, and ancestry. Marriage should ideally be founded on two people's shared obligations, companionship, and consent. This ideal isn't often maintained in reality, though. In many parts of India, especially in rural areas, economic concerns, patriarchal expectations, and social pressures usually take precedence over personal preference. Consequently, the highly esteemed institution of marriage is exposed to compulsion and exploitation.

Every individual has the inherent right to determine both the decision to marry and the choice of spouse. A marriage is deemed forced when an individual cannot make choices autonomously, particularly in the presence of physical pressure, including threats, violence, or sexual harassment. The Forced Marriage Unit characterizes forced marriage as a union in which one or both spouses are unable to provide consent, particularly in instances concerning individuals with learning difficulties, or in which coercion or abuse is evident. This practice is abhorrent and indefensible⁵. Coercion to marry involuntarily can show in physical ways (such as threats, real assault, or sexual abuse) as well as mentally and emotionally duress. A forced marriage transpires whenever a marriage is enforced upon an individual contrary to their will or when permission is given without informed understanding.

India is third on the list of countries where British nationals are compelled into marriage, behind only Pakistan and the United Kingdom, according to the latest statistics from the UK government. Not only do many women face abuse when they are pressured to get married, but they also often face mistreatment within their own marriages. In order for a marriage to be considered an offense, the person committing the act must have used force, threats, or coercion to marry another person, either with the knowledge that the person in question does not consent or without a reasonable belief that their consent is informed and voluntary. Also, no matter how good the reason, it's always illegal to force a

person below the age of 18 to get married. The psychological neglect, emotional manipulation, and social or familial pressure that frequently accompany forced marriages make them a sort of gender-based violence and a breach of human rights. In cases where the afflicted person does not provide explicit consent, courts might invalidate forced marriages according to Hindu law⁶.

Ancient Hindu texts describe various forms of marriage—such as Brahma, Daiva, Arsha, Gandharva, and Asura—each of which must receive divine approval and social acceptance. Among these, Brahma marriage is considered the most appropriate and remains the most common type in present-day India, although it is often distorted. Rakshasa marriage, in which the groom marries the woman of his choice against her will and with only partial family approval, is severely unethical. Despite its criticism, the long-standing idea of compelled marriage has unsettling parallels to some modern customs, such as Pakadwa Vivah.

This paper aims to analyse the socio-legal perspective of “Pakadwa Vivah,” a form of forced marriage that is prevalent throughout India, particularly in Bihar and Uttar Pradesh. It seeks to address several important questions such as are the existing legal provisions under the Bharatiya Nyaya Sanhita and related laws sufficient to address the issue of “groom kidnapping”, are men sufficiently protected in a situation of forced marriage and how do the legal silences and the lack of proper actions contribute to the rise of such incidents.

Overview of Pakadwa Vivah

The term “dowry” used to describe a custom in which a girl would receive gifts upon her marriage, signifying her move from her parents' house to her husband's. But as time went on, this custom deteriorated into a destructive institution linked to suicides, bride burning, female infanticide, and other harsh and humiliating practices. Both middle-class and upper-caste families in cities and communities are impacted by the dowry issue, which has grown into a major social ill. Pakadwa Vivah, the kidnapping of grooms for marriage, is a new phenomenon that has emerged in several portions of Bihar and

5. Ritu Dhingra, *Legal Implications of Abduction in Hindu Marriages*, Aishwarya Sandeep- Parenting and Law (May 28, 2025), <https://aishwaryasandeep.in/legal-implications-of-abduction-in-hindu-marriages/>.

6. *Forced marriage and the law*, Rights of Women (May 28, 2025) <https://www.rightsofwomen.org.uk/get-advice/criminal-law-information/forced-marriage-and-the-law/>.

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Uttar Pradesh as a result of economic difficulties in rural communities⁷.

The strange and unsettling custom of “Pakadwa Vivah”, also known as “Jabaria Shaadi”, involves the kidnapping and forced marriage of a groom, frequently at gunpoint. Particularly in districts like Saharsa, Gopetika, Muzaffarpur, Patna, Begusarai, Samastipur, and Lakhisarai, this social ritual is ingrained in the rural culture of Bihar. In several areas of eastern Uttar Pradesh, similar events have also been observed. This practice is unique in that it is driven by socioeconomic desperation rather than romance or elopement, frequently with the active involvement of the bride’s family and local criminal networks.

The rising demand for dowries, especially when the groom is well-educated or has a steady government position, is the main cause of Pakadwa Vivah. Economically disadvantaged families frequently use coercive methods to locate their daughters the “ideal” husbands since they can’t afford high dowries. Tragically, some families are using forced marriage as a tool to reverse the power dynamic and make males the victims of pressure in a society where women have historically been oppressed by female dowries. In addition to being kidnapped, grooms are frequently drugged, threatened physically, and coerced into performing the marital rites. Shockingly, there have been reports of forced consummation of marriage under duress, amounting to sexual violence against men, a reality scarcely acknowledged in mainstream legal or societal discourse.

The practice began gaining ground in the 1970s and 80s as rising dowry demands hindered marital alliances. With inflation increasing and the gap between the wealthy and the poor expanding, dowry expectations grew increasingly extravagant. What started as a desperate measure by a handful of families transformed into an organised crime scheme by the 1990s, complete with contract kidnappers and local gangs offering “groom abduction services” for a price. This operation illustrates that Pakadwa Vivah has shifted from being a mere cultural quirk to a criminal enterprise, often facil-

itated by ineffective law enforcement. Although forced marriage is classified as a crime under the Indian Penal Code (IPC)⁸ and now the Bharatiya Nyaya Sanhita (BNS)⁹, there is no specific legal approach for the issue of groom kidnapping, primarily because the Indian legal framework focuses more on addressing crimes against women. The social stigma surrounding being a male victim of forced marriage leads many men to remain silent, further empowering offenders. Few individuals report these crimes, and when they do, local police and the judiciary frequently regard the situation as a “domestic issue” rather than a significant violation of personal liberty and bodily autonomy.

According to reports, Bihar had more than 3,000 cases of “groom kidnapping” in 2016, and the number continued to rise till it peaked in 2020 at 7,194 cases. This rise demonstrates how pervasive the practice is and draws attention to how weak the current legal and social structures are as deterrents. It’s also important to recognise that a lot of incidences go unreported because people are afraid, ashamed, or feel pressured to “adjust”.

Pakadwa Vivah is therefore a violation of fundamental human rights, including the rights to consent, dignity, and personal independence, rather than just a rural oddity or cultural exception. This situation highlights the ways in which deeply imperfect systems—social, economic, and legal—can intersect to create new types of exploitation masked as tradition. Tackling this issue demands more than mere punitive measures; it necessitates a reconsideration of India’s approach to forced marriage, the experiences of male victims, and the pursuit of gender-neutral justice.

Historical Context and Evolution of Pakadwa Vivah

The practice, which stems from the dowry tradition, first emerged in the 1980s. In India, demanding a dowry has been illegal for more than 50 years, following the enactment of the “Dowry Prohibition Act of 1961”¹⁰. This practice targets potential grooms, typically from afflu-

7. Ravi Ranjan Paswan, *Menace of Gunpoint Marriages: A Deep Dive into Bihar’s Inhuman Practice*, Legal Service India (May 28, 2025), <https://www.legalserviceindia.com/legal/article-14759-menace-of-gunpoint-marriages-a-deep-dive-into-bihar-s-inhuman-practice.html>.
8. Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).
9. Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023 (India).
10. Dowry Prohibition Act, 1961, No. 28, Acts of Parliament, 1961 (India).

ent families. According to the abovementioned clause, the prosecution must provide proof of both kidnapping simpliciter and the specific intent of the kidnapper, as previously stated.

Despite legislative prohibitions, the dowry habit is a well ingrained cultural legacy in Bihar¹¹. During a marriage ceremony, the bride's family transfers wealth—typically cash, real estate, or priceless objects—to the groom's family¹². In Bihar, where arranged weddings continue to play a major role in the social structure, this practice is particularly prevalent. The dowry system has its roots in intricate historical and cultural influences. Traditionally, it arose from the patriarchal belief that women are financial burdens to their families instead of valuable assets¹³. In this scenario, dowry became a type of premortem inheritance for daughters, who frequently lacked rights to family property. Nonetheless, it has since transformed into a method for the families of grooms to demand wealth, often under social pressure or coercion.

In Bihar, the amount of dowry is frequently linked to the groom's socioeconomic background, educational achievements, and job opportunities. For example, grooms who hold government positions or come from affluent landowning families usually demand substantially higher dowries, occasionally reaching several million rupees¹⁴. In addition to perpetuating gender ine-

quality, this custom places a heavy financial burden on the bride's family, which may lead to financial hardship, poverty, or even more serious consequences like dowry-related violence or death¹⁵. The practice is still common even after the "Dowry Prohibition Act of 1961"¹⁶ and its revisions were passed; it frequently takes the shape of required payments to the newly established household or voluntary donations. The continued widespread use of dowries in Bihar highlights the gap between established social norms and legal frameworks, underscoring the pressing need for extensive social transformation that goes beyond merely outlawing them.

Das (1992)¹⁷ observes that during the 1970s, dowry rates rose significantly as Mauritian political leaders sought to marry their daughters into esteemed Bhumihar families, which are land-owning communities. This development resulted in dowry becoming a status symbol even among Bhumihars. Consequently, less wealthy Bhumihars experienced financial pressure. Families with multiple daughters often struggle to provide sizeable dowries, leading some to resort to desperate measures like Pakadua Vivah (groom kidnapping) to secure educated and affluent suitors without incurring high dowry costs. In the 1970s, at the height of Pakadua Vivah in Bihar, boys were typically kidnapped by the Lathait, the area's authoritative figure¹⁸. However, by the 1980s, this practice became commercialized, giving rise to various gangs that facilitated it.

11. S. Srivastava, et al., *Banned by the Law, Practiced by the Society: The Study of Factors Associated with Dowry Payments Among Adolescent Girls in Uttar Pradesh and Bihar, India*, 16 PLoS ONE (2021), <https://doi.org/10.1371/journal.pone.0258656>.
12. P. Kumar, et al., *Associated Factors and Socio-economic Inequality in the Prevalence of Thinness and Stunting Among Adolescent Boys and Girls in Uttar Pradesh and Bihar, India*, 16 PLoS ONE (2021), <https://doi.org/10.1371/journal.pone.0247526>.
13. V. Jeyaseelan, et al., *Dowry Demand and Harassment: Prevalence and Risk Factors in India*, 47 J. Biosocial Sci. 727 (2015).
14. P. Kumar, et al., *Associated Factors and Socio-economic Inequality in the Prevalence of Thinness and Stunting Among Adolescent Boys and Girls in Uttar Pradesh and Bihar, India*, 16 PLoS ONE (2021), <https://doi.org/10.1371/journal.pone.0247526>.
15. S. Srivastava, et al., *Banned by the Law, Practiced by the Society: The Study of Factors Associated with Dowry Payments Among Adolescent Girls in Uttar Pradesh and Bihar, India*, 16 PLoS ONE (2021), <https://doi.org/10.1371/journal.pone.0258656>.
16. Dowry Prohibition Act, 1961, No. 28, Acts of Parliament, 1961 (India).
17. ARVIND N. DAS, *THE REPUBLIC OF BIHAR* (Penguin Books 1992).
18. IANS, *Bihar's Tradition of Men Being Kidnapped for Marriage Back in News*, Econ. Times (May 29, 2025), <https://economictimes.indiatimes.com/news/india/bihars-tradition-of-men-being-kidnapped-for-marriage-back-in-news/articleshw/105693358.cms?from=mdr>.

Existing Legal Framework

International Scenario

The United Nations defines forced marriage as a “Union between two individuals, at least one of whom has not given their full and free consent to the marriage. “ The concept of forced marriage is condemned under international law, particularly in “Articles 16 and 23 of the International Covenant on Civil and Political Rights”¹⁹. “Article 16” protects against all forms of discrimination related to women’s rights. Forced marriage violates individual freedom in choosing a partner and the ability to live one’s life. International human rights, as outlined in Article 16, safeguard women’s civil rights. “Article 23” addresses these issues, stating, “This persistent issue has been strongly criticised by social relativists who argue that, in some cultural and economic contexts, practices can be justified to the point that denying individuals the freedom to reject those practices seems to infringe upon their identity within those contexts. “ Furthermore, it notes that “especially when they are still minors, individuals are denied the opportunity to lead their lives as they wish, such as being deprived of the right to education and independence guaranteed by Article 26 of the declaration. “

National Scenario

In India, there is no difference between men and women when it comes to their rights to oppose marriages that are imposed upon them. They are entitled to the freedom to choose their partners and to join into marriage without interference. The right to select one’s life partner is a fundamental right, according to the Delhi High Court, which has recognized this right. There are regulations in effect in India that protect individuals from being married without their will.

- i. “The Majority Act, 1875”²⁰
- ii. “The Guardians and Wards Act, 1890” (G&WA)²¹
- iii. “The Family Courts Act, 1984” (FCA)²²

- iv. “The Prohibition of Child Marriage Act, 2006” (PCMA)²³
- v. “The Protection of Women from Domestic Violence Act, 2005” (PWDVA)²⁴ – The PWDVA can be used to prohibit underage weddings or compelled wedlock of daughters as the Act recognizes marriage without consent as an instance of domestic abuse. (“Section 3(a) PWDVA”).

Legal Steps to be followed in case of forced marriage

- To reach the women’s cell of the local police – Individuals ought to reach out to the appropriate municipal department and submit an official charge against their parents. This complaint must delineate occurrences of being compelled into marriage without consent that is informed and free, emphasizing any of the undue influence or coercion involved.
- Filing for Domestic Violence under the PWDA Act – An allegation for domestic violence may be lodged according to the PWDA Act towards any relatives. The Magistrate may make a provisional injunction to prohibit the respondents from compelling marriage. Furthermore, he or she may instruct the nearest police station’s Station House Officer to guarantee comprehensive protection for the afflicted woman (you) as well as to prevent any coerced marriage.
- To reach the “National Commission for Women” – One can file a complaint directly with them. Their website provides comprehensive details on how they handle complaints. They serve across the entire country.
- Contacting a Lawyer – An allegation for domestic violence may be lodged according to the PWDA Act towards any relatives. The Magistrate may make a provisional injunction to prohibit the respondents from compelling marriage.

19. *International Covenant on Civil and Political Rights*, Dec. 16, 1966, 999 U.N.T.S. 171.

20. Majority Act, 1875, No. 9, Acts of Parliament, 1875 (India).

21. Guardians and Wards Act, 1890, No. 8, Acts of Parliament, 1890 (India).

22. Family Courts Act, 1984, No. 66, Acts of Parliament, 1984 (India).

23. Prohibition of Child Marriage Act, 2006, No. 6, Acts of Parliament, 2007 (India).

24. Protection of Women from Domestic Violence Act, 2005, No. 43, Acts of Parliament, 2005 (India).

Furthermore, he or she may instruct the nearest police station's Station House Officer to guarantee comprehensive protection for the afflicted woman (you) as well as to prevent any coerced marriage.

- **Abduction and Kidnapping:** In India, both abduction and kidnapping are offences, with over 100,000 reported cases since 2005. Perpetrators take advantage of vulnerable young individuals by coercing them into committing dreadful acts. Such behaviour infringes upon citizens' rights and freedoms and requires prevention. Abduction involves forcibly seizing and removing someone against their will, often under threat or through violence. According to section 138 of the Bharatiya Nyaya Sanhita²⁵ (Hereinafter referred to as BNS), 2023 (previously "Section 362 of the Indian Penal Code, 1860", referred to as "IPC"), abduction entails compelling or enticing someone to relocate through force or deception, without a necessary motive or ransom demand. It is not a standalone crime unless intended to facilitate other offences, and it may or may not involve a ransom.
- In India, the state police and legal authorities are tasked with managing abduction cases. As abduction is regarded as a secondary violation, the BNS does not prescribe a universal penalty; rather, specific instances of abduction are sanctioned under different provisions of the BNS. Abduction constitutes a persistent offense whenever an individual is relocated from one site to another.
- Furthermore, Section 87 of BNS²⁶ (formerly Section 366 IPC) specifies that "Kidnapping, abducting or inducing a woman to compel her marriage, etc.- Anyone who kidnaps or abducts a woman intending to force her into marriage against her will, or to coerce or seduce her into illicit intercourse, may be imprisoned for up to ten years and could also face fines. This offence is non-bailable, cognizable, and non-compoundable. "

News Reports

In March 2016, a 15-year-old male was abducted in Patna and transported to Khusrupur, where he was coerced into marrying a 12-year-old female. The boy's father possessed 26 bighas of land, but the girl's father was an autorickshaw driver. In May 2020, Abhinay Kumar, a 22-year-old male, was kidnapped and subsequently married in the Muzaffarpur district. The latest official statistic indicates that Bihar ranks highest in the nation for the kidnapping of males over 18 years old. In 2015, the count of abducted males in Bihar within the 18 to 30 age demographic was 1,096. The state constituted roughly 17 percent of the national total in that category²⁷. Over time, organized criminals have integrated into the process, executing abductions for a price and ensuring post-marriage "compliance" by the Husband for an additional charge. Consequently, numerous such marriages remain unreported and frequently persist because to the fear of retaliation from local criminals. In 1993, the magazine India Today documented on kidnappings perpetrated by "social groups," one of which was established in 1982 in Bihar to abduct grooms who wanted substantial dowries and compel them into marriage.

Data from the National Crime Report Bureau (NCRB), published in the New Indian Express on February 4, 2018, reveals that in Bihar, the number of abducted males aged 18 to 30 was 2,526 in 2014, increasing to 3,000 in 2015. In 2016, 3,070 youths were kidnapped for Pakadwa Vivah, and in 2017, the number of grooms abducted rose to 3,400. The police recorded 4498 cases of supposed abductions related to these relationships in 2019, while 4,317 such cases were noted in the previous year, 2018.

In certain situations, if the Groom demands an excessively high dowry or withdraws from the marriage over dowry disputes, the girl's family may resort to extreme measures, employing criminal gangs to abduct the Groom. Following the marriage ceremony, he is brought to the girl's village with a warning: any harm or abandonment of the girl will result in severe repercussions for his family. Subsequently, the newlywed couple often experiences an unhappy life together. Nev-

25. Bharatiya Nyaya Sanhita, 2023, § 138, No. 45, Acts of Parliament, 2023 (India).

26. Bharatiya Nyaya Sanhita, 2023, § 87, No. 45, Acts of Parliament, 2023 (India).

27. National Crime Records Bureau Report 2015.

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ertheless, many of these incidents have been exposed in recent years, prompting police action against those who have filed complaints against the kidnapers.

Notable Cases of Groom Kidnapping in India (2010–2021)

Year	Location	Details of Incident	Legal actions
2010 – 20	Bihar, Jharkhand	Annually, over 1,000 cases of groom kidnapping are reported, predominantly in Bihar. In a decade, more than 3,000 incidents were documented. However, many cases remain unreported, and the societal acceptance of this practice complicates legal action.	Rarely prosecuted; normalized socially
2017	Bihar	Vinod Kumar, a junior manager at Bokaro Steel Plant, was kidnapped by the family for a bride and was forced to marry at gunpoint. The 30-year-old engineer filed two cases in his desperation to escape the forced marriage—one to have the wedding declared null and void and another, a criminal case ²⁸ .	A Bihar family court declared the marriage void, setting a rare legal precedent.
2018	Vaishali district, Bihar	Senior section engineer Durga Sharan of the Indian Railways' diesel shed in Samastipur was kidnapped by six people, who blindfolded him, put him in a car, and drove him to the wedding location, where he was forced to wed a girl ²⁹ .	FIR lodged, social pressure to reconcile
2019	Nawada, Bihar	A 23-year-old Gaya college student and his pals were reportedly abducted, raped, and coerced into marrying a minor girl while they were visiting the famous Kakolat waterfall in Nawada ³⁰ .	Family protested; unclear legal outcome
2024	Bihar	Avnish Kumar, a school teacher, on his way to school in Bihar's Katihar, was kidnapped, beaten and forcibly married to a girl he was accused of being in a four-year-long relationship with. Police said that in 2024, Bihar witnessed the highest reported cases of forced weddings in the last 30 years ³¹ .	Avnish filed a complaint with the police and alleged that he was kidnapped and was physically assaulted. Police Investigation initiated.

The table highlights specific cases and their legal ramifications, providing a ten-plus-year review of compelled marriages involving abducted grooms (also known as “Pakadua Vivah”) in Bihar and Jharkhand.

Issue Pattern and Scale (2010–2020):

- i. Pervasive and frequent: In Bihar alone, there are more than 1,000 cases per year, and over 3,000 incidents have been reported over the past ten years.

- ii. Underreporting: Because of normalization, fear, and social stigma, the true number might be much higher.
- iii. Social acceptance: This practice is socially acceptable due to ingrained cultural and economic pressures (such as dowry avoidance), which lessens legal accountability.

New Developments from 2024 onward:

28. Manish Kumar & Deepshikha Ghosh, He Wept Through Wedding, Now Bihar Court Declares Marriage Void, NDTV (May 28, 2025), <https://www.ndtv.com/india-news/bihar-pakadwa-vivah-he-wept-through-wedding-now-bihar-court-declares-wedding-void-2075346>.
29. Anand ST Das, *In Latest Case of ‘Pakdua’ Wedding in Bihar, Railway Engineer Abducted, Forced to Marry Girl*, New Indian Express (May 28, 2025), <https://www.newindianexpress.com/nation/2018/Jul/16/in-latest-case-of-pakdua-wedding-in-bihar-railway-engineer-abducted-forced-to-marry-girl-1844209.html>.
30. *Gaya Youth Kidnapped for ‘Pakarua Vivah’ in Nawada Village*, Times of India (May 28, 2025), <https://timesofindia.indiatimes.com/city/patna/gaya-youth-kidnapped-for-pakarua-vivah-in-nawada-village/articleshow/69947924.cms>.
31. Bihar Shocker! Teacher Becomes Victim of ‘Pakadwa Vivah’; Kidnapped, Forced to Marry Woman at Gunpoint, Live Mint (May 28, 2025), <https://www.livemint.com/news/trends/bihar-shocker-teacher-becomes-victim-of-pakadwa-vivah-kidnapped-forced-to-marry-woman-at-gunpoint-11734187610009.html>.

- i. Record Highs in Reporting: 2024 saw the most cases reported in 30 years, which may be a sign of increased awareness and documentation.
- ii. Potential for Legal Reform: Increasing media and public attention could spur modifications to the way these cases are handled.

As a result, although groom kidnapping is still common in some areas of Bihar and Jharkhand, the justice system has only infrequently taken significant action. Even though the majority of instances continue to slip by means of the cracks of legal inertia and social tolerance, the historic case from 2017 stands out as an uncommon example of justice. Addressing this distinctly regional but gravely human rights-violating practice requires immediate legislative action, gender-neutral safeguards, and improved reporting.

Lacuna in The Indian Legal Framework

A significant weakness in India's legal framework regarding Pakadwa Vivah is its built-in gender bias. Although various provisions of the BNS, like Sections 140³², 87, and 127³³, exist in theory, their wording, interpretation, and application often presume that the victim is female. For example, Section 87 of the BNS specifically mentions the abduction of a woman to force her into marriage, ignoring cases where men are also compelled or kidnapped into forced marriages—circumstances that are fundamental to the issue of Pakadwa Vivah.

This draws attention to a serious systemic problem with Indian criminal law, which primarily views victimisation through a gender-specific prism, especially when it comes to acts involving marriage or sexual relations. There has been insufficient regulatory recognition of men as possible victims of pressure within marriage, despite the fact that legal reforms have progressively sought to safeguard women—justifiably so given previous injustices. As a result, male victims frequently do not have access to specific legal channels, and society and law enforcement frequently downplay, mock, or reject their complaints. In addition to being against Article 14 of the Indian Constitution³⁴ on equality before the law, the absence of a legal structure that acknowledges men

as victims of forced marriages perpetuates a cycle of injustice and violence by disregarding the lived realities of those affected.

Summary of Legal Gaps:

- i. Legal Action Rare or Ineffective: Despite the criminal nature of kidnapping and forced marriage, prosecution remains infrequent. Many cases result in reconciliation or social silence.
- ii. Victim-Blaming and Pressure: Social pressure often discourages victims from seeking legal recourse. In some cases, (like 2018), victims are pressured to accept the marriage.
- iii. Slow Judicial Intervention: Only the 2017 Vinod Kumar case resulted in judicial nullification, indicating systemic inertia in protecting male victims.
- iv. Police Response Improving? By 2024, police investigations (e.g., Avnish Kumar case) show increased responsiveness, possibly due to media coverage or public outrage.

Socio-Legal Insights:

- i. Gender Stereotyping in Law: The Indian legal framework tends to assume men as perpetrators, making it harder for male victims to gain sympathy or legal protection.
- ii. Need for Specific Provisions: Current laws (kidnapping, forced marriage under IPC, etc.) are applied inconsistently. There is no targeted legislation addressing Pakadwa Vivah.
- iii. Victim Agency and Resistance: Cases like Vinod Kumar's demonstrate that male victims do attempt legal recourse, contradicting stereotypes of passive acceptance.

Recommendations and Conclusion

Under ideal circumstances, marriage ought to be a sacred connection that is established on the basis of mutual consent and companionship; nevertheless, when it is enforced by coercion and violence, it becomes extremely problematic. The Pakadwa Vivah

32. Bharatiya Nyaya Sanhita, 2023, § 140, No. 45, Acts of Parliament, 2023 (India).

33. Bharatiya Nyaya Sanhita, 2023, § 127, No. 45, Acts of Parliament, 2023 (India).

34. INDIA CONST. art. 14.

habit, which is prevalent in certain regions of Bihar and the states that surround it, is an example of a backwards societal custom that continues to exist under the garb of tradition and the requirement of economic survival. We are still bound by such social ills, despite the fact that we have been independent for nearly 76 years. In addition to being a problem in Indian society, the issue of forced marriage is also prevalent in other nations, such as the United Kingdom, Canada, and even North America, where it is frequently not publicized. It is stated in Article 16(2) of the Universal Declaration of Human Rights (UDHR) that both men and women who have reached the age of majority have the right to marry and start a family, regardless of any restrictions based on their race, nationality, or religion. Equal rights are guaranteed to them with relation to marriage, both throughout the course of the marriage and after it has ended. Only with the unreserved and unreserved permission of the individuals who desire to marry should marriage take place. The family is the most natural and essential unit of social organization, and as such, it is entitled to protection from both public and private institutions. Everyone should be able to pick who they will spend the rest of their lives with.

This issue is particularly troubling because it challenges the traditional victim narrative. Men are now the targets of kidnappings and forced marriages, often under duress, mainly to evade the dowry system or social pressures related to unmarried daughters. While the rates of this practice are increasing, India's legal infrastructure is appallingly weak for supporting male victims. The absence of gender-neutral laws dealing with forced marriages, the stigma attached to their situation, and inadequate institutional support keep male victims from taking further action. The situation is paradoxical in that while men are frequently encouraged to take responsibility as the main offenders within the guidelines of gender-specific laws, Pakadwa Vivah inverts this stereotype and reveals a form of gender bias that currently exists against these forced marriages in the criminal justice system.

What is more troubling is the broader acceptance of this practice within rural contexts often legitimized through cultural reasons and economic rationales, which has highlighted a systemic shortage of legitimacy in the fields of law enforcement, awareness, and social change. The fact that family members, social leaders, and sometimes police officers, are part of this system

indicates a serious level of systemic reform needed. This paper demonstrates that, while Pakadwa Vivah may appear to be something local to its cultural context, it exposes a more complex debate around autonomy, consent, legal entitlement, and gender justice existing in India. Addressing this challenge will take far more than legislative changes, it will require a transformative paradigm shift in thinking, and not simply about male victimization around forced marriages.

In view of the disturbing gaps that we discovered and the recurring offenses, the following are some of our proposals that are of a policy-oriented and/or practical character, with the goal of assisting in the prevention of forced marriage and providing genuine protection to all individuals (including those of gender not specified):

1. The majority of the Indian laws that are now in effect regarding marriages that are either coerced or fraudulent assume that the victims are women. It is of the utmost importance to mandate gender neutrality in law that criminalizes all forced marriages (as well as the wanted crime of groom kidnapping), regardless of the gender of the person who is being forced into marriage.
2. In order to address the issue of Pakadwa Vivah, the Bharatiya Nyaya Sanhita ought to have certain provisions. These provisions should contain not only precise definitions of the offense, but also the involvement of additional members, as well as the specification of their penalties in the event that they are implicated in kidnapping a man for the purpose of marriage.
3. In many rural areas of India, the practice of Pakadwa Vivah is tolerated since it is considered to be an established practice and because there is a lack of awareness of individual rights. Legal literacy programs should be implemented by both the government and non-governmental organizations (NGOs), with a particular emphasis on men's rights, marital consent, and the right to submit complaints. The lack of knowledge about the rules and the inability to think rationally are the reasons why a sizeable portion of the population supports these barbaric actions. It is imperative that the government initiate programs with the objective of alleviating poverty, as this can encourage reasonable thought among the general population. It is also possible to eliminate

such malpractices by ensuring that everyone has access to education, and the government ought to take measures to ensure that educational opportunities are available to all segments of society. Numerous parents in Bihar continue to be concerned about the education of their daughters, and the aforementioned elements continue to be a contributing factor to the aforementioned issues.

4. Police officers in impacted areas need to be trained to minimize gender bias in their actions and to avoid trivializing allegations of male compulsion in marriage. They should also be instructed to take these complaints seriously and not to dismiss them as unimportant by any means.
5. The court procedures for the annulment of forced marriages should be streamlined and accelerated. In order to properly handle petitions from

male victims, family courts require a defined set of criteria as well as a fast timeframe.

6. Creating confidential helplines and counseling programs that are specifically designed for males who are victims of forced marriages or who are at risk of being subjected to such coercion is a necessity for the government and legal aid organizations.
7. In order to better understand the scope and gravity of the problem, the National Center for Reproductive Rights (NCRB) ought to initiate the process of categorizing and releasing statistics on forced marriages that involve male victims in a distinct manner.
8. In order to resist the normalization of Pakadwa Vivah, it is important to encourage conversations with local community leaders and Panchayats. These conversations should encourage them to advocate for legal marriage practices and to prevent coercion.