Self-Respect Marriages

Why in news?

Supreme Court recently held that 'self-respect' marriages or 'suyamariyathai' under Hindu Marriage Act, 1955, do not need public solemnisation or declarations, setting aside Madras High Court judgement.

What is a self-respect marriage?

- **About-** It is a South Asian movement aimed at attaining a society where backward castes had equal human rights and encouraging backward castes to have self-respect in a caste-based society that believed them to be at the bottom of the hierarchy.
- **Aim**- To end caste endogamy and encourage people from marginalised castes to live with dignity
- **Pioneer -**Periyar E. V. Ramasamy lead the movement in Tamil Nadu against Brahmanism.
- **Launch-** 1925.
- The first self-respect marriage took place in 1928 and was officiated by Periyar himself.
- **Features-** Periyar sought to encourage inter-caste marriages built on a promise of *respect and equality.*
- They *challenge patriarchal norms and ideals of ownership*.
- Over time people have turned to self-respect marriages to reclaim control and build companionship based on *dignity and equality*.
- **Hindu Marriage (Tamil Nadu Amendment) Act,1967-** It was passed in 1968 modifying the Hindu Marriage Act of 1955 by inserting *Section 7-A.*
- Section 7-A legalised self-respect and secular marriages between two Hindus who meet the minimum age requirement for marriage.
- Self-respect marriages are also required to be registered as per the law.
- They are generally solemnised in the presence of relatives, friends, or other persons, in the absence of a priest and without following any quintessential wedding rituals such as a holy fire or a mangalsutra.
- **Limitations**- The idea of reformed marriages has failed to gain momentum, as its applicability is limited to *only Hindu ceremonies*, as part of the Hindu Marriage Act and is *only legal in the State of Tamil Nadu.*

What was the Madras High Court verdict?

- **Disciplinary proceedings-** Madras High Court in 2023 ordered the Tamil Nadu State Bar Council to initiate disciplinary proceedings against lawyers who preside over *secret marriages* in their offices or trade union offices and issue marriage certificates.
- **Mandatory registration**- The *Madurai Bench of the High Court* said that all

marriages including self-respect marriages must be registered under the *Tamil Nadu Registration of Marriages Act, 2009*, and the parties must physically appear before the Registrar.
- **2014 ruling**- The High Court also relied on its 2014 decision, which held that marriages performed in secrecy in the offices of advocates and bar association rooms cannot amount to a valid marriage under law.

What is the Supreme Court ruling on Self Respect Marriages?

- **Present verdict**- Supreme Court overruled the Madras High Court's ruling and observed that self-respect marriages *do not require any public solemnisation or declaration.*
- **2001 ruling**- It also placed reliance on its 2001 ruling in ***S. Nagalingam v. Sivagami*** where the Court upheld Section 7-A of the Hindu Marriage Act (Tamil Nadu State Amendment).
- It observed that the petitioner's marriage with his wife was a valid one despite the ceremony of 'saptapadi', or seven steps around the sacred fire, not taking place.
- **Overruled 2014 ruling**- It also overruled the 2014 judgement which held that marriages performed by the advocates are invalid and that self-respect marriages cannot be solemnised in secrecy.
- **Observations-** The main thrust of this provision is that the presence of a priest is not necessary for the performance of a valid marriage.
- **Violates Article 21-** It also noted that the High Court's observations violate the *fundamental right to life* enshrined under Article 21 of the Constitution as it creates an impediment for two adult individuals exercising their free will.
- **Power of advocates-** They are free to solemise marriages in their personal capacities.
- It observed that advocates, being officers of the court, should not undertake or volunteer to solemnise such marriages but in their private capacity as friends or as relatives, their roles as witnesses cannot be ruled out.

What are the other laws that govern secular marriages?

- **Special Marriage Act**- It was enacted in 1872 by the British government to permit inter-faith marriages where neither party had to renounce their respective religion and could enter into a secular marriage after complying with due formalities under the Act.
- It was later re-enacted by the Parliament in 1954, with provisions for divorce and other matters.
- **Applicability-** It applies to people of all faiths across India including Hindus, Muslims, Sikhs, Christians, Jains, and Buddhists.
- **Customary restrictions**- Parties not being within degrees of a prohibited relationship still apply under this law.
- **Notice-** Parties intending to get married are required to give a notice, in writing, to a Marriage Officer of a district in which at least one party has resided for *at least 30 days* immediately preceding the notice.
- **Marriage certificate**- Before the solemnisation of the marriage, the parties and 3 witnesses are required to sign a declaration form before the Marriage Officer, following which the parties are provided with a certificate of marriage.

References

1. The Hindu- Supreme Court about Self Respect Marriages
2. Hindustan Times- Marriages don’t require public declarations

