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## From Tradition to Transformation: The Evolution of Suyamariyathai Marriages in the Modern Era

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*'Suyamariyathai' commonly known as self-respect marriage, is a significant socio-cultural concept deeply rooted in South India, with a particular focus on the state of Tamil Nadu.<sup>1</sup> Self-respect marriage challenges conventional marriage norms in India, particularly those associated with caste-based discrimination, and instead emphasizes principles of equality, individual dignity, and inter-caste unions. These marriages are conducted without the involvement of Brahmin priests and traditional Hindu rituals, promoting a more inclusive and egalitarian approach to matrimony. This text provides a comprehensive exploration of the history, legislative developments and significant case laws surrounding self-respecting marriages, shedding light on the legal complexities, regional amendments, and social implications of these unique unions. It underscores the ongoing need for legal refinement and ethical practices in the solemnization of such marriages to foster a just and equitable society in South India.*

**Keywords:** *self-respect, marriage, caste, discrimination.*

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<sup>1</sup> Amlan Sarkar, 'Can Self-Respect Marriages fix the Patriarchy, Casteism of Traditional Marriage?' (*The Swaddle*, 20 February 2023) <<https://www.theswaddle.com/can-self-respect-weddings-be-the-feminist-anti-caste-solution-to-marriage>> accessed 08 October 2023

## INTRODUCTION

'Suyamariyathai' often referred to as self-respect marriage, is a significant socio-cultural concept in the context of South India, particularly in the state of Tamil Nadu. 'Suyamariyathai' is a Tamil word that translates to 'self-respect' in English. It is derived from the Tamil words 'suyam' (self) and 'ariyathai' (respect). Self-respect is a fundamental concept that signifies valuing oneself, one's identity, and one's dignity. 'Suyamariyathai' often referred to as self-respect marriage, is a significant socio-cultural concept in the context of South India, particularly in the state of Tamil Nadu. This concept is rooted in the broader social reform movement known as the 'Self-Respect Movement' initiated by E. V. Ramasamy (Periyar) in the early 20th century.<sup>2</sup> Self-respect marriage challenges the traditional norms and rituals associated with marriage in India, particularly those perpetuating caste-based discrimination. Instead, it emphasizes the principles of equality, individual dignity, and inter-caste marriages. In this context, self-respect marriages are conducted without the involvement of Brahmin priests and traditional Hindu rituals, promoting a more egalitarian and socially inclusive approach to matrimony. This movement has had a profound impact on reshaping the institution of marriage and challenging age-old caste-based practices, contributing to greater social harmony and equality in South Indian society.

## HISTORY

The Self-Respect Movement, originating in South India, emerged in 1925 with a profound mission: to address the deep-rooted social injustices and caste-based inequalities that plagued Indian society. This transformative movement was founded by S. Ramanathan and later guided by the visionary leader E. V. Ramasamy, popularly known as Periyar.<sup>3</sup> At its core, the movement sought to challenge the dominance of Brahminism, a caste system that had held a stronghold on Indian society for centuries.

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<sup>2</sup> R. Kalidass, 'Self-Respect Crusade Into The Periyar Tenet' (2020) 9(2) International Journal of Scientific & Technology Research <[https://www.researchgate.net/publication/339447210\\_SELF-RESPECT\\_CRUSADE\\_INTO\\_THE\\_PERIYAR\\_TENET](https://www.researchgate.net/publication/339447210_SELF-RESPECT_CRUSADE_INTO_THE_PERIYAR_TENET)> accessed 08 October 2023

<sup>3</sup> M. S. S. Pandian, 'Towards National-Popular: Notes on Self-Respecters' Tamil' (1996) 31(51) Economic and Political Weekly <<http://www.jstor.org/stable/4404910>> accessed 08 October 2023

The impact of the Self-Respect Movement extended far beyond the borders of Tamil Nadu. It resonated with Tamil communities in other nations, including Malaysia and Singapore, highlighting its global influence. Notably, the movement played a pivotal role in shaping the political landscape, giving rise to influential political parties such as the Dravida Munnetra Kazhagam (DMK) and the All India Anna Dravida Munnetra Kazhagam (AIADMK). These parties embraced populist and social democratic ideologies, showcasing the enduring reach of the movement's principles.

One of the movement's most groundbreaking contributions was the introduction of the 'self-respect marriage' system. This innovative approach aimed to challenge and transform traditional marriage practices, particularly the involvement of Brahmin priests in wedding ceremonies. Traditional marriages were often perceived as financial transactions, characterized by the burdensome practice of dowry. Moreover, these marriages were primarily caste-endogamous, reinforcing the divisive structures of caste-based segregation and hierarchy.

Self-respect marriages, in contrast, sought to subvert these entrenched norms. They actively promoted inter-caste marriages and advocated for love marriages, breaking free from the constraints of arranged marriages that adhered to established caste boundaries. The movement's proponents argued that traditional Hindu marriage ceremonies conducted in Sanskrit by Brahmins were inaccessible to the broader population and had been introduced relatively recently to extend Brahminical influence within Tamil society. Initially, self-respect marriages retained certain traditional elements, such as the absence of Brahmin priests. However, they evolved over time into entirely non-Hindu ceremonies. This transition marked a significant departure from established customs, eliminating the need for sacred fires and sacred necklaces (mangalsutra) in the marriage ritual.

The Self-Respect Movement was not solely concerned with redefining the institution of marriage. It also championed the cause of widow remarriage, a critical issue resulting from the prevalence of child marriages and inadequate healthcare facilities. The movement's impact was profound, particularly in Tamil Nadu, where it played a pivotal role in making history. Tamil Nadu became the first state to legalize Hindu marriages without Brahmin priests' involvement,

a transformation facilitated by the Hindu Marriage Act (Madras Amendment) Act 1967. This legislation allowed self-respect and reformist marriages to gain legal recognition without adhering to traditional Hindu rituals, thus signifying a major shift in social norms and fostering greater equality.<sup>4</sup>

The legacy of self-respect marriages endures, and they are positioned as a feminist and anti-caste response to conventional marital norms. These unions challenge traditional gender roles and patriarchal structures within marriage. Although challenges remain, including legal limitations and broader societal issues related to gender roles within the institution of marriage, self-respectful marriages have laid the foundation for a more inclusive and progressive vision of marriage. They defy casteist, cis-heteropatriarchal norms and pave the way for radical queer, feminist, and anti-caste futures. These unions stand as a testament to the enduring impact of the Self-Respect Movement in its quest for a just and equitable society.

## LEGISLATIVE HISTORY

The Hindu Marriage (Tamil Nadu Amendment) Act 1967<sup>5</sup> commonly referred to as Tamil Nadu Act 21 of 1967, is a legislative enactment that amended the Hindu Marriage Act of 1955 (Central Act 25 of 1955) to introduce special provisions regarding Suyamariyathai and Seerthiruththa marriages in the state of Tamil Nadu. This amendment sought to recognize and validate these unique forms of marriage that were distinct from traditional Hindu marriages. Let's break down the key components of this amendment in detail:

**1. Background:** The amendment was introduced to address the need for legal recognition of Suyamariyathai and Seerthiruththa marriages, which were prevalent in Tamil Nadu. These marriages did not conform to traditional Hindu marriage rituals and customs, making it essential to amend the existing Hindu Marriage Act to accommodate them.

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<sup>4</sup> Sarkar (n 1)

<sup>5</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967

**2. Short Title and Extent:** The Act's full name is the Hindu Marriage (Tamil Nadu Amendment) Act 1967 and it extends to the entire state of Tamil Nadu.

**3. Insertion of New Section 7<sup>6</sup>:** The primary modification introduced by this amendment was the insertion of a new section called '7A' into the Hindu Marriage Act of 1955. This section laid out specific provisions for Suyamariyathai and Seerthiruththa marriages.

**4. Special Provisions for Suyamariyathai and Seerthiruththa Marriages:** Section 7A<sup>7</sup> outlined the conditions under which a marriage would be considered a Suyamariyathai or Seerthiruththa marriage. It emphasized that these marriages could be solemnized in the presence of relatives, friends, or other persons. The key criteria for such marriages included:

- Each party declares in a language understood by both that they accept each other as husband and wife.
- Exchanging garlands or rings between the parties.
- Tying the thali (a sacred thread used in Hindu weddings).

**5. Legal Validity:** The amendment made it explicitly clear that all marriages falling under these special provisions, solemnized after the commencement of the Hindu Marriage (Tamil Nadu Amendment) Act 1967 would be considered legally valid. This included Suyamariyathai and Seerthiruththa marriages.

**6. Retroactive Validity:** One significant aspect of the amendment was its retroactive effect. It stated that marriages solemnized before the commencement of this amendment, if they met the conditions outlined in Section 7A<sup>8</sup>, would be deemed valid from the date of their solemnization. This provision aimed to recognize and validate earlier Suyamariyathai and Seerthiruththa marriages.

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<sup>6</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967, s 7A

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid*

**7. Exceptions:** The Act also contained exceptions to the retroactive validity. For instance, it specified that marriages that had been dissolved under any custom or law or where one of the parties had lawfully married another person could not be rendered valid. Additionally, if a marriage was valid at the time of its solemnization or was invalid for reasons other than non-compliance with customary rites and ceremonies, it would retain its status.

**8. Legitimacy of Children:** The Act acknowledged the legitimacy of children born to parties in marriages falling under clause (b) of sub-section (2). This provision ensured that children born from these unions would be considered legitimate.

**9. Non-Retroactive Punishment:** Importantly, the Act included a safeguard that prevented individuals from being liable for punishment due to actions or omissions related to such marriages before the commencement of the amendment.

In summary, the Hindu Marriage (Tamil Nadu Amendment) Act, 1967, was a critical piece of legislation that recognized and validated Suyamariyathai and Seerthiruththa marriages in Tamil Nadu, offering a legal framework for marriages that deviated from traditional Hindu customs and practices. It also addressed the retroactive validity of such marriages and the legitimacy of children born from these unions.

## CASE LAWS

**1. S. Nagalingam v Sivagami:**<sup>9</sup> In the case at hand, the appellant was involved in a complex legal matter surrounding his marital status. His first marriage to the respondent took place in 1970, resulting in the birth of three children. Subsequently, the respondent alleged domestic violence and moved to her parents' home. In response, the appellant claimed to have married a second woman, Kasturi, in accordance with Hindu rites in 1984, within the state of Tamil Nadu. This led to a criminal complaint and a trial, where the appellant was acquitted. Dissatisfied with this verdict, the respondent filed an appeal. The core legal issues revolved around the validity of the second marriage, the significance of the ritual 'Saptapadi' in marriage solemnization, and

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<sup>9</sup> *S. Nagalingam v Sivagami* (2001) 7 SCC 487

whether the elements of Section 494 of the Indian Penal Code (relating to bigamy) were met. Notably, Tamil Nadu's State Amendment to the Hindu Marriage Act, known as Section 7-A<sup>10</sup>, was central to the case, as it allowed marriages to be solemnized without a priest. After a thorough examination, the court concluded that the second marriage was valid under Section 7-A<sup>11</sup> and 'Saptapadi' was only essential if both parties admitted to it. As such, the appellant's second marriage was considered valid under their personal law. The court upheld the offense of bigamy, as the second marriage was contracted during the subsistence of the earlier one. Consequently, the case was referred back to the trial court for sentencing, and the appeal was dismissed. This case underscores the importance of regional legal amendments and community-specific customs in resolving complex marital disputes.

**2. S. Balakrishnan Pandiyan v Superintendent of Police:**<sup>12</sup> In this legal judgment, the court addresses the validity of marriages conducted secretly in lawyers' chambers and Bar Association rooms. The court cites Section 7-A<sup>13</sup> of the Hindu Marriage Act, which allows for certain types of marriages and highlights its purpose of legitimizing marriages performed without certain rituals. It emphasizes that such marriages should involve a public declaration of marital status, and private, secretive ceremonies don't meet the legal criteria for solemnization under the Act.

The court also discusses the significance of compulsory marriage registration, citing a Supreme Court case and the Tamil Nadu Registration of Marriages Act, 2009<sup>14</sup>, which mandates registration to avoid disputes and protect the rights of individuals, particularly women. The judgment touches upon the role of lawyers in such marriages and calls for responsible counseling and protection of the interests of clients. It addresses concerns about the misuse of lawyers' roles in solemnizing marriages and the potential for legal fraternity to come under suspicion due to such activities.

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<sup>10</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967, s 7A

<sup>11</sup> *Ibid*

<sup>12</sup> *S. Balakrishnan Pandiyan v Superintendent of Police* (2014) SCC OnLine Mad 8815

<sup>13</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967, s 7A

<sup>14</sup> Tamil Nadu Registration of Marriages Act 2009

The judgment stresses the importance of upholding the dignity and ethics of the legal profession, advocating that lawyers should support and publicly solemnize marriages for the betterment of society, rather than participating in clandestine practices. It highlights that Advocates should not perform the role of priests during marriage registration, and it points out that Advocates presenting marriage registrations in this manner could lower the reputation of the legal profession.

In summary, this judgment clarifies the legal stance on secret marriages conducted by lawyers, emphasizing the need for public solemnization and the responsibility of lawyers to act ethically and responsibly when it comes to marriage registration. It also underscores the role of the legal community in fostering inter-religious and inter-caste marriages for social harmony and encourages lawyers to provide proper counseling to individuals seeking legal advice and marriage registration.

**3. Ilavarasan v State:**<sup>15</sup> In the case presented, the petitioner had filed a Habeas Corpus Petition seeking the production of his wife, Mathithra, who was allegedly being held in illegal custody. The petitioner claimed that he and Mathithra had fallen in love, and although she had been forced into a child marriage by her parents, she voluntarily left her parental home to marry the petitioner. They asserted that they had a valid marriage conducted under Section 7-A<sup>16</sup> of the Hindu Marriage Act, 1955, with the presence of advocates and trade union office bearers.

However, it was revealed that the Advocates who solemnized their marriage were not authorized to do so, as per a previous judgment. The court referred to the decision in *S. Balakrishnan Pandiyan v The Superintendent of Police, Kanchipuram District*, which established that marriages performed in secrecy in the offices of advocates were not considered solemnized within the meaning of the Hindu Marriage Act. This decision clarified that the certificates of solemnization issued by Advocates would not be proof of marriage in matrimonial disputes.

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<sup>15</sup> *Ilavarasan v State* (2023) SCC OnLine Mad 2852

<sup>16</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967, s 7A



Given this legal context, the court found that the marriage in question was not valid. Furthermore, the petitioner was accused of kidnapping the detenu, and cases had been registered against him. As no illegal custody of the detenu was established, the Habeas Corpus Petition was dismissed. Additionally, the court ordered disciplinary action to be taken against the Advocates who had performed such marriages without authorization and instructed the Bar Council of Tamil Nadu to initiate this process. The decision emphasized the importance of following legal procedures for marriages and the consequences of unauthorized solemnization by Advocates.

**4. Ilavarasan v State:**<sup>17</sup> In the provided text, the court is discussing a case involving a habeas corpus proceeding brought by an appellant who claimed to have married Mathithra under Section 7A<sup>18</sup> of the Hindu Marriage Act, 1955, with the solemnization of the marriage conducted under the guidance of advocates and social workers. The appellant alleged that Mathithra had been forcibly taken away and coerced into marrying her maternal uncle. The High Court had previously dismissed the appellant's petition, criticizing the advocates' role in certifying the marriage. The appellant has now appealed to a higher court.

The court's attention is drawn to an order dated 04 August 2023, which directed the District Legal Services Authority to record Mathithra's statement. After examining Mathithra, the Secretary of the District Legal Services Authority reported that she had married Elavarasan of her own free will and was currently residing with him in Madurai. This report confirmed Mathithra's desire to be with the appellant.

This information should have resolved the case, but the court also addressed a previous decision by the Madras High Court, which interpreted Section 7A<sup>19</sup> of the Hindu Marriage Act, specifically regarding the necessity of a public declaration during marriage. The High Court's interpretation required a public declaration during the marriage ceremony, and the court criticizes this view, stating that it is overly simplistic and does not take into account situations

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<sup>17</sup> *Ilavarasan v State* (2023) SCC OnLine SC 1120

<sup>18</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967, s 7A

<sup>19</sup> *Ibid*

where couples may face opposition or threats, making a public declaration dangerous. The court also asserts that imposing a public declaration requirement goes against the broader intent of the law and may infringe on individuals' rights under Article 21<sup>20</sup> of the Constitution of India, which protects the right to life and personal liberty.

The court refers to its previous decisions in cases such as *Lata Singh v State of UP* and *Shafin Jahan v Asokan KM* to emphasize the importance of individuals' free choice in matters of marriage and that such choices are a fundamental part of the right to life.

In addition, the court expresses concerns about the role of advocates in solemnizing marriages and cautions against advocates acting in this capacity, as it may lead to unintended consequences and is not in line with their role as officers of the court. However, the court does acknowledge the potential role of advocates as witnesses in marriages when acting in their personal capacities or as friends or relatives of the parties involved.

In conclusion, the court allowed the appeal, rejecting the High Court's interpretation of Section 7A<sup>21</sup> of the Hindu Marriage Act and emphasizing the importance of individual choices in marriage matters. It also highlights the need for advocates to be cautious about their roles in solemnizing marriages.

## CONCLUSION

'Suyamariyathai' or self-respect marriage represents a critical aspect of South Indian society, particularly in Tamil Nadu, and is deeply rooted in the broader Self-Respect Movement. These marriages challenge traditional norms, promote inter-caste unions, and aim for a more inclusive and egalitarian approach to matrimony. The legislative history surrounding these marriages, as exemplified by the Hindu Marriage (Tamil Nadu Amendment) Act 1967 is instrumental in providing legal recognition to marriages that deviate from conventional Hindu customs.

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<sup>20</sup> Constitution of India 1950, art 21

<sup>21</sup> Hindu Marriage (Tamil Nadu Amendment) Act 1967, s 7A

However, the legal landscape surrounding self-respecting marriages is not without complexities, as evident in the discussed case laws. These cases highlight the need for clear legal guidelines, public declarations, and ethical practices in solemnizing such marriages. While the legal recognition of these unions has been achieved by the latest judgment of the Supreme Court, it is essential to continually refine and clarify the legal framework to accommodate regional variations and evolving societal perspectives.

In summary, self-respect marriages continue to challenge age-old caste-based practices, redefine traditional gender roles, and pave the way for more inclusive, progressive, and socially harmonious futures in South India. Legal amendments, case laws, and responsible practices by all stakeholders play crucial roles in shaping the landscape of self-respect marriages and promoting a just and equitable society.