

Critical Analysis On -Necessitate Of Ceremonies for A Valid Marriage in India Vis-A-Vis Judiciary Overreach Towards Live-In-Relationship

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Abstract:

India is a famous country for the institution of the family. Indian Parliamentary drafted the personal laws based upon their religious doctrines. Before implementing the personal laws, polygamy and polyandry prevailed in Indian society. The “Christian Marriage Act, 1872”, the “Special Marriage Act, 1954”, and “Hindu Marriage Act, 1955” has put an end to polygamy polyandry. Personal laws stretch the pathway for “Monogamy”. Simultaneously, the individual rules instructed some conditions if we have not followed the marriage will not be valid. In the present scenario, many youngsters neither want to commit themselves to family life nor let go of a relationships’ pleasure. The surprising fact is that they don’t believe in ceremonies, which led them to live as husbands and wives even without getting married. This reality is just letting their hair down for our recent generation, but the same leaves the senior citizen struck dumb. But present generations neither bother about society nor respect the law. So, the author raises the question people are ignoring and violating personal laws. What is the effect of their action? And how the upper and lower Courts are approaching these kinds of issues? Finally, the author is interested in researching the “validity of section: 7” under the “Hindu Marriage Act, 1955” with decided case laws.

Keywords: Marriage, Ceremonies of a valid marriage, Live-in-relationship-Modern Trend, Cohabitation sine marriage, Approaches of Judiciary

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I. Introduction:

“With changing social norms of legitimacy in every society, including ours, what was illegitimate in the past may be legitimate today”.

“Honourable Justice A.K. Ganguly in Revanasiiddappa v. Mallikarjun”¹

Indian Constitutional Article: 21 guarantees personal liberty, and it includes the scope of the right to start a family and to have security for family life. It provides the freedom to everyone to choose one’s life partner² irrespective of marriage. The religion-based family law permits marriage between the same religions. In contrast, the Special Marriage Act allows union without reference to their beliefs, but all personal laws instruct different ceremonies for a valid marriage. Marriages ceremonies indicate the bride and groom’s commitment and show their love in front of the people. It will bless their marriage and guides them in whatever hurdles may come in their journey. Mostly religion plays a role in ceremonies and reflects their values, devotions, sacrifices, and offerings. They often perform rituals to gain supernatural blessings or to prevent evil forces. Generally, marriage ceremonies differ from one religion to another religion. It may be prescribed or casual, religious or nonspiritual, expensive or decorum price. In every aspect, the rituals represent a couple’s switch from a single to a married position. It means a feeling on the part of the couple to become a family and start a new beginning.

In Hindu Law, both parties must fulfil the conditions mentioned for the marriage by sections 5³ and 7⁴ of the Act. Presently the term Marriage is dominated by the notion of Live-in-relationship. It means a man and

¹ (2011) 11 SCC 1: 2011 2 UJ 1342

² D. Velusamy v. Patchaiammal

³ Conditions for Hindu Marriage

a woman living like a husband and a wife without getting married. In this junction, the author would like to invite readers' attention; personal law says those essential ceremonies are mandatory for a valid marriage. But nowadays many youngsters aren't interested even in marriage. Simultaneously, our law strictly says marriage ceremonies are imperative, and some people are ignoring personal law. Is it a punishable offence? Is it right for an open society? Let us discuss.

II. Objectives:

- To know the meaning of Ceremonies of a valid marriage under personal laws.
- To know the reasons for performing ceremonies before and at the time of marriage.
- The validity of marriage after breaching the conditions of the Hindu Marriage Act, 1955 with decided case laws
- To know the meaning of Live-in-relationship.
- Review the requirements of marriage under the Personal Laws with the concept of Live-in-Relationship with selected case laws
- To see the significance of following conditions ceremonies of a valid marriage in Indian society.

Meaning and types of Ceremonies under the Hindu Law:

Hindu Marriage Act, 1955 has not defined the term of Ceremonies, and there is no uniform ceremony in Hindu marriage. It has considerable flexibilities, and each ritual variation reflects family tradition and local tradition. Hindu weddings have strict rules for solemnising marriage or consensus among pundits about Hindu couples' essential ceremonies. The customs or rites change from place to place caste or family⁵. Hindu marriage Act, Section: 7(1) and (2) ordered that customary rites and ceremonies must solemnise a valid marriage⁶. "Hindu marriage must be performed with the Shastric ceremonies and rites or by customary rites and ceremonies"⁷. "The Grihya-sutras prescribes Shastric ceremonies and rites. Some rituals and rituals are performed a few days before the actual solemnisation of marriage between the bride or groom"⁸. The main witness of a Hindu marriage is the fire-deity (Agni). "Kanyadan"⁹, "Panigrahana"¹⁰, "Sindu Dan", "Jaya Maal" "Anand Karaj"¹¹ are some types of rituals, in which "Saptapadi"¹² Kanyadan and Panigrahana are almost universal. Kanyadan means the father is giving away his daughter, Panigrahana means voluntarily holding hands in front of the fire to signify union between two people, and Saptapadi means taking seven steps before the fire. (Each step is a complete circuit of the fire). Personal law indicates ceremonies are a must for a valid marriage, but it has not mentioned particular rituals.

Reasons for Marriage Ceremonies:

In India, Marriage ceremonies are common. We can divide into so many reasons for performing rituals and rites. Firstly, the Hindu Marriage Act, Section: 7(1) & (2) told us it is mandatory. Lord Denning opined that "customary laws are unwritten, but they are handed down by tradition from one generation to another. They are well established and have the force of law within the community. When neither rites nor ceremonies like saptapadi are proved, such marriage will not be valid under the Hindu Marriage Act"¹³. Secondly, marriage is an authoritative, sensitive and communal adaptation for the bride and groom. The contribution of Family and friends are the main source of emotional and financial support for the newlyweds. Thirdly, the ceremony makes the partner declare his love and chosen promises, vows, and aspirations together, making their commitment together. The ceremony made them to bound their legal responsibilities and truthfulness towards each other till eternal life. Fourthly Hindu Law establishes the significance of the ceremony. It says the marriage is a

⁴Under the Hindu Marriage Act, Section:7(1) A Hindu marriage may be solemnized by the customary rites and ceremonies of either party to it. Section:7(2) Where such rites and ceremonies include the saptapadi(that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken"

⁵International Journal of law and legal jurisprudence studies:ISSN:2348-8212 VOLUME-ISSUE 3 published by "Universal multi Disciplinary Research Institute Pvt :ltd

⁶ Under the Hindu Marriage Act, Section:7(1) A Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto Section:7(2) Where such rites and ceremonies include the saptapadi(that is, the taking of seven steps by the bridegroom and the bride jointly before the sacred fire), the marriage becomes complete and binding when the seventh step is taken.

⁷Bhaurao Shankar v. The.State of Maharastra,(1965)2 SCR 837;(1965)2cr LJ544; AIR 1965 SC1564

⁸ Law of Marriage and Divorce Sixth Edition Dr Paras Diwan

⁹ Ram Lal Agawal v. Shanta Devi AIR 1999 AP 251 -254

¹⁰Kunta v.Kalu. AiR 1963 Punjab 235

¹¹Darshan Singh v. St.of Punjab 91982 HLR 4

¹² Ram Avadh v. Krishnan AIR 1981 Aii 432

¹³ R v. Secretary of State for Foreign and Common Wealth Affairs

sacramental that can not break. It is a relationship established from birth to birth¹⁴. ‘All formalities are not needed to have been undergone. What is required is that some declaration or recognised ceremonies before witnesses must take place? Where essential ceremonies of Hindu Marriage are not proved mere certificate under section 15 of the Special Marriage Act does not make the marriage valid¹⁵. Section 7 of the ‘Hindu Marriage Act, 1955’, based on the maxim of “Salus Populi suprema lex est”, which means the people’s welfare shall be the supreme law¹⁶. Ceremonies will teach and shape the bride and groom’s minds to acknowledge the transition and motivate them to be excellent and responsible in their lives. It stimulates their lawful responsibilities among themselves, and the optimistic effects of the ceremony are universal. Hence the personal law declares rituals are essential for a valid marriage. In this case, the Court observed not necessary to follow all traditions.

“Mere one ceremony is sufficient for solemnising valid marriage either by the Shastrik or Customary ceremonies, and it cannot be performed without any ritual or with customs which may please the notions and fantasies of parties”¹⁷. Section 7 of the Hindu Marriage Act, 1955 speaks for marriage’s solemnisation according to customary rites and ceremonies. “The word Solemnisation means celebrating a wedding with honourable traditions with the intention that parties should have committed themselves”¹⁸. Unless the marriage is celebrated or accomplished with proper rites and in due form, it cannot be considered a valid marriage.¹⁹ The customary rites and ceremonies may solemnise in Hindu Marriage as per Sub-section (1) of Section 7. According to Sub-section (2) of section 7, the performance of Saptapadi is one of the essential ceremonies to constitute a valid marriage²⁰. Let us discuss some decisions related to mandatory ceremonies for a perfect Hindu marriage.

“In **Shanti Dev Barma v. Kanchanprawa**,²¹ the Supreme Court held that mere wearing of mangalsutra or sindoor on the forehead does not constitute a marriage that is accepted as legal”.

Deivanai Achi And Anr. V. R.M.AL. Chidambara Chettiar and ors²²

“The court held that there are mainly two essential fundamentals necessary to constitute a valid marriage under the Hindu law. One is a worldly element, viz., a gift of the bride or Kanyadhana, and another is Panigrahana and Saptapadi. The doctrine of ‘factum valet’ cannot help the plaintiffs if no ceremonies have followed. In this case, the bride/first plaintiff & the groom/third defendant deliberately chose to deviate from law and usage and adopted a marriage ceremony not recognised by either. Hence no valid marriage has been established between the bride/first plaintiff and the groom/third defendant”.

Further, the Court ruled that “**If there are certain essential ceremonies, which are necessary for a marriage, the non-observance of those ceremonies it cannot be overlooked by applying the doctrine of ‘factum valet’.** (Para 42). **From the mere fact that the first plaintiff and the third defendant lived as husband and wife for many years, it cannot be presumed that there was a valid, marriage**”. (Para 40)

“After analysing the above cases, the authors would like to highlight the Courts’ view. The thing is, the Hindu Marriage Act gives more importance to the ceremonies for a valid marriage. **Such rituals as mandatory**²³, **Provided such customary ritual and rites are not against morality, law and public policy**”.

Meaning for Live-in-relationship:

There is no legal definition for the term Live-in-relationship. “Live-in-relationship is a living arrangement in which an unmarried couple lives together in a long-term relationship that resembles a marriage”. There is no valid marriage between the parties, in the sense of solemnisation of a marriage under section.7 of the ‘Hindu Marriage Act’.²⁴ The Bench consisting of Justice M.Katju and Justice R.B.Misra observed that “In our opinion, a man and a woman, even without getting married, can live together if they wish to. It may be immoral before society, but it is not illegal. There is a difference between law and morality”.²⁵

Marriage Ceremonies v. Live-in-relationship:

¹⁴Gopal Krishan Sharma v. Dr.MithileshKumari Sharma, Equivalent citations: AIR 1979 All 316

¹⁵ Sanjay Mishra v. EvvelineJoobe, AiR 1993 MP 54: 1993 Marriage LJ245.

¹⁶https://en.wikipedia.org/wiki/Salus_populi_suprema_lex_esto

¹⁷K.S.Mathur has replied this Article in AIR 1962, Journal 27 See an interesting Article by M.L.Jain in AIR 1961 Journal(84)“Where the author comes to the conclusion that under the Hindu Marriage Act,1955 “no specific ceremonies are required.

¹⁸ Law of Marriage and Divorce sixth Edition Dr Paras Diwan Universal Law Publishing Co. Pvt. Ltd. p.306

¹⁹ Bbaurao v. State of Maharashtra AIR 1965 SC 1564; PriyaBala v. Suresh Chandra AIR 1971 SC 1153.

²⁰ (1991) Supp 2 SCC 616; Santi Deb Berma v. KanchanPrava Devi

²¹ AIR 1991 SC 816

²² MANU/TN/0310/1954

²³ Surjit v. Garja, AIR 1994 SC 135:(1994) 1

SCC 307: (1993) II DMC 443.

²⁴ <http://www.legalserviceindia.com/legal/article-2942-live-in-relationship-and-alimony.html#:~:text=’Live-in-relationship’,under%20any%20law%5B7%5D>

²⁵ Payal Sharma v. NariNiketan (2001 SCC online All 332.

The term ceremony is derived from Middle English cerymonye from latincaerimonia or caeremonia, later often cerimonia ('sacredness, reverence, a sacred rite').²⁶ Ceremonial marriage is a common form of marriage in which a couple follows laws and procedures specified by the State to gain recognition of their marriage. According to the dictionary, ceremony means a formal act or series of acts prescribed by ritual, protocol, or convention the marriage ceremony²⁷. "Ceremonies are to rejoice in a new life or respect a life well-lived for marriage or commitment". The marriage license requires the couples' signature, witnesses (depending on the State) and an efficient authorised by the State²⁸. The dictionary meaning for the term of Live-in-relationship is "living arrangement in which an unmarried couple lives together in a long term relationship that resembles a marriage couples cohabit, rather than marry, for several reasons"²⁹. Above, we have discussed some cases related to the parties not following marriage ceremonies are not valid. Still, at present, "the Supreme Court held that where the partners lived together for a long spell as husband and wife, a presumption would favour valid wedlock"³⁰. In a recent judgment, a single judge Bench of Justice Alka Sarin said: "The society cannot determine how an individual should live her or his life, especially when the individuals were major"³¹. Authors find an individual right gives another way to avoid the conditions of the marriage laws, i.e. **Art: 21 pave the pathway for collapsing a family system concept.**

JUDICIARY OVERREACH TOWARDS LIVE-IN-RELATIONSHIP

'Society cannot determine how an individual should live her or his life, especially when the individuals were major' – 'Justice Alka Sarin'³².

In India, Personal Law is responsible for the overview of the "Definition of Family, Marriage, Divorce, Maintenance, Adoption, Guardianship and Children's Rights" and the main aim of personal laws concerning relationships support for the family. All relationships come under the family roof like Husband, Wife, Children, and other dependant persons such as Grandparents, Stepparents, Adopted parents, Daughter-in-Law, and other dependents recognised similarly. Mainly it provides extra protection to women and children. Still, at this moment, the legislation does not give any name to Live-in-relationship partners. Hence the Live-in-partner can not avail the same lawful protection as lawfully married couples recognised by personal laws. In this clutter of marriage ceremonies and rituals, the burden of proving is on the party that the appropriate rituals have been performed and that the perfect feature is the presumption of marriage. It can be noted in Section 144 of the Evidence Act, 1872 that when there is no valid evidence of solemnisation is not available then the marriage can be proved only by continuous cohabitation between the parties.

"D.Velusamy v. Patchaiyammal"³³ in this case, Supreme Court has given more comprehensive interpretation to the term "Aggrieved person" under Section 2(a) of the Protection of Women from Domestic Violence Act, 2005 and wherein the Court itemised five essential elements to constitute Live-in-relationship as follows;

- i) The couple must grip themselves out to society as being similar to spouses.
- ii) They must be of lawful age to get married.
- iii) They must be capable to enter into a legal marriage, including being unmarried.
- iv) They must have willingly lived together and held themselves out to the world as being similar to spouses for a substantial period.
- v) They must have lived together in a shared household".

With the absence of the legislation at present, these elements are helping to define the term Live-in-relationship. So the author would like to compare these guidelines with necessary conditions for a valid marriage under the 'Hindu Marriage Act, 1955'. Section 5(i)³⁴ of the Hindu Marriage Act 1955, says neither party has a spouse living at the time of marriage. Parties may conceal their first marriage because parties will not go to the wedding. Hence they will not pursue ceremonies³⁵, so the relatives and public may not be aware of their relation; therefore, no one can decide whether the parties have a spouse living at live-in-relationship. The Hindu Marriage Act, 1955 Section 5(iv)& (v) says parties are not within the degree of prohibited relationship and

²⁶ <https://en.wiktionary.org/wiki/ceremony>

²⁷ <https://www.merriam-webster.com/dictionary/ceremony>

²⁸ https://en.wikipedia.org/wiki/marriage_license

²⁹ <https://legal-dictionary.thefreedictionary.com/>

³⁰ Tulsa and Ors. V. Durghatiya and Ors.

³¹ Priyapreet Kaur and Anr. v. State of Punjab and Ors

³² Priyapreet Kaur and Anr. v. State of Punjab and Ors

³³ (2010) 10 SCC 469; AIR 2011 SC 479.

³⁴ Neither party has a spouse living at the time of the marriage

³⁵ Section 7 of Hindu Marriage Act, 1955

sapindas of each other unless the custom governing each of them. But both are very silent with *guidelines for live-in-relationship*. Hence the author firmly says *Live-in-relationship will not constitute a valid marriage under personal laws*.

“A.Dinohamy v. W.L.Balahamy³⁶

“The Privy Council laid down the general proposition that where a man and woman are proved to have lived together as husband and wife, the law will presume, unless, the contrary is proved, that they were living together in consequence of a valid marriage, and not in a state of concubinage”.

“Mohabbat Ali Khan v. Muhamad Ibrahim Khan and Ors³⁷

“The Privy Council stated that the law presumes in favour of marriage and against concubinage when a man and woman have cohabited continuously for several years”.

“Challamma v. Tilaga and Ors³⁸

“Along with cohabitation and acceptance of the society of a man and woman as husband and wife go a long way in establishing a valid marriage”.

“Gokal Chand v. ParvinKumari³⁹

“The Supreme Court held that continuous cohabitation of man and woman as husband and wife might raise the presumption of marriage, but the presumption which may be drawn from long cohabitation is rebuttable, and if there are circumstances which weaken and destroy that presumption, the Court cannot ignore them”.

“Tulsa and Ors. V. Durghatiya and Ors⁴⁰

“The Supreme Court held that where the partners lived together for a long spell as husband and wife, a presumption would favour valid wedlock”.

PayalKatara v. Superintendent NariNiketanaKandaiVihar Agra and others:

“Allahabad High Court ruled out that a lady of about 21 years of age being a major has the right to go anywhere with anyone before marriage and live together if they wish”.

SIGNIFICATION OF CEREMONIES FOR MARRIAGE:

“According to Dally Messenger III, secular ceremonies are “roadmap” influences that lead to a good, ethical and dignified life. Ceremonies contribute to the unseen ingredients of psychological stability, a sense of identity, reassurances of life’s purposes, and a personal sense of self-worth. The mysterious cultural power of quality ceremonies leads our society to an honourable and ethical path: the Hindu Marriage Act, 1955 Marriage is a Sacrament. Manu lay down; One should not think that one has obtained her by choice”⁴¹. The Vedas establish her unity (with her husband)⁴². “A woman is half of her husband and completes him”⁴³. “This is the significance of unity of personality of man and his wife under Hindu law. Thus, “according to the Grithyasutras, *marriage is not a contract but a spiritual union, a holy bond of unity*. The words addressed to the bride after the saptapadi are:

Into my will, I Take thy heart, and thy mind shall follow mine”⁴⁴.

“In the Shastra, husband and wife are referred to by several names. The husband is known as Bharti because he supports his wife; he is also known as Pati because he protects her. On the other hand, the wife is known as Jaya because one’s self is begotten. According to the Mahabharata, the wife is the source of Dharma, Artha and Kama, and she is also the source of Moksha⁴⁵. In Ramayana, the wife is said to be the very soul of her husband”⁴⁶. The marriage between man and woman is of religious or holy character and not a contractual

³⁶ AIR 1927 P.C.185

³⁷ AIR 1929 PC. Para 6

³⁸(2009) 9 SCC 299

³⁹MANU/SC/004/1978:(1978) 3 SCC 527.

⁴⁰ MANU/SC/0424/2008: 2008 (4) SCC 520

⁴¹ Manu Smriti, IX,95.

⁴² Manu Smriti,IX,96

⁴³ Manu Smriti,IX,26

⁴⁴ Law of Marriage and Divorce, Fifth Edition; Dr.ParasDiwan P.14

⁴⁵ MahabharatAnuParva, 46, 1-13.

⁴⁶ Ramayana, 11, 37, 23-24

union⁴⁷. “Hindus conceived of their marriage as a union primarily meant for the performance of religious and spiritual duties. **Such a marriage cannot take place without the implementation of sacred rites and ceremonies.** Secondly, a sacramental union implies that it is a permanent union. It means it will continue till their life. Thirdly, before framing the Hindu marriage Act, marriage was treated as a rule indissoluble, and it will continue till their eternal life⁴⁸. Nowadays, society is changing minute by minute. Our young generation influences western culture and gradually started to vanish our traditional concept of marriage and religious faith from their minds; hence, the Live-in-relationship image has begun to corrupt them. In the present scenario, Indian Courts also granted maintenance and other protection to the aggrieved persons because Courts are not supposed to chuck their hands up in the air expressing their vulnerability. Merely because of women and children’s safety and especially implementing the Art: 15(3)⁴⁹ of our Indian Constitutional Law. Even though our judiciary is strictly following Section 7 of the Hindu Marriage Act, 1955, in some cases. Let us discuss some issues for our reference below;

Balwinder Kaur v. Gurmukh Singh⁵⁰

“Valid ceremonies are essential for rendering a marriage valid. If there were an absence of valid ceremonies in the earlier marriage, subsequent marriage would be a valid marriage, the earlier being invalid due to lack of ceremonies. Merely the ceremony and rite should not be a mockery. Still, it is also necessary that the requisite ceremony was prevalent and recognised for both sides.⁵¹ Intention to live as husband and wife, the innovation of ceremonies is not allowed, nor can a marriage be performed by any ceremonies. In either case, the marriage will be invalid. Derrett says that intention should be the criterion: “Did they intend to become husband and wife? If they did so, the choice of the ceremony is irrelevant .if, on the other hand, she aimed to be no more than a permanent concubine; the ceremonies, no matter how elaborate, should not have the effect of turning her into a *patni* against her intention”⁵². “Under the Hindu law, it is the solemnisation of requisite ceremonies and rites that confers the status of husband and wife. If requisite ceremonies are not performed, the marriage is null and void unless custom permits such a marriage”⁵³.

Bhaurao Shankar Lakhandi v. the State of Maharashtra⁵⁴

In this case, the Supreme Court held that “merely living together does not confer a status of wife and husband”. Another case

Virendra Singh Pai v. Kashibai⁵⁵

The Court held that “Where parties are constantly, continuously and openly living as husband and wife and had children, friends and relatives recognised them as husband and wife; it raises a presumption of a valid marriage. However, it has to be shown that requisite conditions of a valid marriage are satisfied”.

III. Conclusion:

Indian legislation acknowledges the concept of marriage with ceremonies and insists marriage ceremonies are essential for a valid marriage. The ceremony intends to convey legal responsibilities to the bride and groom. According to the respective laws, if anyone refused or denied legal obligations to their life partner, they will be imposed by the judiciary. Today’s generation isn’t ready to commit their lives to their family. Mainly they want to omit lawful obligations. **It is just like a slow poison. One day it will completely destroy the concept of the institution of family in India**”. The judiciary wants to protect the affected people who had Live-in-relationship because it cannot say “**no legislation, no solution**”. It has to provide a solution; hence it took the concept of the Indian Constitution Law Art: 15(3) and awarded financial protection to women and their children born out of live-in-relationship. So it doesn’t mean a Live-in-relationship will amount to a valid marriage.

The author would like to register the “**judiciary’s view regarding live-in-relationship is neither accepted as a legal marriage nor to leave the affected party; hence the Court of law interpreting the law and providing protection to affected women and children born out of live-in-relationship. After analysing**

⁴⁷ Though some texts could be quoted to indicate that it is also partook in the nature of a contract; Vyavastha Chandrika, Vol. II, 432.

⁴⁸ Law of Marriage & Divorce; Concepts of Marriage and Divorce; Fifth Edition; Dr. Paras Diwan; P.15

⁴⁹ Nothing in this article shall prevent the State from making any special provision for women and children

⁵⁰ AIR 2007 P&H 74

⁵¹ ibid

⁵² Critique of Modern Hindu Law, 300. However, Derrett has said this in a different context - a girl who intended to marry is duped into a masquerade ceremony and finally is told that she was not the wife.

⁵³ K.S.Mathur in AIR 1962 Jour 27. The author says that under the Act a marriage must be performed either by the shastric or customary rites and ceremonies. This statement was replied by K..S.Mathur to M.L.Jain In AIR 1961 Jour 84.

⁵⁴ AIR 1965 SC 1564

⁵⁵ AIR 1998 MP 324

the above cases, the author found that the “Hindu Marriage Act, 1955” does not prescribe specific essential ceremonies for the marriage’s solemnisation. Still, it leaves the parties to choose a form of ceremonial marriage according to any custom or usage applicable to either party. In the non-existence of any law to define the status of live-in-relationship, courts have taken the view that where a man and a woman live together as husband and wife for a long term, the law will take for granted that they were legally married unless proved contrary”. In the future, if the male partner does not wish to continue their relationship, it will come to an end, at any stage or any point in time. So here, victims are women and children. But when the marriage has performed under “Section 7 of the Hindu Marriage Act, 1955”, if the married couple approaches the Court of Law for maintenance and other legal issues, the laws are available for them and get a remedy through authorised legislation. But none of the bills or laws is available for those who are affected through the live-in-relationship. Hence the Court of Law interpreting the term Live-in-relationship is like marriage under Section 2(f)⁵⁶ under “Protection of Women from Domestic Violence Act, 2005” issuing financial protection for affected (women & Children) people Live-in-relationship. Simultaneously, Live-in-relationship does not equal valid marriage under the Hindu Marriage Act, 1955. Hence authors are inviting the attention of legislation to enact new legislation for the concept of Live-in-relationship. This concept is trying to destroy the “Institution of the family” and fetch the youngsters without family commitments to enjoy sexual relations. If he feels bore to continue this commitment, he can easily wind up without legal obstacles. Here both males and females are very well aware of the non-protection of law. Unfortunately, the children born out of live-in-relationship after the children’s birth if both parties wind up their live-in-relationship means, what is the status of the children still it is questionable? So the author humbly submits suggestions;

IV. Suggestions:

1. The Supreme Court already accepted and declared the Live-in-relationship is not illegal in many cases. Hence the authors are requesting the legislation to enact *new legislation for the concept of Live-in-relationship title like a Non- Marriage Registration Act, with the definition of Live-in-relationship including stipulated time for becoming as a husband and wife this relationship. It should provide responsibilities and rights towards both parties.*
2. Due to the non-ceremonies of marriage, cases of bigamy are rising. So the author is inviting parliamentary’s attention to prescribe a *simple uniform mode or ceremony for civil unions through the Special Marriage Act, 1954.* If the parties are different religions, the Personal Law will not apply to them.
3. Under the Hindu Marriage Act, 1955, the marriage must be solemnised following the customary rites and ceremonies of either party and fulfil the conditions mentioned by section 5 of the Act. Unless the marriage is celebrated with proper rituals, it cannot be said to be solemnised. The essential ceremonies of a Hindu marriage are not proved. The mere issuance of a certificate under section 15 of the Special Marriage Act, 1954 does not validate the marriage. In this situation, where is the question of a man and woman living together for a reasonably long period should be sufficient to draw the presumption that the marriage was performed according to the customary rites of the parties? *The author humbly submits that suitable amendments may be made in the respective sections to recognise the live-in-relationship.*
4. The Hindu Act enables the State Government to make rules concerning the registration of marriages. Under Section 8(2), if the State Government’s opinion that such registration should be compulsory, it can provide so. In that event, the person contravening any rule made in this regard shall be punishable with a fine. Consequently, the effect of non-registration would be that the presumption that is available from registration for marriages would be denied to a person whose marriage is not registered. Accordingly, comprehensive directions were issued to the States and the Central Government to take various steps to register weddings of persons belonging to all religions as compulsory. In furtherance of this direction, the Tamil Nadu Legislature passed an enactment called the Tamil Nadu Registration of Marriage Act, 2009. Under Section: 23, No marriage performed in this State to which this Act applies shall be deemed invalid solely because it was not registered under this Act. The above legislation and its rules show the value of marriage and how much legislation gives importance to valid marriage and provides legal protection towards women and children. At this junction Live-in-relationship creates more complications in our society. So the author’s request is to make the Live-in couple also comes under the pervue of wedlock people’s obligations.

⁵⁶Section 2 (f) “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family”