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Sologamy: Freedom of Choice or a Misleading Concept of Marriage?

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ABSTRACT

Human nature is unpredictable, either in ancient times or today. Change is necessary for a developing society, but such change should not bother the norms of the society. The institution of marriage is also affected with this human nature. Many known and unknown forms of marriages come in the light on the every next day. For a civilized society, it becomes easy to accept such marriages, which fulfills maximum of the objectives of a general form of marriage. But it is very difficult to give space such forms of marriage, which do not go with such objectives. Thus, people may consider them as sickness or propaganda or sin too. Sologamy is also one of them. This issue is necessary to discuss because it does not follow any object of a general wedding, but still it is called 'self - marriage'. It is a big question that if sologamy does not follow any object then why we are calling it marriage. In this Article, we are going to know about sologamy, few incidences, nature and its impact. There were so many unrecognized forms of marriages in ancient times too, which were not following the essentials for the establishment of the marriage. At that time, such incidences, like sologamy, were not given place even in unrecognized forms of marriages. But they are being called as a marriage now. For a civilized society it is very important to differentiate between beneficial and non- beneficial things.

Keywords: sologamy, freedom of choice, marriage, self-marriage.

I. INTRODUCTION

Today, we are living in the era, where we are bound to find a new living planet for the survival of human race. Big projects are in the queue to make sure that How a new generation will survive on that planet? But still we are exploring new things here, due to the change in behavior of human kind. The means and objectives of marriage are also changing day by day. A new form of marriage is in the limelight now a days i.e. Sologamy, which is enough to end the life of human on Earth. Sologamy is an uncommon and unknown form of declaration of ones own marital status. Indian society was not that much aware about this till 2022. The incidence of Varodara girl, Kashma Bindu, caught the eyes of everyone on this issue. Though it was not first incidence in the world but it was first to India only. Some people called it as madness and for

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some it was a strange concept. In this article, the author makes an analytical approach to this concept with two big questions- Is it a matter of freedom of choice? And Can it really be called a marriage?. Imagine if such kind of theories had been followed and recognized in the society, in the name of self satisfaction or companionship then, society would have not been developed at all.

More over, we must understand that this cannot be called marriage because the main object of the institution of marriage is the growth of a civilized society. Human is just a single unit of society and a large group of society is called a 'society'. But concept of sologamy is not fulfilling that edge. It seems that sologamy is a jump from Brahmacharya Ashram to Sanyasa Ashram and it skips Grahasth Ashram. But is it so? Is it a declaration to enter directly in Sanyas Ashram? Answer is negative. This cannot be called as Sanyasi life. In this a person declares himself not to marry any person under the shadow of living life according to his own norms.

II. A GENERAL FORM OF MARRIAGE IN HINDU LAW

To know about the concept of sologamy, first we must understand the concept of marriage in our society. In Hindu Dharmashastras a Hindu Marriage is considered as a very important institution to enter. In this, it is called Grahstha Ashram, which is the ultimate step to achieve MOKSH. In The Hindu Marriage Act, 1955, Section 5 and Section 7 mention necessities to be followed. Section 5 of the Act is related with the 'Conditions for a valid Hindu marriage' and Section 7 mentions "Ceremonies for a Hindu marriage". According to Section 5 of the Act, the following essentials must be fulfilled:

- Two Hindu ; and
- No living spouse of either party ; and
- Neither party to the marriage should be unsound so that he is not capable to give a valid consent or if he is capable to give consent but suffering from any mental disorder and is unfit for marriage and procreation of child or suffering from insanity; and
- Bride has completed the age of 18 and groom should be of 21 years of age; and
- They should not fall within the degree of prohibited relationship ; and
- They should not be sapinda with each other.

Thus, it is clear that for the solemnization of a Hindu marriage, there must be two Hindus preliminarily. On the other hand, for the registration of a Hindu marriage under Section 8 of the Hindu Marriage Act, 1955, mentions few necessities. Under this Section State Government has

been authorized to make rules and regulations regarding the registration of a Hindu marriage. Though, not only in this provision but the whole Act, ‘parties’ word has been used for either it is about marriage, registration, divorce or Judicial separation. Thus, this Act does not about the marriage of an individual but it is about the solemnization of a Hindu marriage of a bride and a Groom. In this manner it can be said that ‘Sologamy’ cannot be registered as a Hindu Marriage under The Hindu Marriage Act, 1955. Now, definitely a question comes into mind that Can it be registered under the provisions of The Special Marriage Act, 1954?. For this, we have to analyze the specific provision of this Act i.e. Section 4² of Chapter II Solemnization of Special marriages, this Section mentions that a marriage between any two persons may be solemnized under this Act.

(A) Is it misleading form of marriage?

After the above discussion, it comes into the mind – is Sologamy really a form of marriage? Definitely the response will be in negative. It would be wrong to call ‘Sologamy’ a marriage. Sologamy neither follow any condition for a Hindu marriage under the legislation nor a recognized form of marriage in or Dharmashastras too. Even, it would be absolutely fine to mention that no regulation or legislation or any personal law recognizes this. Dr. Savita Malhotra³ said

“To me it seems like a very strange concept, everyone has self-love. You do not have to break it up or create an external replica to demonstrate self-love. It is intrinsic to all of us. And marriage is about two entities coming together”⁴

(B) What is Sologamy?

Sologamy is a known as the marriage of one with oneself. In modern society, it is considered as a form of non- recognized and void form of marriage. There is no definition of ‘Sologamy’, has been mentioned in any of the statute or legislation or in any book or script. Thus, it would be improper to mention any definition or Sologamy. Other than that, in our society it is considered as the sickness of the mind of such person.

(C) Jump From Brahmacharya To Sanyas Aashram?

If we recognize Sologamy in our society then it will be a hit to the concept of marriage too. One of the purposes of a Hindu marriage is the procreation of child. But in the case of Sologamy this purpose will fail. This would be proper to mention that one, who will go for sologamy, will

² Conditions relating to solemnization of marriages

³ Former dean and Professor of psychiatry at PGIMER Hospital in the city of Chandigarh

⁴ <https://www.bbc.com/news/world-asia-india-61671032>; visited on 1st April 2023, at 2: 30 pm

skip the Grahasth Ashram. Thus, according to Hindu mythology, such person will also close the doors of Moksh. He will not be able to pay off the pitr-rina too. This would be a big question for him- Weather he can enter into the Sanyas Ashram without going through to the Grahasth Ashram? If yes, then it would be a break of Ashrmas in his life and he cannot perform many religious and pious activities in his life. And if answer is in negative, than he has to enter in Grhasth Ashram and have to perform every single act in this Ashram.

III. SOLOGAMY – A FREEDOM OF CHOICE

After analyzing the matters relating to the sologamy in our society, a question comes into mind i.e., ‘Is sologamy a result of the freedom of choice?’ There are so many rights and freedom mentioned under our Constitution. They are considered as basic feature of the Constitution and also protected by the State. ‘Freedom of Choice’ is one of them. Recently, in October 2022 Hon’ble Delhi High Court observed that in a marriage, the freedom of choice is an intrinsic part of the Constitution of India and question of faith have no bearing on the freedom to choose a life partner.⁵ Justice Anoop Kumar Mendiratta in the case of **Naina Rana Versus State**⁶ held that the freedom of ones choice in a marriage, according to the law, is an intrinsic part of the Article 21 under the Constitution of India.⁷ Big question is – Does ‘freedom of choice’ for marriage also includes right not to marry? Or it is just a stunt to avoid from marring someone, in the name of self- marriage, i.e. Sologamy? It is yet to decide in our society.

(A) **Sickness or publicity stunt?**

In the present technological times, we all are so much influenced with social media and internet. There is a race of becoming social media sensation. It is considered as a fashion to make viral their content on internet. Interesting thing is that people are paid by the social media platforms, if they qualify the limit of likes and subscribers on their posted contents. In this race, we can easily watch contents, which have no sense or relevancy, but they are posted for the fame and money only. These types of people have been professionalized now and they are called, Content Makers. Sometimes it feels vey shameful that only for the sake of this all, people are ready to do anything. We cannot say that who is doing right or wrong?, but people are getting mentally sick for publicity. Thus, declaration of self-marriage i.e., Sologamy, might be a case of becoming social media sensation too.

⁵ <https://economictimes.indiatimes.com/news/india/freedom-of-choice-in-marriage-essence-of-personal-liberty-hc/articleshow/95076428.cms?from=mdr>; visited on 8th June 2023.

⁶ Order of 13th October 2022

⁷ <https://www.scconline.com/blog/post/2022/10/27/questions-of-faith-have-no-bearing-on-individuals-freedom-to-choose-a-life-partner-delhi-high-court-rejects-bail-for-mother-and-grandmother/> ; visited on 16th July, 2023

IV. CONCLUSION

After the analysis of all the facts and features of Sologamy, we can draw a shaded line for the concept of 'Self-marriage'. It is a shaded line because there is neither any feature like a general form of marriage nor it is helpful for the development of the society. There is no law to validate such kind of marriage as far. Even no existing legislation has any provision which involves the validity or voidability for Sologamy. The Sologamy is not alone in the society, which is showing very weird concept of marriage, but Animogamy, a human get married with an animal, and Wedding with pot, known as Kumbhvivah, like incidences can be seen in scattered areas of the society. These types of marriages are big threat to the society as they can mislead our future generation. It is necessary for our legislative authorities to establish a strong legislation for these kinds of activities. Need of the hour is:

1. To make a stand against such kind of marriages for the welfare and progressive society; and
2. To pass a legislation to restrict such misleading activities and punish such person, who all are involved in the same; and
3. Society must not give so much weightage to such videos and activities on social media or any other platform; and
4. Such persons and activities should be banned by the social media platforms too.

Thus, if a person does not want to get marry than he has no need to make propaganda for this, as every next person is getting married and they are not making their wedding sensation. If someone does not want get marry, it is a personal decision of him or her. Making it news or posting of every minute news on social media platform, shows that there is something fishy.
