

(2008) 07 SC CK 0110

In the Supreme Court Of India

Case No : Transfer Petition (C) No. 291 of 2005

Seema

APPELLANT

Vs

Ashwani Kumar

RESPONDENT

Date of Decision : 09-07-2008

Acts Referred:

Citation : (2009) 4 ALT 4 : (2008) 2 CHN 141 Supp : (2008) 3 CLT 475 : (2008) 7 JT 535 : (2008) 9 SCALE 813 : (2008) 7 SCC 509

Hon'ble Judges : P. Sathasivam, J;Arijit Pasayat, J

Bench : Division Bench

Advocate : Ranjit Kumar A.C. and Dinesh Dwivedi, K.A. Dewan Balraj Dewan, Mukesh Verma, Manish Shanker Srivastava, Yash Pal Dhingra, Tara Chandra Sharma, Ajay Sharma, Neelam Sharma, Gopal Singh, Ritu Raj Biswas, Shantanu Krishna, Anuvrat Sharma, Kamini Jaiswal, Suparna Srivastava, Neeraj Gupta, Rajesh Srivastava, Aruneshwar Gupta, Naveen Kumar Singh, Shashwat Gupta, Sanjay R. Hegde, Avijit Roy, Riku Sarma, for Corporate Law Group, Kuldeep Singh, Jana Kalyan Das, K.N. Madhusoodhanan, R. Sathish, D.S. Mahra, Sunita Sharma, A. Subhashini, A. Mariarputham, Aruna Mathur, for Arputham, Aruna and Co., Hemantika Wahi, Pinky, Jesal, U. Hazarika, Satya Mitra, Sumita Hazarika, K.H. Nobin Singh, Tarun Jamwal, David Rao, S. Biswajit Meitei, Vijay Prakash, P.V. Dinesh, V.G. Pragasam, S. J. Aristotle, Prabhu Ramasubramanian, Naveen Sharma, Vikash Upadhyay, B.S. Banthia, Ranjan Mukherjee, Naresh Sharma, Manjit Singh, Harikesh Singh, T.V. George, Anil Shrivastava, Ritu Raj, Manish Kumar Saran, Nirmal Kumar Ambastha, Chinmoy Khaladkar, Sanjay Kharde, Asha G. Nair, J.K. Bhatia, B.N. Jha, D.M. Nargolkar, V.N. Raghupathy, Nandini Gore, K.R. Sasiprabhu, D. Bharathi Reddy and Anil Katiyar, for the Appellant;

Final Decision : Dismissed

Judgement

Arijit Pasayat, J.—In this case directions were given to the States and the Union Territories in the matter of framing necessary statutes regarding compulsory registration of marriages. By order dated 14.2.2006 (reported in Smt. Seema Vs. Ashwani Kumar,) following directions were given:

(i) The procedure for registration should be notified by respective States within three months from today. This can be done by amending the existing rules, if any, or by framing new rules. However, objections from members of the public shall be invited before bringing the said rules into force. In this connection, due publicity shall be given by the States and the matter shall be kept open for objections for a period of one month from the date of advertisement inviting objections. On the expiry of the said period, the States shall issue appropriate notification bringing the rules into force.

(ii) The officer appointed under the said rules of the States shall be duly authorized to register the marriages. The age, marital status (unmarried, divorcee) shall be clearly stated. The consequence of non-registration of marriages or for filing false declaration shall also be provided for in the said rules. Needless to add that the object of the said rules shall be to carry out the directions of this Court.

(iii) As and when the Central Government enacts a comprehensive statute, the same shall be placed before this Court for scrutiny.

(iv) Learned Counsel for various States and Union Territories shall ensure that the directions given herein are carried out immediately.

2. Subsequently, by order dated 25.10.2007 further directions were given [see: Smt. Seema Vs. Ashwani Kumar, . Particular reference was made to the earlier observations to the effect that marriages of all persons who are citizens of India belonging to various religions should be compulsorily registered in the respective States and Union Territories where the marriages have been solemnized. Different States and Union Territories have placed on record details of the compliance made. When the matter was taken upon on 28.4.2008, it was stated that four States namely: Madhya Pradesh, Gujarat, Kerala and Haryana have already final rules. So far as the State of Punjab is concerned, it was submitted that the Bill has been prepared and it is to be placed before the Legislative Assembly, and that the draft rules have been prepared in the States of Arunachal Pradesh and Uttar Pradesh. It was stated on behalf of the Union Territory of Pondicherry that the matter was referred to the Central Government because the issue of special statutes is concerned. So far as the State of Uttarakhand is concerned it was stated that the rules have been framed in the year 2006 and the matter is pending consideration because of certain suggestions made by the Home Ministry. So far as the State of Maharashtra is concerned it was submitted that though with effect from 15.5.1999 a statute is in place, certain modifications are necessary as the marriages under the Special Marriage Act are not directly covered. So far as the State of Sikkim is concerned, it was stated that the rules have been notified on 9.8.2007 and in the State of Mizoram a statute has been enacted on 24.2.2007. It is stated that affidavits in this regard shall be filed. So far as the State of Manipur is concerned, it is stated that the Bill has already been introduced in the Assembly in February, 2008. So far as the State of Assam is concerned, it was submitted that the Bills are under consideration. Learned

Counsel for the State of Tamil Nadu stated that he wants to find out whether any Statute has been introduced on 26.2.2007 and to file additional affidavit. It was submitted on behalf of the State of Chhatisgarh that the necessary Statute has been enacted on 20.11.2006. Let all the States and Union Territories who have not given specific details, file affidavits within four months from today.

3. List after four months.