

A SEEMA  
v.  
ASHWANI KUMAR  
(Transfer Petition (C) No. 291 of 2005 )

B JULY 9, 2008

**[DR. ARIJIT PASAYAT AND P. SATHASIVAM, JJ.]**

*Family Law:*

C *Registration of marriage – Directions by Supreme Court to States and Union Territories to frame necessary statutes regarding compulsory registration of marriages – Non-compliance of – Held: States and Union Territories which did not give specific details of compliance directed to file affidavits within four months.*

D *Seema v. Ashwani Kumar (2006) 2 SCC 578 and Seema v. Ashwani Kumar (2008) 1 SCC 180 – referred to.*

CIVIL ORIGINAL JURISDICTION : Transfer Petition (Civil)  
No. 291 of 2005

E Ranjit Kumar, (A.C.) 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  
F Sharma, Kamini Jaiswal, Suparna Srivastava, Neeraj Gupta,  
Rajesh Srivastava, Aruneswhar Gupta, Naveen Kumar Singh,  
Shashwat Gupta, Sanjay R. Hegde, Avijit Roy, Riku Sarma (for  
M/s. 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 M/s.  
G Arputham, Aruna & 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, Vikas Upadhyay, B.S. Banthia, Ranjan Mukherjee, Naresh K. Sharma, Manjit Singh, Harikesh Singh, T.V. George, Anil Shrivastav, 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 appearing parties. A  
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The Judgment of the Court was delivered by

**DR. ARIJIT PASAYAT, J.** 1. 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 *Seema v. Ashwani Kumar* (2006(2) SCC 578) following directions were given: C

- (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. D  
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- (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. G  
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- A (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.”
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Subsequently by order dated 25.10.2007 further directions were given. (see: *Seema v. Ashwani Kumar* 2008(1) SCC 180). 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 made compulsorily registered in their respective States where the marriages have been organized. Different States and the 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, Kerela 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. Further it is stated that the draft rules have been prepared in the States of Arunachal Pradesh and Uttar Pradesh. It was further stated on behalf of the Union Territory of Pondicherry that the matter was referred to the Central Government because the issues of special starter is concerned. So far as the State of Utrkhand 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, certain modifications are necessary as the marriages under the said 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 an Act has been enacted on 24.2.2007. 7An affidavit in this regard is to 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

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State of Assam is concerned it was further submitted that the Bills are under consideration. A

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 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 States and Union Territories who have not given specific details file an affidavit within four months from today. B

List after Four months.

B.B.B.

List after four months.