

available under Section 23 of the Act of 1996.

18. Needless to say that any of the observations made in the present judgment may not be construed to the expression that this Court has adjudicated the matter on merits.

19. It is made clear that in case the petitioner will file an application before the arbitrator, the same should be decided expeditiously and without granting unnecessary adjournment.

(2025) 5 ILRA 949
ORIGINAL JURISDICTION
CIVIL SIDE
DATED: ALLAHABAD 12.05.2025

BEFORE

THE HON'BLE VINOD DIWAKAR, J.

Writ C No. 22491 of 2024
 With
 Other Connected Cases

Shani Dev & Anr. ...Petitioners
Versus
State of U.P. & Ors. ...Respondents

Counsel for the Petitioners:
 Sri Nipun Singh, Sri Ranjeet Kumar Yadav

Counsel for the Respondents:
 Sri Ram Vishal Mishra, C.S.C.

(A) Family Law - Marriage Registration - Fraudulent Certificates - The Hindu Marriage Act, 1955 - Child Marriage Restraint Act, 1929 - Uttar Pradesh Marriage Registration Rules, 2017 - Hindu Marriage Registration Rules, 1973 - Large-scale misuse of Arya Samaj marriage certificates for filing couple-protection writs - Police verification revealing forged Aadhar, PAN, educational certificates, fabricated witnesses, and underage

marriages - Pattern of registering marriages in Ghaziabad/Gautam Buddha Nagar without residence nexus - Involvement/Negligence of local police and Registrar offices - Court orders institutional reforms, amendment to 2017 Rules, and interim guidelines for marriage registration - Directions for inter-departmental verification mechanism. (Para 5, 7 to 35)

Petitioners, claiming to have married against family wishes - sought police protection - State disputed genuineness of Arya Samaj marriage certificate - verification revealed systemic misuse of forged certificates in similar petitions - involving underage parties and non-existent societies - prompting Court to issue state-wide remedial directions. (Para 3 to 7, 12 to 14)

HELD: - Article 21 guarantees right to choose life partner upon attaining majority, but such right cannot be invoked through forged or fabricated documents to circumvent statutory provisions. State bound to ensure statutory compliance, safeguard sanctity of marriage, and prevent misuse of protection writs, directed amendment of U.P. Marriage Registration Rules, 2017 within six months and issued binding interim guidelines for marriage registration. Petitions disposed with liberty to seek relief from concerned SSP after verification. (Para 13, 30 to 38)

Petitions disposed of. (E-7)

(Delivered by Hon'ble Vinod Diwakar, J.)

1. Heard learned counsel for the petitioners, Shri Ashwani Kumar Tripathi, learned Additional Chief Standing Counsel for the State-respondents, and perused the record.

2. Since the issues involved in the present writ petition are similar to those raised in 124 connected petitions, all the petitions are being heard and decided together by a common order.

3. The present writ petition has been filed by the petitioners seeking a direction to the Senior Superintendent of Police, Etawah, to take appropriate steps for ensuring their safety and protection. The petitioners are stated to be residents of Village Niloi, Police Station Jaswant Nagar, District Etawah, and claim to have solemnized their marriage on 03.06.2024 at Arya Samaj Mandir, Greater Noida, which has been affiliated with Arya Samaj Pratinidhi Sabha, 5 Meerabai Bagh, Lucknow.

4. It has been submitted by the petitioners that they have solemnized their marriage against the wishes of their respective families, due to which they apprehend threats to their lives. In this regard, a complaint was submitted to the S.S.P. Etawah on 08.07.2024, requesting police protection. The said complaint was sent through registered post from the Post Office located within the High Court premises. The petitioners have also annexed photocopies of their Aadhar Cards to substantiate their claim that both individuals were of marriageable age at the time of the marriage.

5. Learned Additional Chief Standing Counsel has raised serious doubts regarding the genuineness of the marriage certificate annexed as *Annexure-3*, alleging it to be a forged document. He has drawn the attention of this Court to the certificate, purportedly issued by Arya Samaj Mandir, Greater Noida, which lacks essential details such as the name of the priest- who has solemnized the marriage, the registered address of the Arya Samaj Mandir, names, addresses, and contact details of the witnesses. These omissions raise significant concerns as to whether the marriage was performed in accordance with the

provisions of the Hindu Marriage Act, 1955. It has been submitted that the petitioners have applied for registration of marriage before the Marriage Registration Officer, Ghaziabad.

5.1 He further submitted that, since the petitioners sent their complaint to the Senior Superintendent of Police, Etawah, through registered post from the Post Office located within the High Court premises, it is evident that they did not appear in person before the local police authorities. On this ground, it is contended that the writ petition is not maintainable at the threshold and is liable to be dismissed in *limine*.

6. This is not the first instance where the learned Additional Chief Standing Counsel has raised such serious objections, questioning both the maintainability and the merits of the petition. It has been consistently argued that several such petitions have been filed with fabricated marriage certificates and forged Aadhar Cards- a prerequisite condition to file a petition before this court for the purpose of photo identification.

7. This Court has observed that in many such cases, the marriage certificates are issued by societies purportedly located in (a) Ghaziabad, (b) Gautam Buddha Nagar, and (c) Prayagraj. Upon verification, it has been revealed that in several instances, the societies in question do not exist, and fake certificates have been issued to obtain a protection order from the High Court. It has also come to light that the individuals named as witnesses were fictitious, their details, including Aadhar Cards, were forged, and the institutions/organizations issuing such certificates lacked any legal entitlement

under their bye-laws. No actual marriage ceremony had taken place in numerous cases.

8. Further, a pattern has emerged where, for instance, petitioners who are presently residing at Ahmedabad claim to have solemnized marriage in Maharashtra in a temple, yet register the marriage in Ghaziabad, and thereafter approach this Court seeking protection from the parents who are residing in Jaunpur, U.P. The documents annexed in support of such petitions, especially proof of age and marriage, are often found to be forged. Many female petitioners have been found to be minors, ranging from 14 to 16 years of age. In several cases, it has also come to notice that the male petitioners entered into these alliances without disclosing previous marriages, relying instead on fake certificates and morphed photographs. Instead of approaching the concerned S.S.P. directly, the petitioners merely dispatched a request letter from the post office at Prayagraj and immediately filed petitions invoking the writ jurisdiction of this Court.

9. Due to the high volume of such petitions, a separate category, titled "Writ-C (Couple Protection)," has been introduced in the roster of this Court. While the Court acknowledges that some petitions involve genuine litigants who truly require judicial protection and intervention, it is equally apparent that such cases are relatively few compared to the large number of petitions based on fabricated documents and false claims filed by ignorant litigants with the intervention of touts.

10. Given the seriousness of the matter and the increasing trend of filing

fraudulent petitions in the guise of seeking protection, this Court has directed the Senior Superintendent of Police concerned- in whose jurisdiction the parents of the petitioners are stated to reside- to carry out a detailed verification on the following four counts:

(i) A para-wise response to the contentions raised in the writ petition;

(ii) Verification of the Aadhar Card, PAN Card, and educational certificates of the petitioners;

(iii) Confirmation as to whether the marriage was solemnized in accordance with the provisions of the Hindu Marriage Act, 1955, and whether both petitioners were of legal age at the time of marriage;

(iv) Verification of the marriage certificate from the priest (Purohit) who allegedly conducted the ceremony, and from the issuing authority, such as the President/Secretary of the society.

11. Following receipt of the police verification reports, it has been found that in almost 25% of the cases, the petitioners ceased to appear before the Court. In several other cases, their counsels began seeking adjournments rather than arguing the matter on merits.

12. Investigations unveiled that many purported marriage certificates were forged, issued by unregistered or fictitious Arya Samaj trusts and societies. These entities operated in violation of the Hindu Marriage Act and the Child Marriage Restraint Act, frequently solemnizing marriages involving underage couples. The courts noted the fabrication of key documents such as Aadhaar cards, PAN cards, affidavits, and birth certificates, creating a systemic problem that not only threatened the sanctity of marriage but also

facilitated human trafficking, sexual exploitation, and other social evils.

13. Undoubtedly, every citizen, upon attaining the age of majority, has the fundamental right to choose a life partner and enter into a matrimonial alliance or live-in relationship. However, this right cannot be exercised by circumventing statutory provisions or through the submission of forged and fabricated documents to the Court, seeking protection under the guise of Article 21 of the Constitution of India. It is the collective responsibility of the State and its instrumentalities to ensure strict compliance with the law of the land and safeguard the integrity and sanctity of the institution of marriage.

14. In light of the foregoing deliberations, this Court directed the Assistant Inspector Generals (AIGs) of Stamp and Registration, Ghaziabad and Gautam Buddha Nagar, to appear in person before this Court. They were further directed to produce the Marriage Registration Rules, relevant Notifications, Government Orders, or any other material governing the procedure for the solemnization and registration of marriages. Additionally, they shall furnish details of all marriages registered within their respective territorial jurisdictions.

14.1 A direction was also issued to the District Magistrate, Prayagraj, to constitute a special team comprising the following members: (i) a police officer not below the rank of Assistant Commissioner of Police (ACP), who is familiar with the facts and orders passed by this Court, (ii) the Assistant Registrar, Societies and Chits, Prayagraj, (iii) the Marriage Registration Officer, Prayagraj, and (iv) any other

officer deemed necessary, in consultation with the Commissioner of Police, Prayagraj.

14.2 The said team was also directed to visit all societies, whether registered or unregistered, as well as Purohits who are involved in solemnising marriages and issuing marriage certificates in cases involving runaway couples within the territorial jurisdiction of District Prayagraj.

14.3 The district Magistrates of Ghaziabad and Gautam Buddha Nagar were also directed to undertake a similar exercise.

14.4 The Committee was also be entrusted with the responsibility of submitting suggestions to streamline and regulate the functioning of organizations involved in the solemnization of marriages and the subsequent issuance of marriage certificates.

15. The Inspector General, Stamp and Registration, Uttar Pradesh, has submitted data regarding the number of marriages registered across the State from 01.08.2023 to 01.08.2024. The information has been provided district-wise, and the details are reproduced herein below:

| From 01.08.2023 to 01.08.2024 | |
|--------------------------------------|--|
| District Name | Total Number of Marriage Registered |
| Saharanpur | 1178 |
| Muzaffarnagar | 1014 |
| Bijnor | 1106 |
| Moradabad | 1528 |
| Rampur | 747 |
| Amroha | 613 |
| Meerut | 4025 |
| Baghpat | 610 |
| Ghaziabad | 29022 |
| Gautam Buddha Nagar | 3008 |
| Bulandshahar | 1123 |

| | |
|---------------------|-------------|
| Aligarh | 1281 |
| Hathras | 493 |
| Mathura | 1491 |
| Agra | 3630 |
| Firozabad | 487 |
| Mainpuri | 389 |
| Badaun | 280 |
| Bareilly | 1623 |
| Pilibhit | 904 |
| Shahjahanpur | 843 |
| Lakhimpur Kheri | 748 |
| Sitapur | 241 |
| Hardoi | 318 |
| Unnao | 655 |
| Lucknow | 8001 |
| Rae Bareli | 565 |
| Farrukhabad | 474 |
| Kannauj | 237 |
| Etawah | 352 |
| Auraiya | 270 |
| Kanpur Dehat | 410 |
| Kanpur Nagar | 7094 |
| Jalaun | 478 |
| Jhansi | 1611 |
| Lalitpur | 222 |
| Hamirpur | 214 |
| Mahoba | 151 |
| Banda | 291 |
| Chitrakoot | 112 |
| Fatehpur | 414 |
| Pratapgarh | 940 |
| Kaushambi | 186 |
| Prayagraj | 2519 |
| Barabanki | 191 |
| Ayodhya | 533 |
| Ambedkar Nagar | 364 |
| Sultanpur | 347 |
| Bahraich | 216 |
| Shrawasti | 51 |
| Balrampur | 284 |
| Gonda | 581 |
| Siddharthnagar | 127 |
| Basti | 285 |
| Sant Kabir Nagar | 187 |
| Mahrajganj | 215 |
| Gorakhpur | 2284 |
| Kushinagar | 452 |

| | |
|--------------|---------------|
| Deoria | 635 |
| Azamgarh | 733 |
| Mau | 444 |
| Ballia | 1517 |
| Jaunpur | 846 |
| Ghazipur | 1202 |
| Chandauli | 466 |
| Varanasi | 2711 |
| Bhadohi | 194 |
| Mirzapur | 530 |
| Sonbhadra | 235 |
| Etah | 364 |
| Kasganj | 119 |
| Amethi | 287 |
| Hapur | 464 |
| Sambhal | 875 |
| Shamli | 519 |
| Total | 100156 |

16. The report indicates that a total of 29,022 marriages were registered in Ghaziabad and 3,008 in Gautam Buddha Nagar during the period from 01.08.2023 to 01.08.2024. Similarly, the number of registered marriages in other major districts includes: Agra- 3,630; Lucknow- 8,001; Prayagraj- 2,019; Gorakhpur- 2,284; Varanasi- 2,711; and Meerut- 4,025.

16.1 In contrast, significantly lower numbers were recorded in several districts, such as: Shrawasti- 51; Kasganj- 119; Chitrakoot- 112.

16.2 Furthermore, in the districts of Hathras, Firozabad, Mainpuri, Badaun, Hardoi, Farrukhabad, Kannauj, Etawah, Jalaun, Lalitpur, Hamirpur, Mahoba, Banda, Kaushambi, Sultanpur, Bahraich, Balrampur, Siddharth Nagar, Basti, Sant Kabir Nagar, Maharajganj, Mau, Bhadohi, Etah, Amethi, Hapur, and others, fewer than 500 marriages were registered during the same period.

17. Upon examination of the report submitted by the Office of the Assistant

Inspector General of Registration, it is revealed that out of a total of 29,022, the marriages have been registered in the following manner by the respective Deputy Registrar's of district Ghaziabad:

17.1 19,047 marriages were registered by the Office of the Deputy Registrar Sadar-V.

17.2 5,177 marriages were registered by the Office of the Deputy Registrar Sadar-III.

17.3 2,286 marriages were registered by the Office of the Deputy Registrar Sadar-I.

17.4 761 marriages were registered by the Office of the Deputy Registrar Sadar-II, Ghaziabad.

17.5 299 marriages were registered by the Office of the Deputy Registrar Modi Nagar, Ghaziabad.

17.6 78 marriages were registered by the Office of the Deputy Registrar Loni-I.

17.7 22 marriages were registered by the Office of the Deputy Registrar Loni-II.

17.8 It has further been observed that, in a significant number of cases registered in Ghaziabad, both the bride and groom were predominantly residents of the eastern regions of Uttar Pradesh. They had no access or connection with Ghaziabad, except for the purpose of solemnizing the marriage and subsequently registering it at the Marriage Registration Office, Ghaziabad at the Office of the Deputy Registrar Sadar-V and III.

18. This large-scale fraud could not have occurred without the tacit support or wilful negligence of the local police and Deputy Registrar office. The continuation of such activities in an organized manner strongly suggests their knowledge, if not

outright consent. The sanctity of the institution of marriage has been seriously undermined by individuals who purportedly performed marriages under the Hindu Marriage Act, 1955, in blatant disregard of its statutory requirements. Such practices have set a disturbing precedent that threatens to adversely affect the social fabric of society.

19. In view of the aforesaid facts and the gravity of the situation, this Court directed the Inspector General, Stamp and Registration, to thoroughly investigate the reasons behind the registration of 29,022 marriages in Ghaziabad, in stark contrast to the marriages registered in other districts. The Inspector General is further directed to submit suggestions and recommend appropriate remedial measures to address the discrepancies and prevent any misuse of the marriage registration process.

20. The Inspector General of Registration initially submitted a few suggestions; however, these were found to be inadequate to effectively address the growing social issue arising from elopement and runaway marriages—predominantly involving underage couples in violation of the Child Marriage Restraint Act, 1929. Such clandestine unions often result in families being torn apart by sudden and secretive alliances. It is imperative that the office of the Inspector General, Registration, undertakes a meaningful and coordinated dialogue with all relevant stakeholders, including authorities responsible for issuing Aadhar Cards, PAN Cards, Birth Certificates, Educational Board certificates, and marriage certificates issued by societies and trusts. Since these documents contain the date of birth, their verification prior to the issuance of marriage certificates by the

Marriage Registration Office is essential to ensure compliance with statutory provisions.

21. Such marriages often precipitate grave consequences including human trafficking, sexual exploitation, and forced labour. The children involved suffer profound emotional and psychological trauma resulting from social instability, exploitation, coercion, manipulation, and interruption of their education. Moreover, these issues impose a substantial burden on the judicial system. Accordingly, it is imperative to establish a robust mechanism for thorough document verification and to ensure stringent accountability of trusts and societies involved in solemnizing and registering marriages.

22. Against this backdrop, suggestions were also invited from the Hon'ble Members of the Allahabad High Court Bar Association regarding measures to regulate frivolous petitions founded on forged documents, with a view to enforcing the provisions of the Child Marriage Restraint Act and preserving the sanctity of the institution of marriage, as well as safeguarding the welfare of society at large. In this regard, Shri R. V. Mishra, learned Advocate, has been appointed as Amicus Curiae to assist this Court in its deliberations.

23. Based on the foregoing deliberations, the Commissioners of Police, Gautam Buddha Nagar and Ghaziabad, are hereby directed to conduct a thorough and discreet inquiry into the activities of trusts and societies involved in solemnizing marriages in contravention of the provisions of the Hindu Marriage Act, 1955, and the Child Marriage Restraint Act, 1929. The

scope of the investigation shall include, but not be limited to, the following:

(i) Preparation of a comprehensive list of all trusts and societies performing marriages within the territorial jurisdiction of the districts of Gautam Buddha Nagar and Ghaziabad;

(ii) Profiling of key functionaries of such trusts/societies, including the President, Secretary, and Purohit officiating the marriages, covering social background, financial status, and any criminal antecedents, as well as any other individuals directly or indirectly involved;

(iii) Identification and analysis of resources, links, and contacts through which the trust management- being the beneficiaries of these activities- approaches eloped boys and girls for solemnizing their marriages;

(iv) Compilation of details regarding persons who assist eloped couples in fabricating false documents related to age, residential addresses, affidavits, and bogus police complaints, and who provide shelter or protection against legal action;

(v) Examination of financial transactions conducted by the trusts/societies;

(vi) Collection of any other discreet information that may assist this Court in comprehensively understanding the modus operandi of this entire cycle- from the solemnization of marriages to the filing of protection petitions in Court based on forged documents.

24. During the pendency of the petition, the Ghaziabad Police registered six First Information Reports (FIRs) against various sham societies and trusts involved in conducting fraudulent marriages and issuing forged marriage certificates. The details are as under:

(i) Case Crime No.470 of 2024, under section 318(4) of BNS, Police Station Kotwali, Ghaziabad Commissionerate.

(ii) Case Crime No.471 of 2024, under section 318(4) of BNS, Police Station Kotwali, Ghaziabad Commissionerate.

(iii) Case Crime No.1030 of 2024, under section 318(4) of BNS, Police Station Kavi Nagar, Ghaziabad Commissionerate.

(iv) Case Crime No.753 of 2024, under section 318(4) of BNS, Police Station Vijay Nagar, Ghaziabad Commissionerate.

(v) Case Crime No.940 of 2024, under section 318(4) of BNS, Police Station Nandgram, Ghaziabad Commissionerate.

(vi) Likewise, an FIR was also registered as Case Crime No.619 of 2024, under section 318(4) of BNS, and subsequently amended to include Sections 338/336(3)/340(2) of BNS at P.S. Surajpur.

25. Upon perusal of the affidavit filed by the Commissioner of Police, Prayagraj, it is observed that ten First Information Reports (FIRs) have been registered against the alleged culprits. The details are outlined below:

(i) Case Crime No.218 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(ii) Case Crime No.235 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(iii) Case Crime No.236 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(iv) Case Crime No.237 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(v) Case Crime No.219 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(vi) Case Crime No.239 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(vii) Case Crime No.613 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Handia, Prayagraj.

(viii) Case Crime No.182 of 2024, under sections 319(2), 318(4), 336(3), 340(2) of BNS, 2023, at Police Station- Kaundiyar, Prayagraj.

(ix) Case Crime No.238 of 2024, under sections 318(4), 338, 336(3), 340(2) of BNS, 2023, at Police Station- Cantt., Prayagraj.

(x) Case Crime No.189 of 2024, under sections 336(2), 338, 336(3), 340(2) of BNS, sections 9/10/11 of the Prohibition of Child Marriage Act, at Police Station- Holagarh, Prayagraj.

26. An affidavit dated 26.11.2024, filed by the Commissioner of Police, Prayagraj, states that a detailed scrutiny of 77 writ petitions connected with the leading case, Civil Misc. Writ Petition (C) No. 22491 of 2024, *Shanidev & Another vs. State of Uttar Pradesh & Others*, was conducted, till the filing of the compliance affidavit. Upon examination, it was revealed that in 10 of these petitions, the petitioners had annexed forged marriage certificates purportedly issued by Arya Samaj organizations. However, the office bearers of the concerned Arya Samaj organizations categorically denied issuing

such certificates or solemnizing the marriages of the petitioners.

26.1 In such cases, it was established that forged documents and fabricated marriage certificates were attached to the writ petitions to seek legal relief from this Court, which is illegal. In instances where prima facie offences were identified, First Information Reports (FIRs) were registered in the Ganganagar Zone, City Zone, Yamunanagar Zone, and Commissionerate Prayagraj.

26.2 It is further stated that in Case Crime No. 218/2024, registered under Sections 318(4), 338, 336(3), and 340(2) of the Indian Penal Code at Police Station Cantt, Commissionerate Prayagraj, during the investigation, the petitioner, Shrikant, son of Raju, resident of Village Mohanpura, Larkhor, Police Station Saifai, Etawah, was arrested on 02.11.2024 by the Investigating Officer. Based on his statement and information received from a reliable informant, the police proceeded to Ajay Enterprises, a photocopy shop near the High Court, where two individuals were found working on separate computers. Upon inquiry, one identified himself as Raja alias Shesh Mani Dubey and the other as Anil Kumar Prajapati.

26.3 During inspection of the computer operated by Raja alias Shesh Mani Dubey, the Investigating Officer discovered a proforma of a marriage certificate purportedly issued by Arya Samaj, Krishna Nagar, Prayag (address: 529, K.L., Krishna Nagar, Kydganj, Prayagraj). A colour printout of the proforma was obtained using the printer connected to the computer, which revealed a printed certificate bearing illegible signatures of a priest and a seal with the name "*Santosh Kumar Shastri, Priest, Arya*

Samaj Prayag," along with signatures and seals of the issuing authority.

26.4 Upon inspection of the second computer, marriage certificates from two other institutions were found: one from "*Arya Samaj Gaushala Nagar, Vrindavan-Mathura, affiliated with the Sarvadeshik Sabha, New Delhi,*" and the other from "*Arya Samaj Ulau Kheda, Firozabad, U.P.*" Printouts of these proformas were also obtained. The proforma of the first certificate bore illegible signatures of "Shyam Sundar Arya," along with a seal stating "Secretary, Arya Samaj Gaushala Nagar, Vrindavan, Mathura," while the second certificate bore an illegible seal and signature of "Arya Samaj Ulau Kheda, Firozabad, U.P." Both computers were connected to a common printer.

26.5 Upon inspecting the computer used by Anil Kumar Prajapati, the Investigating Officer discovered a signed and sealed proforma of a marriage certificate purportedly issued by Arya Samaj Ulau Kheda, Firozabad, U.P. A color printout of the proforma was taken, confirming these details. Both accused were informed of the charges against them and subsequently arrested. The police seized computer CPUs, keyboards, mouse, printers, and monitors, and followed all necessary legal procedures, as documented in case diary no. 8.

26.6 During the investigation of Case Crime No. 613/2024, registered under Sections 318(4), 338, 336(3), and 340(2) IPC at Police Station Handia, Commissionerate Prayagraj, accused Ashish Kumar (aged 19), son of Nandlal, resident of Harson Pur, Ahiri, Police Station Handia, Prayagraj, was arrested on 30.10.2024 by Sub-Inspector Mani Bhushan Shukla, and appropriate legal actions were initiated.

26.7 In compliance with the order dated 07.11.2024 passed by the Hon'ble Allahabad High Court in Civil Misc. Writ (C) No. 24353/2024 (Smt. Preeti and Others v. State of Uttar Pradesh and Others), the deponent, through letter no. A-3944/2024 dated 17.11.2024, initiated an inquiry which revealed that the petitioners had submitted forged marriage certificates to seek protective relief from the High Court, an act that is illegal. Consequently, First Information Report (F.I.R.) No. 248/2024 was registered at Police Station Cantt, Commissionerate Prayagraj, under Sections 318(4), 338, 336(3), and 340(2) of the IPC against Smt. Preeti, Bhupendra, and other unidentified persons. The investigation is currently ongoing.

27. In compliance with the order dated 7.11.2024, the District Magistrate, Gautam Buddha Nagar, constituted a committee vide letter dated 14.11.2024. The committee comprises the Sub Divisional Magistrate, Gautam Buddha Nagar, as Chairman; the Assistant Commissioner of Police, Headquarters, Gautam Buddha Nagar; the Deputy Registrar (Chits & Funds), Gautam Buddha Nagar; Sub-Registrar-I; and the Sub-Registrar, Dadri, Gautam Buddha Nagar. The committee has been tasked with examining the issues raised in this matter and submitting its report to the Court.

28. The Assistant Inspector General of Registration, Prayagraj, submitted an affidavit dated 6.12.2024 by incorporating with the suggestions based on the findings of the committee's report, forwarding the following suggestions, which are outlined herein after.

28.1 All marriages solemnized or conducted in Uttar Pradesh are registered

under the *Uttar Pradesh Marriage Registration Rules, 2017*. However, these rules neither ask in the application about the religious customs/rituals under which the marriage was solemnized nor mention them in the registration certificate. An amendment to the rules is recommended to mandate applicants to provide details regarding the customs and traditions under which the marriage was solemnized or conducted. Only after the proposed amendment can compliance with the Hindu Marriage Act, 1955 or other applicable marriage laws for different religions be ensured.

28.2 Under the Uttar Pradesh Marriage Registration Rules, 2017, marriage registration is currently based on the declarations made by applicants and the verification of uploaded evidence and certificates with their originals. However, in the existing online registration system, there is no provision to authorize the Marriage Registration Officer to raise objections and reject applications on grounds of suspicion. In case of doubts, the parties are simply sent back, and no record of such instances has been maintained in the office. It is recommended to amend the current system to maintain records of objections raised by the Marriage Registration Officer, ensuring transparency. For the implementation of this, necessary amendments to the existing rules are also required.

28.3 It appears necessary to frame rules or laws to regulate institutions, religious individuals, priests, and others involved in conducting marriages. This will help curb the issuance of fraudulent marriage certificates and ensure that the marriage process is conducted authentically and in compliance with legal standards.

28.4 Directions be given to the institutions conducting marriages to

maintain photocopies of documents such as age and residence proofs of the bride and groom. This measure will ensure accountability and provide verifiable records in case of any disputes or legal investigations in the future.

28.5 A robust and reliable system for the online verification of age certificates should be developed and integrated with the marriage registration process. This will ensure the authenticity of age verification during marriage registration and prevent misuse of false documents.

28.6 The Marriage Registration Officer should have the authority or legal sanction to register a marriage only after verifying the age certificates and marriage documents. This will ensure compliance with legal requirements and prevent the registration of marriages based on incomplete or fraudulent information.

28.7 It is noteworthy that currently in Uttar Pradesh, no marriage is registered under the Hindu Marriage Registration Rules, 1973. Since the implementation of the Uttar Pradesh Marriage Registration Rules, 2017, on August 13, 2017, the registration of marriages of all religions are registered under these rules. It is also important to note that these rules were framed by the Department of Women and Child Development, The Department of Stamp & Registration has no authority to amend them to plug the loopholes in marriage registration process. Therefore, it is prayed, that the court may kindly issue necessary directives regarding amendments to the Rules, 2017.

29. Following consultations with the aforementioned stakeholders, the office of the Inspector General, Stamp and Registration, after extensive consultations

with stakeholders, issued Notification No. 1547/24 dated 14.10.2024, whereby clear and specific instructions has been issued to the office of Deputy Registrar. The relevant portion of notification dated 14.10.2024 has been extracted herein below:

"प्रेषक,

सहायक महानिरीक्षक निबंधन,

गाजियाबाद।

x x x x x

संख्या: 1547 / स०म०नि०-

गा०बाद/2024 दिनांक 14-10-2024

विषय:- सिविल मिस रिट याचिका संख्या-22491 वर्ष 2024 शनिदेव व अन्य बनाम उत्तर प्रदेश राज्य व अन्य में अभिकथन (Instructions) दाखिल किये जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक सिविल मिस रिट याचिका संख्या-22491 वर्ष 2024 शनिदेव व अन्य बनाम उत्तर प्रदेश राज्य व अन्य का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके द्वारा उक्त रिट याचिका में मा० उच्च न्यायालय, इलाहाबाद द्वारा दिनांक 07.08.2024 व 03.09.2024 को पारित आदेश के अनुपालन में पूर्व में इस कार्यालय द्वारा निर्गत पत्र संख्या-1404/2024 दिनांक 20.09.2024 द्वारा अभिकथन दाखिल किया गया है।

प्रश्नगत प्रकरण में मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित

आदेशों के अनुपालन में महानिरीक्षक निबंधन, उत्तर प्रदेश, लखनऊ द्वारा अपने परिपत्र संख्या-3375/तीन-ए-शि०का० लख०/2024 दिनांक 10 अक्टूबर, 2024, जो समस्त उप महानिरीक्षक निबंधन, उत्तर प्रदेश, समस्त सहायक महानिरीक्षक निबंधन, उत्तर प्रदेश, एवं समस्त उप निबंधक, उत्तर प्रदेश को सन्बोधित तथा अन्य को पृष्ठांकित किया गया है। उक्त परिपत्र द्वारा कार्यालय महानिरीक्षक निबंधन, उत्तर प्रदेश द्वारा पूर्व में निर्गत परिपत्रों को अवक्रमित करते हुए नवीन परिपत्र जारी किया गया है, जिसमें विवाह रजिस्ट्रीकरण विषयक निम्नलिखित दिशा-निर्देश प्रसारित किये गये हैं:-

1- विवाह के दोनों पक्षकारों (वर एवं वधु) की पहचान उनकी सहमति के आधार पर आधार प्रमाणीकरण के माध्यम से की जायेगी।

2- विवाह के दोनों पक्षकार यथा वर एवं वधु के साथ-साथ दो साक्षियों का विवरण स्टाम्प एवं रजिस्ट्रेशन विभाग द्वारा उपलब्ध कराये गये सॉफ्टवेयर पर प्रविष्टि की जायेगी। सम्बन्धित विवाह पंजीकरण अधिकारी के समक्ष वर एवं वधु के साथ-साथ दो साक्षियों के फोटो एवं बायोमैट्रिक अंगुष्ठ निशान सॉफ्टवेयर पर दर्ज किये जायेंगे।

3- विवाह पंजीकरण अधिकारी द्वारा वर एवं वधु की जन्मतिथि के

सत्यापन के समाधान के बाद ही पंजीकरण की कार्यवाही की जायेगी।

4- केन्द्रीय माध्यमिक शिक्षा बोर्ड के प्रमाणपत्रों के सत्यापन हेतु बोर्ड द्वारा डिजिटल शैक्षणिक दस्तावेजों के संग्रह हेतु एक ऑनलाइन व्यवस्था सृजित की गयी है, जो डिजिलॉकर प्लेटफॉर्म के साथ एकीकृत है। ऐसे समस्त शैक्षणिक दस्तावेजों का सत्यापन <https://apisetu.gov.in> पर किया जायेगा।

5- माध्यमिक शिक्षा बोर्ड के प्रमाणपत्रों के सत्यापन हेतु <https://results.upmsp.edu.in> पर जाकर वर्ष 2002 के बाद निर्गत परीक्षाफल जिमें जन्मतिथि भी अंकित होती है, का सत्यापन किया जायेगा।

6- रजिस्ट्रार जन्म एवं मृत्यु पंजीकरण द्वारा निर्गत प्रमाण-पत्र का सत्यापन सी०आर०एस० पोर्टल से विभागीय पोर्टल के ए०पी०आई० संयोजन के पश्चात् प्राप्त किया जा सकता है। जन्म प्रमाण पत्र से सम्बन्धित प्रारम्भिक सूचना जनगणना विभाग (Census) से प्राप्त की जा सकती है।

7- पासपोर्ट, स्थायी ड्राईविंग लाईसेन्स एवं पैन में दर्ज जन्मतिथि का सत्यापन सम्बन्धित विभाग के पोर्टल से किया जायेगा। उक्त के अतिरिक्त विभागीय सॉफ्टवेयर का Protean e Gov Technologies Ltd के पोर्टल से संयोजन किया जाना प्रक्रियाधीन है, जिसके पश्चात्

पासपोर्ट, ड्राईविंग लाइसेन्स एवं पैन में दर्ज जन्मतिथि का सत्यापन एक ही पोर्टल से किया जा सकेगा।

8- CISCE बोर्ड द्वारा निर्गत प्रमाण-पत्रों का सत्यापन www.cisce.org पोर्टल पर किया जायेगा।

9- ऐसे प्रकरणों में जहां विवाह के पक्षकारों से सम्बन्धित शिक्षण संस्थाओं के अभिलेख ऑनलाईन उपलब्ध नहीं हैं, वहां मूल प्रमाण पत्र से मिलान करते हुए जन्मतिथि का सत्यापन किया जायेगा। कोई भी जन्मतिथि का प्रमाण-पत्र उपलब्ध न होने की दशा में सम्बन्धित जनपद के मुख्य चिकित्सा अधिकारी द्वारा निर्गत आयु प्रमाण-पत्र से सत्यापन किया जायेगा।

10- वर एवं वधु के साथ-साथ दो साक्षियों के पहचान, पते के प्रमाण-पत्र एवं आयु के प्रमाणपत्र के रूप में निम्न में से एक पहचान पत्र अपलोड किया जायेगा।

(I) पक्षकारों की पहचान के सम्बन्ध में आधार के अतिरिक्त निम्न में से किसी एक अतिरिक्त पहचान-पत्र का अपलोड किया जाना।

- (क) स्थायी ड्राईविंग लाईसेन्स ।
- (ख) पैन कार्ड
- (ग) मतदाता पहचान-पत्र
- (घ) पासपोर्ट
- (च) सरकार द्वारा मान्यता प्राप्त कोई अन्य अभिलेख ।

(ii) पक्षकारों के पते के सम्बन्ध में निम्न में से किसी एक अभिलेख का अपलोड किया जाना।

(क) आधार कार्ड

(ख) मतदाता पहचान-पत्र

(ग) स्थायी ड्राईविंग लाईसेन्स ।

(घ) पासपोर्ट

(ङ) राशन कार्ड

(च) यूटिलिटी बिल (जल, विद्युत, टेलीफोन अथवा गैस बिल)

(छ) रेन्ट एग्रीमेन्ट

(ज) बैंक पासबुक

(झ) सरकार द्वारा निर्गत कोई अन्य अभिलेख।

(iii) पक्षकारों की आयु (जन्म तिथि प्रमाण-पत्र) के सम्बन्ध में निम्न में से किसी एक अभिलेख का अपलोड किया जाना।

(क) पासपोर्ट

(ख) स्थायी ड्राईविंग लाईसेन्स।

(ग) पैनकार्ड

(घ) हाईस्कूल / एस०एस०सी० प्रमाण-पत्र (सरकार द्वारा मान्यता प्राप्त बोर्ड द्वारा निर्गत)

(ङ) रजिस्ट्रार, जन्म मृत्यु पंजीकरण द्वारा निर्गत प्रमाण-पत्र

(च) सी०एम०ओ० द्वारा जारी जन्मतिथि/आयु प्रमाण-पत्र

(iv) वर एवं वधु द्वारा दहेज प्रतिषेध (वर-वधु भेंट सूची) नियम 1985 के अन्तर्गत उपहारों की सूची व अन्य तथ्यों से सम्बन्धित विवरण का प्रारूप स्टाम्प एवं रजिस्ट्रेशन विभाग के पोर्टल से डाउनलोड कर आवश्यक प्रविष्टि के बाद शपथ-पत्र के रूप में अपलोड किया जाना।

(v) विवाह सम्पन्न होने के साक्ष्य के सम्बन्ध में निम्न में से कोई एक प्रमाण-पत्र अपलोड किया जाना।

(क) विवाह स्थल के प्राधिकारी / धार्मिक प्राधिकारी द्वारा निर्गत प्रमाण-पत्र।

(ख) राजपत्रित अधिकारी अथवा किसी स्थानीय निकाय के सदस्य द्वारा निर्गत प्रमाण-पत्र।

(ग) विवाह निमंत्रण पत्र की प्रति।
मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेशों के अनुपालन में महानिरीक्षक निबंधन, उत्तर प्रदेश, लखनऊ द्वारा अपने परिपत्र संख्या-3375/तीन-ए-शि०का० लख०/2024 दिनांक 10 अक्टूबर, 2024, द्वारा पूर्व में निर्गत परिपत्रों को अवक्रमित करते हुए उपरोक्त नवीन दिशा-निर्देश प्रसारित किये गये हैं, जिसकी छायाप्रति सुलभ सन्दर्भ हेतु माननीय उच्च न्यायालय, इलाहाबाद के संज्ञान में लाने हेतु सादर प्रेषित है।

संलग्नक-यथोपि।"

30. The fraudulent issuance of marriage certificates not only violates statutory provisions but also infringes upon fundamental rights by exposing minors to premature marital obligations, potential exploitation, and denial of educational and personal development opportunities. This contravenes constitutional guarantees of dignity and equality, besides undermining public order.

31. The involvement of local police and administrative authorities in enabling

these malpractices calls for institutional reforms and accountability mechanisms to prevent future abuses. It also highlights the need for interdepartmental coordination-between registration offices, police, welfare departments, and educational institutions-to create an integrated verification system.

32. The issues highlighted herein underscore the pressing need for a robust and verifiable marriage registration mechanism to ensure the validity and sanctity of marriages. While the Hindu Marriage Act lays down the legal framework for the solemnization of marriages and stipulates the consequences of void and voidable marriages, as well as other related provisions, its efficacy is contingent upon the proper enforcement of its provisions.

33. In view of the serious concerns raised, this Court, in the exercise of its *suo motu* writ jurisdiction and the authority conferred upon the High Court, hereby directs the Principal Secretary, Department of Women and Child Development, to amend the Uttar Pradesh Marriage Registration Rules, 2017, in coordination with the Inspector General of Stamp and Registration, Uttar Pradesh. Such amendments shall be carried out within six months, taking into account the suggestions set forth in aforesaid paragraph 30-30.7.

33.1 Immediately upon receipt of a copy of this order, the office of the Chief Secretary shall appoint a designated officer to coordinate and ensure the prompt amendment of the Uttar Pradesh Marriage Registration Rules, 2017 in align with the issue flagged herein.

34. **Interim Directions Pending Framing of New Rules:** Until the amended

rules are duly framed and brought into effect, the Inspector General of Stamps and Registration is hereby directed to ensure the following:

34.1 All Deputy Registrars entrusted with the task of marriage registration shall strictly adhere to the instructions issued under the notification dated 14.10.2024, in both letter and spirit.

34.2 An affidavit sworn by the Purohit- or the person who claims to have solemnized the marriage shall be made mandatory at the time of registration of marriage. The affidavit must contain the following particulars to establish the identity and credibility of the Purohit: (i) Full name, (ii) Father's name, (iii) Permanent address, (iv) Present address, (v) Copy of Aadhaar Card, (vi) Any other valid identity document, (vii) Mobile number, (viii) A recent passport-sized photograph, (ix) A solemn declaration affirming that he performed the marriage, and (x) A video recording of the marriage ceremony, which shall be mandatory, particularly in cases involving runaway couples. The Prohit or the person who solemnized the marriage must be physically present at the office of the Marriage Registrar at the time of registration.

34.3 The Deputy Registrar shall make an unequivocal endorsement on the reverse side of the marriage certificate to the effect that: (i) The instructions contained in the notification dated 14.10.2024 have been duly complied with; and (ii) The affidavit sworn by the Purohit or the person who claims to have solemnised the marriage has been perused and found satisfaction, and he was present at the time of registration of marriage.

34.4 The marriage shall be registered only at a place where either party to the marriage ordinarily resides or where

the parents of either party ordinarily reside. An unregistered rent agreement shall not be considered as valid proof of residence.

34.5 The concerned Assistant Inspector Generals of Stamp and Registration shall be responsible for supervising compliance. They shall ensure that the Deputy Registrars are discharging their duties in strict accordance with the above directions. A monthly entry certifying such compliance shall be recorded in a register maintained in the respective offices for this purpose.

35. The aforesaid interim directions shall specifically apply to the registration of marriages involving runaway couples- i.e., those who have entered into a matrimonial alliance without the consent of their respective family members. Provided that, if any of the family members of the parties to the marriage are present at the time of registration, the Marriage Officer may, at his discretion, waive the aforesaid conditions, either wholly or in part, after being satisfied as to the genuineness of the marriage.

36. Reverting back to the prayers made in all connected petitions, stand disposed of, with liberty granted to the petitioners to approach the concerned Senior Superintendent of Police (SSP). The S.S.P. shall, upon verification of the claims and contentions, take appropriate remedial measures as deemed fit.

37. The Registrar (Compliance) is directed to forthwith transmit a copy of this order to; (i) Chief Secretary, Government of Uttar Pradesh, (ii) Principal Secretary, Department of Women & Child Development, and (iii) Inspector General, Stamp and Registration, Uttar Pradesh, for necessary compliance.

