

Case :- WRIT - C No. - 22491 of 2024

Petitioner :- Shanidev And Another

Respondent :- State Of Up And 7 Others

Counsel for Petitioner :- Ranjeet Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vinod Diwakar,J.

1. On the last date of hearing i.e. on 27.8.2024, the last and final opportunity was given to the office bearers of Arya Samaj Pratinidhi Sabha, 5- Meerabai Marg, Lucknow to appear before this Court along with all the records of the Society comprising **(i)** a copy of the trust/society deed of the Sabha, **(ii)** list of present office bearers along with their address and mobile number, **(iii)** the list of such societies/trust authorized by the Arya Samaj Pratinidhi Sabha across Uttar Pradesh to solemnize marriages, **(iv)** resolution passed by the Society till date regulating the marriages in cases of run-away couples/elopement, and **(v)** bank statement of the Society of the last five years and with an explanation by the Secretary /President as to why they failed to comply with the terms of order dated 24.07.2024 and 07.08.2024.

2. In compliance thereof, a compliance affidavit dated 3.9.2024 was filed by Shri Nipun Singh, learned counsel for the Arya Samaj Pratinidhi Sabha, 5- Meerabai Marg, Lucknow and the same was taken on record. Shri Nipun Singh undertakes to file suggestions as to how the Arya Samaj Pratinidhi Sabha may control and regulate the affairs of the societies affiliated with the Sabha so far as the solemnization of marriage is concerned, on or before the next date of hearing.

3. On examination of the previous order passed by this Court, it's

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revealed that *Principal Secretary (Stamp & Registration) Lucknow* was directed to ensure the terms of order dated 24.7.2024 be complied with in letter and spirit. In compliance, Shri Shashi Bhan Mishra, Additional Inspector General Registration, Noida and Gautam Budh Nagar, and Shri Pushpendra Kumar, Additional Inspector General Registration, Ghaziabad had appeared before this Court and had sought 15 days time to work out on the modalities through which registration of marriages could be regulated in case of run away couple marriages.

4. When the matter was taken up for hearing, Shri Ashwani Kumar Tripathi, learned Additional Chief Standing Counsel produced a copy of letter dated 2.9.2024 issued by Dr. Rupesh Kumar, Inspector General, Registration, Lucknow in which suggestions are sought from eight departments/organization. It goes without saying that the Inspector General Registration issued a letter dated 2.9.2024 after 25 days of the order dated 7.8.2024. It shows that the matter is not in the priority list of the department, if such a casual approach would be adopted by the office of Inspector General Registration then it may take years to get the requisite information from various departments to come to a logical conclusion.

5. Based on the aforesaid deliberations, Principal Secretary (Stamp & Registration), Lucknow shall himself supervise and ensure that the terms of para-1 & 2 of order dated 7.8.2024 be complied with before the next date of hearing. In case the aforesaid terms are not complied with, the Principal Secretary (Stamp & Registration), Lucknow shall file a personal affidavit stating the reason for non-compliance on the next date of hearing.

6. In all the petitions, almost similar set of assertions are made and

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the respective learned counsel for the petitioners submit that the petitioners are major and married according to Hindu law, meeting the requirement of section 5 of the Hindu Marriage Act, 1955. The petitioners have married against the wishes of their parents and, therefore, face serious threats to their lives from their respective parents. In all the petitions, by and large, the petitioners have relied upon the marriage certificate issued by; **(i)** Arya Samaj Mandir, Greater Noida situated at Shiv Mandir behind City Park, Nawada Greater Noida and affiliated with Arya Samaj Pratinidhi Sabha, Lucknow, **(ii)** Arya Samaj Vivah Mandal Trust Ghaziabad situated at Village Dargal, District Ghaziabad, Branch Office at Vijay Nagar, **(iii)** Arya Samaj Mandir situated at Braj Nagri, Nand Gram, Ghaziabad, **(iv)** Arya Samaj Mandir, Model Town Trust, Ghaziabad, situated at 92 Model Town West, G.T. Road Ghaziabad (Mob.9911359311), **(v)** Arya Samaj Vaidik Vivah Sanskar Trust Ghaziabad, having address at Akbarpur Behrampur, Ghaziabad, **(vi)** Arya Samaj Vaidik Vivah Sanskar Mandir Trust having address at 18 Ved Vihar Building Kiran Enclave Model Town G.T. Road, Ghaziabad, **(vii)** Arya Samaj Mandir Greater Noida, having address at Opposite BJP Office, Tilpata, Gautam Budh Nagar, **(viii)** Arya Samaj Vivah Mandir Trust, having address at Shop 5, K-Block Market, Kavi Nagar, Ghaziabad, **(ix)** Arya Samaj Vivah Mandal Trust having address at Village Dargal, Vijay Nagar, Ghaziabad, **(x)** Arya Samaj Vedic Trust (Regd.) Village Rajapur, Ghaziabad, **(xi)** Arya Samaj Vivah Mandal Trust (Regd.) having address at Pratap Vihar, Sector-11, Ghaziabad, **(xii)** Vedic Samaj Kalyan Samiti (Regd.) having address at Pratap Vihar, Sector-12, Vijay Nagar, Ghaziabad, **(xiii)** Vedic Samaj Kalyan Samiti (Regd.) having address at C-253, Sec-9, Vijay Nagar, Ghaziabad, **(xiv)** Arya Samaj Mandir Gautam Budh Nagar, and **(xv)** Arya Samaj

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Vedic Vivah Sansthan Mandal, having its Branch Office at Sheetla Mata Mandir, District Mainpuri and Farrukhabad situated at Head Office at 43/12, Ground Floor, Indraprastha Colony, Village Burari, New Delhi.

7. In most of the cases, on police verification, it's revealed that **(a)** either the trust/society- as claimed- are not affiliated with Head Office at 43/12, Ground Floor, Indraprastha Colony, Village Burari, New Delhi, **(b)** the marriages have been solemnized in contravention of the provisions of the Child Marriage Restraint Act, and section 5 of the Hindu Marriage Act, 1955, **(c)** the documents annexed with the petition, mainly, Aadhar Card are found to be forged, **(d)** the undertaking furnished on oath by the petitioners (bride and groom) on a notarized affidavit are found to be fake, **(e)** the addresses mentioned in the memo of parties of the petition are wrong, **(f)** the contentions raised in the petition are frivolous, **(g)** the addresses/details of Purohit and Secretary/President of the society are incorrect, and/or **(h)** the Marriage Registration Officer registered the marriage on the basis of the fake and invalid marriage certificate, without verification. The findings revealed on police verification are illustrated and not exhaustive.

8. In essence, such marriages lead to human trafficking, sexual exploitation, and forced labor. Children endure emotional and psychological trauma caused by social instability, exploitation, coercion, manipulation, and the disruption of their education. Additionally, these issues place a significant burden on the courts. Therefore, a robust system for document verification and ensuring the accountability of trusts and societies needs to be developed.

9. Based on the deliberations above, the Commissioners of Police,

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Gautam Budh Nagar and Ghaziabad, is directed to conduct a thorough investigation and discreet inquiry about the functions of the aforementioned trust/societies involved in solemnizing marriage in contravention of section 5 of the Hindu Marriage Act, 1955 and the provisions of Child Marriage Restraint Act, 1929. The investigation shall include **(i)** name of such trust/society performing marriage within the territorial jurisdiction of district Gautam Budh Nagar and Ghaziabad, **(ii)** the inquiry shall include the profiling (social, financial and otherwise also the criminal antecedents, if any) of the President, Secretary and Purohit- who performs marriage- of the trust/society, and any other person involved directly or indirectly **(iii)** the resources including links and contacts through which the trusts management (beneficiary of the activities) approaches the eloped boys and girls for solemnization of their marriage, **(iv)** details of the persons, who helps the eloped couples to create false and fabricated documents pertaining to the age, residential address, bogus affidavits and fake complaints to the police and provide shelter and protection against law, **(v)** the details of financial transaction of the trust/society, **(vi)** details of fee charged by the members of the trust/society and Purohit in the name of *Dakshina* for solemnization of marriages, and **(vii)** any other discreet information which may facilitate the Court to reach to the core and to understand as to how the entire vicious cycle works from solemnization of marriage till filing of protection petitions in Court on the basis of forged documents.

10. The above mentioned list of Arya Samaj Mandirs and Societies/Trusts involved in solemnization of marriage are only indicative in nature, there are many more such institutions involved in solemnization of marriage, the activities of the same shall also be inquired into accordingly by police within their

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respective jurisdiction.

11. A detailed report under the signatures of the Commissioners of Police, Gautam Budh Nagar and Ghaziabad be submitted on or before the next date of hearing, and discreet information may be provided in a sealed envelope if the respective Commissioner of Police desires so. Both the Commissioners shall prepare the report in accordance with their respective jurisdiction.

12. A copy of this order be sent to the Commissioner of Police, Gautam Budh Nagar and Ghaziabad, for necessary compliance. The respective Commissioners are further directed to utilize all available resources under their authority and supervision to gather the required information, which may fulfill the purpose of this order in its true spirit.

13. In case of any clarification, the Commissioner of Police, Gautam Budh Nagar and Ghaziabad, may seek the assistance of the learned Additional Chief Standing Counsel attached to the Court.

14. The Registrar (Compliance) is directed to communicate this order to the Principal Secretary (Stamp & Registration), Lucknow, DIG Meerut Range, Meerut, Commissioner of Police, Ghaziabad, and Commissioner of Police, Gautam Budh Nagar to ensure compliance, before the next date of hearing.

15. The instant petition is treated as leading petition, along with 42 other petitions.

16. Put up as fresh on 26.9.2024, along with all the connected matters.

Order Date :- 3.9.2024

Anil K. Sharma

Justice Vinod Diwakar