

ARYA SAMAJ HAS NO BUSINESS GIVING MARRIAGE CERTIFICATES

The Apex Court in the case of Sunil Lora v State of Rajasthan, single bench division observed that Certificates issued by Arya Samaj are not valid proof of marriage.

The plea for the bail application against the offences under Section 363, 366A, 376(2)(n), Section 384 of the Indian Penal Code, 1860 and Section 5(L)/6 of the Protection of Children from Sexual Offences Act, 2012 (POSCO ACT) has been filed.

The Petitioner (Accused Counsel) told the court that an FIR has been lodged with a delay of one and half years. Further, the delay in lodging the FIR has not at all been explained by the complainant. He further submitted that the Respondent (Prosecutrix) is a minor girl and marriage between the party has already taken place at Arya Samaj and the marriage certificate is also available on record.

A Supreme Court bench of Justices Ajay Rastogi and Nagarathna remarked that Arya Samaj cannot issue marriage certificates and dismissed the plea while remarking that “Arya Samaj has no business giving marriage certificate. This is the work of authorities. You show the real certificate.”

Earlier, the Rajasthan High Court while considering this matter had denied bail on the ground that the Respondent (Prosecutrix) in her statement u/s 161 of C.R.P.C has specified all the allegations of committing rape against the accused. The High Court had further noted that the Respondent (Prosecutrix) had deposed that the accused had taken her signature on a blank paper and the petitioner also prepared video of the incident.

On 4th April 2022, The Supreme Court heard the petition challenging the Madhya Pradesh High Court directed the Madhya Bharat Arya Pratinidhi Sabha (“Sabha”), while solemnising the marriages it should comply with the provisions of the Special Marriage Act, 1954 (“SMA”). Wherefore, upholding a Single Bench decision Justices K.M. Joseph and Hrishikesh Roy, the HC also asked the Samaj to amend its August 2016, guidelines by incorporating the provisions of Sections 5, 6, 7, and 8 of the Special Marriage Act, 1954 as it was only made to legitimize the marriage between the couples.