



REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 911 OF 2022

AMANJOT SINGH CHADHA ...PETITIONER

VERSUS

UNION OF INDIA

& ORS.

...RESPONDENTS

ORDER

1. The fidelity of a constitutional promise is measured not only by the rights it proclaims, but by the institutions that make those rights usable. In a secular republic, the State must not turn a citizen's faith into either a privilege or a handicap. When the law recognises Anand Karaj as a valid form of marriage yet leaves no machinery to register it, the promise is only half kept. What remains is to ensure that the route from rites to record is open, uniform and fair.
2. The present writ petition under Article 32 of the Constitution of India seeks a limited mandamus

directing the States and Union Territories to frame and notify rules under Section 6 of the Anand Marriage Act, 1909 (as amended in 2012) to facilitate registration of marriages solemnised by the Sikh rite commonly known as Anand Karaj. The relief is confined to operationalising the statutory mechanism contemplated by the Parliament. The limited prayer is that the rule-making duty be discharged within a reasonable time so that access to certification and the attendant civil consequences is secure and non-discriminatory across jurisdictions.

3. The facts giving rise to the writ petition are as follows:

3.1. The Anand Marriage Act, 1909 (hereinafter, “The Act”) was enacted to recognise the validity of marriages performed by the Sikh ceremony of Anand Karaj. By the Amendment of 2012, the Parliament inserted Section 6 of the Act casting a duty upon the respective State Governments to make rules to facilitate registration of such marriages, to maintain a Marriage Register, and to provide certified extracts, while clarifying that

omission to register would not affect the validity of an Anand marriage.

- 3.2. According to the petitioner, while a number of States and Union Territories have notified rules pursuant to Section 6 of the Act, several others have not yet done so, resulting in uneven access to a uniform statutory facility intended by the amendment.
- 3.3. Prior to approaching this Court, the petitioner instituted Writ Petition (PIL) No. 98 of 2021 before the High Court of Uttarakhand. By order dated 23 March 2021, the High Court directed the Chief Secretary, State of Uttarakhand, to place the proposal before the Cabinet, and upon approval, to publish the rules in the Gazette and place them before the Legislative Assembly.
- 3.4. The petitioner thereafter addressed representations dated 8 April 2022, 9 April 2022 and 28 August 2022 to various States and Union Territories seeking formulation/ notification of rules under Section 6 of the Act. A response dated 30 August 2022 from the Union Territory of Jammu and Kashmir indicated that action was under consideration.

4. Being aggrieved by the continuing non-implementation of Section 6 of the Act in several jurisdictions, the petitioner has approached this Court in public interest under Article 32 of the Constitution of India for directions that the rule-making obligation be discharged within a fixed time and, until such rules are notified, that marriages solemnised by Anand Karaj be received and registered under existing statutory frameworks without discrimination.

5. Having considered the submissions of the petitioner and the counter affidavits placed on record on behalf of some of the Respondent States and Union Territories, the limited question before us is whether this Court should, in exercise of its jurisdiction under Article 32 of the Constitution of India, secure the effective implementation of Section 6 of the Anand Marriage Act, 1909 by directing time-bound rule-making and, until such rules are notified, ensuring that marriages solemnised by Anand Karaj are received for registration under the existing statutory arrangements without discrimination.

6. Before we examine the contours of the obligation cast by Section 6 of the Act (as amended in 2012), it is necessary to reproduce the text of this provision for ready reference:

“6. Registration of marriages. - (1) *For the purposes of facilitation of proof of marriage ceremony (commonly known as Anand Karaj) customary among the Sikhs, the State Government shall, without prejudice to anything contained in the Hindu Marriage Act, 1955 (25 of 1955) or any other law for the time being in force, make rules providing that the parties to any such marriage [whether solemnized before or after the commencement of the Anand Marriage (Amendment) Act, 2012], may have the particulars relating to their marriage entered, in such manner and subject to such conditions as may be provided in the said rules, in a Marriage Register kept by such officer of the State Government or of a local authority authorised by the State Government, by notification in the Official Gazette, in this behalf.*

(2) The Marriage Register shall, at all reasonable times, be open for inspection, and shall be admissible as evidence of the statements contained therein and certified extracts therefrom shall, on an application, be given by the Registrar to the parties to the marriage on payment of such fees as may be provided in the rules.

(3) Notwithstanding anything contained in this section, the validity of any Anand Marriage solemnized shall in no way be affected by the omission to make an entry in the Marriage Register.

(4) Every rule made by the State Government under this section shall be laid before the State Legislature, as soon as may be, after they are made.

(5) The parties to the marriage, whose marriage has been registered under this Act, shall not be required to

get their marriage registered under any other law for the time being in force (including State Act).”

7. A bare perusal of Section 6 of the Act discloses a complete legislative scheme. The provision is cast in the imperative and identifies the facilitative purpose of registration. It requires the keeping of a public register with certified extracts, provides for laying of rules before the State Legislature, and removes the burden of duplicative registration once an entry is made under the Act. Read as a whole, it imposes a positive duty on every State Government to create a workable registration machinery for Anand Karaj marriages. That duty is not contingent on the size of the beneficiary group in any jurisdiction, nor can it be deferred on the footing that other marriage laws exist in parallel.

8. The structure of Section 6 of the Act reinforces this conclusion. Section 6(3) of the Act preserves the validity of an Anand Karaj marriage even if it is not registered, which protects the sacrament but does not dilute the obligation to frame rules. Moreover, Section 6(5) of the Act clarifies that registration under the Act

obviates the need to seek a second registration elsewhere, which underscores Parliament's intent to create a self-sufficient pathway with clear evidentiary incidents. The opening words of sub-section (1), "without prejudice to" other marriage laws, contemplate coexistence rather than substitution. A failure to make rules therefore withholds the very evidentiary and administrative benefits that Parliament has conferred and frustrates the uniform facility the 2012 amendment was designed to secure.

9. The availability of registration bears directly on equal treatment and on orderly civil administration. A marriage certificate enables proof of status for residence, maintenance, inheritance, insurance, succession and the enforcement of monogamy, and it particularly safeguards the interests of women and children who depend on documentary proof to claim legal protections. Uneven access to a statutory facility across States and Union Territories produces unequal outcomes for similarly situated citizens. In a secular framework that respects religious identity while ensuring civic equality, the law must provide a neutral and workable route by which marriages

solemnised by Anand Karaj are recorded and certified on the same footing as other marriages.

10. In our considered opinion, harmonisation with existing registration regimes is both practicable and necessary. Where a general civil marriage registration framework is in place, it must receive applications for registration of marriages solemnised by Anand Karaj on the same footing as other marriages and, if the parties so request, it should record that the ceremony was by the Anand rite. This interim facilitation does not displace the specific rule-making contemplated by Section 6 of the Act. It prevents denial of certification while formal rules are finalised. In jurisdictions governed by special constitutional or statutory arrangements that regulate the extension of Central enactments, the immediate duty is to secure reception and certification without discrimination under the prevailing framework, while the competent authority considers, in accordance with law, whether and how to extend the Act. This measured course preserves federal comity, avoids prescribing policy content, and gives practical effect to the clear legislative command.

11. For the reasons recorded above, this writ petition is disposed of with appropriate directions to the respective States and Union Territories that secure time-bound performance of the rule-making obligation under Section 6 of the Act and require interim facilitation under existing registration mechanisms so that the statutory promise of the provision is made effective.
12. General directions applicable to all respondent States and Union Territories (subject to the specific directions that follow for particular jurisdictions) are as follows:
 - i. Every respondent that has not yet notified rules under Section 6 of the Act shall do so within four months from today. The rules shall be published in the Official Gazette and laid before the State Legislature in terms of Section 6(4) of the Act.
 - ii. With immediate effect and until such rules are notified, each respondent shall ensure that marriages solemnised by Anand Karaj are received for registration under the prevailing marriage-registration framework without discrimination.

Where the parties so request, the registering authority shall record in the certificate that the marriage was solemnised by the Anand Karaj rite.

- iii. Respondents that have already notified rules under Section 6 of the Act shall continue to operate them. Within three months, they shall issue a clarificatory circular to all registering authorities and publish on the official portal the applicable forms, fees, documents required, and timelines, and shall ensure availability of certified extracts in terms of Section 6(2) of the Act. No authority shall insist on an additional or duplicative registration under any other law once registration under the Act is granted, in view of Section 6(5) of the Act.
- iv. Every respondent shall, within two months, designate a Secretary-level Nodal Officer to oversee compliance with this order, to issue any consequential administrative directions, and to address grievances regarding receipt and certification of Anand Karaj marriages.
- v. The Respondent no.1, Union of India, shall act as the coordinating authority. Within two months, it shall circulate model rules compiled from jurisdictions that have already notified Section 6 rules to any State or Union Territory that seeks guidance. Within six

months, it shall compile and present a consolidated status report before this Court indicating compliance by each respondent and place the same on the website of the Ministry of Law and Justice, in addition to furnishing a copy to the Registry.

- vi. Moreover, we make it clear that no application for registration of an Anand Karaj marriage or for a certified extract shall be refused on the sole ground that rules under Section 6 of the Act have not yet been notified. Any refusal shall be reasoned in writing and shall remain amenable to remedies in law.

13. The specific directions for Respondent no. 17 State of Goa are as follows:

- i. As an interim measure, the State shall ensure that all Civil Registration Offices receive and process, without discrimination, applications for registration of marriages solemnised by Anand Karaj under the existing civil registration framework. Where the parties so request, the register and the certificate shall record that the marriage was solemnised by the Anand Karaj rites.
- ii. The Union of India shall, within four months, issue an appropriate notification under Section 6 of the Goa, Daman and Diu (Administration) Act, 1962

extending the Anand Marriage Act, 1909 to the State of Goa.

- iii. Upon such extension, the State of Goa shall frame and notify rules under Section 6 of the Act within four months of the Union's notification, publish them in the Official Gazette, and issue a circular to all Civil Registrars for immediate implementation.
- iv. It is needless to say that the general directions in paragraph 12 shall apply to the State of Goa *mutatis mutandis*.

14. The specific Directions for Respondent no. 14 State of Sikkim are as follows:

- i. As an interim measure, the State shall ensure that all registering authorities receive and process, without discrimination, applications for registration of marriages solemnised by Anand Karaj under the existing Rules to provide for registration and solemnization of a Form of Marriage in Sikkim (1963). Where the parties so request, the register and the certificate shall record that the marriage was solemnised by the Anand Karaj rite.
- ii. Within three months, the State shall issue a circular to all registering authorities clarifying the

above, specifying the documents required and timelines for issuance of certificates, and ensuring availability of certified extracts in terms of the prevailing rules.

- iii. The Union of India shall, within four months, consider and place before the competent authority a proposal for extension of the Anand Marriage Act, 1909 to the State of Sikkim under Article 371F(n) of the Constitution of India, with such restrictions or modifications as may be warranted.
- iv. Upon such extension, the State of Sikkim shall frame and notify rules under Section 6 of the Anand Marriage Act, 1909 within four months of the notification, publish them in the Official Gazette, and issue a circular for immediate implementation.
- v. It is needless to say that the general directions in paragraph 12 shall apply to the State of Sikkim *mutatis mutandis*.

- 15. Each respondent shall place on record a brief compliance affidavit within the timelines indicated in paragraphs 12 to 14, enclosing the relevant notifications, circulars and formats, as the case may be. The Union of India shall file the consolidated

status report contemplated by paragraph 12(v) within six months.

16. The writ petition is disposed of in the above terms.

17. Pending applications, if any, stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI
SEPTEMBER 04, 2025