

Forced Marriage



Scan the code to know
more about the laws
related to forced marriage

Case Study 1

Nivedita, a 22-year-old Rajput woman lived in Jharsuguda, Odisha, and Kabir, a 25-year-old Muslim man, lived in Ramgarh, Jharkhand. They both entered into a relationship. However, their families were strongly opposed to their coming together. A lot of obstacles were to come ahead of Kabir and Nivedita, but they were ready to face them with all their strength and courage.

Relationships founded on human feelings like love, attraction, and the desire to be together, generally don't find easy approval in several societies, communities, and social strata even today. The choices of a man and a woman are confined by the value systems, traditions, customs, and cultural boundaries of society. Similar was the backdrop of Nivedita's and Kabir's case. Their emerging interest in each other caught the eyes of Nivedita's parents. As soon as they discovered her relationship with Kabir, they confiscated her phone and restricted her movement to prevent her from communicating with Kabir.

Kabir approached AALI to rescue Nivedita from the confinement. The AALI team suggested Kabir to file a complaint against Nivedita's parents for wrongful confinement and violation of Nivedita's right to choose and marry freely. AALI also suggested that he could file a petition of Habeas Corpus in the High Court. However, initially, Kabir was reluctant to take this approach as he feared that this would unnecessarily escalate the issue. Finally, one day, Nivedita escaped from her house and met Kabir and both came to AALI's office to seek their support.

Nivedita and Kabir were in a tough spot and were well aware that if they got married, the path ahead would be very difficult and to tread that path, they would have to show a lot of courage. AALI suggested that Nivedita should write an application to the relevant Police station, about the situation and that she had left her parents' house of her own accord, to live with her partner, Kabir. AALI guided her in writing the application to the Superintendent of Police and also to the Office of the Inspector General.

Nivedita belonged to a powerful family of Rajputs, hence the couple was well aware of what they were up against. A threat to the lives of both Nivedita and Kabir was also a cause of concern. The AALI team gave them confidence that they were there to support the couple in every situation. The opposition from the families of Nivedita and Kabir was not the only potential barrier, the inherent bias of some of the officials against inter-faith marriages was a bigger challenge for the couple.

With AALI's support, Nivedita and Kabir attempted to register their marriage under the Special Marriage Act, 1954 in the office of the Registrar of Marriages, Ranchi. Unfortunately, the authorities there did not register their marriage, citing that they are from different religious backgrounds. Thus, invalidating the whole purpose of the Special Marriage Act which was specially made for inter-faith and inter-caste marriages.

The AALI team advised that both of them take action against the authorities by taking their case to the High Court to seek legal action and protection for their right to inter-faith marriage. However, both of them were hesitant to pursue this option, fearing the legal battle and the consequences it would entail for them and their families.

The decisions and choices made by Nivedita and Kabir were of foremost importance. Keeping in mind the fear of the couple in taking any legal recourse, the AALI team suggested that they should solemnize their marriage in the Purulia district (West Bengal). The reason behind the advice was the experience in the past, with the authorities in the Purulia district when they had proven to be more liberal than the ones in the Ranchi district. The couple traveled to Purulia district to get their marriage registered and thus solemnized their commitment to each other.

Case Study 2

Shiva Yadav, a 27-year-old primary school teacher in Barabanki, found herself in a precarious situation when her family forcibly arranged her marriage to Sri Ram Kumar Yadav, a PCS officer, in June 2012. Shiva, with a strong desire to pursue competitive exams, was not willing to get married and expressed her intentions to her family. This refusal led to discord within the family, with her family members accusing her of humiliating them and bringing dishonor to their name.

Shiva decided to take matters into her own hands and moved to a hostel in Aliganj, Lucknow, in November 2012, to prepare for competitive exams, particularly the IAS. However, her family did not allow her to take any of her belongings with her, forcing her to start from scratch.

On 10th December 2012, Shiva was forcibly taken from her hostel by her brother, Prabhanjan Yadav. She was subjected to physical abuse and verbal harassment upon her return home. Her brother's actions left her in a state of physical and mental distress. Realizing that her family would not allow her to continue her studies, Shiva managed to escape from her house on 13th December 2012 and sought refuge in a Hostel in Aliganj, Lucknow. During this time, she continued to receive abusive phone calls from Sri Ram Kumar Yadav, the man with whom her marriage had been fixed.

On 16th January 2013, Shiva received a call from her brother, Prabhanjan, who threatened to trace her whereabouts and take her back home. Fearing for her safety, Shiva did not return to her hostel. On January 17-18, 2013 Shiva's family made repeated visits to her hostel, in an attempt to locate her. The hostel manager contacted Shiva to inquire about her whereabouts but was unable to obtain any information.

Faced with mounting threats, harassment, and the looming danger of being forcibly taken back home, Shiva sought support from AALI, who advised her to take support from the State Commission of Women; she submitted a written application to the State Commission of Women on 28th January 2013, requesting for a protection order. She also expressed her willingness to file a petition under the Protection of Women from Domestic Violence Act, 2005, to seek protection and compensation.

Unfortunately, after Shiva's phone was switched off for an extended period, AALI members were unable to establish contact with her. Despite their efforts to trace her, they failed to get any clue. Shiva had seemingly disappeared, leaving her safety and whereabouts in question.

AAI initiated a fact-finding on 13th March 2013, visiting Shiva's school and speaking with her colleagues. They discovered that Shiva had not been to the school for the past two months, and her contact numbers were all inactive. They also visited the bank where Shiva received her salary and found that she hadn't withdrawn her salary for the past two months.

On 14th March 2013, AAI submitted an application to the State Commission of Women, demanding assistance in locating Shiva and ensuring her safety. Unfortunately, there was no response from the Chairperson of the Commission.

Subsequently, on 9th July 2013, Shiva called AAI to inform them that she no longer required legal support. She had finally succumbed to the family's pressure and given up her fight for her rights. She visited the AAI office along with her mother on 11th July 2013 and submitted a letter confirming her decision to discontinue her legal pursuit with AAI.

Shiva Yadav's case highlights the challenges faced by individuals who seek autonomy and independence in situations where familial expectations and societal pressures collide with personal aspirations. It also underscores the importance of legal advocacy organizations in providing support and protection to those in need.

Case Study 3

Heena Parveen, a 27-year-old woman from Doranda, Ranchi, and Mustafa Ahmed, a 27-year-old man from Hurhuri, Ranchi, were one of those couples who married each other despite all odds. Heena was employed in a private firm while Mustafa was not employed. They were related to each other- Mustafa was the son of Heena's aunt. It was Heena's aunt who had the maximum objection to their marriage.

Article 19 (1)(c) of the constitution, which gives the Fundamental Right to form associations, and Article 21, which gives individuals the Right to Choice, allowed Heena and Mustafa to marry each other. But in India, it is often seen that the Rights and Autonomy of individuals are often superseded by generally accepted customs like parents' will and socially acceptable norms.

Heena and Mustafa had made up their minds that they would fight all odds and would get married; with, or without the consent of their families. Both had decided that they would secretly marry each other, and solemnize their marriage according to the law. They did not want a marriage under the Islamic traditions, as it would be more risky considering the proximity of people in the community, and word of mouth could affect their plans.

The couple approached the AALI team for support and counseling on how to proceed with the registration under the Special Marriage Act, 1954. The AALI team provided socio-legal counseling to Heena and Mustafa. The process of registration, and the documents required like address proof, identity cards, and other required documents needed for the registration, were communicated to the couple. The whole process of submission of the notices to the Marriage Officer of the district was explained to them. Copies of the documents were submitted to the Marriage Officer. AALI team informed the couple that marriage could only be solemnized on the expiry of 30 days after clearing objections, if any.

During the waiting period, another challenge that the AALI team had to face was of witnesses. For the marriage to be solemnized three witnesses were needed. Neither of Heena's or Mustafa's friends were ready to be witnesses. It was a terrifying experience for both of them. Never had they imagined that they'd be left alone, especially at a point in time when they were starting a new chapter of their life.

In this scenario, the AALI team came to their rescue. AALI spoke with the friends, counseled them to be witnesses, and assured them of their safety in the future. AALI explained that bearing witness was completely legal and was not a crime.

With AALI's counseling, their friends finally agreed to be witnesses in their marriage. Heena and Mustafa were really happy that their friends were there to support them, but the happiness was short-lived. One of Mustafa's acquaintances divulged the information regarding his visits to the marriage court to his mother. Mustafa's mother got suspicious and to make sure that Mustafa didn't get married to Heena, she hid away all the original documents.

AALI team informed Mustafa that the original documents were needed to be produced before the Marriage Officer for the solemnization of the marriage. Mustafa developed cold feet, he was afraid of his family. He wanted to marry Heena, but the pressure from his family was too much for him to handle. Mustafa started missing the Court dates, he did not know what to do. He couldn't face Heena, and Heena on the other hand, was heartbroken with Mustafa's non-appearance in the court.

In this difficult time, the AALI team spoke with Mustafa. AALI assured Mustafa of complete support for the couple. Mustafa pushed himself and mustered up the courage to face his family. He recovered all the documents from his mother on the false premise of requiring them for official purposes.

Heena and Mustafa finally got married in the presence of three of their friends. The couple hope to build a future where they can live together as husband and wife, and where their family and friends support their decision and choices.

Case Study 4

Rekha, a 22-year-old woman from Hazaribagh loved a man named Sumit, a 23-year-old man from Ramgarh. Rekha's parents and other family members were against this relationship, as Sumit belonged to the economically weaker section of the society. Rekha's parents wanted to marry her to a boy of their choice. But Rekha stood her ground and took a stand that she would marry only Sumit. To find a way out of this difficult situation and to help Rekha get support legally, Sumit approached AALI for help.

The AALI team provided Rekha and Sumit with socio-legal counseling. They were informed that since both are adults, under the Constitution of India, they have the Right to choose their partners under Article 19 (1)(c) - that is the Right to form an association, and Article 21 - that is Right to Life with Dignity. AALI gave both Rekha and Sumit the firm conviction that the constitution gives them the right to marry each other and that they are not going to do anything wrong in the eyes of the law.

AALI listed down all the legal options available to Rekha and Sumit. The first one was that they could register their marriage in the office of the Registrar of Marriages, the second, they could first get married according to Hindu rituals, and then get their marriage registered under the Hindu Marriage Act, 1955.

Sumit was adamant that he would go to Rekha's home to take her, and then both of them would leave for Ranchi. The AALI team strongly advised Sumit against taking such an impulsive and unnecessary / completely avoidable step, as it would be risky for both of them. Her family could also file a case against him as a consequence of this action.

The AALI team designed a plan. They asked Rekha to leave her home and to write an application to her local police station, which should clearly state that she is an adult and is leaving the house of her own free will. Accordingly, Rekha informed the Sadar Police Station, and the Senior Superintendent of Police, Hazaribagh, about her situation through speed post with the support of the AALI team.

On 20th January 2020, Rekha left her house and traveled to Ranchi and both Rekha and Sumit stayed at their friend's place in Kokar, Ranchi. On 21st January, Rekha and Sumit got married at a Pahadi temple in Ranchi according to Hindu rituals. This temple was suggested by AALI team, as they were aware that the temple had the authority to issue a marriage certificate. A common friend of Rekha and Sumit bore witness to their

marriage. On the other hand, soon after Rekha left her home, her parents had begun to search for her and reached Ranchi. They knew the whereabouts of Rekha's and Sumit's common friend. They forcibly caught this friend and took him to an isolated place, where they forced him to call up Rekha and put pressure on her to come back.

Rekha and Sumit almost gave in to the pressure, but the AALI team knew that it wasn't safe for them to go back. AALI, through the experience of having dealt with numerous such cases, knew very well that it was foul play. AALI suggested Rekha to report in the Sadar Police Station, and a team from AALI shall follow them. Rekha's parents knew that a case could be filed against them for illegally confining her friend, so they released her friend whom they had taken to an isolated spot. Soon after, Rekha, Sumit, and Rekha's parents, all reached the police station. Her parents tried their best to force her out of the marriage and even emotionally blackmailed her, but Rekha was headstrong. She had chosen to be with Sumit and wanted to stay with him.

Rekha's father was a policeman himself, and an influential one. With the connections that he had, he tried to influence the case in his favour. In the Senha Police station, her father filed a Non-Cognizable Report against Sumit. In the complaint, he stated that Sumit had forcibly taken Rekha, and kept her captive in his house. AALI, with all the legal expertise at hand, knew that Rekha's father's case would not stand a chance against Sumit. The next day, Rekha's father accompanied by the Hazaribagh Police came to take Rekha away. The AALI team intervened and demanded a warrant. Rekha's father could not produce one as there wasn't any, and the whole ground of the case was baseless.

Rekha's father, being a police official himself, could not do anything much to stop Rekha and Sumit from coming together in wedlock. Rekha's and Sumit's decision to marry each other was legal, and the constitution provisioned it. AALI's experience and strategy nullified Rekha's father's tactics. The AALI team produced the application given by Rekha in the Sadar Police Station which stated that she left her home by choice. The couple went to Sadar Police Station and Sumit gave the testament that he would take care of Rekha. This was done to ensure that Rekha's father was unable to indulge in any further foul play.

The AALI team and the couple had to face a lot of resistance from Rekha's parents. Rekha's father wanted to get Rekha back by hook or by crook. But as AALI is well versed with the legal processes, and the rights of both individuals, it was able to get them married legally. The court ensured the

safety and security of the couple. In a country like India, especially, it is important to be aware of our rights. On account of unreasoned traditions, unfounded honour, and questionable customs - our family members could be the first to begin the violation of our rights and suppress freedom in its truest sense.

Case Study 5

Sunita Kumari was a 23-year-old resident of Koderma, Jharkhand. Her father, Om Prakash Singh, operates his coaching center called 'Brilliant Coaching Center', in Koderma. For the past year, Sunita had been living in a hostel in the bustling city of Ranchi and preparing diligently for a government job. Her parents, however, had other plans for her.

On 26th January 2020, Sunita's life took a dramatic turn. Her parents, Om Prakash Singh and Pushpa Singh hatched a deceitful plan to get Sunita married. They lured her to Ara, Bihar, under the pretense of a family gathering. Little did she know, it was an elaborate ruse to pressure her into an engagement with a man named Rajesh.

The engagement ceremony was a farce, a ceremony of commitment that Sunita never wished for. As the days passed by, Sunita's resistance to the impending marriage grew stronger. Her mother, Pushpa Singh, responded with anger, unleashing a torrent of emotional and physical abuse upon her daughter. She coerced Sunita into talking to Rajesh over the phone, a man she barely knew. When Sunita resisted, Pushpa's anger only escalated. For Sunita, matters only got worse.

Sunita's pleas to be allowed to focus on her education fell on deaf ears. Her parents were determined to see her married, regardless of her desires. Feeling trapped and overwhelmed, Sunita made a heart-wrenching decision – she would reluctantly agree to the marriage.

However, in November 2020, Sunita finally found a way to escape the suffocating grip of her parents. She had a few friends who gave her all the support she needed, to help her relocate back to her hostel in Ranchi. Once she was back in Ranchi, Sunita firmly expressed her refusal to communicate with Rajesh, and her unwillingness to proceed with the marriage.

Fearing a revolt against what the parents had planned for their daughter, her mother, Pushpa Singh, issued a chilling threat that she would come to Ranchi with ten people, and forcibly take Sunita back to Koderma to carry out the marriage against her will.

There was no escaping from her mother's threat, which she was very capable of carrying out. Terrified and desperate for help, Sunita approached AALI. The AALI Caseworker informed her about the Protection of Women from Domestic Violence Act, 2005, and guided her on seeking assistance from the court for financial support, educational expenses, accommodation, and

protection. The caseworker facilitated writing an application informing the Tilaiya and Lalpur police stations of her parents' involvement in this forced marriage. But Sunita's ordeal was far from over. She faced an emotional dilemma. On one hand, she yearned for autonomy and freedom from her parents' control. On the other hand, she knew that taking legal action might jeopardize the financial support she received from them. It's not easy for anyone to turn against their parents and with the court of law involved in it.

However, finally, with the support of AALI, Sunita Kumari decided to prioritize her education and autonomy. She chose to stand up against the unjust traditions imposed upon her by none other than her parents. While her journey was fraught with challenges, she was determined to forge her own path of independence.

Sunita's case serves as a reminder of the importance of protecting women's autonomy and rights, even in the face of familial pressure and tradition. Her story is a testament to the strength and resilience of individuals who dare to defy conventions to pursue their dreams.

