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FREEDOM OF CHOICE IN MARRIAGE – A CASE
ANALYSIS OF LAXMIBAI CHANDARAGI B & ANR. V.
THE STATE OF KARNATAKA & ORS.

AUTHORED BY - ASHHAD SAJID KHAN

INTRODUCTION

As we all are aware, in India, decisions about marriage are typically made with the approval of the both families. However, given the realities of the modern twenty-first century, the families sporadically disapprove of the union. Does continuing to marry make the marriage void, illegal, or unlawful? Is the consent of the couple's family required before the marriage can proceed?

The Hon'ble Supreme Court answered the aforementioned question in this historic case which was decided on 8th of February, 2021.

Article 21 of the Indian Constitution protects the right to choose one's life partner as a fundamental right. According to Article 21, no one may be deprived of their personal freedom or life, unless in conformity with lawful procedure. The petitioners in this particular case went to the Allahabad High Court first, where their case was denied, then they approach the Supreme Court of India under Article 32, which is a fundamental right under Constitution of India. Both Indian nationals and foreigners have the right, under Article 32, to file a complaint with the supreme court directly in the case that their fundamental rights are violated.

Facts

Ms. Laxmibai Chandaragi, the first petitioner in this lawsuit, disappeared from her home on October 14, 2020. A First Information Report (FIR) was filed by her father after she went missing. The investigating officer took notes throughout the parents' and relatives' interviews. In the call logs of the missing woman that investigators found, "Santosh Singh Yadav (Petitioner No. 2)" was referenced. The woman and the guy were wed, and on 15th of October, 2020, the woman sent her marriage certificate to her parents via WhatsApp.

The man's parents live in Ghaziabad; therefore, the investigating officer went there. When the parents were visited, they claimed to be uninformed of the couple's movements. After making contact with the women, the Investigating officer (IO) requested that they give their testimony at the Murgod Police Station, which was close to where they lived. Because of her fear of her parents, the woman refused to go back to Karnataka. In order to get the woman back home, the investigating officer threatened the pair, saying that he would file a bogus case of kidnapping against the guy and a case of theft against the woman.

The couple went to the Allahabad High Court on October 19, 2020, but their case was not heard despite their request for it to be placed on the list of urgent hearings. The couple finally went to Supreme Court of India to seek justice.

Issue raised

Whether the FIR should be dismissed given that both parties got married voluntarily and knowingly?

Contention

She lived in Uttar Pradesh with Santosh and was a resident of Karnataka when they filed their case in the Supreme Court of India under the provisions of Article 32, the petitioners claimed that she was subject to dual jurisdiction. They asserted that their petitioner No. 1's uncle had threatened them. They also sought protection from the High Court of Allahabad, but their petition could not be submitted to the board despite numerous requests for a speedy hearing longer than a month.

The IO's handling of the investigation drew the ire of the Supreme Court. It was contended that the investigation would have taken longer if the Investigating Officer had gone to Santosh's house rather than asking and directing the petitioners to travel to Karnataka at their local police station to record Petitioner No. 1's statement. The Supreme Court also corrected the Investigating Officer for threatening the petitioner's husband with false charges if she failed to travel to Karnataka to give a statement. The Court ruled that if the concerned officer executed his responsibilities in a correct manner, intervention would not be required. Therefore, it was advised that IO seek to counsel and that training programs be developed for police officers to handle situations similar to his.

In contrast to older social conventions, where caste and community played an essential part in determining such matters and to which one must adapt, the Bench stated that the present-day informed younger boys and girls chose their partners.

The Bench considered Petitioner No. 1's marriage certificate and the IO's conversation with her, in which she claimed she wasn't actually missing but was instead living with her husband and expressed worries regarding her safety while going back to her place of residence to give her confession, as conclusive proof of the issue's veracity. The subject is not required to come with the investigating officer to the specified police station, and the statement can be taken to any place the subject deems safe and secure.

Rationale

- The court underlined that our society is currently going through a significant stage of social transition in “*Shafin Jahan v. Asokan K M & Ors*”¹. Given that they are surrounded by an impenetrable privacy zone, even spiritual considerations have no bearing on the intimate aspects of marriage. The right to marry the partner of one's choosing is guaranteed by Article 21 of the Indian Constitution.
- In the case of “*K.S. Puttaswamy v. Union of India*”², the Bench unequivocally determined that everyone's matrimonial issues are protected by the “Right to Privacy”, now recognized as a fundamental right under Article 21. “*Article 21 guarantees the right to choose one's life partner, the most private of all the rights that comprise personal liberty*”. Even religious factors, according to the Court, have little bearing on marital intimacy and are safeguarded by an inviolable core of seclusion. The right to marry the partner of one's choosing is therefore thought to be part of Article 21.
- The Apex Court declared in “*Shakti Vahini v. Union of India*”³ that once two adults decide to get married, their approval must come before the approval of the community, household members, or family groups. When a person's fundamental rights are granted, intolerant organizations with egotistical feelings of superiority or higher clans will not be able to restrict those rights through the use of moral or social theories or self-declared elevation.

¹ *Shafin Jahan v. Asokan K. M & Ors*, (2018) 7 SCC 192

² *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, AIR 2017 SC 4161.

³ *Shakti Vahini v. Union of India* (2018) 7 SCC 192

- In “*Asha Ranjan v. State of Bihar*”⁴, it was determined that a person's choice is an intrinsic aspect of their dignity and cannot be justified by "class honour" or "group thinking."

Judgement

The Hon'ble Supreme Court of India stated that – “The proceedings in accordance with the FIR No. 226/2020 dated 15.10.2020 registered at Murgod Police Station, Belagavi District, Karnataka are quashed in the hopes that the parents of petitioner No. 1 will have more common sense to accept the marriage and re-establish social interaction not only with petitioner No. 1 but also with petitioner No. 2 and petitioner No. 3. That, in our opinion, is the only course of action”.

The FIR-related processes were declared invalid by the division bench of the Apex Court.

The Investigating Officer must be counselled on how to handle these kinds of instances, the Supreme Court ruled.

Defects of Law

The police administration handled the situation poorly. Laxmi had previously spoken with the investigating officers when she made it obvious that she was married to Santosh and that she felt pressured to return to her hometown to provide a statement to the police. Instead of pressuring or coercing Laxmi into making a false complaint against her husband, the investigating officer should simply record her statement.

The top court correctly noted that educated younger generations are selecting their life partners in this manner that goes against traditional social norms in which caste and religion were important considerations. These educated young people are under threat from their families, and the courts have been stepping in to protect them.

The cases that the court cited made it abundantly clear that individuals have the freedom to select their life partner in accordance with Article 21, and that the consent of elders is not necessary if the two people have given their free consent to get married because each person's choice is an expression of their dignity.

⁴ *Asha Ranjan v. State of Bihar*, (2017), AIR 2017 SC 1079, 2017(2) SCALE 709.

Inference

The fundamental right is protected by Article 21 of the Indian Constitution to select one's life mate.

This case demonstrates that the consent of two adults to get married does not require the consent of the rest of the family. We learn from this case that no investigating officer or other police authority has the right to force us to provide a statement at a particular police station.

This decision is admirable. This brief ruling addresses a problem that many young people in today's environment encounter, and it serves as a lifeline for young people or those who pick their partner without the approval of their family.

References

1. Constitution of India
2. SCC Online

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