Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill

Why in news?

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- The draft Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011 was proposed by the Law Commission.
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- It has long been pending, and the Supreme Court is now expected to frame guidelines on this.
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What are the objectives?

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- Community opposition to inter-caste, inter-community and inter-religious marriages have long been a social concern.
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- The current penal law lacks direct application to the illegal acts of such caste assemblies.
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- The Bill is thus meant to penalise honour killings in the name of upholding community honour or family honour.
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- The legislation primarily aims at preventing the unlawful interference from caste panchayats.
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- It is intended to uphold the right of consenting adults to marry persons of their own choice.
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What are the key provisions in the Bill?

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- **Definitions** - "Unlawful assembly" refers to a group of persons who condemn a marriage.
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- This is particularly for alleged reasons that the marriage had dishonoured the caste or community tradition.
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- “Marriage”, under the draft legislation, includes “proposed or intended marriage.”
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- **Punishments** - The punishments are meted out in a phased manner.
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- All offences under the proposed Act will be cognisable, non-bailable and non-compoundable.
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- The offences include:
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i. participating in any unlawful assembly
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ii. making exhortations (persuasion, advice) that endanger the liberty of a couple
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iii. criminal intimidation of the couple or their relatives or supporters
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- The punishments for the offences range from 6 months to 7 years.
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- The fine ranges from Rs. 10,000 to Rs. 30,000.
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- The maximum punishment of 7 years of imprisonment is in the case of actual harm or injury caused.
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- The provisions under the proposed law do not negate the offences under IPC but only adds to them.
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- **Special Courts** - The cases will be tried in Special Courts presided over by a sessions judge or additional sessions judge.

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- The special courts will be set up by states in consultation with the High Courts.
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- It will have the power of a Sessions Court.
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- It can take cognisance of any offence upon receiving a complaint of facts, or upon a police report of such facts.
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- It can also take suo motu cognisance of the cases.
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- The court can take cases without the accused being committed to it for trial.
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- **Authority** - The Collector or the District Magistrate is entrusted with the responsibility for the safety of the persons targeted.
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- This is in case any illegal decision is taken by the khap panchayat.
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- He/she shall take necessary steps to prohibit the convening of such illegal gatherings.
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What are the Law Commissions' observations?

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- **IPC** - The Commission has rejected the government's proposal to amend Section 300 of the Indian Penal Code.
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- The proposal was to include ‘honour killings' within the definition of murder in IPC.
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- However, Law Commission observed that the definition of murder in Section 300 of the Indian Penal Code would suffice.
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- As, this would be adequate to take care of the situations leading to overt acts of killing or causing bodily harm to the targeted person.
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- **Khap Panchayats** - Nevertheless, the Law Commission proposed the fresh legislation.
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- It seeks to declare khap panchayats unlawful.
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- As, khap panchayats have long been handing down punishment to couples who go for 'sagotra' or inter-caste marriage.
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- In this regard, the Commission also observes that the Hindu Marriage Act did not prohibit 'sagotra' or inter-caste marriages.
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How has the bill progressed?

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- So far, 23 States have responded to the Bill with suggestions.
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- The other six states have not responded yet.
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- The Supreme Court has now stepped in to fill this legislative vacuum.
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- The SC is expected to frame guidelines on this, in a judgment to protect adult couples from the fury of the mob.
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Source: The Hindu, Firstpost

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