Supreme Court Guidelines to Prevent Honour Killing

Click here for the verdict

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Why in news?

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Supreme Court in its recent verdict has upheld the choice of consenting adults to love and marry as a part of their fundamental rights.

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What are the guidelines?

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- **States** - The state governments should identify districts, sub-divisions and/or villages concerned.
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- These are areas where instances of honour killing or assembly of Khap Panchayats have been reported in the last 5 years.
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- **Police** - Officer In-charge of the police stations of the identified areas needs to be cautious.
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- Any instance of inter-caste or inter-religious marriage within their jurisdiction coming to their notice should be taken care of.
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- They should inform to the immediate superior officer.
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- Also the jurisdictional Deputy Superintendent of Police (DSP) and Superintendent of Police should be intimated.
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- **Prevention** - Once done, the DSP or a senior police officer should immediately interact with the members of the Khap Panchayat.
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- It should be made clear that convening of such meeting/gathering is not permissible in law, and should ultimately be prevented.
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- **Meeting** - Despite these, if the meeting is conducted, the DSP should personally remain present during the meeting.
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- S/he should ensure that no decision is taken to cause any harm to the couple or the family members of the couple.
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- If this fails, each one participating in the meeting besides the organisers would be personally liable for criminal prosecution.
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- **Video** - Discussion and participation of the members of the assembly meet should be video recorded.
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- The DSP should ensure this, as this is the basis on which the law -enforcing machinery can resort to suitable action, later, if needed.
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- **Proposal** - The DSP shall submit a proposal to the District Magistrate/Sub-Divisional Magistrate of the District/ Competent Authority of the concerned area.
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- This is when the gathering cannot be prevented and/or is likely to cause harm to the couple or members of their family.
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- **Orders** - The authority can issue orders to take preventive steps under the CrPC.
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- Prohibitory orders under Section 144 CrPC can also be invoked.
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- Arrest of the participants in the assembly under Section 151 CrPC can also be approved.
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- **Crime** - The jurisdictional police official can file an FIR under the appropriate provisions of the Indian Penal Code.
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- This is when, despite all preventive measures, if Khap Panchayat has taken place and passed any diktat against a couple/family.
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- Upon registration of FIR, the Superintendent/Deputy Superintendent of Police should be intimated.
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- S/he, in turn, should ensure that effective investigation of the crime is done.
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- **Security** - Immediate steps should be taken to provide security to the couple/family.
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- If necessary, steps to move them to a safe house within the same district or elsewhere should be taken.
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- The District Magistrate/Superintendent of Police must deal with utmost sensitivity, the complaint regarding threat administered.
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- **Safe house** - After the marriage, if the couple so desire, they can be provided accommodation on payment of nominal charges in the safe house.
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- This would be for a period of 1 month to be extended on monthly basis but not exceeding one year in aggregate.
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- The decision would be taken depending on their threat assessment on case-to-case basis.
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- **Inquiry** - The initial inquiry regarding the complaint should be entrusted by the District Magistrate/Superintendent of Police to an officer of the rank of Additional Superintendent of Police.
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- S/he shall conduct a preliminary inquiry and ascertain the authenticity, nature and gravity of threat perception.
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- On being satisfied as to the authenticity of such threats, a report should be submitted to the Superintendent of Police in one week.
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- The District Superintendent of Police, on such report, should direct the Deputy Superintendent of Police in-charge of the concerned sub-division.
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- This is to cause to register an FIR against the persons threatening the couples and, if necessary, invoke Section 151 of CrPC.
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- Additionally, the DSP should personally supervise the progress of investigation and ensure that the same is completed.
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- **Case** - The designated Court/Fast Track Court earmarked for the purpose will try criminal cases pertaining to honour killing or violence to the couple(s).
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- The trial must proceed on day-to-day basis.
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- It must preferably be concluded within 6 months from the date of taking cognizance of the offence.
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- **Negligence** - Police or district officer/officials failing to comply with the

directions will be considered as an act of deliberate negligence and/or misconduct.
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- This is if such official(s) do not prevent the incident or take appropriate actions thereafter, despite prior knowledge of it.
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- Departmental action would be taken under the service rules.
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- The action shall be initiated and taken to its logical end, preferably not exceeding 6 months.
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- The states are directed to take disciplinary action against the concerned officials.
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- **Special Cells** - The State Governments should create special cells in every District.
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- This is to receive petitions/complaints of harassment of and threat to couples of inter-caste marriage.
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- The special cell will comprise of the
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i. Superintendent of Police
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ii. District Social Welfare Officer
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iii. District Adi-Dravidar Welfare Officer
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- These special cells should create a 24-hour helpline to receive and register such complaints.
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- They are also to provide necessary assistance/advice and protection to the couple.
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- **Sensitisation** - The different state governments and the centre should work on sensitisation of the law enforcement agencies.
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- There should be an institutional machinery with the necessary coordination of all the stakeholders.

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- The Home department must take this initiative and work in coordination with the state governments.
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- This is to mandate social initiatives and awareness, to curb such violence, and meet the goal of social justice and rule of law.
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Source: NDTV

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