

मुख्यालय

पुलिस

मा0 सर्वोच्च न्यायालय प्रकरण/सर्वोच्च प्राथमिकता।

महानिदेशक,

उत्तर

प्रदेश

1-तिलक मार्ग लखनऊ।

परिपत्र सं०-29/2018

दिनांक: जून 09, 2018

1. समस्त जोनल अपर पुलिस महानिदेशक/
जोनल पुलिस महानिरीक्षक
2. समस्त परिक्षेत्रीय पुलिस उपमहानिरीक्षक, उ०प्र०।
3. समस्त वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक प्रभारी जनपद उ०प्र०।

विषय:- रिट याचिका (सी) सं०-231/2010 शक्ति वाहिनी बनाम भारत संघ व अन्य में
मा० सर्वोच्च न्यायालय द्वारा दिये गये निर्देशों के अनुपालन के संबंध में।

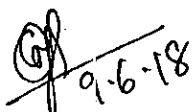
संदर्भित रिट याचिका में मा० सर्वोच्च न्यायालय द्वारा पारित निर्णय दिनांक 27.03.2018 में निर्गत निर्देशों के क्रम में मुख्यालय के पत्र सं०-डीजी-सात-एस-14(3)/2018 दिनांक 24.05.2018 का संदर्भ ग्रहण करने का कष्ट करें, जो अन्तर्जातीय एवं अन्तर्धर्मीय विवाह के संबंध में खाप पंचायतों के हुक्मनामों (Dictate), ऑनर किलिंग के अपराध को निवारित करने तथा ऐसे युगलों अथवा उनके परिवार के सदस्यों के विरुद्ध होने वाली हिंसा को निवारित करने विषयक है।

2. मा० सर्वोच्च न्यायालय द्वारा प्रकरण को अत्यन्त गंभीरता से ग्रहण करते हुए इस प्रकार की घटनाओं की रोकथाम हेतु संवेदनशील गांवों, क्षेत्रों एवं उपखंडों के चिन्हीकरण, उक्त के संबंध में सूचनाएं संकलित करके निरोधात्मक उपाय करने, किसी आपराधिक घटना के घटित होने पर तत्काल विधिक कार्यवाही सुनिश्चित करने तथा इस प्रकार की घटनाओं के रोकथाम में विफल रहने अथवा उपयुक्त विधिक कार्यवाही न करने पर सम्बन्धित पुलिस अधिकारियों/कर्मचारियों के उत्तरदायित्व को निर्धारित करते हुए उनके विरुद्ध विभागीय कार्यवाही किये जाने विषयक विस्तृत दिशा-निर्देश निर्गत किये गये हैं।

3. उपरोक्त प्रकरण के सम्बन्ध में श्री एस०के०गुप्ता, उपसचिव, गृह मंत्रालय भारत सरकार का संलग्न पत्र सं०-F.No.24013/78/2010-SC/ST-W दिनांक 31.05.2018 प्राप्त हुआ है, जिसमें मा० सर्वोच्च न्यायालय द्वारा निर्गत दिशा-निर्देशों का समेकित रूप में उल्लेख करते हुए कड़ाई से अनुपालन सुनिश्चित कराये जाने की अपेक्षा की गयी है।

4. उपसचिव, गृह मंत्रालय भारत सरकार के संदर्भित पत्र की प्रति इस आशय से प्रेषित है कि पत्र में उल्लिखित मा० सर्वोच्च न्यायालय के निर्देशों का भली-भाँति अवलोकन एवं परिशीलन करते हुए कड़ाई से अनुपालन सुनिश्चित कराने का कष्ट करें तथा बिन्दुवार अनुपालन आख्या से 15 दिवस में अवगत कराना सुनिश्चित करें, जिससे उ०प्र० राज्य की ओर से अनुपालन आख्या मा० सर्वोच्च न्यायालय में समय से प्रस्तुत की जा सके।

संलग्नक:-यथोपरि।


(ओ०पी०सिंह)
पुलिस महानिदेशक
उ०प्र०।

F. No. 24013/78/2010-SC/ST-W
Government of India
Ministry of Home Affairs
CS Division

MDC National Stadium,
India Gate, New Delhi
Dated: 31 May, 2018.

To,

1. The Chief Secretaries of all State Governments including GNCTD and UTs of Puducherry and A&N Island.
2. Administrators of D&D, D&NH, Lakshadweep and Chandigarh.

Subject: Writ Petition (C) No. 231/2010 - Shakti Vahini vs. Union of India & ors. - Regarding

Sir/Madam,

I am directed to refer to the judgement dated 27.03.2018, in V.P(C) No 231 of 2010 (copy enclosed) passed by Hon'ble Supreme Court of India, on the subject mentioned above and to elaborate the preventive, remedial and punitive measures required to be implemented to address the issues related to honour crime.

I. Preventive Steps:-

- a) The State Governments should forthwith identify Districts, Sub-Divisions and/or Villages where instances of honour killing or assembly of Khap Panchayats have been reported in the recent past, e.g., in the last five years.
- b) The Secretary, Home Department of the concerned States shall issue directives/advisories to the Superintendent of Police of the concerned Districts for ensuring that the Officer Incharge of the Police Stations of the identified areas are extra cautious if any instance of inter-caste or inter-religious marriage within their jurisdiction comes to their notice.

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06/06/18

- c) If information about any proposed gathering of a Khap Panchayat comes to the knowledge of any police officer or any officer of the District Administration, he shall forthwith inform his immediate superior officer and also simultaneously intimate the jurisdictional Deputy Superintendent of Police and Superintendent of Police.
- d) On receiving such information, the Deputy Superintendent of Police (or such senior police officer as identified by the State Governments with respect to the area/district) shall immediately interact with the members of the Khap Panchayat and impress upon them that convening of such meeting/gathering is not permissible in law and to eschew from going ahead with such a meeting. Additionally, he should issue appropriate directions to the Officer Incharge of the jurisdictional Police Station to be vigilant and, if necessary, to deploy adequate police force for prevention of assembly of the proposed gathering.
- e) Despite taking such measures, if the meeting is conducted, the Deputy Superintendent of Police shall personally remain present during the meeting and impress upon the assembly that no decision can be taken to cause any harm to the couple or the family members of the couple, failing which each one participating in the meeting besides the organisers would be personally liable for criminal prosecution. He shall also ensure that video recording of the discussion and participation of the members of the assembly is done on the basis of which the law enforcing machinery can resort to suitable action.
- f) If the Deputy Superintendent of Police, after interaction with the members of the Khap Panchayat, has reason to believe that the gathering cannot be prevented and/or is likely to cause harm to the couple or members of their family, he shall forthwith submit a proposal to the District Magistrate/Sub-Divisional Magistrate of the District/ Competent Authority of the concerned area for

issuing orders to take preventive steps under the Cr.P.C including by invoking prohibitory orders under Section 144 Cr.P.C. and also by causing arrest of the participants in the assembly under Section 151 Cr.P.C.

II. Remedial Measures:-

- a) Despite the preventive measures taken by the State Police, if it comes to the notice of the local police that the Khap Panchayat has taken place and it has passed any diktat to take action against a couple/family of an inter-caste or inter-religious marriage (or any other marriage which does not meet their acceptance), the jurisdictional police official shall cause to immediately lodge an F.I.R. under the appropriate provisions of the Indian Penal Code including Sections 141, 143, 503 read with 506 of IPC.
- b) Upon registration of F.I.R., intimation shall be simultaneously given to the Superintendent of Police/Deputy Superintendent of Police who, in turn, shall ensure that effective investigation of the crime is done and taken to its logical end with promptitude.
- c) Additionally, immediate steps should be taken to provide security to the couple/family and, if necessary, to remove them to a safe house within the same district or elsewhere keeping in mind their safety and threat perception. The State Government may consider of establishing a safe house at each District Headquarter for that purpose. Such safe houses can cater to accommodate (i) young bachelor-bachelorette couples whose relationship is being opposed by their families /local community/Khaps and (ii) young married couples (of an inter-caste or inter-religious or any other marriage being opposed by their families/local community/Khaps). Such safe houses may be placed under the supervision of the jurisdictional District Magistrate and Superintendent of Police.

d) The District Magistrate/Superintendent of Police must deal with the complaint regarding threat administered to such couple/family with utmost sensitivity. It should be first ascertained whether the bachelor-bachelorette are capable adults. Thereafter, if necessary, they may be provided logistical support for solemnising their marriage and/or for being duly registered under police protection, if they so desire. After the marriage, if the couple so desire, they can be provided accommodation on payment of nominal charges in the safe house initially for a period of one month to be extended on monthly basis but not exceeding one year in aggregate, depending on their threat assessment on case to case basis.

e) The initial inquiry regarding the complaint received from the couple (bachelor-bachelorette or a young married couple) or upon receiving information from an independent source that the relationship/marriage of such couple is opposed by their family members/local community/Khaps shall be entrusted by the District Magistrate/Superintendent of Police to an officer of the rank of Additional Superintendent of Police. He shall conduct a preliminary inquiry and ascertain the authenticity, nature and gravity of threat perception. On being satisfied as to the authenticity of such threats, he shall immediately submit a report to the Superintendent of Police in not later than one week.

f) The District Superintendent of Police, upon receipt of such report, shall direct the Deputy Superintendent of Police incharge of the concerned sub-division to cause to register an F.I.R. against the persons threatening the couple(s) and, if necessary, invoke Section 151 of Cr.P.C. Additionally, the Deputy Superintendent of Police shall personally supervise the progress of investigation and ensure that the same is completed and taken to its logical end with promptitude. In the course of investigation, the concerned persons shall be booked without

any exception including the members who have participated in the assembly. If the involvement of the members of Khap Panchayat comes to the fore, they shall also be charged for the offence of conspiracy or abetment, as the case may be.

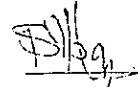
III. Punitive Measures:-

- a) Any failure by either the police or district officer/officials to comply with the aforesaid directions shall be considered as an act of deliberate negligence and/or misconduct for which departmental action must be taken under the service rules. The departmental action shall be initiated and taken to its logical end, preferably not exceeding six months, by the authority of the first instance.
- b) In terms of the ruling of this Court in *Arumugam Servai* [(2011)6 SCC 405], the States are directed to take disciplinary action against the concerned officials if it is found that (i) such official(s) did not prevent the incident, despite having prior knowledge of it, or (ii) where the incident had already occurred, such official(s) did not promptly apprehend and institute criminal proceedings against the culprits
- c) The State Governments shall create Special Cells in every District comprising of the Superintendent of Police, the District Social Welfare Officer and District Adi-Dravidar Welfare Officer to receive petitions/complaints of harassment of and threat to couples of inter-caste marriage.
- d) These Special Cells shall create a 24 hour helpline to receive and register such complaints and to provide necessary assistance/advice and protection to the couple.
- e) The criminal cases pertaining to honour killing or violence to the couple(s) shall be tried before the designated Court/Fast Track Court earmarked for that purpose. The trial must proceed on day to day basis to be concluded preferably within six months from the date of taking cognizance of the offence. This

direction shall apply even to pending cases. The concerned District Judge shall assign those cases, as far as possible, to one jurisdictional court so as to ensure expeditious disposal thereof.

2. It is requested to ensure strict compliance of the directions of the Hon'ble Supreme Court.

Yours faithfully,



(S.K. Gupta)

Deputy Secretary to the Govt. of India

Tel: 011-23075293

Copy to:

- (i) Principal Secretary (Home) of all States/UTs.
- (ii) Director General of Police of all States/UTs.
- (iii) Asstt. Registrar, PIL (Writ), Supreme Court of India, New Delhi
- (iv) SO(IT) for uploading on MHA's website.