Sub : Police Department - Guidelines to prevent “Honour Killing”- reg:

Ref : Judgment dated 27-03-2018 of the Hon'ble Supreme Court of India in the case Shakti Vahini Vs. Union of India [Writ Petition (Civil) No.231 of 2010].

“Honour Killing” is a heinous crime which violates the Fundamental Rights of the citizen. Words such as “Honour Killing” and “Honour crimes” are being used usually as convenient expressions to describe the incidents of violence and harassment caused to young couples intending to marry or having married against the wishes of the community or family members. The belief that the person has brought dishonour upon the family or the community is the root cause of such violent crimes.

02. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, sick minded persons who deserve harsh punishment.

03. Choice of life partner in life is a legitimate Constitutional right. It is founded on individual choice that is recognized in the Constitution under Article 19, and such a right is not expected to be subjugated by concepts of “class honour” or “group thinking”. The violation of the constitutional rights is the focal point of the issue. The protection of rights is pivotal. “Honour killings” are condemned as a serious human right violations. To meet the challenges raised by this phenomenon of ‘Honour crimes’ there has to be Preventive, Remedial and Punitve measures. Hon’ble Supreme Court of India vide reference cited has prescribed certain guidelines in this regard. These have to be followed in letter and spirit. Therefore, in consonance with the orders of the Hon'ble Supreme Court, the following guidelines are issued.
(l) Preventive Steps:

(a) The District Police Chief should forthwith identify Sub-Divisions and places where instances of “Honour killing” by assembly of Community Group/Khap Panchayats* have been reported in the recent past. e.g., in the last five years. [*Khap Panchayats are not here in Kerala. However for implementing the order of the Hon’ble SC, we can consider various groups based on community, religion, caste, class etc. deemed to be ‘Khap Panchayats’ for the limited purpose of the Judgement].

(b) District Police Chief of the concerned districts should ensure that the Officer in-charge of the Police Stations of the identified areas and SDPO are extra cautious if any instance of inter-caste or inter-religious marriage within their jurisdiction come to their notice.

(c) If information about any proposed gathering of such groups comes to the knowledge of any Police Officer, he shall forthwith inform his immediate superior officer and also simultaneously intimate the jurisdictional Deputy Superintendent of Police/ACP and the District Police Chief.

(d) On receiving such information, the Deputy Superintendent of Police/ACP shall immediately interact with the members of such groups 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 in-charge of 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/ACP shall personally remain present during the meeting and impress upon the assembly that no decision can be taken to cause harm to couple or the family members of the couple, failing which each one participating in the meeting besides the organizers 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/ACP, after interaction with the members of the community group has reason to believe that the gathering cannot be prevented and/or is likely to cause harm to the couple of members of their family, he shall forthwith submit a proposal to the District Magistrate/Sub-Divisional Magistrate of
the District 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.

(g) District Police Chief ought to work on sensitization of the Police Officers in his jurisdiction to mandate social initiatives and awareness to curb such violence.

(h) Officers working in SBCID units should collect information of any disputes regarding inter-caste/religious marriages which can lead to “Honour Killings” and alert field Officers to act properly.

II. Remedial Measures:

(a) Despite the preventive measures, if it comes to the notice of the Local Police that the Community Group has assembled 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 did not have 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 r/w 506 of IPC.

(b) Upon registration of F.I.R., intimation shall be simultaneously given to the District Police Chief / Deputy Superintendent of Police/ACP 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 the threat perception. Safe Houses declared by district administration can cater to accommodate young bachelor-bachelorette couples whose relationship is being opposed by their families/local community/groups and young married couples (of an inter-caste or inter-religious or any other marriage being opposed by their families/local community/groups). Such Safe Houses may be placed under the supervision of the jurisdictional District Magistrate and District Police Chief. DPCs will impress on the Dist. Collectors to open such Safe Houses in their jurisdictions. Till that time, a safe & secure accommodation will be provided by the Dist. Collector or the DPC.

(d) District Police Chief 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 solemnizing 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/groups shall be entrusted by the District Police Chief to an officer of the rank of Deputy Superintendent of Police/ACP. 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 District Police Chief in not later than one week.

(f) The District Police Chief, upon receipt of such report, shall direct the Deputy Superintendent of Police/ACP in-charge 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/ACP shall personally supervise the progress of investigation and ensure that the same is completed and taken to its logical end promptly. 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 groups comes to the fore, shall also be charged for the offence of conspiracy or abetment, as the case may be.

III. Punitive Measures:

(a) Any failure by any Police Officer to comply with the aforesaid directions shall be considered as an act of deliberate negligence and 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) Officers of and above District Police Chief 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.
IV. General:

(a) District Police Chief shall create Special Cells in the district comprising of the District Police Chief and the District Social Welfare Officer to receive petitions/complaints of harassment of and threat to couples of inter-caste marriage.

(b) The 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. It is suitable to link with toll free No. 1090 or 100.

(c) The criminal cases pertaining to “Honour Killing” or violence to the couple(s) will be tried before the designated Court/ Fast Track Court earmarked for that purpose. Hon'ble Supreme Court has directed to conduct the trial on day-to-day basis to be concluded preferably within six months from the date of taking cognizance of the offence.

04. The above directions issued by the Hon'ble Supreme Court shall be applicable to all such pending cases. All Officers are instructed to comply with the above directives for evolving a strong mechanism in preventing and handling Honour Killings in the State.

To : All Officers in List “B”

Copy To : 1. Addl. Chief Sec., Home, with C/L. He is requested to direct Dist. Collectors to notify Safe Houses in their respective jurisdictions.
2. All Staff Officers in PHQ.
3. ADGP, SCRB to publish the ED in the Website
4. DD, Police Information Centre, PHQ for info & n/a.
5. CA to SPC.