

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-3164-2018 (O&M)

Date of decision: 24.1.2018

Poonam and another

...Petitioners

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. S.S.Nahel, Advocate,
for the petitioners.

RAJ SHEKHAR ATTRI, J.(Oral)

The Constitutional philosophy completely eradicates discrimination on the grounds of casts, creed, religion, domicile etc. It has propounded the equality and freedom. But after a lapse of 68 years since after coming into force of the Constitution of India, the citizens, especially in the ruralities, are under the influence of orthodox phenomina and believe in the traditional societies. It gravely affects the doctrine of social justice and equality

The social values in ancient society had propounded freedom, liberty and equality but the shackles of millennium long slavery made the society complexened one and it resulted into the darkest aspect of castism. Hon'ble Supreme Court of India in case **“Lata Singh Vs. State of U.P. & Anr.” Reported as 2006 (5) SCC 475;** has observed in para No.17 & 18 as

under:-

“17. The caste system is a curse on the nation and the sooner it is destroyed the better. In fact, it is dividing the nation at a time when we have to be united to face the challenges before the nation unitedly. Hence, inter-caste marriages are in fact in the national interest as they will result in destroying the caste system. However, disturbing news are coming from several parts of the country that young men and women who undergo inter caste marriage, are threatened with violence, or violence is actually committed on them. In our opinion, such acts of violence or threats or harassment are wholly illegal and those who commit them must be severally punished. This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he / she likes. If the parents of the boy or girl do not approve of such inter caste or inter-religious marriage the maximum they can do is that they can cut off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. We, therefore, direct that the administration / police authorities throughout the country will see to it that if anybody or girl who is major undergoes inter-caste or inter-religious marriage with a women or man who is a major, the couple are not harassed by anyone nor subjected to threats or acts of violence, anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation, is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such person as provided by law.

18. We sometimes hear of ‘honour’ killings of such persons who undergo intercaste or interreligious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but were barbaric and shameful acts of murder committed by brutal, feudal minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism.”

The year of birth of petitioner No.1 is of 1999 and that of petitioner No.2 is also of 1999, as such, petitioner No.2 is not of marriageable age. They are residing together as live-in relations but they

apprehend danger to their life, limb and liberty from the hands of private respondents.

Being the citizens of independent India, both of them have right to reside with honour and dignity. Therefore, they have sought the protection from the hands of private respondents and they also sought direction to remaining respondents to provide them protection.

Article 21 of The Constitution of India guarantees the protection of their lives but the private respondents No.4 to 7, are posing threats and danger to their life, limb and liberty. To the mind of this court, the petitioners have every right to seek the protection of their life, limb and liberty.

Keeping in view the circumstances of this case, the Court hereby issue directions to State of Haryana as well as to the concerned Superintendent of Police, Jind to examine and consider the case of petitioners and if it is found that there is real and genuine threat to their life, limb and liberty at the hands of respondents No.4 to 7, then they will be provided protection forthwith. If the situation so demands, the petitioners be also provided facility of Protection Home as per their requirement. However, this order shall not be applicable in case any act / conduct of any of the petitioners pertaining to the application, amounts to an offense. Petition stands disposed of accordingly.

Apart from it, parties are directed to appear before Secretary, District Legal Services Authority, Jind on 5.2.2018 who will take appropriate steps for amicable settlement of the dispute between the parties and the private respondents. If the parties failed to appear on that day, he may issue summons.

A copy of this order be sent to the State of Haryana and Superintendent of Police, Jind. A copy of this order along with copy of this petition be also sent to District Judge-cum-Chairman, District Legal Services Authority, Jind for information and necessary action.

January 24, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no