



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 1344/2025

Deepa Ram Meghwal S/o Kesaram Ji Meghwal, Aged About 58 Years, R/o Police Station Anadra, Village Hathal, Reodar, District Sirohi.

----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Department Of Home Govt Of Rajasthan, Jaipur (Raj)
2. Director General Of Police, Jaipur, Rajasthan.
3. Inspector General Of Police (Human Rights), Cid (Cb), Jaipur, Rajasthan.
4. Dy. Inspector General Of Police, Jodhpur Range, Jodhpur.
5. Superintendent Of Police, District Sirohi (Raj)
6. Sho, Police Station Anadara, District Sirohi (Raj)
7. Posaram S/o Chamnaram Meghwal, Aged About 61 Years, R/o Pamera, Reodar, Anadara, District Sirohi.
8. Vgaram S/o Jodhaji Meghwal, Aged About 75 Years, R/o Pamera, Reodar, Anadara, District Sirohi.
9. Babaram S/o Mulaji Meghwal, Aged About 81 Years, R/o Posindara, Reodar, Anadara, District Sirohi.
10. Sawaram S/o Bhikhaji Meghwal, Aged About 61 Years, R/o Posindara, Reodar, Anadara, District Sirohi.
11. Rajaram S/o Nonaji Meghwal, Aged About 63 Years, R/o Nagani, Reodar, Anadara, District Sirohi.
12. Nemaram S/o Kevaji Meghwal, Aged About 81 Years, R/o Nagani, Reodar, Anadara, District Sirohi.
13. Chamanaram S/o Mulaji, Aged About 74 Years, R/o Nagani, Reodar, Anadara, District Sirohi.

----Respondents

Connected With

S.B. Criminal Misc(Pet.) No. 1720/2021

Purkharam S/o Shri Narnaram, Aged About 42 Years, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.

----Petitioner

Versus

1. State, Through P.p.



2. The Superintendent Of Police, Barmer.
3. The Inspector General Of Police, Jodhpur Division, Jodhpur.
4. Station House Officer, Police Station Sheo, District Barmer.
5. Mualram S/o Shri Goklaram Kumhar, Rasara Tala, Tehsil Sheo, District Barmer.
6. Channaram S/o Shri Goklaram Kumhar, Rasara Tala, Tehsil Sheo, District Barmer.
7. Mangaram S/o Shri Goklaram Kumhar, Rasara Tala, Tehsil Sheo, District Barmer.
8. Gordhanram S/o Shri Goklaram Kumhar, Rasara Tala, Tehsil Sheo, District Barmer.
9. Gordhanram S/o Shri Haringaram Vishnoi, Former Assistant Engineer, Jodhpur Vidhyut Vitran Nigam Limited, Sheo.
10. Gajaram S/o Shri Muknaram Kumhar, At Present Ldc Jodhpur Vidhyut Vitran Nigam Limited, Sheo.
11. Sheshkarandan S/o Shri Satidan Charan, Bhadresh, Tehsil And District Barmer.
12. Pabudan S/o Shri Jetdan Charan, Bhadresh, Tehsil And District Barmer.
13. Nemaram S/o Amraram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
14. Khangarram S/o Shri Saluram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
15. Dwarkaram S/o Shri Saluram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
16. Gordhanram S/o Padmaram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
17. Alsaram S/o Tikmaram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
18. Khetaram S/o Shri Heeraram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
19. Karnaram S/o Shri Godaram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.





20. Indraram S/o Shri Manaram, By Caste Kumhar, R/o Bhadresh, Tehsil And District Barmer.
21. Manishdev, Ex. S.h.o., Police Station Sheo, District Barmer.
22. Manguram, Ex. Head Constable, Police Station Sheo.
23. Sukharam Vishnoi, Ex. Sho, Sheo.
24. Devaram, Head Constable, Police Station, Sheo.

-----Respondents

S.B. Criminal Writ Petition No. 434/2025

1. Bheera Ram Prajapat S/o Shri Mangla Ram, Aged About 28 Years, R/o Khet Pall Ji Ka Sathan, Sai, Jodhpur, Rajasthan.
2. Saraswati Prajapat W/o Shri Bheera Ram Prajapat, Aged About 18 Years, D/o Shri Ummeda Ram Prajapat, R/o Village Nokh, Jaisalmer, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. The Superintendent Of Police, Jodhpur.
3. Officer In Charge, P.s. Shergarh.
4. Nemba Ram S/o Shri Dana Ram, R/o Khet Pal Ji Ka Esthan, Sai,tehsil Shergarh, District Jodhpur, Rajasthan.
5. Rekha Ram S/o Shri Lumba Ram, R/o Khet Pal Ji Ka Esthan, Sai,tehsil Shergarh, District Jodhpur, Rajasthan.
6. Mahender S/o Shri Chota Ram, R/o Khet Pal Ji Ka Esthan, Sai,tehsil Shergarh, District Jodhpur, Rajasthan.
7. Rawal Ram S/o Shri Chota Ram, R/o Khet Pal Ji Ka Esthan, Sai,tehsil Shergarh, District Jodhpur, Rajasthan.
8. Sawai S/o Shri Nimba Ram, R/o Khet Pal Ji Ka Esthan, Sai,tehsil Shergarh, District Jodhpur, Rajasthan.
9. Kawar S/o Shri Nimba Ram, R/o Khet Pal Ji Ka Esthan, Sai,tehsil Shergarh, District Jodhpur, Rajasthan.

-----Respondents

S.B. Criminal Writ Petition No. 625/2025

Pani Devi D/o Kubharam @ Umaram, Aged About 47 Years, W/o Jetharam, R/o Gotan, Dist. Nagaur,raj.





----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary,
Department Of Home, Govt. Of Raj. Jaipur
2. Director General Of Police, Jaipur,raj.
3. Inspector General of Police (Human Rights), Cid (Cb),
Jaipur,raj.
4. Dy. Inspector General Of Police, Jodhpur Range, Jodhpur
5. Commissioner Of Police, Police Commissionerate,
Jodhpur
6. Sho, P.s. Dangiyawas, Police Commissionerate
7. Tulcha Ram S/o Modaram, R/o Melawas, Dist. Jodhpur
8. Budharam S/o Purkharam, R/o Kasti, Dist. Jodhpur
9. Jeharam S/o Dharmaram, R/o Sevki Kalla, Dist. Jodhpur
10. Bhiyaram S/o Manglaram, R/o Jaleli Nayala, Dist.
Jodhpur
11. Thanaram S/o Pratap Ram, R/o Jaleli Nayala, Dist.
Jodhpur
12. Dudaram S/o Pusaram, R/o Jaleli Nayala, Dist. Jodhpur
13. Hadman Ram S/o Revant Ram, R/o Surpura Kalla, Dist.
Jodhpur
14. Raju Ram S/o Annaram, R/o Surpura Kalla, Dist.
Jodhpur
15. Bhanwara Ram S/o Anna Ram, R/o Surpura Kalla, Dist.
Jodhpur
16. Bhiram Ram S/o Kanwara Ram, R/o Surpura Kalla, Dist.
Jodhpur
17. Gopa Ram S/o Jhipar Ram, R/o Surpura Kalla, Dist.
Jodhpur
18. Ramlal S/o Kanna Ram, R/o Surpura Kalla, Dist. Jodhpur
19. Nemichand S/o Malaram, R/o Surpura Kalla, Dist.
Jodhpur
20. Kailash S/o Pusaram, R/o Surpura Kalla, Dist. Jodhpur
21. Shyam Lal S/o Indaram, R/o Daikeda, Dist. Jodhpur
22. Dolaram S/o Indaram, R/o Daikeda, Dist. Jodhpur
23. Malaram S/o Chuni Ram, R/o Daikeda, Dist. Jodhpur
24. Tulcha Ram S/o Jassa Ram, R/o Sevki Khurd, Dist.





Jodhpur

25. Shivdan S/o Nandaram, R/o Salva Kalla, Dist. Jodhpur
26. Madaram S/o Nandaram, R/o Salva Kalla, Dist. Jodhpur
27. Prabhu Ram S/o Basta Ram, R/o Melawas, Dist. Jodhpur
28. Samaram S/o Ramuram, R/o Kasti, Dist. Jodhpur
29. Ramchandra S/o Binjaram, R/o Birai Ki Dhani, Dist. Jodhpur
30. Mangala Ram S/o Jogaram, R/o Jajiwai Bhadiya, Dist. Jodhpur
31. Kanaram S/o Amraram, R/o Jajiwai Bhatiya, Dist. Jodhpur
32. Baksha Ram S/o Damru Ram, R/o Sevki Kalla, Dist. Jodhpur
33. Manaram S/o Motiram, R/o Daikeda, Dist. Jodhpur
34. Baklaram S/o Shimbhuram, R/o Chabukda, Dist. Jodhpur
35. Dayal S/o Mangilal, R/o Surpura Kalla, Dist. Jodhpur

-----Respondents

S.B. Criminal Writ Petition No. 1076/2025

Deeparam S/o Fuaram @ Phusa Ram, Aged About 54 Years, R/o Mahilawas, Tehsil And P.s. Siwana, Dist. Balotra,raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Department Of Home Govt. Of Raj. Jaipur,raj.
2. Director General Of Police, Jaipur, Rajasthan.
3. Inspector General Of Police, (Human Rights), Cid (Cb), Jaipur, Rajasthan.
4. Dy Inspector General Of Police, Jodhpur Range, Jodhpur.
5. Superintendent Of Police, District Balotra (Raj).
6. Sho, P.s. Siwana, Dist. Balotra,raj.
7. Geelaram S/o Aasuram, R/o Bijaliya, District Balotra (Raj).
8. Bheraram S/o Devaram,, R/o Arjiyana, District Balotra (Raj).
9. Navaram S/o Gadukaram, R/o Mahilawas, District Balotra (Raj).





10. Lakharam S/o Kalaram, R/o Mahilawas, District Balotra (Raj).
11. Sardararam S/o Gefaram, R/o Mahilawas, District Balotra (Raj).
12. Aadaram S/o Bhartaram, R/o Mokalsar, District Balotra (Raj).
13. Sujaram S/o Paburam, R/o Mokalsar, District Balotra (Raj).
14. Devaram S/o Jujaram, R/o Kathadi, District Balotra (Raj).
15. Veermaram S/o Jogaram, R/o Bijaliya, District Balotra (Raj).
16. Gadukaram S/o Bhomaram, R/o Mahilawas, District Balotra (Raj).
17. Savaram S/o Sardararam, R/o Mahilawas, District Balotra (Raj).
18. Manglaram S/o Paburam, R/o Mokalsar, District Balotra (Raj).
19. Pakaram S/o Aadaram, R/o Mokalsar, District Balotra (Raj).
20. Bhakarram S/o Gadukaram, R/o Mahilawas, District Balotra (Raj).
21. Gebaram S/o Girdhari Ram, R/o Motisara, District Balotra (Raj).
22. Dungarram S/o Hararam, R/o Motisara, District Balotra (Raj).
23. Tilokaram S/o Hararam, R/o Motisara, District Balotra (Raj).
24. Aambaram S/o Gadkuram, R/o Mahilawas, District Balotra (Raj).
25. Kaluram S/o Udaram, R/o Ramaniya, District Balotra (Raj).
26. Pakaram S/o Savaram, R/o Mahilawas, District Balotra (Raj).
27. Vagtaram S/o Gadukaram, R/o Mahilawas, District Balotra (Raj).
28. Karnaram S/o Baluram, R/o Ludrarada, District Balotra





(Raj)

29. Chaganaram S/o Khangararam, R/o Valu, District Balotra (Raj).
30. Nimbaram S/o Jogaram,, R/o Valu, District Balotra (Raj).
31. Pakaram S/o Mithalal,, R/o Valu, District Balotra (Raj).
32. Mogaram S/o Devaram, R/o Arjiyana, District Balotra (Raj).
33. Khimaram S/o Chatraram, R/o Arjiyana, District Balotra (Raj).
34. Bhakharram S/o Khangararam,, Arjiyana, District Balotra (Raj).
35. Bholaram S/o Geelaram, R/o Bijaliya, District Balotra (Raj).
36. Kumparam S/o Bhikharam,, R/o Ludrada, District Balotra (Raj).
37. Vasnaram S/o Dharmaram, R/o Mahilawas, District Balotra (Raj).

-----Respondents

S.B. Criminal Misc(Pet.) No. 1306/2025

Bhaka Ram S/o Sankala Ji, Aged About 60 Years, Village Jeetpura, Ps Jaswantpura, Distt. Jalore (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Superintendent Of Police, Jalore (Raj.)
3. Sho, P.s. Jaswantpura, Distt. Jalore (Raj.)

-----Respondents

S.B. Criminal Writ Petition No. 2187/2025

Heeralal Bhati Urf Painter Babu S/o Sukhram, Aged About 67 Years, R/o 56-B, 12Th Pal Road Masuriya, District Jodhpur, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Department Of Home Govt. Of Rajasthan Jaipur Rajasthan
2. Director General Of Police, Jaipur Rajasthan
3. Inspector General Of Police, (Human Right), Cid (Cb),





Jaipur, Rajasthan

4. Dy Inspector General Of Police, Jodhpur Range, Jodhpur
5. Commissioner Of Police, Police Commissionerate Jodhpur, Rajasthan
6. Sho, Of Police Station Devnagar, District Jodhpur Rajasthan
7. Ramesh Chandra Rathore S/o Late Ramchandra Rathore, R/o 8 B 23, Kudi Bhagtasni Housing Board, District Jodhpur Rajasthan
8. Arun Lilar S/o Punaram, R/o Rajbagh, Near Rajaram Park, Soorsagar, District Jodhpur Rajasthan
9. Bhikharam Goda S/o Mohan Lal, R/o Near Maondore Police Station Aamlo Bera , District Jodhpur, Rajsathan
10. Bhera Ram S/o Tauram, R/o Imaratiya Bera, Behind Aakash Wani , Meghwal Basti, District Jodhpur, Rjasathan
11. Bhawani Lal S/o Bhupji Depan, R/o Outside Nagauri Gate , Ram Mohala Gali No.1 , District Jodhpur Rajsathan
12. Shera Ram S/o Benam Bochiya, R/o Lala Laj Pat Rai Colony , Behind Idgah , Meghwal Basti , District Jodhpur , Rajsathan
13. Bhuda Ram S/o Pura Ram Meghwal, R/o Hemsingh Ka Katla, Mahamandir, District Jodhpur , Rajsathan
14. Punaram S/o Dudharam Meghwal, R/o Ram Mohala Gali No 2 , Out Side Nagori Gate , District Jodhpur , Rajsathan
15. Tilokram S/o Uda Ram Parihar, R/o Hem Singh Ka Katla , District Jodhpur , Rajsathan
16. Hari Shankar S/o Dhanji Barupal, R/o Durgadas Colony Masuriya , District Jodhpur , Rajsathan
17. Heera Lal S/o Utma Ram, R/o Ram Maholla , District Jodhpur , Rajsathan
18. Gangaram S/o Bhanuram, R/o Magra Punjala , Magewal Basti District Jodhpur , Rajsathan
19. Laxman Das Bagrana S/o Dhaluram, R/o Masuriya Meghwal Basti, District Jodhpur , Rajsathan

-----Respondents

S.B. Criminal Writ Petition No. 2219/2025

Mula Ram S/o Maga Ram, Aged About 28 Years, R/o Kumharo Ka





Bass, V/p Balarwa, Mathania, District Jodhpur

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Home Secretariat Government Of Rajasthan, Jaipur
2. Director General Of Police, Government Of Rajasthan, Jaipur
3. Commissioner Of Police, Police Commissionerate, Jodhpur
4. Station House Officer, Police Station Mathania, District Jodhpur
5. Nenaram S/o Lalaram, R/o Jugatsingh Nagar, Balarwa, District Jodhpur
6. Lumbaram S/o Kaluram, R/o Chopasani Charanan Mathania District Jodhpur
7. Aaidanram S/o Balaram, R/o Basni Daijar, District Jodhpur
8. Mularam S/o Bheraram, R/o Mathania District Jodhpur
9. Punaram S/o Nagaram, R/o Daijar District Jodhpur
10. Himmtaram S/o Ruparam, R/o Gopasariya, Osian, District Jodhpur
11. Gorkharam S/o Sukharam, R/o Tinwari Mathania District Jodhpur
12. Shankarram S/o Ratnaram, R/o Tinwari Mathania District Jodhpur
13. Arjunram S/o Rawalram, R/o Tinwari Mathania District Jodhpur
14. Hamiraram S/o Ganeshram, R/o Binjwadiya Mathania District Jodhpur
15. Hiraram S/o Bheraram, R/o Rajasani ,mathania, District Jodhpur
16. Papuram S/o Birmaram, R/o Basni Daijar, Mathania, District Jodhpur
17. Santokram S/o Sawairam, R/o Kotra Mathania District Jodhpur
18. Premaram S/o Mohanram, R/o Manai Mathania District Jodhpur
19. Jasram S/o Dhanaram, R/o Tinwari Mathania District





Jodhpur

20. Mohanram S/o Hanjariram, R/o Tinwari Mathania District Jodhpur
21. Chetanram S/o Rameshwar, R/o Tinwari Mathania District Jodhpur
22. Pukhraj S/o Mularam, R/o Tinwari Mathania District Jodhpur

-----Respondents

S.B. Criminal Writ Petition No. 2410/2025

Sarvan Ram S/o Multana Ram, Aged About 35 Years, Resident Of Meghwalo Ki Dhani, Dantina, Police Station Pachodi, District Nagaur, Rajasthan, India

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary Ministry Of Home Affairs Jaipur Rajasthan
2. Director General Of Police, Govt. Of Rajasthan Police Head Quarter Jaipur
3. Inspector General Of Police, (Human Rights) Cid (Cb) Jaipur Rajasthan
4. Dy. Inspector General Of Police, Nagaur
5. Commissioner Of Police, Police Commissionerate Nagaur
6. The Superintendent Of Police, District Nagaur
7. The Sho, Police Station Pachodi District Nagaur
8. Shera Ram S/o Fusaram, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan, India
9. Bagwatsingh S/o Jethmal Singh, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan, India
10. Ramuram S/o Fusaram, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan, India
11. Lunaram S/o Unknown, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan, India
12. Kishnaram S/o Jhumar Ram, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan, India
13. Sarvan Ram S/o Unknown, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan
14. Joraram S/o Unknown, Resident Of Dantina, Police Station





Pachodi, District Nagaur, Rajasthan

15. Umaram S/o Modaram, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan
16. Umaram S/o Manaram, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan
17. Pratap Ram S/o Dhura Ram, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan
18. Parhlad Ram S/o Unknown, Resident Of Dantina, Police Station Pachodi, District Nagaur, Rajasthan

-----Respondents

S.B. Criminal Misc(Pet.) No. 6974/2025

Sanjiv S/o Gangaram, Aged About 38 Years, R/o Meghrda, Bar, Beawar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Home Department, Government Of Rajasthan, Jaipur.
2. Inspector General Of Police, Jodhpur Range, Jodhpur, Rajasthan.
3. Superintendent Of Police, District Beawar, Rajasthan.
4. Sho, Police Station Bar, District Beawar.

-----Respondents

S.B. Criminal Misc(Pet.) No. 7473/2025

1. Panna Ram S/o Prema Ram, Aged About 38 Years, Resident Of Megdda Tehsil Raipur District Beawar Rajasthan
2. Pokarram Lumbrod S/o Ganesh Ram, Aged About 61 Years, Resident Of Mohrakala Tehsil Raipur District Beawar Rajasthan
3. Amara Ram S/o Ramlal Pichakiya, Aged About 63 Years, Resident Of Tehsil Raipur District Beawar Rajasthan
4. Ishwar Chand Hudda S/o Babu Lal, Aged About 62 Years, Resident Of Raipur District Beawar Rajasthan
5. Babulal Pindel S/o Hapuram, Aged About 52 Years, Resident Of Raipur District Beawar Rajasthan
6. Suresh Kashniya S/o Mularam, Aged About 33 Years, Resident Of Rajpur District Beawar Rajasthan





7. Devaram S/o Sivaram, Aged About 55 Years, Resident Of Jutha Tehsil Raipur District Beawar Rajasthan
8. Raji Ram Tada Alias Rajendra S/o Manglaram, Aged About 55 Years, Resident Of Mohara Kala Tehsil Raipur District Beawar Rajasthan
9. Bagada Ram S/o Motiram Lumroad, Aged About 60 Years, Resident Of Mohara Kala Tehsil Raipur District Beawar Rajasthan
10. Bhoma Ram Bhukar S/o Jetharam, Aged About 52 Years, Resident Of Mohara Kala Tehsil Raipur District Beawar Rajasthan
11. Dharama Ram Jangu S/o Jiyaram, Aged About 65 Years, Resident Of Tehsil Raipur District Beawar Rajasthan
12. Moola Ram S/o Bhanwar Lal, Aged About 55 Years, Resident Of Tehsil Raipur District Beawar Rajasthan
13. Khiya Ram Loomrod S/o Shesharam, Aged About 70 Years, Resident Of Mohara Kala Tehsil Raipur District Beawar Rajasthan

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Sanjiv S/o Gangaram, Resident Of Meghrda Bar Beawar Rajasthan

-----Respondents

For Petitioner(s) : Mr. Anand Purohit, Sr. Advocate
 Mr. Natwar Lal Meghwal
 Mr. DS Udawat
 Mr. Mahipal Singh
 Mr. SP Sharma
 Mr. Deepak Bishnoi
 Mr. Arjun Singh
 Mr. Divik Mathur
 Mr. Himanshu Kaushik
 Mr. Neeraj





Mr. Arun

Ms. Shobha Prabhakar

Mr. Devkinandan Vyas

Mr. Prakash

Mr. Manohar Singh

Mr. Praveen Choudhary

For Respondent(s) : Mr. Deepak Choudhary, AAG assisted
by Mr. NS Chandawat, Dy.G.A.

Mr. Surendra Bishnoi, AGA

Mr. SR Choudhary, AGA

Mr. Sunil Panwar, Addl. SP

Commissionerate, Jodhpur

Mr. Om Prakash, Commissioner of
Police, JodhpurMr. Dharmendra Singh Yadav, SP,
BhilwaraMr. Muniram, CI< SHO, PS Barliyas,
BhilwaraMr. Suresh Choudhary, SI, SHO, PS
Luni, Ayuktalaya, JodhpurMr. Kamlesh, Police Inspector, SHO,
PS Andra, SirohiMr. Narayan Tongas, IPS D/G Haal SP
GraminMr. Daulatram, Nirikshak, SHO,
Dangiyawas, Jodhpur Ayuktalaya

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

DATE OF CONCLUSION OF ARGUMENTS : 22/01/2026
DATE ON WHICH ORDER IS RESERVED : 22/01/2026
FULL ORDER OR OPERATIVE PART : Full Order
DATE OF PRONOUNCEMENT : 10/04/2026



**BY THE COURT:-****INTRODUCTION**

1. The instant petitions have been preferred on behalf of the petitioners raising grave and multifaceted concerns which strike at the very root of individual liberty, dignity and constitutional protections. The issues brought to the fore pertain to the imposition of social boycott, coercive monetary exactions, and the infliction of trauma and mental harassment at the hands of self-styled Panchs. It has further been averred that the petitioners are subjected to an atmosphere of fear, compounded by gender-based adversities, wherein threats of violence, public humiliation and unwarranted interference in personal choices have become pervasive. Such actions, as alleged, not only transgress the bounds of lawful authority but also amount to a blatant suppression of the petitioners fundamental rights, warranting immediate judicial scrutiny and intervention.

1.1 These writ and misc. petitions involves an identical question of law hence, with the consent of learned counsel for the parties, they are being decided by this common order.

BRIEF FACTS OF ALL THE PETITIONS

2. Before advertng to the issues arising for determination, this Court considers it apposite to briefly delineate the factual matrix of each case, particularly the contents of the respective FIRs forming the substratum of the present petitions. Such an exercise is deemed necessary so as to comprehensively appreciate the controversy involved, to identify the common threads running





through these matters, and to distinctly segregate the issues, if any, peculiar to certain petitions. Accordingly, a concise synopsis of the FIRs in all the writ and misc. petitions is set out hereinafter.

I) S.B. Criminal Writ Petition No. 1344/2025 (FIR No. 96/2023 PS Anadara, Dist. Sirohi)

The complainant and the accused belong to the same community, wherein the accused persons act as "panch" (decision-makers) of the local social body. The dispute arose when the complainant's son was married on 23.11.2019, and certain customary restrictions were allegedly violated by using a band and horse without prior approval of the panchayat. Thereafter, without affording any opportunity of hearing, the accused persons convened meetings and imposed a penalty of ₹1,00,000 along with a social boycott ("Hukka-Pani band"), restraining the complainant and his family from participating in community functions. It is further alleged that such boycott was continued unless illegal monetary demands for re-entry were satisfied, thereby subjecting the complainant to coercion, mental harassment, and loss of dignity. Despite partial payment of ₹31,000 and requests for time, the complainant was not reinstated and faced complete social ostracism, forcing him to relocate. Despite a complaint to the police, no FIR was initially registered, compelling the complainant to file the present proceedings under Section 156(3) CrPC.

II) S.B. Criminal Misc(Pet.) No. 1720/2021 (FIR No. 150/2013 PS Sheo, Dist. Barmer)





The complainant alleges that the accused persons, including relatives, influential villagers, and public officials, acted in conspiracy to usurp his share in joint ancestral property by using forged documents to manipulate an electricity connection over a jointly owned well, despite objections and stay orders. It is further alleged that officials abused their position and police authorities failed to act, instead colluding with the accused. Upon raising objections, the complainant was subjected to coercive panchayat decisions, illegal monetary demands, social boycott, and threats to life, including an attempt to cause harm by use of a vehicle. Consequently, the complainant invoked Section 156(3) CrPC, leading to registration of the FIR and commencement of investigation.

III) S.B. Criminal Writ Petition No. 434/2025

The petitioners, having solemnized their marriage on 06.12.2024 at Arya Samaj against the wishes of their community, approached this Court seeking protection to their life and liberty, pursuant to which necessary directions were issued to the State authorities. It is alleged that despite such protection, the private respondents convened unlawful community meetings and imposed an exorbitant penalty of ₹11 lakhs, coupled with threats to life for non-compliance. The petitioners further aver that repeated representations to the police authorities have yielded no effective response, and instead, they have been subjected to harassment. In these circumstances, the present writ petition has been





instituted seeking continued protection and restraint against illegal coercive actions of the respondents.

IV) S.B. Criminal Writ Petition No. 625/2025 (FIR No. 184/2023 PS Dangiyawas, Dist. Jodhpur City East)

The present FIR was registered pursuant to a complaint alleging that an unlawful caste panchayat was convened on 15.09.2023, in which the complainant and her family were declared socially excommunicated without lawful authority. It was alleged that directions were issued prohibiting members of the community from maintaining social and customary relations with the family and that a monetary penalty was imposed, accompanied by threats that non-payment would result in continued social boycott and public humiliation. The complainant asserted that these actions caused mental harassment, loss of social standing, and fear. She further stated that earlier complaints to the police had not resulted in action, following which the Magistrate directed registration of the FIR under Section 156(3) Cr.P.C. Upon investigation, however, the police reported that the allegations were not supported by reliable evidence and noted the existence of a prior compromise between the parties, leading to submission of a Final Report classifying the case as false.

(V) S.B. Criminal Writ Petition No. 1076/2025

The petitioner asserts that he has been actively working against the practice of "death feast" within his community by conducting awareness campaigns and informing the authorities. It is alleged that, on account of such activities, certain self-styled caste





panchayat members exerted pressure upon him to pay ₹5,00,000 and other demands, coupled with threats of social boycott and excommunication. It is further alleged that unlawful meetings were convened wherein the petitioner and his family were outcasted, and coercive conditions were imposed for their re-entry, including monetary exactions. The petitioner submits that he lodged complaints and also filed an istagasa before the competent Court, followed by repeated representations to the police and administrative authorities, yet no effective action has ensued. The petitioner also attributes the death of his mother to the mental trauma caused by such illegal acts. In these circumstances, the present writ petition has been instituted seeking appropriate directions against the illegal functioning of such caste panchayats and for protection of his fundamental rights.

VI) S.B. Criminal Misc(Pet.) No. 1306/2025 (FIR No. 4/2025 PS Jaswantpura, Dist. Jalore)

The present FIR has been lodged on the complaint of Bhakaram, alleging that certain community Panch-Patels unlawfully subjected him and his family to social boycott, humiliation, and economic exploitation. The complainant states that after the death of his wife, Shanta Devi, he was compelled by the Panch-Patels to perform costly rituals, including immersion of ashes at Haridwar and arranging a three-day "Ganga Prasadi" feast for people of several villages, for which he incurred expenses of approximately Rs.3.5 lakhs by borrowing money. Despite complying with all such





demands, on 16.09.2024 the accused Panch-Patels declared that the complainant and his family had already been socially boycotted by a Panchayat decision dated 15.09.2024 and further demanded a penalty of Rs.5,00,000 for their re-entry into society, failing which they and even their relatives would be prohibited from social interaction on pain of further fines. The complainant and his sons were allegedly insulted and expelled from the gathering without hospitality, causing mental harassment and financial loss. As no action was taken on his earlier complaint to the local police station, the complainant approached the Superintendent of Police, Jalore, pursuant to which the matter was forwarded to Police Station Jaswantpura and an FIR was registered for offences punishable under Sections 308(2), 351(2), and 49 of the Bharatiya Nyaya Sanhita, 2023, and investigation has been commenced.

VII) S.B. Criminal Writ Petition No. 2219/2025 (FIR No. 70/2025 PS Mathania, Dist. Jodhpur City East)

The complainant alleges that the accused persons, being members of the community, convened a meeting on 21.04.2025 and, by way of a written resolution signed by the so-called panchs, declared the complainant and his family to be socially boycotted. It is further alleged that a diktat was issued restraining all community members from maintaining any social relations with the complainant, failing which they too would face similar excommunication, thereby resulting in complete "hukka-pani band". The complainant avers that such exclusion was further





enforced by denying him recognition in community affairs, including refusal to record his name in a temple inscription despite participation. It is submitted that, despite approaching the police authorities and sending representations, no action was taken, compelling the complainant to file an istagasa before the competent Court. Upon consideration of the istagasa, the learned Court found a prima facie case under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023, whereupon the FIR came to be registered and investigation was set into motion in accordance with law.

VIII) S.B. Criminal Misc(Pet.) No. 6974/2025 (FIR No. 126/2025 PS Bar, Dist. Beawar)

The complainant alleges that an accused person unlawfully trespassed into his house at night and attempted to outrage the modesty of his wife, which led to lodging of an FIR; however, thereafter, certain self-styled caste panchayat members convened meetings to pressurize the complainant to withdraw the said case. It is alleged that the panchayat, acting without any legal authority, imposed exorbitant monetary demands and, upon non-compliance, declared the complainant and his family socially boycotted, enforcing "hukka-pani band". It is further alleged that the complainant and his family were subjected to physical assault, intimidation, and coercion, and huge sums of money were forcibly extracted under the guise of community settlement. The complainant also asserts that false criminal case in FIR No. 66/2025 PS Bar, Dist. Beawar was also orchestrated against him





as a counterblast. Despite, the complainant approaching the police authorities, no effective action was taken, compelling the complainant to file an istagasa before the competent Court, whereupon a prima facie case under the relevant provisions of the Bharatiya Nyaya Sanhita was found and FIR came to be registered for investigation in accordance with law.

IX) S.B. Criminal Misc. Petition No. 7473/2025 (FIR No. 66/2025 PS Bar, Dist. Beawar)

The prosecutrix alleges that the accused, taking advantage of her being alone, trespassed into her dwelling house and committed forcible sexual intercourse against her will, coupled with threats of defamation through alleged obscene materials. Owing to fear and intimidation, the incident was disclosed belatedly, whereafter an FIR came to be registered for offences punishable under the relevant provisions of the Bharatiya Nyaya Sanhita.

X) S.B. Criminal Writ Petition No. 2187/2025

The petitioner, a member of the Scheduled Caste alleges that upon his children contracting inter-caste marriages, a self-styled caste panchayat unlawfully convened and excommunicated him and his family, imposing exorbitant monetary penalties, which were paid, yet social boycott continued. It is further alleged that the said panchayat extorted large sums from various members of the community under threat of ostracism and, upon the petitioner seeking accountability, extended threats and intimidation. Despite representations to the authorities, including the Human Rights Commission and District Administration, no effective action was



taken, allegedly due to collusion with the accused persons. The petitioner asserts that such acts of social boycott and coercion are in the teeth of constitutional guarantees and judicial directions aimed at curbing the unlawful functioning of caste panchayats. Aggrieved thereby, the petitioner has approached this Court seeking appropriate directions against the accused persons and for a fair and impartial investigation into the alleged illegal acts.

XI) S.B. Criminal Writ Petition No. 2410/2025 (FIR No. 218/2025 PS Panchodi, Dist. Nagaur)

The complainant, belonging to a Scheduled Caste and serving as the elected Sarpanch, alleges that a group of self-styled panchayat members unlawfully convened a gathering and, under the guise of a "maha panchayat," subjected him to humiliation, coercion, and physical as well as mental harassment. It is alleged that he was forced to stand on one leg with folded hands, abused, and threatened, and an arbitrary diktat of social boycott was imposed upon him and his family. The accused persons further declared that no member of the village would maintain social or commercial relations with the complainant and demanded an exorbitant sum of ₹5 lakhs as penalty, failing which the boycott would continue. The complainant asserts that such acts were carried out in utter disregard of law and constitutional protections. On the basis of the report, a prima facie case was found to be made out under the relevant provisions of the Indian Penal Code and the SC/ST (Prevention of Atrocities) Act, and the FIR came to be registered for investigation in accordance with law.



**ARGUMENTS ON BEHALF OF THE PETITIONERS**

3. Learned counsel for the petitioners submits that the pernicious practice of extra-constitutional assemblies, commonly known as Khap Panchayats, has continued to subsist in society for a considerable period of time. It is contended that the diktats and actions emanating from such bodies are ex facie violative of the fundamental rights guaranteed to the citizens, particularly those enshrined under Part III of the Constitution. It is further urged that there exists an apparent legislative vacuum in effectively addressing and curbing this social menace. Aggrieved by the inaction and the continuing infringement of their rights, the petitioners have been constrained to invoke the extraordinary jurisdiction of this Court.

REPLY ON BEHALF OF THE STATE IN CRLW 1344/2025

4. Learned AAG appearing on behalf of the State has submitted that a fair and impartial investigation has already been conducted in F.I.R. No. 96/2023 registered at Police Station Anadara, District Sirohi. It is submitted that upon thorough investigation, including recording of statements and collection of relevant evidence, no offence under Sections 384, 506 and 120-B IPC was found to be made out; however, a prima facie case under Section 385 IPC was established. Accordingly, charge-sheet No. 94 dated 30.12.2024 has been filed before the learned Judicial Magistrate, Revdar, where the matter is presently pending trial. It is, therefore, prayed that the present petition deserves to be dismissed.



**ADDITIONAL AFFIDAVIT OF COMMISSIONER OF POLICE,
JODHPUR**

5. Mr. Omprakash, presently serving as Inspector General of Police, Jodhpur, has submitted that, in compliance of the directions issued by this Court as well as other authorities, various circulars and communications have been issued from time to time to curb the menace of Khap Panchayats, social ostracism and related unlawful practices. It is further submitted that necessary instructions have been disseminated to the concerned officers and preventive as well as legal actions are being undertaken in such matters. The affidavit also discloses that during the relevant period, cases have been registered and investigated, resulting in filing of charge-sheets, final reports and some matters being under investigation. It is, thus, submitted that sincere and continuous efforts are being made to ensure strict compliance of the directions issued by this Court.

**ADDITIONAL AFFIDAVIT OF INSPECTOR GENERAL OF
POLICE, RANGE JODHPUR**

6. Mr. Rajesh Meena, serving as Inspector General of Police, Jodhpur Range, has submitted that to curb illegal practices such as Khap Panchayats, ostracism, and honour-based violence, the Director General of Police, Rajasthan issued Circular No. 4955-5005 dated 16.06.2011, followed by Letter No. 3015-20 dated 29.06.2011 directing strict compliance by all district authorities. Further directives have also been issued from time to time by higher authorities to ensure effective implementation. Action has





been taken in multiple cases registered between 2019–2025, with investigations conducted and charge-sheets filed where warranted. Continuous monitoring, intelligence gathering, and sensitization at district and range levels are being undertaken to prevent such activities.

OBSERVATION OF THIS COURT

7. I have heard the learned counsel appearing on behalf of the parties and learned AAG appearing on behalf of the State.

8. Upon a careful and conscientious perusal of the briefs pertaining to all the FIRs placed before this Court, it prima facie emerges that certain recurring social concerns permeate each of the cases. These issues are not isolated in nature but reflect a broader pattern affecting the societal fabric. Therefore, before advertng to the core legal questions arising for consideration in the present petitions, this Court deems it appropriate, and indeed necessary, to delineate and address the underlying societal issues which form the substratum of the disputes at hand.

SOCIAL ISSUES EMERGING FROM THESE CASES

i. Misuse of Community Power

It emerges from the factual matrix that local caste panchayats, though lacking any statutory recognition, have arrogated to themselves the role of adjudicatory authorities. The briefs reveal a consistent pattern where such bodies issue diktats affecting civil rights of individuals, thereby creating a parallel system of governance in derogation of established legal institutions. The





inference is inescapable that such conduct undermines the supremacy of law.

ii. Social Boycott & Isolation

From the material placed on record, it is evident that the mechanism of "hukka-pani band" is employed as a tool of coercion. The resulting ostracization is not merely social in nature but has far-reaching psychological and economic consequences. The inference drawn is that such practices operate as indirect but effective instruments of punishment, devoid of due process.

iii. Forced Monetary Demands

The briefs disclose instances where substantial monetary exactions are imposed under the guise of penalties or conditions for social acceptance. These demands, being neither sanctioned by law nor based on any adjudicatory process, amount to extortion in substance. It can be reasonably inferred that financial coercion is used as a means to enforce compliance.

iv. Suppression of Personal Choices

A perusal of the factual background indicates that individuals are penalized for exercising autonomy in personal matters, particularly in choosing life partners. The inference is that such actions are rooted in regressive social norms that stand in direct conflict with constitutionally guaranteed freedoms.

v. Mental Harassment & Trauma

The cumulative effect of threats, humiliation, and sustained exclusion, as reflected in the briefs, demonstrates a pattern of mental harassment. It can be inferred that the victims are





subjected to prolonged psychological distress, which in certain cases escalates to serious health implications.

vi. Fear-Based Control System

The conduct of the affected individuals, as narrated in the briefs, indicates compliance driven not by volition but by fear of severe social repercussions. The inference that follows is that a coercive environment has been systematically created to suppress dissent and ensure obedience.

vii. Gender-Based Vulnerability

The factual assertions point towards a disproportionate impact on women, who are subjected to heightened scrutiny and control under the pretext of maintaining social honour. The inference is that such practices reinforce patriarchal dominance and expose women to heightened risks of abuse and indignity.

viii. Escalation of Private Disputes into Social Sanctions

It is discernible from the record that disputes of a personal or civil nature are magnified into community-wide issues, attracting punitive sanctions from caste bodies. The inference is that such escalation is used as a pressure tactic to compel settlement or submission.

ix. Erosion of Faith in Authorities

Repeated yet ineffective recourse to law enforcement agencies, as reflected in the briefs, has resulted in palpable frustration among victims. The inference drawn is that perceived inaction or inadequacy of institutional response emboldens unlawful actors and weakens public confidence in the justice system.



**x. Use of Violence & Threats**

The materials indicate instances of physical assault and threats to life being employed to enforce compliance. The inference is that coercion is not limited to social pressure but extends to overt acts of violence, thereby aggravating the gravity of the situation.

xi. Exploitation of Vulnerable Sections

The briefs highlight that individuals from economically and socially weaker strata, including Scheduled Castes, are more susceptible to such coercion. The inference is that existing social hierarchies are being exploited to perpetuate injustice.

xii. Public Humiliation & Loss of Dignity

Instances of public shaming and degrading treatment, as disclosed in the briefs, reveal a deliberate attempt to diminish the dignity of individuals. The inference is that such acts serve as deterrents to others and reinforce collective control.

xiii. Resistance to Social Reform

The record suggests that individuals opposing regressive practices, such as extravagant or coercive customs, are met with hostility and punitive action. The inference is that entrenched interests resist reform to maintain social dominance.

xiv. Cycle of Retaliation & False Litigation

The emergence of counter-cases and allegations, as seen in the briefs, indicates a cycle of retaliatory litigation. The inference is that such actions are often strategic, aimed at harassment rather than genuine grievance redressal.





9. Moving forward, this Court deems it apposite to advert to the issues that arise in practical terms within village settings and the manner in which such issues impinge upon the social fabric at large. These aspects have already been considered by this Court in its interim order passed in **Bhaka Ram v. State of Rajasthan & Ors.** [S.B. Criminal Misc. Petition No. 1306/2025] dated 07.03.2025. For the sake of ready reference, the relevant paragraph from the interim is reproduced hereinbelow:-

“1. The petitioner has highlighted the prevalence of malfeasance existing in the society. This Court has observed numerous instances of like nature, particularly in western Rajasthan, including Jodhpur Rural, Barmer, Jaisalmer, Jalore, Nagaur, and Pali where the Khap leaders imposes social boycotts and fines who do not adhere to the village rules and fails to conform to their mindset and beliefs.

2. After reflecting upon the issue at hand, it is pertinent to delve into the historical backdrop of the social evils that have plagued society for centuries. The roots of social reform in India can be traced back to the times of Raja Ram Mohan Roy, revered as the “Father of the Indian Renaissance,” who spearheaded the first intellectual reform movement. His relentless efforts were directed towards condemning and eradicating deeply entrenched social evils. His remarkable contributions include the abolition of the practice of Sati, alongside reforms in education, administration, religion, and politics.

Thereafter, Jyotirao Phule, a prominent Dalit activist and social reformer, carried forward the mantle of reform. He dedicated his life to combating the scourge of untouchability and caste-based discrimination. During his time, Dalits were deprived of access to education and employment opportunities. Subsequently, Swami Dayanand Saraswati emerged as a visionary reformer whose revolutionary ideas challenged prevailing social evils. He championed women’s empowerment by advocating for education and promoting social harmony. His teachings emphasized the eradication of regressive customs and the upliftment of society through knowledge and enlightenment.

Swami Vivekananda, drawing inspiration from the teachings of his guru, Ramakrishna Paramhansa, continued the crusade against social evils. He worked tirelessly for the





welfare of humanity, denouncing blind faith and orthodoxy. His vision was to transform India by eliminating societal malpractices and fostering a future built on equality and justice.

Lastly, Dr. Bhimrao Ramji Ambedkar, the architect of the Indian Constitution, dedicated his life to dismantling the deeply rooted evil of untouchability. He considered caste-based discrimination to be one of the greatest social evils, relentlessly advocating for the rights and dignity of the oppressed. His efforts were instrumental in shaping a more just and equitable society.

3. Despite the tireless efforts and sacrifices of these great reformers, it is disheartening to note that several social evils continue to persist in contemporary society. This Court, while acknowledging their invaluable contributions, is of the view that the prevailing social injustices demand urgent and careful attention, necessitating effective legal and social interventions to uphold the principles of equality, dignity, and justice.

OSTRACIZED: WHEN PEOPLE OF YOUR OWN SHUTS YOU DOWN

4. In many villages, love marriage is still considered a taboo and often faces severe opposition due to deep-rooted social evils. This Court has come across thousands of cases where couples who marry by their own choice are ostracized by their families and communities. Recognizing the gravity of this issue, this Court finds it appropriate to deliberate on these long-standing societal challenges, including caste-based discrimination, honor killings, Khap Panchayats, family and societal pressures, forced marriages, violence against women, and the imposition of fines on couples. These issues not only impact the individuals involved but also have broader implications on the society. Furthermore, many of these practices constitute punishable offenses under the law, necessitating a deeper exploration to understand the core problem. For better understanding, the major social evils existing in the society are discussed below:

a) Ostracization

Social boycotts—where individuals are excluded from community privileges and essential resources—are still common in India. Couples who marry against societal norms often suffer economically, as they are denied access to basic resources, employment opportunities, and village benefits, all because of their personal choice in marriage.





b) Khap Panchayats

Khap Panchayats are informal, quasi-judicial bodies prevalent in villages, particularly in northern and western India. These organizations impose severe penalties and fines based on age-old traditions, enforcing outdated customs on modern societal issues. One of their rigid rules dictates that a boy and a girl cannot marry outside their kin. If a couple dares to defy these customs, Khap Panchayats often take matters into their own hands, engaging in illegal activities such as imposing heavy fines and even sanctioning honor killings. Not only do individuals suffer, but their families also bear the consequences, as the actions of Khap Panchayats are not limited to the couple who entered into a love marriage. Those who support or testify against these Panchayats in court or advocate for love marriages are also ostracized from their communities. This includes boycotting them from attending weddings, social gatherings, and other community events, ultimately isolating them from society. This deep-rooted social stigma against love marriages, where Khaps impose unlawful and discriminatory sanctions, ultimately violates the fundamental rights of individuals.

c) Caste-based Discrimination

Caste and religion continue to hold significant influence in Indian society. The greatest challenge is not class division but caste-based segregation. The individuals who marry outside their caste or religion often face social ostracization from both their families and society at large. This cultural stigma can even cost them their lives. In many villages, people are denied the freedom to choose their partners, as such choices are seen as defying parental authority. This rigid mindset has led to numerous cases of honor killings.

d) Honor Killings

In rural India, a family's reputation is considered paramount. Once it is tarnished, families believe it cannot be restored. Consequently, if a son or daughter marries against their family's wishes, bringing perceived dishonour, some families resort to extreme measures—including murder—to "restore" their honor. In many instances, the motive behind honor killings extends beyond caste and religion; some families simply refuse to associate themselves with love marriages altogether. The Hon'ble Supreme Court, in **Lata Singh v. State of U.P. & Ors.** reported in **(2006) 5 SCC 475**, has unequivocally stated that there is no honor in honor killings; rather, they are shameful acts perpetrated by brutal and feudal-minded individuals.





e) Exorcism

It has come to the notice of this Court in several matters a disturbing and inhumane customs continues to prevail in many villages. It has been observed that individuals, predominantly women but in some instances men as well, are labeled as unlucky or inauspicious (manhoos) when they are irrationally blamed for certain misfortunes, untoward incidents, or adverse consequences befalling the community. Under the influence of superstitions, such individuals are branded as ominous or ill-fated, and subjected to atrocious treatment. The brutal acts inflicted upon them include branding with heated tongs and, in some cases, they are shackled with iron chains. Furthermore, this Court is deeply concerned by the atrocities inflicted upon women under the pretext of such superstitious practices and are often falsely accused of witchcraft and derogatorily labeled as daayan or chudail, making them victims of public humiliation and violence which is like a torture or punishment causing physical and psychological suffering. It has also come to light that, under the garb of exorcism, women are often sexually seduced and exploited, thereby subjecting them to grave indignities and irreparable harm. This Court strongly condemns such inhumane and unlawful acts, which not only violates the fundamental human rights but also constitute serious criminal offences.

f) Family and Social Pressure

The pressure exerted by families and society—whether emotional, physical, or financial—often becomes unbearable for couples in love marriages. In many villages, forced marriages and even abductions have been reported as a means to prevent individuals from choosing their own life partners.

g) Gender-based Violence

Women, in particular, bear the brunt of gender-based violence when they opt for love marriages. They face threats of domestic violence, honor crimes, and in extreme cases, complete disownment by their own families.

h) Naata Pratha

The social evils are not only limited to ostracizing the people who gets involved in love marriages or who defy to follow the rules laid down by the Khaps but there are other issues also existing in the areas near Rajasthan where the children have been left without parental support due to Naata Pratha which is an informal marital arrangement that lacks legal or





social stability and as a result of these unstable relationships, many children lose both maternal care and paternal guidance which is important for a child and leaving them vulnerable to an uncertain future is nothing but a gross violation of children's rights. This Court feels that legal intervention is needed to protect the welfare of these children and to address the broader implications of Naata Pratha.

These social evils continue to plague communities, causing immense harm to individuals and hindering social progress. Addressing these issues is imperative for fostering a just and equitable society.

5. In light of these grave concerns, this Court will deal this issue in two phases, in the first phase, the endeavor would be to find out and identify the malady and then in the next phase, it will work to eliminate or curb these evil practices. It is felt apt to appoint Court Commissioners to thoroughly investigate the ground reality of the situation and this commission shall visit different villages to identify the concerns associated with this issue. This Commission will consists of four advocates and one social worker, as the matter is in the interest of the whole society, making the efforts of a social worker essential. The members of the Commission are listed herein below:-

- i. Mr. Ramavtar Singh Chaudhary
- ii. Mr. Bhagirath Ray Bishnoi
- iii. Ms. Shobha Prabhakar
- iv. Mr. Devkinandan Vyas
- v. Shri Mahaveer Kankariya

6. This Commission consisting of five people shall serve as Court Commissioners, working in coordination with the Superintendent of Police in the affected districts. The Superintendent of Police is expected to provide full assistance to the appointed Commissioners and ensure their security, including armed protection, throughout their visit. The Commissioners shall inspect police stations in the affected areas, engage with the Station House Officers (SHOs), and, if necessary, interact with local authorities such as the Sarpanch, Gram Sevak, and Block Development Officer (BDO) to compile a comprehensive report on the malpractices carried out under the guise of customs and rituals."





9.1 From a bare perusal of the interim order, it is evident that this Court has taken cognizance of the deep-rooted social issues prevailing in rural areas of western Rajasthan, where informal bodies such as Khap Panchayats continue to impose unlawful sanctions including social boycotts and fines upon individuals who defy entrenched customs. Despite the progressive legacy of reform ushered in by eminent social reformers like Raja Ram Mohan Roy, Jyotirao Phule, Swami Dayanand Saraswati, Swami Vivekananda, and B. R. Ambedkar, pernicious social evils such as caste-based discrimination, honor killings, gender-based violence, and superstitious practices like exorcism continue to persist. The Court has further observed that individuals, particularly couples entering into marriages of their own choice, are subjected to ostracization, coercion, and severe societal pressure, often resulting in forced marriages and violence. Additionally, exploitative customs such as Naata Pratha aggravate the vulnerability of women and children, depriving them of stability and protection. Such practices not only undermine the dignity and autonomy of individuals but also constitute serious violations of fundamental rights, thereby necessitating immediate and effective legal as well as social intervention.

9.2 Further, this Court has constituted a Commission of four Advocates to visit various villages, collect and ascertain the ground realities, and identify the issues and malpractices prevailing therein under the guise of customs and rituals. The said Commission has been directed to conduct a thorough inquiry and





submit a comprehensive report before this Court, and pursuant thereto, the Commission has carried out the exercise and submitted its report. The Commission, so constituted, has acted as Court Commissioners and has worked in coordination with the Superintendent of Police of the concerned districts, who has been directed to extend full cooperation and ensure necessary security, including armed protection, during the course of such visits. The Commissioners have inspected police stations, interacted with the Station House Officers, and, wherever required, engaged with local authorities, so as to compile a detailed and holistic account of the prevailing situation.

Identification of the Malady of Social Boycott in the State of Rajasthan

9.3 This Court, while dealing with the pernicious practice of social boycott, had delineated a twofold approach, firstly, to identify the nature, extent, and manifestations of the evil, and secondly, to devise measures for its eradication. However, the latter facet, being within the exclusive domain of the executive and legislative wisdom, was not entrusted to the Court Commissioners appointed. Consequently, the mandate of the Commission remained confined to the exercise of identification of the malady.

9.4 It is further clarified that the Court Commissioners so appointed were practicing advocates, entrusted with the responsibility of undertaking an independent and objective assessment of the prevailing situation on the ground. In this





backdrop, it is observed that the State, the Law Commission, and the Legislative Assembly are the principal stakeholders vested with the authority to deliberate upon and formulate appropriate remedial measures. The Court Commissioners, therefore, proceeded to discharge their limited yet significant role by undertaking an empirical and field-based study.

9.5 Considering the vast geographical expanse of the State of Rajasthan, they, in their prudence, selected representative districts to ascertain the ground realities. Accordingly, they visited the districts of Pali, Banswara, Jalore, Jodhpur (Rural and Urban), and Jaisalmer. The said exercise was undertaken to capture a diverse socio-cultural and administrative spectrum prevalent across the State.

9.6 For the purpose of data collection, the Court Commissioners relied upon multiple sources. Primarily, inputs were sought from police authorities with regard to First Information Reports registered in cases bearing elements of social ostracism. Additionally, they engaged with independent sources, including members of civil society and affected individuals, to gather qualitative insights into the prevalence and impact of the practice. Upon a cumulative assessment of the material so collected, a glaring legal vacuum emerges. It is revealed that there exists no specific statutory provision in the State of Rajasthan which directly criminalizes or addresses the act of social boycott. In certain instances where elements of coercion or monetary transactions are involved, cases are registered under Section 384 of the Indian



Penal Code pertaining to extortion. However, the said provision does not, in its true import, encompass or address the distinct and multifaceted nature of social ostracisation. Furthermore, recourse to preventive legislations such as Rajasthan Control of Goondas Act, 1975 is also found to be inadequate, inasmuch as the invocation of such provisions is contingent upon the existence of prior criminal antecedents of the accused. In cases of collective boycott, where an entire community ostracizes a particular individual or family, the victims are often rendered voiceless, and no independent witness comes forward to support their cause. Resultantly, a substantial number of cases culminate in closure reports for want of evidence.

9.7 It is equally significant to note that in numerous instances, the act of social boycott does not involve any overt transaction or element of extortion, thereby falling outside the ambit of Section 384 IPC altogether. In such circumstances, the very registration of an FIR becomes untenable, leaving the victims remediless.

9.8 The Court Commissioners further take note of the legislative development in the State of Maharashtra, which stands as the sole State in the country to have enacted a specific law recognizing social boycott as a distinct and punishable offence. This legislative model offers a guiding framework for addressing the issue at hand. Judicial pronouncements have also echoed the gravity of the situation. In view of the aforesaid, the identification exercise undertaken by the Court Commissioners reveals that the practice of social boycott is not only prevalent but is also perpetuated in





the absence of an effective legal framework, necessitating urgent attention at the hands of the competent stakeholders.

10. The field report submitted by the Court Commissioners, pursuant to the directions of this Court, reveals a deeply disturbing and pervasive pattern of social ostracism operating as an extra-constitutional mechanism of coercion across several districts of the State. The inquiry, conducted through extensive field visits, interactions with victims, local authorities, and police officials, brings to light that informal caste and community-based bodies continue to function as parallel adjudicatory systems, imposing arbitrary and unlawful sanctions in the form of social boycott, economic exclusion, and exorbitant fines. The incidents documented during the course of the inquiry disclose that individuals and families have been subjected to complete isolation for acts such as entering into inter-caste or self-choice marriages, questioning financial irregularities, disputing matrimonial discord, or merely asserting their legal rights. In numerous cases, victims were compelled to either pay heavy penalties, arrange community feasts at ruinous costs, or face perpetual exclusion from social, economic, and even essential community life, including denial of basic amenities such as water, food supply, and participation in ceremonies. The report further indicates that such boycotts are enforced not only against the individuals concerned but also extend to their entire families, with threats of similar sanctions against any person who dares to maintain relations with them, thereby creating an atmosphere of fear and collective subjugation.





The existence of entrenched practices such as coercive “dand” systems, misuse of customary arrangements relating to marriage and relationships, and the alarming use of social boycott as a tool of extortion and control. Particularly distressing are instances where women have been forced into submission through threats of ostracism, where families have been punished for refusing to conform to regressive norms, and where individuals acquitted by courts of law continue to be treated as guilty by these bodies. The findings unmistakably demonstrate that these practices result in severe psychological trauma, economic devastation, and a complete erosion of dignity, effectively reducing victims to a state akin to civil death within their own communities. Despite the existence of general criminal law, the persistence of such incidents reflects a serious enforcement gap and the inability of existing legal provisions to adequately address the collective and insidious nature of social boycott. The material collected during the field inquiry unequivocally establishes that social ostracism continues to operate as a potent instrument of unlawful social control, undermining the authority of the State, the majesty of law, and the fundamental rights guaranteed under the Constitution. The report, therefore, serves as a stark reminder that unless addressed through a robust legal framework and effective enforcement, such practices will continue to erode the foundational values of justice, liberty, equality, and dignity that the Constitution seeks to secure for every individual.





10.1 This Court is constrained to observe that the issue of social boycott, though pervasive in certain parts of the State of Rajasthan, continues to operate in a legislative vacuum, inasmuch as there exists no specific enactment akin to the Maharashtra Prohibition of People from Social Boycott (Prevention, Prohibition and Redressal) Act, 2016 to effectively prevent, prohibit and redress such practices. The absence of a dedicated statutory framework has resulted in a situation where acts of social boycott, which are inherently collective, coercive and extra-legal in nature, are sought to be addressed under fragmented provisions of the Bharatiya Nyaya Sanhita, 2023 or other general penal laws. This Court finds that such provisions are wholly inadequate to capture the true gravity and structural nature of the offence, thereby leading to dilution of culpability. It is further noticed that in the absence of a clearly defined offence, the law enforcement machinery is left with no precise legal yardstick, resulting in reluctance in registration of First Information Reports, misclassification of offences under lesser penal provisions, and consequent failure to bring the real perpetrators to book.

10.2 The Court cannot remain oblivious to the ground reality that social boycott is often enforced through informal yet powerful community mechanisms, including caste-based or village assemblies, where the victim is subjected to denial of access to essential services, prohibition from social and economic interaction, and complete exclusion from community life. Such acts strike at the very root of human dignity and civil existence.





This Court is of the firm view that the collective character of social boycott is not adequately addressed by existing penal provisions, which are primarily designed to deal with individual criminal liability. The absence of recognition of group liability in such contexts enables organized bodies to escape legal scrutiny.

10.3 Another alarming facet is the systemic under-reporting of such incidents. Victims, owing to fear of further ostracization, economic deprivation and social retaliation, are often dissuaded from approaching the authorities. Consequently, the official crime data fails to reflect the true magnitude of the problem, thereby rendering the issue legally invisible. It is also pertinent to note that, although certain instances may fall within the ambit of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the protection thereunder is limited to specific communities and does not address the broader spectrum of victims who may be subjected to similar forms of boycott on other grounds. The absence of a specific penal provision also results in a lack of deterrence, as the consequences flowing from prosecution under general laws are neither certain nor sufficiently stringent to curb such practices. This emboldens the perpetrators and allows the continuance of such unconstitutional acts with impunity.

10.4 The practice of social boycott, in whatever form, is in direct affront to the fundamental rights guaranteed under the Constitution of India, particularly the rights to equality, non-discrimination and life with dignity. Any extra-constitutional authority or informal body assuming the power to impose such





sanctions is wholly impermissible in the eyes of law. The absence of a dedicated legislation in the State of Rajasthan has resulted in a regulatory vacuum, leading to ineffective prevention, inadequate prosecution, and continued perpetration of social boycott practices. The situation, thus, warrants serious consideration at the legislative and executive level, so that an appropriate legal framework may be put in place to effectively address and eradicate this pernicious practice.

APPLICATION OF LAW

Between Custom and Constitution: The Parallel Edifice of Khap Panchayats and the Imperative of Judicial Intervention

11. At the outset, it is necessary to delineate the conceptual contours of the expressions "*Panchayat*" and "*Khap*", which, though often used interchangeably in common parlance, operate in fundamentally distinct domains. The term *Panchayat* traditionally signifies a village-level institution of self-governance, historically rooted in participatory decision-making, and now constitutionally recognized under Part IX of the Constitution of India. It embodies decentralization, democratic ethos, and lawful governance.

11.1 In contradistinction, the term *Khap* denotes a traditional, caste-based, and non-statutory social organization, typically comprising members of a particular clan, caste, or a cluster of villages. It is neither recognized by law nor vested with any adjudicatory authority. Its functioning is premised upon customary





practices and social conformity rather than constitutional legitimacy.

11.2 This Court cannot remain oblivious to the stark reality that, over a period of time, certain Khap Panchayats have assumed unto themselves the character of parallel, extra-constitutional power centers. Cloaked under the guise of preserving age-old traditions and maintaining social order, these bodies have, in effect, transgressed into domains reserved exclusively for institutions established under law. What has metamorphosed over the years is not merely their authority, but the alarming expansion in the scope of matters upon which they seek to impose sanctions, often encroaching upon the most sacrosanct realm of an individual's life, namely, personal autonomy. Issues pertaining to marriage by choice, inter-caste or inter-religious unions, and individual expression are subjected to collective scrutiny in such assemblies, culminating in diktats that are wholly bereft of legal sanction. The continued existence and operation of such bodies is sustained not by law, but by the social acceptance and obedience accorded to their decisions by members of the concerned community. Typically comprising elderly members of the clan, these assemblies convene at periodic intervals and proceed to adjudicate upon the lives of individuals in a manner that is alien to the rule of law. The consequences of such adjudications are often draconian, ranging from imposition of fines and social boycott too, in extreme cases, the perpetration of heinous crimes such as so-called "honour killings."





11.3 This Court is constrained to observe that the very edifice of Khap Panchayats stands in direct conflict with the constitutional ethos. Their actions are *de hors* the Constitution, and strike at the very root of fundamental rights guaranteed under Part III of the Constitution of India. Article 14 guarantees equality before law and equal protection of laws, which stands violated when individuals are singled out and subjected to discriminatory social sanctions. Article 15 prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, which is often the very foundation upon which Khap diktats are issued. More importantly, Article 19(1)(a) and Article 19(1)(c) secure the freedom of expression and association, while Article 19(1)(d) guarantees freedom of movement, rights which are curtailed when individuals are ostracized or confined by such extra-judicial bodies. However, the most egregious violation is of Article 21, which protects the right to life and personal liberty, and has been expansively interpreted to include the right to dignity, autonomy, and the freedom to make intimate personal choices, including the choice of a life partner. The constitutional courts have, time and again, emphasized that the right to choose one's partner is an intrinsic facet of Article 21, and any interference, whether by the State or by non-State actors such as Khap Panchayats, is wholly impermissible.

11.4 The notion of "honour killing," which finds its genesis in such extra-judicial bodies, is nothing but a barbaric manifestation of regressive social control. It entails the elimination of individuals





for exercising choices that are perceived to bring disrepute to familial or caste honour. Such acts not only shock the conscience of the Court but are also an affront to the constitutional morality that must prevail over social morality. The diktats issued by Khap Panchayats are, therefore, not merely void ab initio, but carry with them a deep-seated stigma that irreparably scars the lives of those subjected to them. The victims, in such circumstances, are not offenders, but individuals who have dared to assert their constitutionally protected freedoms.

11.5 It is a settled principle that the law in India leans towards a reformatory and progressive approach. Social evils are not to be perpetuated under the guise of tradition but must yield to constitutional morality. In this backdrop, the issue of Khap Panchayats demands a calibrated yet firm response. The remedy does not lie solely in punitive action, but also in systemic reform. There is an urgent need to disseminate awareness at the grassroots level regarding the rights of individuals and the corresponding duties of society to respect such rights. In this regard, Article 51A(e) of the Constitution of India casts a fundamental duty upon every citizen to renounce practices derogatory to the dignity of women, an obligation that stands in direct opposition to many of the regressive practices endorsed by such bodies.

12. The Apex Court has already issued directions regarding this in the case of **Shakti Vahini v. Union of India & Ors.** reported in (2018) 7 SCC 192, are required to be implemented in their true





letter and spirit, and any deviation therefrom must invite strict judicial scrutiny. The Supreme Court of India held that honour killings and interference by Khap Panchayats in marriages are illegal and unconstitutional. It affirmed that the right to choose a life partner is a fundamental right protected under Article 19 of the Constitution of India and Article 21 of the Constitution of India. The Court ruled that any attempt by family members or community bodies to control or punish such choices violates individual liberty and dignity. To curb such crimes, the Court issued three categories of directions that includes, preventive measures wherein the identification of sensitive areas, police vigilance, and prohibition of unlawful assemblies like Khap Panchayats shall be made. Then there are remedial measures which are for immediate protection to threatened couples, safe houses, and special cells. Lastly, the punitive measures which are strict action against offenders and expedited (fast-track) trials. For ready reference, the relevant paragraphs of **Shakti Vahini** (supra) are reproduced herein below:-

“47. The 'Khap Panchayats' or such assembly should not take the law into their hands and further cannot assume the character of the law implementing agency, for that authority has not been conferred upon them under any law. Law has to be allowed to sustain by the law enforcement agencies. For example, when a crime under Indian Penal Code is committed, an assembly of people cannot impose the punishment. They have no authority. They are entitled to lodge an FIR or inform the police. They may also facilitate so that the Accused is dealt with in accordance with law. But, by putting forth a stand that they are spreading awareness, they really can neither affect others' fundamental rights nor cover up their own **illegal acts**. It is simply not permissible. In fact, it has to be condemned as an act abhorrent to law and, therefore, it has to stop. Their





activities are to be stopped in entirety. There is no other alternative. **What is illegal cannot commend recognition or acceptance.**

53.To meet the challenges of the agonising effect of honour crime, we think that there has to be preventive, remedial and punitive measures and, accordingly, we state the broad contours and the modalities with liberty to the executive and the police administration of the concerned States to add further measures to evolve a robust mechanism for the stated purposes.

"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.

(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.

(g) The Home Department of the Government of India must take initiative and work in coordination with the State Governments for sensitising the law enforcement agencies and by involving all the stake holders to identify the measures for prevention of such violence and to implement the constitutional goal of social justice and the rule of law.

(h) There should be an institutional machinery with the necessary coordination of all the stakeholders. The different State Governments and the Centre ought to work on sensitization of the law enforcement agencies to mandate social initiatives and awareness to curb such violence.

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 (supra), 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. We may hasten to add that 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."





12.1 From a bare perusal of the judgment rendered by the Hon'ble Supreme Court in **Shakti Vahini** (supra), it is emanating that the Court has unequivocally deprecated the extra-constitutional functioning of Khap Panchayats or similar assemblies, holding that they cannot assume the role of law enforcement agencies or interfere with the fundamental rights of individuals, particularly in matters concerning marriage. Any attempt by such bodies to issue diktats or inflict punishment has been declared wholly illegal, abhorrent to the rule of law, and liable to be stopped in entirety. The Apex Court, recognizing the pernicious and agonising impact of honour crimes, has laid down a comprehensive framework comprising preventive, remedial, and punitive measures to be implemented by the State machinery. Insofar as preventive measures are concerned, directions have been issued to the State Governments and law enforcement authorities to identify vulnerable areas, maintain heightened vigilance in cases of inter-caste and inter-religious marriages, and take immediate steps to prevent unlawful assemblies of Khap Panchayats. The police authorities have been mandated to intervene proactively, discourage such gatherings, and, where necessary, invoke statutory powers under the Code of Criminal Procedure, including promulgation of prohibitory orders and preventive arrests. With regard to remedial measures, the Court has directed that immediate FIRs be registered against persons involved in issuing threats or unlawful diktats, followed by prompt and effective investigation. Adequate protection is to be provided





to the affected couples, including their relocation to safe houses, and necessary logistical support for solemnization or registration of marriage under police protection. The authorities are further obligated to act with sensitivity and expeditiously assess threat perception through designated senior officers. As far as punitive measures are concerned, the Hon'ble Court has stipulated that any dereliction of duty on the part of police or administrative officials in complying with the aforesaid directions shall entail departmental action for misconduct. The States have also been directed to establish Special Cells and 24-hour helplines at the district level to address complaints of harassment and threats. Furthermore, cases pertaining to honour crimes are to be tried by designated courts or Fast Track Courts on a day-to-day basis, with an endeavour to conclude the trial within a stipulated period. Thus, the Apex Court has, in unequivocal terms, reinforced the primacy of the rule of law and fundamental rights, while mandating a robust institutional mechanism to prevent and effectively deal with honour-based violence.

13. In the case of **In Re: Indian Woman says gang-raped on orders of Village Court published in Business & Financial News** reported in 2014 AIR (SC) 2816 dated 23.01.2014, a news item was published in the Business and Financial News dated 23.01.2014 relating to the gang-rape of a 20-year old woman of Subalpur Village, P.S. Labpur, District Birbhum, State of West Bengal on the intervening night of 20/21.01.2014 on the orders of community panchayat as punishment for having relationship with





a man from a different community. The Hon'ble Supreme Court took Suo Moto cognizance of the news report, awarded compensation to the victim. Furthermore, other rehabilitation measures were also taken by the Government, which are reproduced as under:-

"17. No compensation can be adequate nor can it be of any respite for the victim but as the State has failed in protecting such serious violation of a victim's fundamental right, the State is duty bound to provide compensation, which may help in the victim's rehabilitation. The humiliation or the reputation that is snuffed out cannot be recompensed but then monetary compensation will at least provide some solace.

18. In 2009, a new Section 357A was introduced in the Code which casts a responsibility on the State Governments to formulate Schemes for compensation to the victims of crime in coordination with the Central Government whereas, previously, Section 357 ruled the field which was not mandatory in nature and only the offender can be directed to pay compensation to the victim under this Section. Under the new Section 357A, the onus is put on the District Legal Service Authority or State Legal Service Authority to determine the quantum of compensation in each case. However, no rigid formula can be evolved as to have a uniform amount, it should vary in facts and circumstances of each case. In the case of State of Rajasthan vs. Sanyam, Lodha, (2011) 13 SCC 262, this Court held that the failure to grant uniform ex-gratia relief is not arbitrary or unconstitutional. It was held that the quantum may depend on facts of each case."

14. In **Kaushal Kishor v. State of UP** reported in (2023) 4 SCC 1, the issues before the Hon'ble Supreme Court were:-

I. Whether a fundamental right under Article 19 or 21 of the Constitution be claimed other than against the 'State' or its instrumentalities?

"162. The rights in the realm of common law, which may be similar in their content to the Fundamental Rights Under Article 19/21, operate horizontally;





However, the Fundamental Rights Under Articles 19 and 21, do not except those rights which have also been statutorily recognised. Therefore, a fundamental right Under Article 19/21 cannot be enforced against persons other than the State or its instrumentalities. However, they may be the basis for seeking common law remedies. But a remedy in the form of writ of Habeas Corpus, if sought against a private person on the basis of Article 21 of the Constitution can be before a Constitutional Court i.e., by way of Article 226 before the High Court or Article 32 read with Article 142 before the Supreme Court. As far as non-State entities or those entities which do not fall within the scope of Article 12 of the Constitution are concerned, a writ petition to enforce fundamental rights would not be entertained as against them. This is primarily because such matters would involve disputed questions of fact.”

II. Whether the State has a duty under Article 21 of the Constitution of India to affirmatively protect a citizen’s liberty from threats posed by private individuals or agencies.

“162. The duty cast upon the State Under Article 21 is a negative duty not to deprive a person of his life and personal liberty except in accordance with law. The State however has an affirmative duty to carry out obligations cast upon it under constitutional and statutory law. Such obligations may require interference by the State where acts of a private party may threaten the life or liberty of another individual. Hence, failure to carry out the duties enjoined upon the State under constitutional and statutory law to protect the rights of a citizen, could have the effect of depriving a citizen of his right to life and personal liberty. When a citizen is so deprived of his right to life and personal liberty, the State would have breached the negative duty cast upon it Under Article 21.”

“220. At this juncture, it may be apposite to sound a word of caution as regards the approach of the Courts in granting monetary compensation as a means for vindication of fundamental rights. It is to be noted that in the absence of a clear, cogent and comprehensive legal framework based on judicial precedent, which would clarify what harm or injury is actionable as a constitutional tort, such a device is to be resorted to only in cases where there are brutal





violations of fundamental rights, such as the violations that were involved in Rudul Sah and Chandrima Das. This Court has acknowledged such a view in Sebastian M. Hongray, by noting that compensation was being awarded in the said case having regard to "torture, the agony and the mental oppression" which the family of the victim therein had to endure due his death by an encounter. Similarly, this Court, in Bhim Singh stated that the compensation was awarded by taking note of the "bizarre acts" of police lawlessness. As already highlighted, compensation was awarded in Delhi Jal Board, by exercising power Under Article 142. Thus, the remedy provided is on a case to case basis on an evolution of the concept of constitutional tort through judicial dicta."



14.1 A bare perusal of the judgment rendered by the Hon'ble Supreme Court in **Kaushal Kishor** (supra) reveals that the Fundamental Rights guaranteed under Articles 19 and 21 are primarily enforceable against the State and its instrumentalities, and not horizontally against private individuals, except in limited circumstances where such rights are statutorily recognised. Nevertheless, analogous rights under common law may be enforced horizontally, and appropriate remedies may be sought thereunder. It has further been observed that a writ of habeas corpus may, in exceptional cases, lie even against a private person to safeguard personal liberty. The Apex Court has further elucidated that the obligation of the State under Article 21 is not merely negative in nature but also carries an affirmative duty to protect the life and personal liberty of individuals, particularly where such rights are threatened by private actors. Any failure on the part of the State to discharge its statutory or constitutional obligations, resulting in deprivation of such rights, would amount to a breach of Article 21. It has also been cautioned that the grant



of monetary compensation as a constitutional remedy is to be exercised sparingly and only in cases involving grave and egregious violations of fundamental rights, in the absence of a settled legal framework governing constitutional torts, and the same is to be determined on a case-to-case basis in light of judicial precedents.

CONCLUSION AND OPINION

15. Khaps have been a deeply concerning practice appears to be prevalent in certain rural settings, whereby a group of influential persons, devoid of any lawful authority or statutory sanction, assume unto themselves the role of an extra-legal governing body. Acting in the guise of a "panchayat" or association, such persons, by sheer force of influence and majority, issue diktats to the villagers at large, mandating a complete social and economic boycott of a particular individual or family. These extra-legal directions, enforced as though they carry the imprimatur of law, often compel the residents of the village to abstain from maintaining any form of relationship or dealing whatsoever with the targeted individual. Such diktats extend to prohibiting all forms of social, civil, and economic interaction, including but not limited to, any sale or purchase of goods, engagement in trade or business, entering into transactions of any nature, providing or availing accommodation, extending or receiving any facility or service, participating in social or familial relations including marriage alliances, sitting or associating in common gatherings, and even the most basic human interactions. The cumulative





effect of such coercive mandates is the complete isolation and ostracization of the individual, reducing him or her to a condition of social and economic exclusion, thereby striking at the very core of dignity, liberty, and equality guaranteed under the Constitution.

15.1 Such acts, in the considered view of this Court, amount to a grave form of victimisation and cannot be countenanced in a society governed by the rule of law. No individual or group, howsoever influential, can be permitted to exercise parallel authority or impose collective sanctions that effectively render a person "untouchable" within the social fabric. This Court is, therefore, of the firm opinion that such pernicious practices warrant immediate legislative attention.

16. Taking into consideration the authoritative pronouncement of the Hon'ble Supreme Court in **Shakti Vahini** (supra), wherein it has been unequivocally held that any form of diktat issued by extra-constitutional assemblies is wholly illegal and that immediate registration of an FIR is warranted, this Court is constrained to examine the practical enforceability of such directions. The Apex Court, while indicating recourse to provisions such as Sections 141, 143, 503 and 506 of the Indian Penal Code, has undoubtedly laid down a framework; however, in actual application, it is often noticed that the acts complained of do not squarely fall within the strict ingredients of the aforesaid offences. The situation thus presents a serious legal vacuum. In a number of cases, certain influential members of the community, acting in concert, assemble and, by sheer force of dominance and social





pressure, issue diktats directing the villagers at large to enforce complete social and economic boycott of a particular individual or family. Such directions, though devoid of any legal sanction, are implemented as if they carry the force of law. The consequences thereof are far-reaching, inasmuch as the targeted persons are ostracised from all facets of civil life, including denial of trade, business transactions, access to goods and services, accommodation, social interaction, and even participation in familial or community relations. Prima facie, such acts may not neatly fall within the contours of offences like criminal intimidation, wrongful restraint, wrongful confinement or even extortion under the Indian Penal Code, particularly in cases where there is no overt threat of bodily injury or explicit demand for property. The coercion exercised is subtle yet devastating, operating through collective social pressure rather than direct physical force or express threats, thereby rendering the existing penal provisions inadequate in addressing the mischief in its entirety.

16.1 This Court is, therefore, of the considered view that directing registration of FIRs, without there being a clearly defined and specifically punishable offence encapsulating such conduct, may not effectively subserve the object sought to be achieved by the judgment in **Shakti Vahini** (supra).

17. *Sati Pratha*, as historically understood, was a regressive social practice prevalent in certain parts of India, wherein a widow was compelled, persuaded or socially coerced to immolate herself





on the funeral pyre of her deceased husband, often under the guise of preserving family honour and religious sanctity. A bare perusal of the historical and legal evolution would reveal that such a practice, being inherently violative of human dignity and the right to life, was abolished through conscious legislative intervention, beginning with the Bengal Sati Regulation and later reinforced by the stringent provisions of the Commission of Sati (Prevention) Act, 1987 thereby reflecting the affirmative obligation of the State to eliminate inhuman and unconstitutional customs.

17.1 In a similar vein, it is observed that the functioning of Khap Panchayats, though not backed by any statutory recognition, has increasingly led to interference in the personal autonomy of individuals under the pretext of tradition and societal norms. This Court is of the considered view that merely in the absence of a specific law governing such bodies, their actions cannot be permitted to transgress the fundamental rights guaranteed under the Constitution. It is, therefore, expected of the State to take cognizance of the growing misuse of such traditional forums and to consider bringing in an appropriate legal framework to regulate or curb such practices. However, till such time such legislation is enacted, this Court finds it imperative to issue necessary directions and pass strict strictures to ensure due compliance, so that the rule of law is preserved and the fundamental rights of the citizens are adequately protected. This Court is guided by the judgment passed by Hon'ble the Supreme Court in the case of **Vishaka and Ors. v. State of Rajasthan** reported in (1997) 6





SCC 241 and in the light of the same till the Act in this regard is not made until then the appropriate directions can be passed by this Court.

18. In the opinion of this Court, the menace posed by Khap Panchayats necessitates not only judicial vigilance but also legislative intervention. The existing legal framework, though robust in theory, appears to be inadequate in effectively curbing the pernicious influence of such bodies in practice. It is, therefore, felt to be the need of the hour that the legislature contemplates the enactment of a specific law aimed at regulating and, where necessary, prohibiting the functioning of such extra-constitutional assemblies. Only through a combination of constitutional enforcement, legal deterrence, social awareness, and institutional accountability can this deep-rooted issue be addressed in its entirety. Accordingly, this Court reiterates, in the firmest possible terms, that constitutional supremacy is non-negotiable, and no individual or collective can be permitted to usurp the authority of law. Any such attempt must be met with the full force of constitutional mandate, ensuring that the rule of law prevails over the rule of men. Simultaneously, law enforcement agencies must remain vigilant. Preventive measures, including regular patrolling and prompt intervention upon receipt of information regarding such assemblies, are imperative. In cases where such gatherings persist and attempt to enforce illegal diktats, the State machinery must act with alacrity. Registration of FIRs, initiation of criminal





proceedings, and, where necessary, detention of those responsible must follow as a matter of course.

19. This Court is of the further view that directing the competent authorities to perform their duties strictly in accordance with the existing statutory framework, including taking preventive and prosecutorial measures against such unlawful acts, the issuance of appropriate directions or guidelines within the four corners of law would not amount to judicial legislation. However, the source of such power requires due consideration. While in exercise of statutory jurisdiction, this Court may be circumspect in issuing directions of a general nature beyond the lis involved, such directions can, in appropriate cases, be traced to and sustained under the public law jurisdiction of this Court under Article 226 of the Constitution of India. It is further observed that the issue at hand, being of a serious societal concern, warrants a comprehensive legislative framework, and this Court may appropriately draw the attention of the law-making authorities to the urgency of enacting suitable law in this regard. At the same time, in the absence of such legislation, this Court cannot, by way of guidelines, create or incorporate punitive provisions, as the same would fall within the exclusive domain of the legislature. Nevertheless, this Court is of the considered opinion that it is well within its jurisdiction to direct the appropriate executive authorities to frame and implement necessary guidelines, consistent with the existing legal regime, so as to ensure effective enforcement of preventive measures and the consequences





flowing from violations thereof. Accordingly, while maintaining the delicate balance between judicial restraint and constitutional duty, this Court deems it appropriate to issue such directions to secure effective compliance, uphold the rule of law, and ensure that the fundamental rights of the citizens are not rendered illusory.

THOUGHT OF THIS COURT

20. The absence of a specific statutory provision has resulted in a palpable vacuum in the legal framework, leaving the prosecuting agency and the police authorities in a state of uncertainty as to the precise provision under which such acts are to be registered, investigated and brought to trial. This assumes greater significance in light of the categorical pronouncement of the Hon'ble Apex Court in **Shakti Vahini** (supra), wherein such extra-legal diktats have been declared to be wholly illegal and directions have been issued for immediate registration of FIRs against the perpetrators. However, a pertinent and pressing question that arises is, under which specific provision of law are such FIRs to be registered? It is to be noted that though the Hon'ble Supreme Court has indicated certain provisions of the IPC yet in practical application, it is frequently observed that the acts complained of do not strictly satisfy the essential ingredients of the said offences. Consequently, the law enforcement machinery is left constrained, and at times, incapacitated in effectively prosecuting the offenders. Mere declaration of such acts as "illegal" without a corresponding, clearly defined statutory offence and an effective prosecutorial mechanism renders the enforcement largely illusory.





The rule of law does not countenance symbolic recognition of a wrong; it mandates the existence of a definite, enforceable and efficacious remedy. Unless the perpetrators are made amenable to strict prosecution culminating in deterrent punishment, and unless the victims are provided with tangible remedies, including compensation for the civil wrong and violation of dignity suffered by them, the constitutional promise remains unfulfilled. The legislative response to comparable social evils, such as sati, dowry and atrocities against members of Scheduled Castes and Scheduled Tribes has been to enact special statutes, providing for clearly defined offences, stringent penal consequences and victim-centric safeguards.

20.1 On similar lines, the State of Maharashtra has enacted a specific law to curb the menace of social boycott, thereby creating a concrete framework for both prosecution and redressal. Considering that such pernicious practices are stated to be more prevalent in the State of Rajasthan, the absence of a corresponding enactment leaves a significant and concerning gap in the legal regime.

20.2 In the considered opinion of this Court, so long as a specific offence, with clearly delineated ingredients and proportionate punishment, is not engrafted into the statute book, the menace of extra-legal diktats and social boycott would continue to evade effective control. Accordingly, this Court deems it imperative to observe that there exists an urgent and compelling necessity for the legislature to step in and enact a comprehensive and robust





law addressing the issue in its entirety, one which not only prescribes penal consequences for the perpetrators but also incorporates adequate compensatory and rehabilitative mechanisms for the victims, so as to truly uphold the dignity, liberty and fundamental rights guaranteed under the Constitution.

DIRECTIONS

A. General Compliance with Supreme Court Directions

21. This Court has carefully gone through the directions issued by the Hon'ble Supreme Court in **Shakti Vahini** (supra) and finds itself in complete consonance with the same.

21.1 Accordingly, it is directed that the concerned authorities, including the District Magistrates/Collectors, Superintendents of Police, Station House Officers, as well as the officials of local self-government bodies such as Panchayats and Municipalities, shall strictly adhere to and implement the preventive, remedial and punitive measures as delineated by the Hon'ble Apex Court.

21.2 Any deviation or non-compliance with the aforesaid directions shall be viewed seriously and may invite appropriate proceedings for contempt for disobedience of the orders of the Hon'ble Supreme Court.

B. District-Level Institutional Mechanism and Monitoring

22. In order to effectively curb and cripple down this menace, this Court deems it appropriate to direct that the State shall designate a Nodal Officer at the District level, who shall function in close coordination with the District Collector, Superintendent of Police, local police machinery, and representatives of Panchayati Raj





Institutions as well as Municipal Bodies, so as to maintain constant vigil over such unlawful activities.

22.1 The said Nodal Officer shall ensure prompt and timely reporting of any such incident to the designated State-level authority, which shall, in turn, monitor compliance and take necessary steps in accordance with law.

22.2 It is further directed that the office of such institutional mechanism/Special Cell shall be made easily accessible to the victims, ensuring that any aggrieved person can approach the authorities without any impediment or delay.

22.3 Upon receipt of any complaint, the concerned authority shall forthwith conduct a preliminary inquiry and prepare a detailed report, which shall be duly communicated to the Superintendent of Police as well as the District Magistrate for initiating appropriate action in accordance with law.

22.4 The said office shall maintain a systematic, contemporaneous, and duly documented record of all complaints received, the nature of allegations, and the action taken thereon. A proper account shall be preserved reflecting the number of complaints received over a specified period, particularly on an annual basis, so as to assess the magnitude, frequency, and pattern of such incidents.

C. State-Level Centralized Monitoring Mechanism

22.5 Furthermore, at the State level, a centralized mechanism/office shall be established for maintaining consolidated data pertaining to such cases. The said authority shall compile,





analyse, and preserve records indicating the number of incidents reported from various districts relating to acts of cruelty, harassment, or other allied offences. Such centralized data shall facilitate effective monitoring, informed policy formulation, and implementation of corrective and preventive measures so as to curb such unlawful practices in their entirety.

D. Directions Regarding Pending Cases and Investigation

23. So far as the petitions pending before this Court are concerned, and having regard to the nature of the issues raised and the concerns highlighted herein, this Court deems it appropriate to issue the following directions:-

(I) The Director General of Police, Rajasthan, Jaipur, is hereby directed to depute a senior and responsible officer not below the rank of Additional Superintendent of Police, who shall take over all the concerned FIRs and conduct an independent, fair, and comprehensive investigation therein. The said officer shall ensure that the investigation is carried out in a holistic manner so as to unearth the true nature and extent of the alleged societal malfeasance, which may not be effectively discernible if the cases are investigated in isolation by different officers.

(II) The investigating officer shall conclude the investigation in each case expeditiously within a period of 90 days, and shall submit appropriate reports before the jurisdictional courts strictly in accordance with law, be it in the form of charge-sheet, final report, or closure report, as the facts and evidence may warrant in each individual case. It is further directed that each case shall be





dealt with on its own merits, and the investigation therein shall be conducted with due sensitivity towards the grievances of the victims. The authorities concerned shall ensure that all lawful measures are undertaken and appropriate orders are passed in accordance with law, so as to effectively address the concerns and observations noted by this Court.

(III) Additionally, the said officer shall prepare a comprehensive and separate report encapsulating the broader issues, patterns, and concerns emerging from such investigations, and submit the same to the Director General of Police. The Director General of Police shall, in coordination with the Home Secretary, place the said report before the Chief Secretary, Government of Rajasthan, for appropriate consideration and necessary action at the policy level.

E. Directions to the State Government – Policy Framework

24. In view of the comprehensive report submitted and the issues emerging therefrom, and in order to ensure a structured, uniform, and effective response to such incidents, this Court deems it appropriate to direct the State Government to take necessary steps towards formulation of an appropriate policy framework.

24.1 Accordingly, the State Government, through the Home Department, is directed to consider and formulate a comprehensive policy dealing with the prevention, prohibition, and redressal of incidents involving unlawful assemblies, coercive social practices, and allied offences, keeping in view the principles laid down by the Hon'ble Supreme Court in Shakti Vahini (supra).





24.2 The said policy shall, inter alia, provide for preventive, remedial, and punitive measures to be undertaken by the authorities and clearly defined roles and responsibilities of District Magistrates, Superintendents of Police, Station House Officers, and other concerned officials so also mechanisms for inter-departmental coordination and timely response.

F. Standard Operating Procedure (SOP) – Operational Directions

24.3 The State Government is further directed to frame a Standard Operating Procedure (SOP) to operationalize the aforesaid policy, delineating step-by-step procedures to be followed by the field-level functionaries upon receipt of any information or complaint regarding such incidents.

24.4 The SOP shall specifically include:-

- (i) A prompt response protocol, including immediate preventive steps;
- (ii) Time-bound registration of FIRs and initiation of legal action, in accordance with law;
- (iii) Measures for victim protection, assistance, and access to remedies;
- (iv) Reporting and documentation requirements to ensure accountability and transparency.

24.5 The State Government shall endeavour to finalize the aforesaid policy and SOP within a reasonable period of time.

24.6 It is further directed that, upon formulation, the policy and SOP shall be circulated widely to all concerned authorities and





shall be given due publicity, so as to ensure awareness, effective implementation, and strict compliance at all levels.

G. Final Disposition

25. With the aforesaid directions, the present writ petitions and misc. petitions are disposed of.

26. Stay petition and all pending applications are also disposed of.

SUGGESTION

27. This Court also expects the State to remain alive to the gravity of the situation and to take expeditious steps towards enacting a comprehensive legislative framework to address and regulate such issues effectively. It is suggested that the State may consider bringing forth a comprehensive and codified legal framework, incorporating appropriate penal provisions, to expressly criminalize the issuance, enforcement, or abetment of such diktats of social and economic boycott, including prohibitions relating to sale, purchase, trade, business, transactions, accommodation, facilities, services, social interaction, and all forms of association. The matter deserves earnest deliberation at the legislative level so as to ensure that no citizen is subjected to such unlawful exclusion or deprivation under the coercive dictates of extra-constitutional bodies. The State is accordingly expected to take note of this concern and to consider appropriate measures in accordance with law.

(FARJAND ALI),J

235-Mamta/-

