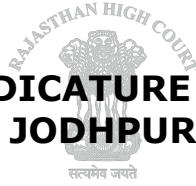




HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR



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

Connected with

S.B. Criminal Writ Petition No. 567/2025

1. Jetha Ram S/o Shri Kamal Kishor, Aged About 34 Years, R/o 265, Lakharo Ka Bas, Khinwsar, Dist. Nagaur, Rajasthan.
2. Kumkum, Aged About 24 Years, R/o 265, Lakharo Ka Bas, Khinwsar, Dist. Nagaur, Rajasthan.

----Petitioners

Versus

1. The Director General Of Police, Government Of Rajasthan, Jaipur.
2. Commissioner, Police Commissionerate, Jodhpur.
3. The Station House Officer, Police Station Luni, dist. Jodhpur City - West.

----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



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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.





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Jodhpur

31. Kanaram S/o Amraram, R/o Jajiwal 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 Shimbhuran, R/o Chabukda, Dist. Jodhpur
35. Dayal S/o Mangilal, R/o Surpura Kalla, Dist. Jodhpur

----Respondents

For Petitioner(s) : Mr. Arjun Singh
Mr. Divik Mathur
Mr. Bhagirath Ray Bishnoi

For Respondent(s) : Mr. Vikram Singh Rajpurohit, Dy.G.A.
Mr. Ravindra Singh, AGA

Present-in-person : Mr. Tejkaran, SHO, Luni

HON'BLE MR. JUSTICE FARJAND ALI**Order****07/03/2025**

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



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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



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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



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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



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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



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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



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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



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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



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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.

7. Mr. Mahaveer Kankariya (Contact No. 9414131249), the founder of a registered trust named *Jiyo Aur Jine Do Trust*, who has been actively working for the welfare of society and has been awarded many times for his work, shall accompany them to ascertain the root cause and ground realities of the issue at hand. Upon inquiry by this Court regarding his willingness to extend support, he has expressed his readiness to contribute to this cause and to aid in addressing and ameliorating these social concerns for the betterment of society. He has also expressed his willingness to provide conveyance, boarding, and lodging to all the members of the Court Commissioners, considering that they will be visiting different villages at different times. Since this process may require the commissioners to stay in one village for a day to ascertain the ground reality before proceeding to nearby villages,



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appropriate arrangements for their accommodation and travel shall be made to facilitate a thorough inquiry into the existing social issues.

8. The Court expects an exhaustive and detailed report from the Court Commissioners to shed light on the extent of these societal malpractices.

9. Connect **S.B. Criminal Writ Petition No. 434/2025** with these matters.

10. List the matter on 14.05.2025.

11. Learned counsel for the petitioners shall also provide assistance to the learned Court Commissioners appointed by this Court.

(FARJAND ALI),J

17-Mamta/-