

People's Union for Civil Liberties – Karnataka

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In the name of 'Honour'

Violation of the right to intimate and social associations

A Position Paper

June 18, 2024

PUCL Karnataka is deeply shocked to observe a steep rise in the number of murders and akin violence against people in inter-community relationships. In the last decade, it has been reported that the number of reported murders of people in inter-caste and inter-faith relations, referred to in the media as 'honour killings', have doubled¹. In the years of 2022 and 2023, PUCL-K has noted nearly 5 cases each year.

We release this position paper in remembrance of the monumental Dalit Revolutionary Mahatma Ayyankali. He challenged the caste system in the erstwhile Travancore Kingdom throughout his life. His work in challenging caste norms, exclusion of women and Dalits from religious spaces, and ensuring education to all members of society remains an inspiration. He died on the 18th June 1941. We are inspired by his emancipatory work to continue to challenge the continuing horror of 'honour crimes'.

These crimes are unfortunately, a continuing reality despite the stated resolve of the Chief Minister, Siddaramaiah himself. At the release of a Social Welfare Department website for the registration of inter caste and inter religious marriages, the Chief Minister narrated his experience of loving outside his caste being met with resistance. The government of Karnataka has for many years been running two schemes² to provide financial support to those marrying out of their caste³.

The schemes are intended to 'reduce casteism and promote a more accepting society'. Despite these schemes and the government's overt support to accept people involved in inter-community relationships, it falls short of providing protection to couples.

The data from the Karnataka Social Welfare Department indicates that there is a concerning trend: a growing proportion of applications are being approved but not yet

¹ From 3 and 0 respectively in 2012 and 2013 to 6 and 5 respectively in 2022 and 2023
<https://www.thehindu.com/news/national/karnataka/10-honour-killing-cases-in-state-since-2011/article8439611.ece>

² <https://swdservices.karnataka.gov.in/SWIncentive/ICM/ICMHome.aspx>
<https://swdservices.karnataka.gov.in/SWIncentive/IntraCaste/IntraCasteHHome.aspx>

³ <https://www.thenewsminute.com/karnataka/siddaramaiah-says-his-govt-will-support-inter-caste-marriages-recalls-his-own-story>

sanctioned in both schemes. This suggests a delay, which affects intercommunity couples who are entitled to receive support through these schemes.

Decoding the data from the Karnataka Social Welfare Department, PUCL-K has noted a growing proportion of applications being approved but not sanctioned in both schemes. This suggests that more intercommunity couples entitled to the scheme are waiting longer periods to avail of their rightful support. Delays in providing their rightful support is another sign of growing administrative indifference to the challenges faced by intercommunity couples.

We find that the environment of fear for inter community fraternising continues to prevail. This fear arises from the continuing trends of violence and the reality that there is a continuing and unconstitutional stigma around intercommunity fraternising.

As a proof of this violence, PUCL has found that that just in 2022, 7 young people in love have been killed. Even more shocking is that many of these criminal acts were provoked by mere inter-community fraternising between young men and women; they had not taken steps to get married. In some cases, it was based on a mere suspicion of a romantic relationship.

The most recent such instance was in January 2024, in Belagavi, when two cousins (brother (Hindu) and sister (Muslim)) were brutally beaten up by a mob after being mistaken for being in a romantic relationship.⁴ This showed that even members of the same family following different faiths faced such a threat of assault.

These killings point to a disturbing trend in the hostility and violence that intercommunity couples face. The very fact of young people being in inter-caste and interfaith relationships has provoked violent clashes between the communities. For instance, in August 2022, two men were killed in clashes between Valmikis and Muslims in Koppal that took place over an interfaith relationship⁵. At a time when intercommunity connections are vital to maintain the social fabric of society, we see this trend as a matter of immediate concern.

From an analysis of media reports, PUCL-K has observed that 13 reported cases of 'honour killings,' have been witnessed in Karnataka in the time period of January 2022 to December 2023, where 12 people have been murdered. These killings have taken place in 7 districts across Karnataka. Each case is a shocking reminder of the brutal lengths that people have gone to, to oppose inter-caste and inter-faith fraternising. PUCL-K demands that the state take concrete and decisive steps to provide safeguards to people who are exercising their constitutional right to autonomy by choosing their own partners. These steps must be preventive, crisis support as well as legal protection, going beyond the schemes for inter-caste and inter-faith marriage compensation.

⁴ <https://www.thehindu.com/news/national/karnataka/brother-and-sister-beaten-up-after-mob-mistakes-them-for-inter-faith-couple-in-belagavi/article67715627.ece>

⁵ <https://scroll.in/latest/1030326/karnataka-two-men-killed-in-clashes-in-koppal-district-over-interfaith-relationship>

The violence and hostility faced by people in inter-community relationships, often manifesting in murders termed as 'honour killings', is a grotesque reality. It is a result of a staunch opposition to marriages and consensual romantic relationships between people of different castes and religions.

Dominant caste communities keep power by maintaining 'purity' of their caste lineages. This practice is steeped in discriminating and dehumanising acts against lower caste communities. Some of the ways that communities maintain the caste system is by restricting inter-caste marriages, prohibiting equal access to employment and education, stopping entry into spaces like religious institutions etc. When these restrictions are resisted, there is often a violent response in the form of brutal atrocities, or even murders.

The term 'honour killings' has been widely used to denote that such murders took place to protect the 'honour' of a family. Within dominant caste groups, the belief is that romantic and sexual relationships between people of different castes and religions 'violate the purity', 'tarnish the respect' and 'violate the honour' of the caste.

There is a lack of data surrounding honour killings, especially since it is not a category expressly codified in legislation. PUCL-K finds the below patterns in these human rights violations of consenting individuals for their radical act of loving across lines of caste and community.

Violation of the Right to Social and Intimate Associations

The Right to Life and Personal Liberty under Article 21 of the Indian Constitution, guarantees the right to life with dignity. It includes constitutional protections for the choice of who one associates with. In exercising their choice of a partner to love, people also exercise their constitutional right to social and bodily autonomy. This value has been resisted by the patriarchal and casteist mindsets of our society. For instance, in a recent case in Belagavi⁶, a man and a woman from two different Dalit communities had eloped. The man's mother, a 42-year-old Dalit woman was then stripped, beaten, paraded naked and tied to an electric pole for about four hours until the police reached the spot. Her daughter-in-law's family perpetrated these gruesome acts against her, while several people from the village reportedly stood by and watched. The Karnataka High Court took suo motu cognisance of assault and said that the inaction of those mutely watching the incident as "nothing short of passive abetment" and "collective cowardice".⁷ The court observed that the time has come to take serious steps to fix a collective responsibility for being mute spectators when such incidents occur.

Over the past two decades, PUCL has documented cases all across Karnataka where the rights of young people to form intimate relationships have been under fire⁸. The challenges that young people have felt are daunting when those relationships cross social norms and form bridges across different communities. We find that these relationships

⁶ <https://en.themooknayak.com/sexual-violence/karnataka-woman-stripped-tied-to-electric-pole-and-beaten-7-arrested>

⁷ <https://www.livelaw.in/high-court/karnataka-high-court/karnataka-high-court-suo-motu-action-woman-assaulted-paraded-naked-incident-244368>

⁸ Cultural Policing in Dakshina Kannada, A PUCL-K Report, <http://puclkarnataka.org/?p=72>

are incredibly important in the formation of a society based on Constitutional principles of Life, Liberty, Equality and Fraternity. The violence faced by young people at all social levels, including the society, community and family is an impediment to the development of these values.

Honour killings, where people who have engaged in such relationships are summarily murdered, are an extreme denial of people's exercise of their constitutional right to life with dignity. They have all been gruesome in nature, and almost all perpetrated by known, familiar members of the family. In 9 out of 12 murders that have taken place in the last two years, the victim is killed by their own family members. In two cases, the victim was killed by their partner's family.

In a free and democratic society, people should be allowed to form relationships across all social identities, be them caste, class, religion, and gender, and find their expression in those relationships, however they deem fit, without the fear or violence, hostility or discrimination. In a society where relationships are policed through violence, especially within intimate spaces such as a person's home and family, people can never realise their civil liberties and are forced into a form of submission and isolation. This form of policing cascades into many forms of isolation that divides a society on the basis of caste, religion, community and gender. It also inhibits young people's ability to express themselves in terms of affection, gender, and sexuality.

No person, including a person's family, has the right to prevent people from choosing their partners. As the Supreme Court upheld⁹ in *Shakti Vahini v. Union of India*, preventing two consenting adults from marrying is illegal. The values of the Constitution committed to protecting the dignity and autonomy of the individual should prevail over social morality.¹⁰

Upholding the caste system leading to increased vulnerability of oppressed communities

Caste is an important factor in the perpetuation of killings of persons in consensual relationships. By restricting contact between different castes, one's caste lineage is deemed 'pure' and caste hegemony is maintained. This structure oppresses groups below in the hierarchy, restricting them to dehumanising social and economic realities. The notion of caste-based purity leads to violent consequences for individuals who challenge these norms, especially when it comes to inter-caste relationships. Extensive literature has highlighted the relationship between caste and honour killings, emphasising how the rigid hierarchical structure of caste perpetuates violence. When such a structure is confronted, the mere act of one loving a person from another caste, can even push a father to brutally kill his daughter. This violence works to police women from a young age. In nearly half of the cases of 2022-23, the victim was a minor. Such is the grip of caste in our collective mindsets.

⁹ AIR 2018 SUPREME COURT 160

¹⁰ Right to Love, http://altlawforum.org/wp-content/uploads/2021/09/RightToLove_2021Edition_FullFinal.pdf

Thousands of years of practices and enforcement of caste means, it (caste) is closely tied to ownership of resources. So naturally, sexual and marital relationships are tied to social and material property. In particular, women's sexuality and reproduction are closely connected to inheritance – which results in communal policing. This means, honour killing has deep connotations to upholding the patriarchal caste system. Honour killings serve as a brutal mechanism to enforce caste boundaries, by punishing those who dare to transgress them through brave and subversive acts of love.

In most of the killings in 2022-23, the victim is a woman belonging to the more dominant caste community. The perpetrators are men in her family. It is worth noting that none of the perpetrators were Dalit. They were always from the dominant caste communities often attacking their own family. We recognize that this trend may vary across other periods of time and states in India, in that, the male partner (and their family) may also be targeted by the girl's family, especially if they deride his community.

PUCL-K also observes that it is not just inter-caste marriage that results in the anger of family members leading to honour killings. In many cases, the couples were not married. The very discovery of the romantic or sexual nature of the relationship resulted in the family members taking to violent crimes including murder.

People in inter-community relationships are vulnerable to threats of violence. This vulnerability forces them to live a life of fear and insecurity. In several cases, there were recorded instances of the girl being coerced and subjected to emotional and physical abuse. There have been instances of the girl's family filing false complaints of abduction against the male partner and family. As with many crimes against women and Dalits, these cases maybe only the tip of the iceberg.

Honour killings are one of several ways in which the dominant caste group prevents inter-caste fraternising, subverting the core Constitutional values of Life, Liberty, Equality and Fraternity. Caste structure creates a complex web of power dynamics that exacerbate the vulnerability of oppressed communities. As Dr. B.R. Ambedkar says in *The Annihilation of Caste*, the violence against inter-community relationships are a symptom of a diseased society in need of cure.

Honour killings in India cannot be detached from the broader context of caste-based discrimination, and any meaningful intervention must engage with the intricate connections between patriarchy, sexuality, caste, honour, and the vulnerability of oppressed communities.

Subjugation of women

The civil liberties movement has always asserted the importance of a safe family environment and the right to make a family as two essential and interrelated rights. Even in international law, these rights have been asserted numerous times. For example, Article 16 of the Universal Declaration of Human Rights, the founding document of human rights law, states assert the right of all adults the right 'without any limitation due to race, nationality or religion, have the right to marry and to found a family. ' ...with the free and full consent of the intending spouses.' (Article 16).

A home without fear and violence is a precondition for these fundamental rights. The violence faced by young people in inter-community relationships prevents even the possibility of engaging in free and consensual relationships. These attacks add to a climate of fear that restricts the choice of family to those decided by social sanction and contravene the ability of young people to make a family of their choice as they grow older.

In Indian society, social sanctions sustain the laws of patriarchy and caste through the generations. Men of the family, often serve as the means to restrict young women's right to associate with people outside of their caste, thereby reproducing the ideologies of caste and patriarchy. To maintain caste purity, women's sexual activity is highly policed and thereby to ensure that the future generations carry on the 'pure' caste lineage. This control includes policing women's bodies as carriers of the next generation, subjugating them to a lifetime of responsibilities that perpetuate the cycle of violence.

This statement also comes at a time when we observe a palpable rise in violence/brutality in the way men deal with the breakdowns of their relationships.¹¹ The brutal murders of young women by their friends or husbands earlier this year as in the cases of Neha and Faraz, Suresh and Anusha, Pradeep and Rukhsana, Girish and Fareeda, Girish and Anjali also show the increasing inability of young men to accept the decisions of their partners if they choose not to go ahead with their relationship.

Fraternal Associations: A way of transforming and transgressing structures of caste, religion, gender

Clearly these associations – intimate or otherwise are not a matter of private concern but are rooted in the deeper structures of religion, caste and patriarchy. These interfaith, inter caste associations are in fact young people's efforts to transform these structures by constitutional means which are being clamped down upon violently. The very point of a transformative Constitution such as the Indian Constitution is that it mandates that societal structures should be transformed in the light of the constitutional mandate. In all these cases of 'honour' crimes, the ability to reform and reimagine these structures is being curtailed. A Transformative Constitution like ours, is also about how the values of the Constitution take new meaning in our contemporary context. In these cases of association (romantic or otherwise) across caste and religious divides foregrounds the practice of the values of dignity, fraternity and liberty to give meaning to the right to love. These young lovers are the practitioners of constitutional morality and are fighting with their love against the imposed social morality.

We must take action to combat and eliminate these crimes rooted in prejudice, extremism and practising "purity of caste". The crimes are in serious violation of a person's inherent rights to a life of dignity and liberty. There is a need to address inter-caste and inter faith relationships beyond the scope of marriage, protecting gender queer persons' right to expression and that they are not subject to surveillance and violence in the name of honour. A mix of sensitisation to law enforcement, citizens about class-caste-religious pride and honour is necessary. Especially in light of the promises made by the Indian National Congress in its 2024 manifesto towards 'Saving Democracy, Removing Fear and

¹¹ <https://indianexpress.com/article/opinion/columns/when-women-are-loved-to-death-a-karnataka-story-9334491/>

Restoring Freedom'. It is long overdue that they urgently act on their promise to people of "freedom from fear".

PUCL – K urges the Karnataka State government and the Union government to fulfil its responsibility to the realisation of constitutional ideals by taking strict action to:

- a. Ensure that the order of the Supreme Court in *Lata Singh v. State of U.P and Anr.* [(2006) 5 SCC 475] is strictly complied with and ensure that an inter-caste or inter religious couple is not harassed by anyone nor subjected to threats or acts of violence. It should also be ensured that anyone who gives such threats or harasses or commits acts of violence is taken to task by instituting criminal proceedings by the police against such persons and stern criminal action is taken against such persons as provided by law.
- b. Form a High-Level Committee comprising of legal experts, gender experts, social activists, psychiatrists and government representatives who will comprehensively and objectively study this increasing phenomenon of violence against women and girls and put forth holistic recommendations to both prevent and address the violence even while trying to evolve more relevant forms of punishment and justice. (This demand has been made by many woman rights groups observing this trend of violence against women in case of breakdown of relationships, when they exercised their agency.)
- c. States to form Special Cells in every District comprising the Superintendent of Police, the District Social Welfare Officer and the District Adi-Dravidar Welfare Officer to receive petitions/complaints of harassment of and threat to couples of inter-caste marriage.
- d. The government should set-up a helpline to offer protection to inter-caste or interfaith couples in distress which will be directed to these Special Cells.
- e. The Police and the Women and Child Department should jointly develop a Standard Operating Procedure that needs to be followed whenever such instances of inter-caste/interfaith couple being in distress are brought to the attention of the police. More specifically:
 - i. When an incident of cultural policing occurs, the Deputy Collector should visit the spot and ensure appropriate action is taken against the vigilante elements by the district police.
 - ii. That charges be registered against family members and any other public servant for their acts of violence against the couple, forcible confinement, and registration of false cases. Provision for protective custody for women (Nari Niketan) be provided in all areas. Inmates should be permitted to determine which of their visitors they desire to meet.

- f. The police officials should be sensitised towards taking proactive steps whenever instances of possible danger to inter-caste or interfaith couples come to their notice.
- g. To treat all dishonour killings of daughters/girls as a caste atrocity and apply the principles that governs the Prevention of Scheduled and Scheduled Tribes Atrocity Act to the cases of dishonour killings until a new stringent legislation is enacted to deter dishonour killings of daughters/girls. Accordingly, the NCRB data must have a specific category enumerating such dishonour killings.
- h. Protect citizens' right to engage in loving or romantic relationships which cut across barriers of religion.
- i. Protect citizens' rights to occupy the public space with other people of their choice, regardless of religion or sex.
- j. Protect, in particular, women's freedom of expression which includes the right to wear clothing of their choice, make friends with those of their choice, and to express their romantic affection for partners of their choice.
- k. Carry out a public education campaign that it is illegal to produce people before the police station for enforcement of a so-called morality and that the police will not hesitate to take action against these vigilante elements.
- l. The Social Welfare Department and the Women and Child Department should initiate a wide campaign along the lines of the non-functional Vinaya Samarasya scheme addressing the negative social attitudes towards inter-caste relationships prevalent in our society. Human Values of Equality, Fraternity and Brotherhood must be taught to the children's in schools and the government must undertake a campaign in each and every village to inculcate these values across all castes and communities for peace and harmony.
- m. Ensure that no mobs are allowed to impose their own so-called 'moral code' on the people of Karnataka, India, thereby supplanting the Constitution.