

Lata Singh v. State of Uttar Pradesh & Another

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Introduction

Fundamental rights act as the cornerstone of the Indian Constitution and are a part of the basic structure of the Constitution. With time, the scope of fundamental rights has been widened and *Lata Singh v. State of UP & Another*¹, provides an ideal foundation for the right against honour killings in India. This is a landmark case giving unwavering support to women's right to choose to marry any person of their will under Article 21 of the Indian Constitution. It holds significant importance in the legal history of India as the Supreme Court validated inter-caste marriage between any two individuals based on their volition and consent. The Division Bench comprising of Justice Ashok Bhan and Justice Markandey Katju decided in favor of the petitioner and allowed the writ petition under the Article 32 of the Indian Constitution to repeal false criminal charges against the relatives of the petitioner. The Apex court also directed to provide police protection to couples performing inter-caste marriage, in order to protect them from threats of violence and institute criminal proceedings against such persons who threaten them.

Facts of the Case

The petitioner, Lata Singh, a major in age, had been living with her brother in Lucknow due to the sudden demise of her parents. She left her home by her will and married a person of another caste. The couple also had one child out of wedlock. The petitioner's brothers being furious due to inter-caste marriage went to her husband's paternal home and harassed and vehemently beat up his family members, destroyed their crops, and took forcible possession of shop of Singh's husband. They also lodged a false report regarding the kidnapping of their sister against the petitioner's husband and in-laws and three of the in-laws were arrested. The petitioner alleged the false framing of her relatives and reported the matter to the National Human Rights Commission through the Rajasthan Women Commission, Jaipur. The Fast Track Court had issued warrants against the accused and in response; the brothers filed a petition under Section 482 of the Criminal Procedure Code against her husband and in-laws. The petitioner apprehended danger to her life and the lives of her husband and child.

¹ *Lata Singh v. State of UP & Another*, (2006) 5 SCC 47 (India).

Therefore, she prayed before the Apex Court to issue a writ of mandamus to quash the criminal proceedings before the Trial court, Lucknow to quash the charges against her in-laws.

Points of analysis

The Division Bench was faced with a conundrum regarding the following issues:

- Right to choose under the right to life and liberty guaranteed under Article 21 of the Indian Constitution.
- Maintainability of the writ of Mandamus under Article 32 of Indian Constitution to quash criminal proceedings pending in the lower court.
- Question of whether inter-caste marriage contravenes any existing provisions of law or not.

Question of law

The Constitution of India provides six significant fundamental rights to the people of India that act as a bulwark for protecting the interests of the public. The Supreme Court and High Court provide Right to Constitutional Remedies under Article 32 as a fundamental right and Article 226 for the issuance of writ petition for the protection of fundamental rights.

Article 21 of Indian Constitution provides that, “No person shall be deprived of his life or personal liberty except according to the procedure established by law”. Life does not denote mere subsistence or animal existence but the right to live with human dignity and better livelihood. The Supreme Court, in this case, has widened its scope by ruling that the right to choose to marry someone of our own will is an integral part of the right to life and liberty under Article 21 of the Constitution.

A person above the age of eighteen years is considered to be major under the Section 3 of the Majority Act, 1955, and they therefore, have free choice and will. Parents, relatives or any family members can't pressurize or harass them into marrying someone against their will and consent.

Marriages are generally considered to be a social construct in India and are regulated by the personal laws of the respective religions. For Hindus, it is governed by the Hindu Marriage Act, 1955. This Act provides uniformity of marriage among different sections of Hindus. The legal age of marriage for women is 18 years and men is 21 years in India. The Special Marriage Act, 1954 applies to all persons irrespective of faith or religion and governs the system of inter-caste and inter-religion marriages in India.

Analysis

With the advancements in cultural norms in India, the evils of the caste system have been weakened with new awareness regarding inter-caste marriages in India. Various honour killings cases have mushroomed over the last decades due to the non-acceptance of inter-caste marriages, and these, often go unreported in India. In the present case, the petitioner who was a major at the time of her marriage, by her own volition and consent, married another person. As a major, she has the right to choose and select her life partner according to her wishes.

The petitioner's marriage does not stand in contravention of any provisions of Hindu Marriage Act, 1955. There is no bar regarding inter-caste marriages in India under any existing law, therefore, there was no offence committed by the petitioner's husband and relatives.

The false criminal case filed by petitioner's brothers is only an abuse of the Court's process and the administrative machinery of the state. The Supreme Court opined to lodge complaints against her brothers instead, for their unlawful and high-handed acts. To protect their illusionary reputation, the brothers were furious and the criminal proceedings were found to only be vengeful.

The writ of mandamus is issued by the Court to lower courts to quash an F.I.R under Section 482 of Criminal Procedure Code. In *Madhu Limaye v. the State of Maharashtra*², the Court adjudicated that if there is a situation of abuse of process by any authority, nothing can prevent any higher court to use its inherent power under Section 482 and it has the authority to quash an FIR pending in lower courts.³ Therefore, the writ of mandamus can be issued to direct the lower court to repeal the criminal charges against the petitioner's in-laws.

Ratio decidendi

The Supreme Court allowed the writ petition, allowing the cancellation of warrants and quashing of criminal proceedings pending in the Fast Track Court, Lucknow. The court also ruled to provide police protection to the petitioner and her relatives due to the danger to their lives and to take an action against anyone threatening or harassing them.

Obiter Dicta

The Division Bench observed that malpractice of caste system is dividing the society, at a

² *Madhu Limaye v. the State of Maharashtra*, AIR 1978 SC 47 (India).

³ Pushkraj Deshpande, *Overview of Section 482 CrPC vis-à-vis the judgements of SC*, MONDAQ, (May 1, 2018), <https://www.mondaq.com/india/trials-appeals-compensation/697362/overview-of-section-482-crpc-vis-vis-the-landmark-judgments-of-the-supreme-court-of-india>.

time when the nation needs to be united to fight against challenges. The inter-caste marriages are beneficial for the society as they help in breaking the stigma attached to the caste system. India is a free and democratic country as every major person has the right to choose to marry any person of their will. The court stressed that the increasing cases of violence and threats, raise severe questions about the security of such couples. There is no ‘honour’ attached with killing people for the sake of reputation and persons indulging in such barbaric acts, need to be severely punished. The Court also issued directions to police authorities all over the country to protect inter-caste marriage couples and observed to take stern actions against those who harass or instigate violence against them.

Recent Developments: A Way Forward

This landmark decision has been used in various recent cases as the leading precedent by the respected courts. In *Simran Choudhary v. State of Jammu and Kashmir*⁴, the court relied upon *Lata Singh’s* case and ruled that adequate protection is provided to the couple who performs an inter-caste marriage. In *Shafin Jahan v. Ashokan K.M.*⁵, also popularly known as *Hadiya* case, the revered court ruled that right to choose to marry any person according to will and consent is an integral part of the right to life and liberty, guaranteed under Article 21 of the Indian Constitution.

The Central Government has started the “Dr Ambedkar Scheme for Social Integration through Inter-caste marriage” which provides an assistance of Rs 2.5 lakhs to every inter-caste couple where either of the bride or bridegroom is a Dalit person.⁶ The State Governments like that of Rajasthan, Haryana, Karnataka, Tamil Nadu, Maharashtra,⁷ etc., have also facilitated monetary assistance to various inter-caste couples. Therefore, the schemes provide support and help to inter-caste couples when they are not accepted by their families.

In conclusion, comprehensive legislation is the need of the hour for couples of all castes and classes. The monetary help is a stepping stone, but for the protection of these couples or to provide a deterrence to crimes against them, stricter laws need to be enacted.

⁴ *Simran Choudhary v. State of Jammu and Kashmir*, (2019) SCC 404 (India).

⁵ *Shafin Jahan v. Ashokan K.M.*, (2018) 16 SCC 368 (India).

⁶ India Today Web Desk, *Centre offers Rs. 2.5 lakh incentive to every Dalit-including couple: All you should know about the inter-caste marriage scheme*, INDIA TODAY, (February 6, 2018), <https://www.indiatoday.in/education-today/gk-current-affairs/story/inter-caste-marriage-scheme-1101331-2017-12-06>.

⁷ Alok Deshpande, *Maharashtra’s helping hand for inter-caste couples*, THE HINDU, (January 4, 2019), <https://www.thehindu.com/news/national/other-states/maharashtras-helping-hand-for-inter-caste-marriages/article25914302.ece>.