



HONOUR KILLINGS IN INDIA: NEED FOR REFORM

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ABSTRACT

Honour killings, the continuing shame of India despite the country's major advances in several domains, are powered by the status and pride among individuals over the castes, sub-castes and religions they belong to. Honour killing, also called shame killing, is the murder of an individual, mostly by the victim's family members or an outsider, to protect the dignity and honour of the family. It is usually connected to religion, caste and other forms of hierarchical social stratification, or to sexuality. Honour killing predominantly exists in cases of inter-caste, inter-religious marriages or relationships. In most cases, the victim is a woman, although in several cases the man or boy is also targeted. The concept of honour in its traditional meaning is closely related to the reputation vested in male control over female sexual behaviour and gender roles, typically female virginity and chastity. When a woman transgresses these gender expectations (e.g. the girl eloping), the honour of her male family members is perceived as being threatened, so the family resorts to killing her to restore their honour and reputation in society. Utmost importance is given to the purity of the family, and a sense of belonging to a particular social segment has led to the most abhorrent outcome of patriarchy in the form of honour killings. The limited and scarce data on honour killings shows that nearly 5,000 women and girls are killed annually for honour worldwide, and almost one-third of them are from India and Pakistan. Furthermore, it is important to consider here that these numbers are highly under-reported. Several reports highlight the recent hike in honour killings in several countries like India, Iran and Jordan. In India, honour killings are often invisible as they are concealed by the victim's family members or the community. It is not considered a criminal act within the communities, but rather seen as heroic deeds and the perpetrators of honour-based killings are seen proudly displaying their actions and receiving considerable respect within their community. The most important reason for honour killings

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still prevalent in India is because of people's evil desire to uphold their family's respect within society. This article attempts to highlight the contrast between the cultural practices of honour killing and the legal framework to curb such a crime.

Keywords: Shame Killing, Social Stratification, Patriarchy, Chastity.

CULTURAL PRACTICE OF HONOR KILLING IN INDIA

A killing in the name of honour inculcates torture and rejection of equalitarianism, which is a cornerstone of the Indian Constitution. Furthermore, it manifests how the value of feudalism and patriarchy is rooted in our social system in some corner.

According to Legal Service India e-journal, honour killing is done to eradicate the dishonour and shame brought by family members, especially a woman, by marrying or seeking a life partner belonging to another caste (usually a lower caste), which they feel does not match their social status and behaviour. It is based on a fear of being outcast if such relationships are allowed, and there have been several cases where families have been humiliated for allowing a girl to marry outside, especially someone from a "lower caste". Honour killing is nothing but a planned murder to safeguard the honour and prestige of a family to prevent it from falling in the eyes of members of the social segment they belong to.¹

The shame of honour killing stems from the existing complex socio-cultural divisions in society. In many cases, even those marrying within the same 'Gotra' are targeted, as communities believe it to be an incestuous marriage. The perpetrators of honour killing view the killing of the 'errant member' as a way to restore the reputation and honour of the family. They do not think about repercussions. The perpetrator may be the same person who may have publicly criticised a similar act by a member of another family in his community, and has no second thoughts about killing his family member to uphold the so-called honour of his community. According to the police officials who have investigated these crimes, in most cases, the perpetrators do not exhibit any sense of guilt; instead, there is a degree of pride in committing honour killings. They feel they have done something credible to protect the honour and prestige of their caste, clan or religion, which could explain why such crimes receive support from other members of the group closely linked to the perpetrators.

¹ <https://www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437.html>

The United Nations Population Fund estimated that about 5,000 women and girls are killed by their family members. According to the recent report of the National Crime Records Bureau (NCRB), 356 cases of honour killing were reported, along with 65 cases of culpable homicide in India.² Honour killings are dealt with under the provisions of murder and culpable homicide under the Bharatiya Nyaya Sanhita.³ but it is just an antidote to such dishonourable practices. The law should be amended and made stringent.

Honour killings have been rampant in Karnataka, including Mandya, Kolar, Tumakuru and parts of North Karnataka. A Senior advocate says honor killing in Karnataka is not new: it goes back to the 12th century, to the time of social reformer Basavanna, when inter-caste marriages or relationships invited a punishment called 'Yele Hoote', which involved tying those engaging in inter-caste relationships (mostly women marrying men from castes 'lower' than their own) to an elephant's leg and making the elephant roam around town, killing the hapless victims.⁴

When come to an end? Will the feudal-minded people stop such evil actions replicated by their stringent patriarchal ideologies? A social activist, Chala Venkata Reddy from Ballari, says even educated parents and family members commit this crime to protect the honour and prestige of the clan, sub-caste, caste or religion they belong to.⁵

Retired IPS officer and former DG & IGP of Karnataka Police, ST Ramesh, says there is no legal terminology called honour killing, and the reason why many cases go unreported is this: "In so-called honour killing cases, usually a family member would have committed the crime. Other family members who might not have indulged directly in the crime will try to cover up, despite knowing about the crime. Their thinking is mentally in sync with the accused. Such cases may not come out in the open immediately, but there is a thing called a perfect crime. Sooner or later, it comes out".⁶

A wide range of moderation is needed to effectively battle against patriarchal crimes and women's sovereignty in India. The Freedom of Belief doesn't mean Freedom to Kill. Everyone

² <https://journals.sagepub.com/doi/10.1177/2455632719880870?icid=int.sj-abstract.similar-articles.1>

³ The Bharatiya Nyaya Sanhita, 2023

⁴ <https://www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437.html>

⁵ <https://www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437.html>

⁶ <https://www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437.html>

has the right to live their life with dignity, grace and equality. A woman deserves respect with dignity. There is no honour in honour killings.

LEGAL FRAMEWORK

While honour killings receive clandestine support and license from certain respected quarters within the social group to which the perpetrators belong, there is no law to specifically deal with honour killings. The crime is dealt with as murder. Unfortunately, the law sees honour killing as murder, not a larger conspiracy that ends up killing the innocent with a certain degree of social backing.

For instance, in Haryana, such crimes have the blessings of bodies like the Khap Panchayats, which provide extra-constitutional blessings for honour killings. They ignore Articles 14 and 15 of the Indian Constitution, dealing with the right to equality and not allowing discrimination on the grounds of religion, race, caste, gender or place of birth, respectively. Article 19 provides the right to freedom, while Article 21 grants the right to life, which honour killings directly violate with the blessings of family elders. It also violates the rights of individuals to choose a life partner, irrespective of which caste or religion he or she belong to.⁷

The lack of a law specifically dealing with honour killings allows these crimes to be tried under the sections of the Bharatiya Nyaya Sanhita⁸ dealing with murder and culpable homicide (Sections 101-104) or culpable homicide not amounting to murder (Section 105) or criminal conspiracy (Section 61). Apart from the BNS, cases of honour killings can also be covered under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which deals with atrocities committed against Dalits and tribals. The result is that the shame of honour killings continues unabated, even as it fosters pride among the killers for protecting the honour of the family, caste or community they have affinity.

The Supreme Court in 2006 observed: We sometimes hear of honour killings of such persons who undergo inter-caste or inter-religious marriages of their own free will. There is nothing honourable in such killings, and in fact, they are nothing but barbaric and shameful acts of murder committed by brutal, feudal-minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism.

⁷ <https://www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437.html>

⁸ The Bharatiya Nyaya Sanhita, 2023

Such acts of violence of threats, or harassment are wholly illegal, and those who commit them must be severely punished. This is a free and democratic country, and once a person becomes a major, he or she can marry whomever he/she likes.

The 242nd Law Commission Report,⁹ titled “Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition)”, was released in 2012 in response to the growing incidents of honour killings and unlawful community interference in marital choices. Recognising that existing criminal laws were inadequate to prevent such socially sanctioned violence, the Commission proposed a separate legislation – The Prevention Of Crimes In The Name Of Honour And Tradition And Prohibition Of Interference With The Freedom Of Matrimonial Alliances Bill, 2017.¹⁰ This draft law aimed to criminalise any assembly, such as khap panchayats, that passes diktats or engages in harassment against couples choosing their partners, especially in inter-caste or inter-religious unions. Notably, the proposed law focused on **preventing honour crimes before they occur**, extending protection not only to married couples but also to those intending to marry. It emphasised that such interference violates the right to life and personal liberty under Article 21 of the Constitution. Despite its progressive approach, the recommendations remain unimplemented, and India continues to address honour killings under the general provisions of the Bharatiya Nyaya Sanhita.¹¹ without a focused, preventive legal framework.

VIEW OF THE JUDICIARY

The Indian judiciary has consistently condemned honour killings as a blatant violation of the constitutional rights, particularly the right to life, personal liberty, and personal autonomy under Article 21. The courts have emphasised that individuals have the freedom to choose their life partners, irrespective of caste, religion, or community norms. Through landmark judgments, the Supreme Court has held that violence in the name of honour is not only illegal but deserves the harshest punishment. It has also criticised khap panchayats and similar assemblies for interfering in personal relationships, and has issued preventive guidelines to protect couples. While the judiciary has taken a strong moral and legal stance, it has also highlighted the urgent need for a dedicated law to effectively tackle honour crimes in India.

⁹ <https://cdnbbsr.s3waas.gov.in/s3ca0daec69b5adc880fb464895726dbdf/uploads/2022/08/2022081053-3.pdf>

¹⁰ <https://sansad.in/getFile/BillsTexts/RSBillTexts/Asintroduced/crime-21717-E.pdf?source=legislation>

¹¹ The Bharatiya Nyaya Sanhita, 2023

Lata Singh v State of U.P. & Anr., (2006):¹² It was one of the initial cases where a Division Bench of the Supreme Court observed that no offence has been committed by the couple marrying outside their caste as “there is no bar to an inter-caste marriage under the Hindu Marriage Act or any other law”. Interestingly, the Court opined that if parents do not approve of the choice of partners of their children, the maximum that they can resort to is to cut off social relations with them. It further directed the police personnel throughout the country to ensure inter-caste couples are not subjected to any kind of violence and, in the event of such, to institute criminal proceedings against such people.

Later, in **Arumugam Servai v State of Tamil Nadu (2011)**¹³ while dealing with a case of caste conflict, the SC observed that the “Khap Panchayats” are akin to kangaroo courts and issuing decrees against inter-caste couples is “wholly illegal and has to be ruthlessly stamped out”.

In the case of **Bhagwan Dass v State (NCT of Delhi) (2011)**,¹⁴ in an appeal filed by an accused against his conviction for the killing of his daughter, the Supreme Court held that honour killing comes under the “rarest of rare” category, so that it serves as a deterrent for such outrageous acts.

The Supreme Court **In Re: India Woman (2014)**¹⁵ took suo moto cognisance of the gang rape of a 20-year-old woman in West Bengal on the orders of the community panchayat for having a relationship with a man from a different community. The Court reiterated that the State is duty-bound to protect the freedom of choice of marriage, which is an integral aspect of Article 21 of the Constitution.

In **Vikas Yadav v State of Uttar Pradesh & others (2016)**,¹⁶ while deciding about the quantum in a case of honour killing of a sister for her choice of partner, the Court categorically held that the freedom and independence of a woman cannot be violated by self-assumed honour.

¹² [Lata Singh v State of U.P. & Anr.](#), (2006) 5 SCC 475

¹³ [Arumugam Servai v State of Tamil Nadu](#) (2011) 6 SCC 405

¹⁴ [Bhagwan Dass v State \(NCT of Delhi\)](#) (2011)

¹⁵ [In Re: India Woman](#) (2014) 4 SCC 786

¹⁶ [Vikas Yadav v State of Uttar Pradesh & others](#) (2016) 9 SCC 541

In **Shakti Vahini v Union of India (2018)**,¹⁷ the Supreme Court held that honour killing is a part of honour crimes and recognised that “any kind of torture or ill-treatment that tantamount to atrophy of choice of an individual relating to love and marriage by any assembly, whatsoever nomenclature it assumes, is illegal and cannot be allowed a moment of existence”. The Court expanded the definition of honour crimes and stated that any individual committing such a crime is liable to be prosecuted. It holds that the choice of the individual is an inseparable part of dignity under Articles 19 and 21 of the Constitution to consensually choose each other as life partners. The Court issued a detailed preventive, remedial, and punitive direction to deal with honour crimes, which included identification of districts where honour killings are prominent, providing shelter for the couple for a month, banning unlawful assembly, taking appropriate departmental proceedings against officials, sensitisation of law enforcement agencies, and setting up a 24-hour helpline number.

These directions have no teeth to tackle the menace of honour crimes in a complex, layered society like India without legislation to back them up. Further, crimes against sexual and gender minorities are also increasing, in the name of honour. A legal framework which covers all crimes related to honour killing would ensure that the right of an individual to choose their partner is protected under the constitution.

CHALLENGES FACED IN BRINGING A SEPARATE LEGISLATION

Despite the growing incidence of honour killings and repeated calls for legal reform, enacting a separate law in India remains a complex challenge. The primary challenges faced in bringing a separate legislation are discussed below.

Political Sensitivity: One of the biggest challenges in enacting a separate law on honour killings is the political sensitivity surrounding issues of caste, religion, and family honour. In many parts of India, especially rural areas, these are deeply rooted social values. Politicians are often reluctant to support legislation that appears to interfere with traditional practices, fearing it may alienate their vote bank. The fear of backlash from conservative communities prevents many leaders from publicly endorsing such a law, even though they may privately acknowledge the need for it. As a result, there is very little political momentum to bring such a bill forward in Parliament.

¹⁷ [Shakti Vahini v Union of India](#) (2018) 7 SCC 192

Influence of Khap Panchayats: Khap panchayats, especially in northern states like Haryana, Uttar Pradesh, and Rajasthan, are known to hold strong views against inter-caste and inter-religious marriages. These traditional caste councils often issue diktats or judgments against couples who marry by choice, claiming to protect community honour. Their influence is so strong that local police and administration sometimes hesitate to act against them. Bringing a separate law would directly challenge their authority, leading to strong resistance at the ground level. This societal pressure makes it difficult to implement reforms that would criminalise their actions.

Lack of Political Will: Even when the need for a new law is recognised, the absence of political will remains a major hurdle. Parliamentarians are often divided on the issue, and no government has yet shown the determination to prioritise this matter in its legislative agenda. Without a broad political consensus, especially across party lines, it becomes difficult to pass a socially sensitive law like this. Discussions remain limited to committees and reports, without being translated into concrete legal action.

Belief That Existing Laws Are Sufficient: Another roadblock is the belief among some lawmakers and legal experts that existing criminal laws under the Bharatiya Nyaya Sanhita¹⁸ are sufficient to deal with honour killings. Since honour killing is ultimately an act of murder, many argue that no special law is required. However, this view overlooks the fact that honour killings are not ordinary murders. They are often pre-planned, socially accepted, and even encouraged by the family or community. General criminal laws do not account for this context, nor do they offer preventive measures. This misconception continues to delay legal reforms.

Fear of Misuse and Legal Complexity: Critics argue that if not carefully drafted, such a law could be misused to falsely accuse families or communities. Moreover, legally defining what constitutes honour and proving that a murder was committed for that reason is complex. Honour as a motive is often hidden behind the guise of personal disputes, and gathering evidence to prove it in court is difficult. These legal challenges make lawmakers cautious about introducing a law that could be difficult to implement.

Social Stigma and Underreporting: Victims of honour-based violence, especially women, often face social stigma, isolation, and shame. Many young couples fear for their lives and do not report threats until it is too late. As a result, many honour killings go unreported or are

¹⁸ The Bharatiya Nyaya Sanhita, 2023

disguised as suicides or accidents. The lack of visibility of such crimes reduces the urgency to enact a dedicated law.

Law Enforcement: Another challenge is the lack of pressure or advocacy from police and administrative authorities. In many cases, law enforcement officials either fail to take threats seriously or are themselves influenced by community norms. Without strong institutional support and accountability, a new law would struggle to be effective. Moreover, local authorities rarely demand legislative change, which further weakens the push for reform at the national level.

Slow Legal Reform Process: India's legal and legislative processes are often slow and complex. The 242nd Law Commission Report recommended a draft law in 2012, but it has not been enacted to date. When a law is proposed, it has to go through multiple layers of review, debate, and political approval before it is passed. Without strong public demand or media pressure, issues like honour killing often get sidelined in the legislative process, leading to continued delays.

CONCLUSION

On one hand, over the years India has seen huge growth in terms of economic empowerment, on the other hand, Indian society is still plagued by social evils like honour killings. While laws regarding murder, attempt to murder, and culpable homicide are applied in cases of honour killings, such a patchwork application of laws fails to address the primary, underlying motive for these killings, 'honour'. In this backdrop, it is difficult to state the precise number of honour killings because many cases go unreported. In some of the cases, the perpetrators go unpunished, and the concept of honour becomes justified in the eyes of society. Specific legislation addressing honor killings would tackle several issues that existing criminal laws cannot, including protecting a couple who wishes to marry outside their religion, caste, or community, sanctioning punishment for the harassment, intimidation, kidnapping, coercion, confinement, assault etc., that victims typically endure before the issue is escalated to killing, and allowing for the collection of reliable data as cases will be registered under one statute instead of a myriad of provisions.

The high number of honour killings in India is not only a reflection of the prevailing stark religious and caste-based divisions in Indian society but also an indicator of deep-rooted patriarchal structures which continue to control women's autonomy and decision-making.

Ultimately, all honour killings enforce a hierarchy of status and are often used to signal caste supremacy to other communities. Passing a law that criminalises mental and physical harassment, criminal intimidation, and other forms of violence that often precede an honour killing would acknowledge the particular motive behind the public violence against those whose marriages are deemed socially unacceptable. New legislation would aid greater police accountability and pressure authorities to act quickly and decisively.