
HONOUR KILLING IN INDIA: A CRITICAL LEGAL AND SOCIO-CONSTITUTIONAL ANALYSIS WITH SPECIAL REFERENCE TO TAMIL NADU

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1. ABSTRACT

Honour killing represents one of the most disturbing manifestations of social control, where the claimed preservation of family or community “honour” is placed above an individual’s fundamental right to life, liberty, dignity, and choice. In India, such violence is frequently associated with inter-caste and inter-community relationships, opposition to self-choice marriages, patriarchal attitudes, and entrenched notions of family and social status. This research critically examines the phenomenon of honour killing in India, with particular emphasis on its causes, legal consequences, judicial response, and socio-cultural context of Tamil Nadu. Although Indian criminal law does not recognise “honour killing” as an independent offence, conduct resulting in such deaths attracts severe criminal liability under the existing legal framework, including the Bharatiya Nyaya Sanhita, 2023. Section 103 provides punishment for murder, while Section 103(2) specifically addresses murder committed by a group of five or more persons acting in concert on specified grounds including caste or community.

The study further analyses the constitutional protection of individual autonomy and the judiciary’s evolving approach towards honour-based violence, particularly the preventive and protective measures emphasised in *Shakti Vahini v. Union of India*. Tamil Nadu receives particular attention because caste-based social structures, resistance to inter-caste relationships, and community pressure constitute important contexts for honour-related violence. The research argues that criminal punishment alone cannot eradicate honour killing. Effective prevention requires coordinated institutional action, protection of vulnerable couples, social transformation, and stronger implementation of constitutional values. The study ultimately evaluates the capacity of India’s legal and institutional mechanisms to protect individual choice against collective notions of honour.

2. Keywords: Honour Killing; Honour Crimes; Caste-Based Violence; Inter-Caste Marriage; Individual Autonomy; Constitutional Morality; Patriarchal Control; Matrimonial Choice; Judicial Intervention; Tamil Nadu.

3. Introduction

Honour killing is a paradoxical phenomenon in which the word “honour”, ordinarily associated with dignity, respect, and social esteem, is transformed into a justification for the destruction of human life. In its ordinary sense, honour signifies the dignity and social standing of an individual or family. In the context of honour-based violence, however, it becomes a means of exercising familial or communal control over personal choices concerning love, marriage, caste, and relationships. Thus, “honour killing” does not denote an honourable act; it refers to violence perpetrated against an individual perceived to have violated socially constructed notions of family or community honour.

Significantly, Indian law does not presently recognise “honour killing” as a separate statutory offence. Such acts are prosecuted under general criminal law, including the Bharatiya Nyaya Sanhita, 2023. Nevertheless, the Supreme Court has accorded significant judicial recognition to the phenomenon. In *Shakti Vahini v. Union of India*, the Court recognised honour crime as a broader category and honour killing as one of its gravest manifestations. It further clarified that torture, ill-treatment, or interference intended to suppress an individual’s choice in matters of love or marriage is unlawful.

The background of honour killing reveals a disturbing social psychology in which familial affection may be transformed into fury and violence by caste prejudice, patriarchal attitudes, fear of social exclusion, and distorted notions of honour. In the name of preserving family “honour”, an individual’s humanity, autonomy, and freedom of choice may be denied. When freedom to choose a life partner conflicts with familial expectations, affection may progressively transform into control, hostility, and violence. In Tamil Nadu, caste identities and opposition to inter-caste relationships and marriages constitute important contexts for understanding honour-based violence. Accordingly, a critical analysis requires examination of individual autonomy, social control, constitutional morality, and the criminal justice system.

4. Review of Literature

Existing literature on honour killing in India predominantly examines the intersection of caste, patriarchy, family control, and social opposition to inter-caste marriages. The Law Commission of India, in its 242nd Report, examined interference with matrimonial choice and proposed a preventive legal framework. Ashok and Rupavath analyse honour killings in South India

through caste endogamy and patriarchal control. Castro specifically examines caste-based honour killings in Tamil Nadu. Existing scholarship establishes social and legal dimensions while leaving scope for an integrated analysis of constitutional rights, criminal law, judicial protection, and preventive mechanisms in the Tamil Nadu context. This gap receives focused examination.

5. Research Methodology

The present study adopts a doctrinal and analytical research methodology to examine honour killing in India, with particular reference to Tamil Nadu. The research primarily relies upon primary legal sources, including the Constitution of India, the Bharatiya Nyaya Sanhita, 2023, Supreme Court judgments, and the Law Commission of India's Report No. 242. Secondary sources, including scholarly articles and legal literature concerning caste, patriarchy, matrimonial choice, and honour-based violence, are also examined. The study critically analyses the existing legal framework, judicial approach, causes, constitutional dimensions, and available remedies relating to honour killing. A specific regional perspective is adopted to examine the interaction between caste-based social structures and individual matrimonial autonomy in Tamil Nadu. The research further identifies gaps between constitutional protection and practical enforcement and proposes preventive and institutional measures for effective protection of individual choice and dignity.

6. Concept and Meaning of Honour Killing

Honour killing refers to the intentional killing of an individual by family or community members who perceive the person's conduct, particularly regarding love, marriage, caste, or personal choice, as bringing dishonour to the family or community. It represents the extreme manifestation of honour-based violence, rooted in patriarchal control, caste hierarchy, social conformity, and the denial of individual autonomy and constitutional dignity.

7. Causes of Honour Killing in India

Honour killings in India are not the consequence of a single factor. They are produced by the interaction of caste hierarchy, patriarchal authority, family control, social stigma, and intolerance towards individual autonomy. The principal causes may be examined as follows:

7.1 Refusal to Accept a Marriage

Refusal to accept a marriage arranged or expected by the family may create severe conflict when an individual exercises independent choice. Families that regard obedience to matrimonial expectations as an essential component of honour may perceive such refusal as an act of disobedience or humiliation, sometimes resulting in violence against the individual.

7.2 Marriage Outside Caste or Religion

Inter-caste and inter-religious marriages may be perceived as threats to established social identities and family status. Rigid caste endogamy encourages the belief that marriage should remain within the same caste or community. When individuals reject these restrictions, families or community groups may resort to coercion and violence to preserve traditional social boundaries.

7.3 Consensual Extramarital Relationships

Consensual relationships outside marriage may be treated by families as a source of social disgrace. In communities where family reputation is strongly associated with sexual conformity, the discovery of such a relationship can result in severe social pressure and, in extreme circumstances, honour-based violence.

7.4 Social Stigma Associated with Sexual Violence

Victims of rape or other forms of sexual violence may, in some families and communities, be subjected to stigma because of distorted perceptions of family reputation. The victim may be unjustly treated as having brought dishonour upon the family. Such victim-blaming attitudes can contribute to honour-based violence. Responsibility for the violence, however, lies entirely with the perpetrator and with those who commit or facilitate subsequent violence against the victim.

7.5 Seeking Divorce or Rejecting a Family-Selected Partner

An individual's decision to seek divorce, end an existing relationship, or refuse to marry a person selected by the family may be regarded as a rejection of familial authority. Where matrimonial decisions are considered a matter of family control rather than individual autonomy, resistance to such control can provoke coercion and violence.

7.6 Romantic Relationships

Romantic relationships, whether established or merely alleged, may become a cause of honour-based violence when families believe that the relationship violates caste, religious, cultural, or social expectations. The individual's freedom to choose a partner may consequently come into direct conflict with collective notions of family honour.

7.7 Lack of Education and Social Awareness

Limited education and inadequate awareness of constitutional rights may reinforce traditional beliefs concerning caste, marriage, gender roles, and family authority. A failure to understand individual autonomy and equality before law can allow harmful social practices to continue across generations.

7.8 Patriarchal Control over Individual Autonomy

Patriarchy is a fundamental structural factor underlying honour-based violence. In strongly patriarchal settings, women's choices regarding relationships, marriage, sexuality, and personal life may be subjected to greater familial control. Honour is consequently attached to regulating women's conduct and preserving male-dominated family authority.

7.9 Caste Endogamy and Caste Hierarchy

The preservation of caste boundaries remains a significant factor in honour-based violence. Caste endogamy seeks to maintain marriage within a particular caste group, while inter-caste relationships may be perceived as weakening established social hierarchies. Violence committed to prevent or punish such relationships therefore reflects the deeper conflict between caste-based social control and individual freedom. Scholarship on South India similarly identifies caste endogamy and patriarchal control as important dimensions of honour-based violence.

7.10 Family and Community Pressure

Families may face pressure from relatives, caste groups, community leaders, or local social networks to maintain an accepted standard of conduct. Individuals may consequently become victims of violence when their personal choices are perceived as damaging collective

reputation.

7.11 Fear of Social Ostracism and Loss of Reputation

Fear of exclusion, humiliation, criticism, or loss of social standing can intensify hostility towards individuals who depart from established norms. The desire to avoid perceived social disgrace may cause families to prioritise collective reputation over the safety and autonomy of their own members.

7.12 Misconception of Honour

At the core of honour killing lies a distorted understanding of honour itself. Genuine honour is associated with dignity, integrity, and respect for human life, whereas honour-based violence converts honour into a mechanism of control. The preservation of reputation is consequently placed above the individual's right to life, liberty, dignity, and personal choice.

7.13 Overall Causal Perspective

The causes of honour killing therefore operate at multiple levels. Individual relationships may trigger the immediate conflict, but deeper structural factors such as caste hierarchy, patriarchy, rigid family authority, social stigma, and community pressure create the environment in which such violence becomes possible. Honour killing is consequently better understood as an extreme form of social control rather than as an isolated act of individual criminality.

8. Legal Framework and Constitutional Dimension

Indian law does not recognise honour killing as a separate statutory offence. Such killings are primarily prosecuted under the Bharatiya Nyaya Sanhita, 2023. Section 103(1) provides death or imprisonment for life and fine for murder, while Section 103(2) specifically provides punishment where a group of five or more persons acting in concert commits murder on specified grounds including caste or community.¹ Constitutionally, Articles 14, 15, 19 and 21 protect equality, non-discrimination, freedom, personal liberty, dignity, and individual choice. These guarantees establish that family or community notions of honour cannot override an

¹ *Bharatiya Nyaya Sanhita, 2023*

adult's autonomy, matrimonial choice, or right to life.²

9. Landmark Case Law Analysis

9.1 Lata Singh v. State of Uttar Pradesh (2006)

In *Lata Singh v. State of U.P.*, (2006) 5 SCC 475, the Supreme Court addressed the consequences faced by an adult woman who married outside her caste. The Court strongly protected the individual's freedom to choose a spouse and rejected interference by family or community on the basis of caste and social status. The judgment recognised that an adult's matrimonial choice forms part of personal liberty and that violence or harassment in response to such choice cannot be justified by notions of family honour. The decision established an important constitutional foundation for protecting inter-caste couples against social and familial interference and became a significant precedent for subsequent judicial treatment of honour-based violence.³

9.2 Shakti Vahini v. Union of India (2018)

In *Shakti Vahini v. Union of India*, (2018) 7 SCC 192, the Supreme Court addressed honour crimes and interference by assemblies such as Khap Panchayats with lawful matrimonial choices. The Court treated honour crime as a broader category in which honour killing constitutes a particularly grave manifestation. It held that interference with an individual's choice in matters of love and marriage violates constitutional rights and directed the State to establish preventive, remedial, and punitive mechanisms. The judgment provided institutional safeguards concerning vulnerable areas, protection of couples, prompt registration of offences, and accountability for officials who fail to act⁴

10. Judicial Approach, Punishment and Legal Remedies

Indian courts have adopted a strict approach towards honour-based violence, particularly in *Lata Singh v. State of U.P.*, *Asha Ranjan v. State of Bihar*, and *Shakti Vahini v. Union of India*, protecting adults' freedom to choose their partners. Honour killings are prosecuted under the *Bharatiya Nyaya Sanhita*, 2023, primarily through murder provisions, with Section 103(2)

² *The Constitution of India*, 1950, arts. 14, 15, 19 & 21.

³ *Lata Singh v. State of U.P.*, (2006) 5 SCC 475

⁴ *Shakti Vahini v. Union of India*, (2018) 7 SCC 192

specifically addressing group murders committed on grounds including caste or community. Legal remedies include criminal prosecution, police protection, preventive measures, judicial intervention, and appropriate relief and compensation where legally available.⁵

11. Honour Killing in Tamil Nadu

Tamil Nadu presents an important regional context for examining honour killing because caste identity, social hierarchy, and matrimonial choice can intersect in cases of honour-based violence. Opposition to inter-caste relationships and marriages, particularly where established caste boundaries are challenged, may generate familial and community pressure against consenting adults. Patriarchal control over women's choice of partner and the perceived preservation of family or caste status can further intensify such conflicts.

Honour-based violence in Tamil Nadu must therefore be understood not merely as an individual criminal act but as an expression of broader social control. Existing scholarship specifically examining Tamil Nadu identifies caste-based honour killings, judicial responses, State machinery, and preventive mechanisms as important dimensions of the problem.

The constitutional protection of equality, dignity, liberty, and personal choice applies equally within the State, irrespective of caste or community. Judicial intervention has emphasised that adults possess the freedom to choose their partners and that neither families nor community groups may lawfully interfere with such choices. Effective prevention in Tamil Nadu consequently requires timely police protection, institutional accountability, legal awareness, and sustained efforts to challenge caste-based and patriarchal social norms.⁶

12. Critical Analysis of Honour Killing in India

The Indian legal framework provides substantial protection against honour-based violence through constitutional guarantees of equality, liberty, dignity, and individual autonomy, supported by stringent criminal provisions. However, a significant gap persists between legal protection and effective implementation. The absence of a separate offence expressly titled "honour killing" may reduce the visibility and specialised treatment of the phenomenon, even

⁵ *The Bharatiya Nyaya Sanhita, 2023, Act No. 45 of 2023, § 103(2).*

⁶ *Madras High Court, S. Nandakumar v. State of Tamil Nadu, emphasizing the right of consenting adults to choose their life partner and the State's duty to protect such individuals from unlawful interference; see also Constitution of India, Arts. 14, 15 and 21.*

though the existing criminal law provides serious punishment for murder and specifically addresses certain group murders motivated by caste or community. The Law Commission of India's Report No. 242 proposed a separate preventive legal framework, but that proposal did not become enacted legislation.

A critical concern is that honour killing is frequently treated as an isolated criminal act rather than as the extreme consequence of collective social control. Caste endogamy, patriarchal authority, family pressure, social stigma, and community influence continue to restrict individual autonomy. Women are particularly vulnerable where control over sexuality, relationships, and marriage is closely connected with family reputation. Consequently, punishment after the commission of the offence cannot by itself provide an adequate preventive mechanism.

The Tamil Nadu context further demonstrates the importance of addressing caste-based social structures and resistance to inter-caste relationships. Effective prevention requires early identification of threats, responsive police protection, institutional accountability, legal awareness, protection of vulnerable couples, and meaningful implementation of constitutional morality. The critical challenge therefore lies not merely in increasing punishment, but in transforming the social conditions that permit "honour" to be used as a justification for violence.⁷

13. Suggestions

13.1 Strengthen Preventive Police Mechanisms:

Police authorities should identify areas vulnerable to honour crimes and provide immediate protection to individuals facing threats because of their matrimonial or relationship choices. This is consistent with the preventive framework recognised in *Shakti Vahini v. Union of India*.

13.2 Establish Special Protection Cells:

Dedicated district-level cells should be strengthened to receive complaints, assess threats, coordinate police protection, and provide timely assistance to couples facing family or

⁷ Law Commission of India, *Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Proposed Legislation*, Report No. 242 (2012); Constitution of India, Arts. 14, 15 and 21; *Lata Singh v. State of U.P.*, (2006) 5 SCC 475.

community-based violence. The Supreme Court specifically directed States to establish such mechanisms.

13.3 Ensure Strict and Prompt Legal Action:

Threats, unlawful assemblies, and honour-based violence should be investigated promptly, with strict criminal prosecution and effective implementation of applicable provisions of the Bharatiya Nyaya Sanhita, 2023.

13.4 Promote Constitutional and Social Awareness:

Educational institutions and public authorities should promote awareness of equality, dignity, individual liberty, and the freedom to choose a life partner, thereby challenging caste-based and patriarchal notions of honour.

13.5 Strengthen State Accountability:

Police and administrative authorities should be held accountable for failure to respond appropriately to credible threats of honour-based violence. Preventive, remedial, and punitive mechanisms should operate together rather than only after a crime has occurred.

14. Conclusion

Honour killing represents one of the most extreme forms of social control, in which an individual's fundamental rights are sacrificed in the name of a socially constructed notion of family or community honour. The analysis demonstrates that honour killing cannot be understood merely as an ordinary act of homicide. It is deeply connected with caste hierarchy, patriarchal authority, rigid social conventions, family control, social stigma, and resistance to individual autonomy. The transformation of affection and familial attachment into violence illustrates the destructive consequences of placing collective reputation above human dignity.

Indian constitutional values provide a fundamentally different vision. Equality, liberty, dignity, freedom of choice, and the right to life recognise the individual as an autonomous bearer of rights. Judicial interventions, particularly those protecting the freedom of consenting adults to choose their partners, have significantly strengthened this constitutional position. Nevertheless, the persistence of honour-based violence demonstrates that legal recognition alone cannot

dismantle deeply embedded social structures. The absence of a distinct statutory framework specifically addressing honour killing also highlights the continuing need for a more focused preventive and institutional response.

The Tamil Nadu context reinforces the importance of confronting caste-based restrictions on matrimonial choice and patriarchal control through effective legal protection and social reform. Criminal punishment must therefore operate alongside preventive policing, protection mechanisms, legal awareness, institutional accountability, and education based on constitutional morality.

Ultimately, the central concern of honour killing is not the preservation of honour but the denial of another human being's right to choose and live with dignity. True honour cannot arise from violence, coercion, or the destruction of life. It lies in respecting human dignity, individual autonomy, equality, and the freedom to make personal choices. The meaningful eradication of honour killing therefore requires not merely enforcement of criminal law, but a transformation of the social understanding of honour itself.

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