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# **“ADDRESSING HONOUR KILLINGS AS HATE CRIMES IN INDIA”: A CRITICAL ANALYSIS OF LEGAL FRAMEWORK AND HUMAN RIGHTS VIOLATIONS**

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## **ABSTRACT**

Honour killings, a deeply ingrained sociocultural tradition, are actions taken by family members or members of the community to preserve or restore the family's perceived honour. Honour killings continue despite India's constitutional guarantees of equality, life, and liberty, indicating a discrepancy between the rule of law and actual behaviour. These crimes happen anywhere throughout the world and are not exclusively associated with any one religion or creed. They have been common in various South Asian and Middle Eastern nations, with India and Pakistan responsible for about half of all honour killings. This present paper addresses the human rights abuses connected to honour killings and critically analyses the Indian legal system's approach to them. It examines important rulings, legal provisions, and the judiciary's function while making recommendations for changes meant to fill in the gaps in the current legal system.

**Keywords:** Honour killing, Indian legal framework, human rights, judiciary, criminal law, gender violence, social norms.

## 1. Introduction

“Honour killing is the act of killing someone out of passion and anger in the name of honour in order to preserve family status and set an example for others.” In other words when male family members kill a lady or a girl, it is simply referred to as an honour killing. The killers justify their acts by saying that the victim has tarnished the family's name or reputation.<sup>1</sup> In cases involving intercaste or interreligious marriages or relationships, honour killing, also known as "shame killing," is the murdering of a person, usually by the victim's own family members, in order to preserve the "dignity" and "honour" of the family. The victim is typically a woman, though men and boys are also targeted in a number of incidents. Lesbians, homosexual men, bisexuals, and transgender people have also been victims in certain instances. Honour killing is an expression of deeply ingrained patriarchal ideas, according to which a person's life especially a woman's is less important than the honour of her family. Despite widespread concerns that such crimes go unreported, the United Nations Population Fund believes that up to 5,000 women are murdered annually for honor-related reasons. According to the *National Crime Records Bureau's (NCRB)* most recent data, there were 25 honour killings in India in 2019 and 2020, and 33 in 2021. However, these numbers are based on published data, and the actual number may be significantly higher.<sup>2</sup>

### 1.1 Honour Killing as a Form of Hate Crime

Honour killing is a specific type of gender-based violence that is usually committed by family members or members of the community to punish somebody, primarily women, for supposedly disobeying family honour, chastity, or obedience standards. Honour killings exhibit a clear pattern of bias-motivated violence originating from identity-based prejudice when evaluated within the context of hate crimes. According to Chakraborti and Garland (2015),<sup>3</sup> a hate crime is generally defined as a criminal act against a person or piece of property that is motivated, entirely or in part, by bias against a protected trait, such as gender, ethnicity, religion, caste, sexual orientation, or handicap. Those who violate social norms associated with these identification markers—such as women marrying outside of their caste, religion, or against

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<sup>1</sup> legal services <https://www.legalserviceindia.com/legal/article-1014-honour-killing-in-india.html> (last visited 9th February 2023)

<sup>2</sup> Killing in the name of 'honour killings. [www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437](http://www.newindianexpress.com/states/karnataka/2023/Sep/04/killing-honour-in-the-name-of-honour-killings-2611437)

<sup>3</sup> Chakraborti, N., & Garland, J. (2015). *Hate Crime: Impact, Causes and Responses* (2nd ed.). SAGE.

their parents' wishes—are usually the targets of honour killings. In this context, honour killings are considered hate crimes because they are:

- (i) driven by prejudice (sexual orientation, gender, caste, and religion)
- (ii) Designed to dominate or threaten other members of the community
- (iii) frequently entail communal or group-based violence (for example, with the help of family members or local authorities like khap panchayats).

Hate crimes, according to Perry (2001),<sup>4</sup> are not merely personal assaults; they are messages sent to entire communities that indicate who is accepted and who is not. Honour killings operate in a similar manner, acting as public penalties for alleged transgressions of cultural and patriarchal standards.

Honour killing also known as 'hate killing' is a type of hate crime in which the victim is killed due to their identity, including their nationality, sexual orientation, gender identity, caste, race, religion, or ethnicity. However, these crimes are not specific to any one religion or creed; they occur all around the world. They have occurred often in some Middle Eastern and South Asian countries, with India and Pakistan being accountable for almost half of all honour killings.<sup>5</sup>

Honour killings occur in India despite modernisation and legal improvements, particularly in northern regions like Rajasthan, Haryana, Punjab, and Uttar Pradesh. These murders are frequently the result of love affairs, marriages between castes or religions, or disobedience to social conventions. Due to the existence of "Khap Panchayat" or "Caste panchayat," Punjab is the most notable state in India in this respect and has the largest number of honours killing incidents. In the instance of the *Manoj-Babli honour killing case*, the court rendered one of the most significant rulings on the crime of honour killing in India. The accused received a death sentence in March 2010. Therefore, there isn't a special law that addresses honour killings. Usually, the murder falls under the broad heading of manslaughter or homicide. Honour killings can occasionally be carried out by a mob as well, making it challenging to identify the perpetrator when a mob commits such an act. Eyewitnesses are seldom forthcoming, and gathering evidence becomes difficult. However, honour killings violate both human rights

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<sup>4</sup> Perry, B. (2001). *In the Name of Hate: Understanding Hate Crimes*. Routledge.

<sup>5</sup> Britannica <https://www.britannica.com/topic/honor-killing> (Last Visited 8th February 2025)

goals and international human rights law. However, we have court precedent regarding it even though we still lack a law directly addressing it in India. Additionally, there are measures opposing honour killings that are in the dormant stage.

## 2 Definition and Causes of honour killing.

### 2.1 Definition.

“Honour killing is the term used to describe the killing of a family member or member of the community who is seen to have caused disgrace by behaviours including getting married outside of one's caste or religion, having extramarital or premarital affairs, or dressing or acting in ways that are deemed improper.”

According to *Human Rights Watch*, honour killings are violent acts, generally involving murder, carried out by male family members against female family members who are seen to have brought humiliation to the family. Some members of a woman's family may target her for a number of reasons, including as declining to marry into an arranged marriage, experiencing sexual assault, requesting a divorce even from an abusive spouse or (supposedly) engaging in adultery. A woman's life can be attacked just on the basis of the belief that she has acted in a way that "dishonours" her family.<sup>6</sup>

According to (Hassan, 1999)<sup>7</sup>. “Honour killings are murderous incidents in which "a woman is killed for her actual or perceived immoral behaviour."

### 2.2 Socio-Cultural Context and Gender Dynamics

The phenomenon of honour killings is interwoven with complex socio-cultural dynamics, where traditional values, patriarchal structures, and notions of honour and shame converge to create an environment conducive to such violence (Mosquera, 2013).<sup>8</sup> The concept of honour, as it relates to these killings, is often tied to the control of women's bodies and their sexuality, with any perceived transgression seen as a threat to the family's reputation (George, 2006).<sup>9</sup> In

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<sup>6</sup> *Violence against women and honor killing*, Human Rights Watch Oral Intervention at the 57<sup>th</sup> session of the UN Commission on Human Rights

<sup>7</sup> Hassan, Y. “*The Fate of Pakistani Women*”, International Herald Tribune, May 25, 1999

<sup>8</sup> Mosquera, P. M. R. (2013). In the name of honor: On virtue, reputation and violence. *Group Processes & Intergroup Relations*, 16(3), 271. <https://doi.org/10.1177/1368430212472590>

<sup>9</sup> George, A. (2006). *Reinventing Honourable Masculinity*. *Men and Masculinities*, 9(1), 35. <https://doi.org/10.1177/1097184x04270379>

many traditional cultures, a hierarchical gender structure exists, where this hierarchy is considered sacred and fundamental to gender practices in daily life (Kurbanova et al., 2019).<sup>10</sup> Therefore, when honour crimes occur, they are often attempts to bring practice back in line with traditional values (Singh et al., 2016).<sup>11</sup> Perpetrators, frequently male family members, believe they are acting to restore the family's honour and standing within the community (Awwad, 2001).<sup>12</sup> The act of violence is seen as a means of cleansing the perceived stain on the family's reputation, reinforcing patriarchal control, and deterring others from similar transgressions (Bangash et al., 2019). The expression of a woman's honour is sexual integrity, and the family is responsible for maintaining the woman's honour (Ji, 2019).<sup>13</sup> In some societies, honour is seen as a communal value, a public claim that can be challenged or lost (Cooney, 2014).<sup>14</sup> The killings are seen as ways of regaining honour in instances where an individual is seen to have brought dishonour to a family (Doğan, 2014).<sup>15</sup> Adding to the complexity of the issue, some victims are blamed for domestic violence and homicide through newspaper accounts (Rude, 1999).<sup>16</sup> In reality, material considerations are inextricably linked to honour (Lever, 1986).<sup>17</sup>

### 2.3. Sociological and Cultural foundations

Honour killings are not isolated violent crimes; rather, they are the result of intricate social and cultural traditions that place a higher value on group honor—particularly that of the family or community—than on personal freedom and liberty. This behaviour is especially common in

<sup>10</sup> Kurbanova et al., 2019. *Sociocultural context of gender-based violence in local societies*. SHS Web of Conferences, 72, 3007. <https://doi.org/10.1051/shsconf/20197203007>

<sup>11</sup> Singh et al., 2016. *Towards identifying and ranking selected types of violence against women in North India*. International Journal of Comparative and Applied Criminal Justice, 41, 19. <https://doi.org/10.1080/01924036.2016.1212246>

<sup>12</sup> Awwad, A. M. (2001). *Gossip, Scandal, Shame and Honor Killing: A Case for Social Constructionism and Hegemonic Discourse*. Social Thought and Research. <https://doi.org/10.17161/str.1808.5180>

<sup>13</sup> Ji, K. (2019). *The Impact of Culture and Belief in So-Called Honour Killings A Comparative Study between Honour Murders and other Perpetrators of Violence in Germany*. Journal of Forensic Investigation, 7(1), 1. <https://doi.org/10.13188/2330-0396.1000043>

<sup>14</sup> Cooney, M. (2014). *Death by family: Honor violence as punishment*. Punishment & Society, 16(4), 406. <https://doi.org/10.1177/1462474514539537>

<sup>15</sup> Doğan, R. (2014). *Different Cultural Understandings of Honor That Inspire Killing*. Homicide Studies, 18(4), 363. <https://doi.org/10.1177/1088767914526717>

<sup>16</sup> Rude, D. (1999). *Reasonable Men and Provocative Women: An Analysis of Gendered Domestic Homicide in Zambia*. Journal of Southern African Studies, 25(1), 7. <https://doi.org/10.1080/030570799108731>

<sup>17</sup> Lever, A. (1986). *Honour as a Red Herring*. Critique of Anthropology, 6(3), 83. <https://doi.org/10.1177/0308275x8600600305>

patriarchal cultures where ideas of respect and shame are strongly embedded. Honour killings continue to occur due to a number of interrelated factors:

### **(a) Patriarchy and Control Over Women's Sexuality**

A profoundly ingrained patriarchal worldview that aims to control women's bodies and choices—particularly with regard to sexuality, marriage, and autonomy—is at the core of honour killings. A woman's obedience and chastity are viewed as symbols of family respect in many cultures. Any departure from the norm is seen as dishonourable and, in the worst situations, may lead to deadly violence. Examples of such behaviour include picking one's own spouse, having extramarital affairs, or declining an arranged marriage. Honor-based violence, according to research, is a tactic used to uphold gender standards and discipline women who are thought to violate them.<sup>18</sup> Women's behaviour is viewed as a matter of male guardianship and communal reputation, and they are frequently treated as the family's property.

### **(b) Caste System and Khap Panchayats**

The problem is made worse in South Asia, especially in India, by the caste system. Intercaste and interreligious marriages, which are seen as violations of established social hierarchies, are common causes of honour killings. Khap panchayats, which are traditional, informal village councils that mostly function in northern India, frequently have a significant role in approving or even promoting these kinds of murders. Despite lacking legal status, these community organisations have a great deal of social influence. According to Singh (2012)<sup>19</sup>, they defend honour killings by arguing that they are essential to maintaining social order and cultural purity. In order to maintain caste endogamy and patriarchal domination, a number of documented incidents show that Khap officials were implicated in ordering families to carry out murders.

### **(c) Lack of Education and Awareness**

The continuation of honour killings is mostly caused by low levels of education, especially with regard to gender equality and human rights. In many conservative or rural communities, strict adherence to traditional standards and disapproval of contemporary legal frameworks are correlated with restricted educational opportunities. More educated people are more prone to

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<sup>18</sup> Chesler, P. (2010). *Worldwide trends in honor killings*. Middle East Quarterly, 17(2), 3–11.

<sup>19</sup> Singh, S. (2012). *Khap Panchayats and honour killings in India: An overview*. International Journal of Criminal Justice Sciences, 7(1), 94–103.

challenge outdated traditions and recognise the immorality and illegality of honor-based violence. Such killings, however, can be seen as justified acts rather than crimes in communities with limited literacy and awareness (UNFPA, 2000).<sup>20</sup> Inadequate education also prevents victims and survivors from accessing support networks and legal remedies.

#### **(d) Social Stigma and Ostracization**

Fear of social rejection and the need to preserve or repair the family's standing in the community are common motivations for honour killings. Individual rights are frequently subordinated to familial identification in collectivist societies. The entire household may be subjected to public humiliation, harassment, or ostracization if a family member—especially a woman—is thought to have betrayed the family. According to this perspective, honour killings are a means of "cleansing" up the humiliation and reintegrating the family into society. Negative norms may be internalised as a result of social pressure to fit in, and even female relatives may engage in or tolerate such violence (Gill, 2006)<sup>21</sup>.

### **3. Honour Killings and Human Rights Violations**

Honour killings, a deplorable manifestation of deeply entrenched social norms, represent a grave violation of human rights and a significant challenge to the rule of law across various regions globally (M, 2023).<sup>22</sup> These acts of violence, often perpetrated against women, are rooted in the misguided belief that an individual has sullied the "honour" of their family or community, typically through actions perceived as violating traditional codes of conduct, particularly those related to marriage, relationships, or perceived sexual impropriety (Bangash et al., 2019).<sup>23</sup> Such violence, found in both non-Western and Western nations, is viewed as a crime, gendered violence, and a violation of human rights (Cooney, 2014).<sup>24</sup> It's imperative to recognize that there is no honour in honour killing (Kaushal, 2020; Singhal, 2014). Honour killing has been condemned under different conventions and covenants under these headings:

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<sup>20</sup> United Nations Population Fund (UNFPA). (2000). *The state of world population 2000: Lives together, worlds apart: Men and women in a time of change*. UNFPA.

<sup>21</sup> Gill, A. (2006). *Patriarchal violence in the name of 'honour'*. International Journal of Criminal Justice Sciences, 1(1), 1–12.

<sup>22</sup> M, K. C. (2023). *Analysis of Caste-Based Honour Killings with Special Reference to Tamil Nadu*. International Journal of Law and Social Sciences, 8(1), 60–69. <https://doi.org/10.60143/ijls.v8.i1.2022.70>

<sup>23</sup> (Bangash et al., 2019)., *Role of Tribal Family Institutions in the Promotion of Honour Killing*, Global Social Sciences Review (GSSR) Vol. IV, No. II (Spring 2019) | Page: 276 – 282

<sup>24</sup> (Cooney, 2014).<sup>24</sup> *Death by family: Honor violence as punishment*

### 3.1 Right to Life and Liberty

Honour killings are a clear violation of the right to life guaranteed by *Article 6*<sup>25</sup> of the International Covenant on Civil and Political Rights (ICCPR) and *Article 21*<sup>26</sup> of the Constitution. A breakdown in the defence of fundamental rights is shown by the wilful deprivation of life, particularly when state actors are involved or indifferent. Honour killings are extrajudicial executions that frequently go unpunished, which is a clear insult to democratic legal systems.

### 3.2 Freedom of Choice and Privacy

Honour killings violate Article 17<sup>27</sup> of the ICCPR and the right to privacy affirmed in Justice *K.S. Puttaswamy v. Union of India* (2017)<sup>28</sup> by restricting the basic freedom to select one's partner, lifestyle, or manner of expression. They deprive people, particularly women, of their fundamental agency and represent society's opposition to personal liberty in marriage and relationship affairs.

### 3.3 Gender Discrimination (CEDAW)

Honour killings disproportionately impact women, highlighting the pervasive systemic gender prejudice in society. According to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), nations are required to eradicate violence against women, whether it comes from state or non-state actors. This practice is in violation of this convention. The fact that victims face consequences for exerting their autonomy exposes the pervasive misogyny in families and communities.

### 3.4 Failure of the State

A state's failure to prevent honour killings or adequately punish those who commit them is a serious violation of Article 2 of the ICCPR<sup>29</sup>, which mandates that governments uphold and protect the rights outlined in the Covenant. Public trust in justice is further undermined by law enforcement agencies' frequent inaction and judicial delays or acquittals for lack of proof. A

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<sup>25</sup> Article 6, ICCPR

<sup>26</sup> Article 21, Constitution of India, 1950.

<sup>27</sup> Article 17, ICCPR

<sup>28</sup> *K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1, AIR 2017 SC 4161

<sup>29</sup> Article 2, ICCPR

culture of impunity is facilitated by the authorities' carelessness or complicity. Victims lack a sufficient legal recourse, and survivors such as eloped couples or family members seeking protection frequently encounter structural obstacles when trying to obtain justice.

#### **4. Comparative Legal Analysis**

##### ***Pakistan***

To combat honour killings, Pakistan has implemented important legal changes. A significant gap that permitted offenders to evade punishment through family forgiveness under the Qisas and Diyat laws was filled by the Criminal Law (Amendment) Act, 2016. The state can now enforce a required sentence even in cases when the victim's family pardons the murderer. Reiterating the state's obligation to defend individual rights, the Supreme Court of Pakistan has also maintained severe punishments for honour crimes.

##### ***United Kingdom***

Honor-based violence (HBV) is addressed in the UK by a number of criminal law provisions, such as those pertaining to coercive control, murder, assault, and forced marriage. The Home Office and the Foreign, Commonwealth & Development Office collaborated to create the Forced Marriage Unit (FMU), which supports victims and aims to stop forced marriages, which are frequently connected to abuse based on honour. The Crown Prosecution Service (CPS) trains law enforcement and has particular standards for pursuing offences based on honour.

##### ***Jordan and Middle Eastern Countries***

Honour killings have historically been punished lightly in nations like Jordan, where laws permitting shorter sentences for crimes committed in a "fit of rage" have been in place. Nonetheless, recent years have seen the implementation of reforms. Article 308, which permitted rapists to avoid prosecution by marrying their victims, was repealed in Jordan in 2017. In many Middle Eastern nations, social acceptance and court tolerance still provide implementation hurdles in spite of legal reforms.

#### **5. Legal Framework Pertaining to Honour Killings in India**

##### **5.1 Constitution of India 1950**

*Article 14:* This article guarantees to all its citizens equal protection under the law and equality before the law<sup>30</sup>. This Article is important in the context of honour killings since it stipulates that everyone has the right to equal legal protection regardless of caste, sex, religion, or community. This principle of equality is violated by honour killings, which frequently target women or people who marry outside of socially acceptable norms. According to the court's interpretation of Article 14, any violence or discrimination against someone based on their personal decisions, including marriage, is a violation of their fundamental right to equality.<sup>31</sup>

*Article 15:* Discrimination on the basis of religion, race, caste, sex, or place of birth is prohibited by Article 15(1).<sup>32</sup> Honour killings are a clear violation of Article 15(1) since they are usually an expression of prejudice based on caste or gender. The victims are frequently singled out in these situations for expressing their independence in selecting a spouse, which violates gender conventions or caste hierarchy. As a result, Article 15 serves as a constitutional protection against the societal prejudices that underlie honour crimes.

*Article 21:* The right to life and personal freedom are guaranteed by Article 21<sup>33</sup>. According to the Supreme Court's recurrent rulings, the right to life encompasses the freedom to live with dignity and make one's own decisions, including choosing a spouse.<sup>34</sup> By taking the victim's life for exercising this autonomy, honour killings constitute a flagrant breach of Article 21. The Apex Court affirmed that the right to life includes freedom from violence imposed by the community in, reinforcing the state's obligation to protect people against honour crimes.<sup>35</sup>

## **5.2 The Bhartiya Nyaya Sanhita 2023.**

The Bhartiya Nyaya Sanhita 2023, does not contain a particular statutory provision that addresses "honour killing" as separate offence. Nonetheless, depending on the type and scope of the offences, a number of general laws are used to prosecute those who commit such offences.

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<sup>30</sup> Article 14, Constitution of India, 1950.

<sup>31</sup> Maneka Gandhi v. Union of India, 1978 AIR 597.

<sup>32</sup> Article 15(2), Constitution of India, 1950.

<sup>33</sup> Article 21, Constitution Of India, 1950.

<sup>34</sup> Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1

<sup>35</sup> Shakti Vahini v. Union of India (2018) 7 SCC 192

***(a) Section 302-IPC/101-BNS: Murder and its punishment.***

The **offence of murder** is defined and penalized under **Section 101 of the BNS, 2023**, which replaces **Section 302 of the Indian Penal Code (IPC), 1860**. This section addresses the crime of murder and lays out the penalties for those who wilfully cause another person to die. It states that “any act by which the death is caused and is done with the intention of causing death commits the offence of murder,<sup>36</sup> and such person shall be punished with death or imprisonment for life and shall also be liable to fine”.<sup>37</sup> In cases of honour killing, those who intentionally kill someone to uphold the so-called family honor—typically family members—are charged under this clause.

***(b) Section 120-IPC/ 61(1)-BNS: Criminal conspiracy***

Criminal conspiracy is defined in section 120-A-IPC/61(1)-BNS. The fundamental element of criminal conspiracy, is an unlawful combination, and the offence is typically considered to be complete when the combination is used to carry out the offence. It states that “When two or more persons agree to do, or cause to be done—  
— (a) an illegal act; or (b) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy.<sup>38</sup> The same section under its clause (2) provides punishment for criminal conspiracy where no express provision is provided in this Sanhita but is same as for the abetment of the offence which is the object of the conspiracy and in any other conspiracy, and i.e., imprisonment which may extend to six months, or with fine, or with both.<sup>39</sup> This section is crucial since the crime is frequently not impulsive but rather the result of a well-thought-out scheme involving several family members or community members in honour killing situations.

***(c) Section 34-IPC/3(5)-BNS: Acts Done by Several Persons in Furtherance of Common Intention***

This section is applicable when a group of people commits a crime with a common

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<sup>36</sup> Section 101, Bhartiya Nyaya Sanhita, 2023.

<sup>37</sup> Section 103, Bhartiya Nyaya Sanhita, 2023

<sup>38</sup> Section 61(1), Bhartiya Nyaya Sanhita, 2023

<sup>39</sup> Section 61(2), Bhartiya Nyaya Sanhita, 2023

goal, as is sometimes the case in honour killings carried out by family members or neighbours, this section is applicable.

***(d) Sections 107–116IPC/45-57BNS: Abetment of Crime***

These sections, addresses those who encourage, assist, or facilitate the commission of honour killings. Village councils or khap panchayats have been held morally accountable for aiding and abetting such crimes in a number of cases; however, real prosecutions under these clauses are uncommon because of evidence difficulties.

**5.3 Bhartiya Sakshya Adhiniyam (BSA),2023**

In addition, the Indian Evidence Act of 1872 punishes anyone who conceals information prior to, during, or following the alleged offence. Article 13 of the Act: Relevant facts while determining what is right or customary When determining whether a right or custom exists, the following information is pertinent: (a) Any transaction that created, amended, acknowledged, asserted, denied, or was inconsistent with the existence of the disputed right or tradition;

(c) Specific situations when the right or custom was asserted, acknowledged, or exercised, or where its exercise was contested, challenged, or deviated from. The Act is pertinent in order to bring justice to those hold who suffer as a result of the khap panchayats' decisions.

***5.4 The Indian Majority Act 1857<sup>40</sup>***

The Act in its *Section 3*, states that “everyone who is a resident of India and has reached the age of 18 is free to marry whoever they choose. But, in contrast to most situations, the term of 21 years will apply if a court has appointed a guardian for a minor's person, property, or both before the age of 18, and if the Court of Wards has claimed a minor's administration of their property.”<sup>41</sup>

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<sup>40</sup> The Indian Majority Act, Section 3 Act of Parliament 1857

<sup>41</sup> Guardian and Ward Act section 21 Act of Parliament 1890

### ***5.5 The Special Marriage Act of 1954.***<sup>42</sup>

Regardless of the religion or beliefs of either party, the Special Marriage Act of 1954 created a framework that allowed for expected marriages to occur between Indian citizens and all Indians residing overseas.

### ***5.6 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989***

In order to prevent crimes against Scheduled Castes and Scheduled Tribes, the Indian Parliament passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The purpose of the Act was to facilitate Dalits' social assimilation into Indian society. It lists several behaviours as crimes, including forcing a SC/ST person to eat something repulsive or disgusting, removing clothing, strutting while nude or painted, assaulting, degrading, and offending a SC/ST woman's modesty, sexually abusing a SC/ST woman, and forcing a SC/ST person to leave their home or town. Since many cases of honour violations are similar to caste and religion, the Act deals with abuses of respect.<sup>43</sup>

## **6. Proposed legislation in India**

There have been many legislative reforms which were proposed explicitly to address the legal framework's shortcomings. E.g., The Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011: which was drafted by the Ministry of law and justice in response to the Law Commission's recommendations, which aimed to penalise illegal assemblies (like khap panchayats) that impede adults' ability to select their mates. For anyone who threatens or harms couples who choose to marry outside of social standards, it suggested severe punishments.<sup>44</sup> But the bill never became law and thus, it lapsed.

## **7. Role of judiciary**

Indian courts have been instrumental in forming the legal discourse against honour killings. In *Lata Singh v. State of U.P. (2006)*<sup>45</sup>: The Supreme Court denounced attacks on people for exercising their right to marry outside of their caste and noted that there is no legal prohibition

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<sup>42</sup> The Special Marriage Act of 1954

<sup>43</sup> G. Krishnan vs Union of India on 17 June, 2005 W.P.No.12240 of 1994

<sup>44</sup> Law Commission of India, Report No. 242, 2012.

<sup>45</sup> *Lata Singh v. State of U.P. (2006) SCC 475*

against it. The court stressed that honour killings are prohibited and must be dealt with harshly. In *Union of India v. Shakti Vahini, 2018*<sup>46</sup>: The Supreme Court ruled in a historic decision that honour killings are a barbarous and feudal tradition and mandated that states implement both preventive and punishment measures. The court issued comprehensive directions that included creating safe houses for couples, providing police protection, and pursuing criminal charges against khap panchayats or any other unofficial organisation that interferes with marriages. In *Asha Ranjan v. State of Bihar (2017)*<sup>47</sup>, the importance of the Article 21 right to marry anyone one chooses was reaffirmed, and it was decided that morality in society could not supersede morality in the constitution. These rulings have established the foundation for legislative reforms and highlight the judiciary's progressive position in defending individual liberties against regressive social norms.

## 8.. Recommendation:

Honour killings require a complex strategy to be addressed effectively and these strategies are:

1. *Enactment of a specific legislation*: In accordance with the Law Commission of India's 242nd Report, India ought to pass a specific legislation making honour killings illegal. According to the Law Commission of India (2012), any law must clearly identify honour killings and provide provisions for victim protection and deterrent punishment.

2. *Strengthening Law Enforcement and Judicial Accountability*: Mandatory training on gender-based violence and the social dynamics of honour crimes is necessary to raise awareness among police and judicial officers. It is imperative to guarantee prompt investigation and prosecution of criminals, including those offering institutional or spiritual support such as Khap Panchayats.

3. *Campaigns for Education and Community Sensitisation*: The patriarchal ideals that support honour killings must be contested at the grassroots level. Human rights, gender equality, and the value of personal autonomy in interpersonal relationships should be the main topics of educational programs in schools and universities.

4. *Safety for Couples at Risk*: Couples who are threatened must have access to immediate safety measures such as safe homes, hotlines, and dedicated police cells. State governments must

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<sup>46</sup> Union of India v. Shakti Vahini, 2018<sup>46</sup> 192 SCC 7

<sup>47</sup> Asha Ranjan v. State of Bihar (2017) 4 SCC 397

successfully implement the Supreme Court's directives in *Shakti Vahini v. Union of India* [(2018)7SC192].

*5. Monitoring and Data Collection:* The National Crime Records Bureau (NCRB) shall keep accurate and thorough records on honour crimes. This will support the allocation of resources and the creation of policies.

## **8. Conclusion**

Understanding the sociological and cultural roots of honour killings is crucial for addressing the phenomenon holistically. It requires dismantling patriarchal structures, challenging caste-based discrimination, expanding access to education, and reducing social stigmas associated with personal autonomy. Honour killings can be prosecuted in India under the country's criminal and constitutional provisions, although consistent application and deterrent are hampered by the absence of a dedicated legislation. To protect human rights and individual autonomy, a thorough legislative response that acknowledges honour killing as a separate crime is essential, as are judicial and law enforcement changes.