
KILLING FOR PRIDE: A CRIMINOLOGICAL AND CONSTITUTIONAL ANALYSIS OF HONOUR CRIMES

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ABSTRACT

Cultural crimes are basically the crimes which seek the context of either culture or any under the head of it. Honour Killing is the type of cultural crimes which are also called customary killing is a murder which is done of mainly females by the male members of a family or a clan which can be more than one member. In honour killing the perpetrators believe that the victim has brought shame to the family, clan, or any such community to which they belong. The human rights watch defines “Honour Killing” as the acts of violence which is usually murder which are committed by the male members of the society to the female members of the society who are held to have brought dishonour to the family. The various reasons for such can be if a woman has refused to enter into an arranged marriage, being the victim of a sexual assault, seeking divorce from an abusive husband who is committing adultery.¹ The mere perception that a woman has behaved in a certain way which “dishonours” the family is enough for the family members to do honour killing. There are many reasons for the commitment of an “honour killing”, first being the dishonour which a member of society has brought upon the other family members. This dishonour can be of many types, the perceived dishonour is normally result of the following behaviours or the suspicion of such behaviour which are dress codes which are unacceptable to the family or the clan, refusing to have an arranged marriage, desiring to marry by own choice or engaging in certain sexual acts. The most prominent reason for honour killing in India is the caste system which prevails in India. It continues to be at its rigid best and because people from rural areas refuse to change their attitude towards marriage, in India there is a patriarchal society where men are expected to enforce such norms and traditions in order to protect their families.² Women are expected to conduct themselves in a certain way which would be considered as honourable. This understanding of the notion gives legitimacy to all forms of social regulation of women’s behaviour and to the violence committed against them. The root cause for the increase of honour killing is because of the formal governance has not been able to reach the rural areas and as a result. Thus, this practice continues though it should have been removed by now.

¹ <https://www.manupatra.com/roundup/337/Articles/Honour%20Killing.pdf>

² <https://ijlsi.com/paper/honour-killing-in-india-a-critical-study/>

IMPACT ON SOCIETY

The roots of honour killing lies in the view that the honour of a certain man are linked with that of a women and the same can be hampered due to her actions and conduct. Women and their sexuality are a property of a man in the patriarchal society. It is because of this idea they started putting restrictions on a woman. Later, this idea was associated with caste system pr clan or gotra. Most of Honour killing cases are associated with marriages. Any conduct of society is seen as bringing down the honour of family, tribe or community and the only way that seems possible to people to regain such honour is sacrificing that family member to in order to redeem.

³Honour killings have severe psychological repercussions for the family members of victims, deeply affecting their mental health and social standing. Family members often experience profound grief and emotional distress, grappling with feelings of guilt and self-blame for the perceived dishonour brought upon them by the victim's actions. This emotional turmoil can lead to social isolation, as families may be stigmatized and shunned by their communities, exacerbating feelings of rejection and despair.

Moreover, the trauma associated with witnessing or being involved in an honour killing can result in long-term psychological issues, including anxiety, depression, and post-traumatic stress disorder. Children in these families are particularly vulnerable, facing increased risks of behavioural problems and a higher likelihood of perpetuating cycles of violence in the future. Ultimately, the impact of honour killings extends beyond the immediate tragedy, creating a legacy of mental health challenges that can affect generations. The threat to honour killing may lead to the suicides voluntarily or involuntarily these are done by women who are accused. This is done due to the shame they experience from committing a dishonourable act or because they fear being brutally attacked. These children are at an increased risk of behavioural problems, substance abuse, depression. Furthermore, these children are at a higher risk to model the behaviour of honour killing to the lives of their loved ones. An study at the University department in Karachi, Pakistan found that 66% of their psychiatric patients were female of whom 70% had been victims of violence and 80% had struggled with domestic conflicts. Children who have bore witness are their mothers, sisters or other relatives being the victim of honour killing.

³ <https://journals.sagepub.com/doi/full/10.1177/0539018421994777>

ORIGIN OF HONOUR KILLING

The origin of honour killing comes from the patriarchal society in India. The men in this society would consider the women as an object of the society and would always find a means to treat women poorly. The society would give rules and regulation to women in order to oppress women and find a way to make rules about women. In India, honour based violence and particularly the practice of honour killings is an olden phenomenon prevalent since centuries. There are reports of cases in almost all parts of India but the states of Punjab, Haryana, Rajasthan and Western Uttar Pradesh are the regions where these incidents occur more frequently. As far as the magnitude of the incidents has been concerned, there is no accurate data available with any of the governmental or nongovernmental agency.⁴ However, the studies conducted by various civil society organisations reveal that India stands into the category of worst affected nations. It is estimated that approximately 1000 people (both females & males) are killed every year in India owing to alleged honour killings.² In India, due to its complex socio-cultural patterns, there are variant causes which result into the honour killings. Various scholars divulge the intolerance of Indian upper castes to inter-caste matrimonial/pre-marital relationship of females as the prime causes of honour killings. Even marriages into same gotra (same descendants and same lineage, clan) have emerged as the causes of honour killings in the northern parts of India particularly in the state of Haryana. Besides these Inter-caste or Intra-caste factors, inter-religious marriages have also ascertained as reason behind people killing their daughters for allegedly restoring their lost honour

It is an evident fact that honour based violence including honour killings own sociocultural acceptance in all those communities where these are frequently practiced. In India, honour killings majorly occur in strongly patriarchal societies often referred to as 'honour-based' societies i.e. Jat-Sikhs of Punjab, Jats of Haryana and Rajputs of Rajasthan. In traditional patriarchal societies inheritance is Patri-lineal. Moreover, the family or kin group, and not the individual, is the basic social, economic and political unit. Therefore, in all such types of societies, the role of community members, community elders and particularly the community councils can be observed as patronising the honour killings and protecting the killers.

HONOUR KILLING IN INDIA

On one hand, over the years India has seen huge growth in terms of economic empowerment,

⁴ https://www.erpublications.com/uploaded_files/download/download_10_08_2016_21_43_50.pdf

on the other hand, Indian society is still plagued by social evils like honour killings. According to a recent report by National Crime Record Bureau (2020) revealed that nearly 25 cases of honour killings were reported in the preceding year. While we all know how these numbers are highly underreported, another study highlights a spike in the cases of honour killings in India, especially when the couple involved intercaste relationships. Feminists and human rights campaigners have long criticized the use of the term “honour killing” to describe the homicides of women perpetrated by men purportedly for bringing shame upon or dishonouring their families. While many scholars have propagated that there is “no honour in honour killings”, many others have attempted to stigmatize the word for its inherently patriarchal nature. Honour-based crimes are often committed to deter those who dare to transgress the gendered social boundaries set by the society. In order to constantly control women’s sexualities and bodies, honour most often takes several forms and meanings. For instance, media reports highlights how a girl was killed for talking to someone from the opposite sex over the phone; wearing western clothing; and in other cases women are killed because they fall in love with someone outside the community or even within the same clan (which is considered incest in many communities). Besides the socio-cultural patronage, the practice of honour killings has established largely in India due to legal clemency also. A century old legal tradition patronised by the British, during their rule over India, which dealt such killings with leniency, not only strengthened this socio-cultural norm but also transformed this norm into a legal defence. (Wasti, 2010, p. 361) This social norm was dealt with leniency under the plea of grave and sudden provocation under exception I of the section 300 of the Penal Code 1860. Exception 1 of the section 300 Penal Code of 1860 says that 'Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident'. During 1835 -1837, while drafting the penal law for India, the members of the first law commission, constituted by the British Government, had also dwelt upon the issue of honour killings. They considered the issue carefully and favourably under the provision of the grave and sudden provocation.

REASONS FOR HONOUR KILLING

Honour killings, especially in societies with rigid honour-based rules, are frequently motivated by deeply rooted social and cultural beliefs. These incentives typically consist of upholding patriarchal power systems, regulating women's autonomy, and protecting the family's

reputation. Extreme punishment may be justified by families in an attempt to "restore" familial honour when a woman chooses her own partner, expresses sexual agency, or even experiences sexual abuse.

Limited legal safeguards in some areas permit honour-based violence to continue under specific legal frameworks or in the absence of enforcement. In many countries, honour killings have become commonplace due to cultural reinforcement, economic reliance, and fear of social rejection, making it difficult to effectively discourage the practice. These crimes take place throughout the world and are not limited to one specific religion or faith.⁵ Here are the following different causes of honour killings:

- 1. Preservation of Family Honour:** The conduct, sexuality, and reputation of the female members of a family are strongly linked to the honour of the family in many cultures, particularly in South Asia, the Middle East, and parts of North Africa. Dishonourable behaviours include selecting one's spouse, engaging in extramarital affairs, or even being spotted with someone from a different social or religious group. Honour killings are used by families to "cleanse" or repair the perceived damage to their reputation and standing in the community.
- 2. Enforcement of Patriarchal Norms:** Strict, male-dominated authority systems are frequently the driving cause behind honour killings. Women's independence is severely restricted by patriarchal ideals, which view them as representatives of the family's reputation. Because any divergence is seen as challenging their authority, men feel pressured to maintain control over the women in their homes. Honour killings are extreme tactics used to stifle female autonomy and uphold male supremacy.
- 3. Cultural and Religious Justifications:** Honour killings can be falsely justified by misinterpreting cultural customs or religious beliefs, even though they are not based in any one faith. Certain societies idealise honour in a way that imposes rigid standards on how women should behave. Family members feel justified in adopting drastic measures to conform to cultural norms when these codes are broken. Because of this

⁵ Singh, Raghu N. and Dailey, J. Douglas. "honor killing". Encyclopedia Britannica, 27 Aug. 2023, <https://www.britannica.com/topic/honor-killing>. Accessed 26 October 2024.

abuse of religious or cultural justification, the behaviour is more ingrained in some societal structures and is seen as having moral support.

4. **Social Pressure and Ostracism Fear:** Individual liberties are frequently subordinated to family prestige in close-knit, collectivist societies. Families may experience tremendous pressure to live up to social norms from family members and neighbours. In an attempt to prevent social exclusion, family members may resort to extreme measures, such as honour killings, out of fear of social rejection or humiliation.
5. **Weak Legal Protections and Social Tolerance:** In certain areas, honour-based violence is tolerated overtly or with lax judicial remedies, which makes it possible for these crimes to continue. There may be legal loopholes, such as fewer penalties for crimes involving honour, or law enforcement may not have the power or desire to bring criminal charges against offenders. Social tolerance and legal uncertainty provide families with the confidence to commit violence without worrying about serious legal repercussions.
6. **Economic Dependency and Inherited Patriarchy:** Women find it more difficult to escape family authority when they are economically dependent, particularly in patriarchal societies. Women who depend on their spouses or families for financial support are frequently under pressure to conform to social expectations. They could experience violence as a kind of coerced submission if they fight back. Honour killings are carried out in these situations as a form of discipline and a warning to other female family members.

LANDMARK JUDGEMENTS CONCERNING HONOUR KILLINGS

1. **Lata Singh v. State of U.P. (2006)**⁶

Brief Facts: Lata Singh, from an upper-caste Rajput family, married a man from a lower caste. Her family disapproved, leading to threats and harassment. Lata filed a petition for protection.

Judgment: The Supreme Court emphasised that adults have the right to marry anyone of their choice. It condemned honour killings, instructing law enforcement to protect couples facing

⁶ Lata Singh v. UP, (2006) 5 SCC 475

threats due to intercaste or interfaith marriages. This judgment highlighted the importance of personal freedom in marriage choices

2. Shakti Vahini v. Union of India (2018)⁷

Brief Facts: This public interest litigation was filed by Shakti Vahini, a non-profit organization, to prevent honour killings and restrict khap panchayats from issuing punitive orders against couples.

Judgment: The Supreme Court ruled that honour-based violence is illegal, and the "right to choose one's partner" is a fundamental right protected by Articles 19 and 21 of the Indian Constitution. The court issued preventive measures for states, such as establishing special cells to protect threatened couples and ensuring strict monitoring of khap panchayats, which were deemed unconstitutional in this context

3. Manoj and Babli Case (2007)⁸

Brief Facts: Manoj and Babli, from the same clan in Haryana, eloped and married despite objections from their khap panchayat, which deemed their union incestuous and ordered their killing.

Judgment: The trial court convicted the Khap panchayat members and Babli's family. This was a landmark case in securing convictions against family members and community leaders involved in honour killings. The Punjab and Haryana High Court upheld this conviction, showing a firm stance against khap rulings in marriage matters

4. Arumugam Servai v. State of Tamil Nadu (2011)⁹

Brief Facts: In Tamil Nadu, a couple faced caste-based discrimination and threats for their marriage. The husband, from a Dalit community, petitioned for legal protection against their attackers.

Judgment: The Supreme Court condemned caste-based violence and honour killings,

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

⁸ SCC online article 2.1 VSLR (2020) 213

⁹ Arumugam Servai v. State of T.N., (2011) 6 SCC 405

emphasizing that such crimes stem from discrimination and that khap panchayats and other community institutions should not influence marital choices. This case reinforced that the right to choose a partner is protected under Indian law and supported the imposition of severe penalties on violators.

LAWS TO PREVENT HONOUR KILLING IN INDIA

Honour killings occur when families kill family members who are believed to have brought disgrace to the family's reputation and honour. These are incidents where a male family member murders a female relative in order to damage the family's reputation. Another definition of the phrase is the deliberate, premeditated killing, usually of a woman, by or at the direction of her family members who are motivated by the belief that she has embarrassed the family. India has ratified treaties and legislation that protect these kinds of offences.

The Indian Constitution contains many clauses that protect people from honour-related crimes, such as honour killings, and allow them to enjoy their freedom of choice regardless of their caste, religion, or gender. Articles 14, 15, (1) & (3), 17, 18, 19, and 21¹⁰ of the Indian Constitution are likewise broken by such murders. Every individual has the right to equality before the law or equal protection under the law, according to Article 14 of the Indian Constitution. Every individual is under the ordinary courts' jurisdiction, regardless of their status or circumstances.

1. Honour killings involve the murder of a particular person and thus come under the ambit of Section 299 to Section 304 of the Bharatiya Nyaya Sanhita¹¹.
2. The primary goal of the Special Marriage Act of 1954¹² was to give Indian citizens and all Indians living abroad a unique way to get married, regardless of the faith or religion practised by either partner. When Khap Panchayats have forcibly separated married couples who are of legal marriageable age, the Act comes into play.
3. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989¹³ was enacted by the Parliament of India, to avert atrocities against Scheduled Castes and

¹⁰ India Const. art. 14,15(1)&(3), 17, 18, 19, 21

¹¹ Bharatiya Nyaya Sanhita (BNS) Act No. 45 of 2023

¹² Special Marriage Act, 1954 Act No. 43 of 1954

¹³ Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Act No. 33 of 1989

Scheduled Tribes. The Act is linked to honour killings because numerous incidents of honour killing concern caste and religion.

4. The Protection of Human Rights (Amendment) Act, 2006¹⁴, provides for the protection of individual human rights and the constitution of a National Human Rights Commission, State Human Rights Commission, and Human Rights Courts to better protect these rights.
5. Article 13 of The Indian Evidence Act, 1872¹⁵ makes provision to punish those who conceal facts, either before or at the time of, or after the alleged crime.

CONCLUSION

Honour killing, one of the deadliest social evils in society, has claimed the innocent lives of numerous girls and boys for aeons because it is seen as a matter of family or societal honour. Members of the society have been following it, and as a matter of pride or Izzat, they believe that by defying social standards, they are atoning for the sins of other members. Since there is no specific law in India pertaining to the crime of honour killing, Indian courts try cases involving honour killing using provisions of the new Bharatiya Nyaya Shashtra as well as IPC, which is ultimately deemed insufficient. However, despite the instability, the honour killing system ought to be abolished since it is evident that thousands of people die as a result of this custom. Additionally, it acts as a barrier to the fundamental rights outlined in the Indian Constitution. To eradicate the evils of honour killing, new laws or acts specifically dealing with this crime should be introduced that are extremely severe, give everyone who commits this crime a chance to be punished severely, and make those who attempt to commit it fearful. People will be deterred from acting or committing such a horrible crime by strict regulations.

Honour killing is a dark side of modernity, a problem intensified throughout the modernization process. Honour killing takes place in communities which are both marginalized from the distributive and procedural processes of state power and at the same time stigmatized, based on the modern individualistic value system. The systematic marginalization and stigmatization of social groups make them more group-oriented and reliant on the local Honour codes, which

¹⁴ Protection of Human Rights (Amendment) Act, 2006 Act 43 of 2006

¹⁵ Indian Evidence Act, 1872 Act No. 1 of 1872

in turn exacerbates Honour crimes.

Killing for the sake of honour is not only illegal but also gross violation of human right. It is illegal to take the life of someone and especially for no reasons. It is also unconstitutional. Every person has the right to life and dignity. Honour is intact with life. This right is guaranteed in the constitution of India as fundamental right. It is the right of every person to be protected from any type of danger to his/her life. Every person has the right to choice. Right to opinion is also guaranteed. Right to marry also comes within the purview of right to life.