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# HONOUR-BASED VIOLENCE AS REPRODUCTIVE GOVERNANCE: CONSTITUTIONAL MORALITY AND CASTE IN INDIA

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## ABSTRACT

Honour-based violence (HBV) in India is typically viewed as a particularly extreme expression of gender-based violence. The article seeks to expand on this understanding of HBV to demonstrate how it may be conceptualised as a structural form of reproductive governance embedded in the social/ legal structure of caste. This article demonstrates how HBV acts not simply as isolated episodes of violence; however, it also acts as a regulatory instrument which disciplines reproductive autonomy through controlling choice of sexual partners, marriage choice, and adherence to caste endogamy. In this way, honour crimes can be seen as mechanisms for maintaining caste purity and continuing lineage continuity, while simultaneously identifying women's bodies as the site for reproduction of caste and social regulation. This article will examine the issue of HBV against the backdrop of the constitutional framework in India, noting the contradictions between HBV and constitutional principles of dignity, autonomy, equality, and moral rights as outlined under Articles 14, 15 and 21 of the Indian constitution. The article will explore the disparity between judicial recognitions of the individual's right to choose their spouse and the ongoing social acceptability of caste-based coercive structures such as Khap Panchayat councils and community-imposed sanctions. Using both doctrinal legal analysis and socio-legal research methodologies this paper positions HBV within feminist legal theory, intersectionality and biopolitics approaches to governance. Further, the paper outlines how caste functions as a reproductive regime in which honour based violence acts as an enforcement mechanism. It concludes by addressing HBV necessitates looking beyond criminalization towards a constitutional commitment to dismantle caste-based reproductive control, thus realizing a more substantial vision of reproductive justice in India.

**Keywords:** Honour-based violence, reproductive governance, caste endogamy, constitutional morality, reproductive autonomy

## Introduction

Honour-based violence (HBV) in India is generally framed in terms of criminal law and human rights discourse as a radical expression of patriarchal control of women's bodies and their choices. However, the way this is framed usually implies that the individual is being controlled rather than it is a part of a legally and socially structured control system. This paper argues that HBV needs to be viewed as a type of reproductive governance, through which caste based and patriarchal institutions exert control on sexuality, marriage and reproductive freedom by using coercion, surveillance and violence. Therefore, HBV should be understood not as a deviation from social order through law but as a socially structural ordering mechanism that supports caste endogamy and lineage purity.

At the base of this regulatory system is the enforcement of caste endogamy, which can be considered a reproductive technology used to reproduce caste. Caste has been described by Dr. B.R. Ambedkar as surviving "through the mechanism of endogamy," therefore making marriage regulations critical to maintaining caste.<sup>1</sup> Honor crimes; specifically killings and violent acts against inter-caste and inter-faith couples, function as disciplining tools in preserving caste lines through elimination of 'unacceptable' reproductive options.<sup>2</sup>

However, the Indian constitution provides a robust set of safeguards protecting individuals' autonomy and dignity. The Supreme Court of India has continuously reaffirmed the view that choosing who to marry is an essential aspect of the individual's right under Article 21 of the Constitution to protect life and personal liberty. For example, in *Shafin Jahan v. Asokan K.M.*, the Court stated that the right to marry someone of one's own free will is an element of constitutional freedoms that may not be overridden by oppositions from family and community.<sup>3</sup> Likewise, in *Shakti Vahini v. Union of India*, the Court identified honour killings as illegal, and ordered the government to take steps to prevent honour killings and punish khap panchayats and other similar non-state actors responsible for enforcing them.<sup>4</sup>

Despite these judicial decisions, honour-based violence remains prevalent in India, illustrating a significant disconnect between constitutional provisions and social enforcement mechanisms.

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1 B.R. Ambedkar, *Annihilation of Caste* 47–50 (Navayana Publ'g 2014) (1936).

2 Prem Chowdhry, *Contentious Marriages, Eloping Couples: Gender, Caste, and Patriarchy in Northern India* 1–25 (Oxford Univ. Press 2015).

3 *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368 (India).

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

Therefore, there arises a basic question: Why is the constitutional provision unable to eliminate the caste-based regulation of reproductive autonomy? The authors' argument is that the reason for this lack of success lies in the ongoing coexistence of two normative orders; namely that of constitutional morality and that of caste-based systems regulating reproduction.

While the constitutional morality as defined in *Navtej Singh Johar v. Union of India*<sup>5</sup>, requires the establishment of dignity, liberty, and equality as its three foundational values, honour-based systems continue to use coercive violence and ostracism to enforce their social morality.

Furthermore, by placing HBV into the context of reproductive governance, this paper extends beyond the typical lens of criminal law to explore how caste, gender, kinship structures together regulate reproductive decision-making. It also contributes to both constitutional and feminist legal literature by providing evidence that honour-based violence represents much more than a law enforcement failure; i.e., it is an illustration of the structurally embedded caste/patriarchal control over reproduction itself.

### **Theoretical and Conceptual Framework**

This article will combine aspects of feminist legal theory, caste research and constitutional law, and develop an interdisciplinary conceptualization of reproductive governance, honour-based violence (HBV) and constitutional morality to demonstrate how the caste system serves as a governance regime controlling sex, sexual expression, and reproduction in India. The primary analytical movement is to transform HBV from the realm of "private" or "family" violence into a functionally integrated governance system regulating reproductive freedom via social norms, institutional processes, and coercion.

Reproductive Governance offers the most important access route for analysis. Reproductive governance consists of all mechanisms; legal, social, cultural, and institutional through which reproductive behaviour is controlled, promoted, or compelled.<sup>6</sup> Early versions of reproductive governance emphasized government-driven population control; however, feminist scholarship has broadened this definition to incorporate non-governmental actors including families, kinship groups, and communities which regulate reproductive decision-making. Therefore,

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<sup>5</sup> *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

<sup>6</sup> Susannah M. Levine, *Reproductive Governance and the Politics of Reproduction*, 37 *Soc. Stud. Sci.* 7, 9–12 (2007).

reproduction is not merely a biologically driven process but also a socially regulated field of activity where power is exercised over bodies, sexuality and relational choices.

In the case of India, this article expands upon reproductive governance as it defines caste as a highly ingrained form of reproductive governance. Caste does not survive only as a hierarchical social entity but through the constant enforcement of endogamy as well.<sup>7</sup> Therefore, the reproduction of caste is ensured through each generation's adherence to this rule. Marriage is therefore the central institution where caste is reproduced and thus controlling marriage choice represents a direct method for maintaining caste. Honor-based violence (HBV) serves as an enforcement mechanism for ensuring conformity with caste and kinship related expectations regarding union formation specifically when unions involve different castes or religions.

Honor-based violence is conceptualized here as a technology of regulation embedded in caste-patriarchal frameworks of power. HBV is employed to restore or maintain 'honour,' a culturally defined term that is irrevocably connected to control over women's sexuality and their ability to make reproductive choices. Research by feminist scholars regarding honour crimes have consistently shown that honour is not an individual trait but rather a collective social construction that exists as an extension of family and/or community status and can often be preserved by means of surveillance and violence.<sup>8</sup> In addition to serving as a social status marker based on family and community standing, in India honour takes on an additional layer of significance due to its connection to caste. Thus, in the context of enforcing caste purity honour functions as a mechanism for regulating reproductive relationships.

Caste as a reproductive regime versus simply a system of social stratification is best exemplified when we understand that caste is reproduced through the regulation of marriages. Drawing from Ambedkar's seminal insight that caste is maintained through endogamy, marriage becomes the primary mechanism through which caste reproduces itself.<sup>9</sup> Endogamy maintains that reproductive connections occur only within caste boundaries; thereby prohibiting social advancement through inter-caste marriage. In this model HBV functions as the enforcement arm of caste endogamy, punishing individuals who violate these boundaries and thereby threaten caste purity. Sociologists have supported this understanding by

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<sup>7</sup> Satish Deshpande, *Contemporary India: A Sociological View* 112–18 (Penguin 2003).

<sup>8</sup> Lynn Welchman & Sara Hossain eds., *Honour: Crimes, Paradigms, and Violence Against Women* 1–20 (Zed Books 2005).

<sup>9</sup> B.R. Ambedkar, *Annihilation of Caste* 47–52 (Navayana Publ'g 2014) (1936).

demonstrating that caste functions not only through occupational hierarchy but also through kinship ties, marriage standards and control over reproduction.<sup>10</sup>

Constitutional morality then emerges as a counter-conceptual frame work whose sole purpose is to challenge caste-based reproductive governance. Constitutional morality was first articulated in Indian constitutional jurisprudence as being committed to the protection of constitutionally guaranteed values of liberty, equality, dignity, and fraternity above societal or moral conceptions. The Indian Supreme Court has repeatedly ruled that constitutional morality should take precedence over social morality whenever they are at odds. For example, in *Navej Singh Johar v. Union of India* the Court declared that no matter what a majority may view as morally correct, constitutional morality cannot be subject to either majoritarian or social notions of morality where fundamental rights are concerned. Similarly, in *Shafin Jahan v. Asokan K.M.*, the Court reaffirmed that the right to marry whomever one chooses is a fundamental aspect of the constitutional guarantee of personal liberty under Article 21 of the Constitution of India and cannot be restricted by opposition from family members or other community representatives. The Court went even farther in *Shakti Vahini v. Union of India* by identifying HBV as a severe affront to the rights protected by the Constitution directing both preventative measures by governments and remedies to address extra-legal entities known as *khap panchayats*.

Although the Court has issued numerous decisions protecting constitutional rights relating to marriage and sexuality since these rulings were handed down there remains a deep structural disconnect between constitutional morality and social regulation of reproductive behaviour. This paper posits that caste constitutes an alternate ordering principle governing reproductive behaviour outside the formal legal system. Furthermore, within this alternative ordering framework, honour-based violence operates as a disciplinary mechanism enforcing compliance with caste-based norms governing sexuality and marriage, thereby sustaining reproductive governance at the social level.

The intersectional feminist legal theory approach further strengthens this framework. Intersectional feminism emphasizes that systems of domination such as caste and gender are co-constituting rather than separate. Kimberle Crenshaw's articulation of intersectionality

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<sup>10</sup> Prem Chowdhry, *Contentious Marriages, Eloping Couples: Gender, Caste, and Patriarchy in Northern India* 1–30 (Oxford Univ. Press 2015).

demonstrates that intersecting structures of power create unique forms of vulnerability that cannot be fully comprehended independently.<sup>11</sup> In India, women, especially women who enter into relationships across caste lines occupy multiple axes of power (patriarchy and caste); creating a greater likelihood that they will become targets of HBV. Further, feminist legal theory highlights that control over women's bodies and sexuality is critical to maintaining larger social hierarchies; a fact that is further complicated when caste is considered an axis of power.<sup>12</sup>

When taken collectively these theoretical perspectives enable us to rethink HBV as more than episodic acts of aggression by family and community units but instead as an integral component of caste-based reproductive governance. These perspectives also highlight the limitation of current approaches to address HBV primarily through penal sanctions without accounting for the broader socio-structural mechanisms driving caste endogamy and reproductive control. The framework developed here therefore enables us to examine HBV as a constitutional issue where failures to realize reproductive autonomy are linked to long-term governance by caste of intimate life.

## Literature Review

Much of the existing scholarly research regarding honour-based violence (HBV) in both India and comparable jurisdictions frames HBV as an aspect of the larger context of gender based violence and patriarchal domination. For decades, there has existed a substantial amount of literature on Honour Crimes; all of which conceptualize such violence as a manifestation of patriarchal ideologies which govern female sexuality, family reputation, and social order. More recent foundational studies have also emphasized that Honour Related Violence is located at the intersection of multiple systems that produce gendered forms of surveillance and coercion over women's intimate choices by linking their sexual autonomy to the collective honour of the woman's family or community.<sup>13</sup> While this body of research has played an important role in drawing attention to the gendered nature of Honour Based Violence, it has not provided adequate theoretical grounding for viewing HBV as one component of a larger structural system of reproductive regulation. Specifically, much of this literature treats caste as merely a

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<sup>11</sup> Kimberle Crenshaw, Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color, 43 Stan. L. Rev. 1241 (1991).

<sup>12</sup> Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 131–35 (Harvard Univ. Press 1989).

<sup>13</sup> Lynn Welchman & Sara Hossain eds., *Honour: Crimes, Paradigms, and Violence Against Women* 1–20 (Zed Books 2005).

contextual variable and fails to recognize how Honour Crimes function as mechanisms for enforcing caste-based reproductive regulations.

There exists a complementary body of scholarship on Caste and Endogamy which has greatly enhanced our understanding of Caste as a social structure that is reproduced through controlled marriage practices. Ambedkar's founding concept that Caste is reproduced through endogamous marriage has been recognized and built upon by subsequent sociologists and jurists who have demonstrated how marriage serves as the primary vehicle through which Caste continuity is preserved.<sup>14</sup> Most contemporary scholarship on Caste continues to focus on Caste as a sociological and structural system for maintaining Caste boundaries across generations and does little to examine violence as a mechanism for enforcing those boundaries. Therefore, the violent means by which Caste Endogamy is enforced specifically Honor-Based Violence are often under-theorized or analytically divorced from Caste reproduction.

Reproductive Rights Literature generally views reproductive rights as being comprised of Bodily Autonomy, Reproductive Choice, and Freedom From Coercion in Matters of Sexuality and Childrearing. This body of literature, particularly within Feminist Legal Theory, has provided an extensive articulation of Reproductive Autonomy as an Essential Dimension of Human Rights and Constitutional Protection.<sup>15</sup> Despite its strong Normative Content, this literature rarely examines how Caste functions to Structure Access To Reproductive Autonomy. The failure to utilize Caste as a central Analytical Category results in a limited comprehension of how Reproductive Rights are Differentially Experienced and Restricted Within Hierarchy Social Systems Such As Caste.

Indian Constitutional Law Scholarship has substantially developed the Jurisprudence Of Privacy, Dignity, and Personal Liberty Under Article 21 Of The Indian Constitution. Notably, landmark decisions have expanded the scope of constitutional protections afforded to Decisional Autonomy in Intimate And Personal Affairs, specifically pertaining to Sexual Orientation, Identity, and Choice Of Partner.<sup>16</sup> The expansion of rights in *Shafin Jahan v. Asokan K.M.* and *Navtej Singh Johar v. Union of India* reflect a paradigmatic doctrinal shift

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<sup>14</sup> B.R. Ambedkar, *Annihilation of Caste* 47–52 (Navayana Publ'g 2014) (1936); see also Satish Deshpande, *Contemporary India: A Sociological View* 112–18 (Penguin 2003).

<sup>15</sup> See Catharine A. MacKinnon, *Toward a Feminist Theory of the State* 131–35 (Harvard Univ. Press 1989); see also Rosalind Petchesky, *Abortion and Woman's Choice: The State, Sexuality, and Reproductive Freedom* (Longman 1984).

<sup>16</sup> *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

toward constitutionalizing Individual Choice against Majoritarian Interference in Familial Matters.<sup>17</sup> Nonetheless, this scholarship frequently under-theorizes caste as a structural impediment to the realization of these rights, thus limiting its ability to comprehensively consider how constitutional guarantees are conditioned by entrenched social hierarchies that regulate reproductive behaviour outside formal legal frameworks.

As illustrated above, this Review highlights an unambiguous deficiency in each of these bodies of literature. Honor Crime Scholarship emphasizes patriarchy, while Caste Scholarship emphasizes the structural reproduction of caste through endogamy but without reference to violence. Reproductive Rights Literature emphasizes autonomy but without regard to structural inequality. Finally, constitutional law scholarship expands rights but does so without considering the mechanisms for social enforcement that restrict the realization of those rights. Consequently, there is currently no integrative analytical framework connecting honour-based violence, caste endogamy, reproductive governance, and constitutional morality into a single analytic architecture. This article will fill this gap by treating honour-based violence as an active mechanism for enforcing caste-based reproductive boundaries and analysing the relationship between such violence and constitutional morality in light of Indian constitutional jurisprudence.

### Research Methodology

This study adopts a mixed-method socio-legal approach to examine honour-based violence (HBV) as a form of caste-based reproductive governance in India. The doctrinal component involves a critical analysis of constitutional provisions under Articles 14, 15, 19, and 21, focusing on equality, non-discrimination, personal liberty, and reproductive autonomy. It further examines key judicial decisions *Shafin Jahan v. Asokan K.M.*, *Shakti Vahini v. Union of India*, and *Navtej Singh Johar v. Union of India* to trace the evolution of constitutional jurisprudence on individual autonomy, dignity, and the right to choose a partner. The socio-legal component draws on secondary literature, feminist legal theory, and sociological studies on caste endogamy and kinship structures, alongside analyses of informal institutions such as khap panchayats that regulate women's sexuality and marriage choices. Furthermore, by integrating constitutional doctrine with socio-legal evidence, the study evaluates how caste-

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<sup>17</sup> *Shafin Jahan v. Asokan K.M.*, (2018) 16 S.C.C. 368 (India); *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

based social regulation continues to mediate reproductive control despite formal constitutional protections of autonomy and equality.

### **Honour-Based Violence and Caste-Based Reproductive Governance in India**

In India, honour based violence (HBV) acts as a controlled mechanism for regulating reproductive choices and therefore individuals' autonomy. It is not simply limited to isolated instances of extremism within families; rather, HBV is a systematic and disciplinary method of regulating reproductive choices, especially when it relates to inter caste and inter religious marriages. Reproductive choices are regulated through various levels of coercion from observation, threats, incarceration, boycotting social contact to extreme violence in the form of honour killing. The Law Commission of India has identified honour killings as violating constitutional rights and has provided recommendations regarding the development of legislation to better regulate such crimes.<sup>18</sup> However, there is still fragmentation in enforcing these regulations and although laws currently provide sections to prosecute offenders under the Indian Penal Code 1860 (sections 302, 307, 506 and 120B); however, these are mostly used after the fact instead of being used as preventative measures.

Through the use of caste endogamy, HBV serves as an enforcement mechanism for maintaining caste purity. Therefore, according to Ambedkar's theory that "caste survives through endogamy," marriage provides the institutional structure for the maintenance of caste reproduction. For example, khap panchayats and similar non-legislative organizations have been recognized by the Supreme Court as orchestrating coercions against couples who engage in 'socially unacceptable' relationships, most notably those that involve inter caste relationships. Through these informal institutions, HBV serves as a means of regulating reproductive boundaries through collective condemnation and sanctions.

The gendered architecture of this violence also plays a significant role in how HBV is operationalized. Women serve as both symbolic and material vessels of caste honour. Therefore, they are primarily responsible for maintaining sexual and marital autonomy. Due to the intersection of caste hierarchy and patriarchal power, Dalit women and men from dominant castes involved in inter caste relationships are more likely to be subjected to HBV. According to empirical and sociological research conducted by Prem Chowdhry, among others, such

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<sup>18</sup> Law Commission of India, *Report No. 242: Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition)* 1–10 (Aug. 2012).

relationships are often met with retaliatory action from families and communities including abductions, forced separations and honour killings. This represents a larger trend in which Dalits and other marginalized communities are at higher risk of experiencing social and physical violence because of their structural position outside of dominant caste networks and therefore experience increased susceptibility to social and physical violence once caste boundaries are breached.

Legally speaking, such actions violate articles 14, 15, 19 and 21 of the Indian Constitution. Article 21 as interpreted by the Supreme Court extends protection beyond mere existence to include protections related to dignity and personal liberty including decisional autonomy in choosing partners. The court held that the right to choose a spouse was an essential component of personal liberty and could not be superseded by family or community opposition in *Shafin Jahan v. Asokan K.M.* Similarly article 19 protects freedoms of association which would include the ability to enter into intimate relationships and articles 14 and 15 ban discrimination based on caste and therefore restricts caste based prohibitions on marriage. In *Lata Singh v. State of Uttar Pradesh*<sup>19</sup> the Supreme Court denounced honour killings and ordered state officials to protect consenting adults from harassment and violence inflicted upon them by family or caste members. Furthermore, in *Shakti Vahini v. Union of India* the Supreme Court established preventative, curative and punitive guidelines for addressing honour crimes and officially recognized the illegality of khap panchayat decrees. However, despite the strong constitutional precedent for protecting individuals from HBV it remains prevalent in many parts of the country.

The continued prevalence of HBV demonstrates a fundamental structural contradiction between constitutional morality and caste based social morality. Constitutional morality as defined in *Navtej Singh Johar v. Union of India* holds that the government must uphold constitutional values regardless of if they contradict socially dominant values. Constitutional morality asserts that government institutions should actively undermine oppressive social structures instead of merely preventing violence perpetrated by these structures. On the other hand, caste morality serves as a separate moral order that prioritizes collective honour, endogamy and social hierarchy over individual autonomy. Therefore HBV does not represent anomalous behaviour but rather a legitimate tool for maintaining social order within this

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<sup>19</sup> *Lata Singh v. State of Uttar Pradesh*, (2006) 5 S.C.C. 475 (India).

morality.

Therefore, courts become key battlegrounds for competing normative orders. While constitutional jurisprudence increasingly recognizes individuals' autonomy in matters of choice and intimacy, caste based institutions continue to utilize coercion to govern reproductive lives outside of the formal legal system. The result is a fractured legal environment where constitutional safeguards coexist with formidable informal mechanisms that maintain caste endogamy. Even though policy frameworks and judicial guidelines have attempted to address honour crime, the lack of a comprehensive statute designed to target caste based reproductive violence severely hinders the transformative capacity of constitutional morality.

Finally, HBV illustrates that caste remains a systemic form of reproductive governance that exists both parallel to and in competition with constitutional law. The use of violence and coercion to regulate marriage, sex and intimacy illustrates the limitations of formal equality absent structural change. Constitutional morality may be a compelling moral force but it will remain unfulfilled until it can supplant caste as a governing principle for reproductive life.

### **Recommendations and Way Forward**

The legal response to honour-based violence (HBV), while primarily an issue of caste-based reproductive governance, necessitates a paradigmatic shift from the traditional, reactive criminal law model to a preventative and proactive constitutional law model that addresses the social-legal dimensions of caste endogamy, kinship control and social coercion. Although the Indian Penal Code (IPC) 1860, and various judicial guidelines have recognized honour crime as an infringement of the fundamental rights; however, the continued occurrence of honour crimes demonstrate that reliance upon the existing reactive enforcement models and mechanisms will not suffice for effective prevention.

Firstly, a comprehensive and specific legislative framework addressing HBV has been strongly advocated by the Law Commission of India which recognizes honour crimes as distinct aggravating offenses characterized by coercive group action and/or caste/community involvement. This legislation needs to include preventive responsibilities for the State, including obligatory risk-assessment protocols for inter-caste and inter-faith couples who receive threats of harm; as well as, mechanisms of accountability against State administrative and police agencies for failing to action response to credible threats.

Secondly, law-enforcement agencies require both systemic sensitization and structural reform. Many law-enforcement officials and other local administrative personnel continue to operate in social environments shaped by the same caste dynamics which give rise to HBV. Consequently, there may be under-reporting of honour crimes due to fear of retaliation or because of unofficial mediation by local officials. Mandatory training programs on caste-discrimination; gender-based-violence; and, most importantly, constitutional rights, particularly the right to select a spouse as guaranteed under Article 21 should become part of every officer's training at all levels of the police academy system, as well as throughout judicial training centres.

Thirdly, there is a need to transform jurisprudential declarations protecting individuals subject to HBV into actionable governmental measures. In *Shakti Vahini v. Union of India*, the Supreme Court directed districts across India to establish a process to protect couples being threatened with honour-based violence, including establishing district level nodal officers; providing safe-houses for at-risk families; and ensuring that those receiving such threats receive immediate police-protection. However, implementation varies widely. Those guidelines should be codified into legally-binding statute, with corresponding civil liability for non-compliance, so as to bridge the gap between declaratory constitutional law and actionable government administration.

Fourthly, the State must create specialized protection mechanisms for inter-caste and inter-faith couples, such as expedited grievance resolution processes; secure places for shelter; and provision of free/low-cost access to legal counsel. Those mechanisms must be available without creating formal obstacles that could increase exposure to community monitoring. Under the Legal Services Authorities Act 1987, District Legal Services Authorities can be empowered to proactively provide legal and logistical assistance to at-risk couples.

Lastly, long-term change depends on confronting the social reproduction of caste through marriage systems. Legal reform alone is insufficient to eliminate caste-based reproductive governance until it is supported by ongoing education, social policy and advocacy efforts to normalize endogamous practices as a social behaviour. Public awareness campaigns, revisions to school curricula, and interventions at the community level are needed to alter public attitudes regarding marriage, individual freedom and honour from those based on caste-purity to those based on constitutional principles of equality and human dignity.

Thus, ultimately, what is required is a transition from a punitive model of criminal justice to a preventative model of constitutional governance whereby the State takes direct action to dismantle systems of caste-based reproductive control instead of simply reacting to its violent consequences.

## Conclusion

This article has argued that honour-based violence (HBV) in India must be understood not merely as an expression of patriarchal excess or familial extremism, but as a structurally embedded form of caste-based reproductive governance. Additionally, by regulating marriage, sexuality, and intimate choice, HBV functions as a coercive mechanism through which caste endogamy is preserved and reproduced across generations. In this sense, honour crimes are not deviations from social order but instruments of its maintenance, operating at the intersection of gender hierarchy and caste purity.

The analysis demonstrates that women's bodies, particularly within inter-caste and inter-faith relationships, become central sites through which caste boundaries are enforced. Violence, surveillance, and social sanction operate collectively to discipline reproductive autonomy, revealing that caste is not only a social hierarchy but also a reproductive regime. This regime is sustained through informal institutions such as caste councils and kinship networks, which continue to exert normative authority despite their lack of legal legitimacy.

Against this backdrop, the Indian constitutional framework offers a transformative normative horizon grounded in dignity, equality, and autonomy under Articles 14, 15, and 21. Judicial decisions such as *Shafin Jahan v. Asokan K.M.*, *Shakti Vahini v. Union of India*, and *Navtej Singh Johar v. Union of India* affirm the centrality of individual choice in matters of intimacy and reject the authority of extra-constitutional social bodies. However, the persistence of HBV despite these constitutional guarantees exposes a critical gap between normative constitutional commitments and their material enforcement on the ground.

This gap is not merely a failure of implementation but reflects the endurance of parallel normative orders, where caste-based social morality continues to regulate reproductive life in opposition to constitutional morality. The result is a fragmented legal landscape in which formal rights coexist with informal systems of coercion that shape lived realities of autonomy and vulnerability.

Furthermore, this article contends that addressing HBV requires a shift beyond criminalisation toward a deeper constitutional and structural intervention. Reproductive justice in India cannot be realised without confronting caste as a governing logic of intimacy and lineage. The transformative promise of constitutional morality lies in its capacity to dismantle these entrenched hierarchies, but only if it is operationalised as a sustained commitment to eradicating caste-based control over reproductive life.

In reconceptualising HBV as reproductive governance, this study contributes to a more integrated understanding of violence, caste, and constitutionalism, and calls for a jurisprudence that recognises autonomy not as an abstract right but as a socially embedded and structurally conditioned reality.