

# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

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Volume 6 | Issue 2

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2023

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# Honour Killing

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## ABSTRACT

*The article basically focuses on the situation of Honour Killing in India. It highlights the legal provisions to tackle the crime of honour killing. It is a heinous crime, and a lot of attention is required to tackle it. An honour killing of a woman by a male relative is not an individual act of violence but one which is collective, planned, sociologically predictable, and socially approved by both lady and man in the family and community concerned. The main reason behind Honour Killing in this country is that families are against Pre-marital relationships and the matrimonial choices of the girl in the family. Honour Killings are a clear violation of human rights, and States necessarily need to protect individuals from such violations.*

**Keywords:** Honour Killing, Autopsy, Human Rights

## I. INTRODUCTION

Honour killings are acts of retribution, usually death, committed by male family members against female family members, who are held to have brought dishonour upon the family. A woman can be targeted by her family for a variety of reasons, including: refusing to enter into an arranged marriage, being the victim of a sexual assault, seeking a divorce even from an abusive husband or committing adultery. Honour Killing is not only a serious concern and is not only practices in India but rather all around the world. Countries such as Pakistan, Iran, Turkey, Afghanistan, Iraq, Saudi Arabia, Egypt, Palestine, Jordan, Bangladesh, Algeria, Brazil and many more are still widely reported around the world. Honour savagery is regularly planned and arranged by a few family members. <sup>1</sup>People who submit honour savagery accept that their direct is defended and get support from their local area. Caste and status are the main reasons for honour killing in the present world as the caste and status changes for a girl when she goes to her husband house. The aim of the study is to know about honour killing and to bring out the seriousness of the crime and to educate the society about its effects and to analyse the triggers of honour killing. In the event that a lady would not conform to the standards set somewhere around her social local area, her 'unethical conduct' tainted the entire family. On the off chance that different techniques to cause the ladies to consent fizzled, the solitary cure was for her male

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family members to slaughter her to ensure the family honour. In this way, the killings were socially authorized and intended to maintain a particular moral request. In situation where the members should be a support for the feminine are against them and brings a situation where they ought to not exist. India could be a democratic country as every citizen has their rights and freedom to try and do acts which doesn't violate law. in an exceedingly society where the citizens are equal with none discrimination, honour killing brings discrimination where the loved one is taken into account to bring dishonour by choosing a person of a unique caste. The male member of the family kills the female member who has violated the wishes and honour of the family.

## **II. EFFECTS OF HONOUR KILLING**

Honour killing isn't constrained to single gender. Men also are brought as a victim of honour killing. it's inappropriate that the victim could be a man or a girl, if they'd violated or brought down the name of the family, they're subjected to be killed by the members of the family. However, honour killing are focused on the ladies, it's not restricted so. It extends to men too. When the lads violate the customs, the members of the family of the ladies or the male relations tend to affix hands to kill him. <sup>3</sup>For the execution of honour killing, the role of male is more. just in case to commit the crime, the male descendants of the family form a bunch to kill the victim and particularly if the victim could be a girl, the male members would kill the victim. It doesn't matter about how close and love that they had on the victim, they kill the victim if they cross the boundaries of the family.

## **III. HONOUR KILLING- A DISGRACEFUL CRIME**

Sati is an exercise because the olden days in which the girl spouse of the own circle of relatives might be made to leap into fire alive. This is an exercise accompanied as devotion via way of means of the own circle of relatives. The spouse has to complete of her lifestyles via way of means of herself if her husband is dead. She isn't allowed to stand the society without her husband. This is to be made via way of means of the girl something vintage she may also be. If her husband does as a love and devotion to her husband, she has to quit her lifestyles via way of means of burning herself alive. This isn't like honour killing as honour killing is finished if the girl or the male does now no longer concentrate to the participants of the own circle of relatives or if they carry down the fame and tradition of the own circle of relatives no matter the reality of the girls that her husband is alive. Both the male and girl who violated the custom

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<sup>3</sup> <https://journals.sagepub.com/doi/full/10.1177/2455632719880852>

might be killed via way of means of the participants of the own circle of relatives. However, in India the exercise of Sati is absolutely banned however the exercise of honour killing remains being accompanied. But each the crimes are dedicated most effective via way of means of triggering. Homicide and honour killing are closely related but are not the same as honour killing is a new concept but both are the act of killing the victim. The family is no way dishonoured in case of homicide, but in case of honour killing it is made because of the dishonour caused to the family. Similarly, in the case of honour killing, it is completely made because of the triggering of the family members or neighbours or relatives whereas in case of homicide it is a plan made by certain person to commit the crime.

#### **IV. SPECIFIC REASONS BEHIND HONOUR KILLING**

**1. Refusal of an arranged marriage:** The member of the family be it a man or women member of the family, if refuses to just accept the wedding organized by the family, they'd be triggered to be killed for the welfare of the family. It's a sort of shame the members of the family feel once the person doesn't settle for the wedding organized by the family.<sup>4</sup>

**2. Seeking a divorce:** The victim of homicide would be a married party and would are single thanks to family problems in their marital status life. Seeking divorce by the member would bring down the status of the family wherever they feel the victim would rather die than life and that they themselves kill the person.

**3. Allegations and rumours about family members:** The victim of homicide would be a married party and to family problems in their marital status life. Seeking divorce by the member would bring down the status of the family wherever they feel the victim would rather die than life and that they themselves kill the person.

**4. Homo-sexuality:** It has become common where there is love between the people of the same gender. When a couple of the same gender wants to live together the family or the society does not permit it and in turn creates more and more allegations and triggers the members of the family. Which leads to killing of the family member.

**5. Victims of rape:** In a society where lady or a daughter should be protected, they are being raped. In that case it is the duty of the family to accept such victims. But the family feels it as a shame and feels the life of the daughter is gone and she is completely useless to the society and the family and thus she is better killed.

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<sup>4</sup> <https://acadpubl.eu/hub/2018-120-5/2/146.pdf>

**6. Inter-caste marriage:** <sup>5</sup>Marriage done by the one person with another person of the different caste brings down the caste of the party who seek their caste as their soul and important than their member of the family. In such case, the member who is of higher caste would kill the victim than living by lowering their caste. In case where the victim is of lower caste, and the caste, they do not care about the victim and would kill them despite of the fact that they belong to their family. Not only their family members become the victim the other party with whom they want to live also becomes a victim. It usually happens in Hindu families where in case boy or girl marries someone from Muslim Religion. He/ She is Killed.

## V. ROLE OF LAW

The Indian Constitution has several provisions to guard every and each national. every and each human has their own rights with that they're protected. Rights square measure unconditional in each national irrespective of their caste, religion, gender and square measure shielded from honour killings. In case of honour killing, it's just like that of Homicide.<sup>6</sup>

Section 299 and 301 of the Indian Penal Code, 1860 which means culpable homicide amounting to murder because the act of killing the victim is made with the intention to kill them to bring the honour to the family.

There are certain provisions which are been violated due to this crime.

*Article 14, 15(1), 15(3), 19 and 21 of the Constitution of India.* Article 14 and 15 of the Indian Constitution deals about equality before law and equal rights before law which means each and every citizen of India shall be treated equally without any discrimination on the grounds of caste, sex, creed, race etc but in the case of honour killing, the women is been murdered which forms gender violation.

Article 19 and 21 of the Indian Constitution deals about Right to Freedom and Right to life and personal liberty respectively. In the case of honour killing the Right to freedom is been profaned. It's the freedom of each citizen to settle on their life wherever no one has the right to infringe and compel the national to act as per the want of others. each national has the correct to life and liberty that is that the most significant elementary right. no one has the correct to require to require life. folk's area unit created by god and also the expert lies solely to him to require away the lifetime of his creation. just in case of honour killing, wherever the victim is been killed, it's subjected to violation of the correct to life and liberty to measure of the citizen.

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<sup>5</sup> <https://blog.iplayers.in/honour-killings-india-need-urgent-reforms-newlaws>

<sup>6</sup> <https://acadpubl.eu/hub/2018-120-5/2/146.pdf>

Section 3 of the Hindu Marriage Act, 1857 states that every citizen shall become major after attaining the age of 18 years. However later, the Supreme court had amended the Act and changed that every citizen shall attain majority at the age of 21. **According to the Hindu Marriage Act** every citizen has their right to choose their life partner after attaining the age of majority. In that case, honour killing is a violation of it as it kills the victim for choosing their life partner.

## **VI. ONE OF THE MOST SERIOUS CASE RELATED TO HONOUR KILLING:**

**FACTS:** Manoj and Babli were the victims. They both eloped and got married to every other. The members of the family on knowing this got furious and located the victims. The family had taken the case to the khap panchayat United Nations agency at the start expressed that somebody United Nations agency has contact with the victim would ought to pay twenty-five thousand and hence not a soul ought to contact them. once finding their whereabouts, the family had brought them before the khap panchayat was against the wedding.<sup>7</sup> They gave the choice against the victim as a result of the victims belonged to completely different caste. the choice was religious- caste based mostly for the interest of the society. The khap panchayat was conjointly the suspect concerned in killing of the victim due honouring of the family. Relatives of Babli were concerned within the murder as Babli's grandfather was the khap leader. Notwithstanding, the victims were kidnapped and killed by them.

**COURT DECISION:** However, when this matter went before the court of Karnal district, they had sentenced five perpetrators who were involved in the murder to life sentence. This is the first honour killing case hitting as landmark judgment on giving life sentence to the accused of honour killing. The driver who involved in the abduction was sentenced to imprisonment of seven years. Honour killing is also considered as the most serious offence.

## **VII. RELEVANT LEGAL PROVISIONS**

**Section 299-304:** Penalises any person guilty of murder and culpable homicide not amounting to murder. The punishment for murder is life sentence or death or fine.<sup>7</sup> **Section 308-** Attempt to commit culpable homicide.

**Section 120A and B:** Definition of criminal conspiracy. —When two or more persons agree to do, or cause to be done. Punishment of criminal conspiracy.

**Section 107-116:** Penalises person for abetment of offences including murder and culpable

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<sup>7</sup> <https://acadpubl.eu/hub/2018-120-5/2/146.pdf>

homicide.

**Section 34 and 35:** Penalizes criminal acts done by several persons in furtherance of common intention.

## VIII. CASE LAWS

### **Shakti Vahini v. Union of India, 2018**

Dipak Misra, CJI stated the declaration of preference is a facet of liberty and dignity inseparable.

**Verdicts:** By Article 32 of the Constitution of India, the instant Writ Petition was preferred to seek directions from the respondents, the State Governments and the Central Government to take preventive steps to tackle honour crimes, to send a National Action Plan and State Action Plan to curb crimes of this nature and to guide the State Governments to form special cells in each case. The issuance of a mandamus letter to the governments of the state to launch proceedings in each case of honour killing and to take effective steps to ensure that no honour killing prevails. He claimed that **Section 5 of the Hindu Marriage Act of 1955** upheld the opposition of khaps to marriages between persons of the same gotra. The section said “Sapinda should be separated from the side of the father by five degrees, and from the side of the mother by three degrees. Article 21 The security of life and freedom and the safeguarding of basic human rights and equality of status has been shown abruptly by the acts of these Panchayats or groups which, without the slightest pain of conscience, subscribe to the honour killing.<sup>8</sup>

### **Lata Singh vs. State of U.P & Anr.**

The Supreme Court quashed the criminal proceedings against the petitioner’s husband and relative stating them to be falsely accused for the same. It held that no offence was committed by the accused persons and it was mere abuse and violation of the process of court as well as the administrative authorities which created lots of troublesome for the appellant as well as for her husband and family. This judgment made it clear that women have a right to choose her own life partner and marrying outside caste is not a crime.

### **State of U.P vs. Krishna Master & Ors.**

The Supreme Court awarded the life sentence to three persons who caused the death of six persons of a family in a case of Honour Killing at a village in Uttar Pradesh. The Bench said that: that killing a whole family and wiping out almost the whole family is flimsy ground of saving the honour. Therefore, the capital punishment is justified.

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<sup>8</sup> <http://www.manupatra.com/roundup/337/Articles/Honour%20Killing.pdf>

**Manoj and Babli Case:**

However, when this matter went before the court of Karnal district, they had sentenced five perpetrators who were involved in the murder to life sentence. This is the first honour killing case hitting as landmark judgment on giving life sentence to the accused of honour killing. The driver who involved in the abduction was sentenced to imprisonment of seven years. Honour killing is also considered as the most serious offence.<sup>9</sup>

**IX. ANALYSIS**

Surprising realities arose out from careful examination of the information and the interview. Many under studies, staff and the general population (both male and female) are against honour executing. Most of the tests were content with the new outcry against honour executing. They likewise concurred with the view that the youngsters ought to get hitched at the correct age with their parents' assent. Even though the guardians go against their marriage with lower local area groom, it is on the bride's part to cause her folks to understand their actual and genuine love. The general public has no privileges to bargain with the individuals' wish or to manage the privileges of the individual as we just structure the society. Presently a-days, entomb standing relationships are slowly expanding in number on the grounds that the society has additionally begun to acknowledge it. On the off chance that moral values of the people are given consideration, there isn't anything incorrectly with respect to the general public in broadening welcoming hands towards between collective relationships. If anything goes in the correct manner, nothing can hinder it. They feel much for the person in question and the affected family who are abused by the society which bring about their clear future. A loss is a misfortune for ever and our country will be losing the strength of the young by honour killing. When they were examined concerning the wrong choice of the existence accomplice, they concurred that it was the parents' sole obligation to make their little girls understand their mix up and let them choose their future. Dominant part had the opinion that the opportunity has already come and gone that something should be never really honour killing.

**X. CONCLUSION**

With the help of this paper, the researcher wants to conclude that as effectively proclaimed by the honourable court that there isn't anything good in honour executing. In addition, this is the immediate infringement of basic liberties of an individual who by excellence of being a human have the fundamental inheritance of option to live. Furthermore, in instances of honour killings

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<sup>9</sup> <http://nlrd.org/wp-content/uploads/2012/01/Manoj-and-Babli.pdf>



infringement of the privilege by the family part and by and large by the dad or by the genuine sibling simply because of they don't permit their girl or female part to wed by her will. This is the offense of homicide by the individuals from family and direct infringement of essential basic liberties. Honour' killings have gotten ordinary in numerous pieces of the country, especially in Haryana, western U.P. also, Rajasthan. Frequently youthful couples who become hopelessly enamoured need to look for cover in the police lines or security homes, to keep away from the fury of kangaroo courts. We have held in Lata Singh's case 26(1) that there is not much in 'honour' killings, and they are only uncouth and merciless homicides by extremist, people with medieval personalities. As we would like to think honour killings, for whatever reason, come extremely close to most uncommon of uncommon cases meriting passing discipline. The time has come to stamp out these savage, primitive practices which are a slur on our country. This is vital as a hindrance for such ridiculous, ignoble conduct. All people who are wanting to execute 'honour' killings should realize that the scaffold anticipates them.

**SUGGESTION:**

- Media Campaign against Honour Killing
- Use of Media to remove strong social boundaries
- Movies needs to promote Equality
- Movies needs to promote woman as Decision Makers
- Movies needs to promote woman as Dominating
- TV serials needs to promote Equality
- Media Needs to stop showing Male Dominated Culture

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## **XI. BIBLIOGRAPHY**

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