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# Honour Killing: A Continuing Socio-Cultural Shame in the Developing, Advancing and Shining India

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## ABSTRACT

*Life is hopeless. No one knows the next minute of life. In this case, everyone has the right and desire to live the life they want. No one should be forced to live a life where others are valued and respected. Honor killing is the killing of a person who does not accept the family's marriage or who changes his marriage at his own request, by a man or woman on the grounds that it would harm the family's honor. Family law takes care of the family, but forgets the love and compassion felt for family members. For example, if the husband is from the lower class of society, he will eventually lower the status of the family, causing the men of the family to kill the girls. They should not forget that a girl's life is not about caste, caste is not important, what is important is the love and compassion for the child. Therefore, no one who violates the law will be free. So-called "murders" are more common in India than statistics and mainstream media reports suggest. Apart from under-reporting, these crimes are often treated as murder, torture and kidnapping under existing sections of the Indian Penal Code (IPC), making it difficult to detect and learn the facts and circumstances of these crimes.*

## I. INTRODUCTION

"Honour killing" – also known as "shame killing" – is the killing of people, most often the victim's family, to protect the "honour" and "honour" of the family in inter-caste contexts and inter-faith marriage or relationships. Although the victims are usually women, sometimes men/boys are also targeted. In some cases, victims also belong to the queer (lesbian, gay, bisexual and transgender) community.<sup>3</sup> The crime of respect has been considered a difficult and misunderstood issue for centuries. The concept of respect violence is flexible and varies across time, place, and social and teaching styles. Honor crime is defined as a form of behavior that affects all societies, cultures, religions and nations, manifests itself with various forms of

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violence, is not for personal gain or the good of the group, and cannot be eliminated.<sup>4</sup> Genocide is always unjust, illegal and a serious violation of human rights. It is illegal to take someone's life without reason. This is also inappropriate and illegal. The law guarantees the right to life and dignity of every citizen. Honor and life go together. The Indian constitution guarantees this right as a fundamental right. Everyone has the right to be protected from any danger to their life. Everyone has the right to choose. The right to thought is also an important part of protecting this right. Therefore, the right to marry and the right to freely choose a spouse are also included in the right to life. Depression and culture should not violate the right to live with dignity in society. However, killing people in the name of family honor is illegal, and the law provides for combating these injustices.<sup>5</sup>

The honour killings are more common in some northern states of India, such as Uttar Pradesh, Bihar, Rajasthan, Haryana, Jharkhand and Punjab, and in the southern regions, including Karnataka. According to the latest data from the National Crime Records Bureau (NCRB), the number of honor killings reported in India was 25 every year in 2019 and 2020 and 33 in 2021. However, these figures are based on reports and the figures may be higher. Murders are very common in Karnataka, including Mandya, Kolar, Tumakuru and parts of north Karnataka. At least seven dangerous incidents have been reported in the state from October 2022 to date. Senior advocate KBK Swamy said the phenomenon of honor killing in Karnataka is not new: The phenomenon dates back to the 12th century, the time of social reformer Basavanna, when family or consanguineous marriage was punishable by the punishment called "Mane Hoote". This involves connecting participants. In relationships between women (most women marry men of a "lower" caste than them) he steps on elephants and allows the elephants to roam the city killing their victims. The word "murder" is not mentioned in the law, and the reason why many cases go unreported is that people who commit the crimes are directly involved in the crime and will try to cover it up. Their thought is to think about the defendant. Such cases may not be made public immediately, but no crime is perfect. According to the police officers investigating these crimes, most of the murderers do not see the crime, and this causes interest to be accrued in the crime of murder. They believe they are doing something credible to protect the honor and dignity of their race, ethnicity, or religion; This explains why this crime was committed and received support from members of other groups linked to the criminals.<sup>6</sup>

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<sup>4</sup> Culture of Discrimination : A fact sheet on 'Honour' Killings – India Human Rights Report 2006

<sup>5</sup> Ghurye, G.S. Caste, Classes and Occupation, Popular Book Depot, Bombay-7, 1961, pp. 2-7.

<sup>6</sup> Caste based Honour killings in State on the rise : NGO, The Times of India, April 23rd 2012.

## II. WHAT POWERS HONOUR KILLINGS?

It is true that although India has progressed in many areas, honor killings based on human rights and family, tribal and religious pride are still a source of shame for India. In the piece titled "Murder", what is most important in the text is the "purity" of the family and the sense of "inheritance" of a relationship that increases the hatred of freedom the most.<sup>7</sup>

This means "removing the stigma and shame" associated with family members, especially women, by getting married or finding a "lower letter" life partner in the partner's life, according to the e-journal of Legal Services of India. this is considered a "contradiction" to their society. situation. This is based on fear of "interference" if the relationship is allowed, and there are families who are ashamed to allow girls to marry strangers, especially "inferior" people. Murder is nothing more than "planned murder" to protect the honor and prestige of a family and to prevent it from "falling into the eyes of members of the community".<sup>8</sup>

The stigma of honor killing stems from the complex socio-cultural distinctions that exist in society. In many cases, even those who marry within the same 'Gotra' are targeted because the society considers it an incestuous marriage. Dr., an assistant professor in the Department of Sociology, Mangalore University, hails from the Kolaga community. Sabitha Gundmi said: "It is shameful for upper-caste families that this child is born to two divorced parents. The children have no status. They are given derogatory names like 'Chandalas'. We need to create awareness."

A senior doctor in Bengaluru, who did not want to be named, said that the Perpetrators of honor killing see killing the 'wrong member' as a crime. The way to restore the reputation and honor of the family is that they do not think about the consequences. Criminals are the only people who can criticize similar behavior of other family members within their tribe/community and do not want to kill their own family members. or "respect" for his community. Even though there is no reason behind this misconception, it is brainwashing that drives people to commit suicide in the name of 'family honor'.<sup>9</sup>

## III. CAUSES OF HONOUR KILLING IN INDIA

1. People's thoughts - The main reason for the brutality or brutality of murder is the thought or opinion of people who are not ready to accept the truth or the fact that their children can

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<sup>7</sup> Puneet Kaur Grewal, Honour Killings and Law in India, 5 J.H.S.S. 28-31, 30 (2012), Available at <http://iosrjournals.org/iosr-jhss/papers/Vol5-issue6/F0562831.pdf?id=5903>. (Last accessed on 27/07/2016).

<sup>8</sup> Section 1, Articles 2,3,4,5 and 14 of ECPHR

<sup>9</sup> Dr. S. K. Kapoor "Human Rights under International Law and Indian Law" Pub. Central Law Agency, Allahabad, Fifth Edition 2011, p. 12

marry abroad as they wish. . caste or religion or same gotra or sapinda relationship.

**2. Rigid caste system** – Rigid system divides the entire society into different castes or classes. Indian society is divided into four groups: Brahmins, Kshatriyas, Vaishyas and Shudras (शूद्र). Indian people had an orthodox mind set so they had a conception or mindset that marriages are possible only in same community or caste therefore when inter caste marriage has been practiced, they consider it as shame upon the family name or reputation. Even Indian families are not ready to accept the inter- caste marriage and it is okay to kill and spend their life in prison but would not tolerate their kids marrying outside their caste or community. In 2014, a college student named Bhawna Yadav was brutally murdered by her own parents and maternal uncle for marrying her boyfriend, who belongs to different caste. According to the sources the girl was beaten up, strangled and hurriedly cremated. In Kanyakumari a Dalit boy was murdered by upper caste Hindus for being in love relationship with a woman from their community.

*Gudur Sandeep Reddy vs. Telangana*<sup>10</sup> - In this case, during an inter-caste marriage between a girl and a boy, a boy was killed by the girl's father and his relatives. The girl's family was not ready to accept the marriage in the family, so they decided to kill the boy to restore the honor or reputation of the family.

**3. Interfaith marriage** – is a marriage between two people of different faiths. Indian families are not ready to accept religious marriage. It is possible to kill someone and spend the rest of your life in prison, but they do not allow their children to marry a non-believer. In Meerut, a Hindu-Muslim couple was killed by the family of a girl from Hapur village. The reason for the murder was that the child belonged to a Hindu family and the girl went to the house of Muslim people.

**4. Ignorance and lack of awareness of their rights** - Most of the society does not know their rights and how to treat them, which is why honor killings are so common. Honor killing violates the fundamental rights of a person under Articles 14, 15(1) and (3), 21 and 39(b) of the 1950 Constitution of India<sup>11</sup>.

**5. No Legislation** - There is no legal definition of crime in India, but Sections 299 to 304 of the Indian Penal Code, 1860 prescribe various punishments for murder. Nowadays we must have strict laws to deal with murderers because it is an unforgivable crime because people have no right to punish a white person with death.<sup>12</sup>

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<sup>10</sup> CRIMINAL PETITION Nos.5819, 5939, 5961, 6095 & 6097 OF 2020

<sup>11</sup> AIR 1991 SC 207

<sup>12</sup> Bakshi, P.M., Constitution of India, (2018) 15th Edn., Universal Law Publishers, p. 142.

6. Before military murder, people were married in the same social gotra or sapinda and then killed by their family members or relatives to show respect. The lack of acceptance of homosexuality in Indian society leads to respect for murder due to lack of control.

7. Extramarital Affairs - In Indian society, for a spouse to have sexual intercourse with someone other than his/her spouse is considered immoral or immoral to do so as it is shameful to the name or reputation of the family, their maturity is questioned by everyone. members of one's own community or society. This situation causes the men in the family to commit crimes against the victim in order to regain their reputation.

8. Marriage in the same gotra - According to Hindu tradition or culture, a boy and a girl from the same gotra (ancestral lineage) are not allowed to marry as people belonging to the same gotra are considered brother and sister. Even the Hindu Marriage Act of 1955 did not allow marriage between members of the same Gotra and held that the marriage was void ab initio. When people are married into the same gotra or sapinda relationship and later killed by their families or relatives to protect their honour. In the Manoj-Babli case<sup>13</sup>, Manoj and Babli were killed by Babli's relatives because they got married in the same gotra. According to sources, the couple initially wanted to accept each other as siblings but they refused and were arrested for the murder of Babli's relative on the orders of the Khap Panchayat.

9. Homosexuality – refers to sexual intercourse or relationship between two persons of the same sex, such as a man and a man or a woman and a woman, but Indian society is not ready to accept homosexuality, leading to honor killing.

10. Lack of law enforcement - The main reason for the increase in honor killings is the inability of law enforcement to penetrate rural areas. Many people in India live in villages but do not have the right to access justice through the justice system.

#### **IV. NO LAW TO DEAL WITH 'HONOUR KILLING'**

Although honor killings are not encouraged or approved by some "honor" groups in the social group to which the perpetrator belongs, there is no specific law regarding honor killings. This crime is considered "murder". Unfortunately, the law defines "genocide" as murder; after all, it's not a larger conspiracy that kills innocent people with a certain level of social support.<sup>14</sup>

For example, in Haryana, this crime is supported by organizations such as Khap Panchayats. This gives an additional blessing to "honour killing". They ignore Articles 14 and 15 of the

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<sup>13</sup> Criminal Appeal No.479-DB of 2010 and Criminal Revision No.2173 of 2010

<sup>14</sup> Neeraja, P., Honour Killing – An instance to Human Kind, IJSR, Vol. 2, Nov. 2013, p. 489

Indian Constitution, which deal with equal rights and do not discriminate on the basis of religion, race, caste, gender or place of birth. Article 19 of the Constitution stipulates the right to freedom and Article 21 stipulates the right to life, which directly violates honor killing and the blessing of family elders. This also violates one's right to choose one's life partner, regardless of race or religion.<sup>15</sup>

The absence of a specific law on "murder" allows these crimes to be tried according to certain provisions of the Criminal Code. Indian Penal Code (IPC) means "murder" – 299-304 (murder and murder), 107-11 (condemned murder) and 120A and 120B (criminal mischief). As a result, the stigma of "murder" remains unchanged even when it supports the interest of "protecting the honor" of the murderer because of the family, race, or community they affect.

The Supreme Court agreed in 2006: "Sometimes we hear about 'honor' killings of people who agreed to marry or perform a religious ceremony. The brutal and shameful murder committed by feudal fanatics deserves severe punishment, but we can stop this heinous crime."

It noted "We believe that the threat or abuse of violence is absolutely illegal and those who do so should be severely punished. This is a free and independent country and you can marry anyone you like. If the parents of a son or daughter cannot agree on inter-caste or inter-caste marriage, the most they can do is to sever ties with their son or daughter, but they cannot prevent the person from entering into such a marriage."

## **V. INDIAN LEGAL FRAMEWORK OF HONOUR KILLING**

The Indian Constitution:

The main governing document is the Constitution of India, which plays an important role in implementing the rule of law and protecting the rights of citizens. The provisions of the Constitution that provide protection against murder are as follows:

1. Article 14 (Right to Equality),
2. Section 15(1) and (3) (prohibition of discrimination based on religion, race, ethnicity, sex or place of birth),
3. Section 17 (Removal of Immunity),
4. Article 19(1) (Freedom of speech and expression)
5. Article 21 (Right to life and personal liberty).

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<sup>15</sup> Very recently the Union Government Farm laws opposed by Farmers with support Khap.

**The India Penal Code, 1860 and Code of Criminal Procedure, 1973:**

As we mentioned before, honor killing is considered murder. Although it is difficult to identify the perpetrator because murders are often protected by society, this is desirable. The offender may also invoke Section 300 of the Indian Penal Code, 1860, to defend against the opinion that he has acted with great and sudden violence without any prior intent or consent. The victim's behavior made him feel that he could not control himself and did what he saw in his eyes, which was an insult to the family. Article 300 of the Criminal Code, Article 302 murder and its punishment, Article 304, Article 307 attempted murder, Article 120A and Article 120, as well as most of the purposes of Articles 34 and 35, are also to measure the crime of murder against murder. has been talked about. Murder (Section 302 of the Indian Penal Code) and murder are the same category under which this murder is registered (Section 304 of the Indian Penal Code).

**Indian evidence Act, 1872**

When a case needs to be proven, it must be built on the basis of the Indian Evidence Act, 1872, which punishes persons involved in concealing the truth before, during or after an alleged crime. Article 13 of the Law deserves special mention in terms of helping to understand the murder.<sup>16</sup>

**The Indian majority Act, 1857**

The law addresses the issue of the age of majority for legal purposes; According to Article 3, every person in India becomes an adult when he reaches the age of 18 years, unless otherwise provided by law. otherwise. If a guardian is appointed for this child; However, the legal age of majority is 21, not 18. In the case of murder, the law applies when khap panchayats forcibly separate spouses who are unfit for marriage due to age or other reasons. Thus, it helps create the attitude that Khap panchayat members do not care about the laws of the country. Such situations are against this law.<sup>17</sup>

**Hindu Marriage Act, 1955:**

Section 5 of the Hindu Marriage Act, 1955 lays down the basic standards of legal marriage. These rules provide for legal marriage; Some restrictions on contact need to be maintained. Both civil and criminal law protect intermarriages by providing adequate remedies in civil law and harsh punishments for criminal acts in criminal cases. The constitution does not provide for the selection of marriage partners, stating that marriages within the family of Hindus are permitted.

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<sup>16</sup> Law Commission Report – 232nd Report on Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition) : A suggested Legal Frame work, August 2012, pp. 16-19.

<sup>17</sup> Ranbir Singh, Amendment to Criminal Law, Published by National Law University, Delhi (2013).



**Special Marriage Act, 1956:**

The Act deals with private marriages of Indian citizens irrespective of their caste, class and religion. Recognition and registration under the law can facilitate the development of family marriages. Since India's marriage system is strictly legal, more family marriages are registered in urban India than in rural areas. The bill states that two parties should not be in a limited relationship, but marriages will be formalized even if they are in a limited relationship, for example, if the tradition of at least one party allows marriage between them.

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

The Parliament of India passed this act to prevent the problem of atrocities against scheduled castes and scheduled tribes. The main purpose of the bill is to facilitate the integration of Dalits into mainstream Indian culture. Attacking, insulting and dishonoring SC/ST women, raping SC/ST women and alienating SC/ST women from their family or village are acts of violence. The bill was framed with the understanding that this was about murders, as a large number of murders occur and hatred and religion are at the root of the crime. Protection of Women through Domestic Rights Act, 2005<sup>13</sup> The provisions of the Protection of Women through Domestic Rights Act, 2005 provide better protection to the guaranteed rights of women granted by the Constitution of India. All of these women appear to have been victims of some form of abuse occurring within the family and related events or circumstances.

**Protection of Human Rights (Amendment) Act, 2006:**

This Act mandates the protection of all human rights and establishes commissions and courts to achieve these goals. Despite these laws, honor killings are still common and result in serious crimes against humanity.

**VI. INITIATIVES TAKEN AGAINST HONOUR KILLING**

According to the United Nations Population Fund, approximately five thousand women and girls worldwide are killed by their families and relatives in honor killings. If we try to trace the beginning of the murder debate, we see that the issue of honor killing was first brought up in the Parliament in 2009.

1. The Bundestag is the organization in which this debate takes place. In July 2009, members of both parties discussed the issue and exchanged ideas on a law that would address honor killings.

2. In March 2010, the Karnal district court passed a historic verdict in the Manoj and Babli honor killings and sentenced the Khap Panchayat leader to life imprisonment. According to the judge, Khap Panchayat is trying to break the law and take the law into its own hands.

3. The decision led to the content being sent to the Ministry of Law, which issued specific guidelines in 2010. The prayer is titled "Indian Penal Code and Other Amendments, 2010". The baseline established in practice focuses more on crimes, especially honor killings, and completely ignores the details of abuse against young couples.

4. In August 2010, the legal committee of the All India Democratic Women's Association (AIDWA), along with other women's organisations, prepared a comprehensive document titled Legislation for the Prevention of Violence in the Name of Honor and Dignity and its submission to the government. This bill fills the gaps left by previous legislation, including crimes against young couples, and introduces a range of non-homicide offences, including preventive measures and penalty levels.

5. The Legislative Council of India presented its own version of the bill in its 242nd report in 2012. This bill is seen as a preventive and restrictive way to prevent honor killings. This bill is called the 'Interference with Freedom of Marriage Union' Bill 2011' and its main focus is on 'illegal unions' called 'Khap Panchayats'. Bills are awaited.

6. In March 2018, the Supreme Court of India introduced measures to prevent criminal activities. These policies are designed to comply with applicable laws. Although the Supreme Court has given a recommendation, it seems that a suitable and strict law should be passed without delay, as delay in the administration of justice will be a substitute for justice. Only then can a real measure of protection be achieved.

## **VII. DISAGREEMENTS AGAINST THE NEED FOR NEW LAW**

It is generally believed that we Indians provide legal protection and surprisingly laws in the form of Rules or Regulations are sufficient to provide protection and what cannot be used in the usage and management policy.<sup>18</sup> Explaining the above legal site, it appears that even today we are equipped to deal with the threat of murder, even though there is no specific law recognizing and prosecuting killing people. This can be done if existing laws on murder are properly implemented and perpetrators are punished. Elegant language deferring to killing should not influence our judgment that the criminals here would be more dangerous if they showed no mercy to their daughters or sons, followed by the threat that the third party was a stranger.<sup>19</sup>

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<sup>18</sup> PTI New Delhi, dated 04-03-2015

<sup>19</sup> Culture of Discrimination : A fact sheet on 'Honour' Killings – India Human Rights Report 2006.

Face the evil of these criminals. In order to punish the crime of murder under Article 300 of the Indian Penal Code, first of all, the police must be weak and stricter under the law. They should focus on collecting sufficient evidence, proof of crime or fatwa from relatives (especially khap panchayats). The offender will also be charged and punished with criminal conspiracy and multiple counts of intent to murder under Section 120-B of the Indian Penal Code and Sections 34 and 36 of the Indian Penal Code, 1860. The proposed law may not be in a satisfactory state, but it has the potential to be resolved in its current legal form if implemented in accordance with the guidelines laid down by the Supreme Court. It is discussed that new laws are needed and suggestions are being evaluated in some areas, but there is no law or punishment to stop the perpetrators of murder. Deep ideas of domination of women as objects, property, or figures of honor were undermined by the need for change in social thought. Moreover, we did not stop our efforts under the umbrella of cultural needs; The new rules will not come into force. Legislation must be enforced and state police officers must be licensed and trained. The best way to eradicate this evil is to raise public awareness and awareness of the problem wherever possible. Secondly, even if there is a specific policy and it focuses on a specific problem, the policy still cannot prevent this behavior because there is a flaw in the social context, such as rape laws, laws regarding the crime of rape are being reintroduced. . After some horrific rape cases in India, Indian laws have changed and become stricter, but they still fail to protect against sexual crimes. crime of rape. Call from time to time to order. This means that a different law does not need to be valid merely by its existence; what is required is primarily the will and sincerity in implementing the law.

### **VIII. INDIAN SUPREME COURT'S VIEWS ON HONOUR KILLINGS**

The Court of India is one of the institutions that has earned great respect for its philanthropic contributions. The people of India have hopes and expectations for the Temple of Justice. The journey of over 70 years has led to great results for management. The judiciary acts as a facilitator of peace by promoting harmony, balance and cooperation among all branches of government. The initial stages may be strict, decisions may be made only according to the law, rules and regulations may be interpreted, but over time decisions broaden their scope, giving rise to criminal provisions. As architects of justice, judges use scientific, procedural, technical and methodological methods to make decisions, expand the scope of fundamental rights and provide protection and platform for all regulations. Women, children, social work, prisoners' suffering, social class and re-education, legal environment, etc. Paying special attention to the issues, he took many decisions and issued many directives to protect the human dignity and human rights of Indians. The sensitive issue of honor killings has also been represented in the

recommendations of the Supreme Court. While India's promises may be small and dubious, honor killings are still a reality in India. According to research published by the National Crime Records Bureau, there were at least 281 violent incidents between 2014 and 2016. These warnings paved the way for a landmark judgment declaring that abuse of honor was not only a crime but also a violation of Article 21 and Article 19(1)(a), the fundamental right of adults to exercise their right to choose as protecting the right to live with dignity and the right to freedom of expression.<sup>20</sup> Therefore, the freedom to choose a spouse for a life partner has become an important right. *Shafin Jahan v. Asokan K. M.* (commonly known as the "Hadiya case"), Hadiya and Shafin Jahan were ordered to marry on 8 March 2018, Justice D Y Chandrachud ruled. The decision was in favor of Hadiya. Supreme Court Chief Justice Justice Deepak Mishra is hearing the case; The current judges are Justice Ajay Khanwilkar and Justice Dhanjay Chandrachud. Hadiya is a Hindu woman married to a Muslim man, in which case she converted and changed her name to Islam. Hadiya's family challenged her marriage in court. Even though he was 25 years old, the Supreme Court approved his father's custody and gave it to him. Due to this incident, the phrase "love jihad" was also popularized in the media. The Supreme Court validated her marriage, using the freedom to choose her religion and life partner as fundamental rights, thus eliminating the tension between the parents in the name of family respect.<sup>21</sup>

## **IX. CONCLUSION**

Honor killings are carried out to protect the honor and dignity of the family. But there is no respect in killing people, especially someone close to him; There is no doubt that it is not necessary. Since religion and law are always subjective and open to interpretation, the boundary between "religion" and "culture" cannot and should not be used as an exception as punishment for killing a woman or any other person.<sup>22</sup> Everyone has the right to dignity and justice. Therefore, proactive policies are the only way to combat these injustices. No religion or culture can justify this heinous act of murder. Freedom of religion does not mean the right to kill. Many crimes and misdemeanors were reported to judges, but few criminals escaped due to weak law enforcement. The most frequently cited shortcoming is the lack of clear rules or regulations regarding murder in Indian law. If existing laws and legal standards are applied, we can still be effective in protecting some precious lives. More laws are not enough to eliminate the threat of

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<sup>20</sup> Ranbir Singh, *Amendment to Criminal Law*, Published by National Law University, Delhi (2013).

<sup>21</sup> *Jyoti alais Jannat and another v. State of UP and others*, 2003(4) AWC 2844.

<sup>22</sup> *Caste based Honour killings in State on the rise* : NGO, The Times of India, April 23rd 2012.

honor killing. Let us use the great rules with great caution. The law can only help punish criminals, and crime itself can only be eliminated by reorganizing people's philosophy.

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