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# Honour Killing as a Crime in India

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DR. SMITA SATAPATHY<sup>1</sup>

## ABSTRACT

*Life is unforeseeable and every human being has the right and ability to live life according to their willingness. No person shall, for the good and name of another, be compelled to live a life. In such a scenario, Honour Killing is killing a person, maybe a male or a female, who does not embrace the family's arranged marriage or decides to transfer her marital life according to her or his wish only because it takes the family's honour down. The family's supreme authority looks after the family's reputation, but forgets to care of the warmth and respect exchanged with the family members. The present paper discusses the legal provisions to deal with the crime of honour killings in India.*

**Keywords:** *Life, Honour, Crime, Honour killings, Law.*

## I. INTRODUCTION

In the name of honour killing barbarism exists. An honour killing is the murder of a member of a family or social group by other members, due to the belief of the perpetrators that the victim has brought dishonour upon the family or community. The data on honour killings is systematically not collected by many countries. In majority of the nations, these killings are registered and reported as suicides or accidents by the family members. In India, culture plays an important role and people are society conscious. The cultures and tradition are deeply rooted and people in India live up to the dignity, prestige, status and so called honour of their family. When any female member of the family marries in a low caste family then it is considered that she brought dishonour to the family and the girl's family in regard to save their honour involves in honour killings.

Human Rights Watch defines "Honor killings are acts of vengeance, usually death, committed by male family members against female family members, who are held to have brought dishonor upon the family." Honour killing is stated as a death that is awarded to a woman of the family for marrying against the parent's wishes, marrying within the same gotra or outside one's caste or having extramarital and premarital relationships, or marrying a cousin from a different caste. The particular family member who brought shame to the family's prestige, honour and reputation are murdered by other family members and its known as 'honour killings'.

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<sup>1</sup> Author is an Assistant Professor at Alliance School of Law, Alliance University, Bengaluru, India.

The primary justification for committing an 'honour killing' is the conviction that a family member has defamed the family. For various households, the dishonour can take many different forms. The perceived dishonour is typically the result of the following behaviors, or the suspicion of such behaviors, including dress codes that are unacceptable to the family or community, wanting to end or prevent an arranged marriage, wanting to marry of one's own choosing, engaging in specific sexual acts, including those with the opposite or same sex, etc.

The caste system's continued rigidity and the refusal of people from rural areas to alter their views on marriage are the two most obvious reasons why this practise will likely continue in India. Additionally, patriarchy dominates culture in our nation. Men are expected to uphold these standards and customs and guard against dishonour to the family and the masculine honour. Women are supposed to always act honourably. This interpretation of the idea legitimises aggression against women as well as all socially enforced restrictions on how they should behave.

## **II. ISSUES**

The cases of honour killing have been increasing in recent times and there is a lot of panic spread among the young generation and couples who are married in the current scenario, as the State has become silent observers and some of them intend to get married so that those young lovers can suffer at the hands of such feudal powers. The pressures are so extreme at times that couples turn to commit suicide. The cases of honour killings have come to light in recent years where couples are murdered, mockingly humiliated in public and announced as brothers and sisters. From the society and their community the couples have faced societal obstacles. Most have been killed following torture in a cold blooded murder. Women are seen as property in India, with its patriarchal culture, considered as a vessel of family's honour. If the girl by any of her act brings dishonour to the family's reputation or tries to stain the family's honour then it becomes an absolute right of other family members to make it right by killing her and undoing her wrongs.

The social order in India is based on a hierarchy of castes, but people living in the cities, over the years have already moved on from these hierarchical caste systems. The number of inter-caste marriages between couples in cities has been increasing. In reality, in such matters, the government supports those above the age of eighteen. But still, it seems like the regulations seldom reach the villages, and they continue to work under their own moral framework. In the villages, the problem is the powerful involvement of a panchayat or informal court consisting of members of the same caste and ruling on all problems pertaining to their community. This

informal court in the form of panchayat passes judgement on marriage related disputes or issues relating to land or water disputes and so on. Most of the times, the villagers neglect the judgments passed by the local courts and give more importance to the judgments passed by this informal self-appointed courts. The chief of the self-appointed court has so much influence in many villages that the police are kept away from village politics. Upon many instances, in the name of honour, parents murder and dispose their children's bodies and the police are not even contacted. And that is why there are so many deaths that are unrecorded. These panchayats are busy seeking changes to the Hindu Marriages Act, which will effectively legalise the draconian, casteist diktats of the khap panchayats, at a time when progressive parts of society demand stern action against perpetrators of 'honour killings' and 'khap panchayats'. There is, however, an urgent need for strict and efficient legislation against these khap panchayats; who tries to control the independence on love marriages among the young couples.

### **III. LEGISLATIVE PROVISIONS**

There are ample statutory provisions that substantiate the issues of honour killings in India:

- Honour killings are homicide and murder related cases that are serious offences under the Indian Penal Code (IPC). The IPC's Sections 299 and 301 deal with culpable homicide not amounting to murder, while Section 300 deals with murder. Honor killing leads to violence and murder because the crimes are carried out with the intention of killing the victims as they have reportedly dishonoured the family. The offenders can be punished as per Section 302 of the IPC. The family members or the khap panchayats can also be booked under Section 302 of IPC for instigating suicide those who transgress the so called norms of the community.
- The Constitution of India encourages a person to practise his/her preference irrespective of caste, religion or gender and freedom from honor-related crimes, including honour killings. Such Honour Killings also violates Articles 14, 15 (1) & (3), 17, 18, 19 and 21 of the Constitution of India. Article 14 of the Constitution of India provides the right to equality before the law or the equal protection of the laws to every person. Every person, whatever maybe his or her status is subject to the jurisdiction of the ordinary courts. Honour Killings are thus repugnantly against this very Constitutional Right provided for the protection of Indian citizens. Honour killings are mainly directed towards women and thus give rise to gender violence. Honour killings involve the murder of a particular person especially a woman and thus come under the ambit of violation of Article 19 and Article 21 of the Indian Constitution. Under the name of saving the honour of the family,

such cruel murders, are evidently against the Constitutional provisions enshrined in Article 21.

- The Indian Majority Act, 1857 under Section-3 states that any person domiciled in India must reach the age of majority at the age of 18 years and not before. Unless otherwise stated by a specific personal law, any person domiciled in India is considered to have attained a majority at the age of 18 years. In cases where the khap panchayats have forcibly split married couples of eligible age to get married, this Act is applicable.
- The key reason behind the enactment of the Special Marriage Act of 1954 was to provide the planned marriage for the people of India and all Indians living in foreign countries with a special form of marriage, regardless of the religion or faith practised by either side.
- In order to stop atrocities against scheduled castes and scheduled tribes, the Parliament of India passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The aim of the Act was to contribute to the social integration of Dalits in Indian society. It describes acts such as compelling a SC/ST to eat or drink some inedible or obnoxious material, removing clothes, parading nude or painted face or body, assaulting, dishonouring and outraging a SC/ST women's privacy, sexual harassment of a SC/ST woman, forcing a SC/ST to leave his or her house or village as punishable. The Act is related to honour killings as there are several honour killing cases linked in relation to caste, creed and religion.
- The Indian Evidence Act, 1872 makes provision to punish those who conceal facts, either before or at the time of, or after the alleged crime. "Article 13 of the Act: Facts relevant when right or custom is in question - Where the question is as to existence of any right or custom, the following facts are relevant: (a) Any transaction by which the right or custom in question was created, claimed modified, recognized, asserted or denied, or which was inconsistent with its existence; (b) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted, or departed from." The Act is pertinent to apply to the verdicts issued by the khap panchayats and to bring justice to those who became victims of those judgments.

#### **IV. LAWS ON HONOUR KILLINGS**

There is no specific law for honour killing yet in India, till date the culprits are punished under

**Section 302 of Indian Penal Code.** “In 2011, the Law Commission of India, under the Ministry of Law and Justice, drafted a new bill—**The Endangerment of Life and Liberty (Protection, Prosecution and Other Measures) Act**—designed to prevent *khap panchayats* from denouncing couples who violate caste restrictions. The reason and objective for this Act are to stop evil practices of honour killings and related crimes and safeguard the lives of people who might be endangered because of the existence of *khap panchayat* and related institutions.” According to the bill, “It shall be unlawful for any group of persons to gather, assemble or congregate with the ... intention to deliberate, declare on, or condemn any marriage or relationship such as marriage between two persons of majority age in the locality concerned on the basis that such conduct or relationship has dishonored the caste or community or religion of all or some of the persons forming part of the assembly or the family or the people of the locality concerned.”

Terming the practice of *khap panchayats* of handing down punishment to couples who go for *sagotra* or inter-caste marriage as ‘flagrant violation’ of the law and to examine the issues relating to “honour killings”, the Law Commission of India on August 2012 via Report No. 242 titled “**Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework**” came up with a draft legislation which seeks to make such acts a non-bailable offence. “The draft **Prohibition of Unlawful Assembly (interference with the freedom of matrimonial alliances) Bill, 2011** says that offences under the Act will be cognizable, non-bailable and non-compoundable. The draft bill proposes that offences under the Act will be tried by special courts to be headed by a Sessions Judge or an Additional Session Judge. The special courts, to be set up by states in consultation with the High Courts, will have the power of a Sessions Court.”

## V. CONCLUSION

Honour killing is considered as a shameful act and filthy behaviour by the family members to bring back purity to the family’s so-called honour. If any person in the family is not satisfied with the marriage of young men/women, cutting off the social relationship with them is the best they can do and killing in the name of honour does not earn the family any respect. The notion ‘honour killing’ is a pointless trend that is being much hyped by the ignorance of the media which discuss it more and more, allowing more and more ignorant people to get to know about other killers. What is the honour in seeing someone killed in the name of honour? Killings add a lifetime of guilt to the family. It must be understood by the whole society that together they should stop the atrocities against couples and against anyone. Honour killing is done for saving

the honour of the family, but after doing a horrible act in the name of honour do you think family is able to save their honour. The fundamental principle should be Live and Let others Live.

*Few Suggestions to prevent Honour Killing-* Firstly; the mentality of the people has to change; means the parents should accept their children's wish regarding marriage as it is they who have to lead a life with their life partners. Secondly, we need to have a new law on honor killings which needs to be strict to tackle these kinds of killings as this is a crime which cannot be pardoned. Thirdly, special fast track courts need to be established to deal with exclusive cases on honour killings. And lastly, the states should take all precautionary measures to curve Honour Killings and the government should take proactive steps to come out with various help lines numbers and special cell where such couples can approach the administration for protection.

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## VI. REFERENCES

- 1- A M. Kalnawat, "Indian Legal Framework on Honour Killing", Symbiosis Law School Nagpur Multidisciplinary Law Review, Volume 1 Issue 1 (2021), pp.1-25, ISSN 2583-1984 (Online)
- 2- A. Mishra, "Honour Killings: The Law it is and The Law it ought to be", 2010, url: <http://www.manupatra.com/roundup/337/Articles/Honour%20Killing.pdf>
- 3- A. Verma, "Khap panchayat: informal justice vs formal justice," 2020, url: <https://blog.ipleaders.in/khap-panchayat-informal-justice-vs-formal-justice/>
- 4- Hosseini, Seied and Basavaraju, "Study on Honor Killing as a Crime in India-Cause and Solutions," International Journal of Preventive Medicine, 2015
- 5- K. Dhull, "Honour killing in India," International Journal of Advanced Educational Research, Vol. 2, No. 6, pp. 417-422, 2017
- 6- K. Kaushal, "No Honour in Honour Killing: Comparative Analysis of Indian Traditional Social Structure vis-à-vis Gender Violence," Antyajaa: Indian Journal of Women and Social Change, 2020
- 7- Law Commission of India on August 2012 via Report No. 242 titled "Prevention of Interference with the Freedom of Matrimonial Alliances (in the name of Honour and Tradition): A Suggested Legal Framework", url: <https://lawcommissionofindia.nic.in/reports/report242.pdf>
- 8- P. K Grewal, "Honour Killings and Law in India," IOSR Journal of Humanities and Social Science, Vol. 5, No. 6, pp. 28-31, 2012, url: <http://www.iosrjournals.org/iosr-jhss/papers/Vol5-issue6/F0562831.pdf>
- 9- P. Sen, Crimes of honour: Violence against Women. 2005.
- 10- R. Preethi and Dr.A.Sreelatha, "Honour Killing in India," International Journal of Pure and Applied Mathematics, Vol. 120, No. 5, pp. 1527-1537, 2018, url: <https://acadpubl.eu/hub/2018-120-5/2/146.pdf>

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