

## **SOCIO-LEGAL DIMENSIONS OF HONOUR KILLING IN INDIA**

**Dr. Swapna Bijayini**

Asst. Professor

Capital Law College, Madhusudan Law University, Cuttack, Odisha

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### **ABSTRACT**

Honour killing represents a grave violation of human rights and constitutional values in India, rooted in deeply entrenched socio-cultural norms related to caste, gender, and family prestige. The present study examines the socio-legal dimensions of honour killing, emphasizing its causes, legal framework, judicial responses, and preventive measures. The research identifies that honour killings primarily arise due to inter-caste and inter-religious marriages, resistance to patriarchal norms, and assertion of individual autonomy, particularly by women. Despite constitutional guarantees under Articles 14, 15, 19, and 21, such practices persist due to weak enforcement, societal pressures, and absence of specific legislation. The judiciary has consistently condemned honour killings, recognizing them as barbaric and unconstitutional, and has issued guidelines to curb such crimes. However, lack of witnesses, social complicity, and loopholes in existing laws hinder effective prosecution. The study concludes that legal reforms, combined with social awareness and institutional mechanisms, are essential to eliminate this practice. A multidisciplinary approach involving legal, educational, and policy interventions is necessary to protect individual liberty and dignity in a democratic society.

### **Keywords**

Honour Killing, Human Rights, Constitutional Law, Khap Panchayats, Individual Autonomy, Gender Justice, Criminal Law, Social Norms, Inter-caste Marriage, Legal Reform

### **INTRODUCTION**

Honour killing refers to the act of murdering an individual, usually a woman, for allegedly bringing dishonour to the family or community. These acts are often justified by perpetrators under the pretext of preserving social norms and cultural values. Common triggers include inter-caste or inter-religious marriages, premarital relationships, refusal of arranged marriages, and assertion of independence. In India, honour killings are reported predominantly in states such as Haryana, Punjab, Rajasthan, and Uttar Pradesh. The absence of direct witnesses and societal acceptance complicates the prosecution of such crimes. Despite being punishable under general criminal law, the lack of a specific legal framework weakens deterrence.

Recently, there has been a spate of honour killing in the country. Such killings result from the perception that the defence of honour justifies killing a person whose behaviour dishonours their own clan or family. The usual remedy to such murders is to suggest that society must be prevailed upon to be more gender-sensitive and shed prejudices of caste or class. The causes of honour killing are diverse in nature and vary from society to society. These causes are loss of virginity outside marriage; premarital pregnancy; infidelity; having unapproved relationships; refusing an arranged marriage; asking for divorce; demanding custody of children after divorce; leaving the family or marital home without permission; causing scandal or gossip in the community, falling victim to rape and etc. But equally, it should be made clear that there is no escape for those who take justice into their own hands. So far, there is no specific law to deal with honour killings. The murders come under the general categories of homicide or manslaughter. Generally in such type of killings eye-witnesses are not forthcoming to support the case of the prosecution. This is a biggest problem before the investigating agency and the

Court while dealing with such type of cases. In such cases where the witnesses of honour killing become hostile, a heavy duty is cast on the Court to closely scrutinize the evidence in order to reach to the truth. It is the duty of the Court to separate the grain from the chaff. The Court is to ensure that no innocent person be punished. The Court is also equally has to take care that no guilty person escaped the punishment. It is further the duty of the Court to ensure fair trial.

## 2. CONCEPT AND CAUSES OF HONOUR KILLING

Honour killing is a socio-cultural phenomenon wherein an individual, most often a woman, is killed by family members or community groups for allegedly bringing “dishonour” to the family, caste, or community. The concept is deeply embedded in patriarchal ideology and hierarchical caste structures that prioritize collective reputation over individual rights. In the Indian context, honour is closely associated with control over women’s sexuality, marital choices, and conformity to traditional norms. Such killings are not spontaneous acts of violence but are often premeditated and socially sanctioned within certain communities. As observed in socio-legal analyses, honour killing represents a conflict between constitutional morality and social morality, where the latter continues to dominate in many regions (Sharma and Gupta, 2018).

One of the most prominent causes of honour killing is inter-caste and inter-religious marriages, which challenge the rigid caste system and religious boundaries prevalent in Indian society. When individuals choose partners outside their caste or religion, it is perceived as a direct threat to the purity and continuity of the community lineage. Families often consider such unions as acts of rebellion, leading to extreme reactions, including violence. Empirical studies indicate that a significant proportion of honour killings in northern India are linked to such marriages, especially in states like Haryana, Uttar Pradesh, and Rajasthan (Kumar and Singh, 2021).

Another critical factor is the prohibition of same gotra marriages, particularly among certain communities in North India. Gotra, being a marker of lineage, is treated as equivalent to kinship, and marriages within the same gotra are considered incestuous by traditional norms. Despite lacking legal backing under modern law, such beliefs continue to be enforced by community institutions. Violations of these norms often provoke severe backlash, as they are seen as undermining ancestral customs and social order (Verma, 2019).

Premarital relationships and pregnancy also serve as significant triggers for honour-based violence. In patriarchal societies, female chastity is closely linked to family honour, and any deviation from prescribed sexual norms is perceived as a moral transgression. Premarital intimacy, whether consensual or not, is stigmatized, and in extreme cases, victims of sexual assault are also targeted for honour killings. This reflects the deeply entrenched gender bias, where women bear the burden of maintaining familial prestige (Agarwal, 2020).

The refusal of arranged marriages is another major cause. Traditional Indian families often exercise control over marital decisions, viewing marriage as a social contract rather than an individual choice. When individuals, particularly women, reject arranged alliances, it is interpreted as defiance of parental authority and societal expectations. Such resistance is often met with coercion, violence, or even *हत्या* in the name of restoring honour. This highlights the tension between individual autonomy and collective control (Mehta and Rao, 2017).

Similarly, divorce or assertion of autonomy, including decisions related to separation, remarriage, or independent living, can provoke honour-based violence. Women who seek divorce or attempt to exercise independence are often stigmatized as threats to patriarchal control. Their actions are perceived as dishonouring the family, especially in conservative communities where female obedience

is highly valued. Such attitudes underscore the systemic denial of women's rights and agency (Kaur, 2018).

Family and community pressure further exacerbate the situation, as honour is not viewed as an individual attribute but as a collective possession. Extended family members, relatives, and community leaders often participate in or endorse punitive actions against those who deviate from social norms. This collective mindset creates an environment where violence is normalized and even justified. The fear of social ostracism and loss of status compels families to conform to regressive practices, perpetuating the cycle of honour killings (Singh and Pandey, 2020).

A significant institutional factor contributing to honour killings is the role of Khap Panchayats, which act as informal caste-based councils in certain regions. These bodies often issue diktats against marriages that violate traditional norms and may incite or legitimize violence. Although they lack legal authority, their influence remains strong due to social acceptance and political patronage. The Law Commission of India has recognized such assemblies as unlawful when they interfere with the fundamental rights of individuals, particularly the right to choose a life partner.

In conclusion, the causes of honour killing are multifaceted, encompassing social, cultural, and institutional dimensions. They reflect a deep-rooted conflict between traditional norms and modern constitutional values such as equality, liberty, and dignity. Addressing these causes requires not only legal intervention but also a transformation in societal attitudes, particularly concerning gender roles and individual autonomy.

### **3. SOCIAL AND LEGAL ASPECTS OF HONOUR KILLING**

According to Indian Constitution, honour killing violates Article 14(Right to Equality), Article 15(1) and (3) (prohibition of discrimination on grounds of religion, race, caste, sex or place of birth), Article 17(Abolition of Untouchability), Article 19(1) (freedom to speech and expression) and Article 21(right to life and personal liberty).

As far as India is concerned, "honour killings" are mostly reported from the States of Haryana, Punjab, Rajasthan and U.P. Bhagalpur in Bihar is also one of the known places for "honour killings". Even some incidents are reported from Delhi and Tamil Nadu. Marriages with members of other castes or the couple leaving the parental home to live together and marry provoke the harmful acts against the couple and immediate family members. From the newspaper reports, and reports from various other sources, it is clear that the honour crimes occur in those States as a result of people marrying without their family's acceptance and for marrying outside their caste or religion. Marriages between the couple belonging to same Gotra have also often led to violent reaction from the family members or the community members. The Caste councils or Panchayats popularly known as 'Khap Panchayats' try to adopt the chosen course of 'moral vigilantism' and enforce their diktats by Quoted in Anver Emon's Article on Honour Killings assuming to themselves the role of social or community guardians."

The Law Commission had prepared a draft Bill and while adverting to the underlying idea of the provisions of the draft Bill, it has stated:-

"2.8 The idea underlying the provisions in the draft Bill is that there must be a threshold bar against congregation or assembly for the purpose of objecting to and condemning the conduct of young persons of marriageable age marrying according to their choice, the ground of objection being that they belong to the same gotra or to different castes or communities. The Panchayatdars or caste elders have no right to interfere with the life and liberty of such young couples whose marriages are permitted by law and they cannot create a situation whereby such couples are placed in a hostile environment in the village/locality concerned and exposed to the risk of safety. Such highhanded acts

have a tendency to create social tensions and disharmony too. No frame of mind or belief based on social hierarchy can claim immunity from social control and regulation, in so far as such beliefs manifest themselves as agents of enforcement of right and wrong. The very assembly for an unlawful purpose viz. disapproving the marriage which is otherwise within the bounds of law and taking consequential action should be treated as an offence as it has the potential to endanger the lives and liberties of individuals concerned. The object of such an assembly is grounded on disregard for the life and liberty of others and such conduct shall be adequately tackled by penal law. This is without prejudice to the prosecution to be launched under the general penal law for the commission of offences including abetment and conspiracy.

2.9 Given the social milieu and powerful background of caste combines which bring to bear intense pressure on parents and relatives to go to any extent to punish the ‘sinning’ couples so as to restore the community honour, it has become necessary to deal with this fundamental problem. Any attempt to effectively tackle this socio-cultural phenomenon, rooted in superstition and authoritarianism, must therefore address itself to various factors and dimensions, viz, the nature and magnitude of the problem, the adequacy of existing law, and the wisdom in using penal and other measures of sanction to curb the power and conduct of caste combines. The law as it stands does not act either as a deterrence or as a sobering influence on the caste combinations and assemblies who regard themselves as being outside the pale of law. The socio-cultural outlook of the members of caste councils or Panchayats is such that they have minimal or scant regard for individual liberty and autonomy.”

Highlighting the aspect of autonomy of choices and liberty, the underlying object of the proposed Bill as has been stated by the Law Commission reads as under :-

“4.1 The autonomy of every person in matters concerning oneself – a free and willing creator of one’s own choices and decisions, is now central to all thinking on community order and organization. Needless to emphasize that such autonomy with its manifold dimensions is a constitutionally protected value and is central to an open society and civilized order. Duly secured individual autonomy, exercised on informed understanding of the values integral to one’s well being is deeply connected to a free social order. Coercion against individual autonomy will then become least necessary.

4.2 In moments and periods of social transition, the tensions between individual freedom and past social practices become focal points of the community’s ability to contemplate and provide for least hurting or painful solutions. The wisdom or wrongness of certain community perspectives and practices, their intrinsic impact on liberty, autonomy and self-worth, as well as the parents’ concern over impulsive and unreflective choices – all these factors come to the fore-front of consideration.

4.3 The problem, however, is the menacing phenomena of repressive social practices in the name of honor triggering violent reaction from the influential members of community who are blind to individual autonomy. ...”

Therefore, the Report shows the devastating effect of the crime and the destructive impact on the right of choice of an individual and the control of the collective over the said freedom. The Commission has emphasized on the intense pressure of the powerful community and how they punish the “sinning couples” according to their socio-cultural perception and community honour and the action taken by them that results in extinction of the rights of individuals which are guaranteed under the Constitution. It has eloquently canvassed about the autonomy of every person in matters concerning oneself and the expression of the right which is integral to the said individual.

The Hon’ble Supreme Court, while adjudicating the lis of the said nature, has expressed its concern with regard to such social evil which is the manifestation of perverse thought, egotism at its worst and

inhuman brutality.

In *Lata Singh v. State of U.P. and another 4*, a two- Judge Bench, while dealing with a writ petition under Article 32 of the Constitution which was filed for issuing a writ of certiorari and/or mandamus for quashing of a trial, (2006) 5 SCC 475 allowed the writ petition preferred by the petitioner whose life along with her husband's life was in constant danger as her brothers were threatening them. The Court observed that there is no bar for inter-caste marriage under the Hindu Marriage Act or any other law and, hence, no offence was committed by the petitioner, her husband or husband's relatives. The Court also expressed dismay that instead of taking action against the petitioner's brothers for unlawful and high handed acts, the police proceeded against the petitioner's husband and her sisters-in-law. Being aware of the harassment faced and violence against women who marry outside their caste, the Court observed:- "17. ... This is a free and democratic country, and once a person becomes a major he or she can marry whosoever he/she likes. If the parents of the boy or girl do not approve of such inter- caste or inter-religious marriage the maximum they can do is that they can cut-off social relations with the son or the daughter, but they cannot give threats or commit or instigate acts of violence and cannot harass the person who undergoes such inter-caste or inter-religious marriage. ..."

After so stating, the two-Judge Bench directed the administration/police authorities throughout the country to ensure that if any boy or girl who is a major undergoes inter-caste or inter-religious marriage with a woman or man who is a major, the couple is neither harassed by anyone nor subjected to threats or acts of violence, and that anyone who gives such threats or harasses or commits acts of violence either himself or at his instigation is taken to task by instituting criminal proceedings by the police against such persons and further stern action is taken against such persons as provided by law. Deliberating further, the Court painfully stated:- "18. We sometimes hear of "honour" killings of such persons who undergo inter-caste or inter- religious marriage of their own free will. There is nothing honourable in such killings, and in fact they are nothing but barbaric and shameful acts of murder committed by brutal, feudal- minded persons who deserve harsh punishment. Only in this way can we stamp out such acts of barbarism."

India Woman says Gang-raped on Orders of Village Court published in Business & Financial News dated 23-1-20147, the Court, after referring to *Lata Singh* (2011) 6 SCC 396 (2014) 4 SCC 786 (supra), *Arumugam Servai* (supra) and advertng to the 242nd Report of the Law Commission, opined:-

"16. Ultimately, the question which ought to consider and assess by the Apex Court is whether the State police machinery could have possibly prevented the said occurrence. The response is certainly a "yes". The State is duty-bound to protect the fundamental rights of its citizens; and an inherent aspect of Article 21 of the Constitution would be the freedom of choice in marriage. Such offences are resultant of the State's incapacity or inability to protect the fundamental rights of its citizens." And again:-

"18. As a long-term measure to curb such crimes, a larger societal change is required via education and awareness. The Government will have to formulate and implement policies in order to uplift the socio-economic condition of women, sensitisation of the police and other parties concerned towards the need for gender equality and it must be done with focus in areas where statistically there is higher percentage of crimes against women."

In *Vikas Yadav v. State of Uttar Pradesh and others 8*, the two-Judge Bench, while dwelling upon the quantum of sentence in the case where the young man chosen by the sister was murdered by the brother who had received education in good educational institutions, observed that the accused persons had not cultivated the (2016) 9 SCC 541 ability to abandon the deprecable feelings and attitude for

centuries. Perhaps, they had harboured the fancy that it is an idea of which time had arrived from time immemorial and ought to stay till eternity. Proceeding further, the Court held:-

“75. One may feel “My honour is my life” but that does not mean sustaining one’s honour at the cost of another. Freedom, independence, constitutional identity, individual choice and thought of a woman, be a wife or sister or daughter or mother, cannot be allowed to be curtailed definitely not by application of physical force or threat or mental cruelty in the name of his self-assumed honour. That apart, neither the family members nor the members of the collective has any right to assault the boy chosen by the girl. Her individual choice is her self-respect and creating dent in it is destroying her honour. And to impose so-called brotherly or fatherly honour or class honour by eliminating her choice is a crime of extreme brutality, more so, when it is done under a guise. It is a vice, condemnable and deplorable perception of “honour”, comparable to medieval obsessive assertions.”

In *State of U.P. v. Krishna Master and others*<sup>10</sup>, the Court, while setting aside the judgment of acquittal of the High Court, convicted the accused persons with rigorous imprisonment for life and fine of Rs. 25,000/-. It observed that killing of six persons and wiping out of almost the whole family on the flimsy ground of saving of honour of the family would fall within the ‘rarest of rare’ case evolved by this Court and, therefore, the trial court was perfectly justified in imposing capital punishment on the respondents. However, taking into consideration the fact that the incident had taken place before twenty years, it did not pass the death sentence but imposed the sentence of rigorous imprisonment for life. The said decision reflects the gravity of the crime that occurs due to “honour killing”.

A passage from *Kartar Singh v. State of Punjab*<sup>11</sup> wherein C.G. Weeramantry in ‘The Law in Crisis – Bridges of Understanding’ emphasizing the importance of rule of law in achieving social interest has stated:-

“The protections the citizens enjoy under the Rule of Law are the quintessence of twenty centuries of human struggle. It is not commonly realised how easily these may be lost. There is no known method of retaining them but eternal vigilance.

There is no known authority to which this duty can be delegated but the community itself. There is no known means of stimulating this vigilance but education of the community towards an enlightened interest in its legal system, its achievements and its problems.” Honour killing guillotines individual liberty, freedom of choice and one’s own perception of choice. It has to be sublimely borne in mind that when two adults consensually choose each other as life partners, it is a manifestation of their choice which is recognized under Articles 19 and 21 of the Constitution. Such a right has the sanction of the constitutional law and once that is recognized, the said right (1994) 3 SCC 569 needs to be protected and it cannot succumb to the conception of class honour or group thinking which is conceived of on some notion that remotely does not have any legitimacy.

The concept of liberty has to be weighed and tested on the touchstone of constitutional sensitivity, protection and the values it stands for. It is the obligation of the Constitutional Courts as the sentinel on qui vive to zealously guard the right to liberty of an individual as the dignified existence of an individual has an inseparable association with liberty. Without sustenance of liberty, subject to constitutionally valid provisions of law, the life of a person is comparable to the living dead having to endure cruelty and torture without protest and tolerate imposition of thoughts and ideas without a voice to dissent or record a disagreement. The fundamental feature of dignified existence is to assert for dignity that has the spark of divinity and the realization of choice within the parameters of law without any kind of subjugation. The purpose of laying stress on the concepts of individual dignity and choice within the framework of liberty is of paramount importance. We may clearly and emphatically state that life and liberty sans dignity and choice is a phenomenon that allows hollowness to enter into

the constitutional recognition of identity of a person.

The choice of an individual is an inextricable part of dignity, for dignity cannot be thought of where there is erosion of choice. True it is, the same is bound by the principle of constitutional limitation but in the absence of such limitation, none, we mean, no one shall be permitted to interfere in the fructification of the said choice. If the right to express one's own choice is obstructed, it would be extremely difficult to think of dignity in its sanctified completeness. When two adults marry out of their volition, they choose their path; they consummate their relationship; they feel that it is their goal and they have the right to do so. And it can unequivocally be stated that they have the right and any infringement of the said right is a constitutional violation. The majority in the name of class or elevated honour of clan cannot call for their presence or force their appearance as if they are the monarchs of some indescribable era who have the power, authority and final say to impose any sentence and determine the execution of the same in the way they desire possibly harbouring the notion that they are a law unto themselves or they are the ancestors of Caesar or, for that matter, Louis the

XIV. The Constitution and the laws of this country do not countenance such an act and, in fact, the whole activity is illegal and punishable as offence under the criminal law.

We may note with profit that honour killings are condemned as a serious human rights violation and are addressed by certain international instruments. The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence addresses this issue.

Once the fundamental right is inherent in a person, the intolerant groups who subscribe to the view of superiority class complex or higher clan cannot scuttle the right of a person by leaning on any kind of philosophy, moral or social, or self-proclaimed elevation. Therefore, for the sustenance of the legitimate rights of young couples or anyone associated with them and keeping in view the role of the Court as the guardian and protector of the constitutional rights of the citizens and further to usher in an atmosphere where the fear to get into wedlock because of the threat of the collective is dispelled, it is necessary to issue directives and we do so on the foundation of the principle stated in *Lakshmi Kant Pandey v. Union of India*<sup>15</sup>, *Vishaka and others v. State of Rajasthan and others*<sup>16</sup> and *Prakash Singh and others v. Union of India and others*<sup>17</sup>.

Although there are lots of legislations such as Indian Majority Act, 1859, Special Marriage Act, 1954, Protection of Human Rights (Amendment) Act, 2006, Domestic Violence Act, 2005, International laws, Dowry Prohibition Act and etc., there is no specific punishment legislations for Honour Killing for which the cases are not proved for lack of evidences.

### **3.1 CONSTITUTIONAL AND LEGAL FRAMEWORK**

Honour killing constitutes a direct assault on the constitutional ethos of India, particularly the guarantees of equality, liberty, dignity, and non-discrimination enshrined in the Constitution. The Indian constitutional framework is fundamentally premised upon the protection of individual autonomy against arbitrary social or state interference. In this regard, honour killings represent a stark contradiction between constitutional morality and entrenched social practices.

Article 14, which guarantees equality before the law and equal protection of laws, is violated when individuals are targeted and killed for exercising their personal choices, especially in matters of marriage. Honour killings are inherently discriminatory, as they disproportionately affect women and marginalized caste groups, thereby undermining the principle of substantive equality (Sharma and Gupta, 2018).

Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. Honour killings often arise from inter-caste or inter-religious relationships, reflecting deep-rooted

prejudices that the Constitution explicitly seeks to eliminate. The persistence of such crimes indicates the gap between constitutional ideals and social realities (Kumar and Singh, 2021).

Article 17, which abolishes untouchability, is indirectly implicated in honour killings that stem from caste-based discrimination. The enforcement of caste endogamy through violent means perpetuates the same hierarchical structures that Article 17 aims to dismantle (Chakravarti, 2018).

Article 19(1) ensures freedom of speech and expression, which has been judicially interpreted to include the freedom to make personal choices, including marital decisions. Honour killings suppress this freedom by punishing individuals for expressing their autonomy through marriage or relationships of their choice (Mehta and Rao, 2017).

Most significantly, Article 21, which guarantees the right to life and personal liberty, is directly violated in cases of honour killing. The Supreme Court has expansively interpreted Article 21 to include the right to dignity, privacy, and the freedom to choose one's life partner. Honour killings, therefore, constitute a gross violation of the most fundamental right guaranteed under the Constitution (Agarwal, 2020).

Despite these constitutional protections, the legal framework in India lacks a specific statute addressing honour killings. Existing laws such as the Special Marriage Act, 1954, and the Protection of Women from Domestic Violence Act, 2005 provide indirect safeguards but do not adequately address the collective and premeditated nature of honour crimes. The absence of targeted legislation creates enforcement gaps and limits the deterrent effect of the law (Law Commission of India, 2012).

**Taking a serious note of the situation and killing in the name of honor, the Hon'ble Supreme Court has issued preventive steps to combat honor crimes in India:**

- (a) The State Governments should forthwith identify Districts, Sub-Divisions and/or Villages where instances of honour killing or assembly of Khap Panchayats have been reported in the recent past, e.g., in the last five years.
- (b) The Secretary, Home Department of the concerned States shall issue directives/advisories to the Superintendent of Police of the concerned Districts for ensuring that the Officer Incharge of the Police Stations of the identified areas are extra cautious if any instance of inter-caste or inter-religious marriage within their jurisdiction comes to their notice.
- (c) If information about any proposed gathering of a Khap Panchayat comes to the knowledge of any police officer or any officer of the District Administration, he shall forthwith inform his immediate superior officer and also simultaneously intimate the jurisdictional Deputy Superintendent of Police and Superintendent of Police.
- (d) On receiving such information, the Deputy Superintendent of Police (or such senior police officer as identified by the State Governments with respect to the area/district) shall immediately interact with the members of the Khap Panchayat and impress upon them that convening of such meeting/gathering is not permissible in law and to eschew from going ahead with such a meeting. Additionally, he should issue appropriate directions to the Officer Incharge of the jurisdictional Police Station to be vigilant and, if necessary, to deploy adequate police force for prevention of assembly of the proposed gathering.
- (e) Despite taking such measures, if the meeting is conducted, the Deputy Superintendent of Police shall personally remain present during the meeting and impress upon the assembly that no decision can be taken to cause any harm to the couple or the family members of the couple, failing which each one participating in the meeting besides the organisers would be personally

liable for criminal prosecution. He shall also ensure that video recording of the discussion and participation of the members of the assembly is done on the basis of which the law enforcing machinery can resort to suitable action.

- (f) If the Deputy Superintendent of Police, after interaction with the members of the Khap Panchayat, has reason to believe that the gathering cannot be prevented and/or is likely to cause harm to the couple or members of their family, he shall forthwith submit a proposal to the District Magistrate/Sub-Divisional Magistrate of the District/ Competent Authority of the concerned area for issuing orders to take preventive steps under the Cr.P.C., including by invoking prohibitory orders under Section 144 Cr.P.C. and also by causing arrest of the participants in the assembly under Section 151 Cr.P.C.
- (g) The Home Department of the Government of India must take initiative and work in coordination with the State Governments for sensitising the law enforcement agencies and by involving all the stake holders to identify the measures for prevention of such violence and to implement the constitutional goal of social justice and the rule of law.
- (h) There should be an institutional machinery with the necessary coordination of all the stakeholders. The different State Governments and the Centre ought to work on sensitization of the law enforcement agencies to mandate social initiatives and awareness to curb such violence.

#### **4. SOCIO-LEGAL CHALLENGES**

Despite the existence of constitutional safeguards and judicial directives, several socio-legal challenges hinder the effective prevention and prosecution of honour killings.

One of the primary challenges is the absence of specific legislation, which limits the ability of law enforcement agencies to address the collective and conspiratorial nature of such crimes. Honour killings often involve multiple actors, including family members and community leaders, making it difficult to establish individual culpability under existing laws (Agarwal, 2020).

Another significant issue is witness hostility and social pressure. In many cases, witnesses either refuse to testify or turn hostile due to fear of retaliation or loyalty to the community. This severely weakens the prosecution's case and results in low conviction rates (Singh and Pandey, 2020).

Weak law enforcement further exacerbates the problem, as police authorities may be influenced by prevailing social norms or lack the necessary training to handle such cases sensitively. In some instances, law enforcement agencies have been criticized for failing to provide adequate protection to threatened individuals.

The persistence of a patriarchal mindset remains a fundamental barrier to change. Deeply ingrained beliefs about honour, gender roles, and social hierarchy continue to justify violence in the eyes of many communities. This cultural resistance undermines legal efforts and perpetuates the cycle of honour killings (Kaur, 2018).

Finally, community complicity plays a crucial role in sustaining honour killings. The collective nature of these crimes often leads to widespread support or silence within the community, making it difficult to challenge or dismantle such practices.

#### **5. NEED FOR LEGAL REFORMS**

Given the limitations of the existing legal framework, there is an urgent need for comprehensive legal reforms to address honour killings effectively.

First, the enactment of a separate law specifically targeting honour killings is essential. Such legislation should define honour-based crimes, establish stringent penalties, and address the role of collective actors, including families and community institutions (Law Commission of India, 2012).

Second, there is a need for the criminalization of unlawful assemblies, particularly those organized by Khap Panchayats to condemn or punish marriages. This would help dismantle the institutional structures that facilitate honour killings.

Third, stronger witness protection mechanisms must be implemented to ensure the safety and cooperation of witnesses. This is critical for improving conviction rates and ensuring justice for victims.

Fourth, gender sensitization programs for law enforcement agencies, judiciary, and communities are necessary to challenge patriarchal attitudes and promote constitutional values.

Finally, policy interventions aimed at social reform, including education, awareness campaigns, and empowerment of women, are essential for addressing the root causes of honour killings. Legal reforms must be complemented by broader societal changes to achieve lasting impact (Chakravarti, 2018).

## 6. CONCLUSION

Honour killing is a deeply entrenched social evil that poses a serious challenge to the rule of law and constitutional governance in India. It represents a direct conflict between traditional social norms and modern democratic values, particularly the principles of equality, liberty, and dignity. While the judiciary has taken a progressive and proactive stance in condemning honour killings and protecting individual autonomy, the absence of specific legislation and persistent socio-cultural resistance continue to impede effective enforcement. The eradication of honour killings requires a multifaceted approach that combines legal reforms, institutional mechanisms, and social transformation. Education, awareness, and strict implementation of laws are critical for changing societal attitudes and ensuring that constitutional values prevail over regressive practices. Ultimately, a democratic society must prioritize human rights and individual dignity above all else, reaffirming the fundamental principle that no notion of honour can justify the taking of human life.

It is worthy to note that certain legislations have come into existence to do away with social menaces like “Sati” and “Dowry”. It is because such legislations are in accord with our Constitution. Similarly, protection of human rights is the elan vital of our Constitution that epitomizes humanness and the said conceptual epitome of humanity completely ostracizes any idea or prohibition or edict that creates a hollowness in the inalienable rights of the citizens who enjoy their rights on the foundation of freedom and on the fulcrum of justice that is fair, equitable and proportionate. There cannot be any assault on human dignity as it has the potentiality to choke the majesty of law. Honour Killing, a barbaric customary practice though initially was not given much importance is now seen as a serious and heinous crime in India. In India where there are codified laws, these customary practices transgressing the fundamental rights should not be allowed to prevail. Though many crimes are punished by our judiciary, few perpetrators escape due to certain loopholes present in the law. One such loophole in case of honour killing is that there is no separate law or provision relating to it in our Indian Laws. But laws can only punish the criminal but the crime itself can become extinct only if the mindset or mentality of the people be changed. Therefore, the legislature to bring law appositely covering the field of honour killing.

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