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HONOUR KILLINGS: A LEGAL AND MORAL CATASTROPHE IN THE 21ST CENTURY

“Freedom and dignity form the foundation of a just society.”

....Justice A.K. Sikri

- Megha Disawal ¹

ABSTRACT

It is not wrong to say that a person can go days without food but without honour it's unthinkable. As Honour is something deeply rooted in us, prized to us as something inherent. It is core of our life which shapes our societal and personal identities. However, when it gets twisted or misinterpreted so as to justify the violence or crime then it gets manifested into a larger version of havoc and suffering. Honour is something which is closely embedded in our Indian constitution as seen under art. 21, right to life that also touches the sides of right to choose a partner in marriage. Honour killings are mostly committed by family members wherein the protectors turn into perpetrators. It's not just an act of murder but manifestation of deep-rooted patriarchy, societal control, tradition and cultural oppression. While after the entry of BNS many new offences have included giving a wide scope to analyze change in society. However, honour killings remain at side of shore. We have legal framework to criminalize such acts but challenge is in enforcement and judicial loopholes that gives vacuum to perpetrators to evade justice. The essence of honour crimes extends beyond victims by leaving lasting psychological and social dilemma on families and communities. Today in 21st century it is still not wrong to say that the influence of caste, gender roles and societal expectations continue to threaten individual liberties, especially for women and marginalized groups. By examining this the paper aims to explore preventive strategies and recommendations to dismantle culture of honour-based violence. Keyword: Honour-based violence, Indian Constitution, Justice, Liberties, Cultural oppression, life, murder.

¹ B.A. LL.B., SEMESTER- IV, Rashtrasant Tukdoji Maharaj, Nagpur. Dr. Babasaheb Ambedkar College of Law. (Main Branch), Nagpur.

1. INTRODUCTION

We've come far from the 19th cent to the 21st century by modifying to new changes and embracing modernization. Today, we are greatly inspired by films, poetry, and literature that showcase a progressive society, where living relationships, inter-caste marriage, choosing one's own partner, or even choosing to stay single for life are not just accepted but often celebrated. The idea of personal freedom has gained legal and social recognition, and many parts of society have gradually opened their arms to these changes. Yet, beneath this progress there remains a part of society that still latch onto the regressive notions of honour, where the statement like "Khandan ka Sar ucha rehna chahiye, chahe kisi ki Zindagi kyu na chali jaaye." (The family's honour must remain high, even if it costs someone their life) is taken too literally. We live in society where people are still obsessed with the cast and sub-cast issues, that inter religion, inter caste, then different sub casts, gotra culture is deeply ingrained so even a single step against tradition is enough to justify bloodshed ²and the horrific part is, in their view love is not an individual's right but a family's decision and defying traditions by marrying outside one's caste, religion, or community is not seen as an act of independence but as an act of evil and to cleanse dishonor they choose violence as a punishment, sometimes draped by death. This "punishment" is what we know today as honour killing. Now the question arises what is this honour that demands blood? In its true sense it is about dignity, respect, and moral integrity. However, in deeply rooted patriarchal societies the idea of honour is interpreted to a family's reputation, women's chastity, and obedience to social and cultural norms.³ A choice of individual especially of women are seen as reflection of family honour and making any disobedience of these norms is conceived as a threat which must be erased.⁴ It is this twisted understanding of honour that has led to generations of violence often carried out by family members themselves. This paper analyzes the causes, legal gaps, and reforms needed to address it.

2. HISTORICAL PERSPECTIVE

India has crafted a rich history during 19th century in the era of Pandita Ramabais being the most significant for women. From 19th century when she fought for women's right to voluntary marriage to the 21st century where couples are still being killed for choosing love over societal expectations

² Noor Mohammad, *Inter-Relegion Marriages in Indian Society: Issues and Challenges* 45 (Gyan Publishing House, 2007).

³ <https://www.merrian-webster.com/dictionary/honor%20killing>

⁴ Haripada Chakraborti, *Hindu Intercaste Marriage in India: Ancient and Modern* (Firma KLM 1978).

which draws attention to the brutal reality being unchanged. Also, Draupadi's humiliation in the Kauravas court to Sita's Agni Pariksha, women were often subjected to trials and suffering in the name of family and societal honour.⁵ Despite centuries of progress this ideology and mindset continues to persist manifesting in brutal crimes where love and freedom are met with violence. A book "The Palace of Illusions" which draws our attention to Draupadi's struggle. ⁶She wanted to marry Karna but was forced into another marriage due to caste politics, her Swayam Vara which was supposed to be of her choice was actually manipulated for political gains. It is no wrong to say it was illusion of progress.

Generally, practice of Sati which was in trend in ancient times can also be attributed to preserve dignity and honour of women whose husband dies and so lady was forced to end her life on the burning prayer of her husband so that her dignity and honour remains intact. ⁷Before, women were exiled for choosing her own husband and today many women are killed for the same "crime." Honour killings prove that legal rights exist but family and society still believe they have control over women's life. They continue because society justifies them and the worst part is they don't see it as murder rather a vital duty to be followed. Indian Constitution acknowledges this by ensuring every individual the right to life and personal liberty (art.21) that every person has right to life and freedom which extend its branches to right to choose a partner in a marriage.⁸ Yet, it stark contrast, honour killing deduce this very concept to a justification for violence where reputation matters more than life itself. The practice of honour killing is not new their roots trace back centuries, deeply embedded in cultural and religious histories across the globe.⁹

3. THE CONCEPT OF HONOUR KILLINGS

Honour Killing is the killing of a relative, particularly a female relative, as revenge for the supposed dishonouring of the family, as dictated or sanctioned by some cultures and religions. It is the murder of a person accused of bringing shame upon their family.¹⁰ Victims have been killed for refusing to enter a marriage, committing adultery or being on a relationship that displeased their relatives.¹¹ Those

⁵ Megha Panwar & Asghar Ali Ansari, *Indian Dolls in the Hand of Society: Sita and Draupadi in Indian Literature*, 7 int'l J. Eng. Lang., Literature & Translation Stud. 123 (2020).

⁶ Chitra Banerjee Divakaruni, *The Palace of illusions* 45 (Anchor books 2009).

⁷ Lata mani, *Contentious Traditions: the debate on sati in Colonial India* (Univ. of Cal. Press 1998).

⁸ India Const. art. 21, in M.P. Jain, *Indian constitutional Law* 987 (8th ed. 2023).

⁹ Amnesty int'l, *Honour Killings in India: culture, patriarchy, and violence* (2002).

¹⁰ Oxford dictionary of Law Enforcement (2007).

¹¹ K. Vikas, *Honour killings in India: An Analysis on Indian Statutes*, Legal service India (2021).

who were once believed to be the protectors later turn into perpetrator and act under the conviction that the girl/boy had brought shame, humiliation, dishonour, disgrace to the family, or has disturbed the principles, morals, ethics, beliefs, tenets, values of a community, society or a religion with an honour philosophy at the scrim.

Some organisation in India Like khap panchayat influence and fund such honour killing exploiting the prevalent laws and judicial decisions.¹² Therefore, it becomes pertinent to note that India is a Democratic Nation governed by rule of Law and no one is above the law. No one is given a free license to play with the life of others under the pretext of cultural or societal preservation of values. Lately the term love Jihad has gained traction in political and social discourse, particularly in India. Which falsely claims that Muslim men marry Hindu women for religious conversions that has fuelled violence against interfaith couples.¹³ Addition to it, khap Panchayats which functions as extra judicial bodies, issuing diktats against inter-caste and inter-gotra marriages.

The 2018 Pranay Permulla murder case in Telangana is a chilling example of this reality. Pranay, a Dalit man, was brutally killed in broad daylight at the behest of his wife Amrutha's upper caste father, who saw their inter-caste marriage as an unforgivable stain on the family's honour. The crime sparked national outrage over caste-based violence. Recently, special court awards death sentence to one accused and life imprisonment to six.¹⁴ While this judgement brings some closure, it also serves as a reminder of the deep-seated violence that still exists.

4. LEGAL FRAMEWORK & JUDICIAL RESPONSE

Crime is never just an individual act and extends beyond the individual, it creates a shockwave in community and public at large. If we closely observe, we are still divided even today between, the India, as modern, progressive, legally strong nation and the other, when we step into the dark reality where women are less important than her family's honour and let's call it Bharat. In one, we celebrate personal freedom; in the other, those who dare to exercise it face catastrophic results. Since India lacks a specific law for honour killings, these provisions are applied-

a) Under BNS murder is punishable under section 101 & 102 with penalties including life imprisonment or the death penalty in extreme cases. Sec 110, punishment for criminal conspiracy. Sec

¹² Shakti Vahini v. Union of India, 920180 7 SCC 192 (India).

¹³ NIA Ends Kerala Probe, Says There's Love but no Jihad, Hindustan Times (Oct. 17, 2018).

¹⁴ Pranay Murder: how the 2018 Honour killing Shook Telangana, The Week (Mar. 10, 2025).

125 which says, criminal intimidation, applicable to threats before an honour killing. Sec 354, protection against assault on women sometimes linked to honour-based violence.¹⁵

b) Protection of women from Domestic violence act, 2005 that covers threats and physical violence within the family¹⁶.

c) Bharatiya Sakshya Adhiniyam (Replaces Indian Evidence Act, 1872) which allows electronics evidence to prove threats in this. Later sec 119&120 strengthen witness protection, reducing coercion in court. ¹⁷

d) Indian majority Act, 1857 ensures adults can marry freely so it aids in establishing khap panchayat member's attitudes and their disregard for the law of the land, yet many families violate this law. ¹⁸

In *Shakti Vahini vs Union of India* (2018), a case that directly addressed honour killings and khap panchayats interference in personal choices.¹⁹ To which, three-judge bench of SC comprising chief Justice Dipak Misra, J. A.M. Khanwilkar. J. D.Y. Chandrachud observed it to be illegal, barbaric and feudal practices that have no place in a civilized society, khap panchayats have no right to interfere, choosing a partner is a fundamental right u/a 21, and state governments must actively prevent it. Yet despite this judgement, honour killings still occur because mindsets do not change overnight. The real battle is beyond the courtroom as it's in villages, homes, and communities where fear of social shame still overpowers the law.

In *Dhananjay Chatterjee vs State of West Bengal* (1994)²⁰, the SC upheld the death penalty making it fall under "rarest of the rare crime" doctrine as the convict had a sacred duty to protect the people in the building, yet he betrayed that trust and committed heinous crime. The court noted that this breach of duty and trust deeply shook society's conscience making it exceptionally grave. Similarly honour killings involve this where family members, expected to protect, become perpetrators. This deep societal impact justifies treating honour killings under "rarest of rare" doctrine, warranting strictest punishment.

Yet, when courts call such cases as rarest of rare crime there are villages that celebrate it as moral victories. Social change is necessary in society with help of legal reforms as no specific law for honour

¹⁵ Bharatiya Nyaya Sanhita, 2023, sec. 101,102,110,125,354.

¹⁶ Puneet Kaur Grewal, Honor Killings and Law in Indian, IOSR Journal of Humanities and Social Science, Vol.5, Issue 6, 2012.

¹⁷ Bharatiya Sakshya Adhiniyam, Act of Parliament, 2023, sec. 119, 120.

¹⁸ Act no 9 of 1857.

¹⁹ *Shakti Vahini v. union of India*, (2018) 7 SCC 192.

²⁰ *Dhananjay Chatterjee v. State of W. Bengal*, (1994) 2 SCC 220.

killings, many cases go unreported due to family and societal pressure. Victims and witnesses fear testifying due to societal threats.

5. RECOMMENDATIONS

- a) Educating communities about constitutional rights, gender equality, and the criminality of honour killings can help dismantle regressive mindsets. Schools, colleges, and workplace should be also involved in awareness campaigns.
- b) No legal recognition should be given to assemblies that promote honour-based violence. Courts order must be strictly implemented.
- c) Specific law is a need but still instead of that strict enforcement of existing provisions with enhanced penalties for this is necessary. Law enforcement agencies must be trained to handle such cases with sensitivity and urgency.
- d) setting up dedicated helpline, legal aid cells, and safe house for those at a risk can prevent crimes before occur and provide support to survivors.
- e) social counseling programs should focus on helping families, accepting inter-caste, inter-religious or love marriages, aiming that honour lies in respect not violence.
- f) establishing special courts to handle such cases with time-bound trials, will ensure smooth justice.

CONCLUSION

The picture is not entirely bleak, nor is it a crisis consuming the whole world, but wherever honour killings occur, it is our collective duty to acknowledge them and act before it gets converted to a havoc. India's criminal laws, particularly the Indian Penal Code (IPC), 1860, were heavily influenced by Benthamite Utilitarian Principles which still retains in BNS as well. Lord Macaulay who drafted the IPC, was a strong follower of Bentham's legal philosophy. "The greatest good for the greatest number" has in many ways misused to justify societal structures that priorities the collective over the individual. Because who is the greatest no. here, the caste, family, community and who is sacrificed for their individual happiness, an individual woman who dares to choose love over tradition. In society where honour is placed above individual rights, this philosophy is twisted to serve the traditions rather than personal freedom. This continues to expose the quarrel between regressive social norms and individual liberties. The very concept of "honour" loses its meaning when it is upheld through violence and injustice. No faith, culture, tradition can justify taking a life in the name of preserving family dignity.

While legal provisions exist, their inconsistent enforcement along with societal acceptance allows such crimes to live. A more robust legal framework, coupled with societal awareness and mindset shifts is vital to fight this issue. True honour lies in upholding justice, personal freedom, and human dignity, values that no tradition should override.