



**KAMARAJ IAS ACADEMY**  
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# HONOUR KILLING

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## What is honour killing?

An honor killing or honour killing (also called a customary killing) is the murder of a member of a family or social group by other members, due to the belief of the perpetrators (and potentially the wider community) that the victim has brought dishonour upon the family or community. Honour killings are directed mostly against women and girls.

## Reasons for Honour Killing in India :

**!Caste-based Social Order & Purity Norms :** Inter-caste marriages, especially involving Dalits or lower castes, are perceived as threats to caste purity.

Example: Manoj-Babli honour killing case (2010, Haryana) — a Khap Panchayat ordered their killing for marrying within the same gotra but different caste hierarchy.

**!Same Gotra or Village Marriages (Khap Panchayat Dictates) :** Khap panchayats in Haryana, Rajasthan, and western UP consider same-gotra marriages as incestuous, despite being legally valid.

Example: Arumugam Servai vs State of Tamil Nad(2011) — SC condemned Khap panchayats for violence against consenting adults.

**!Inter-religious Marriages & Religious Intolerance :** Marriages between Hindus and Muslims/Christians often provoke hostility under the garb of “protecting faith”.

Example: Hadiya case (Shafin Jahan vs Ashokan K.M., 2018) — a Kerala woman’s conversion and marriage to a Muslim man sparked societal and familial backlash.

**Fear of Social Ostracism :**Families fear boycott by community if they accept a socially “unacceptable” alliance.

**!Economic Interests Linked to Marital Alliances :** Marriage is often used to strengthen economic ties; an unsuitable alliance is seen as a threat to property or dowry gains.

**!Patriarchal Control over Women’s Agency :** Women are seen as bearers of family honour; exercising choice in marriage/relationships challenges male authority.

Example: Nitish Katara murder case (2014, Delhi) — killed for being in a relationship with a politically influential family’s daughter.

## CASE LAWS

The Indian judiciary has taken a firm stand against honour killings, interpreting existing laws and issuing guidelines to combat them. Key rulings include:

**Lata Singh v. State of U.P. (2006):** The Supreme Court recognized the right of an adult to marry a person of their choice and condemned honor killings as "barbaric and brutal." The court directed state governments to take

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disciplinary action against officials who fail to protect couples in inter-caste or inter-religious marriages.

**Shakti Vahini v. Union of India (2018):** In this landmark judgment, the Supreme Court issued a set of preventive, remedial, and punitive measures to combat honour killings. It directed state governments to create special cells to receive complaints, provide safe houses for couples, and establish fast-track courts for the speedy trial of such cases. The court also held that so-called "Khap Panchayats" have no legal authority and cannot interfere with the right to marry.

### **Implications of Honour Killing in India :**

**nErosion of Constitutional Rights :** Violates Article 21 (Right to Life & Personal Liberty) and Article 19(1)(a) (Freedom of expression/choice).

**Example: In the Hadiya case (2018),** SC reiterated that individual choice in marriage is constitutionally protected.

**nWeakening of Rule of Law :** Community diktats (like Khap Panchayats) undermine state authority and the judiciary's role.

**Example: Manoj-Babli case (2010) —** Khap panchayat order directly defied legal marriage rights.

**nPerpetuation of Caste Hierarchy :** Honour killings reinforce caste endogamy, blocking social mobility.

**nPsychological Trauma in Survivors & Families :** Surviving partners or family members face lifelong stigma, fear, and mental health issues.

**Example: In Rajasthan (2022),** a woman whose husband was killed by her family attempted suicide due to harassment.

**nUndermining Women's Education & Empowerment :** Fear of honour crimes leads families to restrict girls' mobility and higher education opportunities.

**nBreakdown of Social Harmony :** Fuels communal and caste tensions in villages and towns.

### **Legal Aspects on Honour Killing in India:**

#### **1.Constitutional Provisions**

**Article 14 –** Right to Equality before law.

**Article 15(1) & (3) –** Prohibits discrimination on grounds of caste, religion, sex; allows special provisions for women.

**Article 19(1)(a) & 19(1)(d) –** Freedom of expression and movement.

**Article 21 –** Right to life and personal liberty; includes the right to choose a life partner (Shafin Jahan v. Ashokan K.M., 2018 – Hadiya case).

**Article 39(f) (Directive Principles) –** Protection of children from exploitation.

**Article 51A(e) –** Fundamental duty to renounce practices derogatory to women's dignity.

#### **2.Indian Penal Code (IPC) Provisions**

**Section 299–304 –** Culpable homicide & murder (honour killings prosecuted as murder).

Section 307 – Attempt to murder (for failed attempts).

Section 120B – Criminal conspiracy (for collective decisions like Khap orders).

Section 34 & 35 – Common intention in group crimes.

Section 107–109 – Abetment of offences.

Section 503–506 – Criminal intimidation.

Section 166A – Public servant disobeying law (for police inaction in protection cases).

Section 498A – Cruelty by relatives of husband/wife.

### **3.Laws & Institutional Safeguards**

**Protection of Women from Domestic Violence Act, 2005** – Can be invoked for threats and harassment.

**Special Marriage Act, 1954** – Provides legal framework for inter-caste/inter-religious marriages; couples can seek police protection during the notice period.

**SC/ST (Prevention of Atrocities) Act, 1989** – Applies if violence is caste-motivated against Dalit partners.

**Criminal Law (Amendment) Act, 2013** – Strengthens laws against gender-based violence.

#### **Way ahead:**

**-Enact a Specific Law Against Honour Crimes** - Implement recommendations of the 242nd Law Commission Report to make honour killings a distinct offence, with harsher punishments for collective crimes.

**-Media play a more crucial role** in expressing their views in the front of whole of society, without any fear, even there is a right of freedom to express is also given in our Constitution.

**-Fast Track Courts:** Specialized fast-track courts for honour killings should be set up to ensure swift justice, preventing delays that undermine victims' rights.

**-Engage Civil Society & NGOs** -Partner with local organisations for mediation, legal aid, and counselling to couples facing threats.

**-Amendment to Special Marriage Act, 1954:** Amend the Special Marriage Act, 1954 to shorten the registration period from one month to one week, protecting couples from potential threats or violence