



# The Indian Journal for Research in Law and Management

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## HONOUR KILLINGS IN INDIA

~ *Aashirya Malik*

An Honour Killing, also known as Shame Killing is a form of murder in which a person is killed as punishment for assumed dishonour of their family by bringing shame upon the family name, prestige and social customs of the family. It is mostly connected to religion, sexuality and caste. There are many factors which relate to sparking of honour killings:

- Inter-caste relations
- Victims of rape
- Homosexuality
- Seeking a divorce
- Refusal for an arranged marriage
- Renunciation of religion

In India, honour killing is generally practised due to marrying a person of a different religion or the same gotra. As per the latest data, there were 31 reported honour killings in 2021. There have been several cases which highlight the atrocities committed in the name of protecting the family's honour.

In the case of *Lata Singh v. State of Uttar Pradesh*, it was held that when a person of majority age and sound mind, had married of her own free will, he/she is free to marry anyone he likes. There is no bar on inter-caste marriage under the Hindu Marriage Act or any other law. It was held by the court that “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.”<sup>1</sup>

In *Arumugam Servai v. State of Tamil Nadu*, it was held that, “We have in recent years heard of “Khap Panchayats” (known as “Katta Panchayats” in Tamil Nadu) which often decree or encourage honour killings or other atrocities in an institutionalised way on boys and girls of different castes and religion, who wish to get married or have been married, or interfere with the personal lives of people. As already stated in *Lata Singh case*, there is nothing honourable in honour killing or other atrocities and, in fact, it is nothing but barbaric and shameful murder. Other atrocities in respect of personal lives of people committed by brutal, feudal-minded persons deserve harsh punishment. Only in this way can we stamp out such acts of barbarism and feudal mentality. Moreover, these acts take the law into their own hands, and amount to kangaroo courts, which are wholly illegal.”<sup>2</sup>

In *Vikas Yadav v. State of U.P.*<sup>3</sup>, it was set that honour killings, come within the rarest of rare category set for death penalty in the case of *Bachan Singh v. State of Punjab*.<sup>4</sup>

In *Maya Kaur Baldevsingh Sardar v. State of Maharashtra*<sup>5</sup>, the Supreme Court questioned the conservative and almost apologetic attitude of Judges in case of murders arising out of caste on the premise that society should be given time so that the necessary change comes about in the normal course.

The Supreme Court has had a favourable view on honour killings throughout the years and they have protected the rights of the victims of honour killing.

All these cases lead to the perspective that honour killing is a grave and pervasive issue that starkly reveals the intersection of cultural, social, and gender-based violence. It reflects deeply entrenched patriarchal norms and the systemic subjugation of women and marginalized individuals within certain societies. Despite international human rights standards and widespread condemnation, honour killings persist, highlighting the urgent need for comprehensive legal, social, and educational reforms.

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<sup>1</sup> *Lata Singh v. State of Uttar Pradesh* (2006) 5 SCC 475

<sup>2</sup> *Arumugam Servai v. State of Tamil Nadu* (2011) 6 SCC 405

<sup>3</sup> *Vikas Yadav v. State of U.P.* (2016) 9 SCC 541

<sup>4</sup> *Bachan Singh v. State of Punjab* (1980) 2 SCC 684

<sup>5</sup> *Maya Kaur Baldevsingh Sardar v. State of Maharashtra* (2007) 12 SCC 654

To effectively combat honour killings, it is crucial to implement and enforce stringent legal measures that protect potential victims and hold perpetrators accountable. Legal frameworks must be supported by robust social services, including safe shelters and support networks for those at risk. The Rajasthan Prohibition of Interference with the freedom of matrimonial alliances in the name of honour and tradition bill, 2019 is one of the only bills that deal with honour killing.

Additionally, community-based educational initiatives are essential to challenge and change the cultural norms and attitudes that perpetuate this form of violence. These initiatives should promote gender equality, human rights, and the value of individual autonomy. Moreover, engaging community leaders and fostering dialogue within affected communities can facilitate a deeper understanding and gradual shift in the perceptions surrounding honour and familial reputation.