



## Practice of Honour Killing: A Human Rights Crisis in India

Dr. Pratim Sarkar<sup>1,\*</sup>

### Abstract

The concept of honour is crucial in collective societies because one person's dishonourable actions can affect the reputation of their entire family or community. Among the various forms of conduct related to honour, the most tragic is certainly honour killing. Although certain unlawful aspects of honour killing might coincide with those required for murder under a country's legal framework, honour killing possesses several distinct characteristics that render it even more alarming than murder. At the international level, the rules of the CEDAW address murder and other forms of homicide that do not qualify as murder. The provisions of the treaty, which generally prohibit any form of physical or emotional harm inflicted on women, comprehensively address all dimensions and facets of honour killings targeting female members of society.

**Keywords:** Honour Killing, Constitution, International Law, UDHR, CEDAW, Supreme Court.

**Author for Correspondence\*** email id. [pratimhlc@gmail.com](mailto:pratimhlc@gmail.com)

### Introduction

"Honor killing," also referred to as "Shame Killing," is the act of murdering a person, typically by members of their own family, to safeguard the family's perceived "dignity" and "honor" in cases involving relationships or marriages between different castes or religions. It could potentially be a planned murder, primarily driven by factors related to caste and religion. In many instances, the victim is a female; however, there are also situations where males or boys are targeted. In certain instances, the individuals affected include members of the queer community, such as lesbians, gay individuals, bisexuals, and transgender persons. Even after 78 years of independence, individuals continue to hold the belief that caste is more important than life itself. India is a democratic nation where every individual possesses the right to fair treatment and the right to live.

Honor killings have existed for a long time in rural India, particularly in the states of Haryana, Uttar Pradesh, and Rajasthan. However, such situations are not limited solely to rural regions. They are also mentioned in our capital and in southern states such as Kerala, Tamil Nadu, and others. The Aarushi Talwar Case, along with the murders of Kuldeep and Monica<sup>2</sup>, is believed to be among these types of killings.

Amnesty International<sup>3</sup> characterizes the act of honor killing, specifically when a woman is murdered by a male family member, not as a singular incident of violence. Instead, it is described as a crime that is collective in nature, premeditated, sociologically expected, and

---

<sup>1</sup> Associate Professor, Haldia Law College, Haldia, West Bengal, India

<sup>2</sup> Sakshi Chand, 3 men sentenced to life in 'honour killing' case of 2010, Dec. 20, 2023, TNN, available at, <https://timesofindia.indiatimes.com/city/delhi/https/example-com/honour-killing-case-2010/articleshow/106138570.cms> (last visited on June 03, 2025)

<sup>3</sup> Azad Kumar, Honour Killings: Global Perspective, 11 (Saad Publications, Delhi, 2014).

socially approved by both the family and the relevant community. It also asserts that the system of honor is harsh, and women are not provided a chance to advocate for themselves. Their family members see no other socially acceptable option but to clear their honour by confronting them.

### **Significance and Objective of the Study**

The idea of women being regarded as property and a representation of honour is firmly rooted in the social, political, and economic landscape of South Asian nations, such as India. The Constitution assures that all citizens have the right to life and to be treated with dignity. Honor is preserved alongside life. This right is guaranteed as a fundamental right in the Constitution of India. Every individual has the right to be safeguarded from any form of threat to their life. Every individual is free to make choices. The right to hold an opinion is also an essential component of its protection. Thus, the right to choose a partner freely and marry also falls under the Right to Life. Societal and cultural pressures must not violate the right to live with dignity in society. However, the act of murdering under the pretext of family honour is illegal. Honour killing is performed to maintain the family's dignity and reputation. However, there is no dignity in taking another person's life.

The present study has been undertaken with the following objectives:

1. To understand honour killing as a serious crime and the relevant factors in connection with honour killing.
2. To analyse the magnitude of the offences as practiced in various parts of the country.
3. To study the effectiveness of the international provisions and constitutional provisions against honour killing.
4. To highlight the significant judicial decisions concerning this practice.

### **Methodology**

This study's methodology is primarily doctrinal. Books, statutes, journals, periodicals, and other publications accessible via online resources, including search engines and websites, serve as secondary sources of data for the study.

### **Honour Killing: A Gender Based Violence against Women**

Women face various forms of discrimination as well as physical and psychological violence and cruelty, starting from their families and extending to the broader society. The acts of violence include female foeticide, domestic abuse, sexual harassment, dowry-related deaths, rape, incest, trafficking, and honour killings.<sup>4</sup> Widespread cultural norms have led to the experience of violence at various stages in a woman's life. Among all violent offenses, murdering women under the pretext of honour is one of the most concerning types of violence. In what is claimed to be a modern society, women are being murdered under the guise of protecting female honour.

Most of the time, these actions often go unreported. A woman's genuine affection for a man is assessed based on her virginity and purity, creating an ongoing and dangerous cycle. A phase of change or transformation is often filled with upheaval and strange occurrences. The harmful impact of honor killings has escalated, especially with the blending of liberal Western culture into the strict and demanding Eastern tradition. Sometimes, blame is placed on Western

---

<sup>4</sup> S. Gurusamy, Human Rights and Gender Justice 24-25 (A.P.H Publication, New Delhi, 2010).

influences that seep into the culture. As a result, women are murdered because such crimes are fueled by social, cultural, and psychological motivations in the name of honour.

It particularly happens when a woman gets married or flees with her spouse, who belongs to a different caste or group. Additionally, the notion of honor has been utilized to advance ulterior agendas and is being stretched beyond its original boundaries under local customs and traditions. The honor killing is sanctified by several cultural and religious practices. To justify the most heinous and violent crimes against women and children, the practice of honor killing is frequently used.<sup>5</sup>

If viewed in the broader context of gender and sexuality, women have been the main victims of honour killings. In this way, honour is connected to the norms of behavior for both men and women. It is, however, harsh on women in a patriarchal society. Honour killings are mostly motivated by patriarchal beliefs about ownership and control over women's bodies. The regulations established by males are frequently broken by women. The guys come to see their conduct as lawful in order to defend the community and end up perpetuating the crime. The use of emotional, social, or physical force over someone is practiced. Therefore, killings in the name of honour become actions that are used together to eradicate the stain of dishonour, which is gendered and locally defined.<sup>6</sup>

### **Causes of 'Honour Killings'**

Bringing dishonour to a family member is the primary cause of "Honour Killing." For various families, dishonour might take various forms. Some of the primary causes of honour murder include the following:

- inter-caste or inter-religious marriage;
- pre-marital or extra-marital relationship between a male and a female;
- Restrictions on women's ability to choose their life partner.
- People are afraid of exclusion from their caste;
- Pregnancy not related to a legally married husband;
- Sexual Orientation;
- Living -Together concept;
- Being the victim of rape;
- Harsh punishment pronounced by the Khap Panchayat<sup>7</sup>

### **Methods or Modes of Honour Killing as reported in various electronic Media**

By Poisoning: A seventeen-year-old girl named Gomathi from the Thoothukudi district of Chennai had fallen in love with Murugana, a twenty-two-year-old Dalit lad, and had made the decision to live with him. If she went back to her own house, her brothers swore they would

<sup>5</sup> Hina Jilani and Eman. M. Ahmed "Violence against Women: The Legal System and Institutional Responses in Pakistan", in Savitri Goonesekere (ed), *Violence, Law and Women Rights in South Asia*, 152 (Sage Publications, New Delhi, 2004).

<sup>6</sup> Purna Sen, "Crimes of Honour, Value and Meaning", in Lynn Welchman and Sara Hossain (eds), *Honour Crimes; Paradigms and Violence against Women*, 42-63 at 48-49 (Zubaan Publishers, New Delhi, 2006).

<sup>7</sup> Editorial, What is Khap Panchayat, India Today, Oct.11,2011, available at, <https://www.indiatoday.in/india/north/story/what-is-khap-panchayat-118365-2012-10-10> (last visited on June 03, 2025).

support her marriage. She returned with trust, but her family members later poisoned her in order to reclaim the family's honor.<sup>8</sup>

**By Shooting:** A twenty-two-year-old woman was shot by her brother, who felt pressured and against her having an illicit relationship with a boy in Loe village, Muzaffar-Nagar district, under the pretext of protecting family honor.<sup>9</sup>

**By Hanging:** The story of Delhi writer Nirupama Pathak, who fell in love with Rajan, a Kayastha youngster, was in the news. When her relatives came to know about the affair, they had tricked her in her hometown. She was discovered dead the next day. Her relatives claimed she had committed herself by hanging herself, but the post-mortem report proved it was a blatant case of murder.<sup>10</sup>

**By Beheading:** When family members grow enraged and can no longer stand the disgrace anyone brings to the family, they use this form of murder. They kill the victims by severing the head from the body with a sharp-edged tool. The case of Dharmender Barak and Nidhi, who were of the same gotra, was a clear illustration of a victim being decapitated by her relatives.<sup>11</sup>

**By Brutal Whipping:** This is one of the typical penalties imposed on those who violate the honor killing law. The intensity of the anger is still so great that the family members don't care about the consequences. Family members might avoid the agony of embarrassing the family culture in public by severely beating and thrashing the victims until death.<sup>12</sup>

**By Burning:** This procedure is used when family members wish to hide the truth from others or society. To keep safe, they primarily burn the victims to death and destroy any evidence of murder or other killing-related information. The news article "Pregnant Muslim woman burnt alive by her family members for marrying a Dalit guy in Karnataka" from The News Minute (an online newspaper) on June 5, 2017, offers sufficient justification for the aforementioned manner of honor killing.<sup>13</sup>

**Honour Suicides:** An honor killing can be replaced by an honor suicide. It has happened when someone orders or coerces a woman to end her own life; this can be done to avoid being prosecuted for her murder.

<sup>8</sup> Editorial, Brothers kill girl for loving Dalit man||, Indian Express, Sept.14,2013, available at, <https://www.newindianexpress.com/states/tamil-nadu/2013/Sep/14/brothers-kill-girl-for-loving-dalit-man-516487.html> (last visited on June 03, 2025).

<sup>9</sup> Honour killing? 22-year-old girl shot dead by brother over affair, *Press Trust of India, NEWS 18, July 31, 2014, Online*, available at, <https://www.news18.com/news/india/honour-killing-22-year-old-girl-shot-dead-by-brother-over-affair-705193.html> (last visited on June 02, 2025)

<sup>10</sup> Neetu Chandra, Journalist's 'honour killing' puts NCW in action mode, May 05, 20210, available at, <https://www.indiatoday.in/india/north/story/journalists-honour-killing-puts-ncw-in-action-mode-73459-2010-05-04> (last visited on June 03, 2025).

<sup>11</sup> Sarabjit Pandher, Parents murder daughter, lover for honour in Haryana, *The Hindu*, Sept.20, 2013, available at, <https://www.thehindu.com/news/national/other-states/parents-murder-daughter-lover-for-honour-in-haryana/article5148056.ece> (last visited on June 03, 2025).

<sup>12</sup> HT Correspondent, Man thrashed to death in Bihar 'honour killing', *Hindustan Times*, Mar 24, 2013, available at, <https://www.hindustantimes.com/patna/man-thrashed-to-death-in-bihar-honour-killing/story-05d0NHZS8QBxtr2bx4ORkN.html> (last visited on June 03, 2025).

<sup>13</sup> Theja Ram, Pregnant Muslim woman burnt alive by her own family for marrying a Dalit man in Karnataka, , *The News Minute*, June 05, 2011, Online, available at, <https://www.thenewsminute.com/karnataka/pregnant-muslim-woman-burnt-alive-her-own-family-marrying-dalit-man-karnataka-63175> (last visited on June 02, 2025)

**Constitutional Concerns**

According to Article 14 (Equality before the law), Article 15(1) (Prohibition of Discrimination based on Religion, Race, Caste, Sex, or Place of Birth), Article 19 (Protection of Freedom of Speech), Article 21 (Protection of Life and Personal Liberty), and Article 39(f) of the Indian Constitution, honor killing is against the rights of children and young people to grow up in a safe environment and under conditions of equality and dignity, as well as against abuse and material and moral abandonment. The savage killings that were concealed in order to preserve the family's name violate Article 21 of the Constitution, which protects life and individual freedom.

Article 51(A)(e), which forbids actions that diminish women's dignity. All of these liberties have been explicitly granted to Indian people by the country's constitution. In many countries apart from India, marriage is seen as a religious practice. Each religion has its own customs, beliefs, and laws that support it.

The fundamental law of India is the Constitution. It guarantees people's dignity regardless of their sex, community, age, or birthplace. As a result, all such killings violate Articles 19 and 21 of the Indian Constitution, which have continuously been interpreted broadly to safeguard Indian citizens' lives and way of life. Therefore, all coercive and aiding behaviours on the part of the perpetrators, their families, communities, villagers, or khap Panchayats constitute violations of Articles 19 and 21.

**Provisions under International Law**

Honour killings constitute a severe and heinous violation of human rights. Honour killings are addressed by several international instruments and are denounced as a serious violation of human rights.

The Universal Declaration of Human Rights closely reflects the ethos of the Provisions of Fundamental Rights in Part III and the Directive Principles of State Policy in Part IV of the Indian Constitution. The equality of men and women, their dignity of standing, and the advancement of social progress for higher living conditions and greater freedom are all made abundantly evident in the Preamble of the Universal Declaration of Human Rights. Human rights belong to people. Humans from all across the world, with varying origins, have various requirements and differ in their antiquity. The need to satisfy human needs has been influenced by evolution and slow growth. So, it is clear without giving prominence to live life in full essence i.e., the basic fundamental rights required to survive, a society cannot progress, nor can the edifice of society be measured as an enlightened one.

**International Covenant on Civil and Political Rights**

Article 3 of the International Covenant on Civil and Political Rights states that the parties to this Covenant commit to ensuring that both men and women enjoy equal rights regarding all civil and political liberties. It explicitly outlines the principles of impartiality and fairness in the enforcement of the law. Article 6 of the Covenant addresses the inherent right to life, asserting that no individual shall be arbitrarily deprived of their life, as the law exists to safeguard all human beings. Article 7 stipulates that no individual shall endure inhuman or degrading treatment or punishment, thereby affirming that human beings must not be subjected to undignified treatment. Article 9 asserts that everyone is entitled to liberty and security, while Article 10 emphasizes that individuals deprived of their liberty must be treated humanely. Consequently, all forms of cruel and inhuman treatment are strictly prohibited.

Article 16 of the Covenant denotes the right to be recognized as a person under the law. It underscores the importance of proper acknowledgment and appreciation of human beings. Article 17 of the Covenant prohibits unlawful and arbitrary interference with an individual's privacy, family, home, or correspondence, as well as unlawful attacks on their honor and reputation. Article 23 of the Covenant explicitly grants the right for men and women of marriageable age to marry and establish a family. Therefore, individuals are free to choose their own spouses without any hindrance based on various reasons.

### **International Covenant on Economic, Social and Cultural Rights, (1966).**

Article 3 and Article 9 of this Covenant acknowledge the inherent dignity and equal, inalienable rights of all members of the human family, as these rights form the foundation of freedom, justice, and peace globally.

The International Covenant on Economic, Social and Cultural Rights was adopted with the understanding that individuals should live free from fear and want, and that they can relinquish their economic, social, and cultural rights alongside their civil and political rights.

### **The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**

The Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) is an international agreement adopted in 1979 by the United Nations General Assembly. Characterized as a global bill of rights for women, it was established on 3 September 1981 and has been ratified by 189 countries. India has signed the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979) and has ratified the agreement. The provisions of CEDAW can be used to assert that the tradition of penalizing individuals for misguided notions of family dishonour constitutes institutionalized discrimination and imposes a legal obligation on India, as a state party, to eradicate all forms of honour killings and to ensure the elimination of discrimination against women regarding marriage and family matters, thereby granting them equal rights to marry, to choose a partner freely, and to wed with their full and free consent.

### **Provisions of Honour Killing in Indian Penal Code and Bharatiya Nyaya Sanhita**

Section 302 IPC / Section 103 BNS (Punishment for Murder): Depending on the situation and how serious the crime is, Section 302 of the IPC states that someone found guilty of murder can receive either the death penalty or life imprisonment. Because honour killings are deliberate and planned murders done with evil intent, they fall under this law. The same rules for sentencing are followed in Section 103 of the BNS, showing that lawmakers want to keep tough punishments for murder, especially those motivated by social factors.

Section 307 IPC / Section 109 BNS (Attempt to Murder): It deals with attempts to commit murder, mandates a maximum penalty of life imprisonment. This provision pertains to honour killings where the defendant refrains from committing the act of murder due to intervention or other factors. This aligns with Section 109 of the BNS, which highlights the gravity of attempted murder and enforces strict penalties, especially in cases where honour is involved.

Section 120B IPC / Section 61 BNS (Criminal Conspiracy): Criminal conspiracy is punishable under Section 120B of the IPC, especially when two or more people band together to commit a crime. The members of the family who commit honour killings frequently conspire together to plot the crime in an attempt to regain their alleged "honour." Criminal conspiracy is similarly covered under Section 61 of the BNS, which includes clauses that guarantee that anybody

involved in an honour killing case can be held accountable, even if they did not personally commit the act but helped to plan or assist it.

### **Magnitude of the Problem**

The murder of a family member, particularly a girl, woman, or man, who is seen as bringing shame upon the family, is considered an honor killing. In 2015, there were a total of 251 honor killings, according to data from the National Crime Records Bureau 2015,<sup>14</sup> representing a noticeable increase in the killing of individuals who believe they are defending the integrity of their family. Between 2008 and 2010, the state recorded 34 honor killings. In India, there has been an increase in the number of honor killings; over 300 incidents have been recorded in the last three years. Honor killings, which are the consequence of people marrying without their family's approval and occasionally marrying outside their caste or religion, have been mainly reported in India's northern regions, notably in the states of Punjab, Rajasthan, Haryana, and Uttar Pradesh. In the western Indian states of Gujarat and Maharashtra, as well as in South India, honor killings are also common. According to the most recent statistics from the National Crime Records Bureau (NCRB)<sup>15</sup>, India saw 25 honor murders recorded in 2019 and 2020, and 33 in 2021. However, the real number could be far larger than what is indicated by these numbers, which are based on what was reported.

International Women's Rights Action Watch Reports<sup>16</sup> submitted to the United Nations Commission on Human Rights shows that Honour killings have occurred in Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, and Uganda.

### **Judicial Observations**

*Lata Singh v. State of U.P.*<sup>17</sup> The Supreme Court condemned honour killings in this instance and acknowledged that people have the constitutional right to pick their partners. The court mandated severe action against offenders engaged in honour killings and claimed that families or communities have no right to meddle in consensual partnerships and marriages.

In *Bhagwan Dass v. State (NCT of Delhi)*<sup>18</sup>, the Supreme Court stated that honour killings cannot be permissible under any social or cultural practices. It reiterated that under Section 302 of the IPC, honour killings fall under the category of "rarest of rare" cases that attract capital punishment.

*Shakti Vahini v. Union of India*<sup>19</sup> this significant judgment addressed the function of community-based councils, like Khap Panchayats, in provoking violence related to honour. The court directed state authorities to implement protective measures for couples who are at risk, underscoring the responsibility of law enforcement to take proactive action.

---

<sup>14</sup> Ministry of Home Affairs, Honour Killings, 31 JUL 2018, PIB Delhi, available at, <https://www.pib.gov.in/PressReleaseframePage.aspx?PRID=1540824> (last visited on June 3, 2025).

<sup>15</sup> The Sunday Read: Death of honour, Bangalore Mirror Bureau, Oct. 22, 2023, available at, [https://bangaloremirror.indiatimes.com/opinion/sunday-read/the-sunday-read-death-of-honour/articleshow/104617146.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign](https://bangaloremirror.indiatimes.com/opinion/sunday-read/the-sunday-read-death-of-honour/articleshow/104617146.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign) (last visited on June 03, 2025).

<sup>16</sup> Raju Saraswati, Honour Killings-Crime against Mankind, Vol. 10 Issue 03, IOSR Journal of Humanities and Social Science (IOSR-JHSS) 3 (2013),

<sup>17</sup> (2006) 5 SCC 475

<sup>18</sup> (2011) 6 SCC 396

<sup>19</sup> (2018) 7 SCC 192

**Conclusion**

A dangerous and customary evil practice that infringes upon a person's basic rights is honour killing. Its actions always lead to severe and radical societal decline. It is a particularly heinous kind of offense since family members conspire and carry out the murder jointly in front of the community or family. It is claimed that honour killings are carried out in order to protect the family's dignity and reputation, but in reality, they are heinous and repulsive acts of murder that demand severe punishment. Even after the provisions of CEDAW and many human rights provisions to eliminate violence against women, it is still perplexing that people are murdered in the name of honour.

It's clear that laws play a crucial role in combating this terrible crime. However, society also has a moral duty to prevent honour killings and safeguard the rights of young people. This can be done by creating opportunities and support for those who need to escape and find help. The level of violence will only go down when we challenge outdated male-dominated ways of thinking. Changes in both personal attitudes and community practices in India, like improving economic situations, enforcing stricter laws, and empowering women to make their own choices, can be effective in decreasing this long-standing problem in the country.

**CITE THIS ARTICLE:** Dr. Pratim Sarkar, Practice of Honour Killing: A Human Rights Crisis in India, Justice and Law Bulletin, 1(3), pp. 1-8, (2022).