

HONOUR KILLING

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ABSTRACT

Honor killing refers to the act of killing a person, most often by their own family members, on the belief that the victim has brought shame or dishonor to the family or community. In India, honor killings are largely committed against sons or daughters who choose to marry or engage in a relationship with a person from another caste or religion. Such acts are justified by the offenders on the basis of social prestige, family pride, and community pressure.

Even in the 21st century, honour killings continue to occur in several parts of India, including many regions of South India. I have chosen this topic for my paper presentation because numerous couples have lost their lives due to the actions of their own parents and relatives. In a democratic country like India, every citizen has the fundamental right to choose their life partner. No one, including parents, has the authority to violate this fundamental right.

Here in our constitution were derived from the British constitution so however the crimes should be punished by the law Indian penal code 302 and later this was to named -Bharatiya Nyaya Sanhita 2023(100). Is strictly they've used this law to punish the act of honor killing with the guilty act that with cornering the person and to kill them. This was to change in the hands of government who rules the people to amend the strict laws, which was the one with reduces the crime of names as the honor killing.

INTRODUCTION

Honour killing involves violent actions taken by parents or family members against their own children for entering into inter-caste or inter-religious marriages. The judiciary has consistently held that marriage is a matter of personal choice and that individuals have the full right to choose their partners without force or coercion.

On 09.11.2025, the Delhi High Court reiterated that adults have the freedom to marry a person of their choice and that such decisions cannot be imposed by parents or society. Despite these judicial pronouncements, honour killings continue to occur, often with premeditation and collective involvement of family and community members.

At present, honour killing cases are prosecuted under general provisions relating to murder, such as Section 302 of the Indian Penal Code (IPC) or the corresponding provisions under the Bharatiya Nyaya Sanhita (BNS). However, these crimes involve a specific social motive and collective intent, which are not adequately addressed under general murder provisions. Therefore, there is a need for stricter laws, effective enforcement, and social awareness campaigns to reduce such crimes and change societal attitudes.

RESEARCH OBJECTIVES

1. To evaluate how honour killing cases should be treated under criminal law.
2. To examine why honour killing cases are often not punished adequately.
3. To analyze why trial court and High Court judgments differ in honour killing cases.

4. To suggest measures for reducing honour killing incidents.

RESEARCH QUESTIONS

1. How should honour killing cases be treated by courts?
 2. Why are honour killing cases not punished properly?
 3. Why do trial court and High Court judgments differ in honour killing cases?
 4. How can honour killings be reduced?
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CONCEPT AND SCOPE OF HONOUR KILLING

Honour killing generally arises in the following situations:

- ❖ **Inter-caste marriage within the same religion** – for example, marriages between SC, ST, BC, MBC, OBC, and FC communities.
- ❖ **Inter-religious marriage** – marriages between individuals belonging to different religions such as Hindu, Christian, and Muslim.
- ❖ **Gender-neutral application** – honour killing is not restricted to one gender; either the male or female partner may be targeted.

In rare cases, honour killings have also occurred within the same caste due to disobedience of parental authority. These instances demonstrate that honour killing is rooted not only in caste and religion but also in patriarchal control and rigid social norms.

CASE LAWS

1. *Vikas Yadav v. State of Uttar Pradesh* (2016)

This Supreme Court case is a landmark judgment on honour killing. The accused brutally murdered the victim due to his relationship, which was considered unacceptable by the family. The Court convicted the accused under Sections 302 and 364 of the IPC, holding that honour killings are grave violations of Article 21 of the Constitution, which guarantees the right to life and personal liberty. The Court emphasized that individual choice in marriage is a constitutional right and honor killings are "barbaric" acts

2. *Udumalapettai Shankar Murder Case* (2016)

In this case, Shankar, a Scheduled Caste youth, married Kousalya, who belonged to the dominant Devar community. Kousalya's father, along with hired assailants, murdered Shankar in a public place. The trial court awarded the death penalty to the main accused and imprisonment to others. However, on appeal, the High Court commuted the death sentence to life imprisonment. The case highlighted how caste and political influence can affect judicial outcomes.

3. *Gokulraj Murder Case* (2015)

The murder of V. Gokulraj, a Dalit engineering graduate, was initially staged as a suicide. The crime was motivated by caste hatred and suspicion of an inter-caste relationship. In 2023, the Madras High Court upheld

the conviction of the accused and imposed life imprisonment without remission, recognizing the seriousness of honour-based crimes and the strong circumstantial evidence presented by the prosecution.

4. Manoj and Babli Murder Case (2007)

Manoj and Babli were killed for marrying within the same clan but against the diktats of the Khap Panchayat in Haryana. The trial court awarded the death penalty to the accused, which was later commuted to life imprisonment by the High Court. This case demonstrated the extra-legal influence of Khap Panchayats and the challenges in enforcing the rule of law against traditional power structures.

SUGGESTIONS

Since Independence, numerous honour killing cases have been reported in India. At present, such crimes are punished under general murder provisions like Section 302 IPC or corresponding provisions under the BNS. While murder laws address the act of killing, they fail to recognize the unique nature of honour killing, which involves collective intent, conspiracy, and social approval. And also in our constitution we had the provision that 103 BNS. It says that the mob lynching, here the law says that **the act which 5 or more person targets one person with their caste, religion and colour and murder them they can punish with that. So they can punish with this also but not happens.**

Proposed Legal Reforms

1. Honour killing should be recognized as a distinct and non-bailable offence.
2. Evidence properly examined by the trial court should not be easily diluted at the appellate stage due to witness hostility or external influence.
3. Trials in honour killing cases should be completed within a fixed time frame, preferably within 90 days from the date of registration of the case.
4. The main accused who directly commit the act of killing should face severe punishment, including the death penalty in appropriate cases, along with fines.
5. All persons involved in group honour killings should be punished under Section 103 of the Bharatiya Nyaya Sanhita, which prescribes stringent punishment for murders committed by five or more persons based on caste, religion, or similar grounds.

Social and Preventive Measures

1. The Central and State Governments should conduct regular awareness programmes in both rural and urban areas to promote acceptance of inter-caste and inter-religious marriages.
2. Police protection should be provided to couples facing threats due to their marriage or relationship.
3. Educational institutions and community organizations should actively work to change societal attitudes regarding caste and honour.

CONCLUSION

Honour killing is a grave violation of human rights and constitutional values. It undermines the principles of equality, liberty, and dignity guaranteed under the Constitution of India. To effectively combat honour killings, India requires not only strict and specific laws but also strong political will, judicial consistency, and sustained social reform. Only through combined legal and social efforts can this inhuman practice be eradicated from society. In the action of welcoming a those kind of marriages a political party named cpi the

communist party dones a statement that any couple from wherever at any time they can come to the communist office for the purpose of marriage we can happens that marriage,(**hence from all party should welcoming this thought in their party should leads to drastic change**). Which would happen in the state of Tamilnadu

REFRENCE

- 1.Vikas Yadav v. State of Uttar Pradesh (2016)
- 2.Udumalapettai Shankar Murder Case (2016)
- 3.Gokulraj Murder Case (2015)
- 4.Manoj and Babli Murder Case (2007)

