

## **HONOR KILLING AS A CRIMINAL OFFENCE: NEED FOR A SEPARATE LAW?**

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### **Abstract**

Honor killing refers to the murder of an individual by family or community members who believe the victim has brought shame or dishonor upon the family or social group. Such dishonor often relates to choices in marriage particularly inter-caste, inter-religious or elopement with a partner opposed by the family or personal autonomy that challenges traditional social norms. Though honor killings occur in different cultures globally, in India they are deeply rooted in patriarchal, caste-based, and community honor systems where community reputation overrides individual rights. Honor killing in India refers to the murder of a person, usually by family members or relatives, who is believed to have brought dishonor to the family or community. This perceived dishonor often arises when an individual, especially a woman, chooses a life partner against the wishes of the family or community, such as in cases of inter-caste, inter-religious, or same-gotra marriages. Honor killings may also occur due to relationships outside marriage, refusal to follow traditional norms, or asserting personal independence.

Honor killing is a grave violation of the right to life, personal liberty, and human dignity guaranteed under the Indian Constitution. The reasons for honor killings in India are deeply rooted in patriarchal social structures and rigid caste systems. One major reason is the obsession with caste purity, where marriages outside caste or community are considered a threat to social hierarchy. Families fear social boycott, loss of reputation, and criticism from the community, leading them to commit such extreme acts. Another important reason is male dominance and control over women's choices, where women are viewed as carriers of family honor, and their autonomy is strictly regulated.

Traditional institutions such as khap panchayats also play a role by issuing illegal orders against couples who defy social norms, indirectly encouraging honor-based violence. Lack of education, social awareness, and weak enforcement of law further contribute to the continuation of this practice. In many cases, community pressure and fear of isolation compel families to commit honor killings. Despite strict punishments under criminal law, honor killings persist due to deep-rooted social conditioning and silence of society.

In India, these killings are not separately classified as a distinct offence in criminal statutes. Instead, they fall within general offences like murder, abetment, or criminal conspiracy under the Bharatiya Nyaya Sanhita (BNS), 2023.

## **Objectives**

The objectives of studying honor killing in India are to gain a clear legal, social, and human rights based understanding of this serious crime and to explore effective ways to prevent it. The detailed objectives are as follows:

Firstly, one of the main objectives is to understand the meaning and nature of honor killing. This includes explaining how honor killings differ from ordinary murders, as they are committed not for personal gain but due to perceived loss of family or community honor.

Secondly, the study aims to examine the socio-cultural reasons behind honor killings in India. This involves analyzing factors such as caste system, patriarchy, gender discrimination, community pressure, and the influence of traditional bodies like khap panchayats.

Thirdly, another important objective is to analyze the existing legal framework dealing with honor killings. The study evaluates how Indian criminal laws treat honor killings under general offences like murder, abetment, and conspiracy, and whether these provisions are adequate to deliver justice.

Fourthly, the study seeks to evaluate judicial responses and landmark case laws to understand how courts interpret and punish honor killing cases. This helps in assessing whether the judiciary has played an effective role in protecting individual liberty and constitutional rights.

Fifthly, the research aims to assess the need for a separate and specific law on honor killings. It examines whether the absence of a distinct legal provision weakens prevention, reporting, and punishment of such crimes.

Lastly, the study aims to suggest reforms and preventive measures, including legal reforms, awareness programs, education, and protection mechanisms for couples, to eliminate honor killings and uphold human dignity and freedom of choice.

## **Research Methodology**

The present research on honor killings in India adopts a doctrinal and descriptive research methodology. This method is suitable for examining legal concepts, statutory provisions, judicial decisions, and socio-legal issues related to honor killings. The study primarily focuses on understanding the nature of honor killings, their causes, legal treatment, and the need for a separate law. The research is based on secondary sources of data, as it does not involve fieldwork or empirical surveys. Relevant information has been collected from textbooks on criminal law, legal journals, research papers, reports of law commissions, newspaper articles, and authentic online legal databases. These sources help in analyzing both the legal framework and the social dimensions of honor killings in India. A statutory analysis approach has been used to examine the provisions of criminal law applicable to honor killings, particularly the Bharatiya Nyaya Sanhita, 2023, and constitutional protections relating to the right to life, personal liberty, and freedom of choice. This analysis helps in understanding how honor killings are presently addressed under existing laws.

## **Honor Killing in Indian Context**

Honor killings in India are predominantly motivated by the perception that a person's independent choice in marriage or relationships dishonors family reputation, caste values, or community honor. These killings are a violation of fundamental rights, especially the right to life and dignity guaranteed under the Constitution. Indian society's attachment to caste and communal honor often fuels such crimes, despite constitutional safeguards and criminal penalties. Unlike officially recognized crimes, honor killings are not separately categorized in national crime records, making it difficult to track such incidents accurately. Many cases are reported simply as murder without specific recognition of the social motive behind them.

## **Legal Framework in India**

Under current Indian criminal law, honor killings are dealt with through general penal provisions under the Bharatiya Nyaya Sanhita, 2023 as.,

- Section 103 (BNS) – Murder: Intentional killing punishable with life imprisonment or death penalty.
- Section 109 (BNS) – Abetment of offence, where aiding or instigating a murder also attracts punishment.
- Section 73 (BNS) – Criminal conspiracy provisions.

These sections cover the actus reus and mens rea of murder, but do not identify or treat honor killings as a unique or aggravated form of murder with distinct socio-cultural implications. Additionally, constitutional rights such as personal liberty and freedom of choice in marriage provide a legal basis for protecting victims of honor crimes.

## **Case Laws and Judicial Responses:**

### ***Murder of Pranay Perumalla, 2018***

One of the most noted cases in modern times, Pranay Perumalla was murdered after marrying outside his caste. In 2025, a Nalgonda court convicted the accused under multiple provisions including murder, criminal conspiracy, and the SC/ST Act. The main accused received a death sentence while others were given life imprisonment.

### ***Murder of Devarakonda Harish, 2023***

Harish, a Dalit man, was stabbed to death by his partner's brother and others for eloping to marry. Numerous arrests were made, and the case highlighted the role of social stigma in honor killings.

### ***Murder of Praveen and Suicide of Sharmila, 2024***

Another caste-based honor killing where the husband was murdered and his wife later committed suicide, illustrating the devastating impact on inter-caste couples.

### ***Kongara Nagamani Case, 2024***

This case involved a woman constable killed by her own brother for marrying a Dalit man, showing that even educated individuals are not immune to honor-based violence.

### **Recent Court Decisions**

The Several trial courts have handed down life sentences for honor killings, reinforcing that such murders are heinous acts with severe punishment under existing laws. News reports reveal courts calling honor killings an “attack on civilization” and reflecting a stern judicial attitude against such crimes.

### **Recent Scenarios and Trends:**

Recent news reports confirm that honor killings continue across India:

A life sentence was given to a man who killed his daughter, a rape survivor, because of perceived dishonor. Multiple life sentences were handed to relatives who murdered a husband over a love marriage. The Honor killing incidents continue to occur in various states, and debates about separate laws are ongoing. For example, political leaders in Karnataka recently discussed the need (or lack thereof) for dedicated legislation. The Victims’ families and activism groups in Tamil Nadu and elsewhere remain vocal about the need for stronger legal frameworks, arguing that caste-based motives are not adequately recognized in current statutes. These developments underscore that despite punitive measures, honor killings persist, often hidden within broader murder statistics and social silence.

### **Analysis: Is a Separate Law Necessary?**

#### ***Arguments For a Separate Law:***

*The Recognition of Unique Motive:* Honor killings involve specific cultural and social motives rooted in caste and patriarchal values. A separate statutory offence could better capture this context and enhance societal condemnation.

*Focused Enforcement:* A tailored law might create special investigative mechanisms, dedicated support systems for at-risk couples, and stringent preventive measures.

*Data and Reporting:* Classifying honor killing as a distinct offence would improve data collection and policy responses, rather than burying it under general murder figures.

#### ***Arguments Against a Separate Law:***

*Sufficiency of Existing Statutes:* Critics point out that murder and related provisions already carry severe penalties, and the problem lies more in enforcement than in the absence of specific laws.

*Potential for Misuse:* There are concerns that creating a separate provision could complicate prosecutions or be misused in politically sensitive contexts.

## **Findings**

Based on review of statutes, case laws, and scholarly debate the Honor killings remain a serious human rights issue, deeply tied to caste and community honor codes. Existing law (BNS Sections on murder, abetment and conspiracy) is capable of punishing perpetrators, but may lack focus on the social dynamics driving such crimes. The Judicial intervention has been robust in many cases, with life sentences and even death penalties in extreme cases. The Enforcement challenges underreporting, hostile witnesses, and socio-political pressure impede effective justice in many honor killing cases. There is growing advocacy from civil society and victims' groups for a dedicated offense to recognize and deter honor crimes.

## **Conclusion**

Honor killings represent a profound clash between individual constitutional rights and rigid social norms centered on honor, caste, and family reputation. While existing criminal statutes under the Bharatiya Nyaya Sanhita provide legal tools to punish such murders as murder and related offences, they do not explicitly recognize the distinctive socio-cultural nature of honor killings.

A separate legal statute could help in targeted deterrence, better data collection, and focused protection mechanisms. However, any new law must be accompanied by effective enforcement, sensitization of law enforcement agencies, witness protection, and community education to dismantle the social mindset that fuels honor killings.

In the absence of such measures, merely creating a separate category may not integrate justice with social transformation. Therefore, reform efforts must be holistic combining legal innovation with socio-legal and institutional reforms to eliminate honor killings in India.

## **References**

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