

HONOUR KILLING AND FUNDAMENTAL FREEDOMS: AN ANALYSIS

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ABSTRACT

*Honour killings are generally committed by members of a family to preserve a perceived collective "honour" against blood relations whose conduct is regarded as immoral or dishonourable, and numerous young men and women in India have lost their lives to these killings. In a country governed by the rule of law, such acts must be dealt with severity, and honour killings, properly understood, are illegal and constitute a direct contravention of fundamental freedoms. This doctrinal paper examines honour killing within the framework of the fundamental freedoms guaranteed by the Constitution of India and by international human rights instruments, exploring the deep-seated cultural and sociological roots of "honour" as a mechanism for controlling female sexuality. By analysing the transition from the Indian Penal Code to the Bharatiya Nyaya Sanhita, the paper assesses whether the current legislative landscape provides an adequate deterrent for crimes motivated by perceived family or community dishonour, and traces the judiciary's evolution from simple condemnation of such acts to the comprehensive preventive, remedial and punitive guidelines issued in *Shakti Vahini v. Union of India*. The paper concludes with targeted recommendations, emphasising that the right to marry a person of one's own choice is an inseparable aspect of the right to life and personal liberty guaranteed under Article 21.*

KEYWORDS: Article 21; Fundamental Freedoms; Honour Killings; Right to Life; Personal Liberty

1. INTRODUCTION

Honour killing, commonly described as customary or shame killing, refers to the planned murder of a family member, usually a woman, by a male relative or by other community members, most often members of a dominant caste, in response to conduct perceived to dishonour the family or community.¹ The practice is widely understood as a manifestation of intra-familial violence rooted in patriarchal notions of honour, in which women are treated as bearers of individual or familial honour and are expected to preserve sexual purity, including virginity and marital fidelity; where they are believed to have transgressed these expectations, they may be subjected to lethal violence at the hands of male family members who regard the act as necessary to reclaim lost honour.² The conduct treated as dishonourable varies across cultural settings, but allegations of premarital or extramarital relationships most commonly trigger such violence, and in many instances unverified accusation, gossip or

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¹ Anand Mishra, *Honour Killings: The Law It Is and the Law It Ought to Be*, Hidayatullah National Law University (Dec. 12, 2010).

² Nidhi Gupta, *Honour Killing: A Global View*, 5 *Int'l J. Soc. Sci. & Humanity* 199, 201 (2015).

mere suspicion suffices to provoke a fatal outcome.³ Honour killings thus represent an extreme and lethal form of domestic violence culminating in the murder of women within their own families, a category the United Nations Special Rapporteur on Violence against Women, Radhika Coomaraswamy, has described as a form of domestic violence that has largely escaped national and international attention because such acts are frequently justified as culturally sanctioned practices warranting tolerance and respect.⁴

Honour killings are sociologically distinct from ordinary domestic violence precisely because they are frequently endorsed, encouraged or legitimised by the wider community, converting what would otherwise be a private act of violence into a public assertion aimed at preserving perceived cultural norms.⁵ The regulation and surveillance of women's sexuality has long been central to patriarchal social structures in which family honour and social reputation are closely tied to female conduct measured against culturally prescribed moral codes, codes that emerge from deeply entrenched patriarchal values reinforced through cultural and traditional practice over generations.⁶ Within such codes, honour is constituted by social perception rather than individual conscience, such that an individual's standing depends on the conduct of others and is withdrawn collectively once prescribed norms are violated, an assumption that treats harm to collective reputation as sufficient justification for collective injury.⁷

A deep and fundamental tension exists between these long-standing customary traditions and the contemporary constitutional framework. The Constitution aspires to dismantle feudal social relations and establish a system grounded in individual freedom, equality and human dignity, yet the continued occurrence of honour killings demonstrates that substantial segments of Indian society continue to uphold a collective notion of honour in which individuals, particularly women, are treated as possessions rather than autonomous persons.⁸ The practice has endured for centuries, particularly across northern states including Bihar, Uttar Pradesh, Punjab, Rajasthan and Haryana, where extra-constitutional bodies such as Khap Panchayats continue to wield considerable

³ Rachel A. Ruane, *Murder in the Name of Honour: Violence Against Women in Jordan and Pakistan*, 14 *Emory Int'l L. Rev.* 1523, 1531 (2000).

⁴ The Advocates for Human Rights, *Crime Committed in the Name of "Honor", Stop Violence Against Women* (2008).

⁵ Namrata, *In Between Honor, Rebellion and Patriarchy: Honor Killings in India*, Global Human Rights Hub Fellows Blog (Feb. 9, 2024).

⁶ Shramana Sengupta et al., *Honour Killings in India: A Patriarchal Ideology and Misogynistic Aspect of Society*, 2 *Indian J. Integr. Rsch. L.* 1, 4 (2022).

⁷ Lama Abu-Odeh, *Comparatively Speaking: The "Honor" of the "East" and the "Passion" of the "West"*, 2 *Utah L. Rev.* 287, 292-93 (1997).

⁸ Ketki Patwardhan & Ramesh Kumar, *When Honour Overrides Justice: The Evidence Act's Role in Honour Killings in India*, 30 *Educ. Admin. Theory & Prac.* 5386, 5387 (2024).

influence over social behaviour, and young people with promising futures are killed in the name of honour when they challenge entrenched social convention by marrying outside prescribed community norms, entering relationships without familial approval, or seeking divorce.⁹ The growing visibility of these crimes owes partly to increased educational participation among women, which has expanded social interaction across caste and community boundaries and facilitated relationships beyond traditional restriction, provoking a violent response from those seeking to deter transgression of caste-based and communal division; empirical evidence indicates that such violence is most frequently planned, encouraged and supported by members of castes occupying dominant economic and social positions.¹⁰

1.1 Research Objectives

This study undertakes a comprehensive examination of honour killing from the perspective of constitutional jurisprudence and fundamental freedoms, critically evaluating whether the notion of "honour" can claim any constitutional legitimacy as justification for violence, and examining how such practices violate Articles 14, 15, 19 and 21 of the Constitution. It evaluates the capacity of the Indian Penal Code, 1860 and the Bharatiya Nyaya Sanhita, 2023 to deter and punish honour killing; examines the role of extra-constitutional bodies including Khap Panchayats in perpetuating such crimes and the legitimacy of their claimed "parallel justice" function; assesses the impact of landmark Supreme Court decisions; considers the recommendations of the Law Commission's 242nd Report alongside related state legislative measures to identify effective practice capable of informing national policy; and examines the structural obstacles, including underreporting, law-enforcement collusion and persistent socio-cultural norms that lag behind constitutional commitment, that undermine effective enforcement of fundamental freedoms in this context.

1.2 Research Methodology

The methodology adopted is primarily doctrinal, identifying relevant legal principles and interpreting them within the framework of constitutional and international human rights law. The study analyses the Constitution of India, the Indian Penal Code and the Bharatiya Nyaya Sanhita, with case-law analysis centred on influential Supreme Court judgments including *Lata Singh v. State of U.P.*, *Arumugam Servai v. State of Tamil Nadu* and *Shakti Vahini v. Union of India*, examined for their contribution to the evolving "right to choice" jurisprudence. National Crime Records Bureau data are analysed alongside reports from non-governmental organisations including Shakti Vahini to highlight discrepancies between official figures and ground reality, and

⁹ Sister Matilda Pereira A.C. et al., *Honour Killing: A Heinous Crime*, 4 J. Rsch. UG & PG Stud. 53, 54 (2012).

¹⁰ Nidhi Gupta, *supra* note 2, at 208.

international instruments including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Discrimination Against Women are synthesised to situate honour killing as a global human rights concern.

2. UNDERSTANDING HONOUR KILLING: CONCEPT AND CHARACTERISTICS

Murder remains murder in every circumstance, and there can be no honour in taking a human life. Just as a thief gains no honour from theft, a murderer cannot attain honour through killing; the act permanently marks the perpetrator as a criminal, and it is difficult to conceive how a parent's taking of a child's life could ever be reconciled with any genuine notion of honour, still less one measured against a socially constructed caste hierarchy. As the Supreme Court affirmed in *Lata Singh v. State of Uttar Pradesh*, such acts are neither honourable nor justified but are, in reality, barbaric and shameful murders.¹¹ An honour killing refers to the killing of an individual by members of their own family or social group on the belief that the victim has tarnished family or community reputation, typically justified by perpetrators on grounds including refusal of an arranged marriage, an unapproved relationship, sexual relations outside marriage, survival of rape, clothing perceived as inappropriate, participation in a same-sex relationship, or abandonment of a particular faith; although routinely described as committed in the name of honour, these crimes are more accurately rooted in entrenched cultural practice and social norm than in any genuine concept of honour at all.¹² This terminological point carries genuine analytical weight rather than being a merely rhetorical flourish: describing these killings as "honour" crimes risks lending the perpetrators' own justificatory framework an unearned legitimacy within legal and public discourse, and scholars have accordingly urged that the more accurate description is simply murder, motivated by patriarchal control rather than by any value a legal system should treat as mitigating.

Honour killing is distinguished from other forms of gender-based violence by several recurring characteristics. It is predominantly directed against women and girls in connection with their actual or perceived sexual conduct, with violence flowing overwhelmingly in a male-to-female direction, though instances involving male victims occur while the reverse, female-to-male violence, remains exceptionally rare.¹³ Such killings are typically justified by perpetrators as necessary to uphold perceived social, cultural or religious values

¹¹ *Lata Singh v. State of U.P.*, (2006) 5 S.C.C. 475 (India).

¹² Diksha Chopra, *Is Honor Killing an "Honor"?*, University Institute of Legal Studies, Panjab University.

¹³ Dr. Jane Haile, *Honour Killing, Its Causes and Consequences: Suggested Strategies for the European Parliament*, European Parliament (Dec. 20, 2007).

connected to family honour, and the act is frequently planned, carried out collectively, and socially condoned within the community, a collective endorsement that allows offenders to exploit or evade the ordinary criminal justice system.¹⁴ Honour killings characteristically involve multiple perpetrators, most often male relatives, though women may participate directly or through silent endorsement, and victims are frequently denied compassion even where they have endured prior abuse, incest or sexual violence, with intense familial and social pressure often placed specifically on fathers and brothers to carry out the killing.¹⁵

3. CONSTITUTIONAL JURISPRUDENCE AND FUNDAMENTAL FREEDOMS

Fundamental freedoms constitute the core political liberties indispensable to a functioning democracy, protecting an individual's autonomy to think, act and live freely, subject to restriction only through valid law.¹⁶ The Constitution, in force since 26 January 1950, guarantees these freedoms to every individual without discrimination on grounds including religion, race, caste, sex or place of birth, and the Supreme Court has played a sustained role in interpreting and expanding their scope over the decades since.¹⁷ Honour killings represent a direct assault on the fundamental freedoms enshrined in Part III of the Constitution, and the judiciary has increasingly affirmed that such acts extend beyond private family dispute to constitute a breach of the State's own obligation to safeguard the life and liberty of its citizens; the principle of constitutionalism holds that individual rights must take precedence over regressive cultural diktat endorsed by extra-constitutional bodies, though giving practical effect to that principle remains a persistent challenge.

Such killings contravene several distinct constitutional provisions. Article 14 embeds the rule of law, under which all individuals are equal before the law and no one stands above it, a principle forming part of the Constitution's basic structure and thus immune even to constitutional amendment; any act committed under the pretext of defending family honour directly contravenes this guarantee.¹⁸ Article 15 prohibits State discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and where extra-constitutional bodies such as Khap or Katta Panchayats create a parallel, discriminatory regime by enforcing informal social codes against inter-caste or inter-religious relationships, they perpetuate precisely the discrimination Article 15 forbids and deprive affected persons of the equal protection of law the State

¹⁴ Sadiq Bhanbhro et al., Honour Based Violence as a Global Public Health Problem: A Critical Review of Literature, 9 Int'l J. Hum. Rts. & Healthcare 1, 8 (2016).

¹⁵ Dr. Jane Haile, *supra* note 13.

¹⁶ Walter Surman Tarnopolsky, *The Canadian Bill of Rights* 2 (2d ed. 1975).

¹⁷ Ministry of Education, Government of India, *Fundamental Rights of India*, Sathee.

¹⁸ The Constitution of India, 1950, art. 14.

is constitutionally bound to guarantee.¹⁹ In *Arumugam Servai v. State of Tamil Nadu*, the Supreme Court strongly deprecated the practice of Khap and Katta Panchayats taking the law into their own hands and engaging in offensive conduct endangering the lives of persons who marry according to their own choice, a holding that squarely applies the Article 14 and 15 framework traced above to the specific institutional actors most often responsible for honour-based violence.²⁰

4. THE RIGHT TO CHOICE: JUDICIAL RECOGNITION OF MARITAL AUTONOMY

Article 21 guarantees the right to life and personal liberty, while Article 19 confers the fundamental freedoms of speech, expression and association; judicial interpretation has extended these provisions to encompass an individual's autonomy to choose a marital partner. In *Lata Singh v. State of U.P.*, the Court held that once a person attains majority, they may marry whomever they choose, and that any threat or violence by parents or community against a consensual inter-caste or inter-religious marriage is wholly illegal, condemning honour killing as an outrage on humanity and directing police to protect couples from harassment.²¹ Where the marriage is governed by personal law, it proceeds under the Hindu Marriage Act, 1955, while marriages between parties of different religions, or those involving a foreign element, are governed respectively by the Special Marriage Act, 1954 and the Foreign Marriage Act, 1969.²² In *Shakti Vahini v. Union of India*, the Court held that the right to marry a person of one's choice is an essential and indivisible aspect of individual freedom, that "class honour" cannot override individual liberty, and that interference by self-styled councils must be treated as criminal intimidation or unlawful assembly.²³ In *Asha Ranjan v. State of Bihar*, the Court further stressed that a woman's choice of partner is a legitimate constitutional right under Article 19, one that a group of persons cannot curtail in the name of "class honour," the freedom of association and privacy together protecting an individual's autonomy to select a spouse.²⁴ Constitutional jurisprudence accordingly affirms, without significant qualification, that consenting adults possess a fundamental right to choose their marital partner under Articles 19 and 21, a right that cannot be restricted on grounds of caste, religion or claimed considerations of honour. The doctrinal trajectory from *Lata Singh* through *Shakti Vahini* to *Asha Ranjan* is worth noting for its cumulative structure: each

¹⁹ Salim Khan, *Honor Killing: Current National and International Legal Framework*, 11 *Int'l J. Rsch. Eng'g & Sci.* 224, 225 (2023).

²⁰ The Constitution of India, 1950, art. 15, cl. 1.

²¹ *Arumugam Servai v. State of Tamil Nadu*, (2011) 6 S.C.C. 405 (India).

²² *Lata Singh v. State of U.P.*, (2006) 5 S.C.C. 475 (India).

²³ B. Jayprakash Narayan, *Honour Killings in India*, Karnataka State Law University's Law School (Feb. 10, 2022).

²⁴ *Shakti Vahini v. Union of India*, (2018) 7 S.C.C. 192 (India).

decision builds on the last, moving from a bare declaration that adult marital choice is protected, through the identification of a specific institutional threat, self-styled Khap councils, requiring active state intervention, to the explicit grounding of that protection in the freedom of association and privacy as independent constitutional sources, so that by the time of *Asha Ranjan* the right rests on multiple, mutually reinforcing constitutional provisions rather than on Article 21 alone. This doctrinal layering matters practically because it forecloses the argument, occasionally raised by defenders of Khap authority, that marital choice is merely an incident of personal liberty subject to community regulation; the Court's repeated invocation of Article 19's associational freedom alongside Article 21 makes clear that the right in question is affirmatively guaranteed rather than merely tolerated in the absence of contrary social consensus.

5. THE SCALE OF THE PROBLEM AND INTERNATIONAL LEGAL OBLIGATIONS

Notwithstanding these judicial pronouncements, significant gaps remain in practical enforcement. Courts have consistently characterised honour killings as brutal practices sustained by caste-based patriarchy, but their capacity to compel comprehensive legislative reform is limited; in *Shakti Vahini*, the Court expressly urged the legislature to enact a dedicated law targeting honour-related crime, yet no comprehensive national legislation has followed, leaving such killings to be addressed under general criminal provisions in a manner that produces an inconsistent legal response overlooking their distinctive social motivation. The absence of reliable nationwide statistics compounds this problem: the National Crime Records Bureau began recording honour killing as a distinct motive for murder only in 2014, when it documented merely eighteen cases nationally, with subsequent parliamentary disclosures indicating twenty-five cases in 2020, thirty-three in 2021 and eighteen in 2022, figures that, being confined to cases specifically classified under an honour motive, substantially understate the true scale of the problem given that many incidents are registered under the broader categories of murder or culpable homicide without reference to underlying motive.²⁵ The Ministry of Home Affairs acknowledged approximately one hundred and forty-five honour-killing incidents between 2017 and 2019, while a single non-governmental organisation in Tamil Nadu independently documented one hundred and ninety-five such cases in that state alone over a five-year span, a disparity that lays bare the systemic underreporting and misclassification that continues to obscure the practice's true incidence.

At the international level, honour killings constitute a clear violation of the right to life protected under the Universal Declaration of Human Rights, the

²⁵ *Asha Ranjan v. State of Bihar*, (2017) 4 S.C.C. 397 (India).

International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and analogous regional instruments including the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Human and Peoples' Rights, with the Declaration on the Elimination of Violence against Women and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women reinforcing this protection specifically in relation to gender-based violence.²⁶ India, as a state party to the Convention on the Elimination of All Forms of Discrimination Against Women, bears a binding obligation to eliminate discrimination against women by any person, organisation or enterprise, with Article 2(e) specifically requiring states to adopt effective measures to eradicate entrenched social and customary practice, including honour-based crime, founded on notions of the inferiority or superiority of either sex.²⁷ The Committee on the Elimination of Discrimination Against Women has expressly recognised honour killings as a form of violence against women in General Recommendations Nos. 19, 31 and 35, and the United Nations General Assembly has adopted successive resolutions in 2001, 2003 and 2005 addressing crimes committed against women in the name of honour, each emphasising the State duty to prevent, investigate and prosecute such conduct.²⁸ India's continuing failure to enact dedicated national legislation accordingly carries reputational as well as domestic legal consequence, since global human rights bodies including Human Rights Watch and Amnesty International have consistently called on India to adopt more robust legal and policy responses, with India's human rights performance in this area subject to sustained scrutiny on international platforms with implications for its broader diplomatic and trade engagement.²⁹

6. STATUTORY FRAMEWORK: FROM THE IPC TO THE BNS AND THE SHAKTI VAHINI GUIDELINES

No specific national legislation presently addresses the prevention or punishment of honour killing directly, leaving such offences to general criminal law. Honour killings have traditionally been prosecuted as culpable homicide amounting to murder under Sections 300 and 302 of the Indian Penal Code, with criminal conspiracy under Section 120B invoked where the offence involves collective planning by family or community leaders, and the abetment provisions under Sections 107 to 116 applied to those who instigated or

²⁶ Alok Singh, In the Name of "Honour" India Fails to Protect the Right to Choose One's Partner, Vidhi Centre for Legal Policy (Aug. 1, 2025).

²⁷ Katja Luopajarvi, International Accountability for Honour Killings as Human Rights Violations, 22 *Nordic J. Hum. Rts.* 2, 7 (2004).

²⁸ CEDAW art. 2(e).

²⁹ Nidhi Gupta, *supra* note 2, at 208.

facilitated the killing without directly carrying it out.³⁰ Because existing classification does not recognise "honour" as a distinct motivating factor, honour killings are subsumed within the general offence of murder, leaving the underlying caste-based or homophobic animus driving such crimes frequently unaddressed and potentially producing comparatively lenient sentencing outcomes that fail to reflect the aggravated character of the offence. Attempts to invoke Exception 1 to Section 300, concerning grave and sudden provocation, have posed particular interpretive difficulty where accused persons argue that discovering a female relative in a relationship with a person of a different caste or religion triggered an uncontrollable emotional reaction; the Supreme Court has firmly rejected such arguments, holding that honour killings are rarely impulsive but are generally the product of calculated, deliberate decision-making extending over weeks or months, negating the sudden-provocation requirement. In *State of U.P. v. Krishna Master*, the Court held that the wiping out of entire families on the flimsy ground of honour fell within the rarest-of-rare category justifying capital punishment.³¹

The *Bharatiya Nyaya Sanhita*, 2023 introduces Section 103(2), providing that where a group of five or more persons acting in concert commits murder on the ground of race, caste, community, sex, place of birth, language, personal belief or any similar ground, each member of the group is liable to death or life imprisonment together with fine.³² This provision's significance lies in its recognition of concerted action, a feature commonly associated with Khap-sanctioned or collectively executed honour killings, and its express reference to caste, community and personal belief represents a meaningful attempt to capture the underlying motivation behind honour-based crime within the statutory framework. The provision nonetheless stops short of recognising "honour killing" as a distinct offence, leaving the criminal justice system without a clear statutory lens through which to address the structural character of a crime that functions as a punitive response to individuals exercising constitutionally guaranteed freedoms, including the right to choose a life partner or to enter an inter-caste or inter-faith marriage.³³ The *Bharatiya Nagarik Suraksha Sanhita*, 2023, replacing the Code of Criminal Procedure, provides the procedural framework for FIR registration, investigation and witness protection, but implementation remains inconsistent, with judicial observations repeatedly noting delays in registering FIRs and ineffective investigation where local police treat honour-related violence as a private family matter or hesitate to act

³⁰ U.N. General Assembly, Working Towards the Elimination of Crimes Against Women Committed in the Name of Honour, U.N. Doc. A/RES/55/66 (2001).

³¹ Ajuni Bedi, Honour Killings in India: Cultural Practices vs. Legal Provisions, *Law Chakra* (Mar. 5, 2025).

³² The Indian Penal Code, No. 45 of 1860 (India) (repealed).

³³ Alok Singh, *supra* note 26.

against locally influential individuals, materially weakening the law's preventive and protective objectives.³⁴

In the continued absence of national legislation, the Supreme Court's decision in *Shakti Vahini v. Union of India* has supplied the principal legal framework for protection, issuing preventive, remedial and punitive directions in response to a writ petition brought by the non-governmental organisation Shakti Vahini documenting the rising incidence of honour-based crime in Haryana and Uttar Pradesh.³⁵ These directions are significant not merely for their specific content but for the institutional design they reflect: by categorising its directions into preventive, remedial and punitive measures, the Court effectively constructed, through judicial order, the three-part regulatory architecture, anticipation, response and deterrence, that a dedicated legislative framework would ordinarily supply, offering a template Parliament could adopt with comparatively little modification were it to legislate on the subject directly. The preventive measures require state governments to identify districts, sub-divisions and villages that have witnessed honour killings or Khap assemblies over the preceding five years, direct heightened police vigilance regarding inter-caste or inter-religious marriages within their jurisdiction, and require senior police officials to engage directly with participants in any planned Khap assembly to communicate its unlawful character.³⁶ The remedial measures require prompt FIR registration upon receipt of information regarding an unlawful Khap diktat, contemplate the establishment of secure shelter facilities in every district headquarters, and direct the establishment of a twenty-four-hour helpline for couples facing threat.³⁷ The punitive measures direct that investigation of honour-related crime be treated as a priority and conducted without delay, that such cases be tried in fast-track courts with daily hearings aimed at resolution within six months, and that disciplinary action be taken against police or administrative personnel who, aware of a threat in advance, failed to prevent its occurrence.³⁸ Because these guidelines are not themselves legislation, their implementation varies considerably across states.³⁹

At the state level, Rajasthan remains, as of 2025, the only state to have enacted dedicated legislation, the Prohibition of Interference with Freedom of Matrimonial Alliances in the Name of Honour and Tradition Act, 2019, which criminalises the organisation of unlawful gatherings such as Khap Panchayats aimed at preventing marriages or intimidating couples, mandates death or life

³⁴ *State of U.P. v. Krishna Master*, (2010) 12 S.C.C. 324 (India).

³⁵ *The Bharatiya Nyaya Sanhita*, No. 45 of 2023 (India).

³⁶ Sushil Kumar & Ramveer Singh, *Honour Killing: A Critical Study of Legal Frameworks in India and Global Prevention Strategies*, 12 *Int'l J. Emerg. Tech. & Innovative Rsch.* 742, 750 (2025).

³⁷ *Id.*

³⁸ *Shakti Vahini v. Union of India*, Writ Petition (Civil) No. 231 of 2010 (India).

³⁹ *Id.*

imprisonment where interference in a marriage results in a fatality, and empowers district authorities to prevent such gatherings and safeguard affected couples, though its application remains confined to Rajasthan alone.⁴⁰ At the national level, the Law Commission's 242nd Report of 2012 proposed draft legislation, the Prohibition of Unlawful Assembly (Interference with Matrimonial Alliances) Bill, aimed at criminalising the conduct of informal or "kangaroo" courts in matrimonial matters, and the government prepared a comparable draft occasionally referred to as the Prevention of Interference with Matrimonial Alliances Bill; neither has yet been enacted by Parliament.⁴¹

7. RECOMMENDATIONS

Several measures follow from the analysis above. Sustained education, public discussion and grassroots awareness campaigns remain among the most effective strategies for challenging the patriarchal attitudes underlying honour-based violence, and non-governmental organisations should continue to play an active role both in raising awareness of its consequences and in protecting the rights of individuals whose lives have been disrupted or threatened by such violence, while society more broadly must extend genuine respect and support to women's autonomy across all spheres of decision-making. The safe houses and special cells the Shakti Vahini guidelines contemplate require dedicated funding and trained personnel to become operationally meaningful, since at present these facilities are frequently limited in practice to a single phone line without genuine enforcement capacity; properly resourced, they should provide physical protection alongside psychological counselling and legal assistance to help couples navigate family-related disputes.

Parliament should prioritise dedicated legislation addressing honour killing specifically; non-governmental organisations have proposed a draft Freedom of Marriage and Association and Prohibition of Crimes in the Name of Honour Act, 2022, seeking to criminalise intimidation, injury or conspiracy carried out under the guise of honour and to penalise caste panchayats enforcing honour-based norms, a proposal lawmakers should give serious consideration. Because marriage falls within the Concurrent List, state governments retain independent authority to legislate pending national action, following Rajasthan's example, and states should in the meantime simplify the registration process for inter-caste and inter-faith marriages, including by reducing the thirty-day notice period under the Special Marriage Act that can alert hostile families and thereby extend the period during which couples remain vulnerable to pre-emptive attack. Finally, the National Crime Records Bureau should provide comprehensive statistics on honour killing, including motive, community background and follow-up action, while police and judicial personnel require

⁴⁰ Id.

⁴¹ Id.

dedicated training to correctly identify and address honour-based crime as a distinct category rather than treating it as an undifferentiated instance of ordinary homicide.

8. CONCLUSION

The phenomenon of honour killing represents a persistent challenge to India's claim to be a modern, democratic society governed by the rule of law enshrined in Article 14 of its Constitution. This paper has demonstrated that honour killings are not mere domestic disputes but systemic cultural crimes that violate the core fundamental freedoms of the individual. The transition from the Indian Penal Code to the Bharatiya Nyaya Sanhita, while offering some improvement through the group-murder provision in Section 103(2), still falls short of providing a dedicated, comprehensive legal regime for killing in the name of honour. The judiciary remains the primary protector of individual choice in this domain, with the Shakti Vahini guidelines supplying a blueprint for state intervention; without corresponding legislative backing and a sustained effort to dismantle the social legitimacy extra-constitutional bodies such as Khap Panchayats continue to claim, however, judicial directions risk remaining paper mandates rather than lived protection. Ultimately, eradicating honour killing requires a decisive shift from a feudal conception of collective honour toward a constitutional conception of individual dignity; by prioritising the safety of its youth and upholding the sanctity of individual choice, India can ensure that the fundamental freedoms its Constitution guarantees become a lived reality for all citizens, regardless of the caste or community into which they are born.

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