



Reforms for Combating Honour Killings

For Prelims: [Sex Ratio](#), [Bharatiya Nyaya Sanhita \(BNS\)](#), [Law Commission](#), [Supreme Court](#), [Fundamental Rights](#).

For Mains: Reforms needed to tackle honour killings, Judicial stand and legal provisions.

Source: [HT](#)

Why in News?

In an [honour killing](#) case in Madhya Pradesh, a **girl was shot dead** by her family for wanting to marry someone of her choice, against their wishes.

What is Honour Killing?

- **About: Honour killing** is the murder of a **family member, typically a woman**, by relatives or community members in response to **perceived dishonor or shame brought** to the family.
 - These acts are often rooted in strict **cultural, social, and religious norms** regarding **family honor, morality, and social behavior**.
 - The concept of **honor** is often tied to women's behavior regarding issues like **marriage, relationships, sexuality, and modesty**.
- **Key Statistics:** As per the [National Crime Records Bureau data \(NCRB\)](#), the number of honour killings reported in India was **25 each in 2019 and 2020, and 33 in 2021**. But these figures could be **much higher** than mentioned.
- **Causes:**
 - **Caste System:** Fear of losing **caste status** drives violence, especially against **inter-caste or same gotra marriages**.
 - **Patriarchal Norms:** Women's right to choose a partner is often denied, with marriage seen as a **family honour transaction**.
 - **Caste Panchayats:** These informal bodies, controlled by **dominant caste males**, impose punishments, including killings, for **violating caste norms**. E.g., [Khap Panchayats](#).
 - **Gender Imbalance:** Skewed [sex ratios](#) lead to violence against women, especially when marriage choices defy traditional norms.
 - **Social Status:** Ascribed **social status is prioritized** over personal achievements, causing family honour to override personal choice.
- **Consequences:**
 - **Violation of Human Rights:** It is a blatant violation of the fundamental human [right to life](#). It perpetuates [gender inequality](#), reinforcing patriarchal norms.
 - **Social Impact:** Surviving families and communities suffer **deep psychological trauma** and long-term mental health issues.
 - **Governance Challenges:** Weak legal frameworks or societal acceptance result in **perpetrators evading justice**, undermining the rule of law.
 - **Cultural Backwardness:** It prevents women's education and employment, reinforcing **regressive traditions** and hindering progress.

- **International Repercussions:** Honor-based violence draws **global human rights scrutiny**, impacting diplomatic relations.

Note: Honour killings are considered "**murders**" since the law **does not handle them expressly**. As such, they are subject to the provisions of **Indian Penal Code, 1860**.

- Entitled "**Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011**" the bill dealt primarily with the "**unlawful assemblies called by caste panchayats** to prevent a self-choice.
 - Despite initial support, the bill **failed to progress in Parliament** and was **not enacted into law**.
- The **Law Commission of India's 242nd Report (2012)** emphasised the need for **anti-honor killing laws** that would provide clear guidelines for **investigation, prosecution, and punishment** in such cases.

What are Legal Provisions to Check Honour Killing?

- **Sections 299-304 of IPC (Now BNS):** Penalises any person guilty of **murder and culpable homicide** not amounting to murder.
 - **Murder and culpable homicide** can result in **life imprisonment or death**.
 - Culpable Homicide is causing death with **criminal intent or negligence**.
- **Section 307 of IPC:** Penalises attempt to murder with imprisonment for **up to 10 years** and a fine.
 - **Section 308 of IPC** penalises attempt to commit culpable homicide by **imprisonment** for up to 3 years or with fine or with both.
- **Section 34 and 35 of IPC:** Penalises **criminal acts done by several persons** in furtherance of common intention.

What is the Judicial Stand on Honour Killing?

- **Lata Singh vs State Of UP Case, 2006:** The **Supreme Court (SC)** condemned the harassment and violence faced by young couples in **inter-caste marriages**, calling honour killings **barbaric** and stressing **harsh penalties** for perpetrators.
- **State Of U.P vs Krishna Master Case, 2010:** SC held the perpetrators of an honour killing **accountable** and sentenced them to **life imprisonment**.
 - SC stressed the importance of **accountability for heinous crimes**.
- **Arumugam Servai vs. State Of Tamil Nadu Case, 2011:** SC clarified that parents can **sever ties** but **cannot intimidate or harass** children for inter-caste marriages.
 - SC directed the government to provide **legal protections** for inter-caste couples and take action to prevent harassment or violence.
- **Shakti Vahini Case, 2018:** SC ruled that honor killings are a **violation of fundamental rights** and emphasized the need for **strict action** against such crimes.
 - SC directed State Governments to **prevent honour killings by setting up special cells** and protecting couples facing family threats.

Way Forward

- **New Legislation:** A **dedicated anti honour killing law** is needed to provide **targeted protection, ensure accountability, standardize legal procedures**, align with international human rights standards, and **promote societal change**.
- **Electoral Disqualification:** Convicts of honour killings should be **barred from elections** for at least **five years**, sending a strong message that such individuals should not hold power, thereby reducing the **practice's social legitimacy**.
 - It will **check caste-community based panchayats** and **prevent justification** of such honour killing orders and acts.
- **Fast Track Courts:** Specialized fast-track courts for honour killings should be set up to

ensure **swift justice**, preventing delays that undermine victims' rights.

- **Amendment to Special Marriage Act, 1954:** Amend the Special Marriage Act, 1954 to **shorten the registration** period from **one month to one week**, protecting couples from potential threats or violence.
 - Introduce a provision in the **IPC** defining **honour killing** and **specifying punishments**, helping the legal system address and deter such crimes.

Drishiti Mains Question:

What are the legal provisions and judicial stand on honor killings in India? What reforms are needed to address them?

UPSC Civil Services Examination, Previous Year Questions (PYQs)

Mains

Q.“Caste system is assuming new identities and associational forms. Hence, caste system cannot be eradicated in India.” Comment. (2018)

Q. Khap Panchayats have been in the news for functioning as extra-constitutional authorities, often delivering pronouncements amounting to human rights violations. Discuss critically the actions taken by the legislative, executive and the judiciary to set the things right in this regard. (2015)

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