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Honour Killing in India: A Critical Study

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ABSTRACT

Honor killing, a repugnant practice stemming from perceived violations of cultural and societal norms, continues to be a prominent concern within India's legal framework. This dissertation conducts a thorough and analytical investigation of honour killings in India. The objective of this endeavour is to understand the complex interaction of socio-cultural, legal, and political factors that support this widespread phenomenon.

The study utilizes a multidisciplinary approach, integrating sociological perspectives, legal examination, and human rights frameworks to elucidate the intricate dynamics inherent in honour killings. Moreover, the dissertation thoroughly explores the historical and cultural foundations that justify these transgressions, considering patriarchal structures, religion, and caste systems.

Moreover, the study investigates the role of government institutions, specifically focusing on the difficulties faced by law enforcement agencies, the judiciary, and social service organizations in their efforts to effectively address honour killings. Highlighting the shortcomings in legal systems and the urgent need for legislative changes to improve safeguards for potential victims are issues of particular importance.

This research provides a human-centred perspective by utilizing qualitative data sources such as interviews and case studies. The objective of this study is to shed light on the daily lives of victims and their families, with a focus on their experiences. The study also explores the ethical consequences of intervention strategies, as well as the potential role of non-governmental organizations, civil society, and community participation in challenging the existing norms.

The main aim of this dissertation is to enhance the academic discussion on human rights, gender justice, and legal reform by thoroughly analysing the complex circumstances surrounding honour killings in India. The findings of this investigation provide valuable insights for policymakers, legal professionals, and scholars who are committed to eliminating this appalling violation of human dignity and promoting a societal focus on justice rather than outdated notions of honour.

Keywords: Honour Killing, Human Rights, Social Services, Victims, Justice.

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I. INTRODUCTION

(A) Background

The term “Honour” denotes a quality that encompasses integrity, pride, and respect. Honour refers to the act of asserting one's entitlement to respect or the entitlement to be respected. The term “honour crime” not only conveys a misleading notion that the crimes involved are morally commendable, but it does so unintentionally. Furthermore, it gives the impression that these offences originate from the “culture” - the practices and customs - that are unique to a particular religious or community factions. The phenomenon has been developing independently since its beginning, rooted in the concept of male dominance and continuing to exist in the present masculine mindset. Honour killings transcend religious and geographical boundaries. This is a universally recognised phenomenon. An occurrence of cruelty and injustice that is categorised as an act of honour killing. A heinous act of crimes against humanity has occurred. In order to maintain integrity, it is crucial that this violation be completely eliminated by utilising the law as a means of enforcement. Considering the situation, the main goal of this study is to reduce the spread of this social problem and increase public awareness before it becomes a widespread epidemic.

From a sociological perspective, the minimalist definition of honour can be understood as the right to receive respectful treatment. This suggests that honour exists in both an objective and a subjective manner. The experience in question is subjective and can be described as an individual's perception of their own entitlement to respect. Furthermore, it functions as a public recognition of the inherent value of each person, offering another objective justification for its existence. This article explores the captivating role that Khap Panchayat plays in deterring instances of honour killings. The use of extrajudicial authority by the Khap Panchayat, an institution that is supposed to uphold democratic principles and abide by the supreme Constitutional Law of the twenty-first century, when dealing with cases of honour killings is highly troubling. This Khap Panchayat is exerting control over the lives of young individuals and resolving matters by imposing strict and arbitrary directives, all while claiming to maintain law and order. Their methodology is based on conventional practices and whims, and they overlook the societal importance of the term “life” in doing so. Urgent focus should be directed towards this overlooked aspect of a grave criminal offence. Conducting research on this topic is crucial, as it will yield significant benefits for the entire community. Currently, there is no legislation that can prohibit the occurrence of honour killings. The provisions of the Indian Penal Code of 1860 are utilised to determine which cases will be considered for hearing.

The formation of khaps is not standardised and lacks written guidelines for regulation. At first, they were divided into multiple villages, and the geopolitical boundaries served as the foundation for the emergence of various khap classifications, which were later established based on socioeconomic status. Kinship connections provide an additional significant method for identifying the khaps, a social group characterised by the significant value placed on both caste and land ownership. A specific gotra holds complete control over the territory inhabited by specific khaps.

While people belonging to different castes and gotras may reside in the same khap, their numbers are relatively smaller, and they may have less land ownership. If the Khap Panchayats choose to participate in legal proceedings, the outcome of the dispute will depend on the subjective decisions made by them. In order to discourage inter-caste marriages within society, cases are resolved based on the narrow-mindedness and personal preferences of the individuals involved. Although the Hindu Marriage Act of 1955 does not explicitly prohibit the choice of one's own spouse, it does not legally enforce the right to do so. Because of our inherent nature, we possess certain fundamental rights that are commonly known as human rights. These rights enable individuals to live dignified and prosperous lives. Social security, considered a crucial fundamental right, is explicitly recognised as a constituent of the right to life in the Constitution of India. When it comes to existence, honour is flawless. Reclaiming one's honour cannot be achieved through the act of killing. The right to marry is encompassed by the right to life, in addition to other rights.

Feminist organisations intervene in court cases concerning violence against women primarily to engage in civil relief endeavours. Organisations like Majlis² in Mumbai accomplish this by utilising their in-house legal department. Anweshi's substantial group of activists in Kozhikode is headed by an in-house lawyer who manages all civil issues, including child custody, maintenance, and divorce rulings, among others. Vanangana and other similar organisations in Uttar Pradesh have established a consistent relationship with independent lawyers, leveraging this relationship to assist survivors in their pursuit of legal remedies in civil matters. Occasionally, interactions with solicitors and other legal professionals regarding various issues may result in a distressing situation that requires further consideration. With the daily rise in the number of individuals perpetrating homicides in the name of "Honour," the task of tackling this issue becomes increasingly challenging. Due to the participation of "recognised" relatives in the homicide, the matter is resolved and contained before it reaches the police station for

² Farah Naqvi, *This Thing Called Justice-Engaging With Laws on Violence Against Women In India* 55(Delhi Law House, Delhi, 1st edn., 2012).

further examination. Consequently, victims are unable to go to court to protect themselves from the imminent danger, and obtaining justice is an extremely challenging task. In most cases, it has been observed that law enforcement authorities were promptly notified after the perpetrators thoroughly removed any remaining visible evidence. There is no doubt that a well-planned murder is carried out to commit this heinous crime. In light of the current situation, it is imperative that we promptly enact comprehensive legislation to completely eliminate the practice of honour killings from our society.

(B) Definition of “Honour Based Violence”

Vandello and Cohen (2003) argue that the term "honour" is primarily perceived as a quality or asset linked to integrity, a morally upright nature, and humanity. Those individuals who are considered honourable or possess nobility are commonly referred to as honourable. Honour is further characterised by an individual's ability, power, and superiority to assert their wishes on others and demand their respect (Nisbett and Cohen, 1966). Pitt-Rivers established the correlation between this aspect of honour and both academic performance and social standing in 1966. Given the provided definitions, it is unquestionable that honour is a fundamental attribute of one's character. Providing a comprehensive overview of the situation is challenging because there is substantial debate about the definition of honour-based violence and comparing the results is difficult. Honor-based violence, as defined by the Association of Chief Police Officers (ACPO), refers to criminal acts or conflicts that are committed or may have been committed with the aim of protecting the reputation or integrity of a community or family. Indian Hindu society exhibits a strong preference for male offspring. Male offspring are consistently seen as the primary providers of support for their households. Only the male progenitor possesses the ability to perpetuate the family's lineage. In contrast, female relatives are regarded as a burden on the household in terms of both finances and social standing. The implementation of a dowry system is influenced by cultural norms and values, where the groom is expected to provide a substantial monetary contribution known as a “dower” during the marriage ceremony. The dowry system causes significant distress for the parents of the bride. Within the domain of family management, there exists a widely held belief that female partners exhibit comparatively lower levels of supportiveness when compared to their male counterparts. Several criminal acts targeting young girls are ordered to be carried out under the pretext of preserving honour. This is because male children are perceived to have higher value.

(C) Rationale

The study of honour killings in the Indian context is of paramount importance due to its far-

reaching implications on individuals, families, and society at large. India, with its rich tapestry of cultures, religions, and traditions, grapples with the complex interplay of historical legacies and contemporary challenges that contribute to the persistence of honour killings.

Understanding the roots and manifestations of honour killings in India is crucial for several reasons. Firstly, it provides insights into the deeply entrenched societal norms that continue to perpetuate violence in the name of honour. By unravelling the cultural intricacies and historical precedents, scholars, policymakers, and activists can develop targeted interventions to challenge and reshape these norms.

Secondly, studying honour killings in the Indian context allows for a nuanced examination of the intersections between caste, religion, and gender. India's diverse and stratified society means that honour killings manifest differently across regions, communities, and socio-economic backgrounds. This diversity demands a tailored approach to address the specific challenges faced by diverse groups and to develop effective strategies for prevention and intervention.

Thirdly, a comprehensive study of honour killings is essential to dispel myths and misconceptions surrounding this phenomenon. Public awareness and understanding are critical in dismantling the cultural justifications that often cloak honour killings. By shedding light on the realities faced by individuals who become victims of honour crimes, the study seeks to challenge societal attitudes and foster empathy.

The impact of honour killings extends far beyond the immediate victims, leaving an indelible mark on families and communities. Individuals who are targeted often endure severe physical and psychological trauma, living in constant fear for their lives. The emotional toll on survivors is immeasurable, as they grapple with the trauma of violence perpetrated by those who are meant to protect them.

Moreover, honour killings have a chilling effect on society as a whole. The fear of reprisals for perceived violations of honour creates a culture of silence and conformity. This stifling environment prevents individuals from exercising their fundamental rights and pursuing choices that may challenge traditional norms. The suppression of personal freedoms, especially for women, hampers societal progress and perpetuates cycles of discrimination.

The study of honour killings in the Indian context aims to illuminate these profound impacts, emphasizing the need for a collective response. By documenting the stories of survivors, understanding the psychological scars left by honour crimes, and assessing the broader societal consequences, this research seeks to galvanize efforts to address the root causes and cultivate

a more inclusive and compassionate society.

In subsequent chapters, we will delve deeper into the factors contributing to honour killings, analyze legal and societal responses, and propose recommendations for preventing and combating this deeply entrenched social issue in India.

(D) Objectives

1. Initiate an investigation into the persistent prevalence of derogatory and discriminatory practices, such as honour killings, in India, despite the country's independence for seventy-two years.
2. Acknowledge the inefficacy of the legislation enacted by Parliament to reduce the violence carried out by the Khap Panchayats.
3. It is recommended to conduct a logical analysis of the existing legal framework in India regarding the phenomenon of honour killings.
4. To provide recommendations for potential alterations and enhancements that could be executed within the existing legal structure.

(E) Research Questions

1. The legal framework in India is insufficiently prepared to tackle the issue of honour killings, which involve the killing of innocent individuals in the name of preserving honour.
2. To effectively discourage the practice of honour killings, it is crucial to have specific criminal procedures and evidentiary requirements.
3. In order to tackle the problem of the criminal act commonly known as “Honour Killing”, it is imperative to establish more thorough and exact legislation.

(F) Research Methodology

The doctrinal approach is utilised in the pursuit of this investigation. Analyses were conducted on primary sources, such as United Nations resolutions, Indian statutes, judgements, and international conventions. To conduct rigorous academic research, we thoroughly examined secondary sources, such as newspaper reports, articles in reputable scholarly journals, and books written by well-known experts. Furthermore, a thorough analysis and assessment of the available legal literature in India and other countries were conducted. To ensure the study's accuracy, currency, and applicability, a range of internet search engines and online databases were employed. Conventional protocols were utilised throughout the entire duration of this

investigation. This is expected to question the prevailing belief that having sufficient legislation is enough to solve the issue of honour killings.

(G)Literature Review

The term “honour killing” lacks a definition that is both legally and logically coherent. No legal personnel, including the court, have provided an interpretation of the document. On the other hand, it undergoes exponential growth every day. The occurrence of honour killings is escalating, happening often, and not being consistently recorded. Therefore, as corroborated by the perspectives of a significant group of writers, scholars, and other notable professionals. Several eminent individuals have made the following observations:

In her research paper titled “Honour Killings: The Hegemonic Paradigm,” Vageshwari³ endeavoured to illustrate that honour killings represent an additional manifestation of violence directed towards women, and that presently constitute a global concern. Acts of retributive homicide carried out by family members, particularly targeting women who have brought shame upon their kin, are emblematic of a sense of honour. The concept of family honour supports the practice of honour killings. A significant portion of the population participates in the traditional practice of honour killings. Based on her research, Pakistan is a country marked by prominent gender disparities, which are apparent in both the legal structure and the actual treatment of women.

In 1979, General Zia-ul-Haq of Pakistan enacted the Hudood Ordinances, ensuring compliance with the religious laws of the nation. Unmarried women who participated in sexual activity were punished by being publicly whipped or stoned in accordance with these laws. In 2004, Pakistan passed a legislation that classified honour killings as a criminal act, punishable by a maximum prison term of seven years. Nevertheless, in adherence to Islamic jurisprudence, disputes in Pakistan can be settled by providing compensation to the aggrieved party. Article 17 of the Penal Code of Egypt is frequently invoked in cases related to honour killings. This provision confers judges with the power to exercise their discretion in order to lessen the severity of the penalty in particular situations.

In addition, the Federal Penal Code of the United Arab Emirates incorporates provisions from various other penal codes, including Article 334, Article 62, and Article 133 of the Italian Penal Code, Article 153 of the Kuwaiti Penal Code, Article 409 of the Iraqi Penal Code, and Article 562 of the Lebanese Penal Code. Individuals who perpetrate homicides with the intention of

³ D.Vageshwari, *Honour killings -The Hegemonic Paradigm* 125 (Delhi Law Review, New Delhi, 3 rdedn., 2012).

achieving positive outcomes may be eligible for diminished penalties.

International organisations have also been involved in efforts to reduce the incidence of honour killings. According to General Recommendation No.195 of the Convention on the Elimination of Discrimination Against Women, the term “discrimination” encompasses “gender-based violence.”

Ravi Kant,⁴ in his article “Honour Crimes and the Law,” asserts that women in India face obstacles in exercising their constitutional rights due to various forms of gender-based violence, which he refers to as “Crimes of Honour”. These rights include the right to life, liberty, and personal security; the right to be free from torture and cruel, inhuman, or degrading treatment or punishment; the right to the highest attainable standard of physical and mental health; and the right to equality within the family. Allowing a woman to freely choose her spouse and giving her the right to give informed consent to the marriage is seen as a violation of her dignity within the broader context of patriarchal norms that support “crimes of honour.” This decision ensures that Khap Panchayats, who are scrutinising and restricting certain couples from freely choosing their own partners, are simply imposing their personal preferences to the disadvantage of these couples' fulfilling lives.

The Commission on Human Rights expressed concern about the substantial number of homicides committed under the guise of passion or honour, as reported by the Special Rapporteur. In addition, the Commission urged governments to expeditiously and thoroughly investigate these killings, apprehend the perpetrators, and guarantee that government officials and personnel neither endorse nor authorise them. The Commission enacted resolutions in 2001 (Resolution 2001/45) and 2002 (Resolution 2002/36) that displayed significant resemblance to each other. According to Resolution 2001/45 of the Commission, “Violence Against Women” refers to acts of violence based on gender that have resulted in or are expected to result in physical, sexual, or psychological suffering among women. This includes offences committed in the pursuit of strong emotions as well as in the defence of one's reputation. To avoid their obligation to eliminate violence against women, the Commission additionally recommended that states condemn these acts and refrain from using religious principles, customs, or practices to justify such violence. The Commission enacted resolutions in 2001 (Resolution 2001/49) and 2002 (Resolution 2002/52) that displayed a significant level of resemblance.

The article authored by Satnam Singh Deol,⁵ published in the International Research Journal

⁴ Ravi .Kant Honour Crimes and the Law, *3Law Reports of India* 121 (2011).

⁵ S.Deol, “Honour Killings in India: A Study of the Punjab State”, *3(6) IJCS*, 1-2 (2014).

of Social Sciences, investigates the global prevalence of honour killings. Across the course of history, honour has been portrayed as a societal affliction that surpasses the limits of personal and public existence. Regarding honour-based violence, he referred to the distinguished jurists Brandon and Hafez,⁶ who argued that sexual honour is one of the characteristics of honour. Within a family, a woman's behaviour plays a crucial role in shaping the foundation of honour that is established. She exemplifies the qualities necessary to protect the integrity of her family's reputation, serving as a role model for others. He emphasised the claim made by Human Rights watch that honour-based violence, including honour killings, is carried out by male relatives against their female counterparts. It is hypothesised that the humiliation of the family can be attributed to these female relatives, who are responsible for cultivating friendly relationships both before and after marriage.

There are multiple possible reasons for the cause. If a woman is forbidden from marrying the man chosen by her family, she is considered to have committed adultery and is not allowed to marry a man of her own choice. This situation is the most crucial among all. Simply perceiving that a woman's behaviour in this particular incident was meant to “disgrace” her family is sufficient to provoke a hostile response. Amnesty International asserts that the act of a male family member killing a woman in an honour-related context is not an isolated act of violence or a private issue. Instead, it is a deliberate, socially sanctioned, and sociologically typical practice observed by the entire community. Both male and female individuals from the family and community in question engage in this activity. In addition, he directed the audience's focus towards this issue.

The Law Commission of India asserts that the terms “Honour Killings” and “Honour Crimes” are being used in a subjective and convenient manner to refer to acts of violence and harassment perpetrated against young couples who are either in the process of getting married or have already married, despite their families or communities disapproving of the union. Instead of using them as accurate and appropriate expressions, they have mainly employed them as slogans. Girija Vyas, the Chairperson of the National Commission for Women, asserted that honour killings contravened specific fundamental rights protected by the Constitution of India during the formulation of "The Prevention of Crimes in the Name of Honour and Tradition Bill" in 2010-2011. The aforementioned rights include the right to life, the right to liberty (which, when interpreted broadly, also includes the right to bodily integrity), and the freedom of association. The parents have imposed measures that limit her ability to move and express

⁶ Brandon and Hafez, *Crimes of the Community*, ISBN 978-1-903386-64-4 (2008)

herself, thereby obstructing her right to make choices. In accordance with the law, a valid consent is considered an essential requirement for marriage. Moreover, he claimed that honour-based violence, including honour killings as a specific example, has been a widespread occurrence in India for centuries.

Case reports indicate that these incidents occur in almost every region of India; however, they occur most frequently in Western Uttar Pradesh, Punjab, Haryana, and Rajasthan. There is a lack of reliable data on the severity of the incidents as reported by any credible governmental or non-governmental organisation. Regardless of the severity of the incidents, this statement remains valid. In contrast, extensive academic inquiries carried out by multiple civil society organisations demonstrate that India is one of the nation's most profoundly affected by the situation. Approximately one thousand individuals in India are killed each year in what are believed to be honour killings, affecting both males and females.

Rahul Yadav,⁷ in his article titled "Honour Crimes and Women in Haryana", published in Manjeet Rathee's book "Women, Media and Society," argues that the savage tradition of Khap Panchayats in Haryana is not new; it has even resorted to issuing death threats against young individuals. Moreover, this phenomenon transcends the boundaries of Haryana. Delhi, Western Uttar Pradesh, Punjab, Rajasthan, Tamil Nadu, and Maharashtra, along with other regions of the country, have witnessed significant instances of vehement opposition towards self-arranged marriages. Various forms of opposition have been encountered in various regions of the country as well. He regards the utilisation of violence as the most repugnant manifestation of cultural and caste subjugation, which he finds to be the most unsettling element in such instances. According to his claim, various forms of violence have occurred in the name of protecting the "Honour" of the community and the family. The majority of recorded cases of honour killings within the Hindu community are specifically related to marital unions. Caste Khap Panchayats, primarily found in the areas surrounding Delhi, aim to impart a punishment and restore the community's reputation by targeting individuals who defy established norms regarding their freedom to choose their own spouse. Inter-caste marriages, although they have been altered by the Hindu Marriage Act, still encounter significant backlash. This is shown by the fact that these Panchayats hold direct or indirect accountability for the committed homicides. Due to the lack of law enforcement agencies in the pre-modern era, the primary focus of the few that did exist was on maintaining security and resolving local disputes.

Khap Panchayats are local or clan-based councils, and several of these councils come together

⁷ R. Yadav, *Honour Crimes and the Law*, 2 IPRRJ, 76-80 (2015)

to form Sarv Khap Panchayats, which are larger organisations consisting of individuals from various caste backgrounds. The person also observed that the practice of “Honour Killing” exemplifies the cruel act of murdering Manoj and Babli in the name of “Honour.” Manoj and Babli, a young couple from Kuroda village in the Kaithal district of Haryana, displayed bravery by defying outdated caste traditions and getting married. Another casualty of this honour killing includes a couple from the Scheduled caste who were forced to leave their village after their consensual marriage. These were the villages of other villagers. Subsequently, the Khap Panchayat issued a verdict suggesting that the couple be executed by stoning.

Jamia Milia University⁸ conducted a study titled “Discriminatory and Derogatory Practices against Women by Khap Panchayats, Shalishi Adalat and Kangaroo Courts in India: An empirical study in the states of Haryana, Uttar Pradesh (West), West Bengal, and Rajasthan,” which focused on honour crimes. These crimes, commonly known as honour killings, involve the murder of individuals in the name of alleged honour, and are a result of the spread of patriarchy. These incidents have been observed not only in India but also globally. Honour is a societal construct that undergoes variation in its definition depending on the cultural context in which it is observed. In today's individualistic society, the notion of “honour” is frequently associated with integrity, which refers to a person's deliberate behaviour. On the other hand, honour serves as a comprehensive term in communal cultures, encompassing both the social behaviour of an individual and that of the entire family. This abhorrent offence is affecting an equal number of men and women.

Puneet Kaur Grewal,⁹ in her article “Honour Killings and Law in India,” contends that “Honour Killings” can be characterised as the extrajudicial retribution inflicted upon a female family member who is accused of engaging in sexual and matrimonial transgressions. A woman commits these transgressions when she seeks a divorce from her husband, irrespective of his violent behaviour, or when she enters into a marriage of her own volition without the approval of her family. In 1999, Amnesty International reported that these acts of killing women are deemed acceptable due to the belief that they have brought shame and dishonour to their family or tribe.

Another report suggests that the administration of honour is marked by brutality, as accused women are deprived of the opportunity to present a defence, and family members are compelled to use physical violence against the woman in order to remove the tarnish on their reputation. The data in question was provided by Amnesty International in 2001. In addition, he

⁸ Census data revisited.(n.d.).2024, available at website ,<http://jamiamilia.edu/data/index.php>

⁹ P. Grewal, Honour Killings and Law in India, 5(6) *IOSR JHSS*, 28-31, (2012).

emphasises the infringement of Articles 14, 15(1), 15(3), 17, 18, 19, and 21 of the Constitution¹⁰ by the killings committed in the name of honour. Khap Panchayats contravene the provisions of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act of 1989 and the Special Marriage Act of 1954 when they issue directives for the punishment or dissolution of marriages that have been entered into without the consent of the families involved. The regulations are enforced according to sections 299 and 300 of the Indian Penal Code, as well as Section 3 of the Indian Majority Act of 1875. The incidence of honour killings exhibits a strong correlation with caste and religion.

The Protection of Human Rights (Amendment) Act of 2006 requires the creation of a National Human Rights Commission, State Human Rights Commissions, and Human Rights Courts, among other measures, to enhance the protection of individuals' human rights. The Protection of Women from Domestic Violence Act of 2005 strengthens the protection of women's rights who experience any type of violent behaviour within their homes, as well as any related or associated matters. The Constitution guarantees that these rights apply to women who have experienced domestic violence. In addition, women possess an extra resource in the form of Section 498A of the Indian Penal Code, which acts as a deterrent against abusive actions carried out by relatives.

Jyoti Vishwanath and Srinivas.C.¹¹ authored a scholarly article titled "Patriarchal Ideology of Honour and Honour Crimes in India". Palakonda's research uncovered that the gendered ideology of honour is expressed differently by men and women. As a daughter, wife, and mother, a woman initially brings honour to the family, while a man is responsible for formalising it. The woman's physical appearance and behaviour pose the most significant risk to this honour, as she has the ability to reproduce and bear children (Chowdhury, 2007, p16-17). In order to protect the fragile balance of honour, it is commonly believed that honour is associated with women and is also a privilege of men. According to Nabar (1995, p. 87), as a girl gets older, it becomes more challenging for her to feel a sense of pride in her body due to the stigma attached to being a female. Her promiscuous behaviour, resulting from her passive acceptance of male advances, brings disgrace upon her family. The assessment of an individual's artistic ability by society forms the fundamental foundation for the concept of honour. Her influence is considered to be dangerous, malicious, and potentially harmful (Dewan, 2000, p. 35). This is due to her embodiment of both growth and fertility, as well as

¹⁰ M.P Jain, *Indian Constitutional Law* 5 (Lexis Nexis, 7th edn., 2014).

¹¹ OPalakonda, C.S., and Vishwanath, J.Patriarchal, —Ideology of Honour and Honor Crimes in India, 6 IJCS, 1-2, (2011).

her exemption from male authority.

The article “Honour Killing,” written by Shivani Rastogi,¹² thoroughly covered and exemplified all the necessary elements needed for a precise understanding. She vehemently conveyed her thoughts on the crime. She informed the audience that despite the implementation of Human Rights, Qisas, and Diyat Ordinances, as well as international conventions, attempts to reduce the severity of punishments for crimes related to personal revenge and preserving honour have been unsuccessful. She captivated the audience by highlighting this information. The person claimed that the concept of honour killing is adaptable, meaning that it constantly changes in response to time, space, and individual situations. In recent years, there has been a rise in the occurrence of honour killings. As a result, there is currently a significant amount of debate surrounding the potential revision of the Hindu Marriage Act. In addition, she tackled the widespread misconceptions surrounding honour killings, such as the notion that they are limited to rural areas or have religious origins. The caste system in India has a significant and deep impact on society, as the country is known for its strong commitment to traditional values.

II. HONOUR KILLING AND THE LAW: AN OVERVIEW

(A) Introduction

India is abundant with a plethora of diverse cultural viewpoints and outlooks. The residents are characterised by their wealth, education, cultural knowledge, ethnicity, and involvement in social work. However, they also face challenges such as poverty, terrorism, alcoholism, prostitution, drug abuse, unemployment, and similar issues. These challenges have a widespread impact on society as a whole, rather than being limited to individual entities. Differentiating between individual issues, which concern a single person, and social issues, which affect the entire society or the general public, is a straightforward endeavour. Several legal experts, each with their own unique perspective, have offered diverse interpretations for the term “social problem”. Each entity possesses its own set of protocols.

According to Reinhardt, “*Social problem is a situation confronting a group or a section of society which inflicts injurious consequences that can be handled only collectively*”.¹³

(B) International Law

According to the United Nations,¹⁴ women ‘s upliftment mainly has five components. They are depicted hereby-

¹² N.Shendurnikar,—Honour in the News Media Representation of Honour Killings.3 SCJ 231 (2002).

¹³ S.R Myneni, *Sociology* 122(Allahabad Law Agency,Allahabad, 2nd edn.,2017).

¹⁴ United Nations Charter, UN *available at* indiacelabrating.com, 2016(Visited on June 15, 2016).

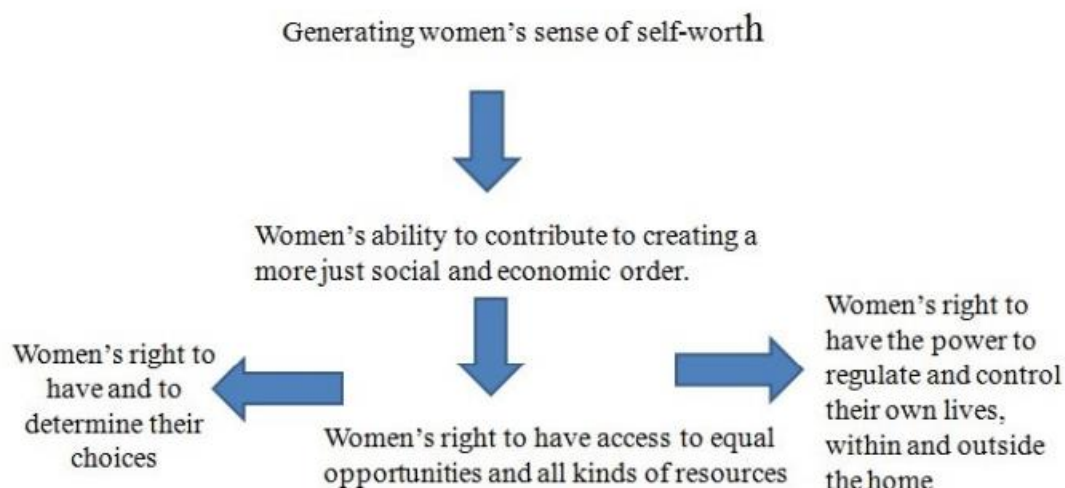


Figure I: Components of Women empowerment

Therefore, the advancement of gender equality and the acknowledgment of women's fundamental human rights form the foundation of women's empowerment. Every person and every specific group in our society has the entitlement to anticipate equitable treatment from their respective governments.

The notion of human rights is not new; it has been in existence for a significant duration. The ethical principles that form the foundation of Indian mythology played a significant role in the magnificence of the ancient civilization. The evaluation of a state's greatness by our ancestors was not determined by the size of its empire or its wealth. Instead, they highlighted the extent to which righteousness and justice were present in both the public administration and the private lives of its citizens.¹⁵ The valuable perspectives offered by the distinguished legal scholar Nani Palkhiwala are extremely pertinent in comprehending the concept that showing regard for one person requires showing regard for another. The resolution of war, terrorism, and exploitation would not be necessary if every individual behaved with precision and impartiality.

The Magna Carta, written in 1215, was the inaugural document to tackle human rights and delve into the fundamental principles that underlie them. The ratification of the Magna Carta, also known as the Charter of Liberty, occurred when the English monarch violated the legislation that the people of that time had required him to support.

According to the scholarly research conducted by D.D. Basu,¹⁶ “human rights can be defined

¹⁵ VenkatIyer P, „*Essays in honour of NaniPalkhiwala*‘ 10 (Lexis Law Publication, New Delhi, 1stedn., 2000).

¹⁶ D.D. Basu, *Human Rights in Constitutional law*, 5(Prentice hall of India Pvt. Ltd, New Delhi, 2ndedn., 1994).

as the inherent rights that every individual in the human race possesses, regardless of any other factors, which protect them from the state or public authority”.

The origin of human rights movements in India can be traced back to the beginning of British colonial rule, involving the gradual and determined quest for freedom. In every situation, the Indian population firmly believed that the British rulers had subjected them to mistreatment and negligence, violating their fundamental human rights and crucial interests. This outcome arose from the extensive discriminatory practices of the British Indian Rulers towards Indians. The definition of the concept of human rights has been a topic of contention among various authors, each offering a unique perspective. The concept of human rights can be defined as a privilege that an individual is entitled to within a social framework due to their inherent humanity. Human rights are universally recognised and respected by all individuals because they are based on our inherent human nature, as stated by R.J. Vincent. Human rights are inherent to individuals by virtue of their elevated status as *Homo sapiens* at birth. As an individual, it is inevitable to rely continuously on a civilised society in order to live a respectable and honourable life. These rights inherently adjust to suit your needs. The aforementioned rights are essential for the comprehensive development and advancement of an individual, covering physical, moral, spiritual, and social aspects. By exercising these rights appropriately, an individual can attain the admirable attribute of living a commendable life. The concept of human rights is inherently connected to an individual's dignity and seriousness. Moreover, by exercising these rights, one can achieve beneficial results. The undeniable essence of these rights arises from the progressive principles of the society, which forbid any person from surrendering to another individual based on personal inclination. The preservation of an individual's prominence relies heavily on these rights, as they are crucial for differentiating humans from animals by maintaining a delicate equilibrium between dignity and integrity. Human rights are inherent and universally applicable to all individuals by virtue of their humanity, and they are not dependent on any particular nation or state.¹⁷

Authorities are responsible for overseeing and enforcing legislative rights outlined in various statutes, such as the National Rural Employment Guarantee Act of 2005, the National Food Security Bill of 2011, and the rights to health, livelihood, shelter, and employment, in contrast to the government. A National Commission was established to supervise the implementation of these rights. It is the responsibility of the government to provide these legal rights to the citizens, as specified in Articles 39, 41, and 47 of the Indian Constitution. This obligation is

¹⁷ D.S. Bajwa, *Human Rights in India, Implementation and Violations*. 2 (Arnol publications, New Delhi, 1stedn.,1995).

enforced by the Constitutional Directive Principles.

The term “Human Rights” refers to the inherent rights that every individual possesses by virtue of being human from birth, which is a commendable characteristic. Emancipation is not exclusively a result of government regulations; rather, it is an innate characteristic of every individual by virtue of their birth. The promotion of human rights among the general population is achieved through the ongoing efforts of individuals to create a civilised society that recognises and protects their inherent value and social well-being. Human rights are essential for the holistic development of an individual, encompassing their physical, religious, ethical, and social growth.

These rights are crucial for living a dignified life, and exercising them empowers individuals with an increased awareness, allowing them to live a respectable life. Furthermore, these rights are essential as they establish a context that enables individuals to maximise their abilities, lead productive and inventive lives, and fulfil their desires in a way that aligns with their personal choices. Furthermore, they create favourable conditions for the spiritual and material empowerment of individuals. The recognition of this right is universal, but its application is influenced by various factors such as topography, history, geography, culture, heritage, developmental stages, gender, class, race, and caste, among others. Given its universal recognition, the state has a duty to safeguard it. Human rights are essential for living a meaningful life, and the primary goal of the government is to protect human dignity.¹⁸

Since the beginning of human evolution, there has been an ongoing effort to safeguard, maintain, and promote human rights. The emergence of existence, which encompasses the fundamental process of existence within society, unveils its source and growth. In past societies, individuals enjoyed unrestricted liberties; however, in organised societies, the provision of such liberties may have jeopardised the social standing of other classes. In a feudal society, freedom and rights are granted exclusively to the rulers, clergy, and nobility, while all others are only given obligations and responsibilities.

During the 17th and 18th centuries, conscientious individuals worldwide gained awareness of their rights and began to resist feudal dictatorships in order to protect those rights. The European industrial revolution greatly contributed to the growth of this movement. Later on, people began to acknowledge the necessity and significance of higher law. Mediaeval Christian thinkers referred to the superior law in society as “Lex Naturales,” while ancient Roman jurists referred to it as “Jus Naturale”. In contrast, modern legal scholars have categorised it as

¹⁸ H.O Agarwal, *Human Rights* 215 (Central law Publications, Allahabad, 19th edn., 2014).

“Natural Law.” In Hindu religion and culture, this concept was frequently referred to as “Dharma”. It is referred to as “Natural Law” by modern legal scholars. The core principle of natural law lies in the inherent propensity of human beings to engage in rational thought that is consistent, timeless, and unvarying, as prescribed by nature. In the field of jurisprudence, the term “Natural Law” refers to principles and rules that are believed to have been created by a divine entity, rather than by any political or intellectual authority. There is a wide range of judicial opinions on the methodology used in the development of Natural Law theory. There were individuals who believed that this theory came directly from God, some who believed it originated from the natural world, and others who attributed its development to rational thought. In his writings, Heraclitus posited that “Reason” is an essential element that forms the foundation of the Natural Law theory. Aristotle asserts that human rationality is an inherent aspect of nature, and the legal framework that arises from this rationality is referred to as “Natural Justice.” The acknowledgment of natural law theory results in the classification of inherent, intrinsic, inviolable, and inalienable human rights as natural human rights. These privileges are granted to an individual at birth. The Constitution of India is based on various principles that are derived from Natural Law. Section 311. The concept of natural justice has been formally incorporated into the Constitution. An administrative law case that has attracted significant attention is the *Union of India v. A.K. Kraipak*¹⁹. This specific occurrence serves as a prime example of the concept of “natural justice.”

Rousseau's social contract theory had a profound influence on the nations, leading to the formulation of both the United States Declaration of Independence and the French Declaration of the Rights of Man in 1789. Amidst a time of immense hardship under the reign of King Louis XIV, the French populace was deeply impacted by the occurrences that unfolded in England. In 1791, Congress officially approved ten amendments to the Constitution, which were then combined to form the Bill of Rights. These were later incorporated into the Constitution of the United States of America, solidifying its status as an essential legal document.

During the latter half of the 18th century, as the French population gained equal rights in social, economic, and cultural spheres, they commenced a struggle to secure their fundamental and absolute entitlements to life, liberty, and the pursuit of happiness. Furthermore, it specified that the primary role of all political and social institutions was to protect and promote the fundamental and absolute rights of individuals, such as the right to own property, the right to

¹⁹ A.K Kraipak v. Union of India²⁴ AIR 1970 SC150.

personal freedom, and the right to oppose oppression. The Declaration of the Rights of Man and Citizen in 1793 included additional political rights. This document guaranteed the preservation of numerous essential freedoms necessary for the maintenance and functioning of society, enabling individuals to lead a conventional life. Within the framework of freedom of religion, speech, and expression, the accused are presumed innocent until proven guilty.²⁰

The development of human rights was greatly influenced by the continuous quest for liberty and tranquilly throughout the country, as well as the concepts and teachings of various legal experts and philosophers. The significant advancements in this field occurred during the 19th and 20th centuries. Several additional factors, beyond the ones mentioned earlier, exerted a substantial influence on the development of human rights. It is crucial to highlight that human rights are of utmost importance for all beings capable of feeling and perception. Human rights are also known as birthrights, inherent rights, fundamental rights, and basic rights. Human rights, considered as essential or fundamental rights, are frequently listed in the Constitution to protect against legislative or governmental measures that may nullify them. The all-encompassing concept of "human rights" includes not only civil liberties, but also social, economic, and cultural rights. The concept of human rights encompasses a wide range of rights and freedoms. Providing a precise definition of the term "Human Rights" is extremely challenging.

(C) Origin of Human Rights

The responsibility for protecting its citizens from any form of dishonest behaviour lies solely within the authority of a state. The state has a responsibility to safeguard and advance the human rights of its citizens, as these rights are essential for the preservation and continuation of human life. Interference by other states is strictly prohibited in situations that are exclusively under the jurisdiction of a single state. Given the importance of human rights for the overall development and improvement of individuals within a society, it is crucial to ensure the protection and availability of these rights to all citizens. Ensuring the preservation, reverence, and safeguarding of peace and prosperity is crucial. After the Treaty of Paris was ratified in 1814, the French and British governments agreed to work together to suppress the slave trade.²¹ The Anti-Slavery Act was ratified and endorsed by a unanimous agreement of eighteen states during the 1890 Brussels Convention. The Act not only foresaw the establishment of slavery and the commerce of slaves, but also included provisions to implement these practices. The abolition of slavery and the trade in slaves has prompted the global recognition and

²⁰ V. P.Pandey, *International Perspectives on Human Rights* 6(MohitPublication, New Delhi 2ndedn., 1999).

²¹ V.P.Pandey, *International Perspectives on Human Rights* 6 (MohitPublication, New Delhi 2ndedn., 1999).

appreciation of the fundamental rights to dignity and equality for all individuals. The support and approval of other nations contribute to the elimination of slavery and the slave trade in states where this institution was still prevalent and where slaves endured extremely poor working conditions. An international assessment of the eradication of slavery is a crucial initial step in ensuring the safeguarding of human rights.

Having observed numerous instances of human suffering and destruction during the two world wars, the current frequency of human rights actions indicates a significant increase in such events. The Nazi regime in Germany completely suppressed and condemned human rights and principles, leading to a dire situation for the population. This occurred during the period when Nazi politicians held power. Consequently, the nations agreed that restoring the freedom of the people was the only way to achieve a balance between international security and peace. The conclusion of World War I was formally announced through the signing of the Treaty of Peace on June 28, 1919, between the Allied Powers and the Associated Powers of Germany. It dealt with numerous political, legal, and humanitarian factors and was one of the most significant documents regarding the safeguarding of human rights. The primary goal of the peace treaty was to guarantee the adherence to the rights of the minority groups living in their proximity. This objective was accomplished by advocating for equal safeguarding of all civil and political rights, as well as upholding the fundamental rights to life and liberty. Following the end of World War I, a significant international organisation called the League of Nations was established. The main goal was to promote the smooth progress of humanitarian assistance while also guaranteeing peace and security. This illustrates the global community's commitment to upholding and protecting human dignity and rights.

According to the provisions of the treaty, no discrimination will be allowed in terms of public employment or admission based on religion, race, or language. Furthermore, the treaty formally acknowledged and recorded the right of minority groups to establish and administer educational, religious, and charitable institutions in order to protect their language and religion. However, the League of Nations was unable to make substantial advancements because it focused too much on protecting the rights of minority groups and neglected to grant majority groups equal access to those rights. The state infringed upon the rights of majority groups in accordance with the provisions of the treaty and for its own purposes. Another drawback of the agreement was its failure to establish connections between any states beyond those that were legally bound to comply with its provisions.

Article 23 of the League of Nations not only supports the establishment of the International Labour Organisation, but also includes provisions for fair and compassionate working

conditions for children and men, among other issues. The International Labour Organisation was established in 1919. One of the organization's main goals was to advocate for and safeguard human rights, while also striving for social justice and upholding the dignity of all individuals, regardless of their race, gender, or place of birth.

Moreover, the traumatic ordeal of the Second World War had a significant impact on nations' inclination to integrate emerging novel ideas into the framework of international law. This measure is implemented in order to mitigate the likelihood of similar incidents happening again in the future. The United Nations was once again notified that ensuring the protection of human rights is an essential requirement for maintaining global peace and security.²² Furthermore, there is a widespread recognition that governments cannot be trusted to behave appropriately towards their citizens, and that the way individuals are treated by states, regardless of their geographical location, is a significant concern for humanity. Consequently, newly established intergovernmental organisations such as the Organisation of American States, the United Nations, and the European Council gained official recognition.²³

The Charter of the United Nations acknowledged and valued human rights for their essential role in fostering global peace and security. One of the goals outlined in the Charter is to foster global collaboration in promoting and upholding human rights and fundamental freedoms for all individuals, regardless of their race, gender, language, or religion. This is one of the specific objectives outlined in the Charter.

The Charter commences by declaring that "We, the collective of individuals comprising the United Nations, are resolute in our commitment to reassert belief in the fundamental entitlements of all human beings, in the inherent value and significance of every individual, and in the equitable entitlements of both genders and nations, regardless of size. Consequently, we have made the decision to unite our endeavours in order to achieve these objectives. The modification of the League of Nations' initial phrase "High contracting parties" to "We the peoples of the United Nations" represents a significant progress for mankind and a manifestation of the collective desire of the world's population. The concept of safeguarding fundamental freedoms and human rights drew inspiration from both the Atlantic Charter (1941) and the Declaration of the United Nations (1942).²⁴

The Declaration of Independence has had a profound impact on shaping the philosophical

²² 5T.S. Batra, *Human Rights: A Critique* 76 (Metropolitan Book Publisher, Michigan, 1st edn., 1979).

²³ D. Friedman, *Civil Liberties and Human Rights in England and Wales* 36 (Oxford University Press, New York, 2nd edn., 1993).

²⁴ 7G. Ezejio, *Protection of Human Rights under the Law* 54, (Butterworths, London, 1st edn., 1969).

perspective of the general populace. Moreover, the Universal Declaration of Human Rights²⁵ communicated a message of optimism, fairness, empowerment, and emancipation to every corner of the globe. Many international declarations and conventions, which have been officially approved by the United Nations and its specialised agencies, have been influenced by it. The Declaration, in reality, laid down the fundamental principles that formed the basis for the creation of human rights treaties.

In the case of *Kesvananda Bharti v. State of Kerala*²⁶, the Supreme Court observed that although the Universal Declaration of Human Rights (1948) was not legally enforceable when the Constitution was adopted, it serves as evidence of how India implicitly integrated the idea of human rights. Considering the Supreme Court's position that the Declaration does not have the power to create legally enforceable regulations, but acknowledging that international treaties can influence the development of laws and guide judicial bodies, it is important to recognise the substantial influence the Declaration has had on the interpretation of the Indian constitution.

Following its endorsement by the United Nations General Assembly, the Supreme Court of the United States of America ruled in the case of *Chairman, Railway Board and Others v. Mrs. Chandrima Das*²⁷ that the Declaration is internationally recognised as the "Moral policy of conduct."

(D) Universal Declaration of Human Rights (1948)

The Declaration, which is regarded as one of the most significant international instruments, was signed by India. The Declaration of Independence exerted a substantial influence on the composition of the Indian Constitution, a sacred and preeminent document. It was implied that the intrinsic worth and dignity of every human being was recognised and esteemed by the phrase "Dignity of the Individuals," which appeared in the "Preamble" of the Constitution. A notable resemblance can be observed between the Universal Declaration of Human Rights and the supplementary stipulations of Part III of the Fundamental Rights and the Directive Principles of State Policy referenced in Part IV.

The Universal Declaration of Human Rights explicitly affirms the unequivocal equality and dignity of both men and women. Moreover, the promotion of social progress is driven by the pursuit of elevated living standards and increased liberty. Every person possesses an inherent

²⁵ 9Leant M. Goodrich, *The United Nations* 29, (London Institute of World Affairs, London 1960).

²⁶ AIR 1973, SC 1461(1510).

²⁷ 2000(1)SCp.265.

entitlement to fundamental human rights. In addition, humans have different origins and live in different places. They also have individual needs and do not share a common ancestry. The evolutionary and gradual development processes have significantly influenced the pursuit of meeting human needs and desires. A significant proportion of essential human needs are obtained from the natural environment. Without prioritising the fundamental rights necessary for survival, a society cannot progress or be considered enlightened. The articles that are pertinent to this specific context are limited in number and include:

The main goal of this Convention is to guarantee that decisions align with the political entitlements of women.

The Convention was established in response to the principles of “Equal Rights” set forth in the United Nations Charter. Articles I to XI explicitly assert the equal entitlement of women to suffrage, on par with men, and affirm the absence of any discriminatory practices in relation to this right. Safeguarding this essential entitlement is of paramount significance within this democratic framework. Article III of the Convention explicitly mandates that women should be granted equal access to public office and be able to perform all nationally recognised public duties on par with men, without any form of discrimination. Therefore, it is indisputable that this Convention represents a pivotal moment in the advancement of women's political rights. The objective is to increase women's awareness that they are not among the most vulnerable groups in society, but rather, they possess all the necessary abilities and qualities to thrive and excel like a guiding star. Just like other rights, political rights are essential for enhancing an individual's life and fostering their personal growth and overall development.

(E) International Humanitarian Law

The notion of “humanitarian law” has only been in existence for a relatively short period of time. The term “humanitarian law” was absent from the 1949 Geneva Conventions. In contrast, the discussion mentioned “humanitarian organisations” and “humanitarian activities.” The term “humanitarian law” was coined by publicists in the early 1950s. The term was first introduced in 1965, when Resolution XXVIII of the XXII International Red Cross Conference, held in Vienna, included it. The fundamental aim of international humanitarian law is to eliminate or significantly reduce human suffering that occurs during times of conflict, regardless of gender. International humanitarian law provides protection for individuals of all genders during times of armed conflict, with particular provisions designed to enhance the protection of women. Since 1929, women have been afforded a heightened level of

safeguarding in accordance with international humanitarian law.²⁸ The signatories of the Geneva Convention regarding the Treatment of Prisoners of War made efforts to address a novel occurrence that arose during the war from 1914 to 1918: the notable presence of a considerable number of women engaged in combat. Two provisions outlined in this global legal document were particularly remarkable. Article 3, the first one, required that women be treated with full consideration based on their gender. Article 4 of the constitutional document states that variations in treatment among prisoners are only acceptable if they are justified by factors such as military rank, physical or mental health, professional abilities, or gender.

Customary international law and treaties are the primary sources of rules and regulations in international humanitarian law (IHL). Treaties are bilateral agreements between sovereign nations, and the states that have signed these treaties are obligated to adhere to the terms and conditions outlined in each treaty. Despite the fact that non-state armed groups are not allowed to sign treaties, they are still bound by the rules set out in international humanitarian law (IHL) treaties, such as Additional Protocol II and Common Article Three. Currently, numerous principles established in international humanitarian law are recognised as being in line with customary international law. Customary international law comprises regulations that have been established through the consistent behaviour of states, based on the principle that the law requires a particular course of action. Both armed groups associated with governments and non-state entities are obligated to adhere to these regulations. The International Committee of the Red Cross conducted an inquiry into customary international humanitarian law and simultaneously created a data framework related to the topic.

International humanitarian law is an administrative subfield of international law that aims to safeguard individuals from the harmful consequences of armed conflicts. International humanitarian law and human rights are distinct concepts. There are notable differences between the two. The primary distinction lies in the suitability of international humanitarian law compared to the law of human rights. International humanitarian law is specifically applicable only in situations of war or armed conflict. When a human rights treaty is ratified, a state takes on the duty to guarantee that all individuals living within its borders are treated in accordance with the provisions specified in the treaty. On the other hand, humanitarian treaties only have legal power among the states that have officially approved them. The second differentiation between the two classifications of treaties relates to this matter. International humanitarian law applies to all types of armed conflicts, whether they are international or non-international. Both

²⁸ H.O Agarwal, Human Rights 230, (Central law Publications, Allahabad, 19th edn., 2014).

of these countries are presently involved in military conflicts. Two Protocols were adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in armed conflicts on June 3, 1977, to establish a distinction between armed conflict and non-international armed conflict. The protocols were approved by the conference.

(F) Indian Laws dealing with Honour Killing

Simultaneously, the widespread occurrence of torment and torture against women persists in India, a country where women are revered under the guise of the goddess. This situation has escalated into a pressing concern. We have hardly been able to shift our focus away from the issue of violence against women for even a single day through the consumption of news channels or newspapers. Every person, regardless of age or stage of development, is in a vulnerable position. It is incomprehensible that a woman, who was given the title of “Devi,” was left to perish after a horrifying experience, all while law and justice were present; this treatment is a glaring contradiction.

The current issue of Honour Killing and the Role of Khap Panchayats emerges as a social problem that demands deep reflection and opposition. The act of killing in the name of Honour is both commendable and contradictory, and therefore deserves acknowledgment. Despite commonly being associated with love, respect, and wealth, women continue to be the most vulnerable targets of various malicious acts. Despite her exceptional artistic talent in multiple areas of life, such as social, moral, economic, and professional realms, the reasons and length of her sufferings remain unknown.

Honour killings refer to homicides perpetrated by individuals within the victim's social group or family. Honour killings are perpetrated under the pretence that the victim has besmirched the reputation or brought shame upon the family or community. The definition of murderers indicates that they are either personally acquainted with the victims or have an indirect relationship with them. Furthermore, the victim's death is based on the assumption that they were killed. The stage of realisation appears to be less advanced than the stages of speculation and forecasting.²⁹

The term “Honour Killing” was used to describe the killing of Lavina, the main character in Shakespeare's “Titus Andronicus”, by her father after she was sexually assaulted. This occurred within the framework of British literature. As an illustration, the United Kingdom executed Henry VIII's fifth wife by beheading due to her alleged adultery. Desdemona, a prominent

²⁹ K.Sharma —The Violence of Urban Poverty, III Prajnya Report ,37(2010).

figure in British literature, met her death as a result of her own guilt, stemming from accusations of adultery. Meanwhile, Romeo and Juliet became entangled in a longstanding family conflict centred around the concept of honour. Both of these incidents took place in the realm of British literature. The Knights of the Round Table and King Arthur upheld a relationship based on the principle of honour. The primary focus of the Three Musketeers revolved around the efforts of the King's guards to seek vengeance for the betrayal perpetrated by Cardinal Richelieu against the King.

The ancient civilizations of China, Egypt, and Rome all endorsed the practice of honour killings during antiquity. The genesis of this phenomenon in India can be traced back to the partition era that occurred between 1947 and 1950. During this period, a woman was murdered daily as a means of protecting the reputation of a clan. This occurred due to the significant impact exerted by religious and social factors. Although women have consistently showcased their worth in various industries, this societal problem still persists. The factors contributing to these homicides encompass intercaste marriages, love marriages in defiance of familial wishes, rejection of arranged marriages, sexual assault, adultery, lack of legislation addressing the specific circumstances, and ultimately, a patriarchal society. If a comprehensive investigation is conducted, it is likely that the majority of female characters in Indian mythology will be exposed to incidents of "Honour Killing". In the epic Ramayana, Sita's act of self-sacrifice to uphold honour exemplifies that the practice of Sati Pratha involved protecting the family's honour, even if it meant the death of the husband. This honour specifically pertains to the female member of the family.

During the partition of India from 1947 to 1950, honour killings became a widespread phenomenon. During that period, a woman was subjected to daily executions as a means of safeguarding the dignity of her family. This occurred as a result of the widespread impact of religious and social factors during that time period. The most prominent example of Indian mythology fragments that necessitate analysis is the monumental epic known as the Ramayana. Ravana is implicated in the death of Surpanakha's husband, ViduthJulvey, who was a prominent military leader, within the context of this epic. Surpanakha performed the Gandharva-Vivah ceremony in a location known as Kalikey. Ravana perceived this as a slight, and in order to preserve his authority and influence, he ultimately executed her spouse.³⁰

The practice of "SatiPratha" was a superstitious ritual aimed at preserving the integrity of the Hindu heritage. During this ritual, an incinerated woman was immolated alongside the

³⁰ G.Ramaseshan,—A Matter of Honourl, I Prajnaya Report, 4 (2010).

deceased body of her spouse, regardless of the husband's age at the time. The wife of a deceased husband did not have the prerogative to persist in this world following his demise. The realisation of individuals' limited perspectives is entirely unforeseen. Throughout history, the social, political, and economic status of women has undergone constant evolution, from ancient times to the present day. Women in ancient India were given equal status to men. During the early Vedic period, they had a significant level of education, and our ancient texts make references to women who were considered sages, such as Maitrayi. Upon the release of the Manu smriti, a distinguished scholarly work written by Manu, women's social standing was raised to be on par with men, yet they were subsequently placed in a subservient role. Furthermore, verse 356 of the Manu smriti specifically states: "God takes pleasure in situations where a woman is highly regarded". Manu smriti is also known as Manav Dharma Shastra due to the belief in Hindu mythology that it consists of the words of Lord Brahma. This is because it is considered the foremost declaration of Dharma.

Inequitable practices emerged in diverse manifestations, including child marriage, devadashipratha, the nagarvadhū system, sati pratha, and many more. Subsequently, the socio-political freedoms of women were greatly curtailed, leaving them completely dependent on the male members of their families. The individuals in question were denied their suffrage, their access to employment, and their right to receive an education. The progression of Muslim governance in India during the mediaeval period resulted in a subsequent deterioration of the status and welfare of women in the country during the British colonial era. Conversely, the British colonisation instilled Western ideas in the country and deeply rooted a widespread superstitious mentality among the people.

Despite the significant advancements made by social reformers such as Iswar Chandra Vidyasagar and Raja Ram Mohan Roy in reshaping the delicate social structure of India, it is unfortunate that the traditional practice of "Sati Pratha" was abolished from society. However, these issues gave rise to noteworthy societal concerns such as "Honour Killings", "Domestic Violence", and "Dowry Deaths". Therefore, it is undeniable that honour killings have been a widespread and enduring practice since ancient times, continuing uninterrupted to the present day.

In the midst of India's diverse progress in the twenty-first century, which encompasses the establishment of a democratic system that guarantees gender equality, it is extremely challenging to accept the occurrence of assassinations, particularly those carried out in the name of "Honour". The Indian mindset has successfully eliminated the traditional patriarchal and feudal mentality, to the point where the country is resistant to changing its beliefs and

thoughts, even in the face of technological advancements and innovations. Moreover, it is repugnant that atrocious acts like “Honour Killings” are being perpetrated under the guise of a “social mandate”. The widespread availability of the internet and various social networks such as Facebook, LinkedIn, and WhatsApp has significantly increased the ease with which young boys and girls can connect with each other in today's era. Another factor that contributes to the increase in illicit relationships is the extensive dissemination of personal photographs and status updates on public websites and applications, which makes it easy for individuals to be tempted by one another.

On the other hand, cases of unjustifiable child abductions are happening because the children's guardians are not being careful. They regularly update their statuses, which gives out information and detailed facts about the child in question. The kidnappers are effortlessly progressing in their plot and achieving success by simply tracking that particular child; they are not exerting any effort. Contrary to common belief, honour killings are not limited to the murder of women. Men who are involved in relationships, have married against their families' wishes or consent, or are engaged in inter-caste unions are also at risk of being killed. The majority of victims are young people or young couples who have chosen their life partners and are murdered in retaliation. Experiencing romantic emotions towards someone is a common occurrence, but resorting to violent means to end their life because of it is not an acceptable or appropriate response.

In the 21st century, as people are knowledgeable, educated, skilled, and aware of legal protections, honour killing is causing widespread public concern because it flagrantly violates our fundamental and innate rights. Although young individuals have attained the age of matrimony and are held in high regard by society, instances of homicides persist. Regarding inter-caste marriages, parents are primarily concerned about the well-being of their children and tend to overlook the possible consequences, as their anger and reputation are severely challenged. Regardless of socioeconomic status or caste, women of all backgrounds are vulnerable to various forms of violence to varying degrees. There were multiple instances where people were already married and enjoying very happy married lives. In contrast, economically disadvantaged individuals lack a refuge, while affluent individuals have the ability to secure safety by purchasing private transportation and residing in secluded communities. The experiences of many impoverished women living in urban areas clearly demonstrate that their limited access to secure housing, combined with the fact that cities are designed to cater to the needs of wealthy individuals, heightens their vulnerability to harm. Labelling these transgressions as “Honour Crimes” is a misnomer, as they do not possess any

honourable attributes. On the other hand, it has grown to include a wide range of violent actions targeted at women, including murder, physical attack, and imprisonment. Most of these crimes involve preventing individuals from having control over their own choices regarding marriage and relationships. The individuals who commit these offences are typically easily noticeable and often include relatives or members of the community who view a "threat to honour," thereby gaining social approval for their actions. In this particular context, there is a social system that emphasises the importance of upholding the concept of "Honour." This concept is only attributed to men, giving them authority over women, both within the family and in marriage. This authority extends to controlling women's sexual behaviour, whether it is suspected, confirmed, or anticipated. This system is publicly defended, as stated by Lynn Welchmen and Sara Hossain.

Reports submitted to the United Nations Commission on Human Rights have documented honour killings in various countries, such as Uganda, Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, and Turkey. Under the rule of the extremist Taliban government in Afghanistan, countries that did not provide reports to the United Nations were given an exemption from this requirement. Furthermore, this practice has been recorded in Iran and Iraq. Human rights activists argue that honour killings, despite the significant public outcry and attention they have garnered, should be seen as part of the broader issue of violence against women. In India, the United Nations Children's Fund (UNICEF) estimates that more than 5,000 brides die each year due to insufficient dowries. Certain proponents of human rights contend that crimes of passion, which are widely accepted with significant empathy in Latin America, are essentially synonymous with a different label. According to Widney Brown, the Advocacy Director for Human Rights Watch, in countries where Islam is practiced, the act of killing women by male family members is referred to as "honour killings". However, similar dynamics can be observed in cases of dowry deaths and crimes of passion, where the murder of women is also involved and these crimes are considered justifiable or comprehensible. According to her claim, the practice is universally observed among different cultures and religious groups. Through establishing coalitions with fellow women in the community and within the family, the concept of women being regarded as property is further strengthened, alongside the recognition that acts of violence against family members are treated as matters of domestic concern rather than legal ones. Female relatives, including mothers, mothers-in-law, sisters, and cousins, often express their endorsement of the attacks. Zaynab Nawaz, former Programme Assistant for Women's Human Rights at Amnesty International, referred to the concept as "a communal mindset". Regarding

the concept of familial “Honour,” it is estimated that hundreds, if not thousands, of women are killed each year. Due to underreporting and lack of punishment for perpetrators, it is difficult to determine the exact frequency of honour killings. The practice is occasionally justified by the notion of familial integrity in specific cultures, rendering the collection of precise data difficult.

(G) Constitutional Provisions Related to Women

In contrast, the Constitution of India guarantees a wide range of fundamental rights, responsibilities, and principles that serve as the basis for governmental behaviour. In India, this document is widely recognised as the most enduring and influential among all documents ever created. The Preamble is the first constitutional provision found at the beginning of the document. It consists of the following declaration: “We, the people of India...” Within this particular framework, the pronoun “we” is used to refer to both males and females.

The Third Section of the Constitution provides protection for specific fundamental rights at the Constitutional level. Here is a list of several of these rights for you to consider. The United States Constitution ensures the right to parity, which refers to the fair and consistent process used to resolve legal disputes within the judicial system. Article 15 of the Constitution prohibits the state from engaging in any discriminatory behaviour towards its citizens based on religion, race, sex, caste, or place of birth, particularly in the management of state-owned resources such as roads, public resorts, wells, tanks, bathing ghats, and tanks. This provision specifically applies to the construction of public bathing ghats. By complying with this requirement, the government is obliged to refrain from engaging in any kind of discriminatory actions against its residents. Government-operated and government-funded institutions are established with the main purpose of providing services to the general public. Individuals who are unable to access public restaurants and shops due to obligations, constraints, limitations, or similar conditions are eligible to receive the benefits outlined in this provision. This provision applies to all individuals who, as a result of a disability, liability, restriction, or condition, are incapable of accessing these establishments. According to Article 15.3 of the Constitution, the government has the power to implement specific measures aimed at safeguarding the well-being of women and children. The objective of these measures is to ensure the protection and welfare of children and women. Women and children are commonly considered to be the most vulnerable groups in society because of their inherent vulnerabilities. Article 16 of the Constitution guarantees that all individuals have equal access to public employment. This illustrates that it is unjustifiable to engage in discriminatory practices against individuals based on their occupation, especially when their profession is the primary means of financial support

for their family. The Constitution affirms the inherent and fundamental significance of the right to freedom of speech and expression in Article 19. For a state to successfully achieve its objectives, it is crucial that all individuals within its jurisdiction have the necessary technological skills to engage in prompt and effective communication. Article 19 of the Indian Constitution grants various additional rights and privileges. The aforementioned rights include the following: the freedom to gather in groups without using force; the ability to create associations or unions; unrestricted movement throughout the country; the right to establish residence and businesses in any location; and the liberty to participate in any profession, trade, or business venture. Article 21 of the Constitution explicitly declares that it is illegal to deprive an individual of their rights to life and liberty, unless this deprivation is carried out in accordance with the legally established procedure. Article 23 explicitly prohibits human trafficking, while Article 25 guarantees the protection of individuals' freedom of religion. Several provisions specified in the Directive Principles of State Policy are particularly relevant to women in the context of national governance. Each of these provisions is of utmost importance in its own right. Careful consideration of the existing provisions is extremely important. According to Article 39(a), the state is required to ensure that all workers, regardless of gender, have sufficient resources to support themselves and maintain their physical and mental well-being. Article 39(e) ensures that workers are provided with fair and thoughtful working conditions, in addition to maternity leave. Likewise, employees have the right to receive fair and equal payment for work that is similar in nature, as stated in Article 39(d).

Moreover, the implementation of the Uniform Civil Code, which prioritises the promotion of gender equality, is a direct result of Article 44. Each article cited in this article has a written version in the Universal Declaration of Human Rights. In contrast, the Judiciary has acknowledged the significant significance of the Uniform Civil Code in relation to its responsibility to supervise the enforcement of civil laws concerning matters such as inheritance, alimony, marriage, and adoption. This is the case because the Judiciary is responsible for ensuring adherence to these laws. Article 47 requires the implementation of a high standard of nutrition to guarantee the welfare and safety of all individuals, irrespective of their geographic location. Although the government does not have authority to enforce the Uniform Civil Code, the Indian judiciary has acknowledged its crucial significance. Article 51 (A)(e) of the Constitution not only forbids behaviour that diminishes the worth of females, but also highlights the crucial obligation that is especially relevant to women. This clause is a noteworthy provision in the Constitution that merits particular attention. This is one of the many Fundamental Duties that are clearly outlined in the Constitution. The mentioned

freedoms have been explicitly granted to the population of India in accordance with the Constitution of India, a fundamental document in the country. Outside of India, there are areas around the world where marriage is regarded as a religious practice. Each religious tradition is characterised by a unique and exclusive collection of ideas and principles. These followers are bound by regulations that are tailored to the particular belief system they are devoted to.

The Constitution of India serves as the primary legal instrument for governing the nation. Therefore, it is possible to ensure that every individual is treated with dignity and respect, regardless of their nationality, gender, age, or association with a particular social group. It is feasible to offer such a guarantee. First and foremost, it is crucial to acknowledge that the Preamble to the Constitution of India highlights a multitude of goals. These objectives encompass the incorporation of phrases like “We the people of India” and “the equality of status and opportunities” in relation to all Indian citizens.

III. HONOUR KILLING IN INDIA

(A) Introduction

Honour is an outlandish term. It bears different thinking in accordance with the mind-set of people. “Honour Killing” is a part to preserve family Honour by applying any methods. The rampant growth of Honour Killing in India are simply beaconing a grave danger to India’s development and progress. Rigid caste system and feudalism are deeply rooted in our Indian social structures. Honour Killings are a part of community mentality. It emasculates the freedom of individual choice, hovers in the face of Indian heterogeneity and shows no respect for the —Right to Life and Liberty upon which Indian society is erected.

(B) Definition of Honour Killing

In the modern age, the term was first used by a Dutch Scholar of Turkish society, Anne Nauta in 1978,³¹ 88 that Honour Killings should not be confused in contradistinction to a blood feud. According to Segen’s Medical Dictionary,³² the killing of a woman by one or more members of her family after she has despoiled or thought to have tarnished them in some fashion e.g., by committing adultery or marrying against family’s consent or wishes or other sexual indiscretion. Thus, Honour Killing can be termed as a customary killing. In brief, an Honour Killing is the homicide of a member of a family or social group by other members due to the belief of the executioners that the victim has brought some irreparable shame or indignity upon

³¹ N. Nitu, —Honour Killing –Need for Effective and Realistic Legislation, 7 IJAMH38(2018)

³² Joseph.C.Segen, *Concise Dictionary of Modern Medicine* 125 (McGraw-Hill Professional, New York, 1st edn., 2005).

the family or community. Honour killing amounts to homicide and murder because the act has been done with the intention and knowledge of causing death to the victims as they have alleged to have brought dishonour to the family.

(C) History of Honour Killing

Honour killings have been widespread since ancient times. The Code of Hammurabi of Babylon, a document dating back to 1790 B.C., provided an illustrative case: couples engaged in adultery were liable to face the punishment of drowning. According to the Assyrian Law, which was effective in 1075 B.C. during the Mesopotamian civilization, the father of a defiled virgin was obligated to impose an appropriate punishment on his daughter. In the book of Genesis, Judah, who is considered the most sacred book in the Bible, orders the burning of his daughter-in-law Tamar. He is informed that she became pregnant through sexual intercourse, and the book of Leviticus offers further support for this assertion. Moreover, the endorsement of honour killings as a societal standard was prevalent in ancient Rome, China, and Egypt. After her father was raped, the main character Lavina in *Titus Andronicus* was put to death. William Shakespeare is the playwright. As an illustration, the United Kingdom executed the fifth wife of Henry VIII by beheading on the grounds of committing adultery.

Desdemona, a prominent figure in British literature, met her death due to alleged adultery, while the origins of *Romeo and Juliet* can be attributed to a long-standing family feud centred on honour. Both of these incidents took place within the realm of British literature. The concept of honour played a crucial role in the storyline of *King Arthur and the Knights of the Round Table*. The primary focus of *The Three Musketeers* revolved around the efforts of the King's guards to seek revenge for the betrayal perpetrated by Cardinal Richelieu against the King.³³ The origins of honour killings can be traced back to the tribal customs of the Baluch and Pashtun communities. Currently, the occurrence of honour killings has been reported in various countries including the United Kingdom, Bangladesh, Brazil, Ecuador, India, Israel, Italy, Morocco, Sweden, and Uganda, as stated by the International Women's Human Rights organisation. It is predominantly observed in countries with predominantly Muslim populations. The states of Bihar, Punjab, Haryana, and the western part of Uttar Pradesh exhibit a higher prevalence of this condition in India. A substantial amount of incidents are not being reported. Murder, in the context of honour, is a breach of the fundamental right to life and human dignity.

³³ Law Z Vol.10 No.8, Issue 108, Aug.2010 P.10

(D) Honour Killing in India

Honour killings originated in India during the period of partition between 1947 and 1950. During that period, a woman was subjected to daily executions as a means of safeguarding the dignity of her family. This event took place during a period of heightened religious and social influence. The Ramayana is a significant fragment of Indian mythology that deserves thorough investigation. In this epic, Ravana is depicted as having killed Viduth Julvey, the husband of Surpanakha and the chief of her army. Surpanakha performed the "Gandharva Vivah" ceremony at a location known as "Kalikey." Perceiving this as a slight, Ravana, in order to preserve his authority and influence, ultimately executed her spouse. The practice of "Sati Pratha" was a superstitious ritual aimed at preserving the integrity of the Hindu heritage. During this ceremony, a woman who was in a state of agitation was cremated together with the body of her deceased husband, regardless of his age at the time. The wife of a deceased husband did not have the entitlement to persist in this world following his demise. People are stigmatised for having limited cognitive abilities when they entertain such a harmful thought. Despite the significant advancements made by social reformers such as Iswar Chandra Vidyasagar and Raja Ram Mohan Roy in reshaping the delicate social structure of India, it is unfortunate that the traditional practice of "Sati Pratha" was eliminated from society. However, this resulted in the widespread occurrence of more serious societal issues, such as "Domestic Violence," "Honour Killings," and "Dowry Deaths." Hence, it is crucial to emphasise that the practice of honour killings has been prevalent since ancient times and has persisted without any visible solution.

In the midst of India's diverse progress in the 21st century, which encompasses the establishment of a democratic system ensuring gender equality, it is extremely challenging to accept the occurrence of assassinations, particularly when examining the underlying motivations behind these acts of "honour." The Indian mindset has successfully eliminated the traditional patriarchal and feudal mentality, but it has also become resistant to changing its beliefs and thoughts, even in the face of technological advancements and innovations. Moreover, it is repugnant that atrocious acts like "Honour Killings" are being perpetrated under the guise of a "social mandate." In the contemporary age, the Internet has facilitated greater interaction between young males and females, primarily through the widespread availability of social networking platforms like LinkedIn, WhatsApp, and Facebook. Another contributing factor to the increase in illicit relationships is the extensive dissemination of personal photographs and status updates on public websites and applications, which facilitates the seduction of individuals by one another. On the other hand, cases of unjustifiable child

abductions are occurring because the children's guardians are not being careful. They regularly update their statuses, which provides information and detailed facts about the child in question. The kidnappers are effortlessly progressing in their plot and achieving success by simply tracking that particular child; they are not exerting any effort. Contrary to common belief, honour killings are not limited to the murder of women. Men who are in a romantic relationship, have married against their family's approval, or are involved in inter-caste unions are also at risk of being killed. The majority of victims are young people or young couples who have chosen their life partners and are murdered in acts of retaliation. It is completely normal to have romantic feelings towards people of the opposite sex at any time. However, it is important to emphasise that brutally killing someone for engaging in such behaviour is not a viable or acceptable solution.³⁴

Honour killings are receiving increased scrutiny in the twenty-first century, as people become more knowledgeable about legal safeguards, cultural advancements, and education. This is because they violate our fundamental and inherent rights in a cruel and unjust way. This holds particularly true when individuals are aware of the presence of legal safeguards. Despite the presence of young individuals who have achieved independence and are eligible for marriage, instances of homicide continue to take place. A number of incidents transpired subsequent to the solemnization of the marriage, during which the spouses were continuing to enjoy a contented conjugal existence. This is because parents who endorse inter-caste marriages are primarily focused on the welfare of their children and may not extensively consider the possible consequences, as their anger and reputation are greatly esteemed. Regardless of their socioeconomic status or caste, all women are susceptible to a wide range of violent acts at some point in their lives. The wealthy have the ability to ensure their safety by purchasing private transportation and living in gated communities; however, individuals who are economically disadvantaged lack the means to find a refuge. The experiences of many impoverished women living in urban areas clearly demonstrate that their limited access to secure housing, combined with the fact that cities are designed to cater to the needs of wealthy individuals, heightens their vulnerability to harm. The term "Honour Crimes" is deceptive as it fails to reflect any honourable attributes linked to the committed offences. However, its range has broadened to include a wide range of violent crimes committed against women, including murder, assault, and abduction. Most of these actions relate to obstructing an individual's capacity to exercise their autonomy in making decisions about marriage or relationships. Such criminal activities are frequently perpetrated by relatives or members of the community who perceive a "Threat

³⁴ K.Sharma, —The Violence of Urban Poverty| IPR 24 (2010).

to Honour," thereby linking the crime to a social punishment. In this context, there is a social system that emphasises the importance of maintaining the concept of "Honour," which is only associated with male authority (within the family and/or marriage) over women. This authority extends to controlling their sexual behaviour, whether it is suspected, proven, or possible. This system is supported by a publicly stated "Justification" (Lynn Welchmen and Sara Hossain).³⁵ Various factors can compel an individual to commit an act of honour killing. Honour killings can occur as deliberate acts, where the assailant intentionally causes the death of the victim through an assault, or as unintentional incidents resulting from other forms of mistreatment related to honour.

(E) Methods or Modes of Honour Killing

The Indian society, known for its abundant cultural diversity, highly values and respects the principles of customs and traditions. This belief encompasses the ethnic origins and religious principles found in various Hindu Shastras and scriptures, which have been carefully and intentionally safeguarded by the Indian population. India is the origin of these scriptures and Shastras. Consequently, when any of these emotions are violated, individuals will endeavour to reduce them through unlawful actions. There is a widely accepted belief that men view women as their possessions or resources, and that it is men's responsibility to oversee them, as they are seen as the primary symbol of honour within the family. Relatives, including parents, siblings, and extended family members, as well as individuals from the same community or social group living in close proximity, are responsible for carrying out honour killings. These individuals employ inflammatory methods to end the lives of their victims with the aim of eradicating any trace of wrongdoing from society.

a. By Poisoning

Victims of honour killings are often executed using this method, which is just one of several methods used. The family frequently utilises poison as a method to remove individuals involved in dishonourable conduct, such as extramarital affairs, inter-caste marriages, pre-marital pregnancies, and infertile women. These conditions are considered shameful and repugnant. There have been instances where victims have deliberately ingested poison in order to erase their identities.

Gomathi, a seventeen-year-old girl, lived in the Thoothukudi district situated in Chennai. After forming a strong emotional connection with Murugana, a twenty-two-year-old boy from the

³⁵ R. Geeta, —A Matter of Honour, 1PR 26 (2010).

Dalit community, she and he both decided to live together permanently. Her brothers assured her that if she went back to her hometown, they would give their consent to her marriage. She came back with an inheritance, but her family members later poisoned her in an effort to bring shame to the family and cause her demise.³⁶

b. By Stoning

Individuals who have violated the community's standards of honour may be subject to execution through this alternative form of self-termination. This approach is frequently utilised by community members in conjunction with the victims' family members to remove them from the community, based on the accusation that they are in violation of societal norms and rules. Consequently, this leads to an unnecessary violation of the established values and principles of the caste system. A wedding took place in a remote village of Andhra Pradesh, where a young man named Srinivas got married to Swapna Reddy. The villagers deemed the union as a reprehensible custom and collectively agreed to execute the couple by stoning them after they were securely tied.

c. By Shooting

This specific type of murder entails the victims being explicitly notified that their actions are considered a violation of a clan's honour, thereby involving them in the crime. This method involves the use of firearms and pistols to efficiently and directly kill the victims. A 22-year-old woman was killed by her brother in the village of Loe, Muzaffar-Nagar district. The brother acted out of disapproval and opposition towards his sister's involvement in extramarital relationships with a boy. The brother's behaviour was considered justified because it violated the family's honour.

Samia, a 29-year-old woman and mother of two, was killed by a gunshot in her lawyer's office in Lahore. After a decade of being married, she was filing for divorce from her husband, who exhibited violent behaviour. Her family was deeply ashamed upon learning that she had been shot. Jilani, her legal representative, and his staff faced animosity from her relatives due to their assistance throughout the divorce proceedings.

d. By Hanging

As a punitive action against individuals who violate the family's honour, this method of execution is sometimes used by family members or villagers. To avoid public observation of the entire incident, it is customary for them to hang the individuals from a ceiling fan or a tree

³⁶ Editorial, —Brothers kill girl for loving Dalit man!, Indian Express ,Sept.14,2013.

located on the outskirts of the village. The case of Nirupama Pathak, a journalist residing in Delhi, who formed a romantic bond with Rajan, a Kayastha boy from a lower caste, serves as an example of this phenomenon. The following day, her lifeless body was discovered. However, her family insisted that she had died from hanging, despite the conclusive post mortem examination that clearly determined the incident as a case of murder. This occurred after her family became aware that they had used a deceitful method to bring her back to her hometown.

Abhishek Seth, a 24-year-old assistant programmer at the Cabinet Secretariat, was the person she had strong feelings for. Bhavana Sharma, a twenty-one-year-old student, was involved in this case. She was in her final year of study at Sri Venkateshwara College in Delhi. The interregional relationship between Yadav, hailing from Punjab, and Abhishek, originating from Rajasthan, faced resistance from Bhavana's entire family. This was attributed to Abhishek's origin in Punjab and Yadav's origin in Rajasthan. The married couple solemnised their union on November 12th of the current year, in the absence of parental approval. Bhavana's parents have successfully persuaded her to marry. As a result, they are determined to celebrate their wedding ceremony by organising a lavish reception. They committed homicide at her Dwarka residence after bringing her back there. Bhavana remained unresponsive to the First Information Report (FIR) filed by Abhishek regarding her failure to be present at her childhood residence. Her family members informed her that she had died from a snakebite. As a result, they transported her body to Alwar for the cremation ceremony. However, she experienced physical abuse and strangulation with the explicit purpose of damaging the family's reputation.

e. By Beheading

When consumed by anger and unable to bear the shame that the victims bring upon the family, the family members turn to this method of homicide. By employing sharp-edged weapons to dismember their victims, they achieve a deadly outcome by completely separating the head from the body. The beheading of the victim clearly indicates that it was carried out by members of the victim's own family, given that Nidhi and Dharmender Barak shared the same gotra.

f. By Brutal Whipping

Individuals who violate the laws regarding honour killings frequently face this particular form of punishment. The family members display apathy towards potential repercussions stemming from their consistently elevated level of anger. By directly victimising individuals, it provides comfort to their relatives, allowing them to avoid the emotional pain linked to societal shame surrounding their family's customs. In 2008, the Punjab and Haryana High Court issued a ruling

stating that numerous young couples had been victimised on countless occasions for crossing the “Lakshman Rekha,” a boundary set by their families, communities, or castes. This verdict was rendered considering the multitude of cases that had been resolved.³⁷

(F) Honour Suicides

An honour suicide is a choice made instead of committing a murder due to self-restraint. This situation may have arisen when individuals exerted pressure or issued commands to a woman to take her own life; this may have been done in order to evade the consequences of her murder. According to the existing evidence, it appears that this phenomenon has emerged in a relatively recent time period. Instead of relying on a responsive approach, the police force, as the governing body, must embrace a proactive position to effectively address the alarming occurrence of honour killings. Many times, the cases are officially recorded as suicides, and no additional steps are taken to progress the legal proceedings. At times, family members were unable to accept or endure situations involving inter-caste marriages, inter-religious marriages, marriages within the same gotra, refusal to marry through an arranged marriage, adultery, pre-marriage pregnancy, or disobedience to customary religious practices. They considered such behaviours to be a shameful reflection on the family and caste. It is not rare for individuals to take their own lives with the intention of safeguarding their family, which includes fathers, mothers, brothers, grandparents, and others. In a similar incident near Chinnamanur, a 45-year-old woman, unable to bear her daughter's marriage to her cousin, reportedly died by suicide. While working in Coimbatore and Trippur, the twenty-three-year-old daughter formed a fond bond with Ilayaraja, who is twenty-seven years old. It has been two days since they got married, after approximately a year of dating. Due to the distressing news, the woman ingested a toxic substance. Regrettably, the woman perished as a result of the toxic substance and did not exhibit any response to medical intervention.

Instances of honour killings are prevalent throughout the entire state of Haryana, which is among the states where such incidents take place. The socio-cultural landscape of Haryana is characterised by the simultaneous presence of patriarchal and semi-tribal social systems. This is evidenced by the notable portion of the population who live in rural areas and work in agricultural-related professions. Moreover, despite its rapid progress in terms of infrastructure and economy, the state maintains a strong commitment to cultural traditionalism and social orthodoxy. Instances of honor-driven violence and homicides carried out in the name of honour are not uncommon in this state. Through a comprehensive and methodical examination of the

³⁷ I, RajuSaraswati, —Honour Killings-Crime against Mankindl, 10 *IOSR* 1 (2013).

socio-cultural viewpoints of the main communities, specifically the martial communities predominantly consisting of Jats, it has been revealed that the concept of "Honour" holds significant importance within certain populations. In Haryana, the term "honour" is considered to be of great importance and is seen as a crucial aspect of sociocultural values. The notion of honour and the homicides perpetrated against women in the name of honour possess various connotations within this region. It is important to note that when a male family member sexually harasses, demoralises, or harasses a female family member, it is seen as an attack on the reputation and integrity of the male family members. Moreover, it could provoke animosity towards the accused, potentially resulting in the demise of the accused. The following section of the story describes the circumstances in which a married woman engages in extramarital affairs with an unmarried man. Her husband sees this as an intentional act of undermining her dignity.

Another manifestation of violence linked to honour arises when a young woman engages in a romantic or sexual relationship with a boy prior to their marriage, or when she expresses a strong desire to marry a specific boy. Furthermore, this type of violence can lead to instances of honour killings. Moreover, any romantic or sexual relationship that the girl partakes in before her marriage is deemed a violation of her family's honour and is consequently forbidden. Although the young lady is very eager to marry the boy she likes, it is considered a betrayal of the family's honour. The situation becomes further intricate when the girl is involved in a relationship or is willing to marry a boy who belongs to a lower caste or follows a different religion. There is a strong likelihood that the girl will experience honor-based violence, which typically leads to the death of either the girl, the boy, or both.

Like Punjab, Haryana also maintains a significant amount of sociocultural structures, as mentioned in the previous section. Honour killings pose a highly alarming threat in the state of Haryana. Haryana is renowned for its affluence and development, making it one of the most prosperous states in the Indian subcontinent. The state's swift industrialization and agricultural productivity significantly contribute to this phenomenon. Nevertheless, when it comes to the social conduct and sociocultural mentality of the rural population, Haryana consistently exhibits the characteristics of a tribal or semi-tribal area, resembling Punjab in a remarkably similar way. The assassinations of victims of honour in the Indian state of Haryana frequently arise from bias against love marriages, particularly animosity towards unions involving individuals from different castes and religions.

(G) Inter-caste Marriages and Honour Killing

The caste system in India is a prime example of the rigid traditional practices that are widespread and highly objectionable. Individuals have been classified into upper caste and lower caste based on their social status and the local community they belong to. Despite the clear declaration of the elimination of untouchability in Article 17 of the Indian Constitution, caste systems continue to enforce this practice. Upon analysing the history of Indian society, it becomes evident that the caste system and caste have been linked to numerous cases of murder and other forms of injustice. There is a growing trend of individuals engaging in acts of homicide in order to protect their social status, as they fear that marrying someone from a different caste will lead to a decline in their societal position. This is the underlying cause for the rising prevalence of honour killings in modern society. Due to the significant influence of the caste system, individuals who hold similar views are steadfast in their judgements and declarations.³⁸

In the prominent legal case of *Lata Singh v. State of Uttar Pradesh*, Justices Markande Katju and Gayan Sudha Mishra arrived at a unanimous decision regarding the prevalent issue of honour killings in India. The Bench declared that the Caste system is a detrimental affliction to the nation and emphasised the urgent need for its complete elimination, highlighting the positive consequences it would bring. Undoubtedly, it exacerbates the fragmentation of the country at a crucial moment when national cohesion is necessary to address the collective challenges that lie ahead. Inter-caste marriages are thus beneficial for the entire nation, as they lead to the eradication of the caste system. On the other hand, troubling reports are arising from different parts of the country, suggesting that young individuals, regardless of gender, who marry outside their caste, are being exposed to physical intimidation. On the other hand, they become victims of physical acts of aggression. From our perspective, any instances of violence, threats, or harassment are absolutely prohibited, and those responsible should face strict consequences. Citizens in this democratic and free nation have the freedom to marry any person of their choice once they reach the legal age of adulthood. If parents disapprove of inter-caste or inter-religious marriages involving their children, their power is restricted to severing social ties with them. Nevertheless, they are forbidden from issuing threats, engaging in or inciting acts of violence, or harassing the individual who enters into such marital unions.

India experiences numerous instances of honour killings, where a substantial number of individuals are ruthlessly murdered as a result of the rigid caste system that governs the country.

³⁸ S. Singh Deol, —Honour Killings in Haryana State, India: A Content Analysis | 9 IJCS 192- 208(2014).

A young man, aged twenty, belonging to the Dalit caste, expressed his romantic interest to a teenage girl, aged fifteen, from a higher social caste, while she was at her educational institution. The proposal infringed upon his brothers' "Honour," resulting in substantial embarrassment for them. As a result, they carried out his execution in a brutal manner.

Jyoti, a resident of Pardeshipura, had amorous sentiments towards a boy from a lower caste and planned to wed him. Nevertheless, her aspirations were thwarted by her father, impeding her ability to fulfil them. She displayed resistance towards her father's attempts to convince her to comply with him, both prior to and following the public disclosure of the information, but his efforts were unsuccessful. Her father perpetrated the abhorrent act of killing her in order to protect the family's reputation. He unabashedly confessed to the offence in front of the local authorities.

Sushma, a resident of Mumbai's Bandra district and a member of the Brahmin community, formed a romantic bond with a boy from the Dalit community. Sushma's family members objected to her decision and were accountable for ending Prabhu's life, despite the fact that they had illegally married him. Sushma currently resides at her in-laws' house while she adapts to her new status as a widow.

In the case of *Geeta Singh v. State of Rajasthan*³⁹, the Supreme Court of India declared that individuals who are of marriageable age have complete independence in choosing a life partner. If any member of the family poses a threat or engages in harassment towards them... The court issued a ruling requiring the state to take appropriate measures to prevent the occurrence of this repugnant crime. In the case of *Ashok Kumar v. State of Punjab and Haryana*⁴⁰, the Supreme Court of India declared that love marriages are prohibited in India due to their conflict with the fundamental principles of the caste system, as dictated by the customary lifestyle.⁴¹

According to the High Court's decision in the case of *Sujith Kumar v. State of Uttar Pradesh*, it is completely legal for people to marry individuals from different castes or communities. It is illegal to subject them to harassment or coerce them into terminating their marriage. Neither their guardians nor their parents. Enforce a complete ban on any acts of harassment, abuse, or homicide targeted at these individuals with the explicit purpose of damaging the family's reputation. A detrimental phenomenon that plagues society is the brutal act commonly referred to as honour killing. The High Court issued a directive instructing the police to enforce

³⁹ *Geeta Singh v. State of Rajasthan*, (2008) 118FLR37.

⁴⁰ *Ashok Kumar v State of Punjab and Haryana* (2009) DMC 120.

⁴¹ Editorial, —Boy killed for loving upper- caste girl! TheTimes of India, Edition-New Delhi, Apr.4, 2010.

stringent legislation against individuals accountable for honour killings. In contrast, the Supreme Court ruled in the significant case of *Lata Singh v. State of Uttar Pradesh and Others* that it is impermissible to prevent young couples from getting married for reasons of love based on caste or honour, as long as they are adults. The Indian Constitution explicitly ensures individuals the freedom to marry whomever they choose. It is true that Hindu personal law does not forbid the marriage between individuals belonging to different castes. Considering the situation, it is undeniable that every Indian citizen possesses the unequivocal entitlement to choose a life partner based on their individual preferences.

(H) Relativity of Honour Killing with Religion

Undoubtedly, religion is one of the most influential social philosophies. According to Emile Durkheim, religion can be described as a comprehensive framework of beliefs and rituals centred around sacred entities. This suggests that religion is comprised of specific and forbidden beliefs and rituals, which come together to create a cohesive moral community known as a church, encompassing all its followers. Religion plays a crucial role in enabling individuals to confidently navigate their communities within the realm of human social existence. Edgar Allan Poe once expressed that every religion is essentially a development of deception, fear, greed, creative abilities, and artistic representation. According to the distinguished legal expert Napoleon Bonaparte, religion is a powerful tool for suppressing the general population. The adherence to religious principles prevents the impoverished from committing acts of homicide against the affluent.⁴²

Religion can be understood as a form of worship in which followers demonstrate reverence and belief by placing their faith in supernatural beings. The inception of religious belief within the realm of jurisprudence can be attributed to the emergence of the “Natural Law School” during the early 18th century. This philosophical perspective originated from the concept that faith is derived from supernatural entities and beliefs. Natural Law, as delineated by the tenets of Jurisprudence, refers to the beliefs and values that are assumed to have originated from a supreme authority, distinct from any political or materialistic influence. Various legal scholars have expressed a wide range of ideas and perspectives within the field of “Natural Law.” There are individuals who believe that these conventions were established by a divine entity, some who attribute their creation to natural phenomena, and others who attribute their development to logical reasoning. Throughout history, individuals have consistently embraced religious convictions and maintained unwavering trust in a higher power. It is universally applicable in

⁴² J.Ward .Swain, *The Elementary Forms of the Religious Life* 47(George Allen & Unwin Ltd,London,1stedn.,1915).

every circumstance. Regardless of whether it is appropriate or not, these concepts are sometimes used for purposes that are completely opposite.

The term “religion” originates from the Latin word “religo,” which means “principles of Divine Communication” or “the recognised link between humanity and the natural laws”. Each religion is characterised by its emphasis on mental resilience, in addition to its belief in the existence of supernatural forces. The societal structure is regulated by the prevailing customary and traditional beliefs of Hinduism, along with the corresponding rituals and ceremonies. The doctrines mentioned in Hindu philosophies and cultures have been present since ancient times in relation to Hindus. A society characterised by the implementation of religious tenets and principles derived from Hinduism that regulate various aspects of life. These convictions are an inherent component of the values and principles of the Hindu faith. Honour killing is a prevalent type of traditional killing that is considered one of the prominent social offences in Hindu society. It also happens quite often.

Religious beliefs and practices are closely interconnected with the contentious phenomenon of honour killing. Assaults committed in the name of honour are only carried out by families where fulfilling cultural or religious duties poses a barrier. This claim is substantiated by abundant evidence, with the case of Rizwanur Rahman in Kolkata serving as a notable example. Rizwanur was killed in this incident by Priyanka Todi's father due to the fact that Rizwanur, being a Muslim, belonged to a different caste than Priyanka Todi, who was born a Hindu. Rizwanur formerly served as a Computer Graphics Instructor, responsible for supervising the activities of a computer institute and providing instruction to students on computer utilisation. Priyanka's participation in those computer courses aimed to enhance the scope and depth of her comprehension. After exchanging romantic proposals, they formalised their union a few days later. They illicitly departed for a solitary evening without securing consent from Rizwanur's family. Priyanka commenced cohabitating with her in-laws, consisting solely of her mother-in-law and brother-in-law, subsequent to Rizwanur's family granting approval to the union. As a result of the importance of Priyanka's father's position as a prominent business tycoon, her family made multiple threats within two days. Moreover, Priyanka's maternal uncle engaged in a plot to persuade her to go back to her hometown by tricking her into thinking that her sick mother was bedridden. Subsequently, Priyanka went back to her private abode, but she never came back. Meanwhile, Rizwanur was subjected to a brutal murder, and his body was callously disposed of in a location adjacent to the railway tracks. Before his death, Rahman communicated with a non-governmental organisation (NGO) and expressed his desire to convert to Hinduism in order to attain marital harmony and

tranquilly.⁴³

This instance of “Honour Killing” is highly concerning as it clearly illustrates that individuals who hold specific religious beliefs and biases are so dominant that they are indifferent to causing harm to individuals from different social classes and communities. When it comes to maintaining religious passion and dignity within the family, individuals who strongly believe in their religion take on a prominent position. Without any doubt, happiness and a life free from aggression are insignificant.

Ankit Saxena's girlfriend's brother and father perpetrated the ruthless killing of the twenty-three-year-old photographer on February 3, 2018. This incident represented another repugnant occurrence of honour killing. Ankit and Shehzadi had been engaged in a romantic relationship for the past two years; however, they belonged to separate communities. Based on witness interviews, the Delhi Police confirmed that Ankit "refuted" any involvement in a romantic relationship with the woman. It was claimed that her relatives had beaten and assaulted him before cutting his throat with a knife.

IV. ROLE OF KHAP PANCHAYAT IN HONOUR KILLING

(A) Introduction

Equitable and impartial justice is the fundamental characteristic of any civilised society. An efficient justice system is crucial for maintaining peace, order, progress, and a prominent national position. The ineffectiveness of the justice system has a comparable impact on the societal atmosphere, just as pollution affects the physical environment. The primary responsibility of the state is to eliminate tyranny and autocracy, ensuring that every citizen is granted equality, freedom, and liberty. The government is obligated to ensure social order and prevent the accumulation of power by any particular group in relation to the distribution of services or goods. This is achieved by striking a balance between protecting fundamental rights and promoting the well-being of its citizens through the effective implementation of justice. This concept is fundamentally centred around the implementation of legal principles in the administration of justice. The administration of justice is crucial for upholding a strong social order in a society. The current stage of justice administration has been achieved after a succession of preceding phases. In ancient societies, when an individual was wronged, their family or relatives would rectify the mistake. Ultimately, the issue was resolved by the entire community once individuals formed a cohesive society. In the earliest days of human history,

⁴³ M.Tripathi, *Jurisprudence* 87(Allahabad Law Agency, Allahabad, 14th edn., 2001)

people would seek justice by revering natural elements such as water, air, fire, and others, believing them to possess divine power. If an individual who was being investigated had been given the task of crossing a fire without getting hurt, it would be determined that they were not responsible but rather ignorant; therefore, the commission of a criminal act would have been revealed. Therefore, it is crucial to recognise that their capacity to maintain social harmony was based solely on their instinct and reliance on the powers of nature.

According to the Narad Samhita, also referred to as the “Aspramsat Paneha Macham Bandhu bhyah Matra Pitratih,” the Avivahaya Sagotra specifies the restrictions on marriage between men and women who are eligible to marry, based on the Sapinda and Degrees of prohibited relationships. Marriages between individuals of the same gotra or Parivar are prohibited by Hindu law, unless such unions are approved by the community's customs and traditions. However, as per the Hindu Marriage Disability Removal Act of 1946, it is explicitly forbidden to dissolve a Hindu marriage when both the spouse and parent belong to the same gotra, Parivar, or sub-castes within that caste.

(B) Caste System

a. *Segmental Division of Society*

The heritability of an individual's caste makes its social position immune to examination. During the Hindu era, a hierarchical social structure called castes was instituted. Caste councils are regularly organised to ensure consistency and organisation in the activities of caste members. The Panchayat, which is the highest authority of the caste system, is responsible for identifying and addressing violations of social norms related to caste, such as inter-caste marriage and communal issues. Mac Iver asserts that caste plays a dominant role in governing and regulating society, with an individual's classification by caste serving as the primary criterion for this governance and control.

b. *Social and Religious Hierarchy*

The caste system establishes a distinct hierarchy of social superiority. The entire society is divided into various social classes, each occupying a specific position at the top and bottom of the hierarchy. It is evident that Brahmins hold the highest position in the social hierarchy and are regarded as superior, virtuous, and wise. In contrast, Shudras are assigned a lower position and are marginalised by society, being viewed as unnecessary and untouchable. The caste system held a dominant position of authority worldwide, even in matters related to religion. Nevertheless, others are obligated to conform to the decree set by the superior social class. It is crucial that this social structure is considered acceptable.

c. Restrictions on Food Habits and Social Relations

Each caste preserves its social existence based on its distinct ethnic heritage and collection of customs. Both the act of sharing or distributing food and the preservation of the existing social order were regulated by a set of constraints and boundaries. For instance, Brahmins are permitted to consume "pakka food," which refers to dishes made solely with butter, but they are not allowed to consume any "kaccha food" that comes from other communities. The divisional concept, which was first introduced with the establishment of the caste system, has persisted until the present time. Lower caste individuals are under the authority of higher caste individuals, and the policies they enforce are having significant impacts on the lower castes.

In Kerala, Nairs are authorised to approach Nambudari Brahmins; however, any form of physical contact with them is strictly forbidden. Furthermore, it was estimated that a Pulayan would keep a distance of ninety-six units from the Tiyan, while a Tiyan would maintain a distance of thirty-six units from the Brahmins. Even in rural areas, wells are considered to have the potential for contamination. This is due to the fact that individuals belonging to lower castes more frequently consume well water. The enduring consequences of the rigid caste system in India are so severe that they still exert a significant impact on present-day society.

(C) Religious Theory and Khap panchayat

Religion has consistently played a crucial role in establishing and maintaining tradition throughout history. The prevailing belief was that the King maintained a direct connection with celestial entities. The beliefs and principles of various religions have a significant impact on individuals' lives. The enduring impact of religion on individuals is a present-day occurrence that is clearly apparent. Religion has an undeniable impact on every social wrongdoing; in fact, all social wrongdoings are intricately connected to religion, either directly or indirectly. This research paper examines the aforementioned points because of the resemblance in the characteristics and purpose of Khap Panchayats and the brutal act of honour killing that took place in the specific case. The Jats believed that Khap Panchayats, due to their seniority and authoritative control over the upper caste, were the foremost and wise authorities to address issues related to kinship, intercaste marriages, and similar conflicts. They recognise, along with other instances of a comparable kind, the violation committed against caste-based societal prohibitions. Despite the various limitations and authoritarian nature of decision-making, individuals lack the courage to question the rules they have set for themselves. The intervention of these Khap Panchayats exceeds the jurisdiction of the law and is consequently not acknowledged by the legal system. They not only articulate their disapproval of personal law

and the Hindu Marriage Act of 1955, but also challenge the authority of the Constitution of India, the foremost legal instrument in the nation. The position and function of the Khap Panchayats are a direct consequence of the traditional patriarchal ideology that they have ingrained in the general population. They have convinced them that they are the only main authority on matters related to "Honour Killing," and that all parties must comply with their judgement, as failing to do so will lead to the death penalty, regardless of the specific rules they provide. In addition, their decisions are sometimes extremely repulsive and merciless, yet they are so convincing that the family members of the spouses readily embrace the same positions regarding their own children, including their sons and daughters. The elimination of evidence of murders or other crimes occurs before it reaches the police station, and this process happens before the official registration of the case. As a result of the factors mentioned earlier, the family members have developed a strong inclination to follow the directives issued by the Khap Panchayat. The adverse consequences of these self-established courts by Khap Panchayats are deeply concerning and repugnant; they only exacerbate societal issues while claiming to be based on caste. As a society, it is steadily growing and becoming more powerful, and by choosing not to voice their opinions, the remaining citizens and families of the victims are allowing them to gain control and influence.

Several newspapers cover cases of honour killings, despite the fact that women in our country hold prominent positions in various fields and carry out their responsibilities with great dedication and respect. These positions include, but are not limited to, serving as presidents, administrators, lawyers, judges, police officers, doctors, engineers, pilots, astronauts, bank officers, businesswomen, sports figures, and members of the film industry. In the current era, where the Judiciary holds considerable sway over the Indian legal system and where Article 141 of the Constitution explicitly declares that Supreme Court rulings are definitive and binding in all courts, the role of the Khap Panchayat, an unrecognised constitutional entity, is both implausible and repugnant.

Khap Panchayat, a form of rural association commonly found in the northern region of India, is also similarly practiced in other areas of the country. Recently, these entities have emerged as quasi-judicial institutions that impose harsh penalties based on outdated customs and traditions, often adopting regressive approaches to modern issues. These sanctions often depend on the passage of time. In 1991, a Khap issued orders for the killings of a Jat girl and a Jat boy, thereby bringing the Khap's rulings on honour killings to the centre of public discussion. The Mehrana Killings occurred shortly afterwards. Khap was further implicated in the murder of Manoj Babli in the year 2007. Khaps comprise a total of 84 villages, which is

tantamount to 12 Thambas. Each Thamba consists of seven villages. The Sarva Khap, in addition to being the most esteemed council of Khap, is also known as the Khap of Khaps. Sarv Khaps and Khap Panchayats are both categorizations of assemblies. A Sarv Khap refers to a formal gathering or assembly, while a Khap Panchayat is a specific gathering of elders from the Khap community.

Traditionally, villages served as the cradle of Indian culture, and their residents were nomadic. However, over time, they underwent a transformation and developed into societies focused on agriculture, which marked the beginning of civilization. India is renowned for its extensive range of attributes, encompassing diversity in festivals, states, regions, languages, cuisine, apparel, and all other aspects that uniquely represent India and its people. Currently, a significant percentage of villages and tribes in India uphold their traditional customary beliefs, thought patterns, identities, and practices. The Panchayat system was established as a result of the progressive development of a governing system responsible for law and justice in the villages. The assembly referred to as the "Sabha" or "Samiti," which is a group gathering, serves as an example of a governing society. The Sabhapati, in his role as the president of the Sabha, was assigned the responsibility of ensuring the fair and efficient administration of justice.

Khap refers to a geographical term that signifies a union of social and political entities. The political entity known as Khap comprises a conglomerate of eighty-four villages. In the past, a number of states in the northwestern region of India, including Haryana, Rajasthan, and Uttar Pradesh, have operated with non-constitutional social governance and political structures. The precise origins of Khap Panchayat are still uncertain; however, speculation indicates that it emerged around 600 AD. In ancient times, when humans lived as nomads, they gradually advanced towards civilization and better living conditions, often migrating between different nations. Despite the rapid advancement of civilization and modernization, a significant number of villages and tribes continue to exist throughout India. These communities not only engage in various activities but also adhere to their own specific customs and traditions to ensure equitable treatment of their members. A total of 600 Khap are allocated among the states of Haryana, Uttar Pradesh, Rajasthan, and Delhi, with 106 Khap originating solely from Haryana. A Khap Panchayat, also known as Bhaichara or Brotherhood, is a gathering of villages that are linked only by geography and caste, and do not have a unified legal framework. Originating from the Jaats of higher castes in the fourteenth century, this practice was established to strengthen their position and power. A Khap Panchayat consists of a membership ranging from ten to fifteen men. Through the implementation of fines and social ostracism, they are

responsible for resolving conflicts and regulating the behaviour of young individuals. Often, the culprits employ acts of killing, manipulate victims into taking their own lives, subject them to sexual assault, murder, maltreatment, intimidation, or other types of abuse. Although the Khap Panchayat's directive has been considered acceptable by a highly influential family, who are not bothered by the forced administration of pesticide pills to young girls and the subsequent burning of their bodies without any official record, the family remains unaffected. The Khap Panchayat derives its main sources of strength from its recognition of interdependence, sense of community, spirit of cooperation, and adherence to traditional values.

V. CASE STUDIES OF HONOUR KILLING OF DIFFERENT STATES OF INDIA

(A) Introduction

An anticipated scenario involves the merging of traditional patriarchal beliefs with economic turmoil or conflict, or the interaction between minority communities that have experienced honour killings and conventional societies that have contrasting views on acceptable gender roles. Such circumstances could encompass the previously mentioned scenarios. Besides facing gender-based discrimination, a woman living in an immigrant community who is at risk of honour killings by her family may experience additional prejudices related to her ethnicity, race, and gender when seeking help from law enforcement or other legal authorities. Collecting accurate statistical data on the annual occurrence of honour killings in a specific society is extremely difficult. However, it is crucial to highlight the importance of gathering this information. Global estimates indicate that approximately 5,000 girls and women are annually subjected to murder in order to uphold the honour of their male relatives. According to a single estimate, approximately 888 instances of honour killings were reported in the Punjab region during the years 1998 and 1999. These incidents occurred within the Hindu and Muslim communities, which reside along the border between India and Pakistan. In contrast, an alternative source recorded a total of 278 instances of honour killings in the year 1999. These figures were obtained from the same geographical region. Honour killings unequivocally result in the infringement of the fundamental right to life of the individual victim. This specific entitlement is protected in all significant human rights documents, such as the Universal Declaration of Human Rights (UDHR, 1948), and is considered the most essential of all entitlements.

Reported instances of "Honour Killings" provoke reprehensible responses that, although comprehensible, fail to establish a robust basis for effectively addressing this sociologically

foreseeable phenomenon. The act of a male relative murdering a woman in the name of honour is not an isolated act of violence, but rather a coordinated, premeditated, and socially approved act of violence by all male and female members of the involved family and community. The current measures addressing the condemnation of violence perpetrated by males and the provision of protection for women in vulnerable circumstances are inadequate and unsatisfactory. Honour killing can be understood as a manifestation, both harmful and non-harmful, of the objectification of women in societies that are patriarchal and based on honour. Honour killing is the antithesis of honour suicide, wherein family members exert pressure on the individual believed to have committed the transgression to take their own life. Further examples of patriarchal dominance manifesting as violence against women encompass practices such as female genital mutilation (FGM), also known as female circumcision; sati, also referred to as widow-burning; acid attacks, and other means employed to disfigure and plunder individuals accused of crimes. Examples of violent acts committed against women that are common in societies dominated by men include the enforcement of virginity tests and the practice of female foeticide. Various traditional customs, such as bride price and dowry, are classified as nonviolent indicators. These customs take place during marriage and involve the exchange of brides instead of monetary compensation. In certain situations, grieving individuals may be required to marry the brother of their deceased spouse in order to maintain the existing family structure and uphold family customs. Long-standing cultural traditions have ingrained the belief that women are the bedrock of honour in their families, and their presence is crucial for upholding that honour. Whenever a family is dishonoured for any reason, a woman is always closely examined, even if she is not directly involved in the situation. This remains valid regardless of the underlying cause.

Currently, there is no legal definition for the term "honour killing". Intrafamilial or intragroup homicide occurs when the perpetrators, who are members of the family or social group, perceive that the victim has caused shame or humiliation to the family, community, or the killers themselves. Homicide is the commonly used term to describe the act of killing another person. Therefore, both homicide and manslaughter, in which the incident took place, are comprehensive categories. The identification of a perpetrator is usually challenging due to the coordinated efforts of a mob, who intentionally aim to hide any incriminating evidence. There is a growing abundance of complex and difficult-to-arrange evidence, and no witnesses are currently visible. In 2006, the BBC conducted a survey on behalf of the Asian Network in the United Kingdom. The survey found that only ten percent of people have a positive belief in their ability to unknowingly detect the murder of someone who has harmed their family.

Honour killings can be succinctly described as an embodiment of "oppressive mistreatment" or "oppressive persecution" resulting in murder.

Honour killing is a highly serious and repugnant violation of human rights, surpassing even the most basic human right—the right to life. The Constitution of India ensures a variety of fundamental rights and is widely recognised as the foremost and most authoritative legislation. The following rights are encompassed within these fundamental rights: Regarding specific provisions, Article 14 guarantees equality in the eyes of the law and equal safeguarding by the law; Article 19 safeguards freedom of expression and speech; Article 21 guarantees the rights to life, liberty, and security; and Article 25 ensures freedom of religion. The Indian populace has been explicitly granted each of these freedoms through the Constitution of India, which holds paramount importance in the nation. Marriage is regarded as a religious practice in countries other than India. Each religious system is regulated by a unique set of personal laws and follows its own set of traditional values and practices.

The Constitution of India, a written legal document, is considered the foremost and sacrosanct text. According to Article 141 of the Constitution, all other courts are required to follow the laws established by the Supreme Court. The government is composed of three branches: the Legislative Branch, the Executive Branch, and the Judicial Branch. The three branches of government play crucial roles in the administration of the Indian legal system. Both are essential for the efficient operation of the legal process because they depend on each other. The judiciary has the capacity to manage large amounts of litigation without any limitations, thanks to the presence of numerous national and international laws that are specifically created to govern all types of criminal activities. However, the persistence of this issue is primarily caused by the insufficient implementation of these laws. Currently, there is a lack of comprehensive and unwavering legislation addressing the issue of "Honour Killings." It is alarming to find out that, even though such crimes are widespread in the country, there is no legal framework in place to punish the offenders and deal with the situation. The judiciary of India plays a vital and essential role in safeguarding the rights of individuals through the issuance of numerous judgements. The judiciary plays a vital role in ensuring the protection of fundamental rights and the enforcement of directive principles of state policy. A fair and independent judiciary is the essential foundation on which democracy is built. The judiciary is the most crucial cornerstone of a democratic system. Social security is crucial for instilling public trust in the nation, as the Judiciary operates on the principle of impartiality and aims to achieve the best possible results. The judiciary is responsible for protecting the rights of individuals and preventing any violations of those rights by traditional or customary acts of violence. The

citizens of a nation eagerly await the fair and wise decision of the judicial system, which will safeguard their rights. The development of a nation is directly proportional to the level of progress attained by its judiciary.

(B) Detailed Case Studies

a. *Lata Singh v. State of Uttar Pradesh and Others*⁴⁴

Considering the widespread occurrence of harassment, threats, and violence directed towards young individuals who marry outside their caste, it is essential to discuss some overarching observations regarding this matter. The Supreme Court must not abstain from addressing issues of great public importance, such as the one currently unfolding, during a significant period of historical change.

The language used in the judgement indicates that the highest court in India agrees that these repugnant and savage killings, carried out by individuals with outdated beliefs, deserve harsh punishments. Additionally, the Supreme Court declared that "the caste system is a detrimental affliction to the nation, and it is preferable for it to be eradicated as soon as possible." This statement holds immense importance within this particular context. Truly, this is the driving force behind the division of our nation at a time when we need to come together to address the challenges that the entire country is facing. Inter-caste marriages are thus beneficial for the entire nation as they lead to the eradication of the caste system.

However, concerning reports are emerging from different parts of the country, indicating that young men and women who are married to individuals from different castes are being either threatened or subjected to physical harm. Committing acts of violence, issuing threats, or engaging in harassment are all clear infringements of the law, and those responsible should be subject to significant penalties. Citizens in this democratic and free nation have the freedom to marry whomever they wish once they reach the legal age of adulthood. If the parents of the child demonstrate disapproval towards the union of individuals from different castes or religions, their potential course of action is to completely cut off all social connections with their offspring. However, it is unacceptable for them to intimidate, engage in, provoke, or torment the individual involved in such a marriage without their explicit agreement. Therefore, the Supreme Court mandates that law enforcement agencies across the country guarantee that in cases of inter-caste or inter-religious marriages between adults, neither the couple nor any individual involved is subjected to any form of harassment, threats, or acts of violence. Individuals who initiate or carry out such threats, harassment, or acts of violence can be legally

⁴⁴ *Lata Singh v. State of Uttar Pradesh and Others* (2006)5 SCC 475.

prosecuted by pressing criminal charges against them. A considerable number of "honour killing" cases occur when individuals willingly marry someone from a different caste or religion. These assassinations lack any honourable qualities; instead, they are abhorrent and disgraceful murders committed by individuals who are known for their brutality, feudalistic mindset, and deserving of severe punishments. Only by implementing this course of action can we eliminate such abhorrent incidents.

Lata Gupta, also known as Lata Singh, is a 27-year-old woman who moved to Lucknow with her brother after the death of their parents. Indeed, she is the subject of this legal proceeding. Upon leaving her brother's home, she married Bramhanand Gupta, a Delhi-based businessman, at the Arya Samaj Mandir. Offspring were produced as a result of this union. Bramhanand Gupta, along with his two sisters, the spouse of one of them, and his son, was apprehended in response to a report of a missing person filed by her brother. Upon learning of their sister's marriage to someone from a different social group, the lady's brothers became extremely angry. They visited their sister's father's house and forcefully threw their brother-in-law and sister's in-laws to the ground, along with their belongings such as furniture, luggage, and other possessions. In addition, they confined one of his brother-in-laws. They compelled the owner of the shop owned by their sister's relative and confiscated the land and the thriving crops on the premises. The three brothers firmly believed that their sister had been forcefully taken away, and they repeatedly made threats against the family of her spouse. The denial of bail given to the relatives of Lata Singh's husband played a role in their unfortunate death. Lata Singh contacted the Rajasthan Women Commission during her time in Jaipur. The President of the Commission wrote a letter to the National Human Rights Commission in an attempt to intervene in the situation, following the recording of Lata Singh's statement. Lata Singh faces a series of obstacles that she must overcome in order to prove that her marriage was entered into willingly and without any external influence. Her unambiguous endorsement of her spouse led to the conclusion that she lacked mental competence. Ultimately, bail was approved, and the dispute was settled after a prolonged period of disagreement and delay.

b. Manoj v. Babli⁴⁵

In 2007, the family of the girl was accused of being involved in the murder of Manoj and Babli, who had recently gotten married. The couple managed to escape from the village of Karoda in the Kaithal district of Haryana. Due to their significant influence, Babli's family members received the support of the influential organisation Khap Panchayat. Nevertheless, Chandepati,

⁴⁵ Manoj v. Babli Criminal Revision No.2173 of 2010 C.

Manoj's mother, demonstrated determination and commenced a legal conflict to secure justice for her son and daughter-in-law, defying all obstacles. In March 2010, a district court in Karnal handed down the death penalty to their five attackers, marking the first instance in which an Indian court imposed such a sentence in a case related to an honour killing. The Khap leader, who was solely responsible for organising and approving the lethal operations but did not directly take part in them, was sentenced to life imprisonment. The perpetrator of the abduction was subsequently convicted and sentenced to a term of seven years in prison. The villagers issued a threat to exclude Chanderpati, the mother of Manoj, along with her son and two daughters. Nevertheless, despite her strong belief in her choice, she continued to pursue her goal of obtaining justice. Manoj, who experienced the untimely death of his father in his early years, developed a profound love for his mother. After Manoj and Babli made the decision to elope, he made sure to inform his mother and sister about their happiness. Manoj and Babli were not given any information about the potential threat posed by the girl's family, despite its dangerous nature. The newly married couple notified their relatives by phone that they had gotten married on April 7, 2007, and also shared wedding ceremony photographs with them. Babli's family lodged a First Information Report (FIR) with the Kaithal police, formally reporting the couple's escape. Babli's family accused Manoj and his family of being directly responsible for the kidnapping of their daughter.

On May 31st, 2007, Manoj and Babli sought legal protection in a court of law. They submitted their age verification certificate to the court and testified that their marriage was consensual. In June of that year, Babli contacted his mother-in-law to inform her that they were being pursued while travelling to Chandigarh. Later, she notified Babli that the police had instructed them to get off the bus after Babli noticed that two of her relatives were on board the public transportation vehicle. Following that harrowing incident, there has been an absolute absence of communication concerning the pair. The complaint was filed on behalf of Manoj's family. Nevertheless, there was a dearth of action.

Various members of Manoj's family conducted separate investigations. During their conversation, the bus conductor informed them that the couple had been forced to get off the bus. Once the items had been compacted, they were extracted utilising a Scorpio vehicle. Despite fully disclosing the information to the police, no action was taken. The disfigured corpses of two individuals were found in the Barwala branch canal in Hissar on June 23, 2007. Several investigations were carried out, and the results revealed concerning statistics. Initially, the couple had a duty to acknowledge each other as siblings. In response to their resistance, pesticides were forcibly administered to them. Manoj's defiance led to his death by

strangulation. The deceased bodies were dumped in the canal after the homicide was committed. The apprehension of the car's driver, who was a Scorpio, led to the arrest of all other individuals involved in the criminal activity.

*c. Maya Kaur, Baldev Singh Sardar and Anr v. The State of Maharashtra*⁴⁶

Rajvinder Singh Sardar, the youngest offspring of Maya Kaur and Baldev Singh Sardar, lived in the suburban area of Mumbai known as Panvel. Rajvinder developed romantic feelings for Rajvinder Singh, a young man belonging to a lower social class and a family with restricted financial means, during their pursuit of higher education. Over time, the two individuals eventually married each other because of their love for one another, despite the opposition from their families. While Rajvinder's parents were busy making arrangements for her wedding, she informed them about the situation. However, their attitude towards her marriage became extremely hostile, as they considered the young man unsuitable to be part of their family. In the midst of the grave circumstances, Rajvinder and her spouse collectively made the decision to escape together. Nevertheless, Rajvinder faced persistent threats from her family regarding this decision. Her mother and maternal aunt requested the jewellery she had been wearing during her escape. Nevertheless, Rajvinder suggested that they should go to the police station accompanied by law enforcement officers in order to recover the belongings. This recommendation was made because Rajvinder had previously filed a complaint about ongoing harassment.

Rajvinder's maternal aunt and mother visited her on May 30, 1999. She presented them with the meticulously crafted decorations that she had made. Rajvinder was informed that their maternal uncle is currently waiting downstairs after their announcement. Rajvinder was instructed by his mother-in-law to call them to the higher level. Rajvinder stepped out onto her balcony and noticed a small group of individuals equipped with weapons waiting for her outside. Upon noticing the presence of unknown individuals outside, Rajvinder's mother-in-law immediately became anxious and promptly informed multiple neighbours. However, Rajvinder's family members discharged firearms at her. Rajvinder witnessed her family members entering the house while carrying weapons. She called for help, but was forcefully shoved onto the balcony by an intruder, resulting in significant harm. She managed to save herself effectively. Rajvinder, overwhelmed by intense agony, stealthily entered her neighbor's dwelling to inform them about the dangerous incident. The individuals subsequently reached out to law enforcement as a result of the acquired information. Upon arrival, the police found

⁴⁶ Maya Kaur, Baldev Singh Sardar and Anr v. The State of Maharashtra Appeal (crl.)1364-66 of 2004.

that Rajvinder Singh's spouse, Rajvinder, along with her brother-in-law and other relatives, had been subjected to a savage act of murder. A formal First Information Report (FIR) was lodged in accordance with sections 302, 307, 120-B, 34, and 392 of the Criminal Procedure Code. Following that, the Trial Court issued a statement regarding the sentencing of the defendants, which consisted of life imprisonment for two individuals and the death penalty for four. Both Baldev Singh, Rajvinder's father, and Kuldip Singh, a near relative of Maya Kaur, were found not guilty of the charges filed against them.

*d. Bhagwan Dass v. State (NCT) Of Delhi*⁴⁷

This incident signifies another significant instance of a breach of human rights. In this instance, the appellant, Bhagwan Dass, was enraged by his daughter Seema's decision to leave Raju and live with her father, while simultaneously engaging in an illicit relationship with her uncle Srinivas. According to the appellant's claim, this illegal collaboration damaged the reputation of his family. To support this, she killed her daughter by strangling her with an electrical wire. The appellant received a sentence from the lower court, and the High Court upheld that sentence. The police arrived at the suspect's home at approximately 2:00 p.m. following a phone tip from an anonymous source. Upon arrival, they found Seema's motionless corpse on the floor of the room located at the back of the house. At that time, a small number of neighbours, the accused individual, and some of his relatives were present at the location. Despite being married for approximately three years, Seema disclosed that she had terminated their marital relationship and had been residing with her father for the past month. Therefore, the appellant had both the necessary motive and the capability to commit the murder while ensuring the protection and preservation of the family's reputation.

*e. Ram Sahai Verma v. State of M.P. And Others Court*⁴⁸

A petition filed under article 226 of the Constitution of India in the matter of ‘Honour Killing of a Lady’ which took place in the village Lahar of the Police Station Dimni of Morena district, Madhya Pradesh. The facts, as stated in petition were, that a news was flashed in the Daily local Newspaper —Dainik Bhaskar|| circulated on 20th October, 2011 that in village Lahar of Police Station Dimni of Morena district of Madhya Pradesh one lady who was in love with the person of a different caste was killed brutally. On the day of the incident, the villagers gathered near the temple where both husband and wife was summoned in the presence of all the villagers. They did so as the couple solemnized inter-caste marriage. Thereafter, in the presence

⁴⁷ BhagwanDass v. State (NCT) Of Delhi, Criminal Appeal No.1117 (2011).

⁴⁸ Ram Sahai Verma v. State of M.P. And Others Court: Madhya Pradesh High Court (09 Jan, 2012) available at <https://www.casemine.com/>

of the gathered persons including the husband and wife, brother of the girl hanged her on the tree and beat her badly by sticks. Thereafter, the villagers poured kerosene on her body and set her ablaze. As she was subsisted, the offenders prepared the fire and put the victim on fire and kept her on fire till her death. This ferocious occurrence took place before the public of the village. After the incident, nobody came forward to update the police and to set in motion the police authorities for legal actions against the wrongdoers of the incident. The petitioner in the interest of the public at large particularly for the safety of women residing in the remote villages of the State against the Honour Killing demanded that appropriate directions be issued in the given case and for prevention of brutal incident of Honour killing of the women of the State in future.

*f. Arumugam Servai v. The State of Tamil Nadu*⁴⁹

In this particular instance, a disagreement emerged between the appellants and the complainants, Panneerselvam and Mahamani, concerning the method utilized to fasten bullocks for the Jallikattu event held during a Temple Festival. Arumugam Servai, the appellant, expressed contemptuously towards Panneerselvam, saying, "You are a contemptible person who consumes dangerous beef from cows." The term "pallapayal" is considered highly offensive in Tamil Nadu and is therefore treated as a grave offence. Following Mahamani's intervention, Panneerselvam, armed with sticks, proceeded to physically attack him. As a result of the attack, he suffered a fracture in his skull along with cuts in the affected region. The accused individuals were members of the socially disadvantaged 'Servai' caste. Nevertheless, the complainants were members of the 'pallan' caste, which is categorized as a Scheduled Caste by Tamil Nadu. Aside from the two individuals who reported the incident and were injured, there are three more eyewitnesses present. The injuries have been officially diagnosed by the attending physician. The head injury sustained by Mahamani serves as additional evidence of the defendant's deliberate intent to cause her death.

The term "chamar" is used to refer to a specific caste in North India, but it is also used derogatorily to insult someone. Similarly, although the term "pallan" is used to refer to a particular social group, it can also be wrongly used to insult an individual. According to Section 3(1) (X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989, it is considered a criminal offence to use the term "pallan" with the intention of ridiculing someone who belongs to a Scheduled Caste.

The caste system is a grave offence to the nation, and its prompt eradication is in the utmost

⁴⁹ Arumugam Servai v. The State of Tamil Nadu on 19 April 2011 CRIMINAL APPEAL NO.958 of 2011.

interest of all. Undoubtedly, this is a contentious matter that is currently impeding national cohesion in the midst of formidable challenges that the entire nation must confront. Therefore, in order to promote the overall well-being of the nation, it is advantageous to encourage marriages between individuals from different social classes, as this helps to eliminate the caste system. The fact that young individuals, regardless of their gender, who marry outside their caste are at risk of experiencing violence or hostility is deeply concerning and unacceptable for the entire nation. This information is sourced from diverse regions across the country. Participating in acts of aggression, fear, or irritation of this kind is completely illegal, and those responsible should be subjected to harsh penalties. In India, individuals who have reached the age of majority have complete legal freedom to choose their spouse. India is a sovereign and democratic country. If parents disapprove of an inter-caste or inter-religious marriage, their only option is to completely cut off social connections with their child. Nevertheless, they are forbidden from applying force, inciting or engaging in acts of violence, or tormenting the person who is subjected to such an association.

“Tamil Nadu-There is eighty-one Honour Killings in Tamil Nadu as published in Nation Crime, Deccan Chronicle March 15 2016”.

The latest instance of an honour killing took place in Udumalpet, a nearby district of Tirupur, and the victim was Shankar, a young man belonging to the Dalit community. This particular incident took place in the year 2017 out of the total of eighty-one documented cases of honour killings in Tamil Nadu. Following their introduction in college, Sankar, a member of the Dalit community, and Kausalya, who was 19 years old at the time, got married. Kausalya's family, who are members of the Thevar caste known for their power and control, had previously expressed their disapproval of the marriage and reportedly made several threats against the couple. Currently, Kausalya is receiving medical treatment for the injuries sustained to her head. Chinnasamy, despite denying any involvement in the murder, acquiesced to the authorities' demands and admitted to fabricating his story as a means to avoid their pursuit. Following the confrontations and protests, Sankar was cremated with stringent security measures in place in his native town of Udumalpet. A large crowd of people surrounded the van transporting Sankar's body, insisting that the killers be caught before the cremation could take place. The police were obliged to assert their authority and reassure the protesters in order to convince them to surrender the body. In the afternoon of Sunday, in full view of the public, Shankar, a young person belonging to the Dalit community, was approached by a group of five individuals carrying sickles and knives near the busy Udumalpet bus terminal. Shankar faced criticism for his marriage with Kausalya, a Hindu girl from the Palani caste, who was defying

her parents' objections. Their actions were witnessed by members of the public. Out of the total of eighty-one instances of honour killings that have taken place so far, women make up eighty percent of the victims, while men account for twenty percent. A. Kathir, the Managing Director of the Non-Governmental Organization (NGO), stated that despite the increasing number of honour killings in the state, there has not been a single case that has resulted in a legal punishment. This arises due to the participation of family members in the aforementioned homicides. Moreover, he claimed that the evidence is inadequate because of the participation of relatives.

Another instance of honour killing took place when a 21-year-old pregnant woman was allegedly murdered by her family members due to her marriage to a boy from a different community. The police have definitively declared that this incident is classified as a "honour killing." The Madurai Bench of the Madras High Court issued an order to the District Police to investigate the location of the woman in response to a habeas corpus petition filed by her husband, R. Suresh Kumar. Currently, the heinous homicide that took place in Om Sakthi Nagar has become widely known. The court ordered the police to present the woman, who was in her fifth month of pregnancy, before the court on March 21. However, a police investigation revealed that the girl was ruthlessly killed by three maternal uncles, her brother, and a relative on the evening of March 17, 2012. The police exhumed the decayed corpse that was found buried on the Vaigai riverbed in Kuyavankudi on Sunday, in response to the filed report. In addition, they arrested the deceased's mother and brother, R. Venkateswari and R. Vimal Raj, as well as two of her maternal uncles, Janakiraman and Bagyarajon, on charges of murder.

On March 16, 2014, another incident took place where the husband, Suresh, informed that he had handed over his wife to her mother, Venkateswari, at the Veerapandi temple in Theni. This was done with the condition that Venkateswari would return their daughter within two days. In addition, on that specific day, two aunts of her spouse were present. After visiting Nedukandam, Kerala in September 2018, the woman's family, who strongly objected to her marriage to Suresh Kumar from a different community, persuaded her to go back to her hometown in order to resolve their disagreements. Suresh's spouse deactivated her cellular device at 9:30 p.m. on March 17, 2014, following their last discussion. Suresh and his spouse engaged in regular and continuous communication. Due to his awareness of the impending threat to his wife's life, he promptly and urgently filed a petition with the court on March 20, 2014. Nevertheless, he was deeply and profoundly shocked to discover the death of his spouse. Suresh argued that his wife's maternal uncles invaded his room in Madurai, leading to the complete destruction of all his certificates.

According to the district police officer's statement, the family members conspired with criminals to commit the murder. In addition, the woman had another maternal uncle named Azhagarsamy who was attempting to flee.

g. Shiv Kumar Gupta Alias Raju v. State of UP and Ors⁵⁰

Rani Gupta moved the court demanding her father was compelling her to marry a boy she disliked. Of her own free will, she married a person but her family members refused to accept the same. Her family members brought a case of abduction against Rani's husband. The Court accepted that she was a major and she was given the chance to express her free will. The court ordered bail to her husband affirming that the personal liberty of Rani Gupta should not be interfered with as it is one of the vital Constitutional rights of everybody.

h. S.Sengkodi v. State of Tamil Nadu WP.No.30531 of 2012⁵¹

The parents of the girl and the boy have expressed their desire to arrange a marriage between individuals from different castes and are ready to make the necessary preparations. However, it was unfamiliar individuals who instigated the tense ambiance, resulting in the Katta Panchayat's intervention being largely ineffective in its intended objective of segregating them. There was no patronizing attitude between the young lady and the young boy. The girl's father, who was a member of an upper caste, took his own life as a direct result of this situation. Moreover, it was recorded that the young person had passed away under mysterious circumstances. Currently, the young woman is said to be living with her mother. A significant amount of property was ultimately destroyed due to the intense and demanding agitation that followed. Allegedly, a total of 326 residences were completely destroyed by fire in three separate villages. The departure of the administration was a direct consequence of this outcome. In recent years, there has been a significant increase in the prevalence of "Khap Panchayats," also known as Katta Panchayats in Tamil Nadu. These Panchayats frequently issue instructions or support acts of violence, such as honour killings or massacres, which are systematically perpetrated against young individuals of different religions and castes who are involved in marriage, have already married, or intrude upon the personal matters of others. They actively support a significant increase in honour killings and are the leading advocates of this practice.

i. Nirupama Pathak murder of 2010⁵²

Nirupama Pathak, a journalist working for a business daily in Delhi, was killed by her family

⁵⁰ Shiv Kumar Gupta Alias Raju v. State of UP and Ors, Lucknow Law Reporter Journal 1999.

⁵¹ Editorial, —Dalit houses torched, caste violence in Dharmapuri |The Times of India,Nov.8,2012.

⁵² Editorial, Mother held for Delhi Journalist Murder, The Indian Express, May.4, 2010.

in Jharkhand in May 2010 due to her romantic relationship with an unmarried individual of lower caste status. As per the PTI Report, Nirupama planned to marry Priyabhanshu Ranjan, a friend and colleague from the Indian Institute of Mass Communication in New Delhi, at an Arya Samaj Mandir. Reportedly, Nirupama was romantically involved with Ranjan at that time. The remains of Nirupama were discovered on April 29, 2010, at her parents' home in Tilaya, Koderma district, Jharkhand, under mysterious circumstances. Following the incident, her family initiated legal proceedings against Priyabhanshu, accusing him of committing rape and aiding and abetting her suicide. Subsequently, it was ascertained that the case entailed erroneous information.

Priyabhanshu's father, Ramashankar Kanth, stated to the Press Trust of India, "My son is innocent." He is entirely detached from the investigation. On the day Nirupama passed away, my son informed me that he had received a text message directly from Nirupama. In the message, she revealed that her mother, father, and brother had confined her in a bathroom at their home. The journalist was killed by strangulation, and a postmortem examination revealed that she was in the early stages of pregnancy, approximately ten to twelve weeks along, at the time of her death. The journalist's mother firmly believed that her son had taken his own life. Initially, Nirupama's mother was detained after a suicide note, which was supported by her, was identified. However, the court later granted her release.

j. In Re v. Indian Woman⁵³

This incident, documented in the Business and Financial News on January 23, 2014, involved the sexual assault of a 20-year-old woman from Subalpur Village, P.S. Labpur, District Birbhum, State of West Bengal. The assault took place on the night of January 21, 2014. The community panchayat sanctioned the act of rape as a punitive measure for the woman's engagement in a relationship with a man belonging to a different community. The case was adjudicated ex officio, and the District Judge of Birbhum District, West Bengal was directed to reassess the site of the incident. The Chief Judicial Magistrate conducted an examination of the disputed location and subsequently submitted a report to the Court, providing a comprehensive account of his observations.

In contrast, on January 31, 2014, this Court gave an instruction to the Chief Secretary of West Bengal, pointing out that the Report did not provide any specific information about the actions taken by the police against the mentioned individuals. The chief secretary was assigned the task of delivering a comprehensive report on this subject within a two-week timeframe. Mr.

⁵³ —Indian Woman says gang-raped on orders of Village Court | Business and Financial News, Jan.23,2014.

Sidharth Luthra was promptly notified that the Additional Solicitor General had agreed to offer his services to the Court as an amicus curiae.

Significant concerns were raised, specifically based on the insights provided by an informed amicus during the investigation. Mr. Luthra emphasized that Anirban Mondal, a resident of Labpur in the Birbhum District of West Bengal, submitted the First Information Report (FIR). However, there is no explanation for why he was at the police station or how he got there. Furthermore, he emphasized the stipulation, as delineated in Section 154 of the Criminal Procedure Code, that a female officer or police officer is obligated to submit the First Information Report (FIR). Furthermore, according to the latest amendment implemented on February 3, 2013, it is obligatory for a female officer to record statements in accordance with Section 161 of the Criminal Procedure Code. While emphasizing the relevant clauses, he argued that the Deputy Superintendent of Police was unable to record the statements again because of time limitations. He was informed that there is currently no mobile information available. Furthermore, he highlighted the observation that the inclusion of individuals from nearby villages, such as Bikramur and Rajarampur, cannot be rationalized if the Salishi (meeting) is of importance solely to one specific village. Moreover, he recognized the presence of a discrepancy between the FIR and the Judicial Officer's Report regarding the occurrence of the meeting (Salishi) on either the evening of January 20, 2014, as stated in the FIR, or the following morning, as described in the Judicial Officer's report. India is not an exception to the widespread occurrence of violence against women, a despicable crime that happens regularly throughout the area.

k. Manmeet Singh v. State Of Haryana and Others⁵⁴

On September 30, 2014, after getting married to the petitioner, the user's spouse was allegedly kidnapped from their workplace. He filed a formal complaint with the police and identified eleven individuals as the main suspects in the plot to kidnap his wife from his legitimate employer. This occurred after the petitioner got married to the petitioner. The police neglected to conduct any investigations concerning the situation until October 2, 2014, when they were informed of the woman's murder and the recovery of her remains. A case pertaining to a fatality was filed under Section 302 of the Indian Penal Code, along with other relevant provisions. The response indicates that out of the eleven individuals involved, five have been provoked. However, to the best of our knowledge, the investigation is still in progress. The police have clearly stated that they have not created any documents that could be interpreted as evidence

⁵⁴ Manmeet Singh v. State Of Haryana and Others Civil Writ Petition No. 26734 of 2014 available at <https://indiankanoon.org/doc/194233927>.

of guilt against the six individuals mentioned in the petitioner's complaint.

The term "Honour Killings" paradoxically symbolizes the expression of the uncivilized disgrace that is currently widespread among certain individuals. Marriages between individuals of the same gotra or adult caste who are not related are considered to be in violation of socially accepted norms. The illicit point will forever remain the central focus. Parents who yield to the influence of their peers or allow their personal values to impact them can commit crimes against their children. The rulings made by regional organizations known as khaps, which require parents to refrain from their children or impose social exclusion orders, compel parents and immediate family members to cross the border. By doing this, they encourage young couples to participate in extremely unlikely chaos, resulting in significant physical and psychological damage. In its 242nd Report, submitted on August 22, 2012, the Law Commission analyzed whether "Honour Killings" should be prosecuted through amendments to relevant legal provisions, and whether the death penalty was justified in such cases. On the other hand, it was determined that the main cause of honour killings was the ongoing obstruction of gotra and inter-caste marriages. Furthermore, it was determined that a specific collection of beliefs should be categorized under a specific legislation in order to suppress collective resistance within the local communities. Therefore, it was proposed that a legislative action be taken to create a new legal framework that would protect the freedom of matrimonial unions from infringement, specifically in the name of upholding tradition and honour. The current status of the legislative process for the approvals required to establish a new law on this matter is currently unknown.

*1. Kirti Goyal and another v State of Punjab and others*⁵⁵

In the case of Kirti Goyal and Others versus the State of Punjab and Others, the court emphasized to the couple, who were in hiding at the time, that the harmonious existence of personal liberty and societal regulation is crucial for the fair progress of society and is a fundamental principle of constitutional ideology. The court advised that the couple and other young citizens should carefully consider their actions before eloping for such "revolutionary marriages". Furthermore, they should attentively listen to their respective parents, who are not their adversaries but genuine supporters. The court's assertion, "We should welcome progressive social change and development, but only if it adheres to enduring moral principles and societal regulation that remain relevant in the present," showcased its ability to prioritize social regulation. In a different judgment, *Sandeep Kaur et al. v. State of Punjab et al.*⁵⁶, the

⁵⁵ Kirti Goyal and another v State of Punjab and others 2012(3) RCR (Criminal) 172.

⁵⁶ Sandeep Kaur et al. v. State of Punjab et al.-2014(1) RCR (Civil) 1015.

court observed that the young woman who bravely defied her parents and the man she married by participating in a fashion show is, at the very least, financially independent. Therefore, it was emphasized that the teenager must demonstrate his authenticity and financial stability in order to obtain a commitment from Sandeep Kumar: send a deposit of five lakh rupees in his spouse's name. Despite the boy's failure, the court recognized that marriage involves a higher degree of responsibility than simply enjoying activities like sharing popcorn, watching movies, and going on dinner dates. The judge ordered the police to investigate the boy's background and personality. The judge also required the police to submit a report to the court and take appropriate legal actions. Despite the utilization of diverse legal tactics, the unresolved issue persists regarding runaway couples and their vulnerability to physical harm and complete destruction through the act of honour killings. The law, as a powerful tool of social engineering, has the ability to shape and influence public opinions. Therefore, the implementation of the law is necessary for any organized society to undergo a significant transformation. If unrestricted punishments for honour killings prove ineffective in deterring their occurrence, if judicial intervention fails to reduce their frequency, and if the police continue to act as passive observers or even betrayers, we will inevitably reach a point where honour killings are accepted without acknowledging that this represents one of the most repulsive and detestable acts in the history of society. Society must acknowledge that disregarding an adult's freedom to choose a partner, regardless of their marital status, will hinder the achievement of the progressive goals and economic progress that our policymakers have worked hard to attain. Shri B.R. Ambedkar, a renowned social thinker and one of the key contributors to the Indian Constitution, authored a discourse.

"In my view, intermarriage offers a genuine solution to the injustices suffered by the Dalit community. The merging of blood can create a strong sense of familial connection, and until this feeling of kinship and association becomes dominant, the sense of alienation caused by caste will continue to persist." Intermarriage within Hindu society has a greater impact compared to intermarriage among non-Hindus. This is because Hindus have a higher propensity to engage in interfaith marriages. Marriage is a symbolic representation of existence in societies where additional connections are deeply rooted and dominant. However, in situations marked by societal division, the consolidating influence of marriage becomes an essential and unavoidable factor. Intermarriage is the genuine solution for breaking down caste barriers. No other substance has the ability to act as a solvent for caste.

It is necessary for each police district to establish a specialized unit that is responsible for receiving complaints from couples who express concerns about being physically harmed by

their parents, relatives, and khaps. Law enforcement officers are forbidden from persuading adult couples who have been physically harmed to reconcile with their parents. Within every village or group of villages where honour killings have been common, the police force should have a significant presence of "friends of people" who are forward-thinking individuals. This is necessary to offer empathetic assistance and guidance. The police will inform the relevant individuals about any received complaints in order to encourage their involvement in reducing the pressure that exists within the village. There is a growing gap between law enforcement agencies and the general population. The police must actively interact with the public, not only to facilitate the capture and confinement of suspects, but also to foster friendliness and collaboration. An evaluation must be carried out on every case suspected of being related to honour killings to determine if it justifies the allocation of a senior officer for investigation. The officer in question must have a direct reporting line to the Senior Superintendent of Police and must hold a rank equal to or higher than that of a Deputy Superintendent of Police.

Although legislation has been enacted to prohibit dowry, the situation regarding dowry continues to worsen. In this case, the law sets a specific order, and any societal changes can only be aligned with this disorder through the enforcement mechanism. While social acceptance of inter-caste marriages may not be readily available, it is imperative that law enforcement agencies extend their support to this cause. These organizations should take advantage of every opportunity that arises. The police are obligated to swiftly safeguard eloped couples, regardless of whether their motivation is love or obsession, by offering protection in fortified residences, making preemptive arrests of individuals prone to causing harm, or preventing khaps from issuing objectionable mandates. Executive Magistrates have the authority, as specified in the Criminal Procedure Code, to request written guarantees of honesty from individuals who demonstrate a tendency for criminal behaviour.

*m. Karmveer v. State of U.P.*⁵⁷

Ashwani Kumar filed a FIR at the Police Station Phase II in Noida on March 11, 2011, at 7:25 p.m., accusing the applicant, co-accused Narendra, and co-accused Dalu of involvement in an alleged incident that took place on January 3, 2011, at approximately 10:30 p.m. The case was later reclassified under sections 302/201 of the Indian Penal Code at 6:20 p.m. on March 12, 2011. According to a village rumour, Bhoori, the applicant's daughter, was said to have gone with Sanjai after he came back. According to this account, which was also reported in the newspaper, her father and others allegedly killed her. However, no one disputed this version of

⁵⁷ Karmveer v.State of U.P. Criminal Misc. Bail Application No. 13281 of 2011.

events. The deceased had disappeared a few days before the alleged incident involving her neighbour Sanjai; she had also travelled in the company of her companion. Nevertheless, she came back to her dwelling a few days later, determined to persist in cohabiting with Sanjai. To uphold the family's reputation, the deceased individual was subjected to execution, resulting in her body being incinerated.

The knowledgeable attorney general has refuted the previously mentioned argument by asserting that the disputed incident is an instance of honour killing. The applicant, who is the deceased's father, bears exclusive responsibility for the homicide of her daughter, which occurred subsequent to her interaction with Sanjai and the subsequent development of affection towards him. After a brief period of her absence, she returned, and the deceased was subsequently killed in a planned manner. During the investigation, each witness statement was carefully and thoroughly recorded. These statements provided additional support for the account that was presented to the court during the hearing. The evidence gathered by the investigating officer conclusively demonstrates that the applicant was involved in the alleged commission of the offence. The investigator has verified the testimonies given by the witnesses, who witnessed the claimant transporting his daughter on a motorcycle. Subsequently, the claimant was witnessed riding in a cart with his two nephews, who were carrying the deceased girl's body along with firewood in anticipation of her cremation. The applicant's bail may be denied due to the significant severity of the offence.

n. Thamizharasi v. The Superintendent of Police Madras High Court ⁵⁸

A newly married individual sought legal assistance from the court in order to obtain police protection for herself and her spouse, Ramesh, with the aim of safeguarding their lives and physical well-being. Applicant: She claims to hold a Master of Science degree in education, a Bachelor of Science degree in education, and Teacher Training. The fact that Ramesh was both a resident of the same village and a member of the same community held great importance to her. Despite their parents' disapproval, the petitioner's marriage took place on July 16, 2014. Due to the petitioner's father's strong disapproval, he has made a death threat against the petitioner and her spouse, claiming it to be a "honour killing." The well-informed Government Advocate (Criminal Side) acknowledged the petitioner's father's submission of a complaint, which accused the abduction of his daughter and confirmed the registration of the First Information Report (F.I.R). In contrast, both the petitioner and her spouse are present in this courtroom. Both parties have openly and unambiguously expressed their affection for each

⁵⁸ Thamizharasi v. The Superintendent of Police Madras High Court 25th July, 2014 available at <https://www.casemine.com>

other, and their marriage ceremony occurred on July 16, 2014.

According to the provided documentation, particularly the petitioner's Bachelor of Education transcript, her date of birth is stated as April 25, 1988. Furthermore, being a major grants her the independence to decide her own course of action. Moreover, the petitioner fulfils the requirements for a Bachelor of Education degree as well as a Master of Science degree. Therefore, she has chosen to marry Ramesh, as mentioned before, resulting in their current marital status. Consequently, it is necessary to protect the petitioner and her spouse from any kind of harassment in response to the complaint made by the petitioner's father. The act of Honour Killing caused fear, leading the petitioner and her spouse to leave their hometown. Therefore, it is wise to direct the respondents to provide the petitioner and her spouse, Ramesh, with the necessary support to help them return to their place of origin and regain their usual way of life.

(C) Examples of Honour Killings in Recent Era

Honour Killing" in Kerala: SC acquits the accused By: Ashok KM July 28, 2016.

The Supreme Court of India has upheld the trial court's decision to acquit the accused in a case of alleged "honour killing" that occurred in Thodupuzha, Kerala. This verdict was made possible by the nullification of a previous judgment by the High Court of Kerala. Smitha, a minor, and the auto rickshaw driver Jojo were found attempting to escape, but the remains of Jojo were subsequently found in a paddy field. Jojo, Smitha's passionate partner, was found dead in a paddy field. According to the prosecution's version of events, Jojo was held back in a muddy and water-filled paddy field while the father of the girl he was trying to escape with grabbed him by the neck. Subsequently, he sat down and his sibling forcefully grabbed his neck from the back, repeatedly pushing his face into the dark and unclear water, ultimately causing his death due to lack of oxygen. Due to the Trial Court's ruling, the defendants were granted the presumption of innocence as the trial case was not deemed "free from reasonable doubt." After the couple made an appeal, the High Court issued a verdict of guilt. In its ruling, the High Court made the following observation: "The order issued by the lower court will unquestionably result in a grave miscarriage of justice, not only for the victim's family but also for society as a whole."

Couple fearing honour-killing seeks protection, Times of India, Oct 17, 2017

Two individuals will be staging a demonstration in protest against the District Collector office, advocating for the safeguarding of themselves and their spouses. M. Velusamy, a 23-year-old individual from Sooravalipatti, and G Padmavathi, a 21-year-old resident of Sethurapatti,

located on the outskirts of Trichy, will both take part in the protest. As stated in the petition she filed with the collector, the couple had been in a romantic relationship for the past two years. Both of her parents strongly objected to the relationship, and their objection was met with hostility. I was reprimanded, and during the process, they made reference to his caste. In her petition, Padmavathi asserted that if she were to marry him, both she and her family would face life-threatening dangers. The couples, originating from different castes, chose to escape. Now, they face the fear of becoming targets of a "Honour Killing" after their marriages. They have opted to contact the District Collector as they have already begun to receive threats.

On December 10, 2017, a pregnant Muslim woman who had married a Dalit man was subjected to fatal immolation by her own family in Karnataka. This event represented the most recent instance of a detestable crime known as an honour killing. According to reports, a 21-year-old Muslim woman living in Gundakanala village in the Bijapur district of Karnataka was allegedly killed by her relatives due to her marriage with a Dalit man. The News Minute published an article on Monday, June 5th, 2017.

Banu Begum and Sayabanna Sharanappa Konnur, both aged 24, escaped to Goa in January, where their marriage was officially recorded. After Banu's pregnancy, the couple went back to the village with the expectation that their parents would give their approval for their marriage.

VI. CONCLUSION AND SUGGESTIONS

“Mine honour is my life; both grow in one; take honour from me and my life is done.”

–William Shakespeare.

(A) Conclusion

The aim of this thesis is to address the highly serious issue of honour killings, which persist and spread relentlessly like an insurmountable menace. In the modern era, it is challenging to understand that families, even in democratic societies, are seemingly driven by the intention to preserve their reputation by committing acts of homicide against their own kin. A researcher has shed light on the present issue of honour killings, the existing legal measures to counteract such dangers, and the perspectives of the Honourable Courts on this matter. The United Nations Organizations have an inherent objective to guarantee that every individual is bestowed with equitable rights and dignity. Gender equality and the empowerment of women are crucial elements for the successful completion of this mission. The Constitution of the United States of America firmly establishes these fundamental principles as the foundational pillars of our democratic system.

Significant progress has been made in recent decades. However, despite these advancements, women still experience social exclusion and discrimination, and they are not able to universally assert equal rights and opportunities with men worldwide. Since the early 2000s, the problem of honour killings, also referred to as customary killings, has continued to be a significant cause for concern. In contrast to the diverse nature of Indian society, it weakens the autonomy of individual decision-making and displays disdain for the principles of legal governance, which serve as the bedrock of Indian civilization. In recent years, numerous articles and television programs nationwide have extensively covered the alarming incidents and consequences of a repugnant and undesirable act: the brutal killing of young boys and girls for defying the established sexual norms of a patriarchal society. Based on these reports, the assassinations were executed under the guise of honour killings.

The traditional rural social structure in post-colonial India is on the verge of collapse in the twenty-first century, primarily due to the influence of globalization and post-modernization. India has recently experienced a period of transition in its history, transitioning from a feudal agrarian society to a contemporary industrial society. During the transitional phase, there is a conflict between traditional and progressive values. Our deeply ingrained beliefs remained unaffected by the advancements in technology. The widespread availability of internet, mobile devices, and television in today's technologically advanced society has made it easier for young boys and girls to access these platforms, leading to an increase in their exposure and subsequently contributing to a rise in the occurrence of illicit relationships. The prevalence of young boys and girls being executed for engaging in romantic relationships or getting married against their families' desires has been widespread in various regions of India, with North India being particularly impacted. This phenomenon has been documented in multiple discrete geographical regions. The term "honour killings" refers to a collection of documented incidents that have taken place in different parts of the country. Intermarriage between individuals belonging to different castes, communities, or families can occur. Various measures are taken to prevent the partner from marrying the person they choose. Currently, this trend is ongoing; as a result, the occurrence of honour killings is rising, thereby endangering the effectiveness of the Indian legal system.

An example of domestic violence that is common in families is known as "honour killings." In this type of violence, women are seen as guardians of their families' "honour," and marrying someone from a different caste or religion is seen as a dishonour. Due to the direct association between these situations and the "Honour" of their family, the individuals who commit honour killings are usually relatives, such as the father, brother, uncle, or mother. This concern arises

from the possibility of the child's participation in illicit relationships, sexual affairs, or unethical behaviour.

Marital homicide refers to any act of killing done in response to someone who has entered into marriage without parental consent, going against established mate selection protocols. This term is widely accepted and used universally. The phenomenon described above is commonly referred to as "Honour Killing." Furthermore, empirical data indicates that honour killings have been prevalent in most societies. One definition of honour killing is a response to various situations that result in abuse, shame, loss of reputation, and discomfort for an individual and/or their family, leading to a disruption in their lives. There has been a recent rise in the occurrence of honour killings related to marriage and romantic relationships. The primary factors contributing to this phenomenon are the widespread distribution of news and the extensive impact of the media. Moreover, changes in social movements enhance the chances of engaging in social interactions with individuals of the opposite gender. Additionally, in the absence of interference from one's family, there is a higher likelihood of developing romantic feelings without considering family customs.

According to the Cambridge Advanced Learner's Dictionary, "Honour" is a "quality that encompasses pride, respect, and honesty." The fundamental aspect of honour is the entitlement to respect, which is demonstrated by demanding respect. Currently, there is no universally accepted definition for "honour killing." It refers to the intentional act of causing the death of a family member or a member of a social group by other individuals within that family or group. The individuals responsible for this criminal act carry it out under the belief that the victim has besmirched the standing of the family or community. This definition offers a succinct overview of the notion of honour killing. The phenomenon of honour killing is believed to have originated from the traditional beliefs of ancient desert tribes. The tribes held a firm conviction that engaging in sexual activities without the consent of the father or chieftain is considered an act of betrayal. Women forming relationships across different communities or castes are sometimes seen as a potential danger to the integrity of the family lineage. Treason is a term used in many traditional societies to describe any sexual activity that goes beyond the limits set by religion and community. In these societies, women are still viewed as a burden. According to the tribe's beliefs, blood is the sole substance that can eradicate dishonour. While the roots of honour killings can be traced back to the establishment of gender power dynamics, this does not elucidate the connection between honour killings and religion. Currently, the prevalence of honour killings is found to be significantly lower in Christian communities compared to other religious communities. Recent reports suggest that the occurrences of

honour killings have primarily taken place in communities where the majority of the population follows the Muslim faith. However, the act of honour killings is prevalent within Sikhism and North Indian Hindu communities, specifically among the Jats and Rajputs, who highly value this belief system.

The Commission on Human Rights has received resolutions involving honour killings, which pertain to acts of aggression against women and extrajudicial, summary, or arbitrary executions. In addition, Resolution 2000/31 by the Commission on Human Rights presented the initial thorough examination of honour killings in connection with extrajudicial executions. The Commission expressed apprehension regarding the substantial quantity of killings executed under the guise of obsession or honour. The statement called on governments to expeditiously and systematically investigate these homicides, guarantee that those responsible are held liable, and establish measures to prevent future incidents. Subsequently, the Commission on Human Rights has consistently tackled the issue of honour killings in all of its resolutions on the matter, albeit with slight modifications to the wording of these resolutions.

In the rural regions of India, where the caste system is deeply embedded in society, any departure from it is deemed unacceptable. When a girl of higher social status marries a boy of lower social status, when a girl from the Jat or Rajput community marries a boy of lower social status against her family's wishes, or when a girl from a Hindu caste falls in love with a boy from a Muslim caste or vice versa, the situation becomes risky, violating all norms of openness and tradition. The likelihood of honour killings occurring is significantly higher under such circumstances. Young couples who explore outside their local community and take on the accompanying risks face harsh consequences. The act of selecting a life partner can sometimes result in severe outcomes such as murder or public humiliation, which can bring shame to the family of a higher social status and impact the couple and their social network. Engaging in such actions would be perceived as a violation of the family's integrity.

In the case of *G.Krishnan Govindan v. Union of India*, the Honourable Chief Justice Katju highlighted that in today's democratic society, individuals belonging to the Schedule Castes and Schedule Tribes are often subjected to discrimination and mistreatment by people from the so-called upper castes and even the Other Backward Classes (OBCs). This behaviour is unacceptable. Equality is a dominant and fundamental characteristic in the modern era. In the present epoch, no society or individual shall endure inferior treatment, as all endeavour to attain their maximum potential in life. In various regions of our country, lower castes still face ongoing subjugation, humiliation, and physical coercion. Due to this repugnant, shocking, and reprehensible practice, honour killings have emerged.

Honour killing is a traditional and current practice in our advanced, cultured, and democratic society, and it is also a harmful social problem that should not be accepted. Honour killing is a malicious act that not only violates the rights of an individual young woman or girl, but also undermines the social structure of society. This reprehensible action raises doubts about the sacredness and essential essence of human civilization; thus, it is imperative to address cases of honour killings with resolute determination and steadfastness. The prevailing feudal mindset among the Indian population, which prohibits their daughters from marrying a chosen suitor, needs to be changed. Considering the consistent rise in the occurrence of honour killings on a daily basis, it is unfortunate that there is a deficiency in all-encompassing laws that can truly and effectively tackle this problem. To effectively address honour killing cases, it is crucial to simultaneously introduce a focused social reform initiative and encourage a fundamental change in the mindset of the general public, considering the inherent constraints of the legal and judicial systems. However, it is crucial for the government to not remain silent in this matter. Instead, it is essential for the government to implement stringent laws to effectively deal with individuals who cause disturbances in law and order. Hence, it is crucial for lawmakers in contemporary moderate mass democracies, which place importance on the principles of fairness, egalitarianism, freedom, and rationality, to contemplate the possibility of enshrining the "Right to choose one's spouse" as a fundamental entitlement, regardless of societal status, social hierarchy, or religious affiliation.

The researcher commenced the chapters of this thesis in an appropriate manner to function as a synopsis and to motivate and stimulate aspiring researchers intrigued by exploring this specific field. In the first chapter, we elaborate on the crucial aspects related to the implementation of this research. Research is a methodical procedure that involves several steps: problem identification, hypothesis formulation, data gathering, objective analysis, and drawing conclusions. The conclusions can manifest as either problem-solving solutions or generalizations that aid in the advancement of a theoretical framework. To clarify the primary purpose of conducting this research, the chapter introduces the "Context for Research." This term pertains to the existing crisis or situation within the social system that inspires the researcher to select this bold topic for the present time period. The purpose of research is to serve society's best interests. A significant portion of the young population in our country believes that the occurrence of young individuals falling in love with someone of their own choice is impossible to resolve. The preservation of "Family Honour" is being suggested as a justification for the significant number of murders occurring in this manner. These heinous crimes target individuals of all genders who engage in romantic relationships that go against

familial approval and violate long-standing traditions. An important and concerning aspect of these murders is that they are socially approved by the "Khap Panchayats," which are governing bodies that enforce rules while disregarding the importance of law and order in contemporary society. It is crucial to acknowledge that the only feasible option is for them to engage in self-provocation, resulting in the instillation of fear and chaos in the community, ultimately disrupting the social order. Honour killings are a widespread expression of societal dissatisfaction in modern-day India. Given that it is a fundamental aspect of the community's rigid mindset, it is crucial to eliminate it, and measures should be implemented to guarantee the complete eradication of this societal problem from Indian society. Therefore, in order to achieve societal advancement and progress, it is crucial to choose this subject matter. This chapter encompasses the research objectives, preliminary findings, and overall significance of the investigation. It also includes the research methodology, hypothesis, and literature review. The thesis will comprehensively analyze primary sources such as Indian statutes, judgments, international conventions, and United Nations resolutions. The doctrinal approach has been consistently utilized throughout the entire thesis. Secondary sources, such as authoritative books, scholarly journal articles, and newspaper reports, will be assessed for research purposes. An in-depth analysis will be carried out on the current legal literature available in India and other countries. Various internet search engines and online databases will be employed to ensure the precision, up-to-dateness, and relevance of the research. The researcher compiled a comprehensive Literature Review that encompassed a wide range of scholarly articles, periodicals, books, and journals. In addition, they have methodically analyzed their thoughts and opinions, evaluating them based on the crucial criteria that are relevant to the particular context. The social organization in India is based on a caste hierarchy, and despite the passage of a significant amount of time, individuals living in both urban and rural areas still face challenges in dealing with the rigid caste system. The increase in the number of inter-caste marriages has led to a rise in honour killings due to individuals prioritizing their personal beliefs over logical understanding and moral principles.

The second chapter of this thesis provides an in-depth analysis of the topic "Honour Killing and the Law: An Overview". This chapter presents a comprehensive examination of the various laws that have been implemented at both the national and global levels to protect women. Currently, there is no legislation in place that specifically deals with the issue of honour killings. The recent homicides can be classified into two overarching legal categories: homicide and manslaughter. In most instances, family members are also involved in the abhorrent homicide, thereby adding complexity to the process of identification. Identifying the culprit

can be especially difficult when the offence is carried out by a sizable collective. As a result, the gathering of evidence is hindered and witnesses remain unresponsive. The criminal justice apparatus deals with a wide range of human issues and individuals from diverse backgrounds. When deciding on the appropriate punishment, a judge must take into account not only the specific events, conditions, and responses that have occurred, but also the unique characteristics of the offender. Systematic revisions are essential to ensure that the law stays adaptable to current events, public opinion, and prevailing conditions. The law exhibits a remarkably commendable level of flexibility and adaptability. Therefore, it is argued that honour crimes are a shameful aspect of society; as a result, the legal system should have the ability to promote awareness in order to eliminate these repugnant social problems. The first section of this chapter on the international perspective of women's rights in India discusses several conventions, such as the Convention on the Political Rights of Women, International Humanitarian Law, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Universal Declaration on the Elimination of Violence against Women, and Convention on the Elimination of all Forms of Discrimination.

The purpose of the following section in this chapter is to analyze the legislation in India pertaining to the practice of honour killing. The Constitution of India, as the paramount and enduring document of the country, serves as the foundation for the legal framework in India. Chapter III, which pertains to Fundamental Rights, and Chapter IV, which covers Directive Principles of State Policy and Fundamental Duties, include sufficient provisions to guarantee the safety and security of all Indian citizens, regardless of their gender. Multiple articles and relevant case laws have been analyzed to provide a comprehensive understanding of the circumstances surrounding the breach of significant articles in this context. Furthermore, it is important to highlight that the primary objective of the "Preamble of the Constitution" is to emphasize the significance of Indian ethics and philosophy. Subsequently, a thorough analysis is carried out on various legislations, including the Special Marriage Act of 1954, the Indian Penal Code of 1860, and the Indian Evidence Act of 1872, focusing specifically on the provisions related to honour killings. This situation arises because there is a lack of comprehensive legislation specifically addressing the issue of honour killings. In order to guarantee comprehensive legal protection for women in India, the researcher is also informed about specific legislation pertaining to women and legislation that is related to women. This measure is implemented to ensure that the researcher is provided with all necessary legal safeguards regarding the subject matter in India.

The third chapter of this thesis is titled "Honour killing in India" and offers a thorough examination of the entire context surrounding honour killings in India. The chapter begins by providing a clear explanation of the term "Honour," followed by a detailed analysis of the concept of "Honour Killing" and an examination of its historical evolution. Historically, honour killings were widespread, making it a highly captivating aspect to contemplate, and India is no exception to this phenomenon. Furthermore, various factors that contributed to this heinous act of homicide are elucidated. Considering that "Honour" is intrinsically linked to virtues such as self-esteem, honesty, and kindness, it is completely perplexing that this commendable concept is connected to the act of taking someone's life. The existence of honour killings is indeed a cause for concern. Usually, these homicides are perpetrated by family members of the victims against women who are suspected of participating in activities that are considered harmful to the family reputation, and they are carried out as a form of revenge. An issue arises from the fact that males constitute the predominant portion of individuals engaging in wrongful behaviour, while the remaining female family members tend to offer them assistance. Although religious endorsement for honour killing is lacking, there is a widespread belief that this practice is closely associated with religion. In this chapter, the researcher has analyzed the same topic under the subheading "Relativity of Honour Killing with Religion." The researcher clearly describes the various methods used to carry out the act of killing in cases of honour killing. This is due to the implementation of methods that are entirely inhumane, barbaric, and cruel. The unexpected and abrupt revelation that it infringes upon fundamental and inviolable human rights has emerged. The researcher has introduced the concepts of "honour suicides" and "honor-based violence," as well as the various criminal activities associated with honor-based violence and the wide-ranging consequences of such behaviour. A researcher has depicted intercaste marriages and honour killings in a dramatic manner, arguing that the preservation of family honour is prioritized over the well-being of young couples. Intercaste marriage is a major factor that contributes significantly to honour killings. The judge presided over the case of Surendra Singh, a former soldier, and determined that he displayed no remorse for the murder of his twenty-year-old daughter Chandni. Singh committed this act in order to protect the honour of his family. At that time, Chandni had a romantic relationship with her cousin in the Kaimur district of Western Bihar. This was meant to be the first official instance of an honour killing in the state.

The fourth chapter of the book discusses the Khap Panchayat's role in cases of honour killings. In India, a country that upholds liberal and democratic principles, individuals are granted the freedom to marry whomever they choose once they reach the legal age of adulthood. If parents

refuse to give their consent for a marriage between individuals from different castes or religions, their only option is to completely cut off all social ties with their children. However, it is unacceptable for them to plan any strategies to eradicate them, carry out their actions in a cruel manner, or subject them to the strict regulations of the Khap Panchayats. The Khap Panchayat is in charge of governing the Khap, which was established by the same gotra families as multiple neighbouring villages. Community Councils are established governing bodies responsible for making decisions in cases related to property and domestic disputes. In the regions under the jurisdiction of Khap Panchayats, marriages that are founded on romantic love are considered illegal. Marriages between individuals residing in the clench of Khap are strictly forbidden, whether they belong to the same gotra or any other gotra within the same village. Noncompliance with the regulations of the Khap will result in severe consequences, including capital punishment. Hence, Khap Panchayats possess absolute jurisdiction over the lives of young individuals and are unrestrained in their persistent exploitation of illegal authority. This is because individuals with inflexible mindsets, those who are economically disadvantaged, and those who are even more economically disadvantaged are the ones who financially sustain their existence, based solely on the premise that legal disputes are resolved in a manner that is efficient, affordable, and successful. This chapter aims to offer a thorough comprehension of the role and function of the Khap. It begins by delineating the basic principles of the Caste system, Bhaichara, Khap Panchayats in Haryana, the distinction between Khap Panchayat and Lok Adalat, and case studies that illustrate the resolutions offered by Khap Panchayats.

In Chapter Five, the book examines extensive case studies that cover various locations across India, including Haryana, Uttar Pradesh, Punjab, Tamil Nadu, West Bengal, and several other states. The Supreme Court's unwavering belief in the existence of "rarest of rare cases" is unquestionable, and this doctrine seems to be linked to crimes committed in the name of honour. The Court restated the principle that such behaviour goes against the shared moral values of society. The Court determines that the use of collective conscience is greatly restricted because it fails to clearly define the consequences within patriarchal societies, which play a fundamental role in the development of these repugnant social problems. Hence, the researcher has arrived at a definitive conclusion by establishing a direct correlation between the judgments of the High Courts and the Supreme Court. Only a minuscule number of cases are reported or taken into account from this specific perspective, since the vast majority of honour killings are effectively eliminated or resolved at the location. In relation to the previously mentioned topic, we have also explored a supplementary subtopic titled "Evidence in Honour Killing Cases." This is due to the highly difficult task of collecting evidence, which

leads individuals who agree to be eyewitnesses to quickly become hostile. Individuals are reluctant to disobey the decrees and instructions of the Khap Panchayats due to their formidable and authoritative status. This is because their function and role are highly authoritative and powerful.

The current legal framework is insufficient to effectively prevent honour killings because it lacks dedicated legislation specifically addressing this issue. Therefore, the researcher aims to draw the general public's attention to the 2011 proposal titled "The Prohibition of Unlawful Assembly (Interferences with Freedom of Matrimonial Alliances Bill)" in this specific context. Although the bill was introduced in 2011, it is still in the legislative stage and has not been successfully put into action.

Finally, Chapter 6 concludes with a section called "Conclusions and Suggestions," which is highly pertinent to the effort of fostering responsiveness in society. This, in turn, leads to the societal transformation into one that lacks criminal behaviour, characterized by non-destructiveness and harmlessness. To summarize, it can be contended that the practice of honour killings, which claims to protect and uphold "Honour," has unquestionably led to more harm than good. This practice infringes upon the inherent and essential human rights, as well as the entitlement to a life characterized by fairness, freedom, and respect. The increasing prevalence of honour killings in various parts of India provides additional proof that caste and its brutal consequences remain influential factors in the country.

Currently, it is imperative to notify all individuals involved that engaging in such behaviour under the pretext of "Honour" is unquestionably a disgrace and a renunciation of societal integrity. Individuals ought to eliminate their superstitious beliefs and eradicate them from their awareness. Publications and the media will be employed to propagate. In order to guarantee its complete elimination, dedicated authorities will be established. It is imperative to disseminate information regarding potentially perilous matters to both the general public and law enforcement agencies. Our failure to effectively reduce crime in the modern era is a significant letdown, and it is a shameful reflection on our nation that we passively tolerate rather than actively address this issue. Researchers have produced a substantial body of work that offers ideas for societal change and improvement.

(B) Suggestions

Simultaneously, the widespread occurrence of torment and torture against women persists in India, a country where women are revered under the guise of the goddess. This situation has escalated into a pressing concern. Hardly any period has passed in which our attention has not

been consistently engrossed by the matter of violence against women in relation to the media, encompassing newspapers and television programs. Pregnant women and octogenarians are in a precarious situation. It is contradictory to find out that a woman was both honoured as a "Devi" and left to "Die" after a horrifying experience, all while the law and justice were present. Honour killings are prevalent in Indian society and are perpetrated with the justification of safeguarding culture and tradition. The current trend has been developing in an unconventional manner, starting with the idea of male dominance and continuing to the present-day male mindset. Instances of honour killings have become a pervasive and frequent phenomenon across the entire nation of India. It is imperative to promptly raise awareness about this neglected aspect of the abhorrent criminal offence. To completely eliminate this offence committed under the guise of "Honour," it is necessary to enforce the law as a preventive measure. Committing homicide in the name of honour is a repugnant and unjust act. It contradicts the fundamental essence of humanity. Therefore, this paper is organized with the purpose of preventing this social problem and increasing public awareness about it. Therefore, a significant amount of campaigns, preparations, and efforts are necessary before it can be widely adopted.

The primary objective of this research project is to analyze the increasing prevalence of criminal conduct known as "Honour Killing," as well as the unlawful involvement of Khap Panchayat in preventing and dealing with this offence. The investigator strives to offer a thorough elucidation of honour killing, encompassing its essence and *modus operandi*. The Indian laws concerning this offence have been extensively discussed, in addition to being deemed ineffective. A thorough exposition has been presented regarding the international conventions and laws concerning the empowerment and safeguarding of women, resulting in their successful protection.

During the Aryan era in ancient India, women enjoyed complete autonomy and were treated as equals to individuals of the same gender. Their membership in the society was praiseworthy and comparable. The participation of a wife is indispensable for the successful execution of a "Yajna" by her husband. Concurrently with the provision of education for men, women were also given permission to access religious texts, such as the Vedas and others. Due to the arrival of foreign invaders in the Middle Ages, the Purdah system instilled fear in all individuals. Although violence against women is widespread in modern society, they are still highly respected as "Shakti" or "Prakiti" and are considered the eternal source of energy in traditional Hinduism.

Honour killings are carried out by any means or methods in order to uphold the family's "Honour". As a result, the individuals involved in this criminal activity sometimes have a personal relationship with the victims, as they are either their biological parents or family members who are involved in the crime with the intention of causing it. Despite their escalating and unacceptable conduct, the family members are unable to find common ground in order to address and resolve the problem. This is an extremely unusual observation. Essentially, they choose to end the lives of their own children who are involved in actions that damage the family's reputation. Asserting that the value of parenthood is insignificant compared to one's family as "Honour" is a remarkably bold claim. A child is the most valuable blessing that a divine being can grant. While acknowledging the inherent value of every child and relationship, it is imperative to recognize that no feasible resolution can be attained by resorting to the annihilation or massacre of life. The inability to accurately quantify honour arises from its dependency on the existence of life. The inclusion of "culture" and "tradition" should not hinder the process of choosing a life partner. Across all cultures and traditions, it is universally considered repugnant to end the life of another individual in the pursuit of honour. The ability of an individual to commit such a detestable offence is facilitated by their narrow-mindedness and superstitious beliefs. Sociologists firmly believe that the persistence of honour killings is primarily attributed to the strict characteristics of the caste system. These individuals are driven to allow this crime to happen on a large scale due to their apprehension of losing their caste status, which has been the basis of their enduring social dominance, and as a result, they have accumulated a substantial amount of wealth. The prolonged adherence to traditions and customs has fostered the formation of narrow-minded attitudes within these social classes. The widespread superstitions that impacted both education and perception led individuals to adopt an unwavering pessimistic mindset that hindered their ability to acknowledge the possibility of a positive outcome. Regardless of gender, no culture or tradition has the authority to cause harm or death to an individual based on their sensitivity or honour. As per Article 21 of the Constitution of India, every person is granted the essential rights of existence, freedom, and societal protection. The freedoms associated with the right to life and the right to die are not interconnected. Therefore, when examining the issue from a different viewpoint, it can be concluded that honour killing is a blatant violation of the Constitution of India, which is a long-lasting and supreme legal document in our nation. According to the Paras Diwan law, once matrimony is formed, it becomes an indissoluble union. The legal institution of marriage recognizes the sacred union between two individuals of opposite sexes. When it comes to maintaining a happy and fulfilling marriage, the selection of life partners plays a crucial role.

The union of the parties is not hindered by any legal obstacle, as outlined in the various provisions of family law. The institution of matrimony fosters a holistic integration of psychological, physical, and intellectual aspects. There is a possibility for the creation of a unique soul when two souls are combined and unified. Within the framework of familial connections, the connection between a husband and wife is distinct from that of brothers and sisters or siblings, regardless of their caste association. Applying a concise statement to a voluntary marriage is not an appropriate method of dispensing justice. India functions as a democratic country where the principles of maintaining a safe and unrestricted environment and the right to express one's own views and opinions are essential elements of this independent system. In India, honour killings primarily focus on young couples who engage in matrimonial alliances that transcend their caste or go against their families' desires. The homicides, perpetrated by family members of the married couple, are seen as a means to protect the honour of the clan. However, despite the country's seventy-two years of independence, cases of honour killings continue to increase, posing a threat to lives instead of allowing the enjoyment of these freedoms. These forms of violence hinder the unrestricted development and progress of India's social structure, posing a significant threat to the nation's ability to thrive and grow autonomously.

The recent surge in the occurrence of honour killings in the country has compelled the government to consider possible measures to eliminate the practice. Contrary to its recent emergence, violence against women has been deeply ingrained in Indian society for a prolonged duration. India possesses a significant amount of intensity, which can be traced back to its mythology and persists in the current patriarchal state. In relation to the prevalence of honour killings in India during the twenty-first century, Mr. P. Chidambaram, a former Indian government minister of home affairs, expressed his disapproval by stating, "We should feel ashamed." It is imperative that honour killings are treated as homicides and subject to legal prosecution.

Honour killing is regarded as a criminal deed that greatly disrupts the harmony and cohesion of the community. Moreover, it acts as a barrier that obstructs individuals from achieving fair rights and opportunities, consequently preventing them from living a life deserving recognition. Human rights violations are a grave and conspicuous expression of this issue. This offence involved a malicious cultural tradition in which male family members (fathers, brothers, uncles, etc.) killed female family members (siblings) in order to degrade their clan for choosing partners of their own free will. Therefore, to put it simply, it is possible to argue that the concept of dishonour can only be cleansed through the act of killing, which is

comparable to the ritualistic offering of blood.

In order to achieve equal social acceptance and family status as men, women are required to assess every aspect of their lives based on their honour, which is considered a superior attribute. Their honour is considered superior to all other aspects of their existence. The family's reputation is determined by the female's "honour". Male honour is characterized by its proactive and dynamic nature, emphasizing attributes such as self-assurance, dominance, and social standing. In contrast, female honour is passive and emphasizes qualities such as submission, modesty, perseverance, and diffidence.

According to Mr. K.S. Money, "Honour Killings" are considered the most dishonourable crimes. Among various forms of gender-based discrimination, this specific manifestation is especially repulsive. Murders committed in the name of honour are symptomatic of a pervasive ailment that manifests itself through customs such as dowry, discrimination, and female foeticide. Regardless of their ethnic background, social status, or religious beliefs, women are still regarded as the possessions of their male relatives. The individual who possesses the property wields complete authority over all determinations pertaining to its disposal. Since the establishment of the ownership system, women have been devalued and treated as commodities that can be bought, sold, and replaced. Throughout history, women have been compelled to adopt a persistent attitude for various reasons. The recent progress in women's education has resulted in a heightened recognition of the necessity to confront conflicting situations. However, in spite of these endeavours, the complete elimination of violence continues to be a persistent obstacle. A woman faces difficulties until she secures lucrative employment or inherits wealth from affluent parents, solely due to the humiliation linked to a divorce. Women often face significant challenges as a result of the financial burden of hiring lawyers, attending court hearings, and the risks associated with travelling. Despite her husband's cruel nature, everyone strives to persuade her to accept him, recognizing the crucial importance of maintaining her marital status. Women are expected to consistently uphold their dignity and composure as a fundamental necessity. The patriarchal system, on the other hand, completely hindered her ability to achieve social security and personal freedom. Women possess inherent vulnerability and require protection and fortification due to the inherent characteristics of their biological role. Instances of sexual harassment, acts of brutality, mental cruelty, and emotional anguish have a significant and immediate detrimental effect on the lives of those affected.

In 1975, the United Nations officially designated it as International Women's Year and provided sponsorship for the event. Women have faced numerous inequalities and obstacles in various aspects of life, including social, economic, political, and personal domains, in a field

that has traditionally been dominated by men. The aim of this resolution is to emphasize the worldwide community's recognition of the crucial importance of eradicating these types of discrimination and disability.

Traditional Indian society was commonly recognized as being stratified and organized into distinct groups based on their differences. For example, it was legally allowed for a Brahmin girl to marry only a Brahmin boy. This was one of the more mysterious aspects of the gender-based discrimination. Women occupying higher positions in the caste system experienced more pronounced physical disabilities. The cultural basis of honour killings is commonly acknowledged to involve the concept of honour, inclusive modes of judgment, and traditional gender roles that subordinate women. The Social Rapporteur on Violence against Women has acknowledged that "economic and social factors" play a significant role in the occurrence of violence against women. According to certain scholars, impoverished individuals perceive "Honour" as a method to achieve and sustain social prominence within their communities, given the limited economic prospects and growth available to them. While women may not experience overt forms of coercion like suicide, confinement, or forced displacement, the fear of honour killings can still hinder their freedom of movement in various ways. For instance, a woman may choose not to report a rape because she fears that the stigma she has endured could tarnish her family's reputation, potentially giving the attackers a reason to harm or kill her.

Occasionally, women and some men who are afraid of being victims of honour killings in their home countries seek asylum in another country, believing that their situation there will be uncertain. A woman was granted asylum in the United States primarily based on her gender. This was because she was concerned about the potential of being subjected to honour killings upon her arrival in Pakistan after rejecting an arranged marriage.

Violent cycles, driven by the concept of freedom, stem from assassinations committed in the name of honour, which are authorized but subsequently ignored or minimally penalized. When individuals who commit honour killings are aware of how wrongdoers have been historically treated, they often voluntarily disclose their identity to law enforcement because they believe that any punishment they receive will be excessive compared to the seriousness of the crime. Under certain circumstances, a more straightforward escalation of evil takes place when the victim's family is distinct from the perpetrator's family. Many efforts to eliminate the practice of honour killings have focused on revising domestic laws in countries that have traditionally been unable to effectively punish those responsible for such heinous acts. Unfortunately, there is evidence suggesting that a significant portion of these legal modifications have been ineffective in their goal to regulate the evidence.

One of the goals of the global movement against honour killings is to create a link between individuals committed to eliminating honour killings and those involved in combating other types of violence against women. This movement aims to reestablish focus on this matter while also highlighting the issue of coerced and premature marriages. The Campaign offers regular updates on its website regarding global incidents of honour killings. In addition, the Campaign provides information about the actions taken by government bodies and inter-governmental organizations in response to accusations of violence against women.

Crimes against humanity encompass violations of women's rights. In order to improve society, the following are a few of the specific recommendations that can be proposed:

- Honour killing is a reprehensible conduct that sullies the standing of a civilized society. The cooperation between governmental and non-governmental organizations is essential for the creation of a social reform movement capable of effectively challenging this narrow-minded superstitious mindset. The enduring importance of the media's role in promoting awareness and preventing this repugnant offence cannot be emphasized enough. Mainly due to the media's capacity to educate the public about the gravity of the offence and the inherent cruelty it entails. The Central and State Governments shall share the responsibility of allocating funds for the mentioned purpose.
- Immediate focus is necessary in the examination of honour killings as a specific domain within criminal law. To effectively address this societal issue, it is crucial to develop a comprehensive legislative solution. The lack of a definitive legal measure regarding the offence will prevent wrongdoers from accurately predicting the consequences of their actions or the penalties associated with committing this offence.
- Given the significant petition concerning offences committed against individuals of all genders, it is crucial to develop a suitable resolution. As a result of the slow pace of disposal, a significant accumulation of cases has occurred in all courts, essentially allowing for a surge in litigation.
- In order to alleviate the accumulation of unresolved cases, sections 17 and 18 of the Criminal Procedure Code authorize the designation of Special Metropolitan Magistrates (SMMs). The Chief Justice of India has the authority to bestow such a position. SMM appointments are open to all individuals, encompassing advocates and retired judges. It will greatly help in significantly reducing the backlog of cases.
- It is advisable to prolong the duration of working days in the courts. It is crucial to

decrease the frequency of strikes initiated by advocates and to prevent unnecessary delays in task completion. The legal system and judicial proceedings aim to administer justice and guarantee equitable treatment for all individuals.

- Legislation specifically targeting the social problems that Khap Panchayats often overlook due to caste-based biases is imperative. Given that Khap Panchayats assume the position of judges, their power to make decisions is clearly presumptuous and aggressive. Therefore, it is crucial that they are removed from their illegal position. Their judgments, delivered in the pursuit of justice, are highly conclusive and could be considered provocative. In essence, individuals who are accountable for honour killings are subjected to capital punishment and compelled to forfeit their lives.
- In order to improve the effectiveness of criminal investigations, it is crucial to develop more advanced methodologies. The Criminal Procedure Code fails to meet the requirements of the present era. Considering the dynamic nature of the law, it is imperative to update it in order to accurately address the ever-evolving demands of society.
- It is advisable to implement amendments that simplify and enable the uniform implementation of all these crucial legislations through appropriate methods. Before participating in any criminal activity, individuals should carefully consider the possible consequences of their actions.
- We need to recruit a specific number of highly skilled female police officers who have expertise in investigation. These officers should have the ability to address the concerns of female victims, strive to identify the culprit, and carry out thorough investigations into the cases.
- Every instance of violence against women should be promptly and impartially investigated with meticulous scrutiny, in order to uphold honour. The investigation of honour killings necessitates the law enforcement officers and administrators to demonstrate the highest level of sincerity and merit.
- The deliberate act of causing the death of another person in order to preserve one's honour should be regarded as one of the most serious crimes and depicted as the most infrequent of all offences.
- In order to reduce the likelihood of such incidents happening again, it is crucial to give more importance to cases and situations that provide specific details about the victims'

exceptional condition. In order to avoid such incidents, it is imperative to establish a dedicated committee consisting of individuals possessing the requisite expertise to tackle these challenges. This would encompass, among various aspects, the act of rescuing individuals who have fallen victim to honour killings from their perpetrators, providing them with shelter and assistance, and aiding them in recovering from their distressing conditions.

- Promptly inform the police of any updates regarding the establishment of a Khap Panchayat, so that they can promptly disperse the assembly. Allowing them to pursue further legal actions is unacceptable, considering that their statements frequently resulted in public embarrassment and a severe predicament for the other party.

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