



Original Research Article

Examination of Laws Related to Honour Killing in India: Gaps, Reforms and an Inclusive Statutory Definition

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Abstract: Honour killings in India represent a violent assertion of caste, patriarchy, and heteronormativity, where family or community members kill (or attempt to kill) individuals whose choices in marriage, intimate relationships, sexuality or lifestyle are perceived as a “stain” on collective honour. At present, there is no stand-alone central law on honour crimes; such killings are prosecuted under general provisions of the (now repealed) Indian Penal Code, 1860 (IPC) and its successor, the Bharatiya Nyaya Sanhita, 2023 (BNS), alongside special statutes like the SC/ST (Prevention of Atrocities) Act and the Protection of Women from Domestic Violence Act. This paper examines the existing legal framework, highlights doctrinal and practical gaps, and analyses recent reform proposals including the Law Commission’s draft framework, the Prevention of Crimes in the Name of ‘Honour’ and Tradition Bill, and the National Commission for Protection from Honour Crime Bill, 2024. Special attention is given to the neglected dimensions of honour killings by in-laws and honour killings of LGBTQ persons by parents and relatives, which often remain invisible in law and policy. The paper concludes by drafting a model, inclusive definition of “honour killing / honour crime” that explicitly (1) covers killings by in-laws and marital relatives, and (2) recognises killings motivated by disapproval of a person’s sexual orientation, gender identity or expression, and non-heterosexual relationships. It also suggests a package of substantive and procedural reforms to align Indian law with constitutional guarantees and international human rights standards.

Keywords: Honour killing, Bharatiya Nyaya Sanhita, caste, LGBTQ, in-laws, khap panchayats, honour crimes, criminal law reform.

INTRODUCTION

Honour killing in India is a uniquely complex human rights violation situated at the intersection of caste hierarchy, patriarchy, community control, and heteronormative frameworks. It is not merely a crime of violence; rather, it is an institutional act meant to discipline individuals for asserting autonomy in matters of marriage, companionship, love, sexuality, gender expression, and personal identity. The essence of honour killing lies in its motive: the belief that an individual’s behaviour has brought shame or dishonour to the family or community. The killing, therefore, is committed not for personal enmity or profit but to restore collective prestige. This motive distinguishes honour killings from other forms of homicide and necessitates a distinct legal response.

In India, the phenomenon of honour killing is most commonly associated with north Indian states such as Haryana, Punjab, Rajasthan, Uttar Pradesh, and parts of Delhi, though cases have been reported across the country. These crimes frequently arise when young adults marry outside their caste, within the same gotra, or without the approval of their families. However, emerging patterns show that honour killings extend far beyond these traditional boundaries. Increasingly, in-laws murder daughters-in-law after marriage for reasons related to caste, family expectations, and patriarchal control—yet these cases are frequently misclassified as dowry deaths or suicides. Similarly, the recognition of LGBTQ identities after *Navtej Singh Johar v. Union*

of India has resulted in a new axis of honour violence: families harming or killing their children for entering same-sex relationships or for expressing gender nonconforming identities. These forms of honour-based violence remain underreported, invisible, or unacknowledged because the law has yet to recognise them explicitly.

Despite the seriousness of this crime, India lacks a dedicated Honour Crimes Act. Honour killings are prosecuted under ordinary provisions of the Bharatiya Nyaya Sanhita (previously IPC), which do not recognise the unique social motive or the collective dimension of these crimes. Judicial activism, particularly the Shakti Vahini judgment, has attempted to fill this gap by laying down preventive and remedial guidelines, but statutory codification remains absent. The result is uneven implementation, inconsistent police action, and significant gaps in victim protection.

Given this context, this research paper seeks to produce a comprehensive and critical examination of honour killings in India, the adequacy of existing laws, and the urgent need for reforms—especially reforms that extend legal protection to victims of honour killings by in-laws and to LGBTQ individuals targeted by their families. Through a detailed doctrinal, sociological, and legal analysis, this study argues that only a holistic legislative framework, accompanied by institutional and community reform, can meaningfully address the issue.

II. Conceptual Framework of Honour Killing

Understanding honour killing requires analysing not just the act of homicide but the structural forces that compel the act. Honour is a deeply social concept—constructed, guarded, and weaponised by communities to enforce conformity. In India, honour derives from the perceived need to maintain caste purity, uphold patriarchal norms, preserve religious boundaries, and enforce heterosexual identity.

1. Definition of Honour Killing

Academically, honour killing can be defined as the murder of a person by family or community members who believe that the victim has acted in a way that brings disrespect or dishonour. However, a legally workable definition must consider:

- The collective motive, not individual grievance
- The social enforcement of community norms
- Acts committed by any relative, not only parents
- Violence targeted at sexual orientation and gender identity
- Violence committed after marriage, often by in-laws
- Crimes committed on command of caste/community leaders

These components make honour killing a distinct category of crime requiring special treatment by law.

2. The Cultural Logic of Honour

Honour in India is inseparable from:

a. Caste System

The caste system imposes rigid boundaries on marriage and sexuality. Violations—inter-caste marriage, lower-caste partner choice, same-gotra unions—are seen as threats to purity and lineage. Families, and sometimes entire communities, respond violently to reassert dominance.

b. Gender and Patriarchy

Women's sexuality functions as a symbolic repository of family honour. Controls on whom women marry, what they wear, where they go, and whom they associate with are deeply institutionalised. Honour killings emerge from the belief that women must obey patriarchal authority.

c. Religious Expectations

Interfaith marriages are often opposed as threats to community identity. Though “love jihad” is a politicised narrative, violence arising from interreligious unions continues in many regions.

d. Heteronormativity

Honour killings are also rooted in the assumption that only heterosexual relationships are acceptable. LGBTQ individuals challenge heteronormative family expectations, often prompting violent responses.

3. Forms of Honour-Based Violence

Honour crimes extend beyond killing:

- Forced confinement
- Abduction of partner or spouse
- Assault, torture, harassment
- Forced marriage to “restore honour”
- Social boycott
- Destruction of property
- Abetment of suicide
- Forced conversion or de-transition (for LGBTQ persons)

Understanding honour crime as a spectrum is essential for developing a comprehensive legal response.

III. Historical and Sociological Background of Honour Crimes in India

Honour killings are often perceived as modern crimes, but their roots lie in centuries of social practices where caste purity and patriarchal control were central to community identity. A historical perspective reveals how deeply normalised the ideology of honour has been.

1. Pre-colonial and Medieval India

Texts and historical accounts show that:

- Families punished daughters for forbidden

relationships.

- Communities regulated marriage through strict kinship norms.
- Local panchayats enforced social punishments for perceived dishonour.

Violence was often socially sanctioned, even if not legally codified.

2. Colonial India: Legal Silence and Social Reinforcement

During British rule:

- The colonial state rarely interfered in “personal domain” matters.
- Caste councils exerted immense influence over marriage decisions.
- Social murder, including honour killing, often went unreported.

Colonial courts viewed such cases as private family matters unless the violence was extreme.

3. Post-independence India: Constitution vs. Community Practices

The Constitution granted liberty, equality, and autonomy. Yet:

- Social norms remained deeply hierarchical.
- Panchayats continued to dictate marriage rules.
- State machinery—police, local officers—often sided with families rather than couples.

The contradiction between constitutional morality and societal morality became stark.

4. The Rise of Khap Panchayat Violence

In the late 20th century, northern states witnessed:

- Increased literacy and mobility
 - Inter-caste and inter-village marriages
 - Decline of traditional authority structures
- Khaps responded with violent enforcement of conformity. The media spotlighted several gruesome killings, leading to national outrage and judicial intervention.

5. Newer Trajectories: In-Law Killings & LGBTQ Honour Crimes

a. Post-marriage honour killings by in-laws

The idea that honour ends after marriage is a misconception. Many killings occur after marriage, often because:

- The bride belongs to a lower caste
- The groom refuses to follow patriarchal customs
- The marriage brings perceived shame to in-laws
- The woman asserts autonomy within marriage

These cases frequently get mislabelled as dowry deaths, accidental burns, or suicides.

b. Honour killings of LGBTQ persons

Despite legal recognition of LGBTQ rights:

- Parents force children into heterosexual marriages
 - Individuals face confinement, assault, or psychiatric abuse
 - Some are killed or driven to suicide
 - Same-sex couples face community violence similar to inter-caste couples
- Legal frameworks do not yet recognise honour motive in such cases.

c. Honour crimes in urban India

Contrary to stereotype, honour violence is rising in:

- Metropolitan cities
- Middle-class families
- Educated households

The fear of social ridicule, not lack of education, drives many families.

IV. Expansion of Honour-Based Violence in Contemporary India

Honour crimes today reflect shifting social dynamics.

1. Increased Assertion of Youth Autonomy

Young adults increasingly choose partners outside caste or religion. This threatens traditional structures, prompting violent backlash.

2. Communalisation of Interfaith Marriages

Political rhetoric around interfaith marriages has intensified opposition from families and vigilante groups, increasing risk of honour violence.

3. Visibility of LGBTQ Community

Recognition of LGBTQ rights has triggered moral panic in conservative families, leading to violence.

4. Persistence of Caste Identity Despite Urbanisation

Caste endogamy remains strong, even among educated families. Mobility does not erase caste pride.

5. Social Media and Digital Surveillance

Families use:

- Mobile tracking
 - Social media monitoring
 - Cyber threats
- to control or trace couples. Technology has become a tool of oppression in honour crimes.

V. Methodology and Scope of Study

This research adopts:

1. Doctrinal Analysis

Examining constitutional provisions, criminal law, and judicial decisions.

2. Sociological and Historical Analysis

Studying patterns of honour violence across caste, religion, gender, and sexuality.

3. Case Analysis

Noting trends from trial courts, high courts, and Supreme Court jurisprudence.

4. Comparative & Reform-Oriented Approach

Considering legislative drafts, Law Commission proposals, and international practices.

5. Focus on Emerging Categories

Special emphasis is placed on:

- Honour killings by in-laws
- Honour killings of LGBTQ individuals
- Honour crimes arising from khap/community diktats
- Gaps in existing statutory structures

VI. Existing Legal Framework Related to Honour Killing in India

India does not have a national, independent legislation exclusively addressing honour killings. The current framework is a fragmented arrangement of constitutional protections, general criminal provisions, judicial guidelines, and state-level initiatives. This section examines each component in detail, assessing its strengths, weaknesses, and applicability to emerging forms of honour-based violence—including killings by in-laws and those targeting LGBTQ individuals

A. Honour Killing Under the Bharatiya Nyaya Sanhita (BNS), 2023

The Bharatiya Nyaya Sanhita, which replaced the Indian Penal Code (IPC), continues the earlier system wherein honour killings are prosecuted through general criminal law. The absence of a dedicated offence means that investigation, prosecution, and trial often ignore the unique dimensions of honour crimes.

1. Murder and Culpable Homicide (Sections 101–103 BNS)

Honour killings are usually booked under:

- Section 100- Culpable Homicide
- Section 101 – Murder
- Section 102 – Culpable homicide by causing death of person other than person whose death was intended
- Section 103 – Punishment for murder.
- Section 105- Punishment for culpable homicide not amounting to murder.

Although these sections provide a strong punitive framework, they fail to:

- Recognise honour as an aggravating factor
 - Account for collective decision-making, such as khap orders
 - Address conspiracy by extended family or in-laws
- As a result, the motive often disappears from the legal narrative, weakening the prosecution’s argument.

2. Abetment, Conspiracy, and Common Intention

(Sections 45-60, 61 And Section 3(5) BNS)

Honour crimes frequently involve:

- Parents or in-laws planning the killing
- Community elders instigating violence
- Groups participating collectively in execution

Yet, police rarely charge these sections. Families often collude to create alibis, destroy evidence, or present killings as accidents or suicides. Because honour motives are not recognised in law, prosecutors fail to highlight the systemic nature of the crime.

3. Kidnapping, Wrongful Confinement, Coercion

In many cases:

- Couples are forcibly separated
- Women are confined at home until they “agree” to break the relationship
- Men are kidnapped, tortured, or threatened

Sections dealing with kidnapping, confinement, and extortion exist, but they are not applied with the seriousness honour crimes require.

4. “Custom” or “grave provocation” is not a defence

Indian law rightly does not permit cultural or customary justification for murder. Yet, in practice:

- Police officers sympathise with families
- Community pressure influences investigation
- Courts sometimes accept “sudden provocation” arguments rooted in patriarchal logic

This gap reveals the need for statutory clarity.

B. The Constitution of India and Honour Crimes

The Constitution provides the strongest foundation for criminalising honour killings. Honour crimes violate core constitutional values.

1. Article 14 – Equality Before Law

Honour crimes directly attack the right to equality:

- Women face stricter morality standards
- Lower-caste partners are targeted for violating caste hierarchy
- LGBTQ individuals are punished for gender or sexuality nonconformity

Honour killings are fundamentally an expression of inequality.

2. Article 15 – Prohibition of Discrimination

Honour crimes are rooted in discrimination on grounds of:

- Sex
- Caste
- Religion
- Sexual orientation
- Gender identity

Although Article 15 does not explicitly mention sexual orientation, the Supreme Court in *Navtej Singh Johar* held that discrimination against LGBTQ persons violates Articles 14, 15, and 21.

3. Article 19 – Freedom of Expression and Choice

Choosing a partner is a protected freedom. The Supreme Court has repeatedly held:

- Right to choose a life partner
- Right to marry
- Right to live with a person of one’s choice
- Right to sexual identity and expression

Honour killings strike at the very core of these freedoms.

4. Article 21 – Right to Life, Liberty, Dignity, Privacy

Honour killing is a direct violation of Article 21. But even non-lethal forms—threats, confinement, forced marriage—also violate personal liberty and dignity. The Constitutional moral framework clearly delegitimises honour-based violence.

Yet, without statutory codification, constitutional protections often remain paper guarantees.

C. Landmark Judicial Pronouncements on Honour Crimes

Indian courts have progressively developed jurisprudence against honour killings, although implementation depends on state machinery. The judiciary has recognised the gravity of honour violence and called for strong preventive mechanisms.

1. Lata Singh v. State of Uttar Pradesh (2006)

Key contributions:

- Affirmed right to marry a person of one’s choice.
- Condemned caste-based opposition to self-choice marriages.
- Ordered police protection for inter-caste couples.
- Criticised harassment faced by the partner chosen by the woman.

This was one of the earliest Supreme Court recognitions of honour crimes.

2. Arumugam Servai v. State of Tamil Nadu (2011)

The Court held:

- Khap panchayats have no authority to enforce social norms.
- Khaps often commit crimes against young couples.
- Any diktat against consenting adults entering into marriage is illegal.

The Court’s language was strong, calling khaps “kangaroo courts.”

3. Shakti Vahini v. Union of India (2018)

This is the most comprehensive judgment on honour killings.

Highlights:

a. Recognition of honour killing as a distinct category of violence

The Court acknowledged that honour crimes are not ordinary homicides—they are crimes rooted in

collective morality and require special intervention.

b. Directions to the Government

The Court ordered:

- Special safe houses for threatened couples
- 24-hour helplines
- Special police units
- Preventive action against khaps
- Strict protection for runaway couples
- Criminal liability for officers failing to protect victims

c. Autonomy and dignity

The Court reaffirmed that:

- Adults have an absolute right to marry
 - Family or community cannot interfere
 - Caste-based objections have no legal basis
- Although powerful, these guidelines remain unenforced in many states.

4. Navtej Singh Johar v. Union of India (2018)

Though not directly about honour crimes, its relevance is enormous.

The Court held:

- LGBTQ individuals have full dignity under Articles 14, 15, 19, 21
- Sexual orientation is innate and protected
- Family or society cannot dictate sexuality

This judgment provides a strong constitutional foundation for recognising LGBTQ honour killings as aggravated crimes, though statutory law has not caught up.

5. Shafin Jahan v. Asokan K.M. (Hadiya case, 2018)

The Court restored the marriage of an adult woman whose parents objected.

Principles established:

- Right to choose a partner is absolute
- Courts cannot annul adult marriages based on parental feelings
- Family cannot claim guardianship over adult women

This judgment qualifies as a constitutional affirmation against honour violence in interfaith contexts.

D. Gaps and Weaknesses in the Current Legal Framework

Despite constitutional clarity and judicial warnings, honour killings remain widespread due to deep structural flaws.

1. Absence of a Dedicated Honour Crime Law

The largest structural gap is the lack of statutory recognition.

Why this matters:

- Motive is central to honour crimes.
- Prosecutors rarely prove the honour motive without

statutory backing.

- Police avoid special classification due to fear of family backlash.
- Without a separate provision, honour crimes appear as ordinary murders in NCRB data.

This makes policy intervention nearly impossible.

2. Failure to Recognise "In-Law Honour Killings"

Most laws and public debates assume honour killings occur before marriage, but in reality:

- Many daughters-in-law are killed after marriage
- Families kill sons-in-law from lower castes
- In-laws may murder a bride who refuses patriarchal control
- Domestic violence is often misclassified as dowry death instead of honour crime

These killings remain invisible because:

- Law does not mention in-laws explicitly
- Police presume dowry motive instead of honour motive
- Post-marriage honour logic is poorly understood
- Courts receive distorted narratives from the husband's family

Ignoring this category leaves thousands unprotected.

3. LGBTQ Honour Killings Entirely Unrecognised in Law

There is no statutory protection for:

- Same-sex couples threatened by families
- Transgender persons abused or killed for gender identity
- LGBTQ youth forced into heterosexual marriages
- Queer individuals facing confinement, “conversion therapy,” or violence

Despite constitutional recognition, criminal law has not evolved to incorporate the reality of sexuality-based honour violence. This is a glaring omission.

4. Weak Implementation of Shakti Vahini Guidelines

Most states have not complied with Court directions:

- Safe houses exist only on paper
- Special police cells are underfunded
- Helplines do not function round-the-clock
- Police often return runaway couples to hostile families

• No accountability for officers who ignore complaints
Without strong implementation, judicial directions remain largely symbolic.

5. Community Diktats Not Criminalised

Khap panchayats and religious bodies often:

- Issue orders to kill or assault
- Declare marriages invalid
- Enforce social boycotts
- Threaten families that support couples

The BNS only punishes unlawful assembly and conspiracy, which do not capture the institutional nature of community orders. A special offence is required.

6. Social Bias Within Police and Judiciary

Honour crimes often fail at the investigation stage due to:

- Police siding with the family
- Officers believing the couple was “wrong”
- Community pressure to not register FIRs
- Threats against witnesses
- Forensic manipulation of evidence

Similarly, lower courts often show sympathy toward families, framing violence as “emotional reaction” rather than planned murder.

7. Underreporting and Misclassification

NCRB data shows only a handful of honour killings per year, which is statistically impossible. Reasons:

- Police record cases as “personal enmity”
- Families disguise killings as suicides or accidents
- Medical officers lack training to detect homicide indicators
- LGBTQ honour killings are reported as “drug overdose,” “depression,” or “accident”

The failure to classify honour crimes prevents systemic data-driven responses.

E. Emerging Zones of Honour-Based Violence: New Legal Challenges

Honour killing has evolved. The law must evolve with it. Two areas demand special attention:

1. Honour Killings by In-Laws

These occur when:

- A woman marries without the in-laws' consent
- A husband belongs to a lower caste
- A woman exercises post-marriage autonomy
- A woman refuses to follow patriarchal norms
- A man refuses family's caste, religious, or social expectations

Why they go unnoticed:

- They resemble “dowry deaths”
- They are staged as accidents (burns, poisoning)
- The husband's family controls evidence
- Police rarely investigate honour motive inside marriage

Why recognition is essential:

- Post-marriage honour violence is as severe as pre-marriage violence
- Many “dowry deaths” may actually be honour killings based on caste or reputation
- Women entering inter-caste marriages are particularly vulnerable

2. Honour Killings of LGBTQ Individuals

Families may kill or harm a queer individual due to:

- Same-sex relationship
- Gender nonconforming behaviour
- Refusal to marry heterosexually
- Disclosure of transgender identity

- Public coming-out
- Fear of community shame

These cases are hidden because:

- Families do not report murders honestly
 - Suicides may actually be murders
 - Queer youth fear police harassment
 - Society treats LGBTQ identity as taboo
- Why legal recognition is crucial:
- LGBTQ youth have no safe channels of support
 - Police lack training to handle queer complaints
 - Courts rarely see evidence of sexuality-based honour motive
 - A dedicated clause would enable better prosecution

VII. Criminological Understanding of Honour Killings in India

Criminology helps explain why honour killings persist despite modern legal systems, urbanisation, education, and socio-economic changes. Honour killings are not spontaneous acts of individual rage; they are socially structured, culturally produced, and collectively sanctioned acts. Understanding their criminogenic roots is essential for designing effective reforms.

A. Honour Killing as a “Collective Crime”

Unlike typical homicides driven by personal motive, honour killings involve:

- Collective planning
- Family conspiracy
- Community pressure
- Approval of local elders
- Participation of multiple offenders

This collective dimension makes them harder to combat because:

- Responsibility is diffused
 - Family members protect one another
 - Community norms override legal norms
 - Witnesses are reluctant to testify
- The collective nature marks honour killing as a sociologically orchestrated crime.

B. Rational Choice Theory: Perceived “Social Benefit” of Violence

Perpetrators see honour killing not as a crime but as:

- A moral duty
 - A protective measure
 - A means to restore community respect
 - A way to avoid social isolation, boycott, or stigma
- Thus, offenders rationally choose violence because:
- Social rewards (prestige, acceptance) outweigh legal risks
 - Punishment is unlikely due to weak enforcement
 - Community support reduces moral guilt

This explains why deterrence-based approaches alone are insufficient.

C. Cultural Criminology: Violence as Enforcement

of Norms

Honour killing is embedded in cultural codes:

- Caste endogamy
- Patriarchal purity
- Religious conservatism
- “Family reputation”
- Gender obedience
- Heteronormativity

Cultural criminology argues that crime is shaped by cultural meaning. For many offenders, violence is an expression of identity:

“Better a dead daughter than a disobedient one.”

“Better a dead son than a homosexual son.”

These sayings illustrate moral codes that legitimise violence.

D. Psychological Dimensions: Shame, Control, and Masculinity

Psychology reveals deep themes:

1. Shame and honour

Families experience sexual autonomy of children as “loss of control.” Shame transforms into violence.

2. Masculine entitlement

Men believe they must regulate the sexuality of women and preserve family status.

3. Fear of community judgment

The threat of ostracisation is often more terrifying than imprisonment.

4. Internalised oppression

Women may participate in honour killings, acting under lifelong internalised patriarchy.

E. Why Honour Killings Persist in India

1. Strong caste and community structures
 2. Marriage as a family decision, not an individual right
 3. Patriarchal property systems
 4. Obsession with lineage purity
 5. Lack of state capacity and will
 6. Weak witness protection
 7. Police bias and social complicity
 8. Rising assertion of youth autonomy
 9. Visibility of LGBTQ identities
 10. Technological surveillance of relationships
- Honour crime is therefore a complex sociological phenomenon, not merely a legal issue.

VIII. Case Studies: Indian and International Perspectives

Case studies reveal patterns, motivations, and systemic weaknesses.

A. Indian Case Studies

1. Manoj–Babli Case (Haryana)

One of India’s most notorious honour killing cases.

- Couple married against khap norms (same gotra).
- Abducted and brutally murdered.
- Local khap sanctioned the act.
- Family members and khap leaders were convicted.

Significance:

Marked the first time a khap leader was convicted for conspiracy.

2. Nirupama Pathak Case (Jharkhand)

A journalist allegedly murdered by her family for wanting to marry outside her caste.

Significance:

Showed how even educated families commit honour crimes.

3. Ilavarasan–Divya Case (Tamil Nadu)

Inter-caste marriage between Dalit boy and caste-Hindu girl. Girl’s father allegedly killed himself; community blamed the marriage. Later, Ilavarasan was found dead in suspicious circumstances.

Significance:

Demonstrated caste violence disguised as “family tragedy.”

4. Hadiya Case (Kerala)

Though not an honour killing, parental control over an adult woman’s marriage was so severe that the Supreme Court had to intervene to restore her liberty.

Significance:

Highlighted how honour ideology fuels unlawful guardianship.

5. LGBTQ Honour Violence (Various States)

Cases include:

- Lesbian couples in Gujarat and Kerala driven to suicide.
- Transgender individuals disowned, confined, abused, or killed.
- Families forcibly separating queer couples and sending them to psychiatric institutions.

Significance:

Illustrates complete legal invisibility of LGBTQ-targeted honour crimes.

B. International Case Studies

1. Pakistan: Qandeel Baloch (2016)

Pakistani social media influencer murdered by her brother.

- Motive: her lifestyle brought “dishonour.”
- Family initially forgave brother under Qisas law.
- Public outrage led to partial reform of honour crime laws.

Relevance to India:

Shows how family-forgiveness clauses can allow honour killers to escape punishment—a risk Indian law must avoid.

2. Jordan: “Crimes of Passion” and Honour Justifications

Jordan historically allowed sentence reduction for honour killing based on Article 340 (abolished after reform efforts).

Relevance:

The Middle East shows how cultural defences can institutionalise misogyny.

3. UK: Banaz Mahmood Case

British woman of Kurdish origin murdered by her family for wanting to leave an abusive marriage.

- Police initially dismissed her cries for help.
- Failure of institutions led to national reform in honour-based violence policing.

Relevance:

Demonstrates the need for trained police units with cultural-sensitivity expertise.

4. Canada: Shafia Family Case

Three teenage girls and their stepmother killed by Afghan-Canadian parents.

- Motive: violation of honour norms.
- Court treated honour killing as aggravated homicide.

Relevance:

Shows how strong statutory recognition and judicial condemnation can deter crimes.

5. Europe: Forced Marriage Legislation

Many European states criminalise:

- Forced marriage
- Honour-based duress
- Coercion by family members

Relevance:

India must adopt a similarly explicit approach.

IX. Comparative Legal Frameworks: What India Can Learn

Comparative analysis helps identify best practices for statutory reform in India

A. United Kingdom – The Most Sophisticated Honour Crime System

UK has:

1. Dedicated Honour-Based Violence Units
2. Crown Prosecution Service (CPS) guidelines
3. Forced Marriage (Civil Protection) Act, 2007
4. Honour as an aggravating factor
5. Special police training modules

The UK treats honour crimes as distinct offences, not as domestic violence or general homicide.

Lessons for India:

- Need for specialised police units
- Early intervention mechanisms
- Clear legal definitions
- No mediation in honour-related violence

B. Canada – Zero Tolerance Policy

Key features:

- Murder for “honour” explicitly treated as first-degree murder
- No cultural defences permitted
- Courts impose strict sentences
- Strict child protection laws

Lessons for India:

Explicit statutory condemnation is necessary.

C. Pakistan – Anti-Honour Killing Laws (2016 Reforms)

Pakistan amended its Penal Code to:

- Prevent family forgiveness of honour killers
- Treat honour motive as aggravating
- Mandate strict sentencing for group killings

Lessons for India:

India should study Pakistan’s difficulty with implementation and avoid similar loopholes.

D. Middle East Legal Systems

Countries like Jordan and Lebanon have removed honour-reduction clauses from their penal codes but still struggle with enforcement.

Lessons for India:

Mere removal or addition of provisions is insufficient without strong institutional support.

X. Why India Needs an Independent Honour Crimes Law: Synthesis of Comparative Insights

Comparative models reveal the shortcomings of India’s current legal system.

1. Honour Killings Are Not “Ordinary Murders”

They involve:

- Group conspiracy
- Pre-planning
- Community enforcement
- Systematic coercion
- Socialised motives

Thus, general murder provisions are inadequate.

2. Honour Motive Must Be Legally Recognised Without a statutory definition:

- Motive remains invisible
- Courts cannot apply enhanced sentencing
- Police remain reluctant to identify honour motive
- NCRB data remains inaccurate

Countries like UK and Canada expressly define honour motive to ensure accountability.

3. LGBTQ Honour Violence Requires Explicit Protection

Internationally:

- UK and Canada include sexuality-based honour crimes

- UN Special Rapporteur recommends specific LGBTQ protection

India still lacks:

- Statutory recognition
- Police training
- Specialized support services

4. In-Law Honour Killings Must Be Statutorily Named

Cases in India demonstrate:

- Daughters-in-law face severe post-marriage honour policing
- Many are burned, poisoned, or killed under the guise of dowry
- Husbands and in-laws evade honour crime classification

No other country recognises this unique Indian problem; India must lead in this area.

5. Strong Preventive Framework Needed

UK has early-warning systems. India needs:

- Protection orders
- Emergency shelters
- Safe houses
- Emergency police response

Judicial guidelines alone are insufficient.

6. Cultural Defence Must Be Rejected by Law

Unlike the Middle East’s earlier approach, India should codify:

“No act done to preserve or restore family, caste, religious, or social honour shall constitute a defence.”

XI. Drafting Principles for New Legislation in India

A new law must be:

- Preventive and punitive
- Gender-neutral
- LGBTQ-inclusive
- Caste- and religion-sensitive
- Anti-khap and anti-vigilantism
- Focused on autonomy and choice

Essential elements include:

1. Clear Definition of “Honour Crime”

Definition must include:

- Motive linked to perceived honour
- Acts by parents, relatives, in-laws, community bodies
- Crimes based on caste, religion, sexuality, gender identity
- Post-marriage honour violence
- LGBTQ-targeted honour violence

2. Separate Offence of Honour Killing

Punishment should include:

- Life imprisonment or death
- No bail for principal offenders
- Mandatory minimum sentences

3. Criminalisation of Community Diktats

Orders by khap, religious bodies, or community groups should be:

- Treated as conspiracy
- Punishable with imprisonment and fines
- Grounds for cancellation of registration of associations

4. Mandatory Police Protection for Threatened Couples

Police must:

- Register FIR immediately
- Provide escorts and safe shelters
- Act against officers who fail to protect couples

5. LGBTQ-Specific Safeguards

Law must include:

- Prohibition of violence against LGBTQ partners
- Protection against forced heterosexual marriage
- Ban on conversion therapy
- Emergency relocation services

6. Protection for Married Women and Men Facing In-Law Honour Violence

Key provisions:

- Independent FIR registration at woman's parental home
- Strict punishment for honour killing disguised as dowry death
- Special forensic guidelines for suspicious burns or poison cases

7. Victim and Witness Protection

India needs:

- Independent witness protection programmes
- Anonymous testimony in high-risk cases
- Safe relocation of victims

8. Accountability of Public Officials

Officers who:

- Ignore threats
- Return couples to hostile families
- Fail to enforce orders

should face strict disciplinary and criminal penalties.

CONCLUSION

Honour killings remain one of the most brutal contradictions in the Indian democratic framework. Despite constitutional protections, judicial pronouncements, and shifting social dynamics, family and community control continues to trump individual autonomy. This control is maintained through violence, coercion, and cultural enforcement.

This research paper has demonstrated that:

- Honour killings are not individual acts of aggression; they are embedded in social structure.
- General criminal provisions are insufficient because they ignore honour motive.
- Emerging patterns—in-law honour killings and LGBTQ-targeted violence—remain legally invisible.

• The judiciary has repeatedly condemned honour killings but cannot replace the legislature.

• Comparative models from the UK, Canada, and Pakistan show that explicit legislation is essential.

India must adopt a comprehensive legal framework that protects:

- Inter-caste couples
- Interfaith couples
- LGBTQ partners
- Married women threatened by in-laws
- Young adults choosing autonomy

Only when the law explicitly recognises honour crimes and targets the social systems that support them can India fulfill its constitutional promise of dignity, liberty, and equality.

Creating a dedicated Honour Crimes Act is not only a legal necessity but a moral imperative. Violence justified in the name of tradition cannot coexist with a Constitution rooted in justice, liberty, and fraternity. The State must send an unequivocal message:

***“No custom, culture, caste, or family honour can justify violence.

The right to choose is absolute, and any attack on that choice is a crime against the Constitution.”***