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CONSTITUTIONAL GUARANTEES vs. CULTURAL PRACTICES: ADDRESSING HONOR KILLING

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Abstract

Honor killing represents a serious conflict between constitutional guarantees and entrenched socio-cultural practices in India. Despite constitutional protections of equality, dignity, liberty, and freedom of choice, individuals, particularly women, continue to face violence from family or community members for actions such as inter-caste or self-choice marriages that are perceived to bring dishonour to the family. This paper examines the meaning, causes, and socio-cultural motivations behind honor killings, including patriarchal norms, caste-based prejudices, and community pressure. It analyses the constitutional safeguards under Articles 14, 15, 19, and 21 of the Constitution of India and reviews the existing legal framework, where honor killings are prosecuted under the Bharatiya Nyaya Sanhita, 2023, in the absence of a specific national law. Through the study of landmark Supreme Court judgments and recent case studies, the paper highlights the role of the judiciary in protecting individual autonomy and condemning honor-based violence. It further emphasises the urgent need for specific legislation and broader social reform to ensure that constitutional morality prevails over regressive cultural practices.

Keywords – Honor Killing, Constitutional Rights, Patriarchy, Inter-Caste Marriage, Criminal Law.

I. INTRODUCTION

India is a dynamic constitutional democracy with a feature of accommodating pluralism in cultural values, thoughts, distinctive identities and language so as to preserve cohesiveness and unity and diversity. India being a culturally rich heritage having the title of unity in diversity, known for its various diverse features such as secularism, sacred practices, flora, fauna, diverse cultural practices which attract people worldwide towards India. Despite all these attracting features there are various cultural and sociological crimes such as honor killing, black magic practices etc. that also subsists in the backstage of these rich cultural values which remains hidden from the eyes of people worldwide. Superiority of cultural rights over fundamental rights sometimes gives birth to various heinous crimes out of which, honor killing is one of them.

MEANING OF HONOR KILLING

An honor killing basically means killing of a family member, usually of women(femicide)by other family members to restore perceived family honor after the victim allegedly violated the strict cultural or religious norms, such as marrying outside one's caste against parents' wishes,

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having premarital sexual relationship with someone, extra marital affairs, converting to another religion, being friend with someone who does not belong to the same race, religion, caste or culture, having friendship with opposite sex, not dressing according to the family choices and many more other reasons especially decisions taken by women by her own, the list is not exhaustive. It is also widely known as “shame killing” as it is believed that the victim has brought a shame to their family by their act. The main purpose behind the killing is to preserve or recover the “honor” that the victim is perceived as having violated or lost as a result of their actions, which may be the source of shame in their society. Historically, families who refuse to exercise or commit honor killing are usually accused of cowardice or a “moral defect” and stigmatized by the religious or cultural community to which they belong. With the passage of time, the subject of honor killing started shifting from woman to man also. They are also victim of honor killing, either committed by the family members of the family of a woman with whom they are perceived to have an inappropriate relationship, or by the members of their own families. Honor killing is based on rigid cultural, social, and religious beliefs related to family honor, morality, and behavior.

II. MOTIVES GUIDING HONOR KILLINGS

The core motive behind the crime of honor killing varies depending upon the mentality, educational background, family upbringing, area of dwelling that is either urban or rural, nature of society etc. The various motive or purposes guiding the honor killing are as follows:

1. Restoring family honor and reputation- women are symbolized as a social object of “honor” of their family. It is a misguided belief that a family’s status in a community they belong to ruined by the action of their family member especially the women. According to them, “washing the honor with blood” is the only way to restore the lost honor.
2. Patriarchal superiority- patriarchal superiority is an ideological and social system, which constructs men as dominant, superior, and authoritative over men. It imposes rigid stereotypes, defining masculinity as dominant and feminist as submissive, often equating strength with male and weakness with female. Control over a women’s body, sexuality, and choice of partner is central to maintaining the family’s “honor”.
3. social and cultural sanctions- instead of facing stigma, perpetrators are often supported by their community including elder members of the family as well. In many cases, these killings are approved or initiated by self-styled, non- constitutional, male dominated clan councils, such as khap panchayats in India. The punishments and decrees enforced by these khap panchayats include:
 - A) Social boycotts (hukka pani band)
 - B) Forced divorce or marriage
 - C) Fine imposition
 - D) Trial by ordeal such as holding hot iron rods or retrieving items such as coin from boiling oil.
 - E) To ascertain a woman’s guilt, she is coerced to fry puris bare handed in hot oil.
 - F) Heinous method such as polishing black color on accused face and force them to run naked and bare footed in the whole village.

4. “justified” violence- The act of killing is viewed as a legitimate defense of family honor rather than murder. The perpetrators feel no guilt and regret in their eyes. These acts are justified by their community, and due to this widespread acceptance, many such killings go unreported, as the community may consider them private family matters.
5. Social ostracism- social ostracism is also known as “social death”, it basically involves deliberate exclusion of a person or a family or a group from a society. It acts as a silent bullying and may cause depression and anxiety as people lose sense of belongingness and self-esteem from the society where they reside. This fear of losing their self-esteem from the society being outcasted, gossiped about, or losing reputation within a community drives family to commit acts of violence against members who break traditional, patriarchal or caste-based rules.
6. Fear as a tool of social control- honor killing is often committed with the intention of setting a harsh example for future generations. The underlying motive is to instill fear within the community, especially among younger members, so that they internalize the message that any attempt to go against established community norms will result in severe and irreversible consequences.
7. Regain lost control- by performing such inhumane and heinous act of honor killing, a family especially an elder male member, attempts to regain the control they believe they had lost over one of its members who tried to go against the established norms of the community.

III. RELEVANT CONSTITUTIONAL PROVISIONS

The constitution of India is a supreme law of the land, and all the laws, customs, and social practices derive their validity from it. It guarantees various fundamental rights such as the right to life, personal liberty, equality before law, and freedom of choice. Any act of honor killing is a direct violation of these constitutional principles, as it denies an individual their basic human dignity. No social norms, customs or tradition can override the authority of the constitution. Acts of honor killing are therefore not only morally indefensible but also legally impermissible. The constitution mandates the state to protect individuals from such violence and to ensure justice, accountability, and the rule of law prevail over regressive social practices.

The various constitutional aspects that are related to honor killing are as follows:

- 1) Article 14 – guarantees equality before law and equal protection of laws to every individual.
- 2) Article 15- prohibits discrimination on grounds of caste, sex, religion, race, or place of birth.
- 3) Article 17- abolish untouchability and forbids its practice in any form.
- 4) Article 19- protects the freedom of association and the right to choose a life partner.
- 5) Article 21- ensures the right to life and personal liberty, which includes the right to marry a person of one’s choice.
- 6) Article 39(f)-directs the state to ensure that the children grow in conditions of freedom and dignity and are protected from exploitation.

IV. GENERAL LAW ON HONOR KILLING

There is no specific separate law in force in India that deals with the crime of honor killing. It falls under the general criminal statute of the country that is Bharatiya Nyaya Sanhita 2023(earlier Indian Penal Code 1860). Honor killing is treated as a murder under Indian criminal

law. Perpetrators are punished under the provisions related to murder, attempt to murder, conspiracy, and abetment. Relevant sections are: - Section 101- Murder; Section 103- punishment for murder; Section 45-60- abetment; Section 61- criminal conspiracy; Section 3(5)- common intention/joint liability

V. LANDMARK JUDGEMENTS ON HONOR KILLING

*Lata Singh vs state of Uttar Pradesh*⁵⁵⁴ (2006)

Facts:- Lata Singh, an adult woman, married a man of another caste with her free consent. Her family opposed the marriage and filed false kidnapping cases against her husband and his relatives.

Issue:- whether criminal proceedings can continue when an adult woman marries by her own choice?

Held:- the honorable supreme court quashed the criminal cases and held that honor-based harassment and violence are illegal. It ruled that inter-caste marriage is lawful, adults have the right to choose their partner under article 21, and police must protect couples facing threats.

The judgement strongly condemns honor killings and directs strict action against family members who threaten or harm couples for marrying by choice. The judgement also challenged outdated feudal mindsets that lead to such violence and discrimination, emphasizing that such marriages are legal.

*Vikas Yadav vs state of Uttar Pradesh and others (2016) widely known as “Nitish Katara murder case”*⁵⁵⁵

Facts:- in 2002, Vikas and Vishal Yadav kidnapped and murdered Nitish Katara for having a relationship with their sister, Bharti Yadav, which they opposed on caste grounds. Nitish was bludgeoned with a hammer and his body was burned to destroy evidence.

Issue:- whether the murder committed due to family opposition to a relationship amounts to honor killing, and what punishment should be imposed?

Held:- the supreme court upheld 25 years imprisonment without remission for Vikas and Vishal Yadav. The court strongly condemned honor killings, holding that no family or community has the right to punish a person for a consensual relationship, and that such acts are brutal crimes against individual choice and dignity.

*Arumugam Servai vs state of Tamil Nadu (2011)*⁵⁵⁶

Facts: in 1993, Arumugam Servai and others assaulted a couple for entering into a self-chosen inter-caste marriage in Madurai village, which local community leaders deemed “dishonorable”. The attackers publicly humiliated and beat the victims to enforce social hierarchy, leading to honor-based crimes.

Issue: whether khap panchayats or caste councils can interfere with or punish inter-caste marriages?

⁵⁵⁴ AIR 2006 SC 2522

⁵⁵⁵ (2016) 9 SCC 541

⁵⁵⁶ (2011) 6 SCC 405

Held: the supreme court held that khap panchayats are illegal “kangaroo courts” with no authority to interfere in the lives of consenting adults. It declares that “honor killing” are barbaric murders and ordered the immediate suspension of officials (DM/SP) who fails to prevent such extra-judicial violence. The ruling emphasized that inter-caste marriages are in the national interest to dismantle the caste system.

*Shakti vahini vs union of India (2018)*⁵⁵⁷

Facts: shakti vahini, an NGO, filed a writ petition under article 32 seeking directions to stop honor killings and illegal interference by khap panchayats in marriages by choice.

Issue: whether the right to choose one’s life partner is a fundamental right and whether khap panchayats have any legal authority?

Held: the supreme court held that right to choose a life partner is a fundamental right under article 19 and 21. Khap panchayats are illegal, and honor killing is murder punishable by law. The court issued preventive, remedial, and punitive measures to protect couples and directed strict action against those involved in honor crimes.

*Shafin Jahan vs Ashokan K.M.*⁵⁵⁸

Facts: Hadiya, an adult woman, converted to Islam and married Shafin Jahan of her own free will. Her father filed a habeas corpus petition alleging coercion, after which the Kerala high court annulled the marriage. Shafin Jahan appealed to the supreme court.

Issue: whether courts or parents can interfere with an adult’s choice of marriage and personal liberty?

Held: the supreme court restored the marriage and held that an adult woman has absolute autonomy to choose her partner and faith. Any interference by family, society, or courts violates article 21. The judgement reinforces that choice marriages are constitutional protected, and family opposition cannot justify control, coercion, or violence.

VI. RECENT CASE STUDIES ON HONOR KILLINGS

Manya Doddamani murder case:

Manya Doddamani (also known as Manya Patil) was a 20 year- old woman from Karnataka who married a man from different caste, against her family’s wishes. In December 2025, while she was seven months pregnant, she was brutally attacked by her father and other relatives near Hubballi. She later died from her injuries. The police treated the incident as honor killing and arrested her father and several relatives. The case caused widespread outrage and highlighted the continuing problem of caste-based violence in India and also a serious violation of article 21 of the constitution. Following the incident, the Karnataka government discussed introducing stricter laws to prevent honor killings and protect inter-caste couples⁵⁵⁹.

⁵⁵⁷ AIR 2018 SUPREME COURT 1601.

⁵⁵⁸ (2018) 16 SCC 368.

⁵⁵⁹ Karnataka inter-caste shocker: 7-months pregnant woman killed by father, kin; assaulted with sprinkler pipes, met on social media, Times of India (Dec. 23, 2025), <https://timesofindia.indiatimes.com/city/hubballi/karnataka-inter-caste-shocker-7-months-pregnant-woman-killed-by-father-kin-assaulted-with-sprinkler-pipes-met-on-social-media/articleshow/126131303.cms> (last visited March. 06, 2026).

Saksham Tate murder case:

Saksham Tate was murdered in Nanded, Maharashtra, allegedly due to opposition to his inter-caste relationship, amounting to an honor killing. The accused family members allegedly committed murder i furtherance of common intention. The acts attract offences under section 103 read with section 3(5) of the Bhartiya Nyaya Sanhita, 2023 along with allied provisions. The incident reflects a serious violation of the right to life and dignity. Socially, the case reflects the continuing menace of caste-based violence and the urgent need for legal deterrence and social reform⁵⁶⁰.

Devarakonda Harish murder case:

The deceased Harish, 28 a DJ sound system operator from Hyderabad was stabbed to death on 1 march 2023 in the petbasheerabad area. The police described the incident as an honor killing, as Harish had eloped with his girlfriend Manisha against her family's wishes and the couple intended to marry. Manisha's brother, Deendayal, along with several accomplices, tracked Harish and attacked him with knives, leading to his death. Around 10 accused were arrested, and a case was registered under section 302 of the IPC. The police clarified that the murder was linked to opposition to an inter-caste relationship and not to any religious or communal motives⁵⁶¹.

VII. NEED FOR SEPARATE LEGISLATION

Honor killing arise from collective social pressure and organized interference in choice marriages, which general IPC provisions address only after the crime occurs. A separate law is needed to prevent such acts in order to fix collective liability and to insure state accountability to protect the constitutional right to life and choice of marriage.

In a statement to the Rajya Sabha on 28 July 2009, Home Minister P. Chidambaram condemned honour killing, stating that these acts target women and stem from outdated traditions. These are treated as murder under Indian laws⁵⁶². The government urged states to enforce laws, support victims, sensitise police and judiciary, and promote awareness to prevent such crimes.

While no specific national-level law existed, the Law Commission of India recommended a legal framework in its 242nd report, leading to proposed bills like "The Prohibition of Unlawful Assembly (Interference with Matrimonial Alliances) 2011"⁵⁶³.

⁵⁶⁰ 'I want justice': Maharashtra woman who 'married' corpse of lover claims cops abetted murder; father, brothers arrested, Times of India (Dec. 2, 2025, 17:05 IST), <https://timesofindia.indiatimes.com/city/pune/i-want-justice-maharashtra-woman-who-married-corpse-of-lover-claims-cops-abetted-murder-father-brothers-arrested/articleshow/125706649.cms> (last visited March 10, 2026).

⁵⁶¹ Man murdered by girlfriend's brother, The Hindu (Mar. 3, 2023), <https://www.thehindu.com/news/national/telangana/man-murdered-by-girlfriends-brother/article66576745.ece> (last visited March 12, 2026).

⁵⁶² Law Commission of India, Prevention of Interference with the Freedom of Matrimonial Alliances (in the Name of Honour and Tradition): A Suggested Legal Framework, Rep. No. 242 (Aug. 2012), <https://elibrary.sansad.in/items/f61cbbc8-8be2-4599-a158-198477b217b6> (last visited Nov. 30, 2025).

⁵⁶³ Press Information Bureau, Government of India, Ministry of Home Affairs, Measures to Prevent Honour Killings (May 15, 2012), <https://www.pib.gov.in/newsite/PrintRelease.aspx?relid=78759®=3&lang=2> (last visited March 12, 2026).

Based on recent legal developments in India, Rajasthan was the first state to pass a specific “honor crime” bill in 2019, known as the Prohibition of Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill⁵⁶⁴.

VIII. CONCLUSION AND THE WAY FORWARD

It is concluded that, honor killings severely highlight the clash between constitutional guarantees—such as the right to life, equality, and freedom to choose one’s partner—and deep-rooted cultural practices that prioritize family or community “honor” over individual rights. While the constitution provides clear protections, outdated social norms and informal bodies like caste panchayats often perpetuate violence in the name of honor. Addressing this issue requires strict legal enforcement, societal awareness, education, and empowerment of women to ensure that constitutional values prevail over regressive traditions.

To address the challenge of honor killing, the dual approach targeting both state policy and social mindset is essential. In response following suggestions are proposed:

- Legal reform and enforcement- there is a need for the enactment of specialised legislation that imposes strict and non-negotiable punishments for perpetrators and accomplices. This must include state-guaranteed protection and financial support for at-risk couples to ensure their independence from regressive family structures.
- Educational integration-incorporate “constitutional rights” and “individual agency” into school curricula from an early age in order to shift mindsets early.
- Socio-cultural sensitisation- launch community-based campaigns to redefine “honour” as the protection of human dignity rather than the control of matrimonial choice.
- Economic empowerment-facilitate financial autonomy for young adults, as economic independence is the primary shield against family-based coercion and violence.

⁵⁶⁴ Rajasthan Legislative Assembly, The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019, Bill No. 23 of 2019, https://prsindia.org/files/bills_acts/bills_states/rajasthan/2019/Bill%2023%20of%202019%20RJ.pdf (last visited Feb. 30, 2026).