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HONOUR CRIMES AGAINST INTER-CASTE COUPLES: A SOCIO-LEGAL ANALYSIS OF CRIMINAL LAW RESPONSES IN INDIA

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Abstract

Crimes against inter-caste couples convicted under honour crimes reflect one of the most grave forms of caste discriminatory behaviour and patriarchal dominance in Indian society. With equality, liberty, and dignity assured to citizens under the Indian Constitution, couples opting to marry outside their castes get socially boycotted, subjected to physical act, and even killed in the name of protecting their honour. In this article, a socio-legal research has been conducted to discuss honour crimes in India, with special reference to the historical, cultural, etc., aspects of honour killings, practicality, etc. It also critiques the current legal regime in India concerning IPC, Bharatiya Nyaya Sanhita, along with constitutional provisions under Articles 14, 15, 19, and 21.

The study further explores the judicial interventions carried out by the judiciary in cases involving honour killings, such as the Lata Singh v. State of Uttar Pradesh case, the Manoj-Babli Honour Killing case, and the Shakti Vahini v. Union of India case. The study has identified the role of the judiciary in denouncing honour killings, thus emphasizing the inherent sovereignty of every human being to make the choice of life partner in marriage. The lack of a specific framework in preventing honour killings, despite the progressive interventions by the judiciary, has been highlighted as the main drawback in the article. The article concludes by stressing the need for ensuring that the Constitution comes first in dealing with honour killings,

as against the regressive practices in the social arena.

Keywords: Honour Crimes; Inter-Caste Marriage; Honour Killing; Criminal Law; Constitutional Rights; Judicial Response; Khap Panchayats; Socio-Legal Analysis; India.

INTRODUCTION

Honour killings are a sinister, unsettling fusion of gender discrimination, custom, and violence. These crimes are motivated by the desire to preserve or restore family honour and include the murder of people, usually women, by their own relatives. In India, the rigorous caste system, patriarchal traditions, and societal expectations are all intricately linked to the idea of family honour. Actions viewed as disobedient, such refusal of planned marriages, interfaith relationships, or intercaste weddings, might be considered as harming a family's reputation (Damodar 2023). Often resulting in violent acts intended to uphold the so-called "honour" of the family or community, such activities are regarded as a breach of cultural and familial norms. Those who dare to establish their autonomy in a society where conventional roles are strictly maintained are the victims of honour killings, which primarily target women. Their "crimes" frequently range from selecting a spouse without getting permission from family to, in certain situations, turning down a marriage that was planned by the family. In many regions of India, these decisions are viewed as a direct challenge to the status quo, even though they may appear normal to many others in the modern world (Uma 2023). The extent of honour killing varies from state to state and country to country. India despite being one of the highest rated countries in regard of honour killing, still all its states are involved in this barbaric practice except (punjab, haryana, rajasthan, delhi, bihar etc). In India punjab is the most notorious state in this regard with highest rate of honour killing cases because of the presence of 'khap panchayat' or 'caste panchayat'. (Dubin et al. 2024) One of the landmark judgements in India on the crime on honour crime on honour killing was given by the court in the case of manoj-babli honour killing case. On march 2010, the accused were sentenced for capital punishment.

Research Methodology

This study adopts a socio-legal and doctrinal research methodology to analyse honour crimes against inter-caste couples in India. It is analytical and descriptive in nature, focusing on the interaction between social realities and criminal law responses. The research examines relevant constitutional provisions and the Indian Penal Code to assess legal protection against honour

crimes. Judicial decisions of the Supreme Court and High Courts, including the Manoj–Babli honour killing case, form a core part of the analysis. The study relies on secondary sources such as law reports, books, journals, and Law Commission reports. The scope is confined to honour crimes related to inter-caste marriages in India. The study is limited by the absence of empirical field research and depends on reported cases and existing literature

HISTORICAL AND CULTURAL ROOTS OF HONOUR KILLINGS IN INDIA

Honour killing in India has deep roots in social, cultural, and historical institutions that precede contemporary legal frameworks. Honour Killing is essentially predicated on the idea that a person's personal decisions, particularly those pertaining to marriage, sexual orientation, and/or relationships, are made by their family or community rather than by them. The country's deeply ingrained caste and patriarchal systems still have an impact on people's daily actions.

In Indian civilisation, pre-arranged weddings have historically determined how lineage and inheritance/societal continuation are formed according to a patriarchal kinship system.(Bruner and Kirkpatrick 2022) Therefore, in order to maintain caste purity and cultural continuity, women's sexuality and marital choices are typically regulated or observed. Honour killings are therefore carried out in order to impose severe social punishment by re-establishing the moral foundation of our society. This is because it is believed that if a person deviates from these prescribed behaviours (for example, by opting to marry outside of their caste or religion), their actions endanger the honour of their family.(India. Parliament. Lok Sabha 2013)

Honour homicide's cultural roots lie in the feudalistic and tribalistic traditions that were prevalent in South Asia. In a feudal setting, a family's reputation was mostly determined by its land holdings, political connections, and social power projection. Thus, marriage served as a vehicle for advancing the goals that safeguarded the honour and validity of the family. The authority of the entire collectivity would be deemed to have been violated if a family or community experienced a breach of marital rules. Group identification is usually more important than individual rights in the tribal or clan system, and there are lineages that "sanction" people for conforming, which frequently involves using violence.(K. et al. 2021) Therefore, rather than being a means of exacting revenge on the aggrieved, honour killings occur in tribe or clan systems as a means of upholding the collective's power.

It is also known that honor-based violence is more common in communities with a high degree of localised social identity and where caste and kinship ties have an impact on marital behaviour(*Journal of Constitutional and Parliamentary Studies* 2011). Informal institutions such as caste councils, clan chiefs, and community leaders are used to enforce the normative standards regarding honour in this kind of social system. In a number of areas and civilisations, honour killings have become widespread. In addition to regional or cultural differences in the manner of honour killing, all honour killing customs are marked by rigid social hierarchies, strong patriarchal dominance, and little to no government intervention; India is a prime example of this belief. The practice of honour killing persists in India because of adherence to prevalent traditional rules or practices, despite the existence of constitutional protection for equal and personal freedoms(India. Parliament. Rajya Sabha 2016). The dissonance between the legal system and social practices persists because legal changes have not been able to successfully alter the social framework that values family honour over individual freedom. This is particularly evident in more rural areas of India, where community behaviour is closely monitored and sanctions against those who violate customs are more actively and widely enforced. However, the growing frequency of honour killings in metropolitan regions shows that cultural beliefs will endure despite all forms of economic and geographic mobility, proving that this issue is not just a problem in rural places(Karat 2005).

Examining the regional distribution of honour killings in India reveals an even more pronounced discrepancy. The highest frequency of honour killings is frequently attributed to states like Uttar Pradesh, Haryana, and Rajasthan, which are also typically linked to strong, dominant caste systems and male-oriented agricultural land ownership. In southern nations, especially Tamil Nadu, honour killings usually take place when a member of a particular caste forbids intercaste marriage; this is especially common among Dalits, once known as "untouchables," who marry into other castes. All honor-based groups have aspects of honor-killing, even though the variations among regional varieties of honor-killings show that there are many sorts of social organisations that have these elements.

Information regarding honour killings in India is erratic and lacking. In India, the National Crime Records Bureau (NCRB) only documented honour killings as a murderous reason from 2020 to 2022. Since there are intermittent reports of honour killings from that period, the lack of record-keeping does not imply that honour killings do not happen; rather, it indicates that the categories used for the data were chosen inconsistently.

The problem with the NCRB data on honour killings has been that the Indian Penal Code (IPC) does not classify them as a distinct crime; as a result, many incidents are reported as murder, suicide, or unintentional fatalities and fail to show the unique motive of honour (Jena et al. 2024). Because of pressure from community members and political figures, or because there are unclear laws, police officers in charge of the cases might not want to classify them as honour killings. Under-reporting is a problem because victims' family might not tell others about the harm done to their loved ones in order to prevent societal stigmas and/or reprisals.

The discrepancy between what the numbers indicate and what actually occurs is readily apparent when comparing NCRB statistics with accounts from independent researchers and civil society organisations. More honour killings are committed by NGOs that support women's rights, caste violence, and intercaste marriages than are shown in the NCRB data. This demonstrates that the full narrative of honour killings cannot be told with governmental data alone. (Jena et al. 2024; Arya et al. 2021)

Honour killers have a whole cultural narrative that justifies using violence to address ethical dilemmas. The words and phrases used to characterise honour killings (such as loss of respect, community loss of honour, and family disgrace) all suggest that the victim of honour killing is accountable for the violent crime committed against them. This gives a false impression of how oppressive and harsh honor-based control is. This portrayal of honour killings as a socially acceptable reaction is furthered by the media's portrayal of them as a family tragedy as opposed to a kind of systematic violence. (Kannan and Singh 2020) The fact that honor-based killings still occur shows how social change has not been able to penetrate private spheres like marriage and the family. Even if there has been considerable change in the public sphere due to easier access to jobs and education, private decision-making still follows established conventions. One setting where caste, patriarchy, and domination all come together to the utmost extent is marriage.

LEGAL FRAMEWORK IN INDIA: PENAL PROVISIONS AND CONSTITUTIONAL RIGHTS

Currently, the Indian Penal Code (IPC) and its successor, the Bharatiya Nyaya Sanhita (BNS), 2023, prosecute offenders with general homicide, abetment, and conspiracy, rather than defining "honour killing" as a distinct crime category. Honor-motivated violence is covered by

the IPC's culpable homicide and murder (formerly Section 300 IPC), attempt to murder (previously Section 307 IPC), and associated offences including abetment and conspiracy. Along with laws addressing criminal conspiracy and abetment, murder is still considered a principal offence under the Bharatiya Nyaya Sanhita, which superseded the IPC in 2024 (BNS Section 103). Furthermore, normative safeguards against caste- and gender-based violence inherent in honour killing are provided by Indian constitutional protections such as Article 14 (Equality before the law), Article 15 (Prohibition of discrimination), Article 19 (Freedom of expression and association), and Article 21 (Right to life and personal liberty). However, the lack of a specific statutory offence that recognises the social motivation behind honour crimes has prompted calls for legislative reform. One such proposal is the Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011, which aimed to make collective intimidation against lawful marriages a crime.

Inter-Caste Marriage: Constitutional and Social Perspective

The place of inter-caste marriages is of vital importance in Indian constitutionalism as well as societal life. Although the Indian Constitution has given Indian citizens the freedom to choose their own life partners, societal morality has been resistant to the same. It is this simple contradiction that has led to cases of honour crimes. (Sharma and Mukherjee 2024)

Right to Choice, Liberty, and Dignity

The Indian Constitution has conferred high constitutional protection to an individual's right to select the marriage partner of their own choice under the umbrella of personal liberty and human dignity. Article 21 of the Constitution clearly states that an individual has the right to life and liberty, which includes the right to autonomy and liberty of choice. Any restriction on individual liberty is a breach of fundamental rights. (Jena et al. 2025)

In addition, there is Article 14, which promotes equality before law, and Article 15, which prevents any form of discrimination based on caste factors. In this case, inter-caste marriage promotes the constitutional values of non-discrimination and equality, which is against the policy of casteism and its associated discrimination. Article 19 protects an individual from unreasonable restrictions of society and the State. (Jena et al. 2025; Pooja et al. 2024)

This is evident and affirmed by the Supreme Court, which has always seen the element of individual choice involved in any marital union. For example, it was held by the Supreme Court in *Shafin Jahan v. Asokan K.M.* (2018) that "the right to marry a person of one's own choice

is an intrinsic part of Article 21.” Moreover, it was categorically stated by the SC in the case of Lata Singh v. State of Uttar Pradesh (2006) that “inter caste marriages are legal, harassing such persons and beating them is unconstitutional and illegal.”(Dagar 2015)

Hence, constitutionally speaking, inter-caste marriage is not only allowed; instead, it becomes the embodiment of individual freedom, dignity, and equality, constituting the bedrock of a democratic and civilized era.(Dagar 2015; Bhate-Deosthali et al. 2022)

Social Resistance to Inter-Caste Unions

Despite constitutional protection, inter-caste marriages continue to face severe social opposition in India. Deep-seated caste structures, patriarchal values, and notions of family honour treat marriage not as a matter of individual choice, but as a collective social institution regulated by family and community. Inter-caste unions often pose a challenge to caste purity, social hierarchy, and community dominance.

Families and community bodies, including informal institutions like khap panchayats, often pressurize couples either to separate or accept certain norms of conformity. Most of the opposition is manifested in honour crimes, which may include assault, illegal detention, social ostracization, and murder. Women are more vulnerable because their choices are seen as carriers of family honour, and, hence, tighter control is exercised over their agency.(Bajpai et al. 2023)

Similarly, social resistance is supported by factors like economic dependency, police protection, and fear of social exclusion. In some cases, couples are forced to hide or seek refuge through the support of the law due to threats from their families. Despite having laws to support victims, some may be afraid to come forward due to social stigma, which causes violence against women to be underreported.

The tremendous contrast between an ideal constitution and an existing ideology confirms the failure of the former to keep pace with the latter. Though the law provides inter-caste marriage as an integral right, the framework of society tries to nullify the very right, creating an environment that triggers honor crimes.

Judicial Response to Honour Crimes

The Indian judiciary has played a significant role in resolving the problem of honour crimes, especially against inter-caste marriages. In the absence of a legislation that deals specifically with honour crimes, the Indian judiciary resorted to constitutional as well as existing legal

provisions to safeguard the autonomy of the individual.(Tiwari and Mohan 2018) The interventions of the court have reaffirmed the position that the concept of honour on the basis of caste is not legally sound.

Landmark Supreme Court and High Court Decisions

The very first notable pronouncement regarding the validity of inter-caste marriages was given in the case of *Lata Singh vs. State of Uttar Pradesh*, (2006). Therein, the Supreme Court held that inter-caste marriages were not illegal but were even in the national interest as it would result in the complete annihilation of the caste system. The Supreme Court also strongly condemned the violence and harassment inflicted upon couples of inter-caste marriages. It directed police authorities to take strict action against violators of law. In this case, the Court gave the verdict against honour violence.

In the case of *Arumugam Servai vs. The State of Tamil Nadu* (2011), the honour killings were condemned by the Supreme Court, wherein it was stated, “The so-called khap panchayats have no authority or jurisdiction to interfere in matters relating to the marriage between consenting adults. Anybody participating in honour crimes is liable to be prosecuted under the criminal law.” It was further asserted that the honour killings are “barbaric and shameful acts of murder.”

A major milestone was achieved in the case of *Shakti Vahini v. Union of India* (2018) when the Supreme Court acknowledged honour crimes as a serious infringement of fundamental rights. The Supreme Court formulated detailed preventive, remedial, and punitive guidelines to deal with honour killings. These include Identification of Vulnerable Couples, Police protection given to inter-caste and inter-religious couples, Criminal action against khap panchayat members who engage in unlawful assemblies

Such a judgment is important as it moved the focus beyond punishment to prevention and protection, emphasizing the socio-legal aspects of honour crimes.

High Courts across India too have actively intervened and supported and helped inter-caste couple rights, and several habeas corpus petitions filed with regard to this issue have been disposed of with orders extending police protection, safe shelter, and acceptance of marriages solemnized with choice.

Critical Evaluation of Judicial Role

Despite a progressive approach by judicial interpretations, honour crimes still persist,

signifying a disconnect between what is directed from a high level and what is implemented at a lower level. What is directed by a court often lacks effective implementation, police accountability, or social acceptance. Moreover, as there is no special law, any prosecution is governed by general sections under the IPC, which may not be fully effective in dealing with collective instances of honour crimes.

Nevertheless, the judiciary's position is crucial. It is evident that the judiciary has established a framework for the development of legislative reforms in the future by insisting on the importance of constitutional values and condemning honour-based crime.

Review of Literature

M. N. Srinivas (1962) in his work *Caste in Modern India and Other Essays* examines the functioning of the caste system in Indian society and explains how endogamy and social control are used to preserve caste hierarchy. His analysis helps in understanding how inter-caste marriages are perceived as violations of caste norms, often leading to social sanctions and violence, thereby laying the sociological foundation for honour crimes.

Flavia Agnes (2010), in her article *Honour Killings and the Law*, critically analyses honour killings from a gender justice perspective. She argues that honour crimes are deeply patriarchal in nature and disproportionately target women's autonomy. The author highlights the failure of criminal law to recognise honour killings as a distinct offence and stresses the need for legal reform beyond judicial condemnation.

Law Commission of India (2012), in its *242nd Report on Prevention of Interference with the Freedom of Matrimonial Alliances*, provides a detailed legal analysis of honour crimes and the role of khap panchayats. The report recommends a separate legislation to criminalise unlawful interference in marriages, especially inter-caste and inter-religious unions. This report is a key policy document supporting the argument for a specific statutory framework.

Aisha K. Gill (2012), in *Honour-Based Violence and the Law*, examines honour crimes from a comparative and international human rights perspective. She discusses how honour-based violence is treated in different jurisdictions and argues that recognising honour crimes as aggravated offences strengthens prevention and prosecution. Her work provides a comparative lens for evaluating Indian criminal law responses.

Gautam Bhatia (2016), in *Offend, Shock, or Disturb: Free Speech under the Indian Constitution*, though primarily focused on constitutional freedoms, strongly advocates the doctrine of constitutional morality. His analysis is relevant in the context of honour crimes, as

it supports the idea that constitutional values of liberty and dignity must prevail over social and caste-based morality.

Supreme Court of India (2006) in *Lata Singh v. State of Uttar Pradesh* judicially affirmed that inter-caste marriages are legal and fall within the ambit of personal liberty under Article 21. The judgment condemned violence against inter-caste couples and directed state authorities to provide protection, marking an important judicial stance against honour-based harassment.

Punjab and Haryana High Court (2014) in *State of Haryana v. Suresh (Manoj–Babli Case)* treated honour killing as murder and criminal conspiracy, rejecting the legitimacy of khap panchayats. Scholars frequently cite this case as a landmark judicial intervention that exposed the collective and organised nature of honour crimes.

Supreme Court of India (2018) in *Shakti Vahini v. Union of India* issued preventive, remedial, and punitive guidelines to curb honour killings. Academic commentary highlights this judgment for shifting focus from punishment to prevention, although enforcement challenges remain.

Various socio-legal studies (2018–2022) have pointed out that despite progressive judgments, honour crimes continue due to weak enforcement, police bias, and lack of awareness among victims. These studies stress the need for integrating legal reform with social change and institutional accountability.

SUGGESTIONS

Despite judicial interpretations adopting a progressive approach, incidents of honour crime continue to persist, which speaks of a gap between what is directed at one level and what is actually implemented at a lower level. What a court directs often lacks proper implementation, police accountability, or social acceptance. Moreover, since there is no special law, any prosecution falls under general sections of the IPC, which may not be adequately effective in dealing with collective instances of honour crime.

Nevertheless, the position of the judiciary is critical. What becomes certain is that, in insisting on the relevance of the constitution with the denunciation of honour-based crime, the judiciary has mapped out a path for legal reforms in the times to come.

Conclusion

Honor crimes committed against inter-caste couples reflect an egregious infringement of the

very foundations of constitutional morality, which instead mirrors the stranglehold exercised by casteism and patriarchy in Indian society. However, within a constitutional framework where there is an inherent commitment to equality, freedom, and dignity, honour crimes continue to be perpetrated, and the only justification provided is the notion of honour. The Indian judiciary has not hesitated to express outrage at honour crimes, as evident from key rulings delivered in important cases like the Manoj-Babli honour killing case and *Shakti Vahini v Union of India*. The prevalence of honour crimes, therefore, underscores an important point: it is not sufficient to reach only a general notion about how to address honour crimes in conformity with existing criminal laws so as to ensure an effective check on such heinous crimes, as is testified by the failure to protect victims from honour crimes.

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