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# **HONOUR KILLING IN INDIA: A SOCIO-LEGAL AND CRIMINOLOGICAL ANALYSIS THROUGH STRAIN, LABELLING AND DIFFERENTIAL ASSOCIATION THEORIES**

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## **1-Introduction:**

In India, the honour killing represents one of the most concerning convergences between the traditions, culture, patriarchy, caste grading and the criminal conduct. It simply refers to the killing of a family or the community member- most particularly any young women- when their selection in the marriage, relationships, mobility, or sexuality is presumed to have brought the “shame” upon the community or to the family. In many incidents of honour killings, it is observed that these killings triggered mainly when the women do inter-caste marriages, and reject the concept of arranged marriages, or uphold their personal autonomy.<sup>1</sup> This social phenomenon is deeply connected to the patriarchal social framework and the caste system where the women’s choices and their bodies are treated like an emblem of the family reputation<sup>2</sup>.

The Indian Constitution guarantees certain rights like equality (Article14), non-discrimination (Article15), freedoms of choice (Article19), and the right to life and liberty (Article21) to every individual, yet the incidents of the honour killings persist mainly across states like Uttar Pradesh, Haryana, Punjab, and Rajasthan. These killings were justified by the communities as necessary to ‘maintain honour’, despite of having legal condemnations. These incidents of the honour killings directly violate the international human rights standard, including the Article 3 and 16 of the Universal Declaration of Human Rights (UDHR) 1948.

The hon’ble Supreme Court of India, in the judgement of Lata Singh v. State of U.P.,

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<sup>1</sup> Honour Killing in India: A Socio-Legal Analysis of the Culture, Crime and Constitutional Rights.

<sup>2</sup> Vishwanath J and Palkonda S, ‘Patriarchal Ideology of Honour and Honour Crimes.

characterized the honour killings as “barbaric, feudal and disgraceful.”<sup>3</sup> Later, in the judgement of *Shakti Vahini v. Union of India*, the hon’ble Supreme Court issued exhaustive guidelines ordering the state to prevent occurrence of such crimes, build safe homes, regulate police inaction, and safeguard the adult couples.<sup>4</sup> Despite of such safeguards, the implementation remains weak and crimes continues to persist.

Theories of criminology offer deeper perception into why the honour killings still continue to exist. The Merton’s Strain Theory explains the honour killings as a result of the conflict between the customary cultural standards and the constitutional rights. Similarly, the differential association theory suggests that the youth learn violence based on honour from the intimate closed groups like their families and the caste panel. Labelling theory explains that how the victims were negatively labelled as “dishonorable”, making the violence socially acceptable. This article aims to combine doctrinal analysis, theories of criminology, NCRB data, scholarly articles, and present case studies to explain why honour killings is a social-legal and criminological phenomenon.

## **2-Socio-Cultural Causes of the honour killings:**

**Patriarchy and authority over women-** The patriarchy in India views women as the keeper of the family reputation. Their marriage, mobility and sexuality are subjected to the strict scrutiny by their families and communities. The Vishwanath and Palakonda in their study observed that honour is a gendered concept where the woman becomes the carrier of their family reputation, and traditional patriarchal ideals which justify policing their choices.<sup>5</sup> They further highlights that the incidents of the honour killings emerge mainly from the attempts to safeguard male authority and the social order.<sup>6</sup>

The women those are asserting their autonomy like choosing the partner of their own choice or rejecting their family opinions are often viewed as a violation to the gendered expectations, to which the families respond with the coercion, incarceration, and in utmost cases, murder, framed as a way to restore the lost reputation.

**Endogamy and the Caste System:** In India, the endogamy which is the practice of marrying someone within one’s caste remains one of the strongest mandates. According to the Singhal’s

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<sup>3</sup> *Lata Singh v. State of U.P* (2006) 5 SCC 475

<sup>4</sup> *Shakti Vahini v Union of India* (2018) 7 SCC 192

<sup>6</sup> *Ibid* (n2).

emphasizes, caste purity plays the core role to the honour-based violence in the India.<sup>7</sup> The relationships which go beyond the caste limitations, faces intense familial backlash, particularly in the cases where an upper-caste woman chooses the lower-caste man as her partner. In such cases violence is often framed as significant to maintain caste status, strengthening the caste endogamy as a customary social-norms.

**Panchayats, Khap Councils and the Community monitoring:** The Khap panchayats, especially in states like Haryana, Uttar Pradesh, and Rajasthan acts as a informal regulatory bodies. They often criticize inter-caste marriages or gotra traditions, and sometimes direct families to punish the couples. The Grewal in his study highlights that how khaps use the socio-political effects, by issuing the unlawful diktats that override or violates the constitutional rights.<sup>8</sup> When such extra-legal control endorses by the communities, the families themselves feel obligated to obey.

**Honour, Shame and Community Reputation:** In the communal society like India, honour is collective rather than individual. Losing the honour directly affects the social standing, marital alliances, and the economic interdependence. Therefore, the honour killing operates as an instrument of social endurance, where the violence is the method used to retrieve reputation and ensure social acceptance, even at the expense of violating the law of the state.

### **3-Theories of Criminology and their application:**

**Merton Strain Theory:** Conflict between the legal and traditional values- The Merton through his theory explains the how the pressure of the society often pushes the individual towards the deviance, when they failed to achieve socially approved cultural goals through the legitimate means. In the context of honour killing:

- The traditional societies aspire to protect and preserve the caste honour, patriarchal system, and the social chastity.
- While the modern constitutional ideals support the autonomy of individual and also provide with the freedom to choose a partner.

This conflict between the two creates the strain. The families often see themselves as losing the social reputation when a daughter opposes the traditional caste rules. In such a situation the

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<sup>7</sup> Singhal VK, 'Honour Killing in India: An assessment (2014).

<sup>8</sup> Grewal P, Honour Killings and Law in India (2012).

violence becomes a deviant remedy to revive order, showing the stress-induced conduct.

### **Differential Association theory of Sutherland in respect of honour-based violence:**

Sutherland through his theory argues that the criminal conduct is learned through social interactions. The honour killing fits this model:

- Families often teach the younger members of the family that the inter-caste relationships are disgraceful
- Khaps council supports the beliefs that violence is necessary and justified to maintain the purity.
- Communities often celebrate the offenders of honour killings as “protector of honour.”

Thus, the honour killing becomes a socially learned crime, passed down through generations.

### **Becker’s Labelling theory: Creating the “Deviant” Victim:**

Labelling theory by Becker explains how the victims are being stigmatized. When the women choose the partner of their choice or asserts their autonomy, they are often labelled as ‘dishonourable’, ‘Immoral’, ‘Shameless’, and ‘Polluters of caste chastity.’ Once labelled the violence against them become morally justified within the community. Young men from the marginalized class or Dalit community are similarly labelled as ‘polluters’ justifying their killing.

### **Institutional Criminal Perspective:**

Combining these all theories reveals honour killing as:

- Structurally shaped (strain)
- Socially learned (differential association)
- Culturally justified (labelling)

Hence, the honour killing is not an impulsive crime, it is Structurally shaped, socially acquired, and culturally embedded.

## **4-Legal and Constitutional Framework:**

Bharatiya Nyaya Sanhita (BNS): There is no specific codified offence titled as “honour killing” in India. Instead, these killings are prosecuted under the following section:

- Section (100-101) of BNS deals with Culpable homicide/ Murder.
- Section 3(5) of BNS which reflects the common intention.

- Section 61 of BNS deals with the offence of criminal conspiracy.

However, all these provisions failed to address the collective involvement, Khap endorsement, and the honour-based motives.

### **Violations of Constitution provisions:**

The crime of honour killing directly violates the following provisions of the Indian Constitution:

- Right to equality (Article 14)
- Right to non-discrimination (Article 15)
- Freedom of expression and movement (Article 19)
- Right to life and personal liberty (Article 21), which also includes the right to marry a person of their own choice.

### **Landmark judgement of Supreme Court dealing with the issue of honour killing:**

1-Lata Singh v. State of U.P (2006): In this judgement the hon'ble Supreme Court upheld the validity of the inter-caste marriages and condemned the honour killings.<sup>9</sup>

2-Shakti Vahini v Union of India (2018):

In this judgement the hon'ble Supreme Court held that the honour killings are unconstitutional and have no place in the society and mandated:

Safe houses for couples.

- Immediate registration of FIRs and protection.
- Prevention of interference of Khap panchayats.
- Speedy trials of the honour crimes.
- Strict punishment in the case of non-compliance.

### **Enforcement Constraints:**

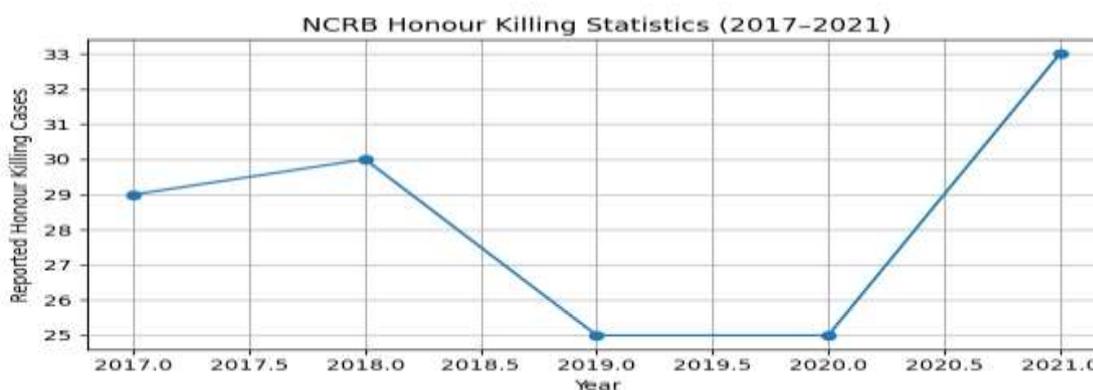
- Prevalance of the police prejudice.
- Lack of proper investigation.
- Pressure and the intimidation from the community.
- Lack of availability of safe-house infrastructure.

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<sup>9</sup> Ibid (n3).

### **5-NCRB Trends and underreporting:**

The National Crime Record Bureau keeps the track of honour killings under “motive-wise” murders. Reported number are showed though the below Chart.



**Chart**

According to this graph 29 cases of honour killings are reported in 2017, 30 cases in 2018, 25 cases in 2019, 25 cases in 2020 and 33 cases in 2021. <sup>10</sup>These numbers are taken from the NCRB Book 1 (States/UT-wise motive of murders).<sup>11</sup>

These number of cases represent severe under-reporting, as NCRB categorization often hides the motives under the ambiguous categories like the “family issue” or “romantic relationships.”

#### **Media Reports and the observations of the NGOs.**

The NGO reports (e.g. Amnesty, Human Rights Watch) and the independent media reports make the following observations:

- Higher rate of occurrence in the states of Northern India like U.P., Rajasthan and Punjab.
- Considerable number of incidents involving the young individual eloping for the inter-caste or inter-faith marriages.
- Incidents in the urban areas are often disguised as suicides or accidental deaths.<sup>12</sup>

<sup>10</sup> NCRB, Crime in India 2019-2021, Motive-Wise Murders (NCRB, New Delhi).

<sup>11</sup> NCRB, Crime in India 2021: Book 1 (2022)

<sup>12</sup> Varma M, ‘Gender and Caste Connotations of “Honour Killing” in India’ (2022)

### **Misclassification and Under-reporting of incidents:**

Scholars often argue that honour killings remain underreported because of the following reasons:

- They honour killings are often classified as generic murders.
- These killings are often disguised as suicides.
- These killings are registered without motive.
- These killings are often remains under-reported because of social-stigma or community pressure.

### **6-Case studies and international standards:**

#### **Aayushi Chaudhary (2022):**

The murder case of Aayushi Chaudhary, a 21-year-old woman from the Noida, highlights one of the most broadly documented recent incidents of the honour-based hostility. Aayushi was murdered by her own parents because of marrying the partner of her own choice. His body was later found in the suitcase, deserted near the Yamuna Expressway.<sup>13</sup> This case unresolved the popular notion that these killings are constrained to the rural, caste dominated regions, or economically weaker societies. Instead, it shows the existence of the honour philosophy within the urban, educated and the middle-class households, illustrating that patriarchal and caste-embedded feat can surpass the socio-economic threshold.

From the view of criminology, this incident illustrates the labeling procedure precedes to the honour crimes. Her independent decision to autonomously was often interpreted as “shameful” and “disregardful”, by the society leading to her symbolic representation as a deviant threat to the parental authority. This label allowed a moral rationale for conducting violence, aligning with the labeling theory of Becker. At the same time, these killing often shows the strain created between the constitutional goals like privacy, autonomy and liberty and the cultural ideals that validates the concept of arranged marriages and the parental control. The Strain theory of Merton demonstrates that how the families facing the identity strain may choose deviant ‘corrective’ measure. This incident, therefore shows how honour crimes are arising not from the ignorance but from the intentional socio-cultural belief systems that fully justify the extreme violence.

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<sup>13</sup> The Hindu, ‘Noida honour Killing: Parents Arrested for Murder of 21-year-old daughter (13 Nov 2022).

### **Nanded Honour Killing Case (2025):**

The killing of 20-year-old Saksham Tate in 2025 in the Nanded Maharashtra, by the family of his partner highlights the ongoing centrality of the caste-based systems in the honour-based crimes. Unlike the urban incidents which are rooted in the patriarchal anxieties, this killing was primarily driven by the cultural prohibition of the inter-caste relationships, especially those involving an upper-caste lady and a marginalized caste man. Reports often indicate that the family also had given threats to him prior to committing homicide, and despite the couple's terror, the local authorities failed to take any preventive action.<sup>14</sup>

Caste-driven honour killings show differential association, wherein the society members learn from their family and networks that protecting the caste chastity is a moral obligation, as a result of which the violence become the socially appreciated conduct. The victim's identity as a individual from lower caste made him an improper partner, instigating the caste-based stigma and violence. This incident also highlights a failure of the preventive measures laid down on the judgement of *Shakti Vahini v. Union of India* by the hon'ble Supreme Court, which mandates the state to safeguard the threatened couples and take pre-active action when honour-based dangers surface.

### **Violations of International Human-Rights Standards:**

Both the case studies demonstrates that how the crime of honour killings directly violates the international human rights norms. The honour killing directly violated the Article 3 i.e. Right to life and Article 16 i.e. freedom to marry. Article 6 of the International Covenant on Civil and Political Rights (ICCPR), imposes an obligation on the state to safeguard the life from all types of violence, including the non-state actors like the communities, families and the caste councils.<sup>15</sup> Along with these the CEDAW i.e. Convention on Elimination of Discrimination Against Women, mandates the state to discard the gender-based violence and recognize the institutional discrimination that excessively places the women at risk.<sup>16</sup>

Under the international due diligence standard, India must take measures to prevent the honour killings, safeguard the individual at risk, investigate the allegations quickly, prosecute the offenders and ensure the accountability without the cultural explanation. Failure to perform these duties like insufficient intervention by the police, poor-implementation of judicial guidelines, and weak witness protection directly constitutes the violations of international

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<sup>14</sup> *Indian Express*, 'Dalit Youth Killed in Nanded for Relationship with Upper-Caste Woman' (5 June 2025)

<sup>15</sup> International Covenant on Civil and Political Rights (ICCPR) 1996, art 6.

<sup>16</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

norms. Thus, honour killing is not only the domestic offence but also includes the human rights violations, forcing the state to adopt the legal, institutional and safeguard reforms.

### **7-Recommendations:**

In India addressing the issue of honour killing require a hybrid model that merged legal innovation, structural accountability, and community-level transformation. The following suggestions draw upon comparative studies, criminological perspectives, and constitutional provisions mandates to suggest a holistic framework for effectively eliminating honour-based violence.

#### **Legal Reforms:**

To address the institutional framework of these offences, a separated and devoted act on honour killings is necessary. Present reliability on the provisions of the Bhartiya Nyaya Sanhita 2023, fails to grasp the communal, covert and intentional nature of these killings. A specialized act must include the following:

- The act must clearly define the honour crimes explicitly, including the offences like killings, abduction, coercion etc. motivated by the caste, gender, or family reputation.
- It must recognize the honour killings as an aggravated type of homicide, guaranteeing enhanced punishment due to the discriminatory and patriarchal nature of the crime.
- It must criminalise the interference of Khap panchayat, treating the extra-legal interference or intervention as a punishable offence.
- It must mandate a motive-based categorization in the NCRB reporting to secure the accurate data collection, reduce misidentification, and assist in evidence-based framework.

Such legal clarity would enhance prosecutorial competence, and comply to international due diligence commitment under the ICCPR and CEDAW.

#### **Policing and regulatory measures:**

To prevent the offences like honour killings it demands enhanced state capacity and accountability. The establishment of the honour-crime special units within the department of police ensure the uniform handling of the complaints, tracking of threats, and quick intervention. Officers must receive proper trainings on the issue of caste and gender sensitivity, addressing the discriminatory conduct that often results in inaction or underreporting.

In addition to that, the State governments must establish 24/7 operated helplines and e-reporting portals for vulnerable couples, facilitating the quick access to protection. As mandated by the judgement of *Shakti Vahini v. Union of India*, safe house must be functional in every district, with committed protection officers, and uniform protocols for privacy, transfer, and support services.

Administrative amendments should also include compulsory risk assessments for couples pursuing police protection and disciplinary action for officers who fail to act on genuine threats or engage in prejudice conduct. Strengthened coordination between the police personnel, district administration, and the departments established for the protection of the women and child is significant to ensure exhaustive response mechanisms.

### **Community and social reform:**

For the permanent elimination of honour killing requires the transforming the cultural context that validate violence. The programmes based on the community awareness should challenge the caste endogamy, patriarchal standards, and concept of honour linked to the autonomy of the women. Schools and universities must include the constitutional morality provisions stressing on equality, dignity, and autonomy into their curriculum to promote progressive social outlook among the young citizens.

Collaboration with NGOs, women's organisation, and Dalit rights-based group can expand the shelter networks, legal aid and outreach programmes in susceptible communities. Public-awareness campaigns promoting the inter-caste and inter-faith peace, upheld by the local leaders and civil society, can offset the social stigma and encourage recognition of varied marital choices.

Through this hybrid framework including the legal, framework, and social structure, Indian can move toward disassembling the structural basis of honour-based violence.

### **Conclusion:**

In India honour killings exists not as a solitary criminal act, but as an indication of deeply rooted socio-cultural structures. They derive their legitimacy from the interlinked system of caste hierarchy, patriarchal control, community regulation, and the cultural norms of honour and stigma that continue to affect the social identity and belonging. This institutional entrenchment explains why the honour-killings still exists despite of having an advance constitutional framework, evolving jurisprudence, and enhance public awareness.

Criminological theories explain the system through which the honour killings persist. The Merton's Strain Theory explains how the individuals and families often feel the normative clash between the constitutional ideals like autonomy, dignity etc. and the traditional norms of caste chastity and familial authority. The differential association theory of Sutherland explains how the honour-based traditions are passed across the generations through closed social groups, normalising the violence as a socially approved response. The labelling theory of Becker's further illustrates as how the individuals who violates the gender or caste norms are often labelled as "dishonourable" allowing the communities to justify the lethal punishment. Together, these models verify that these honour killings are socially learned, institutionally induced, and traditionally justified type of violence.

The main challenge that persists in India involves a dual transition. Firstly, the cultural norms must be evolved to reject the association of the family honour with the autonomy of the women and caste endogamy. This need sustained educational, communal and social interventions that supports the constitutional ideals over the cultural hierarchies. Secondly, legislative and administrative framework must be strengthened. Judicial guidelines like those which are issued in *Shakti Vahini v. Union of India*, require effective implementation, including the establishment of the safe houses, preventive policing, and rigid against the interventions by the Khaps.

Hence, the removal of the honour killings totally depends on bridging the distance between the constitutional ideals and societal practice. The honour-based killings eliminated and cease to find legality only when the values like dignity, autonomy, and equality are respected not only in law but also in everyday social life. The India's constitutional project future rests on guaranteeing that every citizen, irrespective of their caste or gender, is allowed to exercise their autonomy without having fear of retaliation disguise as honour.